

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2235

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2235

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2235

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/25/07

Recorder Job Number: 1904, 1914

Committee Clerk Signature

Veronica Spelling

Minutes:

All members of the committee were present.

Sen. Dever, Chairman, opened the hearing on SB 2235.

Al Jaeger, Secretary of State, introduced SB 2235. See attachment # 1. He mentioned that the equipment has tested well. It is usually human error of forgetting to initial ballots that has made the counts off.

Senator Nelson asked why it is important for the judge to sign the ballots.

Al responded that there is a level of security that this step adds to the process. He would rather err on the side of integrity of the process.

Senator Nelson asked if the number of ballots matched with the number of names in the poll books, what would the problem be.

Al said she made a valid point.

Senator Dever said the ballot maybe should say right on it, "Make sure your ballot is initialed."

Al said the point is valid but if the count were ever too high, how would you decide what to throw out and what not to. He wanted to be cautious about changing it.

Senator Horne mentioned that the fiscal note had about \$66.00 per county per election to test equipment.

Al Jaeger responded that they estimated 3 hours at \$22.00 per hour. This is a minimal cost.

They wanted to disclose it even though it is a minimal cost.

Senator Nelson asked how many polling places there are.

Mike Montplaisir, Cass County Auditor, responded there are 58 precincts and 56 polling places.

Senator Nelson asked how often they check that all equipment is working.

Mike said they are required by law to check all equipment the week before the election. They also retest them when there are recounts. They have done tests of a number of ballots, doing a manual count and comparing it to a machine count of the same ballots.

Opposition: -

Neutral: -

Chairman Dever closed the hearing on SB 2235.

Chairman Dever opened discussion on SB 2235.

A do pass motion was made by Senator Nelson

The motion was seconded by Senator Lee.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: J. Lee

FISCAL NOTE
 Requested by Legislative Council
 01/16/2007

Bill/Resolution No.: SB 2235

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2005-2007 Biennium | | 2007-2009 Biennium | | 2009-2011 Biennium | |
|-----------------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Appropriations | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2005-2007 Biennium | | | 2007-2009 Biennium | | | 2009-2011 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| \$0 | \$0 | \$0 | \$7,500 | \$0 | \$0 | \$7,500 | \$0 | \$0 |

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill establishes a post-election test of election equipment in one randomly selected precinct in each county.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

To conduct the test, the county will need to enlist the services of staff, which will be paid.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

On an average, each county will have an expense of approximately \$66 after both the June and November elections in each even numbered year.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

| | | | |
|----------------------|-----------|-----------------------|--------------------|
| Name: | Al Jaeger | Agency: | Secretary of State |
| Phone Number: | 328-2900 | Date Prepared: | 01/19/2007 |

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

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2235

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Nelson Seconded By Lee

| 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 | ✓ | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 6 No 0

Absent 0

Floor Assignment J. Lee

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2007 1:28 p.m.

Module No: SR-17-1223
Carrier: J. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2235: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2235
was placed on the Eleventh order on the calendar.

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2235

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2235

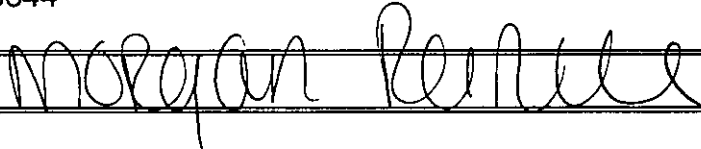
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3644

Committee Clerk Signature



Minutes:

Al Jaeger: Testimony attached.

Rep. Haas: Who does the protesting and fixes that seal?

Al Jaeger: That is the county auditor. The testing is done publicly. They check the equipment before the testing. The political parties and everyone is notified by that. There is usually a big crowd around it when it happens. It is made available.

Rep. Amerman: How are they all notified?

Al Jaeger: I believe it is by letter. There is some excellent district chairs on both sides.

Rep. Potter: You can't do the random testing without putting it in state law?

Al Jaeger: No we really can't. We maybe could in a way. After the election the ballots are all sealed. What we would be doing is the same type of testing. It is just to have it there to make sure everyone knows.

Valerie McCloud: Testimony attached.

Rep. Haas: How long does it take to do the test on a particular machine?

Valerie McCloud: Probably 15-20 minutes. It takes a little while because you have to hand feed every ballot into the machine and it depends on how many ballots are there, etc.

Rep. Weiler: I see the fiscal note that it is going to cost each county \$7,500 dollars to do this is the estimated cost. It doesn't say anywhere in here where that is coming from?

Al Jaeger: No that is the total for the state.

Rep. Haas: Is there any more testimony on SB 2235? If not we will close the hearing on SB 2235.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2235

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3650

Committee Clerk Signature

Moleyan Penell

Minutes:

Rep. Froseth: I move a do pass.

Rep. Potter: I second that.

Rep. Haas: Is there any discussion? If not we will take a roll call vote on SB 2235. The do pass motion on SB 2235 passes with a motion 13-0-0. Is there a volunteer to carry it to the floor?

Rep. Weiler: I will.

Date: 2-22-07
Roll Call Vote #: 1

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 2235

Action Taken DO PASS

Motion Made By Rep Froseth Seconded By Rep. Potter

| 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 | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Weiler

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

REPORT OF STANDING COMMITTEE (410)
February 22, 2007 11:44 a.m.

Module No: HR-34-3670
Carrier: Weller
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2235: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2235
was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2235

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



Attach #1

PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL 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 2235 – Random Voting System Testing

Section 1, page 2, lines 8 thru 11: Establishes a security feature for testing voting equipment prior to the election

Section 1, page 2, line 12 thru 16: After the election, establishes the testing of the voting system used in a randomly selected precinct in each county, which must be conducted before the meeting of the county canvassing board

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 2235

Chairman Haas and members of the committee, I appear before you today in support of SB2235.

With the implementation of the electronic voting systems statewide, testing of equipment has changed. Prior to the electronic voting systems in each precinct, we would tabulate ballots with a centralized electronic voting device. Testing would be performed on the equipment approximately one week before the election to ascertain that the equipment was tabulating correctly. Then on election night, prior to tabulating ballots, we would again perform a test on the equipment.

With the precinct level scanners presently being used, it is impossible for our office to perform the tests prior to tabulating the ballots on election day and also unnecessary since the programming chip is secured in each device after the public test. By having the random test performed after each election, this should provide a verification that the voting devices are tabulating correctly.

Mr. Chairman, I encourage your support of this bill.

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL 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

FR: Al Jaeger, Secretary of State

RE: SB 2235 – Random Voting System Testing

Section 1, page 2, lines 8 thru 11: Establishes a security feature for sealing tested voting equipment prior to the election

Section 1, page 2, line 12 thru 16: Establishes a post-election testing procedure for the voting system in a randomly selected precinct in each county, which must be conducted before the meeting of the county canvassing board