

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 344

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 REGIS-
4 TRATION; AMENDING SECTION 34-411, IDAHO CODE, TO REVISE PROVISIONS
5 REGARDING VOTER REGISTRATION INFORMATION; AMENDING SECTION 34-1113,
6 IDAHO CODE, TO REMOVE PROVISIONS REGARDING VOTER IDENTIFICATION RE-
7 QUIRED AT THE POLLS; AMENDING SECTION 34-1114, IDAHO CODE, TO ESTABLISH
8 PROVISIONS REGARDING A RANDOM AUDIT OF VOTER AFFIDAVITS IN LIEU OF PER-
9 SONAL IDENTIFICATION; REPEALING SECTION 34-1114, IDAHO CODE, RELATING
10 TO AN AFFIDAVIT IN LIEU OF PERSONAL IDENTIFICATION; AMENDING CHAPTER
11 11, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1114, IDAHO
12 CODE, TO ESTABLISH PROVISIONS REGARDING AN AFFIDAVIT IN LIEU OF PER-
13 SONAL IDENTIFICATION; PROVIDING SEVERABILITY; AND PROVIDING EFFECTIVE
14 DATES.
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 identifica-
26 tion card issued through the ~~department of transportation~~ Idaho trans-
27 portation department that displays the current address of the individ-
28 ual; ~~or~~

29 (b) Showing a current tribal identification card issued by a federally
30 recognized Indian tribe, as defined in section 67-4001, Idaho Code,
31 that displays the photo, date of birth, and current physical address of
32 the individual; or

33 (2c) Showing any document which contains a valid address in the
34 precinct together with a picture identification card; or one (1) photo
35 identification document and one (1) address verification document as
36 described in the following subparagraphs:

37 (i) Acceptable photo identification documents are:

38 1. A current driver's license or state identification card,
39 issued by any state, that displays a prior address of the in-
40 dividual;

41 2. A current United States passport;

1 3. A current active United States military identification
2 card;

3 4. A current tribal identification card issued by a feder-
4 ally recognized Indian tribe, as defined in section 67-4001,
5 Idaho Code, that displays the individual's date of birth;

6 5. A current student identification card issued by a post-
7 secondary education institution in the state of Idaho that
8 displays the individual's date of birth; or

9 6. A current Idaho license to carry concealed weapons that
10 displays the holder's date of birth and physical address lo-
11 cated in Idaho.

12 (ii) Acceptable address verification documents must display the
13 current address and a date that is at least thirty (30) days prior
14 to the date of the election. Acceptable address verification doc-
15 uments are:

16 1. A utility bill, not including a cell phone bill, that is
17 no more than six (6) months old;

18 2. A current residential lease agreement, rental agreement,
19 mortgage, or deed of trust;

20 3. A W-2 or 1099 federal tax form for the most recent avail-
21 able tax year;

22 4. A current semester tuition statement from a higher educa-
23 tion institution in Idaho;

24 5. A military leave and earnings statement showing the Idaho
25 residency of an individual on active military duty deployed
26 outside the state of Idaho; or

27 6. A government record showing the individual as having paid
28 property taxes at the address within the last year.

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

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

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

40 34-409. ELECTRONIC REGISTRATION. (1) The office of the secretary of
41 state may create and maintain an electronic system for voter registration
42 that is publicly available on its official website. Any qualified elector
43 who has a current valid driver's license or identification card issued pur-
44 suant to title 49, Idaho Code, that reflects the person's current princi-
45 pal place of residence, may register to vote by submitting a completed voter
46 registration application electronically through such website. Electronic
47 voter registration applications shall be submitted before the close of reg-
48 istration as provided in section 34-408, Idaho Code.

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

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

5 (b) Include notice of the requirement to provide personal identifi-
6 cation before voting at the polls as set forth in sections 34-1113 and
7 34-1114, Idaho Code; and

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

9 (3) The office of the secretary of state shall obtain a digital copy
10 of the applicant's driver's license or identification card signature from
11 the Idaho transportation department. The Idaho transportation department
12 shall, upon request of the office of the secretary of state, provide a dig-
13 ital copy of the applicant's driver's license or identification card signa-
14 ture.

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

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

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

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

39 34-411. APPLICATION FOR REGISTRATION -- CONTENTS. (1) Each elector
40 who requests registration shall supply the following information under oath
41 or affirmation:

42 (a) Full legal name, including the full first, full middle, and full
43 last name, and sex-;i

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

46 (c) The period of time preceding the date of registration during which
47 the elector has resided in the state-;i

48 (d) Whether or not the elector is a citizen-;i

49 (e) That the elector is under no legal disqualifications to vote-;i

1 (f) The county and state where the elector was previously registered,
2 if any-;

3 (g) Date of birth-; and

4 (h) Current driver's license number or identification card issued
5 by the Idaho transportation department. In the absence of an Idaho
6 driver's license or state issued identification card, the last four (4)
7 digits of the elector's social security number.

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

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

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

22 SECTION 4. 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;

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 5. 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 per-
45 sonal identification. The affidavit shall be on a form prescribed by the
46 secretary of state and shall require the voter to provide the voter's name
47 and address. The voter shall sign the affidavit. Any person who knowingly

1 provides false, erroneous, or inaccurate information on such affidavit
2 shall be guilty of a felony.

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

11 SECTION 6. That Section [34-1114](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 7. That Chapter 11, Title 34, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 34-1114, Idaho Code, and to read as follows:

16 34-1114. AFFIDAVIT IN LIEU OF PERSONAL IDENTIFICATION. (1) If a
17 voter is not able to present personal identification as required in section
18 34-1113, Idaho Code, the voter may complete an affidavit in lieu of the
19 personal identification if he assents to having his photograph taken at the
20 polls by an election judge or clerk. The affidavit shall be on a form pre-
21 scribed by the secretary of state and shall require the voter to provide the
22 voter's name and address. The voter shall sign the affidavit, and the elec-
23 tion judge or clerk shall affix the photograph to the signed affidavit. Any
24 person who knowingly provides false, erroneous, or inaccurate information
25 on such affidavit shall be guilty of a felony.

26 (2) The secretary of state shall conduct a random audit of such affi-
27 davits, including at least one (1) affidavit from each county in which at
28 least one (1) affidavit was signed, to determine the validity of the voter's
29 identity. The secretary of state shall refer any evidence of voter fraud
30 to the county prosecuting attorney or attorney general for prosecution.
31 Any signatory to an audited affidavit who refuses to provide documentation
32 requested by the secretary of state to prove the validity of the affidavit
33 shall be guilty of a misdemeanor.

34 SECTION 8. SEVERABILITY. The provisions of this act are hereby declared
35 to be severable and if any provision of this act or the application of such
36 provision to any person or circumstance is declared invalid for any reason,
37 such declaration shall not affect the validity of the remaining portions of
38 this act.

39 SECTION 9. Sections 1, 2, 3, 4, 5, and 8 of this act shall be in full
40 force and effect on and after July 1, 2021. Sections 6 and 7 of this act shall
41 be in full force and effect on and after January 1, 2024.