

IN THE SENATE

SENATE BILL NO. 1195

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-737, IDAHO CODE, TO PROVIDE THAT WRITE-IN BALLOTS SHALL NOT BE ALLOWED AND SHALL NOT BE COUNTED IN THE PRESIDENTIAL PRIMARY; AMENDING SECTION 34-904, IDAHO CODE, TO PROVIDE CONDITIONS WHEN A PRESIDENTIAL PRIMARY BALLOT NEED NOT BE PRINTED; AMENDING SECTION 34-411A, IDAHO CODE, TO REVISE PROVISIONS REGARDING PRIMARY AND PRESIDENTIAL PRIMARY ELECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 34-737, Idaho Code, be, and the same is hereby amended to read as follows:

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, provided that write-in ballots shall not be allowed and shall not be counted.

SECTION 2. That Section 34-904, Idaho Code, be, and the same is hereby amended to read as follows:

34-904. PRIMARY ELECTION BALLOTS. (1) There shall be a separate primary election ballot for each political party upon which its ticket shall be printed; however, a county may use a separate ballot for the office of precinct committeeman. All candidates who have filed their declarations of candidacy and are subsequently certified shall be listed under the proper office titles on their political party ticket. The secretary of state shall design the primary election ballot to allow for write-in candidates under each office title .

(2) The office titles shall be listed in order beginning with the highest federal office and ending with precinct offices. The secretary of state has the discretion and authority to arrange the classifications of offices as provided by law.

(3) It is not necessary to print a primary ballot or presidential primary ballot for a political party which does not have candidates for more than half of the federal or statewide offices on the ballot if no more than one (1) candidate files for nomination by that party for any of the offices on the ballot. The secretary of state shall certify that no primary election is necessary for that party if such is the case and shall certify to the county clerk the names of candidates for that party for the general election ballot only.

SECTION 3. That Section 34-411A, Idaho Code, be, and the same is hereby amended to read as follows:

1 34-411A. PRIMARY ELECTIONS -- CHANGING PARTY AFFILIATION -- UNAFFILI-
2 ATED ELECTORS. (1) For a primary election or presidential primary election,
3 an elector may change such elector's political party affiliation or become
4 "unaffiliated" by filing a signed form with the county clerk no later than
5 ~~the last day a candidate may file for partisan political office prior to such~~
6 ~~primary election, as provided for in section 34-704, Idaho Code~~ second Fri-
7 day of February in the even-numbered year. An "unaffiliated" elector may
8 affiliate with the party of the elector's choice by filing a signed form up
9 to and including election day. The application form described in section
10 34-1002, Idaho Code, shall also be used for this purpose.

11 (2) For a primary election, an "unaffiliated" elector may select a po-
12 litical party affiliation only prior to voting in the primary election. An
13 elector may make such selection on or before election day, by declaring such
14 political party affiliation to the poll worker or other appropriate election
15 personnel. The poll worker or other appropriate election personnel shall
16 then record in the poll book the elector's choice. After the primary elec-
17 tion, the county clerk shall record the party affiliation so recorded in the
18 poll book as part of such elector's record within the voter registration sys-
19 tem as provided for in section 34-437A, Idaho Code.

20 SECTION 4. An emergency existing therefor, which emergency is hereby
21 declared to exist, this act shall be in full force and effect on and after its
22 passage and approval, and retroactively to January 1, 2016.