

TITLE 34
ELECTIONS

CHAPTER 3
ELECTION PRECINCTS AND JUDGES

34-301. ESTABLISHMENT OF ELECTION PRECINCTS BY COUNTY COMMISSIONERS -- LISTS AND MAPS TO BE FURNISHED TO SECRETARY OF STATE. (1) The board of county commissioners in each county shall establish a convenient number of election precincts therein. The board of county commissioners may establish an absentee voting precinct for each legislative district within the county. The boundaries of such absentee precincts shall be the same as those of the legislative districts for which they were established. The board shall have the authority to create new or consolidate established precincts only within the boundaries of legislative districts. No county shall have less than two (2) precincts. This board action shall be done no later than January 15 in a general election year. The January 15 deadline shall be waived during a general election year in which a legislative or court-ordered redistricting plan is adopted. In such cases, any precinct boundary adjustments shall be accomplished by the county commissioners as soon as is practicable.

(2) The county clerk of each county shall provide, and the secretary of state shall maintain in his office, a current and accurate report of the following:

- (a) A list of all precincts within the county;
- (b) A map and description of all precincts within the county;
- (c) A count of voters registered for the latest general election, by precinct; and
- (d) A count of votes cast at the latest general election, by precinct.

[34-301, added 1970, ch. 140, sec. 32, p. 351; am. 1971, ch. 210, sec. 1, p. 919; am. 1972, ch. 141, sec. 1, p. 308; am. 1973, ch. 177, sec. 1, p. 393; am. 1974, ch. 212, sec. 1, p. 1557; am. 1976, ch. 73, sec. 1, p. 242; am. 1977, ch. 8, sec. 3, p. 17; am. 1992, ch. 152, sec. 1, p. 458; am. 2009, ch. 52, sec. 13, p. 145; am. 2019, ch. 96, sec. 1, p. 344.]

34-302. DESIGNATION OF PRECINCT POLLING PLACES. The board shall, by the fifth Friday before any election, designate a suitable polling place for each election precinct. Insofar as possible, the board shall designate the same polling place for the general election that it designated for the primary election. The physical arrangements of the polling place shall be sufficient to guarantee all voters the right to cast a secret ballot. Public school facilities shall be made available to the board as precinct polling places. All polling places designated as provided herein shall conform to the accessibility standards adopted by the secretary of state pursuant to the voting accessibility for the elderly and handicapped act, 52 U.S.C. 20101 et seq. The expense of providing such polling places shall be a public charge and paid out of the county treasury.

[34-302, added 1970, ch. 140, sec. 33, p. 351; am. 1973, ch. 304, sec. 2, p. 646; am. 1978, ch. 38, sec. 1, p. 67; am. 1985, ch. 115, sec. 2, p. 238; am. 2019, ch. 96, sec. 2, p. 345; am. 2019, ch. 283, sec. 1, p. 824.]

34-303. APPOINTMENT OF ELECTION JUDGES BY COUNTY CLERK. (1) The county clerk shall appoint two (2) or more election judges, one (1) of whom shall

be designated chief judge, and the number of clerks deemed necessary by him for each polling place. In the event a single polling place is designated for two (2) or more precincts, an individual may serve simultaneously on the election board for two (2) or more precincts thus served by a single polling place. The precinct committeemen shall recommend persons for the position in their respective precincts to the county clerk in writing by the fifth Friday prior to the primary election and the county clerk shall appoint the judges from such lists if the persons recommended are qualified.

(2) The chief election judge shall be responsible for the conduct of the proceedings in the polling place. Compensation for all election personnel shall be determined by the board of county commissioners at no less than the minimum wage as prescribed by the laws of the state of Idaho.

(3) Each election board shall contain personnel representing all existing political parties if a list of applicants has been provided to the county clerk by the precinct committeemen of the precincts by the prescribed deadline.

(4) In order to provide for a greater awareness of the election process, the rights and responsibilities of voters and the importance of participating in the electoral process, as well as to provide additional members of precinct boards, a county clerk may appoint not more than two (2) students per precinct to serve under the direct supervision of election board members designated by the county clerk. A student may be appointed, notwithstanding lack of eligibility to vote, if the student possesses the following qualifications:

(a) Is at least sixteen (16) years of age at the time of the election for which he or she is serving as a member of an election board; and

(b) Is a citizen of the United States.

[34-303, added 1970, ch. 140, sec. 34, p. 351; am. 1971, ch. 210, sec. 2, p. 919; am. 1977, ch. 8, sec. 4, p. 17; am. 2003, ch. 48, sec. 3, p. 182; am. 2004, ch. 113, sec. 1, p. 386; am. 2018, ch. 154, sec. 1, p. 311; am. 2019, ch. 96, sec. 3, p. 345.]

34-304. CHALLENGERS -- WATCHERS. The county clerk shall, upon receipt of a written request, such request to be received no later than twelve (12) days prior to the day of election, direct that the election judges permit one (1) person authorized by each political party, if the election is a partisan election, to be at the polling place for the purpose of challenging voters, and shall, if requested, permit any one (1) person authorized by a candidate, several candidates or political party, to be present to serve as a watcher to observe the conduct of the election. Such authorization shall be evidenced by a writing signed by the county chairman and secretary of the political party, if the election is a partisan election, or by the candidate or candidates, and filed with the county clerk. Where the issue before the electors is other than the election of officers, the clerk shall, upon receipt of a written request, such request to be received no later than twelve (12) days prior to the date of voting on the issue or issues, direct that the election judges permit one (1) pro and one (1) con person to be at the polling place for the purpose of challenging voters and to observe the conduct of the election. Such authorization shall be evidenced in writing signed by the requesting person and shall state which position relative to the issue or issues the person represents. Persons who are authorized to serve as challengers or watchers shall wear a visible name tag which includes their respective titles. A watcher is entitled to observe any activity conducted at the loca-

tion at which the watcher is serving, provided however, that the watcher does not interfere with the orderly conduct of the election. If the watchers are present at the polling place when ballots are counted they shall not absent themselves until the polls are closed. A watcher serving at a central counting station may be present at any time the station is open for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station. If the county clerk does not receive the list of names of those desired to be present for the purpose of either poll watching or challenging within the time prescribed above, the clerk shall not allow the presence of such persons later seeking to serve in those capacities.

[34-304, added 1970, ch. 140, sec. 35, p. 351; am. 1972, ch. 141, sec. 2, p. 308; am. 1973, ch. 304, sec. 3, p. 646; am. 2006, ch. 70, sec. 1, p. 214; am. 2009, ch. 341, sec. 56, p. 1031.]

34-305. COUNTY CLERK CHIEF COUNTY ELECTIONS OFFICER. The county clerk is the chief elections officer of his county and it is his responsibility to obtain and maintain uniformity in the application, operation and interpretation of the election laws. The county clerk shall comply with the lawful directives and instructions given him by the secretary of state.

[I.C., sec. 34-305, as added by 1971, ch. 210, sec. 3, p. 919.]

34-306. PRECINCT BOUNDARY REQUIREMENTS. (1) Precinct boundaries shall follow visible, easily recognizable physical features on the ground including, but not limited to, streets, railroad tracks, roads, streams and lakes. The exception shall be when a precinct boundary coincides with a city, county, Indian reservation or school district boundary which does not follow a visible feature.

(2) In order to achieve compliance with the requirements of this section, and simultaneously maintain legislative district boundaries which may not follow visible features, a county may designate subprecincts within precincts, the internal boundaries of which do not follow visible features.

[34-306, added 1977, ch. 8, sec. 2, p. 16; am. 1989, ch. 261, sec. 1, p. 639; am. 1992, ch. 284, sec. 1, p. 876.]

34-307. PRECINCT BOUNDARIES MAINTAINED. From January 15 in any year ending in 8 through September 15 in any year ending in 1, the board of county commissioners shall make no changes in precinct boundaries, except that a single precinct may be divided into two (2) or more new precincts wholly contained within the original precinct.

[34-307, added 1998, ch. 276, sec. 1, p. 907.]

34-308. MAIL BALLOT PRECINCT. (1) A precinct within the county that contains no more than one hundred forty (140) registered electors at the last general election may be designated by the board of county commissioners as a mail ballot precinct no later than April 1 in an even-numbered year. Such a designation shall apply thereafter to all elections conducted within the precinct until revoked by the board of county commissioners or until the precinct contains one hundred fifty-one (151) registered electors at the last general election. Having designated a mail ballot precinct, there

shall be no voting place established within the precinct. Elections in a mail ballot precinct shall be conducted in a manner consistent with absentee voting with the special provisions provided in this section.

(2) The clerk shall issue a ballot, by mail, to every registered voter in a mail ballot precinct and shall affix postage to the return envelope sufficient to return the ballot.

(3) The ballot shall be mailed no sooner than twenty-four (24) days prior to the election day and no later than the fourteenth day prior to the election.

(4) The clerk shall make necessary provisions to segregate mail ballot precinct ballots by precinct and, for all purposes of the election, the precinct integrity shall be maintained.

(5) The clerk shall make registration available in the office of the clerk on election day for any individual who is eligible to vote and who resides in a mail ballot precinct and has not previously registered. The clerk shall provide an official polling place in the office of the clerk, and a qualified elector who registers on election day and resides in a mail ballot precinct shall be allowed to vote at the office of the clerk.

(6) (a) Except as provided in paragraph (b) of this subsection, electors who have designated a political party affiliation pursuant to section [34-404](#), Idaho Code, shall receive the primary election ballot for that party pursuant to sections [34-904](#) and [34-904A](#), Idaho Code.

(b) Electors who have designated a political party affiliation pursuant to section [34-404](#), Idaho Code, may receive the primary election ballot of a political party other than the political party such elector is affiliated with if such other political party has provided notification to the secretary of state that identifies the political party such elector is affiliated with, as provided for in section [34-904A](#) (2) (b), Idaho Code.

(7) For "unaffiliated" electors, in order to receive a political party's primary election ballot pursuant to section [34-904A](#), Idaho Code, the county clerk shall mail a ballot request form for the primary election ballot to the electors in a mail ballot precinct for the electors to use in selecting the party ballot they choose to receive.

(a) In the event that more than one (1) political party allows electors designated as "unaffiliated" to vote in their party's primary election pursuant to section [34-904A](#), Idaho Code, an elector designated as "unaffiliated" shall indicate on the form such elector's choice of the political party's primary election ballot in order to vote in that party's primary election.

(b) In the event no more than one (1) political party allows electors designated as "unaffiliated" to vote in their party's primary election pursuant to section [34-904A](#), Idaho Code, an elector designated as "unaffiliated" shall indicate on the form that political party's primary election ballot in order to vote in that political party's primary election.

(c) If an elector designated as "unaffiliated" is not permitted to vote in a political party's primary election as provided for in section [34-904A](#), Idaho Code, such elector shall receive a nonpartisan ballot.

(d) If an elector designated as "unaffiliated" does not indicate on the form a choice of political party's primary election ballot, such elector shall receive a nonpartisan ballot.

[34-308, added 2004, ch. 165, sec. 1, p. 541; am. 2011, ch. 319, sec. 2, p. 929; am. 2019, ch. 97, sec. 1, p. 355.]