

TITLE 34
ELECTIONS

CHAPTER 7
NOMINATIONS -- CONVENTIONS -- PRIMARY ELECTIONS

34-701. DECLARATIONS OF CANDIDACY AND PETITIONS -- FORM PRESCRIBED BY SECRETARY OF STATE -- FILING FEES. (1) The secretary of state shall prescribe the form for all declarations of candidacy and petitions required to be filed for any office. This form shall be uniform throughout the state; provided, however, that a candidate for judicial office must designate the particular office that he seeks, both in his petitions and declaration of candidacy.

(2) All filing fees shall be paid in cash, cashier's check, postal money orders, or personal check.

[34-701, added 1970, ch. 140, sec. 105, p. 351; am. 1970, ch. 231, sec. 2, p. 643; am. 1983, ch. 213, sec. 4, p. 591.]

34-702. REQUIREMENTS FOR WRITE-IN CANDIDATES AT PRIMARY. (1) In addition to possessing all other qualifications, in order to become a candidate of a political party at the general election, those candidates whose names are written in at the primary election must:

(a) Receive at least the following number of write-in votes at the primary election:

- (i) One thousand (1,000) for any statewide office;
- (ii) Five hundred (500) for a congressional district office;
- (iii) Fifty (50) for a legislative district office; or
- (iv) Five (5) for a county office; and

(b) File a declaration of intent for that office, pursuant to section [34-702A](#), Idaho Code.

(2) Candidates who are required to file with the secretary of state shall pay the filing fee required for that office no later than the deadline for filing a declaration of intent pursuant to section [34-702A](#), Idaho Code, or shall file a petition pursuant to section [34-626](#), Idaho Code.

(3) No write-ins shall be allowed for judicial office.

[34-702, added 1970, ch. 140, sec. 106, p. 351; am. 1970, ch. 231, sec. 3, p. 643; am. 1976, ch. 60, sec. 1, p. 202; am. 1996, ch. 28, sec. 23, p. 75; am. 2020, ch. 69, sec. 1, p. 157.]

34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES. (1) No write-in vote for any office in a primary, special, or general election shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of said office if elected. The declaration of intent shall be filed with the secretary of state if for a federal, state, or legislative district office and with the county clerk if for a county office. Such declaration of intent shall be filed no later than the eighth Friday before the day of election. The secretary of state shall prescribe the form for said declaration.

(2) In those counties which utilize optical scan ballots, an elector shall not place on the ballot a sticker bearing the name of a person, or use any other method or device, except writing, to vote for a person whose name is not printed on the ballot.

[34-702A, added 1983, ch. 213, sec. 5, p. 592; am. 1992, ch. 176, sec. 3, p. 555; am. 1993, ch. 313, sec. 4, p. 1159; am. 1999, ch. 221, sec. 1, p. 588; am. 2001, ch. 272, sec. 1, p. 994; am. 2010, ch. 162, sec. 1, p. 335; am. 2020, ch. 69, sec. 2, p. 157.]

34-703. NOMINATION AT PRIMARY. (1) All political party candidates for United States senator and representative in congress and all political party candidates for elective state, district and county offices, except candidates for judicial office, at general elections shall be nominated at the primary elections, or shall have their names placed on the general election ballot as provided by law, and shall comply with the provisions of this act.

(2) All candidates for judicial office shall be nominated or elected at the primary election, as provided by section [34-1217](#), Idaho Code.

(3) Independent candidates shall not be voted on at primary elections.

[I.C., sec. 34-703, as added by 1971, ch. 5, sec. 2, p. 11; am. 1972, ch. 46, sec. 3, p. 84; am. 1976, ch. 60, sec. 2, p. 202.]

34-704. DECLARATION OF CANDIDACY. Any person legally qualified to hold such office is entitled to become a candidate and file his declaration of candidacy. Each political party candidate for precinct, state, district or county office shall file his declaration of candidacy in the proper office between 8 a.m., on the twelfth Monday preceding the primary election and 5 p.m., on the tenth Friday preceding the primary election. All political party candidates shall declare their party affiliation in their declaration of candidacy and shall be affiliated with a party at the time of filing. A candidate shall be deemed affiliated with the political party if the candidate submits a party affiliation form along with the declaration of candidacy to the filing official. The filing official shall reject any declaration of candidacy for partisan office in a primary election from candidates who are not affiliated with a political party. Candidates for nonpartisan office shall file during the period provided for in this section.

Candidates who file a declaration of candidacy under a party name and are not nominated at the primary election shall not be allowed to appear on the general election ballot under any other political party name, nor as an independent candidate.

Independent candidates shall file their declaration of candidacy in the manner provided in section [34-708](#), Idaho Code.

[I.C., sec. 34-704, as added by 1971, ch. 5, sec. 3, p. 11; am. 1971, ch. 188, sec. 1, p. 867; am. 1972, ch. 46, sec. 4, p. 84; am. 1972, ch. 346, sec. 1, p. 1015; am. 1975, ch. 174, sec. 17, p. 469; am. 1976, ch. 60, sec. 3, p. 202; am. 1979, ch. 309, sec. 4, p. 835; am. 1983, ch. 213, sec. 6, p. 592; am. 1984, ch. 8, sec. 1, p. 12; am. 1984, ch. 173, sec. 3, p. 418; am. 1989, ch. 70, sec. 1, p. 111; am. 2003, ch. 48, sec. 10, p. 185; am. 2012, ch. 211, sec. 5, p. 575.]

34-705. WITH WHOM DECLARATIONS FILED. (1) All candidates for county offices, whether political party candidates or independent candidates, and all political party candidates for precinct offices shall file their declarations of candidacy with the county clerk of their respective counties. All candidates for district, state and federal offices shall file their declarations of candidacy with the secretary of state.

(2) The secretary of state shall certify to the county clerks, within ten (10) days after the filing deadline, the names of the political party candidates who filed for federal, state and district offices and are qualified for placement on the ballot.

(3) The secretary of state shall certify the name of a candidate being appointed by the appropriate central committee pursuant to section [34-714](#), Idaho Code, by no later than the next business day after the appointment is received in the secretary of state's office, if received after the certification of candidates to the county clerks under subsection (2) of this section.

[I.C., sec. 34-705, as added by 1971, ch. 5, sec. 4, p. 11; am. 1971 (E.S.), ch. 9, sec. 3, p. 20; am. 1976, ch. 60, sec. 4, p. 203; am. 2019, ch. 96, sec. 8, p. 347.]

34-706. NOTIFICATION TO PARTIES. Within three (3) days after the deadline for filing declarations of political party candidacy the county clerk shall notify the county central committee of each political party of the candidates who have filed for county and precinct offices under the party name and are qualified.

Within three (3) days after the deadline for filing declarations of political party candidacy the secretary of state shall notify the legislative district central committee of each political party of the legislative candidates who have filed under the party name and are qualified.

Within three (3) days after the deadline for filing declarations of political party candidacy the secretary of state shall notify the state central committee of each political party of the candidates who have filed for federal and state offices under the party name and are qualified.

[I.C., sec. 34-706, as added by 1971, ch. 5, sec. 5, p. 11; am. 1971, ch. 188, sec. 2, p. 867; am. 1971 (E.S.), ch. 9, sec. 4, p. 20; am. 1976, ch. 60, sec. 5, p. 203; am. 1989, ch. 70, sec. 2, p. 112.]

34-707. PARTY CONVENTIONS. A state convention shall be held by each political party in each election year at a time and place determined by the state central committee. The state central committee chairman shall preside and cause notice to be given to each legislative district central committee and each county central committee at the earliest possible date.

Each state convention shall write and adopt rules and regulations governing the conduct of their respective conventions.

At their convention each political party may:

- (1) Adopt and write a party platform.
- (2) Elect any desired officers not otherwise provided for by law.
- (3) In the year of presidential elections (a) elect delegates to the national convention in the manner prescribed by national party rules; (b) elect a national committeeman and a national committeewoman; and (c) select presidential electors.

- (4) Adopt rules, regulations and directives regarding party policies, practices and procedures.

[34-707, added 1970, ch. 140, sec. 111, p. 351; am. 1971, ch. 5, sec. 6, p. 11; am. 1971 (E.S.), ch. 9, sec. 5, p. 20; am. 1973, ch. 122, sec. 1, p. 232; am. 1980, ch. 236, sec. 1, p. 524; am. 2003, ch. 94, sec. 1, p. 279.]

34-708. INDEPENDENT CANDIDATES. (1) No person may offer himself as an independent candidate at the primary election.

(2) Any person who desires to offer himself as an independent candidate for federal, state, district, or county office may do so by complying strictly with the provisions of this section. In order to be recognized as an independent candidate, each such candidate must file with the proper officer as provided by section [34-705](#), Idaho Code, a declaration of candidacy as an independent candidate, during the period specified in section [34-704](#), Idaho Code. Such declaration must state that he is offering himself as an independent candidate, must declare that he has no political party affiliation, and must declare the office for which he seeks election. Each such declaration must be accompanied by a petition containing the following number of signatures of qualified electors:

- (a) One thousand (1,000) for any statewide office;
- (b) Five hundred (500) for any congressional district office;
- (c) Fifty (50) for any legislative district office;
- (d) Five (5) for any county office.

(3) Signatures on the petitions required in this section shall be verified in the manner prescribed in section [34-1807](#), Idaho Code.

(4) If all of the requirements of this section have been met, the proper officer shall cause the name of each independent candidate who has qualified to be placed on the general election ballot, according to instructions of the secretary of state.

[34-708, added 1976, ch. 60, sec. 6, p. 204; am. 1979, ch. 309, sec. 5, p. 836; am. 1995, ch. 115, sec. 1, p. 385; am. 1996, ch. 28, sec. 24, p. 76; am. 2003, ch. 293, sec. 1, p. 795.]

34-708A. INDEPENDENT CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT. Persons who desire to be independent candidates for the offices of president and vice-president, must file, prior to August 25 of the election year, declarations of candidacy as independent candidates. Such declarations must state that such persons are offering themselves as independent candidates and must declare that they have no political party affiliation. The declarations shall have attached thereto a petition signed by one thousand (1,000) qualified electors.

The candidates for president and vice-president shall be considered as candidates for one (1) office, and only one (1) such petition need be filed for both offices.

Signatures on the petitions required in this section shall be verified in the manner prescribed in section [34-1807](#), Idaho Code, provided that the petition circulators are not required to be Idaho residents.

[34-708A, added 1977, ch. 14, sec. 1, p. 30; am. 1979, ch. 309, sec. 6, p. 836; am. 1985, ch. 42, sec. 3, p. 89; am. 1987, ch. 262, sec. 2, p. 555; am. 1996, ch. 28, sec. 25, p. 77; am. 2011, ch. 285, sec. 6, p. 781.]

34-711. CERTIFICATION OF CANDIDATES FOR PRESIDENT, VICE PRESIDENT AND PRESIDENTIAL ELECTORS. The state chairman of each political party shall certify the names of the presidential and vice-presidential candidates and presidential electors to the secretary of state on or before September 1, unless a five (5) day extension is granted by the secretary of state, in order for them to appear on the general election ballot. The secretary of state shall certify such candidates to the county clerks at the same time as

certification of political party candidates nominated for state and federal offices by the voters in the primary election.

[34-711, added 1970, ch. 140, sec. 115, p. 351; am. 1972, ch. 346, sec. 2, p. 1015; am. 1976, ch. 60, sec. 7, p. 204; am. 1984, ch. 131, sec. 3, p. 306; am. 1985, ch. 42, sec. 4, p. 89; am. 2003, ch. 94, sec. 2, p. 280.]

34-711A. CERTIFICATION OF INDEPENDENT PRESIDENTIAL ELECTORS. Independent candidates who have qualified for ballot status pursuant to section [34-708A](#), Idaho Code, shall certify the names of presidential electors to the secretary of state on or before September 1, in order for them to appear on the general election ballot. The secretary of state shall certify the independent presidential electors, and the independent candidates for president and vice-president, to the county clerks on or before September 7.

[34-711A, added 1977, ch. 14, sec. 2, p. 30; am. 1984, ch. 131, sec. 4, p. 306; am. 1985, ch. 42, sec. 5, p. 90.]

34-712. SAMPLE FORM FOR PRIMARY ELECTION BALLOTS. The secretary of state shall provide the sample form of the primary election ballot to each of the county clerks no later than forty (40) days prior to the primary. The sample ballot shall contain the proper political party candidates to be voted upon within the county whose declarations were filed and certified in the office of the secretary of state with instructions for the placing of political party candidates seeking the political party nomination for county and precinct offices. If a county is within more than one (1) legislative district, the secretary of state shall provide a sample ballot for each legislative district which includes part of the county.

[34-712, added 1970, ch. 140, sec. 116, p. 351; am. 1970, ch. 231, sec. 4, p. 643; am. 1971, ch. 188, sec. 4, p. 867; am. 1971 (E.S.), ch. 9, sec. 6, p. 20; am. 1972, ch. 346, sec. 3, p. 1015; am. 1976, ch. 60, sec. 8, p. 204.]

34-713. PREPARATION OF PRIMARY BALLOTS. Upon receipt of the sample ballot and instructions from the secretary of state, each county clerk shall print and prepare the official primary ballots for the forthcoming election. The printing of the ballots shall be a county expense and paid out of the county treasury except presidential primary ballots, which shall be paid for as provided in section [34-738](#), Idaho Code.

Each county clerk shall cause to be published on the earliest date possible the names of all the political party candidates who shall appear on the primary or presidential primary ballot. The names shall be listed alphabetically under each particular office title.

[34-713, added 1970, ch. 140, sec. 117, p. 351; am. 1975, ch. 174, sec. 13, p. 469; am. 1976, ch. 60, sec. 9, p. 205; am. 1979, ch. 309, sec. 7, p. 837; am. 2012, ch. 33, sec. 3, p. 103; am. 2015, ch. 292, sec. 5, p. 1168.]

34-714. FILLING VACANCIES IN SLATE OF POLITICAL PARTY CANDIDATES OCCURRING PRIOR TO PRIMARY ELECTION. (1) Vacancies that occur before the primary election in the slate of candidates of any political party because of

the death, disqualification for any reason, or withdrawal from the nomination process by the candidate, shall be filled in the following manner if only one (1) candidate declared for that particular office:

- (a) By the county central committee if the vacancy occurs for the office of precinct committeeman or for a county office.
- (b) By the legislative district central committee if the vacancy occurs for the office of state representative or state senator.
- (c) By the state central committee if the vacancy occurs for a federal or state office.

The county and legislative district central committee shall fill the vacancy within fifteen (15) days from the date the vacancy occurred. The state central committee shall fill the vacancy within thirty (30) days from the date the vacancy occurred.

Any political party candidate so appointed by the proper central committee must, in order to have his name on the primary ballot, file a declaration of candidacy and pay the required filing fee.

(2) No central committee shall fill any vacancy which occurs within ten (10) days prior to the primary election. Vacancies which occur during this ten (10) day period because of the death, disqualification for any reason, or withdrawal from the nomination process by the candidate shall be filled according to the provisions of section [34-715](#), Idaho Code.

(3) Vacancies that occur in a slate of candidates for precinct committeeman within ten (10) days prior to the primary election shall not be filled.

[34-714, added 1970, ch. 140, sec. 118, p. 351; am. 1971 (E.S.), ch. 9, sec. 7, p. 20; am. 1975, ch. 21, sec. 3, p. 30; am. 1976, ch. 60, sec. 10, p. 205; am. 1989, ch. 70, sec. 3, p. 112; am. 1996, ch. 28, sec. 26, p. 77; am. 1999, ch. 222, sec. 1, p. 588.]

34-715. FILLING OF VACANCIES OCCURRING BEFORE OR AFTER PRIMARY ELECTION. Vacancies that occur during the ten (10) day period before a primary election, or after the primary election but at least ten (10) days before the general election in the slate of candidates of any political party, except candidates for precinct committeeman, shall be filled in the following manner:

- (1) By the county central committee if it is a vacancy by a candidate for a county office.
- (2) By the legislative district central committee if it is a vacancy by a candidate for the state legislature.
- (3) By the state central committee if it is a vacancy by a candidate for a federal or a state office.

The county and legislative district central committee shall fill the vacancy within fifteen (15) days from the date the vacancy occurred. The state central committee shall fill the vacancy within thirty (30) days from the date the vacancy occurred.

Any political party candidate so appointed by the proper central committee must, in order to have his name on the general ballot, file a declaration of candidacy and pay the required filing fee.

Vacancies that occur in a slate of candidates for precinct committeeman within ten (10) days prior to the primary election shall not be filled.

[34-715, added 1970, ch. 140, sec. 119, p. 351; am. 1972, ch. 346, sec. 4, p. 1015; am. 1976, ch. 60, sec. 11, p. 207; am. 1977, ch. 21, sec.

1, p. 43; am. 1983, ch. 213, sec. 7, p. 592; am. 1996, ch. 28, sec. 27, p. 77; am. 1999, ch. 222, sec. 2, p. 589.]

34-716. VACANCIES OF CANDIDATES FOR NONPARTISAN OFFICES OCCURRING BEFORE GENERAL ELECTION NOT FILLED -- EXCEPTIONS -- JUDICIAL OFFICES. (1) All vacancies of candidates for nonpartisan offices that occur after the primary election but before the general election, except vacancies in the offices of nominated candidates for judicial office which shall be filled as provided in this section, shall not be filled.

(2) If a candidate for judicial office has received a majority of the votes cast for the office at the primary election, he shall be deemed elected as provided by section [34-1217](#), Idaho Code. Thereafter, if the judge-elect dies, moves from the state, or otherwise becomes ineligible to serve in the judicial office, the secretary of state shall declare that a vacancy exists in the judicial office, but that no other candidate for the office will be offered at the general election. The vacancy shall be filled as provided by law, as if the judge-elect had already assumed office.

(3) If three (3) or more candidates sought a judicial office at the primary election, and no candidate for the judicial office received a majority of the votes cast for the office at the primary election, and either of the candidates certified to be a nominee at the general election dies, moves from the state, or otherwise becomes ineligible to serve in the judicial office, the secretary of state shall cause the name or names of the candidate or candidates receiving the next highest number of votes cast at the primary election after the two (2) candidates certified, to be certified as nominees for the judicial office at the general election, so that two (2) candidates shall be offered for each judicial office to be filled. In the event only one (1) vacancy on the general election ballot is to be filled by the procedure outlined in this subsection, and there exists a tie among two (2) or more judicial candidates receiving the next highest number of votes, such candidates, or their personal designees, shall meet in the office of the secretary of state at a time fixed by him upon ten (10) days written notice to such interested candidates, or their designees, and a candidate to fill each such vacancy on the general election ballot shall be selected by lot from the candidates receiving the same number of votes at the primary election. The secretary of state shall cause the name of the persons so selected to appear on the general election ballot.

[34-716, added 1970, ch. 140, sec. 120, p. 351; am. 1972, ch. 333, sec. 1, p. 841.]

34-717. WITHDRAWAL OF CANDIDACY. (1) A candidate for nomination or candidate for election to a partisan office may withdraw from the election by filing a notarized statement of withdrawal with the officer with whom his declaration of candidacy was filed. The statement must contain all information necessary to identify the candidate and the office sought and the reason for withdrawal. The filing officer shall immediately notify the proper central committee of the party, if any, of the individual withdrawing. A candidate may not withdraw later than forty-five (45) days before an election, except in the case of a primary election, when the deadline shall be no later than the eighth Friday preceding the primary election, or a general election, when the deadline shall be no later than September 7. Filing fees paid by the candidate shall not be refunded.

(2) Any candidate who has filed a statement of withdrawal pursuant to this section shall not be allowed to be appointed to fill a vacancy unless such vacancy occurs because of the death of a previous candidate.

[34-717, added 1983, ch. 213, sec. 8, p. 593; am. 1999, ch. 222, sec. 3, p. 590; am. 2011, ch. 11, sec. 12, p. 31; am. 2015, ch. 155, sec. 1, p. 545.]

34-731. PRESIDENTIAL PRIMARY. (1) In years in which a president of the United States is to be nominated and elected, a presidential primary shall be held at which voters may express their choice of candidate for nomination by a political party for president. The presidential primary shall be held on the second Tuesday in March in each presidential election year.

(2) Participation in a presidential primary by a political party shall be optional, and nothing in this chapter shall be construed as mandating a party's participation in a presidential primary. Any party that intends to participate in a presidential primary shall notify the secretary of state's office no later than the last Tuesday in the November prior to the presidential primary.

[34-731, added 2015, ch. 292, sec. 6, p. 1169.]

34-732. CANDIDATES. The name of any candidate for a political party nomination for president of the United States shall be printed on the ballots only if the candidate files with the secretary of state a declaration of candidacy accompanied by a one thousand dollar (\$1,000) filing fee not less than ninety (90) days prior to the presidential primary.

[34-732, added 2015, ch. 292, sec. 6, p. 1169.]

34-733. REMOVAL FROM BALLOT. In the event the secretary of state is informed of a candidate's death, incapacity or withdrawal from candidacy, the secretary of state may remove the name of such candidate from the ballot, provided however, that no candidate's name shall be removed within the forty-five (45) days preceding the presidential primary.

[34-733, added 2015, ch. 292, sec. 6, p. 1169.]

34-734. VOTING. At a presidential primary, qualified electors may vote for one (1) candidate from among the candidates of one (1) political party only in a manner consistent with the provisions of section [34-904A](#), Idaho Code.

[34-734, added 2015, ch. 292, sec. 6, p. 1169.]

34-735. PRESIDENTIAL PRIMARY -- RESULTS. Upon completion of the state canvass for the presidential primary, the secretary of state shall certify to the state chair of each political party participating in the presidential primary the number of votes received by each candidate of that party. A winner shall be declared as prescribed by rule of the state and national party.

[34-735, added 2015, ch. 292, sec. 6, p. 1169.]

34-736. DELEGATES TO THE NATIONAL CONVENTION. Upon receiving the results of the presidential primary pursuant to section [34-735](#), Idaho Code,

each party participating in the presidential primary shall select, according to national and state party rules, as many delegates and alternates to the national party convention as are allotted to it by the national committee of that party.

[34-736, added 2015, ch. 292, sec. 6, p. 1169.]

34-737. CONDUCT OF ELECTION. Insofar as practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential primary shall be conducted and canvassed in the manner provided by law for the conduct and canvassing of state primary elections.

[34-737, added 2015, ch. 292, sec. 6, p. 1169.]

34-738. COSTS OF PRESIDENTIAL PRIMARY. (1) Whenever a presidential primary is held as provided by this chapter, the state of Idaho shall assume all costs related to the presidential primary, including publication of legal notice and ballot preparation. The county clerk shall determine the costs and file a certified claim, which shall be examined, allowed and paid as other claims against the state are paid.

(2) The costs of any other election held simultaneous to the presidential primary shall be covered in the manner elsewhere prescribed by law.

[34-738, added 2015, ch. 292, sec. 6, p. 1169.]

34-740. RULES. The secretary of state as chief election officer may adopt such rules as are necessary to facilitate the operation, accomplishment and purpose of this chapter.

[34-740, added 1975, ch. 174, sec. 10, p. 469; am. 2015, ch. 292, sec. 7, p. 1170.]

CHAPTER 8
REGISTRATION OF ELECTORS -- [REPEALED]