

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

24/22

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2422

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2422

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date February 8, 2001

Tape Number	Side A	Side B	Meter #
2	X		5.0-33.5
3	X		29.4-32.5
Committee Clerk Signature <i>James A. Raib</i>			

Minutes: **Chairman Krebsbach** opened the hearing on SB 2422 which relates to references to party affiliation in petitions of candidates for city elective offices. **Senator Gary Nelson** prime sponsor of the bill appeared before the committee to introduce the bill to the committee. He indicated that he would turn the introduction of the bill over to **Curly Haugland**, Chairman of the North Dakota Republican Party. **Curly Haugland**, Chairman of the North Dakota Republican Party took the podium at this time and introduced the bill to the committee members. A copy of his written testimony is attached. **Senator C. Nelson**, indicated that she had a couple of concerns here. She indicated that she comes from a district that whether it had and R or D after it, it wouldn't have made any difference to anybody anyway because they tend to vote very independently. He concern is with these lines 13 to 15 where it says you can add up to 5 words. What kind of control do we have on those 5 words? She can imagine some screwball putting some strange things on ballots and she thinks that takes away from what a ballot is. You need to write something specific or nothing at all as far as she is concerned. She really has a problem

with allowing everybody to make up five words that you pick the principle that they represent. You've got the first amendment right of free speech so we can't control that. **Mr. Haugland** indicated he didn't have any particular disagreement with that. This is language that came back from legislative council. Apparently in response to something that stimulated them to include it. The intention is simply to remove the prohibition that currently prohibits people from identifying with political parties. The issue is a principle thing was probably intended to make it a little more inclusive and perhaps maybe there are people who would like to say, for instance in a school district election, I'm Joe Smith and I want everybody to know that I am opposed to the new building. No new buildings or something like that. **Senator C. Nelson**, you just said what my concern is. If you start politicking on ballots, I have a problem with that. **Senator G. Nelson** indicated to the chairman that he would like to respond to Senator C. Nelson's question/concern. He indicated that he can understand her concern. He thinks that the thinking in the drafting of the bill was to allow other party names that may want to be included on the ballot. How we can make it specific to keep it out of campaigning. He would not disagree with amending the bill to make it more specific to what party does that person represent. **Chairman Krebsbach**, in other words limit it to strictly party affiliation. **Senator G. Nelson** thanked the committee for hearing the bill and indicated he wanted to go on record in support of the bill. Appearing in a neutral position on the bill was **Secretary of State, Al Jaeger**. He indicated that he did not have any prepared comments to hand out but he did have a couple of comments to make. His only purpose here was to talk about logistical and mechanical things with ballots. To begin with he passed out testimony that Kevin Glatt, the Burleigh County Auditor had asked him to pass out. That deals primarily with concerns about the primary election. In the fact that by state law the, with the exception of home rule cities who have specific provisions, all city

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elections have to be held with the June election. What Mr. Gilatt's concern is that in the June election we have specific party ballots and there is a Democrat and a Republican and whatever other parties we have but he thinks this memo is addressed to fact that if all of a sudden people go into the traditional city no party ballot and seek party identifications there might be some confusion about that. That is a logistical thing that he wished to bring up. The second thing that was brought up is what you can enter in. Previous testimony indicated that it could be restricted to just political parties. He indicated he wanted to remind committee members of a law change that was made in 1995 by the legislature. Where there was a little unknown provision in state law that basically said in the cities the candidates could have a statement of no more than twenty words placed on the ballot. Some of these things get in the law and all of a sudden in the 1995 Fargo city election somebody realized that this law is there and used it. There was no way to stop them. The county auditor indicated that the people were not happy with it. Secretary Jaeger indicated that he would raise some questions if the bill didn't amended to where who is going to say that, what authority would he have as the person who certifies the ballot, but on the county level how would the auditor screen something that was verbally inappropriate, even obscene or something like that. You need to be careful with that. We also have a concern related to timelines. By state law all the filing deadlines are fixed two days prior to an election. At the state level on the 55th day he must certify the ballot. On the local election the individual county auditors or the city auditors or whomever is responsible for whatever they have to do have to certify that ballot. We only have a 5 day turn around and then they have 15 days to get that ballot prepared for absentee voting. This already is a very challenging job. Quite frankly most auditors do not meet these 40 days. Most of the challenge is how to arrange the ballot and get it all balanced and each additional sheet that they need is very costly on this scanning equipment.

There were no questions from the committee. Appearing in opposition to the bill was **Alan Erickson**, Renville County commissioner. A copy of his written testimony is attached. **Ron Anderson**, former state representative, appeared in opposition and indicated that this bill is the old nose under the tent. Trying to add party affiliations to the no party ballot is not the way to go. There is no room for the allowance of party affiliations on the no party ballot because then you don't have a no party ballot. **Ken Teubner**, Towner County Commissioner, appeared in opposition to the bill. A copy of his written testimony is attached. **Wayne Sanstead**, State Superintendent of Public Instruction appeared testifying in opposition to the bill. **Connie Sprynczynatk**, North Dakota League of Cities appeared before the committee. She indicated what she likes about this bill is that it is permissive. If it is permissive and somebody decides to do it are others going to feel compelled to do it. The real concern by city people is that they don't have a primary and a general election except for a very few home rule cities. Overall she is opposed to this legislation. There was nothing further at this time. The hearing was closed on SB 2422. SB 2422 was opened for discussion. A motion for Do Not Pass was made by **Senator T. Mathern**, seconded by **Senator Wardner**. Roll Call Vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. **Senator T. Mathern** will carry the bill.

Date: 2/08/01  
Roll Call Vote #:

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2422

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Sen. T. Mathern Seconded By Sen. Wardner

Members	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator Carolyn Nelson	✓	
Senator Dick Dever, Vice-Chr.	✓		Senator Tim Mathern	✓	
Senator Ralph Kilzer	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. T. Mathern

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



**REPORT OF STANDING COMMITTEE (410)**  
February 8, 2001 5:26 p.m.

Module No: SR-23-2809  
Carrier: T. Mathern  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2422: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)**  
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2422 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

SB 2422

SENATE BILL NO. 2422

SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

Thursday, February 8, 2001 10:30 A.M.

Madam Chairman and members of the committee;

Senate Bill 2422 is a bill to amend Section 16.1-11-08 to create EXCEPTIONS to the law that currently prohibits any reference to party affiliation in local elections for county offices and to repeal Section 40-21-06 which prohibits reference to party affiliation in municipal elections.

School district elections are held in the same manner as those for county officials; however, there currently is no prohibition of reference to party affiliation in school board elections. Ballots for school board elections are also arranged in a no party format.

This bill is simply to remove current prohibitions to reference of party affiliation and not a bill to require party affiliation in any way, shape or form.

It does, however, allow candidates who choose to do so to request that the no-party ballot provide for "reference to a designation in not more than five words of the party or principle that the candidate represents."

This bill will offset one of the negative, unintended consequences of the change to four year terms for members of the state house of representatives. The reduction in political activity in legislative districts will result in a decrease of the level of interest in the political process and cause local district organizations to deteriorate.

Some of the potential benefits that may result from the passage of this bill include:

More interest in local elections.

More aggressive campaigns for local office due the availability of party volunteers.

Parties will have a "farm team" system to groom candidates for legislative and statewide office.

More interest in and awareness of local public policy issues.

Greater grassroots participation in the total political process.

I hope this bill will find favor with you and appreciate your thoughtful consideration.

Testimony of Curly Haugland, Chairman, ND Republican Party.

77-01 03:047 Burleigh Co. Auditor 702227322

Testimony to the  
**Senate Government & Veteran's Affairs**  
prepared February 6, 2001  
by Kevin J. Glatt  
Burleigh County Auditor

### Concerning SB2422

Chairperson Krebsbach and members of the Committee I am writing to express my concern with SB2422.

My primary concern with this legislation is focused on the PRIMARY election. County auditors work very hard to develop a primary election ballot that is easy to follow and understand. No matter how hard we try, we often come up short. As you are aware the primary election contains a "party ballot." Electors must vote for candidates of only one party or the party portion of the ballot will not be counted. Despite our efforts to inform and educate voters, many, many people do not know or understand this.

I am very concerned that if candidates on the "no-party ballot" have a party reference or designation many, many voters will be confused. What explanation do we give to the voter who voted the democrat "party ballot" and who wants to vote for a County Commissioner who is designated as a Republican?

Madam Chair and members of the Committee, **PLEASE** consider the current complexity of the primary ballot and consider the additional confusion a party designation will add to the "no-party ballot."

## CHAPTER 391

HOUSE BILL NO. 1122  
(Representative Sandvig)

## CITY ELECTION BALLOT STATEMENTS

AN ACT to amend and reenact sections 40-21-06 and 40-21-08 of the North Dakota Century Code, relating to statements of principles on city election ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-21-06 of the North Dakota Century Code is amended and reenacted as follows:

40-21-06. Reference to party ballot or affiliation in petition of candidate for municipal office prohibited - ~~Principles stated~~. No reference shall ~~may~~ be made to a party ballot nor to the party affiliation of a candidate in a petition to be filed by or in behalf of a candidate for nomination to a public office in any incorporated city in this state. ~~Such candidate may state or have stated after his name in any such petition in not more than twenty words any particular principle or principles of local administrative policy or policies he stands for and seeks election to promote.~~

SECTION 2. AMENDMENT. Section 40-21-08 of the North Dakota Century Code is amended and reenacted as follows:

40-21-08. Ballots in municipalities - ~~Make-up Arrangement~~. The auditor of the city shall place only the names of the persons nominated upon the ballot. ~~Opposite or immediately below the name of each candidate on the ballot shall be placed the statement in not more than twenty words of the principle or principles which he seeks to promote. Such statement shall be set forth in the manner in which it appeared in the petition or petitions filed by or on behalf of such candidate, and in such manner as readily to inform the voter of the policy or policies upon which such candidate seeks election.~~ The auditor shall arrange the offices upon the ballot in the order in which they are named in the statutes. ~~The auditor shall determine the arrangement of the names of the candidates upon the ballot shall be determined by lot by such auditor in the presence of the candidates or their representatives at noon on the day following the last day for the filing of the nomination papers.~~

Approved March 6, 1995  
Filed March 6, 1995

**TESTIMONY CONCERNING SENATE BILL NO. 2422 TO THE  
SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE  
Senator Karen Krebsbach, Chair  
February 9, 2001**

Chairperson Krebsbach and members of the committee, my name is Alan Erickson, and I am here today as a Renville County Commissioner, to oppose Senate Bill 2422.

County officials operate in a much different culture than the politically charged environment of the Legislature. The Legislature serves as a policy setting body, while counties simply implement those policies at the local level. Sheriffs, State's Attorneys, Register of Deeds, Auditors and Treasurers help to carry out state policies at the local level. Commissioners, while responsible for some policy, are very limited by the legislature, and were not even responsible for their own salaries until 1999.

Leadership issues in local government are neither Democrat nor Republican, rather they are decided based on the best interest of the county and its citizens. County officials main goal is to work together to implement and enforce the law set out by the state legislature. Party politics could serve to make that goal harder to obtain by creating definite party lines between officials.

County officials have been elected on a no-party ballot for over 100 years. While this legislation does not require a person to declare a political affiliation, it could force that result whether the law requires it or not. Under the no-party ballot, candidates are not chosen for political power they cannot use, but because citizens feel they will best serve the interests of the county.

I urge you not to fix something that isn't broken by allowing politics to enter a place where it has limited influence, if any. I urge this committee to give Senate Bill 2422 a DO NOT PASS recommendation.

**TESTIMONY CONCERNING SENATE BILL NO. 2422**  
**to the**  
**SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE**  
**February 9, 2001**

Chairman Krebsbach and committee members, I am Ken Teubner, a Towner County Commissioner. I am here today in opposition to Senate Bill 2422.

I have been a commissioner in Towner County for about 17 years, and have been through many elections. From this experience, I don't think that declaring a political party would make it easier to get elected, get more people to run, or give us a better election.

In the past, I also ran for the Legislature where I did declare a party, so I am also familiar with the political process. The Legislature is a political body, and it deals with political issues. County commissions, and the elected administrative offices do not deal with party politics. At the county level we implement and enforce State law, we don't make it.

I realize that this bill doesn't make a person choose a party, but it seems to be a big step towards getting rid of the no-party ballot. That is not good for local government, and I ask that you give this bill a DO NOT PASS. Thank you.



A resolution was passed unanimously by the Towner County Commissioners to oppose Senate Bill No. 2422 to add language to North Dakota Century Code 16.1-11-08 and 16.1-11-24. They do not feel that it is necessary to have any reference to party affiliation on the no party ballot for elective county and city offices. Since so many county and city office holders are independent candidates and this reference only confuses the voters.