

## Senate State Affairs Committee

Friday, March 29, 2024 - 8:00 A.M.

### TESTIMONY ON: All Subjects

#### Written Testimony

Name (First & Last)	Subject	Manner Testifying	Representing Company/Organization	City	For / Against	Wish to Testify	District #
Joseph Crupper	H 421	W	self	Pocatello	Against	N	29

I don't expect anything less from our current state legislature than the denial of easily-learned science. HB 421 starts by saying "In human beings, there are two, and only two, sexes: male and female." All it takes is a simple Google search: "Do intersex people exist?" You'll find the answer is yes, they absolutely do. In fact, the rate of people who are intersex ranges anywhere from 0.5-1.7% of the total population. This could refer to anything from differences in genitalia to naturally occurring hormone variations.

Rep. Young, therefore, has failed at the first part of any writing assignment, which is to do your research. Instead, she opted to rewrite the facts of human biology for her own purposes. Upon introduction of this bill, she stated this redefinition was meant to help the State avoid its long standing issue with writing bad legislation and getting promptly sued. She even tries to explain away her own voluntary ignorance on line 4: "Rare disorders of sexual development are not exceptions to the binary nature of sex." Two things: One, she owes a lot to the intersex and non-binary activists of the past few decades to pompously deign usage of the term "binary." Two, how absolutely telling is it that she wishes to ignore an entire slice of the population just to make things convenient for her discriminatory and unconstitutional lawmaking.

Not only is this bill bad, but it will not do what Rep. Young intends. This bill is a humiliating failure on the part of the Republican contingent in this state. They aren't oppressing people fast enough, so the only option they have left is to rewrite reality. This legislature should be ashamed of themselves. The GOP's work has little to do with issues that Idahoans care about. We experience year after year of budget surpluses, yet none of that money is ever allocated in a way that would fix our school's failing infrastructure or repeal the grocery tax. Instead, politicians like Rep. Young are so desperately concerned with writing anything they don't like out of existence that they've neglected to serve the people they were elected by. It's our job to tell legislators like Rep. Young to show up for the people of Idaho and stop wasting their time with trash legislation. Stop creating solutions where there are no problems to be solved or get OUT.

Nikson Mathews	H 421	IP	Self	Boise	Against	Y	16
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RE: Opposition to HB421

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Nikson Mathews	<i>cont.</i>						16

Chair and Members of the Committee,

My name is Nikson Mathews. I live in Boise Idaho, District 16. And I oppose HB421.

So, I often introduce myself as your happy, fulfilled trans neighbor. Because that's who I am. I am your neighbor, your constituent, the person you might pass in the grocery store or on the greenbelt. I'm an Idahoan, born & raised.

And not only am I happy and fulfilled—most of the time—but I'm also a proud trans person.

However, this bill would effectively erase my existence and the existence of others in my community. It's more than just problematic; it's harmful and disregards decades of scientific, medical, and academic consensus. And if passed it will most certainly lead to another costly lawsuit that our taxpayers pay for.

But I'm here to focus on the language that was used when HB421 was introduced. Because words do matter.

This bill was positioned as a simplification of language regarding sex and gender.

But for someone like me and many others in our community, understanding and embracing our gender identity is often a lifetime journey of self-discovery, resilience, and joy. But on days like today it is struggle. Not because of who we are, but because of bills like this.

And this is why the concept of 'simplification' is dangerous. For you, these might just be words, but for us, this is our identity. And if passed, it would have profound, everyday consequences leading to intolerance and discrimination simply for existing.

And worst of all, it sends a clear message to thousands of trans, non-binary, and Intersex Idahoans that we are nothing. Not even worthy of recognition.

Bills like HB421 only serve to complicate and harm lives, it benefits nobody. It is not a matter of simplicity. It is our humanity. And I urge you to oppose this bill.

<b>Name (First &amp; Last)</b>	<b>Subject</b>	<b>Manner Testifying</b>	<b>Representing Company/Organization</b>	<b>City</b>	<b>For / Against</b>	<b>Wish to Testify</b>	<b>District #</b>
Emilie Jackson-Edney	H 421	W	Self	Garden City	Against	N	16

Mr. Chairman and Committee.

My name is Emilie Jackson-Edney. My testimony is strong opposition to H 421, which seeks to exclude gender identity as a recognized identifying characteristic in statute. Such legislation poses a significant threat to the principles of equality, fairness, and individual autonomy. As an unapologetic woman of transgender experience, this legislation poses a personal threat to my humanity, and to my fundamental right of dignity, well-being, equal opportunity and safety in this state.

By limiting the definition of sex to only biological male and female, this legislation overlooks the diversity of gender identities that exist beyond this binary framework. Excluding gender identity as a valid identifying characteristic perpetuates discrimination against transgender individuals. It denies them the basic right to legal recognition and reinforces harmful societal norms, leading to increased marginalization and a lack of protection under the law.

Gender identity is a complex interplay of biological, social, and personal factors. It is essential to recognize that it plays a crucial role in shaping an individual's experiences and should not be dismissed or invalidated by legislation. A more inclusive approach, and acknowledging the spectrum of gender identities, aligns with the evolving understanding of sex and promotes a society that respects and protects the rights of all its members.

H 421 legislation contradicts the constitutional affirmation by the United States Supreme Court's landmark decision in *Bostock v Clayton County* in 2020, which declared that discrimination based on gender identity constitutes discrimination based upon the definition of sex under Title 7 of the Civil Rights Act of 1964. This ruling recognizes the interconnectedness of sex and gender identity, and reinforces the need for inclusive legal frameworks.

Passage of H421 would immediately void the 14 Non-Description Ordinances currently in effect in 13 Idaho cities and Ada County, which protect gender identity and sexual orientation in employment, housing and public accommodation. In addition, H421 would erase Idaho's transgender citizens from all legal protections and recognition, which would also revoke all identity document possessed by transgender individual and criminalize them as perpetrating fraud. Having identity documents that don't reflect the manner in which transgender people live and present in their lives will make it impossible for them to safely navigate through society.

I urge the committee to consider the broader implications of this legislation on the well-being and rights of transgender individuals in this state.

Thank you for your time and consideration.

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Sarah Del Grande	H 421	W	Self	Meridian	Against	N	20
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I urge you to vote NO on HB421. Excluding gender identity as a valid identifying characteristic perpetuates discrimination against trans individuals, denies them the basic right to legal recognition, and reinforces harmful societal norms leading to marginalization and a lack of protection under the law. This bill is harmful and disregards decades of scientific, medical, cultural and academic consensus; and if passed, it will most certainly lead to another costly lawsuit that our taxpayers will pay for.

Julianne Donnelly Tzul	H 421	IP	ACLU of Idaho	Boise	Against	Y	19
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Written testimony will be submitted by email to the Committee Secretary. Thank you!

Timothy Remaley	H 421	W	Self	BOISE	Against	N	15
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I am writing to express my strong opposition to Idaho House Bill 421 (HB421), which seeks to equate biological sex with gender, thereby erasing the existence and rights of transgender individuals in Idaho. This bill not only undermines the dignity and rights of transgender people but also disregards scientific consensus and medical evidence.

HB421's attempt to define gender solely based on biological sex oversimplifies a complex aspect of human identity. Gender identity is a deeply personal experience that may not align with an individual's assigned sex at birth. This bill fails to acknowledge the lived experiences of transgender individuals and seeks to impose harmful and discriminatory policies.

Despite the language of the bill that implies otherwise, gender identity is not determined solely by anatomy or chromosomes but is influenced by a combination of biological, psychological, and social factors. Major medical associations, including the American Medical Association (AMA), the American Psychological Association (APA), and the World Health Organization (WHO) all affirm that gender identity is distinct from biological sex and emphasize the importance of respecting individuals' self-identified gender. I join many fellow Idahoans in trusting the expertise of qualified medical professionals over the misguided efforts of legislators with little to no professional medical experience.

Furthermore, HB421 poses significant risks to the well-being and safety of transgender individuals by potentially voiding legal protections and current identity documents. Denying transgender people legal recognition of their gender identity can lead to increased discrimination, harassment, and barriers to accessing healthcare, education, employment, and housing. It creates the potential to commit fraud simply by existing.

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Timothy Remaley	<b>cont.</b>						15
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Studies have consistently shown that affirming a person's gender identity and providing access to gender-affirming care are crucial for the mental health and overall well-being of transgender individuals. Denying them these rights and protections not only perpetuates stigma but also contributes to higher rates of depression, anxiety, and suicide within the transgender community.

As a constituent and advocate for equality and human rights, I urge you to oppose HB421 and any similar legislation that seeks to erase the existence of transgender individuals and undermine their rights. Instead, I urge you to support policies that promote inclusion, respect, and equal treatment for all Idahoans, regardless of gender identity.

Thank you for considering my perspective on this important matter.

Kristen Christensen	H 421	W	Heritage Action	Boise	For	N	19
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Chairman Guthrie and Members of the State Affairs Committee,

Thank you for the opportunity to submit written testimony in support of H 421. My name is Kristen Christensen and I represent Heritage Action for America, a national grassroots organization with two million conservative activists nationwide, including hundreds of Idahoans. Heritage Action supports H 421, a bill to ensure a clear definition of sex that provides stable legal categories and protects Idahoans from legal chaos caused by vague definitions.

Until recently, legally defining sex—especially the terms “male and female”—was unnecessary because no one contested it. Regrettably, due to the pervasive influence of gender ideology on our laws and institutions, states no longer have this luxury. Vague legal definitions provide opportunities for gender ideology to gain ground. To effectively uphold the truth about human nature, we must define sex.

Lacking a clear definition, we risk gender ideology replacing the reality of sex—in language, law, education, and medicine—with a mere “internal sense of gender.” Without proactive steps, bad policy enshrining gender identity stands to put the health, safety, and opportunity of Idaho’s women and children in danger. H 421 establishes a precise and uniform biological definition of sex, based on facts, not on feelings or flawed philosophy.

H 421 fights back against the radical gender offensive and protects Idaho’s women and children from the dangers of gender ideology by:

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Kristen Christensen	<b>cont.</b>						19
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- Clearly defining sex in Idaho law based upon facts, not feelings or bad philosophy.
- Strengthening protections for children from radical transgender surgeries that cause irreversible damage.
- Ensuring the safety and privacy of women's and girls' locker rooms in Idaho's schools.
- Defending women's and girls' sports from male domination.

Gender ideology seeks to reframe biology as something malleable and disconnected from inherent characteristics, favoring fluidity and subjective constructs. It is crucial that we reject this ideology. The place to start is by defining sex.

Heritage Action supports H 421 and urges the committee to pass this important legislation.

Janet Buschert	H 421	W	Self	Eagle	Against	N	14
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This bill should not become a law. I urge you to vote against it. This law is not necessary, and all it accomplishes is to punish a very small group of people in a horrific way. I am heterosexual and happily married to my husband of 40 years. But I have friends who have suffered from gender dysphoria, and they cannot be legislated out of existence. They should be embraced and loved is the way Jesus taught us to love all of our neighbors. I would encourage you to put this bill aside and make an effort prior to next year's session to meet and get to know someone who falls outside the bounds of this horrid legislation. I would be glad to help make that happen. No on HB 421, please.

Charlotte Cullen	H 421	W	Self	Boise	Against	N	19
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I am against this bill. Besides being biologically and scientifically inaccurate in many ways, this bill is also harmful to bother intersex and the trans community in our state. I worry it pushes an agenda to erase people who do not fall into 'male' and 'female' and thus protections afforded from law. I worry this is going to set a precedent to allow continued discriminate against transgender people, as well as allow the continued practice of genital mutilation and reassignment for intersex babies. These actions will be costly to the state as a whole and have far reaching consequences. As a tax-payer I am uncomfortable with my money continuing to go towards thoughtless reactionary bills that only serve to hurt, discriminate, and separate the citizens of this state. I hope you reconsider what this bill may mean for the people of Idaho, all people, and do not vote based on what you personally believe. We do not need a bill like this when there are many other issues we could be focusing on that could help this state thrive, as I would like it to. Thank you for your time and consideration.

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Nissa Nagel	H 421	IP	self	Boise	Against	Y	19
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This bill is extremely hurtful and phobic. It redefines sex in a way that it no longer even tracks with what is known scientifically and it reduces the beautiful, dynamic gender spectrum to a binary. It is forcing a theological point of view in the guise of clarity and it will ultimately strip equal protection from members of our transgender, non-binary and intersex community. To excise a group of people from legal protections and recognition by the law is wrong. Frequently it seems people don't care about discrimination unless it impacts them directly. Likely it's that we are overwhelmed with day to day living and other pressing priorities like feeding our children, dealing with health issues or showing up to work as scheduled. The transgender, non-binary, and intersex communities are such a small percentage of the Idaho population and since so many don't run around announcing their inclusion in said populations, a lot of people may not realize that someone they know and appreciate identifies as such. Transgender, non-binary and intersex people are loved and respected members of our community. Fear and ignorance will not change that. Many do not wish to go back into the closet and why should they. To live authentically brings great joy. I know as I have spent a lifetime learning this.

The way that HB421 re-defines mother and father is likely to impact same-sex parents in ways not yet realized. Not only is this law inaccurate in its simplicity, the discrimination that it implements harms our community. There are so many of us parents teaching our children that they are loveable and beautiful for who they are the way they are; we reject this stinking binary because we see how untethered from reality it truly is. I am tired of my tax dollars being used for expensive legal defense of laws that directly harm people for simply being who they are. People I care for deeply. Legislating new definitions to deny transgender, non-binary and intersex persons equal protection is not likely to stand up against Federal statutes. What a waste of money and time. I ask you to hold HB421 in committee.

Yvonne Sandmire	H 421	W	self	Boise	Against	N	19
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H 421 claims that intersex people do not exist. Yet I heard an intersex person testify against this bill in a House State Affairs hearing. Sydney found out she was intersex when, at 17, she had still not started her menstrual cycle. During a medical exam, she learned that, while she presents as female, she also has internal sex organs that usually appear in males. This law is an affront to all intersex people, people who don't have XX or XY chromosomes (there are many) and all non-binary Idahoans. Please open a science book, realize not everyone is the same & reject this harmful bill. Thank you.

Kellan Brown	H 421	W	Self	Boise	Against	N	19
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Please oppose HB 421, as this bill seeks to erase communities, such as intersex people and trans people. Every major medical and psychiatric organization legitimizes the existence of intersex and trans people, they are real no matter any individual's personal opinion.

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Kellan Brown	<b>cont.</b>						19
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Passing this bill will not make these people go away, all it will do is harm them and embolden extremists to harass and vilify them. Please do not pass HB 421, thank you.

Jennifer Attebery	H 421	W	self	Pocatello	Against	N	29
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Dear committee members,

The bill H421 falsely attempts to define individual's identity based solely on their physical appearance at birth and in only two categories imagined as entirely different from each other. What we currently know about gender identity and the physical presentation of sex is much more nuanced and varied than is represented in this bill. The bill appears to be forcing on Idahoans ideas from the Christian Book of Genesis, which would be an unconstitutional establishment of religion. Our legislation needs to be, rather, evidence-based and science-based. Please do not pass this bill.

Rachel Martin	H 421	W	Self	Emmett	Against	N	14
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I am an Idahoan who is transgender. I have been aware of this since childhood, though in the 1960's there was no support or language for what I experienced. As a teen in the 1970's I eventually learned that there were other people like me, though it took many more years before I discovered there was anything I could do about it. Being transgender, though rare, is not a recent phenomenon and is not something invented by theorists or social media. We are not an "ism," in my experience it is biological and an internal sense which has been with me from earliest memories.

And I'm happy to report that I eventually found life changing therapy in the form of HRT, and changed all my documentation to reflect my actual gender. This has had no negative impact on my neighbors or the state of Idaho. I am a citizen, taxpayer, and involved member of the community.

Transgender people exist and have a right to exist. We have a right to use terms which accurately match our gender identity, including on our identification.

Trans people will be put at risk of harm by disclosing the sex they were assigned at birth on state documents like the driver's license. Every time they use their license: applying for a job, traveling, going to a restaurant or bar, the fact they are transgender would be



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Rachel Martin	<i>cont.</i>						14
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disclosed. While I wish it were not the case, there is a lot of unfounded prejudice against transgender people in our state. For many of us, especially in the rural communities like mine, our safety and wellbeing depends on being unnoticed.

Additionally, this bill erases intersex people. How would their sex be assigned for purposes of state law?

I urge you to vote no on HB 421.

Karen M. Hansen	H 421	V	Self	Viola	Against	Y	6
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Please Vote Against HB~421.

This bills is a disservice to everybody in the state whether they are transgender or not.

I am against any bills that broadly change Idaho law for the purpose of micromanaging people’s personal lives and their right to live their lives in a way that brings them peace of mind.

This bill violates the right to privacy by forcing people into very awkward and unhelpful situations for no good reason.

It is far better and less confusing for a person that looks and acts like a woman to use the women’s restrooms regardless of XX or XY chromosomes. Likewise, as a woman I would MUCH prefer that a person who looks like a man and acts like a man use the men’s restroom!! Who cares about chromosomes!!

For that matter a guy with XY chromosomes could claim he is transgender and walk right into the ladies room and make himself right at home. No thank you . . .

In these public situations and many others NOBODY knows the other persons specific genetic makeup so it Does Not Matter.

This bill is unhelpful government overreach into the private lives of citizens and accomplishes no public good. This bill will create a lot of unexpected difficulties and embarrassment for everyone. This bill will create even more “gender confusion” than we already have.

Please don’t intrude in our private lives in this way.

Kathy Dawes	H 421	W	Myself and my husband, Dana	Moscow	Against	N	6
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We are opposed to bill H 421 for many reasons, but the main one is that many terms are currently associated with sexual and gender identities, and terminology continues to evolve, but this bill expresses a severe oversimplification of an extraordinarily complex issue. This bill expresses a very narrow view of what is meant by “male” and “female,” with no acknowledgement of non-binary individuals or of persons born with X or Y chromosomal abnormalities. Also, disregarding and disrespecting the experience of trans people by forcing them to identify in a way that does not match their gender identity is cruel and leads to further discrimination that trans people are

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Kathy Dawes	<b>cont.</b>						6
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already experiencing in Idaho.  
Please vote No on bill H 421.

Rosann and Mike Mathews	H 421	W	Self	Rockland	Against	N	28
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As lifelong Idahoans and parents of a transgender son, we are writing to voice our opposition to HB421. This bill is detrimental to all Idaho citizens. This bill to define the only legal sex recognized in Idaho statute as "Biological Sex of either Male or Female"; defining "Gender" as synonymous with "Biological Sex"; and eliminating any consideration of gender identity and gender expression as a legal identifying trait will minimize the lives of 40,000 LGBTQIA+ Idahoans and their family members.

As an example, this bill coupled with S1216 Driver's License bill changing the wording from "may" to "shall" will have a major impact on Idahoans who have changed their birth marker. How many trans Idaho citizens will be targeted and charged with fraud and sentenced to a prison term and fines? This is not acceptable.

Our son is a productive member of Idaho and their community. He has worked and lived in Idaho for most of his life. If you met him, you would find he is a hardworking, funny, caring person. You would probably enjoy his company and wouldn't even know or think about the fact he is trans.

HB421 would see Idahoans and their families forced to make a major decision of staying in Idaho or leaving. We hope you'll stand up today and speak out against this bill and how it will impact the LGBTQIA+ community. This bill is going to void the lives of thousands of Idahoans.

Please vote NO on this bill.

Thank you,

Mike and Rosann Mathews  
2973 Creamery Rd  
Rockland, ID 83271

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Jessica Rolynn	H 421	V	Self	Pocatello	Against	Y	29
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I am a family medicine physician practicing in Pocatello, Idaho. I'm here to testify against HB 421.

I have been studying human biology for the past 14 years. There is absolutely no such thing as a binary in sex or gender. This idea that variants in sexual development are not exceptions to the binary nature of sex is a gross misunderstanding of biological and sociological developments in human nature.

This bill does not take into account humans who are intersex. How will this bill account for individuals who present with ambiguous genitalia at birth, like my patient with congenital adrenal hyperplasia? 1 in 20,000 people are born with ovotestes, a form of true hermaphroditism in which their gonads produce both ovarian and testicular tissue - a condition commonly seen in cows, for those of you in the ranching industry. What does this mean for patients with androgen insensitivity syndrome, who have XY chromosomes and testicles but did not develop a uterus? Are you aware of 5-alpha reductase insufficiency, in which people are born with genitalia that looks female but then develops male at puberty? This is seen very commonly in Cypress and the Dominican Republic.

Gender is a separate topic. I can tell you that every major organization in medicine separates gender from sex in definitions. Gender is personal, and is determined by roles one plays in society. It is an incredible measure of hubris to assume that every culture agrees with your interpretation of gender as a binary associated with sex organs. There are countless examples of gender diversity in various cultures throughout humanity including Mahu in Hawaii, Two-spirit in Native-American, Hijra in Hindu, Waria in SE Asia, Fa'afafine in the Pacific Islands, etc. By combining gender with sex and limiting it to a binary, you are erasing American and world culture.

HB421 contradicts the full body of law relating to sex and gender, resulting in unconstitutional vagueness of Idaho civil and criminal law. HB421 fails to accurately predict fiscal impacts of constitutional defense litigation costs or the incalculable administrative costs associated with the bill's vague and confusing intent. HB421 reflects unawareness, ignorance, or disregard of medical and scientific understanding of the natural variation of human sex and gender. It leads to sex & gender policing and opens up the door to sex verification, infringing on the rights and privacy of all Idahoans. I implore you to vote against this bill, it will do nothing but harm the people of Idaho.

Thank you

Jack Aitchison	H 421	W	Self	Mccall	Against	N	8
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I am against this bill because not only is it incredibly hurtful, it is biologically not sound. Respect of gender identity is a crucial

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Jack Aitchison	<i>cont.</i>						8
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element of many people’s wellbeing. Please do the kind and RIGHT thing and do NOT pass this.

Jess Attebery	H 421	W	Self	Pocatello	Against	N	29
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This bill is part of a greater effort to try to write trans people out of existence. I can assure you it will not work, but it can do tremendous harm while ongoing. The medical and scientific community has wholly proven the idea of sex and gender being the same to be false. If have any respect for the truth and reason, vote against this bill.

Kacie Hoch	H 421	W	Self, My own practice Authentic Self Counseling Services	Boise	Against	N	15
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I am against this bill! Enacting this bill would create the potential to cause complications when seeking proper medical care for ALL Idahoans. Not only could it limit treatment options for people seeking care, but will likely drive even more healthcare professionals out of the state as the government continues to limit their ability to recommend medically necessary, scientifically supported treatments.

Not only that, but this legislation is yet another attempt of the Idaho legislature to discriminate against transgender individuals. Please don't waste more taxpayer money trying to defend discriminatory laws in court.

Joanna Schaffer	H 421	IP	Self	BOISE	Against	Y	16
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The government has no authority to legislate Americans existence as free people. This bill is scientifically inaccurate and at odds with reality from the beginning. The most accurate description of biological sex is defined by the largest sex organ in the human body, a person's brain. Neurology is the single most accurate and enduring identifier of sex, whereas any other factor fluctuates or does not change the neurological reality of a person's existence with the loss or change of other characteristics. A person is a person and is able to self identify free of government infringement because of and through their own neurological existence. Physical features are not immutable, and the loss of them does not change the neurological self-identification of a person. This is why gender affirming care is legitimate, because it makes changes in the body to match neurological reality.

Kendal Shaber	H 421	W	self and family	Boise	Against	N	18
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I am writing in opposition to H421. There are roughly the same number of intersex people as there are red-heads. This legislation appalling denies their existence. Similar legislation in other states is tied up in expensive, prolonged litigation because it clearly threatens

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Kendal Shaber	<b>cont.</b>						18
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civil liberties.

Please vote against this discriminatory legislation.

Kendal Shaber

Susan Byrne	H 421	W	Self	Moscow	Against	N	6
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I am against this bill because it promotes the fallacy that all humans are either male or female. I'm sorry if this complicates your perception of the real world, but burying your heads in the sand will just NOT make non-binary citizens disappear. You are alienating people who have as much value as you.

Denise Caruzzi	H 421	W	self	Boise	Against	N	19
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Please oppose HB421.

This bill seeks to create blanket definitions of sex and gender identity. While one might argue an advantage to define sex/gender identity in some (yet-to-be-determined) very SPECIFIC set of circumstances, to create a blanket set of definitions for an infinite number of unknown circumstances guarantees that we will get this wrong.

Medically, culturally, socially, and religiously we understand and recognize more than a single and binary definition of human biology. In addition, we have many (legally established) same-sex marriages in Idaho; fluid definitions are a predictable outcome of these unions. Discrimination against any of these families is not good for our communities and not good for Idaho.

We must stop making bills that are continuously challenged and declared unconstitutional in our courts. It requires time and useless expenditures of taxpayer dollars.

Thank you for opposing HB421.

Respectfully,  
Denise Caruzzi

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Amy Burkholder	H 421	W	Self	Boise	Against	N	8
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Dear Senate Affairs Committee Members,

We're at the tail end of the session, so I'll be very brief. The restrictive language in HB421 of trying to define gender as male or female goes against our understanding of human biology. Among other issues, it makes no exception for intersex individuals. If passed, this bill would rightfully be contested in a court of law. Please don't waste my taxpayer dollars with this bill.

Thank you for your service.

Sincerely,  
Amy Burkholder  
East Boise County, District 8

Tracy Olson	H 421	W	self	Boise	Against	N	19
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I strongly oppose this bill. This bill is discriminatory and unconstitutional. By imposing rigid definitions based solely on biological sex, it ignores the complex and diverse nature of gender identity. The bill violates the Equal Protection Clause of the Fourteenth Amendment, which guarantees equal treatment under the law. By enshrining narrow definitions of male and female into law, it would institutionalize discrimination and deny equal rights to individuals whose gender identity does not fit within these definitions.

This legislation is another in a line of ongoing legislative attacks on our LGBTQ community whose intention is to harm transgender and non-binary individuals. This law would deny them recognition and legal protection. It would also perpetuate harmful stereotypes and stigmatize those who do not conform to traditional notions of gender.

This bill is fundamentally unjust. I urge you to vote NO. The rights and dignity of ALL individuals should be protected, regardless of their gender identity.

Jamie Richmond	H 421	W	Self	Garden City	Against	N	16
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VOTE NO ON H 421! No need to codify gender or sex. Idaho state hasn't had this law for it's 134 years and it doesn't need it now!!!

I'm a second generation Idahoan and want you to stop making laws that are unnecessary. DO GOOD WORK- NOT THIS!!!!

<b>Name (First &amp; Last)</b>	<b>Subject</b>	<b>Manner Testifying</b>	<b>Representing Company/Organization</b>	<b>City</b>	<b>For / Against</b>	<b>Wish to Testify</b>	<b>District #</b>
Jenna Damron	H 421	IP	Self	Boise	Against	Y	16

Chairman Guthrie and members of the committee:

I am here to testify in opposition to this bill. I am one of 48,000 Idahoans who is queer. Over the course of the last 3 months, I have spoken to hundreds of people who this bill and other bills like it would affect – people and their families who live all over the state from Boise, to CDA, to Pocatello, and yes, even in Blackfoot, Idaho. I have spoken to trans and nonbinary adults, intersex people, and other people in the my community. We are terrified at the erosion of our rights by legislation introduced and bills passed this year.

Here are some things those people would like to say to you:

421:

cisgender, transgender, intersex, nonbinary: These are all terms that exist – yes, even in biology, that we should just become familiar with instead of pretending they don't exist.

HB 421 would erase my biological identity because I am intersex.

HB 421 is a lie. It permits the legislature, to pretend people like me don't exist rather than admit that we are Idahoans and we are not going anywhere.

HB 421 would erase my identity, and entire communities of REAL people. We are Idahoans and Americans, and deserve respect and recognition.

I want my child to grow up in a place where she can exist as a person free from discrimination. Idaho is our home and we have to continually consider whether or not we will have to move to keep our family safe.

Queer and trans people's personal lives are no more unusual or wrong than non-queer people's, only less normalized. As a Christian, I suggest that you do as Jesus said and honor the golden rule. Who are we to judge some Idahoans as worthy of equal dignity and others as not?

HB 421 contradicts science and research in favor of what is clearly a political agenda.

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Jenna Damron	<i>cont.</i>						16
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This bill seeks to disregard decades of research proving both the social reality of trans people and the biological reality of intersex people. This bill would allow the state to rewrite the facts and erase the legal recognition of anyone who does not fall into a very narrow and biologically inaccurate category.

Judith Roesbery	H 421	W	Self	Garden City	Against	N	16
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Please do not pass this unconscionable bill. Rep. Young has taken her "information" from political think tanks and religious legal organizations, but none from doctors, scientists, geneticists or any of the people who testified on this subject from their own personal life experience. Laws such as this make Idaho a laughingstock among educated people, make it difficult for businesses to attract employees to Idaho, and isolate the tiny percentage of our population who do not fit within the bounds of this incorrect description of human gender. If this bill passes into law, it will come back to bite us. But I'm afraid that is the intention.

Please do not let this go forward.

Dylan Goldade	H 421	IP	Self	Boise	Against	Y	16
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I am against this bill. Please understand: cisgender, transgender, assigned male at birth, assigned female at birth, non-binary, gender non-conforming. These are all terms that we should just become familiar with instead of pretending they don't exist.

Rose Krebill-Prather	H 421	W	Self	MOSCOW	Against	N	6
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I am against this bill. It does not take into consideration scientific evidence that indicates sexuality is determined by more than just X and Y chromosomes. Please consider the scientific facts and vote against this bill.

Joseph Crupper	H 538	W	self	Pocatello	Against	N	29
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Using a person's correct pronouns is not a matter of "forced" speech, it is an easy and kind thing to do. Forcing people to use incorrect pronouns is disrespectful to all persons working to create kind, safe environments.

Bills that permit or require misgendering invade everyone's privacy: even though these bills target transgender students, they create



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Joseph Crupper	<i>cont.</i>						29
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environments where anyone’s sex or gender can be challenged and often the only way to “prove” a right to be correctly addressed involves exposing private information.

Schools should do everything they can to make sure all youth, including transgender youth, feel loved and accepted, and politicians should not be making it harder for them to do so.

This bill accomplishes the exact thing it sets out to prohibit: by restricting speech to a pre-determined rubric, state employees and school staff would be forced to use specific pronouns. This is in conflict with the First Amendment.

This bill will result in yet another lawsuit, using funds that could be spent on Idaho citizens

Nikson Mathews	H 538	IP	Self	Boise	Against	Y	16
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Dear Chair and Members of the Committee,

As a resident and advocate for human rights in Idaho, I am compelled to express my strong opposition to House Bill 528. This bill, which aims to ban the use of preferred personal titles and pronouns by government entities, is a direct attack on the dignity and identity of transgender and nonbinary individuals.

By stripping away the basic right to self-identification, HB 528 not only disrespects individuals' affirmed gender identities but also poses a significant threat to their mental and emotional well-being. The Trevor Project's 2022 National Survey on LGBTQ Youth Mental Health indicates that 60% of trans and nonbinary youth in Idaho have seriously considered suicide. This staggering statistic underscores the dire consequences of not affirming individuals' identities, with political actions such as HB 528 exacerbating their struggles.

The necessity of creating affirming environments cannot be overstated. Research, including a study from the Journal of Adolescent Health, demonstrates that affirming gender identity through the use of chosen names and pronouns significantly reduces depression, anxiety, and suicidal tendencies. Young individuals in supportive environments report 71% fewer symptoms of severe depression and a 65% decrease in suicide attempts.

I urge this committee to recognize the harmful impacts of HB 528 on our community's most vulnerable members. The evidence is clear: affirming gender identity saves lives and fosters a more inclusive and supportive society. Please stand on the right side of history

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Nikson Mathews	<b>cont.</b>						16
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and vote NO on HB 528.

Emilie Jackson-Edney	H 538	W	Self	Garden City	Against	N	16
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Mr Chairman and Committee

My name is Emilie Jackson-Edney. I live and own property in Garden City - District 16.

I wholeheartedly oppose H538 Civil Rights, which codifies the prohibition of preferred pronouns in a school setting, as it undermines the fundamental principles of inclusivity, respect, and individual autonomy. Embracing diversity and recognizing the unique identities of each student is crucial for fostering a positive and supportive educational environment.

Prohibiting preferred pronouns sends a harmful message to LGBTQ+ students, suggesting that their identities are not valid or worthy of acknowledgment. It creates an atmosphere of exclusion and can lead to increased feelings of isolation and marginalization, negatively impacting mental health and well-being. In a school setting, it is essential to nurture a culture where every student feels accepted, valued, and understood.

Respecting preferred pronouns is not a matter of political correctness; it is a basic human right. It aligns with the principles of equality and nondiscrimination that should be at the core of any educational institution. Allowing individuals to express their gender identity through preferred pronouns fosters a sense of belonging and encourages open communication between students, educators, and staff.

Furthermore, embracing preferred pronouns contributes to a broader educational goal of promoting empathy, understanding, and tolerance. It prepares students for a diverse and interconnected world where mutual respect for differences is essential. Prohibiting preferred pronouns hinders progress toward a more inclusive society and deprives students of valuable opportunities for personal growth and social development.

In conclusion, I strongly advocate for the affirmation and celebration of preferred pronouns in schools as a crucial step toward building a more compassionate and accepting educational environment, and ask for your "NO" vote on H538.

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Sarah Del Grande	H 538	W	Self	Meridian	Against	N	20
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I urge you to vote NO on HB538. This bill poses significant risks to the well-being and safety of transgender and gender nonconforming students and employees. By allowing government employees and public school staff and students to refuse to use a person’s preferred pronouns or name, the bill creates a hostile and unwelcoming environment for transgender people. HB 538 sends a message that trans students’ identities are not valid or worthy of respect, which can contribute to increased rates of bullying, harassment, and mental health issues among transgender students.

Kristi Hardy	H 538	W	self	Kuna	For	N	23
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I have been heavily involved in Kuna School District matters since Covid times. I helped organize a group of parents who have actively petitioned our school board and superintendent to consider a number of policies and actions over the last few years. Many of our topics of concern, were addressed in last years bill 163 “Parental Rights in Education” and bill 1100 “Bathroom Bill”. An important topic that hasn’t been addressed is that of compelled speech with regard to pronoun use. Our parent group asked, two and a half years ago, for discussions to take place and policy to follow on this topic. To this day, Kuna School District still does not have any written direction for staff and students to follow. Their practice is to discipline those who do not use preferred pronouns and names for both staff and students. I believe part of the reason for avoiding the conversation at the school district level is because they would prefer direction from the State. When the parent group brought concerns about bathroom use to the Board and Superintendent, they concluded that when direction from the State came, they would be willing to act on a written policy because they would have the protection of Idaho law against lawsuits of discrimination.

This bill is about 1st Amendment rights, but it is also about religious freedom. My kids currently face discipline for simply telling the truth at school. We believe that to lie, or bear false witness, is a sin. Yet my kids are compelled at school to set aside their beliefs for fear of giving offense or being accused of being a bigot. This has been going on for far too long. My daughter who graduated 4 years ago was often reprimanded for misuse of pronouns in high school. My daughter who graduated last year called a man-size boy in her government class “dude” and was met with a threatening note from him for not acknowledging his preferred pronouns. My son had a middle school math teacher last year that preferred to be referred to as “they”. Basic English language teaches that “they” means plural but my son is required to go along with it because he didn’t know if he would be in trouble for doing otherwise.

Bill 538 is about freedom of conscience. Our schools need the clarification and freedom that this legislation brings.

I have collected the testimony of several friends for your consideration.

1. Idaho resident who wishes to be anonymous because she does not have the permission of the child and parents. She supports the proposed legislation because of the following.

“My son’s friend transitioned in 2nd grade. The school’s approach was that the student is now a girl and will be referred to as such. No debate will be tolerated. Saying anything other than she/her will be considered bullying. This directly contradicted our religious beliefs

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Kristi Hardy

*cont.*

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and was deeply confusing to my child.”

2. Current Idaho substitute teacher who wishes to remain anonymous.

“It is not always obvious from the student's name or appearance what gender they are, and it is unreasonable to expect a stranger to get it right every time. But I am also not comfortable participating in a lie, or making it appear that I affirm a gender change. It makes me feel uncomfortable to possibly be part of hiding this from parents.”

3. Former Idaho school staff member who wishes to remain anonymous due to the possibility of retribution.

“I would welcome this legislation! I am a former school staff member and I feel this would be beneficial for staff and students. This would help alleviate confusion about pronouns. I worked with students experiencing health challenges and there were times that we had major dilemmas regarding pronoun use and biological sex.”

4. Current Idaho teacher. Would like to remain anonymous because “totally afraid of backlash or repercussions”.

“Personally, I don't like the pronoun thing at all and being forced to call a “him” a “she” or a “they”. I'm sure it's also really hard for middle/high school teacher because they have 150 students to remember what to call and not offend.”

5. “My name is Alicia Cotterell. I work for the Kuna School District as a

substitute teacher and testing proctor. After reading the proposed bill it is my understanding that I, as an employee of Kuna School District, would have the right to call someone by the pronouns and names as I understand that individual to be. This is a huge protection for me in this position, since I do not always know the students or staff well enough to always use their preferred pronouns. I do not mind using preferred pronouns, but If I make a mistake, I do not want to have problems in my job because of it. Thank you for your time and consideration of employees like me who go to different schools frequently”.

6. Current Boise school district staff member.

“Setting aside the fact that schools are now obsessed with pushing inappropriate material onto children when they should be learning, reading, writing, and math, teachers and staff must battle the minefield of pronoun use. Not only is this a restriction on free speech, but objecting to participate in this cult ritual (gender-affirming care) brings severe consequences. Unfortunately, I must remain anonymous because I wish to keep my job. On behalf of many, thank you for sponsoring this bill to protect our religious freedom and free speech.”

7. “My name is Lisa Wood Miranda. I am a Family Consumer Sciences teacher

at Kuna High School. I appreciate the efforts to protect teachers from disciplinary action due to using the wrong pronoun or name. Never, in my wildest dreams, would I imagine having a teenager dictate my speech! It has gotten to the point that, as a teacher, we have to be so careful about what we say as we are always in fear of losing our jobs if we say the wrong word. Thank you for working on this important piece of legislature to help keep Idaho children safe and Idaho teachers free from discipline for speaking truth.”

8. The passage of House Bill 538 would help to honor and preserve the personal liberties of Idahoans. As parents of middle and high school level students, in recent years we have seen a significant increase in pressure within our public school district for students to

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Kristi Hardy	<i>cont.</i>						23
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comply with political ideologies, including but not limited to the use of pronouns in the classroom. Communications about pronouns and related gender identity topics should not be normalized within our classrooms as it imposes upon our personal, individual values and Christian beliefs. We look forward to the passage of House Bill 538. Sincerely, Ramona & Samuel Kramer

9. Kuna resident who wants to remain anonymous to protect the teachers and administration that were sympathetic to her situation but felt there was nothing they could do to support her and her son.

"I am in support of bill H538 because this topic greatly affects my family. Compelled speech is one of the biggest reasons we pulled my son out of public school. We were constantly having the same problems over and over. My son grew up with a kid who decided he was trans two and a half years ago. He has wanted to be called different names and pronouns over this time. Suddenly, this kid assumes that my son knows what he wants to be called from day to day and insists upon it. My son doesn't agree with that. He doesn't believe in that. So, my son kept calling him by his real name. As a result, my son is now perceived as a bully. School teachers and staff told my son that he is targeting this kid when in reality, that kid would harass my son. It got so bad that my son was failing welding class because he wasn't doing any of the practical projects in the shop area. He preferred to stay in the classroom so that he could avoid this kid. Otherwise, my son knew he would get in trouble. It was such a shame because my son has a talent for welding and wanted to learn that trade. He lost that opportunity. This kid would regularly write lists of names that included my son and turn them in to admin for punishment for bullying. There were times when my son's name was on the list of offenders when he wasn't even at school that day. The ridiculousness was painfully obvious yet those who fit into the queer community were always protected. The teachers would tell my son that he just needed to use the preferred pronouns. I think teachers are scared, even if they don't believe in it, they are pressured to pander to certain communities. My son is now doing on-line school. My son has given up the opportunity to take welding classes and pursue that profession. Please vote in favor of this bill and protect other kids like mine from compelled speech."

10. Please make this bill a priority as this topic has deeply impacted my family over the past 5 years as school boards, school administrators, teacher unions, and teachers continue to struggle to meet what some say is following federal government requirements. As the bill states "to compel a person to speak its message when he would prefer to remain silent or to force an individual to include other ideas with his own speech that he would prefer not to include." is sound common sense that needs to be made law to ensure those attacking the freedoms our children will be held accountable. Making the bill Idaho law should be a priority for you and other senators on the State Affairs committee. Please step forward and support by doing all in your power to protect the children of Idaho and passing Bill 538. Regards, Jon White

11. Dominic Lopez – Testimony at the Kuna School District board meeting Sept. 12, 2023. <https://www.youtube.com/watch?v=2FTxFp87uZg>

I am a sophomore at Kuna high school. I'm here to share a testimony of some concerns and some experiences that I have had. I walk through the hallways where I witness many things that parents would be appalled to know happen once they drop their kids off at school. You have a generation of students that are confused and overwhelmed and yet empowered in that. ... I truly see that there is so

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Kristi Hardy	<i>cont.</i>						23
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much attention in things that do not belong in my education, and we are all navigating unnecessary waters making the high school experience that much harder. I want to learn in unity alongside ALL my peers not force my views on them or theirs on me. My generation needs you to take a good look at us and partner with our parents. I'm not just here for myself but for my own sister that could be a future student at Kuna High. We need your help and some structure.

Timothy Remaley	H 538	W	Self	BOISE	Against	N	15
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I am writing to express my deep concern and opposition to Idaho House Bill 538 (HB 538), which would allow state employees to intentionally misgender individuals without consequence. This bill not only fosters discrimination and hostility but also undermines the well-being and dignity of transgender individuals in Idaho. HB 538 directly contradicts principles of respect, inclusivity, and equality by allowing state employees to disregard an individual's gender identity and intentionally misgender them. This harmful legislation perpetuates discrimination and sends a message of intolerance to transgender individuals, contributing to a hostile environment where their identities are invalidated and their humanity denied.

This should not be the Idaho way! Yet, Idaho has unfortunately long been known around the country for harboring hateful and discriminatory views.

It is crucial to recognize that intentionally misgendering someone is an act of disrespect and aggression, which can have profound psychological and emotional effects on transgender individuals. Research has consistently shown that experiences of misgendering and invalidation contribute to increased rates of depression, anxiety, and suicidality among transgender people.

Moreover, sanctioning state employees, including teachers, to engage in intentional misgendering sets a dangerous precedent and undermines the professionalism and ethical responsibilities of those in positions of authority. Teachers, in particular, play a critical role in creating safe and inclusive learning environments for all students. Allowing them to intentionally misgender students not only violates students' rights but also compromises their ability to learn and thrive academically and socially. The result will inevitably be lower educational outcomes for students who already face numerous other barriers to learning in our state.

Furthermore, HB 538 goes against the guidance provided by reputable medical and psychological organizations, such as the American Medical Association (AMA) and the American Psychological Association (APA), which emphasize the importance of respecting individuals' gender identities and using affirming language in interactions with transgender people. I join many other Idahoans in trusting the

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Timothy Remaley	<b>cont.</b>						15
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expertise of medical professionals and educational associations with experience in these areas, rather than the misguided opinions and perspectives of legislators bringing forth bills that will make our state less safe and less welcoming. Ultimately, bills such as HB538 will also make Idaho a less attractive state for corporations, highly qualified employees, medical professionals, and educators. Simply put: this bill threatens great harm.

As a concerned citizen and advocate for equality and human rights, I urge you to oppose HB 538 and any similar legislation that promotes discrimination and hostility towards transgender individuals. Instead, I urge you to support policies that foster respect, inclusivity, and dignity for all Idahoans, regardless of gender identity.

Thank you for considering my perspective on this important issue.

Janet Buschert	H 538	W	Self	Eagle	Against	N	14
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The temptation is great within the Legislature to exert control over other governmental organizations that are governing closer to individual citizens. This bill is a really extreme example of that. First of all, the imagined direction has not occurred in the past and is unlikely to ever be given by a governmental entity in Idaho. So it's unnecessary. Secondly, this is such a tiny thing that it doesn't merit your time and attention. If your intent is to keep someone from having to "communicate statements that they believe to be false" then you are going to have to provide a LOT of legislation that expands on this in the future. Please leave this bill in Committee and spend your final hours doing things that are necessary. Thank you.

Nissa Nagel	H 538	IP	self	Boise	Against	Y	19
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I am against HB538. Though I agree with a first amendment right, people are used to being held to certain standards in their work environment. As an employee, your employer will frequently define what behavior is appropriate. Intentionally misgendering or deadnaming people should not be considered appropriate behavior of an employee. Especially one representing a government entity, which is meant to serve the public. This bill creates a hostile environment. Using the name and pronouns a person desires and requests is respectful and kind. Transgender, gender queer, and non-binary people are just as deserving of this kindness as cis gender people.

As the parent of a gender-nonconforming child, I am concerned that even though I have instructed and authorized public school teachers and administrators to use my child's name and gender, a person could still refuse to do so under this bill. Then the deadname and gender would be circulating in the school environment thereby outing my child and exposing them to bullying and potentially violence. What happened to Nex Benedict in Oklahoma is not an aberration of anti-trans rhetoric and legislation; it is the result of it.

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Nissa Nagel	<i>cont.</i>						19
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Bills that permit or require misgendering invade everyone’s privacy: even though these bills target transgender students, they create environments where anyone’s sex or gender can be challenged and often the only way to “prove” a right to be correctly addressed involves exposing private information.

HB538 undermines my parental rights and my child's right to privacy. I ask that HB538 be held in committee. Idaho is too great for hate. Or is it?

Jennifer Attebery	H 538	W	self	Pocatello	Against	N	29
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Dear senators,

This bill, H538, sets up a potentially very damaging set of circumstances for children in our schools and people dealing with those in authority. By giving a nod toward misgendering (calling someone by a gender they do not recognize as their gender) and dead naming (calling someone by a name that they have discarded), the bill suggests that bullying and abusing one's power over others is okay.

It is important for teachers and others in authority to respect those they interact with. A basic sign of respect is calling someone by the name and pronouns they prefer. During my teaching career I didn't always remember names and pronouns consistently, but when I did it made all the difference in making my students comfortable in the classroom. Respectful attention to personal identity goes a long way toward building societal bridges. This bill would, instead, create fractures.

Please do not pass this bill.

Kathy Dawes	H 538	W	Myself and my husband, Dana	Moscow	Against	N	6
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We are opposed to bill H 538 for many reasons. The bill states unlawful “forced speech,” making people use terms they don’t want to use, is happening across Idaho and the nation. What evidence is there for this statement? It is not happening here in Moscow!

It is common courtesy when someone asks you to call them a certain name, nickname, or title, that you honor their request. Is this also considered “forced speech”, or does this bill only refer to the use of pronouns? If so, this is prejudicial.

The definition of sex in the bill specifies only two sexes, male and female, yet it is increasingly apparent there are many other factors besides chromosomes and reproductive organs that determine one’s sexuality. How would one know for sure what someone’s sexuality



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Kathy Dawes	<i>cont.</i>						6
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is, in order to honor that person with the appropriate pronoun other than having the person themselves tell you?

This bill is offensive and divisive, discriminating against certain groups of Idahoans and we urge you to vote NO on H 538.

Jack Aitchison	H 538	W	Self	Mccall	Against	N	8
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Why is this a discussion? Please do the KIND and RIGHT thing and do NOT pass this. Respecting someone's name and identity is something crucial and non-negotiable that we all, as people, do out of respect for one another. We're human beings. It's the least we can do to say a few words that'll make someone know they belong in this world.

Sara Zaske	H 538	W	self	Moscow	Against	N	6
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It is basic respect to call someone by what they are preferred to be called. Now we want government to control teacher's speech. Teachers have enough to worry about -- w/o this ridiculous bill that requires a parental note to call a kid by their preferred name, pronouns--or even a nickname for goodness sake.

Jess Attebery	H 538	W	Self	Pocatello	Against	N	29
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This bill is an enormous invasion of privacy. If state employees are forced to gender people according to their birth sex, there will be many people who are forced to hand over sensitive medical and personal information in order to "prove" they are who they say they are. It will lead to more expensive lawsuits as well.

Diane Prorak	H 538	W	self	Moscow	Against	N	6
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In using preferred pronouns, no one is being forced to call individuals by their pronouns and names. However, it is respectful and common decency to address people as they wish to be addressed. It's much like shortened versions of a full name. If a student wishes to be addressed by particular pronouns, let's just encourage people to respect that. I also find the use of "they" pronouns very helpful, as then I don't have to guess someone's gender based on their name or appearance.

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Kacie Hoch	H 538	W	Self, My own private practice Authentic Self Counseling Services	Boise	Against	N	15
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I am against this bill. Passing this bill would allow for a hostile work environment for employees, and harm students in school trying to express themselves authentically. Please to not allow this legislation to move forward.

Denise Caruzzi	H 538	W	self	Boise	Against	N	19
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Thank you for voting no on HB538. Although I can assume it is targeted at the concept of transgender youth (and adults), it is confusing and creates a descriptive maze that results in unnecessary and unhealthy ends.

Why would we guess people's sexual identity? Over the years, I have inadvertently mistaken the gender on bald infants, young children, and a few adults. The bill sets up an environment in which teachers (and other school employees) would have ask for proof of birth gender (repeatedly??) to be assured of what pronouns to use for students. This makes no sense. Would it require students to carry copies of their birth certificates for inspection? (I am assuming physical exams are not anticipated?) This is an invasion of personal privacy and even, logistically, is illogical.

Not only is there medical evidence that children can be born with indeterminate sex, but psychologists agree that to deny gender identity has a detrimental impact on mental health. At a time when we are experiencing one of the highest youth suicide rates in the nation, it is ill advised that we make such hasty and poorly researched laws.

And finally, the Idaho legislature has a large job and limited time. This bill is a solution in search of a problem. Where are the teachers who have experienced reprisal for not using preferred pronouns? Where are the teachers' unions? Why would we interfere with the courts by legislating "uncapped" damages against employers? I believe this bill causes more problems than the sponsors are trying to solve.

Thank you for opposing HB538.

Respectfully,  
Denise Caruzzi

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Lindsay Haskell	H 538	W	Self	Kuna	Against	N	23
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I am against this bill. It is discriminatory and against all respectful workplace guidelines. I am sick of my tax dollars going toward litigation for these types of policies. This is another bill that will create more fear, hate, and division. It will be another bill that drives people out of working for and living in our state. Please vote against H 538.

Kendal Shaber	H 538	W	self and family	Boise	Against	N	18
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I am writing in opposition to H538. This is an unnecessarily cruel piece of legislation without a purpose. Pernicious disinformation, that had been debunked months ago, was used when introducing and debating this bill.

How does one's preferred pronouns affect the lives of others? Regulating pronouns is NOT the job of government. Feeding hungry children in the summer is.

Please say no to more costly litigation for the state and send this dehumanizing legislation back to the sponsor.

Kendal Shaber

Susan Byrne	H 538	W	Self	Moscow	Against	N	6
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I am against this bill. You "representatives" in the Idaho legislature have fallen prey to the notion that what you think and believe in is the way that your constituents should think and believe, rather than actually listening to what we think is important. You have failed us this legislative session by wasting time on details that just allow you to alienate our citizens. You need to re-evaluate your purpose or be removed.

Amy Burkholder	H 538	W	self	Boise	Against	N	8
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Dear Senate Affairs Committee Members,

HB538 represents yet another current hot-button topic. I truly understand the discomfort folks feel with gender changes and pronoun use, but for most of us, what it comes down to is familiarity. Unfamiliar things often feel wrong at first. Here are two simple examples of gender-related issues that have become commonplace in my lifetime:

1) Girls being allowed to wear pants in school. This change occurred when I was in 4th grade at Monroe Elementary School in Boise.

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Amy Burkholder	<i>cont.</i>						8
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My teacher strongly disagreed with this decision, and told the class this. When I then decided to wear pants to her class, she took me into the hall, shook me, and told me, in no uncertain terms, that young ladies do not wear pants. The policy was new. It challenged her sense of rightness. My guess is that five to ten years later, she didn't think anything of seeing young ladies wearing pants.

2) The title, Ms. It took years for folks to accept and use this title for women, and a few still don't, but it is firmly rooted in our society now.

All of us deserve the respect and right to be addressed as we wish. My nephew (born female) should be addressed by his name, Dylan. My friend's daughter (born male) should be addressed by her name, Liz. I could continue to name others I know personally, but the point is that Dylan and Liz are their names, and they should be addressed by them. HB538 would essentially say that, no, this isn't the case. Folks should be allowed to address Dylan and Liz by their "dead" names if they have decided it's wrong to change one's gender. It's truly not about them, it's about the Dylans and Liz's of the world, and their right to be addressed as they wish.

Please honor the civil rights of folks who happen to be challenging the societal norms of gender and vote against HB538.

Thank you.

Sincerely,

Amy Burkholder East Boise County, District 8

Tracy Olson	H 538	W	self	Boise	Against	N	19
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I strongly oppose this bill. The bill is deeply discriminatory and a clear violation of the US Constitution. It seeks to impose a narrow and outdated understanding of gender, disregarding the well-established principle that individuals have the right to define their own gender identity.

By restricting the use of pronouns that do not correspond with biological sex, the bill targets and marginalizes transgender and non-binary individuals, denying them the dignity and respect they deserve. This not only goes against the principles of equality and fairness but also creates a hostile and unwelcoming environment for vulnerable communities.

Furthermore, such legislation infringes upon the First Amendment rights of individuals to freedom of speech and expression. The

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Tracy Olson	<b>cont.</b>						19
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government has no place limiting how individuals should refer to themselves or others, especially when it comes to deeply personal aspects of identity like gender.

In conclusion, this bill is discriminatory, unconstitutional, and fundamentally at odds with the values of equality and liberty that our country stands for. It must be rejected in order to uphold the rights and dignity of all individuals, regardless of their gender identity.

Jamie Richmond	H 538	W	Self	Boise	Against	N	16
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VOTE NO ON H538!

I'm a second generation Idahoan and this is another unnecessary bill made to make Idahoans align with certain non-Idahoan beliefs.

What's next- legislation to eliminate having to call someone by their nickname (if their name is Michael, will you legislate that no state employee has to call them Mike if that is what they prefer to be called?)

Idaho legislators tout Idahoans are free, but you keep passing more and MORE legislation that is UNNECESSARY and binds us to your beliefs. STOP!

Amy Dundon	H 538	IP	American Civil Liberties Union of Idaho	Boise	Against	Y	19
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WRITTEN TESTIMONY AGAINST HOUSE BILL 538

SUBMITTED TO THE IDAHO

SENATE STATE AFFAIRS COMMITTEE

MARCH 29, 2024

ON BEHALF OF THE AMERICAN CIVIL LIBERTIES UNION OF IDAHO

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Amy Dundon	<i>cont.</i>						19

Chairman Guthrie and Committee Members:

The ACLU and ACLU of Idaho is strongly opposed to HB 538, a bill that would allow government officials and employees, including public school teachers and staff, to intentionally and persistently misgender transgender people and refuse to address them by their preferred name and pronouns. Should HB 538 pass, no public official would be required to honor the name or pronoun of an individual. To be clear: using the correct pronouns and name when addressing an individual is not compelled speech. Rather, properly addressing fellow Idahoans is merely a sign of respect.

HB 538 would also incentivize intentional and persistent mistreatment of transgender Idahoans in particular. The bill would provide a private cause of action to public employees that object to using the appropriate name or pronouns for any transgender person. And because HB 538 applies to public schools, this stipulation would also mean teachers could consistently misgender public school students – and sue for money damages, attorney’s fees, and other relief if they object to using the students’ preferred name or pronouns, up to two years after purported “harm.”

The civil cause of action component of HB 538 appears overly broad. That is, the bill language states that a person “harmed” by using the proper name and pronoun of any person has legal standing for compensatory damages. Without defining such harm – which HB 538 fails to do – we could anticipate multiple, frivolous, and/or retaliatory lawsuits. The bill also provides a generous window for individuals to bring legal claims (up to two years after the purported incident), increasing the chances such legal challenges are filed. It’s reasonable to assume lawsuits brought under HB 538 will be expensive, time consuming and will further burden Idaho courts. In our estimation, such legal claims will do little to serve, let alone benefit, the general Idaho public.

Finally, it is unclear from the bill language whether the mere ask from a parent to refer to a transgender student by their proper name and pronoun would give standing for a legal challenge. Again, we are concerned that the bill as written fails to provide clarity or specificity about the kind or level of “harm” that would validate a lawsuit.

## CONSTITUTIONAL ISSUES

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Amy Dundon

***cont.***

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HB 538 would require students to provide written parental permission to use the students’ name and pronouns – but only when a students’ name is not derived from their given or “legal” name. This stipulation appears to violate privacy rights of students. The stipulation would also disproportionately impact transgender people. And because of its narrow application, HB 538 would likely violate a number of constitutional rights and federal anti-discrimination laws. The Equal Protection clause of the 14th Amendment, for instance, prohibits the government from denying equal protection under the law. Title IX and Title VII, meanwhile, protect against discrimination and afford privacy protections. Additional federal privacy laws protect the rights of all Idahoans, including students, to not have intimate facts about their lives disclosed.

Privacy protections apply to a suite of personal information, including a person's gender or transgender status. Importantly, these protections apply to adults and children alike; students do not give up their constitutional right to privacy simply by enrolling in public school.

HB 538 distorts the meaning of the Constitution and inappropriately invokes First Amendment protections. Troublingly, the bill pits equal treatment and privacy protections against speech; it would in fact allow public employees to weaponize speech protections against others’ fundamental right to equal treatment. In practice, it’s reasonable to assume the bill would result in the exclusion of transgender Idahoans, including students, from basic rights and dignity. The discriminatory nature of the bill, coupled with its application to federally-funded (and therefore governed) entities like schools make HB 538 vulnerable to legal challenge – and heightened legal scrutiny.

## STUDENT SAFETY AND PARENTAL RIGHTS

We are deeply troubled that not only would HB 538 threaten the right of transgender Idahoans to be treated the same as their peers, but also that the bill would likely foster unsafe learning environments. The bill seems to encourage harassment – at the hands of teachers – against transgender students. Idaho public schools should be a place where all students are able to get a quality education – not be singled out, harassed, or mistreated.

In fact, public schools are required by law to create safe learning environments to all students. However, because HB 538 would allow teachers to misgender students, it raises serious questions about the increased likelihood of harassment and harm the bill would cause transgender students. It’s reasonable that, if passed, HB 538 would foster learning environments where transgender students are forced to reveal their transgender status to their peers and, potentially, to unsupportive parents. This kind of forced outing could very

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Amy Dundon

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likely harm transgender youth across Idaho.

Troublingly, HB 538 would undermine the primacy of parental rights, including the rights of parents to ensure their transgender students' pronouns are respected. That's because HB 538 would require parental permission for a student to use their appropriate name and pronouns at school.

Crucially, HB 538 would also allow school officials to refuse to address students by their appropriate name and pronouns, even with express parental permission. In practice, HB 538's provision for parental "permission slips" do little to protect parental rights. That's because even with express, written parental permission to use a student's appropriate name and pronouns, school officials could simply refuse to implement parents' instruction about how to address their children.

In this way, HB 538 sharply departs from the equal application of parental rights. It would create limiting barriers around which parents have full access and enjoyment of their rights. This departure, in practice, would mean the crucial and fundamental rights of parents to decide what is best for their children are rights are in fact only applicable to certain parents.

Beyond the many legal problems with HB 538, the human cost of the bill would be devastating. Transgender people live in and call Idaho home. By creating exclusionary public work and school environments, the state is subjecting them to predictable and dire harm. We urge you to oppose HB 538 and give the transgender community an opportunity to continue to live in Idaho and contribute to our beautiful state.

Respectfully,  
Amy Dundon, Legislative Strategist  
ACLU of Idaho



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Judith Roesbery	H 538	W	Self	Garden City	Against	N	16
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Please do not pass this bill. It is unnecessary and would cause conflict where there should be none. It targets LGBTQ+ students who are just trying to make their way in an already-hostile world. Legislation such as this is just mean-spirited and has no place in Idaho.

Joanna Schaffer	H 538	W	Self	BOISE	Against	N	16
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I am against this bill because it is compelling people to use speech that is against the will of American Citizens. No government has the authority under the constitution and bill of rights to dictate identity of the citizenry. This is a social matter and not a legal one and this bill attempts to violate free speech.

Dylan Goldade	H 538	IP	Self	Boise	Against	Y	16
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I am against this bill I have heard that using someone's preferred pronouns described as if they are like magic words which instantly makes the person feel recognized and respected. If you had a chance to show compassion to someone simply by changing the way you speak to them, wouldn't you do it?

Jessica Rolynn	H 538	W	Self	Pocatello	Against	N	29
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I urge you to vote against this bill. This bill violates the individual rights of of students and people to be treated without discrimination under Title IX. Not only will it result in more litigation for Idaho, it will also negatively impact our trans and gender diverse community. It has been shown that people living with chronic minority stress also have higher rates of chronic medical conditions, like autoimmune diseases, cancers, and disability. This puts a strain on our medical system and government funding.

Please vote against this bill.

Nancy Britton	H 538	W	self	Ponderay	Against	N	1
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HB 538 would allow government entities and schools personnel to use certain titles and pronouns. This bill causes big privacy problems and make it hard to protect transgender students' rights. The bill doesn't say how teachers and government workers would check students' gender, names, and pronouns, which means they might have to keep asking for proof, which could be embarrassing and invasive.

The bill also goes against parents' rights as it lets schools ignore parents' wishes about how to treat their transgender kids. If this bill becomes law, it could break constitutional rights and federal laws that protect against discrimination and ensure everyone's privacy. Bills

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Nancy Britton	<i>cont.</i>						1
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like this make schools less safe and respectful for everyone.

Thank you for your service,  
Nancy Britton

Yvonne "Sam" Sandmire	H 599	V	BABE VOTE	Boise	Against	Y	19
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Thank you for the opportunity to testify. My name is Yvonne Sandmire. My nickname is Sam. I am an Idaho voter & I represent myself & a non-partisan, volunteer organization called BABE VOTE.

The timing on this bill is perfect, because just yesterday, Montana's Supreme Court struck down an even less-restrictive "ballot harvesting" bill.

To be clear, the bill before you would make it illegal for me to help my 100 year old neighbor get her absentee ballot to her mailbox or to a ballot drop box or county clerk's office.

And if I did this for 10 people, I would be committing a felony.

Is this what you want?

Is this necessary?

What problem does this solve?

Why would anyone want to make it harder for legally-eligible Idaho citizens to vote?

I ask that you save Idaho taxpayers a lot of money in legal fees and reject House Bill 599.

Jean Henscheid	H 599	W	League of Women Voters of Idaho	Star	Against	N	10
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The League of Women Voters of Idaho is doing everything we can to help potential voters follow legal processes to register to vote and to cast their ballots. In our hundreds of conversations with Idahoans, we meet many who seek assistance delivering absentee ballots to polling places. People in care facilities, the blind and visually impaired, people in certified family homes, the elderly, the disabled, people who are homebound or do not drive seek assistance from kind friends and neighbors. These are the people this bill will disenfranchise. There is no evidence whatsoever that kind neighbors or helpful friends are making secret deals with political parties to harvest ballots for nefarious purposes. Please do not move this unnecessary and harmful bill forward.

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Karen M. Hansen	H 599	V	Self	Viola	Against	Y	6
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Vote against HB~599, it a poorly written bill.

This bill creates an unhealthy climate of fear and intimidation around election season. It criminalizes kind friends and neighbors who simply want to do someone a favor.

The problem the bill is meant to solve is the problem of ballots being gathered up by bad actors and thrown away or tampered with.

If that is the case it makes no sense to slap a felony conviction on someone who simply turns in intact sealed ballots, to the proper location, and on time.

A felony should be specifically focused on deliberate election interference such as tampering with or discarding ballots.

Most voters are smart enough not give their ballot to someone they don't trust. The legislature does not need to tell voters who they can and cannot trust to turn in a ballot for them. To be honest, for some people a friend or neighbor is more trustworthy than a particular family member.

Rather than get into the weeds about who is and is not allowed to turn in someone's ballot why not just require a simple, signed permission note from the voter stating the person delivering the ballot has their permission to do so.

Uma Terpend	H 599	W	Self	Boise	Against	N	19
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Mr. Chairman, members of the committee, my name is Uma Terpend, and I'm a high school student living in Boise, Idaho. I oppose this bill and am concerned with its nature and the unnecessary difficulties it could pose to the Idaho public. Earlier this year, I participated in a door-knocking campaign with Get Out the Vote, reminding people to send in their absentee ballots and encouraging people to go out to their polling places and vote regardless of their political affiliation. One of the houses on my map belonged to an elderly woman who could was considered legally blind, lived alone, and could no longer drive. My door-knocking partner and I had to kindly ask her next-door neighbors to drive and assist her to the polling place on Election Day. This bill would make it even more difficult than it already is for people like to this woman to vote. Ballot harvesting is a vital component of our voting system, preserving the democratic and constitutional right to vote for the elderly, the injured, and the disabled. Though I believe that the regulation of ballot integrity could be a beneficial way to preserve the democracy of Idaho elections, I believe that this bill is not approaching this issue in an productive way and that there could be more accessible and effective ways to regulate ballot harvesting without completely eliminating it. Thank you kindly for your time.

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Sara Zaske	H 599	W	self	Moscow	Against	N	6
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This bill is yet another attempt to make it harder to vote. It especially hurts elderly people and working people who may not have time or the ability to drop off their ballots. There's nothing wrong or sinister about mailing or dropping a sealed ballot for someone else.

Kathy Dawes	H 599	W	Myself and my husband, Dana	Moscow	Against	N	6
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We are opposed to this bill because it is way too restrictive and includes a stiff penalty a( felony) if someone is just a good neighbor who is asked by someone who can't make it to the ballot box to turn in their absentee ballot for them.

"Ballot harvesting" is not an issue in Idaho. What IS an issue is that in our VERY RURAL state, it is virtually impossible for some people to travel to their county courthouse to turn in their ballot if they happen to forget to mail it in time to be counted!

Please vote NO on this very unnecessary, disenfranchising bill.

Gretchen Wissner	H 599	W	self	Moscow	Against	N	6
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I am writing in opposition to H 599. This bill will, in effect, disenfranchise voters who find it difficult or impossible to deliver a ballot in person. It will prevent neighbors from delivering ballots for elderly, disabled, or other neighbors unable to leave their homes. It will discourage rural voters who receive an absentee ballot too late to mail but live miles from their county clerk's office or a polling location, yet have a neighbor who plans to make a trip to town and is willing to drop off a ballot. There is no evidence that ballot harvesting is occurring in Idaho. This bill simply makes the process of voting more difficult for some voters in our communities.

Please vote "no" on H 599.

Vickie Fadness	H 599	W	self	Lewiston	Against	N	7
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Please oppose or hold H599

Once again, a bill is introduced to solve a problem that has not been a problem. Harvesting of ballots was not done in the past and does not need legislation. H599 reads as a map blocking all avenues to helping neighbors and friends.

Case in point: H599 makes it impossible for my neighbors and I to help each other. We discuss politics, candidates, bills, and initiatives, etc. I will not be able to help one neighbor with mobility problems or an elderly couple who are experiencing serious medical issues.

In fact, section 3 prohibits all citizens actively engaged in legislative actions to give a helping hand when needed. Shameful.

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Vickie Fadness	<b>cont.</b>						7
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This bill is just another step in making voting difficult for many citizens. Be respectful of voters. Please oppose or hold H599  
Vickie Fadness  
3515 Peach Tree Ln  
Lewiston ID 83501  
District 7

Diane Prorak	H 599	W	self	Moscow	Against	N	6
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I am against this bill because it is not needed. There is no problem with our elections or absentee ballots. We have secure elections. Absentee ballots can help people vote, which is a right. Sometimes the reason a person uses an absentee ballot is because they physically can't deliver the ballot, maybe even to their mailbox down their long driveway. People delivering a sealed ballot pose no risk to the security of our elections. Please don't add this unnecessary restriction to people's right to cast a ballot.  
Thank you.

Kendal Shaber	H 599	W	self and family	Boise	Against	N	18
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Three of the past four years "ballot harvesting" legislation has been introduced. This does not apply to Idaho as this practice isn't done in Idaho. What we do have in Idaho is neighborliness and friends helping friends. Unfortunately, these two groups are not on the list of "approved" trusted groups to deliver ballots to ballot boxes. Also missing are non cohabitating partners. Telling people who they can trust with their ballots is maximum government overreach.

Please stand up for the autonomy of voters and say no to this outrageous infringement on voters' rights.

Kendal Shaber  
District 18

Lisa Hecht	H 599	W	Self	Boise	Against	N	18
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I am strongly OPPOSED to this bill because it would 1) make it more difficult for Idahoans with physical disabilities and restrictions to vote, and 2) punish Good Samaritans who help them register their vote. Those affected will be many of our elderly, or blind, or those

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Lisa Hecht	<i>cont.</i>						18
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who have mobility challenges, who need to be represented as well. If they are using Absentee Ballots, they will be able to thoughtfully research the candidates and initiatives. Once they have voted and their ballots are sealed, it doesn't matter whether they put them in the mailbox, or a Good Samaritan helps them so that they can take part in our Representative Democracy. If we make it harder for these groups to vote, our Democracy will be LESS representative.

Thank you for seriously considering the impact of this bill on our precious Democracy!

Mary Ollie	H 599	W	self	Bonnors Ferry	Against	N	1
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H 599 is a bill based on disinformation. It serves no purpose other than to make it more difficult for many people to vote. I live in rural Boundary County and it is common for people to be neighborly. That includes taking things to the post office.

I've voted absentee, especially in November when the roads can turn bad. To imply that ballots can be altered is being dishonest as ballots have bar codes and are in a double envelope that is signed and signatures checked.

I am tired of the disinformation and the constant messaging that our elections are riddled with fraud. All this does is undermine confidence in elections which is then used to push bills like this.

Montana has rejected this notion of "ballot harvesting". Utah has a good track record of mailing ballots. Idaho has successfully done this. Lets not allow fear mongering to keep people from voting. Please vote NO on H 599.

Susan Byrne	H 599	W	Self	Moscow	Against	N	6
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Why are the sponsors of this bill trying to "fix" a non-existent problem in Idaho? Do you not have more important issues to address in our state? Also, I am healthy and able-bodied, unlike several friends who are elderly and struggling with compromised health and mobility issues. Yet their votes are just as important. At some point they may need help to have their vote counted.

Andrea Wilson	H 599	W	Self	Boise	Against	N	15
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I am reaching out to oppose H599. One of our nation's highest values is that "we the people" have a voice. The main our leaders hear our voices is through voting. Therefore, any decent legislator that respects the constituents would work to make it as easy as possible for registered voters to cast their ballot, not attempt voter suppression. Helping an elderly, disabled or immobile neighbor do

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Andrea Wilson	<i>cont.</i>						15
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just that should never be a crime. In Idaho we help our neighbors. Period.

Kayla Dodson	H 599	W	Self	Boise	Against	N	19
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H599 is not necessary in Idaho. It is already a felony to tamper with a ballot, so this law is unnecessary and only further demonizes and fear mongers and purports to address a problem that Idaho does not have. A good neighbor or friend, who happens to be going to the ballot drop off box and offers to take my ballot too should not be charged with crimes. Instead we should thank them.

Diane Baumgart	H 599	W	Self	Moscow	Against	N	6
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I am an Idaho resident and now have a disability. I oppose this law. It restricts voting rights and certainly mine!! I want someone else to collect my ballot and to submit for me.

This law is not needed. The incidence of gradient voting in Idaho is so low. Last election it was committed by two people from Oregon trying to vote again. The fraud was caught and consequences enforced.

Please vote no on this bill. It is unnecessary and for me raises emended physical and financial costs to continue voting.

Tracy Olson	H 599	W	Self	Boise	Against	N	19
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This bill is a solution looking for a problem that DOES NOT exist. The law is unnecessary as it is already a felony to tamper with a ballot. Bottom line: this is pure and simple an attempt at voter suppression. I do not support this bill and urge you to vote NO

Jamie Richmond	H 599	W	Self	Garden City	Against	N	16
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VOTE NO ON H 599! This is a totally unnecessary bill because it's already a felony to tamper with a ballot.

I'm a second generation Idahoan and if I need a neighbor or friend to submit my absentee ballot when my family or caretaker is out of town (plus, they already have enough other things to help me with when they are in town, why codify ANOTHER thing that my caretakers HAVE to add to their ALREADY FULL plate).

BE REASONABLE! This is so stupid!

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Jamie Richmond	<b>cont.</b>						16
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Let people help the disabled and elderly AND THEIR CARETAKERS AND FAMILIES! If my neighbor or a friend asks to drop my absentee ballot off to help me and give my caretakers a break, they SHOULD NOT BE CRIMINALIZED! Give me and my family a break!

VOTE NO ON H599!!!!!!

Mary Hirschbiel	H 599	W	Self	Moscow	Against	N	6
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I am against this bill. Please allow the assistance of a neighbor, friend, or family member to help deliver a legally completed and signed ballot when a registered voter cannot do it on their own.

Judith Roesbery	H 599	W	Self	Garden City	Against	N	16
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Another attempt to chip away at absentee voting. Another solution in search of a problem. Another useless piece of legislation. Another waste of precious time that could be used to solve real problems facing the people of Idaho. Please do not pass this bill.

Carolyn Volk	H 599	W	Self	Boise	Against	N	19
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Why do we want to make it harder for citizens to vote and to discourage neighbors from helping neighbors stay engaged and involved. This legislation is not needed as we already have strict laws governing any tampering with ballots. Please vote NO on this restrictive and unnecessary bill.

Thank you, Carolyn Volk 808 W Ranch Rd Boise 83702