

IN THE SENATE

SENATE BILL NO. 1274

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ABSENTEE VOTING; AMENDING SECTION 34-1002, IDAHO CODE, TO REVISE
A CERTAIN APPLICATION DEADLINE AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 34-1002, Idaho Code, be, and the same is hereby
amended to read as follows:

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

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

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

(4) For electors who are registered to vote as of January 1, 2012, and
who remain registered electors, the elector shall designate, as part of
the written application for a ballot for the 2012 primary elections, the
elector's party affiliation or designation as "unaffiliated." The appli-
cation shall contain checkoff boxes for "unaffiliated" electors by which
such electors shall indicate for which party's primary election ballot the
"unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho
Code. Provided however, that no political party's primary election ballot
shall be provided to an "unaffiliated" elector for a political party that has
not elected to allow "unaffiliated" electors to vote in the party's primary
election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"

1 elector does not indicate a choice of political party's primary election
2 ballot, the elector shall receive a nonpartisan ballot. After the 2012
3 primary election, the county clerk shall record the party affiliation or
4 "unaffiliated" designation so selected on the application for an absentee
5 ballot as part of such an elector's record within the voter registration
6 system as provided for in section 34-437A, Idaho Code.

7 (5) After the 2012 primary election, electors who remain registered
8 voters and who did not vote in the 2012 primary elections and who make written
9 application for an absentee ballot shall be designated as "unaffiliated"
10 electors as provided in section 34-404, Idaho Code, and such electors shall
11 be given the appropriate ballot for such "unaffiliated" designation pur-
12 suant to the provisions of this act.

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

17 (7) The application for an absent elector's ballot shall be signed
18 personally by the applicant. The application for a mail-in absentee ballot
19 shall be received by the county clerk not later than 5:00 p.m. on the ~~sixth~~
20 eleventh day before the election. An application for in-person absentee
21 voting at the absent elector's polling place described in section 34-1006,
22 Idaho Code, shall be received by the county clerk not later than 5:00 p.m.
23 on the Friday before the election. Application for an absentee ballot may
24 be made by using a facsimile machine or other electronic transmission. In
25 the event a registered elector is unable to vote in person at the elector's
26 designated polling place on the day of election because of an emergency sit-
27 uation ~~which~~ that rendered the elector physically unable, the elector may
28 nevertheless apply for an absent elector's ballot by notifying the county
29 clerk within ninety-six (96) hours prior to the closing of the polls. No
30 person may, however, be entitled to vote under an emergency situation unless
31 the situation claimed rendered the elector physically unable to vote at the
32 elector's designated polling place within ninety-six (96) hours prior to the
33 closing of the polls.

34 (8) A person may make application for an absent elector's ballot by use
35 of a properly executed federal post card application as provided for in the
36 laws of the United States known as uniformed and overseas citizens absentee
37 voting act (UOCAVA, 42 U.S.C. 1973 ff, et seq., as amended). The issuing of-
38 ficer shall keep as a part of the records of such officer's office a list of
39 all applications so received and of the manner and time of delivery or mail-
40 ing to and receipt of returned ballot.

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