



Dear Speaker Moyle,

As you know, House Rule 26 requires that all committee meetings be conducted in public, except in those cases in which an executive session is required and only “when necessitated by extraordinary circumstances” as provided in the rule.

The Idaho Freedom Foundation has been made aware of the fact that House Education Chairman Julie Yamamoto has issued instructions to her committee that appear to be in violation of this rule. In a Feb. 16 email to the committee, she notes that as many as four education savings account proposals will be considered by the committee. She writes, “When you have determined which proposal you prefer to have introduced, please email, text, or drop by my office so that I can record your choice.”

This statement describes a mechanism in which a vote is taking place outside of public view. While she doesn’t call it a “vote,” the committee is clearly being instructed to vote. It is also concerning that she adds that she does not “intend to publicize your choice,” which is essentially a “secret vote” violative of both the rule and the state constitution’s prohibition on secret sessions of the Legislature.

House Rule 26, in delineating what kinds of meetings should be afforded the secrecy of an executive session does not allow one for conducting general committee business. Furthermore, House Rule 26 requires a 2/3 vote for any executive session, and the rule specifically says that “[u]nder no circumstances, however, shall an executive session be authorized or held for the purpose of taking any final action or making any final decision, and during such executive session, no votes or official action may be taken.”

Finally, if the open meeting laws were to be applied to legislative committees, this would be the very definition of “serial meetings” which are illegal under Idaho’s statutes.

Chairman Yamamoto appears to have authorized an executive session that is not warranted, using a mechanism not allowed under the rule and has directed committee members to take the improper step of casting a secret ballot in order to introduce legislation.

We ask you to see to it that Chairman Yamamoto rescinds her email and be directed to conduct the committee’s business and votes in the open so that the public can hold their elected officials accountable.

Wayne Hoffman, President
Idaho Freedom Foundation

802 W. Bannock St., Suite 405
Boise, Idaho 83702
208.258.2280

IdahoFreedom.org