

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Tuesday, April 13, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss (Blanchard), Hanks, Skaug, Gannon, Mathias

**ABSENT/
EXCUSED:** None

GUESTS: Kathy Dawes - ACLU of Idaho representing President Susan Ripley, Sara Westbrook -Idaho Association of Counties, Angela Barkell - Owyhee County Clerk, Phil McGrane - Ada County Clerk, Lynn Tominaga - IGWA

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

Rep. Mathias made a motion to approve committee meeting minutes from March 18, 2021 and April 3, 2021. **Motion carried by voice vote.**

H 135aaS: **Rep. Monks** presented **H 135aaS**. This legislation protects the separation and balance of powers between the executive and legislative branches of government. This legislation ensures that all Idahoans have the right to work, provide for their families and that they can contribute to the economy during an emergency disaster declaration. The legislation also limits emergency disaster declarations to a maximum of 60 days unless extended under certain provisions. Constitutional rights guaranteed by the United States constitution, and the constitution of the state of Idaho and explicitly the right to assemble for worship are definitively protected in this legislation. The legislation clarifies that the governor may not alter, adjust or suspend Idaho Code during a disaster declaration.

Rep. Monks indicated the Senate made changes, stating all jobs are essential and adding the phrase, "other legislative action," on Page 2 Line 22. He indicated he worked with the Senate on the amendments and said they are acceptable.

In response to questions, **Rep. Monks** clarified emergencies can last longer than 60 days. The only time legislative action is needed to be taken is if the Administrative Rules need to be changed. As proven by the last special session, he has every confidence that the Legislature can act quickly to get things accomplished.

MOTION: **Rep. Young** made a motion to Concur with Senate amendments on **H 135aaS**. **Motion carried by voice vote. Rep. Monks** will sponsor the bill on the floor.

S 1168aa: **Sen. Souza** presented **S 1168aa**. In 2020, private grant money came into Idaho at the county elections level. The integrity of our elections becomes vulnerable if outside influence is allowed. This bill establishes that our elections must be funded by only appropriations from federal, state, or local government entities.

Sen. Souza said that 20 of Idaho's 44 counties received grant funds from the Zuckerberg Foundation to use for the administration of the 2020 General Election. The money was not tied to a particular party or candidate. Idaho does not have a law stating private money cannot be deposited into election accounts in Idaho.

The Idaho Association of Counties informed county clerks about this grant opportunity. Because non profit organizations do not have to report contributions made until the end of the year, many people were not aware these grants were awarded. **Sen. Souza** said there needs to be more robust communication between the County Clerks and Secretary of State's Office. She also stated there needs to be accountability and reporting. She believes Idaho was taken advantage of because of the current health crisis.

Sen. Souza was concerned about questions on the follow-up grant report. One question asked, "If your annual budget doubled permanently, what would you be able to do that you cannot do now?" She said this opens everyone up to be vulnerable. Rep. Souza expressed the need for better communication and leadership to guard the integrity of the vote in Idaho.

In response to questions, **Sen. Souza** said the administration of the elections must be and always has been funded directly by the state. There are potential dangers of private individuals or companies giving to the direct administration of elections. She referred to page 2 of the handout Private Grant Monies Provided to Idaho from the Center for Tech and Civic Life. The graph represents funds provided for the 2020 General Election. (See attachment 1) Sen. Souza said she did not look at funding from other years and she did not know if Idaho elections are underfunded.

Sarah Westbrook's testimony regarding **S 1168aa** was neutral. She clarified her role in informing counties about the grant funds. She sent an email to every county clerk, sharing the grant opportunity, (See Attachment 2.) She said 20 counties applied for the grant because there were a lot of struggles to get poll workers, PPE, polling spaces large enough to accommodate social distancing. The extra funds were used for administrative costs to ensure a successful election.

In response to questions, **Ms. Westbrook** stated \$1.5 million was allocated during the special session for elections. She said several counties used the money as a bonus for poll workers. She shared she does not go out of her way to identify grant opportunities.

Angela Barkell's testimony regarding **S 1168aa** was neutral. She stated her county has 5,000 registered voters spread over a large area. During the general election it was difficult to find large enough polling locations and volunteers to work the polls. When Ms. Barkell received information about the availability of additional grant funding and saw the application was easy to fill out, she took advantage of the opportunity. Owyhee County used the money for training, food and bonuses for the poll workers.

Phil McGrane testified in support of **S 1168aa**. He stated this was an unprecedented year, given the challenges presented by the Coronavirus; the chairmen of both the Republican and Democratic parties joined him in recruiting poll workers. Mr. McGrane indicated several counties made capital purchases with the federal funds they received. The largest purchase was equipment to process absentee ballots. PPE was also purchased and a COVID-19 specific polling location was established for voters testing positive for COVID-19. Approximately 100 people voted there. Mr. McGrane provided a copy of the Ada County's grant award letter. (See attachment 3)

In response to questions, **Mr. McGrane** stated several lawyers looked at the grant award letter before accepting the money. He explained it is standard for grantors to include language stating if the money is improperly used, it would have to be reimbursed. He said Ada County used all they received. Ada County experienced a five-fold increase in absentee balloting during the last general election. He does not anticipate this will continue to increase.

Kathy Dawes, of the ACLU of Idaho, testified in opposition to **S 1168aa**. She stated the League believes it will severely limit the ability of county clerks to obtain necessary funds to assure accessibility of voting in Idaho. Ms. Dawes said limited budgets can prevent counties from providing adequate polling places and/or drop boxes during an election, making it more difficult for voters to vote. This bill does not provide transparency or accountability. It eliminates the option of nonpartisan support for elections under the guise of "undue influence," without any evidence of such.

In response to questions, it would concern **Ms. Dawes** if a politically extreme group made a contributions to the counties for administration of elections in Idaho. She clarified supporting donations from non-partisan groups.

In closing, **Sen. Souza** said Idaho needs to be very careful receiving outside money. It is a lesson for all that amidst good intentions, the legislature can put the state at risk. Idahoans do not want anyone to intrude on the honesty and integrity of the state's elections system. **S 1168aa** will help protect Idaho's election process.

MOTION: **Rep. Barbieri** made a motion to send **S 1168aa** to the floor with a **DO PASS** recommendation. He stated it is a worthy effort but compromises occur if counties become dependent on the outside funding. He will continue to monitor how the Clerks respond.

During discussion, **Rep. Gannon** confirmed Mark Zuckerberg and Pricilla Chan provided \$250 million to the Center for Tech and Civic Life. Uncomfortable with policy being set by people with wealth.

Rep. Mathias stated he sees an underlying theme this session; the legislature divests in higher education so out of state students need to be recruited to pay out of state tuition. The body is creating an incentive for sub-state entities to seek outside funding. He does not want to see millionaires and billionaires driving policy in Idaho. He will not support this bill.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Mathias** requested to be recorded as voting **NAY**. **Rep. Troy** will sponsor the bill on the floor.

Chairman Crane handed over the gavel to **Vice-Chairman Armstrong**.

S 1150: **Chairman Crane** presented **S 1150** and indicated **Sen. Lodge** was unable to be in committee. The legislation would require those who circulate petitions and gather signatures for ballot initiatives and referendums must collect those signatures in the State of Idaho. The person who collects the signatures must clarify they were physically located in the State of Idaho at the time of signing.

In response to questions, **Chairman Crane** stated signature gatherers have nine months to gather the required signatures and that should provide adequate time for military personnel, stationed out of state, to provide a signature or to collect the number of signatures needed. He indicated there is a cottage industry that has developed to collect signatures across state lines.

MOTION: **Rep. Palmer** made a motion to send **S 1150** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gannon** requested to be recorded as voting **NAY**. **Chairman Crane** will sponsor the bill on the floor.

ADJOURN: With no further business to come before the committee, the meeting was adjourned at 9:49 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary