LEGISLATURE OF THE STATE OF IDAHO

Sixtieth Legislature

1

IN THE SENATE

SENATE BILL NO. 1408

BY STATE AFFAIRS COMMITTEE

AN ACT

- RELATING TO ABSENTEE BALLOTS; AMENDING SECTION 34-1002, IDAHO CODE, TO
 REVISE PROCEDURES FOR APPLICATION FOR ABSENTEE BALLOTS AND TO MAKE
 TECHNICAL CORRECTIONS; AND AMENDING SECTION 34-1003, IDAHO CODE, TO
 REVISE PROCEDURES FOR ISSUANCE OF ABSENTEE BALLOTS.
- 6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 34-1002, Idaho Code, be, and the same is hereby 8 amended to read as follows:

34-1002. APPLICATION FOR ABSENTEE BALLOT. Any registered elector
may make written application to the county clerk, or other proper officer
charged by law with the duty of issuing official ballots for such election,
for an official ballot or ballots of the kind or kinds to be voted at the
election. The application shall contain the name of the elector, his home
address, county, and address to which such ballot shall be forwarded.

The application for an absent elector's ballot shall be signed 15 personally by the applicant. The application for a mail-in absentee ballot 16 shall be received by the county clerk not later than 5:00 p.m. on the sixth 17 18 day before the election. An application for in person absentee voting at the absent elector's polling place described in section 34-1006, Idaho Code, 19 shall be received by the county clerk not later than 5:00 p.m. on the day 20 Friday before the election. Application for an absentee ballot may be made 21 by using a facsimile machine or other electronic transmission. In the event 22 a registered elector is unable to vote in person at his designated polling 23 place on the day of election because of an emergency situation which rendered 24 him physically unable, he may nevertheless apply for an absent elector's 25 ballot on the day of election by notifying the county clerk. No person-26 27 may, however, be entitled to vote under an emergency situation unless the situation claimed rendered him physically unable to vote at his designated 28 polling place within forty eight <u>ninety-six</u> (4896) hours prior to the 29 30 closing of the polls.

31 A person may make application for an absent elector's ballot by use of a properly executed federal postcard post card application as provided for 32 in the laws of the United States known as $\underline{\Psi}_{\underline{U}}$ niformed and $\underline{\Theta}_{\underline{O}}$ verseas $\underline{\Theta}_{\underline{C}}$ itizens 33 Aabsentee Vvoting Aact (UOCAVA, 42 U.S.C. 1973 ff, et seq.). A properly 34 35 executed federal postcard application (F.P.C.A.), shall be considered as a request for an absent elector's ballot through the next two (2) regularly 36 scheduled general elections for federal office following receipt of the 37 application. The issuing officer shall keep as a part of the records of his 38 39 office a list of all applications so received and of the manner and time of delivery or mailing to and receipt of returned ballot. 40

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

3 SECTION 2. That Section 34-1003, Idaho Code, be, and the same is hereby
4 amended to read as follows:

34-1003. ISSUANCE OF ABSENTEE BALLOT. Upon receipt of an application 5 6 for an absent elector's ballot within the proper time, the county clerk receiving it shall examine the records of his office to ascertain whether or 7 not such applicant is registered and lawfully entitled to vote as requested 8 and, if found to be so, he shall arrange for the applicant to vote by absent 9 elector's ballot. The absentee ballot may be delivered to the absent elector 10 in the office of the county clerk, by postage prepaid mail or by other 11 appropriate means, including use of a facsimile machine or other electronic 12 transmission. Validly requested absentee ballots, where the request is 13 received at least forty-five (45) days before an election, shall be sent not 14 15 later than forty-five (45) days before that election to all electors who are entitled to vote by absentee ballot. 16

Pursuant to the uniformed and overseas citizens absentee voting act 17 (UOCAVA, 42 U.S.C. 1973 ff, et seq., as amended) the secretary of state shall 18 19 establish procedures for the transmission of blank absentee ballots by mail and by electronic transmission for all electors who are entitled to vote by 20 absentee ballot under the uniformed and overseas citizens absentee voting 21 act, and by which such electors may designate whether the elector prefers the 22 transmission of such ballots by mail or electronically. If no preference 23 is stated, the ballots shall be transmitted by mail. The secretary of state 24 shall establish procedures for transmitting such ballots in a manner that 25 shall protect the security and integrity of such ballots and the privacy of 26 the elector throughout the process of transmission. 27

A political party may supply a witness to accompany the clerk in the personal delivery of an absentee ballot. If the political party desires to supply a witness it shall be the duty of the political party to supply the names of such witnesses to the clerk no later than forty-five (45) days prior to the election. The clerk shall notify such witnesses of the date and approximate hour the clerk or deputy clerk intends to deliver the ballot.

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

An elector physically unable to mark his own ballot may receive 36 assistance in marking such ballot from the officer delivering same or an 37 38 available person of his own choosing. In the event the election officer 39 is requested to render assistance in marking an absent elector's ballot, the officer shall ascertain the desires of the elector and shall vote the 40 applicant's ballot accordingly. When such ballot is marked by an election 41 officer, the witnesses on hand shall be allowed to observe such marking. 42 43 No county clerk, deputy, or other person assisting a disabled voter shall 44 attempt to influence the vote of such elector in any manner.