

IN THE SENATE

SENATE BILL NO. 1166

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-408A, IDAHO CODE, TO ESTABLISH
2 PROVISIONS REGARDING ELECTION DAY REGISTRATION AT CERTAIN POLLING
3 PLACES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 11, TITLE
4 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1115, IDAHO CODE, TO
5 ESTABLISH PROVISIONS REGARDING PROVISIONAL BALLOTS; AND AMENDING CHAP-
6 TER 11, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1116,
7 IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE REVIEW AND DISPOSI-
8 TION OF PROVISIONAL BALLOT ENVELOPES.
9

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

11 SECTION 1. That Section 34-408A, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 34-408A. ELECTION DAY REGISTRATION. (1) An individual who is eligi-
14 ble to vote may register on election day by appearing in person at the polling
15 place for the precinct in which the individual maintains residence, ~~by~~ com-
16 pleting a registration application, making an oath in the form prescribed by
17 the secretary of state, and providing proof of residence. An individual may
18 prove residence for purposes of registering by:

19 (1a) Showing an Idaho driver's license or Idaho identification card is-
20 sued through the department of transportation; or

21 (2b) Showing any document ~~which~~ that contains a valid address in the
22 precinct together with a picture identification card; or

23 (3c) Showing a current valid student photo identification card from a
24 postsecondary educational institution in Idaho accompanied with a cur-
25 rent student fee statement that contains the student's valid address in
26 the precinct.

27 (2) Election day registration provided in this section shall apply to
28 all elections conducted under title 34, Idaho Code, and to school district
29 and municipal elections.

30 (3) An individual who is eligible to vote may also register, upon pro-
31 viding proof of residence, at the "absent electors' polling place" provided
32 in section 34-1006, Idaho Code.

33 (4) Notwithstanding any other provision of this section, a county clerk
34 may designate one (1) or more polling places to be used for election day reg-
35 istration, in lieu of providing election day registration services at ev-
36 ery polling place or at the absent electors' polling place. Each designated
37 election day registration polling place shall be provided with voting booths
38 and other necessary supplies, including provisional ballots, as provided by
39 law. Electioneering is prohibited at an election day registration polling
40 place, as provided in section 18-2318, Idaho Code.

1 SECTION 2. That Chapter 11, Title 34, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 34-1115, Idaho Code, and to read as follows:

4 34-1115. PROVISIONAL BALLOTS. (1) A judge of elections may follow the
5 procedures set forth in this section if the voter is not found in the poll
6 book, if the judge is not satisfied that the voter has provided valid voter
7 identification or proof of residence, or in such other similar situations as
8 deemed necessary by the judge of elections.

9 (2) The judge of elections shall record the type of identification that
10 was provided by the individual, if any, and whether the individual executed
11 the elector's oath or the affidavit in lieu of personal identification. The
12 judge shall then record the provisional ballot envelope number in associa-
13 tion with the name of the individual and direct the individual to sign his
14 name in the official register or poll book. The individual shall then be
15 given a provisional ballot and be directed to the voting booth.

16 (3) A voter who has completed a provisional ballot shall place the bal-
17 lot in the provisional ballot envelope, complete the information printed
18 on the provisional ballot envelope, and deposit the provisional ballot en-
19 velope in the designated provisional ballot box, if provided by the county
20 clerk; otherwise, it shall be deposited in the regular ballot box.

21 (4) Provisional ballot envelopes shall be furnished by the secretary
22 of state and must include the voter attestation, manner of voter identifi-
23 cation, and such other information as may be required to enable the judge of
24 elections to perform his duties under section 34-1116, Idaho Code.

25 SECTION 3. That Chapter 11, Title 34, Idaho Code, be, and the same is
26 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
27 ignated as Section 34-1116, Idaho Code, and to read as follows:

28 34-1116. REVIEW AND DISPOSITION OF PROVISIONAL BALLOT ENVELOPES. (1)
29 No later than seven (7) days after the election, an election judge shall re-
30 view the affirmation on any provisional ballot envelope and determine if the
31 individual signing the affirmation is:

32 (a) Registered to vote in this state; and

33 (b) Eligible to vote the ballot that the individual voted.

34 (2) (a) If the election judge determines that the individual does not
35 meet the requirements of subsection (1) of this section, the ballot is
36 void and shall not be counted.

37 (b) If the election judge determines that the individual meets the re-
38 quirements of subsection (1) of this section, the election judge shall
39 place the provisional ballot with the regular ballots to be counted with
40 those ballots at the canvass.

41 (3) A provisional ballot must not be counted unless the voter's iden-
42 tity and residence is established by a preponderance of the evidence.

43 (4) If the election judge determines that the individual is registered
44 to vote in this state, the election judge shall ensure that the voter regis-
45 tration records are updated to reflect the information provided on the pro-
46 visional ballot envelope.