

**2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1075**

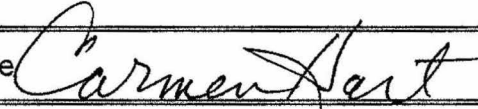
# 2015 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1075  
1/29/2015  
22862

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to filing of petitions or certificates of endorsement by legislative candidates

### Minutes:

Attachments 1-3

**Chairman Kasper** opened the hearing on HB 1075.

**Rep. Ben Hanson** appeared in support. Attachment 1 (.49-4:04)

**Rep. Karls** How would this affect the rural candidates that deal with five counties?

**Rep. Hanson** Those rural candidates were always able to file with their home county, the one they lived in. Under this bill they would continue to do so.

**Rep. Mooney** Essentially, this just puts it back to the way it was before?

**Rep. Hanson** Yes. I thought that was an unintended consequence. What it doesn't do, it doesn't take away the electronic filing for contributions.

### Opposition

**Jim Silrum**, Deputy Secretary of State, appeared in opposition. Attachment 2 (5:43-9:55)

**Rep. Louser** There is a possibility in the future the Secretary of State's website is going to have a form that can be filled out and signed electronically as a valid way to file?

**Jim Silrum** We can certainly move in that direction. We would have to make sure that an electronic representation of your signature would be qualifying in that instance.

**Rep. Louser** I am kind of going towards the electronic stamp that is certifying that it came from an IP address or somebody's email as opposed to their physical signature that is copied. I believe that electronic signatures are valid for contracts in North Dakota already.

**Jim Silrum** I need to say there are certain people that hold to the Uniform Electronic Transmissions Act more closely than other people do. I am a firm and staunch believer that the Uniform Act was a good one and would accept an electronic signature.

**Rep. Amerman** Everything is moving electronically. Are we still leaving small windows open? Will there still be opportunities to not do it electronically?

**Jim Silrum** Unlike campaign contribution statements that are required to be filed electronically, this does not seek to change the fact that people can mail them or hand deliver them. We need to make sure we have it covered that somebody who is filing as a candidate is truly running for office.

**Rep. Wallman** It sounded like Rep. Hanson was saying the local county option went away, and the electronic option still isn't available for filing for candidacy to get on the ballot. That is not true?

**Jim Silrum** We would say that is not true, and we can verify that.

**Rep. Wallman** Is it somewhere in statute that these things are both available, and is it somewhere on the Secretary of State's website that these options are available?

**Jim Silrum** No. As the law currently stands, legislative candidates must file with the Secretary of State, no longer with the county auditor of residence. That was part of what was changed in the last legislative session. This was done to make it less confusing as to what had to be filed with the Secretary of State and what had to be filed with the county auditor.

**Rep. Wallman** What statute is where the electronic option is contained?

**Jim Silrum** It is not specifically in statute. There is a Uniform Electronic Transmissions Act that does say even contracts can be submitted electronically. Our office has a large part in regulating a vast majority of electronic transmissions. There is not specific wording in code that is going to say candidates may file their paperwork electronically, but by policy we can apply that to you which was our intent.

**Rep. Wallman** That is on the Secretary of State's website?

**Jim Silrum** I know we sent that out to all of the districts. I believe that information is on our website under how legislative candidates may file.

**Chairman Kasper** Isn't there a pamphlet that explains election law available?

**Jim Silrum** We have a number of publications, more than 100 dealing with elections alone that we produce.

Opposition

**Kevin Glatt**, Burleigh County Auditor, appeared in opposition. The current law works very well. HB 1075 diminishes the progress that has been made to bring uniformity in elections in North Dakota.

**Donnell Preskey**, ND Association of Counties, appeared in opposition. Attachment 3. (20:40-20:54)

**Rep. Steiner** The very first time I ran, my party district chairman signed my form, and I went to the Stark County Courthouse. It felt so good to hear the auditor tell me that I had exactly the paperwork that needed to be filed.

**Rep. Mooney** In your testimony is that all auditors?

**Donnell Preskey** Like I stated earlier, the legislative committee is appointed by the full group of auditors to speak on behalf of what is in the best interest of all auditors.

**Rep. Mooney** The auditors aren't surveyed in advance to get a general consensus?

**Donnell Preskey** Not on every single bill.

**Rep. Mooney** What is the makeup of the legislative committee between urban and rural representation?

**Donnell Preskey** I will send you an email to the whole committee if you wish with who is on our committee and where they are from.

No neutral.

The hearing was closed.

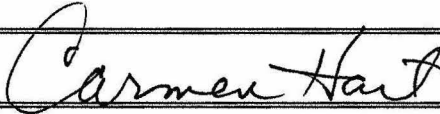
# 2015 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1075  
2/13/2015  
23830

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to filing of petitions or certificates of endorsement by legislative candidates

### Minutes:

"Click to enter attachment information."

**Chairman Kasper** opened the meeting on HB 1075. 1075 moves the law back to what it was before the 2013 legislative session action. Secretary of State's testimony indicated that the filing is now going to the Secretary of State and before it went to the auditor. The auditors don't want this filing.

**Rep. Mooney** I will be a resisting a do pass on this bill based on information that I received from my local auditor which is the opposite. She would prefer that we didn't pass this.

**Rep. Mooney** made a motion for a DO NOT PASS.

**Rep. Seibel** seconded the motion.

A roll call vote was taken. 10 Yeas, 4 Nays, 0 Absent.

**Chairman Kasper** stated that was different that Rep. Mooney voted against her motion.

**Rep. Steiner** will carry the bill.

Date: 2-13-15  
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1075

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Mooney Seconded By Seibel

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	<input checked="" type="checkbox"/>		Rep. Bill Amerman		<input checked="" type="checkbox"/>
Vice Chair Karen Rohr	<input checked="" type="checkbox"/>		Rep. Gail Mooney		<input checked="" type="checkbox"/>
Rep. Jason Dockter	<input checked="" type="checkbox"/>		Rep. Mary Schneider		<input checked="" type="checkbox"/>
Rep. Mary C. Johnson	<input checked="" type="checkbox"/>		Rep. Kris Wallman		<input checked="" type="checkbox"/>
Rep. Karen Karls	<input checked="" type="checkbox"/>				
Rep. Ben Koppelman	<input checked="" type="checkbox"/>				
Rep. Vernon Laning	<input checked="" type="checkbox"/>				
Rep. Scott Louser	<input checked="" type="checkbox"/>				
Rep. Jay Seibel	<input checked="" type="checkbox"/>				
Rep. Vicky Steiner	<input checked="" type="checkbox"/>				

Total (Yes) 10 No 4

Absent 0

Floor Assignment Steiner

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

**REPORT OF STANDING COMMITTEE**

**HB 1075: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1075 was placed on the Eleventh order on the calendar.

**2015 TESTIMONY**

**HB 1075**



**HB 1075 Testimony; Rep. Ben Hanson**

**House Committee on GVA:**

#1  
1075  
1-29-15

*January 29<sup>th</sup>, 2015 testimony in regards to HB 1; A BILL for an Act to create and enact a new section to chapter 16.1-11 of the North Dakota Century Code, relating to filing of petitions or certificates of endorsement by legislative candidates; and to amend and reenact sections 16.1-11-06 and 16.1-11-11, subsection 5 of section 16.1-11-18, subsection 4 of section 16.1-12-02.2, subsection 2 of section 16.1-12-04, and section 16.1-12-06 of the North Dakota Century Code, relating to filing of petitions or certificates of endorsement by legislative candidates.*

Mr. Chair, fellow committee members, for the record my name is Ben Hanson and I am a representative from District 16 in Fargo and West Fargo. I stand before you today to testify in favor HB 1075.

House Bill 1075 is a bill to re-instate the ability for candidates for legislative office to register as a candidate with the county courthouse of their residence. Senate Bill 2318 of the 63<sup>rd</sup>, aka previous, assembly sought to make contribution reports electronic. This sounded like a good idea to many of us, so much so that we passed it.

Come 2014 those of us in odd districts were to find out that it also extended itself into filing for candidacy and taken away the tried-and-true option of filing at one's county courthouse as had been done for decades in our state. This led to confusion and last minute rushing to get perfectly legitimate, legal candidacy filings driven to Bismarck via car because the Secretary of State's office did not accept electronic copies of said filings.

Further, in testimony in the 2013 Senate hearing on SB 2318 it was repeatedly stated, as can be found on pages 2, 3 and 4 of the provided testimony transcript, that candidate could file for running for office electronically. That the signatures could be passed on electronically to the Secretary of State's office and would be counted. This was not the case. The result of SB 2318 was both to take away the local option that had worked so well for years *and* requiring physical postal mail delivery of said registration without providing an electronic option. This adds further

stress as the Secretary of State's office often does not post these mailed filings online until the deadline, as happened in 2014's primary.

Instead of limiting options in our modern era, I think it would be much preferable to have both the local county option for those who wish to use it and institute the promised electronic option still not currently available. Please note that HB 1075 does nothing to deter the Secretary of State from creating an online filing option.

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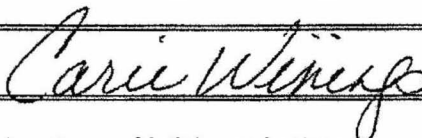
## 2013 SENATE STANDING COMMITTEE MINUTES

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 60<sup>th</sup> 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

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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,

P.6

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.

ALVIN A. JAEGER  
SECRETARY OF STATE

PAGE [www.nd.gov/sos](http://www.nd.gov/sos)



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

January 29, 2015

#2  
1075  
1-29-15

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

TO: Chairman Jim Kasper and members of the House Government and Veteran's Affairs Committee

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

RE: HB 1075 – Legislative Candidate Filings

The Secretary of State's office stands in opposition to this bill as it seeks to change the law back to the way it was prior to the passage of SB 2318 in the 63<sup>rd</sup> Legislative Assembly by nearly a unanimous vote in both the House and Senate. It seemed sensible during the last legislative session and to both state and local election officials that if the Secretary of State is required to maintain the filings submitted by candidates that this paperwork should be submitted by those candidates directly to the Secretary of State rather than through the candidate's county auditor. This is still the sensible option and nothing has been offered to us to prove otherwise.

We request your consideration for a do not pass recommendation.

Testimony to the:

House GVA

1/29/15

Prepared by:

North Dakota Association of Counties

#3  
1075  
1-29-15

### **HB 1075: Relating to Filing of Petitions by Legislative Candidates**

Good Afternoon Chairman Kasper and Committee members, I'm Donnell Preskey with the North Dakota Association of Counties in which I represent the county Auditors Association. Auditors oppose HB 1075 frankly because the law was changed two years ago and it worked just fine during the past election cycle. Requiring the legislative candidates to file with the secretary of state's office provided uniformity in the election process across the state.