

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 19, 2012

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Crane, Representative(s) Stevenson, Black, Anderson, Andrus, Bilbao (Reynoldson), Luker, Palmer, Simpson, Guthrie, Henderson, McGeachin, Sims, Batt, Smith(30), King, Higgins, Buckner-Webb

**ABSENT/
EXCUSED:** Representative(s) Batt, Higgins

GUESTS: Phil McGrane, Ada County Deputy Clerk; Russell Westerberg, Westerberg & Associates; Jesse Taylor, Westerberg & Associates; David Ripley, Idaho Chooses Life; Tim Hurst, Office of the Secretary of State; Ben Ysursa, Secretary of State; Jeff Youtz, Director, Legislative Services Office.

Chairman Loertscher called the meeting to order at 8:31 a.m.

RS 21540: **Jesse Taylor**, representing Westerberg & Associates, presented **RS 21540**, proposed legislation to exempt Idaho from observing Daylight Saving Time (DST). Mr. Taylor noted that DST was adopted in the United States for the purpose of energy conservation. To the contrary studies have shown that energy use actually increases 1% to 2% when observing DST. It has also been found to cause a two-fold increase in heart attacks for men the Monday following the change to DST. Mr. Taylor explained there is a 7% increase in auto accidents when first observing DST, but a 7% decrease in the Fall when reverting back to Mountain Standard Time (MST).

Jesse Taylor responded to questions by explaining that federal law allows the states to exempt themselves from observing DST. Mr. Taylor clarified that our increase in energy use when observing DST is attributed in part to our increased use of air conditioners. While our energy consumption increases, studies have shown that a person's productivity decreases by 40% the first two (2) weeks after observing DST.

MOTION: **Rep. Smith(30)** made a motion to introduce **RS 21540**. **Motion carried by voice vote.**

S 1330: **Sen. Toryanski** presented **S 1330**, legislation to eliminate language found in Chapter 401, Title 21 of Idaho Code made obsolete by **HJR 5**. In 2010, both the House and Senate passed **HJR 5** which was subsequently approved by Idaho voters. **HJR 5** added section 3E to Article 8 of the Idaho Constitution to allow public airports to issue revenue and special facility bonds for public purposes provided the bonds were repaid solely from airport-generated fees. Sen. Toryanski noted that **S 1330** eliminates obsolete language requiring a vote to issue the bonds.

MOTION: **Rep. King** made a motion to send **S 1330** to the floor with a DO PASS recommendation. **Motion carried by voice vote.** **Rep. Henderson** will sponsor the bill on the floor.

S 1270: **Jeff Youtz**, Director, Legislative Services Office, presented **S 1270**, legislation to allow for the decommission of committees and legislative appointments that are inactive. Mr. Youtz noted that Section 1 of the bill points out there is no need for appointments to the State Treasurer's Commemorative Medallion Committee until the Treasurer issues a new silver medallion. This has not occurred since 2005. Section 2 decommissions the Pacific States Radioactive Materials Transportation Committee that has never fully organized, and has not met since the 1980s. Section 3 deals with the State Trust for Outdoor Recreation Enhancement (STORE); a program to provide recreation grants. **S 1270** does not eliminate the program, only the grant review committee. There is no money for grants, and **S 1270** will decommission the program until such time as it is funded. Section 4 repeals the Idaho Hall of Fame Building Advisory Board which has never met. Section 5 is a simple name change to accurately reflect the name of the "Western" States Transportation Agreement.

MOTION: **Rep. Luker** made a motion to send **S 1270** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Luker** will sponsor the bill on the floor.

H 571: **Tim Hurst**, Chief Deputy, Office of the Secretary of State, presented **H 571**, legislation to clarify procedures for handling and opening absentee ballot envelopes for counting. In addition to in-person absentee voting, the legislation also provides for "early voting" and specifies the procedures to be followed. Mr. Hurst explained that **H 571** will allow absentee ballots to be opened to flatten them for processing through the tabulators on the Monday before the election. A detailed security plan for the ballots must be submitted to the Secretary of State thirty (30) days before the election. Mr. Hurst noted that **H 571** requires security personnel to include a deputy sheriff, police officer, or bonded private security firm to secure the location, and **H 571** allows for poll watchers certified by the parties or candidates. Section 5 of **H 571** addresses alternative procedures for absentee voting. Mr. Hurst clarified that **H 571** does not expand absentee voting rather it allows for early voting just two (2) weeks before an election. The ballot boxes utilized for casting early ballots must remain locked and secured with a seal. Two (2) people must verify if a seal is broken and record the number of the seal. A detailed security plan submitted to the Secretary of State is required as well for "early voting".

Tim Hurst responded to questions by stating that ballots for our election are 16-18" long, and costs for oversized envelopes and postage rates are substantially higher. The counties use the standard size envelopes to reduce costs. Mr. Hurst verified that under federal law the Secretary of State is required to mail out absentee ballots to military personnel and overseas voters 45 days before the election. **H 571** will require security personnel for the ballots, but Mr. Hurst advised they do not need to be there 24 hours a day, seven (7) days a week. The security personnel need to make rounds of any facility housing the ballots, and the counties would bear the costs. **H 571** does not provide a timeline for the notice given to poll watchers nor criteria on who can be a poll watcher, but Mr. Hurst explained that the Secretary of State can provide directives. Common sense would prevail and poll watchers should be given sufficient notice so they can be present when ballot envelopes are opened. Mr. Hurst further clarified that all counties have access to the statewide voter registration system. If a county has multiple places to vote, each site must have access to the voter registration system.

Phil McGrane, Ada County Chief Deputy Clerk, testified in support of **H 571**, stating that the ability to open the ballot box each night and place the ballots in a transfer case is important due to the volume of ballots received. Further, the transfer would be a means of an audit procedure. It would allot the county to count ballots against the signatures and "balance the books" every night. If the seal is

broken, it does not erase the election results, but the issue must be raised with all parties involved. Mr. McGrane also noted that using a longer envelope to avoid folding the ballot is cost prohibitive due to the increased cost of the envelopes and a substantially higher postage rate than what the county currently receives. Mr. McGrane testified that we currently vote early with absentee voting. **H 571** changes the process of how we complete it, but it will also address security measures.

Mr. McGrane responded to questions by stating that poll watchers are appointed by local candidates. While they should be able to view the entire process in the interest of transparency, a buffer must be created so that the poll watchers cannot interfere.

MOTION: **Rep. Luker** made a motion to **HOLD H 571** to a time certain subject to the call of the Chair. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee; the meeting was adjourned at 9:32 a.m.

Representative Loertscher
Chair

Lissa Cochrane
Secretary