

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 08, 2021
TIME: 9:00 A.M.
PLACE: Room EW40
MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias
**ABSENT/
EXCUSED:** None
GUESTS: Carmel Crock – Self, Ken Harris – Self, Benjamin Kelly - Food Producers of Idaho, Richard Durrant - Self, Brad Roberts - Self, Russ Hendricks - Idaho Farm Bureau, Sylvia Chariton -AAVW, Garret Kastle - Self, Ross Mason - Self, Shive Rajbhandari

Chairman Crane called the meeting to order at 9:00 a.m.

Chairman Crane explained public testimony will be taken on **S 1110** until 10:15 a.m. Following testimony, **Rep. Addis** will make his closing remarks and motions on the bill will be accepted. He stated a vote will be taken prior to the end of the meeting.

S 1110: **Sen. Vick** presented **S 1110**. The purpose of this legislation is to increase voter involvement and inclusivity in the voter initiative / referendum process. This would be accomplished by ensuring signatures are gathered from each of the 35 legislative districts, so every part of Idaho is included in the process.

Under existing law, signatures are required to be collected from 18 districts. This could be accomplished by gathering signatures in only four counties. County clerks verify initiative / referendum signatures in every legislative district where they are gathered. This bill would increase the number of districts where signatures are gathered but would not raise the total number of signatures required.

Sen. Vick said this bill strikes language on lines 20-23: at least 18 and adds 35. It also strikes the total number of signatures shall be equal to or greater than 6% of the qualified electors of the state at the time of the last general election.

Sen. Vick stated he received opinions from both the Secretary of State and Attorney General verifying there will not be an increased number of signatures nor signatures from every single county. This would allow all policy coming through an initiative or referendum to be more inclusive of all Idahoans.

In response to questions, **Sen. Vick** was unsure how many initiatives have made it onto the ballot in the past 20 years. He said a trend is developing for wealthy out of state groups to put initiatives on the ballot. The initiative / referendum process is becoming centralized, and this legislation would help eliminate the problem.

A concern was expressed if the cost of collecting signatures increases, it may discourage or prohibit citizen groups from trying to get an initiative or referendum on the ballot.

A recommendation was made to change the language to require signatures from 18 counties rather than legislative districts. **Sen. Vick** said the legal precedence is for signatures be gathered by legislative districts. The Supreme Court views this as a violation of the one-man-one-person-vote. The intent is to make sure the initiative process is legal and can withstand a court challenge.

Rep. Addis stated he also consulted with the Attorney General's Office and it was their opinion that collecting votes by legislative district was the best way to proceed. He stated this bill is truly inclusive. It allows every Idahoan a seat at the table when forming law. As the population shifts into urban areas, this legislation would ensure representation from all parts of Idaho.

A committee member referenced Article One, Section Two of Idaho's Declaration of Rights - Political power is inherent in the people. It was expressed when the legislature puts more restrictions on the initiative process it violates the spirit of the constitution and puts a choke hold on democracy. This bill would make it much more difficult for political powers to remain with the people of Idaho.

Richard Durrant, Benjamin Kelly, Brad Roberts, Russ Hendricks, Bryan Searle - Idaho Farm Bureau, **Fred Omodt** - Self, **Mark Frei** - Self, and testified **in support of S 1110**.

They said, Idaho's population has grown more than 12% since 2010 and with rapidly changing demographics, it is critical for all Idahoans to have an equal voice. The current model is not balanced, and outside interests can have too much influence. It is important to have proper education about controversial issues placed on the ballot and propaganda has been brought in from outside interests, complicating matters. Technology allows citizens to communicate with each other throughout Idaho and can bring people together in the initiative/referendum process. For one legislative district to achieve veto power, it would need to have more than 94% of registered voters sign a petition in opposition of placing the initiative / referendum on the ballot. Having the right to bring initiatives forward is important to Idaho citizens.

In response to a question from the committee, **Mr. Hendricks** stated approximately one-half of states do not allow initiatives to be put on the ballot.

Carmel Crock, Ken Harris, Sylvia Charitan, Shiva Rajbhandari, Ross Mason, Garret Kastle, Lauren Bramwell - Policy Strategist, ACLU, **Luke Prang** - Lemhi County Democratic Party, **Terry Wilson** - Black Lives Matter, Boise, **Linda Larson** - Self, **Hollie Conde** - Conservation Voters for Idaho, **Dr. Gary Hoffman** - Self, **Joe Evans** - Self, **Harri Osborn** - Self, **Jeffrey Read** - Self, and **Lori Gibson Banducci** - Self, testified **in opposition of S 1110**.

They said, this legislation would severely burden Idahoans' access to the initiative process and is an infringement on Idahoans' constitutional rights. If passed this legislation would likely spur litigation under the Idaho State Constitution and the 1st and 14th Amendments. This bill makes a difficult process, impossible and would eliminate the citizen initiative process, disenfranchising Idahoans. It would give veto power to a single legislative district, allowing outside interests to target a particular district to take advantage of that veto power. This bill would increase the amount of funding needed to attempt to get an initiative on the ballot. Statistically, it would be impossible to get the number of signatures needed to get an initiative / referendum on the ballot.

The initiative / referendum process is democracy at its purist. People know when something needs to change and by providing a signature, they can effect change. This bill is government overreach. With only two out of fifteen initiatives making it onto the ballot in the last 7 years, it is clear the requirements are already difficult to meet. In the spirit of **S 1110**, it was suggested the committee be required to vote unanimously to send this bill to the floor.

In response to questions, **Ms. Bramwell** said the initiative process is not uniform in all states. **Ms. Larson** clarified when she lead the signature gathering effort in District 1, for the Medicaid Reform Initiative, she worked with 150 volunteers and there were no paid signature gatherers.

Rep. Addis closed by saying this bill is about policy. It is an inclusive bill that gives every part of Idaho a voice in the formation of laws.

MOTION:

Rep. Gannon made a motion to **HOLD S 1110** in committee. He said, since 1978, initiatives have covered the spectrum of government philosophy and have been important to the political process. It is inappropriate to restrict the initiative/referendum process. It is going to cost more money for any group to promote their ideas. One district will have veto power over the implementation of the process. This bill is not necessary.

During discussion, **Rep. Hanks** said **Greg Pruitt** from the Second Amendment Alliance was not available to testify but asked to be on the record **in support of S 1110**.

SUBSTITUTE MOTION:

Rep. Hanks made a substitute motion to send **S 1110** to the floor with a **DO PASS** recommendation.

During discussion, **Rep. Barbieri** stated one of the requirements of being a state in the United States is to have a republic form of government, not a democracy. While it is important to recognize citizens are the essential aspect of the state, rural counties are losing political influence. Other states are controlled by large cities. He does not want that to happen in Idaho.

Rep. Mathias stated the need to protect and enshrine the role and influence of Idaho's rural communities. He fears the legislature is going so far in one direction that it renders Idahoans' constitutional rights unexercisable. He supports the original motion.

Rep. Gannon stated he would like to see a smaller number of districts required and said requiring 35 districts is too extreme. The legislature is giving one district veto power. He supports the original motion.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

Roll Call vote was requested. **Substitute motion carried by a vote of 12 AYE and 2 NAY. Voting in favor** of the motion: **Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, (Andrew).** **Voting in opposition** of the substitute motion: **Reps. Gannon, Mathias.** **Rep. Addis** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 10:28 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary