

IN THE SENATE

SENATE BILL NO. 1064

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTION BALLOTS; AMENDING SECTION 34-1003, IDAHO CODE, TO RE-  
2 VISE PROVISIONS REGARDING THE ISSUANCE OF AN ABSENTEE BALLOT, TO REMOVE  
3 OBSOLETE LANGUAGE, AND TO MAKE TECHNICAL CORRECTIONS.  
4

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

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

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

14 (2) In the case of requests for primary ballots:

15 (a) Except as provided in paragraph (b) of this subsection, an elector  
16 who has designated a political party affiliation shall receive a pri-  
17 mary ballot for that political party.

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

25 (c) An "unaffiliated" elector shall receive the primary ballot for the  
26 political party ~~which~~ the elector designated in the elector's appli-  
27 cation for an absentee ballot pursuant to section 34-1002, Idaho Code.  
28 Provided however, that a political party's ballot shall not be provided  
29 to an "unaffiliated" elector where that political party has not elected  
30 to allow "unaffiliated" electors to vote in such party's primary elec-  
31 tion pursuant to section 34-904A, Idaho Code.

32 (d) If an "unaffiliated" elector does not indicate a choice of a po-  
33 litical party's primary ballot, the elector shall receive a nonpartisan  
34 ballot.

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

40 (3) The absentee ballot may be delivered to the absent elector in the  
41 office of the county clerk, by postage prepaid mail or by other appropriate  
42 means, including use of a facsimile machine or other electronic transmis-

1 sion. Validly requested absentee ballots for candidates for federal office,  
2 where the request is received at least forty-five (45) days before an elec-  
3 tion, shall be sent no later than forty-five (45) days before that election  
4 to all electors who are entitled to vote by absentee ballot.

5 (4) Pursuant to the uniformed and overseas citizens absentee voting act  
6 (UOCAVA, 52 U.S.C. 20301 et seq., as amended) the secretary of state shall  
7 establish procedures for the transmission of blank absentee ballots by mail  
8 and by electronic transmission for all electors who are entitled to vote by  
9 absentee ballot under the uniformed and overseas citizens absentee voting  
10 act, and by which such electors may designate whether the elector prefers  
11 the transmission of such ballots by mail or electronically. If no prefer-  
12 ence is stated, the ballots shall be transmitted by mail. The secretary of  
13 state shall establish procedures for transmitting such ballots in a manner  
14 that shall protect the security and integrity of such ballots and the privacy  
15 of the elector throughout the process of transmission.

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

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

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

33 ~~(8) Notwithstanding any other provision of this section, for any elec-~~  
34 ~~tion that takes place prior to December 31, 2020, the following provisions~~  
35 ~~shall apply:~~

36 ~~(a) Validly requested absentee ballots by uniformed and overseas vot-~~  
37 ~~ers, pursuant to the uniformed and overseas citizens absentee voting~~  
38 ~~act, where the request is received at least forty-five (45) days before~~  
39 ~~an election, shall be sent no later than forty-five (45) days before~~  
40 ~~that election; and~~

41 ~~(b) For any other validly requested absentee ballots that are received~~  
42 ~~at least thirty (30) days before an election by electors who are enti-~~  
43 ~~tled to vote by absentee ballot and are not within the provisions of~~  
44 ~~paragraph (a) of this subsection, such ballots shall be sent no later~~  
45 ~~than thirty (30) days before the election.~~