

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 255

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-408A, IDAHO CODE, TO REVISE PRO-
2 VISIONS REGARDING ELECTION DAY REGISTRATION; AMENDING SECTION 34-409,
3 IDAHO CODE, TO REVISE PROVISIONS REGARDING ELECTRONIC VOTER REGISTRA-
4 TION; AMENDING SECTION 34-410, IDAHO CODE, TO REVISE PROVISIONS REGARD-
5 ING VOTER REGISTRATION BY MAIL; AMENDING SECTION 34-411, IDAHO CODE,
6 TO REVISE PROVISIONS REGARDING VOTER REGISTRATION INFORMATION; AMEND-
7 ING SECTION 34-1113, IDAHO CODE, TO REMOVE PROVISIONS REGARDING VOTER
8 IDENTIFICATION REQUIRED AT THE POLLS; AMENDING SECTION 34-1114, IDAHO
9 CODE, TO REVISE PROVISIONS REGARDING A VOTER AFFIDAVIT IN LIEU OF PER-
10 SONAL IDENTIFICATION; AMENDING SECTION 49-2444, IDAHO CODE, TO REVISE
11 PROVISIONS REGARDING IDENTIFICATION CARDS FROM THE IDAHO TRANSPORTA-
12 TION DEPARTMENT; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDI-
13 TION OF A NEW SECTION 34-421, IDAHO CODE, TO ESTABLISH THE ELECTION IN-
14 TEGRITY FUND; AND PROVIDING SEVERABILITY.
15

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

17 SECTION 1. That Section 34-408A, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 34-408A. ELECTION DAY REGISTRATION. (1) An individual who is eligi-
20 ble to vote may register on election day by appearing in person at the polling
21 place for the precinct in which the individual maintains residence, by com-
22 pleting a registration application, making an oath in the form prescribed by
23 the secretary of state, and providing proof of residence. An individual may
24 prove residence for purposes of registering by:

25 (1a) Showing ~~an~~ a current Idaho driver's license or Idaho identifi-
26 cation card issued through the department of transportation, or Idaho
27 transportation department that displays the current address of the in-
28 dividual; or

29 (2b) Showing any document ~~which~~ that contains a valid address in the
30 precinct together with a ~~picture identification card, or~~ current Idaho
31 driver's license or Idaho identification card issued through the Idaho
32 transportation department that displays a previous address of the indi-
33 vidual.

34 (3c) Showing a current valid student photo identification card from
35 a postsecondary educational institution in Idaho accompanied with a cur-
36 rent student fee statement that contains the student's valid address in the
37 precinct. Election day registration provided in this section shall apply to
38 all elections conducted under title 34, Idaho Code, and to school district
39 and municipal elections.

40 (3) An individual who is eligible to vote may also register, upon pro-
41 viding proof of residence, at the "absent electors' polling place" provided
42 in section 34-1006, Idaho Code.

1 SECTION 2. That Section 34-409, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 34-409. ELECTRONIC REGISTRATION. (1) The office of the secretary of
4 state may create and maintain an electronic system for voter registration
5 that is publicly available on its official website. Any qualified elector
6 who has a current valid driver's license or identification card issued pur-
7 suant to title 49, Idaho Code, that reflects the person's current princi-
8 pal place of residence, may register to vote by submitting a completed voter
9 registration application electronically through such website. Electronic
10 voter registration applications shall be submitted before the close of reg-
11 istration as provided in section 34-408, Idaho Code.

12 (2) The electronic voter registration application shall be in a form
13 prescribed by the secretary of state and shall:

14 (a) Require the information under oath or affirmation set forth in sec-
15 tion 34-411, Idaho Code;

16 (b) Include notice of the requirement to provide personal identifi-
17 cation before voting at the polls as set forth in sections 34-1113 and
18 34-1114, Idaho Code; and

19 (c) Require an electronic signature of the applicant.

20 (3) The office of the secretary of state shall obtain a digital copy
21 of the applicant's driver's license or identification card signature from
22 the Idaho transportation department. The Idaho transportation department
23 shall, upon request of the office of the secretary of state, provide a dig-
24 ital copy of the applicant's driver's license or identification card signa-
25 ture.

26 (4) Upon receipt of a completed voter registration application and a
27 digital copy of the applicant's driver's license or identification card sig-
28 nature from the Idaho transportation department, the office of the secre-
29 tary of state shall send the information to the county clerk for the county
30 in which the applicant resides. The county clerk shall prepare and issue
31 to each elector registering electronically a verification of registration
32 containing the name and residence of the elector and the name or number of
33 the precinct in which the elector resides. ~~Such~~ The county clerk may send
34 such verification of registration may be sent by nonforwardable first-class
35 first class mail or by electronic mail at the elector's option. If the cur-
36 rent address reported by the Idaho transportation department does not match
37 the address provided by the elector, the county clerk must send the verifica-
38 tion of registration by nonforwardable first class mail. If a verification
39 is returned undeliverable, then the county clerk shall remove the elector
40 from the register of electors, unless the elector is a person subject to the
41 uniformed and overseas citizens absentee voting act, 52 U.S.C. 20301 et seq.

42 (5) An applicant using the electronic system for voter registration
43 pursuant to this section shall not be required to complete a printed regis-
44 tration card.

45 (6) The office of the secretary of state shall use such security mea-
46 sures necessary to ensure the accuracy and integrity of an electronically
47 submitted voter registration application.

48 SECTION 3. That Section 34-410, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 34-410. MAIL REGISTRATION. (1) Any elector may register by mail for
 2 any election. Any mail registration application must be received by the
 3 county clerk prior to the close of registration as provided in section
 4 34-408, Idaho Code, provided that any mail registration application post-
 5 marked not later than twenty-five (25) days prior to an election shall be
 6 deemed timely.

7 (2) The secretary of state shall prescribe the form for the mail regis-
 8 tration application. ~~This~~ The mail application form shall be available for
 9 distribution through governmental and private entities, with particular em-
 10 phasis on making them available for organized voter registration programs.

11 (3) Any federal mail registration form adopted pursuant to the provi-
 12 sions of the national voter registration act of 1993, (P.L. 103-31), shall
 13 also be accepted as a valid registration, if such form is postmarked not
 14 later than twenty-five (25) days prior to an election.

15 (4) The county clerk shall prepare and issue by first class nonforward-
 16 able mail to each elector registering by mail a verification of registration
 17 containing the name and residence of the elector and the name or number of the
 18 precinct in which the elector resides. A verification returned undeliver-
 19 able shall cause the county clerk to remove the elector's card from the reg-
 20 ister of electors.

21 (5) As required by the help America vote act of 2002, (P.L. 107-252), a
 22 copy of proper identification will be required prior to issuance of a ballot
 23 to anyone who has registered by mail and has not previously voted in an elec-
 24 tion for federal office in the state. Proper identification consists of:

25 (1a) A current and valid photo Idaho driver's license or Idaho identi-
 26 fication card issued through the Idaho transportation department; or

27 (2b) A copy of a current utility bill, bank statement, government
 28 check, paycheck, or other government document that shows the name and
 29 address of the voter, together with a current Idaho driver's license
 30 or Idaho identification card issued through the Idaho transportation
 31 department that displays a previous address of the voter.

32 SECTION 4. That Section 34-411, Idaho Code, be, and the same is hereby
 33 amended to read as follows:

34 34-411. APPLICATION FOR REGISTRATION -- CONTENTS. (1) Each elector
 35 who requests registration shall supply the following information under oath
 36 or affirmation:

37 (a) Full legal name, including the full first, full middle, and full
 38 last name, and sex;

39 (b) Mailing address, residence address, or any other necessary infor-
 40 mation definitely locating the elector's residence;

41 (c) The period of time preceding the date of registration during which
 42 the elector has resided in the state;

43 (d) Whether or not the elector is a citizen;

44 (e) That the elector is under no legal disqualifications to vote;

45 (f) The county and state where the elector was previously registered,
 46 if any;

47 (g) Date of birth; and

48 (h) Current driver's license number or identification card issued
 49 by the Idaho transportation department. ~~In the absence of an Idaho~~

1 ~~driver's license or state issued identification card, the last four (4)~~
 2 ~~digits of the elector's social security number.~~

3 (2) As provided for in section 34-404, Idaho Code, each elector shall
 4 select an affiliation with a political party qualified to participate in
 5 elections pursuant to section 34-501, Idaho Code, or select to be desig-
 6 nated as "unaffiliated." The selection of party affiliation or designation
 7 as "unaffiliated" shall be maintained within the voter registration sys-
 8 tem as provided for in section 34-437A, Idaho Code. If an elector shall
 9 fail or refuse to make such a selection, the county clerk shall record as
 10 "unaffiliated" such elector within the voter registration system as pro-
 11 vided for in section 34-437A, Idaho Code.

12 (3) Any elector who ~~shall supply~~ supplies any information under subsec-
 13 tion (1) of this section, knowing it to be false, is guilty of perjury.

14 (4) Each elector who requests registration may, at the elector's op-
 15 tion, supply the elector's telephone number. If the telephone number is sup-
 16 plied by the elector, the telephone number shall be available to the public.

17 (5) The secretary of state shall establish a process by which county
 18 clerks ensure that a new, accurate registration is submitted no later than
 19 the November 2024 general election for any elector whose full legal name
 20 in the voter registration records does not match the elector's name in the
 21 record provided under subsection (1) (h) of this section.

22 SECTION 5. That Section 34-1113, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 34-1113. IDENTIFICATION AT THE POLLS. All voters shall be required
 25 to provide personal identification before voting at the polls or at absent
 26 electors polling places as required by section 34-1006, Idaho Code. The per-
 27 sonal identification that may be presented shall be one (1) of the following:

28 (1) An Idaho driver's license or identification card issued by the
 29 Idaho transportation department;

30 (2) A passport or an identification card, including a photograph, is-
 31 sued by an agency of the United States government;

32 (3) A tribal identification card, including a photograph; or

33 ~~(4) A current student identification card, including a photograph, is-~~
 34 ~~sued by a high school or an accredited institution of higher education, in-~~
 35 ~~cluding a university, college or technical school, located within the state~~
 36 ~~of Idaho; or~~

37 ~~(5) A license to carry concealed weapons issued under section 18-3302,~~
 38 ~~Idaho Code, or an enhanced license to carry concealed weapons issued under~~
 39 ~~section 18-3302K, Idaho Code.~~

40 SECTION 6. That Section 34-1114, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 34-1114. AFFIDAVIT IN LIEU OF PERSONAL IDENTIFICATION. (1) If a
 43 voter is not able to present personal identification as required in section
 44 34-1113, Idaho Code, the voter may complete an affidavit in lieu of the
 45 personal identification if he assents to having his photograph taken at the
 46 polls by an election judge or clerk. The affidavit shall be on a form pre-
 47 scribed by the secretary of state and shall require the voter to provide the

1 voter's name and address. The voter shall sign the affidavit and the elec-
 2 tion judge or clerk shall affix the photograph to the signed affidavit. Any
 3 person who knowingly provides false, erroneous, or inaccurate information
 4 on such affidavit shall be guilty of a felony.

5 (2) The secretary of state shall conduct a random audit of such affi-
 6 davits, including at least one (1) affidavit from each county in which at
 7 least one (1) affidavit was signed, to determine the validity of the voter's
 8 identity. The secretary of state shall refer any evidence of voter fraud
 9 to the county prosecuting attorney or attorney general for prosecution.
 10 Any signatory to an audited affidavit who refuses to provide documentation
 11 requested by the secretary of state to prove the validity of the affidavit
 12 shall be guilty of a misdemeanor.

13 SECTION 7. That Section 49-2444, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR
 16 EIGHT-YEAR. (1) The department shall issue a distinguishing identification
 17 card that shall set forth the information contained in the application, in
 18 a form as prescribed by the department. All identification cards issued on
 19 or after January 1, 1993, shall not contain the applicant's social security
 20 number. An applicant's social security number shall be exempt from disclo-
 21 sure except for inquiries from agencies or institutions authorized to obtain
 22 such information by federal law or regulation, from peace officers, or from
 23 jury commissioners. Each card shall have printed on it the applicant's
 24 full name, date of birth, Idaho residence address, sex, weight, height, eye
 25 color, and hair color and shall be issued a distinguishing number assigned
 26 to the applicant. If an applicant has submitted an application pursuant to
 27 the provisions of chapter 58, title 19, Idaho Code, then the applicant's
 28 identification card shall contain his or her alternative Idaho mailing
 29 address in place of his or her Idaho residence address. Each card shall also
 30 have printed on it the name of this state, the date of issuance, and the date
 31 of expiration. An identification card shall not be valid until it has been
 32 signed on the signature line by the applicant. Each card shall bear upon it
 33 a color photograph of the applicant, which shall be taken by the examiner at
 34 the time of application. The photograph shall be taken without headgear or
 35 other clothing or device that disguises or otherwise conceals the face or
 36 head of the applicant. A waiver may be granted by the department allowing the
 37 applicant to wear headgear or other head covering for medical, religious or
 38 safety purposes as long as the face is not disguised or otherwise concealed.
 39 At the request of the applicant, an identification card may contain a
 40 statement or indication of the medical condition of the applicant.

41 (2) No person shall receive an identification card unless and until he
 42 surrenders to the department all identification cards in his possession is-
 43 ssued to him by Idaho or any other jurisdiction, or any driver's license is-
 44 ssued by any other jurisdiction within the United States, or until he executes
 45 an affidavit that he does not possess an identification card or any driver's
 46 license.

47 (3) (a) Identification cards issued to persons under eighteen (18)
 48 years of age shall include a notation "under 18 until (month, day,
 49 year)," and identification cards issued to persons eighteen (18) years

1 of age to twenty-one (21) years of age shall include a notation "under 21
2 until (month, day, year)."

3 (b) The nonrefundable fee for a four (4) year identification card
4 issued to persons twenty-one (21) years of age or older shall be ten
5 dollars (\$10.00), of which five dollars (\$5.00) shall be retained by
6 the county and credited to the current expense fund, and five dollars
7 (\$5.00) shall be deposited in the state treasury to the credit of the
8 highway distribution account.

9 (c) The nonrefundable fee for identification cards issued to persons
10 under twenty-one (21) years of age shall be ten dollars (\$10.00), of
11 which five dollars (\$5.00) shall be retained by the authorized issu-
12 ing agent or, if issued by the county, shall be credited to the current
13 expense fund, and five dollars (\$5.00) shall be deposited in the state
14 treasury to the credit of the highway distribution account.

15 (d) The nonrefundable fee for an eight (8) year identification card
16 shall be twenty dollars (\$20.00), of which ten dollars (\$10.00) shall
17 be retained by the authorized issuing agent or, if issued by the county,
18 shall be credited to the current expense fund, and ten dollars (\$10.00)
19 shall be deposited in the state treasury to the credit of the highway
20 distribution account.

21 (e) The department shall issue a four (4) year identification card,
22 free of charge, to any person who does not possess a valid Idaho driver's
23 license, is a citizen of the United States, is a qualified elector of
24 the state of Idaho, and who requires an identification card in order to
25 register to vote. For each such card issued for voting purposes, the
26 state controller shall transfer five dollars (\$5.00) from the election
27 integrity fund established in section 34-421, Idaho Code, to the autho-
28 riized issuing agent or appropriate county current expense fund and five
29 dollars (\$5.00) from the election integrity fund to the highway distri-
30 bution account.

31 (f) At the option of the applicant, the identification card issued to
32 a person twenty-one (21) years of age or older shall expire either on
33 the ~~cardholder's~~ card holder's birthday in the fourth year or the eighth
34 year following issuance of the card, except as otherwise provided in
35 subsection (34) of this section. Every identification card issued to a
36 person under eighteen (18) years of age shall expire five (5) days af-
37 ter the person's eighteenth birthday, except as otherwise provided in
38 subsection (34) of this section. Every identification card issued to a
39 person eighteen (18) years of age but under twenty-one (21) years of age
40 shall expire five (5) days after the person's twenty-first birthday,
41 except as otherwise provided in subsection (34) of this section.

42 (2) Individuals required to register in compliance with section 3 of
43 the federal military selective service act, 50 U.S.C. App. 451 et seq., as
44 amended, shall be provided an opportunity to fulfill such registration re-
45 quirements in conjunction with an application for an identification card.
46 Any registration information so supplied shall be transmitted by the depart-
47 ment to the selective service system.

48 (23) Every identification card, except those issued to persons under
49 twenty-one (21) years of age, shall be renewable on or before its expiration,

1 but not more than twenty-five (25) months before, and upon application and
2 payment of the required fee.

3 (34) Every identification card issued to a person who is not a citizen
4 or permanent legal resident of the United States shall have an expiration
5 date that is the same date as the end of lawful stay in the United States as
6 indicated on documents issued and verified by the department of homeland se-
7 curity, provided however, that the expiration date shall not extend beyond
8 the expiration date for the same category of identification card issued to
9 citizens. Persons whose department of homeland security documents do not
10 state an expiration date shall be issued an identification card with an expi-
11 ration date of one (1) year from the date of issuance.

12 (45) When an identification card has been expired for less than twenty-
13 five (25) months, the renewal of the identification card shall start from
14 the original date of expiration, regardless of the year in which the applica-
15 tion for renewal is made. If the identification card is expired for more than
16 twenty-five (25) months, the application shall expire, at the option of the
17 applicant, on the applicant's birthday in the fourth year or the eighth year
18 following reissuance of the identification card, except as otherwise pro-
19 vided in subsection (34) of this section.

20 (56) (a) If an Idaho identification card has expired or will expire and
21 the identification ~~cardholder~~ card holder is temporarily out of state,
22 except on active military duty, the identification ~~cardholder~~ card
23 holder may request in writing on a form prescribed by the department an
24 extension of the identification card. The request shall be accompanied
25 by the fee fixed in section 49-306, Idaho Code, and the extension shall
26 be no more than a twelve (12) month period. If the department determines
27 that an extension of the identification card is necessary, it may issue
28 an identification card showing the date to which the expired identifi-
29 cation card is extended. Identification card extensions are limited
30 to two (2) consecutive extensions per identification ~~cardholder~~ card
31 holder.

32 (b) Upon returning to the state of Idaho, the identification ~~cardholder~~
33 card holder shall, within ten (10) days, apply for a renewal of the ex-
34 pired identification card and surrender the extended identification
35 card and the expired identification card.

36 (67) An Idaho identification card issued to any person prior to serv-
37 ing on active duty in the armed forces of the United States, or a member of
38 the immediate family accompanying such a person, if valid and in full force
39 and effect upon entering active duty, shall remain in full force and effect
40 and shall, upon application, be extended for a period of four (4) years as
41 long as active duty continues, and the identification card shall remain in
42 full force and effect sixty (60) days following the date the ~~cardholder~~ card
43 holder is released from active duty.

44 (78) A person possessing an identification card who desires to donate
45 any or all organs or tissue in the event of death, and who has completed a
46 document of gift pursuant to the provisions for donation of anatomical gifts
47 as set forth in chapter 34, title 39, Idaho Code, may, at the option of the
48 donor, indicate this desire on the identification card by the imprinting of
49 the word "donor" on the identification card. The provisions of this subsec-
50 tion shall apply to persons possessing an identification card who are fif-

1 teen (15) years of age or older but less than eighteen (18) years of age if
2 the requirements provided in chapter 34, title 39, Idaho Code, have been com-
3 plied with.

4 (~~89~~) A person possessing an identification card or an applicant for an
5 identification card who is a person with a permanent disability may request
6 that the notation "permanently disabled" be imprinted on the identification
7 card, provided the person presents written certification from a licensed
8 physician verifying that the person's stated impairment qualifies as a per-
9 manent disability according to the provisions of section 49-117, Idaho Code.

10 ~~(9)~~ (10) (a) A person who is a veteran may request that his or her status
11 as such be designated on an identification card at no additional cost.
12 Any such request shall be accompanied by proof of being a current or former
13 member of the United States armed forces. Upon request and submis-
14 sion of satisfactory proof, the department shall indicate such person's
15 status as a veteran on any identification card issued pursuant to the
16 provisions of this section. Such designation shall be made upon origi-
17 nal issuance or renewal of an identification card. Designation shall
18 also be made on any duplicate identification card issued, provided that
19 the fee for such duplicate card is paid in accordance with this section.

20 (b) Satisfactory proof of being a current or former member of the United
21 States armed forces must be furnished by an applicant to the depart-
22 ment before a designation of veteran status will be indicated on any
23 identification card. Acceptable proof shall be a copy of form DD214
24 or an equivalent document or statement from the department of veterans
25 affairs that identifies a character of service upon separation as "hon-
26 orable" or "general under honorable conditions."

27 (101) In the case of a name change, the applicant shall provide legal
28 documentation to verify the change in accordance with department rules.

29 (112) Whenever any person, after applying for or receiving an identifi-
30 cation card, shall move from the address shown on the application or on the
31 identification card issued, that person shall, within thirty (30) days, no-
32 tify the transportation department in writing of the old and new addresses.

33 (123) The department shall cancel any identification card upon deter-
34 mining that the person was not entitled to the issuance of the identification
35 card, or that the person failed to give the required and correct information
36 in his application or committed fraud in making the application. Upon can-
37 cellation, the person shall surrender the canceled identification card to
38 the department.

39 (134) If any person shall fail to return to the department the identifi-
40 cation card as required, the department may direct any peace officer to se-
41 cure its possession and return the identification card to the department.

42 (145) The department may issue a no-fee identification card to an indi-
43 vidual whose driver's license has been canceled and voluntarily surrendered
44 as provided in section 49-322(5), Idaho Code. The identification card may be
45 renewed at no cost to the applicant as long as the driver's license remains
46 canceled.

47 (156) It is an infraction for any person to fail to notify the department
48 of a change of address as required by the provisions of subsection (112) of
49 this section.

1 SECTION 8. That Chapter 4, Title 34, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 34-421, Idaho Code, and to read as follows:

4 34-421. ELECTION INTEGRITY FUND. There is hereby created in the state
5 treasury the election integrity fund, moneys from which are hereby contin-
6 uously appropriated to the Idaho transportation department for the purpose
7 of defraying the cost of providing free identification cards for voting pur-
8 poses, pursuant to section 49-2444, Idaho Code. The Idaho transportation
9 department shall, upon submission of its annual budget request, furnish an
10 estimate of the ending balance of the fund for the end of the current fiscal
11 year.

12 SECTION 9. SEVERABILITY. The provisions of this act are hereby declared
13 to be severable and if any provision of this act or the application of such
14 provision to any person or circumstance is declared invalid for any reason,
15 such declaration shall not affect the validity of the remaining portions of
16 this act.