

TITLE 34
ELECTIONS

CHAPTER 1
DEFINITIONS

34-101. "GENERAL ELECTION" DEFINED -- OFFICES TO BE FILLED -- CONSTITUTIONAL AMENDMENTS. "General election" means the national, state and county election held on the first Tuesday succeeding the first Monday of November in each even-numbered year.

At these elections there shall be chosen all congressional, state and county officers, including electors of president and vice-president of the United States, as are by law to be elected in such years.

All amendments to the Idaho constitution shall be submitted to the voters for their approval at these elections.

[34-101, added 1970, ch. 140, sec. 1, p. 351; am. 1971, ch. 194, sec. 1, p. 881.]

34-102. "PRIMARY ELECTION" DEFINED -- PURPOSES. (1) "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 elections, with the exception of presidential primaries, shall be held on the third Tuesday of May in each even-numbered year.

(2) "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.

[34-102, added 1970, ch. 140, sec. 2, p. 351; am. 1971, ch. 194, sec. 2, p. 881; am. 1975, ch. 174, sec. 11, p. 469; am. 1979, ch. 309, sec. 1, p. 834; am. 2011, ch. 11, sec. 10, p. 30; am. 2012, ch. 33, sec. 1, p. 103; am. 2015, ch. 292, sec. 1, p. 1166.]

34-103. "SPECIAL ELECTION" DEFINED. "Special election" means any election other than a general or primary election held at any time for any purpose provided by law.

[34-103, added 1970, ch. 140, sec. 3, p. 351; am. 1971, ch. 194, sec. 3, p. 881.]

34-104. "QUALIFIED ELECTOR" DEFINED. "Qualified elector" means any person who is eighteen (18) years of age, is a United States citizen and who has resided in this state and in the county at least thirty (30) days next preceding the election at which he desires to vote, and who is registered as required by law.

[34-104, added 1970, ch. 140, sec. 4, p. 351; am. 1971, ch. 194, sec. 4, p. 881; am. 1972, ch. 350, sec. 1, p. 1036; am. 1973, ch. 304, sec. 1, p. 646; am. 1982, ch. 253, sec. 1, p. 645.]

34-105. "REGISTERED ELECTOR" DEFINED. "Registered elector", for the purpose of this act, means any "qualified elector".

[34-105, added 1970, ch. 140, sec. 5, p. 351; am. 1971, ch. 194, sec. 5, p. 881.]

34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than two (2) elections conducted in any county in any calendar year, except as provided in this section, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

(1) The dates on which elections may be conducted are:

(a) The third Tuesday in May of each year; and

(b) The Tuesday following the first Monday in November of each year.

(c) In addition to the elections specified in paragraphs (a) and (b) of this subsection and subsection (7) of this section, an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property.

(d) In addition to the elections specified elsewhere in this section, a presidential primary shall be held on the second Tuesday in March in each presidential election year. Presidential primaries shall be held separately from other primary elections, which shall be held on the third Tuesday in May even in presidential election years.

(2) Candidates for office elected in May shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution, or on January 1, next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section, which, prior to January 1, 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section, shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section which falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of election authorized under the provisions of this section.

(6) Water districts governed by [chapter 6, title 42](#), Idaho Code, are exempt from the provisions of this section.

(7) Community colleges governed by [chapter 21, title 33](#), Idaho Code, and school districts are subject to the limitations specified in subsection (1) of this section, except that school districts may also hold an election on the second Tuesday in March of each year and on the last Tuesday in August of each year on bonded indebtedness and property tax levy questions.

(8) A city initiative or referendum election shall be held on the Tuesday following the first Monday in November of odd-numbered years. A county initiative or referendum election or a bond, levy and any other ballot ques-

tion elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than sixty (60) days after the clerk of the political subdivision orders that such election shall be held in May or November of even-numbered years or more than fifty (50) days after the order for all other elections, unless otherwise provided by law. Ballot language for any question to be placed on the ballot shall be submitted to the county clerk at least sixty (60) days before an election held in May or November of even-numbered years and at least fifty (50) days before all other elections.

(9) Recall elections may be held on any of the four (4) dates authorized in subsections (1) and (7) of this section that fall more than forty-five (45) days after the clerk of the political subdivision orders that such election shall be held.

(10) Irrigation districts governed by [title 43](#), Idaho Code, are subject to the limitations specified in subsection (1) of this section, except that irrigation districts may also hold an election on the first Tuesday in February of each year and on the first Tuesday in August of each year on questions required to be voted upon by [title 43](#), Idaho Code.

[34-106, added 1992, ch. 176, sec. 2, p. 554; am. 1993, ch. 313, sec. 3, p. 1158; am. 2007, ch. 92, sec. 2, p. 272; am. 2009, ch. 341, sec. 55, p. 1030; am. 2010, ch. 185, sec. 6, p. 386; am. 2011, ch. 11, sec. 11, p. 30; am. 2013, ch. 135, sec. 3, p. 308; am. 2015, ch. 285, sec. 1, p. 1155; am. 2015, ch. 292, sec. 2, p. 1167; am. 2018, ch. 238, sec. 1, p. 557.]

34-107. "RESIDENCE" DEFINED. (1) "Residence," for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence.

(2) In determining what is a principal or primary place of abode of a person the following circumstances relating to such person may be taken into account: business pursuits, employment, income sources, residence for income or other tax pursuits, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, situs of residence for which the exemption in section [63-602G](#), Idaho Code, is filed, and motor vehicle registration.

(3) A qualified elector who has left his home and gone into another state or territory or county of this state for a temporary purpose only shall not be considered to have lost his residence.

(4) A qualified elector shall not be considered to have gained a residence in any county or city of this state into which he comes for temporary purposes only, without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there.

(5) If a qualified elector moves to another state, or to any of the other territories, with the intention of making it his permanent home, he shall be considered to have lost his residence in this state.

[34-107, added 1970, ch. 140, sec. 7, p. 351; am. 1971, ch. 194, sec. 7, p. 881; am. 1982, ch. 215, sec. 1, p. 589; am. 1989, ch. 147, sec. 1, p. 354; am. 1996, ch. 322, sec. 34, p. 1063.]

34-108. "ELECTION OFFICIAL" DEFINED. "Election official" means the secretary of state, any county clerk, registrar, judge of election, clerk of election, canvassing board or board of county commissioners engaged in the performance of election duties as required by law.

[34-108, added 1970, ch. 140, sec. 8, p. 351; am. 1971, ch. 194, sec. 8, p. 881.]

34-109. "POLITICAL PARTY" DEFINED. "Political party" means an affiliation of electors representing a political group under a given name as authorized by law.

[34-109, added 1970, ch. 140, sec. 9, p. 351.]

34-110. "ELECTION REGISTER" DEFINED. "Election register" means the voter registration cards of all electors who are qualified to appear and vote at the designated polling places.

[34-110, added 1970, ch. 140, sec. 10, p. 351.]

34-111. "COMBINATION ELECTION RECORD AND POLL BOOK" DEFINED -- OPERATION. (1) "Combination election record and poll book" means the book containing a listing of registered electors who are qualified to appear and vote at the designated polling places. An additional copy of the combination election record and poll book may be maintained to record that the elector has voted.

(2) The county clerk shall deliver to the chief election judge in each precinct, as other election supplies and materials are delivered, a list in alphabetical order of all registered electors referred to in section [34-110](#), Idaho Code. This list shall constitute the combination election record and poll book of each precinct. This list shall include the residence address of each elector. For any given precinct, the list may be divided into two (2) or more separate parts and shall be alphabetical according to the name of the registered elector.

(3) The county clerk shall administer an oath of office to the chief judge of each precinct, before or upon delivering supplies. The county clerk may delegate his authority to administer oath of the chief judge to any officer authorized to administer oaths, including notaries public.

(4) Before entering upon the discharge of their duties, the election judges shall take and subscribe an oath in the combination election record and poll book. Such oaths shall be administered by the chief judge of the precinct. Should the chief judge fail to be present any officer authorized to administer oaths including notaries public may administer oaths to the election judges. Blank oaths of office shall be attached to the combination election record and poll book.

(5) The combination election record and poll book shall be in the manner and form prescribed by the secretary of state.

(6) Immediately after the close of the polls, the names of the electors who voted shall be counted and the number written and certified in the combination election record and poll book. The combination election record and poll book shall be immediately signed by each of the election board judges.

[34-111, added 1970, ch. 140, sec. 11, p. 351; am. 1972, ch. 350, sec. 3, p. 1036; am. 1982, ch. 137, sec. 1, p. 388.]

34-111A. "ELECTRONIC POLL BOOK" DEFINED. "Electronic poll book" means an electronic list of registered voters for a particular precinct or polling location that may be transported to the polling location. The electronic poll book shall contain the same information as the combination election record and poll book as defined in this chapter.

[34-111A, added 2015, ch. 282, sec. 1, p. 1147.]

34-112. "COUNTY CLERK" DEFINED. "County clerk" means the clerk of the district court.

[34-112, added 1970, ch. 140, sec. 12, p. 351.]

34-113. "CANDIDATE" DEFINED. "Candidate" means and includes every person for whom it is contemplated or desired that votes be cast at any political convention, primary, general or special election, and who either tacitly or expressly consents to be so considered, except candidates for president and vice-president of the United States.

[34-113, added 1970, ch. 140, sec. 13, p. 351.]

34-114. "TALLY BOOK" OR "TALLY LIST" DEFINED. "Tally book" or "tally list" means the forms in which the votes cast for any candidate or special question are counted and totaled at the polling precinct.

[34-114, added 1970, ch. 140, sec. 14, p. 351.]

34-115. REFERENCES TO MALE INCLUDE FEMALE AND MASCULINE INCLUDES FEMININE. All references to the male elector includes [include] the female elector and the masculine pronoun includes the feminine.

[34-115, added 1970, ch. 140, sec. 15, p. 351.]

34-116. CALENDAR DAYS USED IN COMPUTATION OF TIME. Calendar days shall be used in all computations of time made under the provisions of this act. In computing time for any act to be done before any election, the first day shall be included and the last, or election day, shall be excluded. Sundays, Saturdays and legal holidays shall be included, but if the time for any act to be done shall fall on Sunday, Saturday or a legal holiday, such act shall be done upon the day following such Sunday, Saturday or legal holiday.

[34-116, added 1970, ch. 140, sec. 16, p. 351; am. 1995, ch. 215, sec. 1, p. 748.]

34-117. "JUDICIAL NOMINATING ELECTION" DEFINED. "Judicial nominating election" means an election held for the purpose of selecting justices of the supreme court and judges of the district court as are by law to be selected at such election. This election shall be held on the date of the statewide primary election.

[I.C., sec. 34-117, as added by 1971, ch. 194, sec. 9, p. 881.]