

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 21, 2012

TIME: 8:00 A.M.

PLACE: Room EW40

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

**ABSENT/
EXCUSED:** Representative(s) Stevenson, Black, Higgins

GUESTS: David Ripley, Idaho Chooses Life; Ben Ysursa, Secretary of State; Tim Hurst, Office of the Secretary of State; Cara Walker, Idaho State Historical Society (ISHS); Russell Westerberg, Self; Shelly Gannon, Gem County; Betty Thomas, Washington County; Chris Yamamoto, Canyon County; Teresa Baker, Ada County; Phil McGrane, Ada County; Tony Poinelli, Idaho Association of Counties (IAC); Betty Dressen, Payette County; Kerry Ellen Elliott, IAC.

Chairman Loertscher called the meeting to order at 8:04 a.m.

Rep. Batt made a motion to approve the minutes of March 14, 15, and 16, 2012 as written. **Motion carried by voice vote.**

SCR 132: **Cara Walker**, Director of Development, Idaho State Historical Society (ISHS), presented **SCR 132**. On March 4, 2013, Idaho will commemorate its Territorial Sesquicentennial. Ms. Walker noted that in a nine-month period, President Lincoln signed into law the Pacific Railway Act, issued the Emancipation Proclamation, and established the Idaho Territory, all three acts having a vital impact on the development of Idaho. Legacies of the territorial era include the creation of public school districts, which impact each and every Idahoan today, and the adoption of our State Constitution, the cornerstone of the law that governs Idaho. ISHS is championing this commemoration as assigned by the Governor in an unique manner and leading a grassroots effort at the community level with "Idaho at 150: Get Territorial" to educate Idahoans about their heritage and commemorate the 150th milestone.

MOTION: **Rep. Smith(30)** made a motion to send **SCR 132** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Smith(30)** will sponsor the bill on the floor.

H 688: **Rep. Sims** presented **H 688**, legislation for changes, corrections, and additions for our elections. Rep. Sims explained that **H 688** addresses residency requirements, but also includes provisions for the military to vote as provided for in the Servicemembers Civil Relief Act, 50 U.S.C. app. 595. **H 688** places further emphasis on educating the voter on the penalties for perjury as well as the requirement that each absentee ballot envelope shall contain only one (1) ballot in the envelope. Rep. Sims noted that **H 688** addresses the "overseas voter", as defined in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), who is qualified to vote, but shall only be allowed to vote for federal offices. Rep. Sims clarified that **H 688** contains a new section, 34-1414 to maintain elections remain consistent throughout Idaho.

Chairman Loertscher turned the gavel over to **Vice-Chairman Crane**.

Tim Hurst, Chief Deputy, Office of the Secretary of State, testified **in opposition to H 688**. Mr. Hurst pointed out that **H 688** contains errors on Page 1 when defining

residency requirements. Mr. Hurst noted it should say "If a person removes to another state, territory or foreign country" rather than "county". **H 688** does not address all of the procedures for "overseas voters". If a voter leaves the country, but checks they are not coming back, they receive a federal ballot. If a person leaves the country temporarily, they can apply to their county clerk for an absentee ballot. Mr. Hurst questioned the requirement of a signature on the absentee ballot envelope verifying it contains only one (1) ballot. It is unclear on whether more than one signature will be required. Finally, the Office of the Secretary of State takes offense with the new section, 34-1414, that prevents the Secretary from promulgating rules or directives that amend or contravene State statutes. Mr. Hurst advised the Secretary of State takes an oath of office and the duties and responsibilities are addressed elsewhere in Code.

MOTION: **Rep. Henderson** made a motion to send **H 688** to the floor with a **DO PASS** recommendation with the following changes: on Page 1, line 25, change the word "county" to "country" and on line 28, change the word "county" to "country".

SUBSTITUTE MOTION: **Rep. King** made a substitute motion to send **H 688** to General Orders. **Vice-Chairman Crane** seconded the motion. **Motion carried by voice vote.** **Rep. Sims** will sponsor the bill on the floor.

Vice-Chairman Crane turned the gavel over to **Chairman Loertscher**.

H 571: **Shelly Gannon**, Gem County Clerk, testified **in support of H 571**. Ms. Gannon stated that Gem County is a large commuting community and **H 571** provides more options. The ability to have "early voting" and utilize lock boxes will provide a cost savings. Her staff will not have to open absentee ballot envelopes during the final two weeks before the election.

Chris Yamamoto, Canyon County Clerk, testified **in support of H 571**. The ability to open the absentee ballots and flatten them will help the optical scanners to run faster and more efficiently. While he is not a fan of early voting, it makes sense to handle them differently than absentee ballots as provided for in **H 571**.

David Ripley, Executive Director, Idaho Chooses Life, testified **in opposition to H 571**. He stated that he has deep concerns about the impact **H 571** will have on elections especially expanding "early voting" to two (2) weeks before the election. While the proposed process of "early voting" is similar to absentee voting, it does not have the same safeguards. With "early voting" a person may have already voted on a candidate that has issues come up within that final two-week period. Mr. Ripley stated that **H 571** is not a housekeeping bill, but deep changes to restructure voting and caters to county clerks.

Betty Dressen, Payette County Clerk, testified **in support of H 571**. County clerks are the frontline that deal with the public as well as the one to encourage voters to get out and vote. **H 571** will allow the ballots to be opened to lay flat. Ms. Dressen stressed the optical scanner wants a pristine ballot and it will make a big difference to have a weight on the ballots as long as possible. Ms. Dressen noted that absentee voting is a good idea for those who travel and may be out of town, but "early voting" will reduce costs related to absentee ballots which includes \$.40 for each envelope.

Ben Ysursa, Secretary of State, testified **in support of H 571**. Mr. Ysursa pointed out that Section 5 of **H 571** does not expand "early voting" it merely changes the process to make it more convenient for voters. Participation is the essence of an election. Mr. Ysursa stated that he disagrees with the idea that people who cast votes early are uninformed. Based on his experience those who vote early are the most informed.

Mr. Ysursa responded to questions by stating that "early voting" exists now, it is simply in-person absentee voting. **H 571** will not expand "early voting", but it will provide alternative procedures for processing the ballots. If **H 571** passes, absentee ballots will still continue to be mailed out because federal mandate requires the Secretary of State to print ballots and mail them out 45 days in advance. A person's opportunity to vote won't change, only the process. Mr. Ysursa pointed out that 15% to 20% vote by absentee ballot in Idaho. With regard to procedures proposed in **H 571**, the Secretary of State will prepare comprehensive lawful directives that address the procedures proposed by **H 571** including poll watchers, security personnel, access to keys, etc. Mr. Ysursa further responded to questions by noting that Idaho is locked into using folded ballots due to the length of the ballot as well as the tabulators utilized to count the votes. Mr. Ysursa explained that if a seal is broken on a canister of ballots, the procedure is to isolate the problem ballots and inform the candidates, the press, and the public. Finally, Mr. Ysursa stated that money has been appropriated by the Legislature to promote voter turnout. Mr. Ysursa explained that it is a wise use of taxpayer dollars to promote and provide education for the voter on any constitutional amendments as well as the issues that will be on the ballot.

MOTION: **Rep. King** made a motion to send **H 571** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Vice-Chairman Crane** made a substitute motion to **HOLD H 571** in committee.

ROLL CALL VOTE: **Rep. King** requested a roll call vote on **H 571**. **Motion carried by a vote of 10 AYE, 5 NAY, 4 Absent/Excused. Voting in favor of the motion: Reps. Loertscher, Crane, Andrus, Luker, Palmer, Simpson, Guthrie, McGeachin, Sims, Batt. Voting in opposition to the motion: Reps. Anderson, Bilbao, Henderson, Smith(30), King. Reps. Stevenson, Black, Higgins and Buckner-Webb were absent/excused.**

ADJOURN: There being no further business to come before the committee; the meeting was adjourned at 9:18 a.m.

Representative Loertscher
Chair

Lissa Cochrane
Secretary