

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, February 16, 2024

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Anthon, Harris, Lee, Toews, Wintrow, and Ruchti

ABSENT/EXCUSED: None

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

CONVENED: **Chairman Guthrie** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

WELCOME: **Chairman Guthrie** welcomed all to the Committee meeting.

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of February 9, 2024. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

S 1273 **ELECTIONS - Adds to existing law to require the Secretary of State to prepare voter guides to be distributed to each county clerk 30 days before an election. Phil McGrane**, Secretary of State, remarked that **S 1273** required comprehensive voters' guides for primary and general elections to be distributed to every household in Idaho. He remarked that most western states produced voter guides. He stated that his office currently produced an Idaho voter pamphlet, which included information on constitutional amendments, voter initiatives, and referendums. He remarked that the pamphlet did not include candidates. Most voters knew who they would vote for in the Presidential election; however, many were unfamiliar with the candidates further down the ballot.

Mr. McGrane remarked that voters had difficulty conducting research on their own. There was a lack of online information. He stated that the demand for information had continued to increase, and the political environment had become more complex. He remarked that historically, voters relied on third party sources. He stated that his office was a neutral source. He stated that many third party resources were not neutral. In addition, there were many "pay to play" guides. He remarked that in a recent Boise State University public policy survey, 78.2 percent of respondents wanted voter guides. This was the highest approval rating of any question. He stated that hard work had resulted in keeping costs down by changing the dimensions of the guide and changing methods of postage. There would be no additional cost per guide. He remarked that the only additional cost was printing every year instead of every other year. He stated that the value to the voters was significant.

DISCUSSION:

Senator Wintrow asked if the voter guides would be available for the 2024 election. **Mr. McGrane** responded no, the voter guides would be produced in 2025, and for the general election only in 2024. **Senator Lee** asked who would review the candidate information. She was concerned about false information. **Mr. McGrane** remarked that he had contact with 19 states to research best practices. He stated that the intent of his office was not to censor information.

Senator Toews referenced the 7 day filing deadline, and inquired if it could be made longer. **Mr. McGrane** replied that the proximity to filing was a constraint. He remarked that it would take 4 to 6 weeks just to produce the 800,000 voter guides.

Senator Ruchti inquired if the same submission would be used for primary and general elections, or if the candidates could change their submission. **Mr. McGrane** replied that there were two different deadlines.

TESTIMONY:

Ron Pisaneschi, Board of Directors, What the Vote Idaho, stated that he supported **S 1273**. He remarked that his organization visited classrooms in high schools and colleges to register students 18 years of age and older to vote. The organization was non-partisan. He remarked that new voters needed information on candidates and ballot measures. He believed that an official voters guide would be valuable to these new voters, as well as all voters throughout Idaho.

Brenda Gilchrist stated that she supported **S 1273**. She had personal experience as a candidate. She knocked on doors representing local candidates in District 8. She commented that many citizens were not informed that there was an election or who was on the ballot. She stated that there was confusion when voters did not receive a voter guide. She remarked that she supported listing the legislation in the voter guides.

Trey Grayson, Secure Elections Project, testified in support of **S 1273**. He stated that he was a former Secretary of State of Kentucky. He remarked that voter guides had support and success in many states. He stated that it was especially important in areas where people did not trust the media and other news sources. He remarked that it was important to have an information source from a trusted government agency.

Kendal Shaber, League of Women Voters (League), stated that the League supported **S 1273**. She remarked that the League had produced voter guides, and they had 65 percent candidate participation. She stated that a higher candidate participation rate would be beneficial for voters. She remarked that one of the most-asked questions to the League was why there were no voter guides. She stated that the League was concerned about readability and preferred a question and answer format. She remarked that voter guides increased voter turnout.

Jason Mercier, Mountain States Policy Center, remarked that it was difficult for voters to get information. He supported **S 1273**. He stated that voting was important for citizens, but it could be difficult to obtain information, especially for local elections. He remarked that voter guides had strong public support. He recommended a video voter guide for the future. He stated that the 200 word statement and the photo provided by the candidates would provide voters additional information.

Norma Staaf stated that she was representing herself and supported **S 1273**. She remarked that she appreciated the transparency, especially at the local

level. Some residents of smaller towns did not have access to newspapers or detailed information. She stated that it was important to have an educated electorate, and this was a problem in some parts of Idaho. She remarked that she appreciated that the candidate photo would be 4 years old or newer.

DeAnn Thomas, LaRea Wilson, and Cindy Wilson, all from the Idaho Chapter of Mormon Women for Ethical Government, testified in support of **S 1273**. The common themes were the need for fact-based candidate information. Voter guides were reliable and useful for family lessons. Unbiased voter guides led to discussions, education, and transparency. An informed electorate was important. Voter guides presented the same information to all voters in Idaho.

Lupe Wissel, Director, American Association of Retired Persons (AARP), supported **S 1273**. She stated that the AARP had over 186,000 Idaho members. She stated that the AARP supported the ability to vote freely, easily, and safely. She remarked that the AARP had a long history of non-partisan voter education. She stated that older voters turned out overwhelmingly in every election. A survey conducted in 2022 showed that in 63 of the most competitive races, 61 percent of voters were over age 50. She asked for support to inform, educate, and assist voters to exercise their constitutional rights.

Ryan McGoldrick, Conservation Voters for Idaho, stated that he supported **S 1273**. He remarked that he agreed with Senator Lee's comment that there was potential for candidates to say negative things about other candidates, but he believed that voter guides could cut through the misinformation.

Chairman Guthrie thanked those who testified and asked if there were any others who wished to testify. There were none.

NOTE:

Written testimony provided for **S 1273** is contained in Attachment 1 and Attachment 2.

DISCUSSION:

Senator Toews asked if an employee compiling the voter guides preferred one candidate over another, was there a potential for bias? In addition, what had other states done when a candidate believed they were treated unfairly. **Mr. McGrane** replied the candidates provided the information. He remarked that he foresaw the need for a grievance process. He stated that the timeline was tight, so clear expectations were important.

Senator Winder asked about the filing window for 2024. **Mr. McGrane** stated that filing began on Monday, March 4 and closed on Friday, March 15. **Senator Toews** asked if there had been problems in other states. **Mr. McGrane** replied that other states had refined their processes.

Senator Bernt thanked those who had testified. He stated that those who were against voter guides were biased. He remarked that honest information should be provided to voters. He supported **S 1273**.

MOTION:

Senator Winder moved to send **S 1273** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

RS 31361 **Relating to Voting Machines.** **Senator Bernt** stated **RS 31361** prohibited the availability or use of internet connections for voting systems in Idaho. He remarked that county clerks conducted accuracy testing on all voting machines prior to elections. He stated that it was a felony to tamper with any election equipment, and only the Secretary of State could appoint those who handled voting machines. He added that **RS 31361** updated language for transparency and consistency.

MOTION: **Senator Harris** moved to send **RS 31361** to print. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

RS 30880 **Chairman Guthrie** stated that **RS 30880** was removed from the agenda at the request of the sponsor.

RS 31359 **Relating to Beer.** **Senator Wintrow** stated that **RS 31359** related to craft breweries and the amount of beer that they could brew if they had a physical presence in the State of Idaho. She remarked that existing code was developed in the 1980s, and there had been many changes in the industry. She remarked that **RS 31359** provided accountability and opportunities for the free market.

DISCUSSION: **Senator Bernt**, pursuant to Senate Rule 39 (H), disclosed that he owned property with some partners where a brewery would be built.

MOTION: **Senator Winder** moved to send **RS 31359** to print. **Senator Bernt** seconded the motion. The motion carried by **voice vote**.

RS 31321 **Relating to Motor Vehicle Driver's Licenses.** **Senator Harris** stated that coroners in Idaho had difficulty locating next of kin in the case of injury, death, or other emergencies. He remarked that **RS 31321** established a next of kin database in the Department of Motor Vehicles. He added that the database was voluntary. He stated that a definition of next of kin was contained in the legislation.

DISCUSSION: **Senator Winder** stated that licensing under the Idaho Transportation Department normally went to the Transportation Committee. He asked if that was the sponsor's goal. **Senator Harris** replied that he would leave the decision up to the Pro Tempore.

MOTION: **Senator Lee** moved to send **RS 31321** to print. **Senator Toews** seconded the motion. The motion carried by **voice vote**.

RS 31337 **Relating to Electronic Smoking Devices.** **Jason Kreizenbeck** stated that **RS 31337** created a directory of electronic smoking devices, also known as vapor products, that were sold in Idaho. He remarked that there were requirements for manufacturer certification that the products were Food and Drug Administration (FDA) compliant. The program would be administered by the Idaho Department of Health and Welfare. He stated that **RS 31337** provided for penalties to retailers, manufacturers, wholesalers, and distributors who sold products not included in the directory. He remarked that the directory guaranteed consumers that the products on retail shelves were regulated by the FDA. He remarked that illicit products had flooded the marketplace. He stated that establishment of a state directory for vapor products brought transparency to the market and protected consumers.

MOTION: **Senator Winder** moved to send **RS 31337** to print. **Senator Bernt** seconded the motion. The motion carried by **voice vote**.

S 1303

PURCHASING - Amends and adds to existing law to revise provisions regarding personal service contracts and to establish provisions regarding personal service contracts. Senator Schroeder stated that **S 1303** increased the threshold for publishing personal service contracts of the State of Idaho from \$10,000 to \$50,000. He requested that the legislation be sent to the 14th Order to change the high end of the threshold from \$50,000 to \$30,000. He remarked that this was appropriate according to calculations made with the inflation calculator. He stated that **S 1303** also moved the requirement for publication from Idaho Code § Title 59 to Idaho Code § Title 67, which applied to all local governments.

DISCUSSION:

Senator Wintrow asked for an example of when **S 1303** was used and why it was important. **Senator Schroeder** replied that it was important to make people aware that local government entities were making contracts for personal services, and the result was transparency.

TESTIMONY:

Kelley Packer, Executive Director, Association of Idaho Cities, remarked that she supported **S 1303**. She stated that personal service contracts were outside the norm for the cities. She stated that examples included engineering contracts for moving water lines and legal advice regarding peat moss. She remarked that **S 1303** adjusted the contract levels for inflation.

Written testimony provided for **S 1303** is contained in Attachment 2 and Attachment 3.

MOTION:

Senator Winder moved to send **S 1303** to the **14th Order of Business** for possible amendment. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, Chairman Guthrie adjourned the meeting at 9:03 a.m.

Senator Guthrie
Chair

Peggy Caraway
Secretary