

**MINUTES**  
**Approved by the Committee**  
**State Affairs Working Group**  
**Wednesday, August 05, 2020**  
**9:00 A.M.**  
**Room EW42**  
**Boise, Idaho**

Cochair Harris called the meeting to order at 9:03 a.m.; a silent roll call was taken.

Members attending (in person): Cochair Representative Steven Harris and Representative Joe Palmer; Cochair Senator Patti Anne Lodge and Senators Mark Harris, Chuck Winder, Kelly Arthur Anthon, and Michelle Stennett; (via video or teleconference): Representatives Randy Armstrong, Vito Barbieri, James Holtzclaw, Jason Monks, Christy Zito, Heather Scott, Kevin Andrus, Linda Wright Hartgen, Julianne Young, Elaine Smith, John Gannon, and Brooke Green; Senators Steve Vick, Mary Souza, and Cherie Buckner-Webb. Absent/excused: Representative Brent Crane and Senator Brent Hill. Legislative Services Office (LSO) staff present: Kristin Ford, Shelley Sheridan, Soren Jacobsen, and Ana Lara.

Other Attendees: Phil McGrane, Ada County Clerk; Chris Yamamoto, Canyon County Clerk; Michael Rosedale, Bonner County Clerk; Jennifer Locke, Kootenai County Chief Deputy Clerk; Lawrence Denney, Idaho Secretary of State; Bobbi-Jo Meuleman, Director of Intergovernmental Affairs - Governor's Office.

NOTE: presentations and materials distributed to members are posted to the Legislature's website: <https://legislature.idaho.gov/sessioninfo/2020/interim>; and copies of those items are on file with the Legislative Services Office located in the State Capitol.

Cochair Harris outlined the meeting's procedures considering that members were in attendance in-person and via video and teleconference. He commented that the meeting would operate much like an RS hearing since the committee would be discussing proposed legislation, which had been circulated to the members prior to the meeting. He added that votes would be taken by roll call and be tallied per chamber.

**Cochair Lodge made a motion to accept the minutes of the July 20, 2020, meeting as presented except for an edit on page 2, fourth paragraph, seventh word ("for" to replace "before"); Senator Winder seconded the motion; with that edit, the minutes were approved.**

Cochair Harris reminded the committee that its charge was to study current policies to determine whether action was necessary for the future (e.g., a special session or the regular session in 2021) and to prepare a report for the 2021 Legislature with proposals for the Legislature to consider. He noted that motions were required to pass by a majority of members from each chamber. Additionally, the working group was to evaluate whether a special session was necessary to consider the working group's recommendations.

### **Election Dates and Processes**

Phil McGrane, Ada County Clerk, reported that the majority of his discussion was in consideration of this November's election process. His concerns were focused on the anticipated unprecedented number of absentee votes to be received, as well as the challenges to ensure efficient and safe voting locations. Mr. McGrane was joined by other county clerks who shared their own concerns. Chris Yamamoto, Canyon County Clerk, expressed his desire to keep accuracy and efficiency for the voting process. Mr. Yamamoto was concerned about his ability to staff in-person voting stations; in fact, he received only 22 affirmative responses in a recent request sent to over 400 volunteers when requesting voting station workers. Michael Rosedale, Bonner County Clerk, echoed the same

concerns as the Canyon County Clerk, being that Bonner County was the 8th largest county. Jennifer Locke, Kootenai County Chief Deputy Clerk, reiterated the concern about the amount of time needed to count absentee ballots. Ms. Locke expressed concern about an outbreak of COVID among staff and volunteers and how that would affect the timeliness of counting ballots or staffing voting stations.

- Cochair Lodge inquired how many volunteers were needed to assist with election stations in November. Mr. Yamamoto reported that he would need approximately 500.
- Sen. Winder inquired whether county clerks felt they had the authority to consolidate voting centers under current law or whether it was necessary to provide new law to allow that to happen. Mr. Yamamoto admitted that he was not sure that he had the authority; and while he currently had to consolidate two precincts with others, he felt that it was necessary to have a clear law that allowed consolidation. Mr. Rosedale remarked that IC 34-302 gave clerks the authority to consolidate polling centers but noted that a declaration to do such was to be made at the beginning of the year by a county commissioner.
- Rep. Gannon wondered how the clerks would address the issue of those individuals wearing/not wearing a mask at the polls. Mr. Yamamoto responded that he would adopt whatever guidelines had been established by his county's public health district. Rep. Gannon wondered whether it was possible to provide separated access for those that wear/do not wear face coverings, so as not to alienate either type of voter. Mr. Rosedale commented that the poll stations would possess all the required personal protection equipment (PPE) and sanitization supplies to ensure voter safety, but he felt that there would be so few in-person voters (approx. 20-25% of pop.) that the traffic could be managed safely.
- Sen. Stennett asked whether it was preferred to have mail-in voting rather than having to staff poll centers. Mr. Yamamoto remarked that there was a difference between absentee and mail-in ballots; absentee ballots are requested in advance, which he is in favor of, while an all mail-in ballot election was not planned nor were the voters verified in advance, which he does not favor. He noted that voters wanted the opportunity to vote in person.
- Sen. Souza agreed with Mr. Rosedale's concern that if something goes wrong at a voting center, there would not be enough additional staff to help correct the problem, possibly negating the ability of folks to vote at that station. She reiterated a previous request to consider having Idaho National Guard members available to assist at polling stations. Mr. Rosedale was in favor of such a proposal but cautioned that poll volunteers had to receive training in advance of working the stations.
- Sen. Winder suggested that the committee put into its final report a recommendation to consider the use of available COVID funds to provide bonuses to those volunteers working the poll stations. Mr. Rosedale surmised that poll workers were more concerned about their health than any pay benefits. Sen. Anthon inquired whether the COVID funds would attract and be able to fund the necessary training for younger poll workers. Mr. Rosedale commented that it has always been difficult to staff poll centers, even before COVID, and noted that it was especially difficult to attract those from the younger age groups. He surmised that additional funding would not make a difference in attracting poll workers.
- Sen. Stennett wondered whether consolidation of polling centers would be safe due to the concentration of voters. Mr. Rosedale responded that he suspected most workers would be of a younger age and hopefully healthier to avoid illness, but safety precautions would still be just as rigorous.

**DRKMF029:** Mr. McGrane provided his comments on [DRKMF029](#) regarding absentee ballots. He noted that the Office of the Secretary of State had been involved in discussions on the draft prior to the meeting. One point of the draft was the time permitted for the mailing of absentee ballots [page 2, subsection (8)]; another was in regard to the time permitted to open and scan absentee

ballots [page 3, subsection (2)]. Both of these edits were to assist the clerks in handling the large volume of anticipated ballots. This proposed draft language now included a sunset clause.

- Sen. Stennett requested an overview on the process of securing ballots. Mr. McGrane shared that the ballots are secured at every step of the way, even when received from the printer. He remarked that every county had a location that was able to be locked where only election staff have access and that some even have video cameras to oversee the work.

**Sen. Winder made a motion to attach draft DRMKF029 to the working group report and that it be recommended for consideration during a special session; Sen. Lodge seconded the motion. The motion was approved by House members 13-0-2 and approved by Senate members 8-0-1.**

**DRKMF027:** Mr. McGrane provided his comments on [DRMKF027](#) regarding flexibility and availability of polling stations and vote centers. Limitations on the flexibility were outlined [page 1, subsection (8)]; additionally, this proposed language now included a sunset clause.

- Sen. Stennett inquired who would determine the polling locations based on these parameters and how the public would be notified. Mr. McGrane explained that it was determined through a recommendation of the elections office and the county clerk to the board of county commissioners, which was made 30 days in advance of an election; if there was a change of place, it would require a letter to each voter. Sen. Stennett wondered whether there was any fraudulent voting witnessed in previous mail-in voting and also whether this draft legislation allowed for a complete mail-in vote if requested by a county. Mr. McGrane reported that Ada County did not find any fraudulent voting in the May primary election and that this proposed legislation would not allow county clerks, nor the secretary of state, to request an all-mail-in election. He hoped that this legislation allowed clerks to provide a hybrid of options for in-person voting, which has been requested by voters, as well as the time necessary to count the anticipated absentee ballots.
- Rep. Gannon asked whether the intention was to have voting centers replace the voting precincts or to supplement the precincts. Mr. McGrane explained that the proposed legislation gave clerks the flexibility to do what was best.
- Sen. Harris wondered whether schools were opting out as voting locations due to a fear of COVID exposure. Mr. McGrane said that concern was also relevant among churches and event centers, particular concern was for those that had ADA accessibility. He reported that clerks were discussing with schools about having e-learning on election day to prevent an overlap in traffic. Sen. Stennett asked about plans of a "worst-case scenario" where a location could not be determined or where there were not enough poll workers available to open a location. Cochair Harris requested clarification as to whether schools were permitted to deny a request to be used as a location. Mr. McGrane noted that legislation had been passed to make schools available as locations and that schools needed to avail themselves of that opportunity. He noted that there was great cooperation between the clerks and the schools to create a location within the school that was accessible to voters and not intrusive to the school's daily regimen. The current problem, he observed, was the need for a larger area where voters would be able to distance for safety.
- Sen. Souza, in regard to having a combination of vote centers and precincts, was concerned whether electronic poll books would be ready and reliable at all locations in order to prevent double voting. Mr. McGrane reported that poll books were being acquired and tested and training was being planned for workers. He added that verification of voters was completed at all times and was most effective with the use of the statewide voter registration system. Sen. Souza asked whether the 25-mile distance was currently typical for precincts. Mr. McGrane responded that for the rural areas the distance was not unusual. Sen. Souza was concerned about the awareness campaign and the timeline for the mailing of notices about a change in the voting locations. Mr. McGrane reported that many people actively seek out the information of voting locations by phoning and searching online; they did not necessarily rely on mailings. He added that previously used voting locations had signage posted on election day to redirect voters to the new locations.

- Rep. Scott expressed concern about the fairness of the precincts being able to decide where election centers were held and wondered whether public input was allowed in deciding where to locate voting centers. Mr. McGrane explained that the precincts would not be changed and hence would have no impact on precinct committee persons. He remarked that public input was always encouraged and that a hearing was always held by committee persons on the voting locations.
- Rep. Young asked about the ability of using a mobile vote center. Mr. McGrane explained that the mobile unit was reserved for emergency or early voting situations. He explained that it was not in the plan to be employed for the November election.
- Sen. Stennett inquired whether it was possible to access COVID funds for the purpose of marketing/informing voters of new voting locations. Mr. McGrane agreed that it was appropriate.
- Rep. Gannon suggested to edit the draft legislation: page 1, line 39, replace "one (1)" with "five (5)"; and page 1, line 41, replace "fifteen thousand (15,000)" with "five thousand (5,000)", for the reason that voters were more concentrated between 5 p.m. and 8 p.m. and the distance between locations would not be too far. Mr. McGrane explained that the original language took into account that some counties did not have the extensive rural areas to accommodate (an example would be Bonner County). He also reminded members that the number of voters expected to attend in person was already reduced due to the known number of requested absentee ballots. That would be better than creating queues for each precinct within the location.
- Sen. Stennett inquired about the overlapping of voters at voting locations and what plans were in place to make it clear to voters. Mr. McGrane explained that the electronic voting register was the best device for that situation because the ballot was issued upon identification of the voter.
- Sen. Buckner-Webb remarked that voters with disabilities had to be kept in mind. Mr. McGrane responded that such requirement was included in the draft legislation.
- Sen. Stennett was in favor of language that would allow for a county to propose an all-mail-in voting option in the event that a location could not be identified/fell through or a sufficient number of workers was unattainable.
- Sen. Winder asked whether this draft legislation would eliminate the delays in reporting results, as experienced in the last election. Lawrence Denney, Idaho Secretary of State, assured the members that the results would be posted in a timely manner, noting that same-day registration was the cause of the previous delay and that issue went away with polling locations.

**Sen. Winder made a motion to attach draft DRMKF027 to the working group report and that it be recommended for consideration during a special session; Sen. Anthon seconded the motion.** Clarification was asked as to whether the governor was requesting an RS or whether draft language was sufficient to meet the governor's request. Bobbi-Jo Meuleman, Director of Intergovernmental Affairs - Governor's Office, responded that the governor's intent was to receive language that was clear and concise and represented a consensus of the members on topics to address during a special session. She noted that the language submitted would still go through the normal legislative process of hearings and chamber approval. **The motion was approved by Senate members 8-0-1 and approved by House members 10-4-1.**

Cochair Harris inquired whether members had other motions relevant to the topic at this point in the discussion.

- Sen. Souza commented that she would like to see a recommendation in the final report that the Idaho National Guard be considered to provide staffing at poll locations. Sen. Lodge expressed concern that the National Guard members would need to tend the polls in their military fatigues and she felt that such an image might send the wrong optics. **Cochair Harris asked for unanimous consent that the minutes and final report include the recommendation to use members of the Idaho National Guard, in plain clothes, to staff polling locations.**

## **Emergency Declarations, Duration, and Power -- Constitutional Amendment Regarding Special Legislative Session**

Cochair Harris asked the members to indicate whether other proposed draft legislation scheduled on the agenda was appropriate to be discussed at this time or whether the legislation could be deferred until the January session. Cochair Harris remarked that his draft legislation [[KMF028](#)], regarding a constitutional amendment, could wait until the normal session. Rep. Monks said that his draft proposals [[KMF030](#), [KMF031](#)] could wait until January, but welcomed any feedback from committee members on those items. Rep. Barbieri commented that his multiple drafts of proposed legislation [[KMF032](#), [KMF033](#), [KMF034](#), [KMF035](#)] were now on the record and that there was no need to discuss them at this time. Sen. Vick felt that his proposed draft legislation [[KMF037](#)], regarding a constitutional amendment, could wait until the January session also. **Cochair Harris asked for unanimous consent that the committee recommend in the final report that the topic of emergency declarations, duration and power, and the topic of a constitutional amendment regarding special sessions be discussed during the 2021 legislative session. There being no objection, the motion passed.** Cochair Harris asked whether the sponsors would give permission for the proposed draft legislation to be made public on the legislative website considering that the items were not discussed during the meeting and that it was traditional not to publish until heard. All sponsors were in favor of publishing the proposed drafts.

There being no further business, the meeting was adjourned at 11:58 a.m.