

Election Statute Navigator: Idaho

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/idaho/covid/#tracker>.

Voter Registration

- Voters (other than above) register prior to Election Day
 - **3-7-13-11** - The close of business on the twenty-ninth day before the election is scheduled to occur.
- Online registration available
 - **3-7-26.7** - General
- Registration via mail available
 - **3-7-22** - General
 - **3-7-24** - Distribution sites for mail registration forms
- In-Person registration available
 - **3-7-14** - At license branches
 - **3-7-15** - At public assistance agencies
 - **3-7-16** - At agencies serving persons with disabilities
 - **3-7-17** - At armed forces recruitment offices
 - **3-7-18** - In additional offices; general provisions
 - **3-7-19** - In board of registration offices
 - **3-7-20.5** - In unemployment compensation offices
 - **3-7-21** - Procedures for designating additional voter registration offices; county NVRA implementation plans
- Preregistration allowed **3-7-13-1**
 - A person who will be at least eighteen (18) years of age at the next general, municipal, or special election may, upon making a proper application under this article, register to vote in that precinct.
- Residency requirement
 - **3-5-5** - Standards for determining residency
- Prior conviction eligibility



- **3-7-13-4** - Disfranchisement of prisoners
- **3-7-13-5** - Restoration of voting rights to prisoners
- **3-7-13-6** - Exceptions to disfranchisement of prisoners
- Voter list maintenance guidelines
 - **3-7-26.3** - Statewide voter registration list requirements, guidelines, maintenance
 - **3-7-26.4** - Information on lists
- Other:
 - **3-7-13-12** - If a county voter registration office receives a properly completed registration application during a time other than the registration period described in section 10 of this chapter, the county voter registration office may enter the data from the application into the computerized list and designate the application as incomplete

State Absentee, Early, and Mail Voting

- Early voting allowed
 - [Indiana Early Voting website](#)
- Listed excuses to vote absentee **3-11-4-1**
- Listed excuses to vote by mail
 - **3-11-10-24** - Out of county on election day, illness or disability, age 65+, at work during all voting hours, election worker or poll worker, religious belief or practice, ACP participant
- Absentee ballot application is verified
 - **3-11-4-17.5** - Signature comparison
- Absentee ballot verification details
 - **3-11-10-4** - Examination of signature
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter
 - **3-11-10-1** - A member of the voter's household or a person designated as the attorney for the voter.
- Deadline by which election official must receive absentee/mailed ballots
 - **3-12-1-17** - Election day
- Absentee/Mail ballot processing and counting procedures
 - **3-11.5-4** - General procedures for counties
 - **3-11.5-8** - Counting on electronic voting systems



- **3-11.5-4-12** - Processing can begin upon receipt
- **3-11.5-5-3** - Counting can begin no later than noon on Election Day or immediately after the electronic poll books used at each polling place or vote center have been updated to indicate the county received the absentee ballot.
- **3-11.5-3-2** - Political parties or independent candidates described in **IC 3-6-8-1** may appoint watchers at a central location for counting absentee ballots.
- Spoiling/Replacement/Correction ballot restrictions
 - **3-11-11-18** - A voter who by accident or mistake spoils, defaces, or mutilates the voter's ballot may, by returning the ballot to the poll clerks or assistant poll clerks and satisfying them that the spoiling, defacing, or mutilation was not intentional, receive another ballot.
- Other:
 - **3-11-4-2(b)** - If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the voter may designate an individual eligible to assist the voter under IC 3-11-9-2(a) to sign the application on behalf of the voter and add the individual's name to the application
 - **3-11-4-3** - Application may be sent via e-mail
 - **3-11-10-1.2** - An absentee voter is not required to provide proof of identification when:
 - (1) mailing, delivering, or transmitting an absentee ballot under section 1 of this chapter; or
 - (2) voting before an absentee board under section 25 of this chapter.

In-Person Voter ID

- Photo ID requirements
 - **3-5-2-40.5** - ID Requirements
 - **(2)** - The document must show a photograph of the individual to whom the document was issued.
 - **3-10-1-7.2** - A voter who desires to vote an official ballot at a primary election must provide proof of identification.
 - **3-11-8-25.1** - A voter who desires to vote an official ballot at an election shall provide proof of identification.
 - **3-11-8-25.2** - Additional identification needed for certain first-time voters
- Exceptions to Voter ID Requirements:



- **3-10-1-7.2(e)** - A voter who votes in person at a precinct polling place, vote center, or satellite office established under **IC 3-11-10-26.3** that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in a primary election.
- **3-11-8-25.1(e)** - A voter who votes in person at a precinct polling place, vote center, or satellite office established under **IC 3-11-10-26.3** that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.
- Other:
 - **3-11-8-25.1(l), (m)** - If the voter indicates that the voter's current residence is located outside Indiana, or in a different county in Indiana, the voter is considered to have directed the county voter registration office of the county where the precinct is located to cancel the voter registration record within the county.

Provisional Voting

- Provisional ballot availability
 - **3-11.7-2-1**
 - (a) as required by **52 U.S.C. 21082**
 - (b) did not present identification as required under **52 U.S.C. 21083**
 - (c) eligible to vote under **IC 3-7-13-1**, submitted a voter registration application during the registration period **IC 3-7-13-10**, and executed an affidavit as described in **3-10-1-9** or **3-11-8-23**
 - **3-10-11-4.5** - Due to challenge
- Time allotted to determine the status of provisional ballot
 - **3-11.7-5-1** - Ten days after the election
- Provisional ballot rejection reasons:
 - **3-11.7-5-5** - Affidavit has not been properly executed, not qualified in the precinct, failure to provide photo ID if required, not registered on a date within registration period, ballot does not contain the initials of the poll clerks
- Method for informing voters whether provisional vote was counted **3-11.7-6-3**
- Other:
 - **3-11.7-4-2** - Political parties or independent candidates described in **IC 3-6-8-1** may appoint watchers at the location for counting provisional ballots.



- **3-11.7-4-3** - A candidate entitled to appoint a watcher under IC 3-6-9 may appoint a watcher at the location for counting provisional ballots.
- **3-11.7-4-4** - Media entitled to appoint a watcher under IC 3-6-10 may appoint a watcher at the location for counting provisional ballots.

Polling Place

- Polling Place availability and requirements
 - **3-11-8** - Standards for accessibility
 - **3-11-8-3.1** - Designation of polls
 - **3-11-8-4.1** - The polls for each precinct may be located in only one place
 - **3-11-8-5** - Election not to be held in room where alcoholic beverages are kept or sold
 - **3-11-8-6.3** - Visible indicators of political preference, party allegiance, or likenesses of any currently elected officials in polling places prohibited
 - **3-11-8-7** - Preparation of polls for election
- Electioneering or campaigning must not be closer than **50** feet to the entrance of the polling place **3-14-3-16**
- Rules governing poll observers
 - **3-6-7** - Challengers and pollbook holders
- Poll watcher qualifications
 - **3-6-8** - Watchers for political parties and independent candidates
 - **3-6-9** - Watchers for primary, school board, and precinct committeemen candidates
 - **3-6-10** - Watchers for the media
- Police presence
 - **3-6-4.1-23** - The state police department or a state police officer may not supplant or interfere with a local law enforcement officer or precinct election officer in the discharge of duties
 - **3-6-6-36** - Law enforcement officers of the state and of political subdivisions may not come within fifty (50) feet of the polls, except to serve process of court, to vote, to be present when summoned by election sheriffs or precinct judges, to serve as a pollbook holder, or to serve as an absentee ballot courier
- Photography restrictions



- **3-11-8-17.5** - A voter may not: (1) take a digital image or photograph of the voter's ballot while the voter is in a polling place, an office of the circuit court clerk (under IC 3-11-10-26), a satellite office established under IC 3-11-10-26.3, or a vote center established under IC 3-11-18.1-4, except to document and report to a precinct election officer, the county election board, or the election division a problem with the functioning of the voting system, nor (2) distribute or share the image described in subdivision (1) using social media or by any other means.
- Other:
 - **3-6-11** - Poll taker restrictions and procedures
 - **3-6-12** - Carriers of petitions for candidates and public question restrictions and procedures
 - **3-11-8-26.1** - Procedure for voter who cannot sign name and address or who has disability-related difficulty
 - **3-11-8-15** - Persons permitted at polls during elections and simulated elections

State Emergency Rules and How Elections are Affected

- Election commission can adopt emergency rules to administer an election in a way not specified by the election code **3-6-4.1-16**
- Explicit remedies in election statute
 - **3-11-4-1** - Citizens can vote absentee if an emergency would prevent them from going to the polls
 - **3-6-4.1-17** - In an emergency, the election commission can extend the deadline for filing documents and performing duties
 - **3-8-5-10(e)** - The county chairman determines that an emergency requires the rescheduling of a town convention after notice has been given under subsection (d), the chairman shall promptly file a notice in the office of the county election board and in the office of the town clerk-treasurer stating the date, time, and place of the rescheduled convention.
- All can vote by absentee ballot in state of emergency
 - **3-11-4-1** - Citizens can vote absentee if an emergency would prevent them from going to the polls
- Other:
- **3-11-8-25.7** - Military or public safety officers who respond to emergencies before voting may be permitted to vote



Counting Rules

- Voting system requirements
 - **3-11-15** - Ballot card and electronic voting system standards and procedures for approving system changes
- Counting procedures
 - **3-11.5-4** - General procedures for counties counting absentee ballots
 - **3-11.5-5** - Counting of absentee ballots cast on paper ballots
 - **3-11.5-6** - Counting of absentee ballots cast on ballot cards
 - **3-11.5-7** - Counting absentee ballots at a central location
 - **3-11.5-8** - Counting absentee ballots cast on electronic voting system
 - **3-11.7-5** - Counting provisional ballots
 - **3-12-1** - Rules for counting ballots
 - **3-12-2** - Counting paper ballot votes
 - **3-12-3** - Counting ballot card votes
 - **3-12-3.5** - Counting electronic voting system votes

Contest/Protest, Recount Rules

- Challenging a candidate
 - **3-8-8-3** - Challenged by registered voter
 - **3-8-8-2** - Limitations on challenge
- Challenging a voter
 - **3-5-4.5** - Standards for Challenges to voters
 - **3-10-1-9** - Challenging a voter in a precinct during a primary election
 - **3-10-1-10** - Only a voter who is a member of the political party for whose candidates a person is offering to vote at a primary election may challenge the person on the ground of party affiliation.
 - **3-11-8-27** - Challenge by precinct election board member
 - **3-11-8-22.1** - Method of voting due to challenge
 - **3-11.5-4-15** - Procedure for challenging absentee ballots at the polls
 - **3-11.5-4-16** - Challenging absentee voter's application
 - **3-11.7-5-2.5** - Challenge of voter due to inability or declination to provide proof of ID



Contest/Protest recount

- **3-12-11-1** - A candidate may file a petition for a recount no later than 14 days after the election. The state chairman of a political party may file a petition for a recount no later than 17 days after the election.
- Other:
 - **3-11.7-5-9** - Counter, member of county election board, or representative may protest the county of any provisional ballot
 - **3-6-7** - Challenger regulations

