

Pre-Watch Checklist

- Attire: no campaign gear, comfortable
- Things to bring: water, food, recorder, notepad, pen, phone & charger, chair
- Campaign contact info in your phone (Lauren, Josh, Jennifer, Lead)
- Review Signature Verification procedures (for those watching that)
- Questions to ask County Clerk's Office:
 - Where to get nametag
 - Ask about any special forms to fill out for watchers or to challenge a voter
 - Where/when will absentee ballots signatures be verified? (poll watcher needed)
 - Where/when will is the centralized county? (poll watcher needed)
 - Will I be able to come and go?
 - How many drop boxes?
 - Who provides camera surveillance (submit PRR to receive video footage)

Full screen (f)

Who can Vote

To be eligible to vote in Idaho you must meet the following requirements **and** register with your County Clerk.

[Idaho statute § 34-104](#)

"QUALIFIED ELECTOR" DEFINED. "Qualified elector" means any person who is eighteen (18) years of age, is a United States citizen and who has resided in this state and in the county at least thirty (30) days next preceding the election at which he desires to vote, and who is registered as required by law.

If you are qualified, fill out a [voter registration form](#) [provided in PDF], sign and return it to [your County Clerk](#).

Idaho has election day registration. You may register at your polling place on election day by providing proof of residence. All documents used in providing proof of residence must be accompanied with a photo ID. Only the following documents showing the registrant's current address in the precinct are authorized:

- a valid Idaho driver license issued through the department of transportation
- a valid Idaho identification card issued through the department of transportation
- any document which contains a valid address in the precinct together with a picture identification card
- Students may also use a current valid student identification card from a post secondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct together with a picture identification card.

Power of Attorney cannot sign for another person. The voter puts their "mark" as the signature.



STATE OF IDAHO
OFFICE OF THE SECRETARY OF STATE
LAWRENCE DENNEY

March 2, 2022

Sen. Christy Zito
Idaho Senate

Sen. Zito,

As you requested, the following information pertains to the commentary in Idaho Statutes surrounding Poll Watchers and Poll Challengers.

IC § 34-304 states that county clerks shall, upon written and timely request from a political party, permit one (1) person "to be at the polling place for the purpose of challenging voters" and if requested by a candidate or a "pro" and "con" organization for a ballot question, another "to serve as a watcher to observe the conduct of the election." The use of "any person" in both cases would indicate that "registered elector" is not a necessary qualification for one of these positions. One clear requirement, however, is that poll challengers and poll watchers must be clearly identified with a tag or badge stating their name and specific role.

Statute states "polling place", which today may include multiple precincts. It does not state one per precinct. It stands to reason, however, that since a poll challenger would need to be at the check-in table to challenge a voter PRIOR to that voter receiving a ballot (the only window in which a challenge may be issued), that if co-located precincts were checking in at separate tables or in separate rooms, one person could be requested per separate table or room.

IC § 34-431 says "any registered elector may challenge the entry of an electors name as it appears in the election register", however, the voter need not be present for this challenge to take place. As such, this may not speaking about a "Poll Challenger", but rather an unidentified voter on election day.

Given that poll watchers and challengers must wear a name tag identifying them in the polling location (IC §34-304), a candidate appearing on a ballot could not serve in either capacity in a location where they appear on said ballot without electioneering or campaigning within 100' of the polls. They could, however, serve in a location where they do NOT appear on the ballot.

IC § 34-1111 clearly outlines the procedure for a voter who has been challenged, and lends final insight to the challenge process. It makes it clear that if the voter takes the oath and signs, he WILL be entitled to vote.

P.O. Box 83720, Boise, Idaho 83720-0080
Elections Telephone: (208) 334-2852, FAX: (208) 334-2282
Located at 700 W Jefferson, Ste. E-205

How to ~~be~~ confirm "residency"

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.

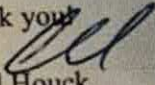
Some factors which should be considered when determining whether domicile has been established for voting purposes by a student as well as any other applicant, are as follows:

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

Most important is that neither the poll watcher nor challenger is to interfere with the orderly conduct of the election. This would preclude extensive challenging for no reason or stopping procedures to "get a closer look". They are not there to conduct inspections, but to be active and positive observers, effectively invisible (other than the nametag) to the voter. Having a positive and cooperative attitude from the onset and working with the election personnel, not against them, is a necessity.

In addition, we have developed a video regarding these two positions that you can see here: <https://voteidaho.gov/voter-education/> You will be looking for video 5.5 in the series "5 - Election Day". I'd recommend that you make watching this a prerequisite to having conversations on the topic.

Thank you


Chad Houck



STATE OF IDAHO
OFFICE OF THE SECRETARY OF STATE
LAWRENCE DENNEY

March 2, 2022

Sen. Christy Zito
Idaho Senate

Sen. Zito,

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Given that poll watchers and challengers must wear a name tag identifying them in the polling location (IC §34-304), a candidate appearing on a ballot could not serve in either capacity in a location where they appear on said ballot without electioneering or campaigning within 100' of the polls. They could, however, serve in a location where they do NOT appear on the ballot.

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STATE OF IDAHO
OFFICE OF THE SECRETARY OF STATE
LAWRENCE DENNEY

*New law
as of 4/26/22
Challengers &
Watchers*

SECRETARY OF STATE DIRECTIVE
(Directive 2022-03)

RE: Poll Challengers and Poll Watchers

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.

Dated April 26, 2022

Lawrence Denney
Idaho Secretary of State

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 th | February 24 th |
| May 17 th (Primary) | May 5 th |
| August 30 th | August 18 th |
| November 8 th (General) | October 27 th |

Challengers are also authorized for elections involving ballot issues. ~~Upon written request,~~ The County Clerk ~~can~~ 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 watcher at a central location for processing absentee ballots, or an early voting location, until twelve (12) days after the date of appointment. Once accommodated, the watcher 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, or be positioned such that private, personally identifiable information is viewable.

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.

C. Election Judge's Authority

~~A challenger is not to interfere with the orderly conduct of the election.~~ 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. Persons who are authorized to serve as challengers shall wear a visible name tag identifying their title. A challenger may ask questions of a poll worker or election official, and may challenge voters, but may not otherwise interfere with the orderly conduct of the election, or processing of absentee ballots. The chief election judge in each precinct has the authority to remove any challenger that 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.

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

ROLE OF WATCHERS

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

A. Authorization

Any person authorized by a candidate, several candidates, ~~or~~ 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 receiving and counting of votes~~. The candidate, ~~or~~ 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. One Δ person authorized by a pro or con organization ~~on each side of an issue on the ballot may is~~ also ~~be~~ authorized to be a ~~watcher and~~ challenger. ✕

| <u>Election Date</u> | <u>Last day to receive written list of Challengers Watchers</u> |
|------------------------------------|---|
| March 8 th | <u>February 24th (Only Not Applicable to pro and con organizations)</u> |
| May 17 th (Primary) | May 5 th |
| August 30 th | <u>August 18th (Only Not Applicable to pro and con organizations)</u> |
| November 8 th (General) | October 27 th |

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 date of 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 ~~poll~~ watcher is allowed to be present to watch the receiving and counting of the votes.

In counties which 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, be positioned in a way that would violate ballot secrecy, or interfere with any of these processes. Precinct count counties where the count occurs at the polls shall allow watchers at the polls.

Candidates, ~~and/or~~ political parties, or a pro or con organization for a ballot question may have watchers present at the polls, ~~and/or~~ 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 8:00 p.m.)~~. 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.

Watchers cannot challenge voters or a returned absentee ballot. A watcher may ask questions of a poll worker or election official, but may not interfere with the orderly conduct of the election, or processing of absentee ballots.

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 that is disrupting the orderly conduct of the election.

D. Miscellaneous

~~As outlined above watchers at the polls may work in various shifts throughout the day. However, each candidate and/or political party may have only one watcher at the poll area at any given time.~~

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.

Resources & Homework

- Idaho Votes SOS videos voteidaho.gov
- Look up your Voter ID #
<https://elections.sos.idaho.gov/ElectionLink/ElectionLink/VoterSearch.aspx>
- Check individual voter info <https://voterrecords.com>
- Idaho Code Title 34 on Elections
<https://legislature.idaho.gov/statutesrules/idstat/Title34/T34CH4/>



Play (k)