

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 212

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING CHAPTER 1, TITLE 34, IDAHO CODE, BY THE AD-  
2 DITION OF A NEW SECTION 34-111A, IDAHO CODE, TO DEFINE A TERM; AMENDING  
3 SECTION 34-435, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO REMOVE A  
4 REFERENCE TO PRIMARY AND GENERAL ELECTION AND TO MAKE A TECHNICAL COR-  
5 RECTION; AMENDING SECTION 34-439A, IDAHO CODE, TO REVISE PROVISIONS  
6 RELATING TO DISCLOSURES IN ELECTIONS TO AUTHORIZE A LEVY; AMENDING SEC-  
7 TION 34-616, IDAHO CODE, TO PROVIDE ADDITIONAL QUALIFICATIONS FOR THE  
8 ELECTION OF DISTRICT JUDGES; AMENDING SECTION 34-903, IDAHO CODE, TO  
9 PROVIDE THAT NO CANDIDATE'S NAME MAY APPEAR ON A BALLOT FOR MORE THAN ONE  
10 JUDICIAL OFFICE; AMENDING CHAPTER 11, TITLE 34, IDAHO CODE, BY THE ADDI-  
11 TION OF A NEW SECTION 34-1106A, IDAHO CODE, TO AUTHORIZE COUNTY ADOPTION  
12 OF AN ELECTRONIC POLL BOOK AND TO PROVIDE DUTIES OF THE SECRETARY OF  
13 STATE; AMENDING SECTION 34-2309, IDAHO CODE, TO ESTABLISH ADDITIONAL  
14 PROVISIONS RELATING TO A RECOUNT AND TO PROVIDE CORRECT TERMINOLOGY;  
15 AMENDING SECTION 34-2427, IDAHO CODE, TO REMOVE THE AUTHORITY OF AN  
16 ELECTION BOARD JUDGE TO REQUIRE A CERTAIN DECLARATION; AND DECLARING AN  
17 EMERGENCY.  
18

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

20 SECTION 1. That Chapter 1, Title 34, Idaho Code, be, and the same is  
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
22 ignated as Section 34-111A, Idaho Code, and to read as follows:

23 34-111A. "ELECTRONIC POLL BOOK" DEFINED. "Electronic poll book" means  
24 an electronic list of registered voters for a particular precinct or polling  
25 location that may be transported to the polling location. The electronic  
26 poll book shall contain the same information as the combination election  
27 record and poll book as defined in this chapter.

28 SECTION 2. That Section 34-435, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 34-435. CANCELLATION OF REGISTRATIONS FOLLOWING ANY GENERAL ELECTION  
31 OF THOSE NOT VOTING FOR FOUR YEARS. Within one hundred ~~and~~ twenty (120) days  
32 following the date of the general election ~~in 1978 and every general elec-~~  
33 ~~tion thereafter~~, the county clerk shall examine the election register and  
34 the signed statements of challenge made at that election. After this exam-  
35 ination, the county clerk shall immediately cancel the registration of any  
36 elector who did not vote at any ~~primary or general~~ election in the past four  
37 (4) years.

38 This section shall be construed as to provide for a uniform four (4) year  
39 registration period for all electors.

1 SECTION 3. That Section 34-439A, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 34-439A. DISCLOSURES IN ELECTIONS TO AUTHORIZE LEVY. (1) Notwith-  
4 standing any other provision of law except for the provisions of section  
5 63-802(1)(g), Idaho Code, any taxing district that proposes to submit any  
6 question to the electors of the district that would authorize any levy,  
7 except for the levies authorized for the purposes provided in sections  
8 63-802(1)(g) and 33-802(4), Idaho Code, and except for levies relating  
9 to bonded indebtedness where section 34-439, Idaho Code, applies, shall  
10 provide include in the ballot question, or in a brief official statement on  
11 the ballot but separate from the ballot question, a disclosure setting forth  
12 in simple, understandable language information on the proposal substan-  
13 tially as follows:

14 (a) The purpose for which the levy shall be used; the date of the elec-  
15 tion; and, ~~except for the provisions found in sections 63-802(1)(g) and~~  
16 ~~33-802(1) and (4), Idaho Code,~~ the dollar amount estimated to be col-  
17 lected each year from the levy; and

18 (b) The length of time, reflected in months or years, in which the pro-  
19 posed levy will be assessed.

20 (2) ~~The official statement information called for in subsection (1) of~~  
21 ~~this section shall be made a part of the ballot and shall also be included in~~  
22 ~~like manner in the official notice of the election.~~

23 SECTION 4. That Section 34-616, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 34-616. ELECTION OF DISTRICT JUDGES -- QUALIFICATIONS. (1) At the pri-  
26 mary election, 1974, and every four (4) years thereafter, subject to the pro-  
27 visions of section 34-1217, Idaho Code, there shall be elected in each judi-  
28 cial district a sufficient number of district judges to fill any vacancy or  
29 vacancies occasioned by the expiration of the term or terms of office of any  
30 member or members.

31 (2) No person shall be elected to the office of judge of the district  
32 court unless he has attained the age of thirty (30) years at the time of his  
33 election, is a citizen of the United States, shall have been admitted to the  
34 practice of law for at least ten (10) years prior to taking office, and is  
35 admitted to practice law in the state of Idaho, and shall have resided within  
36 the state at least two (2) years and within the judicial district one (1) year  
37 next preceding his election and be an elector of the district.

38 (3) Each candidate shall file his declaration of candidacy with the  
39 secretary of state.

40 (4) Each candidate who files a declaration of candidacy shall at the  
41 same time pay a filing fee of one hundred fifty dollars (\$150) which shall be  
42 deposited in the general fund.

43 SECTION 5. That Section 34-903, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

45 34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BAL-  
46 LOTS AND RELATED DOCUMENTS. (1) The secretary of state shall, in a manner

1 consistent with the election laws of this state, prescribe the form for  
 2 all ballots, absentee ballots, diagrams, sample ballots, ballot labels,  
 3 voting machine labels or booklets, certificates, notices, declarations of  
 4 candidacy, affidavits of all types, lists, applications, poll books, tally  
 5 sheets, registers, rosters, statements and abstracts if required by the  
 6 election laws of this state.

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

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

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

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

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

24 (5) No candidate's name may appear on a ballot for more than one (1) par-  
 25 tisan office or one (1) judicial office, except that a candidate for precinct  
 26 committeeman may seek one (1) additional office upon the same ballot. The  
 27 provisions of this subsection shall not apply to the election of electors of  
 28 president and vice-president of the United States.

29 SECTION 6. That Chapter 11, Title 34, Idaho Code, be, and the same is  
 30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 31 ignated as Section 34-1106A, Idaho Code, and to read as follows:

32 34-1106A. ELECTRONIC POLL BOOK AUTHORIZED. (1) A county may adopt the  
 33 use of any electronic poll book that has been certified by the secretary of  
 34 state for use in this state. A county that opts to use electronic poll books  
 35 shall notify the secretary of state of that decision.

36 (2) The secretary of state shall develop and provide to each county that  
 37 adopts the use of electronic polls books under subsection (1) of this section  
 38 instructions, directives and advisories regarding the examination, testing  
 39 and use of the electronic poll books.

40 SECTION 7. That Section 34-2309, Idaho Code, be, and the same is hereby  
 41 amended to read as follows:

42 34-2309. AUTOMATIC FREE RECOUNT. A losing candidate for nomination,  
 43 or election to a federal, state, or county office, or person supporting or  
 44 opposing a ballot measure, may request a recount of the votes cast for the  
 45 nomination or election to that office or passage or failure of a measure if  
 46 the difference between the vote cast for that candidate and for the winning  
 47 candidate for nomination or election, or the difference between the yes

1 and no votes on a measure, is less than or equal to one-tenth of one percent  
2 (0.1%) of the total votes cast for that office or five (5) votes, whichever  
3 is greater. All requests shall be in writing, and filed with the attorney  
4 general during the time mentioned in section 34-2301, Idaho Code.

5 The state shall pay for the ~~automatic~~ recount of a federal, state, or  
6 legislative district office, or state measure while the county shall pay for  
7 the ~~automatic~~ recount of a county, city or district office or measure.

8 SECTION 8. That Section 34-2427, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 34-2427. VOTERS WITH PHYSICAL OR OTHER DISABILITY. (1) The election  
11 board clerks shall instruct electors on how to record their votes on the vot-  
12 ing machine or vote tally system, and shall give assistance to any elector  
13 who declares that he is unable by reason of physical or other disability to  
14 record his vote on the machine or vote tally system, and on request by the  
15 elector after he has entered the voting booth, shall give him the necessary  
16 information to enable him to record his vote.

17 (2) Any elector who, because of blindness, physical or other disabili-  
18 ty, is unable to mark his ballot shall, upon request, receive the assis-  
19 tance of the election board clerks or some other person chosen by the elec-  
20 tor in the marking thereof. Such clerks or person shall ascertain the wishes  
21 of the elector and mark his ballot in accordance therewith, and shall there-  
22 after give no information regarding such marking. ~~The election board judge~~  
23 ~~may require a declaration of disability to be made by the elector under oath.~~  
24 Whenever an elector receives assistance in this manner, a clerk shall make a  
25 notation thereof in the combination election record and poll book following  
26 the name of the elector.

27 (3) If any elector, after entering the voting booth, asks for infor-  
28 mation regarding the operation of the voting machine or marking device, the  
29 election board clerks shall give him the necessary information.

30 SECTION 9. An emergency existing therefor, which emergency is hereby  
31 declared to exist, this act shall be in full force and effect on and after its  
32 passage and approval.