

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 385

BY STATE AFFAIRS COMMITTEE

AN ACT

1  
2 RELATING TO ELECTIONS; AMENDING SECTION 34-301, IDAHO CODE, TO REQUIRE THE  
3 COUNTY CLERK TO PROVIDE A DESCRIPTION OF ALL PRECINCTS WITHIN THE COUNTY  
4 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-302, IDAHO CODE,  
5 TO REVISE THE TIME BY WHICH A PRECINCT POLLING LOCATION SHALL BE DESIG-  
6 NATED, TO REVISE A CITATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
7 SECTION 34-303, IDAHO CODE, TO REVISE THE TIME WITHIN WHICH RECOMMENDA-  
8 TIONS FOR ELECTION JUDGES MUST BE SUBMITTED, TO REVISE THE TIME WITHIN  
9 WHICH APPLICATIONS TO SERVE ON AN ELECTION BOARD MUST BE RECEIVED AND  
10 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-411, IDAHO CODE, TO  
11 REMOVE AN ELECTION REGISTRATION REQUIREMENT THAT AN ELECTOR'S SEX BE  
12 IDENTIFIED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-413,  
13 IDAHO CODE, TO PROVIDE THAT AN ELECTOR WHO MOVES TO ANOTHER COUNTY OR  
14 STATE WITHIN THIRTY DAYS OF AN ELECTION MAY VOTE AT THE POLLING PLACE  
15 ASSIGNED TO THE ELECTOR'S PRIOR ADDRESS; REPEALING SECTION 34-417,  
16 IDAHO CODE, RELATING TO THE ALTERATION OF REGISTRATION CARDS FOLLOWING  
17 CHANGES IN A PRECINCT BOUNDARY; AMENDING SECTION 34-420, IDAHO CODE, TO  
18 PROVIDE THAT AN ELECTOR'S REGISTRATION MAY BE CANCELED IF HE HAS REGIS-  
19 TERED TO VOTE IN ANOTHER JURISDICTION, TO REMOVE OBSOLETE LANGUAGE AND  
20 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-432, IDAHO CODE, TO  
21 REVISE THE TIME WITHIN WHICH A COUNTY CLERK MUST EXAMINE THE ELECTION  
22 REGISTER AND NOTE CERTAIN CHALLENGES AND TO MAKE TECHNICAL CORRECTIONS;  
23 AMENDING SECTION 34-705, IDAHO CODE, TO REVISE THE TIME WITHIN WHICH  
24 THE SECRETARY OF STATE SHALL CERTIFY CERTAIN INFORMATION TO THE COUNTY  
25 CLERKS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-712,  
26 IDAHO CODE, TO REVISE THE TIME WITHIN WHICH THE SECRETARY OF STATE SHALL  
27 PROVIDE CERTAIN SAMPLE BALLOT INFORMATION TO COUNTY CLERKS; AMENDING  
28 SECTION 34-909, IDAHO CODE, TO REVISE THE TIME WITHIN WHICH THE SEC-  
29 RETARY OF STATE SHALL PROVIDE CERTAIN SAMPLE BALLOT INFORMATION TO  
30 COUNTY CLERKS; AMENDING SECTION 34-1002, IDAHO CODE, TO REMOVE OBSOLETE  
31 LANGUAGE AND TO PROVIDE A CORRECT CITATION; AMENDING SECTION 34-1003,  
32 IDAHO CODE, TO REVISE THE TIME WITHIN WHICH VALIDLY REQUESTED ABSENTEE  
33 BALLOTS FOR CANDIDATES FOR FEDERAL OFFICE SHALL BE RECEIVED AND SENT  
34 TO ELECTORS AND WITHIN WHICH A POLITICAL PARTY MUST SUPPLY THE NAME OF  
35 A WITNESS TO THE DELIVERY OF AN ABSENTEE BALLOT TO THE COUNTY CLERK AND  
36 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1405A, IDAHO CODE,  
37 TO REVISE THE TIME WITHIN WHICH A CANDIDATE MAY WITHDRAW HIS CANDIDACY;  
38 AMENDING SECTION 34-1407, IDAHO CODE, TO REVISE THE TIME WITHIN WHICH A  
39 WRITE-IN CANDIDATE MUST FILE A DECLARATION OF INTENT; AMENDING SECTION  
40 34-1703, IDAHO CODE, TO PROVIDE FOR A MAXIMUM OF TWENTY NUMBERED LINES  
41 FOR SIGNATURES ON RECALL PETITIONS; AMENDING SECTION 34-1801A, IDAHO  
42 CODE, TO PROVIDE FOR A MAXIMUM OF TWENTY NUMBERED LINES FOR SIGNATURES  
43 ON AN INITIATIVE OR REFERENDUM PETITION; AMENDING SECTION 34-1809,  
44 IDAHO CODE, TO PROVIDE THAT SERVICE OF A BALLOT TITLE MAY BE MADE BY

1 ELECTRONIC TRANSMISSION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLAR-  
2 ING AN EMERGENCY.

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

4 SECTION 1. That Section 34-301, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6 34-301. ESTABLISHMENT OF ELECTION PRECINCTS BY COUNTY COMMISSIONERS  
7 -- LISTS AND MAPS TO BE FURNISHED TO SECRETARY OF STATE. (1) The board of  
8 county commissioners in each county shall establish a convenient number of  
9 election precincts therein. The board of county commissioners may establish  
10 an absentee voting precinct for each legislative district within the county.  
11 The boundaries of such absentee precincts shall be the same as those of the  
12 legislative districts for which they were established. The board shall have  
13 the authority to create new or consolidate established precincts only within  
14 the boundaries of legislative districts. No county shall have less than two  
15 (2) precincts. This board action shall be done no later than January 15 in  
16 a general election year. The January 15 deadline shall be waived during a  
17 general election year in which a legislative or court-ordered redistricting  
18 plan is adopted. In such cases, any precinct boundary adjustments shall be  
19 accomplished by the county commissioners as soon as is practicable.

20 (2) The county clerk of each county shall provide, and the secretary of  
21 state shall maintain in his office, a current and accurate report of the fol-  
22 lowing:

- 23 (a) A list of all precincts within the county;  
24 (b) A map and description of all precincts within the county;  
25 (c) A count of voters registered for the latest general election, by  
26 precinct; and  
27 (d) A count of votes cast at the latest general election, by precinct.

28 SECTION 2. That Section 34-302, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 34-302. DESIGNATION OF PRECINCT POLLING PLACES. The board shall, ~~not~~  
31 ~~less than thirty (30) days by the fifth Friday~~ before any election, desig-  
32 nate a suitable polling place for each election precinct. Insofar as possi-  
33 ble, the board shall designate the same polling place for the general elec-  
34 tion ~~which~~ that it designated for the primary election. The physical ar-  
35 rangements of the polling place shall be sufficient to guarantee all voters  
36 the right to cast a secret ballot. All polling places designated as provided  
37 herein, shall conform to the accessibility standards adopted by the secre-  
38 tary of state pursuant to the "Voting Accessibility for the Elderly and  
39 Handicapped Act," ~~P.L. 98-435~~ 52 U.S.C. 20101 et seq. The expense of pro-  
40 viding such polling places shall be a public charge and paid out of the county  
41 treasury.

42 SECTION 3. That Section 34-303, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

1           34-303. APPOINTMENT OF ELECTION JUDGES BY COUNTY CLERK. (1) The  
 2 county clerk shall appoint two (2) or more election judges, one (1) of whom  
 3 shall be designated chief judge, and the number of clerks deemed necessary by  
 4 him for each polling place. In the event a single polling place is designated  
 5 for two (2) or more precincts, an individual may serve simultaneously on the  
 6 election board for two (2) or more precincts thus served by a single polling  
 7 place. The precinct committeemen shall recommend persons for the position  
 8 in their respective precincts to the county clerk in writing ~~at least ten~~  
 9 ~~(10) days by the fifth Friday~~ prior to the ~~date on which any appointment shall~~  
 10 ~~be made~~ primary election and the county clerk shall appoint the judges from  
 11 such lists if the persons recommended are qualified.

12           (2) The chief election judge shall be responsible for the conduct of the  
 13 proceedings in the polling place. Compensation for all election personnel  
 14 shall be determined by the board of county commissioners, ~~and not~~ at no less  
 15 than the minimum wage as prescribed by the laws of the state of Idaho.

16           (3) Each election board shall contain personnel representing all ex-  
 17 isting political parties if a list of applicants has been provided to the  
 18 county clerk by the precinct committeemen of the precincts ~~at least sixty~~  
 19 ~~(60) days prior to the primary election~~ by the prescribed deadline.

20           (4) In order to provide for a greater awareness of the election process,  
 21 the rights and responsibilities of voters and the importance of participat-  
 22 ing in the electoral process, as well as to provide additional members of  
 23 precinct boards, a county clerk may appoint not more than two (2) students  
 24 per precinct to serve under the direct supervision of election board members  
 25 designated by the county clerk. A student may be appointed, notwithstanding  
 26 lack of eligibility to vote, if the student possesses the following qualifi-  
 27 cations:

- 28           ~~(1a)~~ Is at least seventeen (17) years of age at the time of the election  
 29 for which he or she is serving as a member of an election board ~~;~~ and  
 30           ~~(2b)~~ Is a citizen of the United States.

31           SECTION 4. That Section 34-411, Idaho Code, be, and the same is hereby  
 32 amended to read as follows:

33           34-411. APPLICATION FOR REGISTRATION -- CONTENTS. (1) Each elector  
 34 who requests registration shall supply the following information under oath  
 35 or affirmation:

- 36           (a) Full name ~~and sex~~ ;  
 37           (b) Mailing address, residence address or any other necessary informa-  
 38 tion definitely locating the elector's residence ;  
 39           (c) The period of time preceding the date of registration during which  
 40 the elector has resided in the state ;  
 41           (d) Whether or not the elector is a citizen ;  
 42           (e) That the elector is under no legal disqualifications to vote ;  
 43           (f) The county and state where the elector was previously registered,  
 44 if any ;  
 45           (g) Date of birth ; and  
 46           (h) Current driver's license number or identification card issued  
 47 by the Idaho transportation department. In the absence of an Idaho  
 48 driver's license or state-issued identification card, the last four (4)  
 49 digits of the elector's social security number.

1 (2) As provided for in section 34-404, Idaho Code, each elector shall  
 2 select an affiliation with a political party qualified to participate in  
 3 elections pursuant to section 34-501, Idaho Code, or select to be designated  
 4 as "unaffiliated." The selection of party affiliation or designation as  
 5 "unaffiliated" shall be maintained within the voter registration system as  
 6 provided for in section 34-437A, Idaho Code. If an elector shall fail or  
 7 refuse to make such a selection, the county clerk shall record as "unaffili-  
 8 ated" such elector within the voter registration system as provided for in  
 9 section 34-437A, Idaho Code.

10 (3) Any elector who shall supply any information under subsection (1)  
 11 of this section, knowing it to be false, is guilty of perjury.

12 (4) Each elector who requests registration may, at the elector's op-  
 13 tion, supply the elector's telephone number. If the telephone number is sup-  
 14 plied by the elector, the telephone number shall be available to the public.

15 SECTION 5. That Section 34-413, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17 34-413. REREGISTRATION OF ELECTOR WHO CHANGES RESIDENCE. An elector  
 18 who moves to another county within the state or to another state within  
 19 thirty (30) days prior to any election shall be permitted to vote in the  
 20 ensuing election by absentee ballot or at the polling place assigned to the  
 21 elector's prior address.

22 SECTION 6. That Section [34-417](#), Idaho Code, be, and the same is hereby  
 23 repealed.

24 SECTION 7. That Section 34-420, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26 34-420. NO ELECTOR'S REGISTRATION SHALL BE ~~CANCELLED~~ CANCELED WHILE  
 27 HE IS SERVING IN THE ARMED FORCES -- EXCEPTION. ~~(1)~~ Except as provided in sec-  
 28 tion 34-435, Idaho Code, or for registering to vote in another jurisdiction,  
 29 no elector's registration shall be ~~cancelled~~ canceled, nor shall he be de-  
 30 prived of his right to vote at any election by reason of the removal of his  
 31 official registration application from the register of electors, during any  
 32 period that he is serving in the armed forces of the United States or of any  
 33 ally of the United States.

34 ~~(2) In order to facilitate the implementation of the provisions of sub-~~  
 35 ~~section (1) of this section, the one hundred twenty (120) day limitation in~~  
 36 ~~section 34-435, Idaho Code, shall be waived for the year 1987, in order to al-~~  
 37 ~~low military registrations to be cancelled by the county clerk in calendar~~  
 38 ~~year 1987.~~

39 SECTION 8. That Section 34-432, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 34-432. CORRECTION OF ELECTION REGISTER FROM CHALLENGES AT ELEC-  
 42 TION. (1) ~~Within sixty (60) days~~ No later than the ninth Friday after each  
 43 election, the county clerk shall examine the election register and note the  
 44 challenges as described in section 34-431, Idaho Code. The county clerk

1 shall mail a written inquiry to the challenged elector at his mailing address  
 2 as indicated on his registration card. Such inquiry shall state the nature  
 3 of the challenge and provide a suitable form for reply.

4 (2) Within twenty (20) days from the date of mailing of the written in-  
 5 quiry, the elector may, in person or in writing, state that the information  
 6 on his registration card is correct. Upon receipt of such a statement or re-  
 7 quest, the county clerk shall determine whether the information satisfies  
 8 the challenge. If the county clerk determines that the challenge has not  
 9 been satisfied, the county clerk shall schedule a hearing on the challenge  
 10 and shall notify the elector of the place and time of the hearing. The hear-  
 11 ing shall be held no later than twenty (20) days after notice is given. At  
 12 the hearing, the challenged elector may present evidence of qualification.  
 13 If the county clerk, upon the conclusion of the hearing, determines that the  
 14 challenged elector's registration is not valid, the county clerk shall cancel  
 15 the registration. If a challenged elector fails to make the statement or  
 16 request in response to the inquiry, the county clerk shall cancel the regis-  
 17 tration.

18 (3) The county clerk may make inquiry into the validity of any registra-  
 19 tion at any time. The inquiry shall proceed as provided in this section.

20 SECTION 9. That Section 34-705, Idaho Code, be, and the same is hereby  
 21 amended to read as follows:

22 34-705. WITH WHOM DECLARATIONS FILED. (1) All candidates for county  
 23 offices, whether political party candidates or independent candidates, and  
 24 all political party candidates for precinct offices shall file their decla-  
 25 rations of candidacy with the county clerk of their respective counties. All  
 26 candidates for district, state and federal offices shall file their declara-  
 27 tions of candidacy with the secretary of state.

28 (2) The secretary of state, shall certify to the county clerks, within  
 29 ten (10) days after the filing deadline, the names of the political party  
 30 candidates who filed for federal, state and district offices and are qual-  
 31 ified and ~~by not later than the tenth day prior to the primary shall certify~~  
 32 ~~the names of political party candidates who have been appointed by central~~  
 33 ~~committees to fill vacancies as provided by~~ for placement on the ballot.

34 (3) The secretary of state shall certify the name of a candidate being  
 35 appointed by the appropriate central committee pursuant to section 34-714,  
 36 Idaho Code, by no later than the next business day after the appointment is  
 37 received in the secretary of state's office, if received after the certifi-  
 38 cation of candidates to the county clerks under subsection (2) of this sec-  
 39 tion.

40 SECTION 10. That Section 34-712, Idaho Code, be, and the same is hereby  
 41 amended to read as follows:

42 34-712. SAMPLE FORM FOR PRIMARY ELECTION BALLOTS. The secretary of  
 43 state shall provide the sample form of the primary election ballot to each of  
 44 the county clerks no later than ~~forty (40) days prior to the primary~~ the first  
 45 day that a candidate may file a declaration of candidacy pursuant to section  
 46 34-704, Idaho Code. The sample ballot shall contain the proper ~~political~~  
 47 ~~party candidates to be voted upon within the county whose declarations were~~

1 ~~filed and certified in the office of the secretary of state office title, or-~~  
 2 ~~der of offices and ballot layout for the primary election, with instructions~~  
 3 ~~for the placing of political party candidates seeking the political party~~  
 4 ~~nomination for federal, state, legislative, county and precinct offices and~~  
 5 ~~candidates seeking judicial office or retention. If a county is within more~~  
 6 ~~than one (1) legislative district, the secretary of state shall provide a~~  
 7 ~~sample ballot instructions on providing ballots for each legislative dis-~~  
 8 ~~trict which that includes part of the county.~~

9 SECTION 11. That Section 34-909, Idaho Code, be, and the same is hereby  
 10 amended to read as follows:

11 34-909. GENERAL ELECTION SAMPLE BALLOTS FORWARDED TO COUNTIES BY SEC-  
 12 RETARY OF STATE. (1) The secretary of state, not no later than September 7,  
 13 shall prepare provide the necessary general election sample ballots for the  
 14 various counties and forward them ballot layout to each of the several county  
 15 clerks.

16 (2) The sample ballot layout shall contain the proper office titles,  
 17 order of offices and ballot layout for the general election, with instruc-  
 18 tions for placement of candidates seeking election for federal, state,  
 19 legislative, county and precinct offices and candidates seeking judicial  
 20 office or retention. If a county is within more than one (1) legislative  
 21 district, the secretary of state shall provide instructions on the require-  
 22 ments for a separate ballot for each legislative district that is within the  
 23 county.

24 (3) The secretary of state shall place certify to the county clerks the  
 25 names of the candidates qualified for placement on the general election bal-  
 26 lot for all federal, state and legislative district offices on the sample  
 27 ballots, and by not later than the tenth day prior to the general election,  
 28 along with any judicial candidates, by no later than the ninth Friday prior  
 29 to the general election.

30 (4) The secretary of state shall certify the names of candidates who  
 31 have been name of a candidate being appointed by the appropriate central  
 32 committees to fill vacancies committee as provided by section 34-715, Idaho  
 33 Code, by no later than the next business day after the appointment is re-  
 34 ceived in the secretary of state's office, if received after the certifica-  
 35 tion of candidates to the county clerks under subsection (3) of this section.

36 SECTION 12. That Section 34-1002, Idaho Code, be, and the same is hereby  
 37 amended to read as follows:

38 34-1002. APPLICATION FOR ABSENTEE BALLOT. (1) Any registered elector  
 39 may make written application to the county clerk, or other proper officer  
 40 charged by law with the duty of issuing official ballots for such election,  
 41 for an official ballot or ballots of the kind or kinds to be voted at the elec-  
 42 tion. The application shall contain the name of the elector, the elector's  
 43 home address, county, and address to which such ballot shall be forwarded.

44 (2) In order to provide the appropriate primary election ballot to  
 45 electors, in the event a political party elects to allow unaffiliated elec-  
 46 tors to vote in that party's primary election pursuant to section 34-904A,  
 47 Idaho Code, the elector shall designate, as part of the written application

1 for a ballot for primary elections, the elector's party affiliation or des-  
2 ignation as "unaffiliated." The application shall contain checkoff boxes  
3 for "unaffiliated" electors by which such electors shall indicate for which  
4 party's primary ballot the "unaffiliated" elector chooses to vote. Provided  
5 however, that no political party's primary election ballot shall be provided  
6 to an "unaffiliated" elector for a political party that has not elected to  
7 allow "unaffiliated" electors to vote in that political party's primary  
8 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"  
9 elector does not indicate a choice of political party's primary election  
10 ballot, the elector shall receive a nonpartisan ballot.

11 (3) In order to provide the appropriate primary election ballot to  
12 electors, in the event one (1) or more political parties elect to allow elec-  
13 tors affiliated with a different political party to vote in that party's  
14 primary election, the application shall contain checkoff boxes by which such  
15 electors may indicate the primary ballot in which the elector wishes to vote.

16 ~~(4) For electors who are registered to vote as of January 1, 2012, and~~  
17 ~~who remain registered electors, the elector shall designate, as part of~~  
18 ~~the written application for a ballot for the 2012 primary elections, the~~  
19 ~~elector's party affiliation or designation as "unaffiliated." The appli-~~  
20 ~~cation shall contain checkoff boxes for "unaffiliated" electors by which~~  
21 ~~such electors shall indicate for which party's primary election ballot the~~  
22 ~~"unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho~~  
23 ~~Code. Provided however, that no political party's primary election ballot~~  
24 ~~shall be provided to an "unaffiliated" elector for a political party that has~~  
25 ~~not elected to allow "unaffiliated" electors to vote in the party's primary~~  
26 ~~election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"~~  
27 ~~elector does not indicate a choice of political party's primary election~~  
28 ~~ballot, the elector shall receive a nonpartisan ballot. After the 2012~~  
29 ~~primary election, the county clerk shall record the party affiliation or~~  
30 ~~"unaffiliated" designation so selected on the application for an absentee~~  
31 ~~ballot as part of such an elector's record within the voter registration~~  
32 ~~system as provided for in section 34-437A, Idaho Code.~~

33 ~~(5) After the 2012 primary election, electors who remain registered~~  
34 ~~voters and who did not vote in the 2012 primary elections and who make written~~  
35 ~~application for an absentee ballot shall be designated as "unaffiliated"~~  
36 ~~electors as provided in section 34-404, Idaho Code, and such electors shall~~  
37 ~~be given the appropriate ballot for such "unaffiliated" designation pur-~~  
38 ~~suant to the provisions of this act.~~

39 ~~(6) An elector may not change party affiliation or designation as "un-~~  
40 ~~affiliated" on an application for absentee ballot. For primary elections,~~  
41 ~~an elector may change party affiliation or designation as "unaffiliated" as~~  
42 ~~provided for in section 34-411A, Idaho Code.~~

43 ~~(7) The application for an absent elector's ballot shall be signed~~  
44 ~~personally by the applicant. The application for a mail-in absentee bal-~~  
45 ~~lot shall be received by the county clerk not later than 5:00 p.m. on the~~  
46 ~~eleventh day before the election. An application for in-person absentee~~  
47 ~~voting at the absent elector's polling place described in section 34-1006,~~  
48 ~~Idaho Code, shall be received by the county clerk not later than 5:00 p.m.~~  
49 ~~on the Friday before the election. Application for an absentee ballot may~~  
50 ~~be made by using a facsimile machine or other electronic transmission. In~~

1 the event a registered elector is unable to vote in person at the elector's  
 2 designated polling place on the day of election because of an emergency  
 3 situation that rendered the elector physically unable, the elector may  
 4 nevertheless apply for an absent elector's ballot by notifying the county  
 5 clerk within ninety-six (96) hours prior to the closing of the polls. No  
 6 person may, however, be entitled to vote under an emergency situation unless  
 7 the situation claimed rendered the elector physically unable to vote at the  
 8 elector's designated polling place within ninety-six (96) hours prior to the  
 9 closing of the polls.

10 (87) A person may make application for an absent elector's ballot by  
 11 use of a properly executed federal ~~post-card~~ postcard application as pro-  
 12 vided for in the laws of the United States known as uniformed and overseas  
 13 citizens absentee voting act (UOCAVA, 42 52 U.S.C. ~~1973 ff~~, 20301 et seq., as  
 14 amended). The issuing officer shall keep as a part of the records of such of-  
 15 ficer's office a list of all applications so received and of the manner and  
 16 time of delivery or mailing to and receipt of returned ballot.

17 (98) The county clerk shall, not later than seventy-five (75) days af-  
 18 ter the date of each general election, submit a report to the secretary of  
 19 state containing information concerning absentee voters as required by fed-  
 20 eral law.

21 SECTION 13. That Section 34-1003, Idaho Code, be, and the same is hereby  
 22 amended to read as follows:

23 34-1003. ISSUANCE OF ABSENTEE BALLOT. (1) Upon receipt of an applica-  
 24 tion for an absent elector's ballot within the proper time, the county clerk  
 25 receiving it shall examine the records of the county clerk's office to as-  
 26 certain whether or not such applicant is registered and lawfully entitled to  
 27 vote as requested and, if found to be so, the elector shall arrange for the  
 28 applicant to vote by absent elector's ballot.

29 (2) In the case of requests for primary ballots:

30 (a) Except as provided in ~~subsection (2)~~ paragraph (b) of this  
 31 subsection, an elector who has designated a political party affiliation  
 32 shall receive a primary ballot for that political party.

33 (b) An elector who has designated a political party affiliation pur-  
 34 suant to section 34-404, Idaho Code, may receive the primary election  
 35 ballot of a political party other than the political party such elector  
 36 is affiliated with if such other political party has provided notifica-  
 37 tion to the secretary of state that identifies the political party such  
 38 elector is affiliated with, as provided for in section 34-904A(2) (b),  
 39 Idaho Code.

40 (c) An "unaffiliated" elector shall receive the primary ballot for the  
 41 political party which the elector designated in the elector's appli-  
 42 cation for an absentee ballot pursuant to section 34-1002, Idaho Code.  
 43 Provided however, that a political party's ballot shall not be provided  
 44 to an "unaffiliated" elector where that political party has not elected  
 45 to allow "unaffiliated" electors to vote in such party's primary elec-  
 46 tion pursuant to section 34-904A, Idaho Code.

47 (d) If an "unaffiliated" elector does not indicate a choice of polit-  
 48 ical party's primary ballot, the elector shall receive a nonpartisan  
 49 ballot.



1 (3) The absentee ballot may be delivered to the absent elector in the  
2 office of the county clerk, by postage prepaid mail or by other appropriate  
3 means, including use of a facsimile machine or other electronic transmis-  
4 sion. Validly requested absentee ballots for candidates for federal office,  
5 where the request is received at least forty-five (45) days before an elec-  
6 tion, shall be sent not later than forty-five (45) days before that election  
7 to all electors who are entitled to vote by absentee ballot.

8 (4) Pursuant to the uniformed and overseas citizens absentee voting act  
9 (UOCAVA, 42 52 U.S.C. 1973 ff, 20301 et seq., as amended) the secretary of  
10 state shall establish procedures for the transmission of blank absentee bal-  
11 lots by mail and by electronic transmission for all electors who are entitled  
12 to vote by absentee ballot under the uniformed and overseas citizens absen-  
13 tee voting act, and by which such electors may designate whether the elector  
14 prefers the transmission of such ballots by mail or electronically. If no  
15 preference is stated, the ballots shall be transmitted by mail. The secre-  
16 tary of state shall establish procedures for transmitting such ballots in a  
17 manner that shall protect the security and integrity of such ballots and the  
18 privacy of the elector throughout the process of transmission.

19 (5) A political party may supply a witness to accompany the clerk in the  
20 personal delivery of an absentee ballot. If the political party desires to  
21 supply a witness, it shall be the duty of the political party to supply the  
22 names of such witnesses to the clerk no later than ~~forty-fivesix~~ (456) days  
23 prior to the election. The clerk shall notify such witnesses of the date and  
24 approximate hour the clerk or deputy clerk intends to deliver the ballot.

25 (6) A candidate for public office or a spouse of a candidate for public  
26 office shall not be a witness in the personal delivery of absentee ballots.

27 (7) An elector physically unable to mark such elector's own ballot  
28 may receive assistance in marking such ballot from the officer delivering  
29 same or an available person of the elector's own choosing. In the event  
30 the election officer is requested to render assistance in marking an absent  
31 elector's ballot, the officer shall ascertain the desires of the elector and  
32 shall vote the applicant's ballot accordingly. When such ballot is marked by  
33 an election officer, the witnesses on hand shall be allowed to observe such  
34 marking. No county clerk, deputy, or other person assisting a disabled voter  
35 shall attempt to influence the vote of such elector in any manner.

36 SECTION 14. That Section 34-1405A, Idaho Code, be, and the same is  
37 hereby amended to read as follows:

38 34-1405A. WITHDRAWAL OF CANDIDACY. A candidate for nomination or can-  
39 didate for election to an office may withdraw from the election by filing a  
40 notarized statement of withdrawal with the officer with whom his declaration  
41 of candidacy was filed. The statement must contain all information neces-  
42 sary to identify the candidate and the office sought and the reason for with-  
43 drawal. A candidate may not withdraw later than ~~forty-fivesix~~ (456) days be-  
44 fore an election.

45 SECTION 15. That Section 34-1407, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

1 34-1407. WRITE-IN CANDIDATES. (1) No write-in candidate for any non-  
2 partisan elective office shall be counted unless a declaration of intent has  
3 been filed indicating that the person desires the office and is legally qual-  
4 ified to assume the duties of the office. The declaration of intent shall be  
5 filed with the clerk of the political subdivision ~~not less than forty-five~~  
6 ~~(45) days by no later than the seventh Friday~~ before the date of the election.

7 (2) If the statutes governing elections within a specific political  
8 subdivision provide that no election shall be held in the event that no more  
9 than one (1) candidate has filed for an office, that statute shall be inter-  
10 preted in such a manner as to allow for filing a declaration of intent for a  
11 write-in candidate until ~~forty-five (45) days~~ the seventh Friday preceding  
12 the election. However, if no candidate has filed within that time, no elec-  
13 tion shall be held for that political subdivision. The provisions of this  
14 section shall not apply to candidates in the primary or general election  
15 covered by the provisions of section 34-702A, Idaho Code.

16 SECTION 16. That Section 34-1703, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 34-1703. FORM OF PETITION. (1) The recall petition for state officers  
19 other than members of the state legislature shall be in substantially the  
20 following form:

21 RECALL PETITION

22 To the ~~H~~Honorable...., Secretary of State for the State of Idaho:  
23 We, the undersigned citizens and registered electors of the State of  
24 Idaho respectfully demand that...., holding the office of...., be recalled  
25 by the registered electors of this state for the following reasons, ~~to-wit:~~  
26 (setting out the reasons for recall in ~~not~~ no more than 200 words) ~~+~~:  
27 that a special election therefor be called; that we, each for himself say: I  
28 am a registered elector of the State of Idaho; my residence, address includ-  
29 ing city, and the date I signed this petition are correctly written after my  
30 name.

31 Signature Printed Name Residence City Date  
32 Street and  
33 Number

34 (Here follow no more than twenty numbered lines for signatures.)

35 (2) The recall petition for members of the state legislature shall be in  
36 substantially the following form:

37 RECALL PETITION

38 To the ~~H~~Honorable...., Secretary of State for the State of Idaho:  
39 We, the undersigned citizens and registered electors of Legislative  
40 District No....., respectfully demand that...., holding the office of....,  
41 be recalled by the registered electors of Legislative District No..... for



1     Signature           Printed Name     Residence       City            Date  
 2    Street and  
 3    Number

4           (Here follow no more than twenty numbered lines for signatures.)

5           (5) The recall petition for special district officers shall be in sub-  
 6     stantially the following form:

7    RECALL PETITION

8           To the ~~H~~Honorable...., County Clerk of the County of....:

9           We, the undersigned citizens and registered electors of (here insert  
 10     the official name of the district), respectfully demand that...., holding  
 11     the office of..., of the (district), be recalled by the registered electors  
 12     of the (district) for the following reasons, ~~to-wit:~~ (insert the reasons for  
 13     the recall in two hundred (200) words or less) ~~+~~:  
 14     that a special election therefor be called, that we, each for himself say:  
 15     I am a registered elector of the (district), my residence, address includ-  
 16     ing city, and the date I signed this petition are correctly written after my  
 17     name.

18     Signature           Printed Name     Residence       City            Date  
 19    Street and  
 20    Number

21           (Here follow no more than twenty numbered lines for signatures.)

22           SECTION 17. That Section 34-1801A, Idaho Code, be, and the same is  
 23     hereby amended to read as follows:

24           34-1801A. PETITION. The following shall be substantially the form of  
 25     petition for any law proposed by the initiative:

26    WARNING

27     It is a felony for anyone to sign any initiative or referendum petition with  
 28     any name other than his own, or to knowingly sign his name more than once for  
 29     the measure, or to sign such petition when he is not a qualified elector.

30    INITIATIVE PETITION

31           To the Honorable...., Secretary of State of the State of Idaho:

32           ~~"~~We, the undersigned citizens and qualified electors of the State of  
 33     Idaho, respectfully demand that the following proposed law, ~~to-wit:~~ (set-  
 34     ting out full text of measure proposed) shall be submitted to the qualified  
 35     electors of the State of Idaho, for their approval or rejection at the regu-  
 36     lar general election, to be held on the.... day of...., A.D.,...., and each  
 37     for himself says: I have personally signed this petition; I am a qualified

1 elector of the State of Idaho; my residence and legislative district are  
2 correctly written after my name.

3	Signature	Printed	Residence	City	Date	Legislative
4		Name	Street			District
5			and			Official
6			Number			use only

7 (Here follow no more than twenty numbered lines for signatures.)

8 The petition for referendum on any act passed by the state legislature of the  
9 state of Idaho shall be in substantially the same form with appropriate title  
10 and changes, setting out in full the text of the act of the legislature to be  
11 referred to the people for their approval or rejection.

12 SECTION 18. That Section 34-1809, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 34-1809. REVIEW OF INITIATIVE AND REFERENDUM MEASURES BY ATTORNEY  
15 GENERAL -- CERTIFICATE OF REVIEW PREREQUISITE TO ASSIGNMENT OF BALLOT TITLE  
16 -- BALLOT TITLE -- JUDICIAL REVIEW. (1) After receiving a copy of the peti-  
17 tion from the secretary of state as provided in section 34-1804, Idaho Code:

18 (a) The attorney general may confer with the petitioner and shall,  
19 within twenty (20) working days from receipt thereof, review the pro-  
20 posal for matters of substantive import and shall recommend to the  
21 petitioner such revision or alteration of the measure as may be deemed  
22 necessary and appropriate.

23 (b) The recommendations of the attorney general shall be advisory only  
24 and the petitioner may accept or reject them in whole or in part.

25 (c) The attorney general shall issue a certificate of review to the  
26 secretary of state certifying that he has reviewed the measure for form  
27 and style and that the recommendations thereon, if any, have been commu-  
28 nicated to the petitioner, and such certificate shall be issued whether  
29 or not the petitioner accepts such recommendations. The certificate  
30 of review shall be available for public inspection in the office of the  
31 secretary of state.

32 (2) Within fifteen (15) working days after the issuance of the certifi-  
33 cate of review, the petitioner, if he desires to proceed with his sponsor-  
34 ship, shall file the measure, as herein provided, with the secretary of state  
35 for assignment of a ballot title, and the secretary of state shall thereupon  
36 submit to the attorney general two (2) copies of the measure filed.

37 (a) Within ten (10) working days after receiving copies of the peti-  
38 tion, the attorney general shall provide ballot titles as provided for  
39 ~~below~~ in this subsection and return one (1) copy of the petition to the  
40 secretary of state, with its ballot title.

41 (b) A copy of the ballot title as prepared by the attorney general shall  
42 be furnished by the secretary of state with the approved form of any ini-  
43 tiative or referendum petition, as provided herein, to the person or  
44 persons or organization or organizations under whose authority the mea-  
45 sure is initiated or referred.

1 (c) The ballot titles shall be used and printed on the covers of the pe-  
2 tition when in circulation; the short title shall be printed in type not  
3 less than twenty (20) points on the covers of all such petitions circ-  
4 lated for signatures.

5 (d) The ballot title shall contain:

6 (i) Distinctive short title not exceeding twenty (20) words by  
7 which the measure is commonly referred to or spoken of and which  
8 shall be printed in the foot margin of each signature sheet of the  
9 petition.

10 (ii) A general title expressing in not more than two hundred (200)  
11 words the purpose of the measure.

12 (iii) The ballot title shall be printed with the numbers of the  
13 measure on the official ballot.

14 (e) In making the ballot title, the attorney general shall, to the best  
15 of his ability, give a true and impartial statement of the purpose of the  
16 measure and in such language that the ballot title shall not be inten-  
17 tionally an argument or likely to create prejudice either for or against  
18 the measure.

19 (3) Any person dissatisfied with the ballot title or the short title  
20 provided by the attorney general for any measure, may appeal ~~from his deci-~~  
21 ~~sion~~ to the supreme court by petition, praying for a different title and set-  
22 ting forth the reason why the title prepared by the attorney general is in-  
23 sufficient or unfair.

24 (a) No appeal shall be allowed from the decision of the attorney gen-  
25 eral on a ballot title unless made within twenty (20) days after the bal-  
26 lot title is filed in the office of the secretary of state; provided how-  
27 ever, that this section shall not prevent any later judicial proceeding  
28 to determine the sufficiency of such title, nor shall it prevent any ju-  
29 dicial decision upon the sufficiency of such title.

30 (b) A copy of every such ballot title shall be served by the secretary  
31 of state upon the person offering or filing such initiative or referen-  
32 dum petition, or appeal. The service of the ballot title may be by mail,  
33 ~~telegraph~~ or ~~facsimile~~ electronic transmission and shall be made forth-  
34 with when it is received from the attorney general by the secretary of  
35 state.

36 (c) The supreme court shall thereupon examine said measure, hear ar-  
37 gument, and in its decision thereon certify to the secretary of state a  
38 ballot title and a short title for the measure in accord with the intent  
39 of this section. The secretary of state shall print on the official bal-  
40 lot the title thus certified to him.

41 (4) Any qualified elector of the state of Idaho may, at any time after  
42 the attorney general has issued a certificate of review, bring an action in  
43 the supreme court to determine the constitutionality of any initiative.

44 SECTION 19. An emergency existing therefor, which emergency is hereby  
45 declared to exist, this act shall be in full force and effect on and after its  
46 passage and approval.