

IN THE SENATE

SENATE BILL NO. 1230

BY BURGOYNE

AN ACT

1 RELATING TO NONPARTISAN PRIMARY ELECTIONS AND RANKED-CHOICE VOTING; AMEND-
2 ING SECTION 34-102, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 1,
3 TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-118, IDAHO
4 CODE, TO DEFINE A TERM AND ESTABLISH PROVISIONS REGARDING RANKED-CHOICE
5 VOTING; AMENDING SECTION 34-308, IDAHO CODE, TO REMOVE PROVISIONS RE-
6 GARDING PARTY AFFILIATION; AMENDING SECTION 34-404, IDAHO CODE, TO
7 REVISE PROVISIONS REGARDING THE REGISTRATION OF ELECTORS; AMENDING
8 SECTION 34-411A, IDAHO CODE, TO REVISE A PROVISION REGARDING A FILING
9 DEADLINE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-702,
10 IDAHO CODE, TO REVISE PROVISIONS REGARDING WRITE-IN CANDIDATES;
11 AMENDING SECTION 34-703, IDAHO CODE, TO REVISE PROVISIONS REGARDING
12 NOMINATION ELECTIONS; AMENDING SECTION 34-704, IDAHO CODE, TO REVISE
13 PROVISIONS REGARDING A CANDIDATE'S DECLARATION OF CANDIDACY; AMEND-
14 ING SECTION 34-705, IDAHO CODE, TO REVISE PROVISIONS REGARDING FILING
15 A DECLARATION OF CANDIDACY; AMENDING SECTION 34-706, IDAHO CODE, TO
16 REVISE PROVISIONS REGARDING NOTIFICATION OF CANDIDATE FILINGS TO PO-
17 LITICAL PARTIES; REPEALING SECTION 34-708, IDAHO CODE, RELATING TO
18 INDEPENDENT CANDIDATES; AMENDING SECTION 34-711, IDAHO CODE, TO RE-
19 VISE PROVISIONS REGARDING THE DEADLINE FOR CERTIFICATION OF CERTAIN
20 CANDIDATES; AMENDING SECTION 34-712, IDAHO CODE, TO REVISE PROVISIONS
21 REGARDING SAMPLE BALLOTS TO BE PROVIDED BY THE SECRETARY OF STATE;
22 AMENDING SECTION 34-713, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE
23 PREPARATION OF CERTAIN BALLOTS; AMENDING SECTION 34-714, IDAHO CODE,
24 TO REVISE PROVISIONS REGARDING FILLING CERTAIN VACANCIES BEFORE THE
25 PRIMARY ELECTION AS TO CANDIDATES AFFILIATED WITH POLITICAL PARTIES;
26 AMENDING SECTION 34-715, IDAHO CODE, TO REVISE PROVISIONS REGARDING
27 THE FILLING OF VACANCIES BEFORE AND AFTER THE PRIMARY ELECTION AS TO
28 CANDIDATES AFFILIATED WITH POLITICAL PARTIES; AMENDING SECTION 34-716,
29 IDAHO CODE, TO REVISE PROVISIONS REGARDING VACANCIES OF CANDIDATES FOR
30 NONPARTISAN JUDICIAL OFFICES; AMENDING SECTION 34-717, IDAHO CODE,
31 TO REVISE PROVISIONS REGARDING NOTIFICATION TO A POLITICAL PARTY OF
32 THE WITHDRAWAL OF CERTAIN CANDIDATES; AMENDING SECTION 34-737, IDAHO
33 CODE, TO REVISE PROVISIONS REGARDING THE CONDUCT OF THE PRESIDENTIAL
34 PRIMARY; AMENDING SECTION 34-903, IDAHO CODE, TO REVISE A PROVISION
35 REGARDING CANDIDATE NAMES ON A BALLOT; AMENDING SECTION 34-904, IDAHO
36 CODE, TO REVISE PROVISIONS REGARDING NONPARTISAN PRIMARY ELECTION BAL-
37 LOTS AND PRECINCT CAPTAIN ELECTION BALLOTS; AMENDING SECTION 34-904A,
38 IDAHO CODE, TO REVISE PROVISIONS REGARDING ELIGIBILITY TO VOTE IN PRES-
39 IDENTIAL PRIMARY ELECTIONS AND PRECINCT CAPTAIN ELECTIONS; AMENDING
40 SECTION 34-906, IDAHO CODE, TO REVISE PROVISIONS REGARDING BALLOTS FOR
41 GENERAL ELECTIONS; AMENDING SECTION 34-909, IDAHO CODE, TO REVISE A
42 PROVISION REGARDING THE CERTIFICATION OF CANDIDATES TO APPEAR ON THE
43 GENERAL ELECTION BALLOT; AMENDING SECTION 34-911, IDAHO CODE, TO REVISE
44 PROVISIONS REGARDING THE PREPARATION AND DISSEMINATION OF EDUCATIONAL
45

1 MATERIALS FOR VOTERS; AMENDING SECTION 34-1002, IDAHO CODE, TO REVISE
 2 PROVISIONS REGARDING APPLICATIONS FOR ABSENTEE BALLOTS; AMENDING SEC-
 3 TION 34-1003, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE
 4 OF AN ABSENTEE BALLOT; AMENDING SECTION 34-1203, IDAHO CODE, TO PROVIDE
 5 FOR THE COUNTING OF BALLOTS CAST UNDER A RANKED-CHOICE VOTING SYSTEM AND
 6 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1208, IDAHO CODE, TO
 7 REVISE PROVISIONS REGARDING THE ISSUANCE OF CERTIFICATES OF NOMINATION
 8 OR ELECTION TO COUNTY AND PRECINCT OFFICES; AMENDING SECTION 34-1214,
 9 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF CERTIFICATES
 10 OF NOMINATION OR ELECTION TO DISTRICT, STATE, OR FEDERAL OFFICES; AND
 11 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

13 SECTION 1. That Section 34-102, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 34-102. "PRIMARY ELECTION" DEFINED ELECTIONS AND PRECINCT CAPTAIN
 16 ELECTIONS -- DEFINITIONS -- PURPOSES. (1) "Nonpartisan pPrimary election"
 17 means an election held for the purpose of nominating persons as candidates of
 18 political parties for election to offices, and for the purpose of electing
 19 persons as members of the controlling committees of political parties. Pri-
 20 mary in which voters select candidates to be placed on the general election
 21 ballot for election to county, legislative district, state, and federal
 22 office except for president without regard to political party affiliation
 23 or the lack thereof. Nonpartisan primary elections, with the exception of
 24 presidential primaries, shall be held on the third Tuesday of May in each
 25 even-numbered year.

26 (2) "Precinct captain election" means an election held on the third
 27 Tuesday of May in each even-numbered year for the purpose of electing members
 28 of the controlling county and legislative district committees of political
 29 parties.

30 (3) "Presidential primary" means an election held for the purpose of
 31 allowing voters to express their choice of candidate for nomination by a po-
 32 litical party for president of the United States. A presidential primary
 33 shall be held on the second Tuesday in March in each presidential election
 34 year.

35 SECTION 2. That Chapter 1, Title 34, Idaho Code, be, and the same is
 36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 37 ignated as Section 34-118, Idaho Code, and to read as follows:

38 34-118. "RANKED-CHOICE VOTING" DEFINED. (1) "Ranked-choice voting"
 39 means the method of casting and counting votes in the manner described in
 40 this section in general election races for county, legislative district,
 41 state, and federal office except for president and vice president.

42 (2) In such races, voters are entitled to rank up to four (4) of the
 43 candidates appearing on the ballot for the same office in the order of the
 44 voter's preference, but may rank fewer candidates if the voter so chooses.
 45 The votes in each such race shall be counted in up to four (4) counting rounds
 46 as provided in this section until a candidate receives over fifty percent

1 (50%) of the votes cast for an office. Such candidate shall then be declared
2 the winner of the election and no further counting rounds shall occur.

3 (3) If no candidate receives over fifty percent (50%) of the votes cast
4 for an office in the first counting round, the candidate who received the
5 fewest number of votes in the first counting round shall be eliminated from
6 consideration in each successive counting round. Each vote of each voter who
7 cast a vote in favor of such eliminated candidate shall be transferred to the
8 voter's second choice, if any, for the second counting round. If no candi-
9 date receives over fifty percent (50%) of the votes cast in the second count-
10 ing round, the candidate who received the fewest number of votes in the sec-
11 ond counting round shall be eliminated from consideration in each successive
12 counting round. Each vote of each voter who cast a vote in favor of such elim-
13 inated candidate shall be transferred to the voter's third choice, if any,
14 for the third counting round. If no candidate received over fifty percent
15 (50%) of the votes cast for an office in the third counting round, the candi-
16 date who received the fewest number of votes in the third counting round
17 shall be eliminated from consideration in each successive counting round.
18 Each vote of each voter who cast a vote in favor of such eliminated candidate
19 shall be transferred to the voter's fourth choice, if any, for the fourth
20 counting round.

21 (4) In the event that there are fewer than four (4) candidates in a gen-
22 eral election race subject to ranked-choice voting, the number of potential
23 counting rounds shall be reduced to no more than the number of candidates ap-
24 pearing on the general election ballot.

25 (5) The secretary of state shall by rule establish procedures for re-
26 solving ties between two (2) or more candidates in any counting round to de-
27 termine which candidate will be eliminated from future counting rounds or to
28 determine which candidate will be elected in the event that no candidate re-
29 ceives over fifty percent (50%) of the votes cast in the last counting round
30 and two (2) or more candidates are tied. Such procedures shall utilize the
31 flip of a coin or other method of chance to resolve ties, provided that such
32 procedures shall not advantage or disadvantage any candidate.

33 SECTION 3. That Section 34-308, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 34-308. MAIL BALLOT PRECINCT. (1) A precinct within the county that
36 contains no more than one hundred forty (140) registered electors at the
37 last general election may be designated by the board of county commissioners
38 as a mail ballot precinct no later than April 1 in an even-numbered year.
39 Such a designation shall apply thereafter to all elections conducted within
40 the precinct until revoked by the board of county commissioners or until
41 the precinct contains one hundred fifty-one (151) registered electors at
42 the last general election. Having designated a mail ballot precinct, there
43 shall be no voting place established within the precinct. Elections in a
44 mail ballot precinct shall be conducted in a manner consistent with absentee
45 voting with the special provisions provided in this section.

46 (2) The clerk shall issue a ballot, by mail, to every registered voter
47 in a mail ballot precinct and shall affix postage to the return envelope suf-
48 ficient to return the ballot.

1 (3) The ballot shall be mailed no sooner than twenty-four (24) days
2 prior to the election day and no later than the fourteenth day prior to the
3 election.

4 (4) The clerk shall make necessary provisions to segregate mail bal-
5 lot precinct ballots by precinct and, for all purposes of the election, the
6 precinct integrity shall be maintained.

7 (5) The clerk shall make registration available in the office of the
8 clerk on election day for any individual who is eligible to vote and who re-
9 sides in a mail ballot precinct and has not previously registered. The clerk
10 shall provide an official polling place in the office of the clerk, and a
11 qualified elector who registers on election day and resides in a mail ballot
12 precinct shall be allowed to vote at the office of the clerk.

13 ~~(6) (a) Except as provided in paragraph (b) of this subsection, elec-~~
14 ~~tors who have designated a political party affiliation pursuant to sec-~~
15 ~~tion 34-404, Idaho Code, shall receive the primary election ballot for~~
16 ~~that party pursuant to sections 34-904 and 34-904A, Idaho Code.~~

17 ~~(b) Electors who have designated a political party affiliation pur-~~
18 ~~suant to section 34-404, Idaho Code, may receive the primary election~~
19 ~~ballot of a political party other than the political party such elector~~
20 ~~is affiliated with if such other political party has provided notifica-~~
21 ~~tion to the secretary of state that identifies the political party such~~
22 ~~elector is affiliated with, as provided for in section 34-904A(2)(b),~~
23 ~~Idaho Code.~~

24 ~~(7) For "unaffiliated" electors, in order to receive a political~~
25 ~~party's primary election ballot pursuant to section 34-904A, Idaho Code, the~~
26 ~~county clerk shall mail a ballot request form for the primary election ballot~~
27 ~~to the electors in a mail ballot precinct for the electors to use in selecting~~
28 ~~the party ballot they choose to receive.~~

29 ~~(a) In the event that more than one (1) political party allows electors~~
30 ~~designated as "unaffiliated" to vote in their party's primary election~~
31 ~~pursuant to section 34-904A, Idaho Code, an elector designated as "un-~~
32 ~~affiliated" shall indicate on the form such elector's choice of the po-~~
33 ~~litical party's primary election ballot in order to vote in that party's~~
34 ~~primary election.~~

35 ~~(b) In the event no more than one (1) political party allows electors~~
36 ~~designated as "unaffiliated" to vote in their party's primary election~~
37 ~~pursuant to section 34-904A, Idaho Code, an elector designated as "un-~~
38 ~~affiliated" shall indicate on the form that political party's primary~~
39 ~~election ballot in order to vote in that political party's primary elec-~~
40 ~~tion.~~

41 ~~(c) If an elector designated as "unaffiliated" is not permitted to~~
42 ~~vote in a political party's primary election as provided for in section~~
43 ~~34-904A, Idaho Code, such elector shall receive a nonpartisan ballot.~~

44 ~~(d) If an elector designated as "unaffiliated" does not indicate on the~~
45 ~~form a choice of political party's primary election ballot, such elec-~~
46 ~~tor shall receive a nonpartisan ballot.~~

47 SECTION 4. That Section 34-404, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 34-404. REGISTRATION OF ELECTORS. (1) All electors must register be-
 2 fore being able to vote at any primary, general, special, school or any other
 3 election governed by the provisions of title 34, Idaho Code. Registration of
 4 a qualified person occurs when a legible, accurate and complete registration
 5 application is received in the office of the county clerk or is received at
 6 the polls pursuant to section 34-408A, Idaho Code.

7 (2) Each elector may select on the registration application an af-
 8 filiation with a political party qualified to participate in elections
 9 pursuant to section 34-501, Idaho Code, or may select to be designated as
 10 "unaffiliated." The county clerk shall record the party affiliation or
 11 "unaffiliated" designation so selected as part of the elector's registra-
 12 tion record. If an elector shall fail or refuse to make such a selection, the
 13 county clerk shall enter on the registration records that such elector is
 14 "unaffiliated."

15 (3) In order to provide an elector with the appropriate precinct cap-
 16 tain or presidential primary election ballot, pursuant to section 34-904A,
 17 Idaho Code, the poll book for primary such elections shall include the
 18 party affiliation or designation as "unaffiliated" for each elector so
 19 registered. An "unaffiliated" elector shall declare to the poll worker
 20 which precinct captain or presidential primary election ballot the elec-
 21 tor chooses to vote in, pursuant to section 34-904A, Idaho Code, and the
 22 poll worker or other authorized election personnel shall record such dec-
 23 laration in the poll book. The poll book shall contain checkoff boxes to
 24 allow the poll worker or other authorized election personnel to record such
 25 "unaffiliated" elector's selection.

26 (4) ~~In order to provide electors who are already registered to vote, and~~
 27 ~~who remain registered electors, with an opportunity to select a party af-~~
 28 ~~filiation or to select their status as "unaffiliated," the poll book for the~~
 29 ~~2012 primary election shall include checkoff boxes by which the poll worker~~
 30 ~~or other appropriate election personnel shall record such elector's choice~~
 31 ~~of party affiliation or choice to be designated as "unaffiliated." After the~~
 32 ~~2012 primary election, the county clerk shall record the party affiliation~~
 33 ~~or "unaffiliated" designation so selected in the poll book as part of such~~
 34 ~~an elector's record within the voter registration system as provided for in~~
 35 ~~section 34-437A, Idaho Code.~~

36 ~~(5) After the 2012 primary election, electors who remain registered~~
 37 ~~voters and who did not vote in the 2012 primary election or who have not se-~~
 38 ~~lected party affiliation or who have not selected to be designated as "unaf-~~
 39 ~~filiated," shall be designated as "unaffiliated" and the county clerk shall~~
 40 ~~record that designation for each such elector within the voter registration~~
 41 ~~system as provided for in section 34-437A, Idaho Code. For any nonpartisan~~
 42 ~~primary election, as defined in section 34-102, Idaho Code, every elector~~
 43 ~~shall receive the same ballot containing a choice of all candidates for each~~
 44 ~~office without regard to such candidates' political party affiliations or~~
 45 ~~the lack thereof.~~

46 SECTION 5. That Section 34-411A, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

48 34-411A. ~~PRIMARY ELECTIONS~~ CHANGING PARTY AFFILIATION -- OR
 49 UNAFFILIATED ELECTORS DESIGNATION. (1) For a ~~primary election, includ-~~

1 ~~ing a precinct captain elections and presidential primary elections~~, an
 2 elector may change such elector's political party affiliation or become
 3 "unaffiliated" by filing a signed form with the county clerk no later than
 4 the last day a candidate may file for ~~partisan~~ political office prior to such
 5 ~~primary~~ election, as provided for in section 34-704 or 34-732, Idaho Code.
 6 An "unaffiliated" elector may affiliate with the party of the elector's
 7 choice by filing a signed form up to and including election day. The appli-
 8 cation form described in section 34-1002, Idaho Code, shall also be used for
 9 this purpose.

10 (2) For precinct captain and presidential primary elections, an
 11 "unaffiliated" elector may select a political party affiliation only prior
 12 to voting in ~~the primary~~ such election. An elector may make such selection
 13 on or before election day, by declaring such political party affiliation to
 14 the poll worker or other appropriate election personnel. The poll worker
 15 or other appropriate election personnel shall then record in the poll book
 16 the elector's choice. After the primary election, the county clerk shall
 17 record the party affiliation so recorded in the poll book as part of such
 18 elector's record within the voter registration system as provided for in
 19 section 34-437A, Idaho Code.

20 SECTION 6. That Section 34-702, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 34-702. REQUIREMENTS FOR WRITE-IN CANDIDATES AT NONPARTISAN PRI-
 23 MARY. (1) In addition to possessing all other qualifications, in order for
 24 a nonpartisan primary write-in candidate to become a write-in candidate ~~of~~
 25 ~~a political party~~ at the general election, those candidates whose names are
 26 written in at the primary election must:

27 ~~(a) Receive at least the following number of write-in votes at the pri-~~
 28 ~~mary election:~~

- 29 ~~(i) One thousand (1,000) for any statewide office;~~
- 30 ~~(ii) Five hundred (500) for a congressional district office;~~
- 31 ~~(iii) Fifty (50) for a legislative district office; or~~
- 32 ~~(iv) Five (5) for a county office; and~~

33 ~~(b) File a declaration of intent for that office, pursuant to section~~
 34 ~~34-702A, Idaho Code.~~

35 (2) Candidates who are required to file with the secretary of state
 36 shall pay the filing fee required for that office no later than the deadline
 37 for filing a declaration of intent pursuant to section 34-702A, Idaho Code,
 38 or shall file a petition pursuant to section 34-626, Idaho Code.

39 (3) No write-ins shall be allowed for judicial office.

40 SECTION 7. That Section 34-703, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 34-703. NOMINATION AT NONPARTISAN PRIMARY ELECTIONS AND JUDICIAL
 43 NOMINATING ELECTIONS. (1) All ~~political party candidates for United States~~
 44 ~~senator and representative in congress and all political party candidates~~
 45 ~~for elective state, district and county offices, except county, legislative~~
 46 ~~district, state, and federal office except for president, but not including~~
 47 ~~candidates for judicial office, at general elections shall be nominated~~

1 ~~at the primary elections, or shall have their names placed on the general~~
 2 ~~nonpartisan primary election ballot as provided by law, and shall comply~~
 3 ~~with the provisions of this act. The nonpartisan primary election does not~~
 4 ~~serve to determine the nominee of a political party but serves only to de-~~
 5 ~~termine up to four (4) candidates per office whose names will appear on the~~
 6 ~~ballot at the general election.~~

7 (2) All candidates for judicial office shall be nominated or elected at
 8 the ~~primary~~ judicial nominating election, as provided by section 34-1217,
 9 Idaho Code.

10 ~~(3) Independent candidates shall not be voted on at primary elections.~~

11 SECTION 8. That Section 34-704, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 34-704. DECLARATION OF CANDIDACY. (1) Any person legally qualified to
 14 hold such an office is entitled to become a candidate and file his declara-
 15 tion of candidacy for that office.

16 (2) Each political party candidate for precinct, state, district or
 17 county office county, legislative district, state, and federal office
 18 except for president and vice president shall file his declaration of can-
 19 didacy in the proper office between 8 a.m. on the twelfth Monday preceding
 20 the nonpartisan primary election and 5 p.m. on the tenth Friday preceding
 21 the nonpartisan primary election. All political party candidates shall
 22 declare their party affiliation in their declaration of candidacy and shall
 23 be affiliated with a party at the time of filing. A candidate shall be deemed
 24 affiliated with the political party if the candidate submits a party affil-
 25 iation form along with the declaration of candidacy to the filing official.
 26 Each candidate in the nonpartisan primary election shall designate in his
 27 declaration of candidacy the name of the political party with which he is
 28 affiliated or his unaffiliated designation, which must match his voter reg-
 29 istration record at the time of filing his declaration of candidacy. Such
 30 designation shall be placed after his name on the nonpartisan primary and
 31 general election ballots.

32 (3) In the event that any qualified candidate, having timely filed
 33 a declaration of candidacy, later alters his political party affiliation
 34 or unaffiliated designation upon or before assuming office, the candidate
 35 shall be deemed disqualified and the resulting vacancy, if any, shall be
 36 filled in accordance with the provisions of section 34-714 or 34-715, Idaho
 37 Code.

38 (4) Each candidate for precinct captain shall file his declaration of
 39 candidacy in the proper office between 8 a.m. on the twelfth Monday preced-
 40 ing the precinct captain election and 5 p.m. on the tenth Friday preceding
 41 the precinct captain election.

42 (5) The filing official shall reject any declaration of candidacy for
 43 partisan office in a primary election a presidential primary or for precinct
 44 captain from candidates who are not affiliated with a political party.

45 (6) Candidates for nonpartisan local government office and candidates
 46 for judicial office shall file during the period provided for in subsection
 47 (2) of this section.

48 (7) Candidates for the office of president who file a declaration of
 49 candidacy under a party name and are not nominated at the primary election

1 shall not be allowed to appear on the general election ballot under any other
2 political party name, ~~nor or~~ as an independent candidate.

3 ~~Independent candidates shall file their declaration of candidacy in the~~
4 ~~manner provided in section 34-708, Idaho Code.~~

5 SECTION 9. That Section 34-705, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 34-705. WITH WHOM DECLARATIONS FILED. (1) All candidates for county
8 offices, ~~whether political party candidates or independent candidates,~~ and
9 all political party candidates for precinct captain offices shall file their
10 declarations of candidacy with the county clerk of their respective coun-
11 ties. All candidates for legislative district, state, and federal offices
12 shall file their declarations of candidacy with the secretary of state.

13 (2) The secretary of state shall certify to the county clerks, within
14 ten (10) days after the filing deadline, the names of the ~~political party~~
15 candidates who filed for ~~federal, state and~~ legislative district, state, and
16 federal offices and are qualified for placement on the nonpartisan primary
17 ballot or presidential primary ballot.

18 (3) The secretary of state shall certify the name of a candidate being
19 appointed by the appropriate central committee pursuant to section 34-714,
20 Idaho Code, by no later than the next business day after the appointment is
21 received in the secretary of state's office, if received after the certifi-
22 cation of candidates to the county clerks under subsection (2) of this sec-
23 tion.

24 SECTION 10. That Section 34-706, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 34-706. NOTIFICATION TO PARTIES. (1) Within three (3) days after the
27 deadline for filing declarations of ~~political party~~ candidacy, the county
28 clerk shall notify the county central committee of each political party of
29 the candidates who have ~~filed for county and precinct offices under the party~~
30 ~~name and are qualified.:~~

31 (a) Filed for precinct captain offices for such political party and are
32 qualified; or

33 (b) Filed for county office with such political party name and are qual-
34 ified.

35 (2) Within three (3) days after the deadline for filing declarations of
36 ~~political party~~ candidacy, the secretary of state shall notify the legisla-
37 tive district central committee of each political party of the legislative
38 candidates who have ~~filed under the~~ with such political party name and are
39 qualified.

40 (3) Within three (3) days after the deadline for filing declarations
41 of ~~political party~~ candidacy, the secretary of state shall notify the state
42 central committee of each political party of the candidates who have filed
43 for ~~federal and state offices under the party name~~ state or federal office
44 except for president with such political party name and are qualified.

45 SECTION 11. That Section 34-708, Idaho Code, be, and the same is hereby
46 repealed.

1 SECTION 12. That Section 34-711, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-711. CERTIFICATION OF CANDIDATES FOR PRESIDENT, VICE PRESIDENT
4 AND PRESIDENTIAL ELECTORS. The state chairman of each political party shall
5 certify the names of the presidential and vice-presidential candidates and
6 presidential electors to the secretary of state on or before September 1,
7 unless a five (5) day extension is granted by the secretary of state, in
8 order for them to appear on the general election ballot. The secretary of
9 state shall certify such candidates to the county clerks at the same time
10 as certification of ~~political party~~ candidates ~~nominated~~ chosen to advance
11 to the general election for state and federal offices county, legislative
12 district, state, and federal office except for president by the voters in the
13 nonpartisan primary election.

14 SECTION 13. That Section 34-712, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 34-712. SAMPLE FORM FOR PRIMARY ELECTION AND PRECINCT CAPTAIN ELEC-
17 TION BALLOTS. (1) The secretary of state shall provide the sample form of
18 the presidential primary election ballot and the nonpartisan primary elec-
19 tion ballot to each of the county clerks no later than forty (40) days prior
20 to the primary. The sample ballot shall contain the proper political party
21 candidates to be voted upon within the county whose declarations were filed
22 and certified in the office of the secretary of state with instructions for
23 the placing of political party candidates seeking the political party nomi-
24 nation for county and precinct offices on the ballot. If a county is within
25 more than one (1) legislative district, the secretary of state shall pro-
26 vide a sample ballot for each legislative district which includes part of the
27 county.

28 (2) The secretary of state shall at the same time provide the sample
29 form of the precinct captain election ballot for political party precinct
30 captain races to each of the county clerks.

31 SECTION 14. That Section 34-713, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 34-713. PREPARATION OF PRIMARY AND PRECINCT CAPTAIN BALLOTS. (1) Upon
34 receipt of the sample ballot and instructions from the secretary of state,
35 each county clerk shall print and prepare the official primary and precinct
36 captain ballots for the forthcoming election. The printing of the ballots
37 shall be a county expense and paid out of the county treasury except pres-
38 idential primary ballots, which shall be paid for as provided in section
39 34-738, Idaho Code.

40 (2) Each county clerk shall cause to be published on the earliest date
41 possible the names of all the political party candidates who shall appear on
42 the primary precinct captain election ballot or presidential primary bal-
43 lot. The names shall be listed alphabetically under each particular office
44 title and the names of all the candidates who shall appear on the nonpartisan
45 primary ballot. The ballot shall be designed as provided in section 34-903,
46 Idaho Code.

1 SECTION 15. That Section 34-714, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-714. FILLING VACANCIES ~~IN SLATE OF~~ AS TO POLITICAL PARTY-AFFIL-
4 IATED CANDIDATES OCCURRING PRIOR TO NONPARTISAN PRIMARY ELECTION. (1)
5 Vacancies that occur before the nonpartisan primary election in the slate
6 of candidates of any political party because of the death, disqualification
7 for any reason, or withdrawal from the nomination process by the candidate,
8 shall who was to appear on the ballot and who was the only candidate affili-
9 ated with a particular political party for a county, legislative district,
10 state, or federal office except for president may be filled in the following
11 manner if only one (1) candidate declared for that particular office:

12 (a) By the county central committee of such political party if the va-
13 vacancy occurs for the office of precinct committeeman or for a county of-
14 fice-;

15 (b) By the legislative district central committee of such political
16 party if the vacancy occurs for the office of state representative or
17 state senator-;

18 (c) By the state central committee of such political party if the va-
19 vacancy occurs for a federal or state or federal office except for presi-
20 dent.

21 (2) The county central committee and legislative district central com-
22 mittee shall fill the vacancy within fifteen (15) days from the date the va-
23 cancy occurred. The state central committee shall fill the vacancy within
24 thirty (30) days from the date the vacancy occurred.

25 (3) Vacancies that occur before the precinct captain election in the
26 slate of candidates of any political party for precinct captain may be filled
27 by the county central committee of such political party within fifteen (15)
28 days from the date the vacancy occurred.

29 (4) Any political party candidate so appointed by the proper central
30 committee or legislative district committee must, in order to have his name
31 on the primary ballot, file a declaration of candidacy and pay the required
32 filing fee.

33 (25) No central committee shall fill any vacancy which occurs within
34 ten (10) days prior to the primary election. Vacancies which occur during
35 this ten (10) day period because of the death, disqualification for any
36 reason, or withdrawal from the nomination process by the candidate shall be
37 filled according to the provisions of section 34-715, Idaho Code.

38 (36) Vacancies that occur in a slate of candidates for precinct com-
39 mitteeman within ten (10) days prior to the primary election shall not be
40 filled.

41 SECTION 16. That Section 34-715, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 34-715. FILLING OF VACANCIES OCCURRING BEFORE OR AFTER
44 NONPARTISAN PRIMARY ELECTION OR PRECINCT CAPTAIN ELECTION. (1) Vacancies
45 that occur during the ten (10) day period before a nonpartisan primary elec-
46 tion, or after the nonpartisan primary election but at least ten (10) days
47 before the general election in the slate of candidates of any who were to have
48 appeared on the ballot for a county, legislative district, state, or federal

1 office except for president and vice president and who were the only candi-
 2 date affiliated with such particular political party, except candidates for
 3 precinct committeeman, shall may be filled in the following manner:

4 (1a) By the county central committee of such political party if it is a
 5 vacancy by a candidate for a county office-;

6 (2b) By the legislative district central committee of such political
 7 party if it is a vacancy by a candidate for the state legislature-; or

8 (3c) By the state central committee of such political party if it is a
 9 vacancy by a candidate for a federal or a state or federal office except
 10 for president and vice president.

11 (2) The county and legislative district central committee shall fill
 12 the vacancy within fifteen (15) days from the date the vacancy occurred. The
 13 state central committee shall fill the vacancy within thirty (30) days from
 14 the date the vacancy occurred. Any political party candidate so appointed by
 15 the proper central committee must, in order to have his name on the general
 16 ballot, file a declaration of candidacy and pay the required filing fee.

17 (3) Vacancies that occur in a slate of candidates for precinct
 18 committeeman captain within ten (10) days prior to the primary a precinct
 19 captain election shall not be filled.

20 SECTION 17. That Section 34-716, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 34-716. VACANCIES OF CANDIDATES FOR NONPARTISAN JUDICIAL OFFICES
 23 OCCURRING BEFORE GENERAL ELECTION NOT FILLED -- EXCEPTIONS -- ~~JUDICIAL OF-~~
 24 ~~FICES WHEN DEEMED ELECTED.~~ (1) All vacancies of candidates for nonpartisan
 25 judicial offices that occur after the primary election but before the gen-
 26 eral election, except vacancies in the offices of nominated candidates for
 27 judicial office which shall be filled as provided in this section, shall not
 28 be filled.

29 (2) If a candidate for judicial office has received a majority of the
 30 votes cast for the office at the primary judicial nominating election, he
 31 shall be deemed elected as provided by section 34-1217, Idaho Code. There-
 32 after, if the judge-elect dies, moves from the state, or otherwise becomes
 33 ineligible to serve in the judicial office, the secretary of state shall de-
 34 clare that a vacancy exists in the judicial office, but that no other can-
 35 didate for the office will be offered at the general election. The vacancy
 36 shall be filled as provided by law, as if the judge-elect had already assumed
 37 office.

38 (3) If three (3) or more candidates sought a judicial office at the
 39 primary judicial nominating election, and no candidate for the judicial
 40 office received a majority of the votes cast for the office at the primary
 41 judicial nominating election, and ~~either~~ any of the candidates certified to
 42 be a nominee at the general election dies, moves from the state, or otherwise
 43 becomes ineligible to serve in the judicial office, the secretary of state
 44 shall cause the name or names of the candidate or candidates receiving the
 45 next highest number of votes cast at the primary judicial nominating elec-
 46 tion after the two (2) candidates certified, to be certified as nominees
 47 for the judicial office at the general election, so that two (2) candidates
 48 shall be offered for each judicial office to be filled. In the event only
 49 one (1) vacancy on the general election ballot is to be filled by the pro-

1 cedure outlined in this subsection, and there exists a tie among two (2) or
2 more judicial candidates receiving the next highest number of votes, such
3 candidates, or their personal designees, shall meet in the office of the
4 secretary of state at a time fixed by him upon ten (10) days written notice to
5 such interested candidates, or their designees, and a candidate to fill each
6 such vacancy on the general election ballot shall be selected by lot from the
7 candidates receiving the same number of votes at the primary judicial nomi-
8 nating election. The secretary of state shall cause the name of the persons
9 so selected to appear on the general election ballot.

10 SECTION 18. That Section 34-717, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 34-717. WITHDRAWAL OF CANDIDACY. (1) A candidate for nomination or
13 candidate for election to a partisan or nonpartisan office may withdraw from
14 the election by filing a notarized statement of withdrawal with the offi-
15 cer with whom his declaration of candidacy was filed. The statement must
16 contain all information necessary to identify the candidate and the office
17 sought and the reason for withdrawal. The filing officer shall immediately
18 notify the proper central committee or legislative district committee of the
19 political party, if any, of the individual withdrawing that would have been
20 shown on the ballot after such candidate's name. A candidate may not with-
21 draw later than forty-five (45) days before an election, except in the case
22 of a primary election, when the deadline shall be no later than the eighth
23 Friday preceding the primary election, or a general election, when the dead-
24 line shall be no later than September 7. Filing fees paid by the candidate
25 shall not be refunded.

26 (2) Any candidate who has filed a statement of withdrawal pursuant to
27 this section shall not be allowed to be appointed to fill a vacancy unless
28 such vacancy occurs because of the death of a previous candidate.

29 SECTION 19. That Section 34-737, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 34-737. CONDUCT OF ELECTION. Insofar as practicable, and where the
32 provisions of this chapter do not specifically indicate otherwise, the pres-
33 idential primary shall be conducted and canvassed in the manner provided by
34 law for the conduct and canvassing of state primary elections for a federal
35 office in a general election.

36 SECTION 20. That Section 34-903, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BAL-
39 LOTS AND RELATED DOCUMENTS. (1) The secretary of state shall, in a manner
40 consistent with the election laws of this state, prescribe the form for
41 all ballots, absentee ballots, diagrams, sample ballots, ballot labels,
42 voting machine labels or booklets, certificates, notices, declarations of
43 candidacy, affidavits of all types, lists, applications, poll books, tally
44 sheets, registers, rosters, statements and abstracts if required by the
45 election laws of this state.

1 (2) The secretary of state shall prescribe the arrangement of the mat-
2 ter to be printed on each kind of ballot and label, including:

3 (a) The placement and listing of all offices, candidates and issues
4 upon which voting is statewide, which shall be uniform throughout the
5 state.

6 (b) The listing of all other candidates required to file with him, and
7 the order of listing all offices and issues upon which voting is not
8 statewide.

9 (3) The names of candidates for legislative or special district offices
10 shall be printed only on the ballots and ballot labels furnished to voters of
11 such district.

12 (4) The names of candidates which appear on election ballots for fed-
13 eral, state, county and city offices shall be rotated in the manner deter-
14 mined by the secretary of state. The order of candidates for office in other
15 elections shall be determined by applying the first letter of each candi-
16 date's last name to a random alphabet selected prior to each election by the
17 secretary of state.

18 (5) No candidate's name may appear on a ballot for more than one (1) par-
19 tisan office or one (1) judicial office, except that a candidate for precinct
20 ~~committeeman~~ captain may seek one (1) additional office ~~upon the same bal-~~
21 ~~lot in the nonpartisan primary election.~~ The provisions of this subsection
22 shall not apply to the election of electors of president and ~~vice-president~~
23 vice president of the United States.

24 SECTION 21. That Section 34-904, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 34-904. NONPARTISAN PRIMARY ELECTION BALLOTS AND PRECINCT CAPTAIN
27 ELECTION BALLOTS. (1) There shall be a separate primary election ballot
28 for each political party upon which its ~~ticket shall be printed; however, a~~
29 ~~county may use a separate ballot for the office of precinct committeeman.~~
30 candidates for the office of president shall be printed.

31 (2) There shall be another separate nonpartisan primary election bal-
32 lot upon which shall be listed all the candidates for county, legislative
33 district, state, and federal offices except for president, without regard
34 to such candidates' political party affiliation or the lack thereof. The
35 secretary of state shall include the following statement on the nonpartisan
36 primary ballot:

37 In each race, you may vote for any one candidate for each office.
38 The four candidates who receive the most votes for an office on this
39 ballot will advance to the general election. The political party
40 affiliation listed after a candidate's name does not mean that the
41 candidate is nominated or endorsed by that political party, but
42 only that the candidate's voter registration record showed the
43 candidate to be affiliated with such political party when filing
44 his or her declaration of candidacy and that he or she has not since
45 changed this affiliation.

46 (3) All candidates who have filed their declarations of candidacy and
47 are subsequently certified shall be listed under the proper office titles ~~on~~

1 ~~their political party ticket.~~ The secretary of state shall design the pri-
 2 mary election ballot to allow for write-in candidates when needed.

3 (24) On the nonpartisan primary ballot, ~~t~~The office titles shall be
 4 listed in order beginning with the highest federal office and ending with
 5 ~~precinct~~ county offices. The secretary of state has the discretion and au-
 6 thority to arrange the classifications of offices as provided by law.

7 ~~(3) It is not necessary to print a primary ballot for a political party~~
 8 ~~which does not have candidates for more than half of the federal or statewide~~
 9 ~~offices on the ballot if no more than one (1) candidate files for nomination~~
 10 ~~by that party for any of the offices on the ballot. The secretary of state~~
 11 ~~shall certify that no primary election is necessary for that party if such~~
 12 ~~is the case and shall certify to the county clerk the names of candidates for~~
 13 ~~that party for the general election ballot only.~~

14 (5) The precinct captain election ballot for each political party shall
 15 be separate from the nonpartisan primary election ballot.

16 SECTION 22. That Section 34-904A, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 34-904A. ELIGIBILITY TO VOTE IN PRESIDENTIAL PRIMARY ELECTIONS AND
 19 PRECINCT CAPTAIN ELECTIONS. (1) Except as provided in subsection (2) of
 20 this section, an elector who has designated a party affiliation shall be
 21 allowed to vote only in the primary precinct captain election or presiden-
 22 tial primary election of the political party for which such an elector is so
 23 registered.

24 (2) A political party qualified to participate in elections pursuant to
 25 section 34-501, Idaho Code, may, no later than the last Tuesday in the Novem-
 26 ber prior to a primary precinct captain election or presidential election,
 27 notify the secretary of state in writing that the political party elects to
 28 allow, in addition to those electors who have registered with that political
 29 party, any of the following to vote in such party's primary precinct captain
 30 election or presidential primary election:

31 (a) Electors designated as "unaffiliated";

32 (b) Electors registered with a different political party qualified to
 33 participate in elections pursuant to section 34-501, Idaho Code. In the
 34 event a state chairman of a political party elects to allow electors to
 35 vote in that party's primary precinct captain election or presidential
 36 primary election pursuant to this paragraph ~~(b)~~, the state chairman
 37 shall identify which political parties' registrants are allowed to vote
 38 in such ~~primary or presidential primary~~ election.

39 (3) In the event that more than one (1) political party allows
 40 "unaffiliated" electors to vote in their party's primary precinct captain
 41 election or presidential primary election, an "unaffiliated" elector shall
 42 designate which political party's primary precinct captain election or
 43 presidential primary election the elector chooses to vote in by declaring
 44 such ~~designation~~ affiliation to the poll worker or other appropriate elec-
 45 tion personnel, who shall then record in the poll book the elector's choice.
 46 The county clerk shall record such choice as part of the elector's voting
 47 history within the voter registration system as provided for in section
 48 34-437A, Idaho Code.

1 (4) In the event no more than one (1) political party allows
2 "unaffiliated" electors to vote in their party's primary precinct captain
3 election or presidential primary election, an "unaffiliated" elector may
4 designate that political party's primary precinct captain election or pres-
5 idential primary election as the election the elector chooses to vote in by
6 declaring such ~~designation~~ affiliation to the poll worker or other appropri-
7 ate election personnel, who shall then record in the poll book the elector's
8 choice. The county clerk shall record such choice as part of the elector's
9 voting history within the voter registration system as provided for in sec-
10 tion 34-437A, Idaho Code.

11 (5) An "unaffiliated" elector having declared such designation as pro-
12 vided for in subsection (3) or (4) of this section shall not be permitted to
13 vote in the primary precinct captain election or presidential primary elec-
14 tion of any other party held on that ~~primary or presidential primary~~ election
15 date.

16 (6) If an "unaffiliated" elector does not declare a choice of political
17 party's primary precinct captain election or presidential primary election
18 ballot, the elector shall not be permitted to vote in any political party's
19 primary precinct captain election or presidential primary election but
20 shall receive a nonpartisan primary election ballot and a judicial election
21 ballot when such a ~~ballot is available~~ ballots are to be voted upon.

22 (7) In the event that one (1) or more political parties allow elec-
23 tors affiliated with a different political party to vote in their primary
24 precinct captain election or presidential primary election pursuant to this
25 section, an elector affiliated with a different political party shall de-
26 clare to the poll worker or other appropriate election personnel in which
27 primary precinct captain election or presidential primary election ~~ballot~~
28 such elector wishes to vote. The county clerk shall record such choice as
29 part of the elector's voting history within the voter registration system as
30 provided for in section 34-437A, Idaho Code.

31 (8) Provided that all other provisions of this act are complied with,
32 nothing in this section shall be construed to prohibit an elector designated
33 as "unaffiliated" from voting in the primary precinct captain election or
34 presidential primary election of a different party held in subsequent years.
35 Notwithstanding any other provision of this act, if a political party allows
36 "unaffiliated" electors to vote in that political party's primary precinct
37 captain election or presidential primary election pursuant to this section,
38 a vote by an "unaffiliated" elector in such primary precinct captain elec-
39 tion or presidential primary election shall not change or affect the elec-
40 tor's "unaffiliated" designation.

41 SECTION 23. That Section 34-906, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 34-906. BALLOTS FOR GENERAL ELECTIONS. (1) There shall be a single
44 general election ballot ~~on which the complete ticket of each political party~~
45 ~~shall be printed. Each political party ticket shall include that party's~~
46 ~~nominee for each particular office for county, state, legislative district,~~
47 ~~and federal offices except for president, and a separate general election~~
48 ~~ballot for the offices of president and vice president.~~ The secretary of
49 state shall design the general election ballot to allow for write-in can-

1 didates when needed. The ballot for county, legislative district, state,
2 and federal offices except for president and vice president shall provide
3 for ranked-choice voting, as defined in section 34-118, Idaho Code, and as
4 further described in this section. Ranked-choice voting shall not be used
5 for the election of president and vice president.

6 (2) The office titles shall be listed in order beginning with the
7 highest federal office on each ballot type. The secretary of state has the
8 discretion and authority to arrange the above classifications of offices as
9 provided by law.

10 (3) With respect to the general election ballot for county, state, leg-
11 islative district, and federal offices except for president:

12 (a) The names of the candidates nominated by the voters in the nonparti-
13 san primary election shall be placed in separate sections on the general
14 election ballot under the title of the office they are seeking.

15 (b) The secretary of state shall include the following statements on
16 the ballot:

17 The political party affiliation listed after a candidate's
18 name does not mean that the candidate is nominated or endorsed
19 by that political party, but only that the candidate's voter
20 registration record at the time he or she filed the declara-
21 tion of candidacy showed the candidate to be affiliated with
22 such political party and that he or she has not since changed
23 this affiliation.

24 There may be up to four candidates for each of the offices
25 on this ballot. You may vote for these candidates in order
26 of your preference, including any write-in candidates if a
27 write-in line exists on the ballot. You are not required to
28 assign a preference number to every candidate. You may not
29 assign the same ranking number to more than one candidate for
30 the same office and, if you do so, none of your votes will be
31 counted for that office. To designate your candidate pref-
32 erences, assign a "1" to your top preference, a "2" to your
33 second preference, a "3" to your third preference, and a "4"
34 to your fourth preference. Votes are counted in up to four
35 separate counting rounds until one candidate wins the office
36 by receiving more than 50% of the votes. Your first pref-
37 erence will always be counted in the first counting round
38 whether or not you cast any votes for counting in subsequent
39 counting rounds, so voting for a second, third, or subsequent
40 preference will not hurt your first-choice candidate. If in
41 the first counting round no candidate receives more than 50%
42 of the votes, the candidate with the fewest votes will be re-
43 moved from consideration in the second counting round and the
44 votes of the removed candidate's voters will be assigned to
45 such voters' second choice candidates, and so on through up to
46 four counting rounds until one candidate receives more than
47 50% of the votes.

1 (4) The secretary of state shall include the following statement on the
2 general election ballot containing candidates for president and vice presi-
3 dent:

4 Candidates on this ballot whose names are followed by the name
5 of a political party are the official nominees of that politi-
6 cal party.

7 (5) At any general election at which the electors are to vote upon con-
8 stitutional amendments or other issues, the secretary of state shall provide
9 separate general election ballot forms on which such amendments and issues
10 shall be printed.

11 SECTION 24. That Section 34-909, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 34-909. GENERAL ELECTION SAMPLE BALLOTS FORWARDED TO COUNTIES BY SEC-
14 RETARY OF STATE. (1) The secretary of state, no later than September 7, shall
15 provide the necessary general election sample ballot layout to each of the
16 county clerks.

17 (2) The sample ballot layout shall contain the proper office titles,
18 order of offices and ballot layout for the general election, with instruc-
19 tions for placement of candidates seeking election for federal, state,
20 legislative, county and precinct offices and candidates seeking judicial
21 office or retention. If a county is within more than one (1) legislative
22 district, the secretary of state shall provide instructions on the require-
23 ments for a separate ballot for each legislative district that is within the
24 county.

25 (3) The secretary of state shall certify to the county clerks the names
26 and political party affiliations, if any, of the candidates qualified for
27 placement on the general election ballot for all ~~federal, state and legisla-~~
28 tive district, state, and federal offices on the sample ballots, along with
29 any judicial candidates, by no later than the ninth Friday prior to the gen-
30 eral election.

31 (4) The secretary of state shall certify the name of a candidate be-
32 ing appointed by the appropriate central committee as provided by section
33 34-715, Idaho Code, by no later than the next business day after the appoint-
34 ment is received in the secretary of state's office, if received after the
35 certification of candidates to the county clerks under subsection (3) of
36 this section.

37 SECTION 25. That Section 34-911, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 34-911. COUNTY CLERK AND SECRETARY OF STATE TO PREPARE FULL INSTRUC-
40 TIONS FOR THE GUIDANCE OF VOTERS AT ELECTIONS. (1) The county clerk shall
41 prepare full instructions for the guidance of voters at such elections, as to
42 obtaining ballots, as to the manner of marking them, and as to obtaining new
43 ~~tickets~~ ballots in place of those spoiled, and provide sample ballots. The
44 form and manner of display of the above mentioned instructions shall be pre-
45 scribed by the secretary of state and be uniform throughout the state.

1 (2) The secretary of state shall prepare and widely disseminate edu-
2 cational materials to voters regarding the nonpartisan primary election,
3 which materials shall consist only of the instructional language to be in-
4 cluded on the nonpartisan primary election ballot as set forth in section
5 34-904(2), Idaho Code.

6 (3) The secretary of state shall prepare and widely disseminate educa-
7 tional materials to voters regarding the general election for those candi-
8 dates nominated in the nonpartisan primary, which materials shall consist
9 only of the instructional language to be included on the general election
10 ballot as set forth in section 34-906(3), Idaho Code.

11 (4) The secretary of state shall prepare and widely disseminate educa-
12 tional materials to voters regarding the general election for president and
13 vice president, which materials shall contain the instructional language to
14 be included on the general election ballot as set forth in section 34-906(4),
15 Idaho Code.

16 (5) Materials required to be widely disseminated pursuant to this sec-
17 tion shall, at least sixty (60) days before the relevant election, be mailed
18 to each registered voter, posted online, and be available in print format for
19 voters to pick up in the office of the secretary of state and in each county
20 clerk's office.

21 SECTION 26. That Section 34-1002, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 34-1002. APPLICATION FOR ABSENTEE BALLOT. (1) Any registered elector
24 may make written application to the county clerk, or other proper officer
25 charged by law with the duty of issuing official ballots for such election,
26 for an official ballot or ballots of the kind or kinds to be voted at the elec-
27 tion. The application shall contain the name of the elector, the elector's
28 home address, county, and address to which such ballot shall be forwarded.

29 (2) In order to provide the appropriate presidential primary or
30 precinct captain election ballot to electors, in the event a political party
31 elects to allow unaffiliated electors to vote in that party's presidential
32 primary or precinct captain election pursuant to section 34-904A, Idaho
33 Code, the elector shall designate, as part of the written application for
34 a ballot for primary elections, the elector's party affiliation or des-
35 ignation as "unaffiliated." The application shall contain checkoff boxes
36 for unaffiliated electors by which such electors shall indicate for which
37 party's primary ballot the unaffiliated elector chooses to vote. Provided
38 however, that no political party's presidential primary or precinct captain
39 election ballot shall be provided to an unaffiliated elector for a political
40 party that has not elected to allow unaffiliated electors to vote in that
41 political party's primary election pursuant to section 34-904A, Idaho Code.
42 If an unaffiliated elector does not indicate a choice of political party's
43 primary election ballot, the elector shall receive a nonpartisan ballot.

44 (3) In order to provide the appropriate presidential primary or
45 precinct captain election ballot to electors, in the event one (1) or more
46 political parties elect to allow electors affiliated with a different po-
47 litical party to vote in that party's presidential primary or precinct
48 captain election, the application shall contain checkoff boxes by which such

1 electors may indicate the presidential primary ballot or precinct captain
2 election in which the elector wishes to vote.

3 (4) ~~For electors who are registered to vote as of January 1, 2012, and~~
4 ~~who remain registered electors, the elector shall designate, as part of~~
5 ~~the written application for a ballot for the 2012 primary elections, the~~
6 ~~elector's party affiliation or designation as "unaffiliated." The applica-~~
7 ~~tion shall contain checkoff boxes for unaffiliated electors by which such~~
8 ~~electors shall indicate for which party's primary election ballot the unaf-~~
9 ~~filiated elector chooses to vote, pursuant to section 34-904A, Idaho Code.~~
10 ~~Provided however, that no political party's primary election ballot shall~~
11 ~~be provided to an unaffiliated elector for a political party that has not~~
12 ~~elected to allow unaffiliated electors to vote in the party's primary elec-~~
13 ~~tion pursuant to section 34-904A, Idaho Code. If an unaffiliated elector~~
14 ~~does not indicate a choice of political party's primary election ballot, the~~
15 ~~elector shall receive a nonpartisan ballot. After the 2012 primary elec-~~
16 ~~tion, t~~The county clerk shall record the party affiliation or unaffiliated
17 designation so selected on the application for an absentee ballot as part of
18 such an elector's record within the voter registration system as provided
19 for in section 34-437A, Idaho Code.

20 (5) ~~After the 2012 primary election, electors who remain registered~~
21 ~~voters and who did not vote in the 2012 primary elections and who make written~~
22 ~~application for an absentee ballot shall be designated as unaffiliated elec-~~
23 ~~tors as provided in section 34-404, Idaho Code, and such electors shall be~~
24 ~~given the appropriate ballot for such "unaffiliated" designation pursuant~~
25 ~~to the provisions of this act.~~

26 (6) An elector may not change party affiliation or designation as
27 "unaffiliated" on an application for absentee ballot. For presidential pri-
28 mary and precinct captain elections, an elector may change party affiliation
29 or designation as "unaffiliated" as provided for in section 34-411A, Idaho
30 Code.

31 (76) The application for an absent elector's ballot shall be signed
32 personally by the applicant. The application for a mail-in absentee bal-
33 lot shall be received by the county clerk not later than 5:00 p.m. on the
34 eleventh day before the election. An application for in-person absentee
35 voting at the absent elector's polling place described in section 34-1006,
36 Idaho Code, shall be received by the county clerk not later than 5:00 p.m. on
37 the Friday before the election. Application for an absentee ballot may be
38 made by using a facsimile machine or other electronic transmission.

39 (87) A person may make application for an absent elector's ballot by use
40 of a properly executed federal postcard application as provided for in the
41 laws of the United States known as uniformed and overseas citizens absentee
42 voting act (UOCAVA, 52 U.S.C. 20301 et seq., as amended). The issuing offi-
43 cer shall keep as a part of the records of such officer's office a list of all
44 applications so received and of the manner and time of delivery or mailing to
45 and receipt of returned ballot.

46 (98) The county clerk shall, not later than seventy-five (75) days af-
47 ter the date of each general election, submit a report to the secretary of
48 state containing information concerning absentee voters as required by fed-
49 eral law.

1 SECTION 27. That Section 34-1003, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-1003. ISSUANCE OF ABSENTEE BALLOT. (1) Upon receipt of an applica-
4 tion for an absent elector's ballot within the proper time, the county clerk
5 receiving it shall examine the records of the county clerk's office to as-
6 certain whether or not such applicant is registered and lawfully entitled to
7 vote as requested and, if found to be so, the county clerk shall arrange for
8 the applicant to vote by absent elector's ballot.

9 (2) In the case of requests for presidential primary and precinct cap-
10 tain election ballots:

11 (a) Except as provided in paragraph (b) of this subsection, an elec-
12 tor who has designated a political party affiliation shall receive a
13 presidential primary and precinct captain election ballot for that po-
14 litical party.

15 (b) An elector who has designated a political party affiliation pur-
16 suant to section 34-404, Idaho Code, may receive the presidential
17 primary and precinct captain election ballot of a political party other
18 than the political party such elector is affiliated with if such other
19 political party has provided notification to the secretary of state
20 that identifies the political party such elector is affiliated with, as
21 provided for in section 34-904A(2) (b), Idaho Code.

22 (c) An unaffiliated elector shall receive the presidential primary
23 and precinct captain ballot for the political party the elector des-
24 signed in the elector's application for an absentee ballot pursuant
25 to section 34-1002, Idaho Code. Provided however, that a political
26 party's presidential primary or precinct captain election ballot shall
27 not be provided to an unaffiliated elector where that political party
28 has not elected to allow unaffiliated electors to vote in such party's
29 presidential primary and precinct captain election pursuant to section
30 34-904A, Idaho Code.

31 (d) If an unaffiliated elector does not indicate a choice of a political
32 party's primary ballot, the elector shall receive a nonpartisan ballot.

33 (e) Once an absentee presidential primary or precinct captain election
34 ballot is issued to an elector by the county clerk, the county clerk
35 may not issue the same elector a new absentee presidential primary or
36 precinct captain election ballot with a different party affiliation
37 than the absentee ballot originally issued to the elector, unless the
38 original absentee ballot type was issued in error by the county clerk.

39 (3) The absentee ballot may be delivered to the absent elector in the
40 office of the county clerk, by postage prepaid mail, or by other appropriate
41 means, including use of a facsimile machine or other electronic transmis-
42 sion. Validly requested absentee ballots for candidates for federal office,
43 where the request is received at least forty-five (45) days before an elec-
44 tion, shall be sent no later than forty-five (45) days before that election
45 to all electors who are entitled to vote by absentee ballot.

46 (4) Pursuant to the uniformed and overseas citizens absentee voting act
47 (UOCAVA, 52 U.S.C. 20301 et seq., as amended) the secretary of state shall
48 establish procedures for the transmission of blank absentee ballots by mail
49 and by electronic transmission for all electors who are entitled to vote by

1 absentee ballot under ~~the uniformed and overseas citizens absentee voting~~
 2 ~~act~~, UOCAVA and by which such electors may designate whether the elector
 3 prefers the transmission of such ballots by mail or electronically. If no
 4 preference is stated, the ballots shall be transmitted by mail. The secre-
 5 tary of state shall establish procedures for transmitting such ballots in a
 6 manner that shall protect the security and integrity of such ballots and the
 7 privacy of the elector throughout the process of transmission.

8 (5) A political party may supply a witness to accompany the clerk in the
 9 personal delivery of an absentee ballot. If the political party desires to
 10 supply a witness, it shall be the duty of the political party to supply the
 11 names of such witnesses to the clerk no later than forty-six (46) days prior
 12 to the election. The clerk shall notify such witnesses of the date and ap-
 13 proximate hour the clerk or deputy clerk intends to deliver the ballot.

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

16 (7) An elector physically unable to mark such elector's own ballot
 17 may receive assistance in marking such ballot from the officer delivering
 18 same or an available person of the elector's own choosing. In the event
 19 the election officer is requested to render assistance in marking an absent
 20 elector's ballot, the officer shall ascertain the desires of the elector and
 21 shall vote the applicant's ballot accordingly. When such ballot is marked by
 22 an election officer, the witnesses on hand shall be allowed to observe such
 23 marking. No county clerk, deputy, or other person assisting a disabled voter
 24 shall attempt to influence the vote of such elector in any manner.

25 SECTION 28. That Section 34-1203, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 34-1203. COUNTING OF BALLOTS -- CERTIFICATES OF JUDGES. (1) The bal-
 28 lots and polls lists agreeing, the election personnel shall then proceed
 29 to tally the votes cast. Under each office title, the number of votes for
 30 each candidate and such other information required by the secretary of state
 31 shall be entered in the tally books together with the total of the above fig-
 32 ures in the manner prescribed by the secretary of state. Any ballot or part
 33 of a ballot from which it is impossible to determine the elector's choice,
 34 shall be void and shall not be counted. When a ballot is sufficiently plain
 35 to determine therefrom a part of the voter's intention, it shall be the duty
 36 of the judges to count such part.

37 (2) Following the counting, the judges must transmit a copy of the re-
 38 sults to the county clerk.

39 (3) In no event shall the results of any count be released to the public
 40 until all voting places in the state have closed on election day.

41 (4) The secretary of state shall issue directives or promulgate admin-
 42 istrative rules adopting standards that define what constitutes a vote and
 43 what will be counted as a vote for each category of voting system used in this
 44 state.

45 (5) For a general election in which ranked-choice voting is used, bal-
 46 lots shall be counted according to the procedure set forth in section 34-118,
 47 Idaho Code.

1 SECTION 29. That Section 34-1208, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-1208. CERTIFICATES OF NOMINATION OR ELECTION TO COUNTY AND
4 PRECINCT OFFICES. (1) Immediately after the nonpartisan primary election
5 canvass, the county clerk shall issue certificates of nomination to the
6 ~~political party~~ candidates of each party who receive the four (4) highest
7 number of votes for their particular county office, and the candidates so
8 certified shall have their names placed on the general election ballot.

9 (2) On or before the eighth day after the primary precinct captain
10 election canvass, the county clerk shall issue certificates of election to
11 the precinct ~~committeemen~~ captains of each political party who receive the
12 highest number of votes in their precinct. Provided that to be elected, a
13 precinct ~~committeeman~~ captain shall receive a minimum of five (5) votes. In
14 the event no candidate receives the minimum number of votes required to be
15 elected, a vacancy in the office shall exist and shall be filled as otherwise
16 provided by law.

17 (3) The county clerk shall also certify by registered mail the results
18 of the nonpartisan primary election and precinct captain election to the
19 secretary of state. The form for such certificate shall be prescribed by the
20 secretary of state and be uniform throughout the state.

21 SECTION 30. That Section 34-1214, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 34-1214. CERTIFICATES OF NOMINATION OR ELECTION TO FEDERAL, STATE,
24 OR DISTRICT OR NONPARTISAN OFFICES AFTER PRIMARY. (1) Immediately after the
25 nonpartisan primary election canvass, the secretary of state shall issue
26 certificates of nomination to the ~~political party~~ candidates of each party
27 who receive the four (4) highest number of votes for their particular fed-
28 eral, state, or district office. The candidates so certified shall have
29 their names placed on the general election ballot.

30 ~~(2) Immediately after the primary election canvass, the secretary of~~
31 ~~state shall issue certificates of nomination to the nonpartisan candidate or~~
32 ~~candidates who receive the highest number of votes for the number of vacan-~~
33 ~~cies which are to be filled for a particular office and also to the same num-~~
34 ~~ber of candidates who receive the second highest number of votes for the par-~~
35 ~~ticular office. The candidates so certified shall have their names placed on~~
36 ~~the general election ballot. If it appears from the canvass that a particu-~~
37 ~~lar candidate has received a majority of the total vote cast for the partic-~~
38 ~~ular office, he shall be issued a certificate of election instead of a cer-~~
39 ~~tificate of nomination and no candidates shall run for the particular office~~
40 ~~in the general election.~~

41 SECTION 31. An emergency existing therefor, which emergency is hereby
42 declared to exist, this act shall be in full force and effect on and after
43 July 1, 2022.