

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Tuesday, March 16, 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 (Andrew), Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** Dave Kangas - Self, Jason Hancock – Deputy Secretary of State, Phil McGrane - Ada County Clerk, Jayme Sullivan – Attorney, City of Boise

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

**Chairman Crane** requested a motion, Subject to the Call of the Chair to Hold **H 137** and **RS 28715** in committee. The intent was to hear these pieces of legislation later in the week.

**MOTION:** **Rep. Young** made a motion to **HOLD H 137** and **RS 28715**, subject to the Call of the Chair. **Motion carried by voice vote.**

**S 1111:** **Sen. Winder** presented **S 1111**. This legislation establishes districts and will require election of city councilmen by district, in cities with a population more than 100,000. Districts shall be established no later than one hundred twenty (120) days prior to the 2023 city election. Prior legislation is being amended in response to the delay of the 2020 Census. Because of this delay, it is necessary to delay implementation of city elections in cities with a population more than 100,000. Therefore, beginning with city elections in 2023, all cities more than 100,000 will be required to elect city council members by district. Minimal cost to cities is anticipated but may vary based upon the system by which each city chooses to draw district lines.

**Sen. Winder** said any city may be by district. As cities are growing, it would be beneficial for citizens to have elected officials to go to with issues. Cities less than 100,000 could have districts. He also indicated annexed areas must be brought into the districts, for representation.

The transition period is outlined on Page 2 Line 16. This year's candidates for city council will be elected at-large for a 2-year term.

**Richard Llewelyn** – Self, testified in support of **S 1111**. He said he is a resident of a neighborhood annexed without consent and it is important to extend districting. Mr. Llewelyn expressed it would be good to have all districts set at once and **S 1111** would make the transition efficient.

**Karen Danley** and **Dave Kangus** – Citizens, testified in support of **S 1111**. They said this bill balances concerns of using 2020 census data. Cities would have ample time to set districts and it creates city council districts, simultaneously. Time is needed for a transition but 2025 is too far away. Everyone in the city deserves local, fair, and equal representations and this bill accomplish that goal.

Committee members thanked **Ms. Danley** and **Mr. Kangus** for their work on this issue.

**Jamie Sullivan** testified in support of **S 1111** and said it lays out a clear path forward and clarifies legal uncertainties. She said this legislation provides for implementation of districting in a fiscally responsible way.

**Sen. Winder** said this is a consensus bill and is supported by many neighborhood associations and asked the committee to send **S 1111** to the floor with a do pass recommendation.

**MOTION:** **Rep. Holtzclaw** made a motion to send **S 1111** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Palmer** will sponsor the bill on the floor.

**H 290:** **Rep. DeMordaunt** presented **H 290**, a bill focused on signature verification. This legislation was born out of three groups working on elections integrity. The Citizen's Committee for Elections Integrity proceeded to develop standards and had them read into the congressional record at the beginning of the year. Signature verification is one of the standards included.

Signature verification is an important standard in the voting process of every state according to both the Secretary of State and County Clerk's offices. This was elevated in importance when a district judge called into question the Idaho legislature's intent of having signatures verified by county clerks, questioning Page 4 lines 11-17 of the legislation. The judge said the legislature never intended to have county clerks verify signatures or to be signature experts. **Rep. DeMordaunt** took exception to this statement, saying signature verification is vitally important for election integrity. This legislation substantiates the role of signature verification.

**Jason Hancock** stated the driving force for the Secretary of State's involvement was due to a lawsuit related to a recall. He said signature verification is a cornerstone to ensuring valid votes. Election fraud would be so much easier if signatures were not verified. Signature checks run through 34-1807 Idaho Code.

Proposing to add language saying the County Clerk's office is to strike from the petition any names for which the clerk has determined the name, address or signature do not match those of a qualified elector of the proper jurisdiction.

Lines 29-30 address an issue in a federal court case. A judge attempted to force the State of Idaho to accept electronic signatures.

Section 1 - Directs the Secretary of State to establish signature verification standards and provide those standards to the county clerks.

Section 2 - Increases retention of absentee affidavits envelopes to two years, instead of one year.

Section 3 - Deals with absentee ballots and ensures a judge cannot stop County Clerks from checking signatures on absentee ballots.

Section 4 - More clearly ties the verification process for signatures on referendums to 34-1807.

Section 6 - Declares an emergency.

In response to questions, **Mr. Hancock** clarified to maintain privacy, each constitutional ballot is inside a secrecy envelope. Once received, the County Clerk's office checks the signature to verify it matches the information on record. If it does, the secrecy envelope then goes into one box and the affidavit envelope goes into another box. If there is more than one ballot in a secrecy envelope, both votes are invalid and the office attempts to cure the ballots by contacting the voters. In Idaho, County Clerks always make the attempt to cure votes. It is in code because there needs to be some flexibility. The County Clerk's office may only have an address for a voter. If invalid ballots are received on election day, there is no time to send a letter noting the problem. If a phone number can be found, a call is made to the voter.

**Mr. Hancock** stated it is not the job of the County Clerk's office to cure signatures on petitions. There is a very compressed time-frame and not enough time to contact everyone. The process for checking signatures is not uniform in each county. Larger counties may scan envelopes to compare a digital signature to the signature on file, while others may verify signatures by hand.

**Phil McGrane** testified in support of **H 290**. He and **Rep. DeMordaunt** worked closely on drafting signature verification language, specifically, sections one, two and three to tightening up laws in terms of absentee ballots and how signature verification should work. It also adds training materials. All 44 counties have done signature verifications for the past 20 years as a standard practice.

In response to committee questions, **Mr. McGrane** said he worked with **Rep. DeMordaunt** and **Rep. Armstrong** on **S 1069** which addresses follow-up processes for absentee ballots that need to be cured.

**Rep. DeMordaunt** closed by saying she cannot overemphasize the importance of this legislation to ensure the integrity of elections in Idaho.

**MOTION:** **Rep. Barbieri** made a motion to send **H 290** to the floor with a **DO PASS** recommendation.

**Rep. Barbieri** encouraged the Secretary of State's office to bring forward legislation addressing recounts, by hand. He said he appreciates the Secretary of State using the word "shall" and thinks it should be mandatory language so there is no ambiguity.

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

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:44 a.m.

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Representative Crane  
Chair

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Kelly Staskey  
Secretary