

IN THE SENATE

SENATE BILL NO. 1376

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO ABSENTEE BALLOTS; AMENDING SECTION 34-1005, IDAHO CODE, TO RE-
3 VISE PROVISIONS REGARDING THE RETURN OF ABSENTEE BALLOTS BY PERSONS
4 OTHER THAN THE ELECTOR; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
5 FECTIVE DATE.

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

7 SECTION 1. That Section 34-1005, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 34-1005. RETURN OF ABSENTEE BALLOT. (1) The return envelope shall be
10 mailed or delivered to the officer who issued the same; ~~provided, that an~~ by
11 the elector or by the elector's caregiver, family member, or household mem-
12 ber at the request of the elector.

13 (2) (a) No person other than those authorized in this section may return
14 an absentee ballot for an elector. A person who knowingly violates the
15 provisions of this paragraph shall be guilty of a misdemeanor.

16 (b) No person shall return an absentee ballot for an elector for mon-
17 etary compensation. A person who knowingly violates the provisions of
18 this paragraph shall be guilty of a felony.

19 (c) No person may mail or deliver more than five (5) absentee ballots in
20 addition to his own absentee ballot in a single election. A person who
21 knowingly violates the provisions of this paragraph shall be guilty of a
22 misdemeanor; provided, however, that if the knowing violation concerns
23 twenty (20) or more ballots, the person shall be guilty of a felony.

24 (d) A person who knowingly violates any provision of this subsection
25 for a second time shall be guilty of a felony.

26 (e) The provisions of this subsection do not apply to:

27 (i) A person authorized by the United States postal service in the
28 performance of his official duties;

29 (ii) An employee of a parcel delivery business that receives and
30 delivers parcels in all states within the United States in the per-
31 formance of his official duties; or

32 (iii) An employee of the county clerk's office in the performance
33 of his official duties for hospitalized electors pursuant to sec-
34 tion 34-1002A, Idaho Code.

35 (3) If the absentee ballot is delivered or mailed by a person other than
36 the elector, the person shall sign an affidavit on the outside of the return
37 envelope providing the person's name and relationship to the elector. The
38 person shall provide photo identification to the county clerk if making a
39 personal delivery of the return envelope.

40 (4) An absentee ballot must be received by the issuing officer by 8:00
41 p.m. on the day of election before such ballot may be counted.

1 (25) Upon receipt of an absent elector's ballot, the county clerk of the
2 county wherein such elector resides shall verify the authenticity of the af-
3 fidavit, including verifying that the signature matches the signature from
4 such elector's voter registration, and shall write or stamp upon the enve-
5 lope containing the same, the date and hour such envelope was received in his
6 office and shall record the information pursuant to section 34-1011, Idaho
7 Code. He shall safely keep and preserve all absent electors' ballots un-
8 opened until the time prescribed for delivery to the polls or to the central
9 count ballot processing center.

10 SECTION 2. An emergency existing therefor, which emergency is hereby
11 declared to exist, this act shall be in full force and effect on and after
12 July 1, 2022.