

# U.S. ELECTION ASSISTANCE COMMISSION



## *2012 Election Administration & Voting Survey*

### **Idaho**

## *Statutory Overview*

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2012 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2010 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2010 with an "X" as shown below:

X No Change Since 2010

If the response has changed since 2010, please mark Changed Since 2010 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2010 response and record your 2012 response between the red bracketed text lines, as described below.

X Changed Since 2010

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

[End definition (a) above this line.]

## SECTION A: GENERAL

**A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.**

**a. Over-vote**

       No Change Since 2010      X   Changed Since 2010

**2010 Response:**

[Begin definition (a) below this line.]

If a voter places a mark or writes-in the names of more than one candidate for an office than are to be elected or nominated, it is considered an overvote. The ballot is defective with respect only to the office in which the overvote occurred. The rest of the ballot shall be counted.

Primary Elections: Beginning with the 2012 Primary Election, Idaho changed to a closed primary election system. A voter is now required to declare an affiliation with a political party or declare themselves to be Unaffiliated. Then the voter will have a choice of party ballot or only the non-partisan ballot based on their affiliation and will only receive the ballot of the party of thier choice.

[End definition (a) above this line.]

**b. Under-vote**

  X   No Change Since 2010           Changed Since 2010

**2010 Response:**

[Begin definition (b) below this line.]

If a voter does not mark a candidate or issue, the votes for the other candidates or issues on the same ballot that are validly marked shall be counted. Failure to vote for a particular office or issue will be deemed a conscious decision to not vote for either that office or issue.

[End definition (b) above this line.]

**c. Blank ballot**

  X   No Change Since 2010           Changed Since 2010

**2010 Response:**

[Begin definition (c) below this line.]

A blank ballot occurs when the voter makes no selections of candidates or measure choices throughout the entire ballot.

[End definition (c) above this line.]

**d. Void/Spoiled ballot**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (d) below this line.]

A spoiled ballot occurs when a voter makes a mistake on the ballot during voting and returns the ballot to the Election Worker to receive a new ballot.

[End definition (d) above this line.]

**e. Provisional/Challenged ballot**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (e) below this line.]

Idaho does not have provisional or challenged ballots because we have Election Day Registration.

[End definition (e) above this line.]

**f. Absentee**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (f) below this line.]

An absentee ballot is a ballot that has been requested in writing by the voter in lieu of the voter appearing at their polling location on Election Day. Idaho has 3 types of absentee ballots. The first is a mailed absentee. These ballots are requested by the voter and mailed to the voter at the address listed on the absentee request. The second is an in-person absentee. These ballots are given to the voter in the County Clerk's Office. They are voted there and returned to the County Clerk after the voter has completed voting. The third is a delivered absentee.

These ballots are delivered by a county worker to the voter. These are usually voters that are either homebound or in a care facility.

[End definition (f) above this line.]

**g. Early voting**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (g) below this line.]

Idaho does not have early voting. We have Absentee Voting.

[End definition (g) above this line.]

**h. Active Voter**

☐ **No Change Since 2010**      ☒ **Changed Since 2010**

**2010 Response:**

[Begin definition (h) below this line.]

Any Qualified Elector

[End definition (h) above this line.]

**i. Inactive Voter**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (i) below this line.]

Idaho does not have inactive voters. Our law and registration system only contains active voters.

[End definition (i) above this line.]

**j. Other terms (please specify) \_\_\_\_\_**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

**A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.**

       No Change Since 2010        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (A2) below this line.]

The Idaho Legislature passed the new Closed Primary law in 2011 that requires voters to declare an affiliation with one of the 4 recognized political parties or declare themselves to be Unaffiliated (i.e. no political preference).

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

**34-411. Application for registration -- Contents.** (1) Each elector who requests registration shall supply the following information under oath or affirmation:

- (a) Full name and sex.
  - (b) Mailing address, residence address or any other necessary information definitely locating the elector's residence.
  - (c) The period of time preceding the date of registration during which the elector has resided in the state.
  - (d) Whether or not the elector is a citizen.
  - (e) That the elector is under no legal disqualifications to vote.
  - (f) The county and state where the elector was previously registered, if any.
  - (g) Date of birth.
  - (h) Current driver's license number or identification card issued by the Idaho transportation department. In the absence of an Idaho driver's license or state issued identification card, the last four (4) digits of the elector's social security number.
- (2) As provided for in section 34-404, Idaho Code, each elector shall select an affiliation with a political party qualified to participate in elections pursuant to section 34-501, Idaho Code, or select to be designated as "unaffiliated." The selection of party affiliation or designation as "unaffiliated" shall be maintained within the voter registration system as provided for in section 34-437A, Idaho Code. If an elector shall fail or refuse to make such a selection, the county clerk shall record as "unaffiliated" such elector within the voter registration system as provided for in section 34-437A, Idaho Code.
- (3) Any elector who shall supply any information under subsection (1) of this section, knowing it to be false, is guilty of perjury.
- (4) Each elector who requests registration may, at the elector's option, supply the elector's telephone number. If the telephone number is supplied by the elector, the telephone number shall be available to the public.

**34-411A. Primary elections -- CHANGING PARTY AFFILIATION -- unaffiliated electors.** (1) For a primary election, an elector may change such elector's political party affiliation or become "unaffiliated" by filing a signed form with the county clerk no later than the last day a candidate may file for partisan political office prior to such primary election, as provided for in section 34-704, Idaho Code. An "unaffiliated" elector may affiliate with the party of the elector's choice by filing a signed form up to and including election day. The application form described in section 34-1002, Idaho Code, shall also be used for this purpose.

(2) For a primary election, an "unaffiliated" elector may select a political party affiliation only prior to voting in the primary election. An elector may make such selection on or before election day, by declaring such political party affiliation to the poll worker or other

appropriate election personnel. The poll worker or other appropriate election personnel shall then record in the poll book the elector's choice. After the primary election, the county clerk shall record the party affiliation so recorded in the poll book as part of such elector's record within the voter registration system as provided for in section 34-437A, Idaho Code.

**34-904A. ELIGIBILITY TO VOTE IN PRIMARY ELECTIONS.** (1) Except as provided in subsection (2) of this section, an elector who has designated a party affiliation shall be allowed to vote only in the primary election of the political party for which such an elector is so registered.

(2) A political party qualified to participate in elections pursuant to section 34-501, Idaho Code, may, no later than one hundred eighty (180) days prior to a primary election, notify the secretary of state in writing that the political party elects to allow, in addition to those electors who have registered with that political party, any of the following to vote in such party's primary election:

(a) Electors designated as "unaffiliated";

(b) Electors registered with a different political party qualified to participate in elections pursuant to section 34-501, Idaho Code. In the event a state chairman of a political party elects to allow electors to vote in that party's primary election pursuant to this paragraph (b), the state chairman shall identify which political parties' registrants are allowed to vote in such primary election.

(3) In the event that more than one (1) political party allows "unaffiliated" electors to vote in their party's primary election, an "unaffiliated" elector shall designate which political party's primary election the elector chooses to vote in by declaring such designation to the poll worker or other appropriate election personnel, who shall then record in the poll book the elector's choice. The county clerk shall record such choice as part of the elector's voting history within the voter registration system as provided for in section 34-437A, Idaho Code.

(4) In the event no more than one (1) political party allows "unaffiliated" electors to vote in their party's primary election, an "unaffiliated" elector may designate that political party's primary election as the election the elector chooses to vote in by declaring such designation to the poll worker or other appropriate election personnel, who shall then record in the poll book the elector's choice. The county clerk shall record such choice as part of the elector's voting history within the voter registration system as provided for in section 34-437A, Idaho Code.

(5) An "unaffiliated" elector having declared such designation as provided for in subsection (3) or (4) of this section shall not be permitted to vote in the primary election of any other party held on that primary election date.

(6) If an "unaffiliated" elector does not declare a choice of political party's primary election ballot, the elector shall not be permitted to vote in any political party's primary election but shall receive a nonpartisan ballot.

(7) In the event that one (1) or more political parties allow electors affiliated with a different political party to vote in their primary election pursuant to this section, an elector affiliated with a different political party shall declare to the poll worker or other appropriate election personnel in which primary election ballot such elector wishes to vote. The county clerk shall record such choice as part of the elector's voting history within the voter registration system as provided for in section 34-437A, Idaho Code.



Provided that all other provisions of this act are complied with, nothing in this section shall be construed to prohibit an elector designated as "unaffiliated" from voting in the primary election of a different party held in subsequent years. Notwithstanding any other provision of this act, if a political party allows "unaffiliated" electors to vote in that political party's primary election pursuant to this section, a vote by an "unaffiliated" elector in such primary election shall not change or affect the elector's "unaffiliated" designation.

**34-1002. Application for absentee ballot -- Primary elections.** (1) Any registered elector may make written application to the county clerk, or other proper officer charged by law with the duty of issuing official ballots for such election, for an official ballot or ballots of the kind or kinds to be voted at the election. The application shall contain the name of the elector, the elector's home address, county, and address to which such ballot shall be forwarded.

(2) In order to provide the appropriate primary election ballot to electors, in the event a political party elects to allow unaffiliated electors to vote in that party's primary election pursuant to section 34-904A, Idaho Code, the elector shall designate, as part of the written application for a ballot for primary elections, the elector's party affiliation or designation as "unaffiliated." The application shall contain checkoff boxes for "unaffiliated" electors by which such electors shall indicate for which party's primary ballot the "unaffiliated" elector chooses to vote. Provided however, that no political party's primary election ballot shall be provided to an "unaffiliated" elector for a political party that has not elected to allow "unaffiliated" electors to vote in that political party's primary election pursuant to section 34-904A, Idaho Code. If an "unaffiliated" elector does not indicate a choice of political party's primary election ballot, the elector shall receive a nonpartisan ballot.

(3) In order to provide the appropriate primary election ballot to electors, in the event one (1) or more political parties elect to allow electors affiliated with a different political party to vote in that party's primary election, the application shall contain checkoff boxes by which such electors may indicate the primary ballot in which the elector wishes to vote.

(4) For electors who are registered to vote as of January 1, 2012, and who remain registered electors, the elector shall designate, as part of the written application for a ballot for the 2012 primary elections, the elector's party affiliation or designation as "unaffiliated." The application shall contain checkoff boxes for "unaffiliated" electors by which such electors shall indicate for which party's primary election ballot the "unaffiliated" elector chooses to vote, pursuant to section 34-904A, Idaho Code. Provided however, that no political party's primary election ballot shall be provided to an "unaffiliated" elector for a political party that has not elected to allow "unaffiliated" electors to vote in the party's primary election pursuant to section 34-904A, Idaho Code. If an "unaffiliated" elector does not indicate a choice of political party's primary election ballot, the elector shall receive a nonpartisan ballot. After the 2012 primary election, the county clerk shall record the party affiliation or "unaffiliated" designation so selected on the application for an absentee ballot 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 elections and who make written application for an absentee ballot shall be designated as "unaffiliated" electors as provided in section 34-404, Idaho Code, and such electors shall be given the appropriate ballot for such "unaffiliated" designation pursuant to the provisions of this act.

(6) An elector may not change party affiliation or designation as "unaffiliated" on an application for absentee ballot. For primary elections, an elector may change party affiliation or designation as "unaffiliated" as provided for in section 34-411A, Idaho Code.

(7) The application for an absent elector's ballot shall be signed personally by the applicant. The application for a mail-in absentee ballot shall be received by the county clerk not later than 5:00 p.m. on the sixth day before the election. An application for in person absentee voting at the absent elector's polling place described in section 34-1006, Idaho Code, shall be received by the county clerk not later than 5:00 p.m. on the Friday before the election.

Application for an absentee ballot may be made by using a facsimile machine or other electronic transmission. In the event a registered elector is unable to vote in person at the elector's designated polling place on the day of election because of an emergency situation which rendered the elector physically unable, the elector may nevertheless apply for an absent elector's ballot on the day of election by notifying the county clerk. No person may, however, be entitled to vote under an emergency situation unless the situation claimed rendered the elector physically unable to vote at the elector's designated polling place within ninety-six (96) hours prior to the closing of the polls.

(8) A person may make application for an absent elector's ballot by use of a properly executed federal post card application as provided for in the laws of the United States known as uniformed and overseas citizens absentee voting act (UOCAVA, 42 U.S.C. 1973 ff, et seq.). The issuing officer shall keep as a part of the records of such officer's office a list of all applications so received and of the manner and time of delivery or mailing to and receipt of returned ballot.

(9) The county clerk shall, not later than seventy-five (75) days after the date of each general election, submit a report to the secretary of state containing information concerning absentee voters as required by federal law.

**34-1003. Issuance of absentee ballot.** (1) Upon receipt of an application 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 ascertain whether or not such applicant is registered and lawfully entitled to vote as requested and, if found to be so, the elector shall arrange for the applicant to vote by absent elector's ballot.

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

(a) Except as provided in subsection (2)(b) of this section, an elector who has designated a political party affiliation shall receive a primary ballot for that political party.

(b) An elector who has designated a political party affiliation pursuant 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 notification 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 which 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 "unaffiliated" 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 political party's primary ballot, the elector shall receive a nonpartisan ballot.

(3) The absentee ballot may be delivered to the absent elector in the office of the county clerk, by postage prepaid mail or by other appropriate means, including use of a facsimile machine or other electronic transmission. Validly requested absentee ballots for candidates for federal office, where the request is received at least forty-five (45) days before an election, shall be sent not later than forty-five (45) days before that election to all electors who are entitled to vote by absentee ballot.

(4) Pursuant to the uniformed and overseas citizens absentee voting act (UOCAVA, 42 U.S.C. 1973 ff, et seq., as amended) the secretary of state shall establish procedures for the transmission of blank absentee ballots by mail and by electronic transmission for all electors who are entitled to vote by absentee ballot under the uniformed and overseas citizens absentee voting act, and by which such electors may designate whether the elector prefers the transmission of such ballots by mail or electronically. If no preference is stated, the ballots shall be transmitted by mail. The secretary of state shall establish procedures for transmitting such ballots in a manner that shall protect the security and integrity of such ballots and the privacy of the elector throughout the process of transmission.

(5) A political party may supply a witness to accompany the clerk in the personal delivery of an absentee ballot. If the political party desires to supply a witness it shall be the duty of the political party to supply the names of such witnesses to the clerk no later than forty-five (45) days prior to the election. The clerk shall notify such witnesses of the date and approximate hour the clerk or deputy clerk intends to deliver the ballot.

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

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

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

**B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B1) below this line.]

Idaho's system is a top-down system. The system is hosted on a single, central platform/mainframe, which is maintained by the Secretary of State's Office. The data is entered and updated by county users in real time.

[End response to above question (B1) above this line.]

**If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above clarification question to B1 below this line.]

[End response to above clarification question to B1 above this line.]

**B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B2) below this line.]

Idaho does not maintain an inactive list of voters. Our law and system allows active voters.

[End response to above question (B2) above this line.]

**B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B3) below this line.]

Voters can be cancelled for several reasons. They are moving out of the state or county, receiving notice of being deceased, not voting in 2 Primary or General Elections (i.e. 4 years), being under a felony conviction, not responding to a challenge notice and at the request of the voter. If a county receives notice from another jurisdiction that the voter has moved or that the voter has died, the county may cancel the voter's registration without sending the voter a notice.

After each General Election, each county reviews their voter list and cancels voters who have been registered for more than 4 years and have not voted in either the last 2 primary or general elections. These voters are sent a cancellation notice by the county. The individual has the option of contacting the county and challenging the cancellation or re-registering. (I.C. 34-435)

Each county receives a monthly notice from the Department of Corrections with a list of individuals who are currently serving a felony conviction. If any of their registered voters appears on the list, the county cancels their registration and sends the voter a notice. If the individual has completed their sentencing or disagrees with the cancellation, they can petition the County Clerk's Office to re-instate their registration. Once an individual completes their sentence including probation and parole, they gain their voting rights back and may register to vote.

A voter's registration may be challenged by other registered voters or by the County Clerk's Office. These individuals are notified by the County Clerk's Office of the challenge and the reason for the challenge. They then have 20 days to respond to the challenge notice. If they fail to respond, the County Clerk's Office may then cancel the individual's registration and are not required to send a notice. (I.C. 34-432)

A voter may make a written request to have their name removed from the voter registration list. Once a County Clerk's Office receives this notice, they may cancel the voter's registration without sending a notice to the individual.

Each county receives a monthly notice from the Bureau of Vital Statistics of those Idaho residents who have died during the preceding month. If a registered voter appears on the list, the County Clerk cancels the registration (I.C. 34-433)

[End response to above question (B3) above this line.]

**B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B4) below this line.]

Currently, the voter registration system is linked with the Idaho Department of Motor Vehicles (DMV) and the Social Security Administration (SSA). Each registration is validated with either the DMV or SSA.

When a registration validates against the DMV, the voter registration system sends the Driver's License Number (DL#) that was entered during the registration process to the DMV and retrieves the data assigned to that DL#. The data that is retrieved is the DL#, Last Name, First Name and Middle Name assigned to the DL#, the individuals date of birth and the last 4 digits of the individuals SSN. The county user then verifies that the information received from the DMV matches the information listed by the individual on the voter registration form. If the information matches, the registration is accepted and the individual is registered. If the information does not match, the registration is not accepted and the individual is then required to provide additional information is required to be provided by the individual.

When a registration is validated against the SSA, the voter registration system sends the SSA the individual's first name, middle name and last name along with the last 4 digits of the SSN entered during the registration process. This information is then matched in the SSA database. The county user then receives a notice from SSA that either confirms that the information matches record(s) in their database or it doesn't. If the data matches a record or records in the SSA database, the registration is accepted and the individual is then registered. If the data does not match a record or records in the SSA database, the individual is not registered and additional information is required to be provided by the individual.

Additional information required to be provided by the individual includes a copy of a photo ID and proof of residence. Acceptable photo ID and proof of residence is a copy of a current Idaho Driver's License or Identification Card. Other acceptable photo ID includes any card that contains the individual's photo and printed name. Examples of this would be an expired driver's license or ID card, a membership card to a club or organization that contains the individuals name and photo. Acceptable proof of residence includes a document that contains the individual's name and residence address. Examples of this would include a copy of a bank statement, check stub, auto registration card or insurance card, utility bill, rental agreement, lease agreement, etc.

[End response to above question (B4) above this line.]

**B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B5) below this line.]

Idaho has not used NCOA.

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (B6) below this line.]

An individual who is serving a felony conviction including probation or parole may not register or vote. However, once an individual completes their sentencing, including probation, parole and payment of any fees or fines, their voting rights are automatically restored. These individual's may then register and vote. They are not required to provide any documentation of this status. They are signing under penalty of perjury that they have no legal disqualifications. (I.C. 18-310)

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

### **2010 Response:**

[Begin response to above question (B7) below this line.]

Idaho does use the internet to facilitate registration. Voter registration cards are available for download from the Secretary of State's website. The registration card may be completed online but must be printed and signed by the voter. Once completed, the individual may mail or deliver the registration card to the appropriate County Clerk's Office. However, the County Clerk must receive the original voter registration card. A copy, scanned copy or fax of the registration is not acceptable.

[End response to above question (B7) above this line.]



## SECTION C: ELECTION ADMINISTRATION

**C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).**

**a. Are the votes counted centrally or at the precincts?**

       No Change Since 2010        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (a) below this line.]

Idaho has 4 types of voting systems. They are paper ballots, punch cards, oval optical scan and arrow optical scan. Votes cast by paper ballots and two arrow optical scan counties are counted at the polls. Votes cast by punch card and all other optical scan are counted centrally.

Absentee ballots including in-person absentee, mail-in absentee and delivered absentees are tabulated in the same manner as the ballots cast at the polls. Idaho does not have provisional ballots because we have election day registration.

[End response to above question (a) above this line.]

**b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?**

       No Change Since 2010        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (b) below this line.]

All votes are reported by precinct. Each precinct is counted individually. Counties may opt to use an absentee precinct. An absentee precinct is where all absentee ballots are tabulated as a precinct rather than sorted and counted with each precinct.

[End response to above question (b) above this line.]

**c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (c) below this line.]

If a county has approved an absentee precinct, all absentee ballots for that county are counted as a single precinct and report as such. However, if they have not approved an absentee precinct, then the absentee ballots are divided by precinct and counted with the appropriate precinct ballots. (I.C. 34-1007)

[End response to above question (c) above this line.]

**d. How are UOCAVA ballots counted and reported?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (d) below this line.]

UOCAVA ballots that are mailed are counted and reported like absentee ballots. If a county has approved an absentee precinct, all absentee ballots for that county are counted as a single precinct and report as such. However, if they have not approved an absentee precinct, then the absentee ballots are divided by precinct and counted with the appropriate precinct ballots.

[End response to above question (d) above this line.]

**C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (C2) below this line.]

Idaho has no excuse absentee voting. (I.C. 34-1001)

[End response to above question (C2) above this line.]

**C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (C3) below this line.]

Idaho does not have early voting. We have absentee voting. However, we do have in-person absentee voting. In this case, a voter may appear at the County Clerk's Office and request an absentee ballot. They are issued an absentee ballot to be voted at the Clerk's Office. These in-person absentee ballots are counted and reported with all other absentee ballots.

If a county has approved an absentee precinct, all absentee ballots for that county are counted as a single precinct and reported as such. However, if they have not approved an absentee precinct, then the absentee ballots are divided by precinct and counted with the appropriate precinct ballots. (I.C. 34-1007)

[End response to above question (C3) above this line.]

**C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C4) below this line.]

Idaho code does allow a county to designate a precinct as an all mail precinct. The precinct may not have more than 125 registered voters at the last general election. Voters in these precincts are then mailed a ballot and a polling place is not available on election day. However, anyone living in these precincts may registered and vote at the County Clerk's Office. (I.C. 34-308)

[End response to above question (C4) above this line.]

**C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C5) below this line.]

Idaho is exempt from using provisional ballots since we have Election Day Registration.

[End response to above question (C5) above this line.]

**C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (C6) below this line.]

Idaho is exempt from using provisional ballots since we have Election Day Registration.

[End response to above question (C6) above this line.]

**C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.**

**If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.**

☐ **No Change Since 2010**      ☒ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (C7) below this line.]

In 2011, Idaho added an audit on automated tabulation systems when there is a recount required. This new code section requires a random selection of ballots be tallied by hand and then tabulated by the automated tabulation system. All offices and ballot questions may be audited by these procedures if there is a recount required.

**34-2313. recount procedures for automated tabulation systems.** (1) To ensure the accuracy of automated vote tabulation systems, the county clerk shall follow the recount procedures provided in this section.

(2) The votes from a random selection of ballots shall be tallied by hand and the votes from the same ballots shall be tabulated by an electronic ballot tabulating system. For statewide and federal office or a statewide measure, the number of ballots to be tallied and tabulated shall be equal to at least two (2) precincts of the ballots cast in each county. For all other offices or measures, the number of ballots to be tallied and tabulated shall be equal to the greater of one hundred (100) or five percent (5%) of the ballots cast for the office or measure, distributed by county where applicable.

(3) For a statewide or federal office or a statewide measure, if the results of the hand-tally and the automated vote tally system tabulation within the county differ by one-fourth of one percent (.25%) or less, the remaining ballots shall be recounted using automated vote tabulating systems. Otherwise, the remaining ballots shall be recounted by hand.

(4) For other offices and ballot measures, if the results of the hand-tally and electronic vote tabulating system tabulation differ by less than one percent (1%), or two (2) votes, whichever is greater, the remaining ballots shall be recounted using automated vote tabulating systems. Otherwise, the remaining ballots shall be recounted by hand.

[End response to above question (C7) above this line.]

**C8. Please describe any state requirements for poll worker training.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C8) below this line.]

Before each election at which voting machines or vote tally systems are to be used, the County Clerk shall cause the election board to be properly instructed in their use. (I.C. 34-2413)

[End response to above question (C8) above this line.]

## SECTION D: ELECTION DAY ACTIVITIES

**D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above question (D1) below this line.]

Idaho has 4 types of voting systems. They are paper ballots, punch cards, oval optical scan and arrow optical scan. Over-votes and under-votes are not counted by paper ballot counties. However, tabulators for punch card, arrow optical scan and oval optical scan are programmed to tabulate over-votes and under-votes.

[End response to above question (D1) above this line.]

**D2. What identification does your state require from voters in the following situations:**

**a. registering to vote;**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above question (a) below this line.]

Verification of a Mail Registration; First Time Voter for Federal Office

A mail registration received from an elector who has not previously voted in an election for federal office in the state needs to be verified prior to the issuance of a ballot. This is not required for FPCA Registration Applications.

At the time a registration is entered into the statewide voter registration system, the system will attempt to validate the person's identification by either of the following matches:

- Driver's License number through the Department of Transportation.
- Name and Date of Birth through the Social Security Administration.

If the system validates the voter's identification, no further proof or action is required.

If the system does not validate the voter's identification, verification is required.

Documentation can be provided at the time of registration or at the polling place.

Proof of Identification:

- Idaho Driver's License or Idaho Identification Card issued through the Department of Transportation or;
- A current valid student identification card from a post-secondary educational institution in Idaho accompanied with a current student fee statement that contains the

student's valid address in the precinct together with a picture identification card or;

- A document which contains a valid address in the precinct – accompanied with a picture identification card. (If the address on the driver's license is not current – the photo still works, but the address will need to be supplemented by another document. A utility bill, bank deposit slip, credit card billing, etc. with name, current address will work)

[End response to above question (a) above this line.]

**b. casting an in-person ballot;**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (b) below this line.]

All voters are currently required to show ID prior to voting. If the individual does not have ID, they are allowed to sign a Personal Identification Affidavit. (I.C. 34-1113 & 34-1114) See question A2 for the code sections.

[End response to above question (b) above this line.]

**c. casting a mail-in or absentee vote;**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (c) below this line.]

The voter is required to sign and elector's oath on the ballot envelope. The County Clerk verifies the signature with the voter registration card. (I.C. 34-1005)

[End response to above question (c) above this line.]

**d. casting a ballot under UOCAVA;**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (d) below this line.]

The voter is required to sign and elector's oath on the ballot envelope. The County Clerk verifies the signature with the voter registration card. (I.C. 34-1005)

If the voter is voting by an absentee ballot through the mail, the voter is not required to show ID prior to voting. However, if the voter is voting in-person, they are required to show ID as described in b above.

[End response to above question (d) above this line.]

**e. any other stage in registration or voting process in which identification is required (please specify).**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (e) below this line.]

[End response to above question (e) above this line.]

**D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (D3) below this line.]

Idaho does allow for watchers and challengers. ROLE OF CHALLENGERS  
CHALLENGERS (Section 34-304, Idaho Code)

A. Authorization: Each political party is entitled to have persons authorized to be challengers. The county chairman and secretary of the political party must submit a written request to the county clerk no later than May 18 for Primary and November 2 for General in order for their party's challengers to be present at the polls.

B. Role of Challenger: Section 34-304, Idaho Code, states that a challenger is allowed to be present to challenge voters as to their qualifications. In case any person offering to vote is challenged one (1) of the judges must declare the qualifications of an elector to such person. If the person so challenged then declares himself duly qualified, and the challenge is not withdrawn, one (1) of the judges shall then tender him the elector's oath, (EG-7) as prescribed by the secretary of state. No challenged elector shall have the right to vote until he has subscribed to the elector's oath. Upon a challenged elector subscribing the elector's oath, he shall be entitled to vote. (Section 34-1111, I.C.)

An authorized party challenger could also utilize Section 34-431, Idaho Code, to challenge the entry of an elector's name as it appears in the poll book. Such a challenge will be noted in the remarks column following the elector's name stating the reason, such as "died," "moved," or "incorrect address." The individual making the challenge shall sign his name following the entry.

C. Election Judge's Authority: A challenger is not to interfere with the orderly conduct of the election. Challengers should be positioned so as not to be confused as a member of the election board. Persons who are authorized to serve as challengers shall wear a visible name



tag identifying their title. The chief election judge in each precinct has the authority to remove any challenger that is disrupting the orderly conduct of the election.

D. Miscellaneous: Idaho law does not prohibit challengers from leaving the polls and consequently challengers may work in various shifts throughout the day. However, each party may have one challenger in the poll area at any given time.

The election judge in charge of receiving the ballots should proclaim in an audible voice that an elector has voted (Section 34-1107, I.C.). This procedure is often used by the challengers to record on their own lists that an individual has voted.

## ROLE OF WATCHERS

### WATCHERS (Section 34-304, Idaho Code)

A. Authorization: Any person authorized by a candidate, several candidates, or political party may be present at the polls to watch the receiving and counting of votes. The candidate or political party must submit a written request to the county clerk no later than May 22 for the Primary and October 30 for the General in order for their watchers to be present at the polls. One person on each side of an issue on the ballot may also be authorized to be a watcher.

B. Role of Watcher: The election and voter tabulation process should be open to public scrutiny without jeopardizing the integrity of the process. Section 34-304, Idaho Code, states that a poll watcher is allowed to be present to watch the receiving and counting of the votes. In counties which utilize a central count punch-card voting or optical scan voting systems the ballots are transmitted from the polls to the counting center (usually the courthouse). The ballots are actually counted at the counting center. Central count watchers, may under the direction of the county clerk, observe the receiving of ballots transmitted to the counting center, observe the inspection of ballots prior to processing, and observe the counting of votes as they are processed through the tabulation equipment. However, watchers will not be allowed to handle any voted ballots or interfere with any of these processes. Precinct count counties where the count occurs at the polls shall allow watchers at the polls.

Candidates and/or political parties may have watchers present at the polls and/or counting center. Persons permitted to be present to watch the counting of the votes shall not absent themselves until the polls are closed (if counting begins before 8:00 p.m.). Authorized watchers present at the polls may work in various shifts throughout the day.

C. Election Judge's Authority: A watcher is not to interfere with the orderly conduct of the election. Watchers should be positioned so as not to be confused as a member of the election board. Persons who are authorized to serve as watchers shall wear a visible name tag identifying their title. The chief election judge in each precinct has the authority to remove any watcher that is disrupting the orderly conduct of the election.

D. Miscellaneous: As outlined above watchers at the polls may work in various shifts throughout the day. However, each candidate and/or political party may have only one watcher at the poll area at any given time. The candidate should not be present at the polls (except to vote). The presence of the candidate would be deemed electioneering. (Section 18-2318, I.C.)

The election judge in charge of receiving the ballots should proclaim in an audible voice that an elector has voted (Sections 34-1107, I.C.). This procedure is often used by the watchers to record on their own voter lists that individual has voted.

[End response to above question (D3) above this line.]

## SECTION E: OTHER

**E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (E1) below this line.]

No

[End response to above question (E1) above this line.]

**E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (E2) below this line.]

[End response to above question (E2) above this line.]

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2012 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.