2017 HOUSE APPROPRIATIONS

HB 1122

2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Education and Environment Division
Roughrider Room, State Capitol

HB 1122
1/16/2017
26887

☐ Subcommittee
☑ Conference Committee

Virginia L Moch

Explanation or reason for introduction of bill/resolution:

To provide an appropriation to the secretary of state for the procurement and implementation of electronic poll books to be utilized statewide in all polling places, and to declare an emergency.

Minutes: | Attachments 1-9 |

Chairman Monson: called the committee to order on HB 1122. All committee members present.

Al Jaeger Secretary of State and States Chief Election Officer: This bill relates specifically to electronic poll books. It would allow the electronic poll books to be placed in every county. There are so many advantages to the electronic poll books. Right now there are 8 counties that use electronic poll books, this means that 45 counties don't have the availability of a book that works exceedingly well. The electronic poll book would connect all of the counties. We've been preparing for this for many years. We have a solid bid from a vendor so the amount in the bill is the actual cost. I cannot disclose who the bidder is because of procurement rules.

Chairman Monson: The vendors who didn't bid the amount published on the cost will know who got it. We have to know the cost.

Vice Chairman Streyle: 7:32 The cost is $3 million. So it works out to $66,000 per county. Why can't the counties pay for that? It would be a good idea if we had the funds. Don't you have funds set aside?

Mr. Jaeger: They already have high costs of the election some of which is not from their county. The costs are a lot less to cover all of them than for each county to buy separately. We did get funds from the Help America Vote Act, right now we have less than 3 years left on that act. There would not be enough left in that fund to pay for any equipment. If you drain that fund we wouldn't have enough to cover our ability to administer the elections and maintain the central filing and all of the things we do now. (attachment 7)

Chairman Monson: Can you get by with less than $3 million?

Mr. Jaeger: If you give us only $2 million we won't be able to do it. We based it on the bid. There is nothing else in there over the bid.

Representative Schmidt: How did the other 8 counties pay for this and I'd like to know who those 8 were. Could we do a cost share with the counties rather than picking up the whole $3 million?

Chairman Monson: Did those 8 counties all buy the same one?

Mr. Jaeger: I will defer to my staff to be accurate as they work on every day.

Rep Boe: Do those 8 counties expect to be reimbursed for their expenditures?

Al Jaeger: I will defer that to my staff.

Jim Silrum Deputy Secretary of State: We have just under $1.7 million available in those funds and they could be utilized for this. Those federal funds are already used for other purposes. If we use those funds for the poll books, we would have to ask your committee for an appropriation to cover another area to cover what we are already doing with those funds. 16:00 The counties already using electronic poll books are Burleigh, Cass, Grand Forks, Stutsman, Ward, Maclean, Williams and Stark. Most of the 8 counties paid for this with no interest loans that we were able to give them through federal funds. They repay their loan to the state election fund. If we went with these electronic poll books those 8 counties would have to have their books replaced so we would have all 53 counties on the same book. As it is now two of the counties, Cass and Stark use a different version of poll books than the other 6 counties.

Representative Jim Schmidt: It changes so rapidly so do you have any idea when we would have to replace these? Are they going to come back to the state in 2 years or 4 years again to replace these?

Mr. Silrum: Technology does change rapidly. The request is for right now. Some of the counties have been using them since 2008, so they do have a bit of a life span.

Rep Schmidt: Why can't we do no interest loans for all of the balance?

Mr. Silrum: The average cost for an election is over a million dollars per county. They already incur a large portion of an election, the cost not all of which deal with that county.21:20 There are multi districts, state elections etc. In 2004 the state received $16 million in federal funds for voting systems, all the while the counties paid their share. In my opinion it's time for the state to kick in the funds to purchase this.

Rep Boe: Is the bid weighted on type of hardware or is it based strictly on dollars?

Mr. Silrum: The procurement process takes into account the services provided, the benefits provided, as well as the hardware. Therefore $3 million is a sum larger than any of the bids to provide for the secrecy of the bidding process.

Vice Chairman Streyle: If that works out it comes to $56,000 a county. I don't see why they couldn't afford this. It's a cost saving and a time savings to the counties.

Mr. Silrum: The counties have spent over $13 million in the past 13 years to have those elections. With the electronic voting system if you combine HB 1122 and HB 1123 the cost is $12 million over that period. Because the counties have been paying it is already a cost share.

Vice Chairman Streyle: If we have to do loans they can figure out how to do this.

Mr. Silrum: How would the state mandate that?

Vice Chairman Streyle: We could put it right in this bill.

Rep Schmidt: Our County would rather have the equipment than this. If they are not asking for it and they are wanting the equipment why would I support this?

Mr. Silrum: 28:00 It is the larger population counties that support this.

Chairman Monson: We are getting the two bills combined when we talk about equipment. Quite a bit of this is for software isn't it?

Mr. Silrum: Quite a bit of this is hardware, also a significant portion that is software.

Chairman Monson: Is the poll book or voting machine connected to the internet so they could be hacked?

Mr. Silrum: The electronic poll books would be networked to connect them together in a secure network on the internet. What is hacked has nothing to do with the administration of the election.

Chairman Monson: Someone could hack it no matter how secure it is.

Vice Chairman Streyle: It's more secure than most.

Mr. Silrum: Our votes are secure in this country because those machines that count votes are not connected to the internet.

Chairman Monson: How do the smaller counties do it?

Mr. Silrum: They use paper poll books. Those paper poll books are printed with those considered active voters in that precinct already entered to make them more efficient. When inactive voters show up they have to be manually entered into the poll book and errors can be made. To use electronic poll books is the only way we can achieve the security of the election process we are hoping for. 36:00 The record would show in all locations when someone votes so they can't go to another location and vote, Paper poll books can't show

that until someone goes over them after the election. We are already catching those who vote early. This comes into play on election day, you can catch if someone already voted.

Rep Schmidt: 39:30 In Morton County we have had this happen with protesters. They can say they are homeless and go to another place, give a different name, and vote again.

Mr. Silrum: The reintroduction of voter affidavits is what caused that. If we can come up with a voter ID bill that is passed by this session and is acceptable to the courts for dismissing the lawsuit currently against the sec of state's office, we can get rid of that problem without electronic poll books. That is a separate issue. I encourage you to read my testimony (see attachment 1) The law says you have to give counties 75 days after an election to finalize the poll books. The electronic poll books would just take days.

John Arnold the Election Director for the Sec of State Office:.43:00 – 50:30 (see attachment 2)

.

Michael Montplaisir Cass County Auditor: Cass County is one of the 8 counties that uses electronic poll books and we recently upgraded them because we feel we couldn't run the election without the upgrade. In the last election with 38 precincts we had about 45 ballot styles.

Rep Schmidt: How much do you have invested?

Mr. Montplaisir: This last upgrade cost us $380,000. It's not just poll books, we had to buy new modems and connect them back to the courthouse, we had to buy new scanners to scan your driver's license, that brings up your information on the poll book so you can register in 2 or 3 minutes.

Vice Chairman Streyle: So if we spread out the cost it's about $53,00, that's a good deal for you.

Mr. Montplaisir: We would expect to pay our share. We have precincts that have up to 8 different ballot styles, the poll books bring up the correct ballot. We couldn't operate without a system like this. We have precincts that may have 4-5,000 voters on election day. We had 82,000 people vote on the last election in Cass County. We know if a precinct is running low on ballots and can get them out to them in time, there are so many advantages. (see attachment 3) 55:00

Donnell Presky ND Association of Counties: (see attachment 4) 59:30 She also handed out (attachment 5) from Kevin Glatt who couldn't be here.

Casey Bradley Stutsman County Auditor/COO: 1:00:00-1:02:00 (see attachment 6) We are now on the second generation and can help out our rural polling stations now.

Rep Sanford: Can you share with us your cost for the second generation and secondly how long a version might last?

Mr. Bradley: $55-60,000. We bought 15 tablets and updated software. Microsoft discontinued the software for Windows XP. It was never updated to the new software.
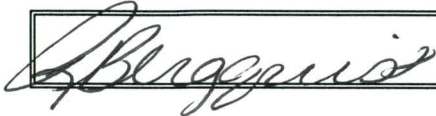

Chairman Monson: The testimony for HB 1123 will probably have much of the same testimony. Is anyone opposed to HB 1122? You can send testimony by email since today is a holiday. (attachment 8-9 as testimony not testified) hearing closed.

2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Education and Environment Division
Roughrider Room, State Capitol

HB1122
1/16/2017
26936

☐ Subcommittee
☐ Conference Committee

[signature]

Explanation or reason for introduction of bill/resolution:

To provide an appropriation to the secretary of state for the procurement and implementation of electronic pollbooks to be utilized statewide in all polling places and to declare an emergency.

Minutes:

Chairman **Monson:** Called the meeting to order, we had the hearing for HB 1122 this morning, are there any further thoughts or discussion?

:31 Representative **Streyle:** I agree that these are needed, I just don't think that now is the time, I don't think we could do this in the general fund. Motion Do Not Pass on HB 1122

Representative **Schatz** seconded the motion

Chairman **Monson:** Any other discussion? Because Al Jaeger wasn't able to disclose any amounts as a possibility to reduce the amount, the way it's sitting right now it's 3 million or nothing.
Representative **Boe:** To clarify, HB 1122 and HB 1123, one wouldn't do anything without the other?
Chairman **Monson:** I would think that they can stand alone, one is the pollbooks the other is the voting machines.
Representative **Boe:** But would we want to do one without the other?
Chairman **Monson**: I think the pollbooks would make things easier and more accurate.

Representative **Boe:** So we get more bang for the buck for the 3 million than for the 9 million then?
Chairman **Monson:** I don't know that we can even say that, they each serve a different purpose. Can we maybe afford the 3 million at some point in this session? We're asking departments to cut another 7% from their budgets.

6:25 Representative **Schmidt:** The one that I got back was from Grant county, very rural, very small county, they vote by mail, they didn't mention HB 1122 at all but the said they need the equipment from HB1123

Chairman **Monson:** these smaller counties probably can get away with doing this without the poll books where I can't imagine the larger counties trying to do without. Some are already in the second generation of pollbooks

A Roll Call vote was taken. Yea: 7   **Nay:**   0   **Absent:**   0

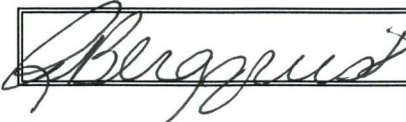**Motion passed with a Do Not Pass**

Representative Streyle will carry the bill

2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

HB 1122
1/18/2017
27100

☐ Subcommittee
☐ Conference Committee

[signature: Berggreu]

Explanation or reason for introduction of bill/resolution:

Polling Books

Minutes:

Representative **Monson:** This is very similar to the last bill HB 1123; this one has an appropriation of 3 million dollars, the 3 million is over and above the highest bid I believe. It is to purchase electronic polling books; they are connected to the inter net. Right now there's 43 counties out there still using manual writing in the poll books, 8 counties have electronic poll books, and they are the largest counties. They're not all the same, 2 of these, Stutsman and Cass county are already on generation 2. Cass county for example has 23 different ballots. These electronic polling books would help with voter fraud; they could cross check them if everyone had a voter book, otherwise with the manual way of keeping track people could vote in multiple counties.
Representative **Pollert:** In the 8 counties that have done this did they pay for their own polling books?
Representative **Monson:** They did, so this bill would buy them all new machines and they would then all be the same.
This came out of the committee with a 7-0 Do Not Pass

Motion by Representative **Monson** for a Do Not Pass

Seconded Representative **Schatz**

Chairman **Delzer:** Becky was this asked for in the budgeting process?

Becky Sicble OMB: I am not sure that is was asked for

Representative **J. Nelson:** Would they work together if they are not the brand or type?
Chairman **Delzer:** Wouldn't it send to Secretary of State and they would catch the problem
Representative **J. Nelson** If it was funded by the state they would have to be compatible
Representative **Monson:** Better deal because of large amount purchased

Representative **Holman:** Yes, you are correct and there where county auditors involved in the study.

Chairman **Delzer:** I think the state should worry more about purchasing the machines than the poll books.

Representative **Boehning**: I going to resist on the motion to Do Not Pass, I think we need to look more seriously at the technology and need something that will also go with the new driver's licenses and id cards. I think this is something we need to find the money to do.
Chairman **Delzer:** Is this more important than taking care of long term care for example?

Representative **Boe:** What's the break down for hardware and licensing?
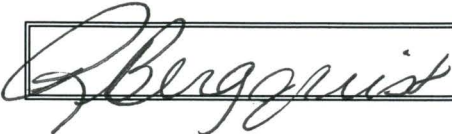Representative **Monson:** I am not sure about the exact break down.

We do have a Do Not Pass motion

2017 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

HB1122
1/19/2017
27142

☐ Subcommittee
☐ Conference Committee

Bergquist

Explanation or reason for introduction of bill/resolution:

To provide an appropriation to the secretary of state for the procurement and implementation of electronic pollbooks to be utilized statewide in all polling places.

Minutes:

Chairman **Delzer:** We had some discussion on this yesterday and ran out of time, it's on electronic polling books. Some of the larger counties already have them but the majority of the counties don't and are still doing it manually. We discussed how compatible they are. There's been an ongoing study on these things.

We have a motion of Do Not Pass made by Representative **Monson**
Seconded by Representative **Schatz**

Representative **Boe:** In committee is asked for a breakdown on how much was hardware and what was licenser, I just got his information, electronic pool books the hardware is 25% of the cost and the software licensing is 13% delivery and set up is 1.5%, maintenance is 15% for 2-5 years. ITD cut for managing it is 3%, risk contingency is 42.5% That's for the pollbooks, the 3 million

For the voting systems 62% is hardware, delivery and set up is 5% licensing and software is .03%, maintenance is 18% ITD management is 1% and risk contingency is 13%

Chairman **Delzer:** Seeing now we'll vote on the Do Not Pass

A Roll Call vote was taken. Yea: 16   Nay: 1   Absent: 4

Motion carries and Representative **Streyle** will carry it.

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1122

House   Appropriations - Education and Environment Division   Committee

☐ Subcommittee

Amendment LC# or Description: HB 1122

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 _Rep. Streyle_ Seconded By _Rep Schatz_

Representatives	Yes	No	Representatives	Yes	No
Chairman Monson	✓		Rep Boe	✓	
Vice Chairman Streyle	✓				
Rep Martinson	✓				
Rep Sanford	✓				
Rep Schatz	✓				
Rep Schmidt	✓				

Total   (Yes) 7   No   0

Absent   0

Floor Assignment   Representative Streyle

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

motion passed for a Do Not Pass recommendation.
It will come up again in full committee

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB1122

House Appropriations _____ 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 Rep. Monson Seconded By Rep. Schatz

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X				
Representative Kempenich	A		Representative Streyle	X	
Representative: Boehning		X	Representative Vigesaa	X	
Representative: Brabandt	X				
Representative Brandenburg	A				
Representative Kading	A		Representative Boe	X	
Representative Kreidt	X		Representative Delmore	X	
Representative Martinson	X		Representative Holman	X	
Representative Meier	X				
Representative Monson	X				
Representative Nathe	A				
Representative J. Nelson	X				
Representative Pollert	X				
Representative Sanford	X				
Representative Schatz	X				
Representative Schmidt	X				

Total (Yes) _____ 16 _____ No _____ 1 _____

Absent _____ 4 _____

Floor Assignment Representative Streyle

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

REPORT OF STANDING COMMITTEE
HB 1122: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (16 YEAS, 1 NAYS, 4 ABSENT AND NOT VOTING). HB 1122 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

HB 1122

January 16, 2017

TO: Chairman David Monson and the members of House Appropriations – Education and Environment Division

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

RE: HB 1122 – Electronic Pollbooks

We are requesting $3 million to purchase and implement electronic pollbooks statewide, but it would be incorrect to think of this only as a new expenditure of tax payer money. Our taxes already pay for pollbooks whether they are paper or electronic. The cost for generating and printing paper pollbooks is something that must be paid for each election and along with those costs come the limitations of the static list produced. The majority of the cost for electronic pollbooks is in the initial purchase and there are only minor costs for the use of them each election.

Others here today have and will testify on the many benefits of electronic pollbooks. My task is to outline the deficiencies of staying with paper pollbooks as the norm for elections in our state.

Secretary Jaeger has said many times that the Central Voter File (CVF), the database from which all pollbooks are generated, is a statewide pollbook and it includes a record of who has voted – it is not a record for who can vote since we don't have voter registration. When preparing to administer an election using paper pollbooks, it is often the best course of action to only include active voters because to include all active and inactive would make for large and difficult to manage pollbooks. The problem with this is that inactive voters do show up to vote and their information must be copied down by hand into the pollbook and then manually connected to the appropriate record in the CVF at a later point. This process is often a place where mistakes can be made, mistakes which may result in a voter having a duplicate record in another county in the CVF. With our state's population, all electronic pollbooks could have the records for everyone in the state regardless of the voter's status and they would still be easy to manage.

No matter how well the state and counties publicize where the voters of each precinct are to vote, voters show up at the wrong polling places and must be directed to the correct location. Paper pollbooks do not have the ability to assist in the task of directing these voters to the correct polling location, but that is immediately available to poll workers when electronic pollbooks are used.

Some counties have converted all polling places into vote centers where a voter may receive the ballot for the precinct in which they reside regardless of the polling place visited. It is impractical to use a paper pollbook for a vote center because of the size necessary for the printed pollbooks and because it would be impossible for all other polling places in the county to know when a voter has voted in one location. Networked electronic pollbooks solve this problem with efficiency.

Due to the fact that paper pollbooks are still utilized by most of the counties of the state, state law gives the counties 75 days after the election to update voter history in the CVF because of the time consuming nature of this work. Although we have implemented strategies to make this work as easy as possible, this is another area in which mistakes can and have been entered into the process. When scanning the records from the paper pollbooks, it is quite easy to accidentally scan the wrong record to apply voter history. Hopefully this mistake is caught before moving on because it is far more difficult to find at a later point. These mistakes are eliminated with the use of electronic pollbooks and the process can be done within days of the election rather than the months that we must allow now.

The time it takes to update voting history in the CVF also causes a problem since the counties are running more and more special elections for cities, schools, and even county initiatives that cannot wait until the next regularly scheduled election. For example, Ward County administered seven special elections in 2015, which was a year when there were no regular elections scheduled. It is getting to the point that counties haven't finished the administration of one election before the next is held. This new reality cannot be maintained in a paper pollbook scenario.

Finally, it is no secret that the people of our state are moving with far more frequency than they did in the past. The Secretary of State's office receives an average of 3,520 updates per week for the CVF from the North Dakota Department of Transportation regarding the changes of address for the people of our state with driver's licenses and nondriver ID cards. The fact that our residents move so often and at all times of the year make it impossible for paper pollbooks to be practical for the administration of our elections.

Electronic pollbooks are not just a shiny new tool for elections. They are cost effective technology that appropriately adapt to the mobile society in which we live. With the state making the purchase, everyone is able to take advantage of the group buying power, it provides for uniformity in the administration of elections across the state, and makes possible a level of security for the process that is impossible with the use of paper pollbooks.

We request your consideration for a do pass recommendation.

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

January 16, 2017

TO: Chairman David Monson and members of the House Appropriations Committee, Education and Environment Division

FR: John Arnold, Elections Director, Secretary of State

RE: HB 1122 – Procurement and implementation of electronic pollbooks

Electronic pollbooks are not new to North Dakota. Currently, there are eight counties that make use of them in at least some, if not all, of their polling places. Those counties are: Burleigh, Cass, Grand Forks, McLean, Stark, Stutsman, Ward, and Williams. Of these eight counties, Cass and Stutsman are currently on their second generation of electronic pollbook. The purpose of this procurement is to make available statewide the benefits that these eight counties have experienced. In addition to being a benefit to every election official across the state, a statewide network of electronic pollbooks will also prove to be a benefit to those who run campaigns.

For starters, at polling places electronic pollbooks will increase the efficiency with which a poll clerk can find a voter. Rather than paging through a paper pollbook, a poll clerk will be able to simply scan a North Dakota driver's license or nondriver's identification card to access that individuals record. For individuals who utilize another form of identification, using the keyboard to enter the individual's name into the pollbook will also find the record, if it exists.

Beyond the efficiency with which records can be found, another benefit is the number of records that can be searched. With a statewide implementation every poll worker will be able to pull up any individual who currently has a record in the Central Voter File (CVF). This is beneficial because voters don't always appear at their proper polling place. Being able to access anyone's record will allow the poll worker to not only know whether the individual is at the proper polling place, but will also provide the correct polling place if the voter is at the wrong location. In cities with multiple polling places, it is not uncommon for someone to appear at the wrong one. Now, rather than having to consult a map to determine the proper polling place, the electronic poll book will clearly display which polling place is assigned to the individual's residential address. Current systems are also able to provide directions to the proper polling place that may be given to the individual.

Besides ensuring that potential voters are at the proper polling place, the data accessible in electronic pollbooks is also able to be continually updated, whereas the paper pollbook is outdated almost as soon as it is printed. For example, absentee ballots continue to be returned even after the paper pollbooks are printed. With updates continually being pushed to the electronic pollbooks, any records that are marked in the CVF as having returned an absentee ballot will have that update pushed to the electronic pollbooks. The same is true in reverse, when a voter is marked as having voted at one polling place, every electronic pollbook will be updated to flag that individual as having already voted. Furthermore, when the 3,500 average updates and new records from the Department of Transportation are applied, that information also gets pushed to the electronic pollbooks. With a statewide implementation, the data in the pollbooks will be continually be updated so as to be as current as possible, throughout both early voting at while the polls are open on Election Day.

In addition to making the process easier for poll clerks, following the election there are also benefits to the county for posting voting credit. Currently, counties have 75 days following an election to go through their paper pollbooks and post voting credit. When data files can be uploaded directly into the CVF, posting voting credit can be done in the days after an election rather than months. With the uptick that we've been seeing in the calling of special elections for local political subdivisions, this ability to quickly update the CVF following an election is another benefit.

In addition to the reduction in staff time at the county level and the ability to quickly prepare for the possibility of another upcoming election, the reduced turnaround for posting voting credit can also be a benefit to those groups that, under section 16.1-02-15 of the North Dakota Century Code, are able to access data from the CVF. Candidates, political parties, and political committees would likely also likely see it as a benefit if updated information could be provided much sooner.

Candidates, political parties, and political committees could also see that additional benefit I mentioned at the beginning of my testimony that would be available if there were a statewide network of electronic poll books. It has long been the stance of Secretary Jaeger that the election official's role in the administration of elections is to make the process accessible to everyone who chooses to vote. Get out the vote efforts are the responsibility of candidates, political parties, and political committees. Electronic poll books could help these groups in their get out the vote effort by introducing an electronic version of the poll watcher. Rather than having volunteers watching the polls to determine who hasn't yet shown up to vote, a statewide network of electronic pollbooks would allow these groups to periodically, throughout Election Day, receive data files of who has already appeared at the polls. This data could be cross referenced with internal lists of supporters so that phone calls could be made.

Lastly, the data that will be able to be pulled from electronic pollbooks could be beneficial to the public. County and state websites could include data on how many people are being checked in per hour, giving the public an idea of when the best times to appear at the polls might be. After an election is over, counties could use this data when planning for the distribution of supplies for subsequent elections.

As I mentioned at the beginning of my testimony, there are currently eight counties using electronic pollbooks. I also mentioned that two of the eight counties are already on their second generation of electronic pollbook. For the Secretary of State's office, multiple electronic pollbook systems means having to make sure that the CVF can accommodate the necessary data formats. This hasn't been a problem so far, but without a unified, statewide implementation we could find ourselves having to ensure that the CVF can accommodate a number of disparate solutions.

There is interest in the benefits of a unified, statewide implementation. Currently, since there is not a statewide implementation, the Secretary of State's office has not been able to be a resource to the counties as it has been for the voting system itself. Simply put, counties have been on their own if they chose to implement electronic pollbooks. Now, while we are also seeking to replace our voting system, is the time to spread the benefits statewide that a handful of counties have experienced, while ensuring that our office is able to both provide support as well as to use the negotiating power of a statewide procurement to make sure that the taxpayers of North Dakota are getting the best price possible.

Testimony for:
House Appropriations – Education & Environmental Division
January 16, 2017
Michael Montplaisir, Cass County Auditor

HB 1122

Chairman Monson and members of the House Appropriations Committee

I am Michael Montplaisir, Cass County Auditor, and am in charge of running elections in Cass County along with my Election Coordinator, DeAnn Buckhouse. We have been progressive in starting use of Electronic Poll Books in 2008 for our Early Voting Precincts and in 2010 expanded them to all of our Early and Election Day precincts.

Electronic poll books are invaluable in ensuring that voters are quickly and accurately checked into their proper precinct and obtain the correct ballot for their precinct. It used to be that when a voter went to a precinct, they were written into a paper poll book and every voter at that site received the same ballot. With the advent of the city elections being combined with the Primary Election, and in Cass County, School District elections combined with the Primary Election, each precinct can have multiple ballot styles depending on which city and / or school district a voter resides. Indeed, in Cass County, we have individual precincts that will have as many as eight different ballot styles available. The Early Voting Precincts have over one hundred ballot styles in a Primary Election. The Electronic Poll book is essential in making sure voters get the correct ballot; the integrity of the city, school district, and legislative district elections depend on each voter getting the correct ballot.

Electronic Poll Books are computers, as such they have a relatively short shelf life as technology continues to move forward. We just replaced our first poll book system in 2015 for a model that was easier to use for the poll workers and were better able to communicate with the database back at the courthouse. While we had hoped to be able to wait until a state appropriation was available to replace our electronic poll books, we were in a critical situation where we did not feel we could adequately manage the 2016 election cycle without replacing this important infrastructure.

Communication with the database in Early and Election Day Precincts allows election officials to better manage polling sites. At the courthouse, or on our smart phones, we can easily see which sites are busy and can reallocate resources to precincts that need additional help on Election Day. We can and have moved both equipment and workers to precincts that are experiencing higher than average turnout to reduce lines at polling sites. These are not nice to have equipment for voting, these are essential tools to effectively manage elections state-wide.

I urge your support for House Bill 1122.

1

Testimony for:
House Appropriations – Education & Environmental Div.
1/16/17
Donnell Preskey Hushka, ND Association of Counties

HB 1122: Related to E-Poll Books

Mr. Chairman and committee members, I'm Donnell Preskey with the North Dakota Association of Counties. I'm here today representing North Dakota's 53 county auditors, who are the local election officials.

The big issue in election administration in the United States revolves around technology. There is a great opportunity before us to tap technology with the use of a state-wide Electronic Poll Book system. Electronic poll books make voting easier for voters, processing voters easier for poll workers and increases citizens trust in the election system.

45 counties utilize paper poll books. These are printed prior to the election. Checking-in at a precinct with paper poll books is more cumbersome for the voter and the poll workers. The poll book can contain thousands of names, requiring officials to manually search the books for voters by name. This can lead to mistakes when issuing ballots or validating potential voters and delays in processing voters. These records may not contain current, up-to-date information on whether or not that voter has vote via absentee voting, or early voting. These records definitely are not capable of showing if someone has voted in a different location on Election Day. After the election, a manual process is used to record voter history of those who participated in the election. This is time consuming and increases the chance of error.

Currently eight counties have electronic poll books. Essentially it is a tablet that is connected to a list of voters who have voted in that precinct in the past. A voter comes in hands them their ID and with a scanner similar to that you see at a retail store, the poll worker scans the back of the ID to "check-in" the voter.

Essentially, a state-wide e-poll book system would allow counties to identify voter fraud before that voter is allowed to vote illegally. By every county having e-poll books, if connected to the internet they could "talk" to each other and provide real-time data. If a voter votes at one precinct and then tries to vote in another, it would be detected. Same would hold true if a voter voted the day before in the early vote and then attempted to vote on Election Day. While these acts do not happen often, they do occur. Best of all, if a voter is in the wrong precinct, the system would detect it and provide the correct polling location anywhere in the state.

This technology allows for many new options including the ability to track in real-time voter turnout at the precinct level.

Mr. Chairman having served as an inspector and poll worker at two separate sites – one that used paper poll books and e-poll books I can tell you voters are processed faster and more efficiently using the e-poll books. This technology for many reasons is simply the direction election administration must go. Without voter registration, a connected state-wide system that can be achieved with e-poll books is even more vital.

1

TESTIMONY TO THE
HOUSE APPROPRIATIONS COMMITTEE
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer
1/16/17

HOUSE BILL 1122

Mr. Chairman and members of the committee, this testimony is in <u>SUPPORT</u> of HB1122 as Election Administration in ND is at a critical crossroads.

Governor Burgum in his first "State of the State" message spoke to the importance of technology. HB1122 addresses the serious need to update our election infrastructure and provide uniformity in the election process.

We are the only state in the nation that is still using this particular software. At some point, if we do not update, we will no longer be able to get support for technical issues that will and do occur.

Burleigh County is presently utilizing electronic poll books in 10 or our 27 voting locations. These electronic poll books were put into service 5 years ago and are an amalgamation of various laptops, netbooks, printers, and scanners in dire need of updating.

HB1122 will improve the speed and accuracy of ND elections for our citizens. HB1122 will help reduce election costs and make it easier to attract and retain election workers (especially the younger generation) by use of technology versus paper. HB1122 will allow government to embrace the technologies and processes that drive success and innovation in the private sector.

Mr. Chairman, members of the House Appropriations Committee, I respectfully request a do pass for HB1122 to ensure the integrity of elections in the State of ND and keep or elections systems prepared for the future.

1

Testimony for
House Appropriations - Education & Environmental Div.
January 16, 2017
Prepared by:
Casey Bradley, Stutsman County Auditor/COO

HB 1122 & HB 1123: Related to Voting Equipment

Good morning Chairman Monson and committee members, my name is Casey Bradley, I currently serve as the Auditor and Chief Operating Officer for Stutsman County. I am also the North Dakota representative for local election officials on the Federal Election Assistance Commission (EAC) as appointed by the Secretary of State along with the State's appointed representative. I also have spent the past several months serving on the committee that put together the RFPs, reviewed the proposals, and interviewed the vendors that has ultimately resulted in the two bills that are before you today. My county commission has been extremely supportive of my involvement in these processes because they see the value and importance of elections and the election process in our county and state. North Dakota has a very rich tradition of having the best election process in the entire United States. Statewide, this success stems from the deep dedication of our local County Auditors, the partnership we share with the Secretary of State's Office, the collaboration and training that the Association of Counties helps to foster, and ultimately the legislature's willingness to support our efforts to ensure the best elections process possible.

The two proposals before you today are, in my opinion, as important as any bill that will be heard in any legislative session. Any funding dedicated to these bills will directly benefit the elections process for every voter in the State of North Dakota. These bills do directly address statewide critical infrastructure that is currently in a very poor state of repair, not because of neglect, but because it has out lived its useful life.

I would contend that every county in North Dakota can give you multiple examples of this infrastructure failing them at critical points when the system is needed the most. In Stutsman County, we use both rural vote centers along with a primary vote center in Jamestown. I have had scanner failures during in-house testing, during public testing as well as on Election Day. These systems are operating on software developed in the 1990s which has been updated and patched since. This aging technology is no longer viable and has to be replaced now before we have a catastrophic failure. HB 1123 would address this issue.

HB 1122 is of vital importance because it would put ePoll book technology into every county. Currently, only a handful of counties utilize this technology. If passed we would standardize the elections process across the state for every voter in North Dakota. We would dramatically increase the efficiency of the voting process, improve our ability to verify residency and be better prepared to prevent voter fraud. As proposed, we would have voter turnout, to the precinct level, within a few minutes of the voter

checking in at the polls statewide. This bill is not only a benefit to state government, but also to every county, political party as well as the media.

My goal has always been, and I believe the goal of everyone who has put in an extensive amount of personal time and effort to get these bills before you today, is to address this critical infrastructure need in a manner that creates a uniform voter experience statewide and keeps every county on the same system. Having one election equipment system and one ePoll book system statewide ensures that we have uniform training for all Auditors and poll workers statewide, we benefit from bulk purchasing and contracting for maintenance, and ensure that every voter in the state has the same voting experience. We all take great pride in our successes in the elections process and we all have a vested interest in ensuring that this level of quality is maintained for current voters as well as for future generations of North Dakota voters. This can only be achieved by the Secretary of State's Office being the lead agency in this effort that that starts with the passage of these bills. For these reasons, I hereby request your do pass recommendation on both HB 1122 and HB 1123.

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos

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

PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@nd.gov

January 16, 2017

TO: Chairman David Monson and the members of House Appropriations – Education and Environment Division

FR: Al Jaeger, Secretary of State

RE: HB 1122 – Electronic Pollbooks

As the state's chief election official designated by the provisions of N.D.C.C. § 16.1-01-01, I have numerous duties related to the administration of elections. I believe those duties include a responsibility to the citizens of this state to recommend changes to the legislature related to election laws and make recommendations about the software/hardware needed to ensure that elections are conducted efficiently, accurately, and with integrity.

One component of that process is the pollbook in which the names of voters are recorded who have cast their votes in an election. For many years, those pollbooks have been paper based. However, electronic poll books are now available that allow for faster and more accurate processing of voters. They are currently being used in eight counties. The remaining forty-five counties do not have the same efficiencies and capabilities available to them.

This proposal would provide all counties in the state with electronic poll books from the same vendor for the continuity of the system. The state already has a network in place that allows direct connection to the state's central voter file. By having electronic poll books in every county, it would greatly improve the voting experience for voters and enhance the administration of elections in the most efficient and effective manner. It would also ensure that all qualified voters are able to easily cast their vote.

To provide the most accurate cost possible for your consideration, my office worked last year with the state's procurement office to issue a Request for Proposals. It was made clear to all bidders that the successful bid would be awarded subject to it being funded. Although procurement rules do not allow me to disclose the name, a vendor has been selected and the requested amount in this bill is a solid number based on their bid.

This morning, my Deputy, Jim Silrum and my Director of Elections, John Arnold, will provide more information about the utilization of the electronic pollbooks proposed in this bill.

1

Election Equipment Bills (HB 1122 and HB 1123)

Att: 8 No testimony

1-16-2017

Lisa Gellner <lgellner@nd.gov>

To:Monson, David C. <dmonson@nd.gov>;

Dear Mr. Monson,

I wanted to reach out to you and urge you to support the two bills listed above for the state-wide purchase of new election machines. This past election year for the first time since we got the automated election machines, we started to have problems with the machines. It was predicted this would soon start happening, as the machines can only go so long before they wear out, much like a computer. Specifically, we had errors related to the diverter that will separate any ballots with write-ins on them, as well as issues with the battery backups not charging any more. We were fortunate enough to have extra machines to rely on, being we have cut back on the number of precincts we have, but this is not the case in all counties.

It is my feeling that the time has come to move forward with updating the election equipment, and it is very important for all counties to be using the same equipment in order for North Dakota to continue having efficient/successful elections like we have in the past.

Your support on HB 1122 and HB 1123 would be appreciated. Thank you for representing Cavalier County at the state level.

Sincerely,

Lisa Gellner

Cavalier County Auditor

901 3rd Street – Suite 15
Langdon, ND 58249
(701) 256-2229
(701) 256-2546 (fax)

1

Testimony for Appropriations Committee

January 13, 2017

Sondra Richardson
Walsh County Deputy Auditor
600 Cooper Avenue
Grafton, ND 58237

Dear Mr. Monson and Appropriations Committee Members,

My name is Sondra Richardson. I am Deputy Auditor, and serve as the Election Inspector for Walsh County. I would like you to support House Bill No. 1122 and House Bill 1123, for E-poll books and Ballot Scanners, as not all counties are going to be able to afford to purchase new election equipment that is very much needed, due to problems we encounter with the current election equipment.

In my own experience working elections and serving as the election inspector for our county, I can share many problems that we experience with the current election equipment.

- The M100 often has trouble reading the timing bars on ballots that have been folded and mailed out for absentee voting. Thus, we have to stand and try to run the ballots in all four directions and try to rub out any wrinkles. If all attempts fail, then the judges have to re-write the ballot. This takes up a lot of time of the election workers.
- M100 diverters are supposed to sort ballots. Ballots with no write-in candidates are supposed to be sorted to the left side of the box, and ballots with a write-in candidate are suppose to be sorted to the right side of the box. However, these don't sort properly, and at the end of the election we have to sort through every ballot, manually, to ensure that we get proper counts for write-in candidates. This is very time consuming, makes for a late night, and delays election results reporting to the Secretary of State and the press, thus leaving the voters in waiting.
- M100 diverters often jam up. This will halt voting and can destroy ballots, as well as throw off total counts for ballot results.
- M100 diverters just quit working. Voting will come to a stop, as we have to stop use, and move the reader to a new box.
- Currently, there is no alert on the M100 to know that the container may be at capacity, until it is so full that the ballots jam up. When jams occur, this can destroy ballots, and lead to a miscount of ballots. The "full" line is drawn on the outside of the doors. A possible solution to this problem could be a window on the door at the "full line".
- In the 2016 November General Election, I had an individual who used one of the Automark (ADA Compliant) machines to vote. After completion of voting, the ballot got jammed up and couldn't be easily removed, so I had to discontinue use of that machine. The voter was inconvenienced by having to complete a new ballot on a different machine.

You can see that we have many issues with our current election equipment. Not every county is able to purchase updated equipment that we need for the reasons stated above. I urge you to support HB 1122 & HB 1123.

Thank you for your time and consideration.

Sincerely,

Sondra Richardson

Sondra Richardson