

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
10:30 A.M.  
Room EW40  
Monday, August 24, 2020

**\* Note: Time is Subject to Change**

Limited public seating will be available in the committee room. Committee meetings will be live streamed in designated overflow rooms throughout the Capitol.

Please wear a mask and maintain physical distancing while in the Capitol.

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS28056</u></a>	Relating to Elections	Rep. Giddings
<a href="#"><u>RS28057</u></a>	House Resolution Relating to Elections	Rep. Monks
<a href="#"><u>RS28052</u></a>	Concurrent Resolution Relating to an Emergency	Rep. Harris

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris      Rep Holtzclaw  
Vice Chairman Armstrong      Rep Monks  
Rep Crane      Rep Zito  
Rep Palmer      Rep Scott  
Rep Barbieri      Rep Andrus

Rep Hartgen  
Rep Young  
Rep Smith  
Rep Gannon  
Rep Green

COMMITTEE SECRETARY

Tracey McDonnell  
Room: EW62  
Phone: 332-1145  
email: hstaf@house.idaho.gov

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, August 24, 2020

**TIME:** 10:30 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** None

**Chairman Harris** called the meeting to order at 10:34am.

**RS 28056:** **Rep. Giddings**, District 7, stated **RS 28056** would amend **Idaho Code, Section 34-1006**, by adding language that would ensure electors be provided the opportunity for in-person voting regardless of a state of emergency, extreme emergency, or disaster emergency.

**MOTION:** **Rep. Palmer** made a motion to introduce **RS 28056**.

**ROLL CALL  
VOTE:** **Chairman Harris** requested a roll call vote. **Motion carried by a vote of 14 AYE and 1 NAY. Voting in favor** of the motion: **Chairman Harris, Reps. Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Gannon, and Green. Voting in opposition** to the motion: **Rep. Smith.**

**RS 28057:** **Rep. Monks**, District 22, stated **RS 28057** encourages **Governor Little** to utilize all necessary options to procure sufficient numbers of poll workers for the November 2020 election. This could include using CARES Act funds to advertise, train, and provide financial incentives to poll workers and if necessary, to activate the National Guard. **Rep. Monks** explained in the fiscal note he arrived at the \$2,000,000 figure by estimating 4,000 poll workers multiplied by \$500 per poll worker.

**MOTION:** **Rep. Crane** made a motion to introduce **RS 28057**.

**ROLL CALL  
VOTE:** **Chairman Harris** requested a roll call vote. **Motion carried by a vote of 15 AYE and 0 NAY. Voting in favor** of the motion: **Chairman Harris, Reps. Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, and Green. Voting in opposition** to the motion: **none.**

**Chairman Harris** turned the gavel over to **Vice Chairman Armstrong**.

**RS 28052:** **Rep. Harris**, District 21, stated **RS 28052** would end the current state of emergency. He further stated this would not impact CARES Act funding but would impact FEMA funding as well as some other national programs. If passed, this Concurrent Resolution would go into effect immediately if passed by both Houses of the Legislature. He explained, **Idaho Code, Section 46-1008** states in part, that "the legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the Governor shall issue an executive order or proclamation ending the state of disaster emergency." He remarked, continuing these extensions are out of order and need to end.

**Rep. Crane** applauded the bill sponsor for bringing this legislation forward, remarked it needed to be better tied to the reason the Legislature was called into the Special Session, and offered additional language to add that would make it stronger.

**MOTION:** **Rep. Crane** made a motion to introduce **RS 28052** with the following two WHEREAS paragraphs, to be inserted on page one, beginning on line 37.

"WHEREAS, an extraordinary session was called to address proposed voting centers and ballot handling issues due to the anticipated increased numbers of absentee ballots and to address the "unprecedented uncertainty as to liability due to the existence and spread of COVID-19 in Idaho"; and"

"WHEREAS, the COVID-19 pandemic emergency disaster declaration has opened up the opportunity for the Legislature, in a special session, to change the election process and liability laws due to the governor's proclamation claims on these topics; and"

**SUBSTITUTE MOTION:** **Rep. Gannon** made a substitute motion to return **RS 28052** to the sponsor. He spoke to his motion by stating this legislation is too broad and repeals too much. He continued, the virus is the enemy, it is not a political philosophy. The virus has disrupted everyone's lives and the country, individuals, and legislators need to fight the virus, not each other, to get it under control. He stated this Concurrent Resolution does the opposite.

**ROLL CALL VOTE ON SUBSTITUTE MOTION:** **Vice Chairman Armstrong** requested a roll call vote on the substitute motion to return **RS 28052** to the sponsor. The **substitute motion failed by a vote of 4 AYE and 11 NAY. Voting in favor** of the substitute motion: **Reps. Hartgen, Smith, Gannon, and Green. Voting in opposition** to the substitute motion: **Chairman Harris, Reps. Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, and Young.**

**ROLL CALL VOTE ON ORIGINAL MOTION:** **Vice Chairman Armstrong** requested a roll call vote on the original motion to introduce **RS 28052 with the additional language. Motion carried by a vote of 11 AYE and 4 NAY. Voting in favor** of the original motion: **Chairman Harris, Reps. Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, and Young. Voting in opposition** to the original motion: **Reps. Hartgen, Smith, Gannon, and Green.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 11:14am.

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Representative Harris  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
5:45 P.M.  
Room EW42  
Monday, August 24, 2020

Limited public seating will be available in the committee room. Committee meetings will be live streamed in designated overflow rooms throughout the Capitol.

Please wear a mask and maintain physical distancing while in the Capitol. Sign-up for testimony will be available ahead of the start of the meeting and will stop once the meeting starts.

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>H 1</u></a>	Elections, In-Person Voting	Rep. Giddings
<a href="#"><u>HR 1</u></a>	Poll Workers	Rep. Monks
<a href="#"><u>HCR 1</u></a>	State of Emergency, Termination	Rep. Harris

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, August 24, 2020

**TIME:** 5:45 P.M.

**PLACE:** Room EW42

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheets will be retained and filed with the minutes in the Legislative Services Library.

**Chairman Harris** called the meeting to order at 5:50pm.

**H 1:** **Rep. Giddings**, District 7, stated **H 1** amends **Idaho Code, Section 34-1006**, by adding language that would ensure electors be provided the opportunity for in-person voting regardless of a state of emergency, extreme emergency, or disaster emergency.

**Monica McKinley**, representing herself from District 22, stated she is in favor of in-person voting and is **in support** of **H 1**.

**Wendy Blanton**, representing herself from District 11, stated she is concerned about voter fraud and is **in support** of **H 1**.

**MOTION:** **Rep. Scott** made a motion to send **H 1** to the floor with a **DO PASS** recommendation.

**ROLL CALL  
VOTE:** **Chairman Harris** requested a roll call vote. **Motion carried by a vote of 15 AYE and 0 NAY. Voting in favor** of the motion: **Chairman Harris, Reps. Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, and Green. Voting in opposition** to the motion: **none. Rep. Giddings** will sponsor the bill on the floor.

**HR 1:** **Rep. Monks**, District 22, stated **HR 1** supports all efforts to procure sufficient numbers of poll workers for the November 2020 election. This could include using CARES Act funds to advertise, train, and provide financial incentives to poll workers and if necessary, activate the National Guard.

In response to concerns about how much money could be spent as indicated in the Fiscal Note, **Rep. Monks** acknowledged currently poll workers are paid \$150, so the \$2,000,000 figure would most likely be reduced to reflect the current payment.

**Lee Joe Lay**, representing himself from District 16, stated most poll workers are retired and come out to work as their civic duty, not for the money, and that incentives could help to recruit younger poll workers. He stated he is **in support** of **HR 1**.

**Charity Majors**, representing herself from the North End of Boise, spoke **in support** of **HR 1**. She stated she is a poll worker and will help to recruit younger individuals in order to keep the elderly poll workers safe.

**Jill Watson**, representing herself from Nampa, stated she is a poll worker and spoke **in support** of **HR 1**.

- MOTION:** **Rep. Palmer** made a motion to send **HR 1** to the floor with a **DO PASS** recommendation.
- ROLL CALL VOTE:** **Chairman Harris** requested a roll call vote. **Motion carried by a vote of 15 AYE and 0 NAY. Voting in favor** of the motion: **Chairman Harris, Reps. Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, and Green. Voting in opposition** to the motion: **none. Rep. Monks** will sponsor the bill on the floor.
- HCR 1:** **Chairman Harris** presented **HCR 1**. He stated the goal of this Concurrent Resolution is to end the statewide emergency declaration because there is no longer a need for one, and if passed by both Houses of the Legislature, **HCR 1** would go into effect immediately. **Chairman Harris** pointed out the process to end the emergency declaration is described in **Idaho Code, Section 46-1008**, which states "the legislature by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the Governor shall issue an executive order of proclamation ending the state of disaster emergency." He concluded by stating economic harm has occurred due to the virus including a rise in mental health issues and suicides and does not want to see any more lives lost.
- Committee members expressed concerns regarding loss of CARES Act and FEMA funding if the emergency declaration ends when the need is still out there for PPE and other resources. **Chairman Harris** and **Rep. Crane** both replied CARES Act funds will still be available but FEMA funds would end. More concerns were raised regarding why CARES Act funds would still be available for Idaho if there is no longer a declared emergency. **Chairman Harris** explained CARES Act funding is based on a national emergency declaration, not a state declaration.
- MOTION:** **Rep. Crane** made a motion to send **HCR 1** to the floor with a **DO PASS** recommendation.
- A committee member questioned if the emergency declaration ends, does that mean all PPE and other mandates end as well? **Chairman Harris** responded **HCR 1** only ends **Governor Little's** emergency declaration and the mandates currently in place, such as wearing masks, have been delegated down to and are controlled by the Health Districts.
- Gail Zarr, Wendy Blanton, Kirk Pendergrass, Dana Clemeaux, Emily Wahl, Michael Phillips, Charity Majors, Lonnie Caldwell, Claudia Frent, Nikki Schumacher, and Casey Baker** all spoke in support of **HCR 1** by expressing their concern for loss of freedoms such as opening businesses, going to work, children not being able to go to school in person, and not being allowed to visit elderly family members or be with sick and dying family members. One person testifying exclaimed the cure is worse than the disease.
- ROLL CALL VOTE:** **Chairman Harris** requested a roll call vote. **Motion carried by a vote of 11 AYE and 4 NAY. Voting in favor** of the motion: **Chairman Harris, Reps. Armstrong, Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Young. Voting in opposition** to the motion: **Reps. Hartgen, Smith, Gannon, and Green. Rep. Harris** will sponsor the bill on the floor.
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 7:26pm.

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Representative Harris  
Chair

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Tracey McDonnell  
Secretary

AGENDA  
**HOUSE STATE AFFAIRS COMMITTEE**  
Upon Adjournment  
Room EW42  
Tuesday, August 25, 2020

Limited public seating will be available in the committee room. Committee meetings will be live streamed in designated overflow rooms throughout the Capitol.

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<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>S 1001a</u></a>	Elections, Absentee Ballots	Rep. Harris
<a href="#"><u>S 1002</u></a>	Elections, Procedures, Vote Centers	Phil McGrane, Ada County Clerk

***If you have written testimony, please provide a copy of it along with the name of the person or organization responsible to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Harris	Rep Holtzclaw	Rep Hartgen
Vice Chairman Armstrong	Rep Monks	Rep Young
Rep Crane	Rep Zito	Rep Smith
Rep Palmer	Rep Scott	Rep Gannon
Rep Barbieri	Rep Andrus	Rep Green

COMMITTEE SECRETARY

Tracey McDonnell  
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MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, August 25, 2020

**TIME:** Upon Adjournment

**PLACE:** Room EW42

**MEMBERS:** Chairman Harris, Vice Chairman Armstrong, Representatives Crane, Palmer, Barbieri, Holtzclaw, Monks, Zito, Scott, Andrus, Hartgen, Young, Smith, Gannon, Green

**ABSENT/  
EXCUSED:** None

**GUESTS:** Sara Westbrook, IAC; Phil McGrane, Ada County IAC; Jennifer Locke, Kootenai County; Penny Manning, Bonneville County

**Chairman Harris** called the meeting to order at 11:23am.

**Chairman Harris** turned the gavel over to **Vice Chairman Armstrong**.

**S 1001a:** **Rep. Harris**, District 21, stated the purpose of **S 1001a** is to provide additional time for clerks to process the huge volume of absentee ballots requested for the November 2020 election. He explained this bill is separated into two parts, each of which addresses distinct elements of the absentee process. The first part addresses the time needed to prepare ballots to be mailed from 45 days to 30 days prior to the election to ensure the proper preparation of the ballots going out. The second part addresses the clerks need for additional time to physically open and scan all of the ballots once received. Due to the expected volume, this bill will allow clerks to begin opening envelopes and scanning ballots up to seven days prior to election day. He further explained, if this process occurs, it is mandatory the ballots be securely maintained in an electronic access-controlled room under 24-hour video surveillance that is live-streamed to the public and, the videos must be archived for at least 90 days following the election. Additionally, a minimum of two election officials must be present whenever absentee ballots are accessed. He concluded that no results will be tabulated for absentee ballots until the polls close on election day.

In response to a question from the committee, **Rep. Harris** explained the process outlined in **S 1001a** is optional so counties can choose the process they will use. Additionally, this bill does not impact overseas or military ballots or counties that read ballots by hand.

**Phil McGrane**, Ada County Clerk and Chair of Elections Committee for the Association of Counties and Clerks, spoke **in support** of **S 1001a** and encouraged the committee's support in order to ensure a smooth election process in November.

**Jennifer Locke**, Deputy County Clerk, Kootenai County, spoke **in support** of **S 1001a**.

**Penny Manning**, Bonneville County Clerk, spoke **in support** of **S 1001a**.

**Vice Chairman Armstrong** turned the gavel over to **Chairman Harris**.

**MOTION:** **Rep. Holtzclaw** made a motion to send **S 1001a** to the floor with a **DO PASS** recommendation.

**Rep. Crane** declared Rule 80.

**VOTE ON MOTION:** **Motion carried by voice vote. Rep. Harris** will sponsor the bill on the floor.

**S 1002:**

**Phil McGrane**, Ada County Clerk and Chair of Elections Committee for the Association of Counties and Clerks, stated **S 1002** would assist clerks with in-person voting by creating alternatives to polling places in the form of vote centers. He explained vote centers add greater flexibility for voters and clerks by allowing any voter from any part of the county to go to any vote center and vote on their correct ballot. Mr. McGrane further explained vote centers would operate similar to early voting by utilizing the statewide voter registration system, or electronic poll books, which ensures voters receive the right ballot. This also increases election day security by recording each voter as having voted in the system, thereby preventing anyone from voting more than once. He stated the additional security and flexibility created by vote centers would assist clerks to adjust to pandemic guidelines because vote centers would be larger venues providing extra space to spread out and disperse crowds over an entire day, while also providing voters with more options and flexibility. He concluded by stating this bill also includes limitations to help ensure an adequate number of voting locations in both rural and urban parts of the state and the use of vote centers will be optional so counties could continue to use standard polling places if they wish.

In response to concerns regarding the data being collected by the electronic poll books and who is storing that information, **Mr. McGrane** responded this is the same voter registration information currently being used which is housed in a centralized closed network system and maintained by the Secretary of State. He explained this is federally mandated for all 50 states with high levels of cyber security in place for the protection of information.

In response to concerns regarding a long term goal of having less places to vote with vote centers than the current number of polling places, **Mr. McGrane** responded that is not the intention or goal of this legislation at all. The goal is to be able to spread out voters to avoid long lines and provide a smooth election process.

In response to concerns regarding the numbers of voters at vote centers while the virus is still ongoing, **Mr. McGrane** stated the county clerks are very concerned about public health, but are also committed to being able to provide the right to vote to all voters. They will be doing their best to balance the number of voters for each vote center with the goal of spreading out the voters throughout the day. Mr. McGrane acknowledged some polling places may stay the same, but in some places they will change. He stated this legislation is to provide that flexibility in order to have a successful election.

**MOTION:**

**Rep. Hartgen** made a motion to send **S 1002** to the floor with a **DO PASS** recommendation.

**Jennifer Locke**, Deputy County Clerk, Kootenai County, spoke **in support of S 1002**.

**Penny Manning**, County Clerk, Bonneville County, spoke **in support of S 1002**.

**SUBSTITUTE MOTION:**

**Rep. Crane** made a substitute motion to **HOLD S 1002** in committee. He spoke to his motion by stating voters want to go to their polling places and just want to know those places are predictable and secure. He continued, there have been so many changes this year with elections that changing it again may confuse voters and believes vote centers will fly in the face of social distancing by making more people gather at fewer voting places, so cannot support this bill.

**Rep. Armstrong** spoke to the substitute motion. He stated it sounds like vote centers would make it more convenient to vote by being able to go anywhere in the county and should give this a try. He exclaimed, this is a lawmaker's dream legislation because it sunsets on December 31, 2020, so why not give it a try. If it works, they can bring it back during the next legislative session, and if not, it will sunset.

**Chairman Harris** concluded the debate by stating the low number of poll workers was one of the topics discussed in the interim working group meetings and the purpose of this bill is to find a way to conduct a smooth election in November with the limited number of poll workers available to cover all of the polling areas.

**ROLL CALL  
VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Harris** requested a roll call vote on the substitute motion to **HOLD S 1002** in committee. **Motion carried by a vote of 10 AYE and 5 NAY. Voting in favor of the motion: Chairman Harris, Reps. Crane, Palmer, Barbieri, Monks, Zito, Scott, Andrus, Young, and Gannon. Voting in opposition to the motion: Reps. Armstrong, Holtzclaw, Hartgen, Smith, and Green.**

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 1:07pm.

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Representative Harris  
Chair

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Tracey McDonnell  
Secretary