

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, April 09, 2021

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Guthrie, Senators Winder, Anthon, Harris, Lee, Heider, Stennett, and Burgoyne

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: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:07 a.m.

H 290 **Relating to Elections to clarify requirements for current practices for signature verification.**

Representative Gayann DeMordaunt, District 14, provided the Committee with a brief history about **H 290** explaining that the Citizen's Committee for Election Integrity (Citizen's Committee), made up of internet technology professionals from around the State, met to develop standards to further protect election integrity. Clerks and the Secretary of State (SOS) were simultaneously working on similar standards. The two groups met together to develop legislation incorporating their recommendations resulting in **H 290**.

Representative DeMordaunt stated the need for this legislation became apparent when a district court case in Bonneville County over a county clerk's rejection of a recall petition for insignificant signatures concluded with the judge's ruling that it was absurd to think that the legislature had intended clerks to try to verify signature matches. **Representative DeMordaunt** declared that signature checks by clerks is one of the foundational cornerstones of all elections, including recalls, petitions for initiatives, and most requirements that are found in Idaho Code § 34-1807. **Representative DeMordaunt** noted that current Idaho Code implies that clerks should be verifying signatures and **H 290** seeks to clarify it even further.

Representative DeMordaunt added that **H 290** also addresses a problem brought forward when an action by a federal judge tried to force the State to accept electronic petition signatures, which are not really signatures but a font. Section 3 of the bill explicitly states that clerks are to check signatures for absentee ballots. Section 1 directs the Secretary of State to develop standards and train clerks to follow those standards. She noted that there is an emergency clause and that retention should be increased from one to two years. **Representative DeMordaunt** stated that closing these holes in the election process will reduce the opportunities for fraud.

DISCUSSION: **Senator Stennett** inquired about the expertise of the members within the Citizen's Committee. **Representative DeMordaunt** responded that the Citizen's Committee was a grass roots effort to discuss the weaknesses and identify improvements that could be made within the election laws. The Citizen's Committee had no authority nor did they represent any other entities or individuals. They only required that the results would be read into the Congressional Record which was done in January of this year.

Senator Stennett commented that electronic signatures are used all the time with important documents. She stated her curiosity about the resistance to accept those types of signatures. **Representative DeMordaunt** asked that Jason Hancock, Deputy SOS, be called forward to address those comments.

Senator Winder stated he attended a Citizen's Committee event. It was a group of citizens from all over the State that came together to discuss what other states are doing. He noted they were very complimentary of the process in Idaho, the clerks, and how the 2020 election was carried out. **Senator Winder** said that the Citizen's Committee observed what was happening in other parts of the country and constructed a 14 point recommendation based on those observations for Congress to work on. Those recommendations were sent to the Congressional Delegation and entered into the Congressional Record. **Senator Winder** stated the changes in **H 290** warrant consideration to strengthen Idaho's election laws.

Mr. Hancock stated that the SOS's office, Representative DeMordaunt, and Phil McGrane, Ada County Clerk and Chairman of the Elections Committee for the Association of County Recorders and Clerks, have all been working on different aspects of this legislation in wake of the ruling from Bonneville County. With the result of the ruling and the passage of **H 290**, opportunity will be provided to clarify the intent in current law and to make some improvements. **Mr. Hancock** explained that the improvements include charging the SOS with setting standards for signature verification. Experts have been approached to provide training in handwriting analysis and verification practices.

Mr. Hancock addressed Senator Stennett's concerns regarding electronic signatures. The viewpoint from the SOS is that electronic signatures conflict with Idaho's election law that requires Idaho election officials to verify signatures. He agreed with Representative DeMordaunt that an electric signature is merely a font which delegates verification to a third party; this does not occur anywhere else in election law. **Mr. Hancock** noted that the U.S. Supreme Court has put a stay on the district judge's ruling.

Mr. Hancock clarified to the Committee that there will not be a third party involved in the actual verification process. **Mr. Hancock** provided a more detailed explanation of that section of the bill emphasizing that signatures are required to be verified.

Senator Stennett asked for confirmation that all this bill requires is training and a system for clerks to accurately verify signatures. **Mr. Hancock** affirmed that is correct plus it is to clarify that clerks are expected to do signature verification, and that standards will be developed along with training for the clerks.

Senator Lee stated her approval of **H 290**. She asked for a description of the process and asked if the signatures are scanned in. **Mr. Hancock** responded that some of the counties can scan in the signatures. However, all voter signatures are held electronically within the election system and can be accessed by any clerk in the State.

Mr. McGrane explained that this bill relates to standardizing Idaho statutes in practices that the SOS perceives as very important. This legislation would formalize what is currently happening in the election system. A centralized database was implemented within the State after the Help America Vote Act was passed and all 50 states were required to create centralized databases for the election and voting process. Since 2004, absentee ballots not only have a name on the return envelope, there is a bar code for verification.

Mr. McGrane provided a detailed description of how the voting system works. He noted that in Ada County, for the last election, 100 percent of the absentee ballots

were verified. There are some signatures still under investigation for voter fraud. All 44 counties have the tools for verification and the clerks are committed to work toward improving the whole verification process. **Mr. McGrane** said training and standards will provide the help they need.

Senator Burgoyne asked about training and if there could be some other type of electronic verification such as a thumbprint or an iris scan. **Mr. McGrane** said that this legislation specifically addresses consistent standards and training. If signatures are rejected, a reason is provided and, most of the time, can be resolved. Lack of registration is the most reoccurring reason for a ballot to be rejected. **Mr. McGrane** said the standard way to verify is by signatures. Other types of technology require collecting information from the public and it is not apparent that Idahoans are interested in that type of verification.

Representative DeMordaunt stated this bill emphasizes the importance of checking signatures, developing consistent standards across the state, and training clerks and staff how to comply. She said these changes will strengthen Idaho election laws.

MOTION: **Senator Winder** moved to send **H 290** to the Senate floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Guthrie** moved to approve the minutes of February 17, 2021. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

Senator Winder moved to approve the Minutes of February 22, 2021. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

Senator Lee moved to approve the Minutes of February 26, 2021. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

Senator Harris moved to approve the Minutes of March 12, 2021. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

Senator Heider moved to approve the Minutes of March 15, 2021. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

Senator Lee moved to approve the Minutes of March 16, 2021. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Lodge** adjourned the meeting at 8:46 a.m.

Senator Lodge
Chair

Twyla Melton
Secretary