

**SPECIAL JEFFERSON COUNTY COMMISSIONER MEETING MINUTES  
MARCH 15, 2023**

Meeting called to order at 10:00. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Prosecutor Mark Taylor, Emergency Management Rebecca Squires, Elections Cathy Dabell, Elections Holly Ricks, Clerk Colleen Poole. Audrey Moon is Clerk of the Board via Zoom

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**COMMISSIONERS – ELECTIONS – CATHY DABELL**

• **ELECTION PRECINCT BOUNDARIES – (ACTION ITEM)**

Chairman Hancock said today they are here to discuss the election precincts and those boundaries. Need to talk about the result of realignment from the Clerk and Election Office based on the number of people in each precinct. This realigned boundaries at that time. According to Idaho Code the realignment should be done the first week of January of a general election year. Colleen said they have since spoke to the Secretary of State and Attorney General Office and tell them this is in the legislation to have this done by then. They feel they were correct in what they have done.

Chairman Hancock said they have run into other issues. Will let Commissioner Young explain. Commissioner Young said legislatively they are okay in doing this. Did not see the ramification of affecting the local parties like the Republican Central Committee. Some of the elected officials will be kicked out. Do not have provisions to deal with that. May be the best thing to do is rescind this until the next election year. Have someone elected that has moved districts and it seems as though they are being kicked out. Colleen said they have since learned they are supposed to stay in their previous district until an election. Chairman Hancock said they have Elections Department that wish to comment. Commissioner Young said legislatively it stays that way is not sure about the Republican Party.

Elections Cathy Dabell said they ask they do not rescind the boundaries. In addition to Rigby 8 also have Rigby 1, and Rigby 4 that was included when they changed during the realignment. Further research they looked at possible elections and they will have a trustee boundary, possible fire and school bond. Holly said Rigby 1 and Rigby 4 these boundaries were changed and that would affect any city election. Cathy said that would require notifying all the electors and voters affected by the realignment. Holly said this is thousands of letters would go out. Would have to make new maps. Have to rearrange Chief Judges and their precinct workers. The amount of confusion this would create she feels this is voter suppression. They are changing this again. They have a routine they feel they cannot change this then change it back to just change it again in 2024. They were within their rights to do so. Regardless of what any party does. They do not serve one party they are the Election Office. Cathy does feel this is a party issue. Talked with the Secretary of State the precinct is for all voters. They are not formed to be party specific. This is to make the process for voters easier and convenient. Had Rigby 3 that precinct was too large. This is why this was split. Thinks the voter confidence would be challenged. Chairman Hancock did not realize there would be additional elections this year. Cathy said they hoped there would not be but did not consider Rigby 1 and Rigby 4. Chairman Hancock asked if they have city elections. Cathy said city and potential trustee. Holly said they could have a fire and any levies or bonds from the city or the school. Colleen said if they send a letter to change this back to the original precinct then change it back again. They have confusion and ruins voter trust. Commissioner Young said he assumed there was not another election this year. Chairman Hancock agrees they thought that. Holly thinks they just flip a switch to go back. Think of the prep work. They went to GIS first to make the different boundaries and make the lines work. They have guidelines on the boundaries. Has to follow certain land lots. By the time they were done with that they had to find a location. Had to find Chief Judges and poll workers. Can see yesterday was the first election with the changes. Can see this was distributed much nicer. From yesterday which is not official for election day turnout Clark had 279, 229 at Rigby 3 and 243 at Rigby 8. Do not have large amounts of people in one and not the other. The intent was to change this for the voters not the parties. Commissioner Young said no one is concerned about the boundaries. Chairman Hancock said no one has said anything on this. Commissioner Young said who did they speak to the Secretary of State about the date? Holly said they spoke with Phil McCrane. Commissioner Young said the date is okay.

Colleen said he spoke with the Attorney General who also agreed with this. Chairman Hancock said he read a decision from the 70's that Mark had sent. Indicated that if there was a precinct change the precinct committeeman would stay in their boundary until the next election. Holly said that is why this should be a party issue not a county issue. Chairman Hancock said the intent was not to kick anyone out. Wanted to balance the voting. Holly said it is not up to them what the Republican Committee does. Commissioner Young said as long as they have done this legally as to when they did this. Chairman Hancock said they will stay in their precinct until the next election. Commissioner Young said then they can just leave this alone. Chairman Hancock did not realize they had additional elections. Too much hassle was thinking this would not be. Taking a lot of costs and time. Holly said thousands of letters would go out and may hurt voter confidence.

Dale Mortimer 4242 E 400 N. Agrees with the workers. The main thing they are kind of splitting the County Government from the Republican Party. Wants to know that they have enough discussion from the Attorney General and Secretary of State that the precinct committeemen stay in their position until the next election regardless of the boundary changes. The old boundaries stay pretty much the same until the next election. Is that their understanding? Commissioner Young said they do not make any judgements for the Republican Party. Dale said he has an Attorney General decision back in 1972. "With respect it is my opinion that the composition of the party Central Committee should remain the same until the next election." Chairman Hancock said he read this too. Commissioner Young asked where this was from. Dale said this was from the Attorney General back in 1972. Phil McCrane said the exact same thing. Colleen said he would be available if they wanted to get on the phone. Holly said it tells the point this is a party issue not a county issue. It is not their decision about the party. Mark said this might not be on the record if she could come up to a microphone since Colleen is not typing quickly. Ask that she come up to a microphone. Holly said they are proving the point that the county does

not decide party rules. They just do not want to rescind the boundaries precincts. The party is on their own. Chairman Hancock said regarding Central Committee needs to see the opinion with the Secretary of State. Commissioner Young said this is up to the party. Elected officials have no say over party rules.

Dale said on the other hand State Statute states these decisions should be made by January 15 in a general election year. In some ways these are tied together. If he has an issue with Kaye Field keeping him where he is but can come back saying the state has no rule. But there are state rules. Richard said this is not a rule. Dale said this is a statute. Chairman Hancock said if he has a comment needs to come up.

Richard Byrum 3982 E 170 N. Just a couple of things here the decision was made by the county and they do not need state approval to make boundary changes. County Commissioners can make those changes. Up to the Central Committee to fill those vacancies if that is how the boundaries are drawn. No difference if there is a death those vacancies are filled. If they redistrict and make new boundaries and the State of Idaho has no bearing on this. Republican Party has no business calling the county. These vacancies are filled by the Central Committee. Do not need permission from the state. Does not have to be done during an election year. Dale said this State Statute states "this Board action should be done no later than January 15 in a general election year." Richard is not sure this has anything to do with redistricting the party boundaries.

Mark said this may be an old opinion but the logic is still good and the reasoning is still accurate. The second paragraph right after what Dale read earlier will back up. Central Committees are part of Statute section 34-502. It requires these positions be elected. Appointments are for filling vacancies. Next paragraph states "further appear precinct committeemen and committeewomen must be elected and therefore appointments will be available for interim means for filling vacancies for reasons other than precinct boundary changes." This is not a justification to remove an elected person from a position. This is a requirement from the statute that they be elected. Appointments are for deaths or such as moving. Boundary changes are not justification to remove an elected person and filling this with an appointment. This circumvents the political process and the voters voice. If they continue they are the Republican party and if they continue down this path they will be in a lawsuit. Richard asked on filling vacancies is this specific to boundary changes. Understood as vacancies are filled these are only filled until the next election and have to run again. They fill the vacancy and then will have to run and be on the ballot. Mark said yes but they do not use a boundary change as reason to remove someone in a position they were elected to. Richard asked if this is specific to boundary changes. Mark said again, this is reasoning and logic. The statute makes it clear they need to be elected. Appointments are the exception not the rule. If someone is elected and still live here they cannot use a boundary change to move them out. This is the logic and reasoning from the AG opinion in 1972. Otherwise the concern it looks like the commissioners did not like how these precinct committee chairs turned out then they can change the boundary and appoint someone else instead. This is what this looks like to the citizens. This is why they are looking at this. Trying to remove someone that was elected for this position and appoint someone else instead. The Commissioners look at fault for changing the boundary. Need to be clear about this if they move forward that has nothing to do with the boundary change. A boundary change is not a justification. Richard said the decision to move forward happened in executive session of the Central Committee meeting when they discussed filling the vacancies. Is not for or against the change. If a boundary change happens wants to be clear. The boundary change happened but people can still vote even though they do not live in that precinct. If they had to replace a Commissioner or Sheriff is someone going to turn around on the Central Committee asking why they are voting out of boundary.

Mark said these are the issues the Elections Office deals with. Had three different school districts voting yesterday and had to make sure they receive the correct ballot. Richard said he understands that. This is a vote to replace a County Commissioner by the Central Committee. If they have a boundary change that went into effect and do not move people into their specific boundary. Will someone turn around on the Central Committee? This does not make a lot of sense. Not living in that precinct.

Dale said if they go back to last year they changed the District Representative boundaries. Then they had a summer session and had already changed the boundaries. Still went in as District 35 Representatives even though these were changed. Richard thinks these were changed for upcoming year not the current year. These changes were made now not for the next session. At the end of the day they need to be unified. If the law states even though not specifically does give verbage that boundary changes do not necessitate a vote by the Central Committee. Want to be in compliance. Feels like they kick the can down the road to make changes. Makes sense to fill the vacancies. Mark said what creates a vacancy. Richard thinks that is where he understands the verbage and why they have an Executive Committee to make decisions on things that are not clear. Mark said they see the issue and this being corrupt if people made their voices heard in election should not be circumvent by a boundary change. Richard said this could look the same for a Central Committee if they made a change for Commissioner or Sheriff after boundary changes had happened and Central Committee represents a specific area. Not sure how they fix this. Have the party and the government. Commissioner Young said the party may need to fix this. Thinks this is something that is overlooked. Dale said if he is going to have issues with the party and lose his position as an elected official he would rather recommend they rescind the decision on the precinct changes. Sorry about the ramifications they might have. Position it is putting him in, losing his elected position. There are opinions saying this commitment remains until the next election. Still represent the previous precincts.

Chairman Hancock asked if they have two in that precinct now. Richard said they have two they have Dale and with the boundary change there is another now in the same boundary. Dale said he was elected and the other was appointed because her precinct had a vacancy. Richard said they will all run in the next election. Commissioner Clark asked about the previous one he lived in. Dale said they will appoint someone there they have three precincts without precinct committeeman. Wants to stay in his position or will use everything in his power to do whatever it takes to make this right.

Holly said this affects other precincts with Rigby 1 and Rigby 4. Again, to rescind this would they do that for any another party? Is this a party or a precinct issue? Dale said this is both. Has a statute. Cathy said they could rescind these but they able as Elections to present this again for approval. It can be done this year as well. Still be in the same boat anytime this is presented. Richard said this can go either way. Everything will be okay. If this is rescinded everything is in place and the Central Committee can still function within its capacity. If they stay with the boundary changes is worried about they are not going out to a lawsuit. At the next election cycle, they will all have to be voted in again. Can have their differences. Is frustrated as part of the executive board they decided to make a change and now here they are. Dale said they did not understand all the rules and

regulations. Richard said he understands this. If this is a deal and done to keep Central Committeeman out of the lawsuit. If this is done because they do not want to lose their precinct committeeman spot. Colleen said as Elections they changed the boundaries legally. This is a Central Committee issue. In all of the discovery they found they should be in their same position regardless. Commissioner Young said they want to hear Mark they need to follow his advice and the law. Mark said when they change boundaries that is open for interpretation. Statute is not crystal clear. Have different opinions. "These boundary changes must be made before the 15<sup>th</sup> of January of a general election year." That is what the statute says. The question is a general election year is the purpose to reserve these positions. Chairman Hancock said the year the election ends on November 4. Mark agrees are they talking the purpose by January 15<sup>th</sup> was this to preserve the November election? Or do they read this literally this needs to be done in an election year. This is an interpretation. Someone could take that position that December is in a general election year. Could win on this interpretation that is the literal interpretation. Can use this as a risk. If they decide to rescind this and wait until the next election year then they are safe. Understands the complication for the Elections department. Also have an interpretation on the reasonable intent. This is not what the language says. That is why this question was presented in 1972. What was made clear is whenever a boundary change happens it does not create a vacancy. That committee structure should stay the same because they should be elected. Someone is still living here they cannot take them out of office by changing the boundary. That is where they believe Central Committee is wrong in this approach. Commissioner Young asked about operating on the old boundaries. Mark said that is the opinion from 1972 to operate that way until the next election. Dale said this is what Phil Crane and Raul Labrador said. Cathy said this does not include rescinding the boundaries. Chairman Hancock said that is just how Central Committee would operate. Richard said this will be sorted out at the next election.

Mark said they have four scenarios. This is what he feels is ideal is the Central Committee does not treat Dale's position as vacant and does not appoint anyone. Keeps this position as they only fill the vacancy from death. Richard said they have another person this affects this is not just for Dale. Mark said this exactly this is just an example Dale was actually elected and the others were appointed. Ideal scenario again is Central Committee says they misunderstood what creates a vacancy and they realize this position is not vacant. Keep their boundaries the same and save Elections Department a lot of headache. Richard said if he could state this again. The boundaries stay the same but will not go into effect until the next cycle. Mark said yes, the county changed the boundaries for logistical reasons because of too many in one precinct. For those logistical reasons they changed the boundaries. This does not affect or should not affect Central Committees precincts until the next election. Commissioner Young said they should not look at these until the next election. Mark said that is ideal but is not their decision they cannot tell them what to do. They may decide to do their original interpretation and consider the position vacant. Thinks they are asking for a lawsuit. They will be clear they do not agree and this was to the intent of the boundary change. They were not trying to remove precinct committeeman when the boundaries were changed. Richard said he follows this.

Chairman Hancock feels they have had enough discussions on this. Appreciates their contributions. Dale just wants them to remember the District boundary changes took place and that did not remove the elected officials from those positions. Commissioner Clark thinks they can get this worked out. Feels they can keep the boundaries the way they had them Commissioner Young said with what Mark has discussed feels like what they have done is legal. Go ahead and leave the boundaries as they are today. Chairman Hancock concurs with this. They do not want to have confusion and cost to the taxpayers to go through this to do it again down the road. That is not fair to the residents. Hoping Central Committee can make their decision regarding this knowledge. Thinks they should finish with a motion.

**Motion by Commissioner Young to keep the precinct boundaries as constituted. Second by Commissioner Clark. Roll call taken.**

**Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

Chairman Hancock said they will leave the remaining decisions to Central Committee. Dale asked if this was not their intent to change elected officials. Chairman Hancock said this is on the record that this was not their intent to change any elected positions. Appreciate everyone's comments.

**Motion by Commissioner Young to adjourn at 10:41. Second by Commissioner. All in favor – aye. Motion passed.**

*Scott Hancock*  
Chairman of the Board

*Audrey Moon*  
Clerk of the Board

*Colleen Pate*  
County Clerk



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Date

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