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# Idaho

## *Voter Registration & Voter List Maintenance Guide*

*Provided by*

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# State Guide to Voter Registration & Voter List Maintenance Statutes

This is a guide to your state's laws relating to voter registration and voter list maintenance.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

This guide was last updated on 02/29/2024.

## CONTENTS:

[Who can I contact with election related questions?](#)

[How do I register to vote?](#)

[How do I cancel my voter registration?](#)

[How is voter list maintenance handled?](#)

# Who can I contact with election related questions?

## [Link to Elections Official](#)

<b>Chief Elections Office:</b>	Phil McGrane, Secretary of State <a href="#">Elections Division</a>
<b>Physical Address:</b>	700 W. Jefferson St., Room E205 Boise, ID 83702
<b>Mailing Address:</b>	Secretary of State P.O. Box 83720 Boise, ID 83720-0080
<b>Phone Number:</b>	208-334-2852
<b>Online Contact:</b>	<a href="mailto:elections@sos.idaho.gov">elections@sos.idaho.gov</a>



# How do I register to vote?



[Link to Register](#)  
[Link to Statutes](#)

## [34-402. QUALIFICATIONS OF ELECTORS.](#)

Every male or female citizen of the United States, eighteen (18) years old, who has resided in this state and in the county for thirty (30) days where he or she offers to vote prior to the day of election, if registered within the time period provided by law, is a qualified elector.

## [ID Constitution, Section 3. DISQUALIFICATION OF CERTAIN PERSONS.](#)

No person is permitted to vote, serve as a juror, or hold any civil office who has, at any place, been convicted of a felony, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense.



# How do I cancel my voter registration?



[Link to Statutes](#)

To cancel your voter registration, [contact your county clerk.](#)

# How is voter list maintenance handled?

## **34-419. SUSPENSION OF REGISTRATION OF ELECTORS WHO APPEAR NOT TO BE CITIZENS OF THE UNITED STATES.**

The county clerk shall remove from the register of electors the official registration application of any elector who appears by the registration records in the office of the county clerk not to be a citizen of the United States and shall suspend the registration of such elector. The county clerk shall mail a written notice of such removal and suspension to the elector at his residence address indicated on the application. If the elector proves to the county clerk that he is in fact a citizen of the United States, his application shall be replaced in the register and his registration reinstated.

## **34-420. NO ELECTOR'S REGISTRATION SHALL BE CANCELED WHILE SERVING IN THE ARMED FORCES — EXCEPTION.**

Except as provided in section 34-435, Idaho Code, or for registering to vote in another jurisdiction, no elector's registration shall be canceled, nor shall he be deprived of his right to vote at any election by reason of the removal of his official registration application from the register of electors, during any period that he is serving in the armed forces of the United States or of any ally of the United States.

## **34-431. CHALLENGES OF ENTRIES IN ELECTION REGISTER.**

At the time of any election, any registered elector may challenge the entry of an elector's name as it appears in the election register. 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.

## **34-432. CORRECTION OF ELECTION REGISTER FROM CHALLENGES AT ELECTION.**

- (1) No later than the ninth Friday after each election, the county clerk shall examine the election register and note the challenges as described in section 34-431, Idaho Code. The county clerk shall mail a written inquiry to the challenged elector at his mailing address as indicated on his registration card. Such inquiry shall state the nature of the challenge and provide a suitable form for reply.
- (2) Within twenty (20) days from the date of mailing of the written inquiry, the elector may, in person or in writing, state that the information on his registration card is correct. Upon receipt of such a statement or request, the county clerk shall determine whether the information satisfies the challenge. If the county clerk determines that the challenge has not been satisfied, the county clerk shall schedule a hearing on the challenge and shall notify the elector of the place and time of the hearing. The hearing shall be held no later than twenty (20) days after notice is given. At the hearing, the challenged elector may present evidence of qualification. If the county clerk, upon the conclusion of the hearing, determines that the challenged elector's registration is not valid, the county clerk shall cancel the registration. If a challenged elector fails to make the statement or request in response to the inquiry, the county clerk shall cancel the registration.
- (3) The county clerk may make inquiry into the validity of any registration at any time. The inquiry shall proceed as provided in this section.

### **34-433. MONTHLY CORRECTION OF ELECTION REGISTER FROM REPORTED DEATHS.**

- (1) The state board of health and welfare shall, on or about the twenty-fifth day of each month, furnish to the secretary of state a listing showing the name, date of birth, county of residence and residence address of each Idaho resident who has died during the preceding month. The secretary of state shall sort this list by county and furnish a copy of same to each county clerk. Each county clerk shall immediately cancel all registrations of individuals reported as deceased by the state board of health and welfare in the board's report to the secretary of state.
- (2) A version of the list provided to the secretary of state by the state board of health and welfare pursuant to subsection (1) of this section may be requested from the board as a public record, provided that the publicly requestable list shall include each decedent's name, county of residence, residence address, and age at the time the publicly available list is created, but shall not include any decedent's date of birth or any other information.

### **34-434. RETENTION OF NOTICES AND CORRESPONDENCE RELATING TO CORRECTION OF ELECTION REGISTERS.**

Copies of all notices and other correspondence issued pursuant to the directives contained in sections 67 and 68 of this act [34-432, 34-433, Idaho Code,] shall be retained by the county clerk for a period of two (2) years from date of mailing.

### **34-435. CANCELLATION OF REGISTRATIONS FOLLOWING ANY GENERAL ELECTION OF THOSE NOT VOTING FOR FOUR YEARS.**

Within one hundred twenty (120) days following the date of the general election, 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.

### **34-436. RETENTION OF CORRESPONDENCE RELATING TO CANCELLATION OF VOTER'S REGISTRATION.**

All correspondence relating to the cancellation of an elector's registration shall be preserved by the county clerk for a period of two (2) years following the time of any general election.

### **The National Voter Registration Act of 1993**

Section 8 of the NVRA contains requirements with respect to the administration of voter registration by States and requires States to implement procedures to maintain accurate and current voter registration lists.

Six States (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming) are exempt from the NVRA because, on and after August 1, 1994, they either had no voter-registration requirements or had election-day voter registration at polling places with respect to elections for federal office.

<https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>

# **How do I file a HAVA complaint?**

[Link to HAVA Complaint Process](#)

[Link to Form](#)

A complaint shall be in writing and notarized, signed and sworn under oath by the Complainant. The complaint must identify the Complainant by name and mailing address. The complaint must identify the section of Title III for which a violation is alleged. The complaint must set out a clear and concise description of the claimed violation that is sufficiently detailed to apprise both the Respondent and the hearing officer or arbitrator of the claimed violation. The complaint procedure is limited to allegations of violations of Title III in a federal election.

A complaint may be filed no later than ninety (90) days after the final certification of the federal election and at issue. A complaint may be filed anytime prior to an election.

# **How do I file an election related complaint?**

[Link to Process](#)

[Link to Statute](#)

County prosecuting attorneys and sheriffs have primary responsibility for enforcing Idaho laws. The Office of Attorney General can investigate and prosecute cases at the county level in limited circumstances, when a statute grants the Attorney General concurrent jurisdiction or when local authorities request assistance for a specific case.

Since 2014, the Office of the Attorney General has had the authority to investigate violations of state criminal law by elected county officials.

# Who can I contact regarding an election related complaint?

<b>Secretary of State:</b>	Phil McGrane
<b>Physical Address:</b>	700 W. Jefferson St., Room E205 Boise, ID 83702
<b>Mailing Address:</b>	Secretary of State P.O. Box 83702 Boise, ID 83702
<b>Phone Number:</b>	208-334-2852
<b>Email Address:</b>	<a href="mailto:elections@sos.idaho.gov">elections@sos.idaho.gov</a>
<b>Online Contact:</b>	<a href="https://sos.idaho.gov/elections-division/">https://sos.idaho.gov/elections-division/</a>

<b>Attorney General:</b>	Raul R. Labrador
<b>Physical Address:</b>	700 W. Jefferson St., Suite 210 Boise, ID 83720
<b>Mailing Address:</b>	Office of the Attorney General State of Idaho P.O. Box 83720 Boise, ID 83720-0010
<b>Phone Number:</b>	208-334-2400
<b>Email Address:</b>	<a href="mailto:AGLabrador@ag.idaho.gov">AGLabrador@ag.idaho.gov</a>
<b>Website:</b>	<a href="https://www.ag.idaho.gov/contact/">https://www.ag.idaho.gov/contact/</a>