

HB 1312 Testimony

Mike Blessum – District 5 - Minot

ND House Government and Veterans Affairs Committee

Mr. Chairman and members of the committee, my name is Mike Blessum from District 5 in Minot. I'm before you today to testify in favor of HB 1312. I'd like to thank Representative Hoverson for sponsoring this important legislation intended to restore the confidence lost in our election processes.

A November 13, 2016 Washington Post – ABC News poll showed that 33% of Democrats believed that the 2016 election was not won legitimately by President Trump. A December 7, 2020 Rasmussen Reports poll showed that 47% of respondents believed that it was likely that votes were stolen from President Trump, including 17% of Democrats and 28% of independents. We appear to have reached a point where confidence in an election result depends in large part on whether your preferred candidate won.

Whether you believe the fraud claims or not, the fact that nearly half the country believes it occurred should be of concern to all of us. I don't believe that ND has many of the issues that were seen in other states, but now is the time to evaluate our processes to ensure that the residents of the state and the country have full confidence in our elections.

There are three primary goals I hope are achieved by this bill:

1. Ensure that the Governor, Secretary of State, and county officials have no authority to alter election law under emergency declarations or any other means.
2. Return the sanctity of election day by removing early voting and mail in voting. Electors should vote in person at a polling place on election day or by absentee ballot for an approved reason.
3. Remove electronic voting and counting from the century code to ensure transparency.

I would like to address what I believe will be the main objections to the changes outlined in this bill.

Removing the authority for changes to election laws could result in major voting issues in a disaster situation. As we saw in the June primary, current law allows unilateral adjustments to election statutes via executive order. In fact, we saw this occur in multiple ways in several states during the Nov. 3 election based on the COVID emergency – with changes to deadlines and absentee voting rules by non-legislative means. In most cases, these changes occurred after mail in voting had already started.

The Secretary of State's office and the North Dakota Association of Counties raised objections to HB 1171 - another bill that seeks to limit the governor's election authority in an emergency situation. The general position of both was that someone had to have the authority to make the necessary changes to election law to ensure access to vote. I choose to trust the collective wisdom of legislative management working together with the executive branch office holders and the counties to solve any problem that may occur. Limiting the executive branch's authority would mean that the legislature would have the responsibility to step in where needed to fix an issue should there be an emergency situation. This is the optimal situation as the legislature would craft the needed changes and have them signed by the governor. Everyone is accountable.

Tighter controls on voting will disenfranchise voters – including those most vulnerable. While I believe that we should always be concerned with anything that some believe may decrease participation in elections, we risk disenfranchising the entire electorate when the people have no confidence in the processes.

Absentee ballots are an important part of our election process to ensure that every eligible elector has the opportunity to cast their ballot. The absentee ballot rules proposed in the bill are what I believe are the least restrictive of any state that requires a reason. The vast majority of vulnerable electors would have options under the absentee ballot rules. If there is a category that the committee believes should be added or the criteria in other ways adjusted, I would generally support that.

The 2005 Commission on Federal Election Reform co-chaired by former President Jimmy Carter and former Secretary of State James Baker concluded that while popular, mail in and early voting do not increase participation. The commission found that voting by mail is likely to increase the risks of fraud and contested elections. Early voting has similar issues plus the additional factor of allowing a significant number of electors to cast their ballots before they have all of the information about the candidates.

We all want every legal elector to have the opportunity to vote and every legal ballot counted. Tightening these controls will help restore transparency to the system and confidence to the electorate.

Returning to hand counted ballots will place too large a burden on our counties. My only answer to this is that it is worth it. The people of the state and the country deserve free, fair, transparent elections. We need to give that back to them.

Submitting a ballot into a literal black box with the hope that it gets counted and counted correctly is no longer acceptable to me and I believe to many across the state and country. We all saw the images of election officials in other states working alone in corners of rooms feeding and refeeding ballots. We have no idea why that was done or what exactly was going on. That is just one example of breakdowns that can occur at so many points in these processes.

There is a reason why a hand count is the last, definitive step in a contested election. We have all agreed that is the only way that we can ensure that ballots are counted accurately and in a transparent manner. We owe that transparency to every race on every ballot.

Election officials in Canada felt so strongly about reassuring their citizens about the security of their processes that they sent out a tweet on Nov. 12 stating that they do not use voting machines or electronic tabulators. Elections Canada counted nearly 18 million paper ballots by hand in their most recent national election in 2019. North Dakota can surely count the roughly 365,000 ballots cast.



To summarize – we are at a tipping point when it comes to confidence in our election systems. Taken as a whole, I believe the changes outlined in this bill will go a long way toward restoring that confidence and cooling the tensions. Mr. Chairman and members of the committee, thank you for the opportunity to participate in this process. This concludes my testimony and I am happy to stand for any questions.