

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 137

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO VOTERS; REPEALING SECTION 34-1114, IDAHO CODE, RELATING TO A
2 VOTER'S AFFIDAVIT IN LIEU OF PERSONAL IDENTIFICATION; AMENDING SEC-
3 TION 34-409, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION
4 34-1012, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION
5 34-1106, IDAHO CODE, TO REMOVE A CODE REFERENCE; AND PROVIDING AN EFFEC-
6 TIVE DATE.
7

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

9 SECTION 1. That Section [34-1114](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 2. That Section 34-409, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 34-409. ELECTRONIC REGISTRATION. (1) The office of the secretary of
14 state may create and maintain an electronic system for voter registration
15 that is publicly available on its official website. Any qualified elector
16 who has a current valid driver's license or identification card issued pur-
17 suant to title 49, Idaho Code, that reflects the person's current princi-
18 pal place of residence, may register to vote by submitting a completed voter
19 registration application electronically through such website. Electronic
20 voter registration applications shall be submitted before the close of reg-
21 istration as provided in section 34-408, Idaho Code.

22 (2) The electronic voter registration application shall be in a form
23 prescribed by the secretary of state and shall:

24 (a) Require the information under oath or affirmation set forth in sec-
25 tion 34-411, Idaho Code;

26 (b) Include notice of the requirement to provide personal identifi-
27 cation before voting at the polls as set forth in sections ~~34-1113 and~~
28 ~~34-1114~~, Idaho Code; and

29 (c) Require an electronic signature of the applicant.

30 (3) The office of the secretary of state shall obtain a digital copy
31 of the applicant's driver's license or identification card signature from
32 the Idaho transportation department. The Idaho transportation department
33 shall, upon request of the office of the secretary of state, provide a dig-
34 ital copy of the applicant's driver's license or identification card signa-
35 ture.

36 (4) Upon receipt of a completed voter registration application and a
37 digital copy of the applicant's driver's license or identification card sig-
38 nature from the Idaho transportation department, the office of the secre-
39 tary of state shall send the information to the county clerk for the county
40 in which the applicant resides. The county clerk shall prepare and issue
41 to each elector registering electronically a verification of registration

1 containing the name and residence of the elector and the name or number of
2 the precinct in which the elector resides. Such verification of registra-
3 tion may be sent by nonforwardable first-class mail or by electronic mail at
4 the elector's option. If a verification is returned undeliverable, then the
5 county clerk shall remove the elector from the register of electors.

6 (5) An applicant using the electronic system for voter registration
7 pursuant to this section shall not be required to complete a printed regis-
8 tration card.

9 (6) The office of the secretary of state shall use such security mea-
10 sures necessary to ensure the accuracy and integrity of an electronically
11 submitted voter registration application.

12 SECTION 3. That Section 34-1012, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 34-1012. ALTERNATIVE PROCEDURES FOR ABSENTEE VOTING -- EARLY VOT-
15 ING. (1) Those counties that utilize absentee voting facilities that have
16 access to the Idaho statewide voter registration system and count ballots at
17 a central location or utilize a polling location based tabulation system may
18 elect to conduct "early voting" according to the provisions of this section.
19 For those counties that elect to do "early voting," early voting shall begin
20 on or before the third Monday before the election and end at 5:00 p.m. on
21 the Friday before the election. Primary election ballots shall be issued
22 pursuant to section 34-1002(2), Idaho Code.

23 (2) A voter who appears at an "early voting" station to vote shall state
24 his or her name and address to the election official and present the voter's
25 identification as required by sections 34-1113 and 34-1114, Idaho Code.

26 (3) The election official shall examine the records to ascertain
27 whether or not such applicant is registered and lawfully entitled to vote
28 as requested. The provisions of section 34-408A, Idaho Code, authorizing
29 election day registration shall also apply in determining the applicant's
30 qualifications to vote.

31 (4) Before receiving a ballot, each elector shall sign his or her name
32 in the election register and poll book provided for early voting.

33 (5) The elector shall then be given the appropriate ballots contain-
34 ing the official election ballot identification pursuant to section 34-901,
35 Idaho Code, and shall be given folding instructions for such ballots, if ap-
36 propriate.

37 (6) Upon receipt of the ballots, the elector shall retire to a vacant
38 voting booth and mark the ballots according to the instructions provided.

39 (7) After marking the ballot, the elector shall present himself or her-
40 self to the election official at the ballot box and state his or her name and
41 address. The elector shall then deposit the ballot in the ballot box or hand
42 it to the election official, who shall deposit it. The election official
43 shall then record that the elector has voted and proclaim the same in an audi-
44 ble voice.

45 (8) Voters requiring assistance shall be provided with such assistance
46 in accordance with section 34-1108, Idaho Code.

47 (9) Electioneering is prohibited at an early voting polling place as
48 provided in section 18-2318, Idaho Code.

1 SECTION 4. That Section 34-1106, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-1106. SIGNING COMBINATION ELECTION RECORD AND POLL BOOK -- DELIV-
4 ERY OF BALLOT TO ELECTOR. (1) An elector desiring to vote shall state his
5 name and address to the judge or clerk in charge of the combination election
6 record and poll book.

7 (2) Before receiving his ballot, each elector shall sign his name in
8 the combination election record and poll book following his name therein
9 and show a valid photo identification as provided for in section 34-1113,
10 Idaho Code, ~~or personal identification affidavit as provided for in section~~
11 ~~34-1114, Idaho Code.~~

12 (3) No person shall knowingly sign his name in the combination election
13 record and poll book if his residence address is not within that precinct at
14 the time of signing.

15 (4) If the residence address of a person contained in the combination
16 election record and poll book is incorrectly given due to an error in prepa-
17 ration of the combination election record and poll book, the judge shall as-
18 certain the correct address and make the necessary correction.

19 (5) The elector shall then be given the appropriate ballots which have
20 been marked with the official election ballot identification and shall be
21 given folding instructions for such ballots.

22 SECTION 5. This act shall be in full force and effect on and after Jan-
23 uary 1, 2024.