

1999 SENATE POLITICAL SUBDIVISIONS

SB 2311

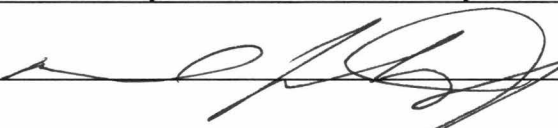
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2311

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 29, 1999

Tape Number	Side A	Side B	Meter #
1	x		3405 to end
1		x	0 to 3895
Committee Clerk Signature 			

Minutes:

SENATOR LEE: open hearing on SB2311

SENATOR AUBYN: see testimony on SB2311

MOTION: OPEN THE HEARING

SENATOR FLAKOLL: what happens if a person moves or dies

SENATOR AUBYN: county auditor will remove that person

SENATOR FLAKOLL: how much is cost

SENATOR AUBYN: looking into this matter, not everyone will register and their will be some costs associated with this

SENATOR KELSH: page 3, fiscal effect to the counties

SENATOR AUBYN: last page of the fiscal note, will be some costs and just what the costs will be

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Senate Political Subdivisions Committee

Bill/Resolution Number sb2311

Hearing Date January 29, 1999

SENATOR NELSON: why did you choose 30 days to register

SENATOR AUBYN: large turnovers and elderly dealing with the long lines in association with other states, same day defeats the purpose and it's efficiency

SENATOR NELSON: college districts on election day

SENATOR KELSH: 30 residency requirement and note being able to vote if they don't meet the 30 day deadline

SENATOR AUBYN: don't understand

SENATOR KELSH: repeat, and voting presence

SENATOR AUBYN: lower voter turnout in this state verses another state, always will have deadline

SENATOR LEE: see this as a benefit to attracting poll workers

SENATOR AUBYN: good question. jury turnout by clerk of courts

SENATOR LEE: do to students that are coming from another city or voting absentee and people who stay in one place at a short time

SENATOR AUBYN: were they elected to vote as a home residency, where changes can take place.

SENATOR LEE: make form available

SENATOR AUBYN: forms would have to be distributed

SENATOR NELSON: how is section eight going to work

SENATOR AUBYN: no specific time limit but left to county auditor, secretary of state guidelines

SENATOR FLAKOLL: compromise solution for other states regarding registration within the 30 days

SENATOR AUBYN: seems reasonable and long term solution to this

SENATOR LEE: questions

SIDE B

FURTHER TESTIMONY ON SB2311

MONICA LARIVÉE: SEE TESTIMONY, LETTER FROM CLERK OF DISTRICT COURT
IN GRAND FORKS COUNTY

SENATOR LEE: any questions

AL JAEGAR: see testimony

SENATOR WATNE: effective date of bill

AL JAEGAR: August 1st when bills take effect and redistricting

SENATOR WATNE: take effect on the 1st election

AL JAEGAR: obligation of further obligation and letting this issue simmer down and waiting for the bill to be right

TERRI TRAY NOR: SEE TESTIMONY

SENATOR LEE: questions

CORY FONG: costs associated with the voter registration for the 1st time, SENATOR WATNE question on how this is going to be implemented the first time and time to prepare, 30 day cutoff

and absentee ballot. options with this and equal standards. transfer in voter registrations and tracking down these people whom have moved, voter fraud within a county

SENATOR LYSON: books of different rules

CORY FONG: mail voter programs, voting rules and other material regarding voting laws.

How are you going to vote and how it impacts each of us. Have to be prepared to answer questions on the form

SENATOR LEE: see training program as time consuming and who is going to answer the questions on voter registration. complication of filling out this form

CORY FONG: section 6 "deputy registrar" and who can offer the services as a deputy registrar's and the turnover vs. deputy registrar's and who will be deputies. address changes being given by the department of transportation

SENATOR LEE: initial setting up would be complex but with newer technology and everybody knowing about the change of address, technology impact

DISCUSSION

SENATOR KELSH: list of voters in a two year election cycle and expenses

CORY FONG: people voting wrong places and polling being not as easy and what the counties think of this process, and poll books not being maintained

SENATOR LEE: fiscal note

SENATOR NELSON: question to Connie Sprytnatic

CONNIE SPRYTNATIC: legislature needs to address this themselves and special election combined with primary elections and combined elections with the county and the school boards

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Senate Political Subdivisions Committee

Bill/Resolution Number sb2311

Hearing Date January 29, 1999

and sharing costs associated with, not going to get involved with the fiscal notes, voter

registration will not help this process out

MOTION: CLOSE 2311

SENATOR LEE: please sign the roster

FEBRUARY 11, 1999

DO NOT PASS

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2311 Amendment to: _____

Requested by Legislative Council Date of Request: January 20, 1999

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

Narrative: Narrative is attached.

2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	None	None	None	None	None	None
Expenditures	None	None	875,000	None	699,000	None

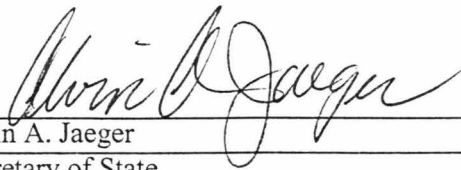
3. What, if any, is the effect of this measure on the budget for your agency or department:

- a. For rest of 1997-99 biennium: None
(Indicate the portion of this amount included in the 1999-2001 executive budget:)
- b. For the 1999-2001 biennium: \$875,000 for the three state agencies (not included in executive budget)
(Indicate the portion of this amount included in the 1999-2001 executive budget:)
- c. For the 2001-03 biennium: \$699,000

4. County, city, and school district fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
None	None	None	*	None	None	Unknown	None	None

* The estimated range is from \$309,000 to \$1,400,000

Signed: 
 Typed Name: Alvin A. Jaeger
 Department: Secretary of State
 Phone Number: 328-2900
 Date Prepared: January 28, 1999

Narrative for Fiscal Note pertaining to SB 2311, January 28, 1999

If voter registration becomes law in North Dakota, that law will need to comply with Federal regulations created under the National Voter Registration Act (NVRA). The NVRA regulations are complex and, among its many provisions, cover list maintenance, reporting requirements, and locations where voter registration cards must be made available.

The county level of government plays a very active role in the registration process. In addition, voter registration cards must be made available at all motor vehicle licensing centers, all state, county, and local agencies providing any form of public assistance, and approximately twenty-eight institutions identified by the federal government as eligible to have students that may apply for and receive federal student aid.

Therefore, this fiscal note (while not inclusive of all entities that may be impacted) contains financial information provided by the Secretary of State's office, the Department of Transportation, the Department of Human Services, North Dakota Association of Counties, and County Auditors.

Secretary of State

Total Projected Implementation Costs for 99-01 Biennium – \$175,000

- 1 FTE for 99-01 Biennium (salary and benefits included) - \$50,000
- Initial Computer Programming for 99-01 Biennium - \$50,000
- Training and Travel - \$25,000
- Voter Education - \$50,000

Total Projected Costs for 01-03 Biennium - \$120,000

- 1 FTE for 01-03 Biennium (salary and benefits included) - \$50,000
- Continued Voter Education – \$50,000
- Training and Travel - \$20,000

Basis for above Estimated Costs

FTE * - One additional staff FTE would be required at the in the Secretary of State's office to compensate for added administrative responsibility for the following:

- Customers with voter registration questions
- Transmitting successful voter registrations to the proper state and county election official(s)
- Additional workload created by another administrative function
- Computer programming implementation
- Training
- Customer service calls and inquiries
- Ensuring NVRA compliance

Initial Computer Programming – Computer programming would be necessary for retrieving voter registration information from the counties and sharing it with other counties.

Training and Travel – Costs would be associated with training agencies and agency staff on voter registration procedures.

Voter Education – Voter education would be a significant element of the initial implementation that would have to include some form of organized and coordinated advertising/public awareness campaign.

Department of Transportation

Voter Registration at Drivers License Bureaus
(financial information by Keith Magnuson, DOT – 328-2727)

Total Projected Implementation Costs for 99-01 Biennium – \$550,000

- 10 FTE for 99-01 Biennium (salary and benefits included) - \$500,000
- Initial Computer Programming for 99-01 Biennium - \$25,000
- Address Corrections and Renewals for 99-01 Biennium - \$25,000

Total Projected Costs for 01-03 Biennium - \$525,000

- 10 FTE for 01-03 Biennium (salary and benefits included) - \$500,000
- Address Corrections and Renewals for 01-03 Biennium - \$25,000

Basis for above Estimated Costs

FTE * - One additional staff person would be required at the 8 regional drivers licensing bureaus across the state and two at the central office to handle the following:

- Customers with voter registration questions
- Sorting and processing successful and unsuccessful voter registrations
- Transmitting successful voter registrations to the proper state and county election official(s)
- Additional workload created by another administrative function
- Slower customer lines
- Computer programming implementation
- Training
- Customer service calls and inquiries
- Ensuring NVRA compliance

Initial Computer Programming – Computer programming would be necessary to incorporate voter registration information in the drivers licensing database(s).

Address Corrections and Renewals – Costs would be associated with processing and transmitting address correction and renewal information according to the requirements of NVRA.

* These costs do not address the potential costs that may be associated with training.

Page 3

Department of Human Services

Voter Registration at Disability Services Agencies

(financial information by Tom Henn – Department of Human Services – 328-4014)

Total Projected Implementation Costs for 99-01 Biennium – \$150,000

- General Funds - \$149,000
- Federal Funds - \$1,000

Total Projected Costs for 01-03 Biennium - \$54,000

- General Funds - \$53,500
- Federal Funds - \$500

Basis for above Estimated Costs

These estimates include the additional salaries of current employees, the need for temporary employees, and administrative costs that may be incurred by offering voter registration to the following Human Services Center applicants and clients *:

- Developmental Disability
- Mental Disability
- Substance Abuse Disability
- Vocational Disability
- State Hospital
- Children's Special Health Service clients between 18 and 21

*The impact on Developmental Center clients was not considered to be material.

County Auditors (Chief Election Officials of the County) *

Total Projected Implementation Costs for 99-01 Biennium – \$309,000 –\$1.4 million

Basis for above Estimated Costs

The fiscal impact to the state’s county auditors is extremely difficult to estimate or project. Based upon estimated costs provided by a sampling of more than 30 of the state’s county auditors, the following broad range of costs may be considered.

Keep in mind that these costs estimates that have been made without a specific or identifiable “first time” plan for implementing and maintaining voter registration since Senate Bill 2311 does not provide one. Depending upon such an “first time” implementation plan, which would likely have to comply with the requirements of NVRA, these estimates would likely change or vary.

Column 1 breaks provides a breakdown of the counties by number of voters I the 1996 General Election. Columns 2 and 3 provide low and high costs for individual county implementation. Columns 4 and 5 provide the totals costs based upon the low and high estimates.

1	2	3	4	5
Counties The following figures and rankings are based upon voter turnout in the 1996 General Election	Individual County Cost (low)	Individual County Cost (high)	Total (low)	Total (high)
24 Counties w/less than 2,000 voters	\$1,000	\$5,000	\$24,000	\$120,000
18 Counties w/2,000 to 5,000 voters	\$5,000	\$10,000	\$90,000	\$180,000
6 Counties w/5,000 to 10,000 voters	\$10,000	\$15,000	\$60,000	\$90,000
1 County w/10,000 to 20,000 voters	\$15,000	\$30,000	\$15,000	\$30,000
4 Counties w/ more than 20,000 voters	\$30,000	\$140,000	\$120,000	\$580,000
53 Counties			\$309,000	\$1,000,000

Another factor to consider in determining the implementation costs for the state’s county auditors is the estimated costs provided for by Cass County Auditor Mike Montplaisir for North Dakota’s most populous county. In his testimony he provides a range of \$130,000 to \$140,000 for implementing voter registration in Cass County.

Since Cass County is roughly ten percent of the state, it is also conceivable to project that the cost for implementing voter registration for all of the state’s county auditors may reach ten times the costs for Cass County, or \$1.3 to \$1.4 million dollars.

Total Projected Costs *

Agency	99-01 Biennium	01-03 Biennium
Secretary of State	\$175,000	\$120,000
Dept of Transportation	\$550,000	\$525,000
Human Services	\$150,000	\$54,000
County Auditors	\$309,000 to \$1,400,000	unknown

These projected costs do not include the potential costs associated with offering voter registration at public assistance agencies (food stamps, Medicaid, WIC, AFDC) or to college students enrolled in institutions of higher learning that enroll students receiving federal aid as required by federal law.

Date: 2-11-99
Roll Call Vote #:

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2311

Senate Political Subdivisions Committee Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do not pass

Motion Made By Watne Seconded By Nelson

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson	/				

Total (Yes) 6 No 0

Absent _____

Floor Assignment Watne

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 11, 1999 12:27 p.m.

Module No: SR-28-2583
Carrier: Watne
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2311: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Eleventh order on the calendar.

1999 TESTIMONY
SB 2311



SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 29, 1999

TO: Senator Lee and Members - Senate Political Subdivisions Committee

FR: Al Jaeger, Secretary of State

RE: SB 2311 – Voter Registration

North Dakota has a very unique characteristic. It is the only state in the union that does not have a system of voter registration. In the 1951 Legislative Assembly, the Legislative Research Committee introduced Senate Bill 61. By a vote of 36 to 0 in the Senate and 95 to 5 in the House, the legislative body voted to repeal the state's voter registration law. Governor Brunsdale signed the bill on February 28, 1951.

For 48 years the present system of having no voter registration has served the voters of North Dakota. Amazingly, it has worked rather well during that period of time. When my election staff and I attend national meetings, other Secretaries and Election Directors are envious and ask how does it work. We answer, "Well, we don't know for sure, it just does."

Is ours a perfect system? No

Is any system with voter registration a perfect system? No

Is ours a system that has experienced widespread fraud? No

Is there a better system? Maybe - but not at the present time or foreseeable future.

As North Dakota's Chief Election Officer, I believe a system of voter registration as would be mandated by the Federal Government under the National Voter Registration Act of 1993 (NVRA) is not a viable, needed, or affordable option for the citizens of this state. At the present time, because North Dakota does not require voter registration, it is exempt from the provisions of NVRA. That would change if this bill (with needed amendments to make it conform to NVRA) is adopted by this 56th Legislative Assembly.

That is the issue that is before you today. To assist you in your deliberation, I offer the following information for your consideration.

With the arrival of NVRA, often mislabeled as the "Moter-Voter Bill," voter registration in other states has become a very complex and cumbersome process. It has sparked tremendous debate, confusion, and expensive litigation while not preventing fraud or increasing citizen participation in the election process. Rather, the adoption of NVRA has allowed the federal government to intrude upon state election procedures that historically have been left for individual states to govern. Now, under NVRA, states must comply with detailed, cumbersome, and intrusive provisions. Unfortunately, efforts to reform it have not been successful in the Congress.

Briefly, the following is a listing of the various elements of NVRA that North Dakota would have to consider and eventually comply with if voter registration were enacted:

- NVRA requires that individuals be given an opportunity to apply for voter registration (or to update their voter registration data):
 - when applying for or renewing a driver's license or ID card - Motor Voter (see Appendix A *)
 - when applying for (or receiving) certain types of public assistance and other services (see Appendix B *)
 - by mail, using either an appropriate state form or a national form (see Appendix C *)
 - at Military recruiting offices (see Appendix B *)
- NVRA prohibits the purging of voters' names from voter registration lists solely for failure to vote and requires a program for positively confirming the accuracy and currency of the registration lists. NVRA sets out very specific, detailed, and cumbersome requirements for the maintenance of voter lists that require multiple confirmation mailings in most cases. (see Appendix D *)
- NVRA provides for certain "fail-safe" voting mechanisms to ensure that the right to vote prevails when a voter's name is eliminated or left off a voter registration list. These "fail-safe" voting procedures were incorporated under the principle that "once registered," a voter should remain on the voter registration list so long as the individual remains eligible to vote in that jurisdiction. (see Appendix E *)
- NVRA requires states to report to the Federal Election Commission the impact of administering elections according to the requirements of the Act. (see Appendix F)

* Only first page(s) of applicable section of FEC implementation handbook.

In addition to the requirements of NVRA, federal legislation was enacted in 1998 that requires all institutions of higher learning (public and non-public whose students receive federal assistance) to "make a good faith effort" to offer voter registration to students enrolled in a degree or certificate program. According to a preliminary listing provided by the Federal Election Commission, there are approximately 27 North Dakota institutions that may be impacted (see Appendix G)

Because of its provisions, voter registration in North Dakota under the NVRA would also present a significant fiscal challenge to the state and its counties. According to the fiscal note for Senate Bill 2311, the costs to implement the program during the 1999-2001 biennium could range up to \$875,000 and impact the budgets of three state agencies. These estimates do not take into consideration the costs associated with administering voter registration at the institutions of higher learning or any potential costs with offering voter registration at other levels of public assistance (e.g., food stamps, Medicaid, WIC, AFDC, etc.)

The potential cost to North Dakota counties is somewhat more difficult to predict in the brief time available for preparation of the fiscal note. However, based upon input from several sources and County Auditors, the costs could range from \$300,000 to \$1,400,000. This range

does not factor in the costs associated with administering voter registration at county social service agencies that offer public assistance (see Appendix B). It goes without saying that county government would probably look to the state for reimbursement of their costs.

There could be other costs as well. Since the enactment of NVRA, many states' voter registration laws, rules, and procedures have been challenged by individuals and the United States Department of Justice for perceived non-compliance under NVRA. This litigation has proven extremely time consuming and costly for states. Such litigation has often prohibited states from implementing seemingly common sense procedures. Unfortunately, even though NVRA has been in existence for six years, many issues remain unresolved.

As I understand it, one of the reasons often given for advocating voter registration is so that polling records would be easier to read. However, most large counties already have their poll books entered into computer databases and the cost of providing software to the remaining counties to do likewise would be minimal in comparison to the cost of having voter registration.

Another reason given is that voter registration is needed to prohibit non-residents from voting or otherwise qualified electors voting in the incorrect precincts. However, laws governing such voting concerns are already in place. Very soon this committee will hold a hearing on HB 1149. This bill, which was recently passed in the House, is intended to provide better guidance in state law for poll workers and others in challenging non-resident and incorrect precinct voting.

Finally, voter registration is often held out as a way to eliminate fraudulent voting. However, I have been a resident of North Dakota all my life and do not personally recall one person who has ever been prosecuted for voter fraud. Yes, it is true that during each election cycle I hear the rumors of such activity. Nevertheless, there has been no fraud that has been reported to the proper authorities, investigated, and successfully prosecuted. For most elections the election board consists of one inspector and several poll workers representing each of the state's two major political parties. Maybe that is why there is no fraud. The present system of checks and balances is working.

For 48 years, the present system of having no voter registration has worked well. Just because North Dakota is the only state without voter registration does not make us wrong. In fact, considering the problems in other states and with NVRA, it might mean we are the only ones who have "got it right." If this state falls under the current provisions of NVRA, there is no turning back if we don't like it. Therefore, the issue as to whether or not to adopt this bill into North Dakota law is one that should not be taken lightly.

CHAPTER 2

MOTOR VOTER REGISTRATION PROVISIONS

The National Voter Registration Act requires that individuals be given an opportunity to register to vote (or to change their voter registration data) in elections for federal office when applying for or renewing a driver's license or other personal identification document issued by a State motor vehicle authority [Section 5(a) with Section 3(3)].

Such individuals may decline the opportunity simply by failing to sign the voter registration application [Section 5(a)(1)]. Information regarding an individual's failure to sign the voter registration application cannot be used for any purposes other than voter registration [Sections 5(b) and 5(c)(2)(D)(ii)].

Similarly, information on the particular motor vehicle *office* where a person registered must remain confidential and be used only for voter registration purposes [Section 5(c)(2)(D)(iii)].

Finally, any change of address submitted for a motor vehicle driver's license shall also serve as a notice of change of address for voter registration purposes unless the individual states on the application that the change of address is not for voter registration purposes [Section 5 (d)].

IMPORTANT ISSUES IN MOTOR VOTER REGISTRATION

States should consider the following issues while designing motor voter forms and procedures:

- the form to be used in the motor voter registration process
- a declination to apply for voter registration in a motor vehicle office
- the form to be used in the driver's license change of address process
- the renewal of a driver's license
- the transmittal of voter registration applications from motor vehicle offices to the appropriate election official, and
- administering a motor voter program.

CHAPTER 4

AGENCY REGISTRATION PROVISIONS

The National Voter Registration Act requires that individuals be given the opportunity to register to vote (or to change their voter registration address) in elections for federal office when applying for (or receiving) services or assistance:

- at any office in the State that provides public assistance [Section 7(a)(2)(A)]
- at or through any office in the State that provides State-funded programs primarily engaged in providing services to persons with disabilities [Section 7(a)(2)(B) with Section 7(a)(4)(B)]
- at certain other offices designated by the State [Section 7(a)(3)(A)], and
- at Armed Forces recruitment offices [Section 7(c)(1)].

Individuals must be provided this opportunity not only at the time of their original application for services, but also when filing any recertification, renewal, or change of address relating to such services [Section 7(a)(6)(A)].

Those who decline to register to vote must do so in writing or by not checking a box on a form that contains wording specified in the Act [Section 7(a)(6)(A) and (B)]. No information regarding a person's declination to register may be used for any purpose other than voter registration [Section 7(a)(7)].

Similarly, if an individual does register to vote, the particular agency at which the applicant submits a voter registration application may not be publicly disclosed [Sections 8(a)(6) and 8(i)(1)].

Agencies providing voter registration services must offer the same degree of assistance, including bilingual assistance where necessary, to individuals in completing a voter registration form as they offer to individuals in completing the agency's own forms, unless the applicant refuses such assistance [Sections 7(a)(4)(A)(ii) and 7(a)(6)(C)].

Moreover, the person who provides such services in the agency is prohibited from:

- seeking to influence an applicant's party preference or party registration
- displaying any such political preference or party allegiance
- making any statement or taking any action whose purpose or effect is to discourage the applicant from registering to vote, or

- making any statement or taking any action whose purpose or effect is to lead the applicant to believe that a decision whether or not to register has any bearing on the availability of services or benefits [Section 7(a)(5)].

IMPORTANT ISSUES IN AGENCY REGISTRATION

There are several important issues States will want to consider in designing their agency registration forms and procedures:

- selecting agencies to serve as voter registration sites
- the format and content of the form to be used in applying for voter registration in an agency
- the format and content of the declination form, or portion of the form, to be used for declining to apply for voter registration in an agency
- the transmittal of voter registration applications from agency offices to the appropriate election official, and
- administering a voter registration program.

Selecting Agencies as Voter Registration Sites

The Act mandates four types of offices to be designated as voter registration sites:

- all public assistance offices
- offices that operate State-funded programs primarily engaged in providing services to persons with disabilities
- other designated offices, and
- Armed Forces recruitment offices.

Public Assistance Offices

The Act requires that “all offices in the State that provide public assistance” be designated as voter registration agencies [Section 7(a)(2)(A)].

There were some differences between the House and the Senate regarding this issue in general, and specifically which agencies would be considered mandatory. The Conference Committee therefore delineated the minimum of agencies it concluded were to be encompassed. “By public assistance agencies, we intend to include those State agencies in each State that administer or provide services under”:

- the food stamp program
- the Medicaid program
- the Special Supplemental Food Program for Women, Infants, and Children Program (WIC)
- the Aid to Families With Dependent Children Program (AFDC) [Conf Stat, Section 7, page 19].

States must decide for themselves what other of their offices meet the definition of “public assistance offices.”

Offices that Operate State-funded Programs Primarily Engaged in Providing Services to Persons with Disabilities

In addition to the above programs, the Act mandates the inclusion of “all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities” [Section 7(a)(2)(B)]. This section of the Act is intended to encompass not only those with physical disabilities, but also people with cognitive disabilities, and people with mental illness or mental disabilities — State law permitting.

It is impossible to delineate which agencies those might include since States vary widely in how they provide such services. “While it would include vocational rehabilitation offices, it would also extend to many other agencies that have contact...with persons with disabilities, such as, but not limited to those agencies which provide transportation, job training, education counseling, rehabilitation or independent living services” [Hse. Rpt., Section 7, page 12]. But each State will have to identify for itself the specific public or private agencies within their own State that fit the definition. (For assistance, States might want to contact their Governor’s designee on the Americans with Disabilities Act, State Developmental Disabilities Council, Governor’s Committee on Disabilities, State Independent Living Council or Section 504 Coordinator).

It is very important to note, however, that the Act requires that if such an agency “provides services to a person with a disability at the person’s home, the agency shall provide [voter registration services] at the person’s home” [Section 7(a)(4)(B)].

Other Offices

The Act further requires States to “designate other offices within the State as voter registration agencies” [Section 7(a)(3)(A)]. Although required to designate at least some other agencies, States are given considerable latitude in deciding which agencies those might be. The Act merely says that they *may* include:

- public libraries
- public schools

CHAPTER 3

MAIL REGISTRATION PROVISIONS

The National Voter Registration Act requires States to accept and use what amounts to a national voter registration form as a means of applying for voter registration or updating voter registration data [Section 6(a)(1)]. This form is to be prescribed by the Federal Election Commission in consultation with chief State election officials [Section 9(a)(2)].

In addition, States are permitted to use their own State mail registration form provided that it meets the criteria described in Section 9(b) — the same criteria as pertain to the contents of the national form [Section 6(a)(2)] and to the contents of the form used at motor vehicle offices [Section 5(c)(2)(B)(ii)].

Such forms are to be made available by the *chief* State election official through governmental and private entities with particular emphasis on organized voter registration programs [Section 6(b)].

It is important to recognize that mail registration forms may well be used by participating public service agencies as explained in Chapter 4 (see also Section 7(a)(6)(A) of the law). And, as noted in Chapter 2, they might also be used in some motor-voter programs (see also Hse. Rpt under Section 5 on page 9).

Finally, Section 6 of the law permits (but does not require) two possible security mechanisms.

The first of these is that States may require first time voters, who have registered by mail, to vote in person (presumably at the next subsequent election in which they offer to vote) unless their right to vote absentee is protected under the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, or under any other federal law [Section 6(c)].

The second possible security mechanism is that if the acknowledgment notice in response to a mail registration application is returned as undeliverable, the registrar may initiate the confirmation procedure discussed in Chapter 5 below [Section 6(d)].

IMPORTANT ISSUES IN MAIL REGISTRATION

Although the mail registration provisions of the law seem simple and straightforward, there are three important issues that must be considered. These are:

- the content and format of the form
- the transmittal of mail registration applications to the appropriate election official, and
- administering a mail registration program.

The Content and Format of the Mail Registration Form(s)

There are several important aspects to the content and format of the mail registration form(s), including:

- the *data elements* requested on the form(s)
- the *information and attestation items* that must appear on the form(s)
- the *physical size, paper weight, and color* of the form(s)
- the *needs of certain special populations*, and
- the *layout* of the national form.

Data Elements Required on Mail Registration Forms

The law limits the data elements that can be required on mail (and motor vehicle) voter registration forms to those that are “necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process” [Sections 9(b)(1) and 5(c)(2)(B)(ii)].

Although the Federal Election Commission is currently in the midst of research and rulemaking proceedings in order to determine what data elements the chief State election officials deem to be necessary in practice, our preliminary view is that the following data elements are likely to be requested:

- New registration vs. change of address vs. other change
- Name of applicant (incl any suffix)
- Address where you live (incl apt or unit no.)
- Address where you get your mail (if different from above)
- Date of birth

CHAPTER 5 - VOTER REGISTRATION LIST MAINTENANCE PROVISIONS

The National Voter Registration Act contains several features that will fundamentally alter the way voter registration lists are maintained in most jurisdictions. These features include:

- a slight change in the date by which valid voter registration applications must be accepted by the registrar [Section 8(a)(1)]
- a requirement that registrars “send notice to each applicant of the disposition of the application” [Section 8(a)(2)]
- a change (for most jurisdictions) in the rules for removing individual names from the voter registration list [Sections 8(a)(3) and (4), Section 8(b)(2), and Sections 8(c) and 8(d)]
- a change (for most jurisdictions) in the rules for changing a registrant’s address information [Sections 8(c), 8(d), and 8(f)], and
- a requirement that States “conduct a general program” the purpose of which is “to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office” [Sections 8(a)(4) and 8(b)].

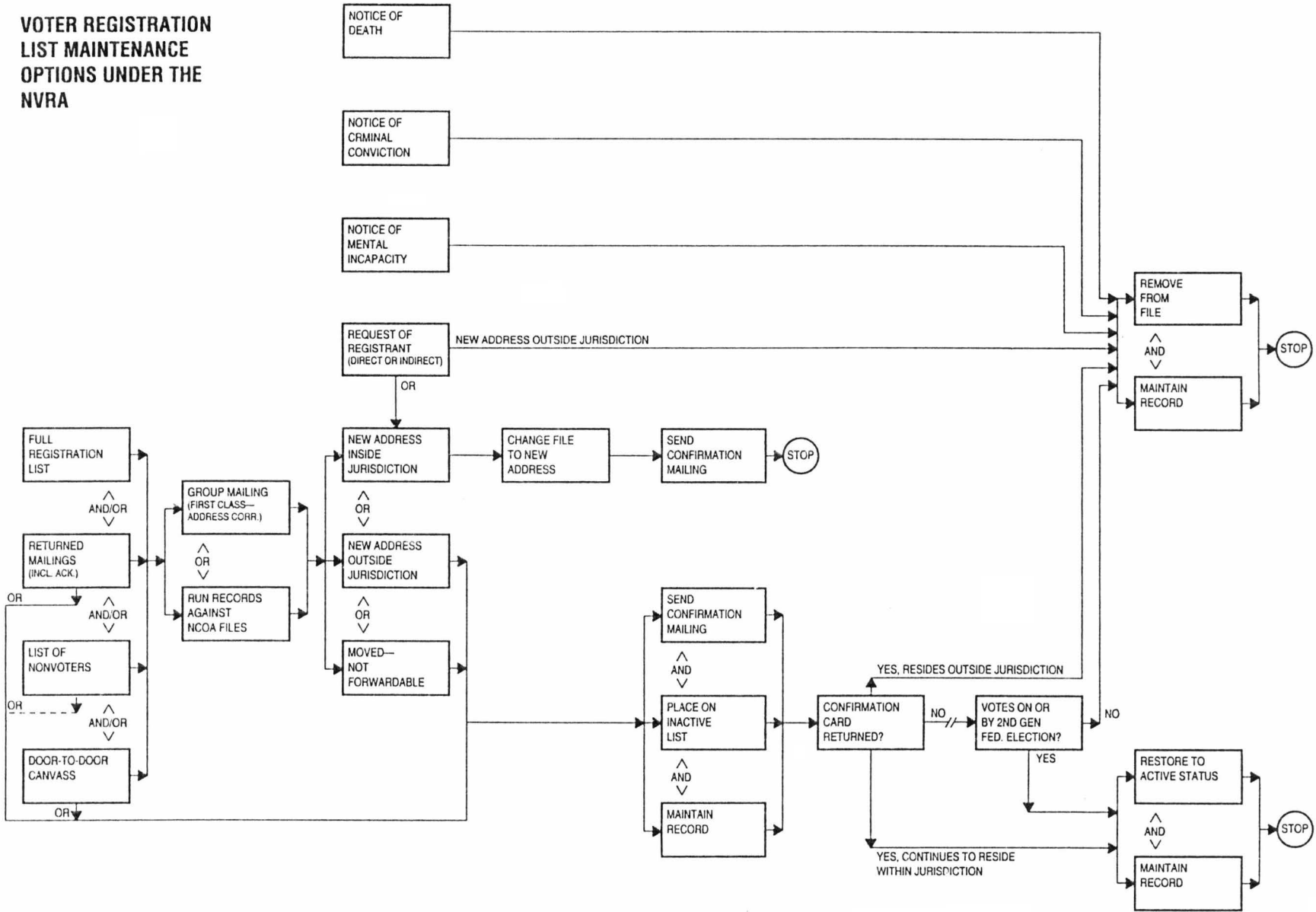
IMPORTANT ISSUES IN VOTER REGISTRATION LIST MAINTENANCE

The voter registration list maintenance requirements of the Act are fairly complex but permit the States considerable latitude in designing appropriate procedures. In doing so, there are important issues to consider:

- the date by which valid voter registration applications must be accepted
- the rules for removing names from the voter registration list
- the rule for changing a registrant’s address information, and
- the administration of the file maintenance program.

VOTER REGISTRATION LIST MAINTENANCE OPTIONS UNDER THE NVRA

5-1



CHAPTER 6

FAIL-SAFE VOTING PROVISIONS

The National Voter Registration Act permits certain classes of registrants to vote that were heretofore unable to do so because of bureaucratic or legal technicalities. The Congress incorporated these “fail-safe” provisions following the principle that “once registered, a voter should remain on the list of voters so long as the individual remains eligible to vote in that jurisdiction” [Hse. Rpt., Section 8, page 18].

IMPORTANT ISSUES IN FAIL-SAFE VOTING

States should consider the following important issues in designing fail-safe voting procedures:

- who is entitled to vote under the fail-safe provisions
- where they are entitled to vote
- how they may cast their ballots
- recording and transmitting election day changes to the central voter registration list
- administering fail-safe voting procedures.

Who Is Entitled To Vote Under the Fail-Safe Provisions

The Act permits the following types of registrants to employ fail-safe voting provisions:

- Those who have failed to respond to a confirmation mailing that was triggered by information indicating that they may no longer reside in the registrar’s jurisdiction but who do still reside in the jurisdiction [Section 8(d)(1)(B), 8(d)(2)(A), and 8(e)];
- Those who have failed to respond to a confirmation mailing that was triggered by information indicating that they have moved within the registrar’s jurisdiction [Sections 8(c)(1)(B)(i), 8(e), and 8(f)]; and

- Those who have *not* been sent such a confirmation mailing but who:
 - have moved within the same precinct [Sections 8(e)(1) and 8(f)];
 - have moved from one precinct to another within the same registrar's jurisdiction [Sections 8(e)(2) and 8(f)]; or
 - have *not* moved, but the voter registration records incorrectly show that they have [Section 8(e)(3)].

Those Who Have Failed to Respond to a Confirmation Mailing Triggered by Information Indicating That They May No Longer Reside within the Registrar's Jurisdiction but Who Continue to Reside in the Jurisdiction

Registrars may send confirmation notices in accordance with Section 8(d)(2) to registrants whose continued residence within the jurisdiction is questioned. Chapter 5 lists some of the reasons such mailings may be sent (e.g.; election mailings returned undeliverable, postal service information indicating that the person may have moved outside of the jurisdiction, etc.). Yet such individuals may still reside in the registrar's jurisdiction. They may have either not moved at all, moved within the jurisdiction without filing a change of address, or the local post office may no longer have the change of address on file. Even if such recipients of confirmation mailings fail to return the confirmation response card and may have been designated "Inactive", they must be permitted to vote in any federal election on or before the second general federal election after the confirmation mailing was sent [Section 8(d)(1)(B), 8(d)(2)(A), and 8(e)].

The Act permits States to require such persons to make either "an affirmation or confirmation of the registrant's address ... before being permitted to vote ..." [Section 8(d)(2)(A)]. But for reasons that are explained below under "How They May Cast Their Ballots", States may require confirmation only under extremely rare circumstances. (The difference between "affirmation" and "confirmation" lies in whether the registrant has to provide some acceptable verification as noted in the definitions in the Introduction).

Those Who Have Failed to Respond to a Confirmation Mailing Triggered by Information Indicating That They Moved within the Registrar's Jurisdiction

Registrants whose registration records have been changed based on address information received from the postal service, and who were then sent a confirmation mailing to verify the change, should not be designated "Inactive" and must be permitted to vote in any federal election regardless of whether or not they respond to the notice [Sections 8(c)(1)(B)(i), 8(e) and 8(f)]. Moreover, it appears that these individuals may not be required to affirm or confirm their address when voting unless, of course, the change-of-address information was in error and the registrant offers to vote at the old polling place, or they have subsequently moved to an address not provided by the Postal Service.

F

The Impact of The National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 1995 - 1996



The National Voter Registration Act (Public Law 103-31) requires the Federal Election Commission to submit to the Congress not later than June 30 of each odd-numbered year "a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period...". It further grants the Commission regulatory authority to this end.

Accordingly, 11 CFR Part 8 requires the chief State election official to "provide the information required under this section to the Commission by March 31 of each odd-numbered year beginning March 31, 1995 on a form to be provided by the Commission."

In order to facilitate the reporting process, we request that you complete this questionnaire and return it to the Federal Election Commission no later than March 31, 1997.

We also welcome any information you may care to provide regarding the efforts and measures your State has taken to date toward implementing the provisions of the National Voter Registration Act of 1993.

A handwritten signature in black ink, which appears to read "John Warren McGarry".

John Warren McGarry
Chairman
Federal Election Commission

NVRA REPORTING FORM 1996

1. The person completing this questionnaire:

Name: _____

Title: _____

Address: _____

Tele: _____

FAX: _____

e-mail: _____

2. Please record the number of registered voters throughout your State at the close of polls in the 1994 federal general election (distinguishing, if your State did so, between the number on your "active" lists and the number on your "inactive" lists).

TOTAL ACTIVE	TOTAL INACTIVE (if applicable)	GRAND TOTAL
_____	- _____	= _____

3. Please record the number of registered voters throughout your State at the close of polls in the 1996 federal general election (distinguishing, if your State did so, between the number on your "active" lists and the number on your "inactive" lists). The total "inactive" figure, if any, should exclude registrants who were "reactivated" through voting before the close of polls.

TOTAL ACTIVE	TOTAL INACTIVE (if applicable)	GRAND TOTAL
_____	- _____	= _____

BEST OR ONLY COPY AVAILABLE

4. In the first column, please record the total number of voter registration applications (regardless of whether the applications were valid, rejected, duplicative, or address, name, or party changes) that were received statewide from the sources identified below between the close of the 1994 federal general election and the close 1996 federal general election.

In the second column, please record the number of those applications statewide that were duplicates (i.e., those that contain exactly the same information – same name, same address, same everything – as a registration already on file).

In the third column, please indicate whether the data are complete from the date of your State's implementation of each provision. If not, please explain any missing data on the facing page.

	TOTAL APPLICATIONS	DUPLICATES	DATA COMPLETE?
a) From all motor vehicle offices	_____	_____	Y N ➔
b) By mail	_____	_____	Y N ➔
c) From all public assistance agencies	_____	_____	Y N ➔
d) From all state-funded agencies primarily serving persons with disabilities	_____	_____	Y N ➔
e) From all Armed Forces recruiting offices	_____	_____	Y N ➔
f) From all other agencies that were designated by the State (eg libraries, schools, etc.)	_____	_____	Y N ➔
g) From all other sources not listed above (such as in-person deputy registrars, organized registration drives, etc.)	_____	_____	Y N ➔

BEST OR ONLY COPY AVAILABLE

5. Please record the total number of new valid registrations added to the voter registration lists between the 1994 and 1996 federal general elections. New valid registrations are those that are new to the local jurisdiction (including automatic reregistrations across local jurisdictional lines in States that provide that service, but excluding all applications that exactly duplicate a registration already on file; that are rejected; or that are merely changes in name, address, or other information).

Are these data complete? Y N

If No, please explain missing data on the facing page ➡

6. Please record the statewide total number of §(d)(2) confirmation notices sent out as well as the total number of responses received by mail to those notices between the 1994 and 1996 federal general election.

NUMBER OF NOTICES SENT OUT NUMBER OF RESPONSES RECEIVED

Are these data complete? Y N

If No, please explain missing data on the facing page ➡

7. Please record the total number statewide of registrants who were (for whatever reason) deleted from the registration list between the 1994 federal general election and the close of polls in the 1996 federal general election. If your State maintains an "inactive" list onto which you place the names of registrants who have been sent an §(d)(2) confirmation notice, please distinguish deletions from the "active" and "inactive" lists.

"ACTIVE LIST" DELETIONS	+	"INACTIVE LIST" DELETIONS	=	TOTAL DELETIONS
_____		_____		_____

Are these data complete? Y N

If No, please explain missing data on the facing page ➡

General Questions

1. Who is designated in your State to be responsible for coordinating activities under the NVRA?

Name: _____

Title: _____

Address: _____

Tele: _____

FAX: _____

2. When did your local jurisdictions conduct their last general purge of their registration lists prior to implementing the NVRA?

Was this purge uniform throughout the State?

Yes

No (please explain) _____

3. Did your State have mail registration before the NVRA?

Yes

No

If No, when did your State implement mail registration? _____

4. Did your State have any form of motor-voter registration program before the NVRA?

Yes

No

If No, when did your State implement motor-voter registration? _____

5. Did your State have any form of public assistance agency registration program before the NVRA?

Yes

No

If No, when did your State implement agency registration? _____

6. Did your State have fail safe voting provisions prior to those required by the NVRA?

Yes

No

If No, in what federal, state, or statewide local primary or general elections (if any) prior to the November general of 1996 did you first employ fail safe voting procedures? _____

7. When did your State implement the list maintenance provisions of the NVRA?

8. In acknowledging the receipt of fully completed voter registration applications (under the NVRA) , when are applicants' names officially placed on the voter registration list in your State?

Before or at the same time as the acknowledgment is mailed to the applicant

After a period of time that would allow for any acknowledgment to be returned if undeliverable

Other (please explain) _____

9. What formal training did the State election authority provide to local election officials regarding the new registration and voting procedures engendered by the NVRA?

Mail Registration

1. How many national voter registration booklets did you have printed in preparation for the 1996 general election?

2. At which offices or other locations did you make the national voter registration booklets available?

At the State election office

At local election offices

At Colleges and Universities

Other (please specify) _____

3. Does your State require those who register by mail to vote in person the first time?

Yes

No

4. Did your State develop and distribute its own mail registration form?

Yes

No

5. Does your State allow organizations to print their own copies of the State mail registration form?

Yes

No

6. Did your State run out of either the national or your State mail registration forms?

Yes, the national forms

Yes, State forms

No, neither

7. What problems (if any) did you encounter with privately produced versions of the national voter registration form? And how were they resolved?

8. What problems (if any) did you encounter with organized voter registration drives? And how were they resolved?

9. What other problems (if any) did you encounter with mail registration (ie. incomplete forms, illegible forms, underage applicants, etc.)?

Motor Vehicle Registration Programs

1. What type of system is used to provide voter registration services in motor vehicle offices?

- Completely paper based
- Fully automated (Completely paperless)
- Combination (Computer generated hard copy registration application printed at motor vehicle office)
- Other _____

2. What type of form is used to provide voter registration services in motor vehicle offices?

- Separate
- Combined
- Computer generated

3. How are changes of address and renewals handled?

- In person
- By mail
- Other _____

4. How are election authorities notified of address changes?

5. Who has the responsibility of transmitting voter registration applications to the proper election official?

- Motor vehicle office
- Election office

6. How often does this transmittal occur?

- Daily
- Weekly
- Monthly
- Other _____

7. How is this transmittal accomplished?

- By mail
- By courier/messenger
- Electronically
- Other _____

8. How are changes of address transmitted to the appropriate election official?

- Hard copy
- Electronically
- Other _____

9. Were motor vehicle employees trained in their new NVRA related duties?

- Yes
- No

10. If yes, who provided this training?

- State election officials
- Local election officials
- Other DMV managers/personnel
- An outside contractor

11. If the training was conducted by a contractor or the DMV itself, what role, if any, did election officials play in designing the training program?

12. What methods of instruction were used? (Check all that apply)

- Lecture/discussion
- Workbook
- Slide/video
- Role-playing
- Other _____

13. How many hours of training were required for motor vehicle personnel before undertaking NVRA responsibilities?

14. What problems, if any, did you encounter in implementing your motor vehicle voter registration program (such as timely transmittal of forms immediately prior to the election, completeness of the forms, etc.)? What procedures are in place to identify and correct these types of problems? How did you overcome these problems?

15. Describe any successful and innovative techniques and strategies you used to implement your motor vehicle registration program:

6. How are changes of address, renewals, and recertifications processed in agencies?
Check all that apply, and circle *P* for public assistance agencies and *D* for disability:

- By phone P D
- By mail P D
- In person P D
- Varies by agency (please explain) _____

7. How are election authorities notified of changes of address in public assistance and disability agencies?

8. What type of declination form is used in State agencies?

- Separate P D
- Combined P D
- Computer generated P D
- Varies by agency (please explain) _____

9. Where are the declinations retained?

- Agency office P D
- Election office P D
- Varies by agency (please explain) _____

10. Which office is responsible for transmitting completed applications to the appropriate election official?

- Agency office P D
- Election office P D
- Varies by agency (please explain) _____

11. If the agencies are responsible for transmitting the applications, are the applications:

- Sent directly from the originating office to the election office
- Routed through a central agency office or offices

12. How is this transmittal accomplished?

- By mail
- By courier/messenger
- Electronically
- Other _____

13. How often does this transmittal occur?

- Daily
- Weekly
- Monthly
- Other _____

14. In those instances where applicants decide to mail the registration application themselves at a later date, are the applications then considered to be:

- Agency applications
- Mail applications

15. Were agency employees trained in their new NVRA related duties?

- Yes P D
- No P D

16. If yes, who provided the training?

- | | | |
|--|---|---|
| <input type="checkbox"/> State election officials | P | D |
| <input type="checkbox"/> Local election officials | P | D |
| <input type="checkbox"/> Other Agency managers/personnel | P | D |
| <input type="checkbox"/> An outside contractor | P | D |

17. If the training was conducted by a contractor or the agency itself, what role, if any, did election officials play in developing the training program?

18. What methods of instruction were used? Check all that apply:

- Lecture/discussion
- Workbook
- Slide/video
- Role-playing
- Other _____

19. How many hours of training were required for agency personnel before undertaking NVRA responsibilities?

20. What problems, if any, did you encounter in implementing your agency voter registration program (Such as identifying the various types of disability agencies covered under NVRA)? What procedures are in place to identify and correct these types of problems? How did you overcome these problems?

21. Describe any successful and innovative techniques and strategies used to implement your agency voter registration program:

22. Many public assistance programs, including Aid to Families with Dependent Children (AFDC), are currently being restructured to comply with new federal public welfare laws. What steps are you taking to ensure that newly designated AFDC replacement programs continue to integrate voter registration ?

FAIL-SAFE VOTING

1. Where are registrants permitted to vote if they have moved within the same registrar's jurisdiction but outside of the boundaries of their former precinct? (Mark all that apply.)

Old polling place

New polling place

Voter's choice of old or new polling place, or central location

Other _____

2. What ballots are provided to fail-safe voters whose addresses remain in the same precinct? (Mark all that apply.)

Provisional ballot limited to federal contests, which is subject to verification of the voter's eligibility before being counted

Provisional ballot including all contests, which is subject to verification of the voter's eligibility before being counted

Regular ballot limited to federal contests

Regular ballot including all contests

Other _____

3. What ballots are provided to fail-safe voters whose address is outside the voter's former precinct but still within the voter registrar's jurisdiction? (Mark all that apply.)

Provisional ballot limited to federal contests, which is subject to verification of the voter's eligibility before being counted

Provisional ballot including all contests, which is subject to verification of the voter's eligibility before being counted

- Regular ballot limited to federal contests
- Regular ballot including all contests
- Other _____

4. How are fail-safe voters required to affirm their correct address? (Mark all that apply.)

- Orally in all cases
- Orally if address remains the same as in the voter registry
- Orally in cases of illiteracy or disability preventing the individual from providing the information in writing
- By providing the information in writing on the envelope for the voted provisional ballot
- By providing the information in writing on a separate official form
- Other _____

5. How are election day address corrections transmitted to the appropriate election authority? (Mark all that apply.)

- Using notations by poll workers in poll books
- By information completed by voter or poll worker on the envelope containing the voted provisional ballot
- By an official form completed by the voter or poll worker at the poll
- Other _____

6. What procedures are used to verify the eligibility of fail-safe voters to vote in the local jurisdiction? (Mark all that apply.)

- Poll workers determine eligibility using information from voters and materials provided at the polling place
- Poll workers contact local election office or designated satellite offices during election day to obtain confirmation of eligibility before providing ballot to voter
- After the polls close, information on address corrections and names of fail-safe voters from polls are compared to information available in the central office of the local election official

Other _____

7. What materials are used to confirm the eligibility of fail-safe voters to vote in particular contests, given the voter's current address? (Mark all that apply.)

- Duplicate or original voter registration applications
- Voter registration list (hard copy or database)
- Detailed map of registrar's jurisdiction showing streets, and election district and precinct boundaries
- Detailed maps of each precinct showing streets and, if split precinct, election district boundaries
- Street indices for registrar's jurisdiction showing appropriate precinct numbers for ranges of house numbers

Computer program using GIS designations

Other _____

8. What materials are provided to election day workers to help them process fail-safe voters? (Mark all that apply.)

- Telephones and/or pagers, along with phone numbers needed to verify a prospective voter's eligibility
- Procedural manuals
- Trouble-shooting guides
- Preprinted information notices to be provided to provisional ballot voters
- Index for precinct or registrar's entire jurisdiction showing streets and ranges of house numbers covered by precinct and election district boundaries
- Detailed map(s) of precinct or registrar's entire jurisdiction showing streets, and election district and precinct boundaries.

Other _____

9. Are poll workers trained in fail-safe voting methods?

- No
- Yes. If so, who is trained by whom and how often? _____

10. What resources do local jurisdictions provide to assist in directing voters to their correct polling place? (Mark all that apply.)

- Telephone banks
- Detailed map(s) of the registrar's jurisdiction showing streets, and election district and precinct boundaries provided to:
 - polling places
 - libraries

- political parties
- candidates
- other _____

Street indices for registrar's jurisdiction showing appropriate precinct numbers for ranges of house numbers provided to

- polling places
- political parties
- candidates
- other _____

Other _____

11. If your State permits all-mail ballot elections, how is fail-safe voting implemented in such elections?

- State does not permit all-mail ballot elections.
- No all-mail ballot elections held since implementing fail-safe voting provisions of NVRA
- Jurisdictions in the State use the following procedures for fail-safe voters in all-mail ballot elections: _____

12. How are voters informed of their right to vote under fail-safe provisions?
(Mark all that apply.)

Newspaper advertisements

prior to the election

on election day

Public service announcements on radio and/or television

prior to the election

on election day

At the polls on election day

in writing

orally

Other _____

13. What new problems, if any, did your State encounter when implementing fail-safe voting (e.g., voters given the wrong ballots, delays in voting due to need to confirm voters' eligibility, etc.)? How did you overcome these problems?

LIST MAINTENANCE

1. What sources are used within your State to identify the names of registrants that should be removed because they have died? (Mark all that apply.)

Source	Uniformly Used Throughout the State	Local Jurisdiction Option	Not Used
a. Review of obituaries in newspapers			
b. Information received from local funeral homes			
c. Information received from relatives			
d. Information provided by the State or local office that maintains information on the deceased			
e. Other			

If you marked "d.", how is this information provided (i.e., to whom, how often, via what media --- paper copy, electronic media, network)?

2. What sources are used within your State to identify registrants whose criminal convictions require the removal of their names from the voter registry? (Mark all that apply.)

- State law does not provide for removal of the names of registrants for criminal convictions.

Source	Uniformly Used Throughout the State	Local Jurisdiction Option	Not Used
a. Information provided by federal courts			
b. Information provided by State courts, departments of correction, or criminal justice information centers			
c. Information provided by local courts, departments of corrections, or criminal justice information centers			
d. Other			

If you marked "b." or "c.", how is this information provided (i.e., to whom, how often, via what media --- paper copy, electronic media, network)?

3. What methods are used within your State to identify registrants whose mental incompetence requires the removal of their names from the registration list? (Mark all that apply.)

State law does not provide for removal the names of registrants for mental incompetence

Source	Uniformly Used Throughout the State	Local Jurisdiction Option	Not Used
a. Information provided by appropriate legal authority			
b. Other			

If you marked "a.", how is this information provided (i.e., to whom, how often, via what media ---paper copy, electronic media, network)? _____

4. What methods are used within your State to identify those registrants who may have moved? (Mark all that apply.)

Method	Uniformly Used Throughout the State	Local Jurisdiction Option	Not Used
a. Written information directly from registrant			
b. Changes of address from State's own offices of motor vehicles			
c. Changes of address from voter registration agencies			
d. Files generated by conversion to E-911 addresses			
e. Returned election mailings			
f. Returned or responses to jury duty notices			
g. Information from other jurisdictions on new registrations			
h. Information from other States on drivers licenses surrendered			

Method	Uniformly Used Throughout the State	Local Jurisdiction Option	Not Used
i. Information from local utility companies			
j. Regularly scheduled comparisons of the registration list against the National Change of Address files			
k. Non-forwardable mailings to all registered voters			
l. Non-forwardable mailings to a targeted portion of the registered voters			
m. Forwardable confirmation mailings (with postage paid reply card) to a targeted portion of the registered voters			
n. Door-to-door canvass			
o. Other			

If you marked "j.", "k.", "l.", "m.", or "n.", how often is this method used?

If you marked "k." or "l.", is a response required, or further action taken only on those returned?

If you marked "l." or "m.", what criteria are used to target these registrants?

5. What other methods are used within your State to ensure that voter registration lists do not include questionable registrations (e.g., the same person registered more than once, unexplained applications from non-existent addresses, numerous applications from an address that is a single family dwelling, new applications in the names of persons long dead, applications from ineligible individuals)? _____

6. If both an old and a possible new address are known for a registrant, which address is used for forwardable confirmation mailings? (Mark all that apply.)

- Local election official choice
- Old address only
- New address only
- Both addresses
- New address first, then old address if notice is returned undeliverable
- Other _____

7. If registrants are designated as "inactive" for failure to respond to a mailing that was sent to confirm continued residence in the local jurisdiction, when are they designated "inactive"? (Mark all that apply.)

- The day the forwardable confirmation notice is mailed
 - _____ days after the forwardable notice is mailed if no response has been received
 - On the registration deadline
 - Other _____
-
-
- Registrants are not designated inactive

SAMPLE DOCUMENT CHECKLIST

*(Please submit copies of the following to help us better understand
how you went about implementing the NVRA)*

- State Mail Registration Form
- Combined Motor Vehicle Voter Registration Form
- Combined Agency Voter Registration Forms
- Declination Forms
- Registration Acknowledgement Forms/Form Letters
- Confirmation Notices
- Provisional Ballot Affidavit Envelope

G1

E00484600Aaker's Business College
201 North Third Street
Grand Forks ND582033717
E00298800Bismarck State College
1500 Edwards Avenue
Bismarck ND585011299
E00298900Dickinson State University
291 Campus Drive Box 188
Dickinson ND586010290
E02553700Fort Berthold Community College
PO Box 490
New Town ND587630490
E01040600Hairdesigners Academy
2011-13 S Washington
Grand Forks ND582016394
E02298200Headquarters Academy of Hair Design
108 South Main Street
Minot ND587013914
E00299000Jamestown College
6080 College Lane
Jamestown ND584053401
E00911000Josef's School of Hair Design
202 East Broadway
Bismarck ND585013841
E00775600Josefs School of Hair Design
627 North P Avenue
Fargo ND581024977
E02236500Little Hoop Community College
Main Street, PO Box 269
Fort Totten ND583350269
E00299300Mayville State University
330 3rd Street NE
Mayville ND582571299
E00935400Medcenter One College of Nursing
512 North 7th Street
Bismarck ND585014494
E00299400Minot State University
500 University Avenue W
Minot ND587070002
E00299500Minot State University - Bottineau
105 Simrall Boulevard
Bottineau ND583181198
E03087200Moler Barber College of Hair Styling
16 South 8th Street
Fargo ND581031805
E00299600North Dakota State College of Science
800 N 6th Street
Wahpeton ND580760002
E00299700North Dakota State University - Main Campus - Fargo
1301 12th Avenue North
Fargo ND581053400
E01229500R D Hairstyling College
124 North 4th Street
Bismarck ND585014091
E02188200Sitting Bull College
HCl Box 4
Ft Yates ND585389701
E01205900Trinity Bible College
50 South 6th Street
PO Box 1001
Ellendale ND584361001

G2

E02301100Turtle Mountain Community College
PO Box 340
Belcourt ND583160340
P02242900United Tribes Technical College
3315 University Drive
Bismarck ND585047596
E00299200University of Mary
7500 University Drive
Bismarck ND585049652
E00299100University of North Dakota - Lake Region
1801 College Drive North
Devils Lake ND583011598
E00300500University of North Dakota - Main Campus - Grand Forks
300 Twamley Hall
Grand Forks ND582022000
E00300700University of North Dakota - Williston
1410 University Avenue
Williston ND588014464
E00300800Valley City State University
101 College Street SE
Valley City ND580720000

Testimony on SB 2311
Senate Political Subdivisions
January 29, 1999

Madam Chair and members of the Political Subdivisions Committee, for the record I am Senator Rod St. Aubyn, from District 43 in Grand Forks. "A law that would compel every 'person' to register in person or by affidavit 30 days before any general election is held, would be one of the most valuable enactments of this legislative session. But if it would not be considered proper to make the law applicable to all precincts, it certainly is advisable to make it apply to all incorporated towns and cities, for owing to the more frequent changing about of population in towns and cities, the man with no legal right to vote is better enabled to escape detection.

Unscrupulous persons depend upon this element to carry elections, and thus often thwart the will of the lawful majority. It is an evil that should be remedied at once, and I am of the opinion that one of the surest remedies is to be found in a rigid system of registration"

Madam Chair and committee members, those statements were made by N.D. Governor Frank A Briggs in his inaugural address in 1897. I find it interesting that even 100 years ago, there was a recognized need for some sort of voter registration. N.D. is the only state in the United States without some form of voter registration. While this distinction used to be a positive fact, it now leaves our campaign results suspect. When our state was more rural there was a general sense that everyone knew their neighbors, thus many felt no need for voter registration. However, times have changed and we need to develop a voter registration system which will ensure fair elections, but also a system which will not discourage potential voters. During this past fall elections we are all aware of several very close legislative races, resulting in recounts. One of those races occurred in my district. **My house running mate was successful by only 2 votes.**

I am convinced that if all voting records were investigated carefully, there would be at least 2 people who voted in the wrong district. This is especially plausible since one of our voting sites was actually located just outside our district boundary. However, even if this was discovered now, it is impossible to predict the outcome. However, with voter registration, we will have assurance that at least the registered voters are voting at the right precinct and district.

Madam Chair and committee members, I would like to briefly go over the provisions of this bill. Most of the details of this bill are found in Sections 4, 5, 6, 7, 8, 9, and 10. Most of the other sections simply replaces "poll books" with "elector registers". Section 4 establishes the registration of electors 30 days prior to an election. Section 5 states that County auditors are responsible for the registration process and the elector register. Section 6 authorizes the county auditor to appoint deputy registrars to assist in the registration process. Section 7 states the the Secretary of State is responsible for establishing the registration forms. Section 8 specifies the process of transferring registration information/forms. Section 9 describes the process for removal of electors from the registers. Section 10 defines access to registration records.

Voter registration can be as simple as a handwritten list or as sophisticated as a computerized networked registration program. Keep in mind this is no different that the poll books maintained by each county auditor. This bill provides that the registration need only be completed once unless there is a change of address. It does not allow for any party identification.

Senate Bill 2311 is a bill which establishes a simple voter registration system in North Dakota.

Madam Chair and committee members, I was rather frustrated when I received a copy of the fiscal note. Many of you have also experienced the tactics by agencies providing exaggerated fiscal notes, with the intent of killing the legislation. Perhaps the appropriations committee can deduct the difference between the fiscal note and the actual costs from the appropriate agencies budgets, so that more realistic estimates can be provided. Let's look at what I am referring to. We typically have one election every two years, with the exception of special elections or city/school elections. The secretary of state is calling for an additional FTE to answer voter registration questions, transmitting successful voter registrations to proper state and county election officials (even though the registration will be handled by the county auditors), additional workload created by another administrative function, computer program (this does not require a computerized system, training, customer service calls and inquiries, and ensuring NVRA compliance. While I don't disagree with the need for voter education, I feel that this estimate for another FTE is greatly exaggerated. However, let's look at the next page from the Department of Transportation. The DOT is saying that they will need 10 additional FTE's and \$550,000 just to hand out registration forms or change of address forms when people register for their drivers license. I will let you judge for yourself if this seems reasonable. For the same responsibility, the Department of Human Services estimates \$150,000.

Please do not consider the merits of this bill based on the fiscal note. That will be handled by the appropriations committee. We need a simple voter registration system to ensure compliance with residency requirements for our elections. Madam Chair and committee members, I ask for your support in giving SB 2311 a Do Pass recommendation. Madam Chair, I would be willing to answer any questions your committee may have. Thank you.

Grand Forks County, North Dakota

OFFICE OF CLERK OF DISTRICT COURT

LAVONNE SIGDAHL, CLERK

P.O. Box 5939

Grand Forks, North Dakota 58206-5939

DEPUTY DISTRICT COURT
SUPERVISOR

COLLEEN CLAUSEN

CIVIL DIVISION
(701) 780-8214

CHILD SUPPORT DIVISION
(701) 780-8216

January 27, 1999

Monica Larivee
Grand Forks, ND 58201

RE: Senate Bill 2311

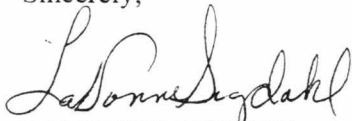
Dear Ms. Larivee:

Thank you for asking for my input on Voters Registration.

As Clerk of District Court I believe it would help this office when it comes to selecting Jurors. University students are encouraged to vote in Grand Forks County, but when they are selected for jury duty they insist they are not a resident of Grand Forks County. With voters registration, they would be more aware of the responsibilities that go along with being able to vote, and wouldn't vote wherever they happen to be just because it's easier than voting absentee.

I realize this is just one small thing connected with this process, but being a University city, it is a problem.

Sincerely,



LAVONNE SIGDAHL
CLERK OF DISTRICT COURT

TESTIMONY OF MONICA LARIVEE
SENATE BILL 2311
SENATE POLITICAL SUB-DIVISION COMMITTEE
JANUARY 29, 1999

HONORABLE CHAIRPERSON AND VICE CHAIRPERSON, MEMBERS OF THE STAFF AND VISITORS:

FOR THE RECORD, I AM MONICA LARIVEE FROM DISTRICT 43 IN GRAND FORKS, NORTH DAKOTA.

I AM PLEASED TO SPEAK IN FAVOR OF SB 2311, A BILL TO ESTABLISH A NO-PARTY VOTER REGISTRATION IN NORTH DAKOTA. THE CONCEPT OF VOTER REGISTRATION IS "TO PROTECT THE INTEGRITY OF THE VOTING PROCESS BEFORE THE VOTES ARE CAST." IT IS A REASONABLE AND PRACTICAL IDEA THAT PROMOTES HONEST ELECTIONS AND RESPONSIBLE GOOD GOVERNMENT. ALL CITIZENS FROM ACROSS THE STATE, WHETHER RURAL OR URBAN, MUST BE CONCERNED ABOUT HONEST ELECTIONS AND GIVE A HIGH PRIORITY TO THE INTEGRITY OF THE BALLOT BOX.

IN STATES WITH VOTER REGISTRATION, A PERSON PRESENTS A CARD THAT SAYS HE IS ELIGIBLE TO VOTE. IN NORTH DAKOTA A PERSON CAN WALK INTO A POLLING STATION, GIVE HIS NAME AND ADDRESS AND VOTE. THE ONLY REQUIREMENT IS THAT THE PERSON MUST HAVE LIVED IN THAT PRECINCT AT LEAST 30 DAYS. IF YOU ARE NOT ON THE LIST OF PREVIOUS VOTERS YOU MAY BE CHALLENGED AND HAVE TO SIGN AN AFFIDAVIT. HOWEVER, 90 PERCENT OF THOSE SIGNING AFFIDAVITS GENERALLY GO UNCHECKED BECAUSE, ACCORDING TO LAW, ONLY 10 PERCENT OF ELECTION AFFIDAVITS MUST BE RANDOMLY VERIFIED BY THE COUNTY AUDITOR.

I AM NOT SUGGESTING THERE IS VOTER FRAUD, BUT THERE IS POTENTIAL FOR FRAUD--AND THIS IS OF CONCERN. THIS IS ESPECIALLY TRUE AS NORTH DAKOTANS MOVE TO CITIES AND GROWING COMMUNITIES WHERE PRECINCTS ARE GETTING LARGER AND LARGER. THE PRESENT LAW PLACES MUCH RESPONSIBILITY ON THE ELECTION

BOARD REGARDING IDENTIFICATION OF VOTERS, WITHOUT MUCH SUPPORT FOR VERIFICATION OF VOTER IDENTIFICATION. EVEN IF AN AFFIDAVIT IS PROSECUTED, THE OUTCOME OF THE VOTE TALLY IS THE SAME, THE VOTE IS ALREADY COUNTED. THIS COULD HAVE A SIGNIFICANT EFFECT ON THE OUTCOME OF ANY CLOSE ELECTION.

IT IS BECOMING INCREASINGLY DIFFICULT TO GET PEOPLE TO WORK AT THE POLLS. VOTER REGISTRATION WOULD SIMPLIFY THIS AND WE'D HAVE A GOOD RECORD OF ALL THE PEOPLE ELIGIBLE TO VOTE IN NORTH DAKOTA.

THIS IS A VERY TOLERANT TYPE OF VOTER REGISTRATION. IT WOULD SIMPLIFY THE PROCESS. ONE OF THE PURPOSES OF THE VOTER REGISTRATION BILL IS TO HAVE A COMPREHENSIVE, SIMPLE, UNIFORM METHOD OF VOTER REGISTRATION.

I RESPECTFULLY REQUEST YOUR CONSIDERATION OF THIS BILL. THANK YOU.

**TESTIMONY TO THE
SENATE POLITICAL SUBDIVISIONS COMMITTEE
Prepared January 29, 1999 by the
North Dakota Association of Counties
Terry Traynor, NDACo Assistant Director**

Concerning Senate Bill No. 2311

Thank you Madam Chair and members of the Committee, for the opportunity to explain why counties find it necessary to oppose Senate Bill 2311. While it must ultimately be a Legislative decision, whether we as a State are to take this step into voter registration; as this bill has been drafted however, it appears that the counties are being asked to take the step largely alone.

Because of the bill's reliance on county auditors, the federal requirements that voter registration would invoke, and our structure of human service delivery; it appears that significant direct and indirect costs would be incurred by the counties. Obviously most counties lack the resources to assume these costs. While the Legislature recognized this, to some degree, when the Presidential Preference Primary was enacted, and appropriated funds for each county's direct costs. Even with that Legislation the significant costs of county staff time were ignored, and ultimately assumed by the property tax payer. As drafted, this bill makes that burden seem insignificant.

The most alarming factor of the proposal however is that the National Voter Registration Act seems to imply that once a State adopts voter registration, it can never turn back. If we make a mistake by taking this step, we cannot unmake it. But again, that is a policy decision for the Legislature. Our concern is the cost, and we would hope that if this is a direction we are to move as a State, an appropriation will be added before passage. And we ask that the appropriation be sufficient to fully fund all county direct and indirect costs to auditors, social service agencies, and any other property tax funded county office. Without that appropriation, we urge a do not pass recommendation at this time.



January 27, 1999

Senate Political Subdivisions Committee
 State Capitol
 600 East Boulevard Avenue
 Bismarck ND 58505

Auditor

Michael Montplaisir, CPA
 701-241-5601

Treasurer

Charlotte Sandvik
 701-241-5611

Director of Equalization

Frank Klein
 701-241-5616

Dear Senators:

I have long thought North Dakota would eventually adopt voter registration. Senate Bill 2311 starts in North Dakota what the other forty-nine states already have for voter registration. My concern is the amount of county dollars this system will cost and the intrusion of the federal government into our elections.

Having looked at this bill and the National Voter Registration Act, I put together some costs I believe Cass County would incur as a result of voter registration. We currently have 73,000 active voters listed in our computerized system; however, many names are duplicates because of people moving from one precinct to another. I am concerned about the impact on the election workers during the first few elections under voter registration. We would need to do some mailings to voters from our current lists, some publicity, and other outreach efforts to get voters registered. Some of the costs we would incur are as follows:

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|----------------------|---|
| \$15,000 to \$20,000 | Programming--we currently have a voter listing system but I don't believe it meets the needs of NVR. This estimate is based on doing the work in-house--contracting would be substantially more. |
| \$25,000 | Staff time for mailings to the 73,000 voters on our current lists to try to get them to register. Estimated to take two full-time staff members for about six months. These staff would be temporary as we currently do not have staff time available to devote to this task. |
| \$45,000 | Mailing costs, mailing out registration cards, postage for returned cards, subsequent mailings to people who don't respond. Based on a 25% response rate for two mailings. |

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Senate Political Subdivisions Committee

January 27, 1999

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\$25,000 Supply costs, letterhead, postcards, envelopes - figuring 150,000 of each as we not only have to do the mailings but also would have to stock the register agents at social service agencies etc.

\$20,000 to \$25,000 Voter education campaign to get people registered to vote in time for the election.

While some of these costs may seem high, this would be an important and highly visible undertaking. We would only have one chance to get it right. People would have to be reached early in the election process due to the 30-day registration deadline.

The registration period ending 30 days before an election is a concern. A bill allowing same day registration, such as Minnesota, would be preferable. Under the current proposal, election workers would be faced with the task of informing voters on election day that they would not be allowed to vote. Our election workers already have confrontations when they challenge voters on residency issues. I am afraid if the election workers were to turn away voters not registered, some confrontations would result and I may very well have election workers either quit that day or refuse to work another election.

Voter registration is worth considering; however, rather than being a county effort it should be a state effort with appropriation for the costs to come from the state. I ask that this bill be tabled and a study resolution be adopted to study the voter registration issue. A real concern - by passing a voter registration bill are we locking ourselves forever to NVR requirements.

Sincerely,



Michael Montplaisir, CPA

Cass County Auditor

SB 2311



February 3, 1999

Auditor

Michael Montplaisir, CPA
701-241-5601

Treasurer

Charlotte Sandvik
701-241-5611

**Director of
Equalization**

Frank Klein
701-241-5616

Senator Judy Lee
North Dakota Senate
State Capitol
Bismarck ND 58505

RE: SB 2311 - Voter Registration

Dear Senator:

I am writing in regard to Senate Bill 2311 which deals with voter registration. I am not opposed to registration in theory; however, the current bill is costly and cumbersome for counties to administer.

I would suggest the following changes to the bill:

- 1) Allow for state-wide registration instead of 53 counties developing their own voter registration system;
- 2) Allow for same day registration instead of cutting off registration 30 days prior to an election; and
- 3) Allow for another method of identifying the voter rather than first and last name; for example, use the month, day and year of birth to better distinguish those voters with the same first and last name.

Any voter registration system should involve those who administer elections--the Secretary of State and county auditors.

I would support a study resolution on voter registration for discussion during the period between legislative sessions.

Sincerely,

Michael Montplaisir
Michael Montplaisir
County Auditor

hmw

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