

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 349

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING CHAPTER 12, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1203A, IDAHO CODE, TO PROVIDE FOR THE POST-ELECTION AUDIT OF SELECTED BALLOTS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 12, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-1203A, Idaho Code, and to read as follows:

34-1203A. POSTELECTION AUDIT OF SELECTED BALLOTS.

(1) (a) Within two (2) days after the completion of all county canvasses for any primary or general election, including any presidential primary election, the secretary of state may identify and order a postelection audit of certain paper ballots cast in any election and shall immediately post to the website of the office of the secretary of state a list of the precincts and elections selected for audit.

(b) A postelection audit under this subsection may be ordered for:

(i) Any or all federal elections held in Idaho;

(ii) The gubernatorial election;

(iii) The statewide office or statewide ballot question election having the narrowest margin of votes; and

(iv) A legislative election.

(c) No more than one (1) legislative race may be selected for a postelection audit under this subsection in each county.

(d) The number of precincts selected for a postelection audit in each county may not exceed five percent (5%) of the precincts participating in the election or one (1) precinct, whichever is greater.

(2) The secretary of state shall conduct, and the county clerks shall facilitate, any postelection audit ordered pursuant to subsection (1) of this section. Such an audit shall be open to attendance by news media personnel. By directive issued at least sixty (60) days prior to the election, the secretary of state shall determine the procedures by which the postelection audit is to be conducted. Such procedures shall be developed in consultation with the county clerks and shall include provisions allowing each interested candidate and political party to appoint a designated observer. Within the time specified in the directive, the secretary of state shall post the results of any postelection audits to the website of the office of the secretary of state and shall report the results to the county clerk of each county in which paper ballots were audited.

(3) The secretary of state may order additional postelection audits, without regard to the election and precinct limitations provided in subsection (1) of this section, if he determines that such action is warranted by the findings of the audits ordered pursuant to subsection (1) of this sec-

1 tion. The secretary of state shall limit such orders for additional post-
2 election audits to the types of problems identified by the audits performed
3 pursuant to subsection (1) of this section.

4 (4) The secretary of state shall estimate the cost of performing post-
5 election audits, including any costs likely to be incurred by county clerks,
6 and shall include such costs in his budget request for election costs. The
7 secretary of state shall reimburse county clerks for any costs associated
8 with facilitating postelection audits from the available moneys appropri-
9 ated for election costs.