



A Short Guide to Helping Voters Register Under Idaho Law

WHO IS ELIGIBLE TO VOTE?

In Idaho, an individual may register to vote and vote if she:¹

- Is a U.S. citizen;
- Is or will be at least 18 years of age on Election Day;
- Has resided in Idaho and the county where she seeks to vote for 30 days before the election;
- Has not been convicted of a felony in any jurisdiction, or if so convicted, has been restored to the rights of citizenship; and
- Is not confined in prison on conviction of a criminal offense at the time of the election.
 - Persons convicted of a felony, regardless of where convicted, have their right to vote automatically restored upon completion of sentence, including probation or parole.

WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?

Federal law² requires that voter registration applications include:

- The applicant's Driver's License or State ID number, or, if none,
- Last four digits of Social Security Number, or, if none
- The state will assign the applicant a number, and
- Check boxes for the applicant to indicate whether she is a U.S. citizen and will be 18 by Election Day.

Idaho law requires each applicant to supply the following information under oath or affirmation:³

- Full name;
- Sex;
- Mailing address, residence address, or any other necessary information definitely locating the elector's residence (residence address may not consist of a P.O. box);⁴
- The period of time preceding the date of registration during which the elector has resided in Idaho;
- Whether or not the elector is a U.S. citizen;
- Affirmation that the elector is under no legal disqualifications to vote;
- County and state where the elector was previously registered, if any;
- Date of birth; and
- Current driver's license number or, in the absence of an Idaho driver's license, the last four digits of the applicant's Social Security Number.

WHAT IS THE DEADLINE FOR SUBMITTING REGISTRATION APPLICATIONS?

Applications using mail forms or made at an agency must be received or postmarked no later than the 25th day before Election Day in order for the applicant to vote in that election. Federal voter registration forms are accepted as valid registration if postmarked no later than the deadline.⁵

Additionally, 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.⁶



WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

The mail voter registration application form must be available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.⁷

BEFORE THE DRIVE

- A. Does the state require organizations conducting voter registration drives to register or file other information detailing its voter registration activities?**

No.

- B. Does the state require any training in order to conduct voter registration drives?**

No.

- C. Does the state have restrictions on who may help others register to vote?**

No.

- D. Does the state have restrictions on whether workers may be paid?**

No.

- E. Can canvassers or the voter registration drive offer something of value to a person in exchange for completing a voter registration application?**

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."⁸ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."⁹

Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."¹⁰

DURING THE DRIVE

- A. Are there special rules requiring the registration drive worker to sign her name to the completed voter registration application?**

No.

- B. Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?**

This is not addressed in Idaho election law.

- C. Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?**

Idaho law does not directly address the issue of copying completed voter registration applications before they are filed with the election official; however the completed and signed registration card filed in the county clerk's office is "considered confidential and unavailable for public inspection and copying." However, information from the card will be made publicly available, except for the voter's driver's license number, date of birth, and (in limited circumstances) physical residence.¹¹ Organizations should review procedures with election officials.



D. Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?

No, except that applications must be postmarked or delivered no later than the 25th day before Election Day in order for the applicant to vote in that election.¹²

E. What are the consequences for failing to submit voter registration applications on time?

This is not addressed in Idaho election law.

F. How are completed voter registration forms tracked?

The county clerk must 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 must cause the county clerk to remove the elector's card from the register of electors.¹³

G. Who is responsible for investigating and enforcing the state rules?

The county sheriff and prosecuting attorney are responsible for enforcing all Idaho statutes.¹⁴

WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?

A. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?

This is not addressed in Idaho election law.

B. How may an applicant correct an incomplete application after it has been submitted to county election officials?

This is not addressed in Idaho law.

WEB PAGE OF STATUTE

<http://legislature.idaho.gov/idstat/Title34/T34.htm>

For more information, contact:

Project Vote

805 15th St NW, Suite 250

Washington, D.C. 20005

(888) 546-4173

www.projectvote.org

Last Revised 03/2014

DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

¹ Idaho Const. art. VI, § 3; Idaho Code § 34-402; Idaho Sec'y of State, *Frequently Asked Questions Regarding Voter Registration*, http://www.idahovotes.gov/VoterReg/REG_FAQ.HTM (last visited March 10, 2014)

² Help America Vote Act of 2002 (HAVA) §§ 303(a)(5), 303(b)

³ Idaho Code § 34-411(1)



⁴ Idaho Sec'y of State, *Frequently Asked Questions Regarding Voter Registration*,

http://www.idahovotes.gov/VoterReg/REG_FAQ.HTM (last visited March 10, 2014)

⁵ Idaho Code §§ 34-408(1), 34-410. Idaho is exempted from the requirements of the National Voter Registration Act of 1993 (NVRA).

⁶ Idaho Code § 34-408A

⁷ Idaho Code § 34-410

⁸ 42 U.S.C. § 1973i(c).

⁹ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

¹⁰ California Secretary of State, *Guide to Voter Registration Drives* 10 (last revised March 2013), available at <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>.

¹¹ Idaho Code §§ 34-416, 9-340C(25)

¹² Idaho Code §§ 34-408(1), 34-410

¹³ Idaho Code § 34-410

¹⁴ Idaho Code § 31-2227