

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 19, 2024

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane(13), Vice Chairman Young, Representatives Palmer, Barbieri, Holtzclaw, Scott, Andrus, Skaug, Alfieri, Allgood, Crane (Crane)(12), Gannon, Achilles

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Crane (13)** called the meeting to order at 9:00 AM.

**S 1244:** **Rep. Sauter** presented **S 1244** explaining this legislation increases the number of feet from a polling place in which electioneering is not allowed from 100 to 250 feet and increases the penalty to misdemeanor for repeat offenses. It provides law enforcement a clear way to address this issue and Chiefs of Police and Sheriffs are **in support** along with the county clerks and Secretary of State. In response to committee questions, Rep. Sauter explained outside of 250 feet from a polling place entrance this legislation has no effect on giving gifts.

**Phil McGrane**, Secretary of State, testified **in support** of **S 1244** stating their office has seen a growing problem with interactions at the polls. He gave examples of complaints they have received from throughout the state. In response to committee questions, Secretary McGrane explained in the examples he gave law enforcement was called, but it was difficult to enforce anything. He also explained there is nothing in this legislation which could prevent similar issues from happening in parking lots of polling places, provided they were larger than 250 feet from the entrance. He clarified prohibitions are free speech restrictions and must be narrowly tailored. He did not anticipate this interfering with any potential future voter guides published from their office.

**Douglas Miller** testified **in support** of **S 1244** stating he is grateful for the work on this bill.

**MOTION:** **Rep. Allgood** made a motion to send **S 1244** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE  
MOTION:** **Rep. Alfieri** made a motion to **HOLD S 1244** in committee.

**Rep. Alfieri** spoke to his motion stating this is not fixing the problem, just moving the problem out. It is a candidate's right to illicit votes.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:** **Substitute motion failed by roll call vote of 3 AYES and 10 NAYS.** Voting **in support** of the motion: **Reps. Barbieri, Scott, and Alfieri.** Voting **in opposition** to the motion: **Reps. Crane (13), Young, Palmer, Holtzclaw, Andrus, Skaug, Allgood, Crane (12), Gannon, and Achilles.**

**VOTE ON  
ORIGINAL  
MOTION:** **Motion carried by voice vote. Reps. Alfieri, Barbieri, and Scott** requested to be recorded as voting **NAY.** **Rep Sauter** will sponsor the bill on the floor.

**S 1235:** **Sen. Herndon** presented **S 1235** explaining this legislation changes the terms of library trustees from six years to four years to be more in line with school boards and other states. In response to committee questions, Sen. Herndon explained he was not able to find the legislative intent for why they were changed to six years.

**Chairman Crane (13)** answered committee questions, explaining the terms were increased to address a lack of candidates for those positions.

**Elinor Chehey**, League of Women Voters Idaho, testified **in opposition** to **S 1235** stating this is an unnecessary intrusion into local library boards and six year terms are preferable for continuity.

**Norma Staff** testified **in opposition** to **S 1235** stating this bill singles out library boards and could create a complete changeover of trustees which is not desirable.

**Sen. Herndon** closed stating trustees serve on staggered terms, so continuity is still there with shorter terms and affirmed taxpayers should be able to regularly weigh in on what public establishments tax dollars are funding.

**MOTION:** **Rep. Alfieri** made a motion to send **S 1235** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Achilles and Gannon** requested to be recorded as voting **NAY.** **Rep. Crane (12)** will sponsor the bill on the floor.

**S 1374aa:** **Sen. Herndon** presented **S 1374aa** explaining this legislation allows for the carry of firearms on property which is open to the public normally and habitually even when a private person rents that property, with exceptions. This listed exceptions include private events which are invitation only, commercial events which charge admission, or locations with restricted access. In response to committee questions, Sen. Herndon explained if it is lawful to carry a gun somewhere today it will continue to be lawful under this legislation. He explained the definition of restrictive access is purposefully vague to avoid overprescribing. He stated following the amendments made to the bill, the Idaho Association of Cities is **in support** of the legislation.

**MOTION:** **Rep. Scott** made a motion to send **S 1374aa** to the floor with a **DO PASS** recommendation.

**Rep. Gannon** spoke **in opposition** to the motion stating concerns citizens will be intimidated to go to public parks.

**Rep. Achilles** spoke **in support** of the motion as the legislation codifies an Idaho Supreme Court decision and has the support of Idaho Cities.

**Rep. Barbieri** spoke **in support** of the motion stating bad actors may take advantage of the gun free zone currently in public parks.

**VOTE ON MOTION:** **Motion carried by voice vote.** **Rep. Gannon** requested to be recorded as voting **NAY.** **Rep. Boyle** will sponsor the bill on the floor.

**S 1376aa:** **Sen. Okuniewicz** presented **S 1376aa** explaining this legislation allows elected legislators to use their official e-mail, letterhead, and social media to advocate for or against ballot initiatives.

**Elinor Chehey**, League of Women Voters Idaho, testified **in opposition** to **S 1376aa** stating this bill allows legislators to use government funded printing to campaign against petitions and initiatives which she feels is a bad use of public resources.

**Sam Sandmire** testified **in opposition** to **S 1376aa** stating initiatives are not like other legislation and it is unfair and likely unconstitutional for legislators to campaign for or against them.

**Sen. Okuniewicz** closed stating the fiscal impact of this legislation is small as this does not allow for any additional postage and email is a fixed cost. He believes constitutional concerns are misplaced. In response to committee questions, **Sen. Okuniewicz** clarified this bill addresses official communication only and does not include funding any travel. He affirmed no legislature is bound by the action of past legislatures and it is within the body's purview to change this. He argued all types of legislation are the same and they should be able to give their expertise as legislators. He clarified the verbiage elected and serving was added to prevent short-term substitute legislators from using this tool.

**MOTION:** **Rep. Barbieri** made a motion to send **S 1376aa** to the floor with a **DO PASS** recommendation.

**Rep. Barbieri** spoke to his motion stating legislators may have to defend themselves as to why the legislature has not taken action on a particular issue which is now the subject of a ballot initiative making this a good use of official e-mail.

**Rep. Crane (12)** spoke in support of the motion stating legislators should be able to debate all laws.

**VOTE ON MOTION**

**Motion carried by voice vote. Rep. Achilles** requested to be recorded as voting **NAY. Rep. Blanksma** will sponsor the bill on the floor.

**S 1377:**

**Sen. Okuniewicz** presented **S 1377** stating this legislation would require people who are paid to gather signatures to wear a badge, to tell people they are paid, and the document on which they collect signatures must have language which states they are paid. This is the standard in other states and gives the signer the opportunity to ask questions.

**Karen Hansen** testified in opposition to **S 1377** stating this legislation should not take effect in the middle of an ongoing ballot initiative process arguing it will likely end in a lawsuit.

**Ryan McGouldrick**, Conservation Voters for Idaho, testified in opposition to **S 1377** stating identification is good but there are lots of outstanding questions regarding what happens if someone fails to disclose this information and concerns it is the signers not the gatherers who are punished. In response to committee questions, Mr. McGouldrick stated his organization has not run any ballot initiatives or gathered signatures.

**Mary Ruckh** testified in opposition to **S 1377** asking what problem this bill is seeking to address, and expressing concern about the number of bills coming up which are aimed at the initiate process. In response to committee questions, Ms. Ruckh stated paid signature gatherers can still contribute to a grassroots movement because signers are still able to make their own decision on whether or not to sign.

**Sen. Okuniewicz** closed debate stating the Secretary of State will make rules regarding regulation of this legislation. In response to committee questions, **Sen. Okuniewicz** stated volunteer signature gatherers all sign an affidavit stating they are not being remunerated in any way.

**MOTION:** **Rep. Scott** made a motion to send **S 1377** to the floor with a **DO PASS** recommendation.

**Rep. Barbieri** spoke to the motion stating he will support the legislation but would prefer to include the language 'subject to legislative' review regarding the Secretary of State's rules.

**SUBSTITUTE MOTION:**

**Rep. Achilles** made a substitute motion to **HOLD S 1377** in committee.

**Rep. Achilles** spoke to the substitute motion stating he supports this in general, but has large concerns about the enforcement and the July 1 effective date.

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Substitute motion failed by voice vote.**

**VOTE ON  
ORIGINAL  
MOTION:**

**Motion carried by voice vote. Reps. Gannon and Achilles** requested to be recorded as voting **NAY. Rep. Mitchell** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee the meeting adjourned at 10:17 AM.

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Representative Crane (13)  
Chair

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Kennedy Jones  
Secretary