

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 459

BY RUBEL

AN ACT

1 RELATING TO REGISTRATION OF ELECTORS; PROVIDING A SHORT TITLE; AMENDING SEC-
2 TION 34-404, IDAHO CODE, TO PROVIDE FOR REGISTRATION OF ELIGIBLE ELEC-
3 TORS AT DRIVER'S LICENSING OFFICES, TO PROVIDE THAT THE DIVISION OF MO-
4 TOR VEHICLES SHALL FORWARD REGISTRATION APPLICATIONS TO THE OFFICE OF
5 THE COUNTY CLERK, AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN
6 EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. SHORT TITLE. This act shall be known and may be cited as the
10 "Motor Voter Act."

11 SECTION 2. That Section 34-404, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 34-404. REGISTRATION OF ELECTORS. (1) All electors must register be-
14 fore being able to vote at any primary, general, special, school or any other
15 election governed by the provisions of title 34, Idaho Code. Registration of
16 a qualified person occurs when a legible, accurate and complete registration
17 application is received in the office of the county clerk or is received at
18 the polls pursuant to section 34-408A, Idaho Code, or when an electronic reg-
19 istration application is received by the county clerk from the Idaho trans-
20 portation department through the division of motor vehicles as provided for
21 in subsection (2) of this section.

22 (2) The Idaho transportation department, through the division of motor
23 vehicles and its driver's licensing offices, shall register to vote each el-
24 igible elector who applies for the issuance, renewal, or correction of any
25 type of driver's license pursuant to chapter 3, title 49, Idaho Code, or for
26 an identification card pursuant to sections 49-2442 and 49-2443, Idaho Code,
27 by completing a registration application provided for in subsection (1) of
28 this section for the eligible elector through the division of motor vehi-
29 cles. Each driver's licensing office shall forward completed registration
30 applications to the office of the county clerk on a weekly basis and on the
31 business day prior to the closing of registration. Registration applica-
32 tions remitted during closure of registration shall be held pursuant to sec-
33 tion 34-408, Idaho Code. The division of motor vehicles shall provide for an
34 elector to opt out of registration provided for in this section.

35 (3) Each elector may select on the registration application an affili-
36 ation with a political party qualified to participate in elections pursuant
37 to section 34-501, Idaho Code, or may select to be designated as "unaffili-
38 ated." The county clerk shall record the party affiliation or "unaffiliated"
39 designation so selected as part of the elector's registration record. If an
40 elector shall fail or refuse to make such a selection, the county clerk shall
41 enter on the registration records that such elector is "unaffiliated."

1 (34) In order to provide an elector with the appropriate primary elec-
2 tion ballot, pursuant to section 34-904A, Idaho Code, the poll book for
3 primary elections shall include the party affiliation or designation as
4 "unaffiliated" for each elector so registered. An "unaffiliated" elector
5 shall declare to the poll worker which primary election ballot the elec-
6 tor chooses to vote in, pursuant to section 34-904A, Idaho Code, and the
7 poll worker or other authorized election personnel shall record such dec-
8 laration in the poll book. The poll book shall contain checkoff boxes to
9 allow the poll worker or other authorized election personnel to record such
10 "unaffiliated" elector's selection.

11 (45) In order to provide electors who are already registered to vote,
12 and who remain registered electors, with an opportunity to select a party af-
13 filiation or to select their status as "unaffiliated," the poll book for the
14 2012 primary election shall include checkoff boxes by which the poll worker
15 or other appropriate election personnel shall record such elector's choice
16 of party affiliation or choice to be designated as "unaffiliated." After the
17 2012 primary election, the county clerk shall record the party affiliation
18 or "unaffiliated" designation so selected in the poll book as part of such
19 an elector's record within the voter registration system as provided for in
20 section 34-437A, Idaho Code.

21 (56) After the 2012 primary election, electors who remain registered
22 voters and who did not vote in the 2012 primary election or who have not
23 selected party affiliation or who have not selected to be designated as
24 "unaffiliated," shall be designated as "unaffiliated" and the county clerk
25 shall record that designation for each such elector within the voter regis-
26 tration system as provided for in section 34-437A, Idaho Code.

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, 2022.