
Idaho Voters' Pamphlet

Concerning Proposed Constitutional
Amendment HJR 5

General Election

November 8, 2016



YOUR QUICK GUIDE TO:

- Proposed Constitutional Amendment
- Voter Registration and Absentee Voting Information
- Accessible Voting
- County Clerk Election Department Contacts

Published by
Lawrence Denney
Secretary of State
State of Idaho



STATE OF IDAHO
OFFICE OF THE SECRETARY OF STATE
LAWRENCE DENNEY

Dear Idahoan:

This is your Idaho Voters' Pamphlet. It contains information regarding the constitutional amendment HJR 5, which will appear on the November 8, 2016 General Election ballot, along with other important information related to the election process.

Enclosed you will find the constitutional amendment ballot question, the statement of meaning, purpose and result to be accomplished as well as statements for and against the proposed amendment. As required by law, the statement of meaning, purpose and result to be accomplished as well as the statements for and against the amendment have been prepared by the Legislative Council.

I encourage you to take time to carefully read the information contained in this pamphlet regarding the proposed constitutional amendment. As a citizen of Idaho, you have the final vote on amending our state constitution.

Also included in this pamphlet is important information regarding registering to vote, voting requirements and absentee voting options, along with contact information for your County Clerk's Office.

Voting is essential to good governance and I encourage you to take this opportunity to let your voice be heard by voting on November 8, 2016.

Sincerely,
LAWRENCE DENNEY
Secretary of State

PROPOSED CONSTITUTIONAL AMENDMENT

The Legislature proposed the following amendment to the Idaho State Constitution to be voted on by Idaho citizens at the General Election to be held on November 8, 2016.

HJR 5

“Shall Article III, of the Constitution of the State of Idaho be amended by the addition of a new Section 29, to provide that the Legislature may review any administrative rule to ensure it is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement or enforce; to provide that, after review, the Legislature may approve or reject, in whole or in part, any rule as provided by law; and to provide that legislative approval or rejection of a rule is not subject to gubernatorial veto under Section 10, Article IV, of the Constitution of the State of Idaho?”.

Proposed Amendment to the Constitution of the State of Idaho:
Section 29, Article III

Legislative Council’s Statement of Meaning, Purpose, and Result to be Accomplished HJR 5

The Legislature writes the laws of the state under which the state agencies adopt agency rules. By statute, agencies make rules that only interpret and implement these laws, and the legislature reserves the authority to review and reject agency rules if a rule is contrary to the intent of the law.

The Legislature’s ability to approve or reject agency rules is an important aspect of the separation of powers, because these rules have the force and effect of law. The Legislature currently oversees that rulemaking process by accepting or rejecting agency rules. The proposed amendment confirms and protects the Legislature’s practice to authorize agency rulemaking, and to accept or reject agency rules.

Legislative Council's Statements FOR the Proposed Amendment

1. The proposed constitutional amendment safeguards the ability of the legislature - elected by the people - to review and reject agency rules created by unelected state officials if those rules conflict with legislative intent. This will protect Idahoans from unfair or over regulation.
2. The legislature's current ability to review agency rules is in the law. Idaho's Supreme Court previously held that statute valid, a future supreme court could potentially declare it invalid, because Idaho's Constitution does not expressly recognize the ability of the legislature to review agency rules. The proposed constitutional amendment would protect the legislature's authority to ensure that agency rules conform with legislative intent.
3. If a future court determined the legislature did not have the right to review and reject agency rules, then Idahoans would have to hire lawyers and file lawsuits to challenge agencies' rules. That would be a much more expensive and time-consuming process than the current system which this amendment proposes to protect.
4. A Governor's veto is not required, because agency rules are proposed by the Governor's departments and agencies.

Legislative Council's Statements AGAINST the Proposed Amendment

1. This constitutional amendment is unnecessary because the legislature already has legal authority to review agency rules. Even if the legislature did not have this authority, sufficient methods of challenging agency rules exist: the legislature can pass a law limiting an executive agency's rulemaking ability, or a rule can be challenged in court.
2. The legislature is overly involved with state agencies when it examines their rules to see whether they conform to legislative intent, and that practice should not be in Idaho's Constitution. Legislative review of agency rules is time-consuming and makes it more difficult for state agencies to conduct day-to-day

business.

3. The legislature responds to agency rules in different ways. One way is to pass a bill, which it does every year to extend the agency rules from previous years. The proposed constitutional amendment would prohibit any veto of a rule approval or rejection and would infringe on the Governor's right to veto bills under the Idaho Constitution.

VOTER QUALIFICATIONS, REGISTRATION & VOTING

To register to vote in Idaho you must:

- be a U.S. Citizen,
- have resided in Idaho and in the county for thirty (30) days prior to the day of election, and
- be at least 18 years old.

Party Affiliation

Party affiliation is required to register to vote. However, party affiliation has no impact on voting in the General Election. Electors may designate an affiliation with one of the recognized political parties or may designate themselves as an "unaffiliated" voter (i.e. no party preference).

REGISTRATION

In order to participate in any election, you must be registered to vote with the County Clerk in your county of residence by completing a Voter Registration Card. You may pre-register before an election or may register on Election Day. To pre-register to vote prior to the General Election, a completed registration card must be delivered to your County Clerk or be post-marked by October 14, 2016.

To register to vote on Election Day, you may appear at the polling place designated for the voting precinct in which you maintain your residence and complete a Voter Registration Card along with providing a photo ID and proof of residence. Only the following documents showing your current residence address in the precinct are authorized for use in Election Day Registration:

- A valid Idaho driver's license or identification card issued

through the Department of Transportation.

- Any document which contains a valid address in the precinct together with a picture identification card.
- Students may also use a current valid student identification card from a post secondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct together with a picture identification card.

Re-registration - When Required

Re-registration is required if you have moved, changed your name or if you have not voted in any election in the four years since you registered to vote, in which case the County Clerk cancelled your registration for a lack of participation.

VOTING

Prior to voting, all voters must either present photo ID or sign a Personal Identification Affidavit. Only the following documents are approved for use as photo ID before voting:

- An Idaho driver's license or photo identification card.
- A U.S. passport or Federal photo identification card.
- A tribal photo identification card.
- A current student photo ID, issued by an Idaho high school or post secondary education institution located in Idaho.

If you are unable to present one of the above identification cards, you may sign a Personal Identification Affidavit instead. By signing the Personal Identification Affidavit, you are swearing to your identity under penalty of perjury, which is a felony under 34-1114, Idaho Code. After signing the Personal Identification Affidavit, you will be issued a ballot and allowed to vote as all other voters.

ABSENTEE VOTING

All registered voters are eligible to vote by either absentee or early voting. An absentee ballot can be mailed to you or voted in-person at the absentee polling place. Early voting allows you to vote in-person at the Early Voting polling location just as you would on Election Day.

To request an absentee ballot to be mailed to you, please send a completed Absentee Ballot Request Form or a written request to the County Clerk by 5:00 p.m. on October 28, 2016. Absentee ballot request forms are available from the County Clerk or at www.idahovotes.gov. In lieu of the absentee ballot request form, you can make a written request with the required information (*your name, residence address in Idaho, and mailing address where you would like the ballot mailed to*) and be personally signed. All absentee request forms and written requests may be submitted to the County Clerk by personal delivery, mail, fax or can be scanned and emailed. Once your voter registration has been verified, the absentee ballot(s) will be mailed to you.

All voted absentee ballots must be received in the Office of the County Clerk by 8:00 p.m. on Election Day (i.e. November 8, 2016) in order to be counted. Voted ballots must be returned by personal delivery or by mail.

In-person absentee voting and early voting are available at the County Clerk's Office or Elections Office until 5:00 p.m. on November 4, 2016. Other absentee or early voting polling locations may be available. Please contact your County Clerk's Office to verify locations and hours of operation.

VOTING ACCESSIBILITY

Idaho has several options for accessible voting including assistance from a person of your choice, use of the voter assistance terminal, curbside voting and absentee voting. Contact your County Clerk's Office for detailed information on all accessible voting options available including absentee voting.

Polling place accessibility:

On Election day, counties in Idaho provide a clear path of travel and other accommodations to ensure access to their polling places. Accessible voting booths are available as well as voter assistance terminals for anyone who may have difficulty seeing or marking a ballot.

Absentee voting:

As always, you have the option of voting by absentee ballot.

Many voters with special needs find absentee voting at home as a great way to participate without having to appear at either the Absentee or Early Voting polling location or at the polls on Election Day. To request an absentee ballot to be mailed to you, send a written request to the County Clerk's Office by 5:00 p.m. on October 28, 2016.

Voting with assistance of a person of your choice:

Anyone may receive assistance with voting from a person of their choice. You may bring someone with you to the polls on Election Day or may ask for assistance from a poll worker or other voter.

The voter assistance terminal:

In compliance with the Help America Vote Act, a voter assistance terminal is available in every polling place in Idaho. A voter assistance terminal can assist you to vote privately and independently, especially if you have difficulty seeing or marking a ballot.

Headphones are available to listen to an audio ballot then you may make your vote selections on a touch screen or Braille keypad. A voter assistance terminal also has a zoom feature to enlarge the ballot print and also a contrast feature to make the ballot easier to read.

When using the voter assistance terminal, you will have the chance to review your ballot selections and change any selections, just like any other voter, and you may request a new ballot from a poll worker prior to depositing the ballot in the ballot box if a mistake is made. Ballots voted on the voter assistance terminal are counted by the county Election Board in the same manner as all other ballots.

Operating instructions are available at www.idahovotes.gov and at the polls. Poll workers are trained to assist in the use of the voter assistance terminal when asked for assistance.

Curbside voting and special circumstances:

If you are able make it to the Absentee or Early Voting polling location or to the polls on Election Day but are unable to enter

the location, curbside voting is available. To request curbside assistance, have someone notify the poll workers that you are in the parking lot and would like to vote curbside. A poll worker will bring the ballot(s) and other necessary equipment to you in the parking lot. You will still be required to show photo ID or sign the Personal Identification Affidavit prior to being allowed to vote, so, please have the necessary documents available.

In special circumstances, delivery of the ballot is available. You will need to contact your County Clerk's Office to determine if your current circumstance would allow for a ballot to be delivered to you and how to request a ballot to be delivered. Please contact the County Clerk's Office as early as possible to determine if this is an option for you.

For additional election information, including verifying your voter registration and locating your polling place, please visit our website at:

www.idahovotes.gov

IDAHO FEDERAL OFFICIALS

Senator Mike Crapo (R)

239 Dirksen Senate Bldg.; Washington, DC 20510

DC Phone: (202) 224-6142 Idaho Phone: (208) 334-1776

<http://www.crapo.senate.gov/>

Senator Jim Risch (R)

483 Russell Senate Office Bldg.; Washington, DC 20510

DC Phone: (202) 224-2752 Idaho Phone: (208) 342-7985

<http://www.risch.senate.gov/public/>

Representative Raul Labrador (R)

1523 Longworth House Office Bldg.; Washington, DC 20515

DC Phone: (202) 225-6611 Idaho Phone: (208) 888-3188

<https://labrador.house.gov/>

Representative Mike Simpson (R)

2312 Rayburn House Office Bldg.; Washington, DC 20515

DC Phone: (202) 225-5531 Idaho Phone: (208) 334-1953

<http://simpson.house.gov/>

IDAHO STATE OFFICIALS

Governor C.L. “Butch” Otter (R)

PO Box 83720; Boise, ID 83720-0034

Phone: (208) 334-2100

<https://gov.idaho.gov/>

Lieutenant Governor Brad Little (R)

PO Box 83720; Boise, ID 83720-0057

Phone: (208) 334-2200

<https://lgo.idaho.gov/>

Attorney General Lawrence G. Wasden (R)

PO Box 83720; Boise, ID 83720-0010

Phone: (208) 334-2400

<http://www.ag.idaho.gov/index.html>

Secretary of State Lawrence Denney (R)

PO Box 83720; Boise, ID 83720-0080

Phone: (208) 334-2300

<http://www.sos.idaho.gov/>

State Controller Brandon Woolf (R)

PO Box 83720; Boise, ID 83720-0011

Phone: (208) 334-3100

<http://www.sco.idaho.gov/>

State Treasurer Ron Crane (R)

PO Box 83720; Boise, ID 83720-0091

Phone: (208) 334-3200

<http://sto.idaho.gov/>

Superintendent of Public Instruction Sherri Ybarra (R)

PO Box 83720; Boise, ID 83720-0027

Phone: (208) 332-6800

<http://www.sde.idaho.gov/>

COUNTY ELECTION OFFICES

County	Address	Phone Number
Ada	400 N Benjamin Ln Ste 100 Boise ID 83704	287-6860
Adams	PO Box 48 Council, ID 83612-0048	253-4561
Bannock	PO Box 6094 Pocatello, ID 83205-4489	236-7329
Bear Lake	PO Box 190 Paris, ID 83261-0190	945-2212
Benewah	701 W College Ave Ste 101 St Maries, ID 83861-1852	245-3212
Bingham	501 N Maple St #205 Blackfoot, ID 83221-1776	782-3164
Blaine	206 1st Ave South #200 Hailey, ID 83333-8429	788-5510
Boise	PO Box 1300 Idaho City, ID 83631-1300	392-4431
Bonner	1500 Hwy 2 Ste 124 Sandpoint, ID 83864-1794	255-3631
Bonneville	Physical: 825 Shoup Ave, Idaho Falls Mailing: 605 N Capital Ave Idaho Falls, ID 83402-3582	529-1363
Boundary	PO Box 419 Bonners Ferry, ID 83805-0419	267-2242
Butte	PO Box 737 Arco, ID 83213-0737	527-3021
Camas	PO Box 430 Fairfield, ID 83327-0430	764-2242
Canyon	1102 E Chicago Caldwell, ID 83605-3522	454-7562
Caribou	PO Box 775 Soda Springs, ID 83276-0775	547-4324

COUNTY ELECTION OFFICES - *Continued*

County	Address	Phone Number
Cassia	1459 Overland Ave, Rm 105 Burley, ID 83318-1862	878-5240
Clark	PO Box 205 Dubois, ID 83423-0205	374-5304
Clearwater	PO Box 586 Orofino, ID 83544-0586	476-5615
Custer	PO Box 385 Challis, ID 83226-0385	879-2360
Elmore	150 S 4th E #3 Mountain Home, ID 83647-3000	587-2130
Franklin	39 W Oneida Preston, ID 83263-1232	852-1090
Fremont	151 W 1st N #12 St Anthony, ID 83445-1548	624-7332
Gem	415 E Main, Room 202 Emmett, ID 83617-3096	365-4561
Gooding	PO Box 417 Gooding, ID 83330-0417	934-4841
Idaho	320 W Main Rm 5 Grangeville, ID 83530-1948	983-2751
Jefferson	210 Courthouse Way Ste 100 Rigby, ID 83442-5294	745-7756
Jerome	300 N Lincoln Rm 301 Jerome, ID 83338-2344	644-2714
Kootenai	PO Box 9000 Coeur d'Alene, ID 83816-9000	446-1030
Latah	PO Box 8068, Moscow, ID 83843-0568	883-2249
Lemhi	206 Courthouse Drive Salmon, ID 83467-3900	756-2815
Lewis	510 Oak St Rm 1 Nezperce, ID 83543-5065	937-2661

COUNTY ELECTION OFFICES - *Continued*

County	Address	Phone Number
Lincoln	111 West B St Ste C Shoshone, ID 83352-5364	886-7641
Madison	PO Box 389 Rexburg, ID 83440-0389	359-6219
Minidoka	PO Box 368 Rupert, ID 83350-0368	436-9511
Nez Perce	PO Box 896 Lewiston, ID 83501-0896	799-3020
Oneida	10 Court Street Malad, ID 83252-1200	766-4116
Owyhee	PO Box 128 Murphy, ID 83650-0128	495-2421
Payette	1130 3rd Ave N Rm 104 Payette, ID 83661-2473	642-6000
Power	543 Bannock Ave American Falls, ID 83211-1200	226-7611
Shoshone	700 Bank Street #120 Wallace, ID 83873-2348	752-1264
Teton	150 Courthouse Dr. #208 Driggs, ID 83422	354-8780
Twin Falls	PO Box 126 Twin Falls, ID 83301	736-4004
Valley	PO Box 1350 Cascade, ID 83611-1350	382-7100
Washington	PO Box 670 Weiser, ID 83672-0670	414-2092

For other questions, please contact the Secretary of State's Office.

Elections Division

700 W Jefferson St, Ste E205; Boise, ID

PO Box 83720; Boise, ID 83720-0080

(208) 334-2852

elections@sos.idaho.gov

IDAHO POLITICAL PARTIES

Constitution Party of Idaho

PO Box 186
Coeur d'Alene ID 83816
Phone: (208) 983-4220
www.cpidaho.org
Floyd Whitley, Chairman

Idaho Democratic Party

PO Box 445
Boise ID 83701
Phone: (208) 336-1815
www.idahodems.org
Bert Marley, Chairman

Libertarian Party of Idaho

1421 Dearborn Street
Caldwell ID 83605
Phone: (208) 459-1032
www.lpid.org
Rob Oates, Chairman

Idaho Republican Party

PO Box 2267
Boise ID 83701
Phone: (208) 343-6405
www.idgop.org
Steve Yates, Chairman

The Secretary of State and the Idaho Commission for Libraries have partnered to provide this voter information in a format accessible to the visually impaired. An audio version of this pamphlet is available from the Talking Books Service (TBS) for TBS users or on our website at www.idahovotes.gov.