

**Senate State Affairs Committee**  
**Tuesday, March 19, 2024 - 8:00 A.M.**  
**TESTIMONY ON: All Subjects**

**Written Testimony**

<b>Name (First &amp; Last)</b>	<b>Subject</b>	<b>Manner Testifying</b>	<b>Representing Company/Organization</b>	<b>City</b>	<b>For / Against</b>	<b>Wish to Testify</b>	<b>District #</b>
AMY DUNDON	HJR 5	W	American Civil Liberties Union of Idaho	BOISE	Against	N	19

WRITTEN TESTIMONY AGAINST HOUSE JOINT RESOLUTION NO. 5  
SUBMITTED TO THE IDAHO SENATE STATE AFFAIRS COMMITTEE  
MARCH 19, 2024  
ON BEHALF OF THE AMERICAN CIVIL LIBERTIES UNION OF IDAHO

Chairman Guthrie and Committee Members,

The ACLU and ACLU of Idaho are firmly opposed to House Joint Resolution 5 (HJR 5). This needless piece of legislation appears to provide a solution to a fictitious problem, it is redundant, it would be costly, and it is frivolous.

The fiscal note states that if passed, HJR 5 could cost hundreds of thousands in taxpayer dollars. The state should not spend \$200,000 on legislation that re-states elector qualifications. What's more: voter and voting fraud is exceedingly rare in Idaho. If passed, HJR 5 would not make our elections safer.

In fact, the bill language itself would likely have the effect of stoking anti-immigrant and racist sentiment in our communities. By re-stating that only United States citizens are eligible to vote – a stipulation in both the United States and Idaho constitution, the bill seems to suggest non-citizens are voting in our elections. Redundantly excluding noncitizens, then, is unnecessary and could lead to harm, particularly to our Latinx and immigrant communities.

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AMY DUNDON	<i>cont.</i>						19
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We respectfully urge you to reject this harmful bill.

Amy Dundon, Legislative Strategist  
ACLU of Idaho

Elinor Chehey	HJR 5	IP	League of Women Voters of Idaho	Boise	Against	Y	16
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We are not advocating for non citizens to vote. This bill is coming from a national organization because of non citizens being allowed to vote in some other states' city elections. HJR 5 is unnecessary in Idaho

Julianne Donnelly Tzul	HJR 5	IP	ACLU of Idaho	Boise	Against	Y	19
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Written testimony, by Amy Dundon of ACLU of Idaho, submitted previously.

Julianne Donnelly Tzul	HJR 5	V	ACLU of Idaho	Boise	Against	Y	19
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Written testimony is submitted. Please accept the change to remote testimony rather than in person. Thank you!

Ryan McGoldrick	HJR 5	IP	Conservation Voters for Idaho	Boise	Against	Y	19
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This proposed Constitutional Amendment would change Section 2, Article VI to state:

QUALIFICATIONS OF ELECTORS. Every male or female citizen of the United States, eighteen years old, who has resided in this state, and in the county where he or she offers to vote for the period provided by law, if registered as provided by law, is a qualified elector. No person who is not a citizen of the United States shall be a qualified elector in any election held within the state of Idaho.

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Ryan McGoldrick	<i>cont.</i>						19

Concerns: It is important to definitively state that under the existing Constitution and Idaho State Statute, only citizens can vote in Idaho elections. Non-citizens can't vote. This is explicit both in the Constitution and Statute. Section 2, Article VI of the Idaho Constitution has never been interpreted, either by election officials or Idaho courts, to allow non-citizens to vote.

Conservation Voters for Idaho's concern with this legislation is that it is not internally consistent and will create confusion among voters. Specifically, if this sentence...

"Every male or female citizen of the United States, eighteen years old, who has resided in this state, and in the county where he or she offers to vote for the period provided by law, if registered as provided by law, is a qualified elector."

...is not sufficient to establish that only citizens are eligible to vote, then the logical conclusion is that this same sentence is also not sufficient to establish that only those over the age of eighteen are eligible to vote. By the premise of HJR5, we also need clarifying statements that 1) you need to be 18 to vote and 2) you need to be an Idaho resident to vote.

Either we need additional sentences explicitly stating that 1) No person who is under the age of eighteen shall be a qualified elector in any election held within the state of Idaho and 2) No person who does not reside in the state shall be a qualified elector in any election held within the state of Idaho, or this legislation is unnecessary, confusing for voters (who correctly believe that non-citizens currently can't vote), and could cost the state \$200,000.