

IN THE SENATE

SENATE BILL NO. 1309

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-1002, IDAHO CODE, TO REMOVE PRO-
2 VISIONS REGARDING CERTAIN ABSENT ELECTOR'S BALLOTS; AMENDING CHAPTER
3 10, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1002A,
4 IDAHO CODE, TO PROVIDE FOR AN EMERGENCY SITUATION ABSENTEE BALLOT; AND
5 DECLARING AN EMERGENCY.
6

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

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

10 34-1002. APPLICATION FOR ABSENTEE BALLOT. (1) Any registered elector
11 may make written application to the county clerk, or other proper officer
12 charged by law with the duty of issuing official ballots for such election,
13 for an official ballot or ballots of the kind or kinds to be voted at the elec-
14 tion. The application shall contain the name of the elector, the elector's
15 home address, county, and address to which such ballot shall be forwarded.

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

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

35 (4) For electors who are registered to vote as of January 1, 2012, and
36 who remain registered electors, the elector shall designate, as part of
37 the written application for a ballot for the 2012 primary elections, the
38 elector's party affiliation or designation as "unaffiliated." The appli-
39 cation shall contain checkoff boxes for "unaffiliated" electors by which
40 such electors shall indicate for which party's primary election ballot the
41 "unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho
42 Code. Provided however, that no political party's primary election ballot

1 shall be provided to an "unaffiliated" elector for a political party that has
2 not elected to allow "unaffiliated" electors to vote in the party's primary
3 election pursuant to section 34-904A, Idaho Code. If an "unaffiliated"
4 elector does not indicate a choice of political party's primary election
5 ballot, the elector shall receive a nonpartisan ballot. After the 2012
6 primary election, the county clerk shall record the party affiliation or
7 "unaffiliated" designation so selected on the application for an absentee
8 ballot as part of such an elector's record within the voter registration
9 system as provided for in section 34-437A, Idaho Code.

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

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

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

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

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

48 SECTION 2. That Chapter 10, Title 34, Idaho Code, be, and the same is
49 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
50 ignated as Section 34-1002A, Idaho Code, and to read as follows:

1 34-1002A. EMERGENCY SITUATION ABSENTEE BALLOT -- APPLICATION. (1) A
2 registered elector who has not previously requested an absentee ballot
3 for the same election and who is physically unable to vote in person at the
4 elector's designated polling place on the day of the election because of an
5 emergency situation requiring hospitalization of the elector may request an
6 emergency situation absentee ballot by filing an emergency situation absen-
7 tee ballot application with the county clerk. The secretary of state shall
8 prescribe the form for the emergency situation absentee ballot application.

9 (a) The emergency application may be submitted to the county clerk up to
10 five (5) days prior to the election but shall be received by the county
11 clerk no later than 5:00 p.m. on the Monday before the election, in or-
12 der to allow for the coordination of ballot delivery to the requesting
13 elector at the hospital.

14 (b) The emergency application shall be signed personally by the appli-
15 cant.

16 (c) The situation rendering the requesting elector physically unable
17 to vote in person at the polling place must have occurred after 5:00 p.m.
18 on the eleventh day prior to the election, and the applicant must attest
19 to that fact with the applicant's signature.

20 (2) Regardless of the time of the request, an absentee ballot delivered
21 under this section must be returned to the county clerk's office from which
22 it was received in order to be counted, in accordance with section 34-1005,
23 Idaho Code.

24 (3) The county clerk shall deem the location of an individual to be an
25 absent elector's polling place, as provided in section 34-1006, Idaho Code,
26 solely for the purposes of registering the applicant under section 34-408A,
27 Idaho Code, and shall provide the applicant with an emergency situation ab-
28 sentee ballot in the event that the individual who wishes to apply for an
29 emergency situation absentee ballot under this section:

30 (a) Was not a registered elector at the time the register closed but be-
31 came eligible for registration following the closing of the register;

32 (b) Was rendered physically unable to register in person on election
33 day by the emergency situation; and

34 (c) Was otherwise qualified to request an emergency situation absentee
35 ballot under this section.

36 SECTION 3. An emergency existing therefor, which emergency is hereby
37 declared to exist, this act shall be in full force and effect on and after its
38 passage and approval.