

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 15, 2017

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Siddoway, Vice Chairman Hagedorn, Senators Hill, Davis, Winder, Lodge, Lakey, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Siddoway** called the Senate State Affairs Committee (Committee) to order at 8:02 a.m. He welcomed Committee members and guests and thanked them for attending.

VOTE ON GUBERNATORIAL APPOINTMENT: The Gubernatorial Appointment of Jerry F. Aldape to the Idaho Endowment Fund Investment Board.

HCR 17 **Chairman Siddoway** noted the Committee was asked to hold the vote on this appointment. The vote was held.

Representative Hy Kloc, District 16, stated **HCR 17** recognizes and supports the history and contributions of legal immigrants. **Representative Kloc** stated that amid the debate about illegal immigration, the contributions of legal immigrants have been overlooked, and noted legal immigrants do not appreciate the two being lumped together. **Representative Kloc** gave a quote from President Reagan's farewell address in 1989. **Representative Kloc** noted that almost all of the legislators are descendents of immigrants, and stated that everyone wants a chance to shape a brighter future for themselves and their offspring. He urged the Committee to vote yes on this legislation.

Senator Winder thanked Representative Kloc for bringing this legislation and noted he and Representative Kloc sponsored similar legislation honoring the Statue of Liberty in the last session. **Senator Winder** noted the United States is a country of immigrants, and noted unless they descend from a Native American tribe, nobody is truly a native Idahoan. **Senator Winder** stated he appreciated the distinction between legal and illegal immigrants in this legislation.

MOTION: **Senator Buckner-Webb** moved to send **HCR 17** to the floor with a **do pass** recommendation. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**. Senator Burgoyne will be the floor sponsor for the bill.

RS 25530 **Senator Burt Brackett**, District 23, stated **RS 25530** is a resolution relating to sage-grouse. **Senator Brackett** stated it is a memorial to the U.S. Congress seeking legislation to put a 10 year moratorium to listing sage-grouse, giving the State time to implement a plan and evaluate its effectiveness regarding sage-grouse.

Senator Winder asked how this legislation came before the Committee at this time. **Senator Brackett** stated his understanding that it could be expedited to

State Affairs to get a print hearing. **Chairman Siddoway** stated this legislation has the approval of the President Pro Tempore of the Senate.

Senator Brackett stated the legislation does three things:

1. **RS 25530** asks Congress not to fund or implement federal land use plan amendments.
2. The State has a lawsuit challenging the federal agencies for imposing an additional layer of regulation overlaying the SAFE Conservation Plan. Although that lawsuit was dismissed for lack of standing, it is still subject to appeal. Federal agencies have indicated some willingness to settle the lawsuit and urges that settlement be pursued.
3. The Bureau of Land Management (BLM) and the Forest Service are making rangeland health determinations and making changes to management that may not conform to Idaho's State sage-grouse plan. This memorial seeks to close that loophole.

Senator Davis asked if the intention was for the legislation to return to the Resource Committee. **Senator Brackett** stated due to time constraints he would be comfortable sending the legislation straight to the floor. **Senator Davis** stated he does not have a firm grasp on this issue compared to **Senator Brackett** and those on the Resource Committee, and stated he would print this as long as the Resource Committee will take a look at that legislation and endorse it, and asked if that was acceptable to Senator Brackett. **Senator Brackett** replied in the affirmative.

MOTION: **Senator Davis** moved to send **RS 25530** to print. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

H 93 **Representative Don Cheatham**, District 3, stated **House Bill 93** amends Idaho Code § 18-3302 relating to concealed weapons. This legislation would allow current members of the armed forces to carry a concealed weapon legally in Idaho even if they were not an Idaho resident. **Representative Cheatham** read a quote from an NBC News article that assessed targeted threats against military members in the United States from ISIL and other terrorist groups. **Representative Cheatham** noted his experience in homeland security.

Senator Lakey asked if this would apply to both active guard and reserves. **Representative Cheatham** answered in the affirmative.

MOTION: **Senator Hagedorn** moved to send **House Bill 93** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

H 150 **Representative Dan Manwaring**, District 29, stated **House Bill 150** improves early voting and provides clarity and consistency. It would close the open-ended start time for early voting and remove inconsistencies between counties as well as between elections. Each county would have discretion to choose an early voting period between one and three weeks before election day. It does not change absentee voting. **Representative Manwaring** stated the fact that no limit on early voting periods means there is no uniformity across counties within legislative districts, as well as local municipal ordinances. This legislation would align early voting and improve local control by encouraging voter participation and increase accountability of county clerks by removing the opportunity of manipulating votes by changing the period of early voting. Voters will know exactly when they will be able to conduct early voting, and more counties may offer early voting, as currently at least two weeks of early voting are required. **Representative Manwaring** stated those with longer early voting periods

actually have less voter turnout than those with only 2 weeks of early voting. Many populous counties, including Ada and Kootenai, support this legislation, as they already offer three weeks of early voting.

Senator Jim Guthrie, District 29, a co-sponsor of **House Bill 150**, presented a handout to the Committee which depicts early voting habits in Idaho for the 2016 election (see attachment 1). Of nearly 109,000 early votes cast, only 6,000 were cast further out than three weeks. **Senator Guthrie** also brought up the costs of staffing for early voting that can last up to seven weeks before an election. Ballot security also costs time and money. Counties would still have the option to not do early voting, or do only one week of early voting. **Senator Guthrie** stated some of the ways this legislation can help candidates, such as not knocking on doors only to find out the homeowner had voted. **Senator Guthrie** emphasized that absentee voting will not change, and pointed out elections can shift dramatically very close to an election.

Senator Stennett stated she congratulates those who have already voted when she encounters them on the campaign trail and stated she is opposed to any form of voter suppression. She also contested Representative Manwaring's claim that this will increase local control, stating that local control would be allowing them to do what they are doing now. **Senator Stennett** asked if there were difficulties with the current practice, or if counties had asked for guidelines regarding early voting. **Senator Guthrie** stated the consistency provided by the legislation will help candidates and help lower costs. **Senator Stennett** stated legislation should help voters, not candidates, and at least in her county people liked the option to vote as early as they can. She asked if there were complaints about current practices. **Senator Guthrie** said many people are frustrated because they do not know when voting starts and why others are voting before them.

Senator Davis asked Representative Manwaring how this would affect local ordinances prohibiting signage more than 30 days before an election. **Representative Manwaring** stated that if early voting is open, voters want the option to have campaign signs, which is not an option in some places where early voting opens far ahead of election day. He stated now signs will be able to be put up before and during early voting if there was a three week limit. **Senator Davis** asked why this remedy instead of a bill allowing signage to be put up during early voting. **Representative Manwaring** stated that could be added but that does not fix the issue of inconsistencies in different counties in the same legislative district, and the option for clerks to change early voting standards for each election. **Senator Davis** asked if the Idaho Association of Counties supported this legislation. **Representative Manwaring** stated nobody has contacted him in opposition but many have supported it, and he has heard of some county clerks opposing the legislation but none have contacted him directly. **Senator Davis** asked why draw the line at three weeks instead of five weeks. **Representative Manwaring** stated little early voting takes place before three weeks so that was why the line was drawn there.

Senator Stennett asked if this still allows counties the option to not have early voting and only those with more than three weeks would be affected. **Representative Manwaring** stated 11 counties had more than three weeks of early voting in the 2016 election. **Senator Stennett** asked if Representative Manwaring had spoken to anyone in those 11 counties. **Representative Manwaring** stated he had tried to speak to legislative representatives and emphasized that this does not affect absentee voting.

Senator Hagedorn stated currently early voting must start before the third Monday of the month prior, and asked if counties that do not have early voting would be affected. **Representative Manwaring** stated he believed some of them would now offer early voting. He also stated counties would not like to staff for an extended time elections that do not have a high demand.

Senator Davis asked for the names of the 11 counties that offer early voting more than four weeks out from election day. **Representative Manwaring** stated he would provide that information.

Senator Davis was called out of the meeting.

TESTIMONY:

Kathy Griesmyer, Policy Director the American Civil Liberties Union (ACLU) in Idaho, testified in opposition to the bill. She stated Idaho's early voting system provides a lot of access and this bill will impact voters unable to vote on voting day by restricting access. She noted this bill will not mandate early voting and therefore consistency would not be vastly improved. **Ms. Griesmyer** stated counties know what their electorate looks like and this will limit how counties can provide access to voters and respond to the needs of their electorate.

Senator Hagedorn stated only 0.5% of voters would be affected, and these voters still have the ability to vote absentee, and asked how this bill would restrict them. **Ms. Griesmyer** stated that in principle Idaho should offer any opportunity to allow voters to cast their ballot, and noted the ACLU will be concerned with any effort to restrict early voting.

Tim Hurst, Secretary of State's Office, said he felt early voting was another method of offering absentee voting. He noted some counties like to provide for absentee voting as soon as ballots are available. **Mr. Hurst** stated the purpose should be to provide better ballot security. **Mr. Hurst** explained the absentee voting process and stated sometimes machines have trouble reading folded ballots. He said the purpose was to simplify the mail-in absentee voting process when it is possible. **Mr. Hurst** noted counties must submit a ballot security plan and they must be approved 30 days before early voting begins. **Mr. Hurst** provided the names of the 11 counties who vote earlier than 3 weeks before the election. **Mr. Hurst** stated early voting should cater to voters, not candidates, and make it easier for clerks as well. He stated his belief early voting is a better way of securing ballots than some absentee voting processes and stated counties should have flexibility to cater to the needs of their people. **Mr. Hurst** stated his office does not have a particular stance but believes counties should have flexibility.

Senator Hagedorn asked if there was an envelope size problem for absentee ballot voting. **Mr. Hurst** said there are two different sizes, and the ballot must be folded in either case, however the larger envelope costs more money but requires one less fold, making tabulation easier.

Phil McGrain, Chief Deputy, Ada County Clerk's Office, on behalf of the Ada County Clerk's Office, supported the legislation. The Idaho Association of Counties opposes the legislation before the Committee, and he stated early voting further than 3 weeks out is very light. **Mr. McGrain** stated Ada County usually does three weeks of early voting, but stated his belief energy would be better put into expanding early voting opportunities rather than extending the time frame for early voting. He gave the example of people driving far in rural counties to participate in early voting. **Mr. McGrain** stated costs are a big issue for those who do not conduct early voting, and the lack of notice for when early voting begins can be an issue.

Senator Stennett asked if this legislation will help counties send out notice for early voting. **Mr. McGrain** stated there is a minimum of two weeks currently for early voting, but this legislation would not necessarily help with sending notices.

Representative Manwaring stated his belief this legislation would not limit access and absentee voting is still an option for those who need to vote beyond three weeks out, and the data shows the majority of voting takes place within three weeks of election day. He also stated his belief that ballot security is not hampered by absentee voting versus early voting, and reaffirmed his belief that consistency would help the early voting process.

MOTION: **Senator Hagedorn** moved to send **H 150** to the floor with a **do pass** recommendation. The motion died for lack of a second.

MOTION: **Senator Winder** moved to send **H 150** to the amending order for possible amendment. **Senator Hagedorn** seconded the motion.

Senator Winder stated his belief that the amendment could be to allow for additional signage days before the early voting period, and agreed this issue needed standardization.

Senator Lakey said he could not support this legislation without approval from the Idaho Association of Counties, and stated his belief this legislation would not increase local control and seemed to be more for the candidate than the voter.

Senator Stennett stated she believed this was a voter suppression bill and would not be supporting the motion.

Senator Hagedorn stated for smaller elections, this would allow counties to have lower costs for staffing only one week of early voting instead of two.

ROLL CALL VOTE: **Chairman Siddoway** called for a **roll call vote** on the motion to send **H 150** to the amending order. **Vice Chairman Hagedorn** and **Senators Hill, Winder** and **Lodge** voted **aye**. **Senators Lakey, Stennett, Buckner-Webb,** and **Chairman Siddoway** voted **nay**. Senator Davis was excused. The motion failed 4-4.

RS 25509 **Senator Steve Vick**, District 2, stated this legislation was a unanimous consent request from the Senate Local Government and Taxation Committee.

MOTION: **Senator Winder** moved to print **RS 25509**. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

RS 25541 **Dan Sevy**, representing himself, stated this legislation would recognize alternative forms of treatment rather than just medicine, including faith healing.

MOTION: **Senator Lodge** moved to print **RS 25541**. **Senator Hill** seconded the motion. The motion carried by **voice vote**.

RS 25543 **Senator Dan Johnson**, District 6, stated this legislation deals with faith healing. **Senator Johnson** was co-chair of a working group created to look at this issue over the past interim. **Senator Johnson** outlined the changes made to Idaho Code, including changing the definition of a neglected child, allowing for treatment of a child by prayer alone, changing the definition of a religious group, and allows for the wishes of a child to be taken into account in court when death of permanent injury may occur. **Senator Johnson** asked the Committee to print the bill.

Senator Hill thanked Senator Johnson for his extensive research as part of the working group on this issue.

MOTION: **Senator Hill** moved to print **RS 25543**. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

RS 25549 **Senator Todd Lakey**, District 12, presented this legislation.

MOTION: **Senator Winder** moved to print **RS 25549**. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Lodge** moved to accept the **Minutes of February 8, 2017**. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

Senator Winder moved to accept the **Minutes of February 13, 2017**. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

ADJOURNMENT: There being no further business, **Chairman Siddoway** adjourned the meeting at 9:20 a.m.

Senator Siddoway
Chair

Twyla Melton
Secretary

David Bujarski
Assistant Secretary