

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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DESCRIPTION

2233

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2233

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2233

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/25/07

Recorder Job Number: 1902, 1912

Committee Clerk Signature

*Veronica Spaulding*

Minutes:

All members of the committee were present.

Sen. Dever, Chairman, opened the hearing on SB 2233.

Al Jaeger, Secretary of State, introduced the bill. See attachment # 1.

Senator Nelson asked whether Section 6, lines 19-20 will need to be cleaned up if there is only one poster.

Al Jaeger agreed that would be a good idea.

Senator Dever asked about the number and location of precincts or polling places. They are determined by the county commissioners.

Al said that is correct. They have to do it by January 1<sup>st</sup>. He said they are working at cleaning up the language because precinct and polling place are two different things.

Jim Silrum, Deputy Secretary of State, mentioned some counties have requested to use electronic poll books. If we would get cell zones in places, we could get live updates to our central voter file.

Michael Montplaisir, Cass County Auditor, addressed the advantages of one poll book rather than two. He feels it can save time by avoiding entering the information twice. He feels the duplication is now obsolete and unnecessary.

Senator Nelson asked if the voter check in process could be split A-K and L-Z.

Mike said they have done that to save time.

Senator Dever asked if they could do it with two laptops.

Mike said if they would do electronic poll books, he envisions having a line directly to the courthouse that would update it all the time. If a computer would go down, they would have a backup at the courthouse on the mainframe.

Senator Horne asked what the process would be when the voter came in to vote if the proposed changes were made.

Mike said it would be the same for the voter but instead of going to two clerks, the voter would only go to one clerk. Only one poll book whether electronic or paper would be updated with name and address etc.

Senator Nelson mentioned it is very important to record the apartment number. Without it, mail will not be delivered.

Mike responded that the old election system didn't allow the apartment number to be put in, whereas the new election system does.

Senator Dever asked what the process is presently for getting the updated information from the poll books into the computer.

Mike said it takes four or five people about 2 months to get it transferred into the computer.

Senator Dever asked if there is concern about the election workers being intimidated by computerization of the poll books.

Mike responded there is concern especially due to the age of the election workers. He surveyed the election workers and found many of the election workers would like to retire.

Senator Horne asked whether the counties would have the option of staying with paper poll books or going to electronic.

Mike said the counties would have the option.

Al Jaeger feels going to one poll book will increase integrity, reduce error and save time.

Senator Dever asked if this option would only be available where there is internet.

Al responded that each county will be able to choose what works for them.

Opposition: -

Neutral: -

Chairman Dever closed the hearing on SB 2233.

Chairman Dever opened discussion on SB 2233.

Senator Nelson made a motion to amend SB 2233 to clean up the language on page 3, lines 19 and 20.

Senator Marcellais seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

A do pass as amended motion was made by Senator Nelson.

The motion was seconded by Senator Oehlke.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Oehlke

78227.0101  
Title.0200

Adopted by the Government and Veterans  
Affairs Committee  
January 25, 2007

*JB*  
*1-25-07*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2233

Page 3, line 19, overstrike "of the"

Page 3, line 20, replace "posters" with "poster"

Renumber accordingly

Date : 1-25-07  
Roll Call Vote # : 1

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2233**

Senate Government and Veteran Affairs <sup>amendment</sup> Committee

Check here for Conference Committee

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

Action Taken do

Motion Made By Nelson Seconded By Marcellais

| Senators                      | Yes | No | Senators                   | Yes | No |
|-------------------------------|-----|----|----------------------------|-----|----|
| Senator Dick Dever - Chairman | ✓   |    | Senator Robert Horne       | ✓   |    |
|                               |     |    |                            |     |    |
| Senator Dave Oehlke - VC      | ✓   |    | Senator Richard Marcellais | ✓   |    |
|                               |     |    |                            |     |    |
| Senator Judy Lee              | ✓   |    | Senator Carolyn Nelson     | ✓   |    |
|                               |     |    |                            |     |    |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Date : 1-25-07  
Roll Call Vote # : 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2233

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 78227.0101 0200

Action Taken do pass with amendment

Motion Made By Nelson Seconded By Oehlke

| Senators                      | Yes | No | Senators                   | Yes | No |
|-------------------------------|-----|----|----------------------------|-----|----|
| Senator Dick Dever - Chairman | ✓   |    | Senator Robert Horne       | ✓   |    |
|                               |     |    |                            |     |    |
| Senator Dave Oehlke - VC      | ✓   |    | Senator Richard Marcellais | ✓   |    |
|                               |     |    |                            |     |    |
| Senator Judy Lee              | ✓   |    | Senator Carolyn Nelson     | ✓   |    |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment Oehlke

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



**REPORT OF STANDING COMMITTEE**

**SB 2233: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2233 was placed  
on the Sixth order on the calendar.

Page 3, line 19, overstrike "of the"

Page 3, line 20, replace "posters" with "poster"

Renumber accordingly

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2233

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2233

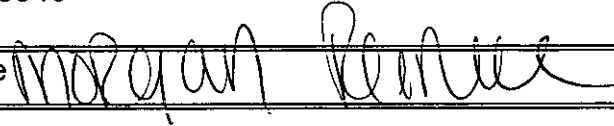
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3640

Committee Clerk Signature



Minutes:

**Al Jaeger:** Testimony attached.

**Rep. Kasper:** We have one poll book and two political parties trying to identify who has voted. How do we allow access to the two political parties with one poll book so they can check off who they are expecting to vote?

**Rep. Amerman:** Why do they change the terminology from precinct to polling place?

**Al Jaeger:** We still have precincts, but some precincts have more than one polling location. It is more accurate to say polling location because you have two or three precincts that can come to one polling location.

**Danette Odenbach:** Testimony attached.

**Rep. Kasper:** If you are at the location and have two political parties making sure their vote is getting out. As the voters come in you get checked off. If you have one poll book and two parties trying to hear and learn who is voting, how do you logistically make that work?

**Danette Odenbach:** This is a bill that you haven't seen yet and is coming your way, SB 2238. It changes the responsibility for higher ranked clerks and the hiring is based on experience. If you have one person who is administering an electronic poll book, you can have representatives from both parties taking a look at what is being entered on that computer.

**Rep. Kasper:** So the election process is going to be set up in such a way that the political parties will have access to this information and will not be told by the poll clerks to stay away because this is information they can't be near. I want to be absolutely sure that it is the intent of legislation to allow the parties to have access.

**Danette Odenbach:** That will not change. All that changes is the process of the polling books.

**Valerie McCloud:** Testimony attached.

**Rep. Froseth:** Part of your area is on reservations, right? All these things have been changing such as addresses and telephone numbers, etc. Some of your population might not have quite the requirements. It might be a little different for you. Does this pose a problem on the reservation areas?

**Valerie McCloud:** That is posing quite a problem for us. We are moving to the central voter file and we are working diligently on getting that up and running. One of the requirements is that you need to have a residential address. In the past that has been a very real problem for our county because a lot of the population in rural areas, not within the city, does not have a residential address. They don't have a mail route. A lot of them have a p.o box. They may live in one precinct but get their mail in the other. What we've done is identified which township they live in. We look at a map with them at the polling place so we know which township they live in. Then we ask them to give common sense directions to their house. We are in the process of going to 911 addressing.

**Rep. Haas:** How will the 911 address differ from what you are trying to do?

**Valerie McCloud:** Every resident will get that 911 address. So that will have most everybody else on there. Voters will have that address as their own then. I'm not sure that it will happen right now. But we are working on it.

**Rep. Froseth:** The roads aren't number and named. Some might have names some might have numbers. Is there cooperation between the tribes and the county to establish those addresses?

**Valerie McCloud:** They are working very well with us right now. They have a lot of their roads named or numbered. So they can actually provide some better information.

**Rep. Karls:** The correction in this bill that deals with eliminating one of the poll books and going to the electronic poll book, as a county auditor are you comfortable with hiring all of your workers? How does your district political chairman feel about that?

**Valerie McCloud:** I do contact the political party chairman and ask them to provide that information. But generally they say they trust me and to go ahead and do it.

**Rep. Haas:** You have a hard time finding people?

**Valerie McCloud:** We do in certain areas. We do schedule them and train them and if they can't show up for reasons we have to train someone else all over again. We aren't getting a lot of participation.

**Al Jaeger:** The judges will still have political parties chosen and represent them. It's only the clerk who now doesn't have any other roll. Her only roll is to put the people in the book.

**Rep. Haas:** Is there any other testimony on SB 2233? If not we will close the hearing on SB 2233.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2233

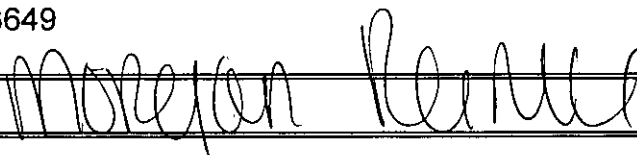
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3649

Committee Clerk Signature



Minutes:

**Rep. Haas:** I will open the floor for pre-motion discussion.

**Rep. Potter:** I would move a do pass on SB 2233.

**Rep. Boehning:** I second that.

**Rep. Haas:** Is there any further discussion?

**Rep. Karls:** When they are talking about electronic poll books, is that a laptop computer? Is there a bill somewhere with a fiscal note for those? I'm trying to picture all of these precincts in ND with a laptop or some kind of computer.

**Rep. Haas:** I can't answer that question, can anybody else?

**Rep. Weiler:** We had a bill in the first half of the session that dealt with how they were going to go from two polling books to one polling book, and basically a computer. There was discussion as I recall about the cost of that and that would be taken care of by the county.

**Rep. Haas:** I think some of that equipment was being made available and being paid for by the Help America Vote act. I'm not sure if that included computers for electronic poll books but I know that it included a lot of the scanning devices for scanning the ballots.

**Rep. Weiler:** I thought we heard an hour ago that we weren't getting that money?

**Rep. Haas:** Well it will get here eventually, it always does, even if it is two or three years late.

**Rep. Meier:** I do remember testimony that mentioned borrowing some of those computers from a different source. I vaguely remember someone saying that, but I don't remember the source.

**Rep. Dahl:** Isn't that permissive that they can have either or?

**Rep. Haas:** Yes it is optional. They can do one or the other. They don't have to have an electronic poll book. I believe that the central voter file that is maintained and compiled at the state level is a computer based file. County auditors get access to that via computers. I can't imagine very many county officers that don't have computer already. Is there any further discussion on a do pass motion on SB 2233. The do pass motion for SB 2233 passes with a vote of 9-4-0. Is there a volunteer to carry this to the floor?

**Rep. Grande:** I Will.

Date: 2-22-07  
Roll Call Vote #: |

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number SB 2233

Action Taken DO PASS

Motion Made By Rep Potter Seconded By Rep Boehning

| Representatives         | Yes | No | Representatives       | Yes | No |
|-------------------------|-----|----|-----------------------|-----|----|
| Rep. C. B Haas Chairman | X   |    | Rep. Bill Amerman     |     | X  |
| Rep. Bette Grande VC    | X   |    | Rep. Louise Potter    | X   |    |
| Rep. Randy Boehning     | X   |    | Rep. Jasper Schneider |     | X  |
| Rep. Stacey Dahl        | X   |    | Rep. Lisa Wolf        | X   |    |
| Rep. Glen Froseth       | X   |    |                       |     |    |
| Rep. Karen Karls        |     | X  |                       |     |    |
| Rep. Jim Kasper         |     | X  |                       |     |    |
| Rep. Lisa Meier         | X   |    |                       |     |    |
| Rep. Dave Weiler        | X   |    |                       |     |    |
|                         |     |    |                       |     |    |
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|                         |     |    |                       |     |    |
|                         |     |    |                       |     |    |
|                         |     |    |                       |     |    |

Total (Yes) 9 No 4

Absent 0

Floor Assignment Rep Grande

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



**REPORT OF STANDING COMMITTEE**

SB 2233, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2233 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2233

ALVIN A. JAEGER  
SECRETARY OF STATE

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*attach #1*

PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL [sos@nd.gov](mailto:sos@nd.gov)

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

January 25, 2007

TO: Senator Dever, Chairman,  
and Members of the Senate Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2233 – Ballots and Voting Systems

Section 1, page 1, lines 12 thru 13: Eliminates an obsolete requirement since ballots have the information already printed on them.

Section 2, page 2, line 1 and line 5: Removes township elections since they do not use electronic voting systems.

Section 3, page 2, line 16 and line 21: Same reason as above

Section 4, page 2, line 28: Reduces the number from 4 to 1 for the number of diagrams provided on election day for the voting system.

Section 5, page 6, lines 1 thru 7: Allows the delivery of blank ballots directly to polling location in sealed containers.

Section 6, page 3, lines 16 thru 22: Reduces the number of posters from ten to one and eliminates the requirement to post blank ballots

Section 7, page 4, lines 7 thru 9: Eliminates the requirement to post diagrams of the voting devices

Section 8, page 4, lines 14 thru 23: Changes from two to one the number of poll books at each polling location, allows an electronic poll book, and removes provisions that are not needed

Section 9, page 4, lines 30 and 31: Changes word from precinct to polling place

Section 10, page 5, lines 5 thru 8: Eliminates obsolete requirements for submitting election results.

Testimony to the  
**House Government & Veteran's Affairs Committee**  
presented January 22, 2007  
by Valerie McCloud  
    Rolette County Auditor  
    ND County Auditor's Association President

**Concerning SB 2233**

Chairman Haas and members of the committee, I am appearing before you in support of SB2233.

One of the problems that I have witnessed in the last several elections, is the excessive amount of posters and documents that are required to be posted in the polling location for elections. With all the changes in elections in the past several years, it is confusing for the election board as to what needs to be posted and how many copies. It is also confusing for voters who just see poster after poster and many of whom never read them.

This bill would remove the requirement to provide and post multiple copies of certain posters. The voters rights instructions and election law will continue to be posted, but only one copy is necessary. The judges provide instruction on the use of the electronic voting devices, which should eliminate the need to have a diagram on the use of the voting devices to be posted.

Some of the other revisions to this section of law are "cleanup" in regards to multiple precincts voting in one polling location and requirements for providing two poll-books for the election board, while moving to the state-wide electronic poll books.

Mr. Chairman, I believe this legislation will make for a more efficient election both on the part of the County Auditor's and election boards, and I encourage you support of this bill.

**TESTIMONY TO THE  
HOUSE GVA COMMITTEE**

Prepared February 22, 2007 by

Danette Odenbach

North Dakota Association of Counties

**REGARDING SENATE BILL 2233**

Chairman Haas and members of the House GVA Committee:

The North Dakota Association of Counties (NDACo) submits this testimony in support of Senate Bill 2233.

Senate Bill 2233 amends section 16.1-06 of the North Dakota Century Code to remove outdated ballot initialing processes, remove townships from the requirements of electronic voting, reduce the number of postings required within a polling site, allow for the optional use of electronic pollbooks, and remove the requirement for the Secretary of State to provide envelopes to counties for the purpose of submitting reports.

During the 2005 Legislative session, the requirement for writing in the name or number of the precinct on the ballot was removed from the law; this section was left as an oversight.

The reduction of the number of postings comes at the request of the counties and their poll workers. Reducing the amount of materials election workers must set up and take down on Election Day will be helpful, especially when some locations do not have enough wall space to accommodate the currently required number of postings. The Senate did amend the bill, changing the wording left by the overstrike on page 3, lines 19 and 20, which was inadvertently left grammatically incorrect.

Senate Bill 2233 also provides counties the option of using an electronic pollbook in lieu of paper at the polling site. During the 2006 General Election, Williams County successfully piloted this idea, providing one electronic and one paper pollbook at each polling site. Electronic pollbooks improve voter check-in efficiency and help eliminate post-election update guessing – reading handwritten entries and corrections made over the course of a 13 hour day can be a real challenge!

The North Dakota Association of Counties appreciates your consideration and requests a Do Pass recommendation on Senate Bill 2233.

ALVIN A. JAEGER  
SECRETARY OF STATE

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PHONE (701) 328-2900  
FAX (701) 328-2992  
E-MAIL [sos@nd.gov](mailto:sos@nd.gov)

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

February 22, 2007

TO: Rep. Haas, Chairman,  
and Members of the House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2233 – Ballots and Voting Systems

Section 1, page 1, lines 12 thru 13: Eliminates an obsolete requirement since ballots already have the information printed on them and there is no need to write it.

Section 2, page 2, line 1 and line 5: Removes the reference to township elections from this section since they do not use electronic voting systems.

Section 3, page 2, line 16 and line 21: Same reason as stated above

Section 4, page 2, line 28: Reduces the number from 4 to 1 for the number of diagrams provided on election day for the voting system.

Section 5, page 6, lines 1 thru 7: Allows the delivery of blank ballots directly to polling location in sealed containers.

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Section 7, page 4, lines 7 thru 9: Eliminates the requirement to post diagrams of the voting devices

Section 8, page 4, lines 14 thru 23: Changes from two to one the number of poll books at each polling location, allows an electronic poll book, and removes obsolete provisions

Section 9, page 4, lines 30 and 31: Changes word from precinct to polling place

Section 10, page 5, lines 5 thru 8: Eliminates outdated requirements for submitting election results.