

IN THE SENATE

SENATE BILL NO. 1167

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING CHAPTER 10, TITLE 34, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 34-1002B, IDAHO CODE, TO PROVIDE FOR ABSENTEE  
3 BALLOT ASSISTANCE AT CERTAIN FACILITIES AND TO PROHIBIT CERTAIN AC-  
4 TIONS.  
5

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

7 SECTION 1. That Chapter 10, Title 34, Idaho Code, be, and the same is  
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
9 ignated as Section 34-1002B, Idaho Code, and to read as follows:

10 34-1002B. ABSENTEE BALLOT ASSISTANCE -- CERTAIN FACILITIES. (1) If  
11 a nursing facility, assisted living center, or similar residential facil-  
12 ity that houses persons who need assistance with absentee voting within any  
13 county from which a county clerk has received absentee ballot applications,  
14 and if the facility contacts the county elections office to request absen-  
15 tee voting assistance for its residents, the county clerk shall schedule a  
16 date and time with the person in charge of that facility for the county clerk  
17 or his authorized designee to be present to assist the residents of that fa-  
18 cility to vote, utilizing the absentee procedure. At the date and time an-  
19 nounced, the county clerk or his designee shall assist all persons at that  
20 facility who desire such assistance and who have applied for and are quali-  
21 fied to receive absentee ballots.

22 (2) For the purpose of this section, a county clerk's authorized de-  
23 signee is:

24 (a) A volunteer who has been trained to and will provide assistance to  
25 absentee voters in a fair, impartial, and nonpartisan manner; or

26 (b) An individual appointed by the county central committee of each of  
27 the two largest political parties, as determined by the vote cast for  
28 governor in the last gubernatorial election. The two appointed indi-  
29 viduals shall act in concert with each other at all times during the  
30 visit to the facility and in collecting absentee ballots and delivering  
31 them to the clerk's office and shall be deemed to be acting in the stead  
32 of the county clerk in the performance of these duties.

33 (3) An immediate family member of the resident may also assist the res-  
34 ident of a nursing facility, assisted living center, or similar residential  
35 facility in filling out the resident's absentee ballot.

36 (4) No person assisting another person in filling out an absentee bal-  
37 lot may advise, suggest, request, or otherwise influence the person voting  
38 by absentee ballot to make one choice on the ballot over another. A violation  
39 of the provisions of this subsection constitutes a misdemeanor.