

AGENDA
SENATE STATE AFFAIRS COMMITTEE
10:30 A.M.
Room WW55
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.

SUBJECT	DESCRIPTION	PRESENTER
<u>RS28046</u>	Regarding Absentee Voting During the Pandemic	Senator Harris
<u>RS28045</u>	Regarding In-Person Polling Locations During the Pandemic	Senator Lodge

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 Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett

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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, August 24, 2020

TIME: 10:30 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, and Stennett:

ABSENT/ EXCUSED: Senator Buckner-Webb

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: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 10:35 a.m.

RS28046 RELATING TO ABSENTEE VOTING DURING THE PANDEMIC to revise provisions of issuance and counting absentee ballots.

PRESENTATION: **Phil McGrane**, Ada County Clerk and Chair of Elections Committee for Association of Counties and Clerks, advised that RS28046 related to absentee ballots for the November 3 general election and would expire at the end of the calendar year. RS28046 aligns the deadline to mail ballots for uniformed and overseas voters to federal law to 45 days before election and local ballots to 30 days prior to election and allows county clerks an additional two weeks to open and scan ballots. Senator Stennett asked if the Secretary of State participated in drafting language. Mr. McGrane responded that the Secretary of State was consulted in drafting RS28046. Senator Souza recommended adding language detailing security measures. Mr. McGrane noted that other statutes addressed security. Senator Vick suggested defining security. Chairwoman Lodge recognized the Secretary of State Lawrence Denney in attendance.

MOTION: **Senator Vick** moved to send **RS28046** to print. **Senator Anthon** seconded the motion. The motion carried by **voice vote**.

RS28045 RELATING TO IN-PERSON POLLING LOCATIONS DURING THE PANDEMIC to propose alternative procedures for election day voting and provide vote centers.

PRESENTATION: **Phil McGrane**, Ada County Clerk and Chair of Elections Committee for Association of Counties and Clerks advised that RS28045 addressed in-person voting for the November election and allows voters to go to any polling location to vote. RS28045 also allows the public and county clerks the flexibility to adjust. Senator Stennett expressed concern with the ability of people in rural areas to vote. Mr. McGrane responded that federal law requires compliance with ADA laws and that locations are established by district and allows one center per 15,000 voters and within 25 miles.

MOTION: **Senator Harris** moved to send **RS28045** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**. Senator Stennett noted that she would vote to print; however, expressed concern with the working parts.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 11:08 a.m.

Senator Lodge
Chair

Gaye Bennett
Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
12:00 P.M.
Room WW55
Monday, August 24, 2020

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SUBJECT	DESCRIPTION	PRESENTER
<u>S 1001</u>	Regarding Absentee Voting During the Pandemic	Phil McGrane , Ada County Clerk
<u>S 1002</u>	Regarding In-Person Polling Locations During the Pandemic	Phil McGrane , Ada County Clerk
Minutes	Approve Minutes of August 24, 2020 at 10:30 a.m.	Chairman Lodge

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 Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, August 24, 2020

TIME: 12:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, and Stennett

ABSENT/ EXCUSED: Senator Buckner-Webb

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: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 12:25 p.m.

S 1001 **RELATING TO ABSENTEE VOTING DURING THE PANDEMIC** to revise provisions of issuance and counting absentee ballots.

PRESENTATION: **Phil McGrane**, Ada County Clerk and Chair of Elections Committee for Association of Counties and Clerks, reported that **S 1001** would affect the November election only, provide that local ballots be mailed 30 days prior to the election, and allow county clerks an additional two weeks to open and scan ballots. **S 1001** would not affect overseas or military ballots or counties that read ballots by hand. He added that **S 1001** would provide that ballots would not be tabulated until polls closed and that ballots be stored securely.

DISCUSSION: **Senator Anthon** asked if there were known prosecutions related to secure voting. **Secretary of State Lawrence Denney** responded that there were no known prosecutions related to tampering of votes. **Senator Stennett** asked if a mail delay would affect processing of ballots and if sorting machines were working. **Secretary Denney** replied that a delay was unlikely and that machines were operating as usual. **Senator Vick** asked if each county created its own policy for counting ballots. **Secretary Denney** responded that counties submit plans and that the Secretary of State's Office provided directives.

TESTIMONY: **Chris Yamamoto**, Canyon County Clerk, expressed support for in-person, early, and absentee voting and opposed 100% mail out. He reported on Canyon County's process to ensure secure voting, which included cameras and utilizing You Tube for viewers to watch the process. **Senator Souza** asked if smaller counties could install similar cameras. **Mr. Yamamoto** responded that the system was relatively easy and inexpensive.

Jennifer Locke, Chief Deputy Clerk, Kootenai County, supported **S 1001** and the absentee voting process. She reported that Kootenai County used a camera and security system for ballots.

Rosa Martinez, Ada County, reported that a thousand people had signed up and were available to work the polls and suggested advertising through the media how easy it was to sign up. **Chairwoman Lodge** responded that that was not the case throughout Idaho and that advertisements were done. **Ms. Martinez** added that some overseas and military votes were not counted because ballots were not received in time. **Senator Vick** asked the clerks how many poll worker requests were received. **Mr. McGrane** reported 200 applications in Ada County, **Mr. Yamamoto** reported 23 applications in Canyon County, and **Ms. Locke** reported 70 applications in Kootenai County.

Jill Watts, Nampa, reported that she had signed up to volunteer, but had not heard back. She supported in-person voting and that anything less was not part of the Constitution. She added that several friends had signed up to vote by mail, but never received ballots. **Mr. Yamamoto** responded that no issues were reported with the company responsible for mailing out ballots. He added that an issue was reported regarding people who share a last name; however, he was confident the issue had been rectified.

Catherine Tedeski, Nampa, expressed support for in-person voting and that mail-in voting would encourage fraud. She recommending using CARES money to eliminate fraud. **Senator Souza** assured that **S 1001** would not preclude anyone from the right to vote in person and that it allowed people to securely vote absentee and only for this year.

Senator Stennett asked for assurance that the primary all mail-in voting was not fraudulent. **Secretary Denney** confirmed that security measures were taken. **Senator Stennett** asked if those measures made it unlikely for someone to vote twice. **Secretary Denney** confirmed that measures were taken to prevent duplicate votes. **Senator Souza** noted the difference between absentee and mail-in voting. **Chairwoman Lodge** confirmed that **S 1001** would not affect in-person voting, but would encourage it.

MOTION:

Senator Souza moved to send **S 1001** to the 14th Order for possible amendment. **Senator Vick** seconded the motion. **Senator Souza** recommended language to clarify types of security measures, basic generalities, and chain of custody. **Senator Vick** shared concern with security and would support **S 1001** with that change. The motion carried by **voice vote**.

S 1002

RELATING TO IN-PERSON POLLING LOCATIONS DURING THE PANDEMIC to propose alternative procedures for election day voting and provide vote centers.

PRESENTATION:

Phil McGrane, Ada County Clerk and Chair of Elections Committee for Association of Counties and Clerks, reported that **S 1002** would allow people to vote at any polling location, would provide clerks with the ability to adjust and adapt as needed, and that voting centers would add security and convenience. **Mr. McGrane** showed an example of an e-poll book, which provide increased security by scanning voters' identification and prevents voter fraud.

DISCUSSION: **Senator Harris** asked if bugs were worked out of e-poll books. **Mr. McGrane** confirmed that bugs were worked out and that paper poll books were still available if a problem arose. **Senator Anthony** asked if there was anything that would limit Idahoans from voting. **Mr. McGrane** responded no and that **S 1002** provides voters the flexibility to vote at any location. **Senator Stennett** asked if **S 1002** included mail-in provisions. **Mr. McGrane** responded that **S 1002** would not allow county clerks to do an all mail in election and that it was specific to the November election. **Senator Stennett** asked what would happen if a polling place was closed and moved beyond 25 miles. **Mr. McGrane** responded that **S 1002** allowed county clerks to adjust and adapt and allow voters with options in the event of an emergency.

TESTIMONY: **Robert Jones**, Nampa, expressed distrust in technology and public officials and was afraid of vote tampering. He asked why **S 1002** was presented in the special session and asked the committee to consider if it was the right to run the bill. **Mr. Jones** stated that changing things would confuse the situation, especially older people. **Chairwoman Lodge** responded that **S 1002** would not change processes but would make sure people had the flexibility and ability to vote. She added that voters would be notified of location changes. **Mr. Jones** expressed concern with the possibility of multiple votes by people with common names. **Mr. McGrane** responded that voters' addresses would be verified to assure that the right person voted.

DISCUSSION: **Senator Stennett** asked if the current language relating to early voting was similar to **S 1002** concerning voting centers, and if duplicate votes was possible. **Chad Houck**, Chief Deputy Secretary of State responded that the format was similar, and gave examples of how voting centers operated around the State. **Senator Stennett** asked how the public was informed of voting locations. **Mr. Houck** replied that a communication plan was prepared using CARES Act funds and that information would be sent to all registered voters' households. **Senator Souza** clarified the difference between in-person early voting and a voting center. **Mr. Houck** agreed and added that different statutes provided for early voting, early absentee, and in-person absentee voting, and that counties would choose the type of voting. **Senator Stennett** asked if there were limitations in early voting and asked for an update of activity around the State. **Mr. McGrane** responded that discussions were spread out and that early voting would be available throughout the State.

MOTION: **Senator Harris** moved to send **S 1002** to the floor with a do pass recommendation. **Senator Anthon** seconded the motion. The motion carried by **voice vote**, **Senator Stennett** voted nay.

MINUTES APPROVAL: **Senator Anthon** moved to approve the minutes of August 24, 2020 at 10:30 a.m. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

COMMENTS: **Senator Winder** thanked the committee for its efforts in making sure that people have the ability to exercise their right to vote. **Chairwoman Lodge** also commended the elected officials for their work.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 1:57 p.m.

Senator Lodge
Chair

Gaye Bennett
Secretary

AMENDED AGENDA #1
SENATE STATE AFFAIRS COMMITTEE
12:30 P.M.
Room WW55
Wednesday, August 26, 2020

AMENDED AGENDA #1

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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SUBJECT	DESCRIPTION	PRESENTER
Minutes	Approve Minutes of August 24, 2020 at 12:00 p.m.	Chairman Lodge
<u>H 1</u>	Regarding In-Person Voting	Chairman Lodge

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 Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett

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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, August 26, 2020

TIME: 12:30 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Souza, and Stennett

ABSENT/ EXCUSED: Senators Anthon and Buckner-Webb

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: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 12:35 p.m.

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of August 24, 2020 at 12:00 p.m. **Senator Hill** seconded the motion. The motion carried by **voice** vote.

H 1 **RELATING TO IN-PERSON VOTING** to provide for the right of certain electors to vote in-person.

PRESENTATION: **Representative Giddings** reported that **H 1** amends Idaho Code 34-1006 by adding language to allow voters opportunity to vote in-person regardless of state emergencies. **H 1** would not affect smaller precincts of less than 140 voters. **Representative Giddings** stated that the fiscal note was unknown because of future uncertainties, but hoped cost would not be too much to outweigh a person's ability to vote.

DISCUSSION: **Senator Souza** noted that the smaller precincts would still have to request an absentee ballot and clarified that it would not be a universal mail in voting. **Senator Stennett** asked what statute currently guides in-person voting and if **H 1** adds clarity or is redundant. **Representative Giddings** responded that **H 1** was not redundant but added extreme state emergency language. She noted that the Governor's proclamation suspended Idaho Code sections dealing with in-person voting so that absentee voting could be done. **Senator Stennett** asked how in-person voting would be done in cases of flooding, as an example. **Representative Gidding** responded that there would still be the option to move voting locations if an emergency was in a county and if the emergency affected the state perhaps the election could be delayed. **Senator Stennett** asked if it was possible to move the date of a federal election. **Representative Giddings** did not know and would need to yield to the Secretary of State's Office for an answer. **Senator Souza** clarified that **H 1** would not require voters to vote in-person, but would provide the opportunity to vote in-person; absentee ballots could still be requested.

TESTIMONY: **Charity Majors** stated that she was wife of a first responder, a mother, and supported in-person voting. She noted the 100 year anniversary of women's right to vote had just been celebrated, and that it was an honor to vote in-person. She said precautions would be taken to stand in line and vote, and that she and other moms were happy to fulfill the duty of staffing polling stations.

Nikki Shumacher stated that she was a humble Christian, homemaker, and mother who has lived in Idaho for 30 years and supported voting in-person. She stated that through her YouTube channel, she had a firm grasp on the voice of Idahoans who supported in-person voting.

Camille Harris, Rexburg, supported **H 1** and stated that many people felt loneliness and despair and that many, especially older people, felt that they did not have a voice if not able to vote in-person. **Ms. Harris** stated that people were concerned with becoming ill, but more concerned with the right to vote.

Nancy Georgeson, Boise, supported **H 1** and stated that her grandmother taught her the importance of voting and when her grandmother was no longer able to vote in person, she and her husband requested an absentee ballot. **Ms. Georgeson** stated that she wanted the same rights for her kids.

MOTION: **Senator Souza** moved to send **H 1** to the floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice** vote.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 1:01 p.m.

Senator Lodge
Chair

Gaye Bennett
Secretary

AGENDA
SENATE STATE AFFAIRS COMMITTEE
3:00 P.M.
Room WW55
Wednesday, August 26, 2020

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SUBJECT	DESCRIPTION	PRESENTER
Minutes	Approve Minutes of August 26, 2020 at 12:30 p.m.	Chairman Lodge
<u>RS28065</u>	Regarding Idaho's State of Emergency	Senator Hill

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 Lodge

Vice Chairman Harris

Sen Hill

Sen Winder

Sen Vick

Sen Anthon

Sen Souza

Sen Stennett

Sen Buckner-Webb

COMMITTEE SECRETARY

Gaye Bennett

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MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, August 26, 2020

TIME: 3:00 P.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, and Stennett

ABSENT/ EXCUSED: Senator Buckner-Webb

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: **Chairwoman Lodge** called the Senate State Affairs Committee (Committee) to order at 3:22 p.m.

MINUTES APPROVAL: **Senator Souza** moved to approve the Minutes of August 26, 2020 at 12:30 p.m. **Senator Stennett** seconded the motion. The motion carried by **voice** vote.

RS 28065 A Senate Resolution **RELATING TO THE STATE OF EMERGENCY IN IDAHO** due to the COVID-19 pandemic.

PRESENTATION: **Senator Hill** explained that a resolution was a form of a proposal, not a law, and it did not have the force of law, but was declaratory in nature. **Senator Hill** stated that **RS 28065** declared the Legislature's suggestions and expectations. He stated that the Governor called the special session for the Legislature to consider absentee voting, in-person polling locations, and civil liability related to COVID-19 as had been recommended by working groups. **Senator Hill** stated that the Idaho Constitution restricted discussions to subjects listed in a proclamation. He stated that a proclamation was not a limitation of concerns, but was to intended to provide protections to the public.

Senator Hill highlighted subjects that needed to be fixed during the regular session. He stated that terminating an emergency declaration would not eliminate mandates, such as face coverings, and that agencies would still have authority, regardless of being in an emergency. **Senator Hill** reported that two legal opinions were obtained and that legislators were not willing to break their oath of office. He stated that **RS 28065** proclaimed to the Governor that the emergency declaration end in a responsible way and that the Governor had agreed to work with the Legislature to change rules and statutes so the emergency declaration could end. **Senator Hill** noted concern with the authority to close schools and that all Idahoans have the right to participate in elections, attend voting in polling stations, and that the Senate reaffirms that the public has the right to make health decisions for themselves and their families.

DISCUSSION: **Senator Stennett** asked who would have the authority to make decisions if not by the health districts. **Senator Hill** responded that he did not have the answer, but it should be considered during the regular session. **Senator Anthon** appreciated that the resolution included decision making authority. **Senator Winder** thanked everyone who worked on the resolution and that the Legislature was trying to address issues in a right and legal way, along with the concerns of the people who are expressing their freedom to speech and freedom to assemble. **Senator Souza** acknowledged the amount of fear throughout the State and that legislators felt sidelined. She noted that constituents want immediate action, but it was the Legislature's job to consider the unintended and legal consequences of any action.

MOTION: **Senator Winder** moved to send **RS 28065** to print. **Senator Anthon** seconded the motion. The motion carried by **voice** vote.

MOTION: **Senator Winder** moved to refer **RS 28065** to the 10th Order of Business on the Senate floor. **Senator Harris** seconded the motion. The motion carried by **voice** vote.

COMMENTS: **Chairwoman Lodge** thanked the Senators' for their hard work in addressing the public's concerns and noted that the Legislature was listening. She also thanked **Senator Hill** for his presentation.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 3:46 p.m.

Senator Lodge
Chair

Gaye Bennett
Secretary