



Contact: Heather Keen
208.582.2719
hkeen@cdatribe-nsn.gov

Secretary of State Petitioned to Certify Instant Racing Law *Governor Otter's Veto Attempt is Invalid*

**For immediate release
April 30, 2015**

PLUMMER, IDAHO – Today, Bill Roden, Boise attorney and lobbyist for the Coeur d'Alene Tribe delivered a letter to Secretary of State Lawrence Denney, requesting that Senate Bill 1011 be certified into law as required by the Idaho Constitution and Idaho Code.

Senate Bill 1011 requires all instant racing machines in Idaho to be removed by July 1, 2015. The bill passed both the Idaho Senate and the Idaho House of Representatives by a supermajority during the legislative session earlier this year.

"The Idaho Constitution is very straightforward when it comes to the veto process and the record is quite clear," said Bill Roden. "Secretary Denney must follow the controlling Idaho statutes and affirm that S. 1011 became law on April 4, 2015."

The Governor attempted to veto S. 1011 earlier this month. Under Idaho law, he had five days to return the bill with his objections to the Legislature, making his deadline to return S. 1011 to the Legislature on Saturday, April 4, 2015. However, Governor Otter failed to return the bill until Monday, April 6, 2015, thereby making the veto invalid.

David Adler, a constitutional law scholar who has taught at three of Idaho's major universities agreed that the Governor did not properly follow the veto process. "Governor Otter did not meet the requirements imposed by Idaho law for vetoing SB 1011. He missed the legal deadline for returning the bill accompanied by a veto message. Various methods for delivering the veto were available to him, but he did not avail himself of those opportunities, which is why Senate Pro Tempore Brent Hill, Senate Minority Leader Michelle Stennett and the Secretary of Senate's Office, among others, declared that there had been no veto of SB 1011," said Adler.

"This isn't complicated. The Governor had five days to veto the bill and instead, he took seven so S. 1011 is the law of the land. The law doesn't give Secretary Denney a choice in the matter. It is not a matter of personal discretion. As a constitutional officer of the State of Idaho, it's his official duty to follow Idaho law and certify S. 1011," said Coeur d'Alene Tribal Chairman Chief Allan.

###