

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 416

BY RUSCHE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-308, IDAHO CODE, TO PROVIDE THAT
2 ANY PRECINCT MAY BE DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS
3 AS A VOTE BY MAIL PRECINCT AND TO ALLOW OTHER VOTING PLACES WITHIN A
4 PRECINCT.
5

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

7 SECTION 1. That Section 34-308, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 34-308. MAIL BALLOT PRECINCT. ~~Any precinct within the county which~~
10 ~~contains no more than one hundred twenty-five (125) registered electors at~~
11 ~~the last general election,~~ may be designated by the board of county commis-
12 sioners a mail ballot precinct no later than April 1 in an even-numbered
13 year. Such a designation shall apply thereafter to all elections conducted
14 within the precinct until revoked by the board of county commissioners. Hav-
15 ing designated a mail ballot precinct, there ~~shall~~ may be ~~no~~ a voting place
16 established within the precinct at the discretion of the board of county com-
17 missioners. Elections in a mail ballot precinct shall be conducted in a man-
18 ner consistent with absentee voting with the following special provisions.

19 (1) The clerk shall issue a ballot, by mail, to every registered voter
20 in a mail ballot precinct, and shall affix to the return envelope, postage
21 sufficient to return the ballot.

22 (2) The ballot shall be mailed no sooner than twenty-four (24) days
23 prior to the election day and no later than the fourteenth day prior to the
24 election.

25 (3) The clerk shall make necessary provisions to segregate mail bal-
26 lot precinct ballots by precinct, and for all purposes of the election, the
27 precinct integrity shall be maintained.

28 (4) The clerk shall make available in the office of the clerk, regis-
29 tration on election day for any individual who is eligible to vote and who
30 resides in a mail ballot precinct and has not previously registered. The
31 clerk shall provide an official polling place in the office of the clerk and a
32 qualified elector who registers on election day and resides in a mail ballot
33 precinct shall be allowed to vote at the office of the clerk.

34 (5) (a) Except as provided in subsection (5) (b) of this section, elec-
35 tors who have designated a political party affiliation pursuant to sec-
36 tion 34-404, Idaho Code, shall receive the primary election ballot for
37 that party pursuant to sections 34-904 and 34-904A, Idaho Code.

38 (b) Electors who have designated a political party affiliation pur-
39 suant to section 34-404, Idaho Code, may receive the primary election
40 ballot of a political party other than the political party such elector
41 is affiliated with if such other political party has provided notifica-
42 tion to the secretary of state that identifies the political party such

1 elector is affiliated with, as provided for in section 34-904A(2) (b),
2 Idaho Code.

3 (6) For "unaffiliated" electors, in order to receive a political
4 party's primary election ballot, pursuant to section 34-904A, Idaho Code,
5 the county clerk shall mail a ballot request form for the primary election
6 ballot to the electors in a mail ballot precinct for the electors to use in
7 selecting the party ballot they choose to receive.

8 (a) In the event that more than one (1) political party allows electors
9 designated as "unaffiliated" to vote in their party's primary election
10 pursuant to section 34-904A, Idaho Code, an elector designated as "un-
11 affiliated" shall indicate on the form such elector's choice of the po-
12 litical party's primary election ballot in order to vote in that party's
13 primary election.

14 (b) In the event no more than one (1) political party allows electors
15 designated as "unaffiliated" to vote in their party's primary election
16 pursuant to section 34-904A, Idaho Code, an elector designated as "un-
17 affiliated" shall indicate on the form that political party's primary
18 election ballot in order to vote in that political party's primary elec-
19 tion.

20 (c) If an elector designated as "unaffiliated" is not permitted to
21 vote in a political party's primary election as provided for in section
22 34-904A, Idaho Code, such elector shall receive a nonpartisan ballot.

23 (d) If an elector designated as "unaffiliated" does not indicate on the
24 form a choice of political party's primary election ballot, such elec-
25 tor shall receive a nonpartisan ballot.