TITLE 34
ELECTIONS

CHAPTER 11
CONDUCT OF ELECTIONS

34-1101. OPENING AND CLOSING OF POLLS. (1) At all elections conducted pursuant to title 34, Idaho Code, the polls shall be opened at 8:00 A.M. and remain open until all registered electors of that precinct have appeared and voted or until 8:00 P.M. of the same day, whichever comes first. The county clerk, at his option, however, may open the polls in his county at 7:00 A.M. for a primary or general election.

(2) Upon opening the polls, one (1) of the judges shall make the proclamation of the same and thirty (30) minutes before closing the polls a proclamation shall be made in the same manner. Any elector who is in line at 8:00 P.M. shall be allowed to vote notwithstanding the pronouncement that the polls are closed.

[34-1101, added 1970, ch. 140, sec. 173, p. 351; am. 1972, ch. 349, sec. 1, p. 1033; am. 1973, ch. 304, sec. 11, p. 646; am. 1993, ch. 313, sec. 12, p. 1163.]

34-1102. CHANGING POLLING PLACE -- PROCLAMATION AND NOTICE. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the judges of election, after assembling and before receiving any vote, may adjourn to the nearest convenient place for holding the election, and at such adjourned place forthwith proceed with the election and the county clerk shall be notified of the change.

Upon adjourning any election, the judges shall cause proclamation thereof to be made, and shall post a notice upon the place where the adjournment was made from notifying electors of the change of polling place.

[34-1102, added 1970, ch. 140, sec. 174, p. 351.]

34-1103. OPENING BALLOT BOXES. (1) In the presence of bystanders the judges of elections shall break the sealed packages of election ballots and other supplies.

(2) Before receiving any ballots the judges shall open and exhibit, close and lock the ballot boxes, and thereafter they shall not be removed from the polling place until all ballots are counted. They shall not be opened until the polls are closed unless the precinct is using a duplicate set of ballot boxes.

[34-1103, added 1970, ch. 140, sec. 175, p. 351; am. 2013, ch. 285, sec. 5, p. 737.]

34-1104. JUDGES MAY ADMINISTER OATHS -- CHALLENGE OF VOTERS. Any judge may administer and certify any oath required to be administered during the progress of an election or challenge any elector.

[34-1104, added 1970, ch. 140, sec. 176, p. 351.]

34-1105. DUTIES OF CONSTABLE. The judges of election may appoint some capable person to act as election constable during the election, and he shall

have the power to make arrests for disturbance of the peace, as provided by law for constables, and he shall allow no one within the voting area except those who go to vote, and shall allow but one elector in a compartment at one time. He shall remain and keep order at the polling place until all of the votes are tallied.

[34-1105, added 1970, ch. 140, sec. 177, p. 351.]

34-1106. SIGNING COMBINATION ELECTION RECORD AND POLL BOOK -- DELIVERY OF BALLOT TO ELECTOR. (1) An elector desiring to vote shall state his name and address to the judge or clerk in charge of the combination election record and poll book.

(2) Before receiving his ballot, each elector shall sign his name in the combination election record and poll book following his name therein and show a valid photo identification as provided for in section 34-1113, Idaho Code, or personal identification affidavit as provided for in section 34-1114, Idaho Code.

(3) No person shall knowingly sign his name in the combination election record and poll book if his residence address is not within that precinct at the time of signing.

(4) If the residence address of a person contained in the combination election record and poll book is incorrectly given due to an error in preparation of the combination election record and poll book, the judge shall ascertain the correct address and make the necessary correction.

(5) The elector shall then be given the appropriate ballots which have been marked with the official election ballot identification and shall be given folding instructions for such ballots.

[34-1106, added 1970, ch. 140, sec. 178, p. 351; am. 1972, ch. 349, sec. 2, p. 1033; am. 2010, ch. 246, sec. 1, p. 634; am. 2013, ch. 285, sec. 6, p. 737.]

34-1106A. ELECTRONIC POLL BOOK AUTHORIZED. (1) A county may adopt the use of any electronic poll book that has been certified by the secretary of state for use in this state. A county that opts to use electronic poll books shall notify the secretary of state of that decision.

(2) The secretary of state shall develop and provide to each county that adopts the use of electronic polls books under subsection (1) of this section instructions, directives and advisories regarding the examination, testing and use of the electronic poll books.

[34-1106A, added 2015, ch. 282, sec. 6, p. 1149.]

34-1107. MANNER OF VOTING. On receipt of his ballot the elector shall retire to a vacant voting booth and mark his ballot according to the instructions provided by law.

After marking his ballot, the elector shall present himself to the judge at the ballot box and state his name and residence. The elector shall then deposit his ballot in the proper box or hand his ballot to the election judge, who shall deposit it. The judge shall then record that the elector has voted and proclaim the same in an audible voice.

[34-1107, added 1970, ch. 140, sec. 179, p. 351; am. 1971, ch. 129, sec. 1, p. 510; am. 1972, ch. 349, sec. 3, p. 1033; am. 1973, ch. 304, sec. 12, p. 646; am. 2007, ch. 202, sec. 6, p. 622.]

34-1108. ASSISTANCE TO VOTER. (1) If any registered elector is unable, due to physical or other disability, to enter the polling place, he may be handed a ballot outside the polling place but within forty (40) feet thereof by one (1) of the election clerks, and in his presence but in a secret manner, mark and return the same to such election officer who shall proceed as provided by law to record the ballot.

(2) If any registered elector, who is unable by reason of physical or other disability to record his vote by personally marking his ballot and who desires to vote, then and in that case such elector shall be given assistance by the person of his choice or by one (1) of the election clerks. Such clerk or selected person shall mark the ballot in the manner directed by the elector and fold it properly and present it to the elector before leaving the voting compartment or area provided for such purpose. The elector shall then present it to the judge of election in the manner provided above.

[34-1108, added 1970, ch. 140, sec. 180, p. 351; am. 1972, ch. 349, sec. 4, p. 1033; am. 1978, ch. 37, sec. 1, p. 66; am. 2010, ch. 235, sec. 19, p. 557.]

34-1109. SPOILED BALLOTS. No person shall take or remove any ballot from the polling place. If an elector inadvertently or by mistake spoils a ballot, he shall return it folded to the distributing clerk, who shall give him another ballot. The ballot thus returned shall, without examination, be immediately cancelled by writing across the back, or outside of the ballot as folded, the words "spoiled ballot, another issued," and deposit the spoiled ballot in a box provided for that purpose.

[34-1109, added 1970, ch. 140, sec. 181, p. 351.]

34-1110. OFFICERS NOT TO DIVULGE INFORMATION. No judge or clerk shall communicate to anyone any information as to the name or number on the registry list of any elector who has not applied for a ballot, or who has not voted at the polling place; and no judge, clerk or other person whomsoever, shall interfere with, or attempt to interfere with, a voter when marking his ballot. No judge, clerk or other person shall, directly or indirectly, attempt to induce any voter to display his ticket after he shall have marked the same, or to make known to any person the name of any candidate for or against whom he may have voted.

[34-1110, added 1970, ch. 140, sec. 182, p. 351.]

34-1111. CHALLENGING VOTERS. 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, 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's subscribing the elector's oath, he shall be entitled to vote.

[34-1111, added 1970, ch. 140, sec. 183, p. 351.]

34-1112. HANDBOOK OF ELECTOR'S QUALIFICATIONS. The secretary of state shall prepare a handbook which sets forth the qualifications of an elector which shall aid the judges of election to determine whether a person is qualified to vote at the election.

A sufficient number of these handbooks shall be transmitted to each county clerk who shall provide each polling place with a sufficient number of copies.

[34-1112, added 1970, ch. 140, sec. 184, p. 351; am. 1972, ch. 349, sec. 5, p. 1033.]

34-1113. IDENTIFICATION AT THE POLLS. 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 (1) 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;

(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; or

(5) A license to carry concealed weapons issued under section 18-3302, Idaho Code, or an enhanced license to carry concealed weapons issued under section 18-3302K, Idaho Code.

[34-1113, added 2010, ch. 246, sec. 2, p. 635; am. 2017, ch. 132, sec. 1, p. 310.]

34-1114. AFFIDAVIT IN LIEU OF PERSONAL IDENTIFICATION. 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. The affidavit shall be on a form prescribed by the secretary of state and shall require the voter to provide the voter's name and address. The voter shall sign the affidavit. Any person who knowingly provides false, erroneous or inaccurate information on such affidavit shall be guilty of a felony.

[34-1114, added 2010, ch. 246, sec. 3, p. 635.]