



2009 Election Manual for City Clerks

**Prepared in Cooperation with
Idaho Secretary of State Ben Ysursa**

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**Association of Idaho Cities
3100 S. Vista Ave. Ste. 310
Tel. (208) 344-8594 or (800) 344-8594
Fax (208) 344-8677
www.idahocities.org**

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Introduction

It is commonly understood that free and fair elections are the foundation of democratic government. However, few realize that elections are made possible through the tireless work of people behind the scenes. It is appropriate for this manual to begin with a note of thanks to Idaho's city clerks for their role in overseeing the difficult and generally thankless task of administering city elections.

The *2009 Election Manual for City Clerks* provides information and requirements for conducting the 2009 general city elections, but the information also applies to special city elections. Included in the manual are the numerous laws applying to city elections, including:

- ✓ The municipal election law (Idaho Code Title 50, Chapter 4),
- ✓ Recall elections (Idaho Code Title 34, Chapter 17),
- ✓ Election registration (Idaho Code Title 34, Chapter 4),
- ✓ Ballot recounts (Idaho Code Title 34, Chapter 23),
- ✓ Voting machines and vote tally systems (Idaho Code Title 34, Chapter 24), and
- ✓ Election crimes (Idaho Code Title 18, Chapter 23).

Helpful commentary explaining the statutory sections appears in gray textboxes as shown below:

Voters may register at the polls in accordance with the Election Day Registration Law (Idaho Code 34-408A). See the section on voter registration for more information.

For information or assistance on city elections, contact the AIC office at (800) 344-8594 or (208) 344-8594.

The AIC office will remain open until 9 p.m. Mountain Time on Election Day, Tuesday, November 3, 2009, to answer election questions.

New Election Laws

2008 Legislative Session

House Bill 348

House Bill 348 was sponsored by the Idaho Liquor Dispensary and was aimed at modernizing provisions of law relating to sale of package liquor and liquor by the drink on Election Day. The bill went into effect on July 1, 2008, and provides:

- Bars may sell liquor by the drink on any Election Day, unless the city (or county for unincorporated areas) has specifically prohibited Election Day sale of liquor by the drink by ordinance. Idaho Code 23-927 provides the hours of sale for liquor by the drink and gives clear authority for cities and counties to “further [limit] the hours of sale of liquor, by the drink” by ordinance.
- State and contract liquor stores are open and may sell package liquor on Election Day—the statute does not provide authority for cities to further restrict hours of sale from state and contract liquor stores as is provided for sale of liquor by the drink.

2009 Legislative Session

House Bill 372a

The most significant election reform bill of the past several decades passed during the 2009 Idaho Legislature. House Bill 372a consolidates local elections onto dates in May and November (with two additional dates in March and August for school elections) and puts local elections under the control and administration of county clerks. Unlike previous proposals which would have diverted several hundred thousand dollars annually from cities’ revenue sharing funds to pay the costs of implementation, this bill does not adversely impact cities.

The first year of consolidated elections will be 2011. At that point, city clerks’ role will be restricted to overseeing candidate filing and campaign finance reporting (for cities over 5,000 population).

Because counties are receiving funds to pay for implementation, they will be legally prohibited from charging any taxing district, including cities, for costs associated with conducting elections. The only exception is municipal runoff elections, which must be established by ordinance. Cities which have adopted runoffs are urged to seriously consider whether the benefits outweigh the potential costs.

Idaho Municipal Election Law:

Idaho Code Title 50, Chapter 4

50-401. SHORT TITLE.

This chapter shall be known and cited as the "Idaho Municipal Election Laws."

50-402. DEFINITIONS.

The following words and phrases when used in this chapter, have the meanings respectively given herein.

(a) General election. "General election" means the election held on the first Tuesday succeeding the first Monday in November in each odd-numbered year at which there shall be chosen all mayors and councilmen as are by law to be elected in such years.

(b) Special election. "Special election" means any election other than a general election held at any time for any purpose provided by law.

(c) Qualified elector. A "qualified elector" means any person who is eighteen (18) years of age, is a United States citizen and who has resided in the city at least thirty (30) days next preceding the election at which he desires to vote and who is registered within the time period provided by law. A "qualified elector" shall also mean any person who is eighteen (18) years of age, is a United States citizen, who is a registered voter, and who resides in an area that the city has annexed pursuant to [chapter 2, title 50](#), Idaho Code, within thirty (30) days of a city election.

(d) Residence.

(1) "Residence" for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence. In determining what is a principal or primary place of abode of a person the following circumstances relating to such person may be taken into account: business pursuits, employment, income sources, residence for income or other tax pursuits, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, and motor vehicle registration.

(2) A qualified elector shall not be considered to have gained residence in any city of this state into which he comes for temporary purposes only without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there.

(3) A qualified elector who has left his home and gone to another area outside the city, for a temporary purpose only shall not be considered to have lost his residence.

(4) If a qualified elector moves outside the city, with the intentions of making it his permanent home, he shall be considered to have lost his residence in the city.

(e) Election official. "Election official" means the city clerk, registrar, judge of election, clerk of election, or constable engaged in the performance of election duties as required by this act.

(f) Election register. The "election register" means the voter registration cards of all electors who are qualified to appear and vote at the designated polling places.

(g) Combination election record and poll book. "Combination election record and poll book" is the book containing a listing of registered electors who are qualified to appear and vote at the designated polling places.

(h) Tally book. The "tally book" or "tally list" means the forms in which the votes cast for any candidate or special question are counted and totaled at the polling precinct.

(i) Reference to male. All references to the male elector and male city officials include the female elector and female city officials and the masculine pronoun includes the feminine.

(j) Computation of time. Calendar days shall be used in all computations of time made under the provision of this act. In computing time for any act to be done before any election, the first day shall be included and the last, or election day, shall be excluded. Saturdays, Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Saturday, Sunday or a legal holiday, such act shall be done upon the day following each Saturday, Sunday or legal holiday.

See the Election Calendar in Appendix A of this manual for the 2009 general election timeline.

Saturdays, Sundays and legal holidays are counted for the purpose of determining election deadlines—however, if a statutory deadline falls on a Saturday, Sunday or legal holiday, the deadline is moved to the following weekday.

The most important provisions of this section relate to the qualifications of electors. To vote in city elections, an individual must be: (1) at least 18 years of age, (2) a U.S. citizen, (3) a resident of the city for at least 30 before the election or a resident of an area that the city has annexed within 30 days of the election, and (4) registered as provided by law.

People who own property in the city, but reside outside city limits, are not allowed to vote in city elections.

Similarly, people whose primary residence is in the area of city impact are not allowed to vote in city elections.

50-403. SUPERVISION OF ADMINISTRATION OF ELECTION LAWS BY CITY CLERK.

Each city clerk is the chief elections officer and shall exercise general supervision of the administration of the election laws in his city for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity. The city clerk shall meet with and issue instructions to election judges and clerks prior to the opening of the polls to ensure uniformity in the application, operation and interpretation of the election laws during the election.

If a national or local emergency or other situation arises which makes substantial compliance with the provisions of this chapter impossible or unreasonable, the city clerk may prescribe, by directive, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in city elections.

50-404. POWERS OF CITY CLERK.

(1) The city clerk with consent of the council may employ such persons and procure such equipment, supplies, materials, and facilities of every kind he considers necessary to facilitate and assist in his carrying out his functions in connection with administering the election laws.

(2) The necessary expenses incurred in administering the election laws, including reasonable rental for polling places, shall be allowed by the city council and paid out of the city treasury.

(3) The city clerk may administer oaths and affirmations in connection with the performance of his functions in administering the election laws.

50-405. OFFICE OF CITY CLERK OPEN AS LONG AS POLLS OPEN.

On the day of any general or special election held in the city, the city clerk shall keep his office open for the transaction of business pertaining to the election from the time the polls are opened continuously until the polls are closed.

The city clerk's office must be kept open during the election to answer any questions from election officials or residents. Remember, the polls may open at either 8:00 a.m. or Noon as provided by city ordinance. The polls must remain open until 8:00 p.m. (Idaho Code 50-453).

50-406. APPEALS BY AGGRIEVED PERSONS.

(1) Any person adversely affected by any act or failure to act by the city clerk under any election law, or by any order, rule, regulation, directive of [or] instruction made under authority of the city clerk under any election law, may appeal therefrom to the district court for the county in which the act or failure to act occurred or in which the order, rule, regulation, directive or instruction was made or in which such person raises.

(2) Any party to the appeal proceedings in the district court under subsection (1) of this section may appeal from the decision of the district court to the Supreme Court.

(3) The remedy provided in this section is cumulative and does not exclude any other remedy provided by law against any act or failure to act by the city clerk under any election law or against any order, rule, regulation, directive or instruction made under the authority of the city clerk under any election law.

50-407. ESTABLISHMENT OF ELECTION PRECINCTS.

The city council shall establish a convenient number of election precincts within their city. Said precincts shall conform as nearly as possible and practicable to the county election precincts within the city. The city council may establish an absentee voting precinct for the city. Voted ballots in the absentee voting precinct shall be retained by the city clerk until election day when they shall be transferred to the ballot processing center and thereafter made a part of the election returns.

Any changes to precinct boundaries or establishment of new precincts should be done in September to give adequate time for registration records to be prepared.

One of the particularly important provisions of this section is that the council may establish an absentee voting precinct, where absentee ballots are retained and counted at a central location, rather than being distributed to the various precincts.

50-408. DESIGNATION OF POLLING PLACES.

The city clerk shall, not less than thirty (30) days before any general or special election, designate a suitable polling place for each election precinct. Polling places shall conform to the standards established by the secretary of state pursuant to the authority granted in section [34-302](#), Idaho Code. The city clerk shall have the authority to consolidate established precincts within the boundaries of the city. Insofar as possible the polling places shall be in the same location as those provided for county and state elections. If there is no suitable polling place within the precinct, the city clerk may designate a polling

place outside the precinct, but as close and convenient as possible for the electors of the precinct.

For the 2009 general city election, the deadline for the clerk to designate polling places is Monday, October 5, 2009. Polling places should be designated by ordinance.

Polling places must be accessible to the disabled—see Appendix M for more information. Appendix E suggests how to arrange the polling place.

50-409. APPOINTMENT OF ELECTION JUDGES AND CLERKS.

The city clerk in each city shall appoint an election judge and such clerks as may be necessary for each voting precinct within the city. The election officials shall be qualified city or county electors. The city clerk shall notify the election officials of their appointment. If any election judge or clerk fails to report for duty on the day of election the city clerk shall fill such vacancies from among the qualified electors presenting themselves to vote. Compensation for the election judges and clerks shall be not less than the minimum wage as prescribed by laws of the state of Idaho.

The clerk is responsible for appointing election officials and notifying the officials of their appointment.

Election officials must be qualified city or county electors.

Compensation for election officials is determined by the council during the budgeting process, but must meet the state minimum wage of \$7.25 per hour. Election officials are exempt from payroll withholding.

50-410. CHALLENGERS — WATCHERS.

The city clerk shall, upon receipt of a written request, such request to be received no later than five (5) days prior to the day of election, direct that the election judges permit one (1) person authorized by each candidate to be at the polling place for the purpose of challenging voters, and shall if requested, permit one (1) person authorized by a candidate to be present to observe the conduct of the election. Where the issue before the electors is other than the election of officers, the clerk shall, upon receipt of a written request no later than five (5) days prior to the date of voting on the issue or issues, direct that election judges permit one (1) pro and one (1) con person to be at the polling place for the purpose of challenging voters and to observe the conduct of the election. Such authorization shall be evidenced in writing, signed by the requesting person, and filed with the city clerk. Persons who are authorized to serve as challengers or watchers shall wear a visible name tag which includes their respective titles. A watcher is entitled to observe any activity conducted at

the location at which the watcher is serving; provided however, that the watcher does not interfere with the orderly conduct of the election. Persons permitted to be present to watch the counting of the votes shall not absent themselves until the polls are closed.

Candidates must submit a written request for challengers and watchers at least five days before Election Day to the city clerk. Challengers and watchers are also permitted in noncandidate elections.

It is important to understand the respective roles of challengers and watchers. Challengers are at the polling place for the purpose of challenging the qualifications of voters. Watchers are allowed to “observe the conduct of the election,” which means they may observe the issuing, receiving and counting of ballots (including preparing ballots for counting, for those cities using optical scan or punch card ballots).

Challengers and watchers are not to interfere with the orderly conduct of the election, and the election judge has authority to remove any challenger or watcher who is disruptive.

Challengers and watchers should be positioned so they are not confused with election officials, and must wear visible nametags indicating their name and title (but not the name of the candidate for whom they are working).

There is no prohibition against challengers working in shifts throughout the day—however, each candidate may have only one challenger in place at a time. Watchers present to watch the counting of the votes are not permitted to leave until the polls are closed. The candidate may not serve as a challenger or watcher because of the potential for electioneering, a criminal offense.

When a voter’s qualifications are challenged, either by a challenger or the Election Judge, the Election Judge must state the elector qualifications to the individual. If the challenged elector declares that he/she is qualified to vote, and the challenge is not withdrawn, then the elector must sign the “Oath of Challenged Person” (see Appendix K). If the challenged elector signs the oath, he/she must be allowed to vote, and the word “sworn” must be written following the elector’s name and signature in the combination election record and poll book. No challenged elector may vote until he/she signs the oath.

50-411. ELECTORS PRIVILEGED FROM ARREST DURING ATTENDANCE AT POLLING PLACE — EXCEPTION.

Electors are privileged from arrest, except for treason, a felony or breach of peace, during their attendance at a polling place.

50-412. DISQUALIFIED ELECTORS NOT PERMITTED TO VOTE.

No elector shall be permitted to vote if he is disqualified as provided in article 6, section[s] 2 and 3 of the Idaho constitution.

Article VI, section 2 of the Idaho Constitution: “Every male or female citizen of the United States, eighteen years old, who has resided in this state, and in the county where he or she offers to vote for the period provided by law, if registered as provided by law, is a qualified elector.”

Article VI, section 3 of the Idaho Constitution: “No person is permitted to vote, serve as a juror, or hold any civil office who has, at any place, been convicted of a felony, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense.”

In the case of felons, if the individual has completed the terms of sentence, including probation and parole, he/she may register and vote (Idaho Code 18-310). If an individual’s right to vote is challenged, the individual must sign the “Oath of Challenged Person,” before they may vote (see Appendix K for the form of the oath). If the individual signs the oath, they must be allowed to vote.

50-413. REPEALED.

50-414. REGISTRATION OF ELECTORS.

All electors must register before being able to vote at any municipal election. The county clerk shall be the registrar for all city elections and shall conduct voter registration for each city pursuant to the provisions of section [34-1402](#), Idaho Code.

Voters may register at the polls in accordance with the Election Day Registration Law (Idaho Code 34-408A). See the section on voter registration for more information.

50-415. GAIN OR LOSS OF RESIDENCE BY REASON OF ABSENCE FROM CITY.

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his absence while employed in the service of this state or the United States, while a student of any institution of learning, while kept at any state institution at public expense, nor absent from this state with the intent to have this state remain his residence. If a person is absent from this city but intends to maintain his residence for voting purposes here, he shall not register to vote in any other city during his absence.

50-416 THROUGH 50-426. REPEALED.

50-427. CHALLENGES OF ENTRIES IN COMBINATION ELECTION RECORD AND POLL BOOK.

At the time of an election, any registered elector may challenge the entry of an elector's name as it appears in the election record and 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 elector making the challenge shall sign his name following the remarks. The city clerk shall notify the county clerk of all challenges to the combination election record and poll book. Corrections to the election record shall be made by the county clerk in the manner provided by section [34-432](#), Idaho Code.

The city clerk is responsible for notifying the county clerk of all challenges to the combination election record and poll book. The county clerk is responsible for verifying the information and making changes to the election register in the manner provided by Idaho Code 34-432.

Idaho Code 34-432 states:

(1) Within sixty (60) days after each election, the county clerk shall examine the election register and note the challenges as described in section 34-431, Idaho Code. The county clerk shall mail a written inquiry to the challenged elector at his mailing address as indicated on his registration card. Such inquiry shall state the nature of the challenge and provide a suitable form for reply.

(2) Within twenty (20) days from date of mailing of the written inquiry the elector may, in person or in writing, state that the information on his registration card is correct. Upon receipt of such a statement or request the county clerk shall determine whether the information satisfies the challenge. If the county clerk determines that the challenge has not been satisfied, the county clerk shall schedule a hearing on the challenge and shall notify the elector of the place and time of the hearing. The hearing shall be held no later than twenty (20) days after notice is given. At the hearing, the challenged elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the challenged elector's registration is not valid, the county clerk shall cancel the registration. If a challenged elector fails to make the statement or request in response to the inquiry, the county clerk shall cancel the registration.

(3) The county clerk may make inquiry into the validity of any registration at any time. The inquiry shall proceed as provided in this section.

50-428. COMBINATION ELECTION RECORD AND POLL BOOK.

The city clerk shall prepare and maintain the combination election record and poll book as provided in section [34-111](#), Idaho Code.

Formerly, clerks were required to prepare two combination election record and poll books for each precinct. Now, only a single book is required for each precinct and a second book, to record that the elector has voted, may be used at the clerk's discretion. This mirrors the county election law.

The pertinent subsections of Idaho Code 34-111 are provided below:

(1) "Combination election record and poll book" means the book containing a listing of registered electors who are qualified to appear and vote at the designated polling places. An additional copy of the combination election record and poll book may be maintained to record that the elector has voted.

(2) The county clerk shall deliver to the chief election judge in each precinct, as other election supplies and materials are delivered, a list in alphabetical order of all registered electors referred to in section 34-110, Idaho Code. This list shall constitute the combination election record and poll book of each precinct. This list shall include the residence address of each elector. For any given precinct, the list may be divided into two (2) or more separate parts and shall be alphabetical according to the name of the registered elector.

50-429. GENERAL AND SPECIAL CITY ELECTIONS.

(1) A general election shall be held in each city governed by this title, for officials as in this title provided, on the Tuesday following the first Monday of November in each odd-numbered year. All such officials shall be elected and hold their respective offices for the term specified and until their successors are elected and qualified. All other city elections that may be held under authority of general law shall be known as special city elections.

(2) On and after January 1, 1994, notwithstanding any other provisions of law to the contrary, there shall be no more than four (4) elections conducted in any city in any calendar year, except as provided in this section.

(3) The dates on which elections may be conducted are:

(a) The first Tuesday in February of each year; and

(b) The fourth Tuesday in May of each year; and

(c) The first Tuesday in August of each year; and

(d) The Tuesday following the first Monday in November of each year.

(e) In addition to the elections specified in subsections (a) through (d) of this section, an emergency election may be called upon motion of the city council of a city. An emergency exists when there is a great public calamity, as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense,

or it is necessary to do emergency work to safeguard life, health or property. Such a special election, if conducted by the city clerk, shall be conducted at the expense of the political subdivision submitting the question.

(4) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of elections authorized under the provisions of this section.

Election dates for 2009 are:

Tuesday, February 3, 2009;

Tuesday, May 26, 2009;

Tuesday, August 4, 2009; and

Tuesday, November 3, 2009.

Election dates for 2010 are:

Tuesday, February 2, 2010;

Tuesday, May 25, 2010;

Tuesday, August 3, 2010; and

Tuesday, November 2, 2010.

50-430. METHOD OF NOMINATION — CLERK TO FURNISH PRINTED FORMS.

Candidates for elective city offices shall be nominated by declaration. The declaration shall contain the name and address of the person and the office and the term for which he is being nominated. There shall be no mention relating to party or principal of the nominee. The completed declaration of candidacy shall be accompanied by: (1) a petition of candidacy signed by not less than five (5) registered qualified electors; or (2) a nonrefundable filing fee of forty dollars (\$40.00) which shall be deposited in the city treasury.

It shall be the duty of the city clerk to furnish upon application a reasonable number of regular printed forms, as herein set forth, to any person or persons applying therefor. The forms shall be of uniform size as determined by the clerk.

Candidates for mayor and council get their name on the ballot by filing a declaration of candidacy indicating the office sought, the term of the office, and that the individual is qualified to hold the office, meaning they are:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must be a resident of the city for at least 30 days prior to submitting their declaration.

*The declaration of candidacy must be accompanied by **one** of the following:*

*A petition signed by at least five qualified city electors, **or***

A nonrefundable filing fee of \$40.

50-431. FORM OF DECLARATION OF CANDIDACY.

Declarations of candidacy and petitions of candidacy shall read substantially as herein set forth. Any number of separate petitions of candidacy may be circulated at the same time for any candidate and all petitions for each candidate shall be considered one (1) petition when filed with the city clerk. Each signer of a petition shall be a registered qualified elector.

DECLARATION OF CANDIDACY

I, the undersigned, affirm that I am a qualified elector of the City of, State of Idaho, and that I have resided in the city for at least thirty (30) days. I hereby declare myself to be a candidate for the office of, for a term of years, to be voted for at the election to be held on the day of,, and certify that I possess the legal qualifications to fill said office, and that my residence address is

(Signed)

Subscribed and sworn to before me this day of,
Notary Public

State of Idaho

County of ss.

City of

PETITION OF CANDIDACY OF
(NAME OF CANDIDATE)
FOR OFFICE OF

This petition must be filed in the office of the City Clerk not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday immediately preceding election day. The submitted petition must have affixed thereto the names of at least five (5) qualified electors who reside within the appropriate city.

I, the undersigned, being a qualified elector of the City of, in the State of Idaho, do hereby certify and declare that I reside at the place set opposite my name and that I do hereby join in the petition of, a candidate for the office of to be voted at the election to be held on the day of,

| Signature of Petitioner | Printed Name | Residence Address | Date Signed |
|-------------------------|--------------|-------------------|-------------|
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STATE OF IDAHO

County of

I,, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name and residence address correctly; and that each signer is a qualified elector of the State of Idaho, and the City of

Signed
Address

Subscribed and sworn to before me this day of,
Signed Notary Public
Residing at

Commission expires
(Notary Seal)

A model declaration of candidacy and petition of candidacy are included in Appendices G and H. Also see the list of election supplies in Appendix B.

Candidates are required to certify on their declaration of candidacy that they are qualified to hold the office, meaning they are:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must be a resident of the city for at least 30 days prior to submitting their declaration.

Candidates choosing to gather petition signatures should be aware that signature gatherers are required to certify that they are at least 18 years old, reside in Idaho, that every person signing the petition signed in their presence and that they believe that the signatories have correctly stated their names, residence addresses and qualifications.

Declarations of candidacy and each page of a candidate's petition must be notarized by a notary public duly recognized by the State of Idaho.

50-432. TIME AND MANNER OF FILING DECLARATIONS.

All declarations of candidacy for elective city offices shall be filed with the clerk of the respective city wherein the elections are to be held, not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday, immediately preceding election day. Before a candidate files a petition of candidacy with the city clerk, the petition signatures shall be verified by the county clerk in the manner described in section [34-1807](#), Idaho Code, except that the city clerk shall stand in place of the secretary of state. Before any declaration of candidacy and filing fee or petition of candidacy mentioned in section [50-431](#), Idaho Code, can be filed, the city clerk shall ascertain that it conforms to the provisions of [chapter 4, title 50](#), Idaho Code. The city clerk shall not accept any declarations of candidacy after 5:00 p.m. on the ninth Friday immediately preceding election day. Write-in candidates shall be governed by section [34-702A](#), Idaho Code, but shall file the declarations required in that section with the city clerk.

For the 2009 general city election, candidates are required to submit their declarations of candidacy (with the requisite fee/petition) between 8:00 a.m. Monday, August 24, 2009 and 5:00 p.m. Friday, September 4, 2009.

It is recommended that clerks keep their offices open until 5 p.m. on Friday, September 4, 2009 to assist candidates who have waited until the last minute to submit their declaration of candidacy.

It is the city clerk's responsibility to verify that every candidate meets the qualifications required by Idaho law before the accepting the declaration of candidacy. Every candidate must be:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must be a resident of the city for at least 30 days prior to submitting their declaration.

The law requires petition signatures to be verified by the county clerk before the petition is submitted to the city clerk with the declaration of candidacy.

The county clerk will attach a certification to the petition indicating the number of signatures of qualified city electors in the manner provided by Idaho Code 34-1807:

...the county clerk shall carefully examine said petitions and shall attach to the signature sheets a certificate to the [city clerk] substantially as follows:

State of Idaho

ss.

County of

To the honorable, [City Clerk] for the [City of]: I,, County Clerk of County, hereby certify that signatures on this petition are those of qualified electors.

Signed

County Clerk or Deputy.

(Seal of office)

50-433 & 50-434. REPEALED.

50-435. NOTICE OF CANDIDATE FILING DEADLINE.

Not more than fourteen (14) nor less than seven (7) days preceding the candidate filing deadline for an election, the city clerk shall cause to be published in the official newspaper a notice of the forthcoming candidate filing deadline. The notice shall state the name of the city, the date of the election, the offices up for election, that declarations of candidacy are available from the city clerk, and the deadline for filing such declarations with the city clerk.

For the 2009 general city election, the notice of candidate filing deadline must be published once as a legal notice in the official city newspaper between Friday, August 21, 2009 and Friday, August 28, 2009.

The notice includes: the name of the city, the date of the election, the offices up for election, that declarations of candidacy are available from the city clerk and the deadline for filing declarations of candidacy with the city clerk.

In addition to the legal notice, clerks are strongly encouraged to take advantage of media articles, posted notices and other methods to get the word out about the election.

See Appendix C for an example notice of candidate filing deadline.

50-436. NOTICE OF ELECTION — CONTENTS — PUBLICATION.

The city clerk shall give notice for any general or special city election by publishing such notice in at least two (2) issues of the official newspaper of the city. The first publication of notice of election shall be made not less than twelve (12) days prior to the election. The first notice of election shall include the name of the city, the purpose of the election, the date of the election, the polling place in each precinct and the hours during which the polls shall be open for the purpose of voting. The last publication of notice shall be made not less than five (5) days prior to the election. The second notice of election shall state the name of the city, the date of the election, the purpose of the election, the polling place in each precinct and the hours during which the polls shall be open for the purpose of voting.

For the 2009 general city election, the notice of election must be published twice as a legal notice in the official newspaper: by Thursday, October 22, 2009 & Thursday, October 29, 2009.

The notice must include: the name of the city, the purpose of the election, the date of the election, the polling place in each precinct, and the hours the polls are open.

In addition to the legal notices, clerks are strongly encouraged to take advantage of media articles, posted notices and other methods to get the word out about the election.

See Appendix C for a model notice of election.

50-437. OFFICIAL ELECTION STAMP.

The city clerk will provide for an official election stamp which shall have upon the face the date and year of the election in which it is used in the words "Official Election Ballot." Every ballot used shall be stamped on the outside with the official election stamp before it is given to the voter. In the event the stamp is lost, destroyed or unavailable upon election day, the distributing clerk shall initial each ballot and write "stamped" upon the ballot in the appropriate place.

All ballots must be stamped with the official election stamp, including all mailed and in-person absentee ballots. This official stamp is included in the election supplies from Caxton Printers.

50-438. BALLOTS AND ELECTION SUPPLIES.

The city clerk shall provide and cause to be delivered, at the expense of the city, a suitable number of ballots for each polling place and all supplies necessary to conduct general and special elections for the city.

Many clerks have the ballots printed locally or print their own paper ballots and order the rest of the election supplies from Caxton Printers in Caldwell—ph: (800) 657-6465. See Appendix B for a list of election supplies available from Caxton Printers.

50-439. PREPARATION AND CONTENTS OF BALLOT.

The ballot for each election shall be prepared not less than thirty-five (35) days prior to the date of election by the city clerk. Candidates for mayor will be listed first followed by councilman positions for four (4) years and then two (2) year councilman positions, provided, that in printing the ballots, the position of the names shall be changed in each office division by placing the top name for that office at the bottom of that division and moving each other name up the column by one (1) position, as many times as there are candidates in the office division in which there are the greatest number of candidates. Candidates' names shall be rotated by precinct for those cities using voting machines or vote tally systems. Nothing shall prevent a voter from writing in the name of any qualified elector of the city for any office to be filled at the said election, but a write-in vote shall not be counted unless the candidate has filed a declaration of intent with the city clerk as required by section [50-432](#), Idaho Code. The clerk in preparing the ballot shall make provisions for the writing in of names. Separate ballots may be used for bond issues, capital improvement levy, recall, referendum, initiative, advisory ballots or any other measure authorized to be decided by the electorate.

A sample paper ballot is included in Appendix L.

The deadline for ballot printing for the 2009 general city election is Tuesday, September 29, 2009. Clerks are urged to get the ballots printed as soon as possible after the candidate filing deadline to provide enough time for absentee voting by military personnel overseas.

The general election ballot should list the candidates for the office of mayor first (if up for election), then candidates for four-year council positions, and finally candidates for two-year council positions (if any are up for election).

Under each office, make sure there are as many lines for write-in candidates as there are positions up for election.

Also make sure that the ballot indicates how many candidates the voter may vote for under each office.

It is important to understand the requirement to “rotate” the names on the ballot. Your printer is probably familiar with this practice and can assist. As many versions of the ballot must be prepared as there are candidates in the office for which there are the most candidates running.

Suppose there are three candidates for mayor, seven candidates for three four-year council positions and a single candidate for a two-year council position. This means that seven versions of the ballot must be prepared.

The first version of the ballot will have candidates for the respective offices (mayor, councilmember four-year term, councilmember two-year term) listed in alphabetical order. For the second version of the ballot, take the first name listed under each office and move it to the bottom of the list of names for that office, moving the other names up a space. The process is repeated until seven versions are prepared.

In preparing to distribute the ballots to the precincts, collate the different versions of the ballots to ensure they are distributed evenly.

Also note that separate ballots are not required for bond issues, capital improvement levies, recalls, referenda, initiatives, advisory ballots or other measures, although separate ballots may be used at the city’s discretion.

50-440. SAMPLE BALLOTS.

The city clerk shall cause to be printed not less than twenty-nine (29) days before the election, sample ballots containing the candidates for each office, and all measures to be submitted, which sample ballots shall be in the same form as the official ballots to be used, except they shall have printed thereon the words "sample ballot," and shall be on paper of a different color than the official ballot, and the clerk shall furnish copies of the same on application at his office, to anyone applying therefor. Said sample ballot shall be published at least twice in the official newspaper of the city, the first publication not less than twelve (12) days prior to the election and the second publication not less than five (5) days prior to the election.

For the 2009 general city election, the deadline for printing sample ballots is Monday, October 5, 2009.

The sample ballot is printed on paper of a different color than the official ballot, and candidates' names should be listed under the respective offices in alphabetical order (it is not necessary to rotate the sample ballot, as is required for the official ballot).

It is important to include an attention-grabbing statement on the sample ballot that the order of candidate names on the sample ballot may not necessarily be the same as on the official ballot and urging voters to double-check names before voting.

For the 2009 general city election, the sample ballot must be published twice as a legal notice in the official newspaper: by Thursday, October 22, 2009 and Thursday, October 29, 2009. The deadlines for sample ballot publication match those for the election notice, so the two may be published together.

50-441. PROCEDURE FOR CORRECTION OF BALLOTS AFTER PRINTING.

When any candidate withdraws after the printing of the ballots the city clerk will if time permits, cross the name off the ballot, otherwise the elections clerk responsible for distributing the ballots shall cross the name of such candidate off the ballot, and no votes shall be cast for the candidates [candidate].

The clerk should request a written, signed, notarized notice of withdrawal from any candidate wishing to withdraw from the election. Sample notices of withdrawal are included in Appendix J.

50-442. VOTING BY ABSENTEE BALLOT AUTHORIZED.

Any registered elector in a city may vote at any city election by absentee ballot as herein provided.

50-443. APPLICATION FOR ABSENTEE BALLOT.

Any registered elector may make written application to the city clerk 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, his home address and address to which such ballot shall be forwarded. 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 city 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 [50-448](#), Idaho Code, shall be received by the city clerk not later than 5:00 p.m. on the day before the election. Application for an absentee ballot may be made by using a facsimile machine. In the event a registered elector is unable to vote in person at his designated polling place on the day of election because of an emergency situation which rendered him physically unable, he may nevertheless apply for an absent elector's ballot on the day of election by notifying the city clerk. No person, may, however, be entitled to vote under an emergency situation unless the situation claimed rendered him physically unable to vote at his designated polling place within forty-eight (48) hours prior to the closing of the polls.

A person in the United States service may make application for an absent elector's ballot by use of a properly executed federal postcard application as provided for in the laws of the United States known as "Federal Voting Assistance Act of 1955." The issuing officer shall keep as a part of the records of his office a list of all applications so received and of the manner and time of delivery or mailing to and receipt of returned ballot.

The deadline for mail-in absentee ballot applications for the 2009 general city election to be received by the clerk is 5:00 p.m. Wednesday, October 28, 2009.

Applications for in-person absentee voting at the absentee polling place for the 2009 general city election must be received by 5:00 p.m. Monday, November 2, 2009.

The application for absentee ballot may be faxed to the elector, and the elector may also fax the completed, signed form to the city clerk.

Absentee ballot request forms may also be emailed: the blank form may be emailed from the clerk to the elector, and the completed, signed form may be scanned and emailed from the elector to the clerk.

No reason must be provided by the elector for why he/she desires to vote absentee.

An absentee ballot request form is included in Appendix N.

50-444. REPEALED.

50-445. ISSUANCE OF ABSENTEE BALLOT.

Upon receipt of an application for an absent elector's ballot within the proper time, the city clerk receiving it shall examine the records of his office to ascertain whether or not such applicant is registered and lawfully entitled to vote as requested, and, if found to be so, he shall arrange for the applicant to vote by absent elector's ballot. The absentee ballot may be delivered to the absent elector in the office of the city clerk, by postage prepaid mail or by other appropriate means.

An elector physically unable to mark his own ballot may receive assistance in marking such ballot from the officer delivering same or an available person of his 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. No city clerk, deputy, or other person assisting a disabled voter shall attempt to influence the vote of such elector in any manner.

Normally, absentee ballots must either be mailed or delivered directly to the elector. As a result of the passage of House Bill 214, the City Clerk now has authority, in extraordinary situations, to send absentee ballots by fax or email to voters in a "national or local emergency or other situation" which makes the normal absentee voting process "impossible or unreasonable." For more information, please contact the AIC office at (208) 344-8594 or (800) 344-8594.

50-446. MARKING AND FOLDING OF ABSENTEE BALLOT — AFFIDAVIT.

Upon receipt of the absent elector's ballot the elector shall thereupon mark and fold the ballot so as to conceal the marking, deposit it in the ballot envelope and seal the envelope securely. The ballot envelopes must be deposited in the return envelope and sealed securely.

The elector shall then execute an affidavit on the back of the return envelope in the form prescribed, provided however, that such affidavit need not be notarized.

50-447. RETURN OF ABSENTEE BALLOT.

The return envelope shall be mailed or delivered to the officer who issued the same; provided, that an absentee ballot must be received by the issuing officer by 8:00 p.m. on the day of election before such ballot may be counted.

Upon receipt of an absent elector's ballot the city clerk of the city wherein such elector resides shall write or stamp upon the envelope containing the same, the date and hour such envelope was received in his office, comparing the signature upon the return envelope with the elector's registration card to ensure

that signatures correspond. He shall safely keep and preserve all absent elector's ballots unopened until the time prescribed for delivery to the judges in accordance with this chapter.

Absentee ballots must be received by 8:00 p.m. on Election Day. Ballots coming in after that time should be treated as spoiled ballots.

50-448. CITY CLERKS SHALL PROVIDE AN ABSENT ELECTOR'S VOTING PLACE.

Each city clerk shall provide an "absent elector's polling place." It shall be provided with voting booths and other necessary supplies as provided by law.

The absentee polling place is generally set up in city hall and allows voters to register (if necessary), submit a written request for an absentee ballot and vote before Election Day. The absentee polling place should be set up so that it is ready to begin voting when the absentee ballots are printed.

50-449. TRANSMISSION OF ABSENTEE BALLOTS TO POLLS.

On receipt of such absent elector's ballot or ballots, the city clerk shall forthwith enclose the same unopened in a carrier envelope endorsed with the name and official title of such officer and the words: "absent elector's ballots to be opened only at the polls." He shall hold the same until the delivery of the official ballots to the judges of election of the precinct in which the elector resides and shall deliver the ballot or ballots to the judges with such official ballots.

In those cities which count ballots at a central location, absentee ballots that are received may, in the discretion of the city clerk, be retained in a secure place in the clerk's office and such ballots shall be added to the precinct returns at the time of ballot tabulation. The clerk shall deliver a list of those absentee ballots received to the polls to record in the official poll book that the elector has voted.

Cities with numerous voting precincts may want to consider establishing an absentee voting precinct (see Idaho Code 50-407 for more information). This allows cities using automated tabulation or vote tally systems to retain and count absentee ballots at a central location. Cities using paper ballots do not need to establish an absentee voting precinct since the ballots must be sent to the precinct polling places to be counted.

50-450. DEPOSIT OF ABSENTEE BALLOTS.

Between the opening and closing of the polls on election day the judges of election of such precinct shall open the carrier envelope only, announce the absent elector's name, check the election record and poll book to ascertain if the applicant is a duly registered elector of the precinct and that he has not heretofore voted at the election, they shall open the return envelope and remove the ballot envelopes and deposit the same in the proper ballot boxes and cause the absent elector's name to be entered on the poll books the same as though he had been present and voted in person. The ballot envelope shall not be opened until the ballots are counted.

50-451. RECORD OF APPLICATIONS FOR ABSENTEE BALLOTS.

The city clerk shall keep a record in his office containing a list of names and precinct numbers of electors making applications for absent elector's [electors'] ballots, together with the date on which such application was made, and the date on which such absent elector's ballot was returned. If an absentee ballot is not returned or if it be rejected and not counted, such fact shall be noted on the record. Such record shall be open to public inspection under proper regulations.

50-452. DUTIES OF CITY CLERK ON ELECTION DAY.

- (1) The city clerk shall administer an oath of office to the election judge of each precinct before or upon delivery of the ballots and election supplies. The oath subscribed to by the election judge appears in the combination election record and poll book.
- (2) Before the polls open the election judge will administer an oath of office to all election board officials who will subscribe to said oath in the combination election record and poll book. The city clerk may administer the oath of office to the election judge and election board officials at one time.
- (3) The combination election record and poll book shall be ruled in a proper manner so that in a column for ballot numbers sufficient space shall appear for inserting the numbers of several ballots. At any election when more than one (1) ballot is used, a separate column shall be provided for each separate form of ballot used.
- (4) Immediately after the close of the polls, the names of the electors who voted shall be counted and the number written and certified in the combination election record and poll book. The combination election record and poll book shall be immediately signed by each of the election board judges.

50-453. OPENING AND CLOSING POLLS.

(1) As provided by ordinance at all general and special city elections the polls shall be opened at either 8:00 a.m. or 12:00 noon and remain open until 8:00 p.m. of the same day.

(2) Upon opening the polls the precinct judge will 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.

Polling place hours must be established by ordinance. A sample ordinance is included in Appendix D.

50-454. CHANGING POLLING PLACE — PROCLAMATION AND NOTICE.

Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the election judge, 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 city clerk shall be notified of the change.

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

50-455. OPENING BALLOT BOXES.

In the presence of bystanders the election judge shall break the sealed packages of election ballots, official stamp and other supplies.

Before receiving any ballots the judge 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.

50-456. JUDGES MAY ADMINISTER OATHS — CHALLENGE OF VOTERS.

The election judge may administer and certify any oath required to be administered during the progress of an election or challenge any elector.

When a voter is challenged, the Election Judge must state the elector qualifications to the individual.

If the challenged elector declares that he/she is qualified to vote, and the challenge is not withdrawn, then the elector must sign the “Oath of Challenged Person” (see Appendix K).

If the challenged elector signs the oath, the individual must be allowed to vote, and the word “sworn” must be written following the elector’s name and signature in the combination election record and poll book.

No challenged elector may vote until subscribing to the oath.

50-457. ENFORCEMENT DUTIES OF JUDGE.

The judge of any election 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 (1) elector in a compartment at one (1) time. He shall remain and keep order at the polling place until all of the votes are tallied.

50-458. 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 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.

(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 stamped with the official election stamp and shall be given folding instructions for such ballots.

50-459. 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 receiving clerk, state his name and residence, and deposit his ballot in the proper box or hand his ballot to the receiving clerk, who shall deposit it. The clerk shall then proclaim in an audible voice that the elector has voted. The election officials shall then record that the elector has voted.

50-460. ASSISTANCE TO VOTER.

If any registered elector, who is unable by reason of physical disability or other handicap to record his vote by personally marking his ballot and who desires to vote, then and in that case such elector shall be assisted 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 the ballot to the judge of election in the manner provided above. If any registered elector is unable, due to physical disability or other handicap, 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.

50-461. 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 election clerk, who shall give him another ballot. The ballot thus returned shall, without examination, be immediately canceled by writing across the back, or outside of the ballot as folded, the words "spoiled ballot, another issued," and (deposit) the spoiled ballot [shall be deposited] in [the] box provided for that purpose.

50-462. OFFICERS NOT TO DIVULGE INFORMATION.

No judge or election 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 [whosoever], shall interfere with, or attempt to interfere with, a voter when marking a ballot. No judge, clerk or other person shall, directly or indirectly, attempt to induce any voter to display his ballot after he shall have marked same, or to make known to any person the name of any candidate for or against whom he may have voted.

50-463. COUNTING OF VOTES.

(1) When the polls are closed the election personnel must immediately proceed to count the ballots cast at such election. The counting must be continued without adjournment until completed and the result declared.

(2) If the precinct has duplicate ballot boxes, the counting may begin after five (5) ballots have been cast. At this time, the additional clerks shall close the first ballot box and retire to the counting area and count the ballots. Upon completion of this counting the clerks shall return the ballot box and then proceed to count all of the ballots cast in the second box during this period. This counting shall continue until the polls are closed at which time all election personnel may assist in completing the counting of the ballots.

50-464. COMPARISON OF POLL LISTS AND BALLOTS — VOID BALLOTS.

The ballot box shall be opened and the ballots found therein counted by the judges, unopened and the number of ballots in the box must agree with the number marked in the poll book or election register as having received a ballot, and this number, together with the number of spoiled ballots, must agree with the number of stubs in the books from which the ballots have been taken. If the number of ballots issued does not agree with the number of stubs the election judges shall have authority to make any decision to correct the situation; but this shall not be construed to allow the judges to void all ballots cast at that polling place.

When duplicate ballot boxes are used in a precinct, the duties herein prescribed shall be done after all of the votes have been tallied.

At any bond election conducted by a city any ballot or part of a ballot from which it is impossible to determine the elector's choice shall be void and shall not be counted. It is hereby declared that any qualified elector casting such ballot or part of a ballot shall be deemed not to have voted at or participated in such bond election and such ballot or part of a ballot shall not be counted in determining the number of qualified electors voting at or participating in such bond election.

50-465. COUNTING OF BALLOTS.

The ballots and polls lists agreeing, the election personnel shall then proceed to tally the votes cast. Under each office title the number of votes for each candidate shall be entered in the tally books together with the total. Any ballot or part of a ballot from which it is impossible to determine the elector's choice, shall be void and shall not be counted. When a ballot is sufficiently plain to determine therefrom a part of the voter's intention, it shall be the duty of the judges to count such part.

Following the counting, the election officials must post a correct copy of such results at the polling place and transmit a copy to the city clerk.

In no event shall the results of such count be released to the public until after 8 p.m. of election day.

The Secretary of State's office provides some useful guidelines for counting paper ballots.

"A ballot shall not be rejected for a technical error that does not make it impossible to determine the voter's intent. In determining intent, the following principles apply:

Intent shall be ascertained only from the face of the ballot.

*If a voter places a mark or writes-in the names of more candidates for an office than are to be elected, the ballot is defective **only with respect to that office**. No vote shall be counted for any candidate for that office, **but the rest of the ballot shall be counted if possible**.*

If a voter has written in the name of an individual, a vote shall be counted for that individual whether or not the voter makes a mark (X) in the square opposite the write-in blank.

Remember, write-in votes may only be counted for individuals who have filed their declaration of intent (the election officials should have a list of write-in candidates at the polling place for answering questions from voters and counting ballots). Write-in votes cast for a candidate under the wrong office shall not be counted.

If a mark (X) is made out of its proper place, but so near a name or space as to indicate the voter's intent, the vote shall be counted.

Any mark evidencing the intent of the voter shall be counted.

If the names of two candidates have been marked, and an attempt has been made to erase or obliterate one of the marks, a vote shall be counted for the remaining marked candidate. If an attempt has been made to obliterate a write-in name, a vote shall be counted for the remaining name or marked candidate."

Election results may not be released until after the polls close at 8:00 p.m. Any voting results released to the press after 8:00 p.m. should indicate that the votes have not been canvassed.

50-466. TRANSMISSION OF SUPPLIES TO CITY CLERK.

After the counting of the votes, the judges of the election shall enclose and seal the combination election record and poll book, tally books, all ballot stubs, unused ballot books, and other supplies in a suitable container and deliver them to the city clerk's office. If the office of the city clerk is closed, the articles shall be delivered to the police department who shall deliver them to the city clerk no later than the day after the election.

50-467. CANVASSING VOTES — DETERMINING RESULTS OF ELECTION.

The mayor and the council, within six (6) days following any election, shall meet for the purpose of canvassing the results of the election. Upon acceptance of tabulation of votes prepared by the election judges and clerks, and the canvass as herein provided, the results of both shall be entered in the minutes of proceedings and proclaimed as final. Results of election shall be determined as follows: in the case of a single office to be filled, the candidate with the highest number of votes shall be declared elected; in the case where more than one office is to be filled, that number of candidates receiving the highest number of votes, equal to the number of offices to be filled, shall be declared elected.

For the 2009 general city election, the deadline for canvassing the votes is Monday, November 9, 2009.

Votes can be canvassed without the mayor being present (with the council president or another councilmember presiding)—however, a quorum is required for the council to canvass the votes.

THE COUNCIL DOES NOT GET TO COUNT VOTES AT THE CANVASS!!! *However, councilmembers may look at the tally book and poll book.*

The city clerk should prepare an abstract of votes showing the votes for each candidate by precinct. This is approved by motion of the council, serves as the official results of the election and is entered in the minutes of the meeting.

50-468. TIE VOTES.

In case of a tie vote between candidates, the city clerk shall give notice to the interested candidates to appear before the council at a meeting to be called within six (6) days at which time the city clerk shall determine the tie by a toss of a coin.

50-469. FAILURE TO QUALIFY CREATES VACANCY.

If a person elected fails to qualify, a vacancy shall be declared to exist, which vacancy shall be filled by the mayor and the council.

50-470. CERTIFICATES OF ELECTIONS.

A certificate of election for each elected city official or appointee to fill such position shall be made under the corporate seal by the city clerk, signed by the

mayor and clerk, and presented to such officials at the time of subscribing to the oath of office.

AIC sends blank Certificates of Election to all member cities immediately after Election Day.

50-471. APPLICATION FOR RECOUNT OF BALLOTS.

Any candidate desiring a recount of the ballots cast in any general city election may apply to the attorney general therefor, within twenty (20) days of the canvass of such election by the city council. The provisions of [chapter 23, title 34](#), Idaho Code, shall govern recounts of elections held under this chapter.

See the section on recount of ballots in this manual for more information.

50-472. RECALL ELECTIONS.

Recall elections shall be governed by the provisions of [chapter 17, title 34](#), Idaho Code, except as those provisions may be specifically modified by the provisions of this chapter.

See the section on recall elections in this manual for more information.

50-473. INITIATIVE AND REFERENDUM ELECTIONS.

Initiative and referendum elections shall be governed by the provisions of [chapter 18, title 34](#), Idaho Code, and [chapter 5, title 50](#), Idaho Code, except as those provisions are specifically modified by this chapter.

See the section on initiative and referendum elections in this manual for more information.

50-474. VOTING BY MACHINE OR VOTE TALLY SYSTEM.

Any city may use voting machines or vote tally system in conduct of elections. A city voting by machine shall be governed by the provisions of [chapter 24, title 34](#), Idaho Code.

See the section on voting machines and vote tally systems in this manual for more information.

50-475. ELECTION LAW VIOLATIONS.

The provisions of [chapter 23, title 18](#), Idaho Code, pertaining to crimes and punishments for election law violations are hereby incorporated in this chapter.

See the section on election crimes and punishments in this manual for more information.

50-476. REPEALED.

50-477. APPLICATION OF CAMPAIGN REPORTING LAW TO ELECTIONS IN CERTAIN CITIES.

The provisions of sections [67-6601](#) through [67-6616](#) and [67-6623](#) through [67-6630](#), Idaho Code, are hereby made applicable to all elections for mayor, councilman and citywide measures in cities of five thousand (5,000) or more population, except that the city clerk shall stand in place of the secretary of state, and the city attorney shall stand in place of the attorney general.

Cities required to comply with the Idaho campaign finance reporting law include: Boise, Nampa, Meridian, Pocatello, Idaho Falls, Coeur d'Alene, Twin Falls, Caldwell, Lewiston, Rexburg, Post Falls, Moscow, Eagle, Ammon, Kuna, Hayden, Mountain Home, Garden City, Chubbuck, Blackfoot, Burley, Jerome, Sandpoint, Hailey, Payette, Rathdrum, Emmett, Middleton, Weiser, and Rupert.

Write-In Candidates

50-432. TIME AND MANNER OF FILING DECLARATIONS (excerpt).

...Write-in candidates shall be governed by section [34-702A](#), Idaho Code, but shall file the declarations required in that section with the city clerk.

34-702A. DECLARATION OF INTENT FOR WRITE-IN CANDIDATES.

No write-in vote for any office in a primary, special, or general election shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of said office if elected. The declaration of intent shall be filed with the secretary of state if for a federal, state, or legislative district office and with the county clerk if for a county office. Such declaration of intent shall be filed not later than fourteen (14) days before the day of election. The secretary of state shall prescribe the form for said declaration.

In those counties which utilize optical scan ballots an elector shall not place on the ballot a sticker bearing the name of a person, or use any other method or device, except writing, to vote for a person whose name is not printed on the ballot.

See Appendix I for a sample Declaration of Intent for Write-In Candidates.

Candidates are required to certify on their declaration of intent that they are qualified to hold the office of mayor or councilmember, meaning they meet the following qualifications as of the date their declaration of intent is submitted to the city clerk:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must be a resident of the city for at least 30 days prior to submitting their declaration.

Clerks should be aware that write-in votes are only counted when cast for individuals who filed a declaration of intent with the clerk at least 14 days prior to the election. This has led to discussion about adding that information to the instructions on the ballot or possibly posting names of declared write-in candidates at polling places.

The Idaho Secretary of State's office advises against adding such information to the ballot and urges that lists of write-in candidates not be posted at the polls. It is the responsibility of each write-in candidate—not the city—to get the message to the voters about their candidacy.

If an elector asks whether an individual has filed a declaration of intent, the election workers may answer.

Likewise, if an elector asks for the names of declared write-in candidates, the election workers may answer.

It would be considered electioneering for election workers to offer write-in candidacy information or post the names of write-in candidates in the polling place.

Council Seats and Districts

50-707. ASSIGNMENT OF COUNCIL SEATS.

Any city, by ordinance, may assign a number to each council seat. Upon the adoption of such an ordinance, and at least one hundred twenty (120) days prior to the next general election, the city clerk shall assign a number for each council seat. Any candidate seeking election to the council shall file for one (1) of the assigned council seats.

50-707A. ELECTION OF COUNCILMEN BY DISTRICTS.

(1) Any city may, by ordinance, provide for districts and the election of councilmen by districts. Upon the adoption of such an ordinance and at least one hundred twenty (120) days prior to each general election, the governing body of the city shall establish the territory of council districts in accordance with this section.

(2) Each district shall consist of one or more contiguous election precincts and each district shall, to the nearest extent possible, contain the same number of people based upon the most recent federal census.

(3) Each city providing for the election of councilmen by districts shall establish the number of districts corresponding to the number of council seats determined by the city pursuant to section [50-701](#), Idaho Code, or for any city having a governing body governed by the provisions of sections [50-801](#) through [50-812](#), Idaho Code, the number of council seats determined by the city pursuant to section [50-805](#), Idaho Code.

(4) Upon adoption of such an ordinance, a council shall determine, not less than ninety (90) days before the next general city election, if council members are to be elected by electors from the entire city, or by the electors of the said geographic district. The council shall also determine, not less than ninety (90) days before the next general election, the method of the implementation of this ordinance.

There are currently 22 cities with numbered council seats, including: Ammon, Athol, Blackfoot, Boise, Bovill, Caldwell, Coeur d'Alene, Greenleaf, Hailey, Hayden, Idaho Falls, Kellogg, Meridian, Minidoka, Nampa, Pocatello, Post Falls, Rathdrum, Shelley, Star, Twin Falls and Wallace. There are currently no cities that elect councilmembers by district.

Cities wishing to establish numbered council seats or council districts must do so at least 120 days before the general city election (Monday, July 6, 2009).

Runoff Elections

50-612. MAJORITY REQUIRED FOR ELECTION — RUNOFF ELECTION.

A city may, by ordinance, provide that a majority of the votes for any candidate running for the office of mayor shall be required for election to that office. In the event no candidate receives a majority of the votes cast, there shall be a runoff election between the two (2) candidates receiving the highest number of votes cast. Such runoff election shall be conducted as in the general election in a manner and at such time, within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in sections [34-106](#) and [50-429](#), Idaho Code. The ballot shall be prepared by the city clerk not less than twenty-two (22) days preceding the runoff election. The designation of polling places shall be made by the city clerk not less than twenty (20) days preceding any runoff election and sample ballots shall be printed not less than eighteen (18) days preceding the runoff election.

50-707B. MAJORITY MAY BE REQUIRED FOR ELECTION — RUNOFF ELECTION.

A city may, by ordinance, provide that a majority of the votes for any candidate running for a council seat adopted by a city in accordance with section [50-707](#) or [50-707A](#), Idaho Code, shall be required for election to that office. In the event no candidate receives a majority of the votes cast, there shall be a runoff election between the two (2) candidates receiving the highest number of votes cast. Such runoff election shall be conducted as in the general election in a manner and at such time within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in sections [34-106](#) and [50-429](#), Idaho Code. The ballot shall be prepared by the city clerk not less than twenty-two (22) days preceding the runoff election. The designation of polling places shall be made by the city clerk not less than twenty (20) days preceding any runoff election, and sample ballots shall be printed not less than eighteen (18) days preceding the runoff election.

Runoff elections must be established by ordinance. The law recognizes the abbreviated timeframe inherent in runoff elections by providing special deadlines for ballot preparation, designation of polling places and printing of sample ballots (other deadlines remain the same).

Currently, eight cities have mayoral runoffs: American Falls, Blackfoot, Boise, Eagle, Idaho Falls, Mountain Home, Pocatello, and Spirit Lake. Only Blackfoot, Hailey, and Idaho Falls have runoffs for designated council seats.

It is important to note that runoff elections only involve the two candidates receiving the highest number of votes cast for the office during the general election. It is impermissible for other candidates to run as write-ins during a runoff election.

Terms of Office, Vacancies & Salary for Councilmembers and Mayors

50-601. QUALIFICATIONS.

Any person shall be eligible to hold the office of mayor who is a qualified elector of the city at the time his declaration of candidacy or declaration of intent is submitted to the city clerk and remains a qualified elector during his term of office.

The term of office of mayor shall be for a period of four (4) years except as otherwise specifically provided. He shall take office at the time and in the manner provided for installation of councilmen.

Candidates are required to certify on their declaration of candidacy or declaration of intent that they are qualified to hold the office of mayor, meaning they meet the following qualifications as of the date their declaration is submitted to the city clerk:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must be a resident of the city for at least 30 days prior to submitting their declaration.

50-608. VACANCY IN OFFICE OF MAYOR.

In case of a temporary vacancy in the office of mayor due to absence or disability, the president of the council shall exercise the office of mayor during such disability or temporary absence, and until the mayor shall return. When a vacancy occurs in the office of mayor by reason of death, resignation or permanent disability, the city council shall fill the vacancy from within or without the council as may be deemed in the best interests of the city, which appointee shall serve until the next general city election, at which election a mayor shall be elected for the full four (4) year term.

50-701. COMPOSITION — POWERS.

The legislative authority of each city in the state of Idaho, except those operating under the provisions of section[s] 50-801 through 50-812 shall be vested in a council consisting of either four (4) or six (6) members, one half (1/2) of whom shall be elected at each general city election. Councils shall have such powers and duties as are now or may hereafter be provided under the general laws of the state of Idaho.

50-702. QUALIFICATION OF COUNCILMEN — TERMS — INSTALLATION.

Any person shall be eligible to hold the office of councilman of his city who is a qualified elector at the time his declaration of candidacy or declaration of intent is submitted to the city clerk, and remains a qualified elector under the constitution and laws of the state of Idaho. Each councilman elected at a general city election, except as otherwise specifically provided, shall hold office for a term of four (4) years, and until his successor is elected and qualified. Councilmen elected at each general city election shall be installed at the first meeting in January following election. The manner of conducting that meeting shall be as herein set forth and not otherwise: the incumbents shall meet and conduct such business as may be necessary to conclude the fiscal matters of the preceding year; the newly elected shall then subscribe to the oath of office, be presented certificates of election, assume the duties of their position, and conduct such business as may be necessary, one (1) item of which shall be the election of a member as president of the council.

Candidates are required to certify on their declaration of candidacy or declaration of intent that they are qualified to hold the office of councilmember, meaning they meet the following qualifications as of the date their declaration is submitted to the city clerk:

At least 18 years of age,

A U.S. citizen,

The candidate's primary residence must be within the city,

The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and

The candidate must be a resident of the city for at least 30 days prior to submitting their declaration.

50-704. VACANCIES — APPOINTMENT.

A vacancy on the council shall be filled by appointment made by the mayor with the consent of the council, which appointee shall serve only until the next general city election, at which such vacancy shall be filled for the balance of the original term.

50-203. OFFICIALS — COMPENSATION.

The officials of each city shall consist of a mayor and either four (4) or six (6) councilmen whose compensation shall be fixed by ordinance published at least seventy-five (75) days before any general city election, which ordinance shall be effective for all said officials commencing on January 1 following said election and continuing until changed pursuant to this section.

The deadline for passage and publication of a salary ordinance is Thursday, August 20, 2009.

An ordinance passed and published by the August 20 deadline takes effect January 1, 2010.

A model salary ordinance is provided in Appendix F.

Election Records: Idaho Code Title 50, Chapter 9

50-907. CLASSIFICATION AND RETENTION OF MUNICIPAL RECORDS.

(1) "Permanent records" shall consist of:

- (a) Adopted meeting minutes of the city council and city boards and commissions;
- (b) Ordinances and resolutions;
- (c) Building plans and specifications for commercial projects and government buildings;
- (d) Fiscal year-end financial reports;
- (e) Records affecting the title to real property or liens thereon;
- (f) Cemetery records of lot ownership, headstone inscriptions, interment, exhumation and removal records, and cemetery maps, plot plans and surveys;
- (g) Poll books, excluding optional duplicate poll books used to record that the elector has voted, tally books, sample ballots, campaign finance reports, declarations of candidacy, declarations of intent, and notices of election; and
- (h) Other documents or records as may be deemed of permanent nature by the city council.

Permanent records shall be retained by the city in perpetuity, or may be transferred to the Idaho state historical society's permanent records repository upon resolution of the city council.

(2) "Semipermanent records" shall consist of:

- (a) Claims, canceled checks, warrants, duplicate warrants, purchase orders, vouchers, duplicate receipts, utility and other financial records;
- (b) Contracts;
- (c) Building applications for commercial projects and government buildings;
- (d) License applications;
- (e) Departmental reports;
- (f) Bonds and coupons; and

(g) Other documents or records as may be deemed of semipermanent nature by the city council.

Semipermanent records shall be kept for not less than five (5) years after the date of issuance or completion of the matter contained within the record.

(3) "Temporary records" shall consist of:

(a) Building applications, plans, and specifications for noncommercial and nongovernment projects after the structure or project receives final inspection and approval;

(b) Cash receipts subject to audit;

(c) Election ballots and duplicate poll books; and

(d) Other documents or records as may be deemed of temporary nature by the city council.

Temporary records shall be retained for not less than two (2) years, but in no event shall financial records be destroyed until completion of the city's financial audit as provided in section [67-450B](#), Idaho Code.

(4) Semipermanent and temporary records may only be destroyed by resolution of the city council, and upon the advice of the city attorney. Such disposition shall be under the direction and supervision of the city clerk. The resolution ordering destruction shall list in detail records to be destroyed. Prior to destruction of semipermanent records, the city clerk shall provide written notice, including a detailed list of the semipermanent records proposed for destruction, to the Idaho state historical society thirty (30) days prior to the destruction of any records.

(5) Prior to January 1, 2007, each city council shall adopt by resolution a records retention schedule, listing the various types of city records and the retention period for each type of record.

Several types of election records are classified by state law as "permanent records" including:

- *Poll books (excluding optional duplicate poll books used to record the elector has voted),*
- *Tally books,*
- *Sample ballots,*
- *Campaign finance reports,*
- *Declarations of candidacy and intent, and*
- *Notices of election.*

Permanent records must be retained by the city in perpetuity or transferred to the State Archives upon resolution of the city council.

Election ballots and duplicate poll books are classified as “temporary” records and must be retained for at least two years before being destroyed.

Other types of election records should be retained as provided by the city’s records retention schedule.

City Clerk Appointed At-Large Registrar

34-1402. REGISTRATION.

All electors must register with the county clerk before being able to vote in any primary, general, special or any other election conducted in this state. The county clerk shall determine, for each registered elector, the elections for which he is eligible to vote by a determination of the applicable code areas. The determination of tax code area shall be made for all political subdivisions including those otherwise exempt from the provisions of this chapter.

The county clerk shall conform to the provisions of [chapter 4, title 34](#), Idaho Code, in the administration of registration for all political subdivisions within the county. The county clerk shall appoint each city clerk for any city within the county and each election official designated by a political subdivision, as an at-large registrar as provided in section [34-406](#), Idaho Code, except that no compensation shall be paid by the county clerk for electors registered by these special registrars.

Voter Registration: Idaho Code Title 34, Chapter 4

34-401. ELECTORS PRIVILEGED FROM ARREST DURING ATTENDANCE AT POLLING PLACE—EXCEPTION.

Electors are privileged from arrest, except for treason, a felony or breach of the peace, during their attendance at a polling place.

34-402. QUALIFICATIONS OF ELECTORS.

Every male or female citizen of the United States, eighteen (18) years old, who has resided in this state and in the county for thirty (30) days where he or she offers to vote prior to the day of election, if registered within the time period provided by law, is a qualified elector.

See Idaho Code 50-402(c) for more information on qualifications of electors.

34-403. DISQUALIFIED ELECTORS NOT PERMITTED TO VOTE.

No elector shall be permitted to vote if he is disqualified as provided in article 6, sections 2 and 3 of the state constitution.

Article VI, section 2 of the Idaho Constitution: “Every male or female citizen of the United States, eighteen years old, who has resided in this state, and in the county where he or she offers to vote for the period provided by law, if registered as provided by law, is a qualified elector.”

Article VI, section 3 of the Idaho Constitution: “No person is permitted to vote, serve as a juror, or hold any civil office who has, at any place, been convicted of a felony, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense.”

In the case of felons, if the individual has completed the terms of sentence (including probation and parole), he/she may register and vote (Idaho Code 18-310). If an individual’s right to vote is challenged, the individual must sign the “Oath of Challenged Person,” before they may vote (see Appendix K for the form of the oath). If the individual signs the oath, they must be allowed to vote.

34-404. REGISTRATION OF ELECTORS.

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.

34-405. GAIN OR LOSS OF RESIDENCE BY REASON OF ABSENCE FROM STATE.

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his absence while employed in the service of this state or the United States, while a student of any institution of learning, while kept at any state institution at public expense, nor absent from the state with the intent to have this state remain his residence. If a person is absent from this state but intends to maintain his residence for voting purposes here, he shall not register to vote in any other state during his absence.

34-406. APPOINTMENT OF REGISTRARS.

The county clerk shall provide for voter registration in the clerk's office and may appoint registrars to assist in voter registration throughout the county.

The county clerk shall provide all political parties within the county with a supply of the mail registration form prescribed in section [34-410](#), Idaho Code.

34-407. PROCEDURE FOR REGISTRATION.

(1) Any county clerk or official registrar shall register without charge any elector who personally appears in the office of the county clerk or before the official registrar, as the case may be, and requests to be registered.

(2) Upon receipt of a written application to the county clerk from any elector who, by reason of illness or physical incapacity is prevented from personally appearing in the office of the county clerk or before an official registrar, the county clerk or an official registrar so directed by the county clerk shall register such elector at the place of abode of the elector.

34-408. CLOSING OF REGISTER — TIME LIMIT.

(1) No elector may register in the office of the county clerk within twenty-four (24) days preceding any election held throughout the county in which he resides for the purpose of voting at such election; provided however, a legible, accurate and complete registration card received in the office of the county clerk during the twenty-four (24) day period preceding an election shall be accepted and

held by the county clerk until the day following the election when registration reopens, at which time the registration shall become effective. This deadline shall also apply to any registrars the county clerk may have appointed.

(2) Any elector who will complete his residence requirement or attain the requisite voting age during the period when the register of electors is closed may register prior to the closing of the register.

(3) Notwithstanding subsection (1) of this section, an individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section [34-1006](#), Idaho Code.

34-408A. ELECTION DAY REGISTRATION.

An individual who is eligible to vote may register on election day by appearing in person at the polling place for the precinct in which the individual maintains residence, by completing a registration card, making an oath in the form prescribed by the secretary of state and providing proof of residence. An individual may prove residence for purposes of registering by:

(1) Showing a driver's license or Idaho identification card issued through the department of transportation; or

(2) Showing any document which contains a valid address in the precinct together with a picture identification card; or

(3) Showing 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.

Election day registration provided in this section shall apply to all elections conducted under [title 34](#), Idaho Code, and to school district and municipal elections.

An individual who is eligible to vote may also register, upon providing proof of residence, at the "absent electors' polling place" provided in section [34-1006](#), Idaho Code.

34-409. REPEALED.

34-410. MAIL REGISTRATION.

Any elector may register by mail for any election. Any mail registration application must be received by the county clerk prior to the close of registration as provided in section [34-408](#), Idaho Code, provided that any mail

registration application postmarked not later than twenty-five (25) days prior to an election shall be deemed timely.

The secretary of state shall prescribe the form for the mail registration application. This mail application form shall be available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

Any federal mail registration form adopted pursuant to the provisions of the national voter registration act of 1993 (P.L. 103-31) shall also be accepted as a valid registration, if such form is postmarked not later than twenty-five (25) days prior to an election.

The county clerk shall prepare and issue by first class nonforwardable mail to each elector registering by mail a verification of registration containing the name and residence of the elector and the name or number of the precinct in which the elector resides.

A verification returned undeliverable shall cause the county clerk to remove the elector's card from the register of electors.

As required by the help America vote act of 2002 (P.L. 107-252), a copy of proper identification will be required prior to issuance of a ballot to anyone who has registered by mail and has not previously voted in an election for federal office in the state. Proper identification consists of:

- (1) A current and valid photo identification; or
- (2) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

Under the federal Help America Vote Act and implementing state legislation, first-time voters registering by mail are required to provide photo identification or a copy of a utility bill, bank statement, government check, paycheck or other government document showing the name and address of the individual before they may vote.

Election officials will not need to ask for identification unless an individual's name is marked under the "Identification Required" column in the poll book.

The process will work similarly to Election Day Registration—individuals will show their identification to the election official, who will mark in the poll book that the individual has shown their identification.

Following the election, the city clerk will send a list of names of individuals showing identification to the county clerk for updating the registration.

There should be very few instances where election officials will have to check identification.

34-410A. ABSENTEE REGISTRATION FOR UNIFORMED AND OVERSEAS CITIZENS.

Whenever provision is made for absentee voting by a statute of the United States, including the "Uniformed and Overseas Citizens Absentee Voting Act" (42 U.S.C. 1973ff.), an application for an absentee ballot made under that law may be given the same effect as an application for an absentee ballot made under [chapter 10, title 34](#), Idaho Code.

34-411. APPLICATION FOR REGISTRATION — CONTENTS.

(1) Each elector who requests registration shall supply the following information under oath or affirmation:

- (a) His full name and sex.
- (b) His mailing address, his residence address or any other necessary information definitely locating his residence.
- (c) The period of time preceding the date of registration during which he has resided in the state.
- (d) Whether or not he is a citizen.
- (e) That he is under no legal disqualifications to vote.
- (f) The county and state where he was previously registered, if any.
- (g) Date of birth.
- (h) Current driver's license number or, in the absence of an Idaho driver's license, the last four (4) digits of the elector's social security number.

(2) Any elector who shall supply any information under subsection (1) of this section, knowing it to be false, is guilty of perjury.

(3) 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.

Another important change resulting from the Help America Vote Act is the requirement for individuals to provide either a driver's license number or the last four digits of their social security number when registering to vote, which is then verified by state officials. The form of the registration card has been updated to include this information.

34-412. QUALIFICATIONS FOR REGISTRATION.

(1) The qualifications of any person who requests to be registered shall be determined in the first instance by the registering official from the evidence before him. If the registering official determines that such person is not qualified, he shall refuse to register the person.

(2) A person refused registration under subsection (1) of this section may make application to the county clerk for a hearing on his qualifications. Not more than ten (10) days after the date he receives such application, the county clerk shall hold a hearing on the qualifications of the applicant and shall notify the applicant of the place and time of such hearing. At such hearing the applicant may present evidence as to his qualifications, provided that no hearing shall be held subsequent to any election which is held within said ten (10) day period. If the county clerk determines that the applicant is qualified, the county clerk shall register the applicant immediately upon the conclusion of the hearing.

34-413. REREGISTRATION OF ELECTOR WHO CHANGES RESIDENCE.

An elector who moves to another county within the state or to another state within thirty (30) days prior to any election shall be permitted to vote in the ensuing election by absentee ballot.

34-414 THROUGH 34-415. REPEALED.

34-416. REGISTRATION CARDS.

(1) The registration card shall contain the following warning:

WARNING: Any elector who supplies any information, knowing it to be false, is guilty of perjury.

(2) The elector shall read the warning set forth in subsection (1) of this section and shall sign his name in an appropriate place on the completed card.

(3) The registration card completed and signed as provided in this section constitutes the official registration card of the elector. The county clerk shall keep and file all such cards in a convenient manner in his office. Such cards constitute the register of electors and shall be considered confidential and unavailable for public inspection and copying except as provided by subsection (25) of section [9-340C](#), Idaho Code.

34-417. CHANGES IN BOUNDARIES OF PRECINCT — ALTERATION OF REGISTRATION CARDS.

When changes in the boundaries of any precinct are made, the county clerk shall alter the official registration card of any elector to conform with the change and shall mail a written notice thereof to such elector at his residence address indicated on the altered registration card.

34-418. WEEKLY REVIEW OF NEW REGISTRATION CARDS — REPORT TO INTERESTED OFFICIALS.

Each week the county clerk shall review the registration cards of all newly registered electors for the past weekly period to determine whether they have been previously registered to vote in another state or in another county within this state. The county clerk or secretary of state, through the statewide voter registration system, shall notify the proper registration official or county clerk where the elector was previously registered so that the prior registration may be canceled. The form of such notice shall be prescribed by the secretary of state.

34-419. SUSPENSION OF REGISTRATION OF ELECTORS WHO APPEAR NOT TO BE CITIZENS OF THE UNITED STATES.

The county clerk shall remove from the register of electors the official registration card of any elector who appears by the registration records in the office of the county clerk not to be a citizen of the United States and shall suspend the registration of such elector. The county clerk shall mail a written notice of such removal and suspension to the elector at his residence address indicated on the card. If the elector proves to the county clerk that he is in fact a citizen of the United States, his card shall be replaced in the register and his registration reinstated.

34-420. NO ELECTOR'S REGISTRATION SHALL BE CANCELED WHILE HE IS SERVING IN THE ARMED FORCES — EXCEPTION.

(1) Except as provided in section [34-435](#), Idaho Code, no elector's registration shall be canceled, nor shall he be deprived of his right to vote at any election by reason of the removal of his official registration card from the register of electors, during any period that he is serving in the armed forces of the United States or of any ally of the United States.

(2) In order to facilitate the implementation of the provisions of subsection (1) of this section, the one hundred twenty (120) day limitation in section [34-435](#), Idaho Code, shall be waived for the year 1987, in order to allow military registrations to be cancelled by the county clerk in calendar year 1987.

34-421 THROUGH 34-430. REPEALED.

34-431. CHALLENGES OF ENTRIES IN ELECTION REGISTER.

At the time of any election, any registered elector may challenge the entry of an elector's name as it appears in the election register. 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.

34-432. CORRECTION OF ELECTION REGISTER FROM CHALLENGES AT ELECTION.

(1) Within sixty (60) days after each election, the county clerk shall examine the election register and note the challenges as described in section [34-431](#), Idaho Code. The county clerk shall mail a written inquiry to the challenged elector at his mailing address as indicated on his registration card. Such inquiry shall state the nature of the challenge and provide a suitable form for reply.

(2) Within twenty (20) days from date of mailing of the written inquiry the elector may, in person or in writing, state that the information on his registration card is correct. Upon receipt of such a statement or request the county clerk shall determine whether the information satisfies the challenge. If the county clerk determines that the challenge has not been satisfied, the county clerk shall schedule a hearing on the challenge and shall notify the elector of the place and time of the hearing. The hearing shall be held no later than twenty (20) days after notice is given. At the hearing, the challenged elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the challenged elector's registration is not valid, the county clerk shall cancel the registration. If a challenged elector fails to make the statement or request in response to the inquiry, the county clerk shall cancel the registration.

(3) The county clerk may make inquiry into the validity of any registration at any time. The inquiry shall proceed as provided in this section.

34-433. MONTHLY CORRECTION OF ELECTION REGISTER FROM REPORTED DEATHS.

The state board of health [and welfare] shall, on or about the 25th day of each month, furnish to the secretary of state a listing showing the name, age, county of residence and residence address of each Idaho resident who has died during the preceding month. The secretary of state shall sort this list by county and furnish a copy of same to each county clerk. Each county clerk shall immediately cancel all registrations of individuals reported as deceased by the state board of health [and welfare] in the board's report to the secretary of state.

34-434. RETENTION OF NOTICES AND CORRESPONDENCE RELATING TO CORRECTION OF ELECTION REGISTERS.

Copies of all notices and other correspondence issued pursuant to the directives contained in sections 67 and 68 of this act [34-432, 34-433, Idaho Code,] shall be retained by the county clerk for a period of two (2) years from date of mailing.

34-435. CANCELLATION OF REGISTRATIONS FOLLOWING ANY GENERAL ELECTION OF THOSE NOT VOTING FOR FOUR YEARS.

Within one hundred and twenty (120) days following the date of the general election in 1978 and every general election thereafter, 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 primary or general election in the past four (4) years.

This section shall be construed as to provide for a uniform four (4) year registration period for all electors.

In carrying out the provisions of Idaho Code 34-435, the Secretary of State's office has adopted the following procedures:

- 1. Check only the 2006 primary and general election and the 2008 primary and general election to see if an elector has voted. The voting history from municipal elections is irrelevant to the cancellation.*
- 2. Check to ascertain when the elector was registered. He must be registered in 2004 or previous. Electors registered in 2005 and later shall not be purged.*
- 3. If an elector has not voted at any election mentioned in #1 above, and he is registered in 2004 or previous, then his registration shall be canceled.*
- 4. The Secretary of State recommends that a notice of cancellation (either ER-15 or a comparable notice) be sent to each elector whose registration has been canceled.*
- 5. March 4, 2009 is the last day for the County Clerk to cancel registrations pursuant to Idaho Code 34-435.*
- 6. Idaho Code 34-436 states that all correspondence relating to the cancellation of an elector's registration shall be retained for two (2) years.*
- 7. If there is any doubt concerning the cancellation of an elector's registration, do not cancel.*

34-436. RETENTION OF CORRESPONDENCE RELATING TO CANCELLATION OF VOTER'S REGISTRATION.

All correspondence relating to the cancellation of an elector's registration shall be preserved by the county clerk for a period of two (2) years following the time of any general election.

34-437. FURNISHING LISTS OF REGISTERED ELECTORS — RESTRICTIONS.

(1) Each of the county clerks, upon receiving a request shall supply to any individual, a current list of the registered electors of the county and their addresses, arranged in groups according to election precincts. The county clerks shall prepare an original of the above list from the state voter registration system at county expense. Any person desiring a copy of the original list shall be furnished the same, and the county clerk shall assess the individual an amount which will compensate the county for the cost of reproducing such copy.

(2) No person to whom a list of registered electors is made available or supplied under subsection (1) of this section and no person who acquires a list of registered electors prepared from such list shall use any information contained therein for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. Provided however, that any such list and label may be used for any political purpose.

County clerks are obligated to provide lists of registered electors from the statewide voter registration database upon request. For more information on the database, see the commentary below the following section. The law prohibits the use of such lists for commercial purposes, but expressly permits use of such lists for campaign mailings and other political activities.

34-437A. STATEWIDE LIST OF REGISTERED ELECTORS.

(1) 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).

(2) The statewide system shall contain the name and registration information of every legally registered voter in the state and assign a unique identifier to each legally registered voter in the state, and include the following:

(a) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state.

- (b) The computerized list shall contain the name and registration information of every legally registered voter in the state.
- (c) Under the computerized list, a unique identifier shall be assigned to each legally registered voter in the state.
- (d) The computerized list shall be coordinated with other agency databases within the state.
- (e) Any election official in the state, including any local election official, may obtain immediate electronic access to the information contained in the computerized list.
- (f) All voter registration information obtained by any local election official in the state shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.
- (g) The secretary of state shall provide such support as may be required so that local election officials are able to enter information as described in subsection (2)(f) of this section.
- (h) The computerized list shall serve as the official voter registration list for the conduct of all elections for federal office in the state.

(3) Any person desiring a copy of the statewide list of registered electors shall be furnished the same, and the secretary of state shall assess the individual an amount which will compensate the state for the cost of reproducing such copy.

No person to whom a list of statewide electors is furnished and no person who acquires a list of statewide electors prepared from such list shall use any information contained therein for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. Provided however, that any such list and label may be used for any political purpose.

A major change implemented by the Help America Vote Act is the requirement for a single, uniform, official, centralized, interactive, computerized statewide voter registration database. The database must:

Include each registered individual in the state, and each individual must be assigned a unique identifier;

Be the single system in the state for storing and managing the list of registered voters;

Be coordinated with other state agencies and state databases;

Be immediately accessible by state and local election officials; and

Serve as the official voter registration list for federal elections.

City clerks will continue to serve as appointed registrars, distributing registration cards and submitting completed cards to the county clerks.

34-437B. FURNISHING LISTS OF REGISTERED ELECTORS TO SCHOOL DISTRICTS.

Each of the county clerks, upon receiving a request therefor, not later than the thirtieth day prior to a school election, shall, not later than the seventh day prior to the election, supply to a requesting school board a list of registered electors, that are within the school district within which a school district election is to be held. The county clerk may assess the school board an amount which will compensate the county for the cost of preparing such a list.

34-438. REPEALED.

34-439. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS.

Notwithstanding any other provision of law, any taxing district which proposes to submit any question to the electors of the district that would authorize any bonded indebtedness shall provide a brief official statement setting forth in simple, understandable language, information on the proposal substantially as follows:

- (1) The total existing indebtedness, including interest accrued, of the taxing district;
- (2) The interest rate which is anticipated on the proposed bond issue, the range of anticipated rates, and the maximum rate if a maximum is specified in the submission of the question; and
- (3) The total amount to be repaid over the life of the bond issue based on the anticipated interest rate, if the bond election is approved.

The verified, official district's statement shall be made a part of the official ballot and be included in the official notice of the election.

Recall Elections:

Idaho Code Title 34, Chapter 17

Idaho Code Title 34, chapter 17 lays out the steps for perfecting a recall petition and holding a recall election. The recall election is conducted according to the provisions of the Idaho Municipal Election Law (Title 50, chapter 4, Idaho Code). For the purposes of this manual, only those sections of the recall law that apply to cities are included.

34-106. LIMITATION UPON ELECTIONS (excerpt).

(7) Initiative, referendum and recall elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than forty-five (45) days after the clerk of the political subdivision orders that such initiative, referendum or recall election shall be held.

34-1701. OFFICERS SUBJECT TO RECALL (excerpt).

The following public officers, whether holding their elective office by election or appointment, and none other, are subject to recall:

(3) City officers:

(a) The mayor;

(b) Members of the city council.

34-1702. REQUIRED SIGNATURES ON PETITION (excerpt).

A petition for recall of an officer shall be instituted by filing with the appropriate official a verified written petition requesting such recall.

(4) If the petition seeks recall of any of the officers named in subsection (3) of section [34-1701](#), Idaho Code, the petition shall be filed with the city clerk, and must be signed by registered electors of the city equal in number to twenty percent (20%) of the number of electors registered to vote at the last general city election held in the city for the election of officers.

34-1703. FORM OF PETITION (excerpt).

(4) The recall petition for city officers shall be in substantially the following form:

RECALL PETITION

To the honorable, City Clerk for the City of:

We, the undersigned citizens and registered electors of the City of, respectfully demand that, holding the office of, of the City of, be recalled by the registered electors of the City of for the following reasons, to-wit:

(setting out the reasons for recall in not more than 200 words); that a special election therefor be called; that we, each for himself say: I am a registered elector of the City of, my residence, post office address, and the date I signed this petition are correctly written after my name.

| Signature | Printed Name | Residence Street and Number | City or Post Office | Date |
|-----------|--------------|-----------------------------------|------------------------|------|
|-----------|--------------|-----------------------------------|------------------------|------|

(Here follow twenty numbered lines for signatures.)

34-1704. PRINTING OF PETITION AND SHEETS FOR SIGNATURES — TIME LIMITS FOR PERFECTING PETITION.

(1) Before or at the time of beginning to circulate any petition for the recall of any officer subject to recall, the person or persons, organization or organizations under whose authority the recall petition is to be circulated, shall send or deliver to the...city clerk...a copy of a prospective petition duly signed by at least twenty (20) electors eligible to sign such petition. The receiving officer shall immediately examine the petition and specify the form and kind and size of paper on which the petition shall be printed and circulated for further signatures. All petitions and signature sheets for recall shall be printed on a good quality bond or ledger paper of standardized size in substantial conformance within the provisions of section [34-1703](#), Idaho Code. To every sheet of petitioners' signatures shall be attached a full and correct copy of the recall petition.

(2) The...city clerk...shall indicate in writing on the prospective recall petition that he has approved it as to form and the date of such approval. Upon approval as to form, the...city clerk, shall inform the person or persons, organization or organizations under whose authority the recall petition is to be circulated, in writing, that the petition must be perfected with the required number of certified signatures within seventy-five (75) days following the date of approval as to form. Signatures on the prospective petition shall not be counted toward the required number of certified signatures. Any petition that

has not been perfected with the required number of certified signatures within the seventy-five (75) days allowed shall be declared null and void ab initio in its entirety.

34-1705. VERIFICATION ON SHEETS FOR SIGNATURES.

Each and every signature sheet of each petition containing signatures shall be verified on the face thereof in substantially the following form by the person who circulated said sheet of the petition, by his or her affidavit thereon, as a part thereof:

State of Idaho

ss.

County of

I, ..., swear, under penalty of perjury, that I am a resident of the State of Idaho and at least eighteen (18) years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name and the accompanying required information on the signature sheet correctly, and that the person was eligible to sign this petition.

(Signature)

Post office address

.....
Subscribed and sworn to before me this day of,
(Notary Seal)

.....
Notary Public
Residing at

34-1706. EXAMINATION AND CERTIFICATION OF SIGNATURES.

All petitions with attached signature sheets shall be filed on the same day with the...city clerk... The...city clerk shall promptly transmit the petitions and attached signature sheets to the county clerk. An examination to verify whether or not the petition signers are qualified electors shall be conducted by the county clerk as provided in section [34-1807](#), Idaho Code. This examination shall not exceed fifteen (15) business days from the date of receipt of the petitions.

34-1707. SUFFICIENCY OF PETITION — NOTIFICATION — EFFECT OF RESIGNATION — SPECIAL ELECTION (excerpt).

(4) In the event that a petition filed with a city clerk is found by the city clerk to contain the required number of certified signatures, the city clerk shall promptly, by certified mail, inform the officer being recalled, and the petitioner, that the recall petition is in proper form.

(a) If the officer being recalled resigns his office within five (5) business days after notice from the city clerk, his resignation shall be accepted and the resignation shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.

(b) If the officer being recalled does not resign his office within five (5) business days after notice from the city clerk, a special election shall be ordered by the city clerk. The special election must be held on the date prescribed in section [34-106](#), Idaho Code. The special election shall be conducted citywide.

(5) In the event that a petition is found not to have the required number of signatures, the officer shall continue in office and no new recall petition may be circulated for a period of ninety (90) days against the same officer.

34-1708. FORM OF RECALL BALLOT.

The ballot at any recall election shall be headed "RECALL BALLOT" and on the ballot shall be printed in not more than two hundred (200) words the reason for demanding the recall of the officer named in the recall petition, and in not more than two hundred (200) words the officer's justification of his course in office. Then the question of whether the officer should be recalled shall be placed on the ballot in a form substantially similar to the following:

- FOR recalling who holds office of
- AGAINST recalling who holds office of

34-1709. OFFICER TO CONTINUE IN OFFICE.

The officer named in the recall petition shall continue to perform the duties of his office until the results of the special recall election are officially declared.

34-1710. CONDUCT OF SPECIAL RECALL ELECTION.

Special elections for the recall of an officer shall be conducted and the results thereof canvassed and certified in all respects as general elections, except as otherwise provided. Nothing in this chapter shall preclude the holding of a recall election with another election.

34-1711. CANVASS OF RETURNS (excerpt).

(1)(d) For all special recall elections involving city officers, the mayor and council shall meet within six (6) days after said election to canvass the votes cast at such election, and the city clerk shall immediately after the completion thereof, proclaim the results.

34-1712. GENERAL ELECTION LAWS CONTROL.

(1) The provisions relating to general elections, including the payment of expenses of conducting the recall election, shall govern special recall elections except where otherwise provided for.

(2) Whenever a special recall election is ordered, notice must be issued and posted in the same manner as for a general election.

(3) To recall any officer, a majority of the votes cast at the special recall election must be in favor of such recall, and additionally, the number of votes cast in favor of the recall must equal or exceed the votes cast at the last general election for that officer. If the officer was appointed or was not required to stand for election, then a majority of the votes cast in the recall election shall be the number necessary for recall.

(4) If recalled, an officer shall be recalled as of the time when the results of the special recall election are proclaimed, and a vacancy in the office shall exist.

(5) If an officer is recalled from his office the vacancy shall be filled in the manner provided by law for filling a vacancy in that office arising from any other cause.

34-1713. TIME WITHIN WHICH RECALL MAY BE FILED — REMOVAL OF SIGNATURES.

(1) No petition for a recall shall be circulated against any officer until he has actually held his office ninety (90) days.

(2) After one (1) special recall election, no further recall petition shall be filed against the same officer during his current term of office, unless the petitioners first pay into the public treasury which has paid such special recall election expenses the whole amount of the expenses for the preceding recall election. The specific reason for recall in one (1) recall petition cannot be the basis for a second recall petition during that current term of office.

(3) The signer of any recall petition may remove his own name from the petition by crossing out, obliterating, or otherwise defacing his own signature at any time prior to the time when the petition is filed.

34-1714. PROHIBITED ACTS — PENALTIES.

(1) A person is guilty of a felony, who:

- (a) Signs any name other than his own to any recall petition;
- (b) Knowingly signs his name more than once on the same recall petition;
- (c) Knowingly signs his name to any recall petition for the recall of any state, county or city officer if he is not a registered elector;
- (d) Wilfully or knowingly circulates, publishes or exhibits any false statement or representation concerning the contents, purport or effect of any recall petition for the purpose of obtaining any signature to any such petition, or for the purpose of persuading any person to sign any such recall petition;
- (e) Presents to any officer for filing any recall petition to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent, or not the genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed thereto;
- (f) Circulates or causes to circulate any recall petition, knowing the same to contain false, forged or fictitious names;
- (g) Makes any false affidavit concerning any recall petition or the signatures appended thereto;
- (h) Offers, proposes or threatens for any pecuniary reward or consideration:
 - (i) To offer, propose, threaten or attempt to sell, hinder or delay any recall petition or any part thereof or any signatures thereon;
 - (ii) To offer, propose or threaten to desist from beginning, promoting or circulating any recall petition;
 - (iii) To offer, propose, attempt or threaten in any manner or form to use any recall petition or any power of promotion or opposition in any manner or form for extortion, blackmail or secret or private intimidation of any person or business interest.

(2) A public officer is guilty of a felony, who:

- (a) Knowingly makes any false return, certification or affidavit concerning any recall petition, or the signatures appended thereto.

34-1715. REFUSAL TO ACCEPT PETITION — MANDATE — INJUNCTION.

If the secretary of state, county clerk, or city clerk, refuses to accept and file any petition for the recall of a public officer with the requisite number of eligible signatures, any citizen may apply within ten (10) business days after such refusal to the district court for a writ of mandamus to compel him to do so. If it shall be decided by the court that such petition is legally sufficient, the secretary of state, county clerk, or city clerk shall then accept and file the recall petition, with a certified copy of the judgment attached thereto, as of the date on which it was originally offered for filing in his office, except that the time limitations required by section [34-1704](#)(2), Idaho Code, shall begin to run only as of the date of the court judgment, which shall be so stated in the judgment. On a showing that the petition is not legally sufficient, the court may enjoin the secretary of state, county clerk, or city clerk, and all other officers from certifying or printing any official ballot for a recall election. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the court of appeals within ten (10) business days after a decision is rendered. The district court of the state of Idaho in and for Ada County shall have jurisdiction in all cases involving the recall of state officers.

Initiative and Referendum Elections: Idaho Code Title 50, Chapter 5

34-106.LIMITATION UPON ELECTIONS (excerpt).

(7) Initiative, referendum and recall elections conducted by any political subdivision shall be held on the nearest date authorized in subsection (1) of this section which falls more than forty-five (45) days after the clerk of the political subdivision orders that such initiative, referendum or recall election shall be held.

50-501. INITIATIVE AND REFERENDUM.

The city council of each city shall provide by ordinance for direct legislation by the people through the initiative and referendum. Minimum requirements of the ordinance adopted shall be as follows: (1) petitioners for initiative or referendum shall be equal to twenty percent (20%) of the total number of electors who cast votes at the last general election in the city; (2) petitions for referendum shall be filed not less than sixty (60) days following the final adoption of the ordinance to be subject to referendum; (3) a special election for initiative or referendum shall be provided as prescribed in section [34-106](#), Idaho Code; (4) requirements for signature, verification of valid petitions, printing of petition, and time limits, except as expressly modified herein, shall be as nearly as practicable as provided in sections [34-1701](#) through [34-1705](#), Idaho Code. This section does not apply to bond elections.

Recount of Ballots:

Idaho Code Title 34, Chapter 23

34-2301. APPLICATION FOR RECOUNT OF BALLOTS.

Any candidate for federal, state or county office desiring a recount of the ballots cast in any nominating or general election may apply to the attorney general therefor, within twenty (20) days of the canvass of such election, by the state board of canvassers if for federal and state office, or within twenty (20) days of the canvass of such election by the county commissioners if for a county office.

34-2302. PRECINCTS SPECIFIED FOR RECOUNT — REMITTANCE.

In his application he shall state the precinct or precincts in which he desires recount to be made and shall remit to the attorney general together with his application the sum of \$100.00 for each such precinct in which he desires a recount made.

34-2303. BALLOTS ORDERED IMPOUNDED BY ATTORNEY GENERAL.

Upon receiving the application for recount together with the remittance required by the preceding section the attorney general shall cause all ballot boxes used in such election in the precinct or precincts in which recount is to be made to be immediately impounded and taken into custody by the sheriff of the county or counties in which precinct or precincts are located. In the event that the recount is of the results of a primary election the ballot boxes used to hold the blank half of the ballot shall also be impounded.

34-2304. ORDER FOR RECOUNT — PROCEDURE — NOTICE.

The attorney general shall then issue an order for recount. The order shall name the prior election judges and clerks of the precinct to act in the same capacity and receive the same compensation as they did on election day. The order shall provide for the place where the recount is to be made; that all candidates named on the ballot for the office contested, or a representative of either or all of them, may be present to watch the counting; and that every other person interested may be present. The order shall state the date on which the recount is to be made which shall not be more than ten (10) days from the date of the order. Copies of the order shall be mailed to each candidate named on the ballot for the office to be recounted.

34-2305. MANNER OF RECOUNTING.

At the time and place fixed for recounting the ballots cast in any precinct all ballots shall be recounted in plain view of the candidates or their representatives, and if the recount is of a primary election the blank ballots shall be counted against the ballots that were voted. The recount shall commence at the time and place so ordered, and shall continue until the recount is finished and the results tabulated. The recount shall be conducted under the same conditions and in the same manner as the original count. The attorney general shall be the final authority concerning any question which arises during the recount.

34-2306. DIFFERENCE REVEALED BY RECOUNT — CANDIDATE RELIEVED OF COSTS.

If the results of the recount indicate a difference which if projected across all the precincts of the office in question would change the result of the election in favor of the candidate requesting the recount, then the cost of such recount shall be borne by the county or state and the sums of money theretofore paid for the recount shall be returned to the candidate.

In order to be relieved of the costs of the recount, the candidate must request that at least twenty (20) precincts containing not less than five thousand (5,000) votes cast be recounted if for a federal or state office, or five (5) precincts containing not less than one thousand two hundred fifty (1,250) votes cast be recounted for a state legislative district office, or two (2) precincts having not less than five hundred (500) votes cast be recounted for a county office.

34-2307. WHEN GENERAL RECOUNT ORDERED.

If the candidate who requested the recount is relieved of the costs of the recount as described in section [34-2306](#), Idaho Code, the attorney general shall require a recount to be made in all the remaining precincts of the office in question. The state shall pay for a general recount of a federal, state, or legislative district office, while the county shall pay for a general recount of a county office.

34-2308. CANDIDATE DISAGREEING WITH RECOUNT RESULTS — APPEAL.

(1) Any candidate may appeal the results of a recount or the determination that a recount is not necessary when:

- (a) Any candidate for the office for which recount has been requested disagrees with the results of the recount and alleges that the law has been misinterpreted or misapplied;

(b) It appears that a different application or interpretation of the law would have required a general recount where no general recount was ordered; or

(c) It appears that a different application or interpretation of the law would not have required a general recount where a general recount was ordered;

then the candidate claiming the misinterpretation or the misapplication of law may appeal to the district court in the county concerned if the office is a county or municipal office or to the district court in Ada county if the office is a federal or state office.

(2) The submittal on appeal shall be by brief and submitted within twenty-four (24) hours following the recount. The appeal submittal shall be served upon the attorney general of Idaho within twenty-four (24) hours of filing it within the district court. The appeal submittal shall also be served upon the opposing candidate(s) within twenty-four (24) hours of filing the appeal in the district court.

(3) The attorney general, in consultation with the secretary of state, may respond to the submittal by brief.

(4) The opposing candidate(s) may respond to the submittal by brief.

(5) At the discretion of the district court judge, a hearing may be ordered within five (5) days of the filing of the appeal. All parties required to be served with the appeal may participate fully in the hearing. The judge may determine that the appeal may be decided on the brief without a hearing.

(6) A decision thereon shall be given within five (5) days. Any appeal from the decision of the district court must be taken within twenty-four (24) hours after a decision is rendered. A decision on the appeal shall be given within five (5) days. No further appeal shall be allowed.

34-2309. AUTOMATIC RECOUNT.

A losing candidate for nomination, or election to a federal, state, or county office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for the winning candidate for nomination or election is less than or equal to one-tenth of one percent (0.1%) of the total votes cast for that office. All requests shall be in writing, and filed with the attorney general during the time mentioned in section [34-2301](#), Idaho Code.

The state shall pay for the automatic recount of a federal, state, or legislative district office, while the county shall pay for the automatic recount of a county office.

34-2310. "COSTS" DEFINED.

As used in this chapter, costs of recount shall include the following:

- (1) Travel costs of the office of the attorney general including meals and lodging.
- (2) Normal hourly rate for election judges and clerks who are not employees of the county.
- (3) Mileage for election judges who are not employees of the county.
- (4) Any other costs directly attributable to the recount.

Voting Machines and Vote Tally Systems:

Idaho Code Title 34, Chapter 24

34-2401. DEFINITIONS.

As used in this chapter:

- (1) "Ballot" means any material used or the voting surface of a direct recording electronic system on which votes are cast for offices, candidates and measures.
- (2) "Ballot card" means the tabulating card or cards of any size upon which the voter records his vote.
- (3) "Ballot label" means the cards, papers, booklet or other material containing the names of offices and candidates and measures to be voted on.
- (4) "Election" means all state, county, city, district and other political subdivision elections including bond issue elections.
- (5) "Governing body" means the board of county commissioners of any county or the governing body of any city, district or other political subdivision elections including bond issue elections.
- (6) "Measure" means a proposed law, act or part of an act of the legislative assembly or amendment to the constitution of the state of Idaho to be submitted to the people for their approval or rejection at an election. "Measure" also means other propositions which can be submitted to the voters at any election by counties, cities, districts or other political subdivisions.
- (7) "Model" means a mechanically operated model of a portion of the face of the machine illustrating the means of voting.
- (8) "Precinct" includes all election districts.
- (9) "Voting machine" means:
 - (a) Any mechanical or electronic device which will record every vote cast by any voter on candidates and measures and which will either internally or externally total all votes cast on that device;
 - (b) Any device into which a ballot card may be inserted and which is so designed and constructed that the vote for any candidate or measure may be indicated by punching or marking the ballot card.

(10) "Vote tally system" means one (1) or more pieces of machinery or equipment necessary to examine and tally automatically paper ballots having marks placed thereon by a written mark or by a marking stamp. The examination shall be accomplished by either mark sensing or optical scanning.

34-2402. AUTHORITY TO USE.

It is the policy of this state that at all elections, including bond issue elections, that ballots or votes may be cast, registered, recorded and counted by means of voting machines or vote tally systems as provided in this chapter.

34-2403. APPLICABILITY OF OTHER LAWS.

All election laws, including, but not limited to, bond election laws, city charters or ordinances, not inconsistent with this chapter, shall apply to all elections in election precincts where voting machines or vote tally systems are used. No provision of law, city charter or ordinance which in any way conflicts with this chapter or with the use of voting machines or vote tally systems as provided in this chapter, shall operate to prohibit use of voting machines or vote tally systems in any election or bond issue election.

34-2404. TAMPERING WITH MACHINES PROHIBITED.

(1) No person shall:

- (a) Tamper with or injure or attempt to injure any voting machine or vote tally system to be used or being used in an election.
- (b) Tamper with any voting machine or vote tally system that has been used in an election.
- (c) Prevent or attempt to prevent the correct operation of any voting machine or vote tally system.

(2) An unauthorized person shall not make or have in his possession a key to a voting machine to be used or being used in an election.

(3) Neither the secretary of state nor any officer or employee of any county, city, district or other political subdivision using voting machines or vote tally systems, shall solicit or accept any compensation, other than amounts paid by the governmental unit, in connection with the sale, lease or use of voting machines or vote tally systems.

34-2405. AUTHORITY FOR PROCUREMENT OF MACHINES.

(1) After consultation with the county clerk as chief elections officer of his county, the governing body at any regular meeting or a special meeting called for the purpose, may rent, purchase or otherwise procure, and provide for the use of, in all or a portion of the election precincts of the county, any voting machine or vote tally system which the governing body deems to be in the best interest of that county and which machine or system is approved by the secretary of state.

(2) Thereafter the voting machine or vote tally system shall be used for voting and for receiving, registering and counting the votes in all primary and general elections held in such precincts.

(3) In all other elections, the voting machine or vote tally system may be used for voting, receiving, registering and counting the votes at the direction of the county clerk.

34-2406. JOINT PURCHASE AND USE OF MACHINES AUTHORIZED.

(1) In procuring the necessary voting machines or vote tally systems to be used, a governing body of any county, city, district or other political subdivision in the county, may by agreement entered into by the board of county commissioners and the governing bodies of cities, districts or other political subdivisions, provide for the joint purchase and subsequent ownership of voting machines or vote tally systems and for the care, maintenance and use of the machines or vote tally systems.

(2) The governing body of two (2) or more counties may by agreement provide for the joint use of voting machines or vote tally systems.

34-2407. PURCHASE OF MACHINES — MANNER OF PAYMENT.

(1) The governing body may, on the adoption and purchase of voting machines or vote tally systems, provide for their payment in the method it determines to be for the best interest of the county, city, district or other political subdivision. The governing body may make contracts for the purchase of the machines or vote tally systems with such provisions with regard to price, manner of purchase and time of payment that the governing body determines are proper.

(2) For the purpose of paying for voting machines or vote tally systems, the governing body may:

(a) Issue bonds, warrants, notes or other negotiable obligations. The bonds, warrants, certificates, notes or other obligations shall be a charge upon the county, city, district or other political subdivisions.

(b) Pay for the voting machines or vote tally system in cash out of the general fund.

(c) Provide for the payment for the voting machines or vote tally systems by other means.

(3) In estimating the amount of taxes for the general fund, if any, the amount required for payment for voting machines or vote tally systems shall be added, extending over the time required to pay for the machines or vote tally systems.

34-2408. PRIOR APPROVAL REQUIRED FOR ISSUANCE OF BONDS.

The governing body of any county shall, prior to authorizing the issuance of bonds obtain the approval in writing of the secretary of state as to the type and number of machines or vote tally systems to be purchased and the price to be paid therefor.

34-2409. EXAMINATION OF MACHINES BY SECRETARY OF STATE PRIOR TO ADOPTION.

(1) The secretary of state shall publicly examine all makes of voting machines or vote tally systems submitted to him and determine whether the machines or vote tally systems comply with the requirements of this chapter, and can safely be used by voters at elections under the provisions of this chapter. In order for any voting machine or vote tally system to be certified in Idaho it must meet the federal election commission standards and be approved for use by an independent testing authority sanctioned by the national association of state election directors (NASED) or be certified by the federal election assistance commission.

(2) Any person owning or interested in a voting machine or vote tally system may submit it to the secretary of state for examination. No examination shall be conducted unless documentation is provided indicating that the voting machine or vote tally system meets the federal election commission standards. For the purpose of assistance in examining the machine or vote tally system the secretary of state may employ not more than three (3) individuals who are expert in one (1) or more of the fields of data processing, mechanical engineering and public administration. The compensation of these assistants shall be paid by the person submitting the machine or vote tally system.

(3) Within thirty (30) days after completing the examination and approval of any voting machine or vote tally system the secretary of state shall make and file in his office his report on the machine or vote tally system, together with a written or printed description and drawings and photographs clearly identifying the machine or vote tally system and the operation thereof. As soon as practicable after such filing, the secretary of state upon request shall send a copy of the report to any governing body within the state.

(4) Any voting machine or vote tally system that receives the approval of the secretary of state may be used for conducting elections in this state. Any machine or vote tally system that does not receive such approval shall not be adopted for or used at any election. After a voting machine or vote tally system has been approved by the secretary of state, any change or improvement in the machine or vote tally system that does not impair its accuracy, efficiency or capacity shall not render necessary a reexamination or reapproval of the machine or vote tally system.

(5) Any voting system, including paper ballots, that was used in the 2004 general election shall be continued to be authorized for use as long as the voting system meets the requirements of the "Help America Vote Act of 2002," Public Law 107-252.

(6) For all elections conducted after 2004, no direct recording electronic voting device shall be used unless the direct recording electronic voting device has a voter verifiable paper audit trail. Any certifications of a direct recording electronic voting device without a voter verifiable paper audit trail are hereby declared null and void.

(7) The secretary of state may periodically review the various voting systems that have been certified for use in the state to ensure such systems meet the standards set forth by the federal election assistance commission and the national institute of standards and technology. Any voting system that does not meet such standards may be decertified after a public hearing.

34-2410. SPECIFICATIONS FOR VOTING MACHINES OR VOTE TALLY SYSTEMS.

(1) No voting machine or vote tally system shall be approved by the secretary of state unless it is constructed so that it:

(a) Secures to the voter secrecy in the act of voting.

(b) Provides facilities for voting for the candidates of as many political parties or organizations as may make nominations and for or against as many measures as may be submitted.

(c) Permits the voter to vote for any person for any office and upon any measure that he has the right to vote for.

(d) Permits the voter, except at primary elections, to vote for all the candidates of one (1) party or in part for the candidates of one (1) party and in part for the candidates of one or more other parties.

(e) Permits the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more.

- (f) Prevents the voter from voting for the same person more than once for the same office.
- (g) Correctly registers or records all votes cast for any and all persons and for or against any and all measures.
- (h) Can be adjusted so that the counting mechanism rejects any vote cast on the tabulating card in excess of the number which the voter is entitled to vote.
- (i) Provides that a vote for more than one (1) candidate cannot be cast by one (1) single operation of the machine or vote tally system.

(2) A vote tally system shall be:

- (a) Capable of correctly counting votes on ballots or ballot cards on which the proper number of votes have been marked for any office or question or issue that has been voted.
- (b) Capable of ignoring the votes marked for any office or question or issue where more than the allowable number of votes have been marked, but shall correctly count the properly voted portions of the ballot card.
- (c) Capable of accumulating a count of the specific number of ballots or ballot cards tallied for a precinct, accumulating total votes by a candidate for each office; and accumulating total votes for and against each question and issue of the ballots or ballot cards tallied for a precinct.
- (d) Capable of tallying votes from ballots or ballot cards of different political parties, from the same precinct, in the case of a primary election.
- (e) Capable of accommodating rotation of candidates' names on the ballot or ballot card, provided that all ballots or ballot cards from one (1) precinct shall be of the same rotation sequence.
- (f) Capable of automatically producing precinct totals in either printed, marked, or punched form, or combinations thereof.

34-2411. DUTIES OF CLERKS OF ELECTION BOARDS.

- (1) The secretary of state shall issue an administrative order outlining the duties of each of the clerks on the election board. He shall devise and prescribe for use by each local election officer the contents, form, character and kinds of ballots, ballot labels, ballot cards, formats, records, papers and documents and other materials and supplies and procedures necessary in the use of voting machines or vote tally systems and in the process of counting and tabulating the ballots by mechanical or electrical counting devices or equipment or computers.

(2) The secretary of state shall prescribe rules and regulations to achieve and maintain the maximum degree of correctness, impartiality and efficiency on the procedures of voting, and of counting, tabulating and recording votes, by the devices, machines or vote tally systems and methods provided by this act.

34-2412. COMPOSITION OF PRECINCT ELECTION BOARDS.

(1) The election board of each election precinct in which a voting machine or vote tally system is used shall consist of an election judge and one (1) or more clerks. Each election board shall contain personnel representing all existing political parties if a list of applicants has been provided to the county clerk by the precinct committeemen of the precincts at least sixty (60) days prior to the primary election. The county clerk shall establish the number of election board clerks.

(2) The qualifications and duties of election judges shall apply to the appointment of election board clerks in counties or precincts where voting machines or vote tally systems are used.

(3) The board of county commissioners or the governing body of a city, district or other political subdivision, not later than forty (40) days before an election, may create, unite, combine or divide one or more election precincts for the purpose of using one or more voting machines or vote tally systems therein at the election. The number of registered voters to be included in each of the election precincts shall be determined by such board of county commissioners or governing body of a city, district or other political subdivision.

34-2413. PREPARATION OF MACHINES FOR USE — INSTRUCTIONS.

(1) Before each election at which voting machines or vote tally systems are to be used, the county clerk of a county, or the clerk of a city, district or other political subdivision, in which voting machines or vote tally systems are to be used, shall cause them to be properly prepared and shall cause the election board to be properly instructed in their use.

(2) For the purpose of giving such instruction, the county clerk shall call the meeting or meetings of the election board that are necessary. Each election board shall attend the meetings and receive the instruction necessary for the proper conduct of the election with the machine or vote tally system.

(3) No election board judge or clerk shall serve in any election at which a voting machine or vote tally system is used unless he has received the required instruction and is fully qualified to perform the duties in connection with the machine or vote tally system; but this requirement shall not prevent the appointment of an election board clerk to fill a vacancy in an emergency.

34-2414. PRINTED MATTER AND SUPPLIES.

(1) The election officer charged with the duty of providing ballots shall provide all necessary instruction, forms and supplies required for the proper use of the voting machines or vote tally systems.

(2) Within a proper and reasonable time before the first election at which voting machines or vote tally systems are to be used, the secretary of state shall prepare samples of the printed matter and supplies required. He shall furnish one (1) of each of the samples to the election officer in charge of the election of each county, city, district or other political subdivision in which the machines or vote tally systems are to be used.

(3) The county clerk or other election officer shall deliver voting machines to each election board as provided for election supplies.

34-2415. PREPARATION OF POLLING PLACE FOR ELECTION.

(1) The election board of each election precinct in which a voting machine is to be used shall meet at the polling place for the election precinct at least thirty (30) minutes before the time set for opening the polls. Before preparing the machine for voting, the election board shall proceed as prescribed in subsection (2) of this section.

(2) The election board shall:

(a) Cause the voting machine to be placed where it can be conveniently attended by the election board and conveniently operated by the voters and where the ballot labels on the machines can be plainly seen by the election board and the public when not being voted on.

(b) Cause the model to be placed where each voter can conveniently operate it and receive instructions on the model as to the manner of voting before entering the voting machine booth.

(c) Determine that the ballot labels are in the proper place on the machine.

(3) After performing their duties as provided in this section, the election board shall certify to the fact in the appropriate places in the poll book.

34-2416. PROCEDURE FOR PREPARING MACHINES FOR AN ELECTION.

(1) In preparing a voting machine for an election, the county clerk or the clerk of the city, district or other political subdivision, as the case may be, shall:

(a) Arrange the machine and the ballot labels so that it shall in every particular case meet the requirements of voting and counting at such elections.

(b) Thoroughly inspect and test the machine, and file a certificate in his office that the ballot labels have been properly arranged.

(2) The arrangement of offices and names of candidates upon the ballot labels shall conform as nearly as practicable to the provisions of law for the arrangement of names on paper ballots, and in the event that there are more candidates for any office than can be placed upon one (1) page, the labels shall be clearly marked to indicate that the names of candidates for the office are continued on the following page.

(3) Representatives of political parties and candidates shall be permitted to examine the voting machines or vote tally systems.

34-2417. NOTICE OF LOCATIONS OF VOTING MACHINES AND POLLING PLACES.

Before preparing the voting machines or vote tally systems for any election, the county clerk shall mail to the chairman of the county or legislative district central committees of each political party who has notified such clerk that notice is desired, a written notice stating the time and place or places where voting machines or vote tally systems will be prepared for the election. At such times and places, one (1) representative of each political party is entitled to be present and see that the machines or vote tally systems are properly prepared and placed in proper condition and order for use at the election. In nonpartisan elections each candidate may designate one (1) representative who has the same powers as the political party representatives. The political party and candidate representatives shall certify that they have witnessed the testing and preparation of the machines or vote tally systems. The certificates shall be filed in the office of the county clerk.

34-2418. BALLOTS AND BALLOT LABELS.

(1) The ballots and ballot labels required to be furnished for general or special elections shall be printed in black ink on clear white material of such size and arrangements as to suit the construction of the machine. The ballot labels for measures may contain a condensed statement of purpose for each measure to be voted on, accompanied by the words "Yes" and "No." The title of the offices on the ballot labels shall be printed in type as large as the space for the office will reasonably permit. Where more than one (1) candidate can be voted for an office, there shall be printed below the office title words indicating the number the voter is lawfully entitled to vote for out of the whole number of candidates, such as "Vote for Two."

(2) The ballots and ballot labels required to be furnished for primary elections may be of different colors for the political parties who are nominating or electing candidates.

(3) The "judiciary ballot" may be added to the ballot labels for the political parties. Candidates for the above offices will be shown under the general title of nonpartisan judicial candidates.

(4) When a vote tally system is used, the county clerk shall prepare the ballots as nearly as practicable as required by law.

34-2419. ROTATION OF NAMES OF CANDIDATES.

In each primary and general election when two (2) or more persons are candidates for nomination or election to the same office, the county clerk or the clerk of a city, district or other municipality in which voting machines or vote tally systems are used shall rotate the names of candidates as directed by the secretary of state.

34-2420. EXAMINATIONS OF FACE OF MACHINE DURING ELECTION.

The election board shall occasionally examine the face of the voting machine and the ballot labels to determine that the machine and the ballot labels have not been damaged or tampered with.

34-2421. PROCEDURE IF A VOTING MACHINE BECOMES INOPERATIVE.

(1) If any voting machine used in any election precinct, during or before the time the polls are opened, becomes damaged so as to render it inoperative in whole or in part, an election board clerk immediately shall notify the election officer charged with the care of the machine.

(2) If possible, the election officer so notified shall repair the machine at once or substitute another machine for the damaged machine.

(3) If no other machine can be procured for use at the election and the damaged machine cannot be repaired in time for further use at the election, or where in the discretion of a majority of the members of the election board it is impracticable to use the machine, the election board shall permit the voters to use paper ballots prepared as in cases where paper ballots are used. The paper ballots shall be furnished to the election board by the county clerk. The paper ballots shall be issued, voted and deposited in ballot boxes in as nearly the same manner as provided by law, except that the paper ballots shall not be tallied and returned by the election board. Instead, these paper ballots shall be delivered to the county clerk for his tally and canvass.

34-2422. CLOSING OF POLLS — DELIVERY OF BALLOTS TO CLERK BEFORE POLLS CLOSED.

(1) At the hour for closing the polls, the election board shall declare the polls of the election closed and shall not permit any further voting. However, electors who are, at the hour of closing, within the polling room or awaiting their turn to vote shall be considered as having begun the act of voting and shall be permitted to cast their votes.

(2) At any time prior to the closing of the polls provision may be made for the delivery of voted ballots to the county clerk or the clerk of a city, district or other political subdivision for counting. If such procedure is adopted, the result of this early count shall not be released to the public until after 8:00 p.m. of election day.

34-2423. ABSENT VOTING BY VOTING MACHINE OR PAPER BALLOT.

The county clerk may provide that absent voting shall be either by voting machine or by marking a paper ballot or a combination of both. In any of the foregoing cases he may establish one (1) absent elector unit to handle and process absent elector ballots for each legislative district within his county and shall cause sufficient ballots of the proper kind or kinds to be provided.

Voted ballots shall be retained by the county clerk until election day when they shall be transferred to the ballot processing center and thereafter made a part of the election returns.

34-2424. PAPER BALLOTS USED IN CONJUNCTION WITH VOTING MACHINES.

In any election where voting machines or vote tally systems are used:

- (1) Paper ballots may be used to record the electors' votes for party offices.
- (2) Paper ballots may be used to record the electors' votes for or against municipal candidates or measures.
- (3) Paper ballots which are used in conjunction with voting machines may be returned to the office of the county clerk for counting by special counting boards. Ballots so counted shall be tallied and returned by precinct.
- (4) Ballots or ballot cards may be returned to the office of the county clerk for counting.
- (5) In the event that paper ballots are used in conjunction with voting machines or vote tally systems to record write-in votes, these paper ballots may be returned to the office of the county clerk for counting by special counting boards. Ballots so counted shall be tallied and returned by precinct.

34-2425. PREPARATION AND DISTRIBUTION OF SAMPLE BALLOTS.

(1) At each primary, general and special election there shall be provided as many sample ballots as the county clerk considers necessary. The sample ballots shall be prepared and distributed as provided by law.

(2) For each primary, general and special election the county clerk shall cause to be published a facsimile, except as to size, of the sample ballot required in subsection (1) of this section.

34-2426. EXHIBITION OF VOTING MACHINES FOR INSTRUCTION OF VOTERS.

(1) Before each election at which voting machines are to be used the county clerk shall place on public exhibition a suitable number of machines for the proper instruction of voters. The machines shall be arranged and equipped with ballot labels so as to best illustrate the method of voting at that election and so far as practicable, shall contain:

(a) The names of the offices to be filled.

(b) The names of the candidates to be voted for, together with their proper party designations in case of party elections.

(c) Statements of the measure to be voted on.

(2) In addition to supplying sample ballots, the county clerk shall, before the election, take reasonable additional steps to familiarize the voters with a diagram showing the face of the voting machine after the official ballot labels are arranged thereon with illustrated instructions how to vote, and with the locations of the voting machines that are on public exhibition.

(3) Before each election at which a vote tally system is to be used, the county clerk shall make every reasonable effort to acquaint the electors within his county with the ballot format and the marking system.

34-2427. PHYSICALLY DISABLED VOTERS.

(1) The election board clerks shall instruct electors on how to record their votes on the voting machine or vote tally system, and shall give assistance to any elector who declares that he is unable by reason of physical disability or other handicap to record his vote on the machine or vote tally system, and on request by the elector after he has entered the voting booth, shall give him the necessary information to enable him to record his vote.

(2) Any elector who, because of blindness, physical disability or other handicap, is unable to mark his ballot shall, upon request, receive the

assistance of the election board clerks or some other person chosen by the elector in the marking thereof. Such clerks or person shall ascertain the wishes of the elector and mark his ballot in accordance therewith, and shall thereafter give no information regarding such marking. The election board judge may require a declaration of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, a clerk shall make a notation thereof in the combination election record and poll book following the name of the elector.

(3) If any elector, after entering the voting booth, asks for information regarding the operation of the voting machine or marking device, the election board clerks shall give him the necessary information.

34-2428. REPEALED.

34-2429. VALIDATION OF ELECTIONS.

All elections, including but not limited to bond issue elections, heretofore conducted pursuant to this chapter and all proceedings had or to be had in the authorization and issuance of the bonds authorized thereat, together with all such bonds when issued, are hereby validated, ratified and confirmed, and all such bonds when issued are declared to constitute legally binding obligations in accordance with their terms. Nothing in this section shall be construed to affect or validate any bond election, or bonds issued pursuant thereto, the legality of which are being contested at the time this act takes effect.

Election Crimes and Punishments:

Idaho Code Title 18, Chapter 23

18-2301. OFFICIAL NEGLIGENCE OR MALFEASANCE.

Every person charged with the performance of any duty, under the provisions of any law of this state relating to elections, who wilfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment for such acts or omissions is prescribed by this Code, punishable by fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the state prison not exceeding five (5) years, or by both and shall in addition thereto, and regardless of whether or not criminal prosecution is undertaken, be subject to removal from office as provided in [title 19](#), chapter 41, Idaho Code.

18-2302. FALSE SWEARING AS TO QUALIFICATIONS AS VOTER.

Every person who, upon his right to vote being challenged at any election held under the laws of this state, wilfully, corruptly and falsely swears touching his qualifications as a voter, is guilty of perjury.

18-2303. REFUSAL TO BE SWORN OR TO ANSWER QUESTIONS.

Every person who, after being required by the board of judges at any election, refuses to be sworn, or who, after being sworn, refuses to answer any pertinent question propounded by such board, touching his right, or the right of any other person, to vote, is guilty of a misdemeanor.

18-2304. PROCURING ILLEGAL VOTES.

Every person who procures, aids, assists, counsels or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, is guilty of a misdemeanor.

18-2305. INTIMIDATION, CORRUPTION AND FRAUDS.

Every person who, by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly attempts to influence any elector in giving his vote, or to deter him from giving the same, or attempts by any means whatever, to awe, restrain, hinder or disturb any elector in the free exercise of the right of suffrage, or furnishes any elector wishing to vote, who can not read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon different from the name which is written or printed

thereon, or defrauds any elector at any such election, by deceiving and causing such elector to vote for a different person, for any office, than he intended or desired to vote for; or who, being officer, judge, or clerk of any election, while acting as such, induces, or attempts to induce, any elector, either by menace or reward, or promise thereof, to vote differently from what such elector intended or desired to vote, is guilty of a misdemeanor.

18-2306. ILLEGAL VOTING OR INTERFERENCE WITH ELECTION.

Every person not entitled to vote, who fraudulently votes, and every person who votes more than once at any one election, or knowingly hands in two (2) or more tickets folded together, or changes any ballot after the same has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or wilfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, is guilty of a felony.

18-2307. ATTEMPTING TO VOTE WHEN NOT QUALIFIED, OR TO REPEAT VOTING.

Every person not entitled to vote, who fraudulently attempts to vote, or who, after being entitled to vote, attempts to vote more than once at any election, is guilty of a misdemeanor.

18-2308. ATTEMPT OF OFFICER TO ASCERTAIN VOTE.

Every officer, judge, or clerk of an election, who, previous to putting the ballot of an elector in the ballot box, attempts to find out any name on such ballot, or who opens, or suffers the folded ballot of any elector that has been handed in, to be opened or examined previous to putting the same into the ballot box, or who makes, or places any mark or device on any folded ballot, with a view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, discloses the name of any person which such officer, judge, or clerk has fraudulently or illegally discovered to have been voted for by such elector, is punishable by fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000).

18-2309. OFFICERS ATTEMPTING TO CHANGE RESULT.

Every officer or clerk of election who aids in changing or destroying any poll list, or in placing any ballots in the ballot box, or taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted or adds to or mixes with, or attempts to add to or mix with the ballots polled any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so when in his power to prevent it, or carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballot box or ballots lawfully polled, is guilty of a felony.

18-2310. FORGING OR COUNTERFEITING RETURNS.

Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town, or ward where no election was in fact held, or wilfully substitutes forged or counterfeit returns of election in the place of the true returns for a precinct, town, or ward where an election was actually held, is guilty of a felony.

18-2311. ADDING TO OR SUBTRACTING FROM VOTES.

Every person who wilfully adds to or subtracts from the votes actually cast at an election in any returns, or who alters such returns, is guilty of a felony.

18-2312. AIDING AND ABETTING ELECTION OFFENSES.

Every person who aids or abets in the commission of any of the offenses mentioned in the four preceding sections, is punishable by imprisonment in the county jail for the period of six months, or in the state prison not exceeding two years.

18-2313. RIOTOUS CONDUCT AND INTERFERENCE WITH ELECTION.

Any person who wilfully disturbs, or is guilty of any riotous conduct at or near, any election place or voting precinct, with intent to disturb the same, or interferes with the access of the electors to the polling place, or in any manner, with the free exercise of the election franchise of the voters, or any voter there assembled, or disturbs or interferes with the canvassing of the votes, or with the making of the returns, is guilty of a misdemeanor.

18-2314. BETTING ON ELECTIONS.

Every person who makes, offers, or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast, either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor.

18-2315. ELECTION OFFENSES NOT OTHERWISE PROVIDED FOR.

Every person who wilfully violates any of the provisions of the laws of this state relating to elections is, unless a different punishment for such violation is prescribed by law, punishable by fine not exceeding \$1,000, or by imprisonment in the state prison not exceeding five (5) years, or by both.

18-2316. TAMPERING WITH CERTIFICATES OF NOMINATION OR BALLOTS.

No person shall falsely make, or make oath to, or fraudulently deface, or fraudulently destroy, any certificate of nomination, or any part thereof, or file, or receive for filing, any certificate of nomination, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination which has been duly filed, or any part thereof, or wilfully delay the delivery of any ballots, or forge or falsely make the official indorsement on the ballot, or wilfully destroy any ballot. Every person violating any of the provisions of this section shall be deemed guilty of a felony, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than five years.

18-2317. DESTROYING OR DEFACING SUPPLIES.

No person shall, during the election, remove or destroy any of the supplies or conveniences placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, or prior to, or on the day of election, willfully deface or destroy any list of candidates posted in accordance with the provisions of [title 34](#), Idaho Code, concerning elections. No person shall, during an election, tear down or deface the cards printed for the instruction of voters. Every person willfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars (\$1,000).

18-2318. ELECTIONEERING AT POLLS.

(1) On the day of any primary, general or special election, no person may, within a polling place, or any building in which an election is being held, or within one hundred (100) feet thereof:

- (a) Do any electioneering;
- (b) Circulate cards or handbills of any kind;
- (c) Solicit signatures to any kind of petition; or
- (d) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place.

(2) No person may obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

(3) Any election officer, sheriff, constable or other peace officer is hereby authorized, and it is hereby made the duty of such officer, to arrest any person violating the provisions of subsections (1) and (2) of this section, and such offender shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor exceeding one thousand dollars (\$1,000).

18-2319. ATTEMPT TO INFLUENCE VOTES.

No person shall attempt to influence the vote of any elector by means of a promise or a favor, or by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or discharging from employment, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him, or by any other means.

18-2320. BRIBERY OF ELECTORS.

No person shall in any way offer a bribe to an elector to influence his vote.

18-2321. FRAUDULENT PERMISSION OF REGISTRATION.

Any registry agent, or other person, who in any manner shall wilfully or corruptly permit any person not entitled to registration or to a certificate of registration, to be registered or have a certificate of registration, or who delays or fails to deliver the certified copies of the official register and the check list to the judges of election as required by law, or who permits any person to register after the date on which the registration books close, or who shall otherwise wilfully or corruptly violate any of the provisions of the law governing elections, the penalty for which is not herein specially prescribed, shall be punished for

each and every offense by imprisonment in the penitentiary for a term of not less than one (1) year nor more than five (5) years, or by a fine of not less than \$100 nor more than \$2,000, or by both such fine and imprisonment in the discretion of the court.

18-2322. ILLEGAL REGISTRATION BY VOTER.

Any person who shall willfully cause, or endeavor to cause, his name to be registered in any other election district than that in which he resides, or will reside prior to the day of the next ensuing election, except as herein otherwise provided, and any person who shall cause, or endeavor to cause, his name to be registered, knowing that he is not a qualified elector, and will not be a qualified elector on or before the day of the next ensuing election, in the election district in which he causes or endeavors to cause such registry to be made, and any person who shall induce, aid or abet anyone in the commission of either of the acts in this section enumerated and described, shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or be confined in the county jail for not less than one (1) month nor more than six (6) months, or both.

18-2323. PLACING PLACARDS IN BOOTHS.

Any person or officer of election who shall put, or permit to be put, into a voting booth, any placard, notice or device, except the sample ballots and cards of instruction as by law provided, intended or likely to call the attention of the voter to any candidate, or to urge the voter to vote for any particular candidate, or shall put, or allow anything to be put, into such booths for the use or comfort of the voter whereby the claims of any candidate are urged upon the voter, either directly or indirectly, shall be imprisoned in the county jail not to exceed three (3) months, or fined not to exceed \$500.00, or both.

Guidelines for Polling Place Accessibility

The Secretary of State as Chief Elections Official has adopted the following guidelines for polling places in order to meet the requirement for accessibility mandated by P.L. 98-435:

1. A designated handicapped parking space pursuant to Section 49-213, Idaho Code.
2. Curb cuts or 5 degree ramps at sidewalks; can be temporary if necessary.
3. A 36” accessible “voter path” which the disabled voter can follow from arrival at the polls until departure (except doorways).
4. Entrance/exit doorways with a minimum clear opening width of 32.”
5. Flush or low thresholds for doorways (no more than 1”).
6. One booth at each polling place must meet the following requirements:
 - a. A booth four (4) feet wide and twenty-four (24) inches deep. A portable booth placed on an accessible table would meet this requirement.
 - b. 29” counter height table.
 - c. Standard chair available for those with limited mobility.
 - d. Ball hand punch for vote-a-matics for those with limited hand function.

For more information on polling place accessibility, see the ADA Checklist in Appendix M.

Political Signs

18-7029.PLACING POSTERS OR PROMOTIONAL MATERIAL ON PUBLIC OR PRIVATE PROPERTY WITHOUT PERMISSION.

It shall be unlawful for any person to erect, install, attach or paint, or cause to be erected, installed, attached or painted, election posters or signs upon public or private property, real or personal, in the state of Idaho, without permission from the owner or occupant of such property, and it shall be unlawful for any person to place or leave any literature or other political, promotional or sales materials upon public or private property, real or personal, in the state of Idaho when the owner or occupant of such property, by a sign conspicuously posted on the property, or by other written or audio communication to such person, has forbidden the placing or leaving of literature or other political, promotional or sales material upon that property. Provided, however, that the granting of such permission by any public utility company on behalf of any candidate for public office shall constitute the granting of like permission by such public utility company to all other candidates for the same public office. Any violation of this section shall be a misdemeanor.

Sale of Liquor

23-927. HOURS OF SALE OF LIQUOR [BY THE DRINK] (excerpt).

(1) No liquor shall be sold, offered for sale, or given away upon any licensed premises, and all liquor not in sealed bottles must be locked in a separate room or cabinet during the following hours:

- a. Sunday, Memorial Day, Thanksgiving and Christmas from 1 o'clock A.M., to 10 o'clock A.M. the following day; provided however, that on any Sunday not otherwise being a prescribed holiday, it shall be lawful for a licensee having banquet area or meeting room facilities, separate and apart from the usual dispensing area (bar room) and separate and apart from a normal public dining room unless such dining room is closed to the public, to therein dispense liquor between the hours of 2 o'clock P.M. and 11 o'clock P.M. to bona fide participants of banquets, receptions or conventions for consumption only within the confines of such banquet area or meeting room facility.
- b. On any other day between 1 o'clock A.M. and 10 o'clock A.M.
- c. When any city or county has any ordinance further limiting the hours of sale of liquor, by the drink, then such hours shall be fixed by such ordinance.

Bars may sell liquor by the drink during city elections unless the city has an ordinance prohibiting sale of liquor by the drink during city elections.

23-307. DAYS WHEN SALES ARE PROHIBITED.

It shall be unlawful to transact the sale or delivery of any alcoholic liquor in, on, or from the premises of any state liquor store or distributing station:

- (a) After the closing hours as established by the dispensary.
- (b) On any Thanksgiving, Christmas or Memorial Day.
- (c) On any Sunday, except as provided by county option pursuant to section [23-308](#), Idaho Code.
- (d) During such other periods or days as may be designated by the dispensary.

State liquor stores and contract liquor stores may be open and sell package liquor during city elections.

Liquor by the Drink Elections: Idaho Code Title 23, Chapter 9

23-916. COUNTY AND CITY LICENSES.

In addition to the licensing and control herein provided for the retail sale of liquor by the drink, each county and incorporated city in the state of Idaho is hereby authorized and empowered to license the sale of liquor by the drink at retail within the corporate limits of such city. The respective local authorities may impose and collect license fees for the use and benefit of such city not to exceed seventy-five percent (75%) of the amount of the license fee collected by the director as herein provided and for the use and benefit of such county not to exceed twenty-five percent (25%) of the amount of the license fee collected by the director as herein provided. The governing authority of such city may provide further regulations for the control of such business, and the board of county commissioners of any county may fix the fee for, and may regulate and control the use of, any license issued for the sale of liquor by the drink at retail in any licensed premises not situate within the incorporated limits of any city, not in conflict with the provisions of this act.

23-917. REFERENDUM — LOCAL OPTION.

No license shall be issued hereunder until on or after July 1, 1947. Within sixty (60) days after the effective date of this act a petition in writing signed by not less than twenty percent (20%) of the registered, qualified electors of any city or village may be filed with the clerk of said city or village as their protest against the issuance of any license in said city or village under the provisions of this act. In the event said petition is presented, the governing body of any such city or village shall, within five (5) days after the presentation of said petition, meet and determine the sufficiency thereof by ascertaining whether said petition is signed by the required number of registered, qualified electors of the city or village affected. In the event the governing body of said city or village determines that said petition is signed by the required percentage of registered, qualified electors, said governing body shall forthwith make an order calling an election to be held within said city or village, subject to the provisions of section [34-106](#), Idaho Code, in the manner provided by law for holding elections for city or village officers. All the laws of the state of Idaho relating to the holding of elections of city or village officers for such city or village, whether special charter or general law of the state, shall apply to the holding of the election provided for in this section, except where specifically modified herein. In addition to the other requirements of law the notice of election shall notify the electors of the issue to be voted upon at said election.

23-918. FORM OF BALLOT.

The city or village clerk must furnish the ballots to be used in such election, which ballots must contain the following words:

"Sale of liquor by the drink, Yes,"

"Sale of liquor by the drink, No,"

and the elector in order to vote must mark an "X" opposite one (1) of the questions in a space provided therefor.

23-919.EFFECT OF ELECTION — LIQUOR STORE SALES NOT AFFECTED.

Upon a canvass of the votes cast, the clerk of the city shall certify the result thereof to the director. If a majority of the votes cast are "Sale of liquor by the drink, Yes," licenses shall be issued in said city as in this act provided. If a majority of the votes cast are "Sale of liquor by the drink, No," then no licenses shall be issued in said city unless thereafter authorized by a subsequent election in said city; provided, however, that nothing herein contained shall be construed to prevent or prohibit the sale of liquor at or by a state liquor store or state distributor.

23-920. SUBSEQUENT ELECTIONS.

A similar election may be subsequently called and held upon the issue of whether the sale of liquor by the drink shall be prohibited or, if prohibited, then an election to determine whether the sale of liquor by the drink shall be licensed. Such subsequent election shall be held upon the filing of a petition, as provided in section [23-917](#), signed by the requisite percentage of qualified electors. No such subsequent election shall be held prior to November 1, 1949, or oftener than two (2) years after the holding of any such subsequent election.

Commonly Asked Questions

1. Are term limits in effect for the 2009 general city elections?

No. Idaho's term limits statute was repealed by the 2002 session of the Idaho Legislature.

2. How long must election records and ballots be kept after the election?

As a result of the passage of House Bill 48 by the 2005 Idaho Legislature, several types of election records are now classified as "permanent records," including:

- Poll books (excluding optional duplicate poll books used to record that the elector has voted),
- Tally books,
- Sample ballots,
- Campaign finance reports,
- Declarations of candidacy and intent, and
- Notices of election.

Permanent records must be retained by the city in perpetuity or may be transferred to the State Archives upon resolution of the city council. House Bill 48 also provided that election ballots and duplicate poll books are classified as "temporary" records, and must be retained for at least two years before being destroyed. Other types of election records should be retained as provided by the city's records retention schedule (Idaho Code 50-907).

3. Is the combination election record and poll book a public record?

Yes, the poll book is a public record (Idaho Code 9-338).

4. Are two combination election record and poll books required for each precinct?

No. The city clerk may decide to use a single book or a pair of books at each precinct. (Idaho Code 50-428 and 34-111).

5. If a person gets married and moves outside of city limits, but still has rental property in the city, can that person vote in city elections?

No. If a qualified elector moves outside the city with the intention of making the new residence their permanent home, then they have lost their residence in the city (Idaho Code 50-402(d)(4)).

6. Does a person have to be a United States citizen to vote in city elections?

Yes. Every elector who registers is required to swear under oath or affirmation that he/she is a citizen of the United States (Idaho Code 34-411).

7. Does a convicted felon have the right to vote?

In the case of felons, if the individual has completed the terms of sentence (including probation and parole) he/she may register and vote (Idaho Code 18-310). If an individual's right to vote is challenged, the individual must sign the "Oath of Challenged Person," before they may vote (see Appendix K for the form of the oath). If the individual signs the oath, they must be allowed to vote. No paperwork is required to prove completion of sentence.

8. A candidate signed her name as Mildred C. Fisher on the declaration of candidacy but is known as Catherine Fisher. Can we put her name as Catherine Fisher on the ballot?

No. The name on the ballot must be exactly like the name on the candidate's declaration of candidacy.

9. Can an individual sign his or her own petition?

Yes. There is nothing in the law that prohibits an individual from signing their own petition as long as they are a qualified city elector.

10. May a qualified elector sign petitions for two candidates running for mayor?

Yes. The law no longer requires individuals to sign only one candidate's petition for each office up for election. Now, qualified electors are free to sign as many petitions as they want.

11. How does a candidate get their name on the ballot?

To get their name on the ballot, a candidate must submit a declaration of candidacy (see Appendix G for model form) specifying the office they are running for and affirming they meet the following legal qualifications to run as of the date their declaration of candidacy is submitted to the city clerk:

- ✓ At least 18 years of age,
- ✓ A U.S. citizen,
- ✓ The candidate's primary residence must be within the city,
- ✓ The address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and
- ✓ The candidate must be a resident of the city for at least 30 days prior to submitting their declaration,

The declaration of candidacy must be accompanied by **one** of the following:

- ✓ A petition of candidacy (see Appendix H for a model form) signed by at least five qualified city electors. The petition must have a certification from the county clerk indicating the number of signatures that are of qualified city electors.

OR

- ✓ A nonrefundable filing fee of \$40 (Idaho Code 50-430).

12. Must the city clerk notarize a candidate's declaration and/or petition, or can the candidate have it notarized elsewhere?

Any notary duly authorized by the State of Idaho can notarize a candidate's declaration and petition.

13. Can a candidate campaign on Election Day?

Candidates can campaign on Election Day—however, candidates should be aware that campaigning within or near a polling place on Election Day (known as “electioneering”) is a criminal offense. On Election Day, campaigning or distributing candidate materials within the polling place or in any building in which an election is being held are prohibited. Campaigning or distributing candidate materials is also prohibited within 100 feet of a polling place, whether on public or private property (Idaho Code 18-2318). Measurement should be taken from the main entrance to the building in which the election is being held (or the entrance closest to the polling area).

It is also important to remember that the prohibition on electioneering applies while voting is occurring at the in-person absentee polling place.

14. Can a candidate designate a challenger and a watcher at each polling place?

Yes. Candidates must submit a written request for challengers and watchers at least five days before the election to the city clerk. Challengers are at the polling place for the purpose of challenging the qualifications of voters. Watchers are allowed to “observe the conduct of the election,” which means they may observe the issuing, receiving and counting of ballots (including preparing ballots for counting, for those cities using optical scan or punch card ballots).

Challengers and watchers are not to interfere with the orderly conduct of the election and the election judge has authority to remove any challenger or watcher who is disruptive.

Challengers and watchers should be positioned so they are not confused with election officials and must wear visible tags indicating their name and title (but not the name of the candidate for whom they are working).

There is no prohibition against challengers working in shifts throughout the day—however, each candidate may have only one challenger in place at a time. Watchers present to watch the counting of the votes are not permitted to leave until counting is completed.

The candidate may not serve as a challenger or watcher because of the potential for electioneering (a criminal offense).

15. What is required to change the compensation for elected officials?

Ordinances setting compensation for elected officials must be passed by the council **and published** at least 75 days prior to any general city election (Thursday, August 20, 2009), and salaries go into effect January 1 following the election (Idaho Code 50-203).

16. Are election officials exempt from withholding?

Yes. Election officials are contract workers and are exempt from withholding.

17. Which council positions will be up for election to two-year terms?

Idaho Code 50-704 provides that councilmember vacancies “shall be filled by appointment made by the mayor with the consent of the council, which appointee shall serve only until the next general city election [held in November of each odd-numbered year], at which such vacancy shall be filled for the balance of the original term.”

An appointed councilmember serves until the next general city election in November of an odd-numbered year, at which point:

- If the normal four-year term of office concludes at the end of December of that year, the position is up for election to a four-year term.
- If the normal four-year term of office has two years remaining at the end of December of that year, the position is up for election to the remaining two-years of the term. At the end of the two year term, the position is up for election to a four-year term.

Two-year terms ensure that half of the council seats are up for election to full four-year terms at the general city election in November of each odd-numbered year (Idaho Code 50-701).

In the November 3, 2009 general city election the only council positions up for election to two-year terms are those filled by appointment in 2008 or 2009, which have a 4-year term of office expiring December 31, 2011. Positions elected to two-year terms in 2009 are up for election to four-year terms in 2011.

For example, John Smith was appointed on May 5, 2009 to fill a vacant position on the city council that has a term of office expiring December 31, 2011. This position will be up for election on November 3, 2009. Mr. Smith may choose to run to serve the remaining two years of the term of office or may choose to run for another office, including a four-year council position

or mayor. Regardless of who is elected, the position will be up for election again in November 2011 for a four-year term.

If Mr. Smith were appointed on May 5, 2009 to fill a vacancy on the city council with a term of office expiring December 31, 2009, the position would be up for election at November 3, 2009 general city election for a four-year term.

18. Our mayor was appointed since the last election. Is the office up for election this year, and if so, is it for a two or four-year term?

Idaho Code 50-608 provides that “When a vacancy occurs in the office of mayor by reason of death, resignation or permanent disability, the city council shall fill the vacancy from within or without the council as may be deemed in the best interests of the city, which appointee shall serve until the next general city election, at which election a mayor shall be elected for the full four (4) year term.”

If an individual has been appointed mayor in 2008 or 2009, the office is up for election at the 2009 general city elections for a four-year term of office.

19. Can an application for absentee ballot be faxed?

Yes. The blank application for absentee ballot may be faxed from the clerk to the elector, and the completed, signed application may be faxed from the elector to the clerk (Idaho Code 50-443).

20. Can a city clerk name a person to assist with the election if that individual does not live in the city, but does live in the county?

Yes. Election officials must be qualified electors in either the city or the county in which the city is located (Idaho Code 50-409).

21. Our city does not have enough candidates for the council positions up for election. What should we do?

If there are not enough nominated and declared write-in candidates for the council positions up for election, then the vacancies are filled by mayoral appointment and confirmation by a majority of the council. This can be done at the first council meeting in January, assuming there are enough councilmembers to constitute a quorum (a majority of the full council). If not, then the Governor will appoint as many councilmembers as required to constitute a quorum (Idaho Code 59-912) and the remaining vacancies are filled by the normal process of appointment and confirmation.

22. What is the procedure for rotation of names on paper ballots?

Start by determining which office has the greatest number of candidates. If there are three candidates for mayor, seven candidates for three four-year council positions and a single candidate for a two-year council position, then the clerk must prepare seven versions of the ballot. The first version of the ballot will have candidates for the respective offices (mayor, councilmember four-year term, and councilmember two-year term) listed in alphabetical order. For the second version of the ballot, take the first name listed under each office and move it to the bottom of the list of names for that office, moving the other names up a space. The process is repeated until seven versions are prepared. In preparing to distribute the ballots to the precincts, collate the different versions of the ballots to ensure they are evenly distributed (Idaho Code 50-439).

23. If a candidate misses the deadline for filing a declaration of candidacy, can he/she run as a write-in candidate?

Yes. The candidate must file a Declaration of Intent with the city clerk at least 14 days before the election (Idaho Code 34-702A).

24. Do you count a write-in vote when the elector writes in the name of a declared write-in candidate, but doesn't "X" the box?

Yes. When a ballot is sufficiently marked to determine the voter's intent, it is the duty of the election officials to count that part of the ballot (Idaho Code 50-465).

25. What should we do with absentee ballots received after the polls close at 8:00 p.m. on election night?

Treat any late arriving ballots as spoiled ballots. To be counted, absentee ballots must be received by 8:00 p.m. on the day of the election (Idaho Code 50-447).

26. What happens if an election judge or clerk does not show up on Election Day?

First, check with the county clerk to determine if any other experienced election poll workers are available (remember, they can be qualified city or county electors). If no experienced poll workers are available, the city clerk must fill the vacancy from among the qualified electors presenting themselves to vote (Idaho Code 50-409).

27. What happens if a person cannot get out of the car to vote?

If any registered elector is unable to enter the polling place due to physical disability or other handicap, an election clerk may take a ballot outside to the individual (within 40 feet of the polling place). The elector may then proceed to mark their ballot in a secret manner and return their ballot to the election clerk (Idaho Code 50-460).

28. Can a bar sell liquor by the drink on Election Day? Can liquor stores be open on Election Day?

Bars can sell liquor by the drink during city elections unless the city has an ordinance prohibiting the sale of liquor by the drink during city elections (Idaho Code 23-927). State liquor stores and contract liquor stores are allowed to be open and sell package liquor on Election Day (Idaho Code 23-307).

29. If a person has changed his/her name and is registered to vote under their former name, how should they sign the combination election record and poll book?

The individual should simply re-register under his/her new name as provided by the Election Day Registration Law (Idaho Code 34-408A).

30. What happens if a person writes in the same name for three different offices (i.e. council two-year term, council four-year term, and mayor)?

The write-in votes will only be counted for the position for which the write-in candidate has filed a Declaration of Intent with the city clerk. The declaration must be filed at least 14 days before the election (Idaho Code 34-702A).

31. Is the city required to present a list of write-in candidates at the polling place?

No. It is the responsibility of each write-in candidate, not the city, to get the message to the voters about their candidacy. If an elector asks if an individual has filed a Declaration of Intent, the election workers may answer. Likewise, if an elector asks for the names of declared write-in candidates, the election workers may answer. Election officials should have a list of declared write-in candidates for the purpose of answering questions and for counting ballots. However, it would be considered “electioneering” for election workers to offer write-in candidacy information or post the names of write-in candidates in the polling place.

32. Can pre-printed stickers with the name of a write-in candidate be placed on the ballot in lieu of writing in the name?

Yes, except in instances where optical scan voting machines are used (Idaho Code 34-702A).

33. Can we release the election results before the votes are canvassed?

Yes, but not before the polls close at 8:00 p.m. (Idaho Code 50-465). Any voting results released to the press should indicate that the results are unofficial.

34. Can the mayor and council recount the ballots during the canvass?

NO!!! The mayor and council **do not have any authority to recount ballots** (Idaho Code 50-467 and 34-2301).

35. Can the votes be canvassed without the mayor being present?

Yes. The council president or another councilmember would preside over the meeting.

36. If there is only one nominated candidate running for each office, and no declared write-in candidates, does the city still need to hold an election?

Yes. Some other jurisdictions operate under provisions of law that allow them to not hold elections under such circumstances. However, Idaho law does not have a similar provision for cities. Every city must hold a general city election on November 3, 2009.

37. Our city recently annexed some territory. The annexation went into effect 20 days before our general city election. Are the newly annexed residents allowed to vote in the election? What about people residing in the area of city impact?

Yes, the recently annexed citizens may vote. Idaho Code 50-402 (c) provides that the term “qualified elector” includes “any person who is eighteen (18) years of age, is a United States citizen, who is a registered voter, and who resides in an area that the city has annexed pursuant to chapter 2, Title 50, Idaho Code, within thirty (30) days of a city election.” This means that qualified electors for city elections include:

- Those who have resided in the city for at least 30 days preceding the election, **AND**
- Those annexed into the city within 30 days of the election

People residing in the city’s area of impact are not allowed to vote in city elections.

38. Are candidates required to specify the office they are running for on their declaration of candidacy?

Yes, candidates must specify whether they are running for mayor or council on their declaration of candidacy. If the individual is running for council in a city that does not have designated council seats, the individual must also specify whether he/she is running for a two or four-year council position. If the individual is running for council in a city that has designated council seats, the individual must declare the seat they are running for on their declaration of candidacy (Idaho Code 50-431 and 50-707).

39. May voters register at the absentee polling place?

Yes. Under Idaho Code 34-408, “an individual who is eligible to vote may also register, upon providing proof of residence, at the ‘absent elector’s polling place’ provided in section 34-1006, Idaho Code.”

40. Is the city clerk required to check the signatures on a petition of candidacy against the signature on the registration card?

No. Petition signatures must be verified by the county clerk before the petition is submitted to the city clerk. The county clerk will attach a certificate to the city clerk indicating the number of signatures on the petition that are qualified city electors (Idaho Code 50-432).

41. First-time voters registering by mail are now required to show identification before being allowed to vote in a city or county election. How will this process work in a city election?

Under the federal Help America Vote Act and implementing state legislation, first-time voters registering by mail are required to provide photo identification or a copy of a utility bill, bank statement, government check, paycheck or other government document showing the name and address of the individual before they may vote. Election officials will not need to ask for identification unless an individual's name is marked under the "Identification Required" column in the poll book. The process will work similarly to Election Day Registration—individuals will show their identification to the election official, who will mark in the poll book that the individual has shown their identification. Following the election, the city clerk will send a list of names of individuals showing identification to the county clerk for updating the registration. There should be very few instances where election officials will have to check identification.

42. Since the city clerk is now responsible for appointing election officials, designating polling places and publishing the notice of election, is there any reason for the council to adopt the traditional election resolution?

It is not necessary for the council to adopt an election resolution for a general election. However, a resolution or ordinance is required for a special election (consult your attorney for specific guidance).

Appendix A: 2009 General City Election Calendar

PLEASE NOTE: *The dates shown are statutory deadlines for election actions. City officials are strongly encouraged to complete each step in the election process as early as possible.*

| Date | Event/Action | Idaho Code |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Thurs., July 23 | AIC Election Webinars: 10 am Mountain, 9 am Pacific—Election Training for all City Clerks 3 pm Mountain, 2 pm Pacific—Camp. Finance (cities over 5,000 pop.) | |
| Thursday, August 20 | For cities choosing to change Mayor & Council salaries, deadline for publishing an ordinance passed by the Council to change elected official salaries effective January 1, 2010. | 50-203 |
| Friday, August 21 | First day for clerk to publish a notice of candidate filing deadline and requirements. | 50-435 |
| Monday, Aug. 24 | Candidate filing period opens at 8 a.m. | 50-432 |
| Friday, August 28 | Last day for clerk to publish a notice of candidate filing deadline and requirements. | 50-435 |
| Friday, Sept. 4 | Candidate filing period closes at 5 p.m. | 50-432 |
| Tues., Sept. 29 | Deadline for ballot printing. | 50-439 |
| Monday, Oct. 5 | Deadline for designating polling places. | 50-408 |
| Monday, Oct. 5 | Deadline for printing sample ballots. | 50-440 |
| No Specific Deadline | Designate election judges and clerks and notify them of their appointment. | 50-409 |
| Friday, October 9 | Close of registration, voters may still register when voting in-person absentee or on Election Day. | 34-408 |
| Tuesday, Oct. 20 | Deadline for write-in candidate filing. | 34-702A |
| Thurs., Oct. 22 | Deadline for first publication of election notice and sample ballot. | 50-436 50-440 |
| Wed., Oct. 28 | Deadline for mail-in absentee ballot requests. | 50-443 |
| Thurs., Oct. 29 | Deadline for requests for challengers and watchers. | 50-410 |
| Thurs., Oct. 29 | Deadline for second publication of election notice and sample ballot. | 50-436 50-440 |
| Monday, Nov. 2 | Last day to request a ballot for in-person absentee voting. | 50-443 |

Tuesday, November 3, 2009: Election Day & Beyond

| | | |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Before the Polls Open | <u><i>City Clerk delivers the election supplies to the polls.</i></u> The Election Judge or Clerk signs the receipt. Arrangements are made for the return of the election supplies from the polling place to city hall by a designated Election Clerk or Judge. Inform the news media about how the votes will be reported from each precinct. | |
| | <u><i>City Clerk provides instructions to Election Judges and Clerks</i></u> to ensure uniformity in the application, operation and interpretation of the election laws. The Election Judges and Clerks take their oath and sign the first page of the Combination Election Record and Poll Book. The Judge assigns duties to the Clerks, and the election supplies are opened. The ballot boxes must be opened, displayed and locked. | 50-403; 50-452; 50-455 |
| 8:00 am or Noon | <u><i>The Election Judge declares the polls open and voting commences.</i></u> Please Note: the City Clerk's office must remain open as long as the polls are open. | 50-453; 50-405 |
| By 4:30 pm | <u><i>City Clerk should check for absentee ballots at the post office</i></u> at 4:30 p.m. or after the last mail comes in (if the city uses a Post Office Box). | 50-447 |
| Before 8 pm | <u><i>City Clerk delivers absentee ballots to precincts or counting facility before polls close.</i></u> | 50-449 |
| 7:30 pm | <u><i>Election Judge proclaims that polls will close in half an hour.</i></u> | 50-453 |
| 8:00 pm | <u><i>Election Judge and Clerks begin counting returns.</i></u> Upon completion of counting, mark one sample ballot with total returns for the news media and transmit a copy to the city clerk. | 50-463 50-465 |
| | Seal the following in the envelope provided, clearly indicating on the outside the precinct number: The Combination Election Record and Poll Book containing the signatures of electors, one combined Tally List and Official Returns, all used ballot stubs plus pad containing the first unused ballot, election oaths, spoiled ballots and the election stamp. | |
| | Lock the following in the ballot box: The second copy of the Combined Tally List and Official Returns, the second copy of the Combination Election Record and Poll Book (if used) and all used ballots. | |
| | Place all unused election supplies in a box and have the authorized person return all of the above to the City Clerk's office. If City Clerk's office is closed, the articles should be delivered to the police station, which must deliver them to the City Clerk the day after the election. | 50-466 |
| Monday, November 9 | <u><i>Last day for City Council to canvass votes</i></u> ("...within 6 days following any election..."). | 50-467 |
| 20 Days After Canvass | <u><i>Deadline for applications for recount</i></u> ("...within 20 days of the canvass of such election..."). | 50-471 |

Appendix B

Election Supplies

**Election supplies are available from Caxton Printers Ltd., 312 Main St., Caldwell, Idaho 83605
Ph: (208) 459-7421 or (800) 657-6465—Fax: (208) 459-7450**

Clerk's Carton

| | |
|----------------------------------------------------------|-----------------|
| Declaration of Candidacy | Form 99715 |
| Petition of Candidacy | Form 99716 |
| Declaration of Intent for Write-In Candidate | Form DC-2 |
| Paper Ballot Absentee Voting Instructions | Form E-60-Paper |
| Arrow Optical Scan Ballot Absentee Voting Instructions | Form E-60-BRC |
| Oval Optical Scan Ballot Absentee Voting Instructions | Form E-60-AIS |
| Punch Card Ballot Absentee Voting Instructions | Form E-60-Punch |
| Notice of Municipal Election | Form E-72 |
| Notice of Candidate Filing Deadline | Item 99196 |
| Application for Absent Elector's Ballot | Form E-52 |
| Absentee Ballot Return Envelope with Elector Affidavit | Form E-39 |
| Voted Absentee Ballot Envelope | Form EA-50 |
| Absentee Voter's Ballot Mail Out Envelope (Blank Ballot) | Form E-65 |
| Carrier Envelope for Absent Electors Ballots | Form E-76 |

Polling Place Supplies

| | |
|---------------------------------------------------------------|------------------|
| Election Record & Poll Book | Form ERM |
| Poll Book Cover-Paper | Form PB-1 Paper |
| Poll Book Cover-Punch | Form PB-1P Punch |
| Index | Item 99672 |
| Sheets | |
| Combined Tally List & Official Returns | Form E-56 |
| Paper Voting Instructions | Form EP-9-MU |
| Oval Optical Scan Voting Instructions | Form EP-13-OS-MU |
| Arrow Optical Scan Voting Instructions | Form EP-9-OS-MU |
| Punch Card Voting Instructions | Form EP-9P-MU |
| Election Stationery Supplies—Pens, pencils, stamp & pad, etc. | Form E-80 |
| Election Stationery Supplies (Punch Card) | Form E-80P |
| Oath of Challenged Person | Form E-40 |
| Voter Registration Form | Form ER-1 |
| Poster: Attention Mail-in Registrants | Form E-10 |
| Poster: Vote Here | Form E-5M |
| Poster: Voter's Rights | Form EP-11M |
| Poster: Registrar of Election | Form E-5 |
| Poster: Card of Instructions - Paper | Form E-34 |
| Poster: Card of Instructions - Punch | Form EG-9P |
| Poster: Instructions to Elector - Optical Scan (oval) | Form EP-13 OS |
| Poster: Instructions to Elector - Optical Scan (arrow) | Form EP-9 OS BRC |
| Voter Sequence Number List | Item 99755 |
| Election Return Envelope | E-51 |

Same Day Registration Supplies

| | |
|-------------------------------------------------------------|---------------|
| Judges & Clerks Procedural Manual—Election Day Registration | Form EDR-2-MU |
| Election Day Registration Envelope | Form EDR-3 |
| Voter Registration Form | Form ER-1 |
| Poster: Register to Vote Here | Form EDR-5 |
| Poster: Election Day Registration | Form EDR-4MU |
| Stamp Pad | |
| Rubber Stamp "Residence Verified" | Item 99700 |

Appendix C

Model Notice of Candidate Filing Deadline & Notice of Election

NOTICE OF CANDIDATE FILING DEADLINE

City of _____, Idaho

NOTICE IS HEREBY GIVEN: That the general election to be held in and for the City of _____, Idaho, will be held on Tuesday, November 3, 2009. The election will be held for the purpose of electing the following offices for the specified terms:

Candidates for city elected office are required to file a Declaration of Candidacy specifying the office sought and affirming that the individual is a qualified city elector, meaning: at least 18 years of age, a U.S. citizen, the candidate's primary residence must be within the city, the address of the candidate's voter registration must match the residence address provided on the candidate's declaration, and the candidate must be a resident of the city for at least 30 days prior to submitting their declaration. The Declaration of Candidacy must be accompanied by: (1) a nonrefundable filing fee of \$40 or (2) a petition of candidacy signed by at least five qualified city electors that has been verified by the county clerk's office. The deadline for filing declarations of candidacy is Friday, September 4 at 5:00 p.m. Declarations of candidacy are available at City Hall in the office of the city clerk at _____ from the hours of _____ to _____.

_____, City Clerk

NOTICE OF MUNICIPAL ELECTION
City of _____, Idaho

NOTICE IS HEREBY GIVEN: That the general election to be held in and for the City of _____, Idaho, will be held on Tuesday, November 3, 2009. The election will be held to elect the following offices for the specified terms:

On Election Day, the polls will be open from _____ to 8:00 p.m. at the following designated precinct polling places:

_____, City Clerk

Appendix D

Model Ordinance Establishing Poll Hours

Ordinance No. _____

AN ORDINANCE ESTABLISHING THE HOURS OF POLLING PLACES FOR CITY ELECTIONS, REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF _____, IDAHO:

SECTION 1. HOURS OF POLLING PLACES FOR CITY ELECTIONS.

The polls for all general and special City elections shall be open from (8:00 a.m. or 12:00 p.m., Pacific Time or Mountain Time) and remain open until 8:00 p.m. (Pacific Time or Mountain Time).

SECTION 2. REPEAL OF CONFLICTING PROVISIONS.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. EFFECTIVE DATE.

This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the city council as an ordinance of the City of _____ on the _____ day of _____, _____.

Approved by the Mayor on the _____ day of _____, _____.

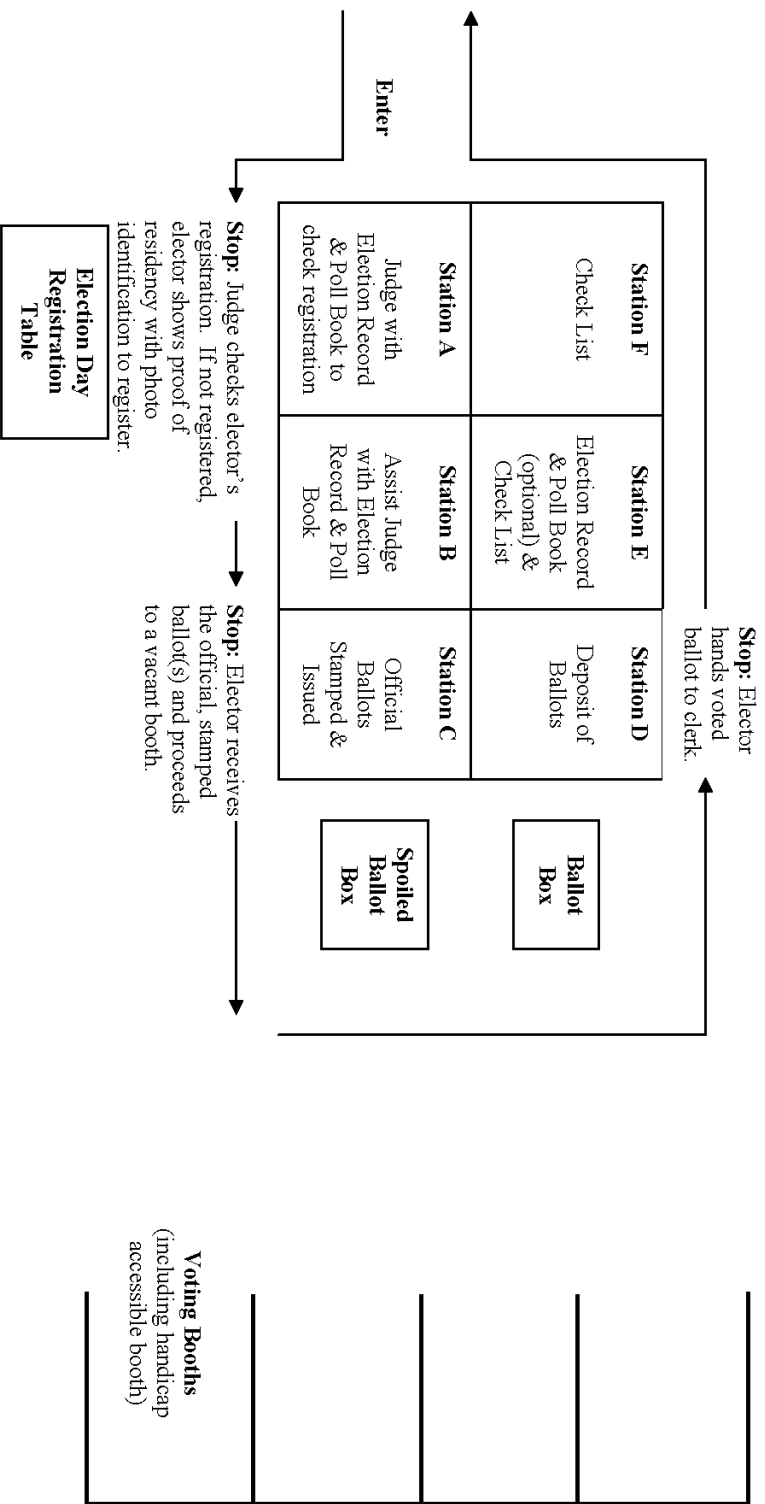
City of _____
_____, Mayor

ATTEST:

_____, City Clerk

Appendix E

Suggested Arrangement of Election Facilities



Appendix F

Model Ordinance Establishing Salaries for Elected City Officials

Ordinance No. _____

AN ORDINANCE ESTABLISHING THE SALARIES OF THE MAYOR AND COUNCILMEMBERS OF THE CITY OF _____, REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF _____, IDAHO:

SECTION 1. MAYOR AND COUNCIL SALARIES.

Commencing January 1, ____, the salaries of the Mayor and of the members of the _____ City Council shall be as follows:

- (a) The Mayor shall receive an annual salary in the sum of _____ dollars (\$____); and
- (b) Each member of the Council shall receive an annual salary in the sum of _____ dollars (\$_____).

SECTION 2. REPEAL OF CONFLICTING PROVISIONS.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. EFFECTIVE DATE.

This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the city council as an ordinance of the City of _____ on the ____ day of _____, ____.

Approved by the Mayor on the ____ day of _____, ____.

City of _____

, Mayor

ATTEST:

, City Clerk

*NOTE: The above model ordinance can be changed to fit the situation of any city (perhaps you pay per month rather than annually, etc.). The ordinance must be **passed and published** at least 75 days before the general city election (Thursday, August 20, 2009) in order to take effect January 1 following the election.*

Appendix G

Model Declaration of Candidacy

I, the undersigned, affirm that I am a qualified elector of the City of _____, State of Idaho, and that I have resided in the city for at least thirty (30) days. I hereby declare myself to be a candidate for the office of _____, for a term of _____ years, to be voted for at the election to be held on the ____ day of November, ____, and certify that I possess the legal qualifications to fill said office, and that my residence address is _____.

Candidate's Signature

Subscribed and sworn to before me this ____ day of _____, ____.

Signed: _____

**Notary Public in and for the State of Idaho
residing at _____**

My Commission expires _____

OFFICIAL USE ONLY

Before accepting this Declaration of Candidacy, the City Clerk (or designee) must verify the following.

This Declaration is accompanied by:

_____ The attached Petition of Candidacy signed by at least five qualified city electors with the attached verification from the county clerk,

OR

_____ A nonrefundable filing fee of \$40.

The City Clerk (or designee) must verify that the person submitting this declaration is a qualified city elector as defined in Idaho Code 50-402(c) and that the residence address provided above matches the address on the individual's voter registration.

This declaration was accepted by _____

Name, Title

on _____ at _____.

Date

Time

Appendix H

Model Petition of Candidacy

State of Idaho

County of _____

ss.

City of _____

PETITION OF CANDIDACY
OF _____
(NAME OF CANDIDATE)
FOR OFFICE OF _____

This petition must be filed in the office of the City Clerk not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday immediately preceding election day. The submitted petition must have affixed thereto the names of at least five (5) qualified electors who reside within the appropriate city.

I, the undersigned, being a qualified elector of the City of _____, in the State of Idaho, do hereby certify and declare that I reside at the place set opposite my name and that I do hereby join in the petition of _____, a candidate for the office of _____ to be voted at the election to be held on the ____ day of November, ____.

Signature of Petitioner Printed Name Residence Address Date Signed

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STATE OF IDAHO

County of _____

I, _____, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name and residence address correctly, and that each signer is a qualified elector of the State of Idaho, and the City of _____.

Signed _____

Address _____

Subscribed and sworn to before me this ____ day of _____, ____.

Signed Notary Public _____

Residing at _____

Commission expires _____

(Notary Seal)

Appendix I

Model Declaration of Intent for Write-in Candidates

I, _____ the undersigned, do hereby declare my intent to be a write-in candidate for the office of _____, for a term of _____ years, to be voted for at the election to be held on the _____ day of November, _____, and that my residence address is _____.

I further certify that I possess the legal qualifications to hold said office, that I am a qualified elector of the City of _____, State of Idaho, and that I have resided in the city for at least thirty (30) days.

Dated: _____, _____

Signed: _____

Subscribed and sworn to before me this _____ day of _____, _____.

Signed: _____

Notary Public in and for the State of Idaho

residing at _____

My Commission expires _____

(Notary Seal)

OFFICIAL USE ONLY

Before accepting this Declaration of Intent, the City Clerk (or designee) must verify that the person submitting this declaration is a qualified city elector as defined in Idaho Code 50-402(c) and that the residence address provided above matches the address on the individual's voter registration.

This declaration was accepted by _____

Name, Title

on _____ at _____.

Date

Time

Appendix J

Model Candidate Withdrawal Forms

Withdrawal of Declaration of Candidacy

I, _____, hereby withdraw my Declaration of Candidacy for
(print or type candidate's name)
the office of _____, of the City of _____,
(title of office sought) (name of City)
and authorize the City Clerk to remove my name from the ballot in the manner provided
by Idaho Code 50-441.

Signed,

Candidate Signature

Date

Subscribed and sworn to before me this _____ day of _____, _____.

Signed: _____

Notary Public in and for the State of Idaho

residing at _____

My Commission expires _____

(Notary Seal)

Withdrawal of Declaration of Intent

I, _____, hereby withdraw my Declaration of Intent for the
(print or type candidate's name)
office of _____, of the City of _____, and
(title of office sought) (name of city)
state that I am no longer a candidate for such office.

Signed,

Candidate Signature

Date

Subscribed and sworn to before me this _____ day of _____, _____.

Signed: _____

Notary Public in and for the State of Idaho

residing at _____

My Commission expires _____

(Notary Seal)

Appendix K

Oath of Challenged Person

STATE OF IDAHO)

S.S.

City of _____)

_____Precinct

I do solemnly swear (or affirm) that I am a citizen of the United States, at least eighteen (18) years of age, and that I have resided in this city for thirty (30) days prior to the election or reside in an area that the city has annexed within thirty (30) days of the election; and that I am duly registered as required by law.

Signed:_____

Subscribed and sworn to before me this ____ day of _____, _____.

Judge of Election

Appendix L

Sample Paper Ballot

SAMPLE BALLOT CITY OF GEM, STATE OF IDAHO NOVEMBER 3, 2009

INSTRUCTIONS: Vote for such candidates as you desire by placing an X in the small square to the right of the name, or by writing in the name of the person you desire to vote for and placing an X in the square to the right of their name. If you tear, deface or wrongly mark this ballot, return it and get another. Mark only with pencil or pen. You cannot vote for more than the number of positions given for that office.

FOR MAYOR

Four Year Term
(May Vote for One)

| | |
|-----------------|--------------------------|
| John R. Jones | <input type="checkbox"/> |
| Robert E. Smith | <input type="checkbox"/> |
| _____ | <input type="checkbox"/> |

FOR COUNCILMEMBER

Four Year Term
(May Vote for Three)

| | |
|------------------|--------------------------|
| Carol S. Black | <input type="checkbox"/> |
| Matthew B. Blue | <input type="checkbox"/> |
| Stephen T. Brown | <input type="checkbox"/> |
| Marion A. White | <input type="checkbox"/> |
| _____ | <input type="checkbox"/> |
| _____ | <input type="checkbox"/> |
| _____ | <input type="checkbox"/> |

FOR COUNCILMEMBER

Two Year Term
(May Vote for One)

| | |
|----------------|--------------------------|
| Jeff G. Fisher | <input type="checkbox"/> |
| Larry T. Green | <input type="checkbox"/> |
| _____ | <input type="checkbox"/> |

No. _____

SAMPLE BALLOT
CITY GENERAL ELECTION
CITY OF GEM
State of Idaho
November 3, 2009

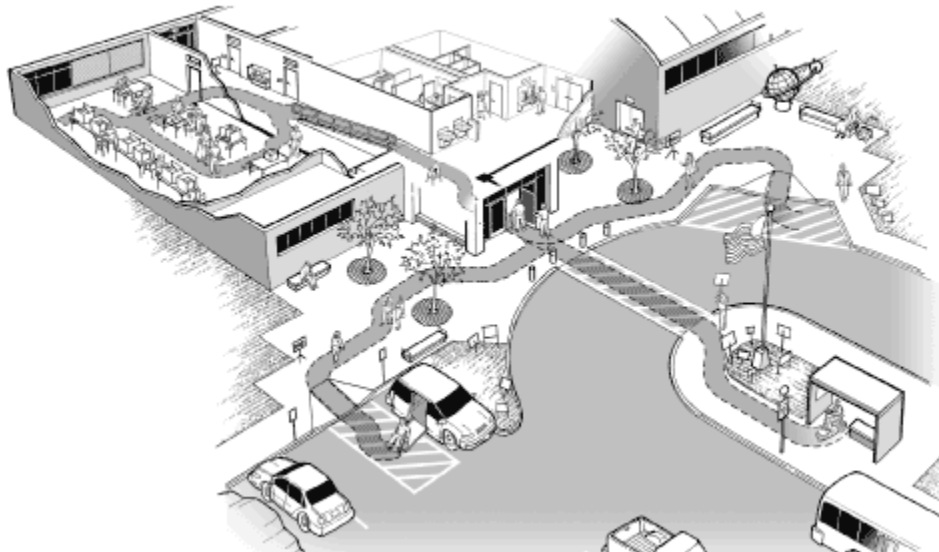
Appendix M

ADA Checklist for Polling Places

U.S. Department of Justice
Civil Rights Division
Disability Rights Section



Americans with Disabilities Act ADA Checklist for Polling Places



Reproduction

Reproduction of this document is encouraged. Additional copies of this publication may be obtained, viewed or downloaded from the Publications section of the ADA Website (www.ada.gov) or by calling the ADA Information Line at 800-514-0301 (voice), 800-514-0383 (TTY).

Disclaimer

The ADA authorizes the Department of Justice to provide technical assistance to individuals and entities that have rights or responsibilities under the Act. This document provides informal guidance to assist you in understanding the ADA and the Department's regulation. However, this technical assistance does not constitute a legal interpretation of the statute.

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Evaluating the Physical Accessibility of Polling Places

When choosing a new site for a polling place, elections officials should select a facility that is accessible to voters who use wheelchairs or scooters or who have difficulty walking. Planning for an upcoming election also gives elections officials the opportunity to improve existing polling places that are not accessible by using temporary elements, such as portable ramps, on election day or by working with building owners to make permanent alterations that improve the accessibility of the polling place.

The following checklist is designed to help voting officials determine whether a polling place has basic accessible features needed by most voters with disabilities. It may be used when evaluating the accessibility of potential new polling places and when identifying physical barriers in existing polling places before temporary or permanent modifications are made to improve accessibility for elections.

Individuals completing the checklist do not necessarily need to be experienced in evaluating buildings and facilities for accessibility. The checklist is designed to prompt the user to check key features by asking questions about sizes, sloped surfaces, and availability of accessible features, and in some areas it suggests alternatives if a physical barrier is identified. By following the directions provided for filling out the checklist, voting staff and volunteers can identify accessible polling places and develop information used for implementing temporary and permanent modifications.



A voter enters an accessible polling place.

Getting Started

An evaluation of polling place accessibility should focus on those areas of a facility that are important to voting. These often include parking for voters, a drop off or loading area, the entrance to the polling place, and the pedestrian routes (both exterior and interior) that voters use to get to the voter check-in and voting area.

Before a polling place is evaluated, it is useful for staff or volunteers to review the instructions for using the checklist and become familiar with the questions. It is also helpful to practice taking measurements and recording information before beginning the evaluation.

When staff arrive at a polling place, it is best to first determine the location of parking, including accessible parking (if any is provided), the entrance that will be used on election day, and the location of the voting area. If the survey is being done to determine the accessibility of a new location for a polling place, then the walk-through should look for areas that provide the best accessibility, where simple modifications may provide accessibility, or where it may be easiest to improve accessibility by adding temporary features.

Using the Polling Place Checklist

Tools and Documentation—A few simple tools may be used to measure the sizes and the slope of specific elements and spaces:

- A metal tape measure at least 15-feet long
- A level with a bubble measure or a digital measure at least twenty-four inches long for measuring slope, and
- A clipboard, copy of the checklist (one copy per polling place), and pens or pencils.

It is also a good idea to have a film or digital camera to document important areas that may need to be reviewed later. Any camera may be used to shoot photographs but one with a flash is most useful, particularly when indoor photos are needed.

Use the Checklist to Record Data—The checklist is designed to prompt the users on what to look at and where to measure. All answers and notes should be recorded on the checklist for use later in the planning process. When completed, the checklist should provide an indication of the level of accessibility at the polling place. If photographs are taken during the survey, it is helpful to note on the checklist that a photo was taken for later review of particular elements, spaces, or conditions.

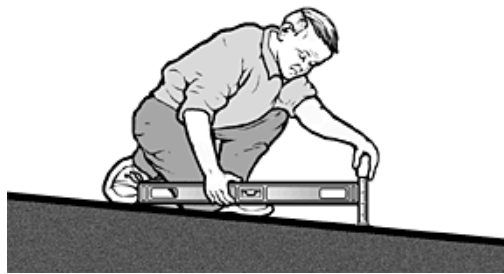
Completing Measurements and Recording Information—One person can complete a survey of a polling place but it is often quicker and easier for two people to work together. One can be responsible for taking the measurements and the other for recording the information and taking any photographs.

Taking Measurements

Sloped Surfaces—One way to measure slope is to use a 24-inch level with leveling bubble and a tape measure. Place the level on the incline in the direction you wish to measure. Rest one end of

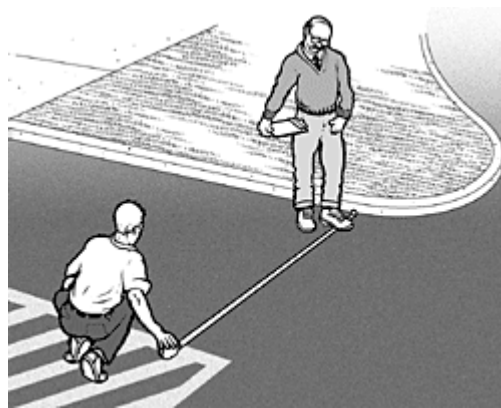
the level at the highest point of the sloped surface and lift the other end (as shown in the illustration) until the bubble is in the middle of the tube. This is the “level” position. While the level is in this position, measure the distance between the end of the level and the sloped surface below. If the distance is 2 inches or less, then the slope is 1:12 or less. When the distance is greater than 2 inches, record the distance on the checklist so the exact slope may be calculated later if needed.

Slopes may also be measured using a digital level. The digital display replaces the bubble and typically gives a reading that may be shown as a digital bubble, degrees, or a percent. Before using a digital level make sure to familiarize yourself with the directions. Many digital levels need to be calibrated each time they are used. If you can set the digital display to percent or degrees, the maximum slope generally allowed is 8.33% or 4.76 degrees (for a 1:12 slope).



Measuring slope using a 24-inch level and tape measure

Using the Tape Measure—When measuring the width of a parking space or access aisle, the width of an accessible route or the height of an object above the floor, for example, try to keep the tape from sagging or bending. If the tape is not straight, try to support the tape in the middle or pull it tight and take the measurement again.



Using a tape measure to measure the width of a parking space

Measuring Door Openings—Measuring the clear opening of an accessible door requires special care. To measure the opening of a standard hinged door, open the door to 90 degrees. Place the end of the tape measure on the side of the door frame next to the clear opening (as shown in the drawing). Stretch the tape across the door opening to the face of the door. This measurement equals the clear open width of the door, which is typically less than the width of the door.



Measuring the clear opening from the face of the doorstop on the frame to the face of the open door

Completing the Checklist

For each checklist item, check either “yes” or “no.” If the measurement or number falls short of that required for accessibility, write the measurement or number to the right of the question in the area under “Comments.” Add notes or comments as needed. For some questions when “no” is the answer, the checklist will include a prompt to check for an alternate solution. Information on alternate access can be used later as voting officials decide how to provide accessible voting.

When completing the survey, it is important to try to answer every question in each section, unless, of course, the element is not present at the particular site under review. For example, if there is no parking provided on-site at the polling place, or only on-street parking is provided, there is no need to try to measure the size of the parking spaces or to count the number of parking spaces.

The checklist is based on requirements from the [ADA Standards for Accessible Design](#) (Standards). Each item includes a reference to the technical requirements in the Standards from 28 C.F.R. Part 36, Appendix A. This reference is provided to assist users in looking up the requirement or related requirements when necessary. An electronic copy of the Standards is available on the ADA Website at www.ada.gov. Printed copies are also available from the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY).

After Completing the Survey

Completed polling place surveys will provide the information needed to determine which sites are accessible and which may become accessible with permanent or temporary modifications. Checklists where most answers are “yes” will usually indicate an accessible polling place. Others, where some answers are “no,” may become accessible if permanent or temporary modifications are done to remove barriers. Polling places in older buildings may have few accessible features but some of these voting facilities may be able to be made accessible with temporary modifications, such as portable ramps at the entrance and accessible parking spaces marked off by traffic cones. There may also be some sites that cannot be made accessible so plans will be needed to offer accessible voting in some other way.

For more information about temporary modifications, see **Temporary Solutions for Election Day** at the end of each section of this document.

Alterations—When State and local governments make permanent modifications or alterations to facilities that serve as polling places these alterations must comply with the ADA Standards. For more information visit the **ADA Website** to view or download the ADA Standards, technical assistance materials, and general ADA information.

www.ada.gov

For specific questions about the ADA, call the Department of Justice **ADA Information Line**.

800-514-0301 (voice)

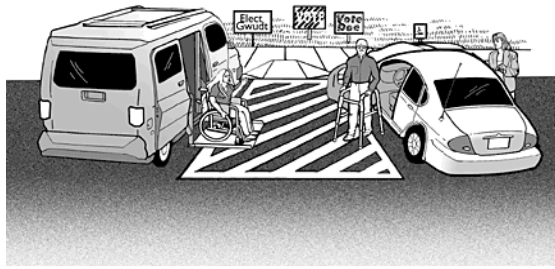
800-514-0383 (TTY)

Getting to the Polling Place

A. Parking

Typical Issues

When parking is provided for voters, staff and volunteers, accessible parking must be provided for people with disabilities. Voters with disabilities who arrive by car need a parking space close to an accessible entrance. The accessible parking space has an adjacent access aisle that provides needed room for a person to open the car door fully and then stand with the aid of a walker, to transfer to a wheelchair, or to lower a wheelchair lift. The access aisle connects directly to an accessible route that leads to an accessible building entrance. In order to be usable, the access aisle must be relatively level, clear of gravel or mud, and the surface must be in good condition without wide cracks or broken pavement.



An accessible route connects the access aisle of each accessible parking space with the accessible entrance to the polling place. When an accessible route crosses a curb, a curb ramp must be provided. If the accessible route connects the access aisle to the accessible entrance using the parking lot surface, a marked crosswalk should be provided on the vehicular route.



Van-accessible parking spaces serve both cars and vans. A wide access aisle is needed so a wheelchair lift may be lowered from the van onto the level surface.

Parking Spaces Checklist

Comments

A1. If parking is available, count the total number of parking spaces provided for the polling place. Are the minimum numbers of accessible parking spaces provided, based on the total number of available parking spaces (see table below)? Yes _____ No _____

| Total Spaces for Polling Place | Required Minimum Number of Accessible Spaces |
|--------------------------------|--------------------------------------------------------------------|
| 1-25 | 1 van-accessible space w/ min. 96 inch wide access aisle |
| 26-50 | 1 space w/ min. 60 inch wide access aisle +1 van-accessible space |
| 51-75 | 2 spaces w/ min. 60 inch wide access aisle +1 van-accessible space |

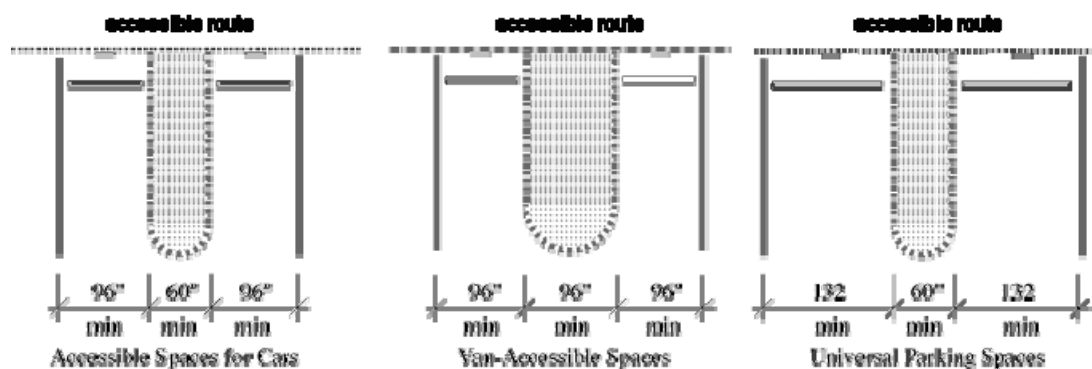
If more than 75, see the ADA Standards for Accessible Design, section 4.1.2, for the number of accessible parking spaces.

A2. Does each accessible parking space have its own, or share an adjacent access aisle that is least 60 inches (5 feet) wide? [ADA Std 4.6.3] Yes _____ No _____

A3. Is there at least one van-accessible parking space provided with an access aisle that is at least 96 inches (8 feet) wide or are universal parking spaces provided with a 132 inches (11 feet) wide vehicle space and a 60 inch (5 feet) wide access aisle? [ADA Std 4.1.2(5), A4.6] Yes _____ No _____

A4. For van-accessible spaces, is there vertical clearance of at least 98 inches (8 feet - 2 inches) for the vehicle route to the parking space, the parking space, the access aisle and along the vehicle route to the exit? [ADA Std 4.6.5] Yes _____ No _____

If No: Can the route be cleared by removing or raising low objects or can each van accessible parking space be relocated?



Plan Views of Accessible Parking Spaces Showing Minimum Width of Vehicle Space and Access Aisle.

| | Yes _____ No _____ | Comments |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <p>A5. Are all accessible parking spaces, including the access aisle, relatively level (1:50 or 2%) in all directions? [ADA Std 4.6.3]</p> <p><i>If No: Look for a nearby area that is relatively level which could serve as an accessible parking space with an accessible route to the accessible entrance to voting.</i></p> | | |
| <p>A6. Does each accessible parking space have a sign with the symbol of accessibility that is visible when a vehicle is parked in the space? [ADA Std 4.6.4]</p> | | |
| <p>A7. If there is a curb between the access aisle and the accessible route to the building, is there a curb ramp that meets the following requirements: [ADA Std 4.7]</p> | | |
| <div data-bbox="191 724 630 1075" data-label="Image"> </div> <p>Curb ramp showing minimum 36 inch width for ramp section and 1:12 slope on ramp section.</p> | <p>a. Is the ramp surface at least 36" wide, excluding flared sides? [ADA Std 4.7.3]</p> <p>b. Is the slope (up or down the ramp) no more than 1:12? [ADA Std 4.7.2]</p> <p><i>Note: 1:12 is one inch of vertical height for each 12 inches in length.</i></p> | <p>Yes _____ No _____</p> <p>Yes _____ No _____</p> |
| <p>A8. Are the accessible parking spaces serving the voting area on the shortest accessible route to the accessible entrance? [ADA Std 4.6.2]</p> | | |
| <p>A9. Does each access aisle connect to an accessible route from the parking area to the accessible building entrance? [ADA Std 4.6.2]</p> | | |

Temporary Solutions for Election Day—Parking

Problem One:

Parking is available, but no accessible parking is provided or there are not enough accessible parking or van-accessible spaces.

Suggestion: Find a relatively level parking area near the accessible entrance and then designate the area for accessible parking spaces and adjacent access aisles. Use three parking spaces to make two accessible parking spaces with an access aisle. Traffic cones or other temporary elements may be used to mark the spaces and access aisles. Provide a sign designating each accessible parking space and make sure the access aisle of each space is connected to the accessible route to the accessible entrance.

Problem Two:

Accessible parking is provided, but it does not have a marked access aisle next to each accessible space.

Suggestion: Restripe the accessible parking spaces to provide an access aisle. As a temporary solution for election day, use traffic cones to mark off the access aisle and curb ramp area. The first accessible parking space provided should be a van accessible parking space with an access aisle that is at least 96 inches wide.

Problem Three:

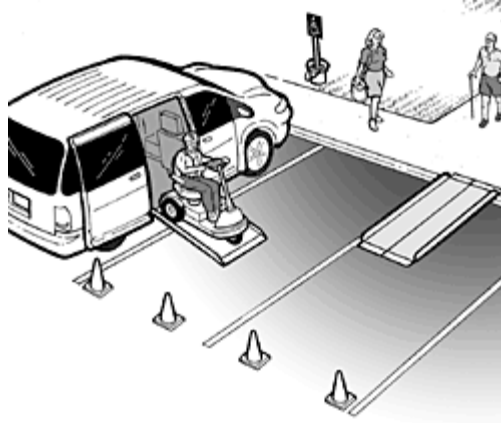
Accessible parking spaces or access aisles are on a sloped surface.

Suggestion: Find a parking area that is close to the accessible entrance and more level. Provide accessible parking spaces and access aisles in that area. Make sure the accessible parking spaces connect to an accessible route to the entrance. Provide a sign designating each accessible parking space.

Problem Four:

No sign with the international symbol of accessibility is installed at each accessible parking space.

Suggestion: Provide a temporary sign in front of each accessible parking space.

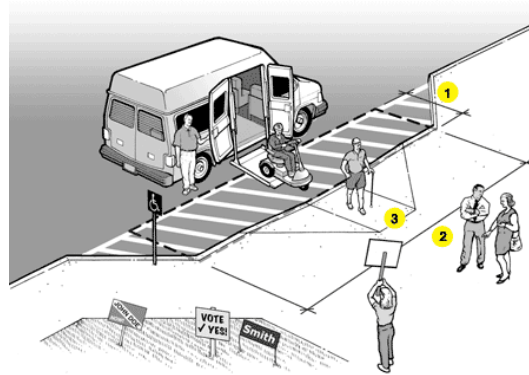


Three standard parking spaces are converted into an accessible parking space with an access aisle. Cones mark the access aisle and a temporary curb ramp with edge protection connects to an accessible route to the polling place.

B. Passenger Drop-Off Areas

Typical Issues

Some voters with disabilities will be driven to the polling place and dropped off near an entrance in a passenger drop-off area. If the polling place is served by passenger drop-off areas, then at least one drop-off area must be accessible. An accessible drop-off area, also known as an accessible passenger loading zone, must have a level access aisle, adjacent and parallel to the vehicle space. Where a curb separates the vehicle space from the access aisle or the access aisle from an accessible route, a curb ramp must be provided so people with disabilities can get to the accessible route leading to the accessible entrance.



Accessible Passenger Drop-off and Loading Area

The access aisle may be at the street level or at sidewalk level. If it is at the sidewalk level, a curb ramp is provided between the street and the sidewalk. If the access aisle is at the street level, the curb ramp is provided between the access aisle and the sidewalk (as shown).

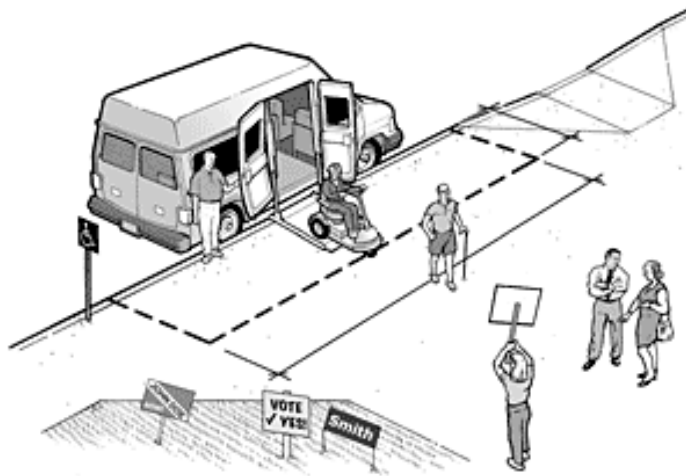
Notes:

- (1) Access aisle depth is at least 5 feet.
- (2) Access aisle length is at least 20 feet.
- (3) Curb ramp connects access aisle to the accessible route to the accessible entrance of the polling place.

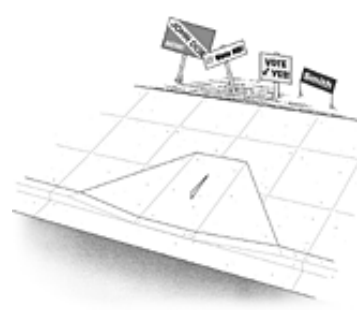
Passenger Drop-Off Areas Checklist

Comments

If a passenger loading area is provided, you should answer the following questions.



- B1. Is a relatively level (1:50 or 2% maximum slope in all directions) access aisle provided adjacent and parallel to the side of the vehicle pull-up area? [ADA Std 4.6.6] Yes _____ No _____
If No, look for another relatively level location that is on an accessible route.
- B2. Is the vehicle space relatively level (2% maximum slope in all directions)? Yes _____ No _____
- B3. Is the area for the access aisle at least 5-feet wide and 20-feet long? [ADA Std 4.6.6] Yes _____ No _____
Note: Unlike an accessible parking space, the surface for the access aisle does not have to be marked or striped.
- B4. Is the vertical height for the vehicle route to the loading zone, the drop off area, and the exit at least 114 inches (9 feet 6 inches) in height? [ADA Std 4.6.5] Yes _____ No _____
- B5. Is a curb ramp provided between the vehicle pull up area and the access aisle (see figure above) or the access aisle and the accessible route (see figure on page 9) to the accessible entrance? [ADA Std 4.6.6] Yes _____ No _____
If No, is there another area with a curb ramp connected to an accessible route that could serve as the drop-off area?

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------|
| B6. If a curb ramp is provided, is the slope of the ramp surface (not counting the side flares) no more than 1:12? [ADA Std 4.7.2] | Yes _____ No _____ | Comments |
| B7. Is the width of the curb ramp surface at least 36 inches? [ADA Std 4.7.3] | Yes _____ No _____ | |
|  <div data-bbox="568 483 941 791"> <p>B8. Does an accessible route connect the curb ramp to the accessible entrance? [ADA Std 4.1.2(1)]</p> <p>Yes _____ No _____</p> </div> | Yes _____ No _____ | |

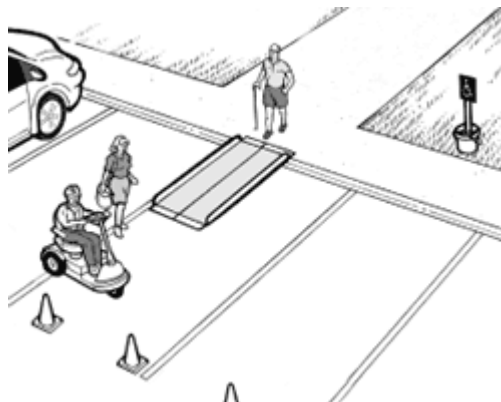
Temporary Solutions for Election Day—Passenger Drop-Off Areas

Problem:

A passenger drop-off and loading zone is provided but there is no curb ramp between the vehicle area and the sidewalk leading to the accessible polling place entrance.

Suggestion: Provide a portable ramp with edge protection in an area where the vehicle area and the sidewalk are relatively level. The curb ramp must connect to an accessible route to the accessible polling place entrance.

If the drop-off and loading zone is not relatively level, consider relocating the accessible drop-off area and using one parking space next to the area where accessible parking is located to provide an accessible drop-off and loading zone. Cones or another temporary barrier may be needed to keep the parking space clear.



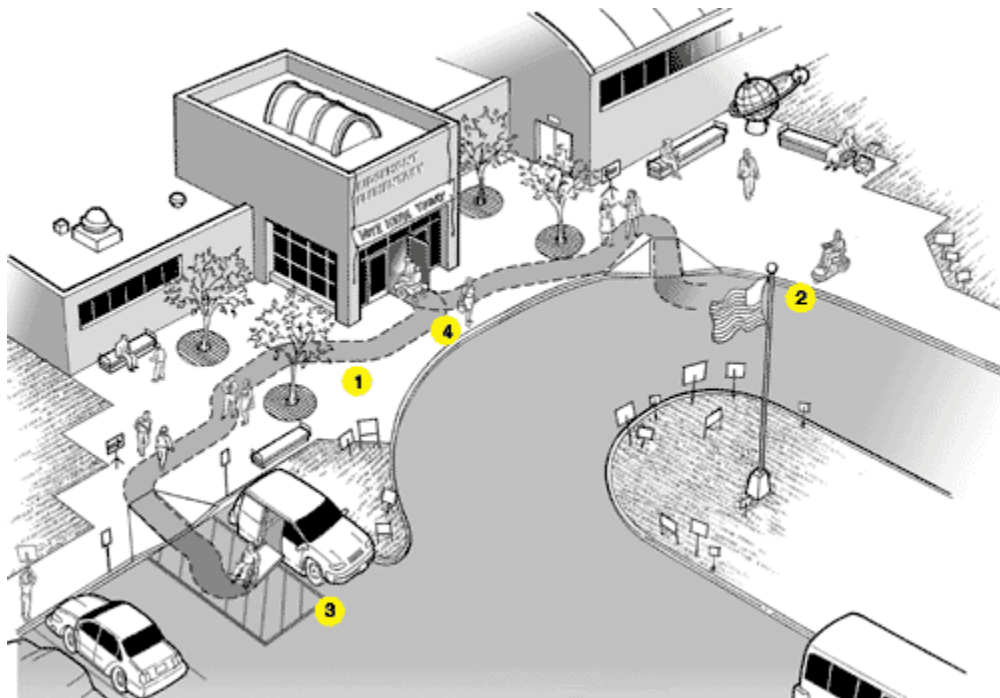
A portable ramp with edge protection is used to provide an accessible route from the drop-off and loading area to the accessible polling place entrance.

C. Sidewalks and Walkways

Part 1. Typical Issues for Voters Who Use Wheelchairs, Scooters or Other Mobility Aids

There must be at least one exterior accessible route that connects accessible passenger drop-off areas, accessible parking spaces, and other accessible elements, for example a route from a bus stop to an accessible building entrance. The accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility aids to get to the accessible entrance of the polling place.

An accessible route is at least 36 inches wide and may narrow briefly to 32 inches wide where utility poles, post-mounted signs, furniture, and doorways are located along an accessible route. Abrupt level changes, steps, or steeply sloped sidewalks cannot be part of an accessible route. Where ramps are used, they cannot be steeper than 1:12. Ramps with a vertical rise of more than 6 inches must have handrails on both sides. Ramps must also have edge protection to stop wheelchairs from falling off the sides, and level landings at the top and bottom of each segment and where a ramp changes direction.



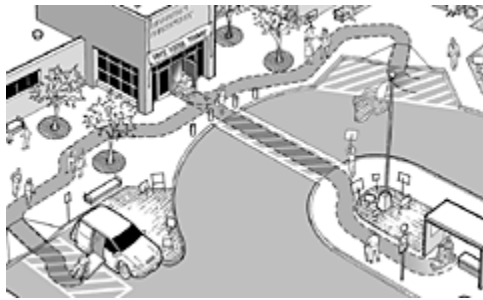
An accessible entrance to a polling place with accessible parking and an accessible drop-off area.

Notes:

- (1) Accessible route.
- (2) Accessible drop-off area.
- (3) Accessible parking with van accessible parking space.
- (4) Accessible entrance to polling place.

Sidewalks and Walkways Checklist—Voters with Mobility Disabilities

Comments



C1-1. Is an accessible route provided from accessible parking spaces to the accessible entrance of the building?
[ADA Stds 4.1.2(1), 4.3]

Yes _____ No _____

Note: If the accessible route crosses a vehicular route, a marked crosswalk should be used.

C1-2. Is an accessible route provided from public sidewalks and public transportation stops on the polling site (if provided) to the accessible entrance of the building?
[ADA Stds 4.1.2(1)]

Yes _____ No _____

C1-3. Is the accessible route at least 36 inches wide?

Yes _____ No _____

If No, the accessible route may narrow to 32 inches wide for up to 2 feet in length.

C1-4. Is the accessible route free of steps and abrupt level changes over 1/2 inch?

Yes _____ No _____

Note: Level changes between 1/4 inch and 1/2 inch should be beveled.

C1-5. Where an accessible route crosses a curb is a curb ramp provided? If yes,

Yes _____ No _____

5a. Is the ramp surface at least 36 inches wide, excluding flared sides? [ADA Stds 4.7.3]

Yes _____ No _____

5b. Is the slope (up or down the ramp) no more than 1:12? [ADA Stds 4.7.2]

Yes _____ No _____

Note: 1:12 is one inch of vertical height for 12 inches of horizontal distance.

C1-6. If the slope of part of the accessible route is greater than 1:20, does this part meet the following requirements for an accessible ramp?

Yes _____ No _____

6a. Is the ramp slope no greater than 1:12? [ADA Std 4.8.2]

Note: For existing ramps, the slope may be 1:10 for a 6 inch rise and 1:8 for a 3 inch rise in special circumstances (see ADA Std 4.1.6(3)).

Yes _____ No _____

6b. Is the ramp width, measured between handrails, at least 36 inches? [ADA Std 4.8.3]

Yes _____ No _____

6c. Does the ramp have a level landing at the top and bottom of each ramp section that is at least 60 inches long? [ADA Std 4.8.4]

Note: The level landing may be part of the sidewalk or walking surface.

Yes _____ No _____

6d. If a ramp is more than 30 feet long, is a level landing at least 60 inches long provided every 30 feet of horizontal length? [ADA Std 4.8.4]

Note: When the running slope is less than 1:16 and more than 1:20, each ramp segment may be up to 40 feet long followed by a level landing.

Yes _____ No _____

6e. Is a level landing, at least 60 inches by 60 inches, provided where a ramp changes direction? [ADA Std 4.8.4]

Yes _____ No _____

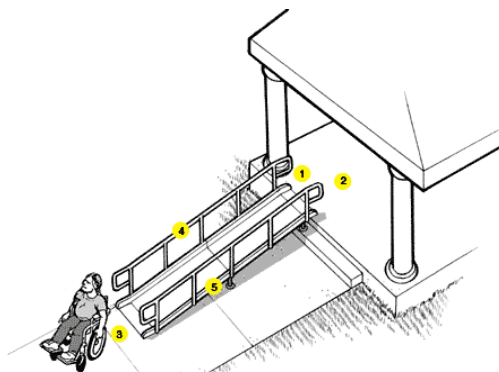
6f. Are the handrails mounted between 34 and 38 inches above the ramp surface? [ADA Std 4.8.5]

Yes _____ No _____

6g. If the ramp or landing has a vertical drop-off on either side of the ramp, is edge protection provided? [ADA Std 4.8.7]

Yes _____ No _____

Comments



Accessible Ramp Features

Notes:

- (1) At least 36 inches between handrails.
- (2) Top landing part of walk.
- (3) Bottom landing part of walk.
- (4) Handrail height 34 to 38 inches.
- (5) Edge protection.

Temporary Solutions for Election Day—Sidewalks and Walkways

Problem One:

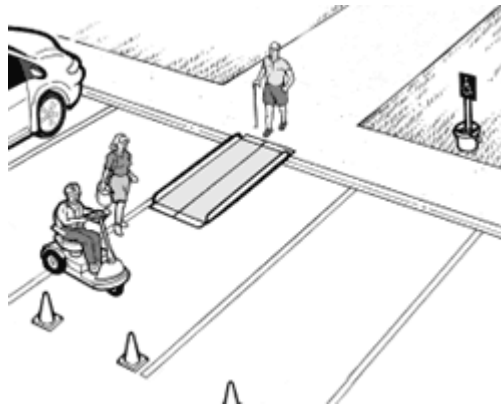
The sidewalk connecting parking to the polling place entrance is too steep to be accessible.

Suggestion: Check to see if there is another sidewalk that provides an accessible route to the accessible entrance. Sometimes there is a less direct route that can serve as the accessible route.

Problem Two:

The accessible route crosses a curb and no curb ramp is provided.

Suggestion: Install a portable ramp with edge protection.



A portable ramp with edge protection is installed over a curb to provide an accessible route.

Problem Three:

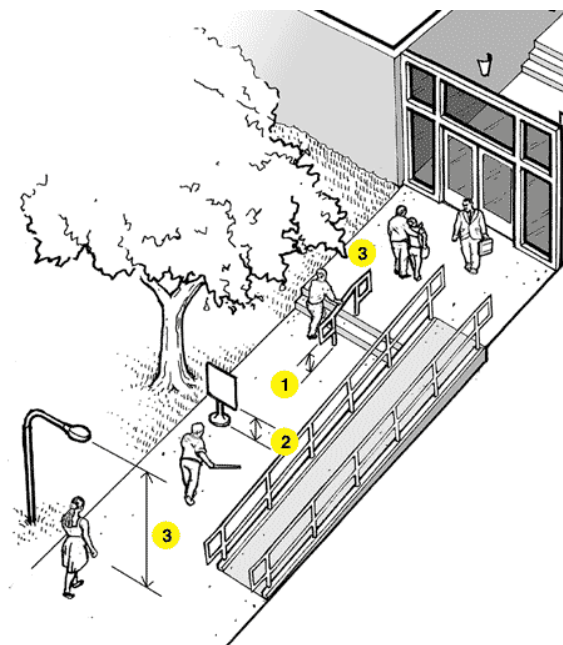
One or two steps are part of the walkway leading to the accessible entrance.

Suggestion: Install a portable ramp no steeper than 1:12 slope with edge protection and handrails.

C. Sidewalks and Walkways

Part 2. Typical Issues for Voters Who Are Blind or Have Low Vision

Objects that are wall-mounted, that project into a pedestrian route from the side, or that are overhead must be located so that people who are blind or who have low vision will either detect the objects before they run into them or safely pass under them. Examples include handrail extensions on stairs and ramps, post or wall-mounted signs, outdoor drinking fountains, and tree limbs that are lower than 80 inches above the walk. Pedestrian routes open to voters, such as sidewalks, courtyards, and plazas, must be free of overhanging objects that are less than 80 inches above the route. Objects more than 27 inches and less than 80 inches above the route that protude from the side more than 4 inches are also a hazard. Because people can walk on any sidewalk, not just the accessible routes, all exterior pedestrian routes serving or leading to the voting area must be checked. The following checklist applies to sidewalks and walkways leading to the polling place and voting area.



Common objects along pedestrian routes to a polling place that can be hazards to people who are blind or have low vision.

Notes:

- (1) The bottom of the handrail extensions turn down so a person who is blind or has low vision can detect the hazard before running into it.
- (2) Signs or other objects in the pedestrian route can be a hazard if the bottom is more than 27 inches but less than 80 inches above the route.
- (3) Objects that overhang the pedestrian route must be at least 80 inches above the route.

Sidewalks and Walkways Checklist—Voters Who are Blind or Who have Low Vision

Comments



This wall-mounted box is mounted too high to be detectable by a person who is blind. Placing an object, like this sign, under the box provides a way to warn the person before they walk into the side of the box.

C2-1. Are all sidewalks and walkways to the voting area free of any objects (e.g., wall-mounted boxes, signs, handrail extensions, trees) with bottom edges that are higher than 27 inches but less than 80 inches above the walkway and that extend more than 4 inches into the sidewalk or walkway? [ADA Std 4.4, 4.2.1(3), 4.1.3(2)]

Yes _____ No _____

If No, can the object be lowered, removed, or modified or can the route be changed to avoid the object?



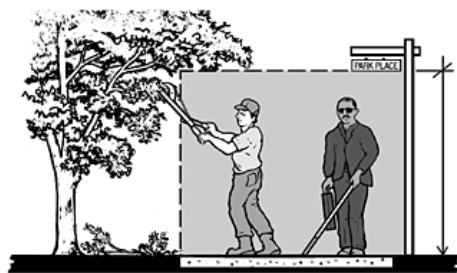
When the underside of a stair is open, it is a hazard to people who are blind or have low vision. Enclosing the area below the stair or installing a cane-detectable barrier helps the person to stop before hitting her head.

C2-2. Are the undersides of exterior stairs enclosed or protected with a cane detectable barrier so that people who are blind or have low vision will not hit their heads on the underside?

Yes _____ No _____

[ADA Std 4.4.2]

If No, can a barrier or enclosure be added below the stair or can the route be relocated away from the stair?



At least 80 inches above walk

C2-3. Are all objects Yes _____ No _____ that hang over the pedestrian routes 80 inches or more above the route?

If No, can the objects be removed or relocated, or can a detectable object be added below?

Comments

Temporary Solutions for Election Day—Sidewalks and Walkway Hazards

Problem One:

Branches or other objects over a walkway or pedestrian route are lower than 80 inches above the walk.

Suggestion: Prune the branches or remove the items that are hanging below 80 inches.

Another approach is to install a detectable barrier under the item that is too low. The detectable barrier or object must be within the detectable range of 27 inches or less above the route.

Problem Two:

One or more objects protrude too far from the side into the circulation path causing a hazard for people who are blind or who have low vision.

Suggestion: When people who are blind or who have low vision use a cane to detect hazards, objects located at 27 inches or lower are detectable. When an object is located more than 27 inches off the ground it is a hazard if the object protrudes more than 4 inches into the circulation path. To make a protruding object detectable:

- Place an object or a barrier below the protruding object in the cane-detectable area not more than 27 inches above the floor.
- If the protruding object can be moved, lower the object so its bottom is within the cane detectable area (not more than 27 inches above the floor).
- Prune or alter the protruding object so it does not protrude over the path.

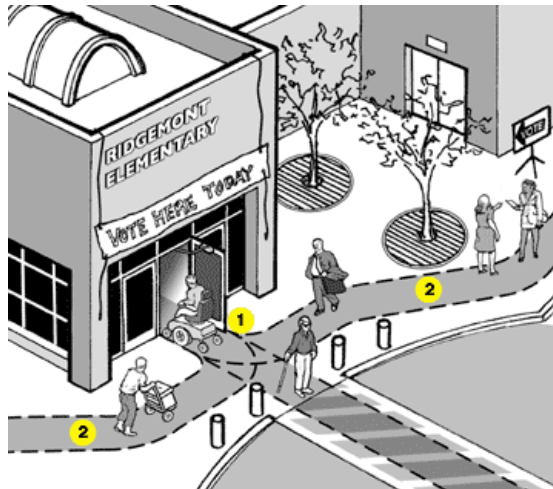
Entering the Polling Place

D. Building Entrance

Typical Issues

An accessible polling place must have at least one accessible entrance.

The accessible entrance must be connected to an accessible route. An accessible entrance must provide at least one accessible door with maneuvering space, accessible door hardware, and enough clear width to allow people who use crutches, a cane, walker, scooter or wheelchair to use it.



Notes:

- (1) Accessible entrance to the polling place.
- (2) Accessible route connecting accessible parking and drop-off area (if provided) to the accessible entrance.

If the accessible entrance is not the main entrance to the polling place, then signs must be located at inaccessible entrances to the polling place to direct voters to the accessible entrance. The accessible entrance must remain open when the polling place is open.



Examples of signs for inaccessible polling place entrances directing a voter to the accessible entrance

Building Entrance Checklist

D1. Is there at least one accessible entrance connected to an accessible route? [ADA Std 4.1.3(1)] Yes _____ No _____

Notes: If this entrance is not the main entrance, it needs to be kept unlocked during voting hours.

If there are inaccessible entrances serving the polling place, signs will be needed at inaccessible entrance(s) to direct voters to the nearest accessible entrance.

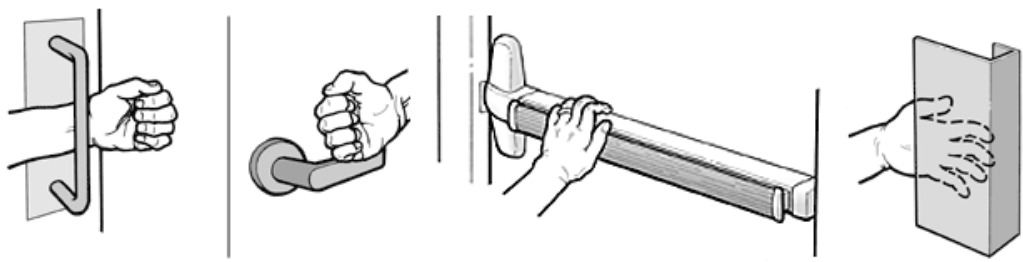
D2. Does at least one door or one side of a double leaf door at the accessible entrance provide at least 32 inches clear passage width when the door is open 90 degrees? [See figure 25 in the appendix at the back of the checklist] Yes _____ No _____

If No, does another entrance have an accessible door or can both doors be propped open during voting? Other possible solutions are to enlarge the door opening, use a swing clear hinge, or, if a double leaf door, use uneven width doors.

D3. Is the door hardware (e.g., lever, pull, panic bar) usable with one hand without tight grasping, pinching, or twisting of the wrist? [ADA Std 4.13.9] Yes _____ No _____

If No, leave door propped open, add new accessible hardware, or adapt/replace hardware.

Comments



Examples of handles and door hardware that can be used without tight grasping, pinching, or twisting.

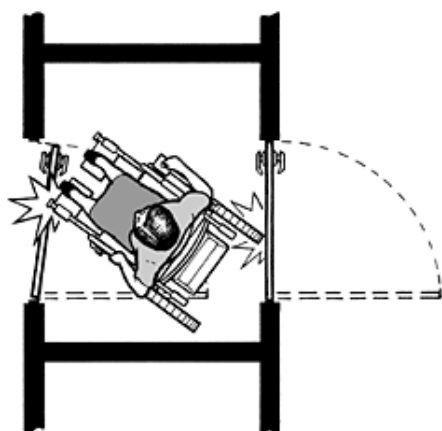
D4. On the pull side of the door, is there at least 18 inches clearance provided to the side of the latch if the door is not automatic or power-operated? [ADA Std 4.13.6, figure 25] Yes _____ No _____

Note: The maximum threshold height is 1/2 inch for new construction.

If No, leave the door propped open, install a power operator, or look for another accessible entrance.

D5. If there is a raised threshold, is it no higher than 3/4 inch at the door and beveled on both sides? [ADA Std 4.1.6(3)(d)(ii), 4.13.8] Yes _____ No _____

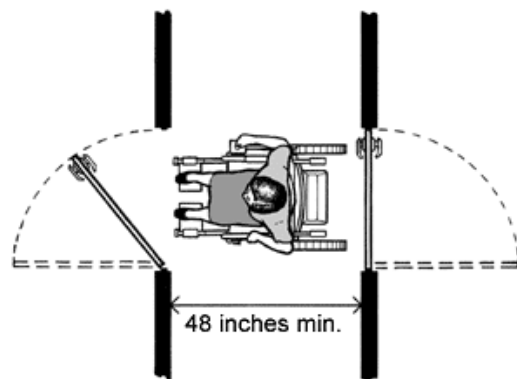
If No, replace threshold with one with beveled sides or add sloped insert to threshold.



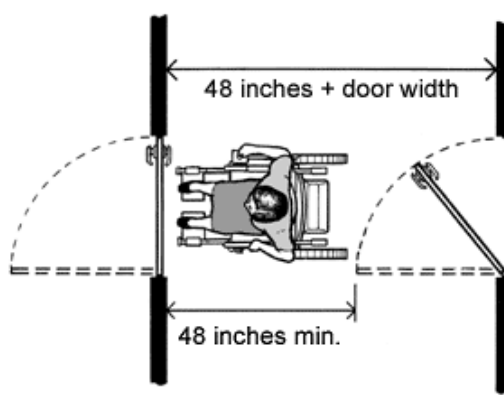
Insufficient space between doors makes the alcove inaccessible.

D6. If an entry has a vestibule, is there a 30-inch by 48-inch clear floor space inside the vestibule where a wheelchair or scooter user can be outside the swing of a hinged door? [ADA Std 4.13.7] Yes _____ No _____

If No, leave the inner door open or remove inner door, add power operators to both doors so they open at the same time or, modify the vestibule.



Minimum alcove depth of 48 inches if both doors open out



Minimum alcove depth of 48 inches + door width when door swings into alcove

Comments

Temporary Solutions for Election Day—Accessible Entrance to Polling Place

Problem One:

One or two steps at the entrance prevent access.

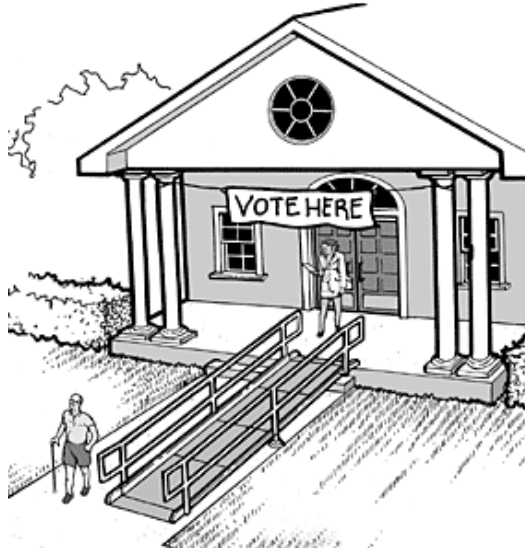
Suggestion: If another entrance is accessible and on an accessible route from accessible parking, designate it as the accessible entrance and install a directional sign at the main entrance directing voters to the accessible entrance. Keep the accessible entrance unlocked during voting hours.

If another accessible entrance is not available, install a temporary ramp with edge protection and handrails.

Problem Two:

There is a small step at the entrance.

Suggestion: Install a short temporary ramp to provide a smooth transition.



Problem Three:

Entrance door threshold has an abrupt change in level of more than 1/4 inch and no beveled sides.

Suggestion: If the threshold is not more than 3/4 inches high, add beveled surfaces to both sides of the threshold or replace with a new threshold that is no more than 1/2 inch high and that has beveled sides.

Problem Four:

Entrance door to the building is heavy and difficult to open.

Suggestion: Keep the door propped open or station volunteers near the door to open it for voters.

Problem Five:

Door handle and/or latch at the entry door is not accessible.

Suggestion: These are three typical solutions: add an accessible pull or handle to the outside of the door and leave the door unlatched, or install an accessible door handle and hardware, or leave the door propped in an open position.

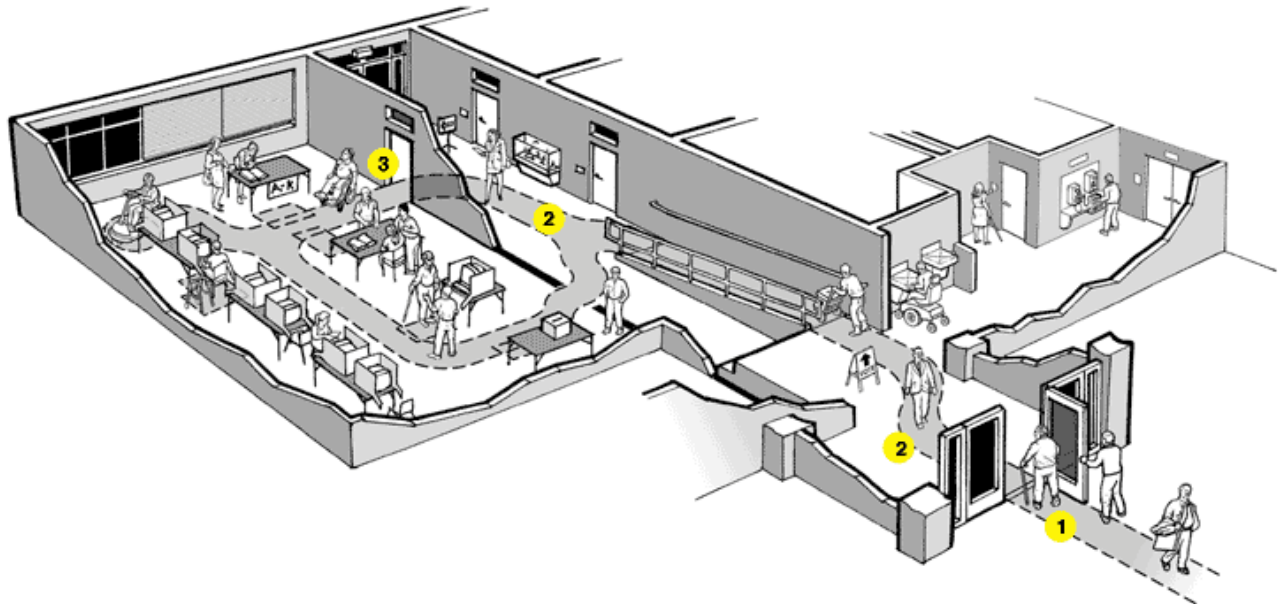
E. Hallways and Corridors

Part 1. Typical Issues for Voters Who Use Wheelchairs, Scooters, or Other Mobility Devices

The interior accessible route connects the accessible entrance with the voting area. Typically made up of hallways, corridors, and interior rooms and spaces, the accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility aids to get to the voting area.

An accessible route is at least 36 inches wide and may narrow briefly to 32 inches wide where the route passes through doors or next to furniture and building elements. High thresholds, abrupt level changes, steps, or steeply sloped hallways cannot be part of an accessible route. Where ramps are used, they cannot be steeper than 1:12. Ramps with a vertical rise of more than 6 inches must have handrails on both sides. Ramps must also have edge protection to stop wheelchairs from falling off the sides, and level landings at the top and bottom of each segment and where a ramp changes direction.

Where an accessible route is different from the route used by most voters, signs will be needed at key decision points to direct voters with disabilities to the voting area.



Interior of a polling place showing the accessible route from the accessible entrance to the voting area.

Notes:

- (1) Accessible entrance.
- (2) Accessible route connects the accessible entrance with the voting area.
- (3) Accessible door to the voting area.

Halls and Corridors Checklist—Voters with Mobility Disabilities**Comments**

E1-1. Is there an accessible route, at least 36 inches wide that connects the accessible entrance to the voting area (the accessible route may narrow to 32 inches wide for up to 2 feet in length)? Yes _____ No _____

E1-2. Is the accessible route free of steps and abrupt level changes over 1/2 inch (level changes between 1/4 inch and 1/2 inch should be beveled)? [ADA Std 4.1.3(1), 4.3.8] Yes _____ No _____

E1-3. Does the route from the accessible entrance to the voting area change levels using a ramp, lift or elevator? Yes _____ No _____
If no, go to question E1-7.

3a. If yes, is a ramp or sloped hallway provided? Yes _____ No _____
If yes, go to question E1-4.

Note: A ramp, lift, or elevator can be used to provide access to floor levels.

3b. Is an elevator provided or lift provided? Yes _____ No _____
If an elevator is provided, go to question E1-5. If a lift is provided, go to question E1-6.

E1-4. Where the slope of the accessible route is greater than 1:20, does this part of the accessible route meet the following requirements for an accessible ramp? Yes _____ No _____

4a. Is the slope no greater than 1:12? [ADA Std 4.8.2] Yes _____ No _____
Note: For existing ramps, the slope may be 1:10 for a 6 inch rise and 1:8 for a 3 inch rise in special circumstances, see ADA Standards 4.1.6(3).

4b. Is the ramp width, measured between handrails, at least 36 inches? [ADA Std 4.8.3] Yes _____ No _____

4c. Are the handrails mounted between 34 and 38 inches above the ramp surface? [ADA Std 4.8.5] Yes _____ No _____

| | Yes _____ No _____ | Comments |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------|
| <p>4d. If a ramp is more than 30 feet long, is a level landing at least 60 inches long provided every 30 feet of horizontal length? [ADA Std 4.8.4]</p> <p><i>Note: When the running slope is less than 1:16 and more than 1:20, each ramp segment may be up to 40 feet long followed by a level landing.</i></p> | | |
| <p>4e. Does the ramp have a level landing at the top and bottom of each ramp section that is at least 60 inches long? [ADA Std 4.8.4]</p> <p><i>Note: The level landing may be part of the sidewalk or walking surface.</i></p> | | |
| <p>4f. Is a level landing, at least 60 inches by 60 inches, provided where a ramp changes direction? [ADA Std 4.8.4]</p> | | |
| <p>4g. If the ramp or landing has a vertical drop-off on either side of the ramp, is edge protection provided? [ADA Std 4.8.7]</p> | | |
| <p>E1-5. Is an elevator provided to access the voting area level?</p> | | |
| <p>5a. Are the elevator call buttons mounted in an accessible location with the centerlines at 42 inches above the floor? [ADA Std 4.10.3]</p> | | |
| <p>5b. Does the floor area of the elevator car provide space for wheelchair users to enter, reach the controls, and exit the car? [ADA Std 4.10.9]</p> <p><i>Note: See Figure 22 for acceptable floor and opening dimensions. Floor dimensions of at least 48 inches by 48 inches may be allowed in existing facilities built before the ADA went into effect.</i></p> | | |

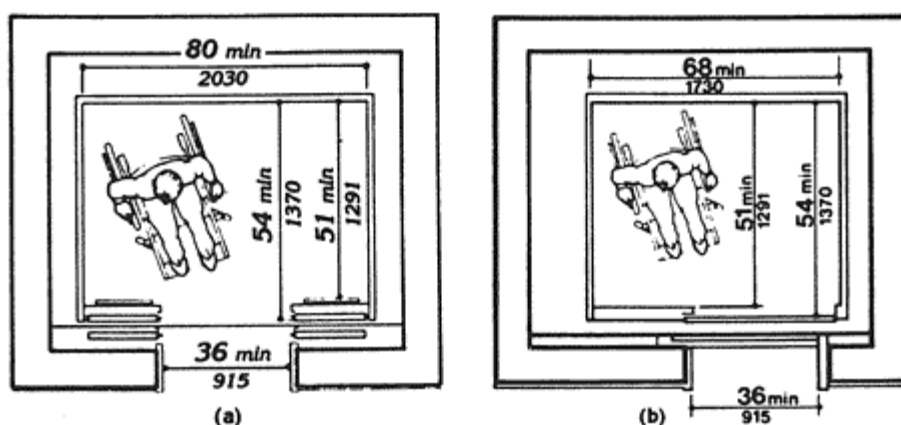


Fig. 22
Minimum Dimensions of Elevator Cars

5c. Are the highest floor control buttons in the elevator cab mounted no more than 54 inches above the floor for a side reach or 48 inches for forward reach?

Yes _____ No _____

5d. Are raised letters and Braille characters used to identify each floor button and each control? [ADA Stds 4.10.12]

Yes _____ No _____

5e. Are signs mounted on both sides of the elevator hoistway door opening that designate the floor with 2-inch minimum-height raised letters and Braille characters centered at 60 inches above the floor? [ADA Stds 4.10.5]

Yes _____ No _____

5f. Is the elevator equipped with audible tones or bells or verbal annunciators that announce each floor as it is passed? [ADA Stds 4.10.13]

Yes _____ No _____

E1-6. If a wheelchair lift is provided, does it meet the following requirements:

6a. Is the lift operational at the time of the survey?

Yes _____ No _____

6b. Is the change in level from the floor to the lift surface ramped or beveled?

Yes _____ No _____

6c. Is there at least a 30-inch by 48-inch clear floor space on the wheelchair lift?

Yes _____ No _____

6d. Does the lift allow a wheelchair user unassisted entry, operation, and exit?

Yes _____ No _____

Comments

6e. Are the controls and operating mechanisms mounted no more than 54 inches above the floor for a side reach or 48 inches for a forward reach?

Yes _____ No _____

6f. Are the controls and operating mechanisms usable with one hand without tight grasping, pinching, or twisting?

Yes _____ No _____

E1-7. At each location on the way to the voting area where the accessible route passes through a door or doors, does at least one door meet the following requirements?

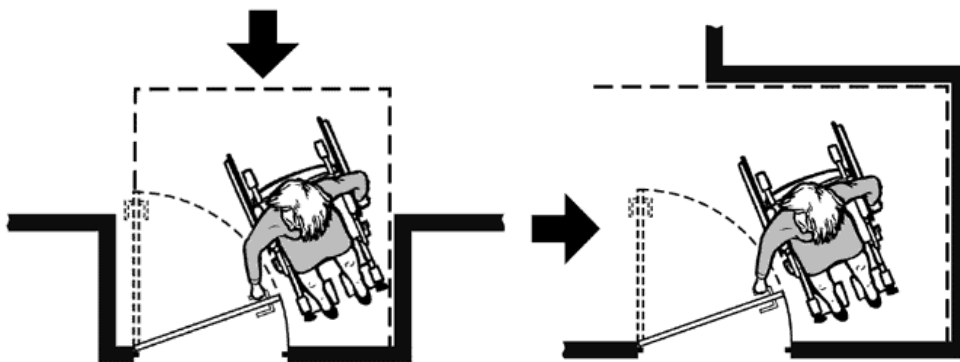
Yes _____ No _____

7a. Is the clear width for the door opening at least 32 inches measured when the door is open 90 degrees?
[ADA Std 4.1.3(7), 4.13.5]

Yes _____ No _____

7b. Is the door hardware (e.g., lever, pull, push, panic bar) usable with one hand, without tight grasping, pinching, or twisting of the wrist, to allow people who may not be able to easily use one or both hands to fully operate the hardware? [ADA Std 4.13.9]

Yes _____ No _____



A clear floor space on the latch side of the door (pull side) allows a person using a wheelchair or scooter to pull the door open and then enter. The size of the clear floor space varies depending on the direction of approach (shown by the arrows) and the door swing.

7c. Is there clear maneuvering floor space in front of each accessible door (see Figure 25 in the appendix for measurements) and on the pull side, is there at least 18 inches clear floor space beyond the latch side of the door (see space configurations in Figure 25)? [ADA Std 4.13.6]

Yes _____ No _____

Comments

7d. Is no more than 5 pounds force needed to push or pull open the accessible door?

Yes _____ No _____

Note: Fire doors are still considered to be accessible if they have the minimum opening force allowable by the appropriate administrative authority.

7e. If the answers to questions (b) thru (d) are no, can the door be propped open to provide an accessible route on election day?

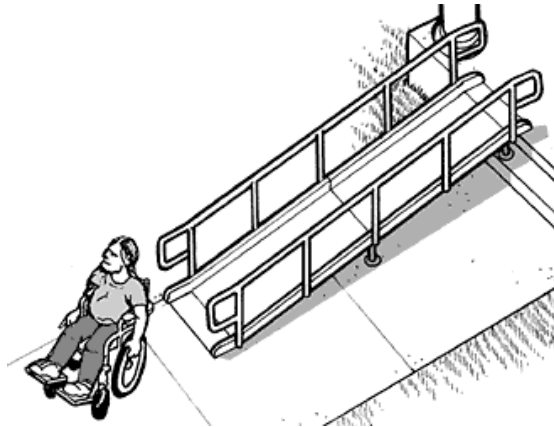
Yes _____ No _____

Temporary Solutions for Election Day—Interior Hallways & Corridors

Problem 1:

One or more steps along hallway to voting area block access.

Suggestion: Install a portable ramp with edge protection and handrails as shown in the figure or relocate the accessible voting to another area that is on an accessible route.

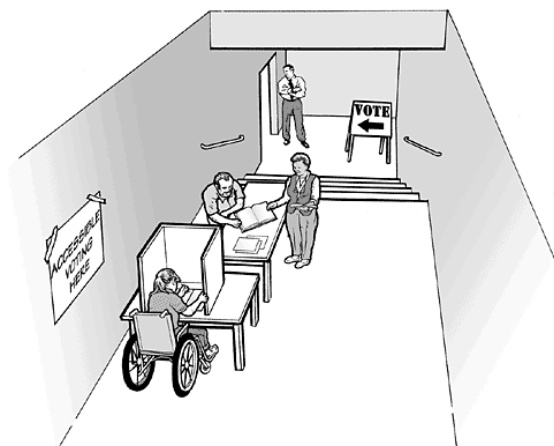


A portable ramp with edge protection and handrails is placed over stairs to provide an accessible route on Election Day.

Problem 2:

Voting area is not on an accessible route and cannot be made accessible.

Suggestion: Look for another area where accessible voting may be provided. For example, if the living room of a private home used for voting is up several steps, perhaps the garage may be accessible when entered from the driveway. Or, if a church's basement is used as a polling place and it is not accessible, perhaps one of the ground floor rooms could be used as the accessible voting area.



An accessible voting station is provided on an accessible level in a facility where voting occurs downstairs.

E. Hallways and Corridors

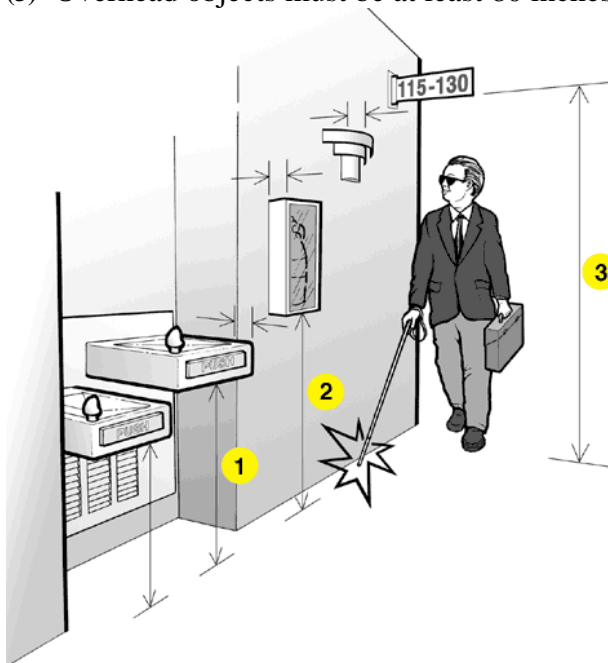
Part 2. Typical Issues for Voters Who are Blind or Who Have Low Vision

People who are blind or have low vision may walk along any route to access the voting area, not just the accessible routes. That means pedestrian routes open to voters serving or leading to the voting area, such as hallways, corridors and the voting space, must be free of objects that cannot be detected by a person who is blind or visually impaired. Objects that are wall-mounted, that project into a pedestrian route from the side, or that are overhead must be located so that voters who are blind or who have a visual impairment will either detect the objects before they run into them or safely pass under them. These routes must be free of overhanging objects that are less than 80 inches above the floor and side objects that protrude into the route more than 4 inches when the bottom of the object is more than 27 inches above the floor. Items to watch for include wall-mounted fire extinguishers and wall-mounted display cases when the bottom is more than 27 inches above the floor, wall sconces and light fixtures that protrude more than 4 inches off the wall, and open staircases, exit signs, overhead signs, banners, and arched doorways that are lower than 80 inches above the floor.

The following checklist applies to pedestrian routes serving or leading to the voting area.

Notes:

- (1) Wall-mounted drinking fountains are a hazard when the front projects more than 4 inches beyond the wall and the bottom is more than 27 inches above the floor.
- (2) Wall-mounted objects cannot project more than 4 inches beyond the wall if the bottom is not in the cane-detectable area below 27 inches off the floor.
- (3) Overhead objects must be at least 80 inches off the floor.



Overhead and wall-mounted objects that may be hazards along a pedestrian route.

Halls and Corridors Checklist—Voters who are Blind or Who Have Low Vision

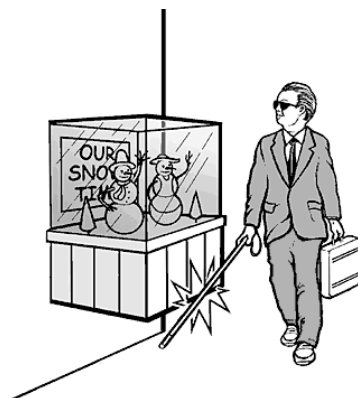
Comments

E2-1. Are pedestrian routes leading to or serving the voting area free of objects that protrude from the side more than 4 inches into the route with the bottom of the object more than 27 inches above the floor? [ADA Std. 4.4]

Yes _____ No _____

Note: These objects may be wall mounted or free standing. Items to check include wall-mounted fire extinguishers, light fixtures, coat hooks, shelves, drinking fountains, and display cases

If No, list the objects that are a hazard and their location. Placing a detectable object on the floor below each object may remove the hazard for election day.



If the bottom of an object is not more than 27 inches above the floor, it may extend an unlimited amount from the wall.

E2-2. Are pedestrian routes leading to or serving the voting area free of overhead objects with the bottom edge lower than 80 inches above the floor?

Yes _____ No _____

If No, list the objects that are a hazard and their location. Placing a detectable object on the floor below each object may remove the hazard for election day.

E2-3. If provided, are the interior stairs along these routes built so that people who are blind or visually impaired cannot hit their heads on the underside (i.e., protected with a cane-detectable warning or a barrier that prevents travel into the area with less than an 80-inch-high head clearance)? [ADA Std. 4.4.2]

Yes _____ No _____

Temporary Solutions for Election Day—Hallways and Corridors

Problem One:

Wall-mounted display case is a protruding object hazard because it is more than 4 inches from the wall and the bottom of the case is more than 27 inches above the floor.

Suggestion: Place a detectable object or skirting below the case. The bottom of the skirting or detectable object must be no higher than 27 inches above the floor.

Problem Two:

Ceiling or wall-mounted television monitor has less than 80 inches of clearance between the floor and the bottom of the unit.

Suggestion: Place a detectable object below the unit (no more than 27 inches above the floor) so a voter who is blind will not walk into the television.

Problem Three:

The bottom of a stair is open and voters who are blind or who have low vision can hit their heads on the underside of the stair.

Suggestion: Provide a detectable fence or other object so voters cannot walk under the stair.



A detectable fence placed under this stair keeps people from running into the bottom of the open stair.

Using the Polling Place

F. Voting Area

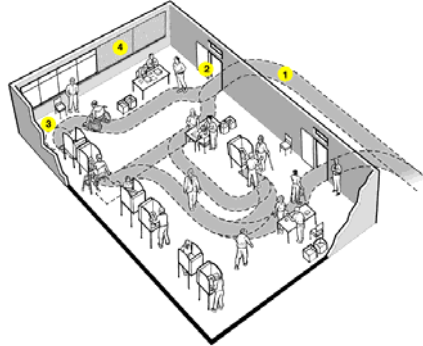
Typical Issues

The accessible voting area must be on an accessible route and have an accessible entrance and adequate circulation and maneuvering space for voters who use wheelchairs or scooters or who walk with mobility aids.

An accessible route must connect the accessible building entrance to the accessible voting area, which includes voter check-in and the location of the accessible voting machines. The survey should also identify any protruding objects (wall-mounted or overhead) along the circulation route to voter check-in and the voting area.

Notes:

- (1) Accessible route connects the building entrance with the voting area, including voter check-in and accessible voting machine.
- (2) Accessible door or doorway to voting area.
- (3) Turning space at accessible voting machine.
- (4) Blinds closed on windows behind check-in so voters who read lips can communicate with the voting staff.



Voting Area Checklist**Comments**

- | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1. | Is there an accessible entrance to the voting area? | Yes _____ No _____ |
| 2. | Within the voting area, is adequate space available on the accessible level for check-in tables, a voting demonstration area (if provided), and at least one accessible voting station? | Yes _____ No _____ |
| 3. | Is the voting area free of objects that protrude from the side more than 4 inches into the route with the bottom of the object more than 27 inches above the floor? [ADA Std. 4.4] | Yes _____ No _____ |
| | <i>Note: These objects may be wall mounted or free standing. Items to check include wall-mounted fire extinguishers, light fixtures, coat hooks, shelves, and display cases.</i> | |
| 4. | Is the voting area free of overhead objects that voters may pass under with the bottom edge lower than 80 inches above the floor? | Yes _____ No _____ |
-

Appendix

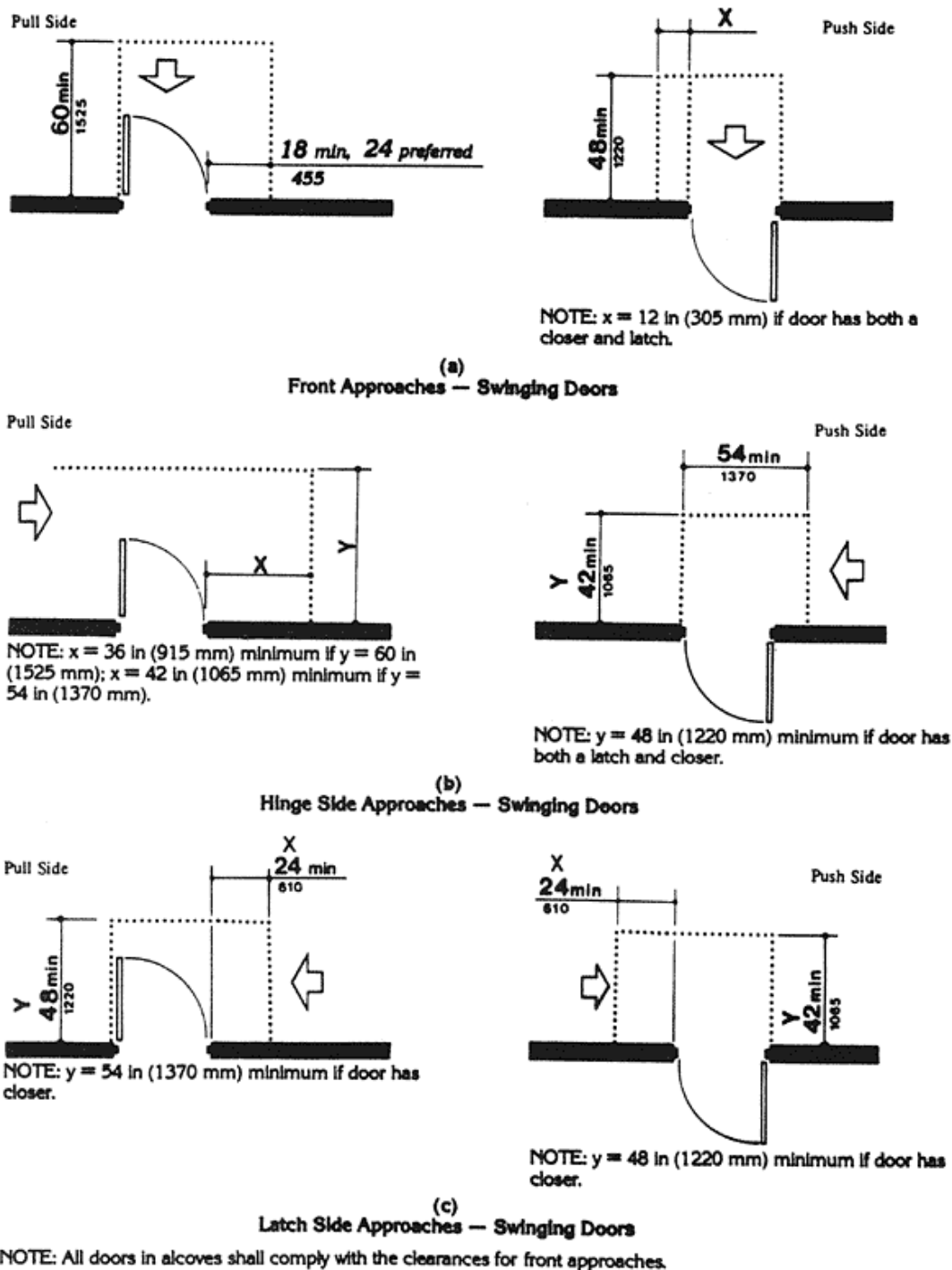
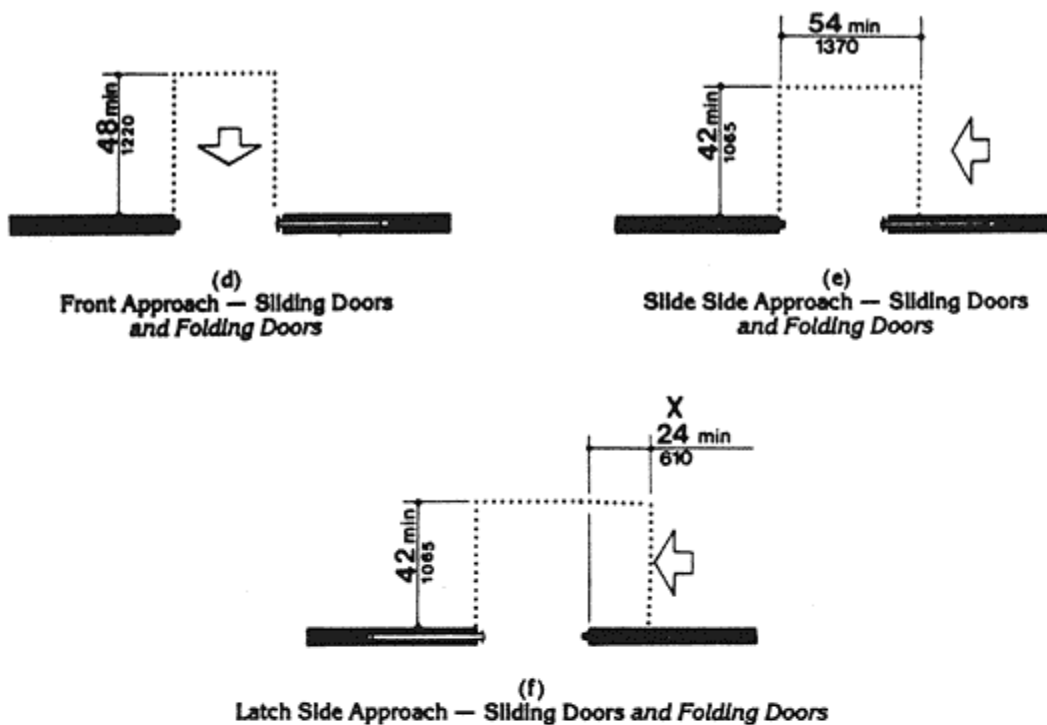


Fig. 25
Maneuvering Clearances at Doors



NOTE: All doors in alcoves shall comply with the clearances for front approaches.

Fig. 25
Maneuvering Clearances at Doors (Continued)

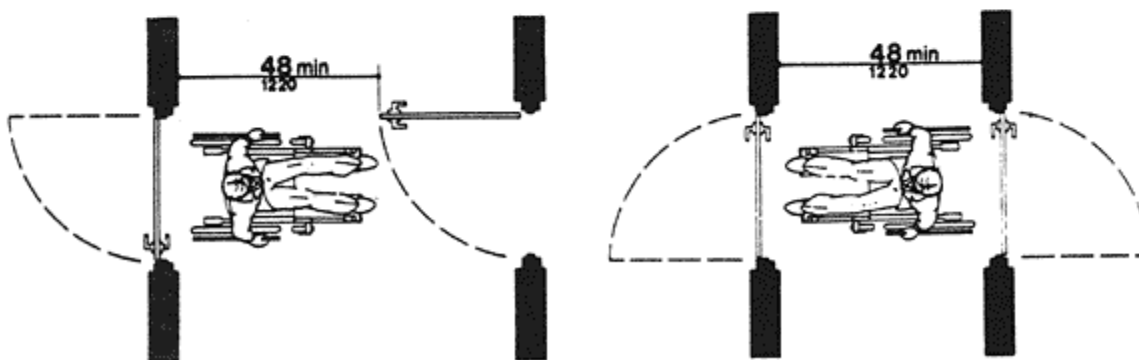


Fig. 26
Two Hinged Doors in Series

Appendix N: Absentee Ballot Request Form

APPLICATION FOR ABSENT ELECTOR'S BALLOT

State of Idaho }
County of _____ } s. _____
Date: _____

I, _____, hereby make application for an absent elector's ballot or ballots to be voted at the election held on _____.
(Check election this application is to be used)
☐ 1st Tuesday in February
☐ 4th Tuesday in May / Primary Election
☐ 1st Tuesday in August
☐ Tuesday following 1st Monday in November / General Election
☐ Special Emergency Election to be held on _____.

My home address is: _____ in _____, _____,
(House Number and Street) (City) _____,
and I am duly registered in _____ County, Idaho.

Please mail ballot(s) to me at the following address:

(Elector)

(Mailing Address)

(City, State and Zip Code)

ELECTOR MUST PERSONALLY SIGN APPLICATION

Signed: _____
(Elector)

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