

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 573

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-1001, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING VOTING BY ABSENTEE BALLOT; AMENDING SECTION 34-1002,
3 IDAHO CODE, TO PROVIDE FOR CIRCUMSTANCES FOR WHICH AN ABSENTEE BALLOT
4 MAY BE REQUESTED, TO PROVIDE FOR AN APPLICATION FOR AN ABSENTEE BALLOT,
5 TO PROVIDE THAT APPLICATIONS THAT FAIL TO COMPLY WITH CERTAIN REQUIRE-
6 MENTS SHALL BE CONSIDERED INVALID, AND TO PROVIDE THAT NO ABSENTEE BAL-
7 LOT SHALL BE ISSUED IN RESPONSE TO AN INVALID APPLICATION; AND DECLARING
8 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
9

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

11 SECTION 1. That Section 34-1001, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 34-1001. VOTING BY ABSENTEE BALLOT AUTHORIZED. ~~Any~~ A registered elec-
14 tor of the state of Idaho may vote at ~~any~~ an election by absentee ballot as
15 herein provided.

16 SECTION 2. That Section 34-1002, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 34-1002. APPLICATION FOR ABSENTEE BALLOT. ~~(1) Any registered elector may~~
19 (1) (a) A registered elector may request an absentee ballot if the elec-
20 tor is unable to vote in person on the day of the election and on all
21 early voting days because the elector:

22 (i) Anticipates being out of the jurisdiction on such days; or

23 (ii) Has an illness or another disability that would prevent the
24 elector from voting in person on such days.

25 (b) To request an absentee ballot, a registered elector shall make
26 written application to the county clerk, or other proper officer
27 charged by law with the duty of issuing official ballots for such elec-
28 tion, for an official ballot or ballots of the kind or kinds to be voted
29 at the election. The application shall contain the name of the elector,
30 the elector's home address, and county, and the address to which such
31 ballot shall be forwarded, and the reason justifying the request for an
32 absentee ballot.

33 (c) An application for an absentee ballot shall be made on a form pro-
34 vided by the county clerk or other officer charged by law with the duty
35 of issuing official ballots for the election. Such clerk or officer
36 shall send the application to a registered elector upon such elector's
37 request and may also provide the application online. The application
38 shall not be:

39 (i) Sent to an elector except upon request by such elector;

1 (ii) Sent by a person or an entity other than the county clerk or
2 other officer charged by law with the duty of issuing official bal-
3 lots for the election; or

4 (iii) Completed, in part or in whole, by a person or an entity other
5 than the elector, unless the elector, due to illness or another
6 disability, needs assistance in completing the application. Such
7 assistance may be provided only by a person who has a familial or
8 caregiving relationship with the elector.

9 (d) An application for an absentee ballot that fails to comply with the
10 provisions of this subsection shall be considered invalid, and no ab-
11 sentee ballot shall be issued in response to an invalid application.

12 (2) In order to provide the appropriate primary election ballot to
13 electors, in the event a political party elects to allow unaffiliated elec-
14 tors to vote in that party's primary election pursuant to section 34-904A,
15 Idaho Code, the elector shall designate, as part of the written application
16 for a ballot for primary elections, the elector's party affiliation or des-
17 ignation as "unaffiliated." The application shall contain checkoff boxes
18 for unaffiliated electors by which such electors shall indicate for which
19 party's primary ballot the unaffiliated elector chooses to vote. Provided
20 however, that no political party's primary election ballot shall be provided
21 to an unaffiliated elector for a political party that has not elected to al-
22 low unaffiliated electors to vote in that political party's primary election
23 pursuant to section 34-904A, Idaho Code. If an unaffiliated elector does not
24 indicate a choice of political party's primary election ballot, the elector
25 shall receive a nonpartisan ballot.

26 (3) In order to provide the appropriate primary election ballot to
27 electors, in the event one (1) or more political parties elect to allow elec-
28 tors affiliated with a different political party to vote in that party's
29 primary election, the application shall contain checkoff boxes by which such
30 electors may indicate the primary ballot in which the elector wishes to vote.

31 (4) For electors who are registered to vote as of January 1, 2012, and
32 who remain registered electors, the elector shall designate, as part of
33 the written application for a ballot for the 2012 primary elections, the
34 elector's party affiliation or designation as "unaffiliated." The applica-
35 tion shall contain checkoff boxes for unaffiliated electors by which such
36 electors shall indicate for which party's primary election ballot the unaf-
37 filiated elector chooses to vote, pursuant to section 34-904A, Idaho Code.
38 Provided however, that no political party's primary election ballot shall
39 be provided to an unaffiliated elector for a political party that has not
40 elected to allow unaffiliated electors to vote in the party's primary elec-
41 tion pursuant to section 34-904A, Idaho Code. If an unaffiliated elector
42 does not indicate a choice of political party's primary election ballot, the
43 elector shall receive a nonpartisan ballot. After the 2012 primary elec-
44 tion, the county clerk shall record the party affiliation or unaffiliated
45 designation so selected on the application for an absentee ballot as part of
46 such an elector's record within the voter registration system as provided
47 for in section 34-437A, Idaho Code.

48 (5) After the 2012 primary election, electors who remain registered
49 voters and who did not vote in the 2012 primary elections and who make written
50 application for an absentee ballot shall be designated as unaffiliated elec-

1 tors as provided in section 34-404, Idaho Code, and such electors shall be
2 given the appropriate ballot for such "unaffiliated" designation pursuant
3 to the provisions of this act.

4 (6) An elector may not change party affiliation or designation as "un-
5 affiliated" on an application for absentee ballot. For primary elections,
6 an elector may change party affiliation or designation as "unaffiliated" as
7 provided for in section 34-411A, Idaho Code.

8 (7) The application for an absent elector's ballot shall be signed
9 personally by the applicant. The application for a mail-in absentee bal-
10 lot shall be received by the county clerk not later than 5:00 p.m. on the
11 eleventh day before the election. An application for in-person absentee
12 voting at the absent elector's polling place described in section 34-1006,
13 Idaho Code, shall be received by the county clerk not later than 5:00 p.m. on
14 the Friday before the election. Application for an absentee ballot may be
15 made by using a facsimile machine or other electronic transmission.

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

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

27 SECTION 3. An emergency existing therefor, which emergency is hereby
28 declared to exist, this act shall be in full force and effect on and after
29 July 1, 2024.