

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 137

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING CHAPTER 12, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1203A, IDAHO CODE, TO PROVIDE FOR THE POST-ELECTION AUDIT OF SELECTED BALLOTS.

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

SECTION 1. That Chapter 12, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-1203A, Idaho Code, and to read as follows:

34-1203A. POSTELECTION AUDIT OF SELECTED BALLOTS. (1) Within two (2) days after any primary or general election, including any presidential primary election, the secretary of state may identify and order a postelection audit of certain paper ballots cast in any election and shall immediately post to the website of the office of the secretary of state a list of the precincts and elections selected for audit.

(2) The county clerk shall conduct any postelection audits ordered by the secretary of state, which audit shall be open to attendance by news media personnel. By directive issued at least sixty (60) days prior to the election, the secretary of state shall determine the procedures by which the postelection audit is to be conducted. The directive shall include provisions allowing each interested candidate and political party to appoint a designated observer. Each county clerk shall report the results of any postelection audits to the secretary of state within the time specified in the directive.

(3) The secretary of state may order additional postelection audits if he determines that such action is warranted by the results of the audits ordered pursuant to subsection (1) of this section. The secretary of state shall limit such orders for additional postelection audits to the problems identified in the initial audit order.

(4) County clerks may use funds allocated pursuant to section 63-3638(8), Idaho Code, to defray any costs associated with postelection audits ordered pursuant to this section.