

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1239

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1239
1/23/2015
22436

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to election administration.

Minutes:

Attachments 1-2

Chairman Kasper opened the hearing on HB 1239.

Rep. Kempenich, District 39, appeared in support. HB 1239 cleans up various chapters of the election law.

Jim Silrum, Deputy Secretary of State, appeared in support. Attachment #1 (5:43-11:35)

Rep. Laning What is the significance of the 64 days versus 60?

Jim Silrum Last session we asked for 70 days for a filing deadline. The legislature decided 64 was good enough. According to the Military and Overseas Voters Act, by the 46th day, anyone who is an overseas voter and has applied for their absentee ballot, the ballot needs to be made available to them on that day. Otherwise, we as a state are subject to huge penalties. When the deadline was 60 days and you take into account all the rotational work that needs to be done, it puts a huge pressure on the Secretary of State and the county offices to make sure ballots are ready by that 46th day. We would prefer 70 days to make sure the ballot is correct.

Rep. Amerman In the smaller communities where there are mostly write in votes, I can still go check at the courthouse or someplace to see how many votes I received?

Jim Silrum My answer would be yes, because in order to identify those write in candidates that won, you need to know who those write in candidates were that didn't. Those reports would be maintained in the office. They wouldn't be published in the paper.

Rep. Wallman Section 6, Page 4, there's new language being added. As you were speaking about second chance voting and if I am reading this correctly, this addition would take away second chance voting for people who send in their ballot. Is that correct?

Jim Silrum No, that is not correct. This new language says that when the voter has put the ballot in the envelope and signed the affidavit, and put it in the mail or handed it across the counter to the local election official, that ballot is considered cast. That envelope can be given back to them to fill affidavit information, but they cannot open that envelope, be given a new ballot, and say I want to vote a completely new one.

Rep. Wallman : Right now if I go to the auditor's office and hand them my ballot that I filled out and then indicated I changed my mind, can they give it back to me?

Jim Silrum That situation that you described is referred to as in person absentee voting. In the situation you described I don't see there is an issue with that. Once that ballot has been received by the local election official, they have processed it, and it is understood that you probably walked away at that point. If you walk back in the door and want your ballot back, under this the local election official would say your ballot was cast.

Rep. Seibel Once it's mailed, it's considered cast?

Jim Silrum That is correct, because that is the same as handing it to the local election official.

Rep. M. Johnson Referring to Page 1, Line 12, that seems to cap the petitions at 300 in total. Am I mistaken?

Jim Silrum The standard rule of thumb is no one can require a candidate to turn in more than 300 signatures.

Rep. M. Johnson Unlike the lazy city commission in Fargo who can pay \$100 and get on the ballot, I am on the Fargo Park Board, and I always try to get more signatures because I never know which are going to be invalid. I was curious about that. Referring to Line 9, what is the office of supervisor?

Jim Silrum Conservation District.

Terry Traynor, Association of Counties, appeared in support. I ask the committee to consider the proposed amendments. Attachment #2. We feel it is a technical correction regarding the canvassing board meeting. If you recall last session, the canvassing board prior to the session was allowed to meet on the Friday after the election or up to the Monday after the election. We fixed the date, Monday, the sixth day after the election really to give the maximum amount of time for absentee votes to be received by the election official. If a quorum could not be present because of a holiday or inclement weather, they would have until the seventh or eighth day to get it done.

Chairman Kasper Have you talked to the Secretary of State's Office about these amendments?

Terry Traynor Yes, we have in concept. I was only able to give a hard copy of what we are thinking to the Deputy Secretary of State this morning.

Chairman Kasper I noticed the sections you are proposing are not in the bill. I think you might have some drafting errors.

Terry Traynor We were primarily concerned about adding a new section 10 to the bill. We were interested in 16.1-15-17 which is the county's responsibility. It was pointed out that there is a like section in the old school board election, and that is why we included it in there to make the two consistent.

Chairman Kasper: Jim, would you be able to respond?

Jim Silrum In concept, we don't disagree with these amendments. As I expressed to the counties before, we believe that the law already allows this flexibility, because if you can't have a quorum, you can't have a meeting. I would like to see that, if these are accepted, we do a research to see if there are any codes that deal with city elections or other political subdivisions that might also apply. We believe there should be consistency there.

Chairman Kasper We won't take action on the amendment until you can come back and give us some updated information.

No opposition or neutral.

The hearing was closed.

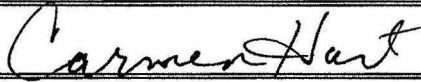
2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1239
2/12/2015
23740

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to election administration

Minutes:

"Click to enter attachment information."

Chairman Kasper opened the meeting on HB 1239. He reviewed the Secretary of State's Office testimony. (:36-03:57) The Association of Counties had a proposed amendment.

Vice Chair Rohr I have noted that what they were proposing is already in the law.

Rep. Seibel Jim Silrum says law already allows canvassing boards to wait until they have a quorum.

Chairman Kasper We don't need that then.

Rep. Dockter made a motion for a DO PASS.

Rep. Karls seconded the motion.

A roll call vote was taken. 13 Yeas, 0 Nays, 1 Absent.

Rep. Mooney will carry the bill.

Date: 2-12-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1239

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 Dockter Seconded By Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chair Karen Rohr	X		Rep. Gail Mooney	—	
Rep. Jason Dockter	X		Rep. Mary Schneider	X	
Rep. Mary C. Johnson	X		Rep. Kris Wallman	X	
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Mooney

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

REPORT OF STANDING COMMITTEE

HB 1239: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1239 was placed on the Eleventh order on the calendar.

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1239

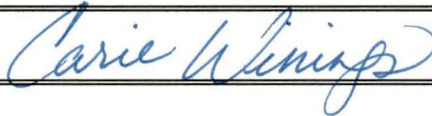
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

HB 1239
3/6/2015
Job # 24442

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact sections 4-22-17, 12.1-14-02, 16.1-07-10, 16.1-10-06.1, subsection 2 of section 16.1-11-11, and sections 16.1-11.1-05, 16.1-12-02.2, 16.1-13-23, 16.1-13-32, 61-24-03.1, and 61-24.5-07 of the North Dakota Century Code, relating to election administration.

Minutes:

Attachments 1

Chairman Dever: Opened the hearing on HB 1239.

Jim Silrum, Deputy Secretary of State: See Attachment #1 for testimony in support of the bill and to explain the bill.

(4:55) Chairman Dever: Closed the hearing on HB 1239.

Senator Flakoll: Moved a Do Pass.

Senator Cook: Seconded.

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

Motion Carried.

Senator Nelson will carry the bill.

3/4

Date:
Roll Call Vote #:

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO.

1239

Senate 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 Flakoll Seconded By Cook

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	AB		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	AB				
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent 2

Floor Assignment Nelson

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

REPORT OF STANDING COMMITTEE

HB 1239: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
HB 1239 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1239

HB129
1-23-15

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

#11

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

January 23, 2015

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

FR: Jim Silrum, Deputy Secretary of State

RE: HB 1239 Relating to Election Administration

This bill corrects inconsistencies in terminology, removes outdated references, and inserts standard election administration practices in the North Dakota Century Code for the improvement of elections.

Section 1, page 1, line 20: This candidate filing deadline change was overlooked in HB 2374 that was passed in the 63rd Legislative Assembly.

Section 2, page 2, lines 8, 9, and 13: Out-of-date references to "poll watchers" are changed to "election observers" for consistency in the Century Code.

Section 3, page 2, lines 20 through 22: This change codifies the existing practice that once an absentee or mail ballot is returned to the proper local election official, the ballot is considered cast and may not be returned to the voter except for the purpose of completing missing information on the affidavit.

Section 4, page 3, lines 9 and 10: This deletion reflects that the position of a "poll challenger" was removed in HB 1332 by the 63rd Legislative Assembly.

Section 5, page 3, lines 15, 16, 20: This change removes the confusion as to the number of petition signatures required for candidates seeking county office. It eliminates the question we receive every election, "What happens if a candidate brings in signatures totaling more than five percent?"

Section 6, page 4, lines 5 through 7: This change is identical to Section 3, but for vote by mail ballots.

Section 7, page 5, lines 13 and 14: This change removes the need to individually report the names associated with write-in votes for those write-in candidates receiving fewer than three votes. Write-in votes will still be counted, but anyone receiving one or two votes will not appear in official reports unless that number of votes was enough to be nominated or elected.

Section 8, page 7, line 4: This change clarifies the definition for second chance voting. A voter can make a mistake on the first two ballots given to them, but the third must be cast as is.

Section 9, page 7, line 9: This change clarifies second chance voting similar to the previous section.

Section 10, page 7, lines 19 and 20: This candidate filing deadline change was overlooked in HB 2374 that was passed in the 63rd Legislative Assembly.

Section 11, page 8, lines 3 and 4: This candidate filing deadline change was overlooked in HB 2374 that was passed in the 63rd Legislative Assembly.

We request your favorable consideration and a do pass recommendation.

HB 1239
1-23-15

#2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1239

Page 1, line 1, after 12.1-14-02" insert "15.1-09-15"

Page 1, line 3 after "16.1-13-32" insert "16.1-15-17"

Page 2, after line 14, insert:

SECTION 3, AMENDMENT. Section 15.1-09-15 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-15. School district election - Declaration of winner.

On the sixth day after the election, the school board shall meet to canvass all election returns and shall declare the result of an election and, in the case of a tie, within three days from the determination of a winner. If a legal holiday or inclement weather prohibits a quorum of the canvassing board from meeting on the sixth day following an election, the canvassing board shall meet on the seventh or eighth day following the election. However, if the election is held under an agreement with a city or county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the winners declared as set out in the agreement. The individual receiving the highest number of votes for an office must be declared elected. The board shall record the result of the election.

Page 7, after line 13, insert:

SECTION 10, AMENDMENT. Section 16.1-15-17 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-17. Time of county canvassing board meeting -- Oath required -- Reconsideration of canvass.

On the sixth day following each election, the county canvassing board shall meet and, after taking the oath of office, shall proceed to open and publicly canvass the returns. If a legal holiday or inclement weather prohibits a quorum of the canvassing board from meeting on the sixth day following an election, the canvassing board shall meet on the seventh or eighth day following the election. After the initial meeting of the board as provided in this section, any two or more members may call a meeting of the board and upon approval of a majority of the members, the board shall recanvass the results of the election or any portion thereof and may correct any previous canvass or certification or both in regard to the election. Any correction of any previous certification of election results as provided in this section must be immediately dispatched to the secretary of state who shall call a meeting of the state canvassing board as provided in section 16.1-15-35 for the purpose of recanvassing and, if necessary, correcting any previous certification of the election results.

Renumber accordingly

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

#1
PHONE (701) 328-2900
FAX (701) 328-2992
E-MAIL sos@nd.gov

March 6, 2015

TO: Chairman Dick Dever and the members of the Senate Government and Veteran's Affairs Committee
FR: Jim Silrum, Deputy Secretary of State, on behalf of Secretary of State Al Jaeger
RE: HB 1239 – Election Administration

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