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TESTIMONY ON HOUSE BILL NO. 1587

House Government and Veterans Affairs

February 6, 2025

Chairman Schauer and members of the House Government and Veterans Affairs Committee:

My name is Brandy Madrigga, Finance Director for Cass County and a member of the Auditor/Treasurer's Legislative Committee. Thank you for the opportunity to provide testimony and express opposition to HB 1587.

To begin, item 3 of the section 3 amendment to 16.1-06-15, changes the timeline of the public testing of the voting system from one week prior to the election to 60 days before the election. This timeline is not feasible under the current century code as the candidate filing deadline is set out at 64 days prior to the election and the deadline for withdrawal is set at 4:00pm, 62 days prior to the election. It is at this time in which the county auditor holds the candidate rotation draw. The candidate rotation must be determined in order for the auditor to submit the layout and programming forms. The deadline for auditors to complete the ballot proofs and order forms is approximately 49 days prior to the election. Following these submissions, counties can expect media to be received by approximately 25 days prior to the election. It is only after the media is received that a county can begin logic and accuracy (L&A) testing. Cass County dedicates 6 election workers and 1 week of time to complete L&A testing and results must be 100% accurate in order to pass.

Next, item 5 of the section 3 amendment replaces the postelection audit with a complete postelection hand count audit. I will note that utilizing a sample of a larger population is a standard practice to gather sufficient evidence to form an opinion about the entire population being audited. Completing a postelection hand count of all ballots prior to the meeting of the county canvassing board is not a practical timeline.

Once the polls close on election day, there are numerous additional duties in which an auditor must complete prior to the county canvassing board scheduled on the thirteenth day following each election. It is during these 13 days that the county auditors must complete the write-in races, reconcile voter credit to voted ballots, complete voter credit for canvass board, organize absentee ballots for canvass board action, contact voters who may need to cure absentee or set-aside ballots, unpack voting equipment and supplies, and conduct the post-election audit.

To give the committee an idea of the scale of the proposed postelection hand count that would need to be completed in conjunction with the above noted tasks, during the 2024 general election, Cass County processed over 91,000 ballots that included 34 different ballot styles and comprised 32 separate races. During the 2024 primary election, we processed over 21,000 ballots which included 105 different ballot styles and 148 separate races.

Furthermore, the current L&A testing methods have been proven to be safe, secure, and 100% accurate. This statement can be supported by the countless automatic recounts conducted by the county auditors. It is common during a primary election that a county auditor will be required to conduct a recount. For timeline purposes, the date that the recount must be conducted is dependent on the race but will generally fall between 11 to 18 days following the respective Canvassing Board meetings. During the 2024 primary, Cass County conducted 2 recounts which included manual inspection and a hand recount by the recount board. Both recounts returned results that were 100% consistent with the original tabulated results.

Mr. Chairman, members of the committee, it is for these reasons noted above that I urge a **DO NOT PASS** on HB 1587.

