

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 428

BY CHEW

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-1002, IDAHO CODE, TO PROVIDE  
2 THAT AN ELECTOR MAY ELECT TO HAVE AN ABSENTEE BALLOT SENT TO HIS OR HER  
3 RESIDENCE ON A PERMANENT BASIS BY SIGNING A FORM SUPPLIED TO THE COUNTY  
4 CLERK, TO PROVIDE THAT IF SUCH ELECTION IS MADE THE ELECTOR SHALL RE-  
5 CEIVE AN ABSENTEE BALLOT FOR ALL ELECTIONS CONDUCTED BY THE COUNTY CLERK  
6 AND SHALL BE INELIGIBLE TO VOTE AT THE POLLS IN SUCH ELECTION AND TO MAKE  
7 A TECHNICAL CORRECTION.  
8

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

10 SECTION 1. That Section 34-1002, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 34-1002. APPLICATION FOR ABSENTEE BALLOT -- PRIMARY ELEC-  
13 TIONS. (1) Any registered elector may make written application to the county  
14 clerk, or other proper officer charged by law with the duty of issuing offi-  
15 cial ballots for such election, for an official ballot or ballots of the kind  
16 or kinds to be voted at the election. The application shall contain the name  
17 of the elector, the elector's home address, county, and address to which such  
18 ballot shall be forwarded. An elector may elect to have an absentee ballot  
19 sent to his or her residence on a permanent basis by signing a form supplied  
20 to the county clerk. If such election is made, the elector shall receive an  
21 absentee ballot for all elections conducted by the county clerk and shall be  
22 ineligible to vote at the polls in such election.

23 (2) In order to provide the appropriate primary election ballot to  
24 electors, in the event a political party elects to allow unaffiliated elec-  
25 tors to vote in that party's primary election pursuant to section 34-904A,  
26 Idaho Code, the elector shall designate, as part of the written application  
27 for a ballot for primary elections, the elector's party affiliation or des-  
28 ignation as "unaffiliated." The application shall contain checkoff boxes  
29 for "unaffiliated" electors by which such electors shall indicate for which  
30 party's primary ballot the "unaffiliated" elector chooses to vote. Provided  
31 however, that no political party's primary election ballot shall be provided  
32 to an "unaffiliated" elector for a political party that has not elected to  
33 allow "unaffiliated" electors to vote in that political party's primary  
34 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"  
35 elector does not indicate a choice of political party's primary election  
36 ballot, the elector shall receive a nonpartisan ballot.

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

1 (4) For electors who are registered to vote as of January 1, 2012, and  
2 who remain registered electors, the elector shall designate, as part of  
3 the written application for a ballot for the 2012 primary elections, the  
4 elector's party affiliation or designation as "unaffiliated." The appli-  
5 cation shall contain checkoff boxes for "unaffiliated" electors by which  
6 such electors shall indicate for which party's primary election ballot the  
7 "unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho  
8 Code. Provided however, that no political party's primary election ballot  
9 shall be provided to an "unaffiliated" elector for a political party that has  
10 not elected to allow "unaffiliated" electors to vote in the party's primary  
11 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"  
12 elector does not indicate a choice of political party's primary election  
13 ballot, the elector shall receive a nonpartisan ballot. After the 2012  
14 primary election, the county clerk shall record the party affiliation or  
15 "unaffiliated" designation so selected on the application for an absentee  
16 ballot as part of such an elector's record within the voter registration  
17 system as provided for in section 34-437A, Idaho Code.

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

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

28 (7) The application for an absent elector's ballot shall be signed  
29 personally by the applicant. The application for a mail-in absentee ballot  
30 shall be received by the county clerk not later than 5:00 p.m. on the sixth  
31 day before the election. An application for in person absentee voting at the  
32 absent elector's polling place described in section 34-1006, Idaho Code,  
33 shall be received by the county clerk not later than 5:00 p.m. on the Fri-  
34 day before the election. Application for an absentee ballot may be made by  
35 using a facsimile machine or other electronic transmission. In the event a  
36 registered elector is unable to vote in person at the elector's designated  
37 polling place on the day of election because of an emergency situation which  
38 rendered the elector physically unable, the elector may nevertheless apply  
39 for an absent elector's ballot on the day of election by notifying the county  
40 clerk. No person may, however, be entitled to vote under an emergency situa-  
41 tion unless the situation claimed rendered the elector physically unable to  
42 vote at the elector's designated polling place within ninety-six (96) hours  
43 prior to the closing of the polls.

44 (8) A person may make application for an absent elector's ballot by use  
45 of a properly executed federal post card application as provided for in the  
46 laws of the United States known as uniformed and overseas citizens absentee  
47 voting act (UOCAVA, 42 U.S.C. 1973 ff, et seq., as amended). The issuing of-  
48 ficer shall keep as a part of the records of such officer's office a list of  
49 all applications so received and of the manner and time of delivery or mail-  
50 ing to and receipt of returned ballot.

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