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SENATE STATE & LOCAL
SENATOR KRISTIN ROERS, CHAIR

SENATE BILL 2386
FEBRUARY 2, 2023

TESTIMONY PRESENTED BY

BRIAN NYBAKKEN, SECRETARY OF STATE

Chairman Roers and members of the committee, for the record, Brian Nybakken with the elections division of the Secretary of State.

I am here in opposition to Senate Bill 2386 which seeks to specifically do two things: 1) eliminate the use of electronic poll books, and 2) allow all voters the ability to request a list of all who voted at the polls at no cost.

Just like our office, we know the sponsor does not want fraud in elections, however the elimination of electronic pollbooks as stated in this bill takes us back to a system where the opportunity for fraud is much greater. In 2019, the legislative assembly provided funding to invest in electronic pollbooks for security in North Dakota elections. In fact, Senate Bill 2002 passed 47-0 in the Senate, 84-6 in the House.

Electronic pollbooks have a secure internet connection over the state's virtual private network, allowing syncing between devices to ensure voter security – meaning a "checked-in" voter is instantly checked-in across all devices within two minutes so they cannot attempt to vote at any other polling location. This is done during early voting, which can begin two weeks before election day, and on election day. The potential that voters may have cast a ballot by mail and at the polls, or voters who may try to vote in two locations is prevented by electronic pollbook use. The return to paper only pollbooks would, quite simply, make North Dakota elections less secure.

Access to voter lists is currently limited under North Dakota Open Records laws, within the election code in 16.01-02-13. Candidates, political parties, and political committees are allowed to request a list and are restricted from using that information in any purpose that is not election-related. Giving the general voting public access to this data at no cost creates many privacy issues. The chance that this data may be sold or used for direct marketing or used to harm specific individuals is a very real possibility. North Dakotans want their information protected, and under the current law it is. This simply provides too much access for uses that are unknown.

Madam Chairman, members of the committee, I urge you to give this bill a do not pass.