

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2254

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

SB 2254
January 27, 2011
13550

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to election administration

Minutes:

Testimony Attached

Jim Silrum: See testimony #1.

Senator Nelson: If he moved in from another county wouldn't he already be in the central voter file with a unique number and that person would just have to be transferred into Burleigh County?

Jim Silrum: Yes but the voter may not know that.

Senator Nelson: When we get lists we have 3 entries for the same person at the same address and I am trying to get it so there are not there twice.

Jim Silrum: We strive along with all 53 county auditors strive to have one voter and one record. We are assisted with that process because we have matching information with the Driver Licenses. It is also with the court system in case of a divorce, we try to do as much matching as possible. Starting February 1 state law says that we need to run a statewide duplicate check and we do that to make sure that someone has not voted twice in separate counties.

Senator Nelson: The post office doesn't look kindly on just apartment buildings they want the apt number if not they won't deliver. It's a waste of money when you know that it went to the right building.

Jim Silrum: We are doing our level best to obtain that. The problem that exists with the central voter file is that the information we get from DOT may not contain that level of detail and unless we can get to a section where we know there are apartment complexes that is

something that we are striving for but aren't quite there yet. Then central voting file is becoming far more accurate measure of where they actually live.

Senator Cook: Could they move from Mandan to Bismarck and request to be listed in the Mandan voter file.

Jim Silrum: Although that sort of thing does happen and a part of that is the ambiguity is found under what defines the state I don't think that this instance being asked to be kept out of the voter file would permit the county auditor to do that. If we learned from DOT that you live somewhere else we will have that info. But if you go into your old polling place, even if your name is not in the poll book and the person can fill out an affidavit swearing that they live at that address and that you are who you say you are.

Senator Cook: My kids all voted in Mandan and for years after they left I still see their name on the voter file.

Jim Silrum: from our perspective and election official's perspective we believe that where your primary residence is where you should be voting. Because of the ambiguity as to what defines residency in this state. It is a union of act and intent. It causes a lot of consternation.

Kevin Glatt: Burleigh County Auditor, see testimony #2.

Senator Cook: I don't think that it is right for someone to move and vote in their old district. I do believe in a senior citizen should be able to vote in the area that they have lived in

Jim Silrum: We would support any amendment that supports fixing the ambiguity is ok with us.

Senator Berry: If someone comes in and they sign an affidavit, how many times do they actually get checked?

Jim Silrum: For anyone who votes by affidavit, the law is specific. A letter is required to be sent to that address and if it is sent back with someone who is living at the address that is the beginning of the investigation by the State's Attorney. The February 1 is the date that voting history has been applied to you in the state.

Senator Berry: What is the penalty?

Jim Silrum: According to election law somebody who does this is subject to a year in prison and a \$2,000 fine.

Senator Berry: What if they voted only 1 time but in the wrong district?

Jim Silrum: That penalty would still apply and because the union of act and intent it is hard to prove even for a court of law.

Jim Silrum: There really is nothing in election law per say. It is based on residency. You do not lose your residency if you go to college or military service.

Senator Nelson: Does that mean that in the next election that we will be asked our date of birth so it gets into the file?

Jim Silrum: It is already in the central voter file, it comes to us from DOT. There are instances where people who are in the voter file don't have the correct birthday.

Senator Nelson: Section 14 lines 13-15, is this in response to the other bill floating around and to make it perfectly clear that the postmark has to be before Election Day?

Jim Silrum: Yes we believe we need to state in the law what needs to be a late ballot vs. and on time ballot.

Senator Nelson: To me the big thing was on the day of election. This law just said that on the day of the election

Jim Silrum: Another section of law that is not included in this bill but exists now. The definition of Election Day is anytime when voting is taking place. Therefore, if there is a rally going on in the same place their entrances but be at least 100 feet apart

Senator Berry: So someone could stand 30 yards away and then they could have campaign material.

Jim Silrum: The basis for that is in a completely other chapter of the Code is service of process. Those who are serving process cannot do so in a polling place and what's there is that 100 feet. We decided to opt for consistency's sake there and we are happy with whatever amendments that you would like to make knowing what the situation of one of these arena that might be holding polling place in addition to another event.

Senator Nelson: When you say it shall electronically transmit, what happens if the lights go out?

Jim Silrum: We don't believe that it precludes standard mail we just don't want to be in a situation there that is the only option.

Senator Nelson: Is this agreeable with all of the counties since they have gone electronic?

Jim Silrum: Part of it is the electronic nature of it. A county may have a canvassing board no sooner than 3 days after the election but no later than 6 days after the election.

Al Jager: Secretary of State. There has been many hours spent developing this bill I don't think that you will find anything that is controversial. It allows us to do a better job and respond electronically.

Senator Nelson: Is there a bill that is going to fix what happened in Fort Totten?

Al Jager: We don't have anything specific because in law it is a county decision. We are aware of a bill that will be heard tomorrow that wants a polling location in every city over 200 but it is a county decision.

Kevin Glatt: Burleigh County Auditor Treasurer See testimony #2.

Senator Cook: Have you shared these concerns with the Secretary of State?

Kevin Glatt: No.

Chairman Dever: It sounded to me that some of these things may require some specificity. There was no further testimony and the Chairman closed the public hearing on SB 2254.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

SB 2254
February 17, 2011
14671

Conference Committee

Committee Clerk Signature *Kate Olive*

Explanation or reason for introduction of bill/resolution:

Relating to election administration

Minutes:

No testimony attached

The committee discussed proposed amendments presented by the Secretary of State. There was no further discussion. A motion was made for a do pass by Senator Cook with a second by Senator Schaible, roll was taken and the motion passed 6-0-1 with Senator Nelson carrying the bill to the floor

FISCAL NOTE

Requested by Legislative Council
01/19/2011

Bill/Resolution No.: SB 2254

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.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 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.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$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).*

General election bill to amend provisions in state law for conducting elections.

No fiscal impact.

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.*

No fiscal impact

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.*

N/A

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:	01/19/2011

Date: 2-17-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2254

Senate _____ Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Cool Seconded By Schmidt

Senators	Yes	No	Senators	Yes	No
	X				
Chairman Dever			Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry					
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 6 No 0

Absent Berry

Floor Assignment Nelson

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

REPORT OF STANDING COMMITTEE

SB 2254: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
SB 2254 was placed on the Eleventh order on the calendar.

2011 HOUSE POLITICAL SUBDIVISIONS

SB 2254

2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

SB 2254
March 17, 2011
Job # 15575

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to election administration.

Minutes:

Testimony #1, Proposed amendment #2

Chairman Johnson: Opened the hearing on SB 2254. Senator Dever said he probably wouldn't come up because all he would do is introduce Al Jaeger.

Al Jaeger, Secretary of State: (See testimony #1). Elections in ND have gone quite well. Part of it is because of the people behind me from my office and also our working relationship with the county auditors. At first glance when you look at the bill it looks like a lot of stuff here. As we go through it I think you will find in many sections because of the drafting an entire section of the law is put in where we might only be changing a few words. This bill is really clarification and fine tuning of the bill. Went over the testimony. Yesterday Chairman Johnson and Rep. Shirley Meyer were sent an amendment and I will address that at the end of my testimony in terms of how that fits into everything. (See proposed amendment #2). We were made aware of an amendment and we reviewed it in terms of how it might fit in. It was going to be on another bill which wasn't the right bill for it to be in. We have reviewed it so we are aware of it and so if the committee wishes to adopt it it will work. We did have some concerns this morning about the way it was worded. My team says of this takes care of the concerns we had and apparently Rep. Mock you have it. I would be happy to defer any questions to my election team.

Rep. Mock: On Section 17; relates to the comparing of signatures for mailing in ballots and I was just curious on procedure on page 14 it states if signature is not the same or the ballot if rejected, what is the procedure? Is the individual notified that their ballot was rejected?

Al Jaeger: Under the MOVE Act they are, but under the other they are not notified.

Jim Silrum, Deputy Secretary of State: Although they are not specifically notified, because of the absentee ballot status tracker that we have on our system, everyone who votes by absentee ballot is able to go onto that simple application and see whether their ballot was accepted or rejected and I can also tell you that they are rejected at the election

board on election day but then they are subsequently sent to the canvassing board which is also open to the public for a final rejection, if that is the case.

Rep. Mock: Could that be interrupted as a provisional ballot as the individual is asserting that they are qualified elector, but then their eligibility is questioned? Would that be considered that?

Jim Silrum: Currently under law North Dakota only has very small cases of things that are considered provisional ballots. That is when a court requires that a polling location or polling locations remain open longer than what is published. So if the polling places are supposed to close at 7PM and the court ahead of time orders it to be open until 9PM, then anything that is cast after 7PM is considered a provisional ballot. In the case that you are referring to this is a situation where the election board members including members of both political parties take a look at the signature that is on the application and take a look at the signature that is on the affidavit that is returned with the ballot, and they determine that that signature is not from the same individual. That is why we have suggested over the years that there needs to be a two step process with that. First it is verified by the election board on election night or day; then it is verified by the canvassing board. Sometime the canvassing board reverses the decision of the election board, but there are very few of these ballots where the signatures are found to be inconsistent.

Rep. Mock: Prior to cross over we had the bill that would place all ballots that were cast by affidavit to the side until the identification or eligibility is proven. Does that have to be reconciled with this bill at all?

Al Jaeger: No we don't think so and that bill hasn't been heard by the Senate yet.

Kevin Glatt, Burleigh County Auditor and Treasurer: Initially I had written testimony to hand out, but I think I will just keep it to myself. I am here in support of the bill. I am also in support of any amendment or an amendment that would allow or give us the authority or option in larger counties to do a partial vote by mail. In August of 2010 I travel eastern Minnesota and worked the Minnesota Primary Election with the Becker County Auditor, Treasurer. I learned several things and discovered some things that I believe could be implemented here in North Dakota to make elections more efficient and more cost effective and hopefully increase voter turnout. One of those things was partial mail ballot counties. Currently law in North Dakota only authorizes the county to do all or nothing with vote by mail. I believe an option to utilize vote by mail for precincts with small voter turnout or small populations would be an effective tool. I have spoken to the large counties; Grand Forks, Cass, Stark, Ward along with myself here in Burleigh and I don't think any of us have any intention of doing vote by mail completely in our counties or in the larger cities, but we would like the option to use the vote by mail precinct in some of the rural areas. In Burleigh County I have precincts that have 200 votes cast or some with 100 or less and I think these would be a good option for us to be able to send those people in those precincts mail ballots. I have discussed this with Senator Dever and Rep. Meyer and they seem to be on board with this so I would appreciate your favorable consideration. If there are any questions I would be happy to try and answer them.

Rep. Mock: The changes related to the time to forward abstracts to the Secretary of State's office from 10 to 8 days. Is there any position for county auditors one way or the other on that change?

Kevin Glatt: I am not aware of any real issues with that. I think it can be accomplished.

Chairman Johnson: Previously a bill went through the House and I don't know where it is on the Senate side but it was to say if you have a population of 200 or more you must have a polling site. I see this as possible bumping head one with that bill in the Senate. I think House Appropriations moved it to 1000. This is an amendment that will be in direct conflict with that. Do you see any concerns or difficulties in that area?

Kevin Glatt: I don't see any conflicts. I believe the intent of that legislation was to say, if a county went vote by mail they would have to have a precinct open in any city with a population of 1000 or larger. What my intent of this bill is that in Burleigh County we will have voting precincts open throughout the county, but in certain areas in northeastern Burleigh County for example, I have the precinct of Wing and there are 8 townships around there; that is a voting precinct. At the general election in 2008; we had 178 ballots cast in that precinct. I don't want to say we are going to close that precinct, I want to have an option of saying for this election we are going to mail all 178 or all the people who live in that precinct who are qualified electors an absentee ballot and then we won't open the precinct up there in Wing. At least for a certain election. Primary Elections it is even less. Along with that it is getting more difficult to find accessible places and election workers in some of these precincts.

Rep. Heilman: The amendment we are looking at has a precinct which fewer than 400 votes were cast. Do you see a reason to have a limit on how many votes were cast? If a precinct wants to go vote by mail and they want to do it, I don't see why we have to have a limit on these things all the time. Do you have a response to that?

Kevin Glatt: I really don't have a response. If you want to give us the authority out in the local we will utilize it to the best of our ability, but others feel it is necessary to put a limit on that. I believe that 400 came from Minnesota State Statute. It seemed like it would work good in the smaller areas.

Opposition: None

Hearing closed.

Chairman Johnson: Rep. Mock, between what you presented, the amendment and what Secretary of State did, do you want a change to look it over?

Rep. Mock: Maybe Mr. Silrum could clarify.

Chairman Johnson: My question is this the same thing or is there some technical differences that we should be aware of?

Jim Silrum: The amendment that Rep. Mock put forward clarifies the discrepancies that we were seeing was existing in the bill so if I may ask even though Secretary Jaeger handed that out we would ask you to discard that because what we were responding to was the communication you had forwarded to him and it simply seems like that was being added to the bill itself. The fact that there is a separate subsection seems to clarify the problems we saw would exist.

Rep. Mock made the motion to move the amendment .02001 for SB 2254. Seconded by Rep. Zaiser:

Discussion:

Rep. Heilman: Rep. Mock can you help me understand why we say fewer than 400 is it just a small precinct, low turnout, I am trying to understand that part of it?

Rep. Mock: When it was brought forward from the county level it was if a county chooses to; I don't know if we have discussed the threshold of the county can go vote by mail? If that has been amended at all. If you are going to eliminate the threshold for a precinct I would sooner look at eliminating the threshold or insuring there is no threshold for the county. If the concern is the precinct size is too small or you shouldn't limit the size of a precinct is to go vote by mail. That is fine. It was the understanding of the county officials that brought this concept to me that vote by mail is encouraged for the rural areas which are why we had the thresholds in the law in the first place. This would allow at the precinct level and as Mr. Glatt alluded to it is consistent to what is happening in other states in the region.

Chairman Johnson: I will take the voice vote on adopting the amendment .02001.

Voice vote carried.

Chairman Johnson: We also now have the amendments that were presented by Secretary Jaeger.

Rep. Maragos made a motion to move those amendments; Seconded by Rep. Beadle.

Chairman Johnson: Motion made to adopt the amendments by Secretary Jaeger.

Discussion: None

Voice vote carried.

Do Pass As Amended by Rep. Maragos: Seconded by Rep. Beadle

Discussion: None

Vote: 12 Yes 0 No 2 Absent Carrier: Rep. Maragos:

PROPOSED AMENDMENTS TO SENATE BILL NO. 2254

Page 1, line 5, after the third comma insert "16.1-11.1-01,"

Page 17, after line 28, insert:

"SECTION 24. AMENDMENT. Section 16.1-11.1-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-01. Counties may conduct mail ballot elections - Polling places - Records.

1. The board of county commissioners of a county may conduct an election by mail ballot. The mail ballot election must include city elections administered by the county auditor and may include any other election administered by the county auditor pursuant to an agreement with the governing body of a political subdivision within the county. The board shall designate one or more polling places in the county to be open on the day of the election for voting in the usual manner. The county auditor shall place a notice at all polling places in the county used at the last statewide election which states the location of the polling places open for the election. The county auditor shall keep a record of each mail ballot provided to qualified electors and provide to the election board at each polling place open on the day of the election a list of every person who applied for a mail ballot.
2. The board of county commissioners of a county may conduct an election partially by mail ballot. If the board of county commissioners chooses to conduct an election partially by mail ballot, the commission may use mail ballots for any precinct in which fewer than four hundred votes were cast for the office of governor at the last general election at which that office was on the ballot."

Renumber accordingly

Date: 3-12-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number 02001

Action Taken Do Pass Do Not Pass Amended Adopt
Amendment

Rerefer to Appropriations Reconsider

Motion Made By Rep. Mock Seconded By Rep. Zaiser

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson			Rep. Kilichowski		
Vice Chairman Hatelstad			Rep. Shirley Meyer		
Rep. Beadle			Rep. Mock		
Rep. Devlin			Rep. Zaiser		
Rep. Heilman					
Rep. Klemin					
Rep. Koppelman					
Rep. Kretschmar					
Rep. Maragos					
Rep. Pietsch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Vote
Carried!*

March 17, 2011

VR
3/17/11
1062

PROPOSED AMENDMENTS TO SENATE BILL NO. 2254

Page 1, line 5, after the third comma insert "16.1-11.1-01,"

Page 1, line 8, after the sixth comma insert "40-38-01,"

Page 9, line 16, overstrike "and the names and addresses of the party's district"

Page 9, line 17, overstrike "chairmen"

Page 9, line 24, remove the overstrike over "The secretary of"

Page 9, line 25, remove the overstrike over "state must be notified of any changes in membership of the state's committee officers"

Page 9, line 26, remove the overstrike over the overstruck period

Page 17, line 27, replace "poltical" with "political"

Page 17, after line 28, insert:

"SECTION 24. AMENDMENT. Section 16.1-11.1-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-01. Counties may conduct mail ballot elections - Polling places - Records.

1. The board of county commissioners of a county may conduct an election by mail ballot. The mail ballot election must include city elections administered by the county auditor and may include any other election administered by the county auditor pursuant to an agreement with the governing body of a political subdivision within the county. The board shall designate one or more polling places in the county to be open on the day of the election for voting in the usual manner. The county auditor shall place a notice at all polling places in the county used at the last statewide election which states the location of the polling places open for the election. The county auditor shall keep a record of each mail ballot provided to qualified electors and provide to the election board at each polling place open on the day of the election a list of every person who applied for a mail ballot.

2. The board of county commissioners of a county may conduct an election partially by mail ballot. If the board of county commissioners chooses to conduct an election partially by mail ballot, the commission may use mail ballots for any precinct in which fewer than four hundred votes were cast for the office of governor at the last general election at which that office was on the ballot."

Page 18, line 24, remove the overstrike over "a"

Page 19, line 23, overstrike "direct"

Page 26, after line 20, insert:

2002

"SECTION 44. AMENDMENT. Section 40-38-01 of the North Dakota Century Code is amended and reenacted as follows:

40-38-01. Public library and reading room - Establishment - Election.

The governing body of any city or county upon petition of not less than fifty-one percent of the qualified electors of the city or county as determined by the total number of votes cast at the last general election or upon a majority vote of the qualified electors thereof voting on the question shall establish and maintain public library service within its geographic limits by means of a public library and reading room or other public library service, either singly or in cooperation with the state library, or with one or more cities or counties, or by participation in an approved state plan for rendering public library service under the Library Services and Construction Act [20 U.S.C. 351-358], and acts amendatory thereof. Such question shall be submitted to the qualified electors upon resolution of the governing body or upon the petition of not less than twenty-five percent of that number of qualified electors of the city or county that voted at the last general election, filed with the governing body not less than ~~sixty~~ninety days before the next regular election. Library service may be discontinued within any city or county by any of the methods by which library services may be established, except that once established, such service shall not be discontinued until after it has been in operation for at least five years from the date of establishment."

Renumber accordingly

Date: 3-17-11
Roll Call Vote#: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2254

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt
Amendment

Rerefer to Appropriations Reconsider _____

Motion Made By Rep. Maragos Seconded By Rep. Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson			Rep. Kilichowski		
Vice Chairman Hatelstad			Rep. Shirley Meyer		
Rep. Beadle			Rep. Mock		
Rep. Devlin			Rep. Zaiser		
Rep. Heilman					
Rep. Klemin					
Rep. Koppelman					
Rep. Kretschmar					
Rep. Maragos					
Rep. Pietsch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Jeager Amend.

*Issue
Vote
carried!*

Date: 3-17-11
Roll Call Vote #: 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2254

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt
Amendment

Rerefer to Appropriations Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Kilichowski	✓	
Vice Chairman Hatelstad	✓		Rep. Shirley Meyer	✓	
Rep. Beadle	✓		Rep. Mock	✓	
Rep. Devlin			Rep. Zaiser	✓	
Rep. Heilman	✓				
Rep. Klemin					
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Maragos

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

REPORT OF STANDING COMMITTEE

SB 2254: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2254 was placed on the Sixth order on the calendar.

Page 1, line 5, after the third comma insert "16.1-11.1-01,"

Page 1, line 8, after the sixth comma insert "40-38-01,"

Page 9, line 16, overstrike "and the names and addresses of the party's district"

Page 9, line 17, overstrike "chairmen"

Page 9, line 24, remove the overstrike over "The secretary of"

Page 9, line 25, remove the overstrike over "~~state must be notified of any changes in membership of the state's committee officers~~"

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2. The board of county commissioners of a county may conduct an election partially by mail ballot. If the board of county commissioners chooses to conduct an election partially by mail ballot, the commission may use mail ballots for any precinct in which fewer than four hundred votes were cast for the office of governor at the last general election at which that office was on the ballot.

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Page 26, after line 20, insert:

"SECTION 44. AMENDMENT. Section 40-38-01 of the North Dakota Century Code is amended and reenacted as follows:

40-38-01. Public library and reading room - Establishment - Election.

The governing body of any city or county upon petition of not less than fifty-one percent of the qualified electors of the city or county as determined by the total number of votes cast at the last general election or upon a majority vote of the qualified electors thereof voting on the question shall establish and maintain public library service within its geographic limits by means of a public library and reading room or other public library service, either singly or in cooperation with the state library, or with one or more cities or counties, or by participation in an approved state plan for rendering public library service under the Library Services and Construction Act [20 U.S.C. 351-358], and acts amendatory thereof. Such question shall be submitted to the qualified electors upon resolution of the governing body or upon the petition of not less than twenty-five percent of that number of qualified electors of the city or county that voted at the last general election, filed with the governing body not less than ~~sixty~~ninety days before the next regular election. Library service may be discontinued within any city or county by any of the methods by which library services may be established, except that once established, such service shall not be discontinued until after it has been in operation for at least five years from the date of establishment."

Renumber accordingly

2011 TESTIMONY

SB 2254

ALVIN A. JAEGER
SECRETARY OF STATE

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SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
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January 27, 2011

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

FR: Al Jaeger, Secretary of State

RE: SB 2254 – Election Administration

Section 1, page 1, lines 18 through 20: Because stickers could disable a ballot tabulator, they were removed from Title 16.1 (Elections) in previous sessions. Since the election of a Supervisor for a Soil Conservation District in N.D.C.C. § 4-22-21 is also on the November statewide ballot, the reference to stickers is removed from this section of law, too.

Section 2, page 2, lines 10 and 16 through 18: Subsection 3 identifies how school election boards are selected when the election is not held in conjunction with a county election. Subsection 4 identifies the selection when the election is held in conjunction with the county election.

Section 3, page 4, lines 1, 2, 3, and 21: While the testing of voting equipment has always been done prior to an election, these changes clarify that the Secretary of State, as the state's chief election official, is to develop and conduct a test for each one of the state's counties and that the county election official must fully comply with the testing requirements.

Section 4, page 5, lines 19 through 27: Removes the authority to adopt rules for creating a voter's unique identifier in the Central Voter File because rules are not needed to create a randomly generated identifier.

Section 5, page 6, lines 6 and 7: This change requires a County Auditor to provide the Secretary of State with the necessary information to identify precincts in the Central Voter File, which is especially important with the upcoming redistricting of legislative districts.

Section 6, page 6, line 24: Upon written request made to the County Auditor, a voter may request that he or she be listed in the Central Voter File. Although this is not a requirement for voting, it will expedite the voting process for the voter when they provide their identification on election day because he or she will already be listed in the poll book that is prepared for the election workers.

Section 7, page 6, lines 30 and 31: This change replaces the reference to "2010" with "each even-numbered calendar year" for determining the status of voters who have not voted in the previous four years.

Section 8, page 7, lines 22 through 24: Provides for the inclusion in the Central Voter File of a voter's date of birth and any state-issued identification number (as provided for in the next section of this bill, this will be protected information not available under the state's open records laws).

Section 9, page 8, lines 4 and 5: The reference to the unique identifier is removed and replaced with the voter's date of birth and state-issued identification number as being exempt information under the state's open records laws.

Section 10, page 8, line 30: This change allows the voter's unique identifier, among other already permissible information, to be provided to those persons and organizations that are allowed under law to obtain a report from the Central Voter File for election-related purposes. The unique identifier is not private information and helps differentiate between persons having the same name.

Section 11, page 9, lines 24 through 26: This change removes an obsolete requirement that district political committees are to notify the Secretary of State of changes made in committee officers. Similar requirements were removed in previous legislative sessions.

Section 12, page 9, lines 29 and 30: While the guidelines have already existed for several election cycles, this change mandates that the testing of all electronic voting systems used in the state must be done according to the guideline established by the Secretary of State.

Section 13, page 10, line 7 and page 11, line 13: To match the terminology used elsewhere in election law, the word "statement" is replaced with the word "affidavit" on the return envelope containing the voter's voted absentee ballot.

Section 14, page 12, lines 10 through 12: This change allows the counting of absentee ballots returned prior to the meeting of the canvassing board even if the postmark or official date stamp is illegible or missing and will match the same requirement in Senate Bill No. 2120 pertaining to military and overseas voters.

Section 14, page 12, lines 13 through 15: The change makes clear in state law that absentee ballots cannot be counted that were marked as having been submitted on or after election day.

Section 15, page 12, lines 26 and 31, and page 13, line 1: This changes the text on the envelope containing absentee ballots and refers to N.D.C.C. § 16.1-07-12, which pertains to the processing of absentee ballots.

Section 16, page 13, lines 13, 14, 15, and 21: This change removes an obsolete provision that ballots are to be mailed to the inspector and replaces it with the instructions that the ballots are to be personally delivered prior to the close of the polls.

Section 17, page 13, lines 26 through 30 and page 14, lines 1 through 10: These changes provide the procedures by which the election board is to process absentee ballots and for maintaining the secrecy of the voter's ballot.

Section 18, page 15, lines 11 through 17: The change deletes text that is not needed because it is covered by the reference to N.D.C.C. § 16.1-07-12 and adds text related to the duties of the county auditor in selecting a location for the canvassing of ballots.

Section 19, page 15, line 21: This change in the chapter governing statements of interest will require a person to disclose the name of the person's principal source of income, which is not now clearly required under current law.

Section 20, page 15, lines 27 through 30, and page 16, lines 1 and 2: This change clarifies current law in that political material may not be worn within a polling location or within 100 feet of the entrance to the polling location. (Because polling locations are to be accessible, they are often located in a building that is quite large and which can accommodate other functions, such as a political event, at the same time the polls are open and this changes clarifies the distance of separation between the two events).

Section 21, page 16, lines 8 through 11: The change recognizes the various ways that notification can be made to county auditors of the officers to be nominated and provides that public notice of the identical information be given at the same time by the Secretary of State.

Section 22, page 16, line 18: The change allows the Secretary of State to transmit election information electronically to the county auditor for the primary election.

Section 23, page 16, line 27, and page 17 lines 1, 6, 7, 9, 15, 24, and 27: The word "political" is inserted prior to the word "party" for clearer identification.

Section 24, page 18, lines 2 through 21: As it relates to a vote by mail election, the change removes text that is not needed and instead refers to N.D.C.C. § 16.1-07-08, which is an identical process used for absentee ballots. With the removal of the text the remaining section would read: "16.1-11.1-03. Mail ballot distribution. The county auditor shall mail an official mail ballot with a return identification envelope, voter's affidavit, and instructions according to section 16.1-07-08."

Section 25, page 18, lines 24 through 31, and page 19, lines 1 through 3: The processing of absentee ballots by election boards in a vote by mail election will be conducted in the same manner as absentee ballots are processed by an absentee ballot precinct election board detailed in chapter 16.1-07.

Section 26, page 19, lines 8 through 10: The change makes clear in state law that vote by mail ballots cannot be counted if marked as submitted on or after election day.

Section 27, page 19, line 16: The change allows the Secretary of State to transmit election information electronically to the county auditor for the primary election.

Section 28, page 19, lines 24 through 26: The change allows the Secretary of State to transmit election information electronically to the county auditor for the primary election and provides that public notice of the identical information be given at the same time by the Secretary of State.

Section 29, page 20, lines 8 through 18: In the case of an absentee ballot precinct, early voting precinct, and a mail ballot precinct, the new text provides a procedure whereby the ballots cast and the number of voters recorded in the poll book are reconciled and the voting system and process is secured until such time the polls close and the votes can be tabulated.

Section 30, page 21, lines 6 and 7: The change instructs the county recorder to deliver to the canvassing board all ballots containing write-in votes not canvassed by the election board on election night.

Section 31, page 21, lines 17, 18, 20, 25, and 30: The words "statement" and "abstract" are used interchangeably throughout Chapter 16.1-15 (Canvass of Votes and Canvassing Boards). The word "statement" is changed to refer to one contest only and "abstract" to refer to all contests included in the election.

Section 32, page 22, lines 5 and 6: The added text refers to the section of law that describes the contents of the abstract.

Section 32, page 22, line 11: The change decreases by two days the date by which the county must certify their results to the Secretary of State. Because results are allowed to be transmitted electronically, the extra two days will allow the state canvassing board to meet earlier, which will allow more days in which to conduct any possible recounts. This is especially valuable when the November election is at its latest date in November and legislators take office on December 1.

Section 33, page 22, line 17: The change is for the same reason as the previous section.

Section 34, page 22, lines 23 and 25: The change allows the Secretary of State and county auditor to transmit election information electronically.

Section 35, page 23, lines 5, 6, 8, and 10: The changes from the uses of the word "statement" to "abstract" are for the same reasons given for the changes made in Section 31.

Section 36, page 23, lines 22 through 26: Because of the electronic transmission of election information, the change removes obsolete text and clarifies the duties of the state canvassing board.

Section 37, page 24, lines 11 and 12: The changes are for the same reason as stated for Section 36.

Section 38, page 24, lines 27 and 28: The changes are for the same reason as stated for Section 36.

Section 39, page 25, lines 3 and 5: The changes from the uses of the word "statement" to "abstract" are for the same reasons given for the changes made in Section 31.

Section 40, page 25, line 23: Changes the word "persons" to "individuals" to be consistent with the drafting rules from the Legislative Council for the Century Code.

Section 41, page 25, line 29 and page 26, line 6: The changes from the uses of the word "statement" to "abstract" are for the same reasons given for the changes made in Section 31.

Section 42, page 26, lines 11 and 14: The changes from the use of the word "statement" to "abstract" are for the same reasons given for the changes made in Section 31.

Section 43, page 26, line 28: For an election related to the weather modification authority, the change to 60 days prior to the election day from 45 days makes it consistent with the same time line for all other elections conducted under the Century Code.

**TESTIMONY TO THE
SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE**
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer
1/27/11

SENATE BILL 2254

Mr. Chairman and members of the committee, I am here today to raise some concerns I have regarding this bill.

16.1-01 Test Election Page 4, line 1:

“Develop and conduct a test election....” Exactly what will constitute a test election? Does this mean two (2) tests in an election year? -- Before the Primary and before the General Elections? What “votes cast” will be used? Will this require separate programming of the M100’s, Automarks, and 650’s (election machines)? Will this require printing of “test” ballots? Will this require software changes and programming in PowerProfile? Who will pay for these items? What criteria will be used to determine if the test is successful?

What are we trying to accomplish? Have there been problems identified? Time is already short in election years – there are a myriad of duties and deadlines.

16.1-02-04 Precinct boundaries changed – Change to central voter file. Page 6, line 6
Why is this needed? Establishment of precincts is the duty of the county\city. I do not believe the new language is needed. And if implemented it will be at county cost.

16.1-06-15 Mandatory testing of electronic voting....Page 9, line 27

“...according to guidelines established by secretary of state...” Why is this needed? What are the guidelines? County Auditor’s are the election administrators in each county and if the SOS wants to make suggestions that is fine – but who is ultimately responsible?

16.1-10-03 Political badge, button, or insignia at elections Page 15, line 29

Why is this needed? Current statute does not allow campaigning on Election Day. What about cars with signs parked outside polling places? Perhaps we should take a look at the entire code relating to campaigning on Election Day before we attempt to change only small parts.

16.1-11-03 Mail ballot distribution. Page 18, line 3

Requires voter’s affidavit to be sent with each mail ballot. As the absentee ballot and mail ballot section of the code are pretty much interchangeable, is this a requirement for absentee ballots also? What happens if the elector does not return the affidavit? Is the affidavit to be returned with the ballot or in a separate envelope? If required, then what if it is returned with the ballot? How can we open the ballot envelope to count the ballot without first having the affidavit?

Mr. Chairman, I respectfully request that these concerns be carefully considered and that more specifics be provided as to exactly what will be required and who will be responsible for the associated costs. It appears to me that the SOS is proposing vague rules and regulations with county election administrators required to carry these rules and regulations without knowing exactly what they are.

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SECRETARY OF STATE

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

March 17, 2011

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

FR: Al Jaeger, Secretary of State

RE: SB 2254 – Election Administration

Section 1, page 1, lines 18 through 20: Because stickers could disable a ballot tabulator, they were removed from Title 16.1 (Elections) in previous sessions. Since the election of a Supervisor for a Soil Conservation District in N.D.C.C. § 4-22-21 is also on the November statewide ballot, the reference to stickers is removed from this section of law, too.

Section 2, page 2, lines 10 and 16 through 18: Subsection 3 identifies how school election boards are selected when the election is not held in conjunction with a county election. Subsection 4 identifies the selection when the election is held in conjunction with the county election.

Section 3, page 4, lines 1, 2, 3, and 21: While the testing of voting equipment has always been done prior to an election, these changes clarify that the Secretary of State, as the state's chief election official, is to develop and conduct a test for each one of the state's counties and that the county election official must fully comply with the testing requirements.

Section 4, page 5, lines 19 through 27: Removes the authority to adopt rules for creating a voter's unique identifier in the Central Voter File because rules are not needed to create a randomly generated identifier.

Section 5, page 6, lines 6 and 7: This change requires a County Auditor to provide the Secretary of State with the necessary information to identify precincts in the Central Voter File, which is especially important with the upcoming redistricting of legislative districts.

Section 6, page 6, line 24: Upon written request made to the County Auditor, a voter may request that he or she be listed in the Central Voter File. Although this is not a requirement for voting, it will expedite the voting process for the voter when they provide their identification on election day because he or she will already be listed in the poll book that is prepared for the election workers.

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Section 9, page 8, lines 4 and 5: The reference to the unique identifier is removed and replaced with the voter's date of birth and state-issued identification number as being exempt information under the state's open records laws.

Section 10, page 8, line 30: This change allows the voter's unique identifier, among other already permissible information, to be provided to those persons and organizations that are allowed under law to obtain a report from the Central Voter File for election-related purposes. The unique identifier is not private information and helps differentiate between persons having the same name.

Section 11, page 9, lines 24 through 26 (to be amended): This change removes an obsolete requirement that district political committees are to notify the Secretary of State of changes made in committee officers. Similar requirements were removed in previous legislative sessions. (The amendment will remove the reference to district officers in lines 16 and 17. Since the officers of a statewide political party should still be reported to the Secretary of State, the amendment removes that overstrike in lines 25 and 26.)

Section 12, page 9, lines 29 and 30: While the guidelines have already existed for several election cycles, this change mandates that the testing of all electronic voting systems used in the state must be done according to the guideline established by the Secretary of State.

Section 13, page 10, line 7 and page 11, line 13: To match the terminology used elsewhere in election law, the word "statement" is replaced with the word "affidavit" on the return envelope containing the voter's voted absentee ballot.

Section 14, page 12, lines 10 through 12: This change allows the counting of absentee ballots returned prior to the meeting of the canvassing board even if the postmark or official date stamp is illegible or missing and will match the same requirement in Senate Bill No. 2120 pertaining to military and overseas voters.

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Section 16, page 13, lines 13, 14, 15, and 21: This change removes an obsolete provision that ballots are to be mailed to the inspector and replaces it with the instructions that the ballots are to be personally delivered prior to the close of the polls.

Section 17, page 13, lines 26 through 30 and page 14, lines 1 through 10: These changes provide the procedures by which the election board is to process absentee ballots and for maintaining the secrecy of the voter's ballot.

Section 18, page 15, lines 11 through 17: The change deletes text that is not needed because it is covered by the reference to N.D.C.C. § 16.1-07-12 and adds text related to the duties of the county auditor in selecting a location for the canvassing of ballots.

Section 19, page 15, line 21: This change in the chapter governing statements of interest will require a person to disclose the name of the person's principal source of income, which is not now clearly required under current law.

Section 20, page 15, lines 27 through 30, and page 16, lines 1 and 2: This change clarifies current law in that political material may not be worn within a polling location or within 100 feet of the entrance to the polling location. (Because polling locations are to be accessible, they are often located in a building that is quite large and which can accommodate other functions, such as a political event, at the same time the polls are open and this changes clarifies the distance of separation between the two events).

Section 21, page 16, lines 8 through 11: The change recognizes the various ways that notification can be transmitted to county auditors of the officers to be nominated and provides that public notice of the identical information be given at the same time by the Secretary of State.

Section 22, page 16, line 18: The change allows the Secretary of State to transmit election information electronically to the county auditor for the primary election.

Section 23, page 16, line 27, and page 17 lines 1, 6, 7, 9, 15, 24, and 27 (to be amended): The word "political" is inserted prior to the word "party" for clearer identification. (The amendment corrects the misspelling of "political" in line 27.)

Section 24, page 18, lines 2 through 21: As it relates to a vote by mail election, the change removes text that is not needed and instead refers to N.D.C.C. § 16.1-07-08, which is an identical process used for absentee ballots. With the removal of the text the remaining section would read: "16.1-11.1-03. Mail ballot distribution. The county auditor shall mail an official mail ballot with a return identification envelope, voter's affidavit, and instructions according to section 16.1-07-08."

Section 25, page 18, lines 24 through 31, and page 19, lines 1 through 3 (to be amended): The processing of absentee ballots by election boards in a vote by mail election will be conducted in the same manner as absentee ballots are processed by an absentee ballot precinct election board detailed in chapter 16.1-07. (The amendment removes the overstrike of the word "a" on page 18, line 25).

Section 26, page 19, lines 8 through 10: The change makes clear in state law that vote by mail ballots cannot be counted if marked as submitted on or after election day.

Section 27, page 19, line 16: The change allows the Secretary of State to transmit election information electronically to the county auditor for the primary election.

Section 28, page 19, lines 24 through 26 (to be amended): The change allows the Secretary of State to transmit election information electronically to the county auditor for the primary election and provides that public notice of the identical information be given at the same time by the Secretary of State. (The amendment overstrikes the word "direct" on line 23 to make it clear in the context of the sentence.)

Section 29, page 20, lines 8 through 18: In the case of an absentee ballot precinct, early voting precinct, and a mail ballot precinct, the new text provides a procedure whereby the ballots cast and the number of voters recorded in the poll book are reconciled and the voting system and process is secured until such time the polls close and the votes can be tabulated.

Section 30, page 21, lines 6 and 7: The change instructs the county recorder to deliver to the canvassing board all ballots containing write-in votes not canvassed by the election board on election night.

Section 31, page 21, lines 17, 18, 20, 25, and 30: The words "statement" and "abstract" are used interchangeably throughout Chapter 16.1-15 (Canvass of Votes and Canvassing Boards). The word "statement" is changed to refer to one contest only and "abstract" to refer to all contests included in the election.

Section 32, page 22, lines 5 and 6: The added text refers to the section of law that describes the contents of the abstract.

Section 32, page 22, line 11: The change decreases by two days the date by which the county must certify their results to the Secretary of State. Because results are allowed to be transmitted electronically, the extra two days will allow the state canvassing board to meet earlier, which will allow more days in which to conduct any possible recounts. This is especially valuable when the November election is at its latest date in November and legislators take office on December 1.

Section 33, page 22, line 17: The change is for the same reason as the previous section.

Section 34, page 22, lines 23 and 25: The change allows the Secretary of State and county auditor to transmit election information electronically.

Section 35, page 23, lines 5, 6, 8, and 10: The changes from the uses of the word "statement" to "abstract" are for the same reasons given for the changes made in Section 31.

Section 36, page 23, lines 22 through 26: Because of the electronic transmission of election information, the change removes obsolete text and clarifies the duties of the state canvassing board.

Section 37, page 24, lines 11 and 12: The changes are for the same reason as stated for Section 36.

Section 38, page 24, lines 27 and 28: The changes are for the same reason as stated for Section 36.

Section 39, page 25, lines 3 and 5: The changes from the uses of the word "statement" to "abstract" are for the same reasons given for the changes made in Section 31.

Section 40, page 25, line 23: Changes the word "persons" to "individuals" to be consistent with the drafting rules from the Legislative Council for the Century Code.

Section 41, page 25, line 29 and page 26, line 6: The changes from the uses of the word "statement" to "abstract" are for the same reasons given for the changes made in Section 31.

Section 42, page 26, lines 11 and 14: The changes from the use of the word "statement" to "abstract" are for the same reasons given for the changes made in Section 31.

(To be added by amendment) Section 43, page 26 beginning on line 21: The amendment changes from sixty to ninety the number of days prior to an election by which a petition must be submitted related to a vote pertaining to a public library. This will match the same time line required of statewide measures.)

(To be renumbered by amendment to Section 44) Section 43, page 26, line 28: For an election related to the weather modification authority, the change to 60 days prior to the election day from 45 days makes it consistent with the same time line for all other elections conducted under the Century Code. (The amendment changes from sixty to ninety the number of days prior to an election by which a petition must be submitted related to a vote on a weather modification authority. This will match the same time line required of statewide measures.)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2254

Page 1, line 8, after "16.1-15-48," insert "40-38-01,"

Page 9, line 16, overstrike " and the names and addresses of the party's district"

Page 9 line 17, overstrike "chairmen"

Page 9, line 24, remove the overstrike from "~~The secretary of~~"

Page 9, line 25, remove the overstrike from "~~state must be notified of any changes in membership of the state's committee officers.~~"

Page 17, line 27, replace "poltical" with "political"

Page 18, line 24, remove the overstrike on "a"

Page 19, line 23, overstrike "direct"

Page 26, after line 20, insert:

"SECTION 43. AMENDMENT. Section 40-38-01 of the North Dakota Century Code is amended and reenacted as follows:

40-38-01. Public library and reading room - Establishment - Election. The governing body of any city or county upon petition of not less than fifty-one percent of the qualified electors of the city or county as determined by the total number of votes cast at the last general election or upon a majority vote of the qualified electors thereof voting on the question shall establish and maintain public library service within its geographic limits by means of a public library and reading room or other public library service, either singly or in cooperation with the state library, or with one or more cities or counties, or by participation in an approved state plan for rendering public library service under the Library Services and Construction Act [20 U.S.C. 351-358], and acts amendatory thereof. Such question shall be submitted to the qualified electors upon resolution of the governing body or upon the petition of not less than twenty-five percent of that number of qualified electors of the city or county that voted at the last general election, filed with the governing body not less than sixty ninety days before the next regular election. Library service may be discontinued within any city or county by any of the methods by which library services may be established, except that once established, such service shall not be discontinued until after it has been in operation for at least five years from the date of establishment."

Page 26, line 21, replace "43" with "44"

Page 26, line 28, replace "sixty" with "ninety"

Renumber accordingly

16.1-11.1-01. Counties may conduct mail ballot elections – Polling places – Records. The board of county commissioners of a county may conduct an election partially by mail ballot. If the board of county commissioners chooses to conduct an election partially by mail ballot, the commission may use mail ballots for any precinct in which fewer than four hundred votes were cast for the office of governor at the last general election at which that office was on the ballot. The mail ballot election must include city elections administered by the county auditor and may include any other election administered by the county auditor pursuant to an agreement with the governing body of a political subdivision within the county. The board shall designate one or more polling places in the county to be open on the day of the election for voting in the usual manner. The county auditor shall place a notice at all polling places in the county used at the last statewide election which states the location of the polling places open for the election. The county auditor shall keep a record of each mail ballot provided to qualified electors and provide to the election board at each polling place open on the day of the election a list of every person who applied for a mail ballot.