

MARCH 15, 2019

S 1159

COPIES OF SOME ORAL TESTIMONIES

ATTACHMENT 1

Chairman Lodge and Members of the Committee,

My name is Don Kemper. I oppose SB 1159

I've heard that the Republican Caucus asked you to support it.

Yes, California has too many initiatives. But not Idaho.

Already, it's much harder to qualify an initiative here than in California.

- California requires only 5% of voters to sign petitions—and all could come from one county.
- Idaho requires 6% of voters from each of 18 districts as well as 6% statewide.

Under the current restrictions:

- In 2014, 2 initiatives were proposed but none qualified
- In 2016, 6 initiatives were proposed but none qualified
- And, in 2018, 4 initiatives were proposed, two qualified but only one passed.

The fact is, Idaho's qualification process is already very difficult.

Yet, Senator Grow asks us to believe that nearly doubling the signatures and nearly doubling the districts would not end voter initiatives.

Let me be clear, the proposed restrictions piled on top of each other would virtually prevent all future citizen-sponsored initiatives.

But, courts may well rule this bill unconstitutional—for it would so significantly burden an already difficult process that it would essentially nullify and deny Idaho voters their constitutionally guaranteed rights.

Chairman Lodge and Majority Leader Winder, I ask that you release the members of this Committee from any pledge they may have made in Caucus and remind them of their more solemn pledge to uphold and support the Idaho Constitution. If you do, I feel certain that they will vote to reject SB1159.

Thank you

250 words



Good morning

Initiatives are hardly a first resort. Under the present requirements they take a Herculean effort to accomplish. In the case of the most recently successful initiative, Prop 2 to expand Medicaid in Idaho, voters waited six years for Idaho legislators to address the tragedy of 61,000 Idahoans who could not get healthcare insurance. Six years legislators ignored the intention of their citizens on an issue that was paramount to their wellbeing.

Also, please do not insult our intelligence by trying to convince us that your attempt to place the most stringent regulations in our country on Idaho voters to process a future initiative is not because of the success of Prop 2.

61% of Idaho votes were in favor of that initiative. They were bipartisan votes. In a red state like ours, we can be sure it took a majority of Republican votes. We elected a Republican governor. We elected most of you. You are not stepping on liberal toes, you are stomping on the feet of all Idahoans.

My point is, the suggestion that future citizen initiative requirements should be doubled, while the time given cut to a third to complete, is an assault on the bipartisan ability of all our citizens to assess and initiate issues independently when our legislators refuse to act upon our intentions. We did not elect you to become your audience. If you won't listen to us, and take away our ability to make you listen to us, tell me, what will be your next campaign slogan? "Vote for me, it doesn't matter what you want, I know better that you."

We will not forget.



MARY McLAUGHLIN
1155 N. Camelot Dr.
Boise ID 83704

My name is Tina Hilding. I want to express my opposition to this bill and tell you about my first-ever experience working on a state-wide initiative.

My efforts on the Medicaid Expansion initiative coincided ~~pretty~~ closely with my cancer diagnosis and treatment in August of 2017. I was quite sick with a 5" inch tumor ~~in my middle~~ for which I received lifesaving care and support. Getting cancer treatment is amazing – people take such good care and are incredibly kind to you. During my treatment, I met all kinds of people from many walks of life who were on the same journey – rich, poor, Republican, Democrat – none of it mattered. We were all sick and needed care. As I heard about the Medicaid Expansion effort, I thought that everyone should have the same chance that I did for quality health care and support. Almost as soon as I could walk, I jumped in to help.

I had surgery in November 2017 and started gathering signatures for the initiative in January of 2018, right after I had finished my 2nd radiation treatment. I was ~~15 pounds lighter~~ ^{97 pounds}, and I was always ~~really~~ cold. It was hard work as I went door-to-door, asking people to support putting the initiative on the ballot. *This was democracy in action.*

In Spring of 2018 as we came close to getting the needed signatures, I was still very weak and broke my pelvis. I have included a photo of me doing what I could ~~with my broken pelvis~~ ^{on my crutches}. As soon as I could walk, I was out again, knocking on doors, asking people to vote for the initiative. I was still ~~weak and thin~~ ^{weak}. I got very tired, but ~~I knocked on as many doors as I could~~. I talked to students at the university, helped register people to vote, stood on street corners at the Farmer's Market, talking to everyone. I hiked the hills around Moscow, ~~knocking on doors~~. I got stronger, fatter, and healthier ~~and my hope continues~~. And, I helped to pass the initiative.

I want you to know that the initiative process is very, very difficult. I worked very hard, and there are so many volunteers from small towns and big cities around this entire state who spent hours and hours gathering signatures, counting, tabulating, and getting the signatures to Boise to allow our initiative to be on the ballot.

I hope you will think about my effort when you consider your vote for this bill. Please vote against it.

Thank you.

Tina Hilding
411 N. Howard Street
Moscow, Idaho

3/15/2019

Members of the Committee:

Thank you for giving me the opportunity to speak. My name is Chris Stroh. I am a small business owner here in Boise, and I also own a home in Donnelly ID.

My role in Medicaid expansion was District 19 lead, a notary and the person who gathered and counted the petitions and valid signatures. We gathered 113,000 signatures, 73,000 of which were valid. The process is quite complicated and difficult. Reclaim Idaho's 2000 volunteers went to a HUGE effort, and really did not know until a week to ten days before the day we turned the petitions that we had probably gathered enough signatures. Here is the process:

- 1) Recruit volunteers, 2) Train. 3) Gather sigs from register voters,
- 2) Notarize every petition with the signature gatherer. 4) Take the petitions to the appropriate county before April 30th. 5) Once the county has checked all the signatures, they return the petition to the persons who turned them in --- most came from the counties in the last two weeks of June. 6) Consolidate all the completed petitions and count the signatures the counties certified as valid. We had boxes upon boxes in my garage. This is the point when we could actually know if we qualified in a district.
- 3) Get all petitions to Boise to turn into Sec of State. If a van breaks down on the way with petitions from a vital county, we had to go get them. If the petition not at the Sec of State office on the correct day they don't count.

We were told based on previous initiatives that often only 30 to 40 % of signatures are valid; Reclaim Idaho had a higher percentage because the volunteers were careful. One county would only accept petitions if the sigs and petition were on separate pieces of paper. Some counties returned every petition with a validation letter. Other counties counted 50 petitions all together and put one total. Some counties had no idea how many they had processed ; I would call to see if we needed to pick up and they had to look around to see if there were still boxes or envelopes of petitions sitting around. Some districts are made up of 5 counties. They won't accept signatures from more than one county per petition. We did not know we were close to qualifying until a week to 10 days before the deadline.

Why found invalid? If signature is illegible, if printed instead of signed, an incorrect address from where they are registered. Address not findable.—the North or South not listed -- Ave. vs Street. Address unreadable, or form of name of name different from on the voter registration. Bill vs William. And if the signature "looks different" from the signature when they registered each county has a different standard or emphasis.

Very much rural Idaho involved. Maps. Money will go to rural Idaho to the 27 critical access care hospitals, 19 of which are running in the red.

Chris Stroh, 2061 Ridgecrest Dr. Boise ID 83712.

Carmel Crock, Boise Idaho

Chairwoman Lodge & ~~Representatives~~ ^{Senators}

Idaho has always encouraged it's fiercely independent citizens to voice their opinions ^{via initiative} and have provided for this right in our State Constitution ^{as well as provided citizen petition ballot} initiatives.

In 2012, changes were made to the petition Initiatives ^{law} to create more stringent requirements to vet the initiative petition requiring 6% of the registered voters in 18 districts to have validated signatures ^{within an 18 mo. period.}

In 107 years only 30 ballot initiatives have been created. In the past 6 years only 2 ballot initiatives have qualified to be voted on by the citizens of Idaho ^{and of those only one has been voted into law.}

Rural representation is critical in our State. In 2018 petition signature gathering was significant in rural Idaho. I remember speaking with four women from Adams County who were gathering signatures from their neighbors and church members. I spoke with Washington, Payette, Owyhee County citizens who were gathering signatures a year ago.

The process currently in place, has stringent restrictions. The process works, deterring unsupported ^{petitioners} gatherers from successfully bringing Initiatives to the voters.

In Op Ed in Post Register, "The ballot initiative is why the public has the right to know who pays for politician's campaigns and about spending of special interest lobbyist to influence policy."

My name is Ken Harris and I live in Boise and graduated in the 1960's from St. Joseph's and Boise High School. I represent myself. In 1971 I moved to Massachusetts and soon discovered that Massachusetts politics was completely and utterly dominated by the Democrat Party. I grew up a Republican and my father served in the Idaho House from 1976 to 1986 and described himself as a moderate Republican.

I once described to my father how Massachusetts Democrat political leaders often found themselves faced with major legal charges and improprieties and his succinct response was "well, that's what often happens in an overly-matured civilization".

In 1993 I moved back to Idaho and immediately realized that Idaho politics was completely and utterly dominated by the Republican party and attendant entities.

I think it is reasonable to expect that a lot of Idaho citizens are going to view SB1159 as a direct and unequivocal

attack on Article I, section 2 of the Idaho Constitution that declares. "All political power is inherent in the people. Government is instituted for their equal protection and benefit and they have the right to alter, reform or abolish the same whenever they may deem it necessary."

There is a sitting member of the Idaho House of Representatives who was recently ^{2/23/19} videotaped stating ~~(find an appropriate quote)~~ ~~_____~~ "one of the terms I've come to loathe is 'obey the will of the people.'" SB1159 to some Idaho citizens embodies this sentiment and, ^{perhaps not coincidentally,} repeats history in Idaho where voter initiatives were passed and then immediately reacted against, and, in the specific case of term limits, REPEALED by the legislative bodies in this building. As former Idaho Attorney General and Supreme Court Justice Jim Jones wrote on March 9, 2019, (^{Idaho State Journal} ~~tongue-in-cheek~~) "Senate Bill 1159, would effectively put a stop to this nonsense of the people being involved ~~in~~ ⁱⁿ the legislative process." Ken Harris 3/15/19

Charles "Chip" Cole
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March 15, 2018

Re: SB 1159

Sen. Patti Anne Lodge
Idaho Senate, State Affairs Committee

Dear Madame Chairperson,

I am strongly opposed to SB 1159 for the many reasons stated below. I would appreciate your sharing this testimony with the members of your committee.

STATE-LEVEL CITIZEN INITIATIVES REMAIN POPULAR WITH VOTERS

Despite concerns and problems with citizen initiatives in some states, they remain popular with most voters. A leading scholar of these measures concluded:

"In many western American states, however, initiatives play a major role in governing. As initiative use has exploded in many states citizens have remained supportive of the initiative process. A body of recent scholarship suggests initiatives can produce a modest increase in voter turnout, as well as increase the public's engagement with democracy. Surveys reveal that familiarity with direct democracy does not breed contempt for its expanded use. A recent poll (Spring 2000) of voters in Washington state found 78% thought that initiatives were a "good thing." Sixty-nine percent of California respondents offered the same evaluation in 1996, as did 62% of Arkansas voters in 2000. . . . Another recent poll found 68% of Americans supported having initiatives at the state level, . . ." (footnotes omitted)¹

The large turnout at the March 11, 2019 hearing on SB 1159 — where the vast majority of citizens asked to speak against the bill — confirms that Idaho voters oppose further restrictions on the initiative process.

¹ "Expanding Direct Democracy in the US: How Far is Too Far?" Todd Donovan Department of Political Science Western Washington University Bellingham, WA 98225, via "<http://www.iandrinstute.org/reports-papers.cfm>", downloaded Mar. 14, 2019.

SB 1159 MAY BE UNLAWFUL

In a recent newspaper column,² Jim Jones (who is, as you know, a former Attorney General of Idaho and a former Chief Justice of the Idaho Supreme Court),

a) reminded that both the federal district court in Idaho and the Ninth Circuit declared a prior version of Idaho's initiative restriction law (adopted in 1997) unconstitutional, and

b) warned that Idaho's existing law restricting initiatives (adopted in 2013) "certainly appears to be on infirm ground" based on these federal court opinions, and

c) warned that "SB 1159 would be even more vulnerable to challenge."

A copy of his newspaper article is attached.

SB 1159 IS UNNECESSARY

The testimony in favor of SB 1159 on March 11, 2019, suggested that the bill is meant to prevent a confusing proliferation of citizen initiatives on Idaho ballots. Specifically, testimony warned that Idaho might suffer the same problems experienced in California, where ballots are clogged by a large number of issues requiring citizens' votes.

The problems in California are genuine. It is difficult for voters to choose responsibly when facing such a large number of items. But California ballots are more crowded than Idaho ballots could ever be for a variety of reasons.

First, many issues other than state-wide citizen initiatives are included on California's ballots:

- The majority of initiatives on a typical California ballot are "local initiatives": "A recent *Sacramento Bee* column projects an election scenario in the year 2004 in which voters might confront 200 ballot choices, including 35 statewide initiatives **and even more local initiatives** and elected offices."³ Idaho does not permit "local initiatives," and thus would never have the volume of issues typically found on a California ballot.
- Furthermore, in California the Legislature has the power to put initiatives on the ballot: "The California voter confronts a much longer ballot than the number of

² Jim Jones, "Opinion column: Is it time to drive a stake through the heart of Idaho's initiative process?", Idaho Press, Mar. 8 2019, via "https://www.idahopress.com/opinion/guest_opinions/opinion-column-is-it-time-to-drive-a-stake-through/article_51d335e7-52b7-5fd5-a0e5-270d16df9a.html," downloaded Mar. 14, 2019.

³ Charlene Wear Simmons, PhD., "CALIFORNIA'S STATEWIDE INITIATIVE PROCESS", May 1997, CRBCalifornia Research Bureau, California State Library, at 1, via <http://www.iandrinstitute.org/docs/CA-Commission-CRB-CA-Statewide-Initiative-Process-IRI.pdf>, downloaded Mar 14, 2019, emphasis added. Hereinafter, cited as "Simmons."

initiative measures suggests, as **the legislature regularly places bond and constitutional measures on the ballot**. Californians voted on 261 statewide propositions from 1974-90, of which 74 were initiatives and 187 were placed on the ballot by state legislative action. . . . One third of all initiatives qualifying for the ballot between 1966 and 1988 were sponsored by elected officials.”⁴ “The California State Legislature may also place measures on the ballot as legislatively referred constitutional amendments or legislatively referred state statutes.”⁵

- In Idaho, under either the existing law or SB 1159, citizens cannot amend the state constitution. In contrast, in California initiatives can create statutes or amend the constitution.⁶ This increases the number of initiatives.

Second, because Idaho has a much smaller population than California, Idaho would have many fewer ballot measures than California. In 2018, there were 16 state-wide citizen ballot propositions on the California ballot.⁷ Idaho has only 4.5% of the population of California.⁸ (In fact, the population of Santa Clara County, CA, is larger than the entire population of Idaho.⁹) If Idaho citizens pursued initiatives with the same zeal, and money, as California did in 2018, we would have less than one initiative on Idaho’s 2018 ballot.¹⁰

And third, California’s signature-gathering laws are much more lenient than Idaho’s **existing** restrictions. Notably, unlike existing Idaho law, California law imposes no geographical requirements on where signatures must be gathered. (“There is no distribution requirement in California. As such, any proportion of the required signatures may be collected from any county or congressional district.”¹¹) Thus, in

⁴ Simmons, at 4 - 5, emphasis added.

⁵ “Laws Governing the Initiative Process in California,” Ballotpedia, via https://ballotpedia.org/Laws_governing_the_initiative_process_in_California, downloaded Mar 14, 2019. Hereinafter, “Laws Governing - Ballotpedia”.

⁶ Laws Governing - Ballotpedia.

⁷ “California 2018 Ballot Propositions,” Ballotpedia, via “https://ballotpedia.org/California_2018_ballot_propositions”, downloaded Mar 19, 2019.

⁸ In 2018, California’s population was 39.6 million, and Idaho’s was 1.8 million. (“Public Policy Institute of California”, via “<https://www.ppic.org/publication/californias-population>”, downloaded Mar 14, 2019; and “Idaho - Wikipedia”, via <https://en.m.wikipedia.org/wiki/Idaho>”, downloaded Mar. 14, 2019.)

⁹ [Author not disclosed], “California Counties by Population,” via “https://www.california-demographics.com/counties_by_population”, downloaded Mar 14, 2019.

¹⁰ Note that 1.8 million people/39.6 million people = 4.5%; 16 California ballots X 4.5% = 0.75 Idaho ballots.

¹¹ “Laws Governing the Initiative Process in California,” via https://ballotpedia.org/Laws_governing_the_initiative_process_in_California, downloaded Mar 14, 2019.

California it is far easier to qualify an initiative for inclusion on the ballot, and far more appear.

If the Idaho Senate's concern is that too many initiatives qualify for the general election ballot, look to Idaho's track record under the current law: Since 2013, when the current restrictions were adopted, only two initiatives gathered enough signatures, from enough judicial districts, and in the required time span, to appear on the general election ballot.

I urge you and members of your Committee not to refer SB 1159 to the Senate.

Respectfully,

Chip Cole

Idaho Press

Opinion column: Is it time to drive a stake through the heart of Idaho's initiative process?

- Jim Jones Mar 8, 2019



Jim Jones

The people of Idaho decided in 1911 to put a process in place to enact or repeal legislation at the ballot box when they disagreed with the Idaho Legislature. It was part of a reform effort that was sweeping the country because of recalcitrant legislators. Idaho voters have used the initiative from time to time when the Legislature has refused to honor the popular will.

After the people tired of the Legislature's refusal to expand Idaho's Medicaid program, the voters acted to get the job done through an initiative. That initiative passed last year by a substantial majority.

Some legislators are offended when the people take the law into their own hands. Some think the voters are not smart enough to be able to pass legislation on their own—to second guess the elected representatives. There are often legislative efforts to repeal or redo when the people have spoken through passage of initiatives or referenda. We have seen that with the Medicaid initiative.

Now, legislation has been proposed that would kneecap the initiative and referendum process. With passage of that legislation, there would be no more people-initiated laws like Medicaid expansion and no more repeals by referendum like the Luna laws in 2012.

The legislation, Senate Bill 1159, would effectively put a stop to this nonsense of the people being involved in the legislative process.

The bill would require a herculean signature-gathering effort to put an initiative or referendum measure on the general election ballot. Instead of having to gather signatures from more than 6 percent of voters in each of 18 of Idaho's 35 legislative districts, proponents would have to get the signatures of at least 10 percent of voters in each of 32 legislative districts. The statewide total of voter signatures would be increased from 6 percent to 10 percent. And, the signatures would have to be gathered in 180 days, rather than the current 18 months.

It is not as if the people of Idaho misuse the initiative/referendum process. Even though the process was put into the Constitution in 1911, it was not even used until 1938 when the voters established the Idaho Fish and Game Commission. It has been sparingly used since then.

The Legislature has tried to make it difficult to get a measure on the ballot in the past. In 1997, the Legislature put in a requirement that a ballot measure had to have signatures from at least 6 percent of the voters in each of 22 counties. However, on November 30, 2001, the federal court in Idaho found this requirement unconstitutional. For inquiring minds, the case is Idaho Coalition United for Bears v. Cenarrusa (234 F.Supp.2d 1159). The dreaded Ninth Circuit Court of Appeals affirmed the decision in 2003.

The Legislature, assuming that the provision was unconstitutional, formally repealed it in 2007. However, the Legislature resurrected the scheme in 2013 with the current signature requirement 6 percent of voters in each of 18 legislative districts. That has not been tested in court yet, but it certainly appears to be on infirm ground in light of the bear coalition decision. SB 1159 would be even more vulnerable to challenge.

Article I, section 2 of the Idaho Constitution declares: "All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same whenever they may deem it necessary." The people approved the Idaho Constitution, delegating the legislative power to the Legislature, but then decided to take back some of that power through the initiative/referendum process. It is odd that some in the Legislature now wish to drive a stake into the heart of that people-driven legislative process.

Jim Jones previous columns can be found at <https://JJCommonTater.com>.

It was pointed out in this debate that the Founding Fathers did not create a democracy but a republic. Things have evolved in the last two hundred years. Today, most of the Fouding Fathers would be arrested for their crime of slavery.

Please don't confuse promoting democracy with being subversive. In the name of democracy I ask you to oppose the "Silence the Voter" bill, SB 1159.

Thank you for your time.

Carl Isaksen
2019 Mortimer Ct.
Boise, Id 83712

Opposition to SB 1159

Thank you Chair Sen Patti Lodge, Vice Chair Sen Mark Harris and the rest of the Committee. My name is Shawn Keenan. I hail from Dist. 4 in CDA, Senator Mary Souza's home town. I am currently the Kootenai County Statesman for the Idaho Democratic Party. I am also the president of the Kootenai Democrat Club. I have traveled 380 miles to be here today, to strongly oppose Senate Bill 1159. I would like to give my testimony as to the challenges we faced while collecting signatures for Prop 2 last year.

Given the time of year that we got started, we did not have the luxury of having large public gatherings, like fairs or festivals, to collect signatures. We also had very limited luck trying to gather signatures outside of local grocery stores or other local businesses. Therefore it became clear that our best strategy to engage voters would be to canvass door to door. I recall one snowy afternoon in late February 2018. The temperature was in the low teens at best and there was heavy snow on the ground, much like we have now in CDA. Looking back, the thought of canvassing door to door in this type of inclement weather seems a bit extreme and crazy. But there we gathered about 15 volunteers to get out into one of our more densely populated neighborhoods, determined to gather signatures for the ballot initiative. Bundled in layers of clothes and our pockets stuffed with hand warmers we took to the streets to talk with our neighbors about the importance of this initiative, giving voters a choice at the polls that following November. We spent the better part of 4 or 5 hours out in the neighborhood before we were too frozen numb to go on. Despite our determination that day, many volunteers only came back with a few signatures, maybe getting a half or part of a page completed. After counting up all the signatures at the end of the day, we knew that many more challenging days like that one were ahead if we were to meet the signature deadline. And there were.

This is just one example of the challenges we faced during the process of gathering signatures for Prop 2. The bar is already very high in order to get initiatives on the ballot here in Idaho. Please seriously consider my testimony today and the others here in the room that are sharing their testimonies before you decide how you are going to vote on this bill. Thank you for taking the time to listen to me today.

Brenda Foster
723 Hillview Dr.
Boise, ID 83712

March 15, 2019

Testimony to the Idaho Senate State Affairs Committee
Regarding SB1159

To: Honorable Senators Lodge, Harris, Hill, Winder, Vick, Anthon, Souza, Stennett, Buckner-Webb:

My name is Brenda Foster. I am an Idaho native.

I'm providing you today with a snapshot of how much work it takes—under the current regulations—for voters to initiate laws.

We Idahoans are a strong bunch. We are bright. We think for ourselves. We care about each other. And we make our voices heard.

But this process is already restrictive.

I am just an ordinary citizen, and I myself invested more than 300 hours on the Medicaid Expansion citizens' initiative. To give you an idea of just how much energy this takes, I can tell you that one day, after gathering signatures, I was so worn out that I was diagnosed with pneumonia.

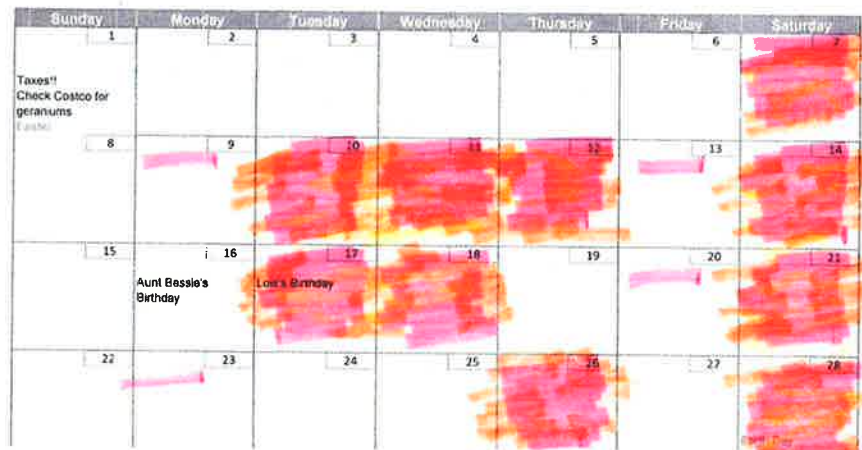
Getting an initiative on the ballot already requires a monumental effort by people all over the state of Idaho.

We Idahoans are a strong bunch. We are bright. We think for ourselves. We care about each other. Please don't silence our voices with SB1159.

April 2018

Sincerely,

Brenda Foster



SB 1159

Madam Chair and members of the committee, my name is Donna Yule and I am the President of the southwest Idaho Chapter of the National Organization for Women.

I'm speaking today in opposition to SB 1159 on behalf of our members.

Many members of NOW volunteered ~~with Reclaim Idaho~~ ^{a recent} to collect signatures for the ~~the Medicaid expansion~~ initiative. No one in our organization was paid a single dollar for all the work we did on the campaign.

Rather, we spent our own money on shoes and gas and photocopies and even in becoming certified Notary Publics. We spent hundreds, maybe even thousands of hours of our own time working on behalf of our fellow Idahoans ~~who have no access to health care.~~

Some days, we were rewarded with lunch. Some days we bought lunch for everyone else. We knocked on doors after work and on the weekends. We gathered signatures at music festivals and at the zoo, at our places of work, our places of worship and in front of the DMV.

We gathered signatures in rural areas where it took five minutes or more to walk from one house to the next. We sat in living rooms and called all our friends to get more people to volunteer.

In the end, 98% of the signatures gathered to get Prop 2 on the ballot came from unpaid volunteers like our members. All that hard work paid off at the polls when 61% of Idaho voters said yes on 2.

This body had ample opportunity to save thousands of grassroots activists from having to do all that physically and mentally demanding work. Up until a year ago, I was a paid lobbyist working in this ~~very~~ ^{building} body, and I saw how, for six long years, your constituents begged you to address the Medicaid gap population.

And now, when the voters finally sent you a message, loud and clear, that we want Medicaid ^{of the legislature} expansion, this bill ~~tries~~ ^{comes along to try to} to silence our voices in the future.

^{to deal with this issue.}
I was working in this statehouse when the voters passed the referendum of the Luna Laws, and I helped to gather signatures for that effort. Immediately after that successful referendum, the legislature passed the current law which made it more difficult to get a initiative or referendum on the ballot. Now, after the citizens passed Prop 2, we are faced with ^{yet} another proposed law to even further restrict our rights as citizens and voters. The Idaho Constitution clearly gives us, the people, the power to propose laws and enact the same at the polls independent of the legislature.

Yet Its almost as if some of the members in this body think we, the voters, are not capable of ^{own} knowing what is best for our families and our neighbors.

The members of NOW urge you to vote NO on Senate Bill 1159.

Thank you.

(Donna Yule)

MADAM CHAIR-MEMBERS OF THE COMMITTEE-THANK YOU FOR THE OPPORTUNITY TO TESTIFY TODAY

MY NAME IS JON GLICK AND I LIVE AT 101 ELKHORN RANCH RD IN MCCALL

I AM GOING TO FOCUS ON 2 POINTS TODAY: #1 : 1159 IS SUPPOSED "TO ALLOW RURAL DISTRICTS TO BE MORE INVOLVED AND NOT JUST HAVE THE CITIES DICTATE WHAT'S HAPPENING, AND #2: WHAT IF 1159 HAD BEEN LAW IN 2017

I LIVE IN MCCALL-IN VERY RURAL DISTRICT 8-AND I CAN TELL YOU RURAL D-8 WAS HIGHLY INVOLVED IN PROP 2.

I BECAME CO-CHAIR OF THE MEDICAID EXPANSION INITIATIVE IN JANUARY OF 2018. WE STOOD OUT IN THE COLD AND SNOW FOR HOURS COLLECTING SIGNATURES. IT WAS NOT EASY, AND AS LUKE SAID, IT SHOULD NOT BE EASY.

IN APRIL OF 2018, FOUR OF US FROM MCCALL, WHO FELT SO STRONGLY ABOUT GETTING MEDICAID EXPANSION ON THE BALLOT, DROVE DOWN TO CANYON COUNTY ON 2 SEPARATE SATURDAYS TO GO DOOR TO DOOR GATHERING SIGNATURES. THE STORIES WE HEARD ABOUT PEOPLE'S SONS AND DAUGHTERS WHO COULD NOT GET HEALTHCARE TOUCHED MY HEART EVEN DEEPER. I DECIDED I HAD TO RUN FOR HOUSE SEAT 8A IN DISTRICT 8.

I PUT SOME 7,000 MILES ON MY CAR CAMPAIGNING FOR PROP 2 FROM EMMETT TO SALMON—AND THAT DOESN'T COUNT

Mr. Chairman, Members of the Committee. My name is Dena Duncan and I'm here in opposition to SB1159. I am testifying for myself.

The Idaho Constitution allows for the People of Idaho, when they believe that their concerns are not being addressed by the legislature, to bring forward initiatives/referendums to address their concerns, and if enough people agree, to put these initiatives to the vote of the People. As the Idaho Constitution states, "All political power is inherent in the People..." The Government exists to institute the will of the People.

I remember when 4 initiatives were brought forward that had to do with changes to education. All four were passed by the People. But, the Legislature didn't like what the People had passed and revoked them. The result after that was that the Legislature, as it was then constituted, immediately decided that the initiative process was obviously too easy for the People to meet the requirements for getting initiatives on the ballot and therefore, made the requirements stricter. They raised the bar. They obviously thought that this would prevent most, if not all, future initiatives from meeting the new higher standards. They were wrong. Now, some in the Legislature seem to be unhappy that two initiatives were placed on the 2018 ballot under these stricter requirements. One passed and seems to be the reason why some now want to make it even more difficult for We, the People to get initiatives on the ballot. I don't believe that's what the writers of the Idaho Constitution had in mind. By their votes, the People spoke on both 2018 initiatives.

"All political power is inherent in the People..." Government is meant to provide equal protection and benefits for the People of Idaho. To maintain that, the Legislature must provide reasonable standards for the People to be able to bring forward initiatives they strongly believe in. SB1159 should not be those standards. I ask that you vote no on this bill and not pass it forward.

I thank you for listening.

Dena Duncan 3/15/19

Senator Lodge and Committee Members,

S.1159 March 15m 2019

I appreciate the chance to add factual data to the record on S 1159.

Last Monday, Senator Grow stated Nevada's initiative process requires obtaining valid signatures from 10% of voters in the prior election. The Senator implied this was a stiff requirement we should emulate. He failed to outline that the 10% is required from each of Nevada's four congressional districts. **Not** from **each** of its 21 legislative districts. In the 2018 election cycle, this meant obtaining 28,544 valid signatures from each of Nevada's four Congressional districts.

Three of Nevada's four Congressional Districts each have a piece of the urbanized Las Vegas area. And their other district, the 2nd Congressional District, covers the northern tier of Nevada including the cities of Elko, Winnemucca, Reno and Carson City. So you can see that gathering sufficient signatures just in the core cities would be a straightforward activity. In fact, in 2018 Nevadans got to vote on six ballot measures. *

So travel north to Idaho where legislators in 2013 greatly stiffened the requirements for qualifying an initiative or referendum. In the five years since these tougher qualifying requirements were imposed, only 2 initiatives have been put before Idaho voters out of 10 attempts. These 2 initiatives demanded monumental organizing all across the state, and in one case, many hired signature gatherers had to be used.

Making our already difficult process even harder through the triple-whammy of S 1159 thwarts good, responsive government. It's a solution not demonstrably needed. You have a non-existent problem.

I urge this Committee to kill this bill. We have a burdensome initiative process already. Don't make Idaho the toughest state in 26 states where citizens can bring critical issues to the electorate.

Thank you.

Kay Hummel
420 E Crestline Drive
Boise, ID 83702

* <https://www.rgj.com/story/news/politics/2018/11/07/nevada-ballot-measures-which-ones-passed-failed-and-what-means/1925403002/>

I am not an attorney nor am I a constitutional scholar, but I am a citizen of the United States and I can read the constitution.

The First Amendment of the US Constitution states that "Congress shall make no law...abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

It seems to me that this bill violates the First Amendment as it does indeed violate the right of the people to petition the Government for a redress of grievances. By making Idaho's law regarding citizen-initiated petitions the toughest of all such laws in the 26 states that have them, this bill seems likely to be overturned.

As recently as this past December, another of Idaho's law, the "Ag Gag Law," was overturned by the Ninth Circuit Court for reasons of violating the First Amendment guarantee of free speech. In that case, the State of Idaho was required to pay \$260,000 in attorney fees alone. This does not, of course, take into account other moneys the state spent in fighting that particular First Amendment case.

Don't impinge Idaho citizen's right to petition. Don't infringe our First Amendment rights. Don't once again pass a law that will needlessly waste Idaho taxpayer's tax dollars.

Lori Ode
111 E. Crestline Drive
Boise, Idaho 83702
(208) 724-1376

THE 2 WONDERFUL TRIPS LUKE AND I TOOK ACROSS DISTRICT 8
IN THE GREEN MEDICAID MOBILES ON BEHALF OF PROP 2.

I WENT DOOR TO DOOR AND UP AND DOWN MAINSTREETS IN
EMMETT, MCCALL, CHALLIS AND SALMON TALKING WITH
FOLKS ABOUT PROP 2. MANY ALREADY KNEW ABOUT IT
BECAUSE THEY KNEW SOMEONE IN THE GAP OR THEY
THEMSELVES WERE IN THE GAP.

RURAL IDAHOANS IN D-8 KNEW ABOUT PROP 2 WHICH IS WHY
THE PASSED IT IN ALL 5 COUNTIES. RURAL IDAHOAN ARE
ALREADY INVOLVED.

I AM CONCERNED THAT-HAD 1159 BEEN LAW IN 2017—62,000
IDAHOANS IN THE GAP WOULD NOT HAVE THE HOPE THEY
HAVE TODAY—THAT FINALLY THIS NEXT JANUARY THEY WILL
GET THE HEALTHCARE THEY NEED AND DESERVE.

WE WOULD NOT EVEN BE TALKING ABOUT PROP 2 TODAY
BECAUSE-AS I ASKED LUKE ON TUESDAY—HAD 1159 BEEN LAW
IN 2017 WOULD YOU EVEN HAVE DONE THE INITIATIVE? I
ALREADY KNEW HIS ANSWER —AND IT WAS “NO, VERY LIKELY
NOT”.

MY BIGGEST CONCERN IS THIS: HOW MANY FUTURE-PERHAPS
LIFE AND DEATH ISSUES—LIKE PROP 2—WILL 1159 SILENCE
BECAUSE THE INITIATIVE REQUIREMENTS ARE TOO HIGH—AND
ORDINARY IDAHO CITIZENS CANNOT AFFORD TO EXERCISE
THEIR CONSTITUTIONAL RIGHT?

PLEASE VOTE NO ON 1159 THANK YOU

TESTIMONY IDAHO STATE LEGISLATURE
March 11, 2019
SENATE STATE AFFAIRS COMMITTEE
REQUIREMENTS FOR BALLOT INITIATIVES

Cynthia Brooke, MD
Middleton, Idaho
cbrooke1@live.com

Good Morning Chairwoman Lodge and members of the Committee. My name is Cynthia Brooke and I am here today as a concerned constituent. As our democratically elected state representatives; I look to you to safeguard the will and welfare of all Idahoans and I know you take that responsibility very seriously.

In 2010 when the ACA became law, the state legislature and Governor Otter chose not to expand Medicaid in this state causing Idaho to miss out on 3.3 billion dollars of federal funding over 10 years. Surely Idahoans would have benefited from that money by improving the health of many of our citizens. We will never know how many lives would have been saved. We will never know what improvements would have been possible to our hospitals and the communities they serve. That is because no amount of concern, cajoling or pressure could get the legislature at the time to change its stance.

After 6 years of inaction the people of Idaho took on the daunting task of beginning the ballot initiative process gathering over 56,000 signatures in 18 districts. After months of work and organization by volunteers, the ballot initiative finally went for a vote and passed by a huge margin. No one can say that the will of the people is in doubt.

Now we find the will of the people being undermined at every turn with the proposal of onerous sideboards which weaken the bill and finally by undermining the ballot initiative process itself.

In Idaho, common people have a constitutional right to petition their government when they think their will is being thwarted or corrupted by powerful lobbies or special interests. When Idahoans hear from the Idaho Freedom Foundation, they know that if you are poor, or sick, or ill informed, you are not "free". If you are powerless to influence your government, because your voice is drowned out by millions of dollars in dark money, you are not "free".

YOU WORK FOR US.

There has not been one coherent argument made that this bill will improve the lives of Idahoans. Until that argument can be made, this bill should never see the light of day.

SB 1159 3/15/19

Thank you Ms chairman and committee members, My name is Gail Kirkpatrick and I am representing myself. I have a handout for all of you.

Senator Grow stated, as I read in the newspaper, that what he was proposing with this bill was nothing that other states didn't already require, I decided to do some research and see for myself. This table represents what I found.

Note I've only included states in the west - I did not look at Michigan or Florida, etc. I've ordered the states by % of signatures. You can see the lowest number is 5% and the highest 15%. Idaho at present is 6% and the proposed is 10%. So at first glance the senator seems right. However, look more closely and you can see that all of the other states' percentages are based on votes cast, or ballots cast in some previous election. Now look at Idaho - the % is based on qualified electors - in other words registered voters, NOT just the number who voted. So clearly we started out at a disadvantage to begin with-----

Now look at # of districts required - some have none, two use congressional districts as we do, another uses senate district, and another uses county. So it's hard to compare apples to apples. But even if you look at the percentages, we are about in the middle and the proposed is at the high end. But look further at the time to collect the signatures. Three of the four states allow 10-12 months and the fourth one allows 18 months. Our proposed change only allows 6 months, and that is to collect a higher number of signatures than anyone else.

I think you can see that this proposed change is much more restrictive than any other state on our area.

Which leads me to wonder why Senator Grow would want to change something that is not broken and suggest these changes that are the most restrictive. Maybe he thought it was too easy to get an initiative on the ballot? If any of you think it was easy, think again! It was HARD. Hundreds of volunteers worked hundreds of hours - we battled the heat, the rain and the snow collecting signatures. Thank you.

Submitted by Gail Kirkpatrick

STATE REQUIREMENTS FOR VOTER INITIATIVES

STATE	% OF SIGNATURES	# DISTRICTS REQUIRED	TIME TO COLLECT SIGNATURES
Colorado	5% of total votes cast for Secretary of State in last election	None specified	6 months
California	5% of votes cast for Governor in last election	None specified	6 months
Montana	5% of votes cast for Governor in last election	34/100 congressional districts (34%)	12 months
Oregon	6% of votes cast for Governor in last election	None specified	24 months
Washington	8% of votes cast for Governor in last election	None specified	6 months
Nevada	10% of votes in preceding general election	4 /4 congressional districts (100%)	11 months
Utah	10% of votes cast for president in last presidential election	26/29 senate districts (90%)	10.5 months (316 days)
Wyoming	15% ballots cast in previous general election	15/23 counties (65%)	18 months
Idaho - present	6% of qualified electors in last general election	18/35 congressional districts (51%)	18 months
Idaho - proposed	10% of qualified electors in last general election	32/35 congressional districts (91%)	6 months

Submitted by Gail Kirkpatrick

Source: Ballotpedia.org/states_with_initiative_or_referendum

Madam Chair

Good Morning. ~~Chairwoman Lodge~~, members of the Committee. My name is Roberta D'Amico, I ~~have lived~~ in Boise, Idaho for ~~20 years~~, and I represent myself. Thank you for your service to all of Idaho's citizens and the opportunity to testify today. I appreciate ~~the~~ ^{the ext today} extending the testimony from Monday, as well as the recognition of the citizen volunteers. I'm here today ~~to express my~~ ^{as I} opposition to **Senate Bill 1159**

Time and again, we've heard the history of the Idaho Constitution, the citizen initiative process, the challenges of the current process, and the ~~staggering~~ implications of the numerical changes being proposed, ~~for citizen-initiated referendums in this bill~~

^{said enough}

What hasn't been ~~stated~~, is that **SB-1159** is saying any citizen initiative has to include a funding mechanism, **yet our citizen legislators do NOT have to include a funding mechanism**, they just have to provide a fiscal note. Legislators have to say what they estimate the bill will cost, but they don't have to say where the money would come from. For example, Representative's Vander Woude's "Medicaid sideboards" bill just says it'll cost \$2.6M, but says nothing about where that money will come from. It's up to the Appropriations Committee to find the money in the budget once the bill is passed. Under SB-1159, citizens **will have a much bigger burden than our elected legislators face. It's a disturbing, disproportionate action against citizen initiatives that comes at a curious moment in time, right after the success of the Medicaid Expansion Initiative.**

In closing, in a recent guest opinion, published in the Idaho Press on a subject unrelated to SB-1159, Representative Greg Chaney's comment struck me. He wrote: "*The most sacred responsibility of any lawmaker is to ensure that we protect the people we serve. That means everybody, not just certain select groups.*" {End Quote} (Link: [Idaho Press Guest Opinion 2.6.2019](#))

~~Not just select groups.~~ Citizens are not professionally paid lobbyists with a significant funding source. I urge you ~~not~~ ^{support} to ~~suppress~~ the voices of ~~Idahoans~~ ^{everyday}. I urge you to vote NO on SB-1159 ^{and} ~~Voting NO is a~~ vote for the citizens of Idaho.

Thank you for your time, your service, and the ability to testify.

Roberta D'Amico (joro.boise@gmail.com) 3109 S Crossfield Way, Boise, Idaho 83706

Testimony: Donald V Shaff before the Senate State Affairs Committee, March 15, 2019

Madam Chair and members of the committee,

SB 1159 is not the first time the Legislature has sought to amend the Initiative/Referendum statute. The current law was a successful amendment to restrict Idaho citizens to act when the Legislature refused to heed citizens desire to enact or amend Idaho statutes. Despite those restrictive amendments in the current law, not one but two initiatives exceeded those restrictions and were voted by the people in the 2018 election. SB 1159 is another negative reaction of some members of the Legislature exceedingly and excessively further to restrict Idaho citizens to govern when their voices are ignored.

All the currently Idaho elected officials from the governor on down the ballot, the majority in the Legislature, and many of their supporters gather in a Lincoln Day gala event to celebrate the Grand Ole Party and our famous president. I would remind you former President Lincoln is justly credited with the phrase government of the people, by the people, for the people. He was reminding us government comes from the people not only at the ballot box but also from the grass roots level to govern themselves.

I implore you for the sake of the Idaho Constitution and our fellow citizens to keep SB 1159 in committee and, in effect, kill it.

MADAM CHAIR, MEMBERS OF THE COMMITTEE:

MY NAME IS GARY MONCRIEF. WE'VE HEARD MANY ARGUMENTS AGAINST THIS BILL, AND I AGREE WITH ALMOST ALL OF THEM. BUT I WILL NOT RESTATE THOSE ARGUMENTS. INSTEAD, I WILL SPEAK DIRECTLY TO THE ARGUMENT THAT SOMEHOW RURAL INTERESTS ARE DISADVANTAGED AND REQUIRE REMEDY.

IN FACT, MANY RURAL DISTRICTS ARE ALREADY ADVANTAGED BY THE CURRENT SYSTEM AND S1259 WOULD INCREASE THAT ADVANTAGE.

S1259 CALLS FOR SIGNATURES TO BE GATHERED WITHIN THAN 6 MONTHS FROM 10 PERCENT OF THE REGISTERED VOTERS IN OVER 90% OF THE LEGISLATIVE DISTRICTS. ASIDE FROM THE EXTRAORDINARY BARRIER THIS WOULD CREATE IN GENERAL, IT ACTUALLY GIVES DISTRICTS WITH LOWER REGISTRATION NUMBERS—MANY OF WHICH ARE RURAL DISTRICTS-- A DISTINCT ADVANTAGE.

TODAY THE NUMBER OF REGISTERED VOTERS IS WILDLY DIFFERENT FROM ONE DISTRICT TO ANOTHER. BECAUSE WE ARE TOWARD THE END OF THE CURRENT REDISTRICTING CYCLE, THE POPULATION DISPARITY AND REGISTERED VOTER DISPARITY BETWEEN LEGISLATIVE DISTRICTS HAS GROWN MARKEDLY OVER THE DECADE.

FOR EXAMPLE, DISTRICT 27 (CASSIA AND MINIDOKA) CURRENTLY HAS 17,037 REGISTERED VOTERS. DISTRICT 14 (AN URBAN/SUBURBAN DISTRICT) CURRENTLY HAS 37,932 REGISTERED VOTERS. THAT MEANS S1259 WOULD REQUIRE ABOUT 1700 SIGNATURES IN DISTRICT 27 BUT ALMOST 3,800 SIGNATURES IN DISTRICT 14. THAT IS 223% MORE SIGNATURES REQUIRED IN 14 THAN IN 27.

DISTRICT 23 (ELMORE AND OWYHEE COUNTIES) HAS 18,442 REGISTERED VOTERS, WHILE DISTRICT 19 (NORTH END OF BOISE) HAS 33,154. S1259 WOULD REQUIRE 80% MORE SIGNATURES IN DISTRICT 19 THAN IN 23.

THE FIVE DISTRICTS WITH THE LOWEST REGISTRATION NUMBERS AVERAGE FEWER THAN 20,000 REGISTERED VOTERS WHILE THE FIVE WITH THE HIGHEST AVERAGE OVER 32,000. THIS IN ITSELF WOULD ALMOST CERTAINLY RENDER S1159 UNCONSTITUTIONAL.

AS BOTH THE U.S. DISTRICT COURT AND THE U.S. COURT OF APPEALS SAID IN THE 2003 IDAHO COALITON UNITED FOR BEARS V. CENARUSSA, "THIS GEOGRAPHIC DISTRIBUTION REQUIREMENT FAVORS RESIDENTS OF SPARSELY POPULATED AREAS OVER RESIDENTS OF MORE DENSELY POPULATED AREAS IN THEIR RESPECTIVE EFFORTS TO PARTICIPATE IN THE PROCESS OF QUALIFYING INITIATIVES FOR THE BALLOT." THE COURTS DECLARED THAT REQUIREMENT A VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT.

BY THE WAY, THE FIVE DISTRICTS THAT WOULD BE MOST DISADVANTAGED BY THIS BILL— HAVING TO GATHER FAR MORE SIGNATURES THAN OTHER DISTRICTS—ARE 14, 18, 19, 21—ALL IN ADA COUNTY, AND DISTRICT 2 IN KOOTENAI COUNTY.

SOME OF YOU KNOW ME, AND YOU KNOW THAT I'VE SPENT A CAREER ADVOCATING FOR STATES AND FOR STATE LEGISLATURES. I HAVE BEEN A CONSULTANT WITH THE NATIONAL CONFERENCE OF STATE LEGISLATURES, THE STATE LEGISLATIVE LEADERS' FOUNDATION, AND THE COUNCIL OF STATE GOVERNMENTS. I BELIEVE FERVENTLY IN STATE LEGISLATIVE INSTITUTIONS. BUT I ALSO KNOW THAT STATE LEGISLATURES ARE NOT INFALLIBLE, AND THAT A REASONABLE REMEDY MUST BE AVAILABLE TO THE CITIZENS.

ULTIMATELY, THE QUESTION BECOMES, "WHY RUSH TO THIS RIGHT NOW?" IT IS OBVIOUS THAT THERE IS GREAT RESISTANCE TO THIS AMONG MANY CITIZENS OF THE STATE OF IDAHO. SERIOUS QUESTIONS HAVE BEEN RAISED ABOUT CONSTITUTIONALITY AND THE POTENTIAL EFFECTS OF THIS BILL.

THE PRESIDENT PRO TEM WAS QUOTED SEVERAL TIMES THIS WEEK AS SAYING "THE TIMING OF THIS BILL IS UNFORTUNATE." I COULD NOT AGREE MORE.

SO WHY FORCE ITS CONSIDERATION NOW?

FACED WITH QUESTIONS ABOUT FAIRNESS, ABOUT CONSEQUENCES AND CONSTITUTIONALITY OF A PROPOSED MEASURE, WHAT DO COMMITTEES OFTEN DO?

THEY DO WHAT THIS COMMITTEE DID ON MONDAY IN REGARD TO THE LIQUOR LICENSE BILL: HOLD THE BILL UNTIL MORE EVIDENCE AND INPUT CAN BE GAINED.

I HAVE HEARD NO COMPELLING ARGUMENT FOR WHY WE NEED THIS BILL AT ALL, AND CERTAINLY I HAVE HEARD NO COMPELLING ARGUMENT FOR WHY WE NEED IT RIGHT NOW.

I RESPECTFULLY URGE THE COMMITTEE TO HOLD S1259.

Rod Beck



Comparing Idaho's Initiative & Referendum to the Process in Other States

THE 26 INITIATIVE & REFERENDUM STATES

1. **Alaska** — Statutory & referendum only
2. **Arizona** — Constitutional, statutory & referendum
3. **Arkansas** — Constitutional, statutory & referendum
4. **California** — Constitutional, statutory & referendum
5. **Colorado** — Constitutional, statutory & referendum
6. **Florida** — Constitutional amendments only
7. **Idaho** — Statutory & referendum only
8. **Illinois** — Constitutional amendments only
9. **Maine** — Statutory & referendum only
10. **Maryland** — Referendum only
11. **Massachusetts** — Constitutional, statutory & referendum
12. **Michigan** — Constitutional, statutory & referendum
13. **Mississippi** — Constitutional amendments only
14. **Missouri** — Constitutional, statutory & referendum
15. **Montana** — Constitutional, statutory & referendum
16. **Nebraska** — Constitutional, statutory & referendum
17. **Nevada** — Constitutional, statutory & referendum
18. **New Mexico** — Referendum only
19. **North Dakota** — Constitutional, statutory & referendum
20. **Ohio** — Constitutional, statutory & referendum
21. **Oklahoma** — Constitutional, statutory & referendum
22. **Oregon** — Constitutional, statutory & referendum
23. **South Dakota** — Constitutional, statutory & referendum
24. **Utah** — Statutory & referendum only
25. **Washington** — Statutory & referendum only
26. **Wyoming** — Statutory & referendum only

15 States = Constitutional, statutory & referendum processes

6 States = Statutory & referendum only (includes Idaho)

3 States = Constitutional amendments only

2 States = Referendum only

Geographic Distribution Requirements

— *Among the 26 states with initiative and/or referendum processes . . .*

- 9 states have no geographical distribution requirement at all [35%]
- 5 states have a requirement based on congressional districts (and all 5 states are easier to qualify a ballot measure in than is Idaho under either current law or the SB-1159 requirement) [19%]
- 7 states have a county-based requirement (and all 7 states are easier to qualify a ballot measure in than is Idaho under either current law or the requirement in SB-1159) [27%]

Right now, **85%** of the states with initiative and/or referendum (**22 of the 26 states**) have an easier geographical distribution requirement than does Idaho.

If SB-1159 passes, Idaho will have a more restrictive requirement than 92% of I&R states (24 of 26), with only Colorado more restrictive.

STATE LEGISLATIVE DISTRICTS ARE MUCH TOUGHER TO WORK WITH THAN COUNTIES OR CONGRESSIONAL DISTRICTS (CD) BECAUSE:

- While virtually all voters know the county they live in
- Fewer, but still many people know which congressional district they are in
- BUT the vast majority of people DO NOT KNOW which state legislative district they live in.

The following page compares the 26 states on the difficulty of their geographical distribution rules regarding petitions and shows the impact of SB-1159.

From Least to Most Difficult — on Geographical Distribution Requirements

w/ CURRENT IDAHO LAW IN PLACE

(9 tied for best: no geographical distribution requirement at all)

- | | |
|----------------------------------|---|
| 1. Arizona (no requirement) | 16. Ohio (county-based) |
| 1. California (no requirement) | 17. Mississippi (CD-based) |
| 1. Illinois (no requirement) | 18. Nevada (CD-based) |
| 1. Maine (no requirement) | 19. Wyoming (county-based) |
| 1. North Dakota (no requirement) | 20. New Mexico (county-based) |
| 1. Oklahoma (no requirement) | 21. Missouri (CD-based) |
| 1. Oregon (no requirement) | 22. Montana (1/3 of legislative districts for statutes & 2/5 for amendments) |
| 1. South Dakota (no requirement) | 23. Idaho (18 of 35 senate districts – statute) |
| 1. Washington (no requirement) | 24. Alaska (3/4 of 40 House districts – statute) |
| 10. Maryland (county-based) | 25. Utah (26 of 29 state senate districts – statute only) |
| 11. Massachusetts (county-based) | 26. Colorado (All 35 state senate districts – constitutional amendments only) |
| 12. Michigan (CD-based) | |
| 13. Arkansas (county-based) | |
| 14. Nebraska (county-based) | |
| 15. Florida (CD-based) | |

CD = Congressional District

From Least to Most Difficult — on Geographical Distribution Requirements

w/ PASSAGE OF SB-1159

(9 tied for best: no geographical distribution requirement at all)

- | | |
|----------------------------------|--|
| 1. Arizona (no requirement) | 16. Ohio (county-based) |
| 1. California (no requirement) | 17. Mississippi (CD-based) |
| 1. Illinois (no requirement) | 18. Nevada (CD-based) |
| 1. Maine (no requirement) | 19. Wyoming (county-based) |
| 1. North Dakota (no requirement) | 20. New Mexico (county-based) |
| 1. Oklahoma (no requirement) | 21. Missouri (CD-based) |
| 1. Oregon (no requirement) | 22. Montana (1/3 of state legislative districts for statutes & 2/5 for amendments) |
| 1. South Dakota (no requirement) | 23. Alaska (3/4 of 40 state House districts – statute only) |
| 1. Washington (no requirement) | 24. Utah (26 of 29 senate districts – statute) |
| 10. Maryland (county-based) | 25. Idaho (32 of 35 senate districts – statute) |
| 11. Massachusetts (county-based) | 26. Colorado (All 35 state senate districts – constitutional amendments only) |
| 12. Michigan (CD-based) | |
| 13. Arkansas (county-based) | |
| 14. Nebraska (county-based) | |
| 15. Florida (CD-based) | |

SOURCE: Ballotpedia

https://ballotpedia.org/Distribution_requirement

Signature Requirements for Statutory Initiatives

— Among the 21 States with a Statutory Initiative Process

From Least to Most Difficult — on Requirements for Initiative Statutes

w/ CURRENT IDAHO LAW IN PLACE

- | | |
|---|---------------------|
| 1. Massachusetts – 3% | 11. Nebraska -- 7% |
| 2. North Dakota – 2% (of entire state population) | 12. Arkansas – 8% |
| 3. California – 5% | 12. Michigan – 8% |
| 3. Colorado – 5% | 12. Oklahoma – 8% |
| 3. Missouri – 5% | 12. Washington – 8% |
| 3. Montana – 5% | 16. Alaska – 10% |
| 3. South Dakota – 5% | 16. Arizona – 10% |
| 8. Idaho – 6% | 16. Maine – 10% |
| 8. Ohio – 6% | 16. Nevada – 10% |
| 8. Oregon – 6% | 16. Utah – 10% |
| | 21. Wyoming – 15% |

Currently, 11 states are tougher, 7 states are easier, and two states have the same 6% threshold.

From Least to Most Difficult — on Requirements for Initiative Statutes

w/ PASSAGE OF SB-1159

- | | |
|--------------------------------------|------------------------|
| 1. Massachusetts – 3% | 11. Michigan – 8% |
| 2. North Dakota – 2% (of state pop.) | 11. Oklahoma – 8% |
| 3. California – 5% | 11. Washington – 8% |
| 3. Colorado – 5% | 15. Alaska – 10% |
| 3. Missouri – 5% | 15. Arizona – 10% |
| 3. Montana – 5% | 15. Idaho – 10% |
| 3. South Dakota – 5% | 15. Maine – 10% |
| 8. Ohio – 6% | 15. Nevada – 10% |
| 8. Oregon – 6% | 15. Utah – 10% |
| 10. Nebraska -- 7% | 21. Wyoming – 15% |
| 11. Arkansas – 8% | |

If SB-1159 passes, only 1 state will be tougher, 14 states easier, and 5 states the same at 10%.

SOURCE: National Conference of State Legislatures

http://www.ncsl.org/Portals/1/documents/legismgt/2008_Sig_Reqs.pdf

SOURCE: Ballotpedia

https://ballotpedia.org/States_with_initiative_or_referendum#Signature_requirements_and_deadlines_by_state

Time Period for Gathering Petition Signatures

— Among the 24 States with an Initiative Process

From Least to Most Difficult — on Time Period for Gathering Signatures

w/ CURRENT IDAHO LAW IN PLACE

1. Arkansas	None	13. Maine	1 year
2. Ohio	None	14. Mississippi	1 year
3. Utah	None	15. Montana	1 year
4. Arizona	2 years	16. North Dakota	1 year
5. Florida	2 years	17. South Dakota	1 year
6. Illinois	2 years	18. Nevada	316 days
7. Nebraska	2 years	19. Colorado	6 months
8. Oregon	2 years	20. Washington	6 months
9. Idaho	18 months	21. Michigan	180 days
10. Missouri	18 months.	22. California	150 days
11. Wyoming	18 months	23. Oklahoma	90 days
12. Alaska	1 year	24. Massachusetts	60 days

Currently, 14 states have a more generous time period for petitioning, 7 states have a less generous period, and two states have the same 18-month limit.

From Least to Most Difficult — on Time Period for Gathering Signatures

w/ PASSAGE OF SB-1159

1. Arkansas	None	13. Mississippi	1 year
2. Ohio	None	14. Montana	1 year
3. Utah	None	15. North Dakota	1 year
4. Arizona	2 years	16. South Dakota	1 year
5. Florida	2 years	17. Nevada	316 days
6. Illinois	2 years	18. Colorado	6 months
7. Nebraska	2 years	19. Washington	6 months
8. Oregon	2 years	20. Idaho	180 days
9. Missouri	18 months	21. Michigan	180 days
10. Wyoming	18 months	22. California	150 days
11. Alaska	1 year	23. Oklahoma	90 days
12. Maine	1 year	24. Massachusetts	60 days

If SB-1159 passes, 19 states will have a more generous time period for petitioning, only 3 states will have a less generous period, and one state (Michigan) will have the same 180-day limit.

SOURCE: National Conference of State Legislatures

<http://www.ncsl.org/research/elections-and-campaigns/petition-circulation-periods.aspx>

Madam chair and members of the State Affairs Committee, my name is Lee Ann Tysseling. I am opposed to Senate Bill 1159. Others have detailed many of the reasons for opposition to this bill. I would like to add one more perspective, that of young adults, also known as millennials. I have two adult children who are millennials. In general, these young adults are all at work and unavailable to testify today. So, I am going to attempt to speak for them. Both of my children strongly endorse the statements I am about to make.

The millennial generation too often see government as “the enemy” and politicians as mere pawns for big money interests. They do not believe that government is any longer “of the people, by the people, and for the people.” They believe that elected officials do not represent them, that instead they represent the “party” or special interest groups.

My work in gathering signatures and getting out the vote with Reclaim Idaho made a strong impression with my children and their friends. They have been heartened by the stories I have been able to share about conversations I have had with people from all walks of life and political perspectives. They were enthusiastic about the results. My 29 year-old son voted for the first time in his life. He admitted that I had persuaded him that his vote counted in local elections.

Senate Bill 1159 threatens to confirm all their negative beliefs about government and politicians. They have just been persuaded by the activities and success of Reclaim Idaho that individuals do have a voice and that government can be “of, by, and for the people.” They see Senate bill 1159 as an attempt to silence the voice of the people.

I urge you to vote no. The requirements for ballot initiatives in Idaho are already strong enough to prevent overuse of the initiative process.

Lee Ann Tysseling

Boise, Idaho

Dr. Laura Tirrell, representing myself

March 15, 2019

2015 East Lamar Ct.

Boise, ID 83712

Dear Madam Chairperson and Committee Members,

I oppose Senate Bill #1159 for three reasons.

First, Idahoans work hard all day long ^{often nights + weekends} and have little time to directly participate in legislation. When they care about an issue that the legislature has not addressed, ~~the~~ a ballot initiative is their only recourse. This is rare. Under current regulation, voters have to ^{have} 6% of 18 districts. ~~The~~ Idahoans have only reached this threshold and brought ~~a~~ referendum to the ballot twice since 2013. Clearly, we voters have not overused our opportunity for direct democracy. This bill will further restrict direct democracy in Idaho.

Second, supporters of this bill state it will better balance representation from rural districts. I contend that rural districts are well represented in legislative process. Be aware that it only requires a majority of a committee to pass a bill to the floor ~~on~~ for a vote. For example, your committee has approximately 1/2 of its members from rural areas.

Third, hard working Idahoans cannot detail legislators daily as can the many lobbyists ^{with their green nametags} who walk these halls. We the majority of us cannot meet face to face with you. The initiative is our way to be heard by you when issues have not been addressed and resolved by the legislature.

Best Regards,
DR. Laura Tirrell, Board Certified Family Medicine

Jane M. Rohling
582 Palmetto Drive
Eagle, ID 83616
March 15, 2019

Idaho Senate State Affairs Committee
Senator C. Scott Grow
Testimony on S 1159

*I submitted this typed testimony
via email on 3/14/19 but I want
to amend it with the written comment
on the back side of this page*
Jane Rohling

I am opposed to S 1159 on the grounds that it would make it nearly impossible for grassroots organizations representing Idaho voters to ever get on the ballot. This right is guaranteed to voters in the Idaho Constitution, and it is essential that we retain this right in a meaningful way. Civic engagement should be encouraged, not discouraged and Idahoans should have the ability to bring important issues to a vote, particularly when our Legislators have refused to address an issue year after year, as has been the case with Medicaid Expansion. The fact that this initiative passed with 61% of the vote proves that this issue has widespread nonpartisan support all over Idaho, yet it still required a long, arduous process to give voters a chance tell the Legislature how important it was to thousands of Idahoans. THIS is why this constitutional right is so important to citizens!

Senator C. Scott Grow's bill would result in Idaho having more restraints on this process than any other state. Although Senator Grow tried to tell the members of this committee that the restrictions on the process as proposed in his bill are in line with the requirements of several of our neighboring states, his comments are misleading. The reality is that, while some states require 10% or more of voter signatures on the petitions for an initiative, and some would require the signatures to come from 90% of the counties or Legislative districts, and some only allow 180 days to collect signatures, NONE of the states' that allow voter initiatives have ALL of these constraints. Thus, the requirements to collect signatures from 10% (increased from 6%) of Idaho voters from 32 of the 35 districts (increased from 18 districts) in 180 days (decreased from 18 months to just 6 months) would make his proposed requirements much stricter than those in other states.

Just as making it increasingly difficult to for people to vote is counter productive and attempts to "solve" a problem with voter fraud that has been proven repeatedly to be virtually nonexistent, this bill making it more difficult to get initiatives on the ballot to ensure that there aren't too many of them is also attempting to address a problem that doesn't exist. The fact that very few initiatives have made it to the ballot in past years, is proof that the existing rules that were put in place in 2013 (as well as the various rules that applied to the process in the past), are stringent enough to keep the state from being "governed by initiatives." I don't imagine Senator Grow or many other members of the Legislature have ever worked as hard as Reclaim Idaho has to get an initiative that will benefit so many Idahoans on a ballot. It would be worthwhile to talk about this with those who have participated in the process - or to hear testimony from as many of the opponents to the bill as possible before the Senate State Affairs Committee votes on the future of Senator Grow's bill.

3/15/2019

Thank you,
Jane M. Rohling

- I made the notes below while listening to the testimony of voters to the State Affairs Committee, today.
- Not only does the initiative process give voters a right to address issues they feel strongly about it is a way to show frustration when elected officials in the Legislature refuse, year after year, to the concerns of the voters.
 - In response to Professor Moncrief's testimony, I can attest to the fact that at this point in the redistricting cycle, the number of votes required in some districts has changed significantly since the last redistricting occurred. I live in Eagle and have been a candidate for House Seat 14A in 2014, 2016, and 2018. While the difference in the percentage of votes I received each time has changed less than 2%, the number of votes has increased significantly. In 2014, I received 5,308 votes - which was 31.9% of the votes cast in DM that year. In 2018, I received 9,054 votes which was 33.6% of the votes. So, nearly twice the votes was less than 2% increase.
 - In terms of representation of rural voters being too low in the initiative process I would say that all voters are able to be heard equally when an initiative is voted on.

I am one of the hundreds of volunteers who helped get petitions signed for Medicaid Expansion.

When I was first approached, I was reluctant. I'd never done anything like that before, but after I heard so many compelling stories and realized how important this issue was, I was committed to do everything I could to help.

I have many friends, family members, people I've worked with, parents of children I worked with so I assumed, like some of you, that it would be easy to recruit volunteers.

In reality, though, I can count on one hand how many volunteers I actually recruited. It wasn't because these people didn't care or didn't think it was an important issue.

It was because they had jobs and families, they had their kids' soccer games, or they needed to take care of an elderly parent. Evenings and Saturdays were filled with other obligations.

Getting volunteers was difficult. Keeping volunteers was another issue. It takes a lot of determination to drive 45 minutes, spend 2 to 4 hours knocking on doors, and come away with 12 names, four of which might not be valid because the address different or the signature didn't look the same as their original registration. And frankly, some people we talked to weren't all that nice to us.

So when I hear that it's easy to get volunteers, based on my own experience, I couldn't disagree more.

Please vote "NO" on SB1159.



Louise Seeley
12017 W. Ramrod Dr.
Boise, ID 83713

Roxanne Wigglesworth

1604 W Irene St

Boise ID 83702

I was here on Monday and I am here again today to oppose this bill that will essentially cripple Idaho citizen's right to a ballot initiative.

I am a retired RN with a special interest in access to health care and I'm originally from Pennsylvania, which does not have citizen initiatives.

Needless to say, I was thrilled that Idaho had this constitutional right to get an issue on the ballot. I joined the campaign, knocked on doors, explained and discussed the proposed initiative while learning how hard it is to get a proper signature that will count at the end of the day. This is a difficult process as well as a valuable right that should not be tampered with because of unfounded fears that Idaho will turn into California.

Why would you want Idaho to have the most restrictive law for citizen initiatives? This does not make sense for a state that prides itself on individual freedom. Also it should be a source of pride that Idaho has a law that encourages civic engagement.

Open meetings offer the public a chance to observe the way their government operates and to influence their government in positive and important ways.

I was stunned by the way Monday's hearing was held in such a hurried manner and would like to thank Sen Winder for speaking up and recognizing the citizens who showed up for the hearing were not being heard and that it was important.

In closing I oppose the Sen Grow's bill 1159, there is NO need for the changes listed below.

- Raising signatures from 6 percent to 10 percent
- Increasing districts from 18/35 to 32/35 and
- Decreasing the amount of time to collect signatures from 18 months to 180 days.
- Plus a fiscal requirement

Thank You,

Roxanne Wigglesworth

Madam Chair and Members of the Committee.

My name is Chuck Chappell and I'm a registered voter in Idaho. I'm retired and live in Boise.

I found out when soliciting signatures for the Medicare measure that many people in Idaho appreciate their right to place an initiative on the ballot as provided by current law.

Passage of Medicaid demonstrated that the will of the people can be realized through this current law.

I hope the Committee will reconsider forwarding S 1159 until there is sufficient experience with the current law. Please fully vet before changing the law.

I now stand for questions.

Good Morning

Madam Chairman, members of the Committee and all in attendance:

My name is Mark Altekruise and I am a resident of the city of Boise.

Today we have heard and will continue to hear many voices citing laws, statistics and varying opinions on SB1159.

Instead, I would like to offer a different thought on the matter.

In post WWI, the voice of Bulgarian poet Geo Milev was forever silenced. He was murdered by the regime that took control of the duly elected democratic government during the 1923 September Uprising. Milev was only 40 years old.

Why do I bring his name up? Because there is a significant quote of his that befits today's hearing.

Milev wrote, "Art can only blossom when it is planted in freedom. If you censor the writer, you would be killing art itself."

Anyone identifying themselves as an American will agree that this quote speaks directly to the 1st Amendment in our Bill of Rights.

However, I would like to offer an interpretation of Milev's quote by replacing the words "Art" and "writer" with the words "America" and "citizen."

The quote now reads, "America can only blossom when it is planted in freedom. If you censor the citizen, you would be killing America itself."

This is the aim of SB1159. To quell our combined voice, to prevent us from bringing forth initiatives for our health, and welfare. Because of this I stand in full opposition to SB1159.

Do not allow this bill to come to a vote. Silence it forever.

To bring this bill to reality is to silence the voice of the people. Remember, we put you in those seats to represent us, not to muzzle our voice nor diminish our rights as citizens.

Thank you for your time

Protecting Idaho's Initiative Right



Todd Achilles [Follow](#)

Mar 13 · 3 min read

Idahoans get stuff done. If someone isn't getting results then we step in and do it ourselves. That's what we did with Medicaid Expansion. For 6 years we waited on the legislature to do the right thing and take care of 62,000 neighbors who could not get healthcare. Finally, tired of waiting, we rolled up our sleeves and passed the Medicaid Expansion initiative in a 61% landslide.

But that right to citizen initiatives is under assault by the legislature. Senator C. Scott Grow (R-14, Eagle) proposed a new bill, SB1159, that torpedos Idahoan's Constitutional rights and hands more control to politicians.

Of the 26 states that permit citizen initiatives, Idaho's process is already among the most difficult. I and most Idahoans agree that that is a good thing. For a healthy political system, initiatives should have a high bar.

In Idaho, we require that 6% of voters within 18 of 35 legislative districts sign the petition to put an initiative on the ballot. Once on the ballot, the initiative must pass with 50% plus one vote.

Among our neighbors, Oregon also has a 6% threshold but no distributive mandate. That is, no requirement that signatures are collected from within the state's 60 legislative districts. Nevada requires 10% of voters but—and Sen. Grow omitted this important detail in his Monday testimony—the distributive requirement is consolidated into 4 'petition districts' that map to Congressional districts. There is no requirement to gather signatures within the state's 42 assembly districts. Montana is 5% of voters but has a different distributive requirement for initiatives (50% of 56 counties) than for referenda (34% of 100 legislative districts). Utah is the most restrictive with 10% of voters in 90% of 29 districts but petitioners have 316 days to complete the process.

Senator Grow's bill would raise Idaho's high bar to a level that, by any objective measure, kills the initiative process and our rights. He proposes (1) that we go from 6% of voters to 10%, (2) that we increase the distributive mandate from 51% of 35 districts to 91%, and (3) that the time to collect signatures is reduced by *two-thirds* from 18 months to 180 days. If Grow's bill becomes law then citizen groups don't stand a chance. Only special interest billionaires and corporations will have the resources to pass initiatives.

There are two simple tests that cut through Sen. Grow's claim that SB1159 is a good faith effort to 'fix' the initiative process and make it more 'inclusive': the lack of public engagement and the reduction in time. First, if you wanted to 'improve' the process then why not bring Luke Mayville and the Reclaim team to the policy-making table? These thoughtful leaders of the most successful initiative in recent memory would provide valuable insight. Instead, Grow's bill was printed on Friday and tried to slither through committee on Monday.

Second, if you wanted to ensure that rural interests were being heard then why would you cut the time to collect signatures? If anything, you would allow the petition gatherers more time to reach small, rural towns. More time means more citizen engagement. Grow's two-thirds reduction of the collection window screams one message: "I am here to stop the voters!"

If Chairwoman Lodge allows SB1159 to sail out of committee this Friday without adequate citizen input, then I suggest she pay equal attention to another cherished Idahoan right: recalls. Recalling a legislator requires 20% of voters over 75 days but there is no distributive mandate.

Let's do the math for District 14: 27,161 votes were cast in the last election so 20% equals 5,432. Signature gatherers, therefore, must collect roughly 73 signatures per day. As we saw with Medicaid Expansion, this is an easy target for a handful of motivated citizens. In every Idaho legislative district, there are 2 to 4 times as many voters who supported Medicaid Expansion as are needed to recall a legislator.

I recommend to Committee members who vote to restrict citizen initiatives that they immediately start work to do the same to the recall process.

Todd Achilles, Ketchum

Outline for Testimony at Senate Affairs Committee
as relates to SB1159: Relating to Initiatives and
Referendums by William Brudenell - 1305 E. State St.
Boise 83712

15 March 2019

Please vote NO in committee on SB1159, for the following reasons, in addition to the ones covered by previous speakers:

- 1) The fiscal note process that the Legislature requires for a bill is an imperfect one, even with the resources available to the legislator proposing a new bill. Often, important pieces are missing when the bill is presented. Citizens proposing a ballot initiative do not necessarily have the resources to determine the sources or costs for the proposal.
- 2) To make a fiscal statement meaningful, it must be considered in the context of the future fiscal resources of the state and/or the state agency affected. At the time of the initiative process, this information is not available to the citizens proposing. *Division of Financial Management*
- 3) If the fiscal impact statement is incorrect, it becomes another point of contention.

Finally, as a resident and registered voter in Idaho, Ingrid and I spent hours, as volunteers, in Boise and Cascade getting signatures on ~~the~~ *an* initiative to ~~expand Medicaid~~.

The people who signed the initiative were from all economic levels and political persuasions. Some stated that they might vote "no" for Medicaid *on the initiative* expansion; but that they strongly believe in the right of citizens' initiative. Voters should be enabled to pass legislation that is needed when the elected officials of the Idaho State Legislature fail to do so.

