
HOUSE POLITICAL SUBDIVISIONS
REPRESENTATIVE DONALD LONGMUIR, CHAIRMAN

TESTIMONY PRESENTED BY
ERIKA WHITE, STATE ELECTION DIRECTOR

Chairman Longmuir and members of the committee, I'm Erika White and I serve as the state election director for the Office of the Secretary of State. I am here in support of HB1165. This bill provides technical clean-up language and seeks to create uniform practices in code related to the administration of elections. We believe North Dakota should have uniform election laws at all government levels and many of the proposed pieces of this bill seek to do just that.

OVERVIEW OF BILL SECTIONS

SECTION 1 AND SECTION 2: These sections relate to election practices for soil conservation districts.

Section 1 deals with nominating petitions for individuals seeking office in soil conservation districts. Current statute requires county auditors to certify nominating petitions for soil conservation districts to the secretary of state. Please note, county auditors are not required to certify any other county office's nominating petitions to this office. The changes in this section would eliminate this requirement.

Section 2 is the continuation of the above section adjustment and simply strikes language also requiring the secretary of state to certify the election of the soil conservation districts. Again, we believe this to be a step that can easily be handled by county election boards and removes an unnecessary step for auditors.

SECTION 3: This section seeks to define what is meant by "complete residential address" in the Elections Chapter – 16.1. The terminology "complete residential address or rural route or general delivery address" is used in NDCC 16.1-01-09 and relates to what is captured on petitions for initiated or referred measures. This section seeks to simply define that complete residential address includes a street, general delivery or rural route address, including any relevant house or apartment number, city, state, zip code. Incomplete signatures or accompanying information of petition signers which does not meet the requirements of this section invalidates the applicable signature. This helps define what is meant by complete residential address for petition sponsors and matches our current review practices for petition review.

SECTION 4: In 2024, the question came to this office on whether a city could contract with a third-party to conduct an election. This office believes that only North Dakota election officials should be conducting elections. This section seeks to prohibit both the state and political subdivisions from contracting with a third-party to administer an election. We do have a proposed amendment for Section 4 included at the end of our testimony for the committee's consideration. The amendment would strike the language beginning on page 3, lines 18 and 19, "for election operations or administration" in the suggested language. This amendment seeks to simplify the language and ensure that other vendor supported services such as printing, programming, and mailing services are not part of the proposed language here.

SECTION 5: In recent elections, individuals appointed as election judges have presented challenges to the proper administration of the election. This section seeks to amend NDCC 16.1-05-01 which provides for removal of an election judge but only through an affidavit signed by two or more electors of the precinct. The changes proposed seek to give county auditors the ability to address misconduct issues without the burden of affidavits as they are the individuals responsible for election administration at the county level.

SECTION 6: This section seeks to update NDCC 16.1-06-02 to create uniformity in the printing of statewide ballots. The proposed language seeks to ensure that all counties must use a printer as directed by the secretary of state for printing ballots for use in statewide elections.

SECTION 7: This section seeks to add descriptive language to the area where judges initial the ballot under NDCC 16.1-06-04, which includes instructions for ballot layout. Code currently allows for the word "initials" above a box in the bottom right on ballot for election judges. This however creates confusion for some voters who initial in this box which is meant for election judges. The proposed change seeks to clarify this language by adding "election official initials" to this same area to provide better clarity for voters.

SECTION 8 and SECTION 9: These sections address uniformity in statewide election practices. Language additions in these two sections allow for the secretary of state to designate an absentee mailing, outgoing, return, and secrecy envelope style. Currently, many counties use the envelope forms provided by this office, however that is not consistent statewide. We believe this uniformity is important in helping voters better understand what to expect in election processes, as well as giving the U.S. Postal Service a uniform design to watch for related to election mail.

SECTION 10: This section seeks to create consistency in the timing for write-in candidate filings. Currently, legislative candidates may file their certificate of write-in candidacy four days prior to election day. With the ability for counties to start early voting fifteen days prior to election day this simply is no longer appropriate timing. We are requesting that legislative candidates be moved to match the filing requirement of 21 days before election day that is in code for other write-in candidates.

SECTION 11: This section seeks to repeal NDCC 16.1-07-30 which is an outdated piece of code that requires the secretary of state to publish notice to county auditors letting them know candidate lists are available. This was a requirement needed before the implementation of a shared election management system in election administration. Counties are now able to access this information in the election management system maintained by our office and the public can access it on our website as candidate filings are processed. Currently, we are simply sending county auditors an email with a link reminding them of the candidate lists can be found in the system to meet this requirement.

This section seeks to repeal NDCC 40-21-10 which allows for a city to register voters. We believe North Dakota should have uniform election laws at all government levels. The ability for a city to register voters simply isn't needed with state's voter identification laws.

Chairman Longmuir and members of the committee this concludes my testimony. I hope you will support the changes proposed in HB1165 and I'm happy to address any questions you may have.

PROPOSED AMENDMENT TO SENATE BILL NO. 1165

Page 3, line 18, strike “for”

Page 3, line 19, strike “election operations or administration”

Proposed amendment as applied to Subsection 2 of SECTION 4. AMENDMENT

2. The state or any political subdivision of this state may not use a private entity ~~for election operations or administration~~ to administer an election.

SECTION 7.

STATE OF NORTH DAKOTA		WARD COUNTY	
GENERAL ELECTION BALLOT NOVEMBER 5, 2024			
To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate.		State Representative District 38 Vote for no more than TWO names	NO-PARTY BALLOT To vote for the candidate of your choice, you must darken the oval (●) next to
Official Ballot WARD COUNTY November 5, 2024		All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted.	
		Continue voting other side →	
		_____ Initials	
		Typ:01 Seq:0001 Spl:01	

SECTION 8 & 9.

