

# IDAHO 2024 LAW ENFORCEMENT QUICK REFERENCE GUIDE

This pocket reference guide contains key penal provisions found within Titles 18, 34, and 74 of the Idaho Statutes.

- Willfully interfering with voting or canvassing votes or returns, or threatening harm to a public servant to influence action, is a misdemeanor.
- Using or attempting to use force, threats, or any corrupt means to influence any elector or hinder voting is a misdemeanor.
- Electioneering or engaging in a practice interfering with election administration in or within one hundred (100) feet of a polling place is prohibited.

## VOTING HOURS

8 a.m. to 8 p.m.

## 2024 ELECTION DATES

**Primary Election:** May 21

**August Election:** August 27

**General Election:** November 5

**For other election dates:** [sos.idaho.gov/elections-division/calendars](https://sos.idaho.gov/elections-division/calendars)

## REPORT SUSPICIOUS BEHAVIOR TO

**Your local election official:** [voteidaho.gov/county-clerks](https://voteidaho.gov/county-clerks)

**Idaho Secretary of State:**

[elections@sos.idaho.gov](mailto:elections@sos.idaho.gov)

(208) 334-2852

**For more information:** [sos.idaho.gov/elections-division](https://sos.idaho.gov/elections-division)



## THREATS AND OTHER IMPROPER INFLUENCE IN OFFICIAL AND POLITICAL MATTERS.

I.C. § 18-1353

- (1) Offenses defined. A person commits an offense if he:
- (a) threatens unlawful harm to any person with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter; or
  - (b) threatens harm to any public servant with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding; or
  - (c) threatens harm to any public servant or party official with purpose to influence him to violate his known legal duty; or
  - (d) privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, entreaty, argument or other communication with purpose to influence the outcome on the basis of considerations other than those authorized by law.

It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

- (2) Grading. An offense under this section is a misdemeanor unless the actor threatened to commit a crime or made a threat with purpose to influence a judicial or administrative proceeding, in which cases the offense is a felony.

Pursuant to I.C. § 18-1351 Definitions:

- (3) "Government" includes any branch, subdivision or agency of the government of the state or any locality within it and other political subdivisions... and all other governmental districts, commissions or governmental bodies not specifically mentioned in this chapter.
- (4) "Harm" means loss, disadvantage or injury, including loss, disadvantage or injury to any other person or entity in whose welfare he is interested.

- (8) "Public servant" means any officer or employee of government, including legislators and judges, and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function; but the term does not include witnesses.
- (9) "Administrative proceeding" means any proceeding, other than a judicial proceeding, the outcome of which is required to be based on a record or documentation prescribed by law, or in which law or regulation is particularized in application to individuals.

## **GENERAL SUPERVISION OF ADMINISTRATION OF ELECTION LAWS BY COUNTY CLERKS**

I.C. § 34-206

Subject to and in accordance with the directives and instructions prepared and distributed or given under the authority of the secretary of state, each county clerk shall exercise general supervision of the administration of the election laws by each local election official in his county for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity in such administration by local election officials. Such directives and instructions shall be directed to and shall be complied with by each local election official affected thereby.

## **APPOINTMENT OF ELECTION JUDGES BY COUNTY CLERK.**

I.C. § 34-303

- (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.

## **DUTIES OF CONSTABLE**

I.C. § 34-1105

The judges of election may appoint some capable person to act as election constable during the election, and he shall have the power to make arrests for disturbance of the peace, as provided by law for constables, and he shall allow no one within the voting area except those who go to vote, and shall allow but one elector in a compartment at one time. He shall remain and keep order at the polling place until all of the votes are tallied.

## **RIOTOUS CONDUCT AND INTERFERENCE WITH ELECTION.**

I.C. § 18-2313

Any person who wilfully disturbs, or is guilty of any riotous conduct at or near, any election place or voting precinct, with intent to disturb the same, or interferes with the access of the electors to the polling place, or in any manner, with the free exercise of the election franchise of the voters, or any voter there assembled, or disturbs or interferes with the canvassing of the votes, or with the making of the returns, is guilty of a misdemeanor.

## **INTIMIDATION, CORRUPTION AND FRAUDS.**

I.C. § 18-2305

Every person who, by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly attempts to influence any elector in giving his vote, or to deter him from giving the same, or attempts by any means whatever, to awe, restrain, hinder or disturb any elector in the free exercise of the right of suffrage, or furnishes any elector wishing to vote, who can not read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon different from the name which is written or printed thereon, or defrauds any elector at any such election, by deceiving and

causing such elector to vote for a different person, for any office, than he intended or desired to vote for; or who, being officer, judge, or clerk of any election, while acting as such, induces, or attempts to induce, any elector, either by menace or reward, or promise thereof, to vote differently from what such elector intended or desired to vote, is guilty of a misdemeanor.

## **ATTEMPT TO INFLUENCE VOTES.**

I.C. § 18-2319

No person shall attempt to influence the vote of any elector by means of a promise or a favor, or by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or discharging from employment, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him, or by any other means.

## **ELECTIONEERING AT POLLS.**

I.C. § 18-2318

- (1) On the day of any primary, general or special election, no person may, within a polling place, or any building in which an election is being held, or within one hundred (100) feet thereof:
  - (a) Do any electioneering;
  - (b) Circulate cards or handbills of any kind;
  - (c) Solicit signatures to any kind of petition; or
  - (d) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place.
- (2) No person may obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.
- (3) Any election officer, sheriff, constable or other peace officer is hereby authorized, and it is hereby made the duty of such officer, to arrest any person violating the provisions of subsections (1) and (2) of this section, and such offender shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor exceeding one thousand dollars (\$1,000).

## **ILLEGAL VOTING OR INTERFERENCE WITH ELECTION**

I.C. § 18-2306

Every person not entitled to vote, who fraudulently votes, and every person who votes more than once at any one election, or knowingly hands in two (2) or more tickets folded together, or changes any ballot after the same has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots lawfully polled, other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll list, or ballots, or ballot box, for the purpose of breaking up or invalidating such election, or wilfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, is guilty of a felony.

## **OFFICERS ATTEMPTING TO CHANGE RESULT.**

I.C. § 18-2309

Every officer or clerk of election who aids in changing or destroying any poll list, or in placing any ballots in the ballot box, or taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot box before or after the ballots therein have been counted or adds to or mixes with, or attempts to add to or mix with the ballots polled any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so when in his power to prevent it, or carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballot box or ballots lawfully polled, is guilty of a felony.

## **ADDING TO OR SUBTRACTING FROM VOTES.**

I.C. § 18-2311

Every person who wilfully adds to or subtracts from the votes actually cast at an election in any returns, or who alters such returns, is guilty of a felony.

## **TAMPERING WITH MACHINES PROHIBITED.**

I.C. § 34-2404

(1) No person shall:

(a) Tamper with or injure or attempt to injure any voting machine or vote tally system to be used or being used in an election.

(b) Tamper with any voting machine or vote tally system that has been used in an election.

(c) Prevent or attempt to prevent the correct operation of any voting machine or vote tally system.

(2) An unauthorized person shall not make or have in his possession a key to a voting machine to be used or being used in an election.

(3) Neither the secretary of state nor any officer or employee of any county, city, district or other political subdivision using voting machines or vote tally systems, shall solicit or accept any compensation, other than amounts paid by the governmental unit, in connection with the sale, lease or use of voting machines or vote tally systems.

## **DESTROYING OR DEFACING SUPPLIES.**

I.C. § 18-2317

No person shall, during the election, remove or destroy any of the supplies or conveniences placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, or prior to, or on the day of election, willfully deface or destroy any list of candidates posted in accordance with the provisions of title 34, Idaho Code, concerning elections.

No person shall, during an election, tear down or deface the cards printed for the instruction of voters. Every person willfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars (\$1,000).

## **OFFICIAL NEGLIGENCE OR MALFEASANCE.**

I.C. § 18-2301

Every person charged with the performance of any duty, under the provisions of any law of this state relating to elections, who wilfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment for such acts or omissions is prescribed by this Code, punishable by fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the state prison not exceeding five (5) years, or by both and shall in addition thereto, and regardless of whether or not criminal prosecution is undertaken, be subject to removal from office as provided in title 19, chapter 41, Idaho Code.

## **PUBLIC FUNDS PROHIBITED.**

I.C. § 74-604

Unless specifically required by law, and except as provided in this chapter:

(1) Neither a public entity nor its employees shall make, nor shall a public official make or authorize, an expenditure from public funds to advocate for or against a candidate or a ballot measure.

(2) Neither a public entity nor any of its employees shall use, nor shall a public official authorize or use, public property or resources to advocate for or against a candidate or a ballot measure.

*Any public official or employee knowingly violating the provisions of this chapter shall be subject to a civil penalty not to exceed \$1,500 and repeat violations not to exceed \$2,500, pursuant to I.C. § 74-606.*

