

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2318

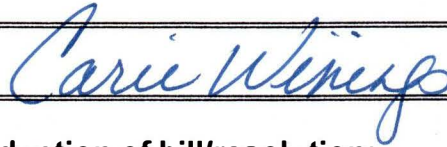
2013 SENATE STANDING COMMITTEE MINUTES

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

SB 2318
02/14/2013
Job Number 18910

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act relating to candidate filing papers; and relating to legislative candidate filings.

Minutes:

Chairman Dever: Opened the hearing on SB 2318.

Senator Unruh, District 33: Testified as sponsor and in support of the bill.

Senator Nelson: Have you ever run for office?

Senator Unruh: Yes I have. I have been elected to our local Mercer County Soil Conservation District Board but I have not gone through this process before.

(3:00) Jim Silrum, Deputy Secretary of State: See Attachments #1A and #1B for testimony in support of the bill.

(6:30) Chairman Dever: Does it change anything with filing deadlines?

Jim Silrum: This bill does not.

Chairman Dever: Does it have to be postmarked by the filing deadline or in the hands of the Secretary of State?

Jim Silrum: As always, it has to be in the hands of the filing officer by the deadline which is 4 pm on the 60th day according to this bill. That is partially why we are wanting to go to the electronic transmission of those is for people who are scrambling to get to their county office in time. Wouldn't it be nice if you could simply upload those to our office and in the

process wouldn't it be nice to know that you're in control of how your name is spelled on the ballot?

Chairman Dever: Currently, can people fax it to you, mail it to you, and e-mail it to you?

Jim Silrum: Our current understanding of the law is that it has to be in original format, but we have received new enlightenment from the Attorney General's office that even under current law it could be a facsimile copy or something of that nature. If it does come in paper, we would hope that it would be original. In the electronic world, we are going to take advantage of what already is law in the Uniform Electronic Transmissions Act which says that any representation of an electronic signature qualifies as such, as the filer's signature.

Senator Nelson: I have a couple of concerns. At the local level, our auditor checks every nomination thing that comes in and makes sure all of the paper is there. We have had one case where one page was missing and the call was made immediately that one page was missing. That personal thing is going to be missing this way I see. Also, not everyone has a fax machine. If you can jump right to electronic that would be great, but you know how people are and they wait till the last minute.

Jim Silrum: On your first concern; I have a wonderful staff and I can attest to you that we will take just as much care to make sure every candidate has all of the proper filings in just as your county auditor has been. I can say that because we have double checked the county auditors work as well. The way legislative districts are organized in the state, there are not that many of them that are just confined within one county. Therefore, we do that double checking for the benefit of those other counties where the candidates are not residents of that county. I can attest to you that we will check that thoroughly and we will get back to every candidate that is missing anything and we will do that prior to the deadline just as a county auditor might. In the electronic world, which I believe we will be

able to launch prior to the primary of next year, the particular legislators in that district in Ward County that missed the deadline, would not have needed to run to the county office in order to file it. They could have filed it directly from their computers. That is a lot faster.

Senator Nelson: Most of us don't have long distance lines anymore, we use our cell phones. There will be folks they may have to go somewhere else to get it faxed in, so I am glad to hear you are going to be up and running before the primary.

Jim Silrum: It is not our desire to go to faxing. It is antiquated technology in my way of looking at things. It is simply a matter of browsing to your document and attaching that and it comes as an upload. Yes, you have to have an internet connection, but you are far more likely to have an internet connection than you are to have a land line.

Senator Cook: There are two ways to get your name on the ballot and one is to (inaudible) Are we changing the number of signatures required?

Jim Silrum: No. There is no change in the number of signatures that would be required. The only change that exists is the moving of that language from where it currently exists in law to where it would need to exist in law if this bill was passed.

Chairman Dever: The paperwork that we file requires the signature of the candidate and also the signature of the district chair. How would we do that electronically?

Jim Silrum: It is our envisioning that you would probably have both of those signed by yourself and the district chair. Then you could make that available via a scan of that document and upload it or we will have ways to both electronically sign it.

Chairman Dever: It seems to me that if we file electronically, the paperwork is right there and you are not going to miss any of it.

Jim Silrum: That is the other nice thing is that our system would notify you if you are missing anything. If the filing is expecting an affidavit of candidacy, a statement of interest,

and all the other forms, and you are missing something right there and then it will notify you right there and then it will let you know. We see this as a step moving forward and maintaining the security of the whole process.

Chairman Dever: Are the necessary provisions in place to allow for the electronic filing?

Jim Silrum: We do not believe that anything else needs to be done because of the uniform electronic transmissions act. If we can incorporate that into the understanding under elections which in discussions with the Attorney General's office already exists. We have to say they exist because of the fact that we had a green party candidate for President who filed their paperwork only by fax prior to the deadline and it was determined that the faxed copy of her paperwork were legitimate.

Chairman Dever: How did the county auditors feel about this?

Jim Silrum: We have not queried all of them. The ones that we have talked to have said that it was fine. Legislators already turn in campaign finance documents. This is just making it the one filing office. I have not asked all 53.

Chairman Dever: They are not allowed to have lobbyists, but their association is not here either.

Jim Silrum: Their association is not here, however, under the Help America Vote Act funds, we have services provided to us in helping us administer that act from the North Dakota Association of Counties. They have been in support of helping us to draft this as well.

Chairman Dever: Closed Hearing on SB 2318.

2013 SENATE STANDING COMMITTEE MINUTES

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

SB 2318
02/14/2013
Job Number 18919

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened SB 2318 for committee discussion.

Senator Nelson: Moved Amendments brought by Jim Silrum.

Vice Chairman Berry: Seconded.

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

Senator Cook: Moved a Do Pass As Amended.

Senator Nelson: Seconded.

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

Vice Chairman Berry: Carrier.

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Adopted by the Government and Veterans
Affairs Committee
February 14, 2013

2/14/13
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PROPOSED AMENDMENTS TO SENATE BILL NO. 2318

Page 1, line 3, after the second comma insert "and"

Page 3, line 21, overstrike "**and legislative district**"

Renumber accordingly

Date: 2/14

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2318

Senate 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 Senator Nelson Seconded By Senator Berry

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: 2/14
 Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES

BILL/RESOLUTION NO. 238

Senate 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 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 Senator Berry

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

REPORT OF STANDING COMMITTEE

SB 2318: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2318 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second comma insert "and"

Page 3, line 21, overstrike "**and legislative district**"

Renumber accordingly

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2318


2013 HOUSE STANDING COMMITTEE MINUTES

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

SB 2318
March 21, 2013
20285

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to legislative candidate filings.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the hearing on SB 2318.

Al Jaeger, Secretary of State, appeared in support of this bill. He did mention that Senator Unruh did sponsor the bill. **Attachment 1.** (1:24-11:34)

Rep. Karen Karls Page 2, Lines 13-15, on the above subsections you always say at least 300 signatures and you don't on d. Is it possible that you could get on the ballot with less than 300 signatures in a case where 1% of the total...?

Al Jaeger Yes, a legislative candidate could get on the ballot with less than 300 because it is 1% of the resident population, and the legislative districts are approximately...

Chairman Jim Kasper 14,300 and something.

Al Jaeger If I did a petition myself, I wouldn't have to go out and get 1% of a couple hundred thousand. The most I am required to get is 300.

Rep. Karen Karls I am trying to understand the difference between Subsection a and Subsection d. If it is under party designation, the threshold is 3% of the total vote. Under d it is 1% of the total resident population.

Al Jaeger It specifies if it is a legislative office.

Rep. Karen Karls That is the difference. One is statewide and one is...?

Al Jaeger Right.

The hearing was closed.

Rep. Ben Koppelman made a motion for a Do pass.

Rep. Marie Strinden seconded.

Chairman Jim Kasper It is a simple bill that makes sense. It is more efficient and can use that computer software we are paying \$3.4 million to have.

A roll call vote was taken and resulted in **DO PASS, 13-0, 1 ABSENT. Rep. Karen Karls** is the carrier.

Date: 3-21-13
 Roll Call Vote #: _____

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2318**

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 Koppelman Seconded By Strinden

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chairman Randy Boehning			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) 13 No 0

Absent 1

Floor Assignment Karls

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

REPORT OF STANDING COMMITTEE

SB 2318, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2318 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

SB 2318

ALVIN A. JAEGER
SECRETARY OF STATE

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

PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

February 14, 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: SB 2318 – Legislative and Other Candidate Filings

Under current law, legislative candidates submit their candidacy documents for ballot access to the County Auditor in the county of the candidate's residence. This bill would require legislative candidates to file their candidacy documents with the Secretary of State. As it is, the ballot is created in a software program in the Secretary of State's office called North Dakota VOICES and this change will allow for greater accuracy with ballot preparation.

Section 1, page 1, line 12: The change requires legislative candidates to file their candidate documents with the Secretary of State.

Section 1, page 2, lines 13 through 15: This change moves the current law regarding legislative candidates from N.D.C.C. § 16.1-11-10 (the corresponding deletion is on page 4, lines 23 through 25), to N.D.C.C. § 16.1-11-06, which will cover all candidates.

Section 2, page 3, lines 1 through 3: The change is related to an affidavit of candidacy filed for the June primary election. Except for the intended election, the change is for consistency to match the wording for the affidavit that is used for the general election and which is being changed on page 6, lines 30 and 31 and page 7, lines 1 through 4.

Section 3, page 3, lines 22 through 29: This is the deletion, which was moved to Section 1, page 2, lines 13 through 15. This section will now only apply to county candidates that gain ballot access by circulating nominating petitions for signatures.

Section 4, page 5, lines 20 through 25: This change requires electors signing a candidate's petition to include their residential address. Since box numbers cannot establish an elector's voting address, this change will ensure that the filing officer will have the needed information to review the petitions for sufficiency of the signatures and that they were from qualified electors in the jurisdiction in which the candidate is running for office.

Section 5, page 6, lines 5 through 14: In the case of a vacancy on the ballot between the primary and general election, this requires that the certificate of nomination by the political party is filed with the Secretary of State rather than the County Auditor.

Section 6, page 6, lines 30 and 31 and page 7, lines 1 through 7: This change is related to the affidavit for the general election and is to match the wording for the affidavit for the primary election as was noted for Section 2, page 3, lines 1 through 3.

Section 7, page 7, lines 19 through 21: This requires the certificate of write-in candidacy for a legislative candidate is to be filed with the Secretary of State rather than the county auditor.

Section 8, page 7, lines 28 through 31 and page 8, lines 1 through 3: This change removes the reference to legislative candidates.

Section 9, page 8, lines 9 and 10 and line 15: This change designates the Secretary of State as the filing officer for all political party related candidates

Section 10, page 8, lines 21: The change clarifies that oaths of offices filed by public officers must be filed using an original document.

Section 11, page 8, line 27: The following section would be repealed because the Secretary of State will certify legislative candidates for the ballot.

16.1-11-13. Filing petition or certificate of endorsement when legislative district composed of more than one county – Certificate of county auditor.

When a legislative district is composed of more than one county, the certificate of endorsement or the petition provided for in section 16.1-11-11 must be filed with the county auditor of the county where the candidate resides, and that county auditor shall certify to the county auditors of the other counties comprising the legislative district the names and addresses of the candidates filing the petitions or certificates. At the same time, the county auditor shall certify to the secretary of state the names and addresses of all legislative candidates nominated in the county under this chapter.

We request your favorable consideration and a do pass recommendation.

PROPOSED AMENDMENT TO SENATE BILL NO. 2318

Page 3, line 21, overstrike **"and legislative district"**

Renumber accordingly

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

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

March 21, 2013

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

FR: Al Jaeger, Secretary of State

RE: SB 2318 – Legislative and Other Candidate Filings

Under current law, legislative candidates submit their candidacy documents for ballot access to the County Auditor in the county of the candidate's residence. This bill would require legislative candidates to file their candidacy documents with the Secretary of State. As it is, the ballot is created in a software program in the Secretary of State's office called North Dakota VOICES and this change will allow for greater accuracy with ballot preparation.

Section 1, page 1, line 12: This is the change that will require legislative candidates to file their candidate documents with the Secretary of State.

Section 1, page 2, lines 13 through 15: This change moves the current law regarding legislative candidates from N.D.C.C. § 16.1-11-10 (the corresponding deletion is on page 4, lines 23 through 25), to N.D.C.C. § 16.1-11-06, which will include the filing requirement for all candidates in one section.

Section 1, page 2, line 17: The word "or" is changed to "and" to clarify that the documents must list the names of both the candidate for Governor and Lt. Governor.

Section 2, page 3, lines 1 through 3: The change is related to an affidavit of candidacy filed for the June primary election. Except for the intended election, the change is for consistency to match the wording for the affidavit that is used for the general election and which is being changed on page 6, lines 30 and 31 and page 7, lines 1 through 4.

Section 3, page 3, lines 22 through 29: This is the deletion, which was moved to Section 1, page 2, lines 13 through 15. This section will now only apply to county candidates that gain ballot access by circulating nominating petitions for signatures.

Section 3, page 4, lines 5 and 6: Because this section will now only refer to county candidates, the reference to political parties is removed.

Section 3, page 4, lines 23 through 25: Moved to page 2, lines 13 through 15.

Section 3, page 4, lines 27 through 30: This change requires electors signing a candidate's petition to include their residential address. Since box numbers cannot establish an elector's voting address, this change will ensure that the filing officer will have the needed information to review the petitions for sufficiency of the signatures and that they were from qualified electors in the jurisdiction in which the candidate is running for office.

Section 4, page 5, lines 20 through 25: The change is for the same reason as for the above change.

Section 5, page 6, lines 5 through 14: In the case of a vacancy on the ballot between the primary and general election, this requires that the certificate of nomination by the political party is filed with the Secretary of State rather than the County Auditor.

Section 6, page 6, lines 30 and 31 and page 7, lines 1 through 3: This change is related to the affidavit for the general election and is to match the wording for the affidavit for the primary election as was noted for Section 2, page 3, lines 1 through 3.

Section 7, page 7, lines 19 through 21: This requires the certificate of write-in candidacy for a legislative candidate is to be filed with the Secretary of State rather than the county auditor.

Section 8, page 7, lines 28 through 31 and page 8, lines 1 through 3: This change is related to the certificate of nomination for a legislative candidate and is removed because it will now be filed with the Secretary of State.

Section 9, page 8, lines 9, 10, and 15: This change designates the Secretary of State as the filing officer for all political party related candidates

Section 10, page 8, line 21: The change clarifies that oaths of offices filed by public officers must be filed using an original document.

Section 11, page 8, line 27: The following section would be repealed because the Secretary of State will certify legislative candidates for the ballot.

16.1-11-13. Filing petition or certificate of endorsement when legislative district composed of more than one county – Certificate of county auditor.

When a legislative district is composed of more than one county, the certificate of endorsement or the petition provided for in section 16.1-11-11 must be filed with the county auditor of the county where the candidate resides, and that county auditor shall certify to the county auditors of the other counties comprising the legislative district the names and addresses of the candidates filing the petitions or certificates. At the same time, the county auditor shall certify to the secretary of state the names and addresses of all legislative candidates nominated in the county under this chapter.

We request your favorable consideration and a do pass recommendation.