

Testimony Presented on HB 1165 to the

Political Subdivision Committee

Senator Randy Burckhard, Chair

By

Steven Sprague, City Auditor

City of Fargo

March 15, 2021

This statement expresses the opposition of the Fargo City Commission to House Bill 1165 relating to qualified electors in city elections.

North Dakota Century Code 16.1-01-04 establishes the Qualifications of electors, namely

1. To qualify as an elector of this state, an individual must be:
  - a. A citizen of the United States
  - b. Eighteen year or older; and
  - c. ***A resident of this state who has resided in the precinct at least thirty days immediately preceding any election.***
2. Pursuant to section 2 of article II of the Constitution of North Dakota, voting by individuals convicted and sentenced for a felony must be limited according to chapter 12.1-33
3. A qualified elector may not authorize an attorney in fact, guardian, or other individual to apply for any ballot or to vote in any election on behalf of or in the place of the qualified elector.
4. An elector seeking to vote in an election must meet the identification requirements specified in section 16.1-01-04.1

The purpose of an extraterritorial zoning jurisdiction is limited to zoning and subdivision regulation. Otherwise, the extraterritorial zoning jurisdiction is governed by the township and the county. There is no taxing authority that applies to the extraterritorial area. The primary purpose of zoning and subdivision authority is simply to govern the placement and development of land uses that might infringe on future infrastructure needs. There is already extraterritorial representation on the planning commission to govern the zoning and subdivision regulations.

I feel confident the State would not allow someone who is not a resident of the State of North Dakota to vote in a North Dakota election. Voting rights are reserved for citizens in the City, County or State in which they reside. Voting rights are not intended for people **not** living in the City, County or State in which they hope to vote.

That being said HB 1165 extends voting rights to citizens who do not reside in the City and should be **OPPOSED**.

For the reasons expressed, the City of Fargo respectfully requests a **DO NOT PASS** recommendation on HB1165.

Thank you for the important work you do for the State of North Dakota and for the opportunity to testify on this matter.