

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 290

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-202, IDAHO CODE, TO PROVIDE FOR
2 THE VERIFICATION OF CERTAIN SIGNATURES AND TO PROVIDE A CORRECT CODE
3 REFERENCE; AMENDING SECTION 34-217, IDAHO CODE, TO REVISE PROVISIONS
4 REGARDING THE RETENTION OF COUNTY ELECTION RECORDS AND TO MAKE TECHNICAL
5 CORRECTIONS; AMENDING SECTION 34-1005, IDAHO CODE, TO PROVIDE FOR
6 THE VERIFICATION OF CERTAIN ABSENTEE VOTER SIGNATURES AND TO MAKE TECHNICAL
7 CORRECTIONS; AMENDING SECTION 34-1803, IDAHO CODE, TO PROVIDE FOR
8 THE VERIFICATION OF SIGNATURES ON REFERENDUM PETITIONS AND TO MAKE A
9 TECHNICAL CORRECTION; AMENDING SECTION 34-1807, IDAHO CODE, TO REVISE
10 PROVISIONS REGARDING THE CERTIFICATION AND VALIDITY OF SIGNATURES ON A
11 PETITION AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.
12

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

14 SECTION 1. That Section 34-202, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 34-202. SECRETARY OF STATE TO DISTRIBUTE COMPREHENSIVE DIRECTIVES AND
17 INSTRUCTIONS RELATING TO ELECTION LAWS TO ALL COUNTY CLERKS. In carrying
18 out his responsibility under section ~~17~~ 34-201, Idaho Code, the secretary
19 of state shall cause to be prepared and distributed to each county clerk
20 detailed and comprehensive written directives and instructions relating to
21 and based upon the election laws as they apply to elections, registration
22 of electors and voting procedures which by law are under the direction and
23 control of the county clerk. Such directives and instructions shall include
24 sample forms of ballots, papers, documents, records and other materials
25 and supplies required by such election laws. The secretary of state shall
26 develop and provide to each county clerk instructions and standards for
27 the verification, acceptance, and rejection of elector signatures for any
28 process requiring signature verification. The secretary of state shall pre-
29 scribe a form for voter registration cards based on the voter registration
30 laws and, from time to time, shall cause to be prepared and distributed to
31 each county clerk such written corrections of such directives and instruc-
32 tions and of the form for registration cards as are necessary to maintain
33 uniformity in the application, operation and interpretation of and to re-
34 flect changes in the election laws. Each county clerk affected thereby shall
35 comply with such directives and instruction, and corrections thereof, and
36 shall provide voter registration cards prepared in accordance with the pre-
37 scribed form.

38 SECTION 2. That Section 34-217, Idaho Code, be, and the same is hereby
39 amended to read as follows:

1 34-217. RETENTION OF COUNTY ELECTION RECORDS. County election
 2 records shall be maintained by the county clerk for the time periods outlined
 3 in this section. Records shall be maintained for the period specified be-
 4 ginning with the date the record is created or has become no longer valid,
 5 whichever is greater.

6 (1) The following records shall be retained for not less than five (5)
 7 years:

8 (a) Voter registration cards for electors whose registration has been
 9 terminated;

10 (b) Correspondence relating to an elector's voter registration;

11 (c) Combination election record and poll book, including the ballot ac-
 12 counting page;

13 (d) Declaration of candidacy and petition of candidacy forms filed with
 14 the county clerk;

15 (e) Maps of precinct boundaries with legal descriptions;

16 (f) List of absentee voters; and

17 (g) County initiatives and petitions that qualify for placement on the
 18 ballot.

19 (2) The following shall be retained for two (2) years:

20 (a) Completed absentee ballot request forms;

21 (b) Tally books;

22 (c) Voted ballots;

23 (d) Any ballots that were required to be duplicated before being
 24 counted;

25 (e) Certified lists of candidates or declaration of candidacy forms
 26 from special districts used for ballot preparation; and

27 (f) Certified ballot language from special districts for any question
 28 placed on the ballot; and

29 (g) Absentee ballot affidavit envelopes, including the indication of
 30 the signature's acceptance or rejection.

31 (3) The following shall be maintained for one (1) year:

32 ~~(a) Absentee ballot affidavit envelopes;~~

33 ~~(b) Notice of election;~~

34 ~~(c) Personal identification affidavit;~~

35 ~~(d) Ballot tracking logs;~~

36 ~~(e) Automated tabulation election logs;~~

37 ~~(f) Copy of the election definition and program used in tabulating~~
 38 ~~ballots electronically and in the ballot marking device; and~~

39 ~~(g) Record of the number of ballots printed and furnished to each~~
 40 ~~polling place.~~

41 (4) Other election supplies, including, but not limited to, unused
 42 ballots, official election ballot identification or official ballot stamps,
 43 receipts for supplies, and spoiled ballots, may be disposed of sixty (60)
 44 days following the deadline for requesting a recount or filing an election
 45 contest pursuant to chapters 20 and 21, title 34, Idaho Code.

46 SECTION 3. That Section 34-1005, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

48 34-1005. RETURN OF ABSENTEE BALLOT. (1) The return envelope shall be
 49 mailed or delivered to the officer who issued the same; provided, that an ab-

1 sentee ballot must be received by the issuing officer by 8:00 p.m. on the day
2 of election before such ballot may be counted.

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

12 SECTION 4. That Section 34-1803, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 34-1803. REFERENDUM PETITIONS -- TIME FOR FILING -- WHEN ELECTION HELD
15 -- EFFECTIVE DATE OF LAW. Referendum petitions with the requisite number
16 of signatures attached, as verified by county clerks pursuant to section
17 34-1807, Idaho Code, shall be filed with the secretary of state not more than
18 sixty (60) days after the final adjournment of the session of the state leg-
19 islature which that passed on the bill on which the referendum is demanded.
20 All elections on measures referred to the people of the state shall be had at
21 the biennial regular election. Any measure so referred to the people shall
22 take effect and become a law when it is approved by a majority of the votes
23 cast thereon, and not otherwise.

24 SECTION 5. That Section 34-1807, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 34-1807. CIRCULATION OF PETITIONS -- VERIFICATION OF PETITION AND
27 SIGNATURE SHEETS -- ~~COMPARISON OF SIGNATURES WITH REGISTRATION OATHS AND~~
28 ~~RECORDS~~ CERTIFICATION OF PETITION SIGNERS -- CERTAIN PETITIONS AND SIGNA-
29 TURES VOID. (1) Any person who circulates any petition for an initiative or
30 referendum shall be a resident of the state of Idaho and at least eighteen
31 (18) years of age. Each and every sheet of every such petition containing
32 signatures shall be verified on the face thereof in substantially the fol-
33 lowing form, by the person who circulated said sheet of said petition, by his
34 or her affidavit thereon, and as a part thereof:

35 State of Idaho)
36) ss.
37 County of....)

38 I, , being first duly sworn, say: That I am a resident of the State of
39 Idaho and at least eighteen (18) years of age: that every person who signed
40 this sheet of the foregoing petition signed his or her name thereto in my
41 presence: I believe that each has stated his or her name, address and res-
42 idence correctly, that each signer is a qualified elector of the State of
43 Idaho, and a resident of the county of.....

44 Signed.....
45 ~~Post-office~~ Post office address
46 Subscribed and sworn to before me this.... day of.....
47 (Notary Seal) Notary Public

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(2) In addition to said affidavit, the county clerk shall carefully examine said petitions and strike from the petition any names for which he has determined that the name, address, or signature do not match those of a qualified elector of the proper jurisdiction. The county clerk shall attach to the signature sheets a certificate to the secretary of state substantially as follows:

State of Idaho)
) ss.
County of....)

To the honorable...., Secretary of State for the State of Idaho: I,...., County Clerk of.... County, hereby certify that.... signatures on this petition are those of qualified electors in legislative district number.....

Signed.....
County Clerk or Deputy.

(Seal of office)

(3) The county clerk shall deliver the petition or any part thereof to the person from whom he received it with his certificate attached thereto as above provided. The forms herein given are not mandatory and if substantially followed in any petition, it shall be sufficient, disregarding clerical and merely technical error.

(4) Any petition upon which signatures are obtained by a person not a resident of the state of Idaho and at least eighteen (18) years of age, shall be void. The definition of resident in section 34-107, Idaho Code, shall apply to the circulators of initiative and referendum petitions. ~~In addition to being a resident, a petition circulator shall be at least eighteen (18) years of age.~~

(5) Any signature that is not a physical signature, including an electronic signature, is void.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.