

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1348

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1348
1/29/2015
22859

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to delivery of absent voters' ballots and mail ballots and counting of absent voters' ballots

Minutes:

Attachments 1-4

Chairman Kasper opened the hearing on HB 1348.

Rep. Rick Holman appeared in support. Attachment 1 (:35-8:43)

Rep. Mooney Can you remind us how early are they sent out now?

Rep. Holman 40 days.

Rep. Wallman Would these be considered absentee ballots then?

Rep. Holman No.

Rep. Bill Devlin appeared in support. I think it is a bipartisan bill. It brings some consistency to voting periods across the state. People have seen campaigning extend way longer than they ever intended. The original intent of the mail in ballot was to try and give a window for people to get to the polls.

Jim Silrum, Deputy Secretary of State, appeared in support. (12:40-13:57) Attachment 2

Opposition

Kevin Glatt, Burleigh County Auditor/Treasurer, appeared in opposition. Attachment 3 (14:37-17:21) (Paused to get Page 2 of the bill to committee) Continuing on (17:46-18:46).

Rep. Mooney In the third paragraph you are talking about your concerns with people being able to stop into the auditor's office and drop off their ballot, to cast their ballot on the day of election. Why would that be uncontrolled situation?

Kevin Glatt What I meant was for them to drop off their absentee ballot at their polling place on election day.

Rep. Mooney It is okay if they drop it off at the auditor's office, but not the precinct?

Kevin Glatt Current law doesn't allow either. I don't believe they should be able to deliver their absentee ballot on election day to the auditor's office. Otherwise, why is it an absentee ballot?

Rep. Mooney If they have taken the time to fill out their ballot in advance and everything is in order, why does that matter?

Kevin Glatt I would be acceptable to accepting that ballot at the auditor's office, just like if it had been delivered the prior day before 5 pm., or if I had picked it up at the post office on election day and it had a valid postmark. I am concerned about people going to their voting place on election day and delivering their absentee ballots there. When I stock a precinct, every ballot is accounted for. In Burleigh County we sent out over 7,500 absentee ballots this last election. It could be uncontrollable how many would be delivered to the precinct. I don't see that as good election administration for an uncontrollable amount of ballots to be delivered.

Rep. Amerman The ballots we are talking about that are now being mailed in but could be delivered under this bill. Wouldn't it be simple to keep the envelopes to account for the mail in ballots?

Kevin Glatt It is another step and another potential for mishandling and abuse. That is my personal feeling after running somewhere in the neighborhood of 60 elections over the past 28 years.

Rep. B. Koppelman You apply for an absentee ballot, you receive it, and then you decide to vote on election day. Can you bring the absentee ballot in, give it to the poll worker, and get a valid election day ballot?

Kevin Glatt That is the way we do it in Burleigh County. We would void that absentee ballot and wouldn't open it. It gets brought back to my office then. The elector is given a ballot just like he never had that absentee ballot and vote just like anybody else that shows up. That unopened absentee ballot is taken to the Canvass Board and the Canvass Board actually voids it.

Donnell Preskey, North Dakota Association of Counties, appeared in opposition.
Attachment 4 (25:21-27:59)

Rep. Louser On the 21 days which is seemingly not enough time, we are talking about the ballot is valid if it is postmarked by election day. Correct?

Donnell Preskey The day before.

Rep. Louser If it takes three or four days to get the ballot and it has to be postmarked the day before the election, that leaves a two-week window. It seems practical that would be enough time, but if you are testifying it is not, what is enough time?

Donnell Preskey The timeline is fine.

Rep. Amerman The auditors the Secretary of State's Office heard from were in favor of this legislation. Now you are saying some are not. Where are we at on this?

Donnell Preskey The Auditors Association appoint auditors to be on their legislative committee. Those people are chosen by the entire group to represent the auditors and make decisions and determinations on bills for the best of all auditors. It was coming from my group meeting last Friday that we would oppose this bill.

Chairman Kasper How many members are on your legislative committee?

Donnell Preskey We do a combined phone call of auditors and treasurers, and those treasurers that are on the legislative committee are also serving as auditors. I believe there are eight.

Chairman Kasper A polling of 8 members are speaking for 53 members?

Donnell Preskey You are right.

Rep. Mooney Are those a combination of rural and urban?

Donnell Preskey Yes, it is a combination. I would have to think about where everybody is at. There are some small offices and some larger offices, larger cities and smaller cities. I can do a survey of all the auditors if you wish.

Vice Chair Rohr It seems I am hearing this is what is convenient for auditors and not for the satisfaction of our voters. In your group was there any discussion on how they could make this work?

Donnell Preskey We didn't get into that detail.

No opposition or neutral.

The hearing was closed.

Chairman Kasper Jim Silrum was asked if there was a way to handle the wording on Page 2, Line 18-19.

Jim Silrum We did not draft this bill. We take a look at that language and there is very little way to misconstrue it because as directed by the poll worker you are checked in as a voter, there is the ballot box over there, take your ballot, and insert it into the scanner.

Chairman Kasper reopened the hearing.

Jim Silrum continued. We see that as just a simple direction. We wouldn't be opposed to additional wording.

Chairman Kasper Not all poll workers are taught exactly the same way about the process?

Jim Silrum We try hard, but you are right. There are 500 different locations across the state on election day, and there is at least 5 people in each one of those locations and some of them many more.

The hearing is closed.

Chairman Kasper There were some minor concerns raised where we could perhaps have a subcommittee to visit the various areas or we could look at the bill the way it is.

Rep. Amerman made a motion for a DO PASS.

Rep. Mooney seconded the motion.

Rep. B. Koppelman I would like to resist this motion, just for the purpose of possibly making an amendment on Page 2.

Rep. Seibel I would like to wait for Donnell's survey.

Rep. Louser I will resist the motion because I have some concerns how those absentee ballots will be treated at the polling place the day of the election.

Rep. Amerman withdrew his motion.

Rep. Mooney also withdrew.

Rep. B. Koppelman moved an amendment to remove the new language on Page 2 and simply leave the two sections that talk about 21 days in place.

? seconded the motion.

Chairman Kasper The problem I see with the motion is the voter delivering the ballot to the polling place on the day of election shall provide proof of identification. You are removing the proof of identification. That means anybody could drop the ballot off. We have no idea who it is and we have no idea who is voting with that ballot that is being dropped off.

Rep. B. Koppelman Can we get the Secretary of State representative to discuss how this amendment would affect?

Jim Silrum Rep. B. Koppelman is suggesting that the new language that is added in Section 2 would be removed. It would go back to the way it currently is now where an absent voter or a mail ballot voter must submit their absentee ballot no later than the day before the election, and if they deliver it in person, it must be to the county auditor's office or local election official's office before 5 pm on the day before the election.

Rep. Louser I thought I may have heard when you repeated the motion start with a voter, and I think the intent of the motion was to start with all the new language. Maybe that is where the confusion is.

Chairman Kasper The motion allows on Line 17 "or to the voter's polling place on the day of election." That part was not stricken, so it is opening up that the voter voting absentee could deliver it to the polling place on the day of election.

Rep. B. Koppelman I would like to clarify my motion. My motion is to remove all the new language.

Chairman Kasper That removes the entire Section 2 out of the bill.

Rep. B. Koppelman The only thing this bill would do when it is all said and done would change the number of days to 21 days before the election.

Chairman Kasper It would not change the absentee voter process then.

Rep. Mooney I would resist the motion, because I still don't understand why it is that an individual who has taken the time to complete their ballot, but rather than putting it into the post office, they have actually hand delivered it, that it is unacceptable?

Rep. Louser Can we ask Kevin to describe how that ballot would be handled?

Kevin Glatt Your question is if an elector brought in their absentee ballot on election day. how would that be handled in order to cast it? I would require the election workers in Burleigh County to make sure they see proper identification. The election workers are instructed if a voter brings in an absentee ballot whether it is theirs or anybody else's that they keep that ballot, void it, and then they allow that person to vote. I would think they would show ID in either case. They would be asked to remove the ballot from the envelope and that voted ballot would have to be given to the election board to initial before it could be put into the scanner. A ballot that has not been initialed would be voided. The election workers would see how that person voted for the most part because they would have to initial it. The scanners don't like folded ballots. They don't like absentee ballots because there is always a case where an absentee ballot might have something on it.

Rep. Louser Could a solution be that it is not cast and put into the machine? It is taken back to the auditor's office and put in with all the other?

Kevin Glatt It would be cumbersome in Burleigh County. There are some elections when we have a powerful number of ballots to resolve and to handle at the Canvass Board and now we are just adding to that. The 21 days is easier for the auditors. I don't think it is good for the voters.

Rep. Amerman I am a little confused. People come to vote and their ballot goes into the machine. Do the absentee ballots go into a machine?

Kevin Glatt In Burleigh County, we have a central count scanner. They will accept more, but we always have extras because we recreate many ballots. If the machine won't take it, we have the election board at our special absentee precinct then recreate the ballot. The bad ballot would be kept with the original ballot.

Chairman Kasper The motion is to delete Section 2, the lines we discussed. Rep. B. Koppelman made the motion. Rep. Louser seconded the motion.

A roll call vote was taken. 9 Yeas, 3 Nays, 2 Absent.

Rep. Dockter made a motion for a DO PASS AS AMENDED.

Rep. B. Koppelman seconded the motion.

Chairman Kasper I think we are now at the point where we are addressing what the real problem seems to be in the area of mail ballots and timing for absentee which is to shorten the period of time where our election campaigns run and allow those citizens who wish they had not voted so early to be able to take a little bit more time before they vote.

Rep. Karls If we pass the bill as amended, we would still keep the language on the first page where it says "no earlier than 21 days before the election?"

Chairman Kasper Correct.

Rep. Mooney Can they do it later then? Could they send it out ten days earlier?

Chairman Kasper They could send it out the 20th day, the 19th day, the 18th day, but not the 22nd day. It has to go up to the 21st day.

A roll call vote was taken. 8 Yeas, 4 Nays, 2 Absent.

Rep. Steiner will carry the bill. Chairman Kasper stated he would ask her if she wishes to carry the bill being she missed most of the hearing.

Rep. Steiner did indicate at a later time that she preferred not to carry the bill. **Vice Chair Rohr** stated she would carry the bill.

January 29, 2015

Handwritten:
1-30-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1348

Page 1, line 1, remove "sections"

Page 1, line 2, replace "16.1-07-09 and" with "section"

Page 1, line 3, remove "and counting of absent voters' ballots"

Page 2, remove lines 3 through 27

Renumber accordingly

Date: 1-29-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1348

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 B. Koppelman Seconded By Louser

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chair Karen Rohr	X		Rep. Gail Mooney		X
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					
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner					

Total (Yes) 9 No 3

Absent 2

Floor Assignment _____

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

Remove all the new language which is Section 2.

Date: 1-29-15
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1348

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 B. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chair Karen Rohr	X		Rep. Gail Mooney		X
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) 8 No 4

Absent 2

Floor Assignment Rohr

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

REPORT OF STANDING COMMITTEE

HB 1348: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1348 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "sections"

Page 1, line 2, replace "16.1-07-09 and" with "section"

Page 1, line 3, remove "and counting of absent voters' ballots"

Page 2, remove lines 3 through 27

Renumber accordingly

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1348

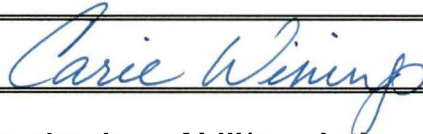
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

HB 1348
3/6/2015
Job # 24440

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subsection 1 of section 16.1-07-08 and section 16.1-11.1-03 of the North Dakota Century Code, relating to delivery of absent voters' ballots and mail ballots.

Minutes:

Attachments 1 - 5

Chairman Dever: Opened the hearing on HB 1348.

Representative Holman, District 20: See Attachment #1 for testimony as sponsor and in support of the bill.

(13:45) Chairman Dever: I looked at the vote and your housemate voted no on this bill.

Representative Holman: We don't always agree.

Chairman Dever: So, mail-in counties still have the option of absentee ballots?

Representative Holman: They do not according to Jim Silrum. So this might be messing it up for a few people.

Chairman Dever: Early voting in my estimation does seem to me to give advantage to the incumbent because that is who people know.

Representative Holman: That is right because the name identification of the incumbent is already there. Good point.

(15:15) Representative Devlin, District 23: Testified as sponsor and in support of the bill. It is a bipartisan bill. I had a similar bill drafted and when I saw Representative Holman's bill, we worked together on his and moved it through. My original reason for sponsoring the bill is that I have had so many complaints from people as I knocked on doors in August and September about why the campaigns have gotten so long. I think one of the reasons is because of the early voting that we have allowed. I think that everyone in the state should vote at exactly the same time so that it would coincide with the early voting in the cities.

When I visited with the Secretary of State's office, they stated that it did not allow them enough time to mail out the ballots. That is why we went to 21 days. When I talked to the different people involved, it seemed that they did not have any serious opposition as long as we did not change when they can send out their cards and register the people that wanted to vote by mail in the upcoming election. They can still do all that exactly the same except mail the ballot out 21 days before. The 21 day time period appears to be a reasonable amount of time for people to get the ballot, look it over, and send it in. I think as legislators we often forget why we had vote by mail. It was because we had a bad blizzard that a lot of people did not get to vote that year. I was one of the sponsors of that bill. If I had realized that they would be voting 40 days before the election, I would have never sponsored the bill. This bill will still allow everyone to vote but not as far in advance of the election.

(18:15) Chairman Dever: I recall there being resistance to mail in ballots.

Representative Devin: Yes. I do not think that all of us that supported it thought it completely through. We never looked at the fact that it could be sitting out there 40 days before the election. We are knocking on farm doors in August and September in order to get to everyone before the ballots go out. We are there because the ballots are being voted on in the end of September.

Chairman Dever: I recognize that the distance between districts varies greatly between the cities and rural areas

Representative Devin: I could move 110 miles and not be out of my district.

(20:05) Jim Silrum, Deputy Secretary of State: See Attachment #2 for testimony in support of the bill. Explained the difference between vote by mail and absentee and urged the law to be the same for both.

(22:38) Senator Nelson: The military ballots still go out at 41 days?

Jim Silrum: The actual deadline is 46 days. This does not touch that at all.

Chairman Dever: The state law regarding that was written in conformity with federal law.

Jim Silrum: You are correct that was in conformity with the uniform act that was put in place.

Senator Flakoll: What list is the vote by mail based on? What happens if you move before the election?

Jim Silrum: When someone moves and they notify DOT - they transmit that information to our office and we update that voter's information. Their record moves with them. You are correct that if the person fails to update their driver's license or notify the county auditor, they would have to apply for a vote by mail ballot.

Senator Flakoll: If you are a student and want to vote by mail, how would that work?

Jim Silrum: There are a lot of questions on that issue this session. If a voter wants to vote in their new location, whether they consider that location temporary or permanent, there is a free online application that would update the record with DOT for the address and then they would be within the database of that new county. It is a free service. Many of the vote by mail counties sent applications to those people that turned 18 before the election. If all else fails, that voter is able to obtain an absentee ballot application and if they can provide the proper identification for their new county they can vote there, but they are also able to vote absentee in their home location. They are welcome to vote absentee from their home.

Chairman Dever: this bill applies to absentee ballots as well - 21 days before the election?

Jim Silrum: That is correct. Anytime a ballot would be sent out or handed across the counter to a voter, even though ballots would be ready 46 days before the election so that military and overseas voters can vote, the absentee or mail ballots could not be delivered until the 21 day period.

Chairman Dever: So snowbirds that leave four weeks before an election, and I do have a lot of those, would need to adjust their request to the correct address of where they will be?

Jim Silrum: You are absolutely correct.

Senator Nelson: If you file for an absentee ballot for the primary you can request for it to be for all elections during the year, but if you are going to go south in September, can you still file that application but they will not get the ballot until 21 days? Are we putting a limit on when you will accept applications?

Jim Silrum: There is no limit on when applications will be accepted. There is a difficulty for those who are snowbirds at the time of the general election if they are leaving before that 21 day period. The address at which they receive their primary ballot would have to be different for the November ballot and somehow the individual will have to let the county auditor know that their address is different.

Senator Flakoll: Under this program, can't the postal service still forward your ballot to your snowbird address?

Jim Silrum: Election mail is un-forwardable.

Chairman Dever: So they register for the primary and they don't have to re-register for the general, but it is the ballot that is going to be sent to their home address and not be forwarded?

Jim Silrum: That is correct. Unless they tell their county auditor that they have a different delivery address for the general election.

Chairman Dever: That seems to be a real complication.

Jim Silrum: It is a real complication regardless of when the deadline is if I may say so myself. (Gave a personal example.) Whether it is 40 days, 30 days, or 21 days it could be a difficulty for those that are leaving before that time period and won't be back before.

(33:45)Donnell Presky, North Dakota Association of Counties: See Attachment #3 for testimony in opposition to the bill. See Attachment #4 for testimony brought from Michael Montplaisir.

(37:45) Chairman Dever: If an auditor mails a ballot to someone's local address and then later that person is down south and realizes that they have not gotten a ballot, are they able to mail them another one?

Donnell Presky: Other can answer that.

(39:20)Kevin Glatt, Burleigh County Auditor/Treasurer: See Attachment #5 for testimony in opposition to the bill. We can send their ballot to their Bismarck address and they may or may not be delivered. Some do.

(42:10)Senator Flakoll: Don't they still come to the window on day 40 wanting a ballot and would not that be the same as day 21 and you would have to say the same thing?

Kevin Glatt: Yes and we would. People are accustomed to them being available to the 40 days and it would be an issue.

Senator Flakoll: Do you record how many requests you get on a certain day?

Kevin Glatt: We do but once the system is purged we lose that. I do not agree with that but it is out of our control. I would like to be able to go back for you and be able to tell you the numbers.

Senator Flakoll: You could if you wrote it down.

Kevin Glatt: We have tried to do that in the past to gauge the busier days.

(44:25) Casey Bradley, Stutsman County Auditor and Chief Operating Officer: Testified in opposition to the bill. 21 days is not sufficient. We also have a large number of snowbirds and we are an early vote county. We are not a mail county. We do have many that pick up their ballots before they go south for the winter. The mail time is a challenge.

Chairman Dever: Closed the hearing on HB 1348.

2015 SENATE STANDING COMMITTEE MINUTES

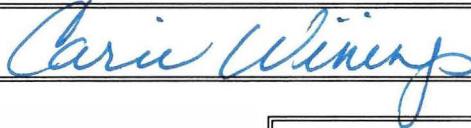
Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HB 1348
3/26/2015
Job # 25514

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



No Attachments

Minutes:

Chairman Dever: Opened HB 1348 for committee discussion. There was some heartburn over changing the days. The auditor said they could work with 29 days and the sponsors said that they would be ok with it. I am not sure that the auditors were real excited about it though. One of the concerns that I have is with the snowbirds that leave in early October and whether their mail gets forwarded to them. I had a conversation with the Deputy Secretary of State and he said that they could for absentee ballot applications include two addresses. As you know before the primary you can submit an application that would be good for both elections. I think anytime we change things like this we end up with some glitches.

Senator Nelson: Moved a Do Not Pass.

Senator Flakoll: Seconded.

A Roll Call Vote Was Taken: 6 yeas, 1 nay, 0 absent.

Motion Carried.

Senator Dever will carry the bill.

**2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1348**

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 Nelson Seconded By Flakoll

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

Total (Yes) 6 No 1

Absent 0

Floor Assignment Dever

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

REPORT OF STANDING COMMITTEE

HB 1348, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1348 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1348

Rep. Rick Holman, January 29, 2015

#1 1348
1-29-15

I'm here to speak in support of House Bill 1348, which proposes two small changes in election law regarding mail in ballots.

During the last three elections, there has been an increase in people using the vote by mail option, especially in rural counties such as Traill, where I live. Before this option was available, most counties had multiple voting places. As a result of the vote by mail option, many counties reduced the number of polling places. For example, in Traill which has several small towns, there are only two polling places, one in Mayville and another in Hillsboro. Some rural counties, have voting only at the county seat. For that reason, in Traill County, over half of the voters in the last two elections have elected to vote by mail.

In the 2014 election, I worked as a judge for the mail-in vote. Visiting with the County Auditor, I found that a large number of people mailed in their ballot as soon as it was received. Why is that a problem? Much of the information on the eight ballot measures as well as much of the election advertising was focused on the last month before election. Personally, I visited with several Senior Citizen groups explaining the pros and cons of each of the measures. Often, I would find people who, even though the election was a month away, had voted. Sometimes, after discussion and more information they wished they had waited.

This bill makes two changes:

First, it changes the time for the Auditor to mail out the ballot from the current forty days to twenty-one days. In consultation with my local Traill County Auditor, Becca Braaten, she stated that there would be no problem with this change. For the military, and out of state ballots, she would still mail out the ballots six weeks ahead. She would also prepare all the ballots at the same time and hold the local ballots until twenty-one days before the election. This change is implemented in Section 1, with lines 7-11 and in Section 3, lines 2 and 3.

The second change comes as a recommendation from the Secretary of State's Office. Currently, someone who has received a mail ballot and wishes to take it to the polling place on Election Day would be required to see the Auditor to get a new ballot. The new ballot would be identical to the one previously received. This change will allow someone who chose not to or just forgot to mail in their ballot to bring the ballot to the polling place, provide proper identification to the election officials and use the same ballot. This would only work for the person and will not allow someone to bring in another person's ballot. This change is implemented in Section 2, lines 17-19.

These changes will solve two problems. One, that someone voting too early may not be fully informed on all the persons or issues. Secondly, it eliminates unnecessary duplication of work for the Auditor's office when distributing ballots.

Thank you for your consideration of this bill and I will stand for any questions.

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1-29-15
P. 2

January 28, 2015

RE: HB 1348

Representative Holman;

I send this in favor of HB 1348.

House Bill 1348 would, first of all, change when an official ballot could be sent to a voter whom as completed the proper application in order to receive a ballot.

According to current law, the official ballot must be sent out as soon thereafter as the official ballot for the precinct has been prepared, which shall be at least forty days prior to holding any general, special or primary state election.

It's my experience that 21 days is an ample amount of time for the voter to research and complete his/her ballot. It's also my experience that the more time allowed the voter to complete the ballot, the ballot can be lost or misplaced and will create more problems for the voter and also the election officials in dealing with a lost ballot.

The other part of this bill is when an election official can receive an absent voter's ballot. Current law states that the absent voter's ballot may be delivered personally to the appropriate election official before five p.m. on the day before the election or postmarked the day before the election in order to be counted. This bill would allow the voter to bring his/her voted ballot to the proper polling place on the day of election to be counted as long as he/she provides proof of identification to the election officers.

During the last general election I had many individuals that brought their voted ballot to me to bring to the election officers at the polling site, when I told them that I was not allowed to accept their ballot and that if they wished to cast a ballot they would have to discard the voted ballot they were holding and return to the polling site in order to cast a ballot they were upset and most did not return to vote, they just said my vote won't count then. This would make it easier for that person's vote to count.

Thank you

Rebecca M Braaten
Traill County Auditor

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16.1-07-08. Delivering ballots - Envelopes accompanying - Affidavit on envelope - Challenging electors voting by absentee ballot - Inability of elector to sign name.

1. Except as otherwise required under this chapter for a covered voter as defined in Section 16.1-07-18, upon receipt of an application for an official ballot properly filled out and duly signed, ~~or as soon thereafter as the official ballot for the precinct in which the applicant resides has been prepared,~~ **but no earlier than twenty-one days before the election,**

the county auditor, city auditor, or business manager of the school district, as the case may be, shall send to the absent voter by mail, at the expense of the political subdivision conducting the election, one official ballot, or personally deliver

the ballot to the applicant or the applicant's agent, which agent may not, at that time, be a candidate for any office to be voted upon by the absent voter. The agent shall sign the agent's name before receiving the ballot and deposit with the auditor or business manager of the school district, as the case may be, authorization in writing from the applicant to receive the ballot or according to requirements set forth for signature by mark. The auditor or business manager of the school district, as the case may be, may not provide an absent voter's ballot to a person acting as an agent who cannot provide a signed, written authorization from an applicant. No person may receive compensation, including money, goods, or services, for acting as an agent for an elector, nor may a person act as an agent for more than four electors in any one election. A voter voting by absentee ballot may not require the political subdivision providing the ballot to bear the expense of the return postage for an absentee ballot.

2. If there is more than one ballot to be voted by an elector of the precinct, one of each kind must be included and a secrecy envelope and a return envelope must be enclosed with the ballot or ballots. The front of the return envelope must bear the official title and post-office address of the officer supplying the voter with the ballot and upon the other side a printed voter's affidavit in substantially the following form:

Precinct _____

Name _____

Residential Address _____

City _____ ND Zip Code _____

Under penalty of possible criminal prosecution for making a false statement, I swear that I reside at the residential address provided above, that I have resided in my precinct for at least thirty days next preceding the election, and this is the only ballot I will cast in this election.

Applicant's Signature _____

Date _____

If the absent voter is unable to sign the voter's name, the voter shall mark (X) or use the applicant's signature stamp on the affidavit 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".

3. Each individual requesting an absent voter's ballot under this chapter must be provided a set of instructions, prescribed by the secretary of state, sufficient to describe the process of voting by absent voter's ballot. The voting instructions must contain a statement informing the individual that the individual is entitled to complete the absent voter's ballot in secrecy.

4. Each individual requesting an absent voter's ballot under this chapter who cannot read the English language or who because of blindness or other disability is unable to mark the voter's ballot, upon request, may receive the assistance of any individual of the voter's choice, other than the voter's employer, an officer or agent of the voter's union, a candidate running in that election, or a relative of a candidate as described in subsection 2 of section 16.1-05-02, in marking the voter's ballot.

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16.1-07-09. Canvassing of mailed absent voter's ballots received late.

In the case of congressional, state, county, city, or school district elections, if an envelope postmarked or otherwise officially marked by the United States postal service or other mail delivery system before the date of election and containing an absent voter's ballot is received by the officer too late to be forwarded to a polling place of the proper voting precinct in time to be tabulated, the ballot must be tallied by the canvassing board of the county, the governing body of the city, or the school board of the school district, as the case may be, at the time the returns are canvassed. Any envelope without a postmark or other official marking by the United States postal service or other mail delivery system or with an illegible postmark or other official marking and containing an absentee voter's ballot must be received by mail by the proper officer prior to the meeting of the canvassing board. An absent voter may personally deliver the absent voter's ballot to the appropriate officer's office at any time before five p.m. on the day before the election or to the voters polling place on the day of the election. A voter delivering the ballot to the polling place on the day of the election shall provide proof of identification as required under section 16.1-05-07 and cast the ballot as directed by the election officers. Any envelope containing an absent voter's ballot with a postmark or official date stamp on the day of election or thereafter may not be tallied with the ballots timely submitted for the election. Before forwarding any ballot to a canvassing board pursuant to this section, the officer forwarding the ballot shall print the date of receipt on the envelope. Upon receipt, the canvassing board shall determine that the elector was qualified to vote in that precinct, that the elector did not previously vote in that precinct on the date of the election, and that the signatures on the absentee ballot application and the voter's affidavit were signed by the same person before allowing the ballot to be tallied.

CHAPTER 16.1-11.1

MAIL BALLOT ELECTIONS

16.1-11.1-01. Counties may conduct mail ballot elections - Polling places - Records.

1. The board of county commissioners of a county may conduct an election by mail ballot. The mail ballot election must include city elections administered by the county auditor and may include any other election administered by the county auditor pursuant to an agreement with the governing body of a political subdivision within the county. The board shall designate one or more polling places in the county to be open on the day of the election for voting in the usual manner. The county auditor shall place a notice at all polling places in the county used at the last statewide election which states the location of the polling places open for the election. The county auditor shall keep a record of each mail ballot provided to qualified electors and provide to the election board at each polling place open on the day of the election a list of every person who applied for a mail ballot.

2. The board of county commissioners of a county may conduct an election partially by mail ballot. If the board of county commissioners chooses to conduct an election partially by mail ballot, the commission may use mail ballots for any precinct in which fewer than four hundred votes were cast for the office of governor at the last general election at which that office was on the ballot.

16.1-11.1-02. Application for mail ballots.

The county auditor shall mail an application form for a mail ballot to each individual listed in the central voter file for the county on one date no sooner than the fiftieth day before the election and no later than the fortieth day before the election. The county auditor, for two consecutive weeks after the date on which the mail ballot applications are mailed, shall publish in the official newspaper of the county an application form for a mail ballot and a notice that additional mail ballot applications may be obtained from the election official. The application form for a mail ballot must be in substantially the form provided in section 16.1-07-06.

16.1-11.1-03. Mail ballot distribution.

The Unless otherwise required by law, no earlier than twenty-one days before the election, the county auditor shall mail an official mail ballot with a return identification envelope, voter's affidavit, and instructions according to section 16.1-07-08.

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SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



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2 1348

January 29, 2015

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 1348 – Delivery of Absent Voter's and Mail Ballots

The Secretary of State's office stands in support of this bill because we believe it contains workable amendments to the laws pertaining to when absent voter's and mail ballots may be delivered and how one of these marked ballots may be returned by a voter. It seems reasonable to us that the reduction to twenty-one days would allow a week for the ballot to go through the mail to the voter and hopefully give the voter nearly two weeks to mark and return the ballot to the proper local election official.

It also seems reasonable that a voter who received an absentee or mail ballot could return that to the individual's polling location on Election Day and cast that ballot after being asked for identification and marked in the pollbook by the poll clerk. Under current law, that voter would be required to spoil the ballot sent to him or her through the mail and mark a new one to cast in the polling location. This seems like an unnecessary waste of a ballot.

Finally, we have not heard from all fifty-three of the state's county auditors, but those who have commented to us are in favor of this bill. We would defer to the expertise of that group since these are the election officials who deal with the delivery and return of absentee and mail ballots.

We request your favorable consideration and a do pass recommendation.

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1-29-15

**TESTIMONY TO THE
HOUSE GOVERNMENT and VETERANS AFFAIRS COMMITTEE**
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer
1/29/15

HOUSE BILL 1348

Mr. Chairman and members of the committee, this testimony is in opposition to HB1348.

HB1348 will reduce the accessibility of ballots to electors of ND. I have read several proposals this session to increase transparency and to increase participation at the ballot box. This bill is serves to do the opposite of the other plans.

Current law requires county auditor's to have a sufficient number of absent voter ballots printed and available at least forty days before an election. Since qualified electors do not need a reason to vote absentee – each year we have more and more requests for absent voter ballots. With the change in law allowing people to request an absentee ballot for all elections within a year – we receive inquires earlier and earlier for ballots.

Mail delivery time has not gotten better over the years – and from my experience 21 days may not be enough time to mail and receive back an absent voter ballot.

While this bill may help the county auditor's with the work flow – it will definitely reduce the accessibility of the ballot to the voters of ND.

Mr. Chairman I am also opposed to allowing voters to deliver and cast their absentee ballot at their voting precinct. County auditors take important measures to account for all ballots sent to each precinct. At the end of the day each ballot received by an election board is accounted for as a voted, unvoted, spoiled, or void ballot. To uncontrollably add ballots to a voting precinct will only increase the potential for fraud, manipulation, mishandling, and fraud - this is very troublesome for precise election administration.

Line 19 – as directed by election officers is very worrisome. ND Statute requires the ND SOS to assure uniform voting opportunities throughout the state. Not matter how well intentioned election workers are, allowing “as directed by the election officers” at each polling place will definitely put uniformity in peril. This provision will also create confusion for the electors as they will undoubtedly want to return not only their ballot but that of their spouse, children, etc.

Testimony to the:

House GVA

1/29/15

Prepared by:

North Dakota Association of Counties

1348
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1-29-15

HB 1348: Relating to Delivery & Counting of Absentee Ballots

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. As you know, auditors are tasked with running the elections across our state. They have expressed concern with the two items addressed in HB 1348.

Restricting auditors to mailing absentee & mail ballots no earlier than 21 days before the election, raises the fear that may not be enough time, especially when ballots are being mailed out of state.

Auditors say an "absentee ballot" just isn't an "absentee" if it is accepted on Election Day. Accepting the absentee ballots will place an additional responsibility on the election workers. Auditors account for all ballots sent to a precinct. At the end of the night, each ballot is accounted for as voted, unused, spoiled or voided. Now imagine throwing in number of returned absentee ballots in the mix. Auditors predict this will be a mess to sort out and keep accurate.

Auditors would also like clarification of the intention of line 19 on page 2. "*as directed by the election officers.*" This is worrisome to Auditors, as every precinct could establish their own process. Our suggestion would be to make it clear in code.

HB 1348 Testimony in Senate Committee. 3-6-15

Thank you Mr. Chairman.

Mr. Chairman and members of the GVA Committee.

Sen. Dever, Sen. Poolman, Sen. Cook, Sen. Davison, Sen. Flakol, Sen. Marcellais, Sen. Nelson.

I'm asking for your support of House Bill 1348.

What does this bill do?

It does one thing. It changes the time that mail ballots will be sent to approved voters living in the county from 40 days to 21 days. We have brought this forward because we found that many people were voting as soon as they received their ballot from the county auditor. In this fall's election, which was on November 4th, many people returned their ballots to the county auditor in late September. In counties such as the one where I live where half the voters vote by mail, the result is increased time for campaigning, often extending the time to visit homes, advertise, and put up signs into August in order to be sure that all voters have the opportunity to get necessary information to be an informed voter.

This does not change the rules for military and overseas voters.

Several years ago the option of vote by mail was added, but when it was added they used the same time format as is used for absentee ballots, such as for military. This bill applies to those living in the county and changes the time that the County Auditor mails out ballots to those requesting and approved to receive a ballot.

This is important for those living in rural areas. Visiting with my local county Auditor, she indicated that the amount of extra work to do this would be minimal and that it may actually decrease the workload since they would be receiving mail ballots for a shorter time period.

Because the process of vote by mail may be unfamiliar to some, I will give a brief description of how it works in my county. I have worked as a judge in two of the last three elections. On election day we have two polling places. Vote by mail is the only way to vote early which is the case in most of the 53 counties.

Early in the year, the county auditor sends a note to those who voted in the previous election giving them the opportunity to request a mail in ballot. In my case I check the box for all elections. When the auditor receives the ballots from the State Auditor's Office, the ballots are prepared for those who made the request. Forty days before the election, which, this fall was September 26th, the ballots are mailed out. After that time, until the election on November 4, the county auditor will be receiving ballots. Each potential voter receives a ballot, and two envelopes, one unmarked brown envelope for security and another which has the voter information. The person votes, places the ballot into the security envelope and places that envelope into the mailer.

The day before the election, election workers, under the supervision of the county auditor, record the voter names and open the external envelope. Security envelopes containing the ballots are secured until election day. On election day, the security ballots are opened, the judges sign the ballots, and the ballots are counted. Of the nearly two thousand ballots that we received for mail balloting in the 2014 we only had four or five ballots that required that we redo them to work in the machine.

If you look at the sponsors of this bill you will notice that they are all from rural districts. Districts and towns that don't have early voting precincts as are evident in our larger communities. Resistance that we heard about this change has mainly come from the larger counties, such as Cass and Burleigh where early voting is possible and convenient. In the smaller counties, setting up early voting at a separate location would be a

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March 6, 2015

TO: Chairman Dick Dever and 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 1348 – Delivery of Absent Voter's and Mail Ballots

The sponsor of this bill consulted with the Secretary of State's office. Although the agency suggested thirty days instead of twenty-one days, it is believed that twenty-one days is the minimum amount of time to allow the mailing and return of the ballots.

A reduction from forty to twenty-one days would still allow approximately one week for the ballot to arrive at the voter's designated mailing address and approximately two weeks for the voter to mark and return the ballot to the proper local election official.

We understand that the state's county auditors are divided on the number of days. We therefore defer to the expertise of the county auditors who are the election officials responsible for the delivery and return of absentee and mail ballots.

We request your favorable consideration and a do pass recommendation.

Testimony to the:
Senate Government & Veterans Affairs
3/6/15
Prepared by:
North Dakota Association of Counties

HB 1348: Relating to Delivery of Absentee Ballots

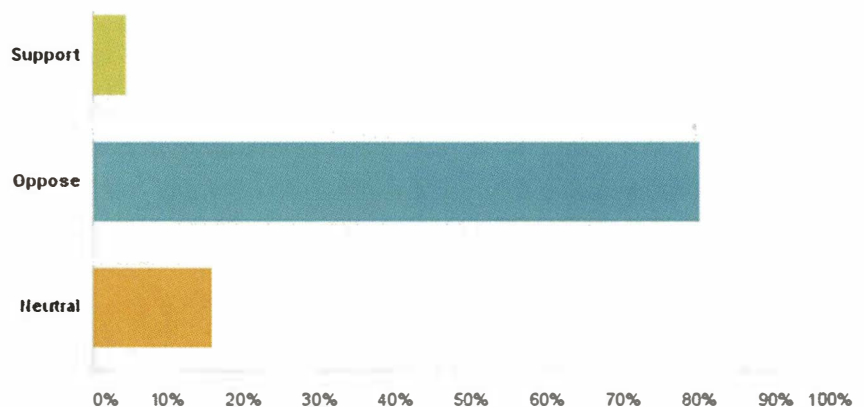
Chairman Dever and committee members, I'm Donnell Preskey with the North Dakota Association of Counties in which I represent the county Auditors Association. As you know, auditors are tasked with running the elections across our state. They have expressed grave concern with House Bill 1348.

Auditors in strong numbers oppose reducing the timeline to mail absentee and mail ballots from 40 days to 21 days. Their greatest fear is that this may not be enough time, especially when ballots are being mailed out of state.

Earlier this week I surveyed the auditors on the issue. 45 of the 53 county auditors responded. It is evident this issue very much matters to them. 80% of the auditors who responded oppose restricting the time to mail out absentee and mail ballots to 21 days.

Q1 HB 1348 proposes to change timeline for mail ballots & absentee ballots to be mailed no earlier than 21 days before the election

Answered: 45 Skipped: 0



I also asked them to explain their answer to the survey. I will share a few of their comments with you. Since the survey was submitted by the auditors anonymously, I am unable to identify which county auditor made what remark.

"I believe we need to give voters every opportunity to vote. If a ballot gets lost in the mail and they need to have another one sent to them, it can take quite a lot of time especially if they are overseas or even in another state. Last election I had a ballot that took over a week to get to the voter and it was in the same county! By the time I got the voted ballot back another week after it was mailed, we were forced to count it at the canvass rather than on Election Day."

"I would need to add extra staff and train them to do absentee ballots, as we have other duties too and if it is only 21 days we would be swamped."

"It would leave a very narrow margin for people to vote. I thought the idea was to encourage and make it as easy as possible for anyone to vote. Why would you narrow the margin and make it more difficult?"

"That time frame would not allow enough time for us to mail the ballots out and the voters to get the ballots back to us. The volume that we get by mail as a vote by mail county and have to process through our office prior to election day is huge! There would not be enough time for us to process all of this in 21 days plus continue performing our other duties in the Auditor's office."

"It will make it very hard for Ransom County. We do over 60% of our election as VBM and 21 days does not give us a lot of time to get everything entered."

"With the mail service we currently have, I am very concerned the ballots will not have enough time to get to the vote and back in time to be counted. We had 4 ballots postmarked in ND between Feb 7 and 14 for our special election held Feb. 24 and we did not receive them until Feb 26. I wonder how many are not going to be delivered in time to be counted, especially if we are sending them out of state!"

"I think shortening the time frame is a good idea, however 21 days is a little too short. Maybe 30 days."

"We have a lot of "snowbirds" who want to vote or at least pick up their ballots before heading south. The other issue is the postal system, normally they do a great job, but when you have time sensitive items like ballots the time line on getting ballots to and from southern states like Arizona - we are going to have people disenfranchised."

This is just a sample of the 38 comments received, many highlighting similar concerns.

This is an undue burden on counties. There is nothing wrong with the way the system works now. Why would this law need to be adjusted? Is it because it doesn't work for the voters or for those campaigning? Voters vote when they have made their informed decision whether that's 40 days prior to the election or on Election Day.

#4

Written Testimony To
THE SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
Friday, March 6, 2015 by
Michael Montplaisir, Cass County Auditor
Cass County Government

REGARDING HOUSE BILL 1348

Mr. Chairman and members of the Senate GVA Committee, I am Michael Montplaisir, Cass County Auditor and have worked in elections for over twenty five years. House Bill 1348 changes the current period for absentee voting from forty days prior to an election to twenty-one days prior to the election. During the past two presidential elections, we have issued more than 10,000 absentee ballots for each election. These are citizens in Cass County who desire to vote by the absentee process – some because they wish to cast their ballot before heading to warmer climates, some because they will be going out of town on election day, some because they have a hard time physically getting to the polls on election day, and some simply because they like that method of voting. Both political parties are also very active in promoting absentee voting by sending out applications and doing follow-up calls to voters to urge them to vote absentee.

The current forty day limit is implied in NDCC 16.1-07-04 when the county auditor is directed to have the ballots prepared, printed and available at least forty days prior to the election. From the start of the current forty day limit right up to Election Day, the county auditor's office is extremely busy both sending out and receiving absentee ballots. In addition to our seven permanent staff members, we also employ temporary staff to make sure that every application that comes in is processed the same day it arrives to ensure the voter has the maximum amount of time to vote and return their ballots. It is a challenge, but we do it because we believe every voter counts! Reducing this time period to twenty-one days would not only greatly impact our office; it would negatively impact the voting public.

Voters who normally try to vote before heading south for the winter would either have to delay going south or use the mail to vote absentee. As one of our own Cass County Legislators discovered in the 2014 General Election, receiving your ballot by mail isn't always an easy task. The shortened time would mean that some voters may not get their ballots in time to return them before the election.

The current time line works. Reducing the time line would only serve to disenfranchise voters.

I urge do not pass on House Bill 1348.

**TESTIMONY TO THE
SENATE GOVERNMENT and VETERANS AFFAIRS COMMITTEE
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer
3/6/15**

HOUSE BILL 1348

Mr. Chairman and members of the committee, this testimony is in opposition to HB1348.

HB1348 will reduce the accessibility of ballots to electors of ND. I have read several proposals this session intended to increase participation at the ballot box. This bill is serves to do the opposite.

Since qualified electors do not need a reason to vote absentee – each year we have more and more requests for absent voter ballots. With the change in law allowing people to request an absentee ballot for all elections within a year – we receive inquiries earlier and earlier for ballots. Current law requires county auditor's to have a sufficient number of absent voter ballots printed and available at least forty days before an election.

We have many snow birds who time their departure after absentee ballots are available.

Mail delivery time has not gotten better over the years – and from my experience 21 days may not be enough time to mail and receive an absent voter ballot.

While this bill may help county auditors with their work flow – it will definitely reduce the accessibility of the ballot to the voters of ND.

Mr. Chairman and members of the committee I respectfully request a DO NOT PASS for HB1348.