LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature Second Regular Session - 2024

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 599

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO BALLOTS; AMENDING SECTION 18-2316, IDAHO CODE, TO REVISE PROVISIONS REGARDING TAMPERING WITH CERTIFICATES OF NOMINATION AND BALLOTS;
AMENDING CHAPTER 23, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-2324, IDAHO CODE, TO ESTABLISH PROVISIONS PROHIBITING BALLOT HARVESTING, TO PROVIDE CERTAIN EXCEPTIONS, AND TO PROVIDE A PENALTY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-2316, Idaho Code, be, and the same is hereby amended to read as follows:

18-2316. TAMPERING WITH CERTIFICATES OF NOMINATION OR BALLOTS. (1) No person shall falsely make, or make oath to, or fraudulently deface, or fraudulently destroy a certificate of nomination, or any part thereof, or file or receive for filing a certificate of nomination, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination which has been duly filed, or any part thereof, or willfully,

(2) No person shall willfully delay the delivery of any ballots, or forge or falsely make the official endorsement on the ballot, or willfully destroy any ballot, willfully destroy, tamper with, or change in any way any ballot that does not belong to such person.

(3) Every person violating any of the provisions of this section shall be deemed guilty of a felony and, upon conviction thereof in any court of competent jurisdiction, shall be punished by imprisonment in the penitentiary for a period of not less than one (1) year nor more than five (5) years.

SECTION 2. That Chapter 23, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-2324, Idaho Code, and to read as follows:

18-2324. BALLOT HARVESTING PROHIBITED -- EXCEPTIONS -- PENALTY. (1) Except as provided in subsections (2) and (3) of this section, no person shall knowingly collect or convey another voter's voted or unvoted ballot.

(2) This section shall not apply to:

(a) A person who collects or conveys another voter's voted or unvoted ballot in the course of such person's regular duties as an elections official;

(b) A person who collects or conveys another voter's voted or unvoted ballot in the course of such person's regular duties as a United States postal service worker or other person specifically authorized by law to transmit United States mail;
(c) A person who collects or conveys another voter's voted or unvoted ballot in the course of such person's regular duties as an employee or contractor of a common carrier;
(d) A person who receives compensation from the voter in exchange for collecting or conveying the voter's voted or unvoted ballot;
(e) A person who is related to the voter, whether by adoption, marriage, or blood, within the fifth degree of consanguinity;
(f) A person who is a member of the voter's household; or
(g) A person who is a caregiver of the voter, unless the voter is under care for memory or cognitive impairment.

(3) A person who is a candidate for elective office on the ballot or who is employed by or volunteers for a political party, candidate for elective office on the ballot, or organization that supports or opposes any ballot measure or candidate for elective office on the ballot may not collect or convey voted or unvoted ballots pursuant to subsection (2)(e), (f), or (g) of this section. An individual authorized to collect and convey a voter's ballot pursuant to subsection (2)(e), (f), or (g) of this section may not collect or convey more than six (6) total voted ballots and six (6) total unvoted ballots in any election.

(4) Any person who lawfully collects or conveys another voter's voted or unvoted ballot as authorized in subsection (2) of this section shall not attempt to influence the voter in any way.

(5) A violation of the provisions of this section constitutes a felony if the person was paid by anyone other than the voter to collect and convey the voter's ballot or if the cumulative number of ballots collected or conveyed in violation of the provisions of this section is ten (10) or more in any election. Any other violation of the provisions of this section constitutes a misdemeanor.

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.