



WRITTEN TESTIMONY AGAINST SENATE BILL 1377
SUBMITTED TO THE IDAHO SENATE STATE AFFAIRS COMMITTEE ON
MARCH 1, 2024 ON BEHALF OF THE
AMERICAN CIVIL LIBERTIES UNION OF IDAHO

Chairman Guthrie and Members of the Committee:

The ACLU of Idaho opposes Senate Bill 1377 (SB 1377). If passed, the bill would require individuals paid to gather signatures for a ballot initiative to specify to potential signers in a variety of ways that they are being paid to gather signatures. The process outlined in SB 1377 by which paid signature gatherers would use to disclose that they are being paid is onerous. What's more, the stipulations for disclosure, because of their specificity and sheer number, would likely make collecting signatures more difficult – and therefore threaten the ballot initiative process, generally.

DISCLOSURE STIPULATIONS

SB 1377 would require paid signature gatherers to:

- "verbally notify" potential signees that they're being paid
- provide the name of the entity paying them
- "prominently and legibly" print, on each page of the petition, that the signature collector is being paid
- "prominently and legibly" print, on each page of the petition, the name of the person paying the signature collector
- wear a "clearly visible" badge that says "paid petition circulator" (the Secretary of State would decide the font, shape, size, and color of the badge)

Not only are these provisions excessive, they could violate the privacy of the signature gatherer. Just because someone is getting paid to do a particular job does not mean that payment – nor the payor – should be disclosed.

SB 1377 WOULD CREATE ADDITIONAL, NEEDLESS BUREAUCRACY

If passed, the bill would void any signatures collected that do not adhere to the provisions in SB 1377. Such verification requirements are not only logistically complicated, they would likely threaten the ballot and initiative process.

The bill would also require Secretary of State to promulgate rules to implement signature gathering identification requirements outlined in the bill, including the specificities of the badges the bill would require signature gatherers to wear. This provision would make additional work for the Secretary of State, and for no clear purpose.

Why we oppose:

SB 1377 would further regulate signature gathering on ballot initiatives and could make initiatives. The bill would introduce new scrutiny, regulation, and bureaucracy into the petition process - and could make the ballot initiative process more difficult. We believe ballot initiatives are a crucial component of participatory democracy, and we feel SB 1377 would only make it harder for people to express their opinions, values, and choices through a time-tested democratic process. The bill, by requiring several different identification processes, raises questions about paid signature gatherer's privacy. Finally, the stipulations in the bill are excessive and would be expensive, and, as a practical matter, it's unclear how the bill would be enforced, or how it would be possible to verify that each provision in the bill was followed.

Thank you for your attention and the opportunity to testify.

Amy Dundon

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