



Written Testimony for the
House Political Subdivisions

January 26, 2023

Erica Johnsrud, McKenzie County Auditor/Treasurer

RE: OPPOSITION for HB 1314

Good morning, Chairman Longmuir, and members of the House Political Subdivisions Committee. My name is Erica Johnsrud and I serve as the Auditor/Treasurer for McKenzie County. I stand in opposition of HB 1314.

The title of this bill states it relates to the prohibition of drop boxes as lawful places for ballots to be placed during elections. However, in my review of the bill as currently written, it would allow the use of drop boxes but only if the drop boxes are “secured and under the control of the local election official at all times.”

My main concern with this bill is the definition of the words “under the control.” Possible meanings could include inside a building and accessible only during normal hours of operation, inside the auditor’s physical office, on County property, or that only the Auditor’s Office holds the keys to the drop box. As you can see, this could create issues and confusion for all counties that utilize election drop boxes.

As a County Auditor, and therefore the County Election Official, we have utilized a drop box for the purpose of election ballots for many years. Originally it was a simple drop box on the outside wall of the Courthouse, intended for all types of payments to county departments and after hours absentee ballot drop offs. In 2020 we purchased and installed a larger, more secure drop box outside our Courthouse building, assessable to citizens 24 hours a day, 7 days a week, 365 days a year. While intended only for ballots, we continue to receive tax payments, court documents, and many other drop offs throughout the year. The drop box placement was decided in conversations with the County Commission for best location, taking into account location, visibility, security, and accessibility.

Many voters across North Dakota utilize election drop boxes to return absentee or mail ballots, especially in the weeks leading up to Election Day. Voters have expressed their gratitude for drop box availability and many use it even during normal courthouse hours as it can be more convenient to stop quickly, deposit your ballot, and go on with your day rather than finding a parking spot and coming inside the building. The purpose of the drop boxes is to make it easier for voters to return ballots securely to the county auditor at a time that is convenient for the voter.

This bill, as currently written, will make it more inconvenient for voters to return ballots in the manner the voter determines to be best. With increasing delays and disruptions to the United States Postal Service, counties need to provide voters with the option and ability to return ballots outside of regular county office hours. It is my opinion that the voter should be the one to make the decision on how and when they wish to return their ballot to the County. Voters currently have the ability to track their ballot status online or can call the County Auditor's Office to ensure their ballot was received if the voter has any concerns.

Nothing is more sacred and important to me as an election official than the safety and security of a voter's ballot and their right to vote securely in each and every election. The elimination of drop boxes or restricting locations where drop boxes can be located will be a disservice to the voters. I ask that you leave the decision of drop box locations to the discretion of the local leaders.

I urge a DO NOT PASS recommendation on HB 1314 as written.