LEGISLATURE OF THE STATE OF IDAHO  
Sixty-seventh Legislature First Regular Session - 2023  
IN THE HOUSE OF REPRESENTATIVES  
HOUSE BILL NO. 75  
BY STATE AFFAIRS COMMITTEE  

AN ACT  
RELATING TO ABSENTEE VOTING; AMENDING SECTION 34-1001, IDAHO CODE, TO REVISE A PROVISION REGARDING REGISTERED ELECTORS WHO MAY VOTE BY ABSENTEE BALLOT AND TO PROHIBIT MISREPRESENTATIONS; AMENDING SECTION 34-1002, IDAHO CODE, TO REVISE PROVISIONS REGARDING REGISTERED ELECTORS WHO MAY VOTE BY ABSENTEE BALLOT AND TO MAKE A TECHNICAL CORRECTION; AND DECLAR-ING AN EMERGENCY.  

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

SECTION 1. That Section 34-1001, Idaho Code, be, and the same is hereby amended to read as follows:  

34-1001. VOTING BY ABSENTEE BALLOT AUTHORIZED. (1) Any registered elector of the state of Idaho may vote at any election by absentee ballot as herein provided in this chapter if the elector is unable to appear at the elector's polling place on election day during the hours of voting for any of the following reasons:  

(a) The elector's active service with the armed forces of the United States;  
(b) The elector's illness, disability, or hospitalization;  
(c) The elector is unable to appear at the polls on the day of the election in order to work or attend university; or  
(d) The elector is out of the county on the day of the election on a religious mission.  

(2) No person shall misrepresent the eligibility requirements for voting by absentee ballot set forth in subsection (1) of this section to any elector or prospective absentee ballot applicant. No elector shall misrepresent the elector's qualifying circumstances to any election official.  

SECTION 2. That Section 34-1002, Idaho Code, be, and the same is hereby amended to read as follows:  

34-1002. APPLICATION FOR ABSENTEE BALLOT.  
(1) (a) A blank application to request an absentee ballot shall be sent to any qualified elector upon the elector's request and may be made available online. No government official or other entity shall send an absentee ballot application directly to any elector except upon the direct request of the elector. Applications may not be prefilled with the elector's required information but must be completed by the elector.  
(b) Any registered elector qualified to vote by absentee ballot pursuant to section 34-1001, Idaho Code, 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 applica-
tion shall contain the name of the elector, the elector's home address, county, and address to which such ballot shall be forwarded, as well as the circumstances set forth in section 34-1001, Idaho Code, that necessitate the use of an absentee ballot.

(2) In order to provide the appropriate primary election ballot to electors, in the event a political party elects to allow unaffiliated electors 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 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 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 electors 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 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 primary elections, an elector may change party affiliation or designation as "unaffiliated" as provided for in section 34-411A, Idaho Code.
(7) 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.

(8) 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.

(9) 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 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.