

Twyla Melton

Attachment D
Written Testimony/Oppose – S 1110
February 17, 2021

From: Rae Charlton <rae.charlton@icloud.com>
Sent: Thursday, February 18, 2021 11:06 AM
To: Twyla Melton
Subject: Testimony on SB 1110

I believe I was included on the list to testify yesterday, but time ran out. Unfortunately I have a conflict and am unable to attend Friday's hearing, so am submitting written comments instead. Thank you for providing the opportunity for citizens all over the state to testify on this important issue.

I strongly oppose SB 1110, which would make citizen initiatives all but impossible. My first experience with the initiative process was gathering signatures for the Medicaid Expansion bill. I spent many hours going door to door, and it was enlightening. So many people needed help on this issue, and since the legislature hadn't acted on it, if we could qualify it for the ballot, the voters could decide. It struck me that this was a grassroots effort, and truly democracy in action. There aren't too many ways to experience that, jury duty and voting come to mind, but it was immensely gratifying to be part of something so positive for people desperately needing medical care.

Idaho's Constitution enshrines the ballot initiative as a way to give citizens a voice in their government. The current procedural requirements are very difficult and restrictive; making them so much more so is clearly an effort to sabotage the whole endeavor. Please vote "No" on SB 1110.

Rae Charlton
Sandpoint

Twyla Melton

From: Lori Wright <loriwright7020@gmail.com>
Sent: Wednesday, February 17, 2021 7:36 AM
To: Twyla Melton
Subject: Testimony on SB1110 today

Good morning State Senate Affairs Staff,

I could not get the link in the testify remotely portal to allow my written testimony so I am emailing it to you. Please make sure all State Affairs Senators receive.

Thank you
Lori Wright

Dear Senate State Affairs Committee,

I am testifying against bill SB1110 in written testimony. This bill purports that rural voters voices will be heard with more restrictive requirements to qualify an initiative. I submit that no voices will be heard with SB1110 additional requirements.

The only enacted initiative in the last 18 years was the Medicaid initiative. I am a volunteer for Reclaim Idaho and gathered hundreds of signatures. Believe me no one wants to make law by the initiative process because it is currently so difficult, one of the most restrictive of all the states. It is our constitutional right to bring legislation through the initiative process when the peoples voices are not being heard as was the case for the 5 years prior to the Medicaid initiative.

What initiative did not include rural voices? Medicaid passes in 35 of 44 counties. There are counties 38 with less than 50,000 people in Idaho. Where is the problem? I ask that you vote for our constitutional right and vote against SB1110.

Lori Wright
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208-841-9679



IDAHO CITIZENS COALITION

PROMOTING SENSIBLE CANNABIS REGULATIONS FOR THE GEM STATE

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Testimony to Senate State Affairs Regarding S 1110

Good morning, Madame Chair, and esteemed Senators. My name is Russ Belville. I am a native Idahoan, as are my parents, and five generations of my family have called Idaho home.

My dad, John Belville, was a drug and alcohol addict. In 1982, he checked into the Mercy Care Unit in Nampa for drug rehab. By 1985, he had returned to Boise State University to get his degree in social work. From there, he returned to the Mercy Care Unit and worked for years as a drug and alcohol rehab counselor.

In 1996, dad suffered from a near fatal health condition. He was left with a crippling painful neuropathy in his legs, to go along with his diabetes and bouts with cancer. Doctors put him on a pharmaceutical regimen that included morphine, oxycodone, and hydrocodone, to deal with the pain.

I had moved to Portland in 2003, because my wife at the time needed medical marijuana for her crippling pain conditions, and if we stayed in Idaho, eventually the state would arrest and imprison her for that.

In 2015, my parents visited us in Portland, and I had him try a cannabis tincture for pain. Dad said it was a miracle, the first time he'd been absolutely pain free since the 90s.

Since then, my elderly father has been risking arrest and jail to live pain free. In 2018, I asked him if he'd like to try to establish a medical marijuana law in Idaho.

In 2019, he filed the Idaho Medical Marijuana Act petition. We spent every weekend in the winter of 2019 driving to literally every county seat in the state to collect signatures. Our campaign collected 40,000 signatures before coronavirus stopped us.

This body, however, wishes to stop my dad's quest to live pain-free legally, whether it is by enshrining medical marijuana prohibition in the state constitution or by increasing the district requirement to all 35 districts.

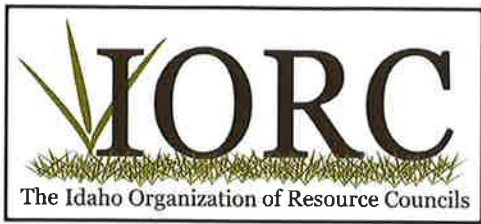
When this body passed increases to 24 and to 32 districts in bills last year, they were vetoed by Gov. Little, who worried that such a move would trigger a lawsuit that would let the Ninth Circuit Court of Appeals invalidate Idaho's geographic signature requirement, as it did in the 2001 *Idaho Coalition for Bears v. Czarussa* case.

I'm here to guarantee you that an increase to 35 districts will trigger that lawsuit from my father, who has the standing to bring the case.

In the 2001 case, Idaho's county requirements were found unconstitutional because counties are different size, thereby making 6% of the votes from a small county more valuable than those from a large county. Similar county-based regulations were also struck down in Illinois, Utah, Montana, Nevada, and Nebraska.

A congressional district requirement was struck down in Michigan, but no one has yet challenged state legislative district requirements in court. However, given that District 27 requires only 1,309 signatures to reach 6%, while District 14 requires 3,009, it's not hard to imagine the Ninth Circuit ruling that District 27's voters being given almost triple the weight of District 14's voters is unconstitutional, too.

Madame Chair, esteemed senators, the Idaho Medical Marijuana Act is already gathering signatures. It is fundamentally unfair to change the rules on us in the middle of the game. In the interest of Idaho democracy and avoiding a lawsuit, please reject S 1110. Thank you.



The Idaho Organization of Resource Councils

910 Main Street, Suite #316, Boise, ID 83702

Phone: 208.991.4451

Email: admin@IORCinfo.org

Website: www.IORCinfo.org

February 16, 2021

Senate State Affairs Committee
State Capitol
P.O. Box 83720
Boise, ID 83720-0081

Dear Honorable Senator Patti Anne Lodge and members of the Senate State Affairs Committee,

I am writing you on behalf of the board of directors, members, and staff of the Idaho Organization of Resource Councils (IORC) in opposition to SB1110 which restricts the constitutionally protected right of the people to bring initiatives and referendums. IORC is a 501(c)(3) grassroots nonprofit based in Boise, Idaho with members across southern Idaho and local chapters in Bannock, Canyon, Payette, and Washington Counties. IORC's mission is to empower people to improve the well-being of their communities, sustain family farms and ranches, transform local food systems, promote clean energy, and advocate for responsible stewardship of Idaho's natural resources.

The cornerstone of our state Constitution is the framework of divided government and the robust system of checks and balances it guarantees. "The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted" (ID Const. Article II, § 1). Additionally, the Idaho Constitution grants to the people legislative powers equal to those of the legislative branch, "the people reserve to themselves the power to propose laws, and enact the same at the polls independent of the legislature" (ID Const. Article III, § 1).

SB1110 diminishes the constitutionally granted rights of all Idahoans. The process to bring a citizen initiative is already a monumental task. We agree that everyone should have a say, but respectfully disagree that current signature gathering requirements put our rural communities at a disadvantage. The voices of our rural communities count just the same as everyone else's on election day; one person, one vote.

However, if this legislation makes it so difficult for grassroots organizations to meet the threshold for signature distribution that it effectively prohibits the people's right to propose and enact laws or makes it available only to well-funded organizations, *then it diminishes the power of all Idahoans, rural voters included* by effectively repealing a constitutional right. If this is the effect, then it should be presented as a constitutional amendment requiring two-thirds majority in both houses and support by a majority of the people (ID Const. Article XX).

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There is no question the effect of this bill will be to silence the voice of the people by repealing one of the most direct forms of democracy out there, the ballot initiative. Please vote no on SB1110 and *any* subsequent proposal to unnecessarily restrict the initiative and referendum process

Thank you for the opportunity to express our concerns.

Sincerely,
Doug Paddock
Field Organizer,
Idaho Organization of Resource Councils

910 Main Street, Suite 316, Boise, ID 83702

Phone: 208.991.4451 - Email: admin@IORCinfo.org - Website: www.IORCinfo.org

Madam Chair, Senators.

I have been a resident of District 16 since 1988.

Thank you for this opportunity to give testimony on Senate Bill 1110 in regards to modifying the requirements to get a citizens initiative onto the Idaho Ballot.

I am testifying against this Bill. On rare occasion, the public is in such disagreement with the Idaho Legislature that they feel the need to have their voice heard in an authoritative manner. This process is the citizens' initiative.

Important examples of Idaho Citizen initiatives have included Medicare Expansion, Homeowners property exemption, and rollback of the "Luna Era", Education Laws".

A current issue that might benefit the rural districts, that the legislature has not been able to pass, is the legalization of Industrial hemp, a potential valuable crop that Idaho farmers might be able to profit from.

The Citizens Constitutional Right over the years has already been modified by law in order to give balance to all districts, and had made the bar high in order to qualify. This new bill seems now make that bar so high, that even one district now has veto power over an initiative that might be approved by the other 34 districts. Because the current law has been enacted to already provide balance, and that this new bill sets the bar too high, I request that this committee vote against this bill.

Thank you for your consideration.

John Orlovich
4469 N Waterfront Way
Boise, Idaho 83703

Twyla Melton

From: Brie Katz <briekatz@gmail.com>
Sent: Wednesday, February 17, 2021 9:38 AM
To: Twyla Melton
Subject: SB1110 Testimony

Hello,

I have been trying to register all morning and am unable to log into the Senate State Affairs Committee meeting so I would like to provide written testimony on SB1110.

I am AGAINST requiring that all 35 legislative areas provide signatories for any ballot initiative.

Here is my testimony:

Requiring that citizen-driven ballot initiatives receive signatures from all 35 legislative districts is unnecessary, unhelpful, creates bureaucratic road-blocks, and does not solve or address an existing problem. Every single voting eligible citizen in Idaho already has the right to use their voice on every ballot in every election, so SB1110 doesn't increase the number of voices that will ultimately be heard, instead it unduly restricts Idaho citizens from using their voices through grassroots processes to simply raise issues and questions for the consideration of all other voters.

Perhaps, to ensure that all citizens in Idaho have equal opportunity to participate in citizen-driven ballot initiative processes (if this is a concern). instead of requiring signatures from all 35 districts, the requirement should be that all district representatives commit a portion of their time and resources to inform their own voters about active ballot initiatives, provide their voters access and opportunity to sign active petitions, and offer formal assistance to help their own voters bring forward ballot initiatives, if and when desired.

Thank you to the committee and all the Idaho state representatives. I appreciate your service, particularly in such divisive, polarizing times.

Brie Katz
2202 N 9th St
Bosie ID 83702

Twyla Melton

From: ELLEN B ROBERT SPENCER <RCSPENCER5@msn.com>
Sent: Thursday, February 18, 2021 9:31 AM
To: Twyla Melton
Subject: Opposing SB 1110

To the Chair and members of the Committee:

Regarding the proposed Senate Bill 1110, I am writing to Oppose it.

SB 1110 is another attempt to silence the voice of Idaho voters. The proposition that rural communities are left out or under-represented under the current process is a false narrative and you can see that clearly, from the Medicaid Expansion Initiative data which shows that 44 counties approved it to be on the ballot and it passed in 35 counties. This demonstrates that every Idaho citizen who wanted to vote and did, had their say.

It is not just that this change would make it impossible for regular people to get a measure on the ballot; this Bill is not good government by any democratic assessment. Regardless of the percentage determined, when one district has veto power and the ability to negate the desires of the other 34, that is not democracy.

The ballot initiative is simply the mechanism to get a matter placed on the ballot. There is no guaranty it will become law. It only guaranties and provides that Idaho citizens get their say. Only 15 bills have passed in 100 years. Idaho citizens do not abuse this difficult process and only use it when they have exhausted all other avenues and attempts to have lawmakers do the peoples' bidding, as they are elected to do. They only use it when they feel their representatives are not listening to them.

As for the fear that outside interests would come in and influence Idaho government with the current process, passing this bill is the surest way to have those fears confirmed, as those entities and organizations will be the only ones able to afford to navigate the process successfully. I urge the committee to vote No on this bill and keep outside interests out of Idaho government, and to stop taking away the voice and the rights of Idaho citizens.

Sincerely,
Ellen B. Spencer
991 N. Pinnacle Way
Eagle, Idaho 83616

Twyla Melton

From: Michael Young <youngtractorbeam@gmail.com>
Sent: Wednesday, February 17, 2021 4:35 PM
To: Twyla Melton
Subject: Senator Vick's Bill

I am submitting this as my written testimony regarding Senator Vick's bill.
Thank you.

To whom it may concern :

I am writing to express opposition to Senator Vick's bill which would reduce the power of the citizen voters of Idaho by making our initiative process much more difficult for citizens to use. This ill advised and unnecessary bill also sem to run completely contrary to the basic Idaho Conservative values of smaller government and keeping the influence of citizen and individual community concerns at the local level. Maintaining smaller government and local control are two very strong concerns for keeping a reasonable and fair citizen's initiative process in place. When elected officials fail to listen to the concerns of the people, the initiative process gives Idaho citizens a way to make their concerns clear.

It's already extremely difficult to qualify an initiative in Idaho, and Senator Vick's bill would make it much, much harder. The bill requires signatures from 6% of registered voters in all 35 of Idaho's legislative districts. We feel Senator Vick's bill is a not so thinly veiled attempt to take away the rights of Idaho voters.

It is clear that Idaho's rural communities do have a voice in the initiative process as evidenced by the significant participation from all 44 Idaho counties in the last initiative process, which placed Medicaid Expansion on the ballot. The argument that these rural counties don't have representation is refuted by the facts. Medicaid Expansion won on election day with a majority of voters in 35 of Idaho's 44 counties which included many of Idaho's rural counties.

The ballot initiative is an important citizen's right that is guaranteed by Idaho's constitution. We respectfully request that you vote to kill this harmful bill that will reduce the power of the citizen's initiative process.

Mike Young
416 W. O'Farrell St.
Boise, Idaho 83702
208-859-4791

Twyla Melton

From: Andy & Melanie Edwards <edwardsam@q.com>
Sent: Wednesday, February 17, 2021 10:00 PM
To: Twyla Melton
Subject: Testimony against SB 1110

I urge the Committee to vote NO on SB 1110. While I agree that out of state funding of Initiative campaigns is problematic, I oppose SB 1110 because more funds are needed to reach remoter parts of Idaho in a timely manner, even when the campaign includes volunteers from those more remote Districts. It simply takes too long and too much gas to reach enough voters even from rural starting places. This places the Initiative process beyond the reach of a grassroots campaign of volunteers. And do not be deceived, money does not always flow to a worthwhile cause. Did you see the state of the Reclaim Idaho van? It broke down multiple times, needing costly towing from those remote places. And outside money supported a very small portion of the Prop 2 campaign. Grassroots supporters were not rich, and many gave \$5 and \$10 and volunteered hundreds of hours in the hopes of getting access to much needed healthcare. The big winners? The working poor all over the state and the rural hospitals. Under SB 1110, this Medicaid Expansion Initiative would not have been possible – and would not have saved Idahoans' lives with healthcare access and local hospitals in rural areas during the pandemic. SB 1110 is destructive of the Citizens' Initiative and will leave it in the hands of big money, out of state donors and corporate lobbyists who can pay for full-time signature collectors and send them out to toothcomb every District. Is that what you want?

Melanie Edwards
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Tel: (208) 716-4775

Twyla Melton

From: Gretchen Wissner <gwissner@gmail.com>
Sent: Wednesday, February 17, 2021 8:16 PM
To: Twyla Melton
Subject: Written testimony for SB1110 - registered but unable to attend the Friday session

Chairwoman Lodge and members of the Senate State Affairs Committee,

I was confirmed to testify remotely this morning (February 17), but am not able to participate on Friday. Therefore, I am submitting my testimony in written form.

My name is Gretchen Wissner. I live in Moscow, Idaho. I want to thank you for offering this opportunity to testify.

I represent myself and am testifying against SB1110.

The purpose of the initiative process is to give Idaho voters an opportunity to have our voices heard about issues legislators are not addressing or are not addressing adequately through the legislature. As you know, the initiative process has two components. Part 1 is the process of gathering signatures from tens of thousands of voters from across the state in order to have the initiative placed on the ballot. Initiatives have no power in and of themselves. It is not until they are approved by a majority of the general electorate, the same voters who elect you, that the initiative becomes law. This is part 2 of the process, which gives every voter an opportunity to vote for or against the initiative. Their voices are not silenced in any way by the current initiative process.

I was a volunteer co-leader for the Latah County drive to gather signatures for the 2020 Invest in Idaho initiative. Before COVID brought that process to a halt, many volunteers participated in our successful effort to gather the necessary signatures to qualify the initiative for District 5. It was a labor-intensive, time-consuming process, but it was an easy sell.

Education ranks as a top priority among Idahoans. We are tired of being last in the nation in per pupil expenditure. The initiative process gave us an opportunity to let Idaho's legislators know how important it is to us that you prioritize additional funding for programming, facilities, and salaries. I taught in the Moscow School District for 36 years, where 40-45% of the operating budget comes from a voter-approved, supplemental levy. Bond issues to upgrade facilities are much more difficult to pass. We have not built a new school since the 1970s. In surrounding rural communities, schools districts have moved to 4-day weeks, laid off counselors, reduced course offerings to the basics. Moscow voters were overwhelming enthusiastic about signing the Invest in Idaho petition - not only for our own financial needs but to help level the playing field for students in rural districts where resources are much more limited.

SB1110 is clearly an attempt to revoke this constitutional right. I would hope that legislators would want to encourage civic engagement. This bill does the opposite. It will make the process of qualifying a citizen's initiative for the ballot almost impossible to achieve.

Thank you for your time.

Twyla Melton

From: Michael Richardson <hand.eye.design@gmail.com>
Sent: Wednesday, February 17, 2021 9:44 PM
To: Twyla Melton
Subject: written testimony re. S1110

My name is Michael Richardson, and I've lived in Boise since 2006. I would like to register my strong objection to S1110. This bill is egregiously undemocratic, as it raises unnecessary hurdles for the people of Idaho to create ballot initiatives. It's entirely unreasonable that in a rural state like Idaho, citizens working for a ballot initiative should have to get signatures of 6% in every voting district. Think of how ridiculous it would be if a candidate running for governor had to win some percentage of every voting district. S1110 is just as ridiculous. Please stop this nonsense (which seems to occur every year) and respect the power of the people of Idaho to determine our destiny. That is what democracy means.

Sincerely,
Michael Richardson

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208.850.8512
hand.eye.design@gmail.com

Twyla Melton

From: John O. McClain <jom1@cornell.edu>
Sent: Wednesday, February 17, 2021 10:02 AM
To: Twyla Melton
Subject: SB 1110 testimony

Reasons why I am against SB 1110

My name is John McClain, and I live in Boise.
Thank you for giving me the chance to testify in your hearing.

Idaho is a state that stands for the principles, rights and freedoms granted to every individual by the state and federal constitutions. The right to bring an issue directly to the voters by means of a ballot initiative is one of those rights. SB 1110 will severely restrict that right.

A recent example of the citizens exercising that right is the Medicaid Expansion initiative. This turned out to be very popular across the state, but the legislature failed to act. When it appeared on the ballot, it was approved by a majority of Idaho voters across the state. It was passed by the will of the people, which, apparently, the legislature had mis-read.

Senator Vick has stated that the current initiative process does not give a voice to rural voters. That opinion does not fit the facts. The Medicaid initiative won a majority of votes in nearly every rural county in the state.

So the current ballot initiative process works. It gives the Idaho citizens an opportunity to be heard. SB 1110 is an attempt to make the ballot initiative process nearly impossible for citizens to carry out.

On a personal note, my father's parents homesteaded a dairy farm outside of Twin Falls. My mother's parents started an agricultural business in Caldwell. I was born and raised in Spokane, but spent many happy hours in Idaho, fishing with cousins, learning to shoot with my uncle, picnicking in the mountains, swimming in natural hot water pools.

I truly value the freedoms this state holds for its citizens, and sincerely hope that the legislature will preserve the ballot initiative freedom by voting NO on SB 1110.