

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 259, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ABSENTEE BALLOTS; AMENDING SECTION 34-1003, IDAHO CODE, TO RE-
VISE PROVISIONS REGARDING ISSUANCE OF ABSENTEE BALLOTS; AND DECLARING
AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 34-1003, Idaho Code, be, and the same is hereby
amended to read as follows:

34-1003. ISSUANCE OF ABSENTEE BALLOT. (1) Upon receipt of an applica-
tion for an absent elector's ballot within the proper time, the county clerk
receiving it shall examine the records of the county clerk's office to as-
certain whether or not such applicant is registered and lawfully entitled to
vote as requested and, if found to be so, the county clerk shall arrange for
the applicant to vote by absent elector's ballot. No election official shall
distribute absentee ballot applications or absentee ballots to a voter with-
out first receiving a request from the voter for such application or ballot,
except in the case of voters in a mail ballot precinct designated pursuant to
section 34-308, Idaho Code, or unless otherwise authorized by state or fed-
eral law.

(2) In the case of requests for primary ballots:

(a) Except as provided in paragraph (b) of this subsection, an elector
who has designated a political party affiliation shall receive a pri-
mary ballot for that political party.

(b) An elector who has designated a political party affiliation pur-
suant to section 34-404, Idaho Code, may receive the primary election
ballot of a political party other than the political party such elector
is affiliated with if such other political party has provided notifica-
tion to the secretary of state that identifies the political party such
elector is affiliated with, as provided for in section 34-904A(2) (b),
Idaho Code.

(c) An unaffiliated elector shall receive the primary ballot for the
political party the elector designated in the elector's application for
an absentee ballot pursuant to section 34-1002, Idaho Code. Provided
however, that a political party's ballot shall not be provided to an un-
affiliated elector where that political party has not elected to allow
unaffiliated electors to vote in such party's primary election pursuant
to section 34-904A, Idaho Code.

(d) If an unaffiliated elector does not indicate a choice of a political
party's primary ballot, the elector shall receive a nonpartisan ballot.

(e) Once an absentee primary ballot is issued to an elector by the
county clerk, the county clerk may not issue the same elector a new
absentee primary ballot with a different party affiliation than the

1 absentee ballot originally issued to the elector, unless the original
2 absentee ballot type was issued in error by the county clerk.

3 (3) The absentee ballot may be delivered to the absent elector in the
4 office of the county clerk, by postage prepaid mail, or by other appropriate
5 means, including use of a facsimile machine or other electronic transmis-
6 sion. Validly requested absentee ballots for candidates for federal office,
7 where the request is received at least forty-five (45) days before an elec-
8 tion, shall be sent no later than forty-five (45) days before that election
9 to all electors who are entitled to vote by absentee ballot.

10 (4) Pursuant to the uniformed and overseas citizens absentee voting act
11 (UOCAVA, 52 U.S.C. 20301 et seq., as amended), the secretary of state shall
12 establish procedures for the transmission of blank absentee ballots by mail
13 and by electronic transmission for all electors who are entitled to vote by
14 absentee ballot under ~~the uniformed and overseas citizens absentee voting~~
15 ~~act~~, UOCAVA and by which such electors may designate whether the elector
16 prefers the transmission of such ballots by mail or electronically. If no
17 preference is stated, the ballots shall be transmitted by mail. The secre-
18 tary of state shall establish procedures for transmitting such ballots in a
19 manner that shall protect the security and integrity of such ballots and the
20 privacy of the elector throughout the process of transmission.

21 (5) A political party may supply a witness to accompany the clerk in the
22 personal delivery of an absentee ballot. If the political party desires to
23 supply a witness, it shall be the duty of the political party to supply the
24 names of such witnesses to the clerk no later than forty-six (46) days prior
25 to the election. The clerk shall notify such witnesses of the date and ap-
26 proximate hour the clerk or deputy clerk intends to deliver the ballot.

27 (6) A candidate for public office or a spouse of a candidate for public
28 office shall not be a witness in the personal delivery of absentee ballots.

29 (7) An elector physically unable to mark such elector's own ballot
30 may receive assistance in marking such ballot from the officer delivering
31 same or an available person of the elector's own choosing. In the event
32 the election officer is requested to render assistance in marking an absent
33 elector's ballot, the officer shall ascertain the desires of the elector and
34 shall vote the applicant's ballot accordingly. When such ballot is marked by
35 an election officer, the witnesses on hand shall be allowed to observe such
36 marking. No county clerk, deputy, or other person assisting a disabled voter
37 shall attempt to influence the vote of such elector in any manner.

38 SECTION 2. An emergency existing therefor, which emergency is hereby
39 declared to exist, this act shall be in full force and effect on and after
40 July 1, 2023.