LEGISLATURE OF THE STATE OF IDAHO

Sixty-eighth Legislature First Regular Session - 2025

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 339, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ELECTIONS; PROVIDING LEGISLATIVE INTENT; REPEALING SECTION 34-433, IDAHO CODE, RELATING TO MONTHLY CORRECTION OF ELECTION REGISTER FROM REPORTED DEATHS; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-433, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE ACCURACY OF VOTER REGISTRATION INFORMATION; AMENDING SECTION 39-270, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that only eligible citizens may vote in the United States of America. Additionally, it is the intent of the Legislature that the Secretary of State must strive to maintain the accuracy and integrity of Idaho's statewide registration system, ensure that only eligible Idaho voters are registered to vote in Idaho, and cooperate with other governmental entities to prevent and fight against voter fraud in the United States. For the sole purpose of achieving the legislative intent, the Secretary of State shall request, receive, and utilize data specified in this act.

SECTION 2. That Section 34-433, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 4, 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 34-433, Idaho Code, and to read as follows:

34-433. ACCURACY OF VOTER REGISTRATION INFORMATION. (1) In order to maintain the accuracy of voter registration records in Idaho:

(a) The following state entities shall furnish to the secretary of state on or about the twenty-fifth day of each month all data relevant to determining the accuracy of voter registrations as follows:

(i) The department of health and welfare shall furnish a listing showing the legal name, date of birth, county of residence, and residence address of each Idaho resident who has died during the preceding month, and all other data relevant to determining the accuracy of voter registrations, including but not limited to age information, social security numbers, driver's license numbers, and citizenship information, including United States customs and immigration services numbers or alien registration numbers if available, of any person included in its records;

(ii) The department of transportation shall furnish a listing showing driver's license and state identification address changes and new driver's license and state identification issuances, including photographs and digital signatures, and all other data

relevant to determining the accuracy of voter registrations, including but not limited to legal names, dates of birth, age information, social security numbers, driver's license numbers, residence addresses, and citizenship information, including United States customs and immigration services numbers or alien registration numbers if available, of any person included in its records; and

(iii) The department of correction shall furnish a listing showing the legal names, dates of birth, conviction statuses, probation or parole data, former counties of residence, and former residence addresses of all offenders in its custody, in addition to all other data relevant to determining the accuracy of voter registrations, including but not limited to age information, social security numbers, driver's license numbers, residence addresses, and citizenship information, including United States customs and immigration services numbers or alien registration numbers if available, of any person in its custody; and

(b) The secretary of state shall:

(i) Annually, but no later than December 31 of each year, request from the state tax commission a listing showing the legal names, dates of birth, residence addresses, residence changes, social security numbers, driver's license numbers, citizenship statuses, alien registration numbers, and homestead exemption records of any person included in its records. Once requested, the tax commission shall furnish such information no later than thirty (30) days from the date of the request;

(ii) Biannually, but no later than February 1 and July 31 of each year, request from the federal government any data available and relevant to assist in ensuring the integrity and accuracy of Idaho's voter registration information. Such data requested may include but shall not be limited to legal names, dates of birth, residence addresses, residence changes, social security numbers, driver's license numbers, citizenship statuses and verifications, death records, United States customs and immigration services numbers, alien registration numbers, and all available information contained in the systematic alien verification for entitlements database administered by the United States department of homeland security and criminal conviction records;

(iii) On a monthly basis, request from the United States social security administration any data relevant to assist in ensuring the integrity and accuracy of voter registration information, including but not limited to data available from the help America vote verification information system maintained by the social security administration;

(iv) At any time and at the discretion of the secretary of state, request from the federal government, including but not limited to the United States department of homeland security, the offices of the United States attorneys, the social security administration, and United States postal service, any data available and relevant that would assist in ensuring the integrity of Idaho's voter

registration information, verify voter eligibility, and verify United States citizenship status, including but not limited to dates of birth, driver's license numbers, addresses, United States customs and immigration services numbers, alien registration numbers, and death records; and

(v) At any time and at the discretion of the secretary of state, request from any entity, including cities, counties, state entities, other states, and third-party data providers any information that would assist in ensuring the integrity of Idaho's voter registration information, verify voter eligibility, and verify United States citizenship status, including dates of birth, driver's license numbers, addresses, and death records. Entities located in or subject to the jurisdiction of Idaho subject to the provisions of this subparagraph shall comply within thirty (30) days of the secretary of state's request.

(2) The secretary of state may enter into cooperative compacts and agreements with other states or groups of states to compare voter lists, to identify individuals who are registered to vote in more than one (1) state, to maintain the accuracy of voter lists, and to determine the current residence of each such individual to verify such individual's eligibility to remain registered to vote in Idaho. The secretary of state is authorized to contract with commercial data providers, including but not limited to credit agencies and commercial data providers, to assist the secretary of state's efforts in verifying and auditing information in voter registration lists, including but not limited to citizenship status and residence; provided, however, that the secretary of state shall not disseminate sensitive personal data to commercial data providers and credit agencies in its contracts. All sensitive personal data, such as driver's license numbers, social security numbers, and dates of birth, shall be protected from public disclosure except as provided in chapter 1, title 74, Idaho Code.

(3)(a) No later than ninety (90) days before a statewide election, the secretary of state shall review all new voter registration data received since the previous statewide election and verify the accuracy of the new voter registration data by comparing such against the data provided by the systematic alien verification for entitlements program operated by the United States department of homeland security.

(b) After completing any comparisons of the information provided in paragraph (a) of this subsection, the secretary of state shall sort all statewide voter registration information by county and furnish a copy of the same to each county clerk along with all relevant information concerning voter eligibility of individuals in each county. Each county clerk shall immediately review the information and initiate cancellations of all registrations of individuals reported as deceased or determined to be ineligible to vote.

(c) The secretary of state and county clerks shall conduct routine reviews of the voter registration records within the statewide voter registration system to identify any anomalies, such as duplicate registrations, registrations at business addresses, large numbers of registrations at a single address, and correct districting information.

(4) The secretary of state shall, in conjunction with the county clerks, make an annual report to the legislature regarding voter registration maintenance actions performed by them, and provide recommendations to the legislature to improve and ensure an effective list maintenance process.

(5) The secretary of state shall process voter registration data in a secured cloud system using cryptography standards consistent with federal regulations. Voter registration verification requests pursuant to this section approved by the secretary of state shall be processed on a dedicated secured system where all access and activity are logged. Data received and processed by the secretary of state and used for verification purposes pursuant to this section shall be retained for thirty (30) days or until properly processed pursuant to the provisions of this section.

SECTION 4. That Section 39-270, Idaho Code, be, and the same is hereby amended to read as follows:

39-270. DISCLOSURE OF INFORMATION. (a) Certificates and records in the custody of the state registrar shall be open to inspection subject to the provisions of this chapter and the rules of the board, the provisions of section 74-102, Idaho Code, to the contrary notwithstanding; and it shall be unlawful for any state or local official or employee under this chapter to disclose any data contained in the records, except as authorized by this chapter and the rules of the board.

(b) A complete copy, or any part of a certificate, may be issued to any applicant who can show direct and tangible interest in the record for which he applies. A complete copy, or any part of a certificate, shall be issued upon request or at the direction of the state registrar to a state, federal or local public agency for child protection and child support enforcement purposes or for the purpose of investigation of fraud. Subject to such provisions as the board may prescribe, data contained on records may be used by federal, state or municipal agencies for the purpose of verification of data.

(c) As provided in chapter 1, title 74, Idaho Code, data contained on records may be used for research, public health or statistical purposes. No lists of registration shall be compiled for public use, except as provided in section 34-433~~(2)~~, Idaho Code.

(d) The manner of keeping local records and the use thereof shall be prescribed by the board, in keeping with the provisions of this section.

(e) When one hundred (100) years have elapsed after the date of birth, or fifty (50) years have elapsed after the date of death, stillbirth, marriage or divorce, the records of these events in the custody of the state registrar shall become public records and information shall be made available in accordance with chapter 1, title 74, Idaho Code.

SECTION 5. 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, 2025.