



**PHIL McGRANE**

IDAHO SECRETARY OF STATE

March 3, 2026

State Board of Examiners  
Attention: Brandon D. Woolf, Secretary  
PO Box 83720 Statehouse  
Boise, Idaho 83720

Dear Mr. Woolf,

I respectfully request the Board of Examiners' review and approval of the following item related to post-election audit funds for the May 2026 Primary Election audits:

**Overtime Payout:**

Authorization to provide overtime pay, in lieu of compensatory time, for administrative FLSA codes associated with post-election audit work. This request will enable the Secretary of State's Office to use Personnel Funds to pay Secretary of State employees for overtime accrued while performing statutorily required audits following the May 2026 Primary Election.

The post-election audit selection process will take place on May 29th, with the audits conducted the following week. This request would include 5-10 hours of overtime for each of the six administrative Election employees. The office received an appropriation specifically for conducting the audits and has sufficient Personnel Funds to support the requested payout.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phil McGrane", enclosed in a blue oval.

Phil McGrane  
Secretary of State



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 34  
ELECTIONS  
CHAPTER 12  
CANVASS OF VOTES

34-1203A. POSTELECTION AUDIT OF SELECTED BALLOTS.

(1)(a) After the completion of all county canvasses for any primary or general election, the secretary of state shall identify and order a postelection audit of certain paper ballots cast in any election, shall immediately post to the website of the office of the secretary of state a list of the elections, counties, and precincts selected for audit, and shall immediately notify each affected county clerk and county sheriff of the same. Upon receiving such notification, the county sheriff shall immediately impound and take into custody the affected ballots pursuant to the procedures in chapter 23, title 34, Idaho Code. Upon completion of the postelection audit, the ballots shall be resealed and returned to the custody of the county clerk or, in the event that the ballots are subject to a recount pursuant to chapter 23, title 34, Idaho Code, to the county sheriff. The postelection audit shall include, at a minimum, a hand recount of the ballots subject to the audit and a comparison to the results reported by the county for any precincts, days, batches, legislative districts, and tabulation machines selected for audit.

(b) A postelection audit authorized pursuant to paragraph (a) of this subsection may be ordered for:

- (i) Any or all federal elections held in Idaho;
- (ii) The election for governor;
- (iii) The statewide office election having the narrowest percentage margin of votes;
- (iv) The statewide ballot question election having the narrowest percentage margin of votes; and
- (v) One (1) legislative office election within the county.

(c) The precincts selected for audit pursuant to paragraph (a) of this subsection shall:

- (i) Be selected by lot by the secretary of state without the use of a computer at an open public meeting governed by the provisions of chapter 2, title 74, Idaho Code; and
- (ii) Not exceed five percent (5%) of the precincts in the county or one (1) precinct, whichever is greater. Provided, however, that multiple precincts may be selected in any county if the number of ballots from the precincts so selected is less than two thousand one hundred (2,100).

(d) The secretary of state, in lieu of auditing the early or absentee ballots from any precincts selected for postelection audit, may select days, batches, legislative districts, and tabulation machines of early or absentee ballots for audit until the number of ballots selected equals or exceeds the number of early or absentee ballots that were

cast from the precincts selected for postelection audit. Such days, batches, legislative districts, and tabulation machines shall be selected under the same requirements by which precincts were selected. The provisions of this paragraph apply only to a county that:

- (i) Does not organize the storage of its early or absentee ballots by precinct;
- (ii) Organizes the storage of such ballots by day, batch, legislative district, or tabulation machine; and
- (iii) Publicly reports the election results for early or absentee ballots by day, batch, legislative district, or tabulation machine on the county's website prior to the secretary of state's selection of precincts to be audited.

(2) The secretary of state shall conduct, and the county clerks shall facilitate, any postelection audit ordered pursuant to subsection (1) of this section. Such an audit shall be open to attendance by news media personnel. By directive issued at least sixty (60) days prior to the election, the secretary of state shall determine the procedures by which the postelection audit is to be conducted. Such procedures shall be developed in consultation with county clerks and shall include provisions allowing each interested candidate and political party, and each political committee that publicly reported expending money on a ballot question for which the results will be audited, to appoint a designated observer. Within the time specified in the directive, the secretary of state shall report the results of any postelection audits on the website of the office of the secretary of state and to the county clerk of each county in which paper ballots were audited.

(3) The secretary of state may order additional postelection audits, without regard to the election or precinct limitations provided in subsection (1) of this section, if he determines that such action is warranted by the findings of the audits ordered pursuant to subsection (1) of this section. The secretary of state shall limit such orders for additional postelection audits to the types of problems identified by the audits performed pursuant to subsection (1) of this section.

(4) The office of the secretary of state shall pay for the cost of any postelection audits conducted pursuant to this section, including reimbursing county clerks for any costs associated with facilitating such audits.

History:

[34-1203A, added 2022, ch. 32, sec. 2, p. 89; am. 2023, ch. 2, sec. 1, p. 3; am. 2023, ch. 208, sec. 15, p. 578.]

**How current is this law?**



# Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

## TITLE 59

### PUBLIC OFFICERS IN GENERAL

#### CHAPTER 16

##### NONCLASSIFIED STATE OFFICERS AND EMPLOYEES

59-1607. HOURS OF WORK AND OVERTIME. (1) It is the policy of the legislature of the state of Idaho that all classified and nonclassified officers and employees of the executive branch of state government shall be treated substantially similar with reference to hours of employment, holidays and vacation leave, except as provided in this chapter. For wage, hour and working conditions, the supreme court and the legislative council shall prescribe rules for employees of the judicial branch and the legislative branch, respectively. The policy of this state shall not restrict the extension of regular work hour schedules on an overtime basis, which shall be the same for classified and nonclassified employees, in those activities and duties where such extension is necessary and authorized by the appointing authority.

(2) The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible classified and nonclassified officers and employees.

(3) Classified and nonclassified officers and employees who fall within one (1) or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:

(a) Elected officials; or

(b) Those included in the definition of section 67-5303(j), Idaho Code.

(4) Classified and nonclassified employees who are designated as executive, as provided in section 67-5302, Idaho Code, and who are not included in the definition of subsection (3) of this section, shall be ineligible for compensatory time or cash compensation for overtime work. Such salaried employees shall report absences in excess of one-half (1/2) day. Employees who become executives within their current agency as set forth in section 67-5302(12), Idaho Code, shall have twelve (12) months from the date of this act or of appointment, whichever is later, to use any compensatory time balance. After twelve (12) months, any remaining compensatory time will be forfeited. Compensatory time is not transferable and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service.

(5) Classified and nonclassified officers and employees who are designated as administrative or professional as provided in the federal fair labor standards act, or who are designated as exempt under any other complete exemption in federal law, and who are not included in the definition of subsection (3) of this section, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such classified and nonclassified officers and

employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on hour-for-hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service. Compensatory time may be accrued and accumulated up to a maximum of two hundred forty (240) hours. Effective with the first pay period in July 2008 (beginning date June 15, 2008), compensatory time balances in excess of two hundred forty (240) hours will not continue to accrue until the balance is below the maximum.

(6) Classified and nonclassified officers and employees who are not designated as executive, administrative or professional as provided in this section, and who are not included in the definition of subsection (3) of this section or who are not designated as exempt under any other complete exemption in federal law, shall be eligible for cash compensation or compensatory time off from duty for overtime work, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off that has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

(7) Notwithstanding the provisions of this section, employees may be paid for overtime work during a disaster or emergency with the approval of the board of examiners.

History:

[59-1607, added 1977, ch. 307, sec. 16, p. 877; am. 1983, ch. 87, sec. 1, p. 182; am. 1986, ch. 133, sec. 10, p. 354; am. 1990, ch. 368, sec. 1, p. 1005; am. 1996, ch. 120, sec. 1, p. 434; am. 2004, ch. 299, sec. 1, p. 834; am. 2006, ch. 380, sec. 5, p. 1179; am. 2008, ch. 196, sec. 1, p. 617; am. 2023, ch. 7, sec. 10, p. 26.]

How current is this law?