

**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE**  
**SENATOR KRISTEN ROERS, CHAIR**

**TESTIMONY PRESENTED BY**

**ERIKA WHITE, STATE ELECTION DIRECTOR**

Chairman Roers and members of the committee, my name is Erika White, and I serve as the state election director for the Office of the Secretary of State. I'm here to offer neutral testimony on SB2178 in relation to the impacts that this legislation has on election administration.

First, if there is strong desire to capture political affiliation, we could support this bill. It would create an opportunity to gather the political ballot type requested by the roughly 20 percent of voters who participate in our primary elections. I do want to take an opportunity to provide information related to the complexities of Primary election ballot styles. In a Primary election, counties are conducting elections for many jurisdictions including city and school elections. Each unique jurisdiction is required to have a unique ballot style to ensure voters are voting on the proper contests, candidates, and issues. North Dakota counties managed 849 unique ballot styles in the 2024 Primary election.

The creation of ballots for each party type would increase the cost of election administration and provide increased challenges to our county partners. As an example, assuming at a minimum two political party ballots, and one independent/no party ballot:

- **Greater Costs:** The total cost of ballot printing and would triple, at minimum.
  - Layout charges per ballot style are roughly \$45: 849 ballot styles = \$38,205; 2,547 ballot styles = \$114,615
  - Ballot printing for all counties in 2024 Primary = \$320,000; equates to a times 3 cost of - \$960,000.
  - Other charges to consider – Test decks cost (charged per ballot), election worker wages for increased handling of ballots and ballot management
- **Increased Challenges:** The increase in ballot styles would impact the overall challenge of administering the election. For example, Cass County had 97 ballot styles for the 2024 Primary election – this would increase that number to 291 ballot styles.
  - Logic and accuracy testing would have to take place on a greater scale with larger test deck numbers. – Cass County had 4,000 ballots in its test deck. With the increase in additional ballot

styles based on 3 different ballot parties this number would need to be over 12,000 in a test deck to test accuracy of equipment.

- Ballot management – increase ballot styles create room for human error in handing out the wrong ballot style.
- Recount and audit challenges – More ballots increase challenges to reconcile and verify post-election and would potentially require greater numbers of recount board members to adequately conduct a timely recount.

We have also heard concerns about crossover voting, but this bill does not impact what we believe is meant by crossover in these instances. Crossover voting in elections means voting for more than one political party in a primary election. Ballot tabulators are programmed to watch for this and alert voters if they vote in both the Republican and Democrat columns. Voters are notified they have a “crossover” vote and can either vote their ballot with the front side not counting due to the crossover or request a new ballot to cast. There is nothing in this bill that would stop a Democrat or Republican from requesting the other party’s ballot style. Whatever ballot type requested under this bill would be the ballot type provided to the voter and there would be no way of knowing whether that matched their actual political affiliation.

If this bill moves forward, we will need to account for parties who may gain ballot access but only have one or no candidates. In 2024, the Libertarian party gained ballot access but provided no Primary candidates. Would a ballot style be needed in this instance?

There is also language that would need change on page 2, line 22, which refers to including information to candidates for individuals who in the central voter file are “secured active” voters. These are voters that are protected under open records law such as law enforcement agents and judges. This information is protected in other sections of law and we do believe it should remain protected in the central voter file as well. Section NDCC 16.1-06-14 which discusses the handling of crossover ballots by electronic voting systems may also need to be addressed.

If there is support for this bill to move forward, our office does believe it can be administered but counties would bear the burden of these greater costs and resources to manage the increased number of ballots.

Chairman Roers and members of the committee, that concludes my testimony and I’d stand for any questions.