

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 745

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTIONS; AMENDING SECTION 34-409, IDAHO CODE, AS AMENDED IN
2 SECTION 3 OF HOUSE BILL NO. 692, IF ENACTED BY THE SECOND REGULAR SESSION
3 OF THE SIXTY-SIXTH IDAHO LEGISLATURE, TO REVISE A PROVISION REGARDING
4 ELECTRONIC VOTER REGISTRATION; AMENDING SECTION 34-410, IDAHO CODE,
5 AS AMENDED IN SECTION 4 OF HOUSE BILL NO. 692, IF ENACTED BY THE SECOND
6 REGULAR SESSION OF THE SIXTY-SIXTH IDAHO LEGISLATURE, TO REVISE A PRO-
7 VISION REGARDING VOTER REGISTRATION BY MAIL; AMENDING SECTION 49-2444,
8 IDAHO CODE, AS AMENDED IN SECTION 13 OF HOUSE BILL NO. 692, IF ENACTED
9 BY THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH IDAHO LEGISLATURE,
10 TO REVISE A PROVISION REGARDING AN IDENTIFICATION CARD ISSUED BY THE
11 DEPARTMENT OF TRANSPORTATION; AMENDING SECTION 15 OF HOUSE BILL NO.
12 692, IF ENACTED BY THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH IDAHO
13 LEGISLATURE, TO REVISE THE EFFECTIVE DATE; REPEALING SECTION 34-1114,
14 IDAHO CODE, RELATING TO VOTER AFFIDAVITS; APPROPRIATING AND TRANSFER-
15 RING MONEYS FROM THE GENERAL FUND TO THE ELECTION INTEGRITY FUND; AND
16 DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.
17

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

19 SECTION 1. That Section 34-409, Idaho Code, as amended in Section 3 of
20 House Bill No. 692, if enacted by the Second Regular Session of the Sixty-
21 sixth Idaho Legislature, be, and the same is hereby amended to read as fol-
22 lows:

23 34-409. ELECTRONIC REGISTRATION. (1) The office of the secretary of
24 state shall create and maintain an electronic system for voter registration
25 that is publicly available on its official website. Any qualified elector
26 who has a current valid driver's license or identification card issued pur-
27 suant to title 49, Idaho Code, that reflects the person's current princi-
28 pal place of residence may register to vote by submitting a completed voter
29 registration application electronically through such website. Electronic
30 voter registration applications shall be submitted before the close of reg-
31 istration as provided in section 34-408, Idaho Code.

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

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

36 (b) Include notice of the requirement to provide personal identifi-
37 cation before voting at the polls as set forth in sections 34-1113 and
38 34-1114, Idaho Code; and

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

40 (3) The office of the secretary of state shall obtain a digital copy
41 of the applicant's driver's license or identification card signature from
42 the Idaho transportation department. The Idaho transportation department

1 shall, upon request of the office of the secretary of state, provide a dig-
2 ital copy of the applicant's driver's license or identification card signa-
3 ture.

4 (4) Upon receipt of a completed voter registration application and a
5 digital copy of the applicant's driver's license or identification card sig-
6 nature from the Idaho transportation department, the office of the secre-
7 tary of state shall send the information to the county clerk for the county
8 in which the applicant resides. The county clerk shall prepare and issue to
9 each elector registering electronically a verification of registration con-
10 taining the name and residence of the elector and the name or number of the
11 precinct in which the elector resides. Such verification of registration
12 shall be sent by nonforwardable first class mail. If a verification is re-
13 turned undeliverable, then the county clerk shall remove the elector from
14 the register of electors, unless the elector is a person subject to the uni-
15 formed and overseas citizens absentee voting act, 52 U.S.C. 20301 et seq.

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

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

22 SECTION 2. That Section 34-410, Idaho Code, as amended in Section 4 of
23 House Bill No. 692, if enacted by the Second Regular Session of the Sixty-
24 sixth Idaho Legislature, be, and the same is hereby amended to read as fol-
25 lows:

26 34-410. MAIL REGISTRATION. (1) Any elector may register by mail for
27 any election. Any mail registration application must be received by the
28 county clerk prior to the close of registration as provided in section
29 34-408, Idaho Code, provided that any mail registration application post-
30 marked not later than twenty-five (25) days prior to an election shall be
31 deemed timely.

32 (2) The secretary of state shall prescribe the form for the mail regis-
33 tration application. This mail application form shall be available for dis-
34 tribution through governmental and private entities, with particular empha-
35 sis on making them available for organized voter registration programs.

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

40 (4) The county clerk shall prepare and issue by first class nonforward-
41 able mail to ~~the residence address of~~ each elector registering by mail a ver-
42 ification of registration containing the name and residence of the elector
43 and the name or number of the precinct in which the elector resides.

44 (5) A verification returned undeliverable shall cause the county clerk
45 to remove the elector's card from the register of electors, unless the elec-
46 tor is a person subject to the uniformed and overseas citizens absentee vot-
47 ing act, 52 U.S.C. 20301 et seq.

48 (6) Any registration received by mail that does not include the number
49 of the elector's current driver's license or state identification card is-

1 sued by the Idaho transportation department must be accompanied by a legible
2 photocopy of a proof of United States citizenship document acceptable under
3 section 34-408A(1) (c), Idaho Code.

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

8 (a) A current and valid photo identification; or

9 (b) A copy of a current utility bill, bank statement, government check,
10 paycheck, or other government document that shows the name and address
11 of the voter.

12 SECTION 3. That Section 49-2444, Idaho Code, as amended in Section 13 of
13 House Bill No. 692, if enacted by the Second Regular Session of the Sixty-
14 sixth Idaho Legislature, be, and the same is hereby amended to read as fol-
15 lows:

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

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

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

1 year)," and identification cards issued to persons eighteen (18) years
2 of age to twenty-one (21) years of age shall include a notation "under 21
3 until (month, day, year)."

4 (b) The nonrefundable fee for a four (4) year identification card is-
5 sued to persons twenty-one (21) years of age or older shall be fifteen
6 dollars (\$15.00), of which ten dollars (\$10.00) shall be retained by
7 the county and credited to the current expense fund, and five dollars
8 (\$5.00) shall be deposited in the state treasury to the credit of the
9 highway distribution account.

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

16 (d) The nonrefundable fee for an eight (8) year identification card
17 shall be twenty-five dollars (\$25.00), of which fifteen dollars
18 (\$15.00) shall be retained by the authorized issuing agent or, if issued
19 by the county, shall be credited to the current expense fund, and ten
20 dollars (\$10.00) shall be deposited in the state treasury to the credit
21 of the highway distribution account.

22 (e) The department shall issue a four (4) year identification card,
23 free of charge, to any person who does not possess a valid Idaho driver's
24 license or state identification card issued by the department, is a
25 citizen of the United States, ~~possesses the qualifications of an Idaho~~
26 ~~elector~~ is at least eighteen (18) years of age, is an Idaho resident, and
27 requires an identification card for voting purposes. For each such card
28 issued for voting purposes, the state controller shall transfer ten
29 dollars (\$10.00) from the election integrity fund established by sec-
30 tion 34-421, Idaho Code, to the authorized issuing agent or appropriate
31 county current expense fund and five dollars (\$5.00) from the election
32 integrity fund to the highway distribution account.

33 (f) At the option of the applicant, the identification card issued to a
34 person twenty-one (21) years of age or older shall expire either on the
35 card holder's birthday in the fourth year or the eighth year following
36 issuance of the card, except as otherwise provided in subsection (7) (b)
37 of this section. Every identification card issued to a person under
38 eighteen (18) years of age shall expire five (5) days after the person's
39 eighteenth birthday, except as otherwise provided in subsection (7) (b)
40 of this section. Every identification card issued to a person eighteen
41 (18) years of age but under twenty-one (21) years of age shall expire
42 five (5) days after the person's twenty-first birthday, except as oth-
43 erwise provided in subsection (7) (b) of this section.

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

1 (5) Every identification card, except those issued to persons under
2 twenty-one (21) years of age, shall be renewable on or before its expiration,
3 but not more than twenty-five (25) months before, and upon application and
4 payment of the required fee.

5 (6) The applicant for an identification card must submit proof of iden-
6 tity, citizenship status, and date of birth as set forth in a certified copy
7 of his birth certificate. When a certified copy of his birth certificate
8 or a delayed birth certificate is impossible to obtain from a vital sta-
9 tistics agency, another government-issued document as set forth in section
10 34-408A(1) (c), Idaho Code, may be accepted as proof of a person's full legal
11 name, date of birth, and citizenship.

12 (7) (a) Every identification card issued to a person who is a citizen of
13 the United States may include the notation "USA."

14 (b) Every identification card issued to a person who is not a citizen or
15 permanent legal resident of the United States shall have an expiration
16 date that is the same date as the end of lawful stay in the United States
17 as indicated on documents issued and verified by the department of home-
18 land security, provided however, that the expiration date shall not ex-
19 tend beyond the expiration date for the same category of identification
20 card issued to citizens. Persons whose department of homeland security
21 documents do not state an expiration date shall be issued an identifi-
22 cation card with an expiration date of one (1) year from the date of is-
23 suance.

24 (8) When an identification card has been expired for less than twenty-
25 five (25) months, the renewal of the identification card shall start from
26 the original date of expiration, regardless of the year in which the applica-
27 tion for renewal is made. If the identification card is expired for more than
28 twenty-five (25) months, the application shall expire, at the option of the
29 applicant, on the applicant's birthday in the fourth year or the eighth year
30 following reissuance of the identification card, except as otherwise pro-
31 vided in subsection (7) (b) of this section.

32 (9) (a) If an Idaho identification card has expired or will expire and
33 the identification card holder is temporarily out of state, except
34 on active military duty, the identification card holder may request
35 in writing on a form prescribed by the department an extension of the
36 identification card. The request shall be accompanied by the fee
37 fixed in section 49-306, Idaho Code, and the extension shall be no more
38 than a twelve (12) month period. If the department determines that an
39 extension of the identification card is necessary, it may issue an iden-
40 tification card showing the date to which the expired identification
41 card is extended. Identification card extensions are limited to two (2)
42 consecutive extensions per identification card holder.

43 (b) Upon returning to the state of Idaho, the identification card
44 holder shall, within ten (10) days, apply for a renewal of the expired
45 identification card and surrender the extended identification card and
46 the expired identification card.

47 (10) An Idaho identification card issued to any person prior to serving
48 on active duty in the armed forces of the United States, or a member of the
49 immediate family accompanying such a person, if valid and in full force and
50 effect upon entering active duty, shall remain in full force and effect and

1 shall, upon application, be extended for a period of four (4) years as long
2 as active duty continues, and the identification card shall remain in full
3 force and effect sixty (60) days following the date the card holder is re-
4 leased from active duty.

5 (11) A person possessing an identification card who desires to donate
6 any or all organs or tissue in the event of death, and who has completed a
7 document of gift pursuant to the provisions for donation of anatomical gifts
8 as set forth in chapter 34, title 39, Idaho Code, may, at the option of the
9 donor, indicate this desire on the identification card by the imprinting of
10 the word "donor" on the identification card. The provisions of this subsec-
11 tion shall apply to persons possessing an identification card who are fif-
12 teen (15) years of age or older but less than eighteen (18) years of age if
13 the requirements provided in chapter 34, title 39, Idaho Code, have been com-
14 plied with.

15 (12) A person possessing an identification card or an applicant for an
16 identification card who is a person with a permanent disability may request
17 that the notation "permanently disabled" be imprinted on the identification
18 card, provided the person presents written certification from a licensed
19 physician verifying that the person's stated impairment qualifies as a per-
20 manent disability according to the provisions of section 49-117, Idaho Code.

21 (13) (a) A person who is a veteran may request that his or her status as
22 such be designated on an identification card at no additional cost. Any
23 such request shall be accompanied by proof of being a current or former
24 member of the United States armed forces. Upon request and submission
25 of satisfactory proof, the department shall indicate such person's sta-
26 tus as a veteran on any identification card issued pursuant to the pro-
27 visions of this section. Such designation shall be made upon original
28 issuance or renewal of an identification card. Designation shall also
29 be made on any duplicate identification card issued, provided that the
30 fee for such duplicate card is paid in accordance with this section.

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

38 (14) In the case of a name change, the applicant shall provide legal doc-
39 umentation to verify the change in accordance with department rules.

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

44 (16) The department shall cancel any identification card upon determin-
45 ing that the person was not entitled to the issuance of the identification
46 card or that the person failed to give the required and correct information
47 in his application or committed fraud in making the application. Upon can-
48 cellation, the person shall surrender the canceled identification card to
49 the department.

1 (17) If any person shall fail to return to the department the identifi-
2 cation card as required, the department may direct any peace officer to se-
3 cure its possession and return the identification card to the department.

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

9 (19) It is an infraction for any person to fail to notify the department
10 of a change of address as required by the provisions of subsection (15) of
11 this section.

12 SECTION 4. That Section 15 of House Bill No. 692, if enacted by the Sec-
13 ond Regular Session of the Sixty-sixth Idaho Legislature, be, and the same is
14 hereby amended to read as follows:

15 SECTION 15. An emergency existing therefor, which emergency is
16 hereby declared to exist, this act shall be in full force and effect
17 on and after ~~its passage and approval~~ July 1, 2022.

18 SECTION 5. That Section 34-1114, Idaho Code, be, and the same is hereby
19 repealed.

20 SECTION 6. CASH TRANSFER. There is hereby appropriated and the Office
21 of the State Controller shall transfer \$200,000 from the General Fund to the
22 Election Integrity Fund as soon as practicable.

23 SECTION 7. An emergency existing therefor, which emergency is hereby
24 declared to exist, Section 4 of this act shall be in full force and effect on
25 and after passage and approval; and Sections 1, 2, 3, 5, and 6 of this act
26 shall be in full force and effect on and after July 1, 2022.