

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1332

2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1332
February 7, 2013
HB 18506

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to residency and the eligibility to vote.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the hearing on HB 1332.

Vice Chair Randy Boehning appeared in support and as a sponsor of this bill. I am going to bring a hoghouse amendment in. It basically is going to require a voter ID at the polls.

Rep. Vicky Steiner You are going to take out Lines 6-9 completely and add in the voter ID?

Vice Chair Randy Boehning In the hoghouse that will not be in there.

Rep. Gail Mooney It will say what then?

Vice Chair Randy Boehning An ID is required when you vote.

Opposition:

Al Jaeger, Secretary of State, appeared in opposition as the bill presently exists.
Attachment 1. (2:49-3:48)

Rep. Marie Strinden I am wondering if this is a bill that is a solution looking for a problem? Have there been any problems with the current 30 days?

Al Jaeger The way it is written, I would agree with you. It affectively puts it like it could be 70 days and you may not want to go there. The 30 days is pretty common.

Rep. Ben Koppelman Since our absentees are 40 days prior to the election and with our residency being 30, does it make sense for us to reduce the amount of absentee time to within that 30 day window?

Al Jaeger No. The fact is that when they are voting absentee, they are saying they are a qualified elector. On that affidavit they are saying that they have been a resident for 30 days.

Hearing closed.

Chairman Jim Kasper Will there be a fiscal note on the amendment?

Vice Chair Randy Boehning There will be a fiscal note on that.

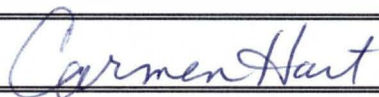
2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1332
February 8, 2013
18629

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to residency and the eligibility to vote.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the session on HB 1332. (Entire session was 28:17)

Vice Chair Randy Boehning went over the hoghouse amendment. **Attachment 1.**

This is going to require a driver's license or non driver's license photo ID from the Department of Transportation, an official ID from tribal government which is in current law, and then a form of identification prescribed by the Secretary of State if the individual does not possess an official form of identification. We are working with the university systems now. We do have the issue with those in continuum care which is someone who is homebound.

Chairman Jim Kasper This would do away with the voter affidavit entirely?

Vice Chair Randy Boehning Correct.

Chairman Jim Kasper You have an ID or you don't vote?

Vice Chair Randy Boehning Correct.

Chairman Jim Kasper The issue of an ID, if the person on Page 3, Line 5, Section 5, does not have a driver's license, a tribal identification, or an identification as prescribed by the Secretary of State, what would that be?

Jim Silrum, Assistant Deputy Secretary of State, appeared. The language that was placed there was an attempt to be a placeholder at the current time so we wouldn't allow for eligible voters to fall through the cracks, for example, the people in continuum of care. This bill also would provide a vehicle by which any individual who does not have a driver's license or a state issued ID could get one for free from the state. However, there are those people in nursing homes or long term care facilities that may not be able to go to a place where they could get one. It is the intent, working with the prime sponsor of this, that we

would develop a method by which somebody could get one of those. It would not contain the photo, but they could get it through the mail.

Chairman Jim Kasper Someone in a nursing home who is bedridden could either themselves or with assistance from their family or guardian apply to the Secretary of State for some form of an identification that would assure that they would be able to meet the requirements to vote?

Jim Silrum It is our hope that they would apply to the DOT to get a non photo, non driver's ID. This bill also addresses the absentee situation in Section 6 of the bill on Page 5. The applicant's motor vehicle operator's license or non driver identification number if available essentially goes away.

Rep. Ben Koppelman He pointed out that his grandmother who is in a nursing home has an ID that has her previous address on it and not the nursing home address. Is it correct that when they are in a nursing home, they are still allowed to keep their previous address?

Jim Silrum That is correct because that falls under the residency statues which are not addressed at all in this bill. There is a provision in law that says a voter may only have one residence and a residence is not lost until one is gained. Also, there has to be intent for the voter to change their residence. In the situation you described, your grandmother is intending to keep her residence at the place where she lived prior to moving to the nursing home and that would still be allowed.

Rep. Ben Koppelman That homeless person wouldn't lose their residency either unless they intended to take a new address?

Jim Silrum That would also be correct but that also assumes for the purposes of discussion here that they were a North Dakotan prior to becoming homeless. If they were previously a resident of California, they wouldn't have lost that residence but they wouldn't necessarily have gained one here in North Dakota.

Rep. Ben Koppelman Would it be possible to consider some way for a person to sign a notarized statement authorizing that this is their photo?

Jim Silrum You are the legislative branch and you establish policy. We are in the executive branch and carry out the policy that you establish. We will work with you to establish whatever policy that you see best fitting North Dakota and we will work to carry that out.

Rep. Steven Zaiser How easily would it be for individuals like those in a nursing home to know what to do to get these identification cards?

Jim Silrum Education.

Chairman Jim Kasper There are still some HAVA funds available that could help educate the public to know about this available procedure.

Jim Silrum You are correct.

Rep. Bill Amerman Originally, we had a four line bill. What did this original bill do?

Jim Silrum That bill like this amendment deals with voter eligibility. That one dealt with when a voter was eligible. This deals with how they prove their eligibility, but they both deal with eligibility.

Vice Chair Randy Boehning When I brought the original bill forth, it was my opinion that the election law says you have to be a resident 30 days before the election to vote. Underneath our current system, you could move into the district and be here one day and vote absentee ballot. Am I correct, Jim?

Jim Silrum The statute as we understand qualifications and length of residency is that you have to live in your precinct for 30 days immediately preceding the election. Therefore, you have to live in your precinct 30 days before you can vote absentee or otherwise.

Chairman Jim Kasper We could have someone who requests an absentee ballot who just moved into a precinct 40 days prior to the election and requested an absentee ballot for that new address even though they haven't lived there 40 days when they are requesting the absentee. By the time the election day rolls around, they will have lived in that precinct for 30 days.

Jim Silrum Correct.

Chairman Jim Kasper That is the hole in the ambiguity that Vice Chair Randy Boehning was trying to address.

Jim Silrum You are absolutely right. A person can receive an absentee ballot any time 40 days and beyond, but that doesn't necessarily guarantee that they are still going to be living there in their precinct the day before the election.

Rep. Bill Amerman This amendment states you have to have an ID?

Rep. Steven Zaiser If somebody were akin to that, would that be sufficient?

Chairman Jim Kasper The bill says you need the state ID, a driver's license, or a travel ID.

Vice Chair Randy Boehning We are working with the university system to try to figure out some form for them. This is still a fluid bill. There are a lot of things to work out in it. He made a motion to adopt amendment 13.0490.01002.

Rep. Vicky Steiner seconded the motion.

Rep. Bill Amerman If the whole process passes, we might still not have anything in place for the university system. I struggle. I like the idea of having an ID. I struggle with the timelines and things.

Chairman Jim Kasper asked Rep. Boehning if it was his intent, if the amendment is adopted and the bill is passed by the House, to be working on further amendments over in the Senate.

Vice Chair Randy Boehning Yes. He mentioned some of the entities he would be working with.

Rep. Marie Strinden I am going to resist this amendment. It is possible if I sat with it for a while longer that I would like the bill, but until I get the opinions of Secretary of State's other people, I can't take any action on it.

Rep. Gail Mooney I would mirror Rep. Marie Strinden's opinion. Also, Secretary of State made a mention that he felt this was a solution looking for a problem. I think this is looking for more problems going forward.

Vice Chair Randy Boehning I don't think the Secretary of State said that this is the problem. I think most of our auditors will probably be in favor of this. It will make their life a lot easier as well, not having to go through the 10,000 affidavits. I call the question.

A roll call vote was taken to adopt the amendment and resulted in **11-3 to adopt**.

Vice Chair Randy Boehning made a motion for a Do Pass as amended and rerefer to appropriations.

Rep. Jason Dockter seconded the motion.

Rep. Gary Paur How are we going to reconcile this with Rep. Koppelman's 1418?

Chairman Jim Kasper We have all next week to worry about that.

Rep. Marie Strinden This bill has a lot of problems and I know that if it gets over to the Senate, they will address some of those things. I take a lot of pride in the fact that this committee thinks very long and hard about all of our bills. The fact that we are talking about the problem with the university system and the students that might not be addressed even if it does pass the Senate. I can't be proud of a bill that we all know has problems because no other bill that we passed out of here have we done it with such stealth without addressing those problems.

Vice Chair Randy Boehning I think some of Rep. Strinden's concerns is covered in Section 5, Subsection 1c.

Rep. Marie Strinden Your points are well taken. I might support this bill if I had some more time to think about it and to ask the correct people. With respect, you are not the Secretary of State and I can't vote for a voting bill without knowing his official opinion on it.

Rep. Ben Koppelman I think we heard what the Secretary of State's opinion is through his deputy.

Rep. Steven Zaiser My county auditor is opposed to this bill.

Chairman Jim Kasper I might add he was opposed to the original bill. This is a completely different bill.

Rep. Steven Zaiser He is opposed to the concepts of ID.

Chairman Jim Kasper He was opposed to the original bill which required the deadline for establishing the absentee ballots to change. We want to be careful that we don't quote Mr. Montplaisir on something he is not really stating.

Rep. Gail Mooney I think the earlier testimony that was provided through the Secretary of State was in neutral position.

Jim Silrum We were addressing a different bill entirely, 1418.

Rep. Gail Mooney You did not have a reflection on this amendment.

A roll call vote was taken and resulted in **DO PASS AS AMENDED AND REREFERRED TO APPROPRIATIONS, 10-4.** **Rep. Karen Karls** is the carrier of this bill.

2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

HB 1332
02-21-13
Job # 19351

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to residency and the eligibility to vote.

Minutes:

Chairman Kasper brought HB 1332 back to the committee, the Voter ID Bill.

Vice Chairman Boehning: This bill was hog housed and put into the Voter ID bill. We are moving along with it, and working with Higher Ed. trying to get something worked out with them. If Jim Silrum could come up to the podium, we could ask him some questions.

Vice Chairman Boehning: Jim, what is the position of the Secretary of State and of the counties?

Jim Silrum, Deputy Secretary of State: It is our opinion from our office that current law asks for every poll worker to ask every voter that appears at the polls for a form of identification. That is already in current law. In current law there are also other means by which a voter can obtain a ballot. In this particular bill the ID would be requested first. That would be the only way a voter would be able to receive and vote a ballot. We stand in support of that. In our reaching out to the county auditors, we have not had a 100% response from them. However, everyone that we have received information back from have indicated that it would be preferable to them if every voter would indeed provide a form of identification upon appearing at the polls to vote. One of the reasons that we support this bill so much is that it provides an opportunity for everybody who is a resident of this state to obtain a form of identification if they don't already have one. This is a means by which every voter could provide the ID that would be required under law.

Rep. Zaiser: What if there is a ninety year old man who does not drive, lost his Social Security card, is basically blind, what document can he use as proof to prove he is who he is?

Jim Silrum, Deputy Secretary of State: Under this bill, as we understand it, if the person still maintains and ID issued from the state, they could use that. If they have a tribal ID, they could use that. They would have the ability to obtain a non-driver's identification from the Department of Transportation. If they were not able to obtain any of those, there is one

way left. It says in this bill, "or another form of identification prescribed by the Secretary of State." It is my understanding that the intent of the bill is that upon written request by an individual, who doesn't have any of the other forms of identification, could receive identification. It would be non-photo. They would request it by mail, and we would return it to the voter. We still need to work on the details for the small window of people who don't have or cannot get a state issued ID or tribal ID. As I understand the construction of the bill, right now, there would be latitude given in the law to allow the Secretary of State to determine what would have to be in place. Our office would not be a barrier to those people who need this ID. I suggest that it come from us because for a state issued identification there is a number that is associated with each of us and our identifications. In the Central Voter File every voter also has what is known as a voter ID number. My efforts would be to provide that form of identification to that particular voter with that voter ID number, so that when they want to vote, they would include that number.

Rep. Zaiser: If someone is assigned a number, wouldn't they lose their privacy? Could someone find out how they voted?

Jim Silrum, Deputy Secretary of State: The Central Voter File and the tabulation of votes never intersect, EVER.

Chairman Kasper: Almost everyone has a birth certificate; that might be a legitimate form of identification. A passport may be another legitimate form of ID. If none of that exists, then the person must have someone who is helping them through life that would have some records on this person. It eventually may have to be a sworn affidavit. Would that work?

Jim Silrum: We have not worked out all of those details. I believe strongly that this will be a minuscule number.

Rep. Steiner: My daughter works in a nursing home and said that the activity director there takes care of things like this for the residents.

Rep. Strinden: How much does it cost to get a birth certificate, so you can get an ID?

Jim Silrum: I don't have any knowledge of the cost.

Rep. Strinden: Do you need to have a birth certificate to get an ID from the Department of Transportation?

Jim Silrum: I was not aware that the Department of Transportation requires a birth certificate to obtain a non-driver's ID.

Rep. Karls: People of my mother-in-law's generation often were born in a foreign country and often didn't have a birth certificate. The common practice when she probated estates was to get an affidavit signed by a close relative who would verify that they were born, and verify the date and place. It was then accepted by the court.

Rep. Mooney: Would the \$12,966 in the fiscal note be specific to money being made available for IDs?

Jim Silrum: That is what the Department of Transportation figures what it will cost them to issue the non-driver IDs biannually.

Rep. Mooney: Is the \$245,888 money coming in from people who are getting driver's licenses?

Chairman Kasper: No, I think that is the loss of dollars if they issue the non-driver's license ID free, compared to charging for it. The actual would be \$12,296, by their estimate.

Rep. Louser: A non-driver photo ID is currently \$8; that would be waived.

Rep. Mooney: What is taking place on behalf of the student ID situation?

Vice Chairman Boehning: I am working with Higher Ed. My intent is to try to use student IDs and have them put into the Central Voter File. Anyone will have to vote according to their address, so they will have to go online and change the address when they move or go back and vote according to the address.

Rep. Mooney: Is it a possibility that everything will be in place before the next primary election?

Vice Chairman Boehning: It is a work in progress, and we are working on it right now.

Chairman Kasper: It is our intent not to disenfranchise any group. We will make a commitment to the committee that if the bill passes the floor, and into the Senate, we will have some sort of resolution for the students to be protected. This bill is to make the election process fair and open and honest. We want to make sure that the people who have the right to vote are voting. If there are people out there who are abusing the privilege of voting, that they are stopped.

Vice Chairman Boehning: In the last election I voted by affidavit because my driver's license was expired. I do not recall getting a postcard in the mail from the county auditor.

Rep. Paur: With issuing these alternate forms of ID, it appears that we are opening it up to use one form of ID in one place, and another form of ID to vote in another place. Are we relying on the Central Date to stop the duplication?

Vice Chairman Boehning: If you have a driver's license, you do not need another form of ID.

Rep. Paur: I know that you don't need one, but you may have a driver's license and a student ID, and it could be an opportunity for fraud.

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Vice Chairman Boehning: The protection would be that the Central Data Base would find that you voted twice.

HB 1332 was tabled until the afternoon.

FISCAL NOTE
Requested by Legislative Council
02/12/2013

Amendment to: HB 1332

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(245,888)		\$(245,888)
Expenditures				\$12,296		\$12,296
Appropriations				\$12,296		\$12,296

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

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

This bill relates to the eligibility to vote and requires the NDDOT to issue identification cards for no fee.

- 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.*

Section 7 of the bill stipulates that NDDOT may not charge a fee to provide a non-driver photo identification.

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.*

Under the provisions of this bill, NDDOT would not be able to charge a fee for issuing a non-driver photo identification card. As a result, the related revenue currently generated by the present \$8 fee for a non-driver photo ID would be eliminated. NDDOT issued 15,368 identification cards in calendar year 2012. This would result in a revenue loss to the State Highway Fund of \$245,888 per biennium.

- 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.*

NDDOT issued 15,368 identification cards in calendar year 2012. It is estimated an additional 10% of that number will request an identification card if there is no cost, resulting in an additional issuance of 1,537 non-driver photo IDs per year (3,074 per biennium). It costs approximately \$4 to issue one card. Therefore, the additional costs for a biennium are estimated at \$12,296.

- 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.*

NDDOT will require an additional appropriation of \$12,296 per biennium to cover the additional costs associated with this bill.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 02/13/2013

10/28
10/29/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1332

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 16.1-02-05, subsection 9 of section 16.1-02-12, and sections 16.1-02-13, 16.1-05-04, 16.1-05-07, 16.1-07-06, and 39-06-03.1 of the North Dakota Century Code, relating to eligibility to vote; and to repeal sections 16.1-05-06 and 58-04-09 of the North Dakota Century Code, relating to eligibility to vote.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-05. Entry of new voters into the central voter file - Query of the central voter file for double voting - Challenges - Postelection verification.

1. Within forty-five days following an election, the county auditor shall enter the name and required information of each individual who voted at the last election who is not already contained in the central voter file and update any required information requested and obtained at the last election for any individual contained in the central voter file.
2. The secretary of state, with the assistance of the county auditors, within eighty-five days following an election, shall query the central voter file to determine if any individual voted more than once during the preceding election. The secretary of state shall immediately notify the county auditor and state's attorney in each affected county for further investigation.
3. Upon return of any nonforwardable mail from an election official, the county auditor shall ascertain the name and address of that individual. If the individual is no longer at the address recorded in the central voter file, the county auditor shall transfer the voter to the correct precinct in the central voter file or notify the county of the voter's new residence so the voter record can be transferred to the correct county. If a notice mailed at least sixty days after the return of the first nonforwardable mail is also returned by the postal service, the county auditor shall designate the individual as "inactive" in the central voter file.
4. ~~Within forty five days after an election, the county auditor shall send a notice to each individual who was challenged on election day according to section 16.1-05-06. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall notify immediately the state's attorney to conduct an investigation of the individual's eligibility to vote in that election.~~

SECTION 2. AMENDMENT. Subsection 9 of section 16.1-02-12 of the North Dakota Century Code is amended and reenacted as follows:

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9. The individual's driver's license or nondriver photo identification card number and state of any state issued identification regardless of the state in which the identification was issued, if available issued by the department of transportation.

SECTION 3. AMENDMENT. Section 16.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-13. Information contained in pollbooks generated from the central voter file.

The county auditor shall generate a pollbook for each precinct in the county from the central voter file by the day before an election. With the exception of a record designated "secured active" and the voter's birth date and driver's license or nondriver photo identification card number of any state issued identification regardless of the state in which the identification was issued by the department of transportation, which are exempt records, the precinct pollbooks are open records under section 44-04-18. The secretary of state shall prescribe procedures for generating pollbooks and for transporting the pollbooks to the election judges for use on election day. Pollbooks generated from the central voter file must contain the following information for each individual contained therein:

1. The complete legal name of the individual.
2. The complete residential address of the individual.
3. The complete mailing address of the individual, if different from the individual's residential address.
4. The unique identifier generated and assigned to the individual.
5. The county, legislative district, city or township, school district, county commissioner district, if applicable, precinct name, and precinct number in which the individual resides. A ballot-style code identifying this information may be used in place of the information required by this subsection.
6. Any other information requested of and obtained from the individual deemed necessary by the secretary of state for the proper administration of the pollbook.

SECTION 4. AMENDMENT. Section 16.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-05-04. Duties of the members of the election board during polling hours.

1. The election inspector shall supervise the conduct of the election to ensure all election officials are properly performing their duties at the polling place. The election inspector shall assign duties so as to equally and fairly include both parties represented on the election board.
2. The election inspector shall assign ministerial duties to poll clerks, who shall carry out the ministerial duties assigned by the election inspector.

- 3. The election inspector shall assign the poll clerks to perform the function of maintaining the pollbook. The designated poll clerks shall maintain the pollbook. The pollbook must contain the name and address of each individual voting at the precinct and must be arranged in the form and manner prescribed by the secretary of state.
- 4. ~~The members of the election board shall challenge the right of anyone to vote whom they know or have reason to believe is not a qualified elector by requiring the elector to complete and sign a voter's affidavit.~~
- 5. Each member of the election board shall remain on the premises of the polling place during the time the polls are open to prevent the occurrence of fraud, deceit, or other irregularity in the conduct of the election.
- 6.5. All members of the election board shall distribute ballots and other election materials to electors. An election judge from each party represented on the election board shall give any assistance requested by electors in marking ballots or operating electronic voting system devices.
- 7.6. Each member of the election board shall maintain order in the polling place.

SECTION 5. AMENDMENT. Section 16.1-05-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-05-07. Poll clerks to check identification and verify eligibility - Poll clerks to request, correct, and update incorrect information contained in the pollbook.

- 1. Before delivering a ballot to an individual according to section 16.1-13-22, the poll clerks shall ~~request~~ require the individual to show identification, which includes the individual's residential address and date of birth. The identification may include:
 - a. ~~An~~ A driver's license or nondriver photo identification card issued by the department of transportation or other official form of identification issued by the state;
 - b. An official form of identification issued by a tribal government;
 - c. A form of identification prescribed by the secretary of state, if the individual does not possess an official form of identification provided for under subdivision a or b; or
 - d. A combination of any of the forms of identification under subdivisions a through c.
- 2. ~~If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct.~~
- 3. ~~If an individual offering to vote does not meet either of the options set forth in subsection 1 or 2, the election board shall challenge the individual's right~~

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~~to vote and the individual may not vote unless the individual executes a voter's affidavit, as provided in section 16.1-05-06.~~

4. a. When verifying an individual's eligibility or when entering the name of an individual into the pollbook, poll clerks shall request, correct, and update any incorrect or incomplete information about an individual required to be included in the pollbook generated from the central voter file.
 - b. If the individual's name is contained in the pollbook generated from the central voter file, the poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.
 - c. If the individual's name is not contained in the pollbook generated from the central voter file but the individual is determined eligible to vote, the poll clerks shall record the individual's name in the pollbook. The poll clerks shall request and obtain any additional information for the individual required to be included in the pollbook.
- 5.3. Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct to the proper precinct and voting location.

SECTION 6. AMENDMENT. Section 16.1-07-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-06. Application form.

1. Application for an absent voter's ballot must be made on a form, prescribed by the secretary of state, to be furnished by the proper officer of the county, city, or school district in which the applicant is an elector, on any form, approved by the secretary of state, or any blank containing the following information:
 - a. The applicant's name.
 - b. The applicant's current or most recent North Dakota residential address.
 - c. The applicant's mailing address.
 - d. The applicant's current contact telephone number.
 - e. The election for which the ballot is being requested.
 - f. The date of the request.
 - g. An affirmation that the applicant has resided, or will reside, in the precinct for at least thirty days next preceding the election.
 - h. The applicant's signature.
 - i. A space for the voter to indicate the voter's status as a citizen living outside the United States, a uniformed service member living away from the voter's North Dakota residence, or a family member of the uniformed service member living away from the voter's North Dakota residence.

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- j. The applicant's birth date and year.
- k. The applicant's motor vehicle operator's license or nondriver identification number, ~~if available.~~

If the applicant is unable to sign the applicant's name, the applicant shall mark (X) or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark".

- 2. The application for a qualified elector serving on active duty as a uniformed service member or a family member who is a qualified elector and stationed at a location other than that individual's voting residential address must include the following additional information if the voter desires to vote by facsimile or electronic mail:
 - a. Facsimile telephone number; or
 - b. Electronic mail address.
- 3. The application for a qualified elector living outside the United States must include a facsimile telephone number or electronic mail address if the voter desires to vote by facsimile or electronic mail.
- 4. Except for the applicant's date of birth and motor vehicle driver's license or nondriver photo identification card number, the application is an open record under section 44-04-18.

SECTION 7. AMENDMENT. Section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-03.1. Nondriver photo identification card issued by director - Release of information - Penalty - Public awareness.

- 1. The director shall issue a nondriver color photo identification card to any North Dakota resident who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. Within thirty days from receipt of a complete application that includes the applicant's social security number, unless the applicant is a nonimmigrant who is not eligible for a social security number, the director shall determine whether to issue and, if appropriate, issue a nondriver photo identification card to an applicant. If the person is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age. Subject to subsection 1 of section 39-06-19, identification cards expire eight years from the date of issue and may be renewed. The application must contain such other information as the director may require to improve identity security. The director may require an applicant for an identification card to provide a social security card and proof of residence address.
- 2. To confirm the identity, date of birth, and legal presence of the applicant, the director or examining officer shall require satisfactory evidence be

6/8/6

provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth, identification, and legal presence of the applicant by the director or examining officer.

3. ~~The fee is eight dollars. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury.~~ Except as provided in subsection 9, the director may not charge a fee to provide a nondriver photo identification card to an eligible applicant.
4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter may only be released in accordance with the provisions of section 39-16-03.
5. It is a class B misdemeanor for any person, except the director or the director's authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section.
6. The director may advertise the availability and the use of the card.
7. Identification cards issued pursuant to this section are sufficient identification for all identification purposes.
8. The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making the application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder shall surrender the card to the director. When a cancellation is in effect, any law enforcement officer may take custody of the card.
9. A duplicate card may be obtained by making an application and paying an eight dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.
10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause.
11. An individual who possesses a driver's license may not obtain a nondriver photo identification card.

SECTION 8. REPEAL. Sections 16.1-05-06 and 58-04-09 of the North Dakota Century Code are repealed."

Renumber accordingly

Date: 2-8-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1332**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0490.01002

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

Motion Made By Boehning Seconded By Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chairman Randy Boehning	X		Rep. Gail Mooney		X
Rep. Jason Dockter	X		Rep. Marie Strinden		X
Rep. Karen Karls	X		Rep. Steven Zaiser		X
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur	X				
Rep. Karen Rohr	X				
Rep. Vicky Steiner	X				

adopted amendment

Total (Yes) 11 No 3

Absent 0

Floor Assignment _____

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

Date: 2-8-13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1332**

House Government and Veterans Affairs 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 Boehning Seconded By Dockter

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		X
Vice Chairman Randy Boehning	X		Rep. Gail Mooney		X
Rep. Jason Dockter	X		Rep. Marie Strinden		X
Rep. Karen Karls	X		Rep. Steven Zaiser		X
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur	X				
Rep. Karen Rohr	X				
Rep. Vicky Steiner	X				

Total (Yes) 10 No 4

Absent 0

Floor Assignment Karls

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

REPORT OF STANDING COMMITTEE

HB 1332: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1332 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 16.1-02-05, subsection 9 of section 16.1-02-12, and sections 16.1-02-13, 16.1-05-04, 16.1-05-07, 16.1-07-06, and 39-06-03.1 of the North Dakota Century Code, relating to eligibility to vote; and to repeal sections 16.1-05-06 and 58-04-09 of the North Dakota Century Code, relating to eligibility to vote.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-05. Entry of new voters into the central voter file - Query of the central voter file for double voting –Challenges– Postelection verification.

1. Within forty-five days following an election, the county auditor shall enter the name and required information of each individual who voted at the last election who is not already contained in the central voter file and update any required information requested and obtained at the last election for any individual contained in the central voter file.
2. The secretary of state, with the assistance of the county auditors, within eighty-five days following an election, shall query the central voter file to determine if any individual voted more than once during the preceding election. The secretary of state shall immediately notify the county auditor and state's attorney in each affected county for further investigation.
3. Upon return of any nonforwardable mail from an election official, the county auditor shall ascertain the name and address of that individual. If the individual is no longer at the address recorded in the central voter file, the county auditor shall transfer the voter to the correct precinct in the central voter file or notify the county of the voter's new residence so the voter record can be transferred to the correct county. If a notice mailed at least sixty days after the return of the first nonforwardable mail is also returned by the postal service, the county auditor shall designate the individual as "inactive" in the central voter file.
4. ~~Within forty five days after an election, the county auditor shall send a notice to each individual who was challenged on election day according to section 16.1-05-06. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall notify immediately the state's attorney to conduct an investigation of the individual's eligibility to vote in that election.~~

SECTION 2. AMENDMENT. Subsection 9 of section 16.1-02-12 of the North Dakota Century Code is amended and reenacted as follows:

9. ~~The individual's driver's license or nondriver photo identification card number and state of any state issued identification regardless of the state in which the identification was issued, if available~~ is issued by the department of transportation.

SECTION 3. AMENDMENT. Section 16.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-13. Information contained in pollbooks generated from the central voter file.

The county auditor shall generate a pollbook for each precinct in the county from the central voter file by the day before an election. With the exception of a record designated "secured active" and the voter's birth date and driver's license or nondriver photo identification card number of any state issued identification regardless of the state in which the identification was issued by the department of transportation, which are exempt records, the precinct pollbooks are open records under section 44-04-18. The secretary of state shall prescribe procedures for generating pollbooks and for transporting the pollbooks to the election judges for use on election day. Pollbooks generated from the central voter file must contain the following information for each individual contained therein:

1. The complete legal name of the individual.
2. The complete residential address of the individual.
3. The complete mailing address of the individual, if different from the individual's residential address.
4. The unique identifier generated and assigned to the individual.
5. The county, legislative district, city or township, school district, county commissioner district, if applicable, precinct name, and precinct number in which the individual resides. A ballot-style code identifying this information may be used in place of the information required by this subsection.
6. Any other information requested of and obtained from the individual deemed necessary by the secretary of state for the proper administration of the pollbook.

SECTION 4. AMENDMENT. Section 16.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-05-04. Duties of the members of the election board during polling hours.

1. The election inspector shall supervise the conduct of the election to ensure all election officials are properly performing their duties at the polling place. The election inspector shall assign duties so as to equally and fairly include both parties represented on the election board.
2. The election inspector shall assign ministerial duties to poll clerks, who shall carry out the ministerial duties assigned by the election inspector.
3. The election inspector shall assign the poll clerks to perform the function of maintaining the pollbook. The designated poll clerks shall maintain the pollbook. The pollbook must contain the name and address of each individual voting at the precinct and must be arranged in the form and manner prescribed by the secretary of state.
4. ~~The members of the election board shall challenge the right of anyone to vote whom they know or have reason to believe is not a qualified elector by requiring the elector to complete and sign a voter's affidavit.~~

- 5- Each member of the election board shall remain on the premises of the polling place during the time the polls are open to prevent the occurrence of fraud, deceit, or other irregularity in the conduct of the election.
- 6-5. All members of the election board shall distribute ballots and other election materials to electors. An election judge from each party represented on the election board shall give any assistance requested by electors in marking ballots or operating electronic voting system devices.
- 7-6. Each member of the election board shall maintain order in the polling place.

SECTION 5. AMENDMENT. Section 16.1-05-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-05-07. Poll clerks to check identification and verify eligibility - Poll clerks to request, correct, and update incorrect information contained in the pollbook.

1. Before delivering a ballot to an individual according to section 16.1-13-22, the poll clerks shall ~~request~~require the individual to show identification, which includes the individual's residential address and date of birth. The identification may include:
 - a. ~~A driver's license or nondriver photo identification card issued by the department of transportation or other official form of identification issued by the state;~~
 - b. An official form of identification issued by a tribal government;
 - c. A form of identification prescribed by the secretary of state, if the individual does not possess an official form of identification provided for under subdivision a or b; or
 - d. A combination of any of the forms of identification under subdivisions a through c.
2. ~~If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct.~~
- 3- ~~If an individual offering to vote does not meet either of the options set forth in subsection 1 or 2, the election board shall challenge the individual's right to vote and the individual may not vote unless the individual executes a voter's affidavit, as provided in section 16.1-05-06.~~
4. a. When verifying an individual's eligibility or when entering the name of an individual into the pollbook, poll clerks shall request, correct, and update any incorrect or incomplete information about an individual required to be included in the pollbook generated from the central voter file.
b. If the individual's name is contained in the pollbook generated from the central voter file, the poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.

- c. If the individual's name is not contained in the pollbook generated from the central voter file but the individual is determined eligible to vote, the poll clerks shall record the individual's name in the pollbook. The poll clerks shall request and obtain any additional information for the individual required to be included in the pollbook.
- ~~5-3.~~ Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct to the proper precinct and voting location.

SECTION 6. AMENDMENT. Section 16.1-07-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-06. Application form.

1. Application for an absent voter's ballot must be made on a form, prescribed by the secretary of state, to be furnished by the proper officer of the county, city, or school district in which the applicant is an elector, on any form, approved by the secretary of state, or any blank containing the following information:
 - a. The applicant's name.
 - b. The applicant's current or most recent North Dakota residential address.
 - c. The applicant's mailing address.
 - d. The applicant's current contact telephone number.
 - e. The election for which the ballot is being requested.
 - f. The date of the request.
 - g. An affirmation that the applicant has resided, or will reside, in the precinct for at least thirty days next preceding the election.
 - h. The applicant's signature.
 - i. A space for the voter to indicate the voter's status as a citizen living outside the United States, a uniformed service member living away from the voter's North Dakota residence, or a family member of the uniformed service member living away from the voter's North Dakota residence.
 - j. The applicant's birth date and year.
 - k. The applicant's motor vehicle operator's license or nondriver identification number, if available.

If the applicant is unable to sign the applicant's name, the applicant shall mark (X) or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark".

2. The application for a qualified elector serving on active duty as a uniformed service member or a family member who is a qualified elector and stationed at a location other than that individual's voting residential

address must include the following additional information if the voter desires to vote by facsimile or electronic mail:

- a. Facsimile telephone number; or
 - b. Electronic mail address.
3. The application for a qualified elector living outside the United States must include a facsimile telephone number or electronic mail address if the voter desires to vote by facsimile or electronic mail.
 4. Except for the applicant's date of birth and motor vehicle driver's license or nondriver photo identification card number, the application is an open record under section 44-04-18.

SECTION 7. AMENDMENT. Section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-03.1. Nondriver photo identification card issued by director - Release of information - Penalty - Public awareness.

1. The director shall issue a nondriver color photo identification card to any North Dakota resident who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. Within thirty days from receipt of a complete application that includes the applicant's social security number, unless the applicant is a nonimmigrant who is not eligible for a social security number, the director shall determine whether to issue and, if appropriate, issue a nondriver photo identification card to an applicant. If the person is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age. Subject to subsection 1 of section 39-06-19, identification cards expire eight years from the date of issue and may be renewed. The application must contain such other information as the director may require to improve identity security. The director may require an applicant for an identification card to provide a social security card and proof of residence address.
2. To confirm the identity, date of birth, and legal presence of the applicant, the director or examining officer shall require satisfactory evidence be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth, identification, and legal presence of the applicant by the director or examining officer.
3. ~~The fee is eight dollars. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury.~~ Except as provided in subsection 9, the director may not charge a fee to provide a nondriver photo identification card to an eligible applicant.
4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter may only be released in accordance with the provisions of section 39-16-03.
5. It is a class B misdemeanor for any person, except the director or the director's authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section.

6. The director may advertise the availability and the use of the card.
7. Identification cards issued pursuant to this section are sufficient identification for all identification purposes.
8. The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making the application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder shall surrender the card to the director. When a cancellation is in effect, any law enforcement officer may take custody of the card.
9. A duplicate card may be obtained by making an application and paying an eight dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.
10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause.
11. An individual who possesses a driver's license may not obtain a nondriver photo identification card.

SECTION 8. REPEAL. Sections 16.1-05-06 and 58-04-09 of the North Dakota Century Code are repealed."

Renumber accordingly

2013 HOUSE APPROPRIATIONS

HB 1332

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB 1332
2/14/13
18984

Conference Committee

Minutes

Minutes:

Rep. Jim Kasper, District 46: HB 1332 has to do with voter ID and the integrity in the voter system in N.D. One of the discussions during the testimony was with the secretary of state and some of the authors who testified about the problem of verifying voters when they come to the pole. In our current system people can come to the poles without an ID and they can fill out an affidavit, in the affidavit is the information about them and with that affidavit signed that individual is allowed to vote, state wide we had 10,000 plus voter IDs. The bill is amended to get rid of voter affidavit; the state of N.D. would provide a voter ID to anyone who did not have at this time any means of identifying who they are. The fiscal note was unknown because the DOT would be the means of providing the information.

Chairman Delzer: We have a fiscal note February 12, what it says is "for the 13-15 biennium, a reduction of \$245,000 in revenues and expenders of \$12,000". The issue is they have 15,000 ID cards they issued in 2012 and they would lose the \$8.00 fee that we do for the nonphoto ID. That money would go to the Highway Fund. Unless the bill says specifically for voters purposes because the ID cards are for youngsters. Does your bill mean to take them out of having to pay?

Rep. Kasper: Page 8 line 11 we do take people who have driver's licenses out. I don't recall that we had an age limit on it, because it was intended to verify for the voting purposes. We don't want people to think they have to pay to vote.

Rep. Delzer: Does it take the fee for \$8.00 out? Are there some proposed amendments?

Rep. Boehning: There was a concern in the bill with the photo ID, on page 4 line 8 in subsection A, we want to take out driver's license or non-drivers photo ID strike the word photo up until section 7, and then leave photo identification there. The reason we are taking out the word photo is that on page 4 under section 5c, the photo form of identification will be scored by the secretary of state, if the individual does not process an official form of identification. That would allow the secretary of state to issue non-photo IDs for the people living in conium of care.

Chairman Delzer: Will you provide those amendments, and do you request we amend on the policy side?

Boehning; Yes they should be I will see if they are done.

Chairman Delzer: Did you mean for us to take the fee off for nonvoter-eligible individuals?

Boehning: No. I think it will be selective because that won't apply to those under the age of 18. If the committee wishes, we would be inclined to allow that.

Rep. Delzer: In your bill if you take away the fee for the youngsters who need a photo, this takes that fee away. Do you want that?

Rep. Glasheim: What do you need to verify when you get this non-drivers photo ID?

Boehning: I think they have to produce a birth certificate and verification of address.

Chairman Delzer: We did ask the Secretary of State Department of Transportation and DOT if they wanted to provide any testimony, and we haven't received anything.

Rep. Glasheim: Is there a cost or problem with getting birth certificates?

Boehning: I don't know, there was not testimony on that.

Chairman Delzer: There is a small fee.

Rep. Bellew: Did you talk about voter registration in this bill? Would that help solve the problem of IDs?

Rep. Boehning: No we did not talk about voter registration, but if we go there; there are some federal regulation that are going to happen and we lose some of our rights under the help America vote act.

Chairman Delzer: This is policy but does this do away with voter affidavit, but as long as you have an id you can vote?

Rep. Boehning: Correct.

Rep. Guggisberg: Could you explain how someone in a nursing home that doesn't have an ID could vote?

Rep. Boehning: I am currently working with the secretary of state's office, on Page 4 section 5c it would authorize a non-photo ID because we didn't know if the DOT wanted to get into that.

Rep. Guggisberg: If an elderly person in a nursing home wants to get a card do they have to bring a birth certificate to the county author?

Rep.Boehning: That's something the Secretary of State's office could work out.

Rep. Brandenburg: Did you say over 10,000 people did not have IDs and signed affidavits?

Rep.Boehning: Yes, some of those were a matter of non-updated drivers' licenses addresses. I visited with DOT today and they are looking at updating drivers licenses before the election so that people that move can verify where they live.

Rep. Bellew: What about absentee ballots? You can get those online now.

Rep.Boehning: There's a line to put an address, and a voter ID like a driver's license.

Rep. Kempenich: Are you repealing a couple sections in the code?

Rep.Boehning: The repealing is so that the affidavits that would go away.

Rep. Delzer: Would you contact the DOT and ask them about the fiscal note that they did. How of those are under the age of 18.

Rep. Wieland: On a request to have a ballot mailed, you can use a post office box?

Rep. Boehning: That is my understanding. This would add another line to the absentee ballot for the voter ID card

Chairman Delzer: Would this add another line for a voter ID card of some sort.

Boehning: Yes. When you would fill out the absentee ballot there is a box where you can put your voter ID.

Rep. Delzer: This is the end of the hearing.

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB 1332
2/22/13
Job 19406

Conference Committee

Konnie Hetzler

Explanation or reason for introduction of bill/resolution:

Eligibility to vote; and to repeal sections 16.1-05-06 and 58-04-09 of the North Dakota Century Code, relating to eligibility to vote.

Minutes:

Chairman Delzer: We have several more bills to decide. Let's look at 1332, and Rep. Boehning offered amendment .02001.

Rep. Thoreson: Moved amendment .02001

Rep. Grande: Second.

Rep. Skarphol: Did it apply to all voters, or strictly to older?

Chairman Delzer: The concern was more with the elderlies in nursing homes that would have a hard time getting out getting a photo id.

Rep. Skarphol: Does the amendment address all age groups?

Rep. Thoreson: I believe that is correct, it would affect all age groups.

Rep Skarphol: Maybe we should address it only to the group that needs it.

Rep. Kreidt: It is a hardship to get individuals from a nursing home to get the photo id.

Chairman Delzer: 6:15 Do we put an age on this? How do we handle this?

Rep. Skarphol: I think we could come up with some language that would address those individuals who because of physical issues or inability to travel somehow.

Chairman Delzer: The only problem is we have been asked by policy to put this policy decision on. I don't know if we want to expand it that much further.

Rep. Grande: Remembering the discussion, it was all about id that did not have a photo on it. My assumption was there was going to be a section that dealt specifically without the photo. That was the intention of the bill sponsor and the person that presented the bill.
39-06-03.1 (ended 9:05)

Chairman Delzer: The bill itself does it on page 2, lines 12 and 20 which are different sections.

Rep. Thoreson: I'm looking at the bill itself, I think it just removes the word photo, because the language under 39-06-03.1 is assuming the director of DOT

Rep Grande: I was thinking nursing home director?

Rep Thoreson: I don't think so.

Rep. Grande: I couldn't have imagined this, I remember them talking about how they had access to the information needed for ID cards.

Chairman Delzer: That is what was said, the bill takes it from a photo id card, I don't know how we'd fix that some people are going to be left out. I think it's a question of whether we want to accept the amendment or not.

Rep. Skarphol: I think we should send this bill out the way it came to us and allow the policy committee to see that it gets handled properly or the bill dies.

Rep Grande: Withdraws motion.

Rep Thoreson: Withdraws motion.

Rep Skarphol: Moves a Do Pass.

Rep Grande: Second.

16-5-1

Carried by: Policy carrier (Rep Skarphol will watch over it)

2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Committee Roughrider Room, State Capitol

HB 1332
2/23/13
Job 19407

Conference Committee

Kristie Hetzler

Explanation or reason for introduction of bill/resolution:

Eligibility to vote; and to repeal sections 16.1-05-06 and 58-04-09 of the North Dakota Century Code, relating to eligibility to vote

Minutes:

Chairman Delzer: Opens HB 1332

Rep. Thoreson: revisit the DP, discussion of amendment, motions to reconsider HB 1332

Rep. Brandenburg: Seconded by.

Rep. Skarphol: Our intent should be to do it without travel costs.3:50

Rep. Thoreson: I believe that is correct, If they are not able to get a photo id, they should still have some identification so they can easily vote.

Chairman Delzer: When you look at the amendment that is offered, the amendment simply removes photo everywhere, and in a lot of those places when you read the language it says issued by the Dept of Transportation.

Rep. Skarphol: You won't be able to go off the marked up one.

Rep. Glassheim: I think it's just a difference in line numbers, it's the same bill, and don't we have to have another section in there that allows for a non-photo id?

Chairman Delzer: I don't know that I can answer that question, we should have some policy.

Rep. Monson: Maybe the simplest would be to leave this bill intact where the photo id is through DOT and have a whole new section that Secretary of State will issue non photo id.

Chairman Delzer: We have the motion before us.

Rep. Skarphol: I'll support the motion.

Voice vote carried.

Rep Thoreson: Move amendment 02001 HB 1332.

Rep Skarphol: Second.

Carried on voice vote.

Rep Thoreson: Moves a Do Pass.

Rep Skarphol: Second.

17-4-1

Carried by: Rep Thoreson.

FISCAL NOTE
Requested by Legislative Council
02/12/2013

Amendment to: HB 1332

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(245,888)		\$(245,888)
Expenditures				\$12,296		\$12,296
Appropriations				\$12,296		\$12,296

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

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

This bill relates to the eligibility to vote and requires the NDDOT to issue identification cards for no fee.

- 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.*

Section 7 of the bill stipulates that NDDOT may not charge a fee to provide a non-driver photo identification.

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.*

Under the provisions of this bill, NDDOT would not be able to charge a fee for issuing a non-driver photo identification card. As a result, the related revenue currently generated by the present \$8 fee for a non-driver photo ID would be eliminated. NDDOT issued 15,368 identification cards in calendar year 2012. This would result in a revenue loss to the State Highway Fund of \$245,888 per biennium.

- 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.*

NDDOT issued 15,368 identification cards in calendar year 2012. It is estimated an additional 10% of that number will request an identification card if there is no cost, resulting in an additional issuance of 1,537 non-driver photo IDs per year (3,074 per biennium). It costs approximately \$4 to issue one card. Therefore, the additional costs for a biennium are estimated at \$12,296.

- 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.*

NDDOT will require an additional appropriation of \$12,296 per biennium to cover the additional costs associated with this bill.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 02/13/2013

13.0490.02001
Title.03000

Prepared by the Legislative Council staff for
Representative Boehning
February 14, 2013

VR
2/25/13

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1332

Page 2, line 12, remove "photo"

Page 2, line 20, remove "photo"

Page 4, line 8, remove "photo"

Page 6, line 19, remove "photo"

Renumber accordingly

Date: 2/22/13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1332**

House Appropriations 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. Thoreson Seconded By Rep. Grande

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Rep. Streyle		
Vice Chairman Kempenich			Rep. Thoreson		
Rep. Bellew			Rep. Wieland		
Rep. Brandenburg					
Rep. Dosch					
Rep. Grande			Rep. Boe		
Rep. Hawken			Rep. Glassheim		
Rep. Kreidt			Rep. Guggisberg		
Rep. Martinson			Rep. Holman		
Rep. Monson			Rep. Williams		
Rep. Nelson					
Rep. Pollert					
Rep. Sanford					
Rep. Skarphol					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

motion withdrawn

Date: 2/22/13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1342

House Appropriations 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 Skarphol Seconded By Grande

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Rep. Streyle	X	
Vice Chairman Kempenich	X		Rep. Thoreson	X	
Rep. Bellew	X		Rep. Wieland	X	
Rep. Brandenburg	X				
Rep. Dosch	X				
Rep. Grande	X		Rep. Boe		X
Rep. Hawken	X		Rep. Glassheim		X
Rep. Kreidt	X		Rep. Guggisberg		X
Rep. Martinson			Rep. Holman		X
Rep. Monson	X		Rep. Williams		X
Rep. Nelson	X				
Rep. Pollert	X				
Rep. Sanford	X				
Rep. Skarphol	X				

Total Yes 16 No 5

Absent 1

Floor Assignment Skarphol

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

Date: 2/23/13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1332

House Appropriations 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. Thoreson Seconded By Rep. Brandenburg

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Rep. Streyle		
Vice Chairman Kempenich			Rep. Thoreson		
Rep. Bellew			Rep. Wieland		
Rep. Brandenburg					
Rep. Dosch					
Rep. Grande			Rep. Boe		
Rep. Hawken			Rep. Glassheim		
Rep. Kreidt			Rep. Guggisberg		
Rep. Martinson			Rep. Holman		
Rep. Monson			Rep. Williams		
Rep. Nelson					
Rep. Pollert					
Rep. Sanford					
Rep. Skarphol					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

voice vote carries

Date: 2/23/13
Roll Call Vote #: 2

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1332

House Appropriations 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. Thoreson Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Rep. Streyle		
Vice Chairman Kempenich			Rep. Thoreson		
Rep. Bellew			Rep. Wieland		
Rep. Brandenburg					
Rep. Dosch					
Rep. Grande			Rep. Boe		
Rep. Hawken			Rep. Glassheim		
Rep. Kreidt			Rep. Guggisberg		
Rep. Martinson			Rep. Holman		
Rep. Monson			Rep. Williams		
Rep. Nelson					
Rep. Pollert					
Rep. Sanford					
Rep. Skarphol					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

voice vote carries

Date: 2/23/13
 Roll Call Vote #: 3

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1332**

House Appropriations 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. Thoreson Seconded By Rep. Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Rep. Streyle	X	
Vice Chairman Kempenich	X		Rep. Thoreson	X	
Rep. Bellew	X		Rep. Wieland	X	
Rep. Brandenburg	X				
Rep. Dosch	X				
Rep. Grande	X		Rep. Boe		X
Rep. Hawken	X		Rep. Glassheim		X
Rep. Kreidt	X		Rep. Guggisberg		X
Rep. Martinson	X		Rep. Holman		X
Rep. Monson	X		Rep. Williams	X	
Rep. Nelson					
Rep. Pollert	X				
Rep. Sanford	X				
Rep. Skarphol	X				

Total Yes 17 No 4

Absent 1

Floor Assignment Rep. Thoreson

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

REPORT OF STANDING COMMITTEE

HB 1332, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1332 was placed on the Sixth order on the calendar.

Page 2, line 12, remove "photo"

Page 2, line 20, remove "photo"

Page 4, line 8, remove "photo"

Page 6, line 19, remove "photo"

Renumber accordingly

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1332

2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1332
03/21/2013
Job Number

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act relating to eligibility to vote.

Minutes:

Chairman Dever: Opened the hearing on HB 1332.

Representative Boehning, District 27: Testified as sponsor and in support of the bill. The bill requires you to have a form of ID before you vote. See Attachment #1 for amendments proposed. We have been working hard on this bill and we have been trying make it as easy as possible to vote. We do not want to disenfranchise anyone. We have been working with higher ed to make it easier for college students to vote by accepting their student ID along with a piece of paper that will be explained later in testimony. We have been working with tribal governments to accept their tribal ID. We have been in discussions with AARP and long term care, and those affected with disabilities as well to make it possible for those to vote as easily as possible as well. It has been a work in progress and every time we have a discussion we come up with something new to make this work even better. Many people do not realize that you do not have to have an ID to vote currently.

(8:18)Jim Silrum, Deputy Secretary of State: See Attachment #2 for testimony in support of the bill and to explain the bill.

(11:00)Chairman Dever: Do county auditors have to follow up on every one of those people that are found not qualified to vote?

Jim Silrum: Under current law, they are required to send out a postcard to addresses that they gave on their affidavits. The postcard simply asks for the receiver to respond if there is anything incorrect or if the person doesn't live there. Basically what is being sought is the returned postcards that are undeliverable. An investigation is ensued by the County Auditor and the State's Attorney for the county.

(12:19) Senator Nelson: I live in an apartment house and I know how things get undeliverable because they don't have the right apartment number on it and the clerks don't always ask for the apartment number, so could they still live at that address and because the office did not have the apartment number they were therefore not delivered?

Jim Silrum: The voters affidavit does ask you to put your complete address on there so if you live in an apartment and you have an apartment number, you should as a voter put that on there so that the County Auditors have a reasonable chance of getting a hold of you. That is simply the first step. If the card is returned then further investigation goes. As you can imagine, there are a wide disparity of the number of affidavits are signed across the state. Some have very few and some have many signed.

Senator Poolman: Out of the 10,519 people that voted by affidavit, how many are determined to be fraudulent?

Jim Silrum: I cannot give you an exact response on that. We can provide that to you.

Chairman Dever: Do you have any way of knowing how many voted in North Dakota and Minnesota?

Jim Silrum: That is a whole other question. Under current North Dakota law, if a person lives in Minnesota but they are going to school in North Dakota, they are a qualified elector provided they live in the precinct for 30 days immediately preceding the election. It does not mandate they have a North Dakota driver's license currently. We ask the pole workers to

gather as much information as possible about those voters so that when a voter comes in and they say they are going to school in North Dakota but their driver's license is Minnesota, we are asked to copy that Minnesota address so that we can notify those other states that that person had voted in this election. It is extremely labor intensive and there is not a streamline process in which to do that, but we are getting that accomplished after the general election. **(18:30)** Refers back to testimony.

(22:17) Chairman Dever: Do you have comments concerning the amendment?

Jim Silrum: The amendment addresses a fatal flaw in the bill as it currently stands. As it is, all voters wishing to vote absentee would be required to list a driver's license number or a non-driver's ID number on their ballot application. We have to allow for those alternate forms of ID to be used as well and the amendment would also allow for another qualified elector to certify to the qualification of another voter that does not have an ID and is voting absentee.

Chairman Dever: We do not use Social Security numbers at all anymore do we?

Jim Silrum: We do not. We do not have those as a part of our system in the central voter file and nor do I think it would be wise to have them.

Chairman Dever: Especially if you are putting it on a postcard you are sending to people.

Jim Silrum: You can bet we would not do that. I can say that it is not necessary. In 2005 the law was put in place that every voter must be asked for an ID and at that point there was some pushback and yet now at the poles, 90% of the people appear with their ID already out. They don't wait to be asked.

Chairman Dever: I was extremely handy to hand them my driver's license and have them scan it and move on to the polling both.

Jim Silrum: I would hope that in the future we will have electronic pole books at every polling location. They are used here in Burleigh County, Cass County, Grand Forks County - some of the larger population counties, and it moves people through the system a lot faster so that there are not lines at the polling place.

Senator Cook: I am looking at your testimony page 2, Section 8 page 8 subsection c - Can you tell me what that exception is in for someone living outside the precinct to still vote?

Jim Silrum: I would have to look that up. This section would be repealed by the last section of the bill.

Senator Cook: (reads from code)

Jim Silrum: You are required to physically live in your precinct for the 30 days immediately preceding an election, however, if you move to a new location within those 30 days, North Dakota law permits you to go back to your old precinct and vote.

Senator Cook: We are repealing that?

Jim Sirum: We are not repealing that section. It stays in code.

Senator Cook: Why would we take away a citizen's right to have both a state ID and driver's license?

Jim Silrum: Someone from DOT can answer that.

Senator Nelson: If someone has an ID card now, when it expires, do they become one of those people who gets it free?

Jim Silrum: Under this bill their renewal would be free.

Senator Marcellais: Who determines the precincts established in the county?

Jim Silrum: The County Commission has the authority to establish the precincts of a county, and the County Auditor works with them to do that.

Senator Marcellais: When we have a tribal election we have four precincts but we only have one precinct within the reservation for state election. I think you would have a better turnout if you had precincts set up in the tribal precincts.

Jim Silrum: I strongly encourage you to address your concerns to the county commissioner. I would not doubt that they would be willing to listen to you there and work with you on that. Don't forget that there is a necessary difference in law between what is meant by a precinct and a polling location.

Senator Marcellais: We went so far as to share the equipment because the tribal elections are all manually.

Jim Silrum: I think that is a great idea. That is where a discussion with the county commission would be useful in all counties where similar situations are happening.

(33:32) Randall Thursby, North Dakota University System: Testified in support of the bill. See Attachment #3 for example of how a student would register their address online to vote.

(36:59)Chairman Dever: Is this a system they access regularly?

Randall Thursby: Yes. This is a standard website the student goes into for all of their activities online.

Chairman Dever: If they change their address, would this be where they notify the university system for other purposes of that change of address.

Randall Thursby: The address that is in here, they have to have validated by the registrar's office. There is another address that the student can change on their own for emergency purposes etc. This one they cannot change themselves. The reason for that is so that they cannot just go in and change it without notifying the registrar's office. This is the official address that the campus has for the student.

Chairman Dever: Is this the same program that every college in the university system uses?

Randall Thursby: We all use the same software. This is available for all 11 institutions.

Lynn Jackson, DOT: (Testified to answer a question posed earlier) We do currently issue a driver's license and an ID if someone requests that.

Senator Cook: Why do you think it is important in this bill that we stop that policy?

Lynn Jackson: I do not know why that is in the bill.

Senator Cook: If we changed that so that we made a condition that the only condition in which the ID was free was if you did not have a driver's license - can you administer it that way?

Lynn Jackson: We can do that.

(40:00) Jay Schechter, citizen of North Dakota: Testified in opposition to the bill. This seems to be a solution in search of a problem. There seems to be an assumption here that there is an extraordinary amount of voter fraud in North Dakota. I have not seen anything to that effect in the press. There could be other ways of proving residency to work around. I have a state ID and a driver's license - will they be taken away? There are other ways to prove you live in North Dakota. This bill seems to make it more difficult to vote instead of making it easier. I have very serious reservations about this bill because I think that it makes it more difficult to vote.

(44:27) Josh Askvig, AARP: See Attachment #4 for testimony in opposition to the bill. We do support the amendment and it does address some of my concerns. See Attachment # 5 for testimony handed out for Wilfred Schill.

(50:45) Chairman Dever: If we included the implementation date would that change your position on the bill?

Josh Askvig: No. It would make it better and you would have more time take the explanation but if this is a route you choose to go down, you should make sure there is ample time for it to be explained and understood, but at the end of the day, one instance in the last ten years begs the question of why are we making this change. We have not seen a large outcry in terms of our voters saying it is too easy for people to vote.

Chairman Dever: AARP involves itself in education on a lot of other issues. If the bill passes would you be involved in the education?

Josh Askvig: In the end we want to make sure that people understand how they can vote.

(52:50) Dianne Billey, Ellendale Resident: See Attachment #6 for testimony in opposition to the bill.

(57:12) Renee Stromme, North Dakota Women's Network: See Attachment # 7 for testimony in opposition to the bill.

(1:00:00) Carel Two-Eagle, Citizen: See Attachment #8 for testimony in opposition to the bill.

(1:11:05) Lynn Jackson, DOT: We have 85,230 individuals that have both a driver's license and an ID card.

(1:11:46) Kevin Glatt, Burleigh County Auditor/Treasurer: Testified in neutral position on the bill. I am here to express some concerns that I have regarding absent voter ballots and vote by mail ballots. With the high volume of absentees that we see in Burleigh County, I am concerned with how we handle the incomplete applications. Presently we do everything that we can to accommodate the voter requesting an absentee ballot because the statement on the return envelope is an affidavit. We can use latitude if there is information missing. This requires that there be an ID number. What happens if that is missing? Do we send it back, or do we call the person. How much effort do we put in? As

we get close to Election Day, we do not have time. Concerned if we send an absentee ballot with an incomplete application, what happens if we get to a recount? In regards to the amendment that has been presented, I have one question; does the qualified elector that signs affidavit for another person need to show ID as well. How many different documents do the people working have to review and become familiar with in order to allow someone to vote. I think the whole issue is related to residency and registration.

Chairman Dever: Closed the hearing on HB 1332.

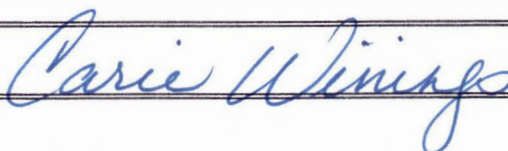
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1332
03/22/2013
Job Number 20377

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened HB 1332 for committee discussion.

Vice Chairman Berry: I have a note here that we possibly wanted Jim Silrum to come down and go through the bill. Would that be possible with our pressured time frame?

Chairman Dever: I can ask him to do that. We do need to have this out of committee by next Thursday.

Senator Nelson: We can go through this section by section.

Chairman Dever: Do we want to just do that. His office is not in this building so we would need to set a time and ask him to come; possibly next Thursday. (Proceeded to walk through the bill with the committee to decide if further information was necessary)

(8:27) Chairman Dever: Reading an e-mail from Lynn Jackson: To clarify an individual may have a driver's license and an ID simultaneously, they are both part of the same record, with the same ID number and if an address is updated for one, it is automatically updates both. The voter file is updated with the current address on record against the identity number of the record. We issue separate forms of record use, a driver's license and/or an ID card but they stem from the same source record. Having read that, why does it say in the bill ...

Senator Cook: I think what that should say is "an individual who possesses a driver's license may obtain a non- driver photo ID card at a cost of \$8.

Chairman Dever: Ok. Do we want to say \$8?

Senator Cook: Is the other \$8 in code?

Chairman Dever: It is but it is deleted on page 7. We could leave it in there if we want.

Senator Cook: I feel more comfortable leaving it in there because it can creep up real fast.

Chairman Dever: Especially if those who pay are subsidizing those who don't.

Committee Discussion: A discussion followed on the proposed amendments and the committee clarifies with the intern exactly what the desired language of the amendment should be to satisfy all concerns voiced on the bill.

Senator Cook: Moved amendment proposed. (13.0490.03003 and included language needed in subsection 11, page 6 to obtain a non-photo ID card at the cost of \$8)

Senator Nelson: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Senator Cook: Moved a Do Pass As Amended and Re-Referral to Appropriations.

Senator Schaible: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 2 nays, 0 absent.

Chairman Dever: Carrier.

FISCAL NOTE
Requested by Legislative Council
02/26/2013

Amendment to: HB 1332

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(245,888)		\$(245,888)
Expenditures				\$12,296		\$12,296
Appropriations				\$12,296		\$12,296

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

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

This bill relates to the eligibility to vote and requires the NDDOT to issue identification cards for no fee.

- 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.*

Section 7 of the bill stipulates that NDDOT may not charge a fee to provide a non-driver photo identification.

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.*

Under the provisions of this bill, NDDOT would not be able to charge a fee for issuing a non-driver photo identification card. As a result, the related revenue currently generated by the present \$8 fee for a non-driver photo ID would be eliminated. NDDOT issued 15,368 identification cards in calendar year 2012. This would result in a revenue loss to the State Highway Fund of \$245,888 per biennium.

- 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.*

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NDDOT will require an additional appropriation of \$12,296 per biennium to cover the additional costs associated with this bill.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 02/27/2013

FISCAL NOTE
Requested by Legislative Council
02/12/2013

Amendment to: HB 1332

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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Expenditures				\$12,296		\$12,296
Appropriations				\$12,296		\$12,296

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Cities			
School Districts			
Townships			

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NDDOT will require an additional appropriation of \$12,296 per biennium to cover the additional costs associated with this bill.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 02/13/2013



Handwritten signature and date: 3/25/13

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1332

Page 4, line 11, overstrike "A" and insert immediately thereafter "An alternative"

Page 5, line 14, overstrike "information"

Page 5, line 22, after "election" insert "and will be a qualified elector of the precinct"

Page 5, line 30, after "~~available~~" insert "or tribal identification number or a copy of the voter's alternate form of identification approved by the secretary of state under subdivision c of subsection 1 of section 16.1-05-07"

Page 5, after line 30 insert:

"2."

Page 6, line 1, after "name" insert "to the application"

Page 6, line 7, overstrike "2." and insert immediately thereafter:

"3. If the applicant does not possess an approved form of identification as provided under subsection 1 of section 16.1-05-07, the application also must be signed by another qualified elector who, by signing, certifies that the applicant is a qualified elector. The secretary of state shall prescribe the form of the certification required under this subsection.

"4."

Page 6, line 13, overstrike "3." and insert immediately thereafter "5."

Page 6, line 16, replace "4."" with "6.""

Page 7, line 11, replace "subsection" with "subsections"

Page 7, line 11, after "9" insert "and 11"

Page 8, line 5, remove "not"

Page 8, line 6, after the underscored period insert "The fee is eight dollars."

Renumber accordingly

Date: 3/22

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1332

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

+ Long. sec 11 pg 6 can obt
+ 9 ID

Legislative Council Amendment Number 13.0490.03003

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

Motion Made By Senator Cook Seconded By Senator Nelson

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais	✓	
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 3/22

Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1332

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.0490.03005

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

Motion Made By Senator Cook Seconded By Senator Schaible

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson		✓
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais		✓
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Dever

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

REPORT OF STANDING COMMITTEE

HB 1332, as reengrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1332 was placed on the Sixth order on the calendar.

Page 4, line 11, overstrike "A" and insert immediately thereafter "An alternative"

Page 5, line 14, overstrike "information"

Page 5, line 22, after "election" insert "and will be a qualified elector of the precinct"

Page 5, line 30, after "~~available~~" insert "or tribal identification number or a copy of the voter's alternate form of identification approved by the secretary of state under subdivision c of subsection 1 of section 16.1-05-07"

Page 5, after line 30 insert:

"2."

Page 6, line 1, after "name" insert "to the application"

Page 6, line 7, overstrike "2." and insert immediately thereafter:

"3. If the applicant does not possess an approved form of identification as provided for under subsection 1 of section 16.1-05-07, the application also must be signed by another qualified elector who, by signing, certifies that the applicant is a qualified elector. The secretary of state shall prescribe the form of the certification required under this subsection.

4."

Page 6, line 13, overstrike "3." and insert immediately thereafter "5."

Page 6, line 16, replace "4."" with "6.""

Page 7, line 11, replace "subsection" with "subsections"

Page 7, line 11, after "9" insert "and 11"

Page 8, line 5, remove "not"

Page 8, line 6, after the underscored period insert "The fee is eight dollars."

Renumber accordingly

2013 SENATE APPROPRIATIONS

HB 1332

2013 SENATE STANDING COMMITTEE MINUTES

Senate Appropriations Committee Harvest Room, State Capitol

HB 1332
April 2, 2013
Job # 20748

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act relating to residency and the eligibility to vote

Minutes:

Vote/Do Pass 7-6-0

Legislative Council - Brady Larson
OMB - Laney Herauf

Chairman Holmberg opened the hearing on HB 1332. All committee members were present. He stated that the bill is very different from the original bill.

Representative Randy Boehning, District 27, introduced HB 1332 and testified in support (1:56). This is a bill that says you will need to have a North Dakota issued ID when you vote in North Dakota. He explained the process. It's a good bill and urges a do pass.

Chairman Holmberg: Does this bill make any changes in residency requirement. For example, number of days you have to live in the state.

Representative Randy Boehning: No, same 30 days.

Chairman Holmberg: Is there evidence that there was voter fraud?

Representative Randy Boehning: There are currently 9 cases that the Secretary has found in the state that have voted twice.

Senator Carlisle: Is this another way of getting voter registration without them wanting it or having to vote on it? He was referencing page 1, line 8.

Representative Randy Boehning: We already have that system in place. When you vote and take out driver's license, you are already in that system.

Senator Warner: How do you verify overseas military balloting and absentee? The purpose of picture ID is so you verify the person is who they say they are.

Representative Randy Boehning: We've tweaked it a few times and the Secretary of State's office can answer that.

Chairman Holmberg said that the percentage of voters voting twice (9) is very low.

Representative Randy Boehning: In my second election, I won by 3 ballots. We have a lot of elections that are very close in the state.

Senator Gary Lee: In terms of photo ID issued by DOT, does that need to be renewed periodically.

Representative Randy Boehning: It has to be renewed every 8 years.

Senator Gary Lee: Will that be free also.

Representative Randy Boehning: That's up to future legislators.

Al Jaeger, Secretary of State, State of North Dakota: In the last election, there were 10,517 voter affidavits; in the 2010 we had approximately 4000. He explained the process and the problems. At the present time, 97% of people use driver's license ID. He explained how they are working with groups to make these ID's readily available for everyone.

Senator Carlisle: Were there any documented cases of voter fraud.

Al Jaeger: We had nine cases. They voted absentee in one county and then went to where they lived and voted again. The problem is that we have the perception of these ballots (10,517) being mixed in with the rest and then we can't retrieve them.

Vice Chairman Bowman: This simplifies the voting process?

Al Jaeger: That is correct. The speculation that we're going to disenfranchise people, I have a problem with. If you come with a piece of paper that provides the two essential elements that ties the fact that you have lived in the precinct 30 days and the facts of your birth dates, you are a qualified elector. Whether or not there has been a problem, the perception is there.

Senator Mathern: I received nothing but emails in opposition to this. My e-mails say that it is just going to disenfranchise people and there will be fewer voters.

Al Jaeger: There is false information that is going out. The fact is that 97% of the voters that voted were able to be identified. 3% of the voters executed a voter affidavit. I would suspect if you analyzed the 10,500, this will not disenfranchise anyone. It eliminates the doubt that these ballots won't be mixed in with anyone else.

Senator Mathern: I'm not talking about the procedure disenfranchises, I am talking about the thought that they can't vote.

Al Jaeger: We have funds available for public awareness. Already we're telling people that they need an ID. The only option that is being removed is the voter's affidavit because those ballots are being mixed in with everybody else.

Chairman Holmberg: The appropriation is \$12,000.

Josh Askvig, AARP North Dakota testified against HB 1332. He doesn't know why we are spending money fixing something that isn't a problem. We don't want to put barriers in front of people so they don't vote.

Tom Ricker, President, ND AFL-CIO (Lobbyist #326) testified against HB 1332. He said the costs to the state of ND would be higher because of the cost of issuing the IDs. He gave an example of the hardship of getting that ID. (26:30)

Jim Silrum, Deputy Secretary of State, State of North Dakota

In answer to Senator Warner's previous question on absentee ballots, on page 5, line 30 currently the application for an absentee ballot requires the elements that are listed. Also pointed out page 6, line 9. I draw your attention to these because there are all types of forms of ID available. All they need to have is another qualified elector to sign for them. Not only can we know where the voter is living now, but we could have the advantage of knowing where the voter used to live. We could notify SD or MN that they have voted here in ND. If they vote twice, they would be notified that this is a federal offense. He addressed the question on nonstandard addresses. (31:00)

Chairman Holmberg closed the hearing on HB 1332.

Senator Wanzek moved **Do Pass** on HB1332.

Senator Krebsbach seconded.

A roll call vote was taken. Yea: 7 Nay: 6 Absent: 0

The bill goes back to GVA and Senator Dever will carry the bill on the floor.

FISCAL NOTE
Requested by Legislative Council
03/25/2013

Amendment to: HB 1332

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(204,087)		\$(204,087)
Expenditures				\$12,296		\$12,296
Appropriations				\$12,296		\$12,296

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

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

This bill relates to the eligibility to vote and requires the NDDOT to issue identification cards for no fee.

- 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.*

Section 7 of the bill stipulates that NDDOT may not charge a fee to provide a non-driver photo identification in certain situations.

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.*

Under the provisions of this bill, NDDOT would not be able to charge a fee for issuing a non-driver photo identification card, except where the requestor already possessed a drivers license. As a result, the related revenue currently generated by the present \$8 fee for a non-driver photo ID would be eliminated in most cases. NDDOT issued 12,755 identification cards to non-drivers license holders in calendar year 2012. This would result in a revenue loss to the State Highway Fund of \$204,087 per biennium.

- 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.*

NDDOT estimates the cost to issue additional non-photo ID cards will be approximately \$12,296 per biennium.

- 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.*

NDDOT will require an additional appropriation of \$12,296 per biennium to cover the additional costs associated with this bill.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 03/25/2013

FISCAL NOTE
Requested by Legislative Council
02/26/2013

Amendment to: HB 1332

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(245,888)		\$(245,888)
Expenditures				\$12,296		\$12,296
Appropriations				\$12,296		\$12,296

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

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

This bill relates to the eligibility to vote and requires the NDDOT to issue identification cards for no fee.

- 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.*

Section 7 of the bill stipulates that NDDOT may not charge a fee to provide a non-driver photo identification.

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.*

Under the provisions of this bill, NDDOT would not be able to charge a fee for issuing a non-driver photo identification card. As a result, the related revenue currently generated by the present \$8 fee for a non-driver photo ID would be eliminated. NDDOT issued 15,368 identification cards in calendar year 2012. This would result in a revenue loss to the State Highway Fund of \$245,888 per biennium.

- 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.*

NDDOT issued 15,368 identification cards in calendar year 2012. It is estimated an additional 10% of that number will request an identification card if there is no cost, resulting in an additional issuance of 1,537 non-driver photo IDs per year (3,074 per biennium). It costs approximately \$4 to issue one card. Therefore, the additional costs for a biennium are estimated at \$12,296.

- 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.*

NDDOT will require an additional appropriation of \$12,296 per biennium to cover the additional costs associated with this bill.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 02/27/2013

FISCAL NOTE
Requested by Legislative Council
02/12/2013

Amendment to: HB 1332

- 1 A. **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.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues				\$(245,888)		\$(245,888)
Expenditures				\$12,296		\$12,296
Appropriations				\$12,296		\$12,296

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

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

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

This bill relates to the eligibility to vote and requires the NDDOT to issue identification cards for no fee.

- 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.*

Section 7 of the bill stipulates that NDDOT may not charge a fee to provide a non-driver photo identification.

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.*

Under the provisions of this bill, NDDOT would not be able to charge a fee for issuing a non-driver photo identification card. As a result, the related revenue currently generated by the present \$8 fee for a non-driver photo ID would be eliminated. NDDOT issued 15,368 identification cards in calendar year 2012. This would result in a revenue loss to the State Highway Fund of \$245,888 per biennium.

- 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.*

NDDOT issued 15,368 identification cards in calendar year 2012. It is estimated an additional 10% of that number will request an identification card if there is no cost, resulting in an additional issuance of 1,537 non-driver photo IDs per year (3,074 per biennium). It costs approximately \$4 to issue one card. Therefore, the additional costs for a biennium are estimated at \$12,296.

- 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.*

NDDOT will require an additional appropriation of \$12,296 per biennium to cover the additional costs associated with this bill.

Name: Shannon L. Sauer

Agency: NDDOT

Telephone: 328-4375

Date Prepared: 02/13/2013

Date: 4-2-13

Roll Call Vote # 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1332

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Adopt Amendment

Do Pass as Amended

Do Pass

Do Not Pass

Motion Made By Wanzek Seconded By Krebsbach

Senators	Yes	No	Senator	Yes	No
Chariman Ray Holmberg		✓	Senator Tim Mathern		✓
Co-Vice Chairman Bill Bowman	✓		Senator David O'Connell		✓
Co-Vice Chair Tony Grindberg	✓		Senator Larry Robinson		✓
Senator Ralph Kizer	✓		Senator John Warner		✓
Senator Karen Krebsbach	✓				
Senator Robert Erbele	✓				
Senator Terry Wanzek	✓				
Senator Ron Carlisle		✓			
Senator Gary Lee	✓				

Total (Yes) 7 No 6

Absent 0

Floor Assignment SVA Dever

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

REPORT OF STANDING COMMITTEE

HB 1332, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1332, as amended, was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1332

Attachment 1

ALVIN A. JAEGER
SECRETARY OF STATE

ME 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 7, 2013

TO: Rep. Kasper, Chairman, and Members of the Government and Veterans' Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1332 – Residency and Eligibility

The Secretary of State's office is opposed to this bill because it provides for a residency requirement that is longer than in many other states and which may violate federal election law. All states require a length of residency prior to an individual being allowed to vote. For example, the following is a listing compiled by the National Association of Secretaries of State:

1. AZ 29 days preceding the next election
2. CO 30 days prior to the election
3. DC 30 days preceding the next election
4. ID 30 days prior to the day of election
5. IL 30 days before the next election
6. IN 30 days before the next election
7. MI 30 day resident of city or township by election day
8. MN 20 days immediately preceding election day
9. MS 30 days before the election
10. MT 30 days
11. NV 30 days prior to the election
12. NJ 30 days before the election
13. NY 30 days before an election
14. NC 30 days prior to the election
15. PA 30 days before the election
16. RI 30 days preceding the next election
17. UT 30 days immediately before the next election
18. WA 30 days prior to the election
19. WI 28 consecutive days prior to the election

Although this is not a complete list, it is an indicator that the current day residency requirement in North Dakota is similar to that in other states. In addition, it is our understanding that federal law may prohibit states from establishing a residency requirement for voting that is greater than 30 days for those voters who want to cast a vote for presidential electors. This understanding is in the process of being confirmed.

MEMO TO: Rep. Jeff Delzer
Rep. Keith Kempenich

FROM: Linda Butts
Deputy Director for Driver and Vehicle Services

Linda Butts

DATE: February 15, 2013

SUBJECT: Questions on 1323 - Patriot Plates
Questions on 1332 - Voter ID

1323 - Patriot Plates

- Fiscal note for 15,000 new patriotic plates
- Fiscal note for 15,000 plates with patriotic logo on it
- How much does it cost to "punch out" a Lewis & Clark plate? We pay Rough Rider Industries \$8.81/pair
- How much Lewis and Clark sheeting do we have left? There is enough sheeting to make 275 pairs, which will last a couple months.

1332 - Voter ID

- 2,312 state ID's were issued to individuals under age 18 in 2012.

54/lb

NDLA, H APP - Traeholt, Meredith

From: Delzer, Jeff W.
Sent: Friday, February 15, 2013 11:11 AM
To: NDLA, H APP - Traeholt, Meredith
Subject: FW: Additional information related to HB Nos. 1332, 1368, and 1212

From: Sandness, Sheila M.
Sent: Friday, February 15, 2013 8:55 AM
To: Delzer, Jeff W.
Cc: Knudson, Allen H.
Subject: Additional information related to HB Nos. 1332, 1368, and 1212

Representative Delzer,

This email is to provide the information you requested regarding the following bills:

- **House Bill No. 1332** - The Department of Transportation reported that during calendar 2012 there were 15,368 identification cards issued, of which 2,312 were issued to individuals under age 18. Therefore, fees related to identification cards for individuals under age 18 included in the fiscal note total \$36,992 for the 2013-15 biennium.
- **House Bill No. 1368** - The Office of Management and Budget reported the impact of removing the 90 percent limitation on out-of-state lodging on 2013-15 expenditures would be an estimated increase of \$263,242, of which \$110,272 is from the general fund.
- **House Bill No. 1212** - The chart below summarizes the estimated legislative lodging reimbursements that would be in effect under various percentages based on the provisions of the bill. The chart identifies the session and the estimated maximum monthly reimbursement for legislator lodging during the session based on a percentage of the daily state employee rate. The current rate for the 2013 session is \$1,351 per month.

	Actual/Estimated State Employee Daily Rate	70 percent	75 percent	80 percent
2013 session	\$69.30	\$1,586	\$1,700	\$1,813
2015 session	\$77.00	\$1,763	\$1,888	\$2,014
2017 session	\$85.00	\$1,946	\$2,085	\$2,224

If you have any questions or need additional information please feel free to contact us.

Sheila M. Sandness
Senior Fiscal Analyst
North Dakota Legislative Council
600 E. Boulevard Avenue
Bismarck, ND 58505
701.328.2916
smsandness@nd.gov

13.0490.03003
Title.

Prepared by the Legislative Council staff for
Representative Boehning
March 21, 2013

PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1332

Page 4, line 11, overstrike "A" and insert immediately thereafter "An alternative"

Page 5, line 14, overstrike "information"

Page 5, line 22, after "election" insert "and will be a qualified elector of the precinct"

Page 5, line 30, after "~~available~~" insert "or tribal identification number or a copy of the voter's alternate form of identification approved by the secretary of state under subdivision c of subsection 1 of section 16.1-05-07"

Page 5, after line 30, insert:

"2."

Page 6, line 1, after "name" insert "to the application"

Page 6, line 7, overstrike "2." and insert immediately thereafter:

"3. If the applicant does not possess an approved form of identification as provided for under subsection 1 of section 16.1-05-07, the application also must be signed by another qualified elector who, by signing, certifies that the applicant is a qualified elector. The secretary of state shall prescribe the form of the certification required under this subsection.

"4."

Page 6, line 13, overstrike "3." and insert immediately thereafter "5."

Page 6, line 16, replace "4." with "6."

Renumber accordingly

ALVIN A. JAEGER
SECRETARY OF STATE

.JME PAGE www.nd.gov/sos



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

March 21, 2013

TO: Sen. Dever, Chairman, and Members of the Senate Government and Veterans' Affairs Committee

FR: Jim Silrum, Deputy Secretary of State on behalf of Al Jaeger, Secretary of State

RE: HB 1332 – Voter Identification

This bill would accomplish the following:

1. Remove the concept for "challenging a voter."
2. Require every voter to provide an ID when voting.
3. Remove voting by affidavit and poll worker verification.
4. Define the forms of ID that would be accepted for voting.
5. Ensure that everyone has availability to an ID for voting.
6. Provide an ID at no cost to those who don't have one already.
7. Repeal unnecessary sections of law pertaining to the voter affidavit and challenging voters.

Section 1, page 2, lines 4 through 9: Removes the requirement for election officials to verify the eligibility of those voters who voted by affidavit in the last election. Voting by affidavit is later removed in the bill through changes in section 5 on page 4 and the repeal in section 8 on page 8.

Sections 2 and 3, pages 2 and 3: In both sections of the bill, references to "nondriver identification" issued by the department of transportation are added to what is required to be maintained in the Central Voter File database. This is not a change in procedure since this is already done, but the addition would now make it a part of state law.

Section 4, page 3, lines 20 through 22: Overstrikes the subsection giving authority to any member of an election board to "challenge" a voter's qualification as an elector. Since an ID will be required of every voter, the "challenge" is no longer needed.

Section 5, page 4, line 6: Requires every voter to show identification when appearing to vote at the polls.

Section 5, page 4, lines 8 through 14: The approved forms of identification are identified.

Section 5, page 4, lines 15 through 20: Overstrikes the subsection that currently authorizes poll workers to vouch for the qualifications of an elector that does not have or refuses to show an ID.

Section 5, page 4, lines 21 through 24: Overstrikes the authorization for a voter to be allowed to vote by executing a voter's affidavit.

Section 6, page 5, line 30: The overstricken words, "if available" will mean that an absentee voter will also be required to provide an ID when applying for an absentee ballot. It should be noted that Rep. Boehning's amendment provides more options for acceptable forms of ID for absentee voters. The intent of the change would be that voters would provide their ID number issued by the Department of Transportation, but provides other options for those who do not have a driver's license or nondriver's identification card.

Section 6, page 6, lines 16 and 17: Identifies that an absentee ballot application is an open record, but the voter's date of birth and driver's license or nondriver's ID number must be redacted.

Section 7, page 7, lines 10 through 13: Authorizes the Department of Transportation to provide nondriver's identification cards free of charge to those North Dakotans who do not have one.

Section 7, page 8, lines 5 and 6: An individual is not allowed to possess both a driver's license and a nondriver's identification card at the same time.

Section 8, page 8: Repeals the following sections of law:

16.1-05-06. Challenging right to vote – Identification or affidavit required – Penalty for false swearing – Optional poll checkers.

1. Three poll challengers appointed by the district chairman of each political party represented on the election board are entitled to be in attendance at each polling place. Individual poll challengers may be replaced at any time during the hours of voting, but no more than three poll challengers from each political party are entitled to be in attendance at each polling place at any one time.
2. Any member of the election board may challenge the right of an individual to vote if the election board member has knowledge or has reason to believe the individual is not a qualified elector. A poll challenger may request members of the election board to challenge the right of an individual to vote if the poll challenger has knowledge or has reason to believe the individual is not a qualified elector of the precinct. A challenge may be based upon any one of the following:
 - a. The individual offering to vote does not meet the age or citizenship requirements.
 - b. The individual offering to vote has never voted in the precinct before, the name of the individual offering to vote does not appear in the pollbook generated from the central voter file, and the individual fails to provide reasonable evidence of residency in the precinct.
 - c. Except as provided in section 16.1-01-05, the individual offering to vote physically resides outside of the precinct.
 - d. The individual offering to vote does not meet the residency requirements provided in section 16.1-01-04.
 - e. The individual offering to vote fails or refuses to provide an appropriate form of identification as requested under subsection 3.
3. If after an election board member has requested that the individual offering to vote provide an appropriate form of identification to address any of the voting eligibility concerns listed in subsection 2 and the identification is not provided or does not adequately confirm the eligibility of the challenged individual, the challenged individual may not vote unless the challenged individual executes an affidavit, acknowledged before an election board member, that the challenged individual is a legally qualified elector of the precinct.
4. The affidavit must include:
 - a. The name of the affiant.
 - b. The address of the affiant.
 - c. The birth date of the affiant.
 - d. The contact telephone number of the affiant.
 - e. The address of the affiant at the time the affiant last voted.
 - f. The previous last name of the affiant if it was different when the affiant last voted.
 - g. The identification number and state of any state-issued identification regardless of the state in which the identification was issued, if available.

- h. A recitation of the qualifications for voting as set forth in section 16.1-01-04 and the rules for determining residence.
 - i. Notice of the penalty for making a false affidavit and that the county auditor is required to verify the affidavit.
 - j. A notice indicating that the affidavit is not an open record, but that information identifying who voted after executing an affidavit is an open record as part of the pollbook, except for any individual listed as secured active in the central voter file under section 16.1-02-13.
 - k. A place for the affiant to sign and swear to the affiant's qualifications as a voter.
5. Written notice of the penalty for making a false affidavit and that the county auditor shall verify the affidavits must be prominently displayed at the polling place in a form prescribed by the secretary of state. An individual who falsely swears in order to vote is guilty of a class A misdemeanor and must be punished pursuant to chapter 16.1-01.
 6. The district chairman of each political party represented on the election board may appoint poll checkers to a polling place, provided the poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties. Poll challengers must be qualified electors of the district in which they are assigned.
 7. No poll challenger or checker may be a member of the election board.
 8. The district chairman shall notify the county auditor of each county contained in the legislative district one day before the day of the election of the names of individuals whom the district chairman has appointed to serve as poll challengers and poll checkers in the precincts in the legislative district.

and

58-04-09. Challenge to voter – Duty of judges.

If any person offering to vote at any election or upon any question arising at a township meeting is challenged as unqualified using the criteria provided in section 16.1-05-06, the judges shall proceed in the manner in which judges at a general election are required to proceed, adapting the affidavit described in section 16.1-05-06 to the circumstances of the township meeting.

We request a favorable consideration.



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Help Center

Who Am I?

You are signed in as GUEST on NDCSTST

CampusConnection Signin

User ID:



Password:

Sign In

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- [Forgot My Password](#)
- [Obtain a User Account](#)
- [What is My User ID?](#)
- [What is my EMPLID?](#)
- [Ad Astra Room Scheduler](#)
- [Class Search](#)
- [Class Search - All Campuses](#)

Notices and Announcements

Announcements

There are no planned outages at this time

If you need more information about How to:

- o [Apply for Admissions](#)
- o [Pay Charges Online](#)
- o [Download Your Class Schedule](#)
- o [Get a CampusConnection User ID](#)
- o [Use CampusConnection Hints](#)
- o [Click here...](#)

CampusConnection User IDs

Welcome to CampusConnection

The CampusConnection portal will provide a secure CampusConnection application, you must have a register for classes or update your personal information

Are you a Dot or a W?

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Student Voting Information

Student Voting Information

Important information regarding qualified voter status is available for students who are enrolled for Summer 2012, or is pre-registered for Fall 2012.

Student Center

Marianna's Student Center

▼ **Academics**

- [Search](#)
- [Plan](#)
- [Enroll](#)
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You are not enrolled

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Student Voting Information

Student Voting Information

Important information regarding qualified voter status is available to students. The Main Menu link 'Student Voting Information' can be accessed by any student who was enrolled for Spring 2012, is enrolled for Summer 2012, or is pre-registered for Fall 2013. This information concerns the Primary Election on Tuesday, June 12 and the General Election on Tuesday, November 6.

Student Center

Marianna's Student Center

Academics

- [Search](#)
- [Plan](#)
- [Enroll](#)
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i You are not enrolled in classes.

[enrollment shopping cart](#) ▶

other academic... ⌵ ⌵

SEARCH FOR CLASSES

▼ Holds



03/20/2013

Student's Full Name

Marianna Louise Trench

Student's Address at College Updated 03/19/2013

1921 16 1/2 st so
Fargo, ND 58103

Student's Permanent or Previous Address

1320 Albrecht Blvd
Fargo, ND 58103



Print Page

Student's Date of Birth

03/13/1982

Dear Marianna,

As a student at an institute of higher learning in North Dakota, you may be eligible to vote in North Dakota. The [Voting for College Students](#) pamphlet can help you determine your eligibility to vote.

If you determine that you are eligible to vote in North Dakota and decide to do so, you will be asked at the polling location to provide identification (ID) that correlates to the voting address you have selected. Acceptable forms of ID are listed at [Approved IDs](#).

If you do not possess an ID disclosing your selected voting address while attending college, this letter may be used in combination with another [Approved IDs](#) to establish yourself as a qualified voter in the precinct where you will be voting. You will need to relinquish this letter to the proper election official if you use it to vote in North Dakota.

More general information on voting in North Dakota is available at vip.sos.nd.gov.

Sincerely,

AJ Jaeger
Secretary of State
State of North Dakota



03/20/2013

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Sincerely,

Al Jaeger
Secretary of State
State of North Dakota





HB1332- OPPOSE

March 21, 2013

Senate Government and Veterans Affairs Committee

Josh Askvig- AARP North Dakota

jaskvig@aarp.org or 701-989-0129

Chairman Dever, members of the Senate Government and Veterans Affairs Committee, I am Josh Askvig, Associate State Director of Advocacy for AARP North Dakota. We stand in opposition to HB1332.

The right to vote is the most basic of all political rights. Older individuals from all political spectrums vote in disproportionately high numbers, and AARP has long advocated for fair and simple procedures that facilitate this high level of participation.

What problem is this bill attempting to address? There is virtually no evidence of actual in-person voter fraud in North Dakota. In fact published reports show that in North Dakota in the last ten years there has only been 1 instance of voter fraud that has been prosecuted. The real problem is not people trying to vote who should not—it's all the people who should vote and want to vote but cannot because of rules that make it difficult, complicated or costly to do so.

Older voters are significantly less likely to have photo identification compared to members of other age groups. There's no question that our oldest citizens will be particularly impacted. The older you get, the more likely you won't have an ID. Nationally, eighteen percent of the elderly do not have photo identification.ⁱ

Most people prove their eligibility to vote with a driver's license, but as people age they often give up their license and often don't replace it with the state-issued ID that some states offer non-driving residents. Our oldest citizens also are more likely to lack birth certificates because they were born before recording births was standard procedure. For example, in Minnesota, individuals over the age of 80 do not have the ability to

access their birth certificate. Why is a birth certificate important? It is what is needed to get the ID called for in this bill.

Just imagine that you are 75 years old, you've been going to your local polling place for half a century and suddenly you are told you cannot vote without providing ID. In many instances this individual will be denied the opportunity to cast his or her ballot.

Additionally, it has been said that obtaining this ID is going to be simple. I assure you it will not. For example, in some counties finding transit to and from your home to a DOT site is difficult at best. Additionally, almost half - 25 counties - do not have a DOT site for individuals to obtain the ID asked for in this legislation.

We hope that you will not, but should you decide to move forward with this legislation, we would propose you delay the implementation of the ID requirements until AFTER the next General Election. Extensive voter outreach and education will need to be performed if new Voter ID provisions are implemented, which also will be time and cost intensive. This delay would give the Secretary of State's office and County Auditors two full election cycles to provide education and outreach on this drastic change.

Additionally, it would give poll workers and the public a trial period to fully understand how the policy works. In other words, if you decide to pass this bill with a delay, those voting in the next general election would still have the affidavit option to vote but could be told during the 2014 elections that next election they WILL BE REQUIRED to have the requisite ID. This measure gives the education and outreach process a chance to sink in and give ample time for the public to adjust to this change.

In our conversations with the Secretary of State's office, they have informed us that they have Help America Vote Act (HAVA) funding available to conduct voter education and outreach. This is important as having a drastic change about who gets to vote and who does not should be extensively explained if this piece of legislation were to pass.

Additionally, having the HAVA funding is a good reason you should delay the implementation of the new ID requirements until after the 2014 General Election.

New identification requirements also place an undue burden on poll workers. The potential for worker confusion and selective enforcement are great. Poll workers must be adequately trained to grasp all the nuances of the identification requirements such as which documents and photo IDs are acceptable, who should ask for the IDs, and what is the protocol for attending to persons lacking proper ID.

Further, the current version (13.0490.03000) of this bill will need some work in terms of absentee ballots. As the bill stands now, to vote absentee, which as you know anyone can do in North Dakota without reason, will require you to have a Driver's License or Non-driver photo ID. Section 6 of the bill overstrikes the current language regarding absentee ballot applications with regards to providing your Driver's License or Non-Driver's License ID Number, *if available* (emphasis added). Over striking those two words means that anyone wanting to vote absentee will be required to have the ID called for in this legislation. This could be especially harmful to a significant portion of the over 100,000 individuals who submitted an absentee/vote by mail ballot application (a very high percentage of them elderly). If this language is not amended those without IDs will essentially be required to go to the polls on Election Day, placing another roadblock to voting, especially among our oldest citizens.

We already have important voting tools in the North Dakota systems that have taken into account the needs of older voters and those with disabilities. On behalf of older Americans who have largely shaped the values of our democracy, we urge great care to ensure that the basic right to vote is not undermined in an overbroad effort to address phantom allegations of voting abuse. AARP urges you to protect the voting rights of all North Dakotans and give HB1332 a DO NOT PASS RECOMMENDATION.

ⁱ The Brennan Center for Justice at NYU School of Law, Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification," November 2006, http://www.brennancenter.org/page/-/d/download_file_39242.pdf.

Attachment #5

HB1332 – OPPOSE – Voter ID changes
Thursday, March 21, 2013
Senate Government and Veterans Affairs Committee
Wilfred Schill

Chairman Dever and members of the Senate Government and Veterans Affairs Committee, I am Wilfred Schill, from rural Langdon. I am a concerned North Dakotan and a member of AARP. I apologize for not being at the hearing in person; weather and transportation has kept me away. I oppose House Bill 1332.

We currently have a system that considers the needs of rural voters, older voters and those with disabilities. The changes in House Bill 1332 create barriers for those of us who are already voting. It adds confusion to the process by changing the time honored way we do things without giving us any reason why. Has voter fraud become an issue in North Dakota? If so, why hasn't it been in the headlines?

I question the need for these changes in voter identification and I oppose House Bill 1332.

HB1332 – OPPOSE – Voter ID changes
Thursday, March 21, 2013
Senate Government and Veterans Affairs Committee
Dianne Billey

Chairman Dever and members of the Senate Government and Veterans Affairs Committee, I am Dianne Billey, a concerned senior from Ellendale and an AARP member. I believe North Dakota should make it easier for seniors to vote; not harder. I oppose House Bill 1332.

Just imagine that you are 85 years old, and we hope we all get there. You've been going to your local polling place since you were 18 and suddenly you are asked to prove who you are with a government issued ID. Physically, you no longer drive so you don't have a driver's license or any other state ID. If you don't have one on election day, how do you vote?

To get identification if you don't have or cannot find your birth certificate—necessary to prove that you are a citizen—you need to file an application to obtain a replacement. Phone calls begin trying to find out who to contact and how to file. Without computers and faxes, you end up in Bismarck at the office of Vital Records, if you can find a way to get there. Of course, you have to bring along proper identification and money to pay the fees.

Once you have that documentation in hand, you can go to the local driver's license site. It is in Oakes and only open on the first Wednesday of the month. The site is open from 9:20 to 3:40 and closed for an hour at noon. It is only a thirty mile, thirty minute drive, if all goes well.

Of course, you don't drive. So, you need to arrange a ride. In Dickey County, public transportation is Dickey County Transit out of Ellendale. Dickey County Transit operates in Ellendale two days a week. The bus goes from Ellendale to Oakes the second and fourth Wednesdays of the month. Remember, the driver's license site is only open on the first Wednesday of the month. Now, what do you do?

So, you have to find an alternative ride. By the way, the ride is charged at fifty cents a mile. Since you'll be gone all day, you'll need to buy lunch, too.

All of this has taken quite a bit of effort to find out. It has taken time from your day and those who have helped you obtain a state identification. There are fees, gas, mileage, food, and maybe even wages lost while trying to get this ID.

I've voted for years without jumping through these hoops. Now, when I can't jump, you are telling I have me to do so! This brings me back to the question I asked at the beginning of my testimony. If you don't have proper state identification on voting day, how do you vote?

I oppose House Bill 1332 because I have more questions than time permits me to ask.

Senate Government and Veterans Affairs Committee
House Bill 1332
March 21, 2013

Chairman Dever and members of the Senate Government and Veteran Affairs committee. I am Renee Stromme of the North Dakota Women's Network representing one of our member organizations, the League of Women Voters of North Dakota. Elections and voting are core concerns for the League of Women Voters of ND (LWV-ND). The official position is that voting is a fundamental citizen right that must be guaranteed. (1982)

Our all-volunteer organization works to ensure that all eligible voters, particularly underrepresented populations, can exercise their right to vote. HB 1332 threatens voting rights; therefore the LWV-ND strongly opposes the bill and requests a Do Not Pass recommendation on HB 1332.

HB 1332 places an undue and unnecessary barrier to voting:

- The bill is unnecessary in ND as our current system of voting is extremely effective. The PEW Charitable Trust has graded ND's electoral system as among the best in the nation. Nothing in this legislation will improve our system. This bill attempts to find a solution where no problem exists. Records show that there have been a total of three cases of voter fraud in the state since 2000 (<http://votingrights.news21.com/interactive/election-fraud-database/>).
- Government issued ID requirements disproportionately impact seniors, people of color, people with disabilities, low-income voters, and students. Many elderly voters simply do not drive after their driver's licenses expire. A voter ID bill could create additional burdens to voting for an individual who lives in a nursing home, state or county run facility, community-based residential facility or other private institution. Many individuals in these institutions do not have access to an ID and important documents. Even those who vote by absentee ballot may be required to include a specific form of identification. According to research on voting, increasing the barriers to voting will result in a decline in voter turnout.
- Enacting an ID requirement could cost the state more than is currently anticipated in the bill's fiscal note. The fiscal note does not take into consideration implementation costs. Additional administrative costs to consider are training officials and poll workers to administer the new requirements, developing new materials, and expanding the use of provisional ballots. There also may be the cost of lawsuits from those being denied the right to vote despite being legally qualified.

The League of Women Voters of North Dakota is a nonpartisan political organization, which encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Our most fundamental goal is to see that all who are eligible to vote can do so.

TESTIMONY OF CAREL TWO-EAGLE ON HB 1332

It has been put to us repeatedly that the current crop of voter-registration bills are brought to encourage voting and to make it easier to register to vote. This is patently untrue.

HB 1332 not only makes it hard to register to vote than currently, where we in ND are automatically registered if we have a Driver's License, it discourages the people from registering, and from voting.

HB 1332 violates the Constitutional guarantee of being considered innocent until proven guilty of a crime, here, voter fraud. These bills operate from the position of holding us guilty of committing fraud when there is nothing to even hint that we have done anything even remotely connected to voter fraud. While it might be that with the sudden influx of large numbers of out-of-state people there is a greater risk of voter fraud, there is no proof of any such thing. Claiming that this bill would prevent any is simply not true.

Next, this bill would require us to put down our age – which is completely irrelevant for the majority of us, since it is easy to see that we are over the age of 17. I have put '99' down as my age for over 40 years, regardless of what the form wants. My perspective is, take it or leave it; & no one has made any dedicated effort to prove my ostensible 'real' age, ever. I have been successful in this for a long time; I expect to continue. Anything else denies me my RIGHT, not privilege, to vote. My age is no one's business but mine.

Moreover, HB1332 requires our physical street address, and for such as me, who have stalkers who are violent and are often armed with various weapons, it is life-threatening. I have attracted such crazy people throughout my life, partly because of the activities I am in such as Traditional Indigenous Spiritual (Constitutional), and Treaty Rights, and rescuing people from abusive situations. There is nothing like helping someone get away from their abuser to get that abuser focused on the helper, too! But it must be done – to not pitch in is to automatically shoulder a burden of suffering equal to the one you could have relieved, and refused to. I've been rescuing people since my playground days. It's a built-in with me – people automatically come to me & I've lost count of the number of times such a person has said, "It just feels so safe around you". Just the same, I never give out my house address – I either use a PO Box, or I give out the address of a friend where I pay for a room & get mail, so I conform to the requirements of the law. Since where I sleep is similarly no one's business, particularly the government's, the law is satisfied & so is my need – not hope – for personal security.

If anyone here thinks that I or the thousands of others like me are going to put our physical house addresses in a public registry so we can vote, they are insane. Moreover, I believe that such requirements violate our Constitutional Rights to privacy, life-liberty-&-the-unfettered-pursuit-of-happiness (ie, without looking over our shoulders constantly). No one in this room is likely to ever have come out of their doorway into the barrel of a loaded gun

that has the safety off & some nut has his or her finger on the trigger – but I have. It louses up a person's sleep for months... and I have disarmed one such crazy 3 times. I have never been shot or seriously injured, but that in NO way diminishes the damage to my peace of mind or my personal homeland security. NO one should 'have' to go thru that, especially not as a function of voting.

In Morton County, where I live, the sheriff is essentially useless when it comes to women's rights, and Indn's... when I had a prowler October 9, 2009, the dispatching deputy, Duane Bitz, knowing that I Keep a Holy Pipe & head a non-Christian Church, said, "So what did you do to entice this guy? You must have done to entice him." When I raised a stink about it, the sheriff did nothing, and when I asked then-Morton County Board Chair Jim Boehm to get the sheriff to discipline the deputy, the sheriff ducked him for several weeks. Jim heard Sheriff Shipman tell his secretary, "Jim is somewhere in the building. (Morton County Court House). If he comes to bother me about that Indian woman (me) again, tell him I'm not in." Jim was less than 10 feet behind him – he heard him clearly.

He went in, shushed the secretary, and had A Meeting with Sheriff Shipman, who told him he would discipline Deputy Bitz & tell us what he did. We have never heard a word, and when Jim asked him about it, Shipman just shrugged.

Of course, we can expect such shoddy treatment from someone like Shipman – we have 4 complaints from women who work in the Morton County Sheriff's Department that Sheriff Shipman has fondled them at work. They refuse to make formal complaints because they say their husbands will kill Shipman, & then they won't have their husbands. Allan Koppy, the attorney there, has refused to sign the papers that would have the governor remove Shipman from office – thus aiding & abetting such sex crimes. He has told those who have gone to him about it, "Set up a recall election". An expensive time-consuming proposition at best.

Meanwhile, this leaves people like me in the position of having to provide our own "homeland security". The concept of, "Sleep well, your local law enforcement has your back" does not operate in Morton County. There is nothing I can find in ND law that will enable any of us to fix this stupid unacceptable life-threatening situation, either, short of 'packing heat' when at home. Which is what I have taken to doing. This makes such as me – and there are thousands of us – even less willing to put our actual addresses in a public registry.

It has been put to us that it is 'impossible' to sort out the votes of we who vote on the Affidavit – which is also untrue. There are many ways to get around this. One would be to require all who wish to vote on the affidavit to do so by mail. Those ballots would be color-coded, even by so simple a thing as colored paper, or a band of color across the ends of the ballots, so they would stand out.

Another way would be to color-code all paper ballots for those who vote on the affidavit in person, as I do. I live in the country & I vote there. Everyone votes by paper ballot there. Colored paper is no more expensive than white – the businesses I am involved in use such all the time.

For those who vote by machine, it would be a simple thing to add a bit of computer code for those who vote on the affidavit, to be input by a poll worker, perhaps, and easily done with something similar to a key card. Or, the voter would punch an extra button that states s/he is voting on an affidavit. Then the voter goes ahead & votes. Such ballots would stand out & would be electronically set aside, should the auditors decide they want to further check them out.

There is no reason to enact bills such as HB 1332, and plenty of reason not to. The system we have works, and I am a firm believer in not messing with success, or trying to 'fix' something that is already working. We can do just fine by tweaking existing voter law in North Dakota, instead of endangering people's lives and security or insulting them and/or violating their Constitutional Rights. Please hear me in a good way and vote Do NOT Pass on HB 1332. Thank you.