

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 441

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING CHAPTER 10, TITLE 34, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 34-1002B, IDAHO CODE, TO PROVIDE FOR ABSENTEE  
3 BALLOT ASSISTANCE AT CERTAIN FACILITIES AND TO PROHIBIT CERTAIN AC-  
4 TIONS.  
5

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

7 SECTION 1. That Chapter 10, Title 34, Idaho Code, be, and the same is  
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
9 ignated as Section 34-1002B, Idaho Code, and to read as follows:

10 34-1002B. ABSENTEE BALLOT ASSISTANCE -- CERTAIN FACILITIES. (1) If a  
11 nursing facility, assisted living center, or similar residential facility  
12 that houses persons who need assistance with absentee voting within any  
13 county from which a county clerk has received absentee ballot applications,  
14 and if the facility contacts the county elections office to request absentee  
15 voting assistance for its residents, the county clerk shall schedule a date  
16 and time with the person in charge of that facility for the county clerk or  
17 his authorized designee to be present to assist the residents of that facil-  
18 ity to vote, utilizing the absentee voting procedure. At the date and time  
19 announced, the county clerk or his designee shall assist all persons at that  
20 facility who desire such assistance and who have applied for and are quali-  
21 fied to receive absentee ballots.

22 (2) For the purpose of this section, a county clerk's authorized de-  
23 signee is:

24 (a) A volunteer who has received training from the county clerk's of-  
25 fice to provide assistance to absentee voters in a fair, impartial, and  
26 nonpartisan manner; or

27 (b) An individual appointed by the county central committee of each of  
28 the two (2) largest political parties, as determined by the vote cast  
29 for governor in the last gubernatorial election. The two (2) appointed  
30 individuals shall act in concert with each other at all times during the  
31 visit to the facility and in collecting absentee ballots and delivering  
32 them to the clerk's office and shall be deemed to be acting in the stead  
33 of the county clerk in the performance of these duties.

34 (3) An immediate family member, as defined in section 26-31-303(4),  
35 Idaho Code, of the resident may also assist the resident of a nursing facil-  
36 ity, assisted living center, or similar residential facility in filling out  
37 the resident's absentee ballot. An immediate family member means a spouse,  
38 child, sibling, parent, grandparent or grandchild, and includes steppar-  
39 ents, stepchildren, stepsiblings and adoptive relationships.

40 (4) No person assisting another person in filling out an absentee bal-  
41 lot may advise, suggest, request, or otherwise influence the person voting

1 by absentee ballot to make one choice on the ballot over another. A violation  
2 of the provisions of this subsection constitutes a misdemeanor.