



# Idaho

*Help America Vote Act  
(HAVA) Complaint  
Process Guide*

*Provided by*

VOTER  
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# State Guide to HAVA & Election Complaint Process

This is a guide to your state's laws relating to the Help America Vote Act (HAVA) and other election related complaints.

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 03/05/2024.

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# **What is the Help America Vote Act (HAVA)?**

[Link to HAVA Statute](#)

[Link to Election Assistance Commission](#)

According to the EAC.gov website:

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. HAVA mandates that EAC test and certify voting equipment, maintain the National Voter Registration form and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

## **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, Election Division</b>	
<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>Office of the Attorney General</b>	
<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>