

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 707

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO VOTER REGISTRATION; AMENDING SECTION 34-409, IDAHO CODE, TO
2 REVISE A PROVISION REGARDING VERIFICATION OF VOTER REGISTRATION AND
3 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-411, IDAHO CODE,
4 TO REVISE PROVISIONS REGARDING INFORMATION IN VOTER REGISTRATION AP-
5 PPLICATIONS; AMENDING SECTION 34-420, IDAHO CODE, TO REVISE A PROVISION
6 REGARDING CANCELLATION OF AN ELECTOR'S REGISTRATION; AMENDING SECTION
7 74-106, IDAHO CODE, TO REVISE A PROVISION REGARDING THE DISCLOSURE OF
8 CERTAIN VOTER REGISTRATION INFORMATION AND TO MAKE A TECHNICAL CORREC-
9 TION; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
10

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

12 SECTION 1. That Section 34-409, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 34-409. ELECTRONIC REGISTRATION. (1) The office of the secretary of
15 state may create and maintain an electronic system for voter registration
16 that is publicly available on its official website. Any qualified elector
17 who has a current valid driver's license or identification card issued pur-
18 suant to title 49, Idaho Code, that reflects the person's current princi-
19 pal place of residence, may register to vote by submitting a completed voter
20 registration application electronically through such website. Electronic
21 voter registration applications shall be submitted before the close of reg-
22 istration as provided in section 34-408, Idaho Code.

23 (2) The electronic voter registration application shall be in a form
24 prescribed by the secretary of state and shall:

25 (a) Require the information under oath or affirmation set forth in sec-
26 tion 34-411, Idaho Code;

27 (b) Include notice of the requirement to provide personal identifi-
28 cation before voting at the polls as set forth in sections 34-1113 and
29 34-1114, Idaho Code; and

30 (c) Require an electronic signature of the applicant.

31 (3) The office of the secretary of state shall obtain a digital copy
32 of the applicant's driver's license or identification card signature from
33 the Idaho transportation department. The Idaho transportation department
34 shall, upon request of the office of the secretary of state, provide a dig-
35 ital copy of the applicant's driver's license or identification card signa-
36 ture.

37 (4) Upon receipt of a completed voter registration application and a
38 digital copy of the applicant's driver's license or identification card sig-
39 nature from the Idaho transportation department, the office of the secre-
40 tary of state shall send the information to the county clerk for the county
41 in which the applicant resides. The county clerk shall prepare and issue to
42 each elector registering electronically a verification of registration con-

1 taining the name and residence of the elector and the name or number of the
 2 precinct in which the elector resides. Such verification of registration
 3 ~~may shall~~ be sent by nonforwardable ~~first-class~~ first class mail ~~or by elec-~~
 4 ~~tronic mail at the elector's option~~. If a verification is returned undeliv-
 5 erable, then the county clerk shall remove the elector from the register of
 6 electors.

7 (5) An applicant using the electronic system for voter registration
 8 pursuant to this section shall not be required to complete a printed regis-
 9 tration card.

10 (6) The office of the secretary of state shall use such security mea-
 11 sures necessary to ensure the accuracy and integrity of an electronically
 12 submitted voter registration application.

13 SECTION 2. That Section 34-411, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 34-411. APPLICATION FOR REGISTRATION -- CONTENTS. (1) Each elector
 16 who requests registration shall supply the following information under oath
 17 or affirmation:

18 (a) Full name as it appears in the documentation required pursuant to
 19 paragraph (h) of this subsection and sex-;

20 (b) Mailing address, residence address or any other necessary informa-
 21 tion definitely locating the elector's residence-;

22 (c) The period of time preceding the date of registration during which
 23 the elector has resided in the state-;

24 (d) Whether or not the elector is a citizen-;

25 (e) That the elector is under no legal disqualifications to vote-;

26 (f) The county and state where the elector was previously registered,
 27 if any-;

28 (g) Date of birth-; and

29 (h) Current driver's license number or identification card issued
 30 by the Idaho transportation department. In the absence of an Idaho
 31 driver's license or state-issued identification card, the last four (4)
 32 digits of the elector's social security number.

33 (2) As provided for in section 34-404, Idaho Code, each elector shall
 34 select an affiliation with a political party qualified to participate in
 35 elections pursuant to section 34-501, Idaho Code, or select to be desig-
 36 nated as "unaffiliated" The selection of party affiliation or designation
 37 as "unaffiliated" shall be maintained within the voter registration sys-
 38 tem as provided for in section 34-437A, Idaho Code. If an elector shall
 39 fail or refuse to make such a selection, the county clerk shall record as
 40 "unaffiliated" such elector within the voter registration system as pro-
 41 vided for in section 34-437A, Idaho Code.

42 (3) Any elector who ~~shall supply~~ supplies any information under subsec-
 43 tion (1) of this section, knowing it to be false, is guilty of perjury.

44 (4) Each elector who requests registration may, at the elector's op-
 45 tion, supply the elector's telephone number or email address. If the tele-
 46 phone number or email address is supplied by the elector, ~~the telephone num-~~
 47 ~~ber~~ such information shall not be available to the public.

1 SECTION 3. That Section 34-420, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-420. NO ELECTOR'S REGISTRATION SHALL BE CANCELED WHILE SERVING IN
4 THE ARMED FORCES -- EXCEPTIONS. Except as provided in sections 34-419 and
5 34-435, Idaho Code, or for registering to vote in another jurisdiction, no
6 elector's registration shall be canceled, nor shall he be deprived of his
7 right to vote at any election by reason of the removal of his official reg-
8 istration application from the register of electors, during any period that
9 he is serving in the armed forces of the United States or of any ally of the
10 United States.

11 SECTION 4. That Section 74-106, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PER-
14 SONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following
15 records are exempt from disclosure:

16 (1) Except as provided in this subsection, all personnel records of
17 a current or former public official other than the public official's pub-
18 lic service or employment history, classification, pay grade and step,
19 longevity, gross salary and salary history, including bonuses, severance
20 packages, other compensation or vouchered and unvouchered expenses for
21 which reimbursement was paid, status, workplace and employing agency. All
22 other personnel information relating to a public employee or applicant
23 including, but not limited to, information regarding sex, race, marital
24 status, birth date, home address and telephone number, social security num-
25 ber, driver's license number, applications, testing and scoring materials,
26 grievances, correspondence and performance evaluations, shall not be dis-
27 closed to the public without the employee's or applicant's written consent.
28 Names of applicants to classified or merit system positions shall not be dis-
29 closed to the public without the applicant's written consent. Disclosure of
30 names as part of a background check is permitted. Names of the five (5) final
31 applicants to all other positions shall be available to the public. If such
32 group is less than five (5) finalists, then the entire list of applicants
33 shall be available to the public. A public official or authorized represen-
34 tative may inspect and copy his personnel records, except for material used
35 to screen and test for employment.

36 (2) Retired employees' and retired public officials' home addresses,
37 home telephone numbers and other financial and nonfinancial membership
38 records; active and inactive member financial and membership records and
39 mortgage portfolio loan documents maintained by the public employee retire-
40 ment system. Financial statements prepared by retirement system staff,
41 funding agents and custodians concerning the investment of assets of the
42 public employee retirement system of Idaho are not considered confidential
43 under this chapter.

44 (3) Information and records submitted to the Idaho state lottery for
45 the performance of background investigations of employees, lottery retail-
46 ers and major procurement contractors; audit records of lottery retailers,
47 vendors and major procurement contractors submitted to or performed by the
48 Idaho state lottery; validation and security tests of the state lottery for

1 lottery games; business records and information submitted pursuant to sec-
2 tions 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such docu-
3 ments and information obtained and held for the purposes of lottery security
4 and investigative action as determined by lottery rules unless the public
5 interest in disclosure substantially outweighs the private need for protec-
6 tion from public disclosure.

7 (4) Records of a personal nature as follows:

8 (a) Records of personal debt filed with a public agency or independent
9 public body corporate and politic pursuant to law;

10 (b) Personal bank records compiled by a public depositor for the pur-
11 pose of public funds transactions conducted pursuant to law;

12 (c) Records of ownership of financial obligations and instruments of a
13 public agency or independent public body corporate and politic, such as
14 bonds, compiled by the public agency or independent public body corpo-
15 rate and politic pursuant to law;

16 (d) Records, with regard to the ownership of, or security interests in,
17 registered public obligations;

18 (e) Vital statistics records;

19 (f) Military records as described in and pursuant to section 65-301,
20 Idaho Code;

21 (g) Social security numbers; and

22 (h) The following personal data identifiers for an individual may be
23 disclosed only in the following redacted format:

24 (i) The initials of any minor children of the individual;

25 (ii) A date of birth in substantially the following format:
26 "XX/XX/birth year";

27 (iii) The last four (4) digits of a financial account number in
28 substantially the following format: "XXXXX1234";

29 (iv) The last four (4) digits of a driver's license number or
30 state-issued personal identification card number in substan-
31 tially the following format: "XXXXX350F"; and

32 (v) The last four (4) digits of an employer identification number
33 or business's taxpayer identification number.

34 (5) Information in an income or other tax return measured by items of
35 income or sales, which is gathered by a public agency for the purpose of ad-
36 ministering the tax, except such information to the extent disclosed in a
37 written decision of the tax commission pursuant to a taxpayer protest of a
38 deficiency determination by the tax commission, under the provisions of sec-
39 tion 63-3045B, Idaho Code.

40 (6) Records of a personal nature related directly or indirectly to the
41 application for and provision of statutory services rendered to persons
42 applying for public care for people who are elderly, indigent or have mental
43 or physical disabilities, or participation in an environmental or a public
44 health study, provided the provisions of this subsection making records
45 exempt from disclosure shall not apply to the extent that such records or
46 information contained in those records are necessary for a background check
47 on an individual that is required by federal law regulating the sale of
48 firearms, guns or ammunition.

49 (7) Employment security information, except that a person may agree,
50 through written, informed consent, to waive the exemption so that a third

1 party may obtain information pertaining to the person, unless access to the
2 information by the person is restricted by subsection (3) (a), (3) (b) or
3 (3) (d) of section 74-113, Idaho Code. Notwithstanding the provisions of
4 section 74-113, Idaho Code, a person may not review identifying information
5 concerning an informant who reported to the department of labor a suspected
6 violation by the person of the employment security law, chapter 13, title 72,
7 Idaho Code, under an assurance of confidentiality. As used in this section
8 and in chapter 13, title 72, Idaho Code, "employment security information"
9 means any information descriptive of an identifiable person or persons that
10 is received by, recorded by, prepared by, furnished to or collected by the
11 department of labor or the industrial commission in the administration of
12 the employment security law.

13 (8) Any personal records, other than names, business addresses and
14 business phone numbers, such as parentage, race, religion, sex, height,
15 weight, tax identification and social security numbers, financial worth or
16 medical condition submitted to any public agency or independent public body
17 corporate and politic pursuant to a statutory requirement for licensing,
18 certification, permit or bonding.

19 (9) Unless otherwise provided by agency rule, information obtained as
20 part of an inquiry into a person's fitness to be granted or retain a license,
21 certificate, permit, privilege, commission or position, private associa-
22 tion peer review committee records authorized in title 54, Idaho Code. Any
23 agency that has records exempt from disclosure under the provisions of this
24 subsection shall annually make available a statistical summary of the number
25 and types of matters considered and their disposition.

26 (10) The records, findings, determinations and decisions of any prelit-
27 igation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

28 (11) Complaints received by the board of medicine and investigations
29 and informal proceedings, including informal proceedings of any committee
30 of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and
31 rules adopted thereunder.

32 (12) Records of the department of health and welfare or a public health
33 district that identify a person infected with a reportable disease.

34 (13) Records of hospital care, medical records, including prescrip-
35 tions, drug orders, records or any other prescription information that
36 specifically identifies an individual patient, prescription records main-
37 tained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho
38 Code, records of psychiatric care or treatment and professional counseling
39 records relating to an individual's condition, diagnosis, care or treat-
40 ment, provided the provisions of this subsection making records exempt from
41 disclosure shall not apply to the extent that such records or information
42 contained in those records are necessary for a background check on an indi-
43 vidual that is required by federal law regulating the sale of firearms, guns
44 or ammunition.

45 (14) Information collected pursuant to the directory of new hires act,
46 chapter 16, title 72, Idaho Code.

47 (15) Personal information contained in motor vehicle and driver records
48 that is exempt from disclosure under the provisions of chapter 2, title 49,
49 Idaho Code.

1 (16) Records of the financial status of prisoners pursuant to subsec-
2 tion (2) of section 20-607, Idaho Code.

3 (17) Records of the Idaho state police or department of correction re-
4 ceived or maintained pursuant to section 19-5514, Idaho Code, relating to
5 DNA databases and databanks.

6 (18) Records of the department of health and welfare relating to a sur-
7 vey, resurvey or complaint investigation of a licensed nursing facility
8 shall be exempt from disclosure. Such records shall, however, be subject to
9 disclosure as public records as soon as the facility in question has received
10 the report, and no later than the fourteenth day following the date that de-
11 partment of health and welfare representatives officially exit the facility
12 pursuant to federal regulations. Provided however, that for purposes of
13 confidentiality, no record shall be released under this section that specif-
14 ically identifies any nursing facility resident.

15 (19) Records and information contained in the registry of immunizations
16 against childhood diseases maintained in the department of health and wel-
17 fare, including information disseminated to others from the registry by the
18 department of health and welfare.

19 (20) Records of the Idaho housing and finance association (IHFA) relat-
20 ing to the following:

21 (a) Records containing personal financial, family, health or similar
22 personal information submitted to or otherwise obtained by the IHFA;

23 (b) Records submitted to or otherwise obtained by the IHFA with regard
24 to obtaining and servicing mortgage loans and all records relating to
25 the review, approval or rejection by the IHFA of said loans;

26 (c) Mortgage portfolio loan documents;

27 (d) Records of a current or former employee other than the employee's
28 duration of employment with the association, position held and loca-
29 tion of employment. This exemption from disclosure does not include the
30 contracts of employment or any remuneration, including reimbursement
31 of expenses, of the executive director, executive officers or commis-
32 sioners of the association. All other personnel information relating
33 to an association employee or applicant including, but not limited to,
34 information regarding sex, race, marital status, birth date, home ad-
35 dress and telephone number, applications, testing and scoring materi-
36 als, grievances, correspondence, retirement plan information and per-
37 formance evaluations, shall not be disclosed to the public without the
38 employee's or applicant's written consent. An employee or authorized
39 representative may inspect and copy that employee's personnel records,
40 except for material used to screen and test for employment or material
41 not subject to disclosure elsewhere in the Idaho public records act.

42 (21) Records of the department of health and welfare related to child
43 support services in cases in which there is reasonable evidence of domestic
44 violence, as defined in chapter 63, title 39, Idaho Code, that can be used
45 to locate any individuals in the child support case except in response to a
46 court order.

47 (22) Records of the Idaho state bar lawyer assistance program pursuant
48 to chapter 49, title 54, Idaho Code, unless a participant in the program au-
49 thORIZES the release pursuant to subsection (4) of section 54-4901, Idaho
50 Code.

1 (23) Records and information contained in the time sensitive emergency
2 registry created by chapter 20, title 57, Idaho Code, together with any re-
3 ports, analyses and compilations created from such information and records.

4 (24) Records contained in the court files, or other records prepared as
5 part of proceedings for judicial authorization of sterilization procedures
6 pursuant to chapter 39, title 39, Idaho Code.

7 (25) The physical voter registration application on file in the county
8 clerk's office; however, a redacted copy of said application shall be made
9 available consistent with the requirements of this section. Information
10 from the voter registration application maintained in the statewide voter
11 registration database, including age, will be made available except for the
12 voter's driver's license number, date of birth, telephone number, email
13 address and, upon a showing that the voter comes within the provisions of
14 subsection (30) of this section or upon showing of good cause by the voter
15 to the county clerk in consultation with the county prosecuting attorney,
16 the physical residence address of the voter. For the purposes of this sub-
17 section, good cause shall include the protection of life and property and
18 protection of victims of domestic violence and similar crimes.

19 (26) File numbers, passwords and information in the files of the health
20 care directive registry maintained by the department of health and welfare
21 under section 39-4515, Idaho Code, are confidential and shall not be dis-
22 closed to any person other than to the person who executed the health care
23 directive or the revocation thereof and that person's legal representa-
24 tives, to the person who registered the health care directive or revocation
25 thereof, and to physicians, hospitals, medical personnel, nursing homes,
26 and other persons who have been granted file number and password access to
27 the documents within that specific file.

28 (27) Records in an address confidentiality program participant's file
29 as provided for in chapter 57, title 19, Idaho Code, other than the address
30 designated by the secretary of state, except under the following circum-
31 stances:

32 (a) If requested by a law enforcement agency, to the law enforcement
33 agency; or

34 (b) If directed by a court order, to a person identified in the order.

35 (28) Except as otherwise provided by law relating to the release of in-
36 formation to a governmental entity or law enforcement agency, any personal
37 information including, but not limited to, names, personal and business ad-
38 dresses and phone numbers, sex, height, weight, date of birth, social secu-
39 rity and driver's license numbers, or any other identifying numbers and/or
40 information related to any Idaho fish and game licenses, permits and tags un-
41 less written consent is obtained from the affected person.

42 (29) Documents and records related to alternatives to discipline that
43 are maintained by the Idaho board of veterinary medicine under the provi-
44 sions of section 54-2118(1)(b), Idaho Code, provided the requirements set
45 forth therein are met.

46 (30) The Idaho residential street address and telephone number of an el-
47 igible law enforcement officer and such officer's residing household mem-
48 ber(s) as provided for in chapter 58, title 19, Idaho Code, except under the
49 following circumstances:

1 (a) If directed by a court order, to a person identified in the court
2 order;

3 (b) If requested by a law enforcement agency, to the law enforcement
4 agency;

5 (c) If requested by a financial institution or title company for busi-
6 ness purposes, to the requesting financial institution or title com-
7 pany; or

8 (d) If the law enforcement officer provides written permission for dis-
9 closure of such information.

10 (31) All information exchanged between the Idaho transportation de-
11 partment and insurance companies, any database created, all information
12 contained in the verification system and all reports, responses or other
13 information generated for the purposes of the verification system, pursuant
14 to section 49-1234, Idaho Code.

15 (32) Nothing in this section shall prohibit the release of information
16 to the state controller as the state social security administrator as pro-
17 vided in section 59-1101A, Idaho Code.

18 (33) Personal information including, but not limited to, property val-
19 ues, personal and business addresses, phone numbers, dates of birth, social
20 security and driver's license numbers or any other identifying numbers or
21 information maintained by the administrator of the unclaimed property law
22 set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection
23 shall prohibit the release of names, last known city of residence, property
24 value ranges and general property information by the administrator for the
25 purpose of reuniting unclaimed property with its owner.

26 (34) Any personal information collected by the secretary of state,
27 pursuant to section 67-906(1)(b), Idaho Code, for the purpose of allowing
28 individuals to access the statewide electronic filing system authorized
29 in section 67-906, Idaho Code, and any notification ~~e-mail~~ email addresses
30 submitted as part of a lobbyist's registration under section 67-6617, Idaho
31 Code, of an employer, client, or designated contact for the purpose of elec-
32 tronic notification of that employer, client, or designated contact of a
33 report filed under section 67-6619, Idaho Code.

34 SECTION 5. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after
36 July 1, 2022.