

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Monday, February 14, 2022  
**TIME:** 9:00 A.M.  
**PLACE:** Room EW40  
**MEMBERS:** Chairman Crane, Vice Chairman Armstrong (Armstrong), Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug, Gannon, Mathias

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of the session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Crane** called the meeting to order at 9:01 a.m.

**H 547:** **Rep. Moyle** presented **H 547** which seeks to address the prevention of a potential election integrity issue known as ballot harvesting. The legislation stipulates only authorized persons may handle, convey, or transport absentee ballots from the voter to the election office.

Speaking **in opposition** to **H 547** were **Kendal Shaber**, League of Women Voters of Idaho; **Shiva Rajbhandari**, representing BABE Vote; and **Hollie Conde**, Conservation Voters for Idaho. They were of the opinion **H 547** was a bill searching for a problem Idaho doesn't face. By disallowing individuals to help one another vote by absentee ballot, the bill would in effect be suppressing voters. There was also concern for use of the term "convey" in the bill. The assumption is the bill means the physical transportation of ballots but "convey" could also mean communication and clarity is needed. This bill would have unintended consequences that make it harder for people to exercise their right to vote.

Speaking **in support** of **H 547** was **Jason Hancock**, Deputy Secretary of State. He stated that by its very nature, an absentee ballot is the least secure method of voting. Taking extra steps to limit undue influence on election outcomes by setting requirements on how absentee ballots were handled was a reasonable course of action. Ballot harvesting encourages people to be partisan actors and proceed with bad motives.

**MOTION:** **Rep. Palmer** made a motion to send **H 547** to the floor with a **DO PASS** recommendation.

Committee discussion on the motion was held. Committee members said they were concerned about why the state is spending time trying to pass legislation making something Idaho doesn't even deal with an illegal action. Committee members also expressed there is a big difference between ballot harvesting and helping your neighbor or in-laws get their absentee ballot to the Elections office. The committee did clarify the legislation does not inhibit anyone from finding a trusted person to bring their vote to the polls but it would address a problem other states are struggling to prevent.

**VOTE ON  
MOTION:** **Chairman Crane** called for a vote on the motion to send **H 547** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Gannon** and **Mathias** requested to be recorded as voting **NAY**. **Rep. Moyle** will sponsor the bill on the floor.

**RS 29502:** **Rep. Nichols** presented **RS 29502** which seeks to ensure no person can be denied medical services due to their refusal of COVID-19 therapies or testing. She stated people have been denied medical services, including life-saving treatments, because of their COVID-19 status. In response to committee questions, Rep. Nichols said while the federal statutes do specify someone may not be denied medical services, there are gaps in the Idaho state code. There was not any language in **RS 29502** that would contradict federal law. Regardless of crisis of care standard enactments, this legislation would require patients refusing vaccinations must be able to receive medical care for medical issues. This legislation specifically addresses a patient's right to refuse COVID therapies and not medications or therapies in general.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 29502**. **Motion carried by voice vote.**

**RS 29549:** **Rep. Hanks** presented **RS 29549** which would prohibit any state entity from issuing a mask mandate for COVID-19. This proposed legislation replaces the previously proposed **H 514**. Changes were made to clarify state employees who are required to wear masks or other breathing apparatus due to dangerous chemicals or inhalants still need to wear those protective devices. Additionally, the repercussions to a state entity stipulated in **H 514** were removed in **RS 29549**. This legislation focuses on giving people the choice to wear masks or other facial coverings for protection of a contagion.

**MOTION:** **Rep. Scott** made a motion to introduce **RS 29549** and recommend it be sent directly to the Second Reading Calendar.

During discussion on the motion, committee members questioned why the state could not mandate clear face shields in lieu of masks as these would accomplish the overall goal of people being able to see one another's faces while still offering contagion prevention. It was also questioned whether someone could be asked or recommended to wear a mask, especially if they were known to have COVID-19 but were still out in public. Committee members were concerned how this legislation would affect the idea of local choice and local control. In response, **Rep. Hanks** said people can wear whatever kind of face covering they wanted, and certainly someone could be asked to wear a mask but any mandated requirement removes people's ability to choose how to manage their own health and well-being.

**VOTE ON MOTION:** **Chairman Crane** called for a vote on the motion to introduce **RS 29549** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Reps. Gannon** and **Mathias** requested to be recorded as voting **NAY**. **Rep. Hanks** will sponsor the bill on the floor.

**H 548:** **Rep. Moyle** presented **H 548** which seeks to create legislation to tie one eligible location to a homeowner's exemption, voter registration, and where someone is able to run for public office. It also provides the county tax assessor the ability to verify there is only one vote per one homeowner's exemption. He stated owning multiple properties is fine but someone can't legally reside in and vote at all of them.

**MOTION:** **Rep. Mathias** made a motion to send **H 548** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Scott** requested to be recorded as voting **NAY**. **Rep. Moyle** will sponsor the bill on the floor.

**RS 29506:** **Rep. Chaney** presented **RS 29506** which seeks to provide legal confidentiality for providers involved with all aspects of carrying out the death penalty in Idaho. This would include physicians and other licensed entities who provide, store, or transport the controlled substances and other materials required for enactment of lethal injection. Opponents of the death penalty have been making efforts to publicly denounce and inhibit functioning of any entities involved in carrying out lethal injections which has led to no one being willing to carry out these duties. He concluded if Idaho wants to have the ability to enforce the death penalty, the state needs to make legal protections for the enforcement of it.

In discussion of the proposed legislation, committee members requested three specific changes. On page 2, line 1, section a; remove the "s" from the word "physicians" to make it "physician" singular. On page 2, line 4, section b; add the word "stores" after the word "manufactures." On page 5, line 47, section 20; change the word "would" to "could."

**MOTION:** **Rep. Skaug** made a motion to introduce **RS 29506** with the specified corrections. **Motion carried by voice vote.**

**H 439:** **Rep. Okuniewicz** presented **H 439** which seeks to adjust the deadline for an unaffiliated voter wishing to become an affiliated voter to be the same deadline already established for all other types of voters. Currently unaffiliated voters can change or declare an affiliation any time up to and including Election Day.

Speaking **in opposition** to **H 439** was **Shiva Rajbhandari**, representing BAFE Vote; **Hollie Conde** for Conservation Voters of Idaho; and **Alicia Abbott**, representing The Idaho 97. They were of the opinion this bill would have a negative impact on Idaho voters. Voters generally try to align themselves with a candidate who best represents the same beliefs and concerns they do. There are some 310,000 unaffiliated Idahoan voters who would not have time to learn anything about a candidate, even their options of who the candidates are, if they are required to make a choice on who to support on the same day candidates must be done filing their intent to run for office. Idaho consistently sees many new candidates filing on the last day up to the last hour. This year specifically would especially have negative impact to voters; if enacted with the emergency clause, this legislation would inhibit those 310,000 voters from voting in the primaries in 2022.

During discussion of **H 439**, committee members discussed why setting a deadline to affiliate at all would prove beneficial and why there was concern should they not do so. They discussed possible benefits or drawbacks for someone to be an affiliated or unaffiliated voter. **Rep. Okuniewicz** stated the goal of this bill was to make the deadline equal for everyone and prevent "flip-floppers." He recognizes most unaffiliated voters are not playing games in any way, but there have been times when an unaffiliated voter deliberately registered with one party or the other for the purpose of sabotaging a primary election. Once the primary election was over, the voter became unaffiliated again. The committee questioned whether these attempts were a significant enough occurrence to influence an election outcome.

**Jason Hancock**, Deputy Secretary of State, was introduced to share official statistics for consideration of the committee. He stated Idaho has just shy of a million registered voters. Of these, Republicans make up just over half, Democrats are slightly less than one-third, and most of the remaining voters are unaffiliated. The number of registered Libertarian and Constitution Party affiliates is very small. Unaffiliated voters do have a significant impact on election outcomes overall. In 2022, the window to register or change an affiliation electronically will open for three days in March before the candidate filing deadline. Mr. Hancock did not know the specific number of people who historically have changed affiliation before an election primary and again after the primary but this number would be discoverable on the Secretary of State's website.

Committee discussion continued about whether allowing the deadline for unaffiliated people to choose an affiliation should extend for an additional time so people would have the opportunity to vet the candidates before a primary election. Committee members appreciated keeping the deadline consistent for all voters but were wary about hindering people from making informed decisions. They were concerned whether a few people with bad motives were making much of a difference versus holding everyone to the same deadline. **Chairman Crane** stated this bill specifically relates to primary elections, not general elections. Each recognized political party has the responsibility of choosing a candidate to represent their party and deserves to select the candidate they want speaking for them, not someone sabotaging them. The goal for a primary election is not necessarily the same as for a general election.

**MOTION:** **Rep. Skaug** made a motion to send **H 439** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Gannon** and **Mathias** requested they be recorded as voting **NAY**. **Rep. Okuniewicz** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:14 a.m.

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Representative Crane  
Chair

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Rebecca Fisk  
Secretary