

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, January 18, 2016

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Vice Chairman Lodge, Senators Davis, Hill, Winder, Siddoway, Lakey, Stennett and Buckner-Webb

ABSENT/ EXCUSED: None

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: **Chairman McKenzie** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m. with a quorum present. He introduced Emily Richards, who will be serving as an intern for the Committee. Emily is working on her MBA and is currently taking a course from former Representative Wendy Jaquet

Chairman McKenzie introduced Tim Hurst, Chief Deputy, Office of the Secretary of State.

IDAPA 34 - OFFICE OF THE SECRETARY OF STATE
34.02.011 - Presidential Primary (Chapter Repeal)

DOCKET NO. 34-0201-1501 **Mr. Hurst** stated that this docket deals with the repeal of a 1993 rule relating to the presidential preference primary. When the law was changed in 2012, these rules should have been repealed at that time because they no longer applied. The intent is to repeal the rules, making the changes effective for this year's presidential preference primary.

Senator Lakey asked if the repeal of this chapter only affects write-in candidates. **Mr. Hurst** answered that it addresses forms that are no longer used as well as eliminating requirements for write-in candidates and delegates that are no longer part of the statute.

MOTION: **Senator Winder** moved to approve **Docket No. 34-0201-1501**. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

RS 24091 RELATING TO ELECTIONS to address procedures related to the Presidential Primary Election regarding write-in candidates, ballots with one presidential candidate and moving the cut-off date for changing party affiliation.

Mr. Hurst explained that this legislation addresses the presidential primary election that will be held in March of 2016.

1. The RS states that no one can file as a write-in candidate for the presidential primary. The recommendation is that the language be changed in statute to specifically say that no write-in candidates are allowed in the presidential primary and if there should be a write-in candidate, those votes would not be counted.
2. If only one candidate files for office for the presidential primary, it will not be necessary to print a ballot. That is the rule in the primary election and should be the same for the presidential primary election.

3. Changing party affiliation. The statute isn't clear that the cut off date for changing party affiliation applies to the presidential primary election. The intent of the bill is to have a specific date set for changing party affiliation or to become unaffiliated. The date would be moved to the second Friday of February in even numbered years. That puts the date before the presidential primary and ahead of the primary election. There is an emergency clause attached to make it applicable to the 2016 primary election. There will be less confusion for the voters, the elected officials, the Secretary of State and the chief deputy.

Senator Stennett questioned whether the opportunity to be a write-in candidate should be removed from the process. **Mr. Hurst** answered that someone could still be a write-in candidate for the general election. This just addresses the presidential primary election in Idaho. The name will not appear on the ballot and no fees are attached; they could only be on the ballot if they had an actual campaign in progress and even then it would be left to the discretion of the Secretary of State. Legislation passed last year requires a \$1,000 filing fee in order to be on the ballot for a presidential primary election.

Senator Hill asked if there was a possibility for litigation challenges for denying constitutional rights of access to the ballot. **Mr. Hurst** responded that it is a primary election, not the actual election; they are confident that will not happen. Hawaii doesn't allow any write-in candidates and that issue has gone before the U.S. Supreme Court and was not an issue.

Senator Hill stated his concern with the time element. How long do we have to get this through? **Mr. Hurst** answered that the deadline would be February 12th in order to change party affiliations.

Senator Siddoway asked how much a candidate would have to pay to get their name on the ballot. **Mr. Hurst** answered that they would file a declaration of candidacy with the Secretary of State's office and pay a \$1,000 filing fee. **Senator Siddoway** asked if someone was currently running a write-in candidacy, would they have to pay the \$1,000? **Mr. Hurst** responded that their name does not appear on the ballot as a write-in and so they do not have to pay the filing fee; they only have to file a declaration of intent to be a write-in.

Senator Lakey asked for the steps needed to affiliate. **Mr. Hurst** said that if they are unaffiliated, they can be unaffiliated up to and including election day. Before they can vote in a Republican primary, they would have to affiliate with the Republican party. They can do that at the polls by stating that they want to vote as a Republican and check the appropriate box on the form to show that affiliation. Under this legislation, they are affiliated to that party from that point on until after the primary election in May, at which time they can become unaffiliated again.

MOTION: **Senator Winder** moved to send **RS 24091** to print. **Senator Hill** seconded the motion.

Senator Lakey intends to send this RS to print. However, he voiced his concerns about limiting the ability to vote for a particular candidate. The result, some voices would not be counted.

The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman McKenzie** adjourned the meeting at 8:17 a.m.

Senator McKenzie. Chair

Twyla Melton, Secretary