



NORTH DAKOTA HOUSE OF REPRESENTATIVES

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Chairman Kasper and Members of the House Government and Veterans Affairs Committee,

For the record, I am Representative Sebastian Ertelt representing North Dakota District 26, which includes all of Sargent County, the eastern half of Dickey County, the southern half of Ransom County, and the western half of Richland County.

I come before you today to present and urge a unanimous **DO PASS recommendation on House Bill 1280**.

As you are well aware, the 2020 presidential election brought election practices into the spotlight perhaps more than ever in our country. Regardless of your opinion on the results of the presidential election, I think we can all agree that our election practices are deserving of an honest review. We are not only talking about the integrity of the election for the highest office in the land, but for our congressmen and senators, governor, our positions of state legislators, county commissioners, city commissioners, ballot measures, and more. I don't know how you feel about your own suffrage, but I believe mine is worth protecting.

Although lengthy at 17 pages, the bulk of the length is due to the same changes being spread out over several sections of the Century Code.

Let me step you through the bill with notes substantially provided by Claire Ness with Legislative Council.

Section 1: This section removes references to electronic voting to allow only paper ballots. Due to this change, all references to "electronic voting systems" throughout the Century Code were revised to exclude devices to cast votes electronically, while leaving those to count ballots electronically as you will see in other sections.

Section 2 : On page 2, lines 22-28, current language was intended to provide options for publishing sample ballots in case electronic ballots were to be used in an election. That provision is not required when using only paper ballots.

Sections 3-5: These sections remove references to electronic voting.

Section 6: This section prohibits counting machines from being able to connect to the internet, prohibits them from being able to change or manipulate votes or vote tallies, and requires them to register or record every vote accurately and correctly.

Section 7: This section removes definitions related to electronic voting devices and provides a definition for electronic counting machine to distinguish it from an electronic voting device. I am open to an amendment to this definition, if necessary, to ensure that it includes any external interaction including software updates via flash drives, etc.

Sections 8-11: These sections replace references to electronic voting systems with electronic counting machines to remove the option of using electronic ballots.

Section 11: This section also increases the penalty for knowing violations of the section to a class A felony.

Section 12: This section removes reference to electronic voting devices.

Section 13: Currently, applications for absentee voter ballots may be made available to voters who have not requested the applications. This section would change that so voters must request the applications before the applications can be sent.

Sections 14-18: This section removes a reference to electronic voting.

Sections 19-20: This section replaces a reference to electronic voting systems with electronic counting machines.

Section 21-22: This section removes a reference to electronic voting.

Section 23: This section replaces references to electronic voting systems with electronic counting machines.

Section 24: This section requires ballots to be retained securely until the next election in which the offices on the ballot are contested. This replaces the current retention period of 45 days.

Section 25: This section increases the time during which an election may be contested for certain reasons. The deadline for initiating the contest in those cases is the date on which the ballots for the next general or primary election are printed.

Section 26: This section removes a reference to electronic voting and requires ballots related to an election contest to be retained until the contest is resolved.

Section 27: This section provides that if an elected official is removed due to a court's decision in an election contest, all actions of the official are vacated.

Section 28: This section removes a reference to electronic voting.

Section 29: This section repeals sections governing electronic voting.

Section 30: This section makes the bill retroactive to the primary and general elections held in 2020, which would allow those elections to be contested.

Let's recap.

Only paper ballots – Fraud can be visually detected and displayed.

No counting machines connected to internet – Internet connection opens election to worldwide intervention.

No counting machines able to change or manipulate votes or vote tallies – ES&S machines & software used in all North Dakota counties allow for manipulation as testified to by a forensics expert in Pennsylvania election hearing – it's right in the manual and this brand was used in Philadelphia.

Counting machines must register or record every vote accurately and correctly. – No brainer.

Defines electronic counting machine to distinguish from electronic voting device. – So it doesn't depend on what the meaning of the word is.

Increases penalty for knowing counting machine violations to class A felony. – Yes, our elections are that important.

Absentee ballot applications mailed only upon voter request. – Prevent voting from the grave.

Ballots retained securely until next election in which offices on ballot are contested or until final determination of contest. – Leave a paper trail.

Increases election contestation to date ballots for next general or primary election are printed. – Remove limit on justice being served.

All actions of elected official void if removed by court decision in contested election. – Invalid election yields invalid actions.

While none of these provisions on their own ensure election integrity, they each serve to strengthen it in some measure. And while I strongly encourage the adoption of them all, I would consider it a victory for election integrity if any of these provisions were adopted. We owe it to the qualified electors of North Dakota, to ourselves, and to future generations to ensure free and fair elections to the best of our ability. If we cannot, then the Republic has truly fallen.