

HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
REPRESENTATIVE AUSTEN SCHAUER, CHAIR

TESTIMONY PRESENTED BY

MICHAEL HOWE, NORTH DAKOTA SECRETARY OF STATE

Chairman Schauer and members of the committee, I'm Michael Howe, North Dakota Secretary of State. I'm here in opposition to HB1287.

Members of the committee, let me start by saying North Dakota's unique status as the only state without voter registration by no means is an indication that our elections are flawed, less secure, or lack integrity compared to the other 49 states. In fact, nothing could be further from the truth.

Mr. Chairman, HB 1287 is duplicative of the information already gained through North Dakota's robust voter ID laws. I believe this bill would only serve to create voter confusion, and while our office is not requesting a fiscal note at this time, if this bill were to proceed it would need \$500,000, at a minimum, to support a statewide voter awareness and education campaign to make citizens aware of these changes in their voting requirements. Our robust voter ID laws already collect information ensuring that only United States citizens are voting in North Dakota elections; that only North Dakota residents are voting in our elections; and, that those United States citizens, who are North Dakota residents, are at least 18 years of age or older when voting in our elections.

Let me take a moment to walk through the bill to explain how it duplicates practices already in place that work well for North Dakota. Currently, if you are a U.S. citizen, 18 years of age or older, and have lived in your precinct for 30 days prior to the election, you can go to your polling location on election day and cast your ballot with a current North Dakota driver's ID, North Dakota non-drivers ID, tribal ID, or a long-term care certificate. The same requirements apply to in person early voting, as well as absentee voting.

- Subsection 1 takes away a qualified elector's ability to vote under current law unless they register with their local county auditor.
- Subsection 2 says the voter must register at least 30 days prior to election day to be able to vote.
- Subsection 5 says a voter may register on the day of election, by completing an additional form (outlined in section 7) at a polling place.

Subsection 7 requires my office to create voter registration forms to collect a qualified elector's name, address, date of birth, and last place of registration.

Subsection 3 establishes that a voter may register to vote by a) apply for or renewing a North Dakota driver's license or nondriver's identification card, or b) providing a notice of name or address change to their North Dakota issued ID. This is a duplication of efforts as it is already the current practice under North Dakota's robust voter ID laws. The North Dakota Department of Transportation (NDDOT) is already working cooperatively with our office under the voter ID law requirements and voter qualifications are already validated under this process. Registration adds an unneeded step for voters.

The bill also says in subsection 9 that registration is permanent, likely to remove the requirement of registering for each election, however if an individual moves, they may no longer be registered in the precinct in which they vote which would be in direct conflict with subsection 1.

The third registration point under subsection 3 is the ability to register when applying for or receiving public assistance. If this bill were to move forward, this section would need extensive revision to include the vast number of agencies and resources impacted under the "public assistance" umbrella under federal election requirements. This would include the training of staff across multiple state agencies and creation of a protected, streamlined process for collection of such vote data for transmission to our office. Mr. Chairman, it is my opinion that making more agencies involved in the election and ID process may compromise the integrity of our very strong election system.

Many times, when voter registration is mentioned, it is due to the desire of collecting political affiliation information for voters. This bill strictly prohibits the collection of such information in subsection 9.

This bill also does not take into consideration the:

- Consent decree with tribal nations related to litigation that occurred in *Brakebill v. Jaeger*, under which the state accepts tribal identification cards or tribal letters as a form of qualifying ID.
- Use of a long-term care certificate for individuals who may not longer have a valid North Dakota issued ID upon entry into a long-term care facility.
- Set-aside ballot processes, as those who fail to register and don't have proper identification would need to be included in this process.

This bill is simply not good legislation. It provides no added value to election processes or security and creates an additional chore for voters. HB 1287 forces state agencies to gather the same information already gained through North Dakota's voter ID processes, which is the type of duplication in government that frustrates the taxpayer.

I strongly encourage a **DO NOT PASS** recommendation on HB 1287. Our voter ID laws already provide greater verification to ensure only qualified North Dakotans are participating in our elections.

HISTORICAL VOTER REGISTRATION INFORMATION

- North Dakota enacted voter registration in 1895 – but only voters in organized villages or cities with a population of 1,500 or greater were required to register. Interestingly, registration was not required for Primary elections, only the General.
- In 1951 Senate Bill 61 was introduced to repeal voter registration. It passed the North Dakota Senate and State House and on February 28, 1951. Governor Norman Brunsdale signed it into law, and that's how we've been ever since.
- Governor Art Link vetoed a voter registration bill in 1975.

