AN ACT
RELATING TO NONPARTISAN PRIMARY ELECTIONS AND RANKED-CHOICE VOTING; AMENDING SECTION 34-102, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 1, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-118, IDAHO CODE, TO DEFINE A TERM AND ESTABLISH PROVISIONS REGARDING RANKED-CHOICE VOTING; AMENDING SECTION 34-308, IDAHO CODE, TO REMOVE PROVISIONS REGARDING PARTY AFFILIATION; AMENDING SECTION 34-404, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE REGISTRATION OF ELECTORS; AMENDING SECTION 34-411A, IDAHO CODE, TO REVISE A PROVISION REGARDING A FILING DEADLINE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-702, IDAHO CODE, TO REVISE PROVISIONS REGARDING WRITE-IN CANDIDATES; AMENDING SECTION 34-703, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOMINATION ELECTIONS; AMENDING SECTION 34-704, IDAHO CODE, TO REVISE PROVISIONS REGARDING A CANDIDATE'S DECLARATION OF CANDIDACY; AMENDING SECTION 34-705, IDAHO CODE, TO REVISE PROVISIONS REGARDING FILING A DECLARATION OF CANDIDACY; AMENDING SECTION 34-706, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTIFICATION OF CANDIDATE FILINGS TO POLITICAL PARTIES; REPEALING SECTION 34-708, IDAHO CODE, RELATING TO INDEPENDENT CANDIDATES; AMENDING SECTION 34-711, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE DEADLINE FOR CERTIFICATION OF CERTAIN CANDIDATES; AMENDING SECTION 34-712, IDAHO CODE, TO REVISE PROVISIONS REGARDING SAMPLE BALLOTS TO BE PROVIDED BY THE SECRETARY OF STATE; AMENDING SECTION 34-713, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PREPARATION OF CERTAIN BALLOTS; AMENDING SECTION 34-714, IDAHO CODE, TO REVISE PROVISIONS REGARDING FILLING CERTAIN VACANCIES BEFORE THE PRIMARY ELECTION AS TO CANDIDATES AFFILIATED WITH POLITICAL PARTIES; AMENDING SECTION 34-715, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILLING OF VACANCIES BEFORE AND AFTER THE PRIMARY ELECTION AS TO CANDIDATES AFFILIATED WITH POLITICAL PARTIES; AMENDING SECTION 34-716, IDAHO CODE, TO REVISE PROVISIONS REGARDING VACANCIES OF CANDIDATES FOR NONPARTISAN JUDICIAL OFFICES; AMENDING SECTION 34-717, IDAHO CODE, TO REVISE PROVISIONS REGARDING NOTIFICATION TO A POLITICAL PARTY OF THE WITHDRAWAL OF CERTAIN CANDIDATES; AMENDING SECTION 34-737, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE CONDUCT OF THE PRESIDENTIAL PRIMARY; AMENDING SECTION 34-903, IDAHO CODE, TO REVISE A PROVISION REGARDING CANDIDATE NAMES ON A BALLOT; AMENDING SECTION 34-904, IDAHO CODE, TO REVISE PROVISIONS REGARDING NONPARTISAN PRIMARY ELECTION BALLOTS AND PRECINCT CAPTAIN ELECTION BALLOTS; AMENDING SECTION 34-904A, IDAHO CODE, TO REVISE PROVISIONS REGARDING ELIGIBILITY TO VOTE IN PRESIDENTIAL PRIMARY ELECTIONS AND PRECINCT CAPTAIN ELECTIONS; AMENDING SECTION 34-906, IDAHO CODE, TO REVISE PROVISIONS REGARDING BALLOTS FOR GENERAL ELECTIONS; AMENDING SECTION 34-909, IDAHO CODE, TO REVISE A PROVISION REGARDING THE CERTIFICATION OF CANDIDATES TO APPEAR ON THE GENERAL ELECTION BALLOT; AMENDING SECTION 34-911, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE PREPARATION AND DISSEMINATION OF EDUCATIONAL
MATERIALS FOR VOTERS; AMENDING SECTION 34-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING APPLICATIONS FOR ABSENTEE BALLOTS; AMENDING SECTION 34-1003, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF AN ABSENTEE BALLOT; AMENDING SECTION 34-1203, IDAHO CODE, TO PROVIDE FOR THE COUNTING OF BALLOTS CAST UNDER A RANKED-CHOICE VOTING SYSTEM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-1208, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF CERTIFICATES OF NOMINATION OR ELECTION TO COUNTY AND PRECINCT OFFICES; AMENDING SECTION 34-1214, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE ISSUANCE OF CERTIFICATES OF NOMINATION OR ELECTION TO DISTRICT, STATE, OR FEDERAL OFFICES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-102, Idaho Code, be, and the same is hereby amended to read as follows:

34-102. "PRIMARY ELECTION" DEFINED. ELECTIONS AND PRECINCT CAPTAIN ELECTIONS -- DEFINITIONS -- PURPOSES. (1) "Nonpartisan primary election" means an election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties. Primary in which voters select candidates to be placed on the general election ballot for election to county, legislative district, state, and federal office except for president without regard to political party affiliation or the lack thereof. Nonpartisan primary elections, with the exception of presidential primaries, shall be held on the third Tuesday of May in each even-numbered year.

(2) "Precinct captain election" means an election held on the third Tuesday of May in each even-numbered year for the purpose of electing members of the controlling county and legislative district committees of political parties.

(3) "Presidential primary" means an election held for the purpose of allowing voters to express their choice of candidate for nomination by a political party for president of the United States. A presidential primary shall be held on the second Tuesday in March in each presidential election year.

SECTION 2. That Chapter 1, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-118, Idaho Code, and to read as follows:

34-118. "RANKED-CHOICE VOTING" DEFINED. (1) "Ranked-choice voting" means the method of casting and counting votes in the manner described in this section in general election races for county, legislative district, state, and federal office except for president and vice president.

(2) In such races, voters are entitled to rank up to four (4) of the candidates appearing on the ballot for the same office in the order of the voter's preference, but may rank fewer candidates if the voter so chooses. The votes in each such race shall be counted in up to four (4) counting rounds as provided in this section until a candidate receives over fifty percent
(50%) of the votes cast for an office. Such candidate shall then be declared
the winner of the election and no further counting rounds shall occur.

(3) If no candidate receives over fifty percent (50%) of the votes cast
for an office in the first counting round, the candidate who received the
fewest number of votes in the first counting round shall be eliminated from
consideration in each successive counting round. Each vote of each voter who
cast a vote in favor of such eliminated candidate shall be transferred to the
voter's second choice, if any, for the second counting round. If no candi-
date receives over fifty percent (50%) of the votes cast in the second count-
ing round, the candidate who received the fewest number of votes in the sec-
ond counting round shall be eliminated from consideration in each successive
counting round. Each vote of each voter who cast a vote in favor of such elim-
inated candidate shall be transferred to the voter's third choice, if any,
for the third counting round. If no candidate received over fifty percent
(50%) of the votes cast for an office in the third counting round, the can-
didate who received the fewest number of votes in the third counting round
shall be eliminated from consideration in each successive counting round.
Each vote of each voter who cast a vote in favor of such eliminated candidate
shall be transferred to the voter's fourth choice, if any, for the fourth
counting round.

(4) In the event that there are fewer than four (4) candidates in a gen-
eral election race subject to ranked-choice voting, the number of potential
counting rounds shall be reduced to no more than the number of candidates ap-
ppearing on the general election ballot.

(5) The secretary of state shall by rule establish procedures for re-
solving ties between two (2) or more candidates in any counting round to de-
determine which candidate will be eliminated from future counting rounds or to
determine which candidate will be elected in the event that no candidate re-
ceives over fifty percent (50%) of the votes cast in the last counting round
and two (2) or more candidates are tied. Such procedures shall utilize the
flip of a coin or other method of chance to resolve ties, provided that such
procedures shall not advantage or disadvantage any candidate.

SECTION 3. That Section 34-308, Idaho Code, be, and the same is hereby
amended to read as follows:

34-308. MAIL BALLOT PRECINCT. (1) A precinct within the county that
contains no more than one hundred forty (140) registered electors at the
last general election may be designated by the board of county commissioners
as a mail ballot precinct no later than April 1 in an even-numbered year.
Such a designation shall apply thereafter to all elections conducted within
the precinct until revoked by the board of county commissioners or until
the precinct contains one hundred fifty-one (151) registered electors at
the last general election. Having designated a mail ballot precinct, there
shall be no voting place established within the precinct. Elections in a
mail ballot precinct shall be conducted in a manner consistent with absentee
voting with the special provisions provided in this section.

(2) The clerk shall issue a ballot, by mail, to every registered voter
in a mail ballot precinct and shall affix postage to the return envelope suf-
icient to return the ballot.
(3) The ballot shall be mailed no sooner than twenty-four (24) days prior to the election day and no later than the fourteenth day prior to the election.

(4) The clerk shall make necessary provisions to segregate mail ballot precinct ballots by precinct and, for all purposes of the election, the precinct integrity shall be maintained.

(5) The clerk shall make registration available in the office of the clerk on election day for any individual who is eligible to vote and who resides in a mail ballot precinct and has not previously registered. The clerk shall provide an official polling place in the office of the clerk, and a qualified elector who registers on election day and resides in a mail ballot precinct shall be allowed to vote at the office of the clerk.

(6) (a) Except as provided in paragraph (b) of this subsection, electors who have designated a political party affiliation pursuant to section 34-404, Idaho Code, shall receive the primary election ballot for that party pursuant to sections 34-904 and 34-904A, Idaho Code.

(b) Electors who have designated a political party affiliation pursuant to section 34-404, Idaho Code, may receive the primary election ballot of a political party other than the political party such elector is affiliated with if such other political party has provided notification to the secretary of state that identifies the political party such elector is affiliated with, as provided for in section 34-904A(2)(b), Idaho Code.

(7) For "unaffiliated" electors, in order to receive a political party's primary election ballot pursuant to section 34-904A, Idaho Code, the county clerk shall mail a ballot request form for the primary election ballot to the electors in a mail ballot precinct for the electors to use in selecting the party ballot they choose to receive.

(a) In the event that more than one (1) political party allows electors designated as "unaffiliated" to vote in their party's primary election pursuant to section 34-904A, Idaho Code, an elector designated as "unaffiliated" shall indicate on the form such elector's choice of the political party's primary election ballot in order to vote in that party's primary election.

(b) In the event no more than one (1) political party allows electors designated as "unaffiliated" to vote in their party's primary election pursuant to section 34-904A, Idaho Code, an elector designated as "unaffiliated" shall indicate on the form that political party's primary election ballot in order to vote in that political party's primary election.

(c) If an elector designated as "unaffiliated" is not permitted to vote in a political party's primary election as provided for in section 34-904A, Idaho Code, such elector shall receive a nonpartisan ballot.

(d) If an elector designated as "unaffiliated" does not indicate on the form a choice of political party's primary election ballot, such elector shall receive a nonpartisan ballot.

SECTION 4. That Section 34-404, Idaho Code, be, and the same is hereby amended to read as follows:
34-404. REGISTRATION OF ELECTORS. (1) All electors must register before being able to vote at any primary, general, special, school or any other election governed by the provisions of title 34, Idaho Code. Registration of a qualified person occurs when a legible, accurate and complete registration application is received in the office of the county clerk or is received at the polls pursuant to section 34-408A, Idaho Code.

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

(3) In order to provide an elector with the appropriate precinct captain or presidential primary election ballot, pursuant to section 34-904A, Idaho Code, the poll book for primary such elections shall include the party affiliation or designation as "unaffiliated" for each elector so registered. An "unaffiliated" elector shall declare to the poll worker which precinct captain or presidential primary election ballot the elector chooses to vote in, pursuant to section 34-904A, Idaho Code, and the poll worker or other authorized election personnel shall record such declaration in the poll book. The poll book shall contain checkoff boxes to allow the poll worker or other authorized election personnel to record such "unaffiliated" elector's selection.

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

(5) After the 2012 primary election, electors who remain registered voters and who did not vote in the 2012 primary election or who have not selected party affiliation or who have not selected to be designated as "unaffiliated," shall be designated as "unaffiliated" and the county clerk shall record that designation for each such elector within the voter registration system as provided for in section 34-437A, Idaho Code. For any nonpartisan primary election, as defined in section 34-102, Idaho Code, every elector shall receive the same ballot containing a choice of all candidates for each office without regard to such candidates' political party affiliations or the lack thereof.

SECTION 5. That Section 34-411A, Idaho Code, be, and the same is hereby amended to read as follows:

34-411A. PRIMARY ELECTIONS--CHANGING PARTY AFFILIATION--OR UNAFFILIATED ELECTORS DESIGNATION. (1) For a primary election, includ
ing a precinct captain elections and presidential primary elections, an elector may change such elector's political party affiliation or become "unaffiliated" by filing a signed form with the county clerk no later than the last day a candidate may file for partisan primary election, as provided for in section 34-704 or 34-732, Idaho Code. An "unaffiliated" elector may affiliate with the party of the elector's choice by filing a signed form up to and including election day. The application form described in section 34-1002, Idaho Code, shall also be used for this purpose.

(2) For precinct captain and presidential primary elections, an "unaffiliated" elector may select a political party affiliation only prior to voting in the primary such election. An elector may make such selection on or before election day by declaring such political party affiliation to the poll worker or other appropriate election personnel. The poll worker or other appropriate election personnel shall then record in the poll book the elector's choice. After the primary election, the county clerk shall record the party affiliation so recorded in the poll book as part of such elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

SECTION 6. That Section 34-702, Idaho Code, be, and the same is hereby amended to read as follows:

34-702. REQUIREMENTS FOR WRITE-IN CANDIDATES AT NONPARTISAN PRIMARY. (1) In addition to possessing all other qualifications, in order for a nonpartisan primary write-in candidate to become a write-in candidate of a political party at the general election, those candidates whose names are written in at the primary election must:

(a) Receive at least the following number of write-in votes at the primary election:

(i) One thousand (1,000) for any statewide office;

(ii) Five hundred (500) for a congressional district office;

(iii) Fifty (50) for a legislative district office; or

(iv) Five (5) for a county office; and

(b) File a declaration of intent for that office, pursuant to section 34-702A, Idaho Code.

(2) Candidates who are required to file with the secretary of state shall pay the filing fee required for that office no later than the deadline for filing a declaration of intent pursuant to section 34-702A, Idaho Code, or shall file a petition pursuant to section 34-626, Idaho Code.

(3) No write-ins shall be allowed for judicial office.

SECTION 7. That Section 34-703, Idaho Code, be, and the same is hereby amended to read as follows:

34-703. NOMINATION AT NONPARTISAN PRIMARY ELECTIONS AND JUDICIAL NOMINATING ELECTIONS. (1) All political party candidates for United States senator and representative in congress and all political party candidates for elective state, district and county offices, except county, legislative district, state, and federal office except for president, but not including candidates for judicial office, at general elections shall be nominated
at the primary elections, or shall have their names placed on the general nonpartisan primary election ballot as provided by law, and shall comply with the provisions of this act. The nonpartisan primary election does not serve to determine the nominee of a political party but serves only to determine up to four (4) candidates per office whose names will appear on the ballot at the general election.

(2) All candidates for judicial office shall be nominated or elected at the primary judicial nominating election, as provided by section 34-1217, Idaho Code.

(3) Independent candidates shall not be voted on at primary elections.

SECTION 8. That Section 34-704, Idaho Code, be, and the same is hereby amended to read as follows:

34-704. DECLARATION OF CANDIDACY. (1) Any person legally qualified to hold such an office is entitled to become a candidate and file his declaration of candidacy for that office.

(2) Each political party candidate for precinct, state, district or county office, county, legislative district, state, and federal office except for president and vice president shall file his declaration of candidacy in the proper office between 8 a.m. on the twelfth Monday preceding the nonpartisan primary election and 5 p.m. on the tenth Friday preceding the nonpartisan primary election. All political party candidates shall declare their party affiliation in their declaration of candidacy and shall be affiliated with a party at the time of filing. A candidate shall be deemed affiliated with the political party if the candidate submits a party affiliation form along with the declaration of candidacy to the filing official. Each candidate in the nonpartisan primary election shall designate in his declaration of candidacy the name of the political party with which he is affiliated or his unaffiliated designation, which must match his voter registration record at the time of filing his declaration of candidacy. Such designation shall be placed after his name on the nonpartisan primary and general election ballots.

(3) In the event that any qualified candidate, having timely filed a declaration of candidacy, later alters his political party affiliation or unaffiliated designation upon or before assuming office, the candidate shall be deemed disqualified and the resulting vacancy, if any, shall be filled in accordance with the provisions of section 34-714 or 34-715, Idaho Code.

(4) Each candidate for precinct captain shall file his declaration of candidacy in the proper office between 8 a.m. on the twelfth Monday preceding the precinct captain election and 5 p.m. on the tenth Friday preceding the precinct captain election.

(5) The filing official shall reject any declaration of candidacy for partisan office in a primary election a presidential primary or for precinct captain from candidates who are not affiliated with a political party.

(6) Candidates for nonpartisan local government office and candidates for judicial office shall file during the period provided for in subsection (2) of this section.

(7) Candidates for the office of president who file a declaration of candidacy under a party name and are not nominated at the primary election
shall not be allowed to appear on the general election ballot under any other political party name, nor as an independent candidate.

Independent candidates shall file their declaration of candidacy in the manner provided in section 34-708, Idaho Code.

SECTION 9. That Section 34-705, Idaho Code, be, and the same is hereby amended to read as follows:

34-705. WITH WHOM DECLARATIONS FILED. (1) All candidates for county offices, whether political party candidates or independent candidates, and all political party candidates for precinct captain offices shall file their declarations of candidacy with the county clerk of their respective counties. All candidates for legislative district, state, and federal offices shall file their declarations of candidacy with the secretary of state.

(2) The secretary of state shall certify to the county clerks, within ten (10) days after the filing deadline, the names of the political party candidates who filed for federal, state and legislative district, state, and federal offices and are qualified for placement on the nonpartisan primary ballot or presidential primary ballot.

(3) The secretary of state shall certify the name of a candidate being appointed by the appropriate central committee pursuant to section 34-714, Idaho Code, by no later than the next business day after the appointment is received in the secretary of state's office, if received after the certification of candidates to the county clerks under subsection (2) of this section.

SECTION 10. That Section 34-706, Idaho Code, be, and the same is hereby amended to read as follows:

34-706. NOTIFICATION TO PARTIES. (1) Within three (3) days after the deadline for filing declarations of political party candidacy, the county clerk shall notify the county central committee of each political party of the candidates who have filed for county and precinct offices under the party name and are qualified:

(a) Filed for precinct captain offices for such political party and are qualified; or
(b) Filed for county office with such political party name and are qualified.

(2) Within three (3) days after the deadline for filing declarations of political party candidacy, the secretary of state shall notify the legislative district central committee of each political party of the legislative candidates who have filed under the with such political party name and are qualified.

(3) Within three (3) days after the deadline for filing declarations of political party candidacy, the secretary of state shall notify the state central committee of each political party of the candidates who have filed for federal and state offices under the party name state or federal office except for president with such political party name and are qualified.

SECTION 11. That Section 34-708, Idaho Code, be, and the same is hereby repealed.
SECTION 12. That Section 34-711, Idaho Code, be, and the same is hereby amended to read as follows:

34-711. CERTIFICATION OF CANDIDATES FOR PRESIDENT, VICE PRESIDENT AND PRESIDENTIAL ELECTORS. The state chairman of each political party shall certify the names of the presidential and vice-presidential candidates and presidential electors to the secretary of state on or before September 1, unless a five (5) day extension is granted by the secretary of state, in order for them to appear on the general election ballot. The secretary of state shall certify such candidates to the county clerks at the same time as certification of political party candidates nominated to advance to the general election for state and federal offices county, legislative district, state, and federal office except for president by the voters in the nonpartisan primary election.

SECTION 13. That Section 34-712, Idaho Code, be, and the same is hereby amended to read as follows:

34-712. SAMPLE FORM FOR PRIMARY ELECTION AND PRECINCT CAPTAIN ELECTION BALLOTS. (1) The secretary of state shall provide the sample form of the presidential primary election ballot and the nonpartisan primary election ballot to each of the county clerks no later than forty (40) days prior to the primary. The sample ballot shall contain the proper political party candidates to be voted upon within the county whose declarations were filed and certified in the office of the secretary of state with instructions for the placing of political party candidates seeking the political party nomination for county and precinct offices on the ballot. If a county is within more than one (1) legislative district, the secretary of state shall provide a sample ballot for each legislative district which includes part of the county.

(2) The secretary of state shall at the same time provide the sample form of the precinct captain election ballot for political party precinct captain races to each of the county clerks.

SECTION 14. That Section 34-713, Idaho Code, be, and the same is hereby amended to read as follows:

34-713. PREPARATION OF PRIMARY AND PRECINCT CAPTAIN BALLOTS. (1) Upon receipt of the sample ballot and instructions from the secretary of state, each county clerk shall print and prepare the official primary and precinct captain ballots for the forthcoming election. The printing of the ballots shall be a county expense and paid out of the county treasury except presidential primary ballots, which shall be paid for as provided in section 34-738, Idaho Code.

(2) Each county clerk shall cause to be published on the earliest date possible the names of all the political party candidates who shall appear on the primary precinct captain election ballot or presidential primary ballot. The names shall be listed alphabetically under each particular office title and the names of all the candidates who shall appear on the nonpartisan primary ballot. The ballot shall be designed as provided in section 34-903, Idaho Code.
SECTION 15. That Section 34-714, Idaho Code, be, and the same is hereby amended to read as follows:

34-714. FILLING VACANCIES IN SLATE OF AS TO POLITICAL PARTY-AFFILIATED CANDIDATES OCCURRING PRIOR TO NONPARTISAN PRIMARY ELECTION. (1) Vacancies that occur before the nonpartisan primary election in the slate of candidates of any political party shall be filled because of the death, disqualification for any reason, or withdrawal from the nomination process by the candidate who was to appear on the ballot and who was the only candidate affiliated with a particular political party for a county, legislative district, state, or federal office except for president may be filled in the following manner if only one (1) candidate declared for that particular office:

(a) By the county central committee of such political party if the vacancy occurs for the office of precinct committeeman or for a county office;
(b) By the legislative district central committee of such political party if the vacancy occurs for the office of state representative or state senator;
(c) By the state central committee of such political party if the vacancy occurs for a federal or state or federal office except for president.

(2) The county central committee and legislative district central committee shall fill the vacancy within fifteen (15) days from the date the vacancy occurred. The state central committee shall fill the vacancy within thirty (30) days from the date the vacancy occurred.

(3) Vacancies that occur before the precinct captain election in the slate of candidates of any political party for precinct captain may be filled by the county central committee of such political party within fifteen (15) days from the date the vacancy occurred.

(4) Any political party candidate so appointed by the proper central committee or legislative district committee must, in order to have his name on the primary ballot, file a declaration of candidacy and pay the required filing fee.

(5) No central committee shall fill any vacancy which occurs within ten (10) days prior to the primary election. Vacancies which occur during this ten (10) day period because of the death, disqualification for any reason, or withdrawal from the nomination process by the candidate shall be filled according to the provisions of section 34-715, Idaho Code.

(6) Vacancies that occur in a slate of candidates for precinct committeeman within ten (10) days prior to the primary election shall not be filled.

SECTION 16. That Section 34-715, Idaho Code, be, and the same is hereby amended to read as follows:

34-715. FILLING OF VACANCIES OCCURRING BEFORE OR AFTER NONPARTISAN PRIMARY ELECTION OR PRECINCT CAPTAIN ELECTION. (1) Vacancies that occur during the ten (10) day period before a nonpartisan primary election, or after the nonpartisan primary election but at least ten (10) days before the general election in the slate of candidates of any who were to have appeared on the ballot for a county, legislative district, state, or federal
office except for president and vice president and who were the only candidate affiliated with such particular political party, except candidates for precinct committeeman, shall may be filled in the following manner:

(1a) By the county central committee of such political party if it is a vacancy by a candidate for a county office;

(1b) By the legislative district central committee of such political party if it is a vacancy by a candidate for the state legislature; or

(1c) By the state central committee of such political party if it is a vacancy by a candidate for a federal or a state or federal office except for president and vice president.

(2) The county and legislative district central committee shall fill the vacancy within fifteen (15) days from the date the vacancy occurred. The state central committee shall fill the vacancy within thirty (30) days from the date the vacancy occurred. Any political party candidate so appointed by the proper central committee must, in order to have his name on the general ballot, file a declaration of candidacy and pay the required filing fee.

(3) Vacancies that occur in a slate of candidates for precinct committeeman captain within ten (10) days prior to the primary a precinct captain election shall not be filled.

SECTION 17. That Section 34–716, Idaho Code, be, and the same is hereby amended to read as follows:

34–716. VACANCIES OF CANDIDATES FOR NONPARTISAN JUDICIAL OFFICES OCCURRING BEFORE GENERAL ELECTION NOT FILLED -- EXCEPTIONS -- JUDICIAL OFFICES WHEN DEEMED ELECTED. (1) All vacancies of candidates for nonpartisan judicial offices that occur after the primary election but before the general election, except vacancies in the offices of nominated candidates for judicial office which shall be filled as provided in this section, shall not be filled.

(2) If a candidate for judicial office has received a majority of the votes cast for the office at the primary judicial nominating election, he shall be deemed elected as provided by section 34–1217, Idaho Code. Thereafter, if the judge-elect dies, moves from the state, or otherwise becomes ineligible to serve in the judicial office, the secretary of state shall declare that a vacancy exists in the judicial office, but that no other candidate for the office will be offered at the general election. The vacancy shall be filled as provided by law, as if the judge-elect had already assumed office.

(3) If three (3) or more candidates sought a judicial office at the primary judicial nominating election, and no candidate for the judicial office received a majority of the votes cast for the office at the primary judicial nominating election, and either any of the candidates certified to be a nominee at the general election dies, moves from the state, or otherwise becomes ineligible to serve in the judicial office, the secretary of state shall cause the name or names of the candidate or candidates receiving the next highest number of votes cast at the primary judicial nominating election after the two (2) candidates certified, to be certified as nominees for the judicial office at the general election, so that two (2) candidates shall be offered for each judicial office to be filled. In the event only one (1) vacancy on the general election ballot is to be filled by the pro-
procedure outlined in this subsection and there exists a tie among two (2) or more judicial candidates receiving the next highest number of votes, such candidates, or their personal designees, shall meet in the office of the secretary of state at a time fixed by him upon ten (10) days written notice to such interested candidates, or their designees, and a candidate to fill each such vacancy on the general election ballot shall be selected by lot from the candidates receiving the same number of votes at the primary judicial nominating election. The secretary of state shall cause the name of the persons so selected to appear on the general election ballot.

SECTION 18. That Section 34-717, Idaho Code, be, and the same is hereby amended to read as follows:

34-717. WITHDRAWAL OF CANDIDACY. (1) A candidate for nomination or candidate for election to a partisan or nonpartisan office may withdraw from the election by filing a notarized statement of withdrawal with the officer with whom his declaration of candidacy was filed. The statement must contain all information necessary to identify the candidate and the office sought and the reason for withdrawal. The filing officer shall immediately notify the proper central committee or legislative district committee of the political party, if any, of the individual withdrawing that would have been shown on the ballot after such candidate's name. A candidate may not withdraw later than forty-five (45) days before an election, except in the case of a primary election, when the deadline shall be no later than the eighth Friday preceding the primary election, or a general election, when the deadline shall be no later than September 7. Filing fees paid by the candidate shall not be refunded.

(2) Any candidate who has filed a statement of withdrawal pursuant to this section shall not be allowed to be appointed to fill a vacancy unless such vacancy occurs because of the death of a previous candidate.

SECTION 19. That Section 34-737, Idaho Code, be, and the same is hereby amended to read as follows:

34-737. CONDUCT OF ELECTION. Insofar as practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential primary shall be conducted and canvassed in the manner provided by law for the conduct and canvassing of state primary elections for a federal office in a general election.

SECTION 20. That Section 34-903, Idaho Code, be, and the same is hereby amended to read as follows:

34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BALLOTS AND RELATED DOCUMENTS. (1) The secretary of state shall, in a manner consistent with the election laws of this state, prescribe the form for all ballots, absentee ballots, diagrams, sample ballots, ballot labels, voting machine labels or booklets, certificates, notices, declarations of candidacy, affidavits of all types, lists, applications, poll books, tally sheets, registers, rosters, statements and abstracts if required by the election laws of this state.
(2) The secretary of state shall prescribe the arrangement of the matter to be printed on each kind of ballot and label, including:

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

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

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

(4) The names of candidates which appear on election ballots for federal, state, county and city offices shall be rotated in the manner determined by the secretary of state. The order of candidates for office in other elections shall be determined by applying the first letter of each candidate's last name to a random alphabet selected prior to each election by the secretary of state.

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

SECTION 21. That Section 34-904, Idaho Code, be, and the same is hereby amended to read as follows:

34-904. NONPARTISAN PRIMARY ELECTION BALLOTS AND PRECINCT CAPTAIN
ELECTION BALLOTS. (1) There shall be a separate primary election ballot for each political party upon which its candidates for the office of president shall be printed.

(2) There shall be another separate nonpartisan primary election ballot upon which shall be listed all the candidates for county, legislative district, state, and federal offices except for president, without regard to such candidates' political party affiliation or the lack thereof. The secretary of state shall include the following statement on the nonpartisan primary ballot:

In each race, you may vote for any one candidate for each office. The four candidates who receive the most votes for an office on this ballot will advance to the general election. The political party affiliation listed after a candidate's name does not mean that the candidate is nominated or endorsed by that political party, but only that the candidate's voter registration record showed the candidate to be affiliated with such political party when filing his or her declaration of candidacy and that he or she has not since changed this affiliation.

(3) All candidates who have filed their declarations of candidacy and are subsequently certified shall be listed under the proper office titles on
their political party ticket. The secretary of state shall design the pri-
mary election ballot to allow for write-in candidates when needed.

(24) On the nonpartisan primary ballot, the office titles shall be
listed in order beginning with the highest federal office and ending with
precinct county offices. The secretary of state has the discretion and au-
tority to arrange the classifications of offices as provided by law.

(3) It is not necessary to print a primary ballot for a political party
which does not have candidates for more than half of the federal or statewide
offices on the ballot if no more than one (1) candidate files for nomination
by that party for any of the offices on the ballot. The secretary of state
shall certify that no primary election is necessary for that party if such
is the case and shall certify to the county clerk the names of candidates for
that party for the general election ballot only.

(5) The precinct captain election ballot for each political party shall
be separate from the nonpartisan primary election ballot.

SECTION 22. That Section 34-904A, Idaho Code, be, and the same is hereby
amended to read as follows:

34-904A. ELIGIBILITY TO VOTE IN PRESIDENTIAL PRIMARY ELECTIONS AND
PRECINCT CAPTAIN ELECTIONS. (1) Except as provided in subsection (2) of
this section, an elector who has designated a party affiliation shall be
allowed to vote only in the primary precinct captain election or presiden-
tial primary election of the political party for which such an elector is so
registered.

(2) A political party qualified to participate in elections pursuant to
section 34-501, Idaho Code, may, no later than the last Tuesday in the Novem-
ber prior to a primary precinct captain election or presidential election, noti-
y the secretary of state in writing that the political party elects to
allow, in addition to those electors who have registered with that political
party, any of the following to vote in such party's primary precinct captain
election or presidential primary election:

(a) Electors designated as "unaffiliated";

(b) Electors registered with a different political party qualified to
participate in elections pursuant to section 34-501, Idaho Code. In the
event a state chairman of a political party elects to allow electors to
vote in such party's primary precinct captain election or presidential
primary election pursuant to this paragraph (b), the state chairman
shall identify which political parties' registrants are allowed to vote
in such primary or presidential election.

(3) In the event that more than one (1) political party allows
"unaffiliated" electors to vote in their party's primary precinct captain
election or presidential primary election, an "unaffiliated" elector shall
designate which political party's primary precinct captain election or
presidential primary election the elector chooses to vote in by declaring
such designation affiliation to the poll worker or other appropriate elec-
tion personnel, who shall then record in the poll book the elector's choice.
The county clerk shall record such choice as part of the elector's voting
history within the voter registration system as provided for in section
(4) In the event no more than one (1) political party allows "unaffiliated" electors to vote in their party's primary precinct captain election or presidential primary election, an "unaffiliated" elector may designate that political party's primary precinct captain election or presidential primary election as the election the elector chooses to vote in by declaring such designation affiliation to the poll worker or other appropriate election personnel, who shall then record in the poll book the elector's choice. The county clerk shall record such choice as part of the elector's voting history within the voter registration system as provided for in section 34-437A, Idaho Code.

(5) An "unaffiliated" elector having declared such designation as provided for in subsection (3) or (4) of this section shall not be permitted to vote in the primary precinct captain election or presidential primary election of any other party held on that primary or presidential primary election date.

(6) If an "unaffiliated" elector does not declare a choice of political party's primary precinct captain election or presidential primary election ballot, the elector shall not be permitted to vote in any political party's primary precinct captain election or presidential primary election but shall receive a nonpartisan primary election ballot and a judicial election ballot when such a ballot is available ballots are to be voted upon.

(7) In the event that one (1) or more political parties allow electors affiliated with a different political party to vote in their primary precinct captain election or presidential primary election pursuant to this section, an elector affiliated with a different political party shall declare to the poll worker or other appropriate election personnel in which primary precinct captain election or presidential primary election ballot such elector wishes to vote. The county clerk shall record such choice as part of the elector's voting history within the voter registration system as provided for in section 34-437A, Idaho Code.

(8) Provided that all other provisions of this act are complied with, nothing in this section shall be construed to prohibit an elector designated as "unaffiliated" from voting in the primary precinct captain election or presidential primary election of a different party held in subsequent years. Notwithstanding any other provision of this act, if a political party allows "unaffiliated" electors to vote in that political party's primary precinct captain election or presidential primary election pursuant to this section, a vote by an "unaffiliated" elector in such primary precinct captain election or presidential primary election shall not change or affect the elector's "unaffiliated" designation.

SECTION 23. That Section 34-906, Idaho Code, be, and the same is hereby amended to read as follows:

34-906. BALLOTS FOR GENERAL ELECTIONS. (1) There shall be a single general election ballot on which the complete ticket of each political party shall be printed. Each political party ticket shall include that party's nominee for each particular office for county, state, legislative district, and federal offices except for president, and a separate general election ballot for the offices of president and vice president. The secretary of state shall design the general election ballot to allow for write-in can-
candidates when needed. The ballot for county, legislative district, state, and federal offices except for president and vice president shall provide for ranked-choice voting, as defined in section 34-118, Idaho Code, and as further described in this section. Ranked-choice voting shall not be used for the election of president and vice president.

(2) The office titles shall be listed in order beginning with the highest federal office on each ballot type. The secretary of state has the discretion and authority to arrange the above classifications of offices as provided by law.

(3) With respect to the general election ballot for county, state, legislative district, and federal offices except for president:

(a) The names of the candidates nominated by the voters in the nonpartisan primary election shall be placed in separate sections on the general election ballot under the title of the office they are seeking.

(b) The secretary of state shall include the following statements on the ballot:

The political party affiliation listed after a candidate's name does not mean that the candidate is nominated or endorsed by that political party, but only that the candidate's voter registration record at the time he or she filed the declaration of candidacy showed the candidate to be affiliated with such political party and that he or she has not since changed this affiliation.

There may be up to four candidates for each of the offices on this ballot. You may vote for these candidates in order of your preference, including any write-in candidates if a write-in line exists on the ballot. You are not required to assign a preference number to every candidate. You may not assign the same ranking number to more than one candidate for the same office and, if you do so, none of your votes will be counted for that office. To designate your candidate preferences, assign a "1" to your top preference, a "2" to your second preference, a "3" to your third preference, and a "4" to your fourth preference. Votes are counted in up to four separate counting rounds until one candidate wins the office by receiving more than 50% of the votes. Your first preference will always be counted in the first counting round whether or not you cast any votes for counting in subsequent counting rounds, so voting for a second, third, or subsequent preference will not hurt your first-choice candidate. If in the first counting round no candidate receives more than 50% of the votes, the candidate with the fewest votes will be removed from consideration in the second counting round and the votes of the removed candidate's voters will be assigned to such voters' second choice candidates, and so on through up to four counting rounds until one candidate receives more than 50% of the votes.
(4) The secretary of state shall include the following statement on the
general election ballot containing candidates for president and vice presi-
dent:

Candidates on this ballot whose names are followed by the name
of a political party are the official nominees of that politi-
cal party.

(5) At any general election at which the electors are to vote upon con-
stitutional amendments or other issues, the secretary of state shall provide
separate general election ballot forms on which such amendments and issues
shall be printed.

SECTION 24. That Section 34-909, Idaho Code, be, and the same is hereby
amended to read as follows:

34-909. GENERAL ELECTION SAMPLE BALLOTS FORWARDED TO COUNTIES BY SEC-
RETARY OF STATE. (1) The secretary of state, no later than September 7, shall
provide the necessary general election sample ballot layout to each of the
county clerks.

(2) The sample ballot layout shall contain the proper office titles,
order of offices and ballot layout for the general election, with instruc-
tions for placement of candidates seeking election for federal, state,
legislative, county and precinct offices and candidates seeking judicial
office or retention. If a county is within more than one (1) legislative
district, the secretary of state shall provide instructions on the require-
ments for a separate ballot for each legislative district that is within the
county.

(3) The secretary of state shall certify to the county clerks the names
and political party affiliations, if any, of the candidates qualified for
placement on the general election ballot for all federal, state and legisla-
tive district, state, and federal offices on the sample ballots, along with
any judicial candidates, by no later than the ninth Friday prior to the gen-
eral election.

(4) The secretary of state shall certify the name of a candidate be-
ing appointed by the appropriate central committee as provided by section
34-715, Idaho Code, by no later than the next business day after the appoint-
ment is received in the secretary of state's office, if received after the
certification of candidates to the county clerks under subsection (3) of
this section.

SECTION 25. That Section 34-911, Idaho Code, be, and the same is hereby
amended to read as follows:

34-911. COUNTY CLERK AND SECRETARY OF STATE TO PREPARE FULL INSTRUC-
TIONS FOR THE GUIDANCE OF VOTERS AT ELECTIONS. (1) The county clerk shall
prepare full instructions for the guidance of voters at such elections, as to
obtaining ballots, as to the manner of marking them, and as to obtaining new
tickets ballots in place of those spoiled, and provide sample ballots. The
form and manner of display of the above mentioned instructions shall be pre-
scribed by the secretary of state and be uniform throughout the state.
(2) The secretary of state shall prepare and widely disseminate educational materials to voters regarding the nonpartisan primary election, which materials shall consist only of the instructional language to be included on the nonpartisan primary election ballot as set forth in section 34-904(2), Idaho Code.

(3) The secretary of state shall prepare and widely disseminate educational materials to voters regarding the general election for those candidates nominated in the nonpartisan primary, which materials shall consist only of the instructional language to be included on the general election ballot as set forth in section 34-906(3), Idaho Code.

(4) The secretary of state shall prepare and widely disseminate educational materials to voters regarding the general election for president and vice president, which materials shall contain the instructional language to be included on the general election ballot as set forth in section 34-906(4), Idaho Code.

(5) Materials required to be widely disseminated pursuant to this section shall, at least sixty (60) days before the relevant election, be mailed to each registered voter, posted online, and be available in print format for voters to pick up in the office of the secretary of state and in each county clerk's office.

SECTION 26. 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 election. 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 presidential primary or precinct captain election ballot to electors, in the event a political party elects to allow unaffiliated electors to vote in that party's presidential primary or precinct captain 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 designation 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 presidential primary or precinct captain 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 presidential primary or precinct captain election ballot to electors, in the event one (1) or more political parties elect to allow electors affiliated with a different political party to vote in that party's presidential primary or precinct captain election, the application shall contain checkoff boxes by which such
electors may indicate the presidential primary ballot or precinct captain election 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 application 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 elector does not indicate a choice of political party's primary election ballot, the elector shall receive a nonpartisan ballot. After the 2012 primary election, the county clerk shall record the party affiliation or unaffiliated designation so selected on the application for an absentee ballot as part of such an elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

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

(6) An elector may not change party affiliation or designation as "unaffiliated" on an application for absentee ballot. For presidential primary and precinct captain elections, an elector may change party affiliation or designation as "unaffiliated" as provided for in section 34-411A, Idaho Code.

(6a) The application for an absent elector's ballot shall be signed personally by the applicant. The application for a mail-in absentee ballot shall be received by the county clerk not later than 5:00 p.m. on the eleventh day before the election. An application for in-person absentee voting at the absent elector's polling place described in section 34-1006, Idaho Code, shall be received by the county clerk not later than 5:00 p.m. on the Friday before the election. Application for an absentee ballot may be made by using a facsimile machine or other electronic transmission.

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

(8) The county clerk shall, not later than seventy-five (75) days after the date of each general election, submit a report to the secretary of state containing information concerning absentee voters as required by federal law.
SECTION 27. That Section 34-1003, Idaho Code, be, and the same is hereby amended to read as follows:

34-1003. ISSUANCE OF ABSENTEE BALLOT. (1) Upon receipt of an application for an absent elector's ballot within the proper time, the county clerk receiving it shall examine the records of the county clerk's office to ascertain whether or not such applicant is registered and lawfully entitled to vote as requested and, if found to be so, the county clerk shall arrange for the applicant to vote by absent elector's ballot.

(2) In the case of requests for presidential primary and precinct captain election ballots:

(a) Except as provided in paragraph (b) of this subsection, an elector who has designated a political party affiliation shall receive a presidential primary and precinct captain election ballot for that political party.

(b) An elector who has designated a political party affiliation pursuant to section 34-404, Idaho Code, may receive the presidential primary and precinct captain election ballot of a political party other than the political party such elector is affiliated with if such other political party has provided notification to the secretary of state that identifies the political party such elector is affiliated with, as provided for in section 34-904A(2)(b), Idaho Code.

(c) An unaffiliated elector shall receive the presidential primary and precinct captain ballot for the political party the elector designated in the elector's application for an absentee ballot pursuant to section 34-1002, Idaho Code. Provided however, that a political party's presidential primary or precinct captain election ballot shall not be provided to an unaffiliated elector where that political party has not elected to allow unaffiliated electors to vote in such party's presidential primary and precinct captain election pursuant to section 34-904A, Idaho Code.

(d) If an unaffiliated elector does not indicate a choice of a political party's primary ballot, the elector shall receive a nonpartisan ballot.

(e) Once an absentee presidential primary or precinct captain election ballot is issued to an elector by the county clerk, the county clerk may not issue the same elector a new absentee presidential primary or precinct captain election ballot with a different party affiliation than the absentee ballot originally issued to the elector, unless the original absentee ballot type was issued in error by the county clerk.

(3) The absentee ballot may be delivered to the absent elector in the office of the county clerk by postage prepaid mail, or by other appropriate means, including use of a facsimile machine or other electronic transmission. Validly requested absentee ballots for candidates for federal office, where the request is received at least forty-five (45) days before an election, shall be sent no later than forty-five (45) days before that election to all electors who are entitled to vote by absentee ballot.

(4) Pursuant to the uniformed and overseas citizens absentee voting act (UOCAVA, 52 U.S.C. 20301 et seq., as amended) the secretary of state shall establish procedures for the transmission of blank absentee ballots by mail and by electronic transmission for all electors who are entitled to vote by
absentee ballot under the uniformed and overseas citizens absentee voting act, UOCAVA and by which such electors may designate whether the elector prefers the transmission of such ballots by mail or electronically. If no preference is stated, the ballots shall be transmitted by mail. The secretary of state shall establish procedures for transmitting such ballots in a manner that shall protect the security and integrity of such ballots and the privacy of the elector throughout the process of transmission.

(5) A political party may supply a witness to accompany the clerk in the personal delivery of an absentee ballot. If the political party desires to supply a witness, it shall be the duty of the political party to supply the names of such witnesses to the clerk no later than forty-six (46) days prior to the election. The clerk shall notify such witnesses of the date and approximate hour the clerk or deputy clerk intends to deliver the ballot.

(6) A candidate for public office or a spouse of a candidate for public office shall not be a witness in the personal delivery of absentee ballots.

(7) An elector physically unable to mark such elector's own ballot may receive assistance in marking such ballot from the officer delivering same or an available person of the elector's own choosing. In the event the election officer is requested to render assistance in marking an absent elector's ballot, the officer shall ascertain the desires of the elector and shall vote the applicant's ballot accordingly. When such ballot is marked by an election officer, the witnesses on hand shall be allowed to observe such marking. No county clerk, deputy, or other person assisting a disabled voter shall attempt to influence the vote of such elector in any manner.

SECTION 28. That Section 34-1203, Idaho Code, be, and the same is hereby amended to read as follows:

34-1203. COUNTING OF BALLOTS -- CERTIFICATES OF JUDGES. (1) The ballots and polls lists agreeing, the election personnel shall then proceed to tally the votes cast. Under each office title, the number of votes for each candidate and such other information required by the secretary of state shall be entered in the tally books together with the total of the above figures in the manner prescribed by the secretary of state. Any ballot or part of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted. When a ballot is sufficiently plain to determine therefrom a part of the voter's intention, it shall be the duty of the judges to count such part.

(2) Following the counting, the judges must transmit a copy of the results to the county clerk.

(3) In no event shall the results of any count be released to the public until all voting places in the state have closed on election day.

(4) The secretary of state shall issue directives or promulgate administrative rules adopting standards that define what constitutes a vote and what will be counted as a vote for each category of voting system used in this state.

(5) For a general election in which ranked-choice voting is used, ballots shall be counted according to the procedure set forth in section 34-118, Idaho Code.
SECTION 29. That Section 34-1208, Idaho Code, be, and the same is hereby amended to read as follows:

34-1208. CERTIFICATES OF NOMINATION OR ELECTION TO COUNTY AND PRECINCT OFFICES. (1) Immediately after the nonpartisan primary election canvass, the county clerk shall issue certificates of nomination to the political party candidates of each party who receive the four (4) highest number of votes for their particular county office, and the candidates so certified shall have their names placed on the general election ballot.

(2) On or before the eighth day after the primary precinct captain election canvass, the county clerk shall issue certificates of election to the precinct committeemen captains of each political party who receive the highest number of votes in their precinct. Provided that to be elected, a precinct committeeman captain shall receive a minimum of five (5) votes. In the event no candidate receives the minimum number of votes required to be elected, a vacancy in the office shall exist and shall be filled as otherwise provided by law.

(3) The county clerk shall also certify by registered mail the results of the nonpartisan primary election and precinct captain election to the secretary of state. The form for such certificate shall be prescribed by the secretary of state and be uniform throughout the state.

SECTION 30. That Section 34-1214, Idaho Code, be, and the same is hereby amended to read as follows:

34-1214. CERTIFICATES OF NOMINATION OR ELECTION TO FEDERAL, STATE, OR DISTRICT OR NONPARTISAN OFFICES AFTER PRIMARY. (1) Immediately after the nonpartisan primary election canvass, the secretary of state shall issue certificates of nomination to the political party candidates of each party who receive the four (4) highest number of votes for their particular federal, state, or district office. The candidates so certified shall have their names placed on the general election ballot.

(2) Immediately after the primary election canvass, the secretary of state shall issue certificates of nomination to the nonpartisan candidate or candidates who receive the highest number of votes for the number of vacancies which are to be filled for a particular office and also to the same number of candidates who receive the second highest number of votes for the particular office. The candidates so certified shall have their names placed on the general election ballot. If it appears from the canvass that a particular candidate has received a majority of the total vote cast for the particular office, he shall be issued a certificate of election instead of a certificate of nomination and no candidates shall run for the particular office in the general election.

SECTION 31. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022.