

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, February 17, 2016

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Senators Davis, Hill, Winder, Siddoway, Stennett and Buckner-Webb

ABSENT/ EXCUSED: Vice Chairman Lodge and Senator Lakey

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 McKenzie called the Senate State Affairs Committee (Committee) to order at 8:04 a.m. with a quorum present.

S 1298 RELATING TO THE RACING COMMISSION (Commission) to direct the Commission to make certain payment to the Idaho Horse Council under specified conditions.

Chairman McKenzie introduced **Senator Rice** who explained that as a result of the repeal of historical horse racing, \$143,314 was left in a designated account. **S 1298** directs the Commission to distribute the funds to the Idaho Horse Council, specifically for youth equine education and promotion of equine-related youth development programs. **Senator Rice** specified that the funds would be held in a separate account and be subject to audit.

MOTION: **Senator Stennett** moved to send **S 1298** to the floor with a **do pass** recommendation. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**.

RS 24539 RELATING TO PUBLIC SCHOOL INSTRUCTION to provide when the Bible is permitted to be used in the public schools with exceptions.

Senator Nuxoll recounted the history of the legislation and stated that the purpose of this RS was to remove fears and anxiety by students and parents who desire to use the Bible for reference in public schools by codifying a practice already allowed. She stated that no one is required to use religious texts and that the Bible is designated because of its importance in understanding western civilization. **Senator Nuxoll** noted the Supreme Court's 1963 ruling in Abington Township School District v. Schempp, which found that public schools may use religion as part of education. She listed other states with legislation similar to **RS 24539**.

Senator Davis asked if Arizona's legislation has ever been challenged in the courts. **Senator Nuxoll** stated no. **Senator Davis** asked if there had been an Attorney General's opinion on this legislation with respect to constitutionality. **Senator Nuxoll** indicated yes. There has been a recent language addition and she has asked for another opinion. **Senator Stennett** asked why, in a blended country with students of varied religions, would not the language "and any other religious doctrine" be as easily used as "Bible." **Senator Nuxoll** reiterated her previous statement that the Bible was used in the founding of this nation as well as being imbedded in our Western culture; any other religious texts would be allowed.

MOTION: **Senator Hill** moved to send **RS 24539** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**. **Senator Stennett** and **Senator Buckner-Webb** asked to be recorded as voting nay.

CLARIFICATION: **Chairman McKenzie** noted that he had overlooked Myron Amsden who had signed up to testify in support of **S 1298**.

S 1218 RELATING TO CODIFIER'S CORRECTIONS

Chairman McKenzie introduced Katharine Gerrity and explained that he had carried this bill on the floor for many years.

MOTION: **Senator Davis** moved to send **S 1218** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

S 1297 RELATING TO ELECTIONS to provide for additional duties of the Idaho Transportation Department upon request of the Office of the Secretary of State.

Chairman McKenzie welcomed Lawrence Denney, Secretary of State. **Secretary Denney** explained that **S 1297** authorizes the Office of Secretary of State to implement and build an online voter-registration system with the requirement of a valid driver's license or identification card. He stated that this legislation would comply with the affirmation requirement of Idaho Code § 34-41. **Secretary Denney** further explained that the legislation required a digital copy of the applicant's driver's license or identification card signature from the Idaho Transportation Department (ITD). He outlined the verification process of an application. He stated that the second section of legislation directs the ITD to supply the signature information requested. **Secretary Denney** summarized online registration throughout the country and listed the benefits.

Senator Buckner-Webb requested information about personal identification. **Secretary Denney** indicated that the online form would include an affirmation under oath.

Senator Stennett questioned the possible expense to the ITD. **Secretary Denney** referenced the fiscal impact of \$258,000 in the Statement of Purpose; ITD's portion would be \$10,000. The major cost would be to design software within the Office of the Secretary of State.

Senator Winder outlined the security maintained by the ITD and wondered if the same level of security would be maintained by the Office of the Secretary of State. **Secretary Denney** stated that only the digital signature would be transferred to the Office of the Secretary of State for verification.

Senator Davis referred to subpart (2), page 1, lines 20-21, "a form prescribed." Will that be subject to legislative review through rules? **Secretary Denney** responded that it would be very much like the paper form currently in use. **Senator Davis** asked if there should be a specific reference to "retaining" the digital copy of a driver's license or identification card. **Secretary Denney** answered yes. The digital copy is needed when they compare signatures on the poll books and when an absentee ballot is requested.

Chairman McKenzie indicated that language from Utah code was used as an example for drafting this legislation. His interpretation was when the Office of the Secretary of State "obtained" the information it would be "retained" unless specifically prohibited in statute.

Senator Davis observed that the wording in subpart (6), page 2, line 6, stated "may use such security measures." Shouldn't that be a "must" or "shall?" **Secretary Denney** said that was a policy decision and could be changed.

Chairman McKenzie stated that subpart (6) was to clarify that they were granting the authority to go beyond the security measures that were currently in place for paper registration forms.

Senator Siddoway asked why there is an emergency clause? **Secretary Denney** responded that with the legislation draft changes, the emergency clause is unnecessary; the projected implementation of online registration is March 2017.

Senator Davis recalled when the federal government implemented the National Voter Registration Act of 1993, known as the Motor Voter Act, and the Help America Vote Act of 2002. He asked if this legislation would affect Idaho's option on the federal implementation? **Secretary Denney** explained that Idaho had opted to implement same-day registration over "motor-voter" registration and stated that online voter-registration legislation does not change Idaho's option.

Chairman McKenzie introduced Phil McGrane, Ada County Chief Deputy Clerk. **Mr. McGrane** indicated that online voter registration is long overdue and would benefit Ada County. Voter registration is good policy and makes voting more accessible. He recounted historical registration data and the benefits of online registration.

Senator Stennett asked about the procedure if the signatures do not match. **Phil McGrane** indicated that non-matching signatures are reviewed and voters are contacted by employees trained by law enforcement. If there is no resolution, the registration is set aside to be used if needed in election contests.

MOTION:

Senator Davis moved to send **S 1297** to the 14th Order of Business for possible amendment. **Senator Hill** seconded the motion. **Senator Davis** outlined his intentions for the amendment. **Chairman McKenzie** indicated that Senator Burgoyne has been added as a co-sponsor. The motion carried by **voice vote**.

ADJOURNED:

There being no further business, **Chairman McKenzie** adjourned the meeting at 8:45 a.m.

Senator McKenzie
Chair

Twyla Melton, Secretary

Assisted by Marian Smith