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**HOUSE POLITICAL SUBS COMMITTEE**  
**REPRESENTATIVE DONALD LONGMUIR, CHAIRMAN**

**HOUSE BILL 1314**  
**JANUARY 26, 2023**

**TESTIMONY PRESENTED BY**

**BRIAN NYBAKKEN, SECRETARY OF STATE**

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Chairman Longmuir and members of the committee, I am Brian Nybakken and I work in the Elections Division of the Office of the Secretary of State. I am here today to provide neutral testimony on House Bill 1314.

The Office of the Secretary of State believes that those who place their completed ballot into a drop box have the right to believe their ballot is securely handled, received, and counted. To date, our office has not heard of any specific issues with drop box usage in counties that would lead anyone to believe voters' ballots have not been securely received by the counties. All North Dakota counties currently use drop boxes as an option for North Dakota voters who wish to cast their vote in this manner.

We believe some of the language in this bill may need greater clarification to ensure its intent is clearly understood. For example, the phrase "drop box must be secured and under the control of the local election official at all times." Is the intent that the drop box should remain in sight of the election official at all times or could this be a drop box on the outside of the building that is secure or comes into a locked office of the election official? Another area that may cause questions is the language specifies that ballots must be collected by the "election official no less than once per day." Does this mean that only the election official can pick up the ballots or is it possible to designate another person to do so? Many counties may utilize a sheriff's deputy or county staff person for this duty.

While we are providing a neutral stance on House Bill 1314, we do believe administration of it would be better served with greater clarity around its intent.