

Moved by McKenzie

Seconded by Burgoyne

IN THE SENATE  
SENATE AMENDMENT TO S.B. NO. 1297

AMENDMENT TO THE BILL

On page 2 of the printed bill, following line 47, insert:

"SECTION 3. That Section 34-404, Idaho Code, be, and the same is hereby amended to read as follows:

34-404. REGISTRATION OF ELECTORS. (1) All electors must register before being able to vote at any primary, general, special, school or any other election governed by the provisions of title 34, Idaho Code. Registration of a qualified person occurs when a legible, accurate and complete registration card application is received in the office of the county clerk or is received at the polls pursuant to section 34-408A, Idaho Code.

(2) Each elector may select on the registration card application an affiliation with a political party qualified to participate in elections pursuant to section 34-501, Idaho Code, or may select to be designated as "unaffiliated." The county clerk shall record the party affiliation or "unaffiliated" designation so selected as part of the elector's registration record. If an elector shall fail or refuse to make such a selection, the county clerk shall enter on the registration records that such elector is "unaffiliated."

(3) In order to provide an elector with the appropriate primary election ballot, pursuant to section 34-904A, Idaho Code, the poll book for primary elections shall include the party affiliation or designation as "unaffiliated" for each elector so registered. An "unaffiliated" elector shall declare to the poll worker which primary election ballot the elector chooses to vote in, pursuant to section 34-904A, Idaho Code, and the poll worker or other authorized election personnel shall record such declaration in the poll book. The poll book shall contain checkoff boxes to allow the poll worker or other authorized election personnel to record such "unaffiliated" elector's selection.

(4) In order to provide electors who are already registered to vote, and who remain registered electors, with an opportunity to select a party affiliation or to select their status as "unaffiliated," the poll book for the 2012 primary election shall include checkoff boxes by which the poll worker or other appropriate election personnel shall record such elector's choice of party affiliation or choice to be designated as "unaffiliated." After the 2012 primary election, the county clerk shall record the party affiliation or "unaffiliated" designation so selected in the poll book as part of such an elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

(5) After the 2012 primary election, electors who remain registered voters and who did not vote in the 2012 primary election or who have not

1 selected party affiliation or who have not selected to be designated as  
2 "unaffiliated," shall be designated as "unaffiliated" and the county clerk  
3 shall record that designation for each such elector within the voter regis-  
4 tration system as provided for in section 34-437A, Idaho Code.

5 SECTION 4. That Section 34-408, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 34-408. CLOSING OF REGISTER -- TIME LIMIT. (1) No elector may regis-  
8 ter in the office of the county clerk within twenty-four (24) days preced-  
9 ing any election held throughout the county in which he resides for the pur-  
10 pose of voting at such election; provided however, a legible, accurate and  
11 complete registration ~~card~~ application received in the office of the county  
12 clerk during the twenty-four (24) day period preceding an election shall be  
13 accepted and held by the county clerk until the day following the election  
14 when registration reopens, at which time the registration shall become ef-  
15 fective. This deadline shall also apply to any registrars the county clerk  
16 may have appointed.

17 (2) Any elector who will complete his residence requirement or attain  
18 the requisite voting age during the period when the register of electors is  
19 closed may register prior to the closing of the register.

20 (3) Notwithstanding subsection (1) of this section, an individual who  
21 is eligible to vote may also register, upon providing proof of residence,  
22 at the "absent electors' polling place" provided in section 34-1006, Idaho  
23 Code.

24 SECTION 5. That Section 34-408A, Idaho Code, be, and the same is hereby  
25 amended to read as follows:

26 34-408A. ELECTION DAY REGISTRATION. An individual who is eligible to  
27 vote may register on election day by appearing in person at the polling place  
28 for the precinct in which the individual maintains residence, by completing  
29 a registration ~~card~~ application, making an oath in the form prescribed by the  
30 secretary of state and providing proof of residence. An individual may prove  
31 residence for purposes of registering by:

32 (1) Showing an Idaho driver's license or Idaho identification ~~card~~  
33 application issued through the department of transportation; or

34 (2) Showing any document which contains a valid address in the precinct  
35 together with a picture identification ~~card~~ application; or

36 (3) Showing a current valid student photo identification ~~card~~  
37 application from a postsecondary educational institution in Idaho accompa-  
38 nied with a current student fee statement that contains the student's valid  
39 address in the precinct.

40 Election day registration provided in this section shall apply to all  
41 elections conducted under title 34, Idaho Code, and to school district and  
42 municipal elections.

43 An individual who is eligible to vote may also register, upon providing  
44 proof of residence, at the "absent electors' polling place" provided in sec-  
45 tion 34-1006, Idaho Code.

1 SECTION 6. That Section 34-416, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 34-416. REGISTRATION ~~CARDS~~ APPLICATIONS. (1) The registration ~~card~~  
4 application shall contain the following warning:

5 WARNING: Any elector who supplies any information, knowing it to be  
6 false, is guilty of perjury.

7 (2) The elector shall read the warning set forth in subsection (1) of  
8 this section and shall sign his name in an appropriate place on the completed  
9 ~~card~~ application.

10 (3) The registration ~~card~~ application completed and signed as provided  
11 in this section constitutes the official registration ~~card~~ application  
12 of the elector. The county clerk shall keep and file all such ~~cards~~  
13 applications in a convenient manner in his office. Such ~~cards~~ applications  
14 constitute the register of electors and shall be considered confidential and  
15 unavailable for public inspection and copying except as provided by subsec-  
16 tion (25) of section 74-106, Idaho Code.

17 SECTION 7. That Section 34-419, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 34-419. SUSPENSION OF REGISTRATION OF ELECTORS WHO APPEAR NOT TO BE  
20 CITIZENS OF THE UNITED STATES. The county clerk shall remove from the reg-  
21 ister of electors the official registration ~~card~~ application of any elector  
22 who appears by the registration records in the office of the county clerk not  
23 to be a citizen of the United States and shall suspend the registration of  
24 such elector. The county clerk shall mail a written notice of such removal  
25 and suspension to the elector at his residence address indicated on the ~~card~~  
26 application. If the elector proves to the county clerk that he is in fact a  
27 citizen of the United States, his ~~card~~ application shall be replaced in the  
28 register and his registration reinstated.

29 SECTION 8. That Section 34-420, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 34-420. NO ELECTOR'S REGISTRATION SHALL BE CANCELLED WHILE HE IS  
32 SERVING IN THE ARMED FORCES -- EXCEPTION. (1) Except as provided in section  
33 34-435, Idaho Code, no elector's registration shall be cancelled, nor shall  
34 he be deprived of his right to vote at any election by reason of the removal  
35 of his official registration ~~card~~ application from the register of electors,  
36 during any period that he is serving in the armed forces of the United States  
37 or of any ally of the United States.

38 (2) In order to facilitate the implementation of the provisions of sub-  
39 section (1) of this section, the one hundred twenty (120) day limitation in  
40 section 34-435, Idaho Code, shall be waived for the year 1987, in order to al-  
41 low military registrations to be cancelled by the county clerk in calendar  
42 year 1987.

43 SECTION 9. That Section 74-106, Idaho Code, be, and the same is hereby  
44 amended to read as follows:

1           74-106. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PER-  
2       SONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following  
3       records are exempt from disclosure:

4           (1) Except as provided in this subsection, all personnel records of  
5       a current or former public official other than the public official's pub-  
6       lic service or employment history, classification, pay grade and step,  
7       longevity, gross salary and salary history, status, workplace and employing  
8       agency. All other personnel information relating to a public employee or ap-  
9       plicant including, but not limited to, information regarding sex, race, mar-  
10      ital status, birth date, home address and telephone number, applications,  
11      testing and scoring materials, grievances, correspondence and performance  
12      evaluations, shall not be disclosed to the public without the employee's or  
13      applicant's written consent. Names of applicants to classified or merit  
14      system positions shall not be disclosed to the public without the appli-  
15      cant's written consent. Disclosure of names as part of a background check  
16      is permitted. Names of the five (5) final applicants to all other positions  
17      shall be available to the public. If such group is less than five (5) final-  
18      ists, then the entire list of applicants shall be available to the public. A  
19      public official or authorized representative may inspect and copy his per-  
20      sonnel records, except for material used to screen and test for employment.

21           (2) Retired employees' and retired public officials' home addresses,  
22      home telephone numbers and other financial and nonfinancial membership  
23      records; active and inactive member financial and membership records and  
24      mortgage portfolio loan documents maintained by the public employee retire-  
25      ment system. Financial statements prepared by retirement system staff,  
26      funding agents and custodians concerning the investment of assets of the  
27      public employee retirement system of Idaho are not considered confidential  
28      under this chapter.

29           (3) Information and records submitted to the Idaho state lottery for  
30      the performance of background investigations of employees, lottery retail-  
31      ers and major procurement contractors; audit records of lottery retailers,  
32      vendors and major procurement contractors submitted to or performed by the  
33      Idaho state lottery; validation and security tests of the state lottery for  
34      lottery games; business records and information submitted pursuant to sec-  
35      tions 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such docu-  
36      ments and information obtained and held for the purposes of lottery security  
37      and investigative action as determined by lottery rules unless the public  
38      interest in disclosure substantially outweighs the private need for protec-  
39      tion from public disclosure.

40           (4) Records of a personal nature as follows:

41           (a) Records of personal debt filed with a public agency or independent  
42      public body corporate and politic pursuant to law;

43           (b) Personal bank records compiled by a public depositor for the pur-  
44      pose of public funds transactions conducted pursuant to law;

45           (c) Records of ownership of financial obligations and instruments of a  
46      public agency or independent public body corporate and politic, such as  
47      bonds, compiled by the public agency or independent public body corpo-  
48      rate and politic pursuant to law;

49           (d) Records, with regard to the ownership of, or security interests in,  
50      registered public obligations;

1 (e) Vital statistics records; and

2 (f) Military records as described in and pursuant to section 65-301,  
3 Idaho Code.

4 (5) Information in an income or other tax return measured by items of  
5 income or sales, which is gathered by a public agency for the purpose of ad-  
6 ministering the tax, except such information to the extent disclosed in a  
7 written decision of the tax commission pursuant to a taxpayer protest of a  
8 deficiency determination by the tax commission, under the provisions of sec-  
9 tion 63-3045B, Idaho Code.

10 (6) Records of a personal nature related directly or indirectly to the  
11 application for and provision of statutory services rendered to persons  
12 applying for public care for people who are elderly, indigent or have mental  
13 or physical disabilities, or participation in an environmental or a public  
14 health study, provided the provisions of this subsection making records  
15 exempt from disclosure shall not apply to the extent that such records or  
16 information contained in those records are necessary for a background check  
17 on an individual that is required by federal law regulating the sale of  
18 firearms, guns or ammunition.

19 (7) Employment security information, except that a person may agree,  
20 through written, informed consent, to waive the exemption so that a third  
21 party may obtain information pertaining to the person, unless access to the  
22 information by the person is restricted by subsection (3) (a), (3) (b) or  
23 (3) (d) of section 74-113, Idaho Code. Notwithstanding the provisions of  
24 section 74-113, Idaho Code, a person may not review identifying information  
25 concerning an informant who reported to the department of labor a suspected  
26 violation by the person of the employment security law, chapter 13, title 72,  
27 Idaho Code, under an assurance of confidentiality. As used in this section  
28 and in chapter 13, title 72, Idaho Code, "employment security information"  
29 means any information descriptive of an identifiable person or persons that  
30 is received by, recorded by, prepared by, furnished to or collected by the  
31 department of labor or the industrial commission in the administration of  
32 the employment security law.

33 (8) Any personal records, other than names, business addresses and  
34 business phone numbers, such as parentage, race, religion, sex, height,  
35 weight, tax identification and social security numbers, financial worth or  
36 medical condition submitted to any public agency or independent public body  
37 corporate and politic pursuant to a statutory requirement for licensing,  
38 certification, permit or bonding.

39 (9) Unless otherwise provided by agency rule, information obtained as  
40 part of an inquiry into a person's fitness to be granted or retain a license,  
41 certificate, permit, privilege, commission or position, private associa-  
42 tion peer review committee records authorized in title 54, Idaho Code. Any  
43 agency which has records exempt from disclosure under the provisions of this  
44 subsection shall annually make available a statistical summary of the number  
45 and types of matters considered and their disposition.

46 (10) The records, findings, determinations and decisions of any prelit-  
47 igation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

48 (11) Complaints received by the board of medicine and investigations  
49 and informal proceedings, including informal proceedings of any committee

1 of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and  
2 rules adopted thereunder.

3 (12) Records of the department of health and welfare or a public health  
4 district that identify a person infected with a reportable disease.

5 (13) Records of hospital care, medical records, including prescrip-  
6 tions, drug orders, records or any other prescription information that  
7 specifically identifies an individual patient, prescription records main-  
8 tained by the board of pharmacy under sections 37-2726 and 37-2730A, Idaho  
9 Code, records of psychiatric care or treatment and professional counseling  
10 records relating to an individual's condition, diagnosis, care or treat-  
11 ment, provided the provisions of this subsection making records exempt from  
12 disclosure shall not apply to the extent that such records or information  
13 contained in those records are necessary for a background check on an indi-  
14 vidual that is required by federal law regulating the sale of firearms, guns  
15 or ammunition.

16 (14) Information collected pursuant to the directory of new hires act,  
17 chapter 16, title 72, Idaho Code.

18 (15) Personal information contained in motor vehicle and driver records  
19 that is exempt from disclosure under the provisions of chapter 2, title 49,  
20 Idaho Code.

21 (16) Records of the financial status of prisoners pursuant to subsec-  
22 tion (2) of section 20-607, Idaho Code.

23 (17) Records of the Idaho state police or department of correction re-  
24 ceived or maintained pursuant to section 19-5514, Idaho Code, relating to  
25 DNA databases and databanks.

26 (18) Records of the department of health and welfare relating to a sur-  
27 vey, resurvey or complaint investigation of a licensed nursing facility  
28 shall be exempt from disclosure. Such records shall, however, be subject to  
29 disclosure as public records as soon as the facility in question has received  
30 the report, and no later than the fourteenth day following the date that  
31 department of health and welfare representatives officially exit the facil-  
32 ity pursuant to federal regulations. Provided however, that for purposes  
33 of confidentiality, no record shall be released under this section which  
34 specifically identifies any nursing facility resident.

35 (19) Records and information contained in the registry of immunizations  
36 against childhood diseases maintained in the department of health and wel-  
37 fare, including information disseminated to others from the registry by the  
38 department of health and welfare.

39 (20) Records of the Idaho housing and finance association (IHFA) relat-  
40 ing to the following:

41 (a) Records containing personal financial, family, health or similar  
42 personal information submitted to or otherwise obtained by the IHFA;

43 (b) Records submitted to or otherwise obtained by the IHFA with regard  
44 to obtaining and servicing mortgage loans and all records relating to  
45 the review, approval or rejection by the IHFA of said loans;

46 (c) Mortgage portfolio loan documents;

47 (d) Records of a current or former employee other than the employee's  
48 duration of employment with the association, position held and loca-  
49 tion of employment. This exemption from disclosure does not include the  
50 contracts of employment or any remuneration, including reimbursement

1 of expenses, of the executive director, executive officers or commis-  
2 sioners of the association. All other personnel information relating  
3 to an association employee or applicant including, but not limited to,  
4 information regarding sex, race, marital status, birth date, home ad-  
5 dress and telephone number, applications, testing and scoring materi-  
6 als, grievances, correspondence, retirement plan information and per-  
7 formance evaluations, shall not be disclosed to the public without the  
8 employee's or applicant's written consent. An employee or authorized  
9 representative may inspect and copy that employee's personnel records,  
10 except for material used to screen and test for employment or material  
11 not subject to disclosure elsewhere in the Idaho public records act.

12 (21) Records of the department of health and welfare related to child  
13 support services in cases in which there is reasonable evidence of domestic  
14 violence, as defined in chapter 63, title 39, Idaho Code, that can be used  
15 to locate any individuals in the child support case except in response to a  
16 court order.

17 (22) Records of the Idaho state bar lawyer assistance program pursuant  
18 to chapter 49, title 54, Idaho Code, unless a participant in the program au-  
19 thORIZES the release pursuant to subsection (4) of section 54-4901, Idaho  
20 Code.

21 (23) Records and information contained in the trauma registry created  
22 by chapter 20, title 57, Idaho Code, together with any reports, analyses and  
23 compilations created from such information and records.

24 (24) Records contained in the court files, or other records prepared as  
25 part of proceedings for judicial authorization of sterilization procedures  
26 pursuant to chapter 39, title 39, Idaho Code.

27 (25) The physical voter registration ~~card~~ application on file in the  
28 county clerk's office; however, a redacted copy of said ~~card~~ application  
29 shall be made available consistent with the requirements of this section.  
30 Information from the voter registration ~~card~~ application maintained in the  
31 statewide voter registration database, including age, will be made avail-  
32 able except for the voter's driver's license number, date of birth and, upon  
33 a showing that the voter comes within the provisions of subsection (30) of  
34 this section or upon showing of good cause by the voter to the county clerk in  
35 consultation with the county prosecuting attorney, the physical residence  
36 address of the voter. For the purposes of this subsection good cause shall  
37 include the protection of life and property and protection of victims of  
38 domestic violence and similar crimes.

39 (26) File numbers, passwords and information in the files of the health  
40 care directive registry maintained by the secretary of state under section  
41 39-4515, Idaho Code, are confidential and shall not be disclosed to any per-  
42 son other than to the person who executed the health care directive or the re-  
43 vocation thereof and that person's legal representatives, to the person who  
44 registered the health care directive or revocation thereof, and to physi-  
45 cians, hospitals, medical personnel, nursing homes, and other persons who  
46 have been granted file number and password access to the documents within  
47 that specific file.

48 (27) Records in an address confidentiality program participant's file  
49 as provided for in chapter 57, title 19, Idaho Code, other than the address

1 designated by the secretary of state, except under the following circum-  
2 stances:

3 (a) If requested by a law enforcement agency, to the law enforcement  
4 agency; or

5 (b) If directed by a court order, to a person identified in the order.

6 (28) Except as otherwise provided by law relating to the release of in-  
7 formation to a governmental entity or law enforcement agency, any personal  
8 information including, but not limited to, names, personal and business ad-  
9 dresses and phone numbers, sex, height, weight, date of birth, social secu-  
10 rity and driver's license numbers, or any other identifying numbers and/or  
11 information related to any Idaho fish and game licenses, permits and tags un-  
12 less written consent is obtained from the affected person.

13 (29) Documents and records related to continuing education and record-  
14 keeping violations that are maintained by the Idaho board of veterinary  
15 medicine under the provisions of section 54-2118(1) (b), Idaho Code, pro-  
16 vided the requirements set forth therein are met.

17 (30) The Idaho residential street address and telephone number of an  
18 eligible law enforcement officer and such officer's residing household mem-  
19 ber(s) as provided for in chapter 58, title 19, Idaho Code, except under the  
20 following circumstances:

21 (a) If directed by a court order, to a person identified in the court  
22 order;

23 (b) If requested by a law enforcement agency, to the law enforcement  
24 agency;

25 (c) If requested by a financial institution or title company for busi-  
26 ness purposes, to the requesting financial institution or title com-  
27 pany; or

28 (d) If the law enforcement officer provides written permission for dis-  
29 closure of such information.

30 (31) All information exchanged between the Idaho transportation de-  
31 partment and insurance companies, any database created, all information  
32 contained in the verification system and all reports, responses or other  
33 information generated for the purposes of the verification system, pursuant  
34 to section 49-1234, Idaho Code.

35 (32) Nothing in this section shall prohibit the release of information  
36 to the state controller as the state social security administrator as pro-  
37 vided in section 59-1101A, Idaho Code.

38 (33) Personal information including, but not limited to, property val-  
39 ues, personal and business addresses, phone numbers, dates of birth, social  
40 security and driver's license numbers or any other identifying numbers or  
41 information maintained by the administrator of the unclaimed property law  
42 set forth in chapter 5, title 14, Idaho Code. Nothing in this subsection  
43 shall prohibit the release of names, last known city of residence, property  
44 value ranges and general property information by the administrator for the  
45 purpose of reuniting unclaimed property with its owner."

46 On page 3, in line 1, delete "3" and insert: "10".

#### 47 CORRECTION TO TITLE

48 On page 1, delete line 6, and insert: "FICE OF THE SECRETARY OF STATE;  
49 AMENDING SECTION 34-404, IDAHO CODE, TO PROVIDE REFERENCE TO REGISTRATION  
50 APPLICATIONS; AMENDING SECTION 34-408, IDAHO CODE, TO PROVIDE REFERENCE TO



1 REGISTRATION APPLICATIONS; AMENDING SECTION 34-408A, IDAHO CODE, TO PRO-  
2 VIDE REFERENCE TO REGISTRATION APPLICATIONS; AMENDING SECTION 34-416, IDAHO  
3 CODE, TO PROVIDE REFERENCE TO REGISTRATION APPLICATIONS; AMENDING SECTION  
4 34-419, IDAHO CODE, TO PROVIDE REFERENCE TO REGISTRATION APPLICATIONS;  
5 AMENDING SECTION 34-420, IDAHO CODE, TO PROVIDE REFERENCE TO REGISTRATION  
6 APPLICATIONS; AND AMENDING SECTION 74-106, IDAHO CODE, TO PROVIDE REFERENCE  
7 TO REGISTRATION APPLICATIONS; AND DECLARING AN EMERGENCY." .