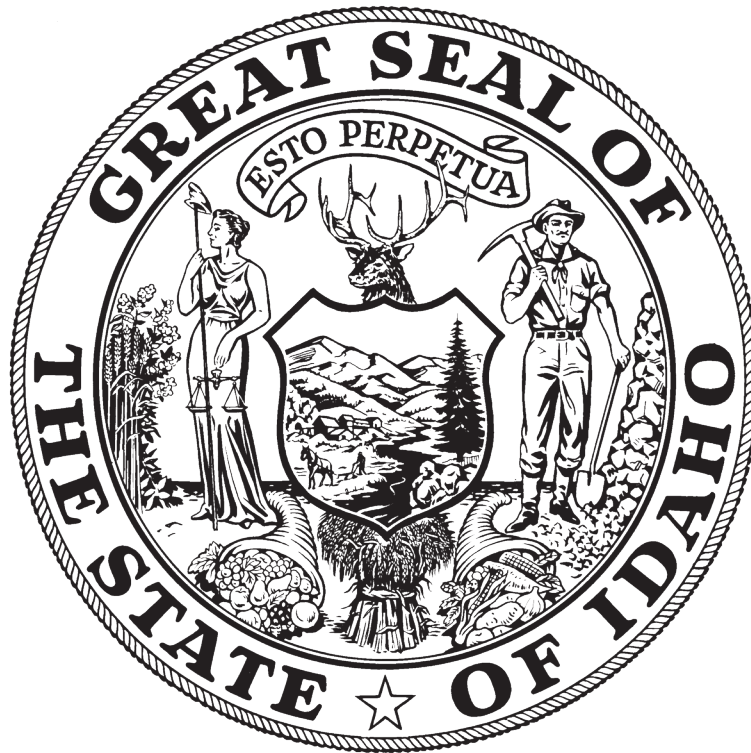


# IDAHO SECRETARY OF STATE DIRECTIVES



January 2023

Compiled under the authority of the  
Secretary of State  
State of Idaho

**IDAHO**  
Secretary of State's Office



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# DIRECTIVE

2003-1

**What Is To Be Counted As A Vote?**





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWRENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2003-1)

The Secretary of State, pursuant to the authority of Sections 34-202 and 34-1203, *Idaho Code*, does hereby issue the following directive:

All votes shall be determined in a fair and consistent manner for each voting system in the State. In all cases, inspection boards must determine whether votes should be counted or rejected. The attached standards should be followed when determining what is to be counted as a vote.

LAWRENCE DENNEY  
Secretary of State

# Ballot Inspection Process: What Is To Be Counted As A Vote?

## General

Section [34-1203](#), *Idaho Code*, sets the statutory standards for counting ballots i.e., “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 ballots.” Although it is impossible to include all possible scenarios, these instructions are intended to assist the poll and election workers in determining in a fair and consistent manner what should be counted as a vote for each voting system used in the state. In all cases, inspection boards must determine whether ballots should be counted, rejected or duplicated. If the ballot has damage or defects that would cause problems in a vote tally system a duplicate ballot should be generated.

## Overvotes:

If a voter places a mark or writes-in the names of more candidates for an office than are to be elected or nominated, no vote shall be counted for any candidate for that office. The ballot is defective with respect only to that office, and the rest of the ballot should be counted.

## Undervotes:

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

## Paper Ballots

The following principles apply when examining a paper ballot:

- **From face of ballot only.** Intent shall be ascertained only from the face of the ballot.
- **Votes for too many candidates.** If a voter places a mark or writes-in the names of more candidates for an office than are to be elected or nominated, the ballot is defective with respect only to that office. No vote shall be counted for any candidate for that office.
- **Name written-in.** If a voter has written-in the name of a declared write-in candidate or a candidate filing a declaration of candidacy, a vote shall be counted for that individual whether or not the voter makes a mark (X) in the square opposite the blank. Please note, a partisan tally of write-ins must be kept in the primary for an individual whereas the write-ins for an individual in the general election are cumulative. Remember only the write-ins for an individual who has filed a Declaration of Intent are to be checked for validity. The County Clerk will provide a list of such individuals. In the event a write-in is cast for a candidate whose name appears on the ballot, the vote shall be counted provided it does not create an overvote. Write-ins in the wrong office shall not be counted.
- **Mark out of place.** 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.
- **Different marks.** Any mark evidencing the intent of the voter shall be counted.
- **Attempted erasures or cross outs.** 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.
- **Misspellings and abbreviations.** Misspellings or abbreviations of the names of write-in candidates shall be disregarded if the individual for whom the vote was intended can be ascertained from the ballot.

## Guidelines for determining voter’s intent for paper ballot write-ins.

Pursuant to Section [34-702A](#) and [34-1407](#), *Idaho Code*, no write-in vote for any office shall be counted unless a declaration of intent or declaration of candidacy has been filed indicating that the person desires the office. Pursuant to Section [34-1203](#), *Idaho Code*, 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 the vote. The minimum threshold for determination of a write-in vote is the surname within the appropriate space.

The following guidelines are to assist in determining voter’s intent for a declared write-in candidate or candidate filing a declaration of candidacy.

## SECRETARY OF STATE DIRECTIVES

- I. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the box to the right.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- II. Voter has written-in an abbreviation or common nickname of the candidate's first name and the surname of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the box to the right.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- III. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and did not make a mark in the box to the right.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- IV. Voter has placed a pre-printed sticker with the candidate's name under the office the candidate has filed a declaration of intent or declaration of candidacy for and did/or did not make a mark in the box to the right.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- V. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy under a different office the candidate has filed a declaration of intent or declaration of candidacy for and marked the box to the right.

### **Examples:**

- a. Candidate filed for county commissioner for the first district and wrote the name under county commissioner for the second district.
- b. Candidate filed for State Representative, position A and the name was written-in under position B.

THIS VOTE **SHOULD NOT** BE COUNTED AS A VALID WRITE-IN VOTE.

- VI. Voter has written-in only the surname of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the box to the right.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- VII. Voter has written-in only the first name of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the box to the right.

THIS VOTE **SHOULD NOT** BE COUNTED AS A VALID WRITE-IN VOTE.

### **Optical and Digital Scan Ballots**

Optical and digital scan voting systems require that the elector place a mark in a pre-defined area on the ballot in order to cast a vote. The vote shall be considered valid when the vote tabulator recognizes a mark within the predefined area unless the ballot is rejected as being blank.

If the tabulation device rejects the ballot as being blank, and it appears that the reason is because the ballot was marked consistently, but in a manner that it could not be read by the device, the ballot is to be duplicated in a machine readable manner from the marks on the original ballot.

If the tabulation device rejects the ballot because of an "indeterminate read error", the ballot is to be examined by the duplication board and, if the board can determine the intent of the voter, duplicated in a machine readable manner from the marks on the ballot. If the duplication board cannot determine the intent of the voter, or if the members of the board disagree



## SECRETARY OF STATE DIRECTIVES

on the intent of the voter, the ballot is to be duplicated with the race or races in question left blank so that no vote will be recorded for the race or races in question.

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.

### **Guidelines for determining voter's intent for optical and digital scan ballot write-ins.**

Pursuant to Section 34-702A, *Idaho Code*, no write-in vote for any office shall be counted unless a declaration of intent or declaration of candidacy has been filed indicating that the person desires the office. Pursuant to Section 34-1203, *Idaho Code*, 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. The minimum threshold for determination of a write-in vote is the surname within the appropriate space.

The following guidelines are to assist in determining voter's intent for a declared write-in candidate or a candidate filing a declaration of candidacy.

- I. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the predefined area.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- II. Voter has written-in an abbreviation or common nickname of the candidate's first name and the surname of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the predefined area.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- III. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy under a different office the candidate has filed a declaration of intent or declaration of candidacy for and marked the predefined area.

#### **Examples:**

- a. Candidate filed for county commissioner for the first district and wrote the name under county commissioner for the second district.
- b. Candidate filed for State Representative, position A and the name was written-in under position B.

THIS VOTE **SHOULD NOT** BE COUNTED AS A VALID WRITE-IN VOTE.

- IV. Voter has written-in only the surname name of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the predefined area.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- V. Voter has written-in only the first name of the write-in candidate or candidate filing a declaration of candidacy under the office the candidate has filed a declaration of intent or declaration of candidacy for and marked the predefined area.

THIS VOTE **SHOULD NOT** BE COUNTED AS A VALID WRITE-IN VOTE.

### **Direct Recording Electronic (DRE) Ballot**

A vote on a touch-screen direct recording electronic voting system or electron voting system consists of a voter's selection of a candidate or answer to a ballot question appearing on the voting surface of the device, followed by the voter activating the cast vote indicator.

### **Guidelines for determining voter's intent for DRE ballot write-ins.**

Pursuant to Section 34-702A, *Idaho Code*, no write-in vote for any office shall be counted unless a declaration of intent

## SECRETARY OF STATE DIRECTIVES

has been filed indicating that the person desires the office. Pursuant to Section 34-1203, *Idaho Code*, when it is sufficiently plain to determine the voter's intention, it shall be the duty of the judges to count the vote. The minimum threshold for determination of a write-in vote is the surname within the appropriate space.

The following guidelines are to assist in determining voter's intent for a declared write-in candidate.

- I. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy and the candidate has filed a declaration of intent or declaration of candidacy.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- II. Voter has written-in an abbreviation or common nickname of the candidate's first name and the surname of the write-in candidate or candidate filing a declaration of candidacy and the candidate has filed a declaration of intent or declaration of candidacy.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- III. Voter has written-in the complete name of the write-in candidate or candidate filing a declaration of candidacy under a different office for which the candidate has filed a declaration of intent or declaration of candidacy.

**Examples:**

- a. Candidate filed for county commissioner for the first district and wrote the name under county commissioner for the second district.
- b. Candidate filed for State Representative, position A and the name was written-in under position B.

THIS VOTE **SHOULD NOT** BE COUNTED AS A VALID WRITE-IN VOTE.

- IV. Voter has written-in only the surname of the write-in candidate or candidate filing a declaration of candidacy under the office for which the candidate has filed a declaration of intent or declaration of candidacy.

THIS VOTE **SHOULD** BE COUNTED AS A VALID WRITE-IN VOTE.

- V. Voter has written-in only the first name of the write-in candidate or candidate filing a declaration of candidacy under the office for which the candidate has filed a declaration of intent or declaration of candidacy.

THIS VOTE **SHOULD NOT** BE COUNTED AS A VALID WRITE-IN VOTE.

# DIRECTIVE

2015-1

## Absentee Ballot Printing And Mailing





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWERENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2015-1)

In order to maintain uniformity in the application, operation and interpretation of the election laws of the State of Idaho, and to facilitate the absentee ballot process, pursuant to Section 34-202, *Idaho Code*, the Secretary of State, does hereby issue the following directive:

For a Primary and General Election held in an even numbered year, all absentee ballots shall be printed no later than fifty (50) days prior to the election. This directive is necessary to comply with the mailing requirement of section 34-1003(3), *Idaho Code*, which provides for a forty-five (45) day ballot transit time for absentee ballots where the absentee request was received at least forty-five (45) days before an election.

For all other elections, including special district elections held in odd numbered years, all absentee ballots shall be printed no later than forty (40) days prior to the election. This is necessary to allow for at least 30 days transit time of the absentee ballot to the voter and transit back from the voter. However, it is recommended that the County Clerk continue to strive to have absentee ballots mailed by the 45th day before any election to allow for transit to all voters requesting absentee ballots at least forty-five (45) days before an election.

LAWERENCE DENNEY  
Secretary of State

# DIRECTIVE

2015-2

**Absentee Ballot Opening Prior To Election Day**





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWERENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2015-2)

In order to maintain uniformity in the application, operation and interpretation of the election laws of the State of Idaho, and to facilitate the absentee ballot process, pursuant to Section 34-202, *Idaho Code*, the Secretary of State, does hereby issue the following directive:

Section 34-1005, *Idaho Code*, requires the County Clerks to “safely keep and preserve all absent electors’ ballots unopened until the time prescribed for delivery to the polls or to the central count ballot processing center.” The statute does not address when absentee ballots are to be delivered to the ballot processing center or how they are to be handled when received at the center, therefore, this directive is being issued.

Due to the number of absentee ballots being received, the time required to prepare them for counting, including the time needed to allow the folded optical scan and digital scan ballots to flatten out before being run through the tabulators and scanners, centrally counted absentee ballots may, at the County Clerk’s discretion, be delivered for processing no earlier than 8:00 a.m., on the Monday preceding the election and the process of opening absentee ballot envelopes may begin. When opening absentee ballots prior to Election Day the following directive must be followed:

- After the signatures on the affidavit envelopes have been verified against the scanned signature in the statewide voter registration system and have been recorded in the system as being received, pursuant to 34-1011, *Idaho Code*, the affidavit envelope may be opened and the voted ballot envelope removed. After the voted ballot envelopes have been removed from all of the affidavit envelopes accepted for counting, the voted ballot envelopes may then be opened and the ballots removed to be laid out to flatten before running them through the tabulators or scanners.
- In order to maintain the integrity and security of the ballots, after they have been removed from the voted ballot envelopes, they are to be kept in a secure location. Access to the ballot storage area shall be controlled by the County Clerk or the Clerk’s designated election official.
- Any time the voted absentee ballots are accessed, there are to be at least two election workers present while the ballots are outside the secure location.
- Arrangements are to be made to have a guard (typically a deputy sheriff, police officer or private security firm) checking, on a regular and frequent basis during non-office hours, to be sure that the location is still secure.
- Watchers, who have been certified by the parties or candidates, are to be informed of the time and place ballot envelopes will be opened, so they can be present if they so choose.
- Tabulation of the ballots shall not begin until Election Day with no results being released until the polls are closed. If the election is a statewide election, the polls must be closed throughout the state prior to any results being released.

LAWERENCE DENNEY  
Secretary of State

**DIRECTIVE**  
**2015-3**  
**Ballot Rotation**





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWRENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2015-3)

In order to maintain uniformity in the application, operation and interpretation of the election laws of the State of Idaho, and to facilitate the ballot rotation process, pursuant to Section 34-202, *Idaho Code*, the Secretary of State, does hereby issue the following directive:

Pursuant to Section 34-903(4), *Idaho Code*, ballots for federal, state, county and city offices shall be rotated as outlined in the attached "Ballot Rotation Directive 2015."

LAWRENCE DENNEY  
Secretary of State



# Ballot Rotation Directive - 2015

## PAPER BALLOTS

**Goal:** To have each candidate's name appear at the top of the candidate list for each office before an equal number of voters within a particular county or city.

To accomplish this goal the following steps should be taken.

1. The ballot is laid out in the hierarchy of the offices (i.e., Federal, State, Legislative, County, Judicial, and any other political subdivision candidates, where applicable). The order of all offices, except political subdivisions, will accompany the State's certification of candidates and ballot printing instructions.

2. For each office appearing on the ballot, list the candidates in alphabetical order by surname within each office. This is considered the base rotation and is your first ballot to be printed.

3. Once in the base rotation, begin rotating the candidate names in each office by taking the candidate name that appears at the top of the list and move it to the bottom of the list and move all of the other candidates up by one (1) position. This is your second ballot to be printed.

4. Continue moving the candidate at the top of the list of candidates to the bottom of the list and moving all of the candidates up one (1) position until all candidates appear at the top of the list on a separate ballot to be printed. NOTE: You may have a candidate appear at the top of one race more than once if you have another race with several candidates as you are rotating all races each time. For example: If your largest race has 6 candidates and another race has 4 candidates, the race with 4 candidates will have 2 candidates appear at the top of the list twice and the other 2 candidates will appear at the top of the list once due to the other office having 6 candidates.

5. After the ballots are printed for each rotation, they shall be kept in separate stacks for each change of position (i.e. 6 candidates = 6 rotations = 6 stacks). These stacks are then combined either by hand as listed below or you can have your printer combine (i.e. collate) them for you.

a. For combining by hand: Place each stack in a row side by side in the order in which you printed rotations (i.e. base rotation first, 2nd rotation next, third rotation next, etc . Begin by taking one ballot from each pile in order from left to right starting with the base rotation and placing them in a pile at the end of the row upside down. Continue to take one ballot from each pile in order from left to right until all of the ballots have been combined and placed in the final stack. The purpose of this combining is that every other ballot in the pile of printed sheets shall have the names in different positions as nearly as practicable. This process is referred to as a gathering operation.

b. For combining by the printer: Ask the printer to place the ballots in pads in the same order as you would do if stacking by hand. Your print company may use a collator (i.e. a machine to stack ballots as above) or they may have a printer that will do the same process. The goal is to have every other ballot in the pile or pad of ballots to have the names in a different position as nearly equal.

## OPTICAL SCAN BALLOTS *(Moved from the end)*

**Goal:** To have each candidate's name appear at the top of the candidate list for each office before an equal number of voters within a particular county or city.

The rotation algorithm used by Election Systems and Software (ES&S) ensures that the candidate names will appear on the top of the list on substantially an equal number of ballots based on total registered voters by precinct to within 1% of the total registered voters within a county or district depending upon the race/office. This is part of the service provided by ES&S and is not an extra charge to the county.

Rotation for all optical scan ballots shall be done by (ES&S) unless a county has purchased and is using the Election Management System (EMS). The rotation algorithm in the EMS is the same that is used by ES&S.

The ballot is laid out in the hierarchy of the offices (i.e., Federal, State, Legislative, County, Judicial, and any other political subdivision candidates, where applicable). The order of all offices, except political subdivisions, will accompany the State's certification of candidates and ballot printing instructions.

## SECRETARY OF STATE DIRECTIVES

### Before ballot rotation can commence the following information is required:

1. A list of all Federal, State, Judicial, Legislative, and County candidates applicable to that election. Also need for ballot layout but not rotation are any measures or ballot questions required to be placed on the ballot.
2. A list of all precincts in the county including:
  - a. The number of registered voters in each precinct. If you are using an absentee precinct, please refer to Absentee precincts below.
  - b. Annotations by precinct of which offices apply to each precinct (i.e., Congressional District, Legislative District, etc).

Upon receipt of the certification of candidates and ballot measures from the Secretary of State's Office, this information should either be forwarded to your ES&S ballot printing representative or if you are using EMS, you should begin entering this information into EMS as soon as possible. You could begin entering the precincts and registration totals into EMS after the close of registration for the election.

**\*Absentee precincts** -Which rotation is used when there are no registered voters in the precinct (i.e., an absentee precinct)?

### One Legislative District County

The rotation appearing before the voters in the precinct with the smallest number of registered voters should be the rotation used in the absentee precinct.

### Multiple Legislative District County

The number of Legislative Districts within a county determines the number of absentee precincts, unless your county has multiple Congressional Districts then those are also taken into account along with Legislative Districts when determining the number of absentee precincts required. A different rotation for each absentee precinct must be used. Begin by placing the candidates in alphabetical order by surname within each office. This is considered the base rotation and is your first rotation which is used for your first absentee precinct. Then rotate in consecutive order, for the remaining absentee precincts.

### DIGITAL SCAN BALLOTS

**Goal:** To have each candidate's name appear at the top of the candidate list for each office before an equal number of registered voters within a particular county or city.

The ballot is laid out in the hierarchy of the offices (i.e., Federal, State, Legislative, County, Judicial, and any other political subdivision candidates, where applicable). The order of all offices, except political subdivisions, will accompany the State's certification of candidates and ballot printing instructions.

### Before ballot layout and rotation can commence, the following information is required:

1. A list of all Federal, State, Legislative, Judicial and County candidates applicable to that election. Also need for ballot layout but not rotation are any measures or ballot questions required to be placed on the ballot.
2. A list of all precincts in the county including:
  - a. The number of registered voters in each precinct. If you are using an absentee precinct, please refer to Absentee precincts below.
  - b. Annotations by precinct of which offices apply to each precinct (i.e., Congressional District, Legislative District, etc.).

### For counties with a single Legislative District:

Once this information has been gathered and immediately following receipt of the certification of candidates and ballot measures from the Secretary of State's Office, ballot layout begins by calculating the required number of ballot faces (i.e. rotations) and determining the rotation for each precinct. Once you have the rotation assignment completed, you can then begin entering the Office Titles, candidate names and ballot measures or questions into the ballot layout application and designating the rotation for each precinct.

## SECRETARY OF STATE DIRECTIVES

To calculate the required number of rotations or ballot faces, the largest number of candidates for any single office on a ballot determines the number of rotations or ballot faces required. For example: The US Congressman race has 6 candidates running. This means that there are six rotations or ballot faces required.

1. To begin the ballot layout, list the offices in hierarchal order with the candidates in alphabetical order by surname below each appropriate office heading. This is considered the base rotation and is your first ballot face, which is designated #1. NOTE: The write-in line does not rotate.
2. Once in the base rotation, begin rotating the candidate names in each office by taking the candidate name that appears at the top of each list and move it to the bottom of the list and move all of the other candidates up by one (1) position. This is your second ballot face, which is designated #2.
3. Continue moving the candidate at the top of each list of candidates to the bottom of the list and moving all of the candidates up one (1) position until all candidates appear at the top of each list on a separate ballot to be printed. Remember to designate each change as the next number (i.e. #2, #3, #4, etc.) NOTE: You may have a candidate appear at the top of one race more than once if you have another race with several candidates as you are rotating all races each time. For example: If your largest race has 6 candidates and another race has 4 candidates, the race with 4 candidates will have 2 candidates appear at the top of the list twice and the other 2 candidates will appear at the top of the list once due to the other office having 6 candidates.

Once you have determined your rotations, you can begin assigning the rotations to your precincts.

Remember the goal is to have the candidates appear at the top of the list as equal as possible.

1. List the precincts with the number of registered voters for each precinct in order from largest number of registered voters to the smallest.
2. Assign each rotation style to a precinct or a combination of precincts equal to approximately the same number of registered voters.

### Example:

Name of Precinct	# of Registered Voters	Rotation
City 1	535	1
City 2	445	2
Jamestown	387	4
City 4	343	3
Eagle	340	5
Lost River	219	5
St. James	172	6
Williams	158	4
Back Stream	147	6
Dangle	134	3
Fishery	121	2
City 3	107	6
Bern	93	6
Moscow	80	3
Meyers Creek	67	6
Port	27	1
Absentee	0	1
Total	3,375	

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Rotation #1 will appear in front of	562 registered voters
Rotation #2 will appear in front of	566 registered voters
Rotation #3 will appear in front of	557 registered voters
Rotation #4 will appear in front of	545 registered voters
Rotation #5 will appear in front of	559 registered voters
Rotation #6 will appear in front of	586 registered voters

**\*Absentee precincts** -Which rotation is used when there are no registered voters in the precinct (i.e., an absentee precinct)?

### **One Legislative District County**

The rotation appearing before the voters in the precinct with the smallest number of registered voters should be the rotation used in the absentee precinct.

### **For counties with Multiple Legislative Districts or Multiple Congressional Districts:**

Once this information has been gathered and immediately following receipt of the certification of candidates and ballot measures from the Secretary of State's Office, ballot layout begins by calculating the required number of ballot faces (i.e. rotations) and determining the rotation for each precinct. Once you have the rotation assignment completed, you can then begin entering the Office Titles, candidate names and ballot measures or questions into the ballot layout application and designating the rotation for each precinct.

**\*Absentee precincts** -Which rotation is used when there are no registered voters in the precinct (i.e., an absentee precinct)?

### **Multiple Legislative District County**

The number of Legislative Districts within a county determines the number of absentee precincts, unless your county has multiple Congressional Districts then those are also taken into account along with Legislative Districts when determining the number of absentee precincts required. A different rotation for each absentee precinct must be used. Begin by placing the candidates in alphabetical order by surname within each office. This is considered the base rotation and is your first rotation which is used for your first absentee precinct. Then rotate in consecutive order, for the remaining absentee precincts.

**DIRECTIVE**  
**2015-6**  
**Polling Place Accessibility**





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWERENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2015-6)

In order to maintain uniformity in the application, operation and interpretation of the election laws of the State of Idaho, and to facilitate the use of a polling place in the case of an emergency or when no other polling place location is available but has the potential of keeping a voter with a disability from being able to enter the polling place to vote, pursuant to Section 34-202, *Idaho Code*, the Secretary of State, does hereby issue the attached "Exemption from Polling Place Accessibility" directive:

LAWERENCE DENNEY  
Secretary of State

# Request For A Polling Place Exemption

In order to enable the Secretary of State to ascertain whether or not a good faith effort has been made to comply with making this polling place accessible to the physically disabled, please answer all the questions as fully and specifically as possible. An exemption will not be granted if there is insufficient information to justify it.

\_\_\_\_\_  
Precint

\_\_\_\_\_  
County

\_\_\_\_\_  
Address of polling place including name of location, e.g. name of church, school, business.

Describe the features of the location that make it inaccessible. (Width of doors, number of steps, height of curbs, lack of parking, etc.)

\_\_\_\_\_  
What modifications would be needed to make this location accessible?

\_\_\_\_\_  
Have you talked to the owners of the property about making these modifications? What was their response?

\_\_\_\_\_  
What efforts have you made to locate an accessible building or one that can be made accessible? Are there any such buildings? Why did you reject them?

\_\_\_\_\_  
Describe any extenuating circumstances that the secretary of state should know in considering this request.

\_\_\_\_\_  
Name of County Clerk

\_\_\_\_\_  
Date of Request

\_\_\_\_\_ Exemption granted.

Expires \_\_\_\_\_.

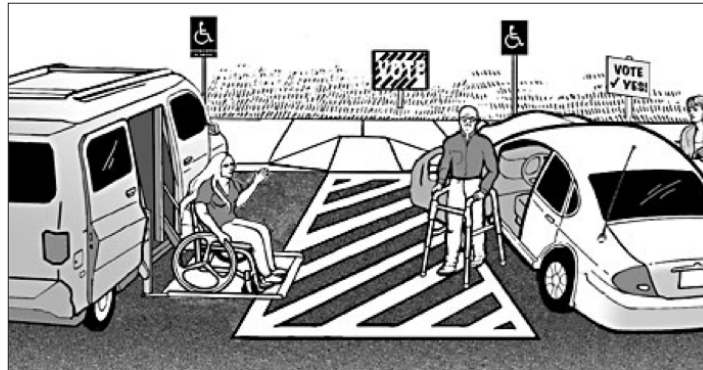
# Guidelines For Polling Place Accessibility

SECRETARY OF STATE DIRECTIVES

The Help America Vote Act of 2002 requires each unit of local government make “polling places, including the path of travel, exits, and voting areas of each polling facility accessible to individuals with disabilities.” To help assist you in making your polling places accessible, the Secretary of State as Chief Elections Official is issuing the following guidelines address the most common issues. For a complete description of the requirements for accessibility, please refer to the U.S. Department of Justice ADA Standards for Accessible Design. You can see these standards at the following website: [https://www.ada.gov/2010ADASTandards\\_index.htm](https://www.ada.gov/2010ADASTandards_index.htm). For guidance in assessing your polling place accessibility, please refer to the U.S. Department of Justice, ADA Checklist for Polling Places. You can see this checklist at the following website: <https://www.ada.gov/votingck.htm>.

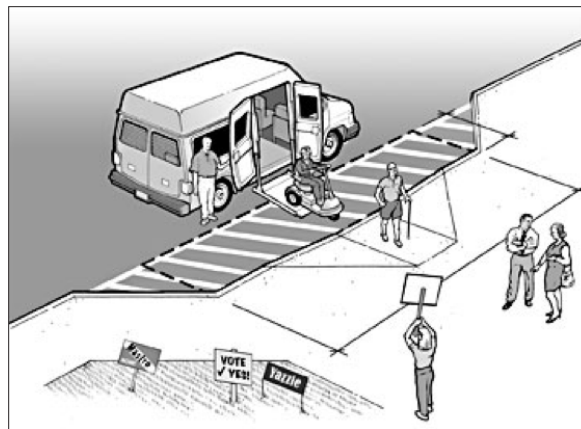
## Parking

If parking is provided for voters, accessible parking must be provided for people with disabilities. An accessible space is composed of three elements: the parking space, an access aisle adjacent to the space that is wide enough to allow voters with a mobility disability to get out of their car or van, and signage designating it as an accessible space. The 2010 Standards require one accessible parking space per 25 parking spaces provided (up to the first 100 spaces). One of six (or fraction of six) accessible parking spaces, but always at least one, must be van accessible. Generally, the access aisle must be at least 60 inches wide for cars and 96 inches wide for vans. Van accessible spaces can also have an access aisle at least 60 inches wide if the width of the van parking space is at least 132 inches. A sign, with the International Symbol of Accessibility, must mark each accessible parking space. Van accessible spaces must be designated as such on the sign at these spaces. Accessible parking spaces and the access aisles serving them must be on a surface that is stable, firm, and slip resistant (e.g., clear of gravel or mud) without wide cracks or broken pavement and located on the closest accessible route to the accessible entrance. The accessible parking spaces and access aisles must also be level to allow a safe transfer from the car to a person’s wheelchair.



## Passenger Drop-off Locations

Some voters with disabilities will be driven to the polling place and dropped off in a passenger drop-off area near the entrance. 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 next to the vehicle space. If a curb separates the access aisle from an accessible route, a curb ramp must be provided so that people with disabilities can get to the accessible route leading to the accessible entrance.



*Accessible passenger drop-off and loading area*

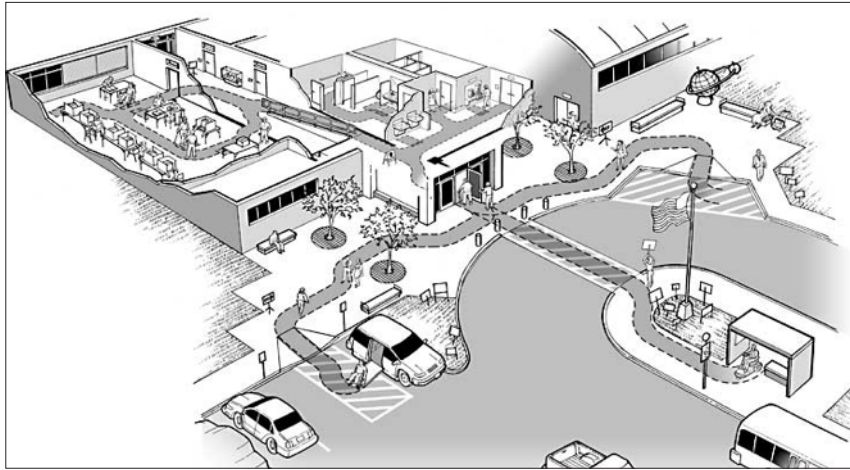


## SECRETARY OF STATE DIRECTIVES

### Accessible Routes (Exterior and Interior)

Once a voter with a disability arrives at the polling site, there must be an accessible route from the accessible parking, passenger drop-off sites, sidewalks and walkways, and public transportation stops to get to the entrance of the voting facility. The accessible route must be at least 36 inches wide. It may narrow briefly to 32 inches wide, but only for a distance of up to 24 inches. (See Part 2 of this document for tips on taking measurements.) Whenever possible, the accessible route must be the same as or near the general circulation path (i.e., the path for general pedestrian use).

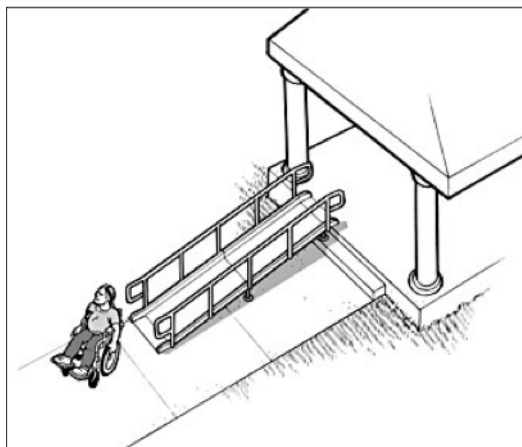
Inside the polling place, there must be an accessible route from the entrance through hallways, corridors, and interior rooms leading to the voting area. The route must be free of abrupt changes in level, steps, high thresholds, or steeply sloped walkways. The accessible route is essential for people who have difficulty walking or who use wheelchairs or other mobility devices to get into the polling place and to the voting area. Where an accessible route is different from the general circulation path, signs will be needed to direct voters with disabilities to the accessible route and to the voting area.



### Ramps

If any part of the accessible route - exterior or interior - has a slope greater than 1:20, it is considered a ramp and must meet the requirements for ramps. (See Part 2 of this document for tips on measuring running slopes and cross slopes.) If any part of the accessible route contains steps, it must be ramped. Even one short step at an entrance or in a hallway can prevent access by a person using a wheelchair, walker, or cane and can make entry difficult for many people who have other mobility disabilities. Interior and exterior ramps must not be too steep and must have a level landing at the bottom and top, and where the ramp changes direction. They must meet the ADA's requirements regarding slope, width, landings, handrails, and edge protection. Ramps with a rise greater than six inches must have handrails and if there are vertical drop offs on the sides, there must be edge protection.

In the past, at some polling places where one or more steps were present, officials or other voters have carried people using wheelchairs up the steps. This practice is not only dangerous for the person being carried, but also for those lifting the wheelchair. It is also degrading to the person using a wheelchair and does not provide independent access. Carrying should never be used as an alternative to providing an accessible way to enter a polling place (or other facility).



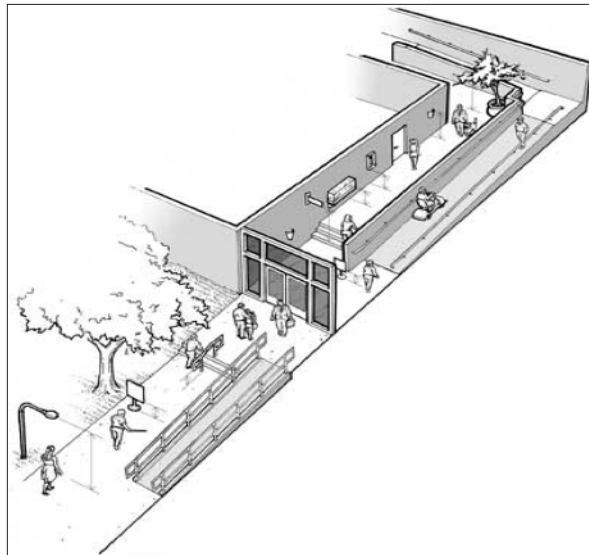
## SECRETARY OF STATE DIRECTIVES

### Protruding Objects

When people who are blind or who have vision loss use a cane to detect hazards, only objects located at 27 inches above the floor or ground or lower are detectable. If an object is higher than 27 inches and wall-mounted, it must not protrude more than four inches into the path of travel. Similarly, post-mounted objects higher than 27 inches must not protrude more than 12 inches into the path of travel. There must be at least 80 inches clear height above the pedestrian route. To make a protruding object detectable: place an object or a barrier, such as a traffic cone, below the protruding object in the cane-detectable area not more than 27 inches above the floor. The undersides of stairs in any route must be enclosed or protected with a cane-detectable barrier, so that people who are blind or have vision loss will not hit their heads on the underside.

Protruding objects are found outdoors on sidewalks and walkways, and indoors in lobby areas, hallways, or voting areas. Because people who are blind or have vision loss may walk on any circulation path, not just the accessible routes, all routes serving or leading to the voting area must be checked for protruding objects.

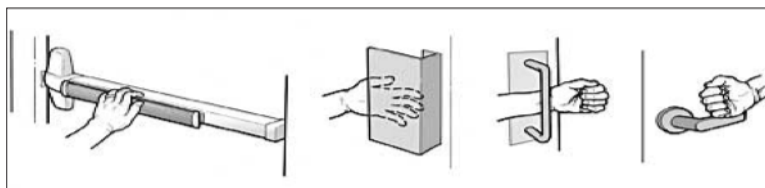
Examples of outdoor protruding objects include post or wall-mounted signs and low-hanging tree limbs. Examples of indoor protruding objects include fire extinguishers and wall-mounted display cases, wall sconces, open staircases, exit signs, overhead signs, banners, and some arched doorways.



*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. Objects that overhang the pedestrian route must be at least 80 inches above the route.*

### Building Entrance

A polling place must have at least one accessible entrance. At least one door at the accessible entrance must have a minimum clear width of 32 inches for a voter who uses a wheelchair or other mobility device to pass through the doorway. (See Part 2 of this document for tips on taking measurements.) Door hardware must be useable with one hand without tight grasping, pinching, or twisting of the wrist, so that it is operable by someone with limited mobility in their hands. Doors may not have high thresholds that impede voters who use wheelchairs or other mobility devices in crossing the threshold. Inaccessible entrances must have signs directing voters to the accessible entrance. The accessible entrance must remain unlocked at all times the polling place is open.



### Lifts and Elevators

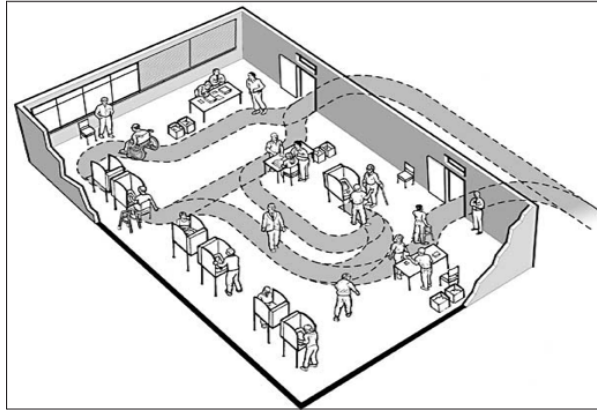
If the voting area is not on the same level as the entrance, there must be an independently operable elevator or lift to provide an accessible route to individuals with disabilities. The door into the elevator or lift and the space within must be wide enough to accommodate wheelchairs and other mobility devices. All controls should be operable without tight grasping,

## SECRETARY OF STATE DIRECTIVES

pinching, or twisting and should be no higher than 48 inches. Chair or seated lifts found on staircases do not comply with the 2010 Standards as they are not suited for many voters with disabilities, including people who use wheelchairs.

### Voting Area

The accessible voting area must have an accessible entrance and adequate circulation and maneuvering space for voters who use wheelchairs or scooters, or who walk with mobility devices, to get in to the voting area, sign in at the check-in table, and go to the voting stations or machines. Within the voting area there must be enough clearance for an individual with a disability to access and use all the voting equipment. Voting machines should be positioned so that the highest operable part is no higher than 48 inches. If voters are expected to vote at counters or tables, there should be a writing surface that provides knee and toe clearance so that a voter who uses a wheelchair may sit at and use the counter or table.



### Taking Measurements

#### Sloped Surfaces

Measuring the slope of a ramp, parking space, pedestrian route, or other ground or floor surface is important to identify whether the surface is accessible. Two slope measurements perpendicular to one another should be taken at each location. One is the running slope that runs parallel to the direction of travel and the other is the cross slope, which runs perpendicular to the running slope.

The amount of slope or grade is described as the proportion of a vertical rise to a horizontal length. It is usually described as:

- a ratio (e.g., 1:20, means one unit of vertical rise for each 20 units of horizontal length);
- or
- a percentage (e.g., 8.33% which equates to a ratio of 1:12 or 4.76 degrees).

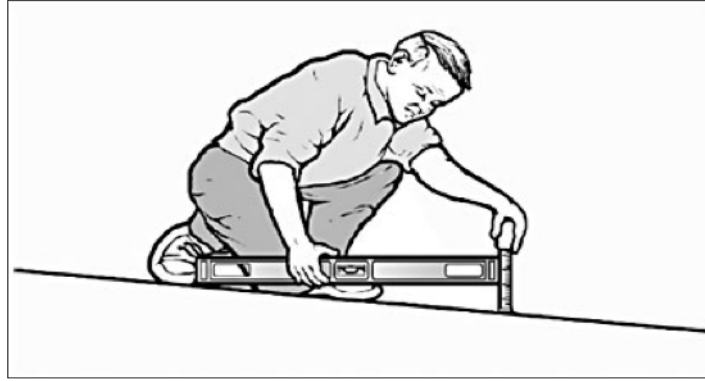
The easiest way to measure slope is to use a digital level. The digital display gives a reading that may be shown as a ratio, percent, or degree. Calibrate the digital level before each use.



*A digital level that can be used with measurements in degrees, percentages, or ratios*

Another way to measure slope is to use a 24 inch level with leveling bubbles and a tape measure. Place the level on the sloped surface 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 (see image) 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 bottom end of the level and the sloped surface below. If the distance is two inches or less, then the slope is 1:12 or less. When the distance is more than two inches, record the distance on the checklist so the exact slope can be calculated later. For measuring cross slope, if the distance measured from the level position is 1/2 inch or less then the slope is 1:48 or less.

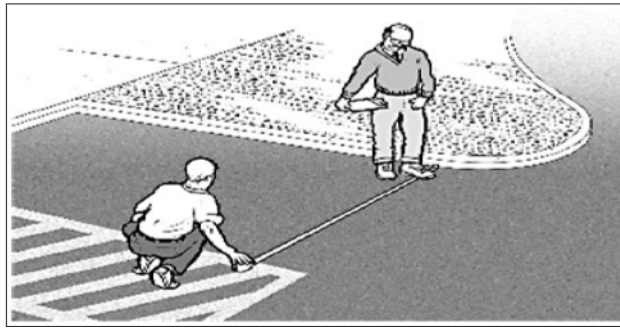
## SECRETARY OF STATE DIRECTIVES



*Measuring slope using a 24 inch bubble level and tape measure*

### Using the Tape Measure

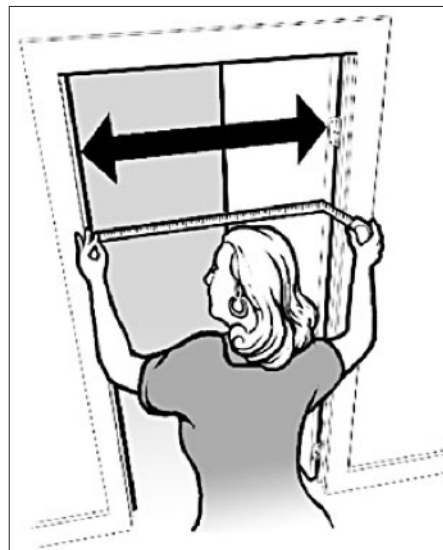
A tape measure is used to measure the length, width, height, and depth of various elements including parking spaces and access aisles, routes, thresholds, doorways, and protruding objects.



*Using a tape measure to measure the width of a parking space*

### Measuring Door Openings

Special care is needed when measuring the clear opening of a doorway. To measure the clear opening of a standard hinged door, open the door to 90 degrees. Measure the clear door opening from the edge of the doorstop to the edge of the door (not to the door jamb). This measures the clear width of the door opening through which people pass, which is less than the width of the door itself. Door handles and push bars should not be included in the measurements of door opening widths.



*Measuring the clear door opening*

## SECRETARY OF STATE DIRECTIVES

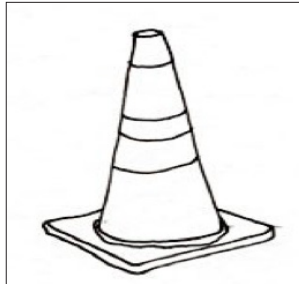
### Taking Photographs

It is always useful to first take a photo that will clearly identify the site, then the elements surveyed. A comprehensive set of photographs makes it easier to understand existing conditions after the survey is completed. It is a good idea to take several photos of the exterior and interior of the polling place. We recommend taking photographs of measurements and noncompliant elements such as steps. It is likely that others may review information about the facility you are surveying.

### Temporary Remedies

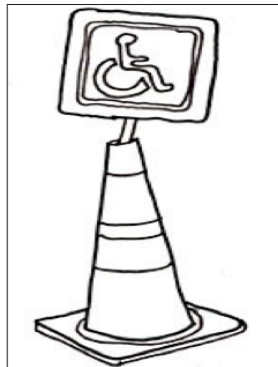
Many accessibility barriers at polling places can be removed with temporary remedies. Although not designed to be permanent solutions, the following tools can be used to provide remedies on Election Day to improve accessibility. These tools can often be found in local hardware and home improvement stores or online at minimal cost.

#### Traffic Cones



*Traffic cones can be used to mark parking spaces, access aisles and passenger loading zones, to hold parking signs, and to warn of protruding objects.*

#### Parking Signs



*Accessible parking signs should be used to designate accessible parking locations.*

#### Van Parking Sign



*Van accessible parking signs should be used to designate van accessible parking locations.*

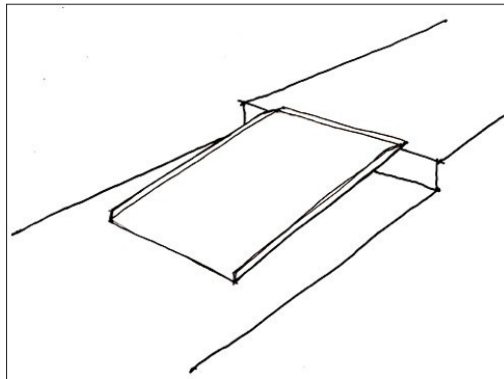
## SECRETARY OF STATE DIRECTIVES

### Directional Signs



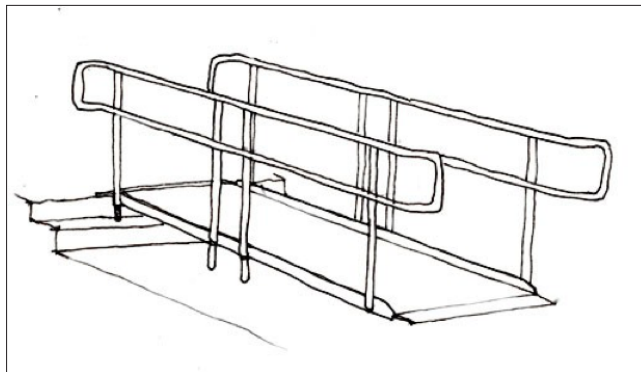
*Directional signage should be used to show direction to the accessible route, accessible entrance, and voting area.*

### Portable ramp - step 6 inches or less



*Portable ramps without handrails can only be used for heights six inches or less and can provide access at a curb or low step. Portable ramps also can be placed flat to cover holes or gaps in a sidewalk.*

### Portable ramp - greater than six inch step



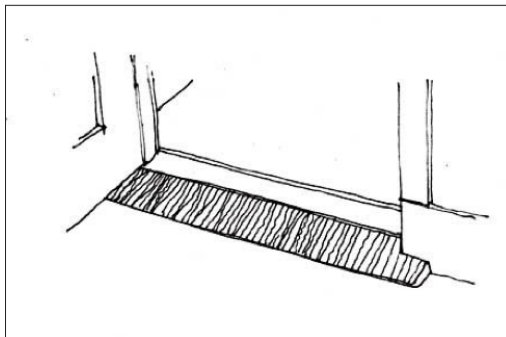
*Portable ramps with handrails must be used for heights greater than six inches to provide access over steps. For ramps greater than six inches high, temporary edge protection such as a pipe or piece of wood can be attached with ties or twine to the edges of the ramp.*

*Edge protection must run the entire length of the ramp.*



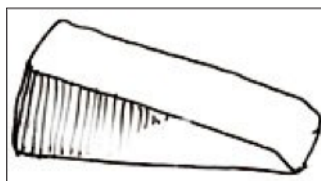
## SECRETARY OF STATE DIRECTIVES

### Wedges



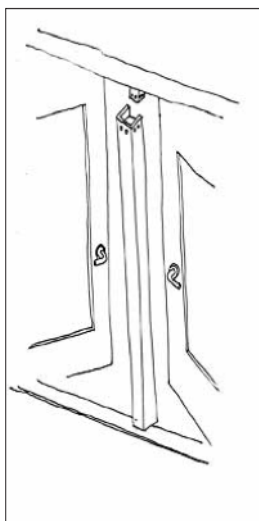
*Wedges can provide access at thresholds and slight changes in level.*

### Door stop



*Door stops can be used to prop open a door if the door handle is inaccessible, or if there is an inadequate maneuvering clearance for a person using a wheelchair or other mobility device to open the door.*

### Remove post (increase clear width at double leaf doors)



*Remove center post between doors if the post is bolted to the door frame to provide a 32 inch clear opening or to allow double doors to be propped open.*

# DIRECTIVE

2015-7

## Referendum Petition Timelines







**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWERENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2015-7)

While Section 34-1802(3), *Idaho Code*, gives the County Clerk sixty (60) calendar days before the deadline for the submission of signatures to verify initiative petitions, there is no statutory time frame for checking referendum petitions.

In order to maintain uniformity in the application, operation and interpretation of the election laws of the State of Idaho, and to facilitate the referendum process, pursuant to Section 34-202, *Idaho Code*, the Secretary of State, does hereby issue the following directive:

1. Referendum petitions are required to be submitted to the Secretary of State's Office no later than 60 days after the final adjournment of the session of the state legislature which passed on the bill on which the referendum is demanded.
2. Due to the time-sensitive nature of collection, verification and submission of these petitions, referendum petitions shall have priority over any initiative petitions that may be submitted to the County Clerk's Office at the same time as the referendum petitions.
3. The County Clerk or designated staff shall verify voter's eligibility to sign the petition and compare the voter's signature on file in the County Clerk's Office to the signature as it appears on the on the referendum petitions as quickly as possible.
4. A reasonable time frame for checking and verifying referendum signatures was repealed in 1997 as part of Section 34-1807, *Idaho Code*, which provided as follows:

"The county clerk shall not retain in his possession any such petition or any part thereof for a longer period than two (2) working days for the first 200 signatures thereon, and on (1) additional working day for each additional 200 signatures or fractions thereof, on the sheets presented to him, and at the expiration of such time he shall deliver the same to the person from whom he received it with his certificate attached thereto as above provided."

5. Item 4 above sets for a reasonable minimum. The County Clerk and designated staff should make every effort to check and verify every petition presented to the office.

LAWERENCE DENNEY  
Secretary of State

# DIRECTIVE

2015-8

## Students And Voting Residency





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWERENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2015-8)

In order to maintain uniformity in the application, operation and interpretation of the election laws of the State of Idaho, and to facilitate the registration and voting of students, pursuant to Section 34-202, *Idaho Code*, the Secretary of State, does hereby issue the attached "Students and Voting Residency" directive:

LAWERENCE DENNEY  
Secretary of State

# Students And Voting Residency

With the ability to register and vote on Election Day in Idaho, confusion regarding “voting residence” has been an issue for college students and election officials throughout Idaho.

The main issue regarding college students registering and voting at their school address is the question of whether the student can establish a residence for voting purposes at their school address, and if so, how can this be verified by the county registration official.

The Idaho Constitution (Article VI, Sec. 5) and Idaho Statute (34-405, *Idaho Code*) provide that no person is deemed to have gained or lost a residence for voting purposes by reason of his presence or absence while a student at any institution of learning. These provisions treat the physical presence of the student as a neutral factor in determining their voting residence, therefore other factors must be considered.

## **Section 34-107, Idaho Code, defines residence for voting purposes:**

“(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.

(2) If a person claims an exemption under section 63-602G, *Idaho Code*, then the homestead for which the exemption is claimed shall be the person’s residence for voting purposes. If no such exemption is claimed, then in determining the 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.

(3) A qualified elector who has left his home and gone into another state or territory or county of this state for a temporary purpose only shall not be considered to have lost his residence.

(4) A qualified elector shall not be considered to have gained a residence in any county or 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.

(5) If a qualified elector moves to another state, or to any of the other territories, with the intention of making it his permanent home, he shall be considered to have lost his residence in this state.”

This code section sets forth the concept of a domicile (i.e. principal or primary home or place of abode of a person).

Idaho courts have held that “for a change of domicile to occur, the fact of physical presence at a dwelling place and the intention to make it a home must concur and when such domicile is established, it persists until another is legally acquired. *Kirkpatrick v. Transtector Systems* 114 Id. 559.”

The rules of the State Board of Education (IDAVA 08.01.04.005.08) define “domicile” as follows:

““Domicile” means an individual’s true, fixed, and permanent home and place of habitation; the place where the individual intends to remain and to which the individual expects to return when he leaves without intending to establish a new domicile elsewhere. The establishment of domicile in Idaho occurs when a person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to another state or acquire a domicile at some other place outside the state and the person has met any other applicable requirements of this chapter.”

The above mentioned statute and administrative rules require that college students, like all other voters, must establish that the location where they seek to register and vote is their domicile or primary place of abode. Registering at the new location certifies that the individual is living in the college community with the intent of abandoning their former domicile and intends to remain permanently, or for an indefinite length of time, in the new location.

Some factors which should be considered when determining whether domicile has been established for voting purposes by a student as well as any other applicant, are as follows:

- Where does the applicant call home?
- Has the applicant registered to vote elsewhere?
- If married, where does his or her spouse reside?

## SECRETARY OF STATE DIRECTIVES

- Where does the applicant keep his personal property?
- Does the applicant have any community ties to the locale he claims as his domicile such as a membership in a church, social or service clubs, etc.?
- Where does the applicant maintain his checking and saving accounts, if any?
- Where does the applicant pay taxes, and what address was listed as the residence on the last income tax return?
- What is the residence listed on the applicant's driver's license?
- If the applicant owns an automobile, where is it registered?
- If the applicant is employed, where is the job located?
- Does the applicant live year round at the claimed domicile, or is the time divided with another location?
  - » If it is divided, how much time is spent elsewhere and for what reason?
- What residence does the applicant list on hunting or fishing licenses, insurance policies, other official papers and documents which required a statement of residence or address or his selective service registration.

Any scenario where the applicant could identify their domicile in either location should be resolved by the applicant making the determination as to which location should be claimed as the residence due to the importance of the right to vote and the other aspects of the applicants life that registering can affect, such as eligibility for their student financial aid package, other grants and scholarships, insurance eligibility, state financial payments, etc.

Students should not register and vote at their college location simply because they failed to register and vote or failed to request an absentee ballot based on their true domicile. Registering to vote is a serious matter, which needs to be considered carefully because if abused it can subject individuals to criminal penalties. Also, there is no federal right to vote for the office of United States President at any location in the United States without meeting the requirements for registering and voting. Individual state laws control registration and voting requirements and, for Idaho, State residency requirements must be met.

Students should be informed about the importance of registering and voting along with meeting the residency requirement and to provide information concerning other states' procedures and deadlines. Students should be participating in the electoral process, however, they need to be registering and voting at their legal domicile.

# DIRECTIVE

2017-2

## Cancelling Registrations Of Inactive Voters





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWERENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2017-2)

In order to maintain uniformity in the application, operation and interpretation of the election laws of the State of Idaho, and to facilitate the upkeep of voter registrations, pursuant to Section 34-202, *Idaho Code*, the Secretary of State, does hereby issue the following directive:

**“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 an even year, the County Clerk shall examine the election register and the signed statements of challenge made at that election. After this examination, the County Clerk shall immediately cancel the registration of any elector who did not vote at any election in the past four (4) years.

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 Section 34-435, *Idaho Code*, after the 2018 General Election, the following procedures are in effect:

1. Check the 2015, 2016, 2017 and 2018 elections to see if an elector has voted. The voting history from municipal and special district elections are included in determining if the voter’s registration should be cancelled.
2. Check to ascertain when the elector was registered. Registration must have been in 2014 or before. Electors registered in 2015 and later shall not be purged.
3. If an elector has not voted at any election mentioned in #1 above and registered in 2014 or before then the registration shall be cancelled.
4. The Secretary of State recommends that a notice of cancellation be sent to each elector whose registration has been cancelled for not voting in any election in the last 4 years. The Statewide Voter Registration System can generate the notice.
5. March 6, 2019 is the last day for the County Clerk to cancel registrations pursuant to Section 34-435, *Idaho Code*.
6. Section 34-436, *Idaho Code*, 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.

LAWERENCE DENNEY  
Secretary of State

# DIRECTIVE

2017-3

## Use Of Stickers On Ballots For Write-in Votes







**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWRENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2017-3)

The Secretary of State, pursuant to the authority of Section 34-202, *Idaho Code*, does hereby issue the following directive:

Write-in candidates may hand out printed stickers with their name to be used in lieu of hand writing in a write-in candidate in precincts where hand counted paper ballots are utilized as long as the electioneering laws covered in 18-2318, *Idaho Code*, are not violated. The attached official opinion should be referenced when printed stickers for write-in candidates are in question.

LAWRENCE DENNEY  
Secretary of State

# OFFICIAL OPINION NO. 73-23

*August 29, 1972*

TO: James W. Mills  
Candidate for Public Office

FROM: John F. Croner  
Deputy, Attorney General

This will acknowledge receipt of your letter of August 14, 1972, in which you expressed dissatisfaction with certain procedures employed in a recent election. In substance, your questions asked the following:

1. Whether it is permissible to write in a candidate by placing a sticker with his name upon it to the ballot.
2. Whether it is proper for an election official to remind voters that a particular person is actively seeking election through the write-in procedure.
3. Whether it is proper for the stickers which are to be placed in the write-in blanks (supra) to be passed out to electors within the building in which the polling place is located.

\*\* In response to your first question, we do not see where there is any violation of the statutes of this state where a sticker with a candidate's name is affixed to the ballot in place of a write-in.

Your second question asks whether the described conduct of the election official might constitute a crime. I think that it could be argued that the described action would constitute "electioneering at the polls," under Section 18-2318, *Idaho Code*. Likewise, it could be argued that the distributing of name stickers inside a building wherein there is a polling place is also "electioneering" under the same statute.

Any complaints which local citizens have respecting the above should be lodged with the County Prosecuting Attorney.

\*\* 34-702A. — In those counties which utilize optical scan ballots an elector shall not place on the ballot a sticker bearing that name of a person, or use any method or device, except writing, to vote for a person whose name is not printed on the ballot.

# DIRECTIVE

2017-4

## Employment Coverage Thresholds





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWRENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2017-4)

The Secretary of State, pursuant to the authority of Section 34-202, *Idaho Code*, does hereby issue the following directive:

For 2017, the domestic employee coverage threshold amount for election workers is \$1,800. The attached Employee Coverage Thresholds table from the Social Security Administration should be followed when determining taxable wages for election workers.

LAWRENCE DENNEY  
Secretary of State

# Employment Coverage Thresholds

## Coverage threshold definition

A coverage threshold is an amount of earnings that triggers coverage under the Social Security program. Earnings below the threshold are not taxable under Social Security nor do such earnings count toward future benefits. For most wage earners, there is no coverage threshold; that is, every dollar of wages is covered and taxable.

Federal law requires specific coverage thresholds for self-employed workers, farm workers, domestic employees, and election workers. The thresholds for self-employed workers and farm workers are fixed amounts, but the thresholds for domestic employees and election workers change with changes in the national average wage index.

## Specific coverage thresholds for 2017

For 2017, the domestic employee coverage threshold amount is \$2,000, and the coverage threshold amount for election officials and election workers is \$1,800. The table below shows the coverage thresholds for these two groups beginning with 1994.

## Coverage thresholds for domestic employees and election officials/workers\*

Year	Domestic Employees	Election Workers	Year	Domestic Employees	Election Workers
1994	\$1,000	\$100	2009	\$1,700	\$1,500
1995	\$1,000	\$1,000	2010	\$1,700	\$1,500
1996	\$1,000	\$1,000	2011	\$1,700	\$1,500
1997	\$1,000	\$1,000	2012	\$1,800	\$1,500
1998	\$1,100	\$1,000	2013	\$1,800	\$1,600
1999	\$1,100	\$1,000	2014	\$1,900	\$1,600
2000	\$1,200	\$1,100	2015	\$1,900	\$1,600
2001	\$1,300	\$1,100	2016	\$2,000	\$1,700
2002	\$1,300	\$1,200	2017	\$2,000	\$1,800
2003	\$1,400	\$1,200	2018	\$2,100	\$1,800
2004	\$1,400	\$1,200	2019	\$2,100	\$1,800
2005	\$1,400	\$1,200	2020	\$2,200	\$1,900
2006	\$1,500	\$1,300	2021	\$2,300	\$2,000
2007	\$1,500	\$1,300	2022	\$2,400	\$2,000
2008	\$1,600	\$1,400			

*Prior to 1994, the threshold wage amount was \$50 per calendar quarter for domestic employees. For 1994 and later, the threshold applies to calendar year wages.*

*\*The thresholds for election officials & workers apply to calendar year earnings.*

# DIRECTIVE

2018-1

## Signature Verification for Petitions





**DIRECTIVE**

**2020-03**

**Campaign Finance C1 Filings For Local  
Candidates**







**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWERENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2020-3)

To simplify candidate campaign finance filings, we are only requiring county positions to file a Campaign Finance Account if they reach the \$500 threshold according to Section 67-6608, *Idaho Code*. Until that threshold is met, the Declaration of Candidacy form and C1 can be kept on record at the appropriate County Clerk's office. The candidate will be considered to be their own treasurer until such a time that the candidate appoints someone else. The candidate must create a campaign finance account in the Secretary of State's Campaign Finance Online Portal within 7 days of the \$500 threshold being met. This Directive specifically includes all county, city and local district positions. If a candidate has already filed their Declaration of Candidacy for a 2020 Election, this can also be used as their C1.

LAWERENCE DENNEY  
Secretary of State

Directive: 2020-3  
Issued: June 30, 2020

**DIRECTIVE**  
**2020-04**  
**Electronic Poll Books**





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWERENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2020-4)

### **Overview**

An electronic poll book (e-Poll Book) is typically hardware, software, or a combination of the two that allows County election officials to review and maintain voter registration information during an election. It is important to note that the e-Poll Book does not count, or tabulate votes. The e-Poll Book is essentially a digital replacement for paper-based poll books, which will continue to be used in part of Idaho for the foreseeable future. The e-Poll Book may have direct access to the Idaho Voter Registration System, or TED. Functions include voter lookup, verification, identification, precinct assignment, ballot assignment, voter history and can update voter names, addresses and redirect voters to the correct polling location.

### **Basic Requirements for Electronic Pollbooks**

1. Electronic pollbooks will require a secure connection to the internet.
2. The wireless access points connected to e-Poll Books will have 802.11w-2009 'protected management frames' standard enabled. This prevents unauthenticated deauthorizations (i.e., the e-Poll Books are hardened from a Denial of Service attack from a bystander).
3. Internet or Wi-Fi connectivity will have a minimum of 4G to adequately support uploads/downloads to the Tenex Election Desk (TED) database.
4. Based on the speed of a given e-Poll Book, counties must ensure that they are using an adequate number at each polling place to handle the number of registered voters expected to appear at the polling place during any given time period without an overly long waiting time.

### **In-Person Absentee Voting**

Electronic poll books require regular uploads of data, to cross check mailed ballots with those issued in person. Counties who have used electronic pollbooks for in-person absentee voting should expect no change to their normal process.

### **Early Voting**

Additional requirements must be met when implementing electronic pollbooks during Early Voting. As required by 34-1012, counties that opt to conduct Early Voting using e-Poll Books must have access to the Idaho State Voter Registration System. This requirement exists to limit potential fraud, and to account for all ballots issued via absentee or Early Voting. When using e-Poll Books during Early Voting, counties will adhere to the following policies:

1. Electronic pollbooks will utilize Delta and Journal files generated from the Tenex Election Desk (TED). Testing (in close coordination with the vendor) must be completed prior to the first day of Early Voting.
2. A county may conduct Early Voting with electronic pollbooks in a single countywide location, with no internet dependency, if absentee receiving is delayed until: a) Early Voting closes each evening and b) the required uploads between TED and the electronic pollbooks are completed.
3. To prevent a voter from casting a ballot via Early Voting and returning an Absentee ballot as well, if a polling place loses internet connectivity, the county will be prepared to respond with one of the following two options:
  - a. Pause the official "receiving" of absentee ballots in TED until internet connectivity is restored and the latest Delta and Journal files have been transferred OR
  - b. Change the Early Voting process to In-Person absentee processing, with the use of absentee envelopes and labels.

## SECRETARY OF STATE DIRECTIVES

### Election Day

Electronic pollbooks have been approved for use during Election Day in Idaho, provided the device has been properly certified by the Secretary of State's office. Two options for implementation exist:

- Option 1: Electronic pollbooks are set up per precinct, with lateral communication between devices within the assigned precinct. This requires a Voter to stand in line for his/her specific precinct if multiple precincts share a location. The County clerk must keep the poll workers informed regarding receipt of absentee ballots throughout the day.
- Option 2: Electronic pollbooks are set up per location, with lateral communication between devices in the location. This allows each unit to effectively process registrations and maintain voter data across multiple precincts in one location. All devices at the location can process voters from any precinct assigned to the location.<sup>1</sup> The County clerk must keep the poll workers informed regarding receipt of absentee ballots throughout the day.

County elections officials should work closely with their e-Poll Book vendor to determine which option should be used at each location and to ensure that the electronic pollbook is set up properly for that location.

A minimum of two (2) e-Poll Books should be used at any given polling location. This provides redundancy in case one of the e-Poll Books is damaged. Alternately, a paper copy of the poll book could suffice as a backup.

When internet connectivity does not exist, the County Clerk and the precinct election board must be in communication regarding the receipt of absentee ballots or absentee ballots received on election day cannot be processed until the polls close. When internet connectivity does exist, communication may be facilitated through electronic transmission.

### New Registration Handling/Updates in the electronic pollbook

The statewide voter registration database is designed to identify matches to existing records when a new registration card is processed. This function exists to eliminate duplicate records for individual voters and allows the state to retain all voter history and data related to any given voter. The change to name or address requires submission of a new registration card and is processed as a new registration updating an existing profile.

The same process should be followed in the electronic pollbook when handling new registrations. If a match is found, the paper record suffices as the new registration, but the system should be told to "update" the record. Creating a new voter profile in the electronic pollbook will leave the old voter profile active, which could result in a ballot being issued for each profile.

A paper form is still required by law for all new election day registrations (I.C. 34-408A). This requirement can be met with the use of existing pre-printed cards, or by using the thermal receipt printer on the e-Poll Book.

### Exit Record

The requirement of 34-1107 to record that each elector has voted must be met. This is different than checking in a voter and is required upon return/deposit of ballot. This requirement can be managed electronically or by paper.

LAWERENCE DENNEY  
Secretary of State

Directive: 2020-4  
Issued: September 4, 2020

<sup>1</sup> This is not a Vote Center. Vote Centers have not been approved in Idaho.

# DIRECTIVE

2021-01

## Legislative District Standard For Petitions





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWERENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2021-1)

In order to maintain uniformity in the application, operation, and interpretation of the election laws of the State of Idaho, as it relates to which legislative district boundaries are used to determine whether or not a statewide initiative or referendum has met the 18 legislative district requirement enacted by the Idaho Supreme Court in the case, Reclaim Idaho v. Denney, the Secretary of State does hereby issue the following Directive:

New legislative districts will be approved by the Commission for Reapportionment for the 2022 elections. Upon approval, the new legislative districts will be in effect for certain applications, including 2022 legislative candidate filings and legislative primary and general elections, while the current legislative districts will continue to be in effect for the current Legislature through the end of its current term, including filling any possible legislative vacancies.

In order to maintain a uniform standard for all statewide initiatives and referenda for the 2022 election cycle, county clerks shall use the current legislative districts in effect for the December 1, 2020 - November 30, 2022 term of the Idaho Legislature as the basis for determining the residency of statewide initiative and referendum petition signers, and the Secretary of State's office shall use the same for determining whether each statewide initiative and referendum has met the Idaho Supreme Court's requirement that its petition be signed by at least six percent (6%) of the registered voters in at least eighteen (18) legislative districts.

LAWERENCE DENNEY  
Secretary of State

# DIRECTIVE

2021-02

## Signature Verification Standard & Processes





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWRENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2021-1)

In order to establish signature verification standards pursuant to Section 34-202, *Idaho Code*, and to maintain uniformity in the timelines and processes for curing signature mismatches, the Secretary of State does hereby issue the following Directive, outlines in the attached document, *Idaho Signature Verification Standards & Processes for Elections*.

LAWRENCE DENNEY  
Secretary of State

Directive: 2021-2  
Issued: October 18, 2021



# Idaho Signature Verification Standards & Processes for Elections

## Part I

Acceptance of signatures. (1) There are multiple situations, such as petitions and absentee ballots, in which the county clerk must determine if the signature presented is that of the proper qualified elector. The information may be researched in the voter registration system using the first name, middle name, last name, address, or any combination thereof. A signature may not be rejected merely because:

(a) The person signed with a middle name, nickname, or initials instead of the first name in the voter registration records, as long as the handwriting is clearly the same and the middle name or initials match those shown in the voter registration record;

(b) The last name of the presented signature is hyphenated while the last name in the voter registration system is not, or vice versa, as long as the handwriting of the matching names is clearly the same;

(c) The first name and last name on the presented signature are reversed in the voter registration records; or

(d) The handwriting on the printed name or address does not match the handwriting on the presented signature. The handwriting of the printed name or address is not relevant to the task of signature matching.

(2) If the county clerk is unable to locate the person in the voter registration system, the signature shall be rejected as not registered to vote.

(3) If the person is registered to vote, the name and address must be matched to a person's voter registration record, and the signature, must be matched to the signature in the matching person's voter registration record using the standards in Part II. If the signature provided:

(a) Is handwritten and matches the signature in the voter registration record according to the standards in Part II, the signature must be accepted.

(b) Does not match the signature in the voter registration record according to the standards in Part II, the signature must be rejected.

(c) Matches the signature in the voter registration record but another signature has already been accepted for that voter, the subsequent signature must be rejected as a duplicate.

## Part II

Signature verification standard. (1) A signature must be matched to the signature on file in the voter registration system. The following characteristics must be utilized to evaluate signatures to determine whether they are by the same writer:

(a) The signature is handwritten.

(b) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;

(c) Agreement in the proportions of individual letters, height to width, and heights of the upper to lower case letters;

(d) Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;

(e) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

(2) A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics. Likewise, there must be a cluster of differences to conclude that the signatures are by different writers.

(3) A determination of signature mismatch for an absentee ballot must be confirmed by a second reviewer.

(4) Each signature reviewer shall, at least annually, view the signature verification training video provided by the Secretary of State for the April 2021 Idaho Association of County Recorders and Clerks Elections Conference, which may be accessed at the following internet address: <https://www.youtube.com/watch?v=k42vt0HQyWc>. Handout materials for this presentation may be accessed at [https://idcounties.org/wp-content/uploads/2021/04/8004-Signature-Verification-Handout\\_Rev\\_4.pdf](https://idcounties.org/wp-content/uploads/2021/04/8004-Signature-Verification-Handout_Rev_4.pdf)

## SECRETARY OF STATE DIRECTIVES

### Part III

Absentee Ballot Handling. (1) The county clerk shall, within three (3) business days of the receipt of a voted absentee ballot, verify that the presented signature on the carrier envelope is that of the proper qualified elector.

### Part IV

Curing of Signature Mismatch or Multiple Privacy Envelopes. (1) The county clerk shall attempt to cure an absentee ballot signature mismatch as follows:

(a) If the defect is identified by no later than 12:00pm on the Thursday immediately prior to the election:

(i) For any qualified elector for whom the only contact information available is a mailing address, the county clerk shall attempt to cure the defect by immediately mailing a first class, non-forwardable letter to the mailing address of the elector; and

(ii) For any qualified elector for whom phone or email contact information is available, the county clerk shall attempt to cure the defect by immediately emailing and phoning the elector, and mailing a first class, non-forwardable letter to the mailing address of the elector. Once contact is successfully made through any mode, no further contacts need be made.

(b) If the defect is identified after 12:00pm on the Thursday immediately prior to the election, and by no later than 5:00pm on the Monday immediately prior to the election:

(i) For any qualified elector for whom the only contact information available is a mailing address, the county clerk shall make no attempt to notify the elector; and

(ii) For any qualified elector for whom phone or email contact information is available, the county clerk shall attempt to cure the defect by immediately phoning and emailing the elector. Once contact is successfully made through either mode, no further contact need be made. No letter shall be mailed.

(c) If the defect is identified after 5:00pm on the Monday immediately prior to the election, no attempt to notify the elector need be made.

(2) In the event of a signature mismatch on any petition, the county clerk shall not attempt to cure the defect by notifying the signer of the defect. However, the county clerk may notify the petition submitter of any such mismatches.

# DIRECTIVE

2022-01

## Voter Registration & Ballot Issuance for 2022 Primary





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWRENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2022-1)

In order to maintain uniformity in the application, operation, and interpretation of election laws as it relates to the 2022 Primary election, the Secretary of State does hereby issue the following Directive, in the following pages, entitled *2022 Idaho Primary Directive for Voter Registration & Ballot Issuance*.

These procedures cover the issuance of primary ballots and who is eligible to receive what type of ballot, given each voter's circumstances. They also cover voter registration during the period after the end of candidate filing (March 11, 2022) through the Primary election (May 17, 2022), during which state law prohibits those who are already affiliated with a political party from changing their party affiliation or becoming unaffiliated.

This Directive shall expire on May 18, 2022.

LAWRENCE DENNEY  
Secretary of State

# 2022 Idaho Primary Directive for Voter Registration & Ballot Issuance

## Part I – Voter Registrations from 3/12/2022 through 4/22/2022 (incl. postmarks)

1. Registered Idaho voters who are currently affiliated with a political party, and who submit a new voter registration, for whatever reason (address change, name change, etc.), cannot change party affiliation or become unaffiliated. Such a new voter registration may be processed in all other aspects (address, name, signature, etc.), but the party affiliation change or change to unaffiliated cannot be processed until May 18, 2022.
2. Registered Idaho voters who are currently unaffiliated with a political party may affiliate with any political party.
3. Those who do not have an active, current voter registration may affiliate with any political party, or no party, when they register to vote.

## Part II – Election Day Voter Registrations from 4/23/2022 through 5/17/2022

1. Secretary of State will create and approve a new Election Day voter registration form for use on Election Day in all partisan primary elections (all Election Day references in this Part II also include early voting after April 22, 2022). This form will ask prospective registrants if they are currently registered to vote in Idaho, and if so, to indicate their current affiliation. Only those who report as not being currently registered to vote in Idaho, or those who report as currently registered, unaffiliated voters, will be directed to select an affiliation on the form.
2. Electronic pollbooks will be configured to prevent any currently registered voters within your county, who are currently affiliated with a political party, from changing their affiliation or becoming unaffiliated as part of their Election Day registration process.
3. In electronic pollbook counties, the poll worker acting as the pollbook clerk must examine the voter registration cards of any Election Day registrants reporting as currently being:

- a. Registered to vote in another Idaho county; and b.) Affiliated with a political party;

To ensure the voter has not used the Election Day voter registration form to change affiliation or become unaffiliated. In such cases, the voter shall be offered party primary ballot choices based on the current affiliation reported on the Election Day voter registration form.

4. In paper pollbook counties, if the Election Day registrant is currently registered to vote in the precinct, and is affiliated with a political party, the poll worker must provide the voter with ballot choices based on the voter's current affiliation. For any other Election Day registrants, the poll worker acting as the pollbook clerk must examine the voter registration cards of any Election Day registrants reporting as currently being:

- a. Registered to vote in another Idaho county or another precinct within the county; and
- b. Affiliated with a political party;

To ensure the voter has not used the Election Day voter registration form to change affiliation or become unaffiliated. In such cases, the voter shall be offered party primary ballot choices based on the current affiliation reported on the Election Day voter registration form.

5. If a voter brings in a completed Idaho voter registration form, and the form is not an Election Day voter registration form authorized by the Secretary of State for use in primary elections, the voter must complete the form authorized for Election Day registrations in primary elections.

## SECRETARY OF STATE DIRECTIVES

### Part III – Primary Ballot Eligibility and Rules

1. Use the following table to determine who is eligible to receive which type of party primary ballot:

		Voter's Party Affiliation				
		Republican	Democratic	Libertarian	Constitution	Unaffiliated
Party Primary Ballot	Republican	Yes	No	No	No	If Voter Affiliates
	Democratic	Yes	Yes	Yes	Yes	Yes
	Libertarian	No	No	Yes	No	If Voter Affiliates
	Constitution	No	No	No	Yes	If Voter Affiliates

2. A voter may receive a primary election ballot for only one political party per primary election. (34-904A(5))
3. Voters already affiliated with a political party may not change party affiliation to another party, or change to unaffiliated, after March 11, which is the deadline for candidacy filings for the May primary election. (34-411A(1))
4. Unaffiliated voters may affiliate with a political party by filing a signed affiliation form (Form ER-2) or a new voter registration card, up to and including the day of the primary election. An absentee ballot request form, completed and signed by the unaffiliated voter, requesting a party primary ballot, also counts as such a form, except for those requesting a Democratic Party ballot. (34-411A and 34-904A)
5. Unaffiliated voters must affiliate with a political party prior to being given a primary ballot for that party, except for those requesting a Democratic Party ballot, who must remain unaffiliated unless the voter chooses to file a signed affiliation form (Form ER-2) or a new voter registration card. (34-411A and 34-904A)
6. Unaffiliated voters who choose to remain unaffiliated can only be given a non-partisan or Democratic Party ballot (which would also include the non-partisan races). (34-904A)
7. For any unaffiliated voter requesting a party primary ballot at the polls, the poll worker must record the voter's choice of ballot in the poll book, and the clerk must record the same in the voter history. (34-411A and 34-904A)
8. Once a previously w voter has affiliated with a political party and voted that party's primary ballot, the voter cannot change affiliation until after the primary election. (34-411A)
9. County clerks cannot send a different type of primary ballot to an absentee voter once the requested absentee ballot has been sent, unless the clerk erred and sent a type of primary ballot that is different than what the absentee voter validly requested. (34-1003(2)(e))

# DIRECTIVE

2022-03

## Poll Challengers And Poll Watchers





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWERENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2022-03)

In order to maintain uniformity in the application, operation, and interpretation of the election laws of the State of Idaho, and to facilitate the application of 34-304, *Idaho Code*, pertaining to challengers and watchers, pursuant to Section 34-202, *Idaho Code*, the Secretary of State, does hereby issue the following directive:

Pursuant to Sections 34-304, 34-431, and 34-1009, *Idaho Code*, the authorization requirements, role of challengers and watchers, election judges' authority, and miscellaneous requirements for challengers and watchers shall be conducted as outlined in the attached "Role of Challengers" and "Role of Watchers" directives.

LAWERENCE DENNEY  
Secretary of State



## SECRETARY OF STATE DIRECTIVES

# Role Of Challengers

## I. CHALLENGERS (Section 34-304, *Idaho Code*)

### A. Authorization

Each political party is entitled to have persons authorized to be challengers for any partisan election. The county chairman and secretary of the political party must submit a written request to the county clerk no later than twelve (12) days prior to the election in order for their party's challengers to be present at the polls.

<u>Election Date</u>	<u>Last day to receive written list of Challengers</u>
March 8 <sup>th</sup>	February 24 <sup>th</sup> (only applicable to pro/con organizations)
May 17 <sup>th</sup> (Primary)	May 5 <sup>th</sup>
August 30 <sup>th</sup>	August 18 <sup>th</sup> (only applicable to pro/con organizations)
November 8 <sup>th</sup> (General)	October 27 <sup>th</sup>

Challengers are also authorized for elections involving ballot issues. The County Clerk shall authorize one (1) person in support of the issue (i.e. pro) and one (1) person in opposition to the issue (i.e. con) to be at the polls to serve as both a watcher and challenger upon written request signed by the requesting person and stating which position relative to the issues the person represents.

Any challenger appointed as authorized by law may be appointed to serve at the location where absentee ballots are being processed or counted, or at an early voting location, for the purpose of challenging absentee and early voters. (also Section 34-1009, I.C.)

Due to the twelve (12) day notification requirement, a clerk is not required to accommodate an individual appointed as a challenger at a central location for processing absentee ballots, or an early voting location, until twelve (12) days after the clerk receives the written appointment. Once accommodated, the challenger may continue to serve thereafter for the duration of these activities.

### B. Role of Challenger

Section 34-304, *Idaho Code*, states that a challenger is allowed to be present to challenge voters as to their qualifications.

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

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

A challenger may also challenge the qualifications of an absentee vote on the grounds of insufficient affidavit or not a qualified elector, and the reason for the challenge, such as "died," "felon," "moved," "incorrect address," or "no affidavit signature," shall be noted in the same manner that challenges of other voters are challenged. A challenger may not challenge an absentee ballot for signature mismatch.


If the receiving judge sustains the challenge, or determines that the affidavit is insufficient, or that the absentee elector is not a qualified registered elector, then the carrier envelope containing the ballot privacy envelope shall not be opened, and the judge shall sign the back of the carrier envelope under a note stating the reason for rejection. If more than one ballot of any one kind of ballot is contained within the carrier envelope, none of the duplicate ballots shall be counted, and the judge shall sign the back of the ballot under a note stating the reason for rejection.

Judges of election shall certify in their returns the number of absent electors' ballots cast and counted, and the number of such ballots rejected.

## SECRETARY OF STATE DIRECTIVES

A challenger may ask questions of a poll worker or election official, which may be answered as time allows, and may challenge voters, but may not otherwise interfere with the orderly conduct of the election, or processing of absentee ballots. The county clerk or chief election judge may designate a particular person to whom questions must be addressed.


### C. Election Judge's Authority

 Challengers should be able to observe all activities related to voter check-in, and **should be positioned so as not to be confused as a member of the election board**, nor be able to view private, personally identifiable information, or violate ballot secrecy. A county may establish a live video monitoring system for a challenger to view the processing of absentee ballots, including designating an individual with whom the challenger may lodge challenges, if positioning or space constraints do not allow for the challenger to be in the same space as where the absentee ballot processing is taking place. Persons who are authorized to serve as challengers shall wear a visible name tag identifying their title. The chief election judge in each precinct has the authority to remove any challenger who is disrupting the orderly conduct of the election, beyond these authorized functions.

### D. Miscellaneous

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

The candidate should not be present at the polls (except to vote). The presence of the candidate would be deemed electioneering. Therefore, a candidate may not serve as a challenger. (Section 18-2318, I.C.)

 **In order to prevent an inadvertent violation of ballot secrecy, or recording of private, personally identifiable information, a challenger shall not take photos or make videos while inside any polling place**, early voting location, or location where absentee ballots are being processed or counted.

# Role Of Watchers

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

### A. Authorization

Any person authorized by a candidate, several candidates, political party, or a pro or con organization for a ballot question, may be present at the polls to watch every step of the voting process, beginning with voter check-in, and ending with vote counting, excluding those steps that would violate ballot secrecy. The candidate, political party, or pro or con organization must submit a written request to the county clerk no later than twelve (12) days prior to the election in order for their watchers to be present at the polls. A person authorized by a pro or con organization is also authorized to be a challenger.

<u>Election Date</u>	<u>Last day to receive written list of Challengers</u>
March 8 <sup>th</sup>	February 24 <sup>th</sup> (only applicable to pro/con organizations)
May 17 <sup>th</sup> (Primary)	May 5 <sup>th</sup>
August 30 <sup>th</sup>	August 18 <sup>th</sup> (only applicable to pro/con organizations)
November 8 <sup>th</sup> (General)	October 27 <sup>th</sup>

Any watcher appointed as authorized by law may be appointed to serve at the location where absentee ballots are being processed or counted, or at an early voting location, for the purpose of watching these activities. (also Section 34-1009, I.C.)

Due to the twelve (12) day notification requirement, a clerk is not required to accommodate an individual appointed as a watcher at a central location for processing absentee ballots, or an early voting location, until twelve (12) days after the clerk receives the written appointment. Once accommodated, the watcher may continue to serve thereafter for the duration of these activities.

### B. Role of Watcher

The election and voter tabulation process should be open to public scrutiny without jeopardizing the integrity of the process or ballot secrecy. Section 34-304, Idaho Code, states that a watcher is allowed to be present to watch the receiving and counting of the votes.

Candidates, political parties, or a pro or con organization for a ballot question may have watchers present at the polls, counting center, or location where absentee ballots are processed or counted. Persons permitted to be present at the polls to watch the counting of hand counted paper ballots shall not absent themselves until the polls are closed, if counting begins before 8:00pm. Otherwise, authorized watchers present at the polls may work in various shifts throughout the day, provided that a candidate, political party, or pro or con organization may have only one watcher inside a polling place at any given time.


In counties that utilize a central count optical scan or digital scan voting systems, the ballots are transmitted from the polls to the counting center (usually the courthouse). The ballots are actually counted at the counting center. Central count watchers may, under the direction of the county clerk, observe the receiving of ballots transmitted to the counting center, observe the inspection of ballots prior to processing, and observe the counting of votes as they are processed through the tabulation equipment. However, watchers will not be allowed to handle any voted ballots or interfere with any of these processes. Precinct count counties where the count occurs at the polls shall allow watchers at the polls.

A watcher may not be positioned in such a way that private, personally identifiable information would be viewable, or that would violate ballot secrecy. A county may establish a live video monitoring system for a watcher to view the processing of absentee ballots, if positioning or space constraints do not allow for the watcher to be in the same space as where the absentee ballot processing is taking place.


Watchers cannot challenge voters or a returned absentee ballot. A watcher may ask questions of a poll worker or election official, which may be answered as time allows, but may not interfere with the orderly conduct of the election, or processing of absentee ballots. The county clerk or chief election judge may designate a particular person to whom questions must be addressed.

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### C. Election Judge's Authority

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

### D. Miscellaneous

 In order to prevent an inadvertent violation of ballot secrecy, or recording of private, personally identifiable information, a watcher shall not take photos or make videos while inside any polling place, early voting location, or location where absentee ballots are being processed or counted.

The candidate should not be present at the polls (except to vote). The presence of the candidate would be deemed electioneering. Therefore, a candidate may not serve as a watcher. (Section 18-2318, I.C.)

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

# DIRECTIVE

2022-04

## Postelection Audit for 2022 General Election





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
LAWRENCE DENNEY

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2022-2)

Pursuant to the requirements of Section 34-1203A, *Idaho Code*, the Secretary of State does hereby issue the following Directive, in the following pages, entitled *2022 General Election Postelection Audit*.

This Directive covers the procedures that will be used in conducting the postelection audit required by Idaho law for the 2022 general election.

This Directive shall expire on December 31, 2022.

LAWRENCE DENNEY  
Secretary of State

Directive: 2022-2  
Issued: March 18, 2022



# IDAHO

Secretary of State's Office

## 2022

# GENERAL ELECTION POSTELECTION AUDIT

### Procedure Manual

## Overview:

The Idaho Secretary of State's Office will conduct postelection audits after every primary and general election in even-numbered years. The post-election audits can detect any discrepancies as each county submits their canvass information to the SOS Office and can be verified by our staff and representatives. The State Board of Canvassers, which consists of the Secretary of State, State Controller, and State Treasurer, will verify election results by canvassing the abstracts of votes for candidates for federal, state, and district offices, and examining the Postelection Audit Report.

## Audit Timeline

By directive, the Secretary of State will determine the procedures by which the post-election audit will be conducted no later than sixty (60) days before an election. By election day, each county will notify the Secretary of State as to how its absentee and early voting ballots will be organized after the ballots are counted on election night – by precinct, day, batch, legislative district, or tabulation machine, and whether the election results will be reported publicly on the county's website, as so organized, by no later than the day the county canvass must be reported to the Secretary of State. If absentee or early voting ballots will be so reported on a basis other than by precinct, the county will attach a listing of the number of absentee or early voting ballots cast by day, batch, legislative district, or tabulations machine, to the county canvass reported to the Secretary of State. The randomly drawn counties, precincts, and any absentee or early voting ballot groupings will be determined on the day that all county canvasses are due to be reported to the Secretary of State. The post-election audit should take place during the three (3) days immediately following the random draw of counties, precincts, and any absentee or early voting ballot groupings.

## County & Precinct Selection Process

The counties to be audited will be drawn by a random lot, by the Secretary of State's Office, without the use of a computer, at an open public meeting (Chapter 2, Title 74, Idaho Code). The counties will be grouped by the number of registered voters:

1. 100,000 or more registered voters
2. 20,000 to 99,999 registered voters
3. 19,999 or fewer registered voters

Two counties will be randomly drawn from the first group, three from the second group, and three from the third group. The likelihood of a county being drawn within each group will be weighted based on the approximate percentage that each county's number of registered voters bears to the total number of registered voters within the grouping of counties. Precincts will then be randomly drawn for each county subject to audit. Precincts drawn will not exceed five percent (5%) of the precincts in the county or one



## SECRETARY OF STATE DIRECTIVES

precinct, whichever is greater, unless the number of ballots in the precinct(s) drawn is less than 2,100, in which case, multiple precincts and up to the full county may be drawn.

If a county subject to audit does not organize its absentee or early voting ballots by precinct, but instead organizes them by day, batch, legislative district, or tabulation machine, and has made election results organized along these lines for these ballots available to the public on the county's website by the time the Secretary of State performs the random draw of counties and precincts, the Secretary of State may perform such a random draw along these lines, in lieu of auditing the early or absentee ballots for the precincts subject to audit. In such a case, the Secretary of State will randomly draw by day, batch, legislative district, or tabulation machine, until the number of absentee or early voting ballots drawn is greater than the number of absentee or early voting ballots associated with the precincts drawn. Otherwise, the County Clerk shall recruit and supply an adequate number of individuals to complete any required sorting of absentee or early voting ballots quickly, under an IDSOS employee's supervision. Any costs associated with paying such individuals will be reimbursed to the county by the IDSOS, upon request.

The Secretary will, at his discretion, choose at least one candidate or ballot question election for audit for each precinct, or absentee or early voting ballot grouping drawn for audit, from the list of elections in subsection (1)(b) of Section 34-1203A, Idaho Code.

The Secretary of State has the discretion to waive a county audit in the event a recount is projected to occur.

## Teams

Once the counties and associated precincts and absentee or early voting ballot groupings have been drawn, the Secretary of State will assign to each county a team or teams, with each team consisting of at least one Secretary of State employee (IDSOS Team Lead). In the event a county will require ballots to be sorted, an additional IDSOS employee will be provided to supervise the sorting process. The team will further include a minimum of two additional audit representatives (Party Reps), one each from the two largest political parties in the state, as long as such representatives are made available by those parties. Party Reps shall be registered voters currently affiliated with their respective political party. In the absence of adequate representatives being provided by the parties in advance, either the County or State may provide a substitute audit representative, who shall be a registered Idaho voter, and whose party affiliation may be either unaffiliated or affiliated with any recognized Idaho political party. Audit team personnel, once assigned, will endeavor to stay consistent throughout an audit cycle, however, substitutes may be added in extenuating circumstances at the sole discretion of the Secretary of State.

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### **Procedure**

Immediately upon selection, the Secretary of State's office will contact the Clerk and Sheriff of a county drawn for audit and inform both as to which ballots will be audited. The Sheriff or his or her deputies will immediately impound the selected ballots, which must remain sealed and in a secured, locked space, to which only the Sheriff or his or her designated deputies have access. The County Clerk will make a suitable space available in which the audit team may conduct the audit. When the Secretary of State's audit team arrives, the Sheriff or his or her designated deputies will retrieve the sealed precinct box(es) required for the audit and will transport the box(es) to the such room and deliver them to the audit team. The IDSOS Team Lead will be the only person allowed to unseal the box(es) and remove the ballots. The Team Lead, upon removal of the ballots from any given box, will then proceed with the manual tabulation process for those ballots.

Any member of the news media, any candidate whose election is subject to the audit, or the candidate's designee, and one representative of each political committee that publicly reported expending money for or against a ballot question subject to audit, may be present and observe the audit by notifying the county clerk at any time up to and including the day of the audit. The county clerk will provide each observer with a tag or badge indicating the individual's name and role as an observer. An audit observer may move freely in the room where the audit is being conducted, but shall not be disruptive to the audit proceedings, or touch any ballot, tally sheet, or any other election materials. An audit observer may ask questions during breaks in the tabulation process.

### **Manual Tabulation Process**

The IDSOS Team Lead will read off his or her determination of the voter's intent for each ballot in the race being counted and show the ballot to the two (2) Party Reps, who will note the determination by placing a tally mark on a ledger designed for this purpose for the candidate or measure as determined. After the tallies are marked, the Team Lead will place each ballot in a sorted stack, with one stack for each candidate, ballot question answer, overvote, undervote, or write-in, for the election being audited. For every five votes tallied for a candidate or for or against a ballot question, the talliers will say "Hash" aloud, to ensure both tallies are consistent. Upon completion of a tally row, the Team Lead will place a colored paper separator atop each sorted stack of ballots, to limit the scope of any re-tallies that may be necessary if the two tally sheets do not agree.

The county clerk and his or her employees may elect to listen and keep a separate tally of the ballots themselves, from a distance, but are not to actively participate in the official audit.

## SECRETARY OF STATE DIRECTIVES

After the audit has concluded, the IDSOS Team Lead will place the ballots back in the box(es) and reseal them, with the assistance of the County Clerk or his or her employees, to ensure that each box is re-sealed in a manner consistent with county procedures, after which the County Clerk or his or her employees will return the sealed boxes to the place where ballots from this election are stored.

### **Ballot Inventory**

In addition to the hand recount of ballots, the postelection audit may include an examination of the ballot inventory and usage, which may include, but not be limited to:

- The number of ballots ordered from the printing company
- The number of voters checked in on election day
- The number of ballots issued on election day
- The number of ballots cast on election day
- The number of ballots left over after election day
- The number of ballots printed “on-demand” on election day
- The number of voters checked in during early voting
- The number of ballots issued during early voting
- The number of ballots cast during early voting
- The number of voters requesting absentee ballots
- The number of absentee ballots mailed to voters
- The number of absentee ballots received at the County Clerk’s office
- The number of absentee ballots cast
- The number of UOCAVA voters requesting a ballot
- The number of ballots sent to UOCAVA voters
- The number of UOCAVA ballots received at the County Clerk’s office
- The number of UOCAVA ballots cast
- The number of ballots spoiled
- The number of ballots duplicated
- The number of ballots for which a vote was recorded in the candidate or ballot question race being examined, for each voting method (regular, absentee, early)
- The number of overvote and undervote ballots in the candidate or ballot question race being examined, for each voting method (regular, absentee, early)

## **Post-Election Audit Report**

The Secretary of State shall report the results of the post-election audit on the Secretary of State's website, to the County Clerk of each county in which paper ballots were audited, and to the State Board of Canvassers, by no later than the day by which the State Board of Canvassers must meet to certify the canvass of county abstracts. This written report shall not preclude, nor shall it require, the results of the audit from being publicly visible in any manner during the audit or immediately following. However, those results, if visible, will be unofficial until the official publication of the Postelection Audit Report.

The Secretary of State may order additional postelection audits if he determines that such action is warranted by the findings of the Postelection Audit Report. If additional postelection audits are so ordered, they are not subject to limitations on the number of ballots or types of elections selected, but must be limited to the types of problems identified in the Postelection Audit Report, and may be conducted immediately following the publication of the Postelection Audit Report. Any additional postelection audits so ordered by the Secretary of State, if they involve the recount of paper ballots, will follow the processes found under the "Procedure" section of this Directive.

# DIRECTIVE

2023-01

## Itemization Threshold of Lobbying Activities





**STATE OF IDAHO**  
OFFICE OF THE SECRETARY OF STATE  
PHIL MCGRANE

**SECRETARY OF STATE DIRECTIVE**  
(Directive 2022-2)

Pursuant to the authority of Section 67-6619, *Idaho Code*, the Secretary of State does hereby issue the following directive:

The itemization threshold of lobbying activities set out in Section 67-6619(3)(b), *Idaho Code*, is hereby adjusted using the consumer price index (CPI-U) to one hundred thirty dollars (\$130.00) for the 2023 and 2024 reporting periods.

PHIL MCGRANE  
Secretary of State

Directive: 2023-1  
Issued: January 24, 2023