

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1417

2005 HOUSE POLITICAL SUBDIVISIONS

HB 1417

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1417

House Political Subdivisions Committee

Conference Committee

Hearing Date January 27, 2005

Tape Number	Side A	Side B	Meter #
2	x		20.0 to end
2		x	1.3 to 12.7
Committee Clerk Signature <i>Lauren L. Fink</i>			

Minutes: **Rep. Devlin, Chairman** opened the hearing on HB 1417, A Bill for an Act to amend and reenact about 28 or 29 sections of the North Dakota Century Code, relating to tie votes and the canvassing of votes; and to repeal sections of the Code relating to canvassing of votes.

Rep. Froseth representing District 6 and prime sponsor on HB 1417 sponsored the bill for the Secretary of State. The basic goals of the bill are to do away with the toss of the coin decisions in cases of tie votes especially where there are more than two candidates; and to otherwise bring North Dakota code and election practices into compliance with the HAVA - Help America Vote Act.

Jim Silvrum speaking for the Secretary of States office using a detailed handout explained the bill. Rep. Herbal, Vice Chairman went through the 28 sections of the bill. A copy of his handout material is attached.

Members of the committee quizzed Mr. Silvrum on almost every aspect of the his explanation. Some were concerned that every vote was counted especially write in votes; the need and when

Page 2

House Political Subdivisions Committee

Bill/Resolution Number HB 1417

Hearing Date January 27, 2005

hand counts would be made; the make of the canvassing board; machine counts versus the paper ballot methods of the past; and comparison of the statewide and primary elections.

The discussions continued through to the end of Tape 2 Side A.

The discussion continue on Tape 2 Side B. There was no other testimony. End at (12.7).

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1417 b

House Political Subdivisions Committee

Conference Committee

Hearing Date February 3, 2005

Tape Number	Side A	Side B	Meter #
1	x		9.8 to
Committee Clerk Signature <i>Laurence K. Fife</i>			

Minutes: **Rep. Devlin, Chairman** in work session opened HB 1417 for discussion and action.

Rep. Maragos inquired whether the bill had or required an amendment -- ans: no not at this point -- **Rep. Maragos** moved a 'Do Pass' motion for HB 1417. The motion died for lack of a second.

Rep. Kretschmar (10.9) noted that on page 7 of the bill that amendment or change would no required a member of either political party to be represented on the canvassing board. There was further discussion about covering or darkening the ovals on write-in votes as well as several other aspects of the bill. The bill was laid over to later in the day when another work session was scheduled.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1417 c

House Political Subdivisions Committee

Conference Committee

Hearing Date February 11, 2005

Tape Number	Side A	Side B	Meter #
1	x		0.4 to 29.3
2		x	9.4 to 19.8
Committee Clerk Signature <i>Laura B. Fink</i>			

Minutes: **Rep. Devlin, Chairman** in work session opened the discussion for action on HB 1417.

Rep. Kretschmar presented his amendment in --lc 58291.0101 -- and after explaining the amendment moved approval. **Rep. Maragos** seconded the motion. Motion carried on a voice vote..

Rep. Zaiser presented his amendment -- lc 58291.0102-- addressed the question where a voter failed to fill-in the oval on a write-in vote on a ballot. There was considerable amount of discussion and **Rep. Devlin, Chairman** ruled that the action on HB 1417 be recessed to the work session later in the day as Rep. Herbal, Vice Chairman felt it was necessary to ask Al Jaeger, Secretary of State present answer some of the committee's questions and due to the fact another bill was scheduled for hearing at this time. (29.3).

Work session -- Tape 2 side B

Al Jaeger --(9.5) Appearing at the request of the Committee stated that he would ask that the amendments not be adopted for several reasons -- most of the things are pretty well covered in 1497, a bill now before the legislature.

Rep. Kaldor (11.3) Please explain the other bill a bit more.

Al Jaeger -- Didn't bring the other bill with him but it does cover the 5% threshold and a number of things these amendments seek to do.

Rep. Kaldor (12.6) It doesn't address darkened in the oval at all.

Rep. Zaiser -- please let me explain the intent when it doesn't protect the voters or the votes of the write-in who doesn't darken the oval.

Al Jaeger- Throughout this bill it talks about the darkening of the oval -- I don't know how to answer this any other way. We are trying to avoid having to hand count every ballot. If we need to then we may as well send the equipment back and get our money back.

Rep. Zaiser (17.4) moved the amendment with some reservations (amendment 58291.0102).

Rep. Kretschmar seconded the motion.. Motion failed on a voice vote.

Rep. N. Johnson moved a 'Do Pass as amended' (the first amendment) . **Rep. Dietrich** seconded the motion. On a roll call vote the motion carried **10 ayes 2 nays 0 absent**. **Rep.**

Kretschmar was designated to carry HB 1417 on the floor. End of record (19.7) .

House Amendments to HB 1417 - Political Subdivisions Committee 02/11/2005

Page 7, line 25, remove "may include", overstrike "the district", remove "political", and overstrike "committee of all"

Page 7, overstrike line 26

Page 7, line 27, overstrike "by the district chairmen" and insert immediately thereafter "each" and overstrike "which" and insert immediately thereafter "that"

Page 7, line 28, replace "District" with "The district chairmen of the political parties from each legislative district within the county shall appoint the respective political party representative."

Page 7, remove lines 29 and 30

Page 7, line 31, remove "of the county canvassing board."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1417

Page 3, line 4, after the period insert "If the number of write-in votes for a candidate constitutes five percent or more of the total number of votes cast for the candidate receiving the most votes for that office, or in a primary election, five percent of the total number of votes required to qualify an individual for the general election ballot, the canvassing board shall count any legible write-in vote regardless of whether the voter has darkened the oval next to the name of the write-in candidate."

Renumber accordingly

Date: February 11, 2005
 Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 1417C

House POLITICAL SUBDIVISIONS Committee

Check here for Conference Committee

Legislative Council Amendment Number

Amend. 58291.0102 ^{m. Zaiser}
^{and Kuts}
^{Yailed Voice Vote}

Action Taken

DO Pass as Amended (58291.0101)

Motion Made By

Rep. Johnson

Seconded By

Rep. Dietrich

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman	✓		Rep. Ekstrom	✓	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor		✓
Rep. Dietrich	✓		Rep. Zaiser		✓
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				
Rep. Wrangham	✓				

Total (Yes) 10 No 2

Absent 0

Floor Assignment Rep. Kretschmar

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

REPORT OF STANDING COMMITTEE

HB 1361: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1361 was placed on the Sixth order on the calendar.

Page 1, line 7, after "address" insert ", as provided in this subsection:

- a. Information and records may not be used to engage in any political activity or promote the candidacy of an individual or the adoption or defeat of a measure;
- b. Information and records may not be used to provide material to members of other organizations or entities;
- c. Information and records may be used only for the purpose for which they are requested and may not be used more than once per request; and
- d. Information and records may not be provided, sold, or otherwise disclosed by the member interest group to another entity"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1367: Natural Resources Committee (Rep. Nelson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1367 was placed on the Sixth order on the calendar.

Page 1, line 8, after the period insert "For purposes of this section, baiting does not include the placing of food bales or the planting of food plots for wildlife."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1369: Transportation Committee (Rep. Weisz, Chairman) recommends DO NOT PASS (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1369 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1370: Transportation Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1370 was placed on the Sixth order on the calendar.

Page 1, line 3, after "commission" insert "; and to declare an emergency"

Page 1, replace lines 7 and 8 with:

"Prohibit the assessment of a railroad fuel surcharge on a shipment of commodities originating in this state if the surcharge is not assessed in a region, zone, or area on a per car basis or if the surcharge exceeds on a per car basis the surcharge on a carload shipment of the commodities originating in the same or similar region, zone, or area.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1388: Natural Resources Committee (Rep. Nelson, Chairman) recommends DO NOT PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1388 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1398: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS

(9 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1398 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 57-15-06.6 and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 57-15-06.6 of the North Dakota Century Code is amended and reenacted as follows:

57-15-06.6. Levy authorized for regional or county correction centers. The board of county commissioners of each county may levy an annual tax not exceeding the limitation in subsection 19.1 of section 57-15-06.7 for the purpose of constructing, equipping, operating, and maintaining regional or county corrections centers and for the purpose of contracting services from another public or private entity."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1399: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1399 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "within the boundaries of the water"

Page 1, line 12, remove "resource district" and after the period insert "The benefits of a project must be determined in the manner provided in section 61-16.1-17."

Page 2, line 3, after the period insert:

- (1) If a board that undertakes a project finds that the project will benefit lands outside water resource district boundaries, the board shall provide notice to the water resource board where the benefited lands are located together with the report prepared under section 61-16.1-17.
- (2) The board of each water resource district containing lands benefited by a project must approve the project and assessment by a vote of two-thirds of its members. The board of county commissioners in each county that contains lands benefited by a project must approve and levy the assessment to be made by a vote of two-thirds of its members.
- (3) If a project and assessment is not approved by all affected water resource boards and county commission boards, the board of each water resource district and the board of county commissioners of each county shall meet to ensure that all common water management problems are resolved pursuant to section 61-16.1-10. In addition, the water resource board that undertakes the project may proceed with the project if the board finances the cost of the project and does not assess land outside the boundaries of the district."

Page 2, line 8, after "held" insert "and", overstrike the first "board" and insert immediately thereafter "affected water resource boards", and overstrike the second "board" and insert immediately thereafter "affected boards"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1404, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1404 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1417: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1417 was placed on the Sixth order on the calendar.

Page 7, line 25, remove "may include", overstrike "the district", remove "political", and overstrike "committee of all"

Page 7, overstrike line 26

Page 7, line 27, overstrike "by the district chairmen" and insert immediately thereafter "each" and overstrike "which" and insert immediately thereafter "that"

Page 7, line 28, replace "District" with "The district chairmen of the political parties from each legislative district within the county shall appoint the respective political party representative."

Page 7, remove lines 29 and 30

Page 7, line 31, remove "of the county canvassing board."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1421: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends DO NOT PASS (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1421 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1428: Transportation Committee (Rep. Weisz, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1428 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1440: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends DO NOT PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1440 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1457: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends DO NOT PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1457 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1467: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1467 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 43-42-01, two new subsections to section 43-42-03, and a new section to chapter 43-42 of the North Dakota Century Code, relating to temporary licenses for respiratory therapy students; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 43-42-01 of the North Dakota Century Code is created and enacted as follows:

"Student respiratory therapist" means a student currently enrolled in a board-approved respiratory therapy educational program that is accredited and in good standing with the commission on accreditation of allied health education programs, or its successor organization, who holds a temporary license under section 43-42-03.

SECTION 2. Two new subsections to section 43-42-03 of the North Dakota Century Code are created and enacted as follows:

Notwithstanding subsection 3, the board shall issue a temporary license for an applicant to practice as a student respiratory therapist if the applicant:

- a. Is a student currently enrolled in a board-approved respiratory therapy educational program, accredited and in good standing with the commission on accreditation of allied health education programs, or its successor organization.
- b. Complies with board-established application instructions and requirements.
- c. Pays the application, initial issuance, and renewal fees for a temporary license.

The board shall renew a temporary license issued to a student respiratory therapist if the health care institution and the student annually supply evidence to the board of satisfactory and timely progress toward graduation. A temporary student respiratory therapist license may be renewed annually for a maximum of four years. On a case-by-case basis, the board may renew a license beyond the four-year limit upon a showing of good cause.

SECTION 3. A new section to chapter 43-42 of the North Dakota Century Code is created and enacted as follows:

Student respiratory therapists.

1. A student respiratory therapist may only perform procedures that have been part of courses the student has successfully completed in the accredited program in which the student is enrolled and for which the student's employing health care institution has verified and documented competency.
2. A student respiratory therapist may only perform respiratory therapy procedures under the proximate supervision or direction of a physician, certified or registered respiratory therapist, registered nurse, physicians assistant, or nurse practitioner who is physically close enough to be readily available if needed by the supervised student.
3. A student respiratory therapist must be identified to the public as a student respiratory therapist while working in a health care institution.
4. Upon graduation, a student respiratory therapist is subject to subsection 2 of section 43-42-05 regarding application for a permanent license.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1468: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (6 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1468 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1469: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends DO NOT PASS (9 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1469 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1476: Transportation Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1476 was placed on the Sixth order on the calendar.

Page 1, line 16, after the underscored comma insert "if required by the board of county commissioners or board of township supervisors."

Page 1, line 17, replace "July sixteenth of each year" with "such time as designated by the board of county commissioners or board of township supervisors"

2005 SENATE POLITICAL SUBDIVISIONS

HB 1417

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1417

Senate Political Subdivisions Committee

Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
1	X		0 - 2732
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Chairman Cook called the Senate Political Subdivisions Committee to order. All member (6) present.

Al Jaeger, Secretary of State introduced HB1417. (See attachments 1A , 1B, 1C and 1D) It would be our hope to put the bill back to the way it was and that I have the opportunity to talk to the House Political Subdivision Committee and explain as the House Committee just amended Section 13 and not Section 14 which makes it incomplete. If you are not in favor of the amendment we need to deal with Section 14. If thirteen stays the way it is we have to go back and change 14. We have to be very clear about this because of the nature of the election particularly if there is a very close election.

Chairman Cook: Lets go to section one, I have to ask some questions regarding the coin flip and the drawing of the names. You indicated that there are ways that someone could flip a coin with greater success; do you no how to do that?.

Al Jaeger: If you have a silver dollar you can do it fairly easy. Again it is a better way to have a drawing rather than flip a coin.

Senator Gary Lee: In the part beginning in the section where it says a voter can withdraw their name if it is a tie. I probably agree with you that most times it would be in a small election numbers but it just seems odd to me that someone would withdraw their name after they have run in an election unless it was a write in. If it was an elected vote and they put their name on the ballot and then withdraw it, it would not be fair to those who voted for that person.

Al Jaeger: If their names are printed on the ballot, I expect there is not going to be a withdrawal. This is geared to the situations where there are no names and it is just a draft.

Senator Dever: In order to get you name on for a write-in candidate you have to give a five day notice. Can the candidate withdraw before the election or can they withdraw after the election.

Al Jaeger: If they did not run they can withdraw anytime. The notice is only required for certain races. That got repealed because it wasn't really working.

Senator Triplett: You talked about the write-in votes in section 10 to match write-in votes that meet the threshold proposed in Section 12 and you said HB 1497 is being heard in GVA were the amendments are to be proposed. Do the amendments that are being proposed match what is already here or will we have to change what is here.

Al Jaeger: I think they are compatible and will mesh together.

Senator Fairfield: The way it is written currently would allow for cases where there is no one running against the candidate. If it were mandatory to have someone there if you ran unopposed they still would have to have somebody there; correct?

Al Jaeger: The way the bill has been amended it says, they will have to have someone there.

Mike Montplaisin, County Auditor, Cass County testified in support of HB 1417. He would like to shed some light on a couple of issues, the first being the withdrawal of a candidates from a race. We don't have a lot of problems with city candidates. Our big problem is park boards. For example; the city of Page, ND in Cass County, had a park district there that had seventeen votes for seventeen different people. The process is we certify those elections results back to the city and the city goes through them and does a flip of a coin or drawing out of a hat. It may be the first three or four people that they draw refuse to take office, so they keep drawing to find one who will take the position. This would put it on the front end so if the city got the election results and they had seventeen people with one vote each, these people who do not want the position can withdraw. The other issue on the canvassing board; our canvassing board is large, and in a general election we don't have a problem getting a quorum but in a primary election where there aren't really a lot of contests there is a problem. A lot of times we have had to delay the canvassing board until we can make some phone calls and get some people.

No further testimony for or against HB 1417.

Senator Cook closed the hearing on HB 1417.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1417

Senate Political Subdivisions Committee

Conference Committee

Hearing Date March 24, 2005

Tape Number	Side A	Side B	Meter #
1	X		1192 - 1621
2	X		321 - 1238
Committee Clerk Signature <i>Stanley Borg</i>			

Minutes:

Chairman Cook opened the discussion on HB 1417 . All members (6) present.

The committee reviewed the Proposed Amendments from Al Jaeger, Secretary of State.

Chairman Cook: Go to page 3 subsection 2. Is it clear that those ballots that are written in and they did not darken the oval that if there is a challenge or a recount they can be counted?

Chairman Cook: Committee set this aside and we will come back to it later.

Afternoon, March 24, 2005

Chairman Cook called the committee back to order.

Chairman Cook asked the committee to look at the amendments of page 7

Senator Triplett moved a Do Pass on amendments.

Senator Hacker seconded the motion.

Discussion:.

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number HB 1417

Hearing Date March 24, 2005

Senator Lee: So how does this read now?

Chairman Cook : This is for a county canvassing board where there is more than one district and the districts may participate but it will not affect the Quorum.

Roll call Vote: Yes 6 No 0 Absent 0

Senator Triplett moved a Do Pass as Amended.

Senator Fairfield seconded the motion.

Roll call Vote: Yes 6 No 0 Absent 0

Carrier: **Senator Triplett**

March 24, 2005

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1417

Page 7, line 24, after the second comma insert "and"

Page 7, line 25, after "and" insert "may include" and remove the overstrike over "~~the district committee of all legislative districts~~"

Page 7, remove the overstrike over line 26

Page 7, line 27, remove the overstrike over "~~chairmen~~" and remove "each"

Page 7, line 28, replace "The district" with "A representative of the district committee may participate in the county canvassing board if the district chairman gives notice to the county auditor of the intent to participate before the meeting of the county canvassing board"

Page 7, remove line 29

Page 7, line 30, remove "respective political party representative"

Renumber accordingly

Date: 3-24-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1417

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Moved Amendments

Motion Made By Senator Triplett Seconded By Senator Hacker

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 6 No 0

Absent 0

Floor Assignment _____

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

Date: 3-24-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1417

Senate Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Senator Triplett Seconded By Senator Fairfield

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 6 No 0

Absent _____

Floor Assignment Senator Triplett

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

REPORT OF STANDING COMMITTEE

HB 1417, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1417 was placed on the Sixth order on the calendar.

Page 7, line 24, after the second comma insert "and"

Page 7, line 25, after "and" insert "may include" and remove the overstrike over "~~the district committee of all legislative districts~~"

Page 7, remove the overstrike over line 26

Page 7, line 27, remove the overstrike over "~~chairmen~~" and remove "each"

Page 7, line 28, replace "The district" with "A representative of the district committee may participate in the county canvassing board if the district chairman gives notice to the county auditor of the intent to participate before the meeting of the county canvassing board"

Page 7, remove line 29

Page 7, line 30, remove "respective political party representative"

Renumber accordingly

2005 HOUSE POLITICAL SUBDIVISIONS

CONFERENCE COMMITTEE

HB 1417

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1417 conf.

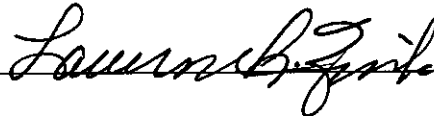
House Political Subdivisions Committee

Conference Committee

Hearing Date April 7, 2005

Tape Number	Side A	Side B	Meter #
1	x		3.0 to 22.2

Committee Clerk Signature



Minutes: Conference Committee --HB 1417 Chaired by Rep. Kretschmar.

Conferees:

Sen. Hacker, Chr.

Rep. Kretschmar, Chairman

Sen. Dever

Rep. Dietrich

Sen. Triplett

Rep. Ekstrom

Rep. Kretschmar called for the roll -- Sen. Hacker was temporarily delayed but joined the group soon after the roll call. All other members were present. It is my understanding that the version which reads .0300 at the top is the current bill. The only concern I had with the bill as the Senate passed it -- is in section 13 -- on page 7. That applies to the composition of the county canvassing board. The House version which is contained in version .0200 -- the way the House passed it and the way we preferred it -- so under current law the county canvassing board

consists of three officials from the county --- a commissioner -- the clerk of court -- the county auditor --- and two persons from the two major parties -- one each from the major political parties - - under current law it says from each of the districts in the county. No that certainly creates problems in the large counties that have multiple legislative districts. Examples are Burleigh, Cass, and Grand Forks. There would be a lot of people with one from each party in each legislative district in the county -- it is really unworkable. The House version we spelled it out -- we said it would be one person from each of the political parties in the county. The Senate version says the board may include people from the political parties if they give notice to the county auditor and indicate they want to participate. Personally I think it would defeat the whole purpose of the law that requires someone from each political party would be on that board.

Sen. Triplett - (5.9) Did you run a copy of this amendment pass the Secretary of State?

Rep. Kretschmar -- We did. --- yes, I still think I prefer the House version.

Sen. Dever --I have served as District Chair -- we have found it real frustrating when it is time to put together a canvassing board and to try to achieve a quorum. Now with your House terms with only half your districts choosing candidates and the other half -- those districts have a strong interest in fulfilling their responsibility for serving on the canvassing board.

Rep. Kretschmar -- if we have legislative races but the canvassing board extends beyond legislative races. I would see a requirement that each political party would have one representative on the canvassing board. But -- how you choose them ---

Sen. Triplett -- I believe that Secretary of State's amendments say must have representation.

Rep. Kretschmar -- but if you read on in the next sentence it is from each legislative district. I think that defeats the intent of the bill.

Al Jaeger -- Secretary of State -- you will recall that we visited about that -- I had furnished that information to the Senate but it got omitted inadvertently. The way things are today everybody must be represented. But what we came up with met all our goals.

Sen. Hacker -- doesn't that open it up to a lot of people for the board--

Al Jaeger -- we had visited about that and in those counties with a larger number of districts there would be seven or even nine. But in Grand Forks County for example when they have a large number of legislative districts -- some districts don't have candidates and so they still have trouble getting a quorum.

Rep. Kretschmar -- under the House version you would have three county officials and that would be a quorum.

Al Jaeger -- you have to have five at all times.

Rep. Dietrich -- As I read this the political parties must be represented -- one representative from each party must be there. Ans. Al Jaeger -- that's right. So if there are three republicans and two democrats -- one republican would have drop out. Al Jaeger -- that's correct.

Al Jaeger -- the idea is to mandate the five and if you go up in numbers they must be equal -- one for one of each. Sections 13 and 14 need to work together -- one without the other won't work.

Sen. Hacker moved that the Senate recede from their amendments in version .0300 and amend the House version .0200 with the amendments Al Jaeger and the committee discussed.

Rep. Dietrich seconded the motion. On a roll call vote the motion carried 6-0-0.

Page 4
House Political Subdivisions Committee
Bill/Resolution Number HB 1417 conf.
Hearing Date April 7, 2005

End of Record (22.2)

April 7, 2005

Conference Committee Amendments to Engrossed HB 1417 (58291.0202) - 04/07/2005

That the Senate recede from its amendments as printed on page 1454 of the House Journal and page 1059 of the Senate Journal and that Engrossed House Bill No. 1417 be amended as follows:

Page 7, line 30, after the underscored period insert "The county canvassing board must be comprised of at least five members, and both political parties must be represented. Each political party from each legislative district within a county may request representation on the canvassing board if there is equal representation from each of the political parties."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1417 (as (re)engrossed):

Date: April 7, 2005

Your Conference Committee Political Subs

For the Senate:

For the House:

4/17

YES / NO 4/1

YES / NO

✓ <u>Sen. Hacker</u>	✓		✓ <u>Rep. Kretschmar</u>	✓	
✓ <u>Sen. Dever</u>	✓		✓ <u>Rep. Dietrich</u>	✓	
✓ <u>Sen. Triplett</u>	✓		✓ <u>Rep. Ekstrom</u>	✓	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1454 ✓

_____ and place _____ on the Seventh order.

✓, adopt (further) amendments as follows, and place HB 1417 on the Seventh order:

_____ having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: 4/7/05
CARRIER: Rep. Kretschmar

LC NO. <u>58291.0202</u> of amendment <u>10400</u>
LC NO. _____ of engrossment
Emergency clause added or deleted
Statement of purpose of amendment

MOTION MADE BY: Sen. Hacker

SECONDED BY: Rep. Dietrich

VOTE COUNT 6 YES 0 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1417, as engrossed: Your conference committee (Sens. Hacker, Dever, Triplett and Reps. Kretschmar, Dietrich, Ekstrom) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1454, adopt amendments as follows, and place HB 1417 on the Seventh order:

That the Senate recede from its amendments as printed on page 1454 of the House Journal and page 1059 of the Senate Journal and that Engrossed House Bill No. 1417 be amended as follows:

Page 7, line 30, after the underscored period insert "The county canvassing board must be comprised of at least five members, and both political parties must be represented. Each political party from each legislative district within a county may request representation on the canvassing board if there is equal representation from each of the political parties."

Renumber accordingly

Engrossed HB 1417 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

HB 1417

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SECRETARY OF STATE

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

January 27, 2005

TO: Representative Devlin, Chairman,
and Members of the House Political Subdivisions Committee

FR: Al Jaeger, Secretary of State

RE: HB 1417 – Canvassing of Votes

Section 1: On page 1, lines 15 through 20, this establishes a method of breaking tie votes with a drawing in school district election rather than by a method determined by the candidates. It also allows a candidate to withdraw in the event of a tie vote if they choose to do so.

Section 2: On page 2, this section provides for a method of breaking a tie vote in a primary election with a drawing rather than a flip of a coin. It also allows a candidate to withdraw.

Section 3: On page 2, this section provides for a method of breaking a tie vote for presidential electors with a drawing rather than a coin flip.

Section 4: On page 2, line 25, this change removes the reference to "official stamp," which is something that is no longer used on ballots.

Page 3, lines 1 through 3, this change requires the voter to darken the oval next to a name for a vote to be counted whether the name is printed on the ballot or written in as a write-in candidate.

Section 5: On page 3, lines 14 through 26, this change relates to the canvass reports and the change to the new voting systems.

Section 6: On page 4, lines 3 through 14, this change increases the number of precinct canvass reports generated by the new voting system to at least three to allow each political party to receive a copy.

Section 7: On page 4, lines 20 and 21, the change replaces tally books with text applicable to the new voting systems.

Section 8: On page 4, line 26 through line 8 on page 5, the change reflects the procedures applicable to the new voting system and provides that the canvass at the precinct must be transmitted to the County Auditor immediately after the Election Board has concluded its duties rather than by noon the next day.

On page 5, lines 8 through 14, the change removes a reference to the United States District Court because the information will be provided through the Central Voter File.

Section 9: On page 5, lines 18 through 26, the changes pertain to the wrapping of ballots after the precinct canvass and the separating of ballots with lawful write-in votes.

On page 6, lines 1 and 2, the change provides instructions to the clerk of the district court for delivery of the ballots to the county canvassing board.

Section 10: On page 6, line 7, the change is applicable to the new voting systems.

On page 6, lines 11 through 17, the change provides the procedure to be followed by the canvassing board for counting write-in votes that meet the threshold proposed in Section 12 of House Bill 1497.

Section 11: On page 6, lines 20 through 31, the change establishes that ballot boxes and voting machines are to be under the care and custody of the County Auditor.

Section 12: On page 7, lines 8 through 15, this changes the ballot retention schedule.

Section 13: On page 7, lines 25 through 31, the change provides a district political committee with the choice of whether they wish to participate in the county canvassing board.

Section 14: On page 8, lines 17 through 19, the change provides the basis for determining a quorum for the county canvassing board based on the number of confirmed participants.

Section 15: On page 8, lines 27 and 28, the change provides for the duties of the canvassing board related to canvassing write-in votes as proposed in Section 12 of House Bill 1497.

Section 16: On page 9, lines 20 through 23, the change authorizes the Secretary of State to determine the format of the abstract of votes from the primary election.

Section 17: On page 9, line 31 through line 4 on page 10, the change authorizes the Secretary of State to create instructions for the transmission of primary election abstracts.

Section 18: On page 10, lines 11 through 18, the change authorizes the Secretary of State to determine the format of the abstract of votes from a general election.

Section 19: On page 10, line 25 through line 1 on page 11, the change authorizes the Secretary of State to create instructions for the transmission of general election abstracts.

Section 20: On page 11, line 10, the change provides for a drawing in county elections to break a tie vote rather than by the flip of a coin.

Section 21: On page 11, lines 23 and 24, the change provides for a drawing in legislative elections to break a tie vote rather than by a flip of a coin.

Section 22: On page 12, line 7, the change correctly reflects the actual duties of the state canvassing board.

HB 1417
January 27, 2005
Page two

Section 23: On page 12, lines 22 through 27, the change relates to a member of the state canvassing board removing him or herself from the canvass of the office for which he or she was a candidate and if a quorum is no longer present as to how an alternative is found to meet the quorum requirement.

Section 24: On page 13, line 2, this change is to clarify the law regarding the calling of a meeting of the state canvassing board.

Section 25: On page 13, lines 6 through 8, this change clarifies the law as to when the Governor must order a special election in the event of a tie vote for a statewide or judicial district office.

Section 26: On page 13, lines 16 through 20, this change provides for a drawing in a city election where there is a tie vote rather than having it determined by a flip of a coin. It also allows a candidate to withdraw if they choose to do so.

Section 27: On page 13, lines 25 through 29, this change provides for a drawing in a township election where there is a tie vote rather than by a flip of a coin. It also allows a candidate to withdraw in the event of a tie vote if they choose to do so.

Section 28: On page 13, lines 30 and 31, two sections of law are repealed pertaining to a precinct canvass because they are no longer applicable to the new voting equipment.

1 A

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SECRETARY OF STATE

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

March 10, 2005

TO: Senator Cook, Chairman, and Members of the Senate Political Subdivisions Committee

FR: Al Jaeger, Secretary of State

RE: Engrossed HB 1417 – Canvassing of Votes

Section 1: On page 1, lines 15 through 20, this establishes a method of breaking tie votes with a drawing in school district election rather than by a method determined by the candidates. It also allows a candidate to withdraw in the event of a tie vote if they choose to do so.

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Section 12: On page 7, lines 8 through 15, this changes the ballot retention schedule.

Section 13: On page 7, lines 25 through 31 – see amendment

Section 14: On page 8, lines 17 through 19, the change provides the basis for determining a quorum for the county canvassing board based on the number of confirmed participants.

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Section 22: On page 12, line 7, the change correctly reflects the actual duties of the state canvassing board.

Section 23: On page 12, lines 22 through 27, the change relates to a member of the state canvassing board removing him or herself from the canvass of the office for which he or she was a candidate and if a quorum is no longer present as to how an alternative is found to meet the quorum requirement.

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SECRETARY OF STATE

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

March 10, 2005

TO: Senator Cook, Chairman, and Members of the Senate Political Subdivisions Committee

FR: Al Jaeger, Secretary of State

RE: Amendment to Engrossed HB 1417 – Canvassing of Votes

As originally introduced in Section 13, the change provided a district political committee with the choice of whether they desired to participate on the county's canvassing board. The House amended the bill to make it mandatory that a district political committee had to participate in the county canvassing board.

However, we were not consulted before the amendment was made and, therefore, did not have an opportunity to explain the reasoning as to why the "choice" for the district political committee was included in Section 13. If we had, the House may not have made the amendment it did.

It is very important to note that the original proposal did not exclude the district political committee from the county's canvassing process. So, why was a choice proposed?

The reason was that some counties are split in such a manner that they have both an odd numbered and an even numbered legislative district. As you know, in many cases, the legislative districts overlap into other counties. Even though each district does not have a legislative race, state law still requires representation from the district political parties from both districts to be a part of the canvassing board.

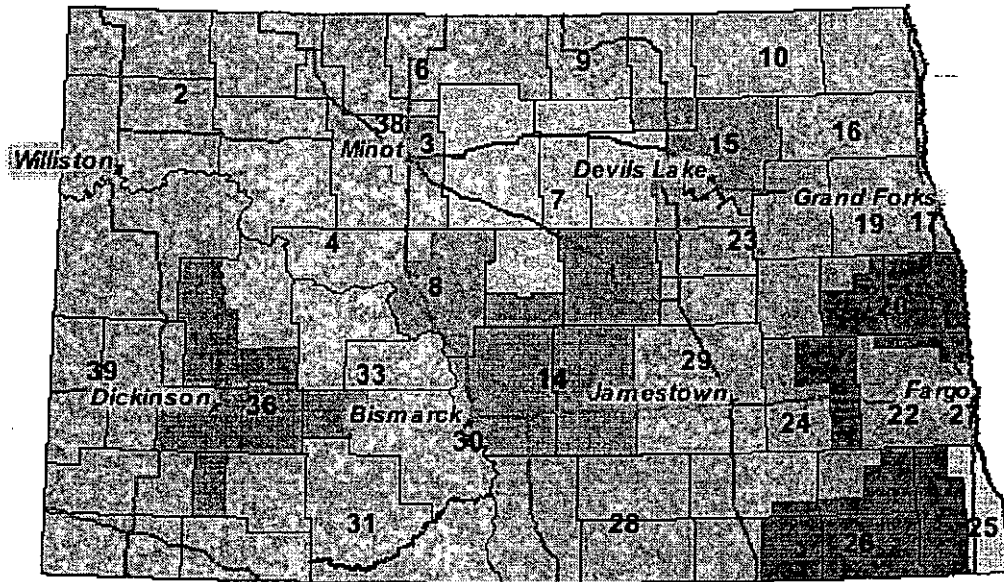
The result is that the district political party without a legislative race is not particularly interested in participating in the canvassing process. This can become especially challenging in some of the very large districts encompassing several counties and the need to have a quorum.

Sheridan County is a good example. Districts 7 and 14 split it. District 7 also includes a part of Benson, and all of McHenry and Pierce Counties. District 14 also includes a part of Burleigh and all of Wells and Kidder Counties. Under current law, this means that the "no race" district political party must have representation at Sheridan County's canvassing board even though the legislative district with the "race" will most likely be represented.

To make better use of time and resources, the choice makes it possible so that district political parties do not have to double up their respective party representatives on the same canvassing board.



North Dakota Hub Explorer



0 104mi

North Dakota has compiled this map according to conventional cartographic standards, using what is thought to be most reliable information available. North Dakota does not guarantee freedom from errors or inaccuracies and disclaims any legal responsibility or liability for interpretations made from the map, or decisions based thereon.

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BISMARCK ND 58505-0500

March 10, 2005

TO: Senator Cook, Chairman
and Members of the Senate Political Subdivisions Committee

FR: Al Jaeger, Secretary of State

RE: Engrossed HB 1417 – Canvassing of Votes

Abbreviated Version of Testimony

Sections 1, 2, 3, 20, 21, 26, and 27 pertain to changing the method of breaking a tie vote from a flip of a coin to a drawing and in certain incidences allowing one of the candidates to withdraw from the race in the event of a tie vote.

Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 16, 17, 18, and 19 pertain to changes required by the new voting systems relating to stamps, canvass reports, tally books, transmitting of results, wrapping of ballots, generating reports, care and custody of ballots boxes and voting machines, retention schedule, format of election abstracts, and transmission of election abstracts.

Sections 22, 23, and 24 pertain to, update, and clarify the duties of the state canvassing board.

Section 25 pertains to the Governor calling of a special election in the event of a tie vote.

Section 28 repeals two sections of the Century Code no long applicable because of the new voting system.

Section 10 pertains to the counting of write-in votes to match requirements proposed in Section 12 of House Bill 1497.

Sections 13 and 14 pertain to the make up of the county canvassing board and how to determine a quorum.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1417

Page 7, line 25, after "and" insert "may include", remove the overstrike over "~~the district~~" and insert immediately thereafter "political", and remove the overstrike over "~~committee of all legislative districts~~"

Page 7, remove the overstrike over line 26

Page 7, line 27, remove the overstrike over "chairmen", remove "each", remove the overstrike over "~~which~~", and remove "that"

Page 7, line 28, replace "The district" with "District political committees may participate in the county canvassing board provided the district chair gives notice to the county auditor of the political party's intent to participate prior to the meeting of the county canvassing board."

Page 7, remove line 29

Page 7, line 30, remove "respective political party representative."

Renumber accordingly