

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2374

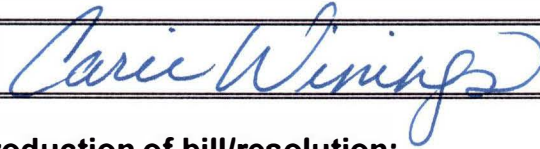
2013 SENATE STANDING COMMITTEE MINUTES

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

SB 2374
02/14/2013
Job Number 18938

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act relating to election and recall filing requirements.

Minutes:

Chairman Dever: Opened the hearing on SB 2374.

Jim Silrum, Deputy Secretary of State: See Attachment #1A for testimony and #1B for amendment proposed. This is one change that needs to be made in many different sections.

(7:10) Senator Nelson: Considering the primary election, when does that move it up so that districts have to have their candidates selected? It is sometimes hard to get candidates to run and we are searching up to the last minute sometimes to find them and to take ten days away from the search process is quite a bit.

Jim Silrum: We realize that it does have an impact and it affects you. That is probably why it is one of our more controversial bills. It would still allow the state political parties to hold their conventions when they normally would hold them. To do this it would also help with the filing deadline that often times falls around Good Friday. Maybe you would say that 70 days is too much but we believe that is what we would like to ask for and if you decide that it not 70 days, all we ask is that you consider it to be more than 60.

Senator Cook: Does that requirement have to be uniform for all elections or could we use 70 days on all elections but the primary?

Jim Silrum: The primary is the most critical because that is where essentially every candidate is new that is coming into the system. In some respects you could almost make an easier argument to keep it 60 days for the general election because we know the nominated candidates after the results are made official after the primary. We have to take into account that there are some candidates who have the opportunity to get on the ballot by just going through the general election only so therefore it would be better if all of the filing deadlines were a certain number of days away from the election. I would prefer that it be consistent throughout the century code.

Chairman Dever: I see this year the filing deadline was Friday April 13th. So you would move that up to April 3rd?

Jim Silrum: Correct.

Chairman Dever: I think the state party convention was over the weekend that preceded the 3rd.

Jim Silrum: It would have been just prior to the filing deadline.

Vice Chairman Berry: Is there a timeframe that you are looking at?

Jim Silrum: It all depends on where the primary election falls. The primary election is always the second Tuesday in June, and so that could be as early as the 8th or it could be quite late like it was last year, the 12th. I believe the earliest the election could be would be the 8th of June and the latest it could be would be the 13th or 14th.

Senator Cook: The 60 days is always going to take you to a Friday, and 64 would take you to a Monday. Is that enough for a solution?

Jim Silrum: We will do whatever is necessary even if the 60th day is what is left. If this bill needs to be killed, we will continue to rack up overtime hours. We bring that into the consideration that state tax dollars are being used for that purpose as well. We would like

the deadline to fall on some other day other day than Friday. Even if you said the 61st day, at least that would be Thursday and we could get something done on Friday. Right now as it stands, 4pm on the 60th day is Friday and I am doing my best to make sure that these small population counties and their staff is staying until the filing deadline of 4 pm on that Friday. Quite often they are closing on Friday afternoon. You see my challenge. They understand that the law says that the candidates have till 4 pm on that Friday to file. Monday would be good - the 64th day. How we are thinking about this is because of how the state constitution is written, the supreme court essentially has up until the 55th day before an election to decide on a ballot measure that is being questioned on whether it should be included on a ballot. (Gives an example of an issue in the past that was pushed all the way to the Supreme Court and the ruling came down on the 56th day) There is nothing that I can do with this bill to change that deadline, but what I am thinking of is if I can work the election officials in the state so that all of the offices and candidates are in place and ready to go and then if I have a measure that is hanging us up until the 55th day, I have time to work this in stages. I am never going to get rid of the 55th day unless we have a constitutional measure that the voters vote on. That is all tied to the fact that in order for a measure to be on the ballot it has to be submitted to our office for review by the 90th day before an election and the review and challenge process, and the supreme court process all must happen within the 35 days from the 90th day and that puts us at the 55th day. We are trying to finalize it sooner for offices and candidates so that we can get there. We have done everything that we possibly can to this point including building a system so that ballots can be proofed prior to an election without any candidates involved.

(18:43)Chairman Dever: You are not looking at adjusting the filing deadlines for ballot measures?

Jim Silrum: In all honesty, Secretary Jaeger is working with Representative Kretschmar to put in a resolution that would call for initiated measures to be submitted for inclusion sooner. The earliest we could possibly implement anything with that is after a vote of the people which could happen no sooner than the primary election of 2014, which is after the next filing deadline for candidates. It is a staged process that we would need to work with.

Chairman Dever: We had a conversation a few years ago about that and the filing deadline now if you moved to back 10 days it would put us in the middle of the state fair; where a lot of those signatures are gathered. That would be problematic.

Jim Silrum: You are correct there. I contend that because an initiated measure sponsoring committee has one year to circulate their petitions, they are always going to have a state fair that they can go to. Granted, that might be a whole year away from when that measure is going to be on the ballot. It would be nice people submitting initiated measures would not wait till the 90th day before an election to turn them in. It really just gives more time for the whole process and helps to insure the integrity of the measures proposed.

Chairman Dever: Closed hearing on SB 2374.

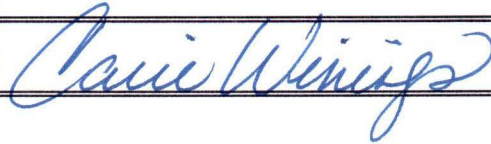
2013 SENATE STANDING COMMITTEE MINUTES

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

SB 2374
02/21/2013
Job Number 19356

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened SB 2374 for committee discussion.

(Committee discusses the amendments proposed and looks over the bill again in regards to changing 70th to 64th and that the main objection was to not have it on a Friday. The 64th day moves it to a Monday.)

Senator Cook: Moved to amend by striking "more than 90 days" on page 7, lines 20 and 25, and change 70th to 64th.

Senator Poolman: Seconded.

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

Senator Cook: Moved a Do Pas As Amended.

Vice Chairman Berry: Seconded.

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

Chairman Dever: Carrier.

2/22/13
TO

PROPOSED AMENDMENTS TO SENATE BILL NO. 2374

- Page 1, line 17, replace "seventieth" with "sixty-fourth"
- Page 2, line 7, replace "seventy" with "sixty-four"
- Page 2, line 12, replace "seventieth" with "sixty-fourth"
- Page 2, line 19, replace "seventieth" with "sixty-fourth"
- Page 3, line 16, replace "seventieth" with "sixty-fourth"
- Page 3, line 21, replace "seventieth" with "sixty-fourth"
- Page 4, line 19, replace "seventieth" with "sixty-fourth"
- Page 4, line 28, replace "seventieth" with "sixty-fourth"
- Page 5, line 25, replace "seventieth" with "sixty-fourth"
- Page 6, line 1, replace "seventieth" with "sixty-fourth"
- Page 7, line 7, replace "seventieth" with "sixty-fourth"
- Page 7, line 14, replace "seventieth" with "sixty-fourth"
- Page 7, line 17, replace "seventieth" with "sixty-fourth"
- Page 7, line 20, overstrike "**more than ninety days** "
- Page 7, line 25, overstrike "more than ninety days"
- Page 9, line 24, replace "seventieth" with "sixty-fourth"
- Page 9, line 31, replace "seventieth" with "sixty-fourth"
- Page 10, line 3, replace "seventieth" with "sixty-fourth"
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- Page 10, line 13, replace "seventieth" with "sixty-fourth"
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- Page 11, line 8, replace "seventieth" with "sixty-fourth"
- Page 12, line 4, replace "seventieth" with "sixty-fourth"
- Page 12, line 30, replace "seventieth" with "sixty-fourth"
- Page 13, line 7, replace "seventieth" with "sixty-fourth"
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Page 13, line 30, replace "seventieth" with "sixty-fourth"

Page 15, line 26, replace "seventieth" with "sixty-fourth"

Page 16, line 4, replace "seventieth" with "sixty-fourth"

Page 16, line 15, replace "seventieth" with "sixty-fourth"

Page 16, line 21, replace "seventieth" with "sixty-fourth"

Page 17, line 10, replace "seventieth" with "sixty-fourth"

Page 18, line 5, replace "seventieth" with "sixty-fourth"

Page 18, line 16, replace "seventieth" with "sixty-fourth"

Page 18, line 29, replace "seventieth" with "sixty-fourth"

Page 19, line 12, replace "seventieth" with "sixty-fourth"

Page 20, line 17, replace "seventieth" with "sixty-fourth"

Page 21, line 18, replace "seventieth" with "sixty-fourth"

Renumber accordingly

Date: 2/21

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2374

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

pg 7 20, 25

Legislative Council Amendment Number 70th Day to 64th

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

Motion Made By Senator Cook Seconded By Senator Poolman

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 _____

Floor Assignment _____

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

Date: 2/21
 Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES

BILL/RESOLUTION NO. 2374

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8236.01001 02000

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

Motion Made By Senator Cook 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 Senator Dever

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

REPORT OF STANDING COMMITTEE

SB 2374: 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 2374 was placed on the Sixth order on the calendar.

- Page 1, line 17, replace "seventieth" with "sixty-fourth"
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Page 20, line 17, replace "seventieth" with "sixty-fourth"

Page 21, line 18, replace "seventieth" with "sixty-fourth"

Renumber accordingly

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2374

2013 HOUSE STANDING COMMITTEE MINUTES

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

SB 2374
March 14, 2013
19961

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to election and recall filing requirements.

Minutes:

You may make reference to "attached testimony."

Chairman Jim Kasper opened the hearing on SB 2374.

Jim Silrum, Deputy Secretary of State, appeared in support. **Attachment 1.** (:23-8:04)

Rep. Vicky Steiner Have you ever thought about incentivizing if it saves the state money that if people get their petitions in early, they get a couple of extra points to be at the top of the ballot?

Jim Silrum I don't want to even go there anymore.

Vice Chair Randy Boehning Would you explain Page 12, Section 16, Lines 24-25.

Jim Silrum A special election is an election that can occur any time during the year. A primary election always happens the second Tuesday in June. The November election always happens on the first Tuesday after the first Monday in November. We said a nominating petition for a special election may not be circulated or signed more than 30 days before the date when the petition must be filed which would be 30 days before the filing deadline which would be 30 days before 64 days. Special elections generally happen in cities where not many signatures are required.

The hearing was closed.

Rep. Ben Koppelman moved a Do pass.

Rep. Vicky Steiner seconded.

A roll call vote was taken and resulted in **DO PASS, 12-0, 2 ABSENT.** **Rep. Ben Koppelman** is the carrier.

Date: 3-14-13
 Roll Call Vote #: _____

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2374**

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 B. Koppelman Seconded By Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		
Vice Chairman Randy Boehning	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Marie Strinden	X	
Rep. Karen Karls	X		Rep. Steven Zaiser		
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) 12 No 0

Absent 2

Floor Assignment B. Koppelman

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

REPORT OF STANDING COMMITTEE

SB 2374, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2374 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

SB 2374

ALVIN A. JAEGER
SECRETARY OF STATE
HOME PAGE www.nd.gov/sos



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

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

February 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 2374 – Election and Recall Filing Requirements

This bill makes one change for the filing deadline for candidates in all levels of government, which then requires adjustments to many sections of law. That is, it changes the filing deadline for candidates from 60 to 70 days before an election. The extra ten days will provide election officials adequate time for accurate preparation of the ballots and to make it easier to comply with federal and state laws, which require absentee ballots to be transmitted to military and overseas voters by the 46th day prior to an election.

State law requires the Secretary of State to certify the ballot no later than 55 days before the election, which allows only eight working days to prepare the ballot. Under the best of circumstances and with no complications, it is challenging to meet this timeline without many intense hours and overtime. It is particularly critical for the June election because that is the most complicated for which to prepare the ballot because it includes statewide, district, county, city, and some school elections.

Unless otherwise noted, only the position or situation is listed for which the 70 day deadline has been changed.

Section 1, page 1, lines 17 through 20: School board candidate

Section 2, page 2 line 7: This requires the school business manager for any school election held in conjunction with a county election to submit the candidate names to the county auditor immediately after the filing deadline.

Section 3, page 2, line 12: Recall election.

Sections 4 and 5, pages 2 and 3: The holding a district political party convention prior to the June election (related to SB 2369)

Section 6, page 3, line 21: Establishment of an early voting precinct

Section 7, page 4, line 19: Candidate statements of interest forms

Section 8, page 4, line 28 and page 5, line 25: Statewide and district candidate petitions or certificates of endorsement (related to SB 2318)

Section 9, page 6, line 1 and page 7, line 7: County candidate petitions and legislative certificates of endorsement (related to SB 2318)

Section 10, page 7, lines 14 and 17: County and city measures

Section 11, page 7, lines 23 and 24: Nominating petitions may not be circulated prior to January 1 prior to a primary election.

Section 11, page 7, lines 25 through 27: Nominating petitions may not be circulated more than thirty days prior to the candidate filing deadline for statewide, district, or county position prior to a special election.

Section 12, page 9, line 24: Vacancy nominations for state or district office

Section 13, page 9, line 31 and page 10, lines 3, 9, and 13: Vacancy nominations for no party office

Section 14, page 11, lines 4 and 8: Petition filing deadline prior to the primary election for applicable political parties

Section 15, page 12, line 4: Certificates of nomination for president of the United States

Section 16, page 12, lines 24 and 25: Nominating petitions for an independent candidate may not be circulated more than thirty days prior to the candidate filing deadline for a special election.

Section 17, page 12, line 30: Certificates of nomination

Section 18, page 13, lines 6 through 9: If a nominated candidate declines the nomination from a primary election, the candidate must do so by the seventieth day before the general election.

Section 19, page 13, lines 15 through 30: Petitions to fill a vacancy on a no party ballot

Section 20, page 14, line 23: If the Governor decides to call a special election to fill a vacancy in a judicial district office and if that call is within eighty-one days of the next general election, the special election is to be held in conjunction with the general election.

Section 21, page 15, lines 25 and 26: This requires the city auditor for any city election held in conjunction with a county election to submit the candidate names to the county auditor immediately after the filing deadline.

Section 22, page 16: Petitions from city candidates. A city candidate may not circulate petitions prior to January 1 preceding the election in June. And a nominating petition for a special city election may not be circulated more than 30 days prior to the candidate filing deadline for a special election.

Section 23, page 17: City auditors must conduct a candidate drawing for ballot position order and forward the names and order of candidates to the county auditor immediately after the filing deadline on the seventieth day.

Section 24, page 18, line 5: Referral petitions for city ordinances

Section 25, page 18, line 16: City recall petitions

Section 26, page 18, lines 28 and 29: Official county newspaper

Section 27, page 19, lines 11 and 12: Garrison Diversion Conservancy District

Section 28, page 20, lines 16 and 17: Southwest water authority

Section 29, page 21, line 18: City directors of the southwest water authority

We request your favorable consideration and a do pass recommendation.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2374

Page 7, line 20, overstrike "more than ninety days"

Page 7, line 25, overstrike "more than ninety days"

Renumber accordingly

Attachment 1

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 14, 2013

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

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

RE: SB 2374 – Election and Recall Filing Requirements

This bill makes one change for the filing deadline for candidates in all levels of government, which then requires adjustments to many sections of law. That is, it changes the filing deadline for candidates from 60 to 64 days before an election or, in other words, from Friday to the preceding Monday. The extra four days will provide election officials adequate time for accurate preparation of the ballots and to make it easier to comply with federal and state laws, which require absentee ballots to be transmitted to military and overseas voters by the 46th day prior to an election.

State law requires the Secretary of State to certify the ballot no later than 55 days before the election, which allows only eight working days to prepare the ballot. Under the best of circumstances and with no complications, it is challenging to meet this timeline without many intense hours and overtime. It is particularly critical for the June election because that is the most complicated for which to prepare the ballot because it includes statewide, district, county, city, and some school elections.

Unless otherwise noted, only the position or situation is listed for which the 64-day deadline has been changed.

Section 1, page 1, lines 17 through 20: School board candidate

Section 2, page 2 line 7: This requires the school business manager for any school election held in conjunction with a county election to submit the candidate names to the county auditor immediately after the filing deadline.

Section 3, page 2, line 12: Recall election.

Sections 4 and 5, pages 2 and 3: The holding a district political party convention prior to the June election (related to SB 2369)

Section 6, page 3, line 21: Establishment of an early voting precinct

Section 7, page 4, line 19: Candidate statements of interest forms

Section 8, page 4, line 28 and page 5, line 25: Statewide and district candidate petitions or certificates of endorsement (related to SB 2318)

Section 9, page 6, line 1 and page 7, line 7: County candidate petitions and legislative certificates of endorsement (related to SB 2318)

Section 10, page 7, lines 14 and 17: County and city measures

Section 11, page 7, lines 23 and 24: Nominating petitions may not be circulated prior to January 1 prior to a primary election.

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Section 12, page 9, line 24: Vacancy nominations for state or district office

Section 13, page 9, lines 30 and 31 and page 10, lines 3, 9, and 13: Vacancy nominations for no party office

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Section 18, page 13, lines 6 through 9: If a nominated candidate declines the nomination from a primary election, the candidate must do so by the seventieth day before the general election.

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Section 27, page 19, lines 11 and 12: Garrison Diversion Conservancy District

Section 28, page 20, lines 16 and 17: Southwest water authority

Section 29, page 21, line 18: City directors of the southwest water authority

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