



ACLU of Idaho
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www.acluidaho.org

April 12, 2021

Governor Brad Little
Office of the Governor
State Capitol
PO Box 83720
Boise, Idaho 83720

Dear Governor Little:

The ACLU of Idaho writes to you in opposition of SB 1110, and respectfully asks that you veto this piece of legislation. The bill raises a variety of constitutional concerns and will result in costly litigation.

First, Idaho's ballot initiative process is already onerous, as demonstrated by the few initiatives that have ultimately made it on the ballot since the 1930s. This bill would make it almost impossible to qualify either an initiative or a referendum on the ballot. While some states have enacted laws requiring initiative proponents to gather signatures from each *congressional* district, SB 1110 would make Idaho the first state to require such a high signature percentage from each *legislative* district. In other words, SB 1110 would create the most onerous ballot initiative process in the country.

SB 1110's strict requirements will trigger litigation under the Idaho state constitution and the First and Fourteenth Amendments. Idahoans' have a constitutional right to initiate legislation under Art. III section 1. Indeed, the legislature cannot violate the reserved right of the people to propose laws and enact them at the polls. *Gibbons v. Cenarrusa*, 140 Idaho 316, 320, 92 P.3d 1063, 1067 (2002). Yet, if passed, this legislation would do just that. SB 1110 would prevent any initiative sponsor from collecting the required signatures in the allotted time period.

In 2019, you exercised veto power on a similar piece of legislation that hampered the ballot initiative process. In vetoing that piece of legislation, you cited constitutional concerns and unintended consequences of the bill's passage. Indeed, you noted that SB 1159 would invite a legal challenge that would result in the Idaho initiative process being determined by the courts. For the same reasons you vetoed SB 1159, you should also veto SB 1110.

Lastly, you should oppose SB 1110 because it would give veto power to a singular legislative district. While proponents of SB 1110 say this legislation will better ensure the representation of rural interests--the effect could actually be the opposite. For example, District 18 would be able to halt an otherwise successful ballot initiative campaign that received overwhelming rural support. In the previously cited veto letter, you wrote that "just because you live in a rural area



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doesn't mean your view should be ignored." We agree. That is why the single district veto power raises significant concerns. A singular legislative district should not have the power to thwart an otherwise successful campaign with broad geographic support.

In summary, SB 1110 raises a variety of constitutional issues and will result in costly litigation. We urge that you exercise your veto on SB 1110, and stand in firm support of Idahoans' constitutional rights.

Sincerely,

/s/ Lauren Bramwell

Lauren Bramwell
Policy Strategist

Sincerely,

A handwritten signature in black ink, appearing to read "Leo Morales". The signature is fluid and cursive, with the first name "Leo" and last name "Morales" clearly distinguishable.

Leo Morales
Executive Director