U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

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 2016 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

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

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

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 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 the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

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

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

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

d) Void/Spoiled ballot

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

34-1109, Idaho Code: 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.

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

f) Absentee

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

Chapter 10, Title 34, Idaho Code: Any registered elector may make written application to the County Clerk for an official ballot or ballots to be voted at the election. The application for an absent elector's ballot shall be signed personally by the applicant. 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. Facsimile or electronic ballots are only authorized if a state of emergency is declared by the Secretary of State. However, ballots may be sent by electronic transmission to a UOCAVA voter pursuant to the uniformed and overseas citizens absentee voting act.

g) Early voting

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Idaho implemented early voting in 2014. Early Voting allows for a voter to vote at the Early Voting location just as they would at the polls on Election Day. The voter will sign the poll book, vote the ballot and deposit it into the Voted Ballot Box just as they would on Election Day.

2016 Response:

34-1012, Idaho Code: Early Voting allows for a voter to vote at the Early Voting location just as they would at the polls on Election Day. The voter will sign the poll book, vote the ballot and deposit it into the Voted Ballot Box just as they would on Election Day.

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Any Qualified Elector

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

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 2014** ☒ **Changed since 2014**

2014 Response:

The Idaho Legislature passed the new Early Voting law in 2013 that allows counties the option of conducting Early Voting instead of In-Person Absentee Voting.
34-1012. Alternative Procedures for Absentee Voting -- Early Voting. Those counties that utilize absentee voting facilities that have access to the Idaho statewide voter registration system and count ballots at a central location may elect to conduct "early voting" according to the provisions of this section. For those counties that elect to do "early voting," early voting shall begin on or before the third Monday before the election and end at 5:00 p.m. on the Friday before the election. Primary election ballots shall be issued pursuant to section 34-1002(2), Idaho Code.
(1) A voter who appears at an "early voting" station to vote shall state his or her name and address to the election official and present the voter's identification as required by sections 34-1113 and 34-1114, Idaho Code.
(2) The election official shall examine the records to ascertain whether or not such applicant is registered and lawfully entitled to vote as requested. The provisions of section 34-408A, Idaho Code, authorizing election day registration shall also apply in determining the applicant's qualifications to vote.
(3) Before receiving a ballot, each elector shall sign his or her name in the election register and poll book provided for early voting.
(4) The elector shall then be given the appropriate ballots that have been stamped with the official election stamp and shall be given folding instructions for such ballots, if appropriate.
(5) Upon receipt of the ballots, the elector shall retire to a vacant voting booth and mark the ballots according to the instructions provided.
(6) After marking the ballot, the elector shall present himself or herself to the election official at the ballot box and state his or her name and address. The elector shall then deposit the ballot in the ballot box or hand it to the election official, who shall deposit it. The election official shall then record that the elector has voted and proclaim the same in an audible voice.
(7) Voters requiring assistance shall be provided with such assistance in accordance with section 34-1108, Idaho Code.
(8) Electioneering is prohibited at an early voting polling place as provided in section 18- 2318, Idaho Code.
34-1013. Early Voting Ballot Security. A detailed plan for the security of ballots for early voting shall be submitted to

2016 Response:

(1) 2015 Legislative Session the Idaho Legislature:
(a) Added the Presidential Primary. 34-102(2), Idaho Code: "Presidential primary" means an election held for the purpose of allowing voters to express their choice of candidate for nomination by a political party for president of the United States. A presidential primary shall be held on the second Tuesday in March in each presidential election year. 34-731, Idaho Code: Participation in a presidential primary by a political party shall be optional, and nothing in this chapter shall be construed as mandating a party's participation in a presidential primary. Any party that intends to participate in a presidential primary shall notify the secretary of state's office no later than the last Tuesday in the November prior to the presidential primary. 34-732, Idaho Code: The name of any candidate for a political party nomination for U.S. President shall be printed on the ballots only if the candidate files with the Secretary of State a declaration of candidacy accompanied by a $1,000 filing fee not less than 90 days prior to the Presidential Primary. 34-734, Idaho Code: At a Presidential Primary, qualified electors may vote for 1 candidate from among the candidates of 1 political party only in a manner consistent with the provisions of section 34-904A, Idaho Code.
(b) Authorized the use of Electronic Poll Books. (c) Modified the cancellation of registrations of voters for not voting in 4 years to account for any election during that 4 year period instead of just Federal Elections. (d) Modified the Automatic Recount statute (34-2309, Idaho Code) to "Free Recount" and remove the limitation to federal, state or county office. (e) Added the City initiative and referendum procedures to Title 34, Chapter 18, Idaho Code.
(2) 2016 Legislative Session the Idaho Legislature:
(a) Authorized the use of electronic voter registration. 34-409, Idaho Code: The office of the secretary of state may create and maintain an electronic system for voter registration that is publicly available on its official website. Any qualified elector who has a current valid Driver's License or ID card issued pursuant to Title 49, Idaho Code, that reflects the person's current principal place of residence, may register to vote by submitting a completed voter registration application electronically through such website...The office of the Secretary shall obtain a digital copy of the applicant's Driver's License or ID card signature from the Idaho Transportation Department...Upon receipt of a completed voter registration application and a digital copy of the applicant's driver's license or ID card signature...the office of the Secretary of State shall send the information to the County Clerk for the county in which the applicant resides...

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 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

34-437A, Idaho Code: Idaho's system is a top-down system. The secretary of state, in conjunction with county clerks, shall develop and implement a single, uniform official, centralized, interactive, computerized statewide voter registration system as required by the Help America Vote Act of 2002 (P.L. 107-252). The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state. All registration information is entered by the local official and is update directly into the statewide database in real time. The computerized list shall serve as the official voter registration list for the conduct of all elections for federal office in the state.

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 2014** ☒ **Changed since 2014**

2014 Response:

2016 Response:

Does not apply as Idaho do not have a bottom up or hybrid system.

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 2014** ☒ **Changed since 2014**

2014 Response:

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

2016 Response:

Idaho is NVRA exempt and therefore, does not maintain an in-active list of voters. Our law and voter registration system only maintains active voters.

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?

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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

2016 Response:

Voters can be canceled for several reasons. They moved out of the state or county, died, did not vote in any elections the last 4years, convicted of a felony, did not respond to a challenge notice or was requested by the voter.
34-433, Idaho Code: Each month a list from the Department of Health and Welfare of individuals who died during the preceding month is compared to the voter registration system and voters are canceled accordingly. 34-435, Idaho Code: Within one hundred twenty (120) days following the date of the general election, the county clerk shall examine the election register and the signed statements of challenge made at that election. After this examination, the county clerk shall immediately cancel the registration of any elector who did not vote at any election in the past four (4) years. 34-431 & 34-432, Idaho Code: Registered electors may challenge another voter's registration at the polls by notating the challenge in the poll book (i.e. "died", "moved", or "incorrect address". Challenged voters may be canceled if the challenge is not satisfied.

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.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

See response in Notes section for Question B4.

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Idaho has not used NCOA.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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)

2016 Response:

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 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

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.

Legislation in 2016 authorized the use of electronic registration. However, implementation is planned for 2017.

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 2014** ☒ **Changed since 2014**

2014 Response:

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, delivered absentees and Early Voting ballots are

2016 Response:

Idaho has 3 types of voting systems: paper ballots, oval optical scan and digital scan. Votes cast by paper ballots along with 17 optical and digital scan counties are counted at the polls. Votes cast by all other optical scan counties are counted centrally. Absentee and Early Voting ballots regardless of delivery method 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 and are NVRA exempt.

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

If a county has approved an absentee precinct, all absentee ballots and Early Voting 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 and Early Voting ballots are divided by precinct and counted with the appropriate precinct ballots. (I.C. 34-1007)

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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 2014** ☒ **Changed since 2014**

2014 Response:

Idaho implemented early voting in 2013.
If a county has approved an absentee precinct, all absentee ballots and Early Voting 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 and Early Voting ballots are divided by precinct and counted with the appropriate precinct ballots. (I.C. 34-1007)

2016 Response:

Idaho implemented early voting in 2013. 34-1012, Idaho Code: Early Voting is considered a form of Absentee Voting. Early Voting removes the requirement for an absentee ballot request as well as the use of the absentee envelopes.
If a county has approved an absentee precinct, all absentee ballots and Early Voting 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 and Early Voting ballots are divided by precinct and counted with the appropriate precinct ballots. (I.C. 34-1007)

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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)

2016 Response:

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

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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

2016 Response:

Idaho is NVRA exempt as we have Election Day Registration and therefore, not required to provide provisional ballots.

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 2014** ☒ **Changed since 2014**

2014 Response:

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

2016 Response:

Idaho is NVRA exempt as we have Election Day Registration and therefore, not required to provide provisional ballots.

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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)

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

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

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

Idaho has 3 types of voting systems: paper ballots, optical scan and digital scan. Over-votes and under-votes are not counted by paper ballot counties. However, tabulators for optical scan and digital scan are programmed to tabulate over-votes and under-votes.

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

a. registering to vote;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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

2016 Response:

See response in Notes section for Question D2a.

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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)

2016 Response:

d. casting a ballot under UOCAVA;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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.

2016 Response:

34-1005, Idaho Code: All voters including UOCAVA voters are required to sign the elector's oath on the back of the affidavit ballot envelope prior to returning to the County Clerk's Office. The County Clerk then verifies the signature with the signature on the voter's registration card. Voters casting an absentee ballot through the mail are not required to show ID prior to voting. 34-1113, Idaho Code: All voters shall be required to provide personal identification before voting at the polls or at absent electors polling places as required by section 34-1006, Idaho Code. The personal identification that may be presented shall be one of the following: (1) An Idaho driver's license or identification card issued by the Idaho transportation department; (2) A passport or an identification card, including a photograph, issued by an agency of the United States government; (3) A tribal identification card, including a photograph; or (4) A current student identification card, including a photograph, issued by a high school or an accredited institution of higher education, including a university, college or technical school, located within the state of Idaho. 34-1114, Idaho Code: If a voter is not able to present personal identification as required in section 34-1113, Idaho Code, the voter may complete an affidavit in lieu of the personal identification.

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

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

2016 Response:

No other ID is required during the registration or voting process.

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.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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)

2016 Response:

See response in Notes section for Question D3.

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* 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). 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 04/30/2017). 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 – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

Question B4:
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#, along with the individuals date of birth and the last 4 of the 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.
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.

Question D2a:
Verification of a Mail Registration for a First Time Voter for Federal Office
A registration card received, by mail, from an elector who has not previously voted in an election for federal office in Idaho will be verified prior to the issuance of any ballot. However, UCOAVA voters who use the FPCA Registration Application are exempt from this requirement. 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:
a) Driver's License number through the Idaho Department of Transportation
b) 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 by providing a photo ID and proof of residence. Documentation can be provided at the time of registration or at the polling place.
Proof of Identification:
a) Idaho Driver's License or Idaho Identification Card issued through the Department of Transportation or;
b) Any document which contains a valid address in the precinct together 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 with the individual's current name and residence address printed on it, such as a utility bill, bank deposit slip, credit card billing, etc.)
c) A current valid student photo identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct.

Question D3:
Idaho does allow for watchers and challengers. ROLE OF 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 12 days prior to the election 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 registration qualifications. In case any person offering to vote is challenged 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, 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 subscribing the elector's oath, he shall be entitled to vote. (34-1111, Idaho Code) 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 (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 12 days prior to the election 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 watcher is allowed to be present to watch the receiving and counting of the votes. In counties which utilize a central count tabulation system, the ballots are transmitted from the polls to the counting center (usually the courthouse) for tabulation. 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. Counties who count ballots at the polls shall allow watchers to watch the counting 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 statewide (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.