

Testimony prepared for:
House Political Subdivisions
Donnell Preskey, NDACo
January 26th, 2023



Re: HB 1314 – Restricting use of Drop Boxes

Mr. Chairman and committee members, I'm Donnell Preskey with the North Dakota Association of Counties. In my role at NDACo, I serve as Executive Director of the ND County Auditors Association. County Auditors oppose HB 1314 and request a Do Not Pass Recommendation.

Secure ballot drop boxes have grown to be an appreciated and popular method to return completed ballots by North Dakota voters. Voters like the surety of physically returning their ballot versus putting in the mail. There are drop boxes in every county, and some counties have multiple ballot boxes to make it easier for voters to return the ballot.

In the general 2022 Election, there were 63 ballot drop boxes in North Dakota with multiple sites in six counties (Benson, Billings, Dickey, Hettinger, Slope and Williams). Benson County for example, had four ballot drop boxes these boxes were located in Minnewaukan, Ft. Totten, St. Michael and Tokio. Three of these communities are located on the Spirit Lake Reservation. In looking at the locations across the state, a majority of the secure ballot drop boxes were located outside of courthouses and city halls. They were available 24 hours a day, 7 days a week until 5 p.m. the day before the Election.

It's important to emphasize that in order for the ballots to be counted they are required to be returned in a signed envelope provided to the eligible voter. This is a requirement in order to prevent fraud in our voting system. The envelope has a bar code on it, connecting it to the voter that requested the mail ballot. The signature on the envelope needs to match the signature on the application as well. All steps to ensure the ballot belongs to an eligible voter. This is only one of many fraud prevention elements in place to ensure the integrity of North Dakota's voting system.

County Auditors also oppose this bill due to the vagueness of some of the language in the bill and would seek further clarification.

*If the county auditor or appropriate election officer designates or implements the use of a drop box in an election specified in this title, the drop box must be **secured and under the control of the local election official at all times**. All ballots deposited in a drop box must be collected **by the election official** no less than once per day. Ballots may not be deposited in the drop box after five p.m. on the day before an election.*

“Secured” currently ballots are deposited in locked boxes.

“Under the control” – what defines “under the control”

“of the local election official” – auditors utilize other staff in their office and other county offices to retrieve ballots.

Perhaps a more appropriate method to address the security of ballot boxes is to make it an offense for individuals to tamper with a secure ballot box, similar to what currently exists in relation to mailboxes.