

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 599

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO BALLOTS; AMENDING SECTION 18-2316, IDAHO CODE, TO REVISE PROVI-  
2 SIONS REGARDING TAMPERING WITH CERTIFICATES OF NOMINATION AND BALLOTS;  
3 AMENDING CHAPTER 23, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
4 TION 18-2324, IDAHO CODE, TO ESTABLISH PROVISIONS PROHIBITING BALLOT  
5 HARVESTING, TO PROVIDE CERTAIN EXCEPTIONS, AND TO PROVIDE A PENALTY;  
6 AND DECLARING AN EMERGENCY.  
7

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

9 SECTION 1. That Section 18-2316, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 18-2316. TAMPERING WITH CERTIFICATES OF NOMINATION OR BALLOTS. (1) No  
12 person shall falsely make, ~~or~~ make oath to, ~~or~~ fraudulently deface, or  
13 fraudulently destroy, or file, or receive for filing, any certificate of nomination, or letter  
14 of withdrawal, knowing the same or any part thereof to be falsely made, or  
15 suppress any certificate of nomination which ~~that~~ has been duly filed, or any  
16 part thereof, ~~or wilfully.~~

17  
18 (2) No person shall willfully delay the delivery of any ballots, or  
19 forge or falsely make the official ~~indorsement~~ endorsement on the ballot, or  
20 wilfully destroy any ballot willfully destroy, tamper with, or change in any  
21 way any ballot that does not belong to such person.

22 (3) Every person violating any of the provisions of this section shall  
23 be deemed guilty of a felony, and, upon conviction thereof in any court of  
24 competent jurisdiction, shall be punished by imprisonment in the peniten-  
25 tiary for a period of not less than one (1) year nor more than five (5) years.

26 SECTION 2. That Chapter 23, Title 18, Idaho Code, be, and the same is  
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
28 ignated as Section 18-2324, Idaho Code, and to read as follows:

29 18-2324. BALLOT HARVESTING PROHIBITED -- EXCEPTIONS -- PENALTY. (1)  
30 Except as provided in subsections (2) and (3) of this section, no person  
31 shall knowingly collect or convey another voter's voted or unvoted ballot.

32 (2) This section shall not apply to:

33 (a) A person who collects or conveys another voter's voted or unvoted  
34 ballot in the course of such person's regular duties as an elections of-  
35 ficial;

36 (b) A person who collects or conveys another voter's voted or unvoted  
37 ballot in the course of such person's regular duties as a United States  
38 postal service worker or other person specifically authorized by law to  
39 transmit United States mail;

1 (c) A person who collects or conveys another voter's voted or unvoted  
2 ballot in the course of such person's regular duties as an employee or  
3 contractor of a common carrier;

4 (d) A person who receives compensation from the voter in exchange for  
5 collecting or conveying the voter's voted or unvoted ballot;

6 (e) A person who is related to the voter, whether by adoption, marriage,  
7 or blood, within the fifth degree of consanguinity;

8 (f) A person who is a member of the voter's household; or

9 (g) A person who is a caregiver of the voter, unless the voter is under  
10 care for memory or cognitive impairment.

11 (3) A person who is a candidate for elective office on the ballot or  
12 who is employed by or volunteers for a political party, candidate for elec-  
13 tive office on the ballot, or organization that supports or opposes any bal-  
14 lot measure or candidate for elective office on the ballot may not collect or  
15 convey voted or unvoted ballots pursuant to subsection (2) (e), (f), or (g) of  
16 this section. An individual authorized to collect and convey a voter's bal-  
17 lot pursuant to subsection (2) (e), (f), or (g) of this section may not col-  
18 lect or convey more than six (6) total voted ballots and six (6) total unvoted  
19 ballots in any election.

20 (4) Any person who lawfully collects or conveys another voter's voted  
21 or unvoted ballot as authorized in subsection (2) of this section shall not  
22 attempt to influence the voter in any way.

23 (5) A violation of the provisions of this section constitutes a felony  
24 if the person was paid by anyone other than the voter to collect and convey  
25 the voter's ballot or if the cumulative number of ballots collected or con-  
26 veyed in violation of the provisions of this section is ten (10) or more in  
27 any election. Any other violation of the provisions of this section consti-  
28 tutes a misdemeanor.

29 SECTION 3. An emergency existing therefor, which emergency is hereby  
30 declared to exist, this act shall be in full force and effect on and after its  
31 passage and approval.