

2019 HOUSE POLITICAL SUBDIVISIONS

HB 1059

2019 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Prairie Room, State Capitol

HB 1059
1/4/2019
Job 30440

- Subcommittee
 Conference Committee

Committee Clerk: Carmen Hickle

Explanation or reason for introduction of bill/resolution:

Appointment of election workers

Minutes:

1,2

Starting at 29:18

Chairman J. Dockter: Opened the hearing on HB 1059.

Rep. Roers Jones: Introduced the bill. The purpose behind 1059 is to offer more flexibility between the county auditors and the district chairs to line up and find people to work for the elections. They recognize the way the law is currently inspectors, judges and poll workers have to work the entire day of the election. That is causing a lot of difficulty finding people who can devote that amount of time. The proposed change on line 14-16 would allow the appointment of part time inspectors, judges and poll clerks. It doesn't say they have to be part time; it says they can be. Then on the last page lines 14-15 points out that at least one election inspector and two election judges present throughout the day.

Rep. Ertelt: Do you know the reason behind why the bill was passed in the original form? My inclination is to ensure the integrity during the election. Is there any process to ensure the integrity?

Rep. Roers Jones: I don't have specific data on that but Mr. Traynor may be able to answer that.

Terry Traynor: Executive Director of ND Association of Counties, (Handout #1).
Distributed written testimony of Michael Montplaisir, (Handout #2).

Rep. Johnson: Could you describe the duties of the inspectors and judges?

Mr. Traynor: The election administrator from the Secretary of State's Office is here and he can explain those duties better than I.

Rep. Johnson: Can the inspectors and judges keep up with other workers during the change of shifts?

Mr. Traynor: At this point the county auditor would have to balance those concerns. The inspector and two judges that are there all day would have to ensure that it happened. It becomes a training issue.

Rep. Johnson: What is the recruiting process for election workers?

Mr. Traynor: The political parties are charged with identifying the judges. If that doesn't happen than it is up to the county auditor. Sometimes the county workers have to fill those positions.

John Arnold, ND Secretary of State office, State Election Director: The judges are the individuals who issue the ballots. The judges also initial ballot signature, the signature becomes important during a recount situation. There have been instances at recounts where a judge forgets the roll of initialing the ballots, those ballots aren't counted in the recount. Inspectors are the managers of the polling place. They are in charge to make sure there are no disruptions. If poll watchers show up and cause a disturbance the inspectors are the ones responsible for maintaining that order at the polling place. They are also there to offer any assistance to voters if they put the ballot in the machine and it beeps. They interpret the message on the screen to let the person know.

Rep K. Koppelman: To clarify on page 3 section 2 the continuity, integrity and oversight is protected by at least one inspector and two judges are there throughout the process.

John Arnold: We weren't involved in drafting the bill but it does seem that the integrity would be protected.

Rep. Magrum: If the part time workers go home or take a break can the judges and inspectors issue the ballots and count it without the others there?

John Arnold: Yes, as I understand the bill at those peak times instead of having two judges issuing ballots, one representing the Republican party and one representing the Democratic NPL, you would have four. They would be issuing ballots and at the end of the night the two that are required to be there all day would be the ones responsible.

Rep. Magrum: When counties do early voting do they have judges there?

John Arnold: They are required to have an election board just as they are on election day.

Chairman J. Dockter: Any other testimony?

Kevin Herman: I am against the bill, if you are in a rural area and have mail in ballots and part time clerks the polling is done and you have the machines outcome. But the clerks have to count and they don't match with the numbers on the machine? We had to recount and clerks had to check those books. With part time my concern is what if you have part time clerks for the mail in ballots and they don't match up? You have different clerk that took over, and the first clerk is not there to help correct the problem.

Rep. Johnson: You are not talking about just a polling place on election day? But on the absentee mail in ballots?

Mr. Herman: If the total ballots don't match they have to recheck. My concern is what if the numbers don't match up from the clerks check off, because they have to check off who is voting. But if the total ballots don't match to the people that have voted, then they have to go back and checking to make sure everything is right.

Rep. Johnson: I cannot connect the dots between this bill and that human error. You know there is something wrong with machine count and clerk count so you go back and recount and find the error or get new results that are acceptable.

Mr. Herman: My concern is the part time if it ends up the clerks in a rural area and you only have mail in ballots and all the ballots go to the machine, then the clerk's numbers are different. If you have different people who come in and there is a mistake you don't have the first poll workers, there during the time they were checking off. There are two clerk books and both clerk's books have to match at the end of the count.

Rep. Johnson: How many times has that error occurred?

Mr. Herman: One time, but it was the first time we did mail in ballots.

Rep. Johnson: In the onetime were there part time clerks when that error occurred?

Mr. Herman: No there were no part time clerks. My concern is what will happen if the numbers don't match between the clerks with the two books and the ballots.

Rep K. Koppelman: What differences does it make if the clerks are there throughout the entire window of time or if there are two sets? Because if the numbers don't add up it has to be rechecked, does it matter who rechecks it? Wouldn't it be better to have a different set of eyes on it so they can verify the documentation? Isn't it verified the same way regardless if it's a different person or the same one?

Mr. Herman: If there is a discrepancy is that inspector going to call those first set of workers back in and see what they did prior to them being released?

Rep K. Koppelman: Why would they need to call the same the people back because what they are dealing with is the votes that were cast? If there is a discrepancy they go back and check to find out where the error was, regardless who made it. Does it have to be the same people checking the results?

Mr. Herman: That is just how I feel.

Rep. Ertelt: To see if I can clarify what you are trying to say, if there is multiply pool workers and a particular worker makes the mistake and when that mistake is verified they would be the one best equip because they were involved.

Mr. Herman: Yes, that is basically it.

Rep. Magrum: So the people that come in the morning and take a break and come back in the afternoon, I'm thinking it would be the same people that come back. Do they count the mail in ballots at the end of the day?

Mr. Herman: I worked on the mail in part, two judges looked at the post card and the back of the envelope of the ballots to make sure it was the same person. My concern is if it is part time and if there is a mistake and there are different sets of people will that inspector bring the original people back to realize the mistake was there's?

Rep. Adams: What you are concerned about is the two people, if there is an error at the end of the counting those people will recount. It is my understanding that all the absentee ballots are opened at one time. So the absentee ballots would be verified at that time. Mistakes happen, the inspector makes sure the count is correct at the end of the day.

Chairman J. Dockter: Closed the hearing.

Voting and discussion on job # 30441 (Time 12:24-23:03).

Rep K. Koppelman: Made a do pass motion.

Rep. Johnson: Second the motion.

Carrier: Rep. Johnson

Yes 14, no 0, absent 0.

Date: 1-4-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1059

House Political Subdivisions 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. Koppelman Seconded By Rep. Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Dockter	/		Rep. Adams	/	
Vice Chairman Pyle	/		Rep. Guggisberg	/	
Rep. Ertelt	/				
Rep. Fegley	/				
Rep. Hatlestad	/				
Rep. Johnson	/				
Rep. Koppelman	/				
Rep. Longmuir	/				
Rep. Magrum	/				
Rep. Simons	/				
Rep. Toman	/				
Rep. Strinden	/				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Johnson

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

REPORT OF STANDING COMMITTEE

HB 1059: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). None was placed on the Eleventh order on the calendar.

2019 SENATE POLITICAL SUBDIVISIONS

HB 1059

2019 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

HB1059
2/28/2019
Job # 32961

- Subcommittee
 Conference Committee

Committee Clerk: Mary Jo Wocken

Explanation or reason for introduction of bill/resolution:

Relating to part-time appointment of election workers and required presence at polling places.

Minutes:

Written attachment #1 Donnell Preskey, NDACo
Written attachment #2 Michael Montplaisir, Cass County
Auditor

Chairman Burckhard opened the hearing on HB1059. All senators are present.

Representative Shannon Roers-Jones (1:01-2:44). This is HB 1059 and it came to me from some people in Fargo. Our auditor and district chairman are responsible for finding election poll workers. They would like us to make this change that gives them the flexibility for considering part time positions for precinct election board, inspectors and judges. They have been using part time workers for staffing clerk positions for several years, but currently the way that it is written for inspectors and judges, they still have to be there for the entire day. In our polling sites it is 7AM to 8PM so it ends up being about a 15- hour day. It is difficult for many of the people who if they are able to find, who are currently serving as poll workers. A lot of the people are retirees and a 15- hour day just gets to be too much. So, they are finding it increasingly difficult to find people to staff these positions. Now obviously the preference would still be to find poll workers who are willing to work the entire day, and there would be some people who would have to work the entire day just for continuity. But it leaves the discretion up to the auditors to find and set up the staffing requirements. It just gives them some additional flexibility to allow some of those people to be part time workers.

Ms. Donnell Preskey, NDACo, representing the ND Auditor's Association. (3:00-5:49) for the people who administer our local elections. I am passing out my testimony (**Written attachment #1**), and also written testimony from Michael Montplaisir (**Written attachment #2**). Ms. Preskey continued with her testimony. In Section 2 of the bill, one inspector and two judges would need to be at that polling location full time all day to keep the integrity of the process. But then those other staff could be part time positions. We would definitely support this bill, and urge you to give it a do pass.

Senator Diane Larson: When they are putting out requests for poll workers will they put it out just as a part time request or would there be an option to do one or the other?

Ms. Preskey: I would say that is going to be based on a county position. Maybe an auditor doesn't want the option of a part time or they don't want to advertise it as a part time option and try to see who they can get full time in the beginning. But this give them the option and I would say it give every county auditor might have a belief.

Senator Larson: Then that day of training, would be required for part time or full time and so the payment that you get for attending that day of training would be the same whether your full time or part time, correct?

Ms. Preskey: I would expect so.

Chairman Burckhard: So, do you think any auditors, county auditors would be opposed to this bill? I mean that would unlikely, correct?

Ms. Preskey: We discussed this in our weekly legislative phone call. There is no one that is having concerns about this bill.

Chairman Burckhard: So the staffing for these kind of positions does that have anything to do with our workforce issues, or is this because you said 90% of them are retired. So you don't have people 45 and 50 years old doing this kind of work, do you?

Ms. Preskey: People who are in our office for example mainly because we're involved with county government so we have an interest in these elections. I think we now have 4 or 5 of us that volunteer to help on election day. I've worked for several of my friends who I think who have an interest in seeing how an election works, so they get involved. Some of them with ties to government and policy, so it has been a good experience for them. I know that they appreciate it. It depends on the person and how much they want to be involved.

Chairman Burckhard: All the while you're working we have the candidates anxiously waiting for the results at the end of the day.

Senator Kannianen: Just to clarify, so Section 2 the way I read it now, it would read at least one election inspector and two election judges from the election board must be present on the premises. The way I am reading it, it wouldn't have to be the same people. You could have a shift if you will, as long as there is one or two. The way I read it I don't see that it has to be the same people as long as there are one or two judges; or one inspector or two judges at any given time must be present? Does it say that it has to be the same people all day?

Ms. Preskey: The way that we interpret this is that inspector or one inspector and those two full judges would need to be there consistently and basically do it to insure the integrity of the election. You might have some poll locations that where you will have more than two judges or more than one inspector. So then those people could be part time but you would need those three individuals to be at the location site for the entire day.

Chairman Burckhard: That is a long day.

Senator Dotzenrod: Maybe you covered this in just this last minute with Senator Kannianen but there on line 14, of the first two inspectors, judges and clerks. But the bill I know requires that the inspector and judges be there. So evidently the clerks are treated differently than the other judges and inspectors? I noticed in Mr. Montplaisirs' comments here they've been using part time positions for the clerks for several years. They would like to be able to do the same thing with the judges. So evidently the clerks and judges are not treated the same right now. We have clerks that can be staffed or as needed part time and maybe they will have clerks that they can sometimes need more than two. So, this really only changes the inspectors and judges because we already allow clerks to be part time, the way it looks, is that right?

Ms. Preskey: I don't know any counties that allow their clerks to be part time. This might be something that Mike Montplaisir has done, because he has gotten into a bind. I know Burleigh County Auditor, Kevin Glatt, does not want people coming and going. He knows that it should be an all-day process when you sign on to be an election worker. But then again, so the clerks are when you go into check in at the polling location. The clerks are the ones at the table that you first meet and you hand your identification too, that make sure that you are supposed to be voting at that location. The judges normally their job, is when you're given a piece of paper when you check in saying what ballot you're getting. You take that to the judge and the judge then gives you the right ballot. It is a secrecy thing. That is the difference in rules that are in place and then the inspector can do various things, but, they are kind of the boss I would say of that polling location. They make sure that everything is moving correctly. You might have more than two judges at a polling location, but according to the way that this is written, at least two judges and one inspector would have to be there from start to finish.

Senator Judy Lee: Perhaps we could ask Alex Carthew, our law clerk, to confirm this for us. There seems to me that several years ago, and this committee heard a bill which we passed at that time that enable clerks to be part time because of this continuing challenge. This is enabling legislation it is not requiring legislation. I think that is an important point as well. There are counties that who don't need to do this and may not. If we need to clarify the language because I understand Senator Kannianen' question, I thought the same thing as I read it. I know what it is supposed to mean but is that what it really means. If there is some clarification language that would be better to save that where they would be there for the full day maybe she can help us. I do believe that we have already enabled clerks to be part time in statute and that should be quick to take a look at.

Chairman Burckhard: What did you say your position was? You're an inspector at your polling place?

Ms. Preskey: When I worked the elections I served as an inspector and also a poll clerk when I first started. I moved up the chain.

Chairman Burckhard: You're putting out a 15 day then basically. It is a long day.

Chairman Burckhard: asked for opposition to HB 1059; anybody in a neutral position?

Chairman Burckhard: closed the hearing on HB1059 and asked for the committee to discuss the bill.

Senator Diane Larson: moved a do pass on HB1059.

Senator Anderson: 2nd the motion

Committee Discussion:

Senator Judy Lee: My only objective is that I support the motion, maybe give Alex a few minutes to check on the question I asked earlier.

Alexandria Carthew our law clerk: I am not seeing anything in the print. I know it's out there. I am also not seeing it.

Senator Judy Lee: Then what we see then enables them to have clerks part time but that there would need to be those two higher level officials there for the duration of the day.

Senator Diane Larson: That's kind of why I was wondering on page 1, line 14 saying that appointing part time election inspectors, judges and poll clerks, yet they can't be part time, but here it says part time but back here it doesn't so. So, it does seem a little bit.

Senator Judy Lee: It says that because it was mentioned by Ms. Preskey that there are counties and mine is one of them, in which they would have more than one inspector and more judges.

Chairman Burckhard: We have a do pass motion and a second.

Roll call vote: 6 Yea, 0 No, 0 Absent

Carrier: Senator Anderson

REPORT OF STANDING COMMITTEE

HB 1059: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1059 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1059

Testimony Prepared for the
House Political Subdivisions Committee
January 4, 2019
By: Terry Traynor, NDACo Executive Director

RE: Support for House Bill 1059 – Election Staffing

Thank you, Chairman Dockter and committee members, for the opportunity to support House Bill 1059 on behalf of the North Dakota Association of Counties and the North Dakota County Auditors Association – representing those that must staff and administer all our statewide and most of our local elections.

If I may, Mr. Chairman, I would like to hand out written testimony prepared by Cass County Auditor, Michael Montplaisir. Mr. Montplaisir states the reasons to support this bill quite well.

As explained, this bill would simply allow some election workers to work part-time. This, he does not anticipate would be used regularly – most often full-time poll workers would still be used – but, it would be a valuable option.

Staffing elections is always difficult. Most counties, like Cass, have increased compensation over the years, but the challenge isn't the pay. Clearly our poll workers don't do this for the money. They work because it is a way to give back to their community and support our democratic process. It is the long hours that keep poll workers from coming back – a 15-hour day is very difficult for many.

County auditors feel passage of this bill could attract, and retain, more citizens willing to serve as election workers.

As elected officials yourselves, you are aware many election workers are older than average, and a 6:00 am to 11:00 pm day is too long for some of them.

Section 2 of the bill would keep one inspector and two judges as the polling location full-time, all day, to guarantee the integrity of the process; but allow for part-time staff in the other positions. Please support those that ensure our elections are managed professionally and efficiently by giving HB1059 a DO PASS recommendation.

Written Testimony To
THE HOUSE POLITICAL SUBDIVISION COMMITTEE
Thursday, January 2, 2019 by
Michael Montplaisir, Cass County Auditor
Cass County Government

#2

1-4-19

REGARDING HOUSE BILL 1059

Mr. Chairman and members of the House Political Subdivision Committee, I am Michael Montplaisir, Cass County Auditor and have worked in elections for thirty years. House Bill 1059 allows election administrators to consider part-time positions for the precinct election board, Inspector and Judges. We have used part-time positions for staffing Clerk positions at election precincts for several years. While in most cases we would continue to staff the precincts with officials that are at the precinct for the entire day, there are a couple of reasons why we would consider using shift work for the election board.

Staffing precincts is always difficult. We have increased the compensation over the years and now pay \$13.50 an hour for Clerk and Judge positions and \$15.50 an hour for Inspectors. That has helped, but part of the problem is the long hours. We require election workers to be present at the polling site an hour before voting starts and it takes them up to an hour to close down the polling site at the end of the day. Our polling sites are open for thirteen hours, 7 A.M. to 8 P.M., so that is a fifteen-hour day. We have found that a number of individuals still enjoy working the polls, but simply cannot work the entire 15-hour day, so they stop working elections all together.

At one time, precincts were small and the Election Board knew most of the people who came to the polling site to vote. The Election Board's knowledge of the voting population was an important part of the security of voting. They knew who belonged in the precinct and who did not.

Precincts today are large by comparison; many of our precincts have 2,000 or more people voting on Election Day and we use Early Voting Precincts where we accommodate over 20,000 people over a few days. The Inspector and Judges cannot be expected to know all the voters that come to vote. That security function has been replaced by identification requirements and computer databases.

The other issue is staffing according to the needs of the precinct, whether that be an Early Voting Precinct or an Election Day Precinct. With the Clerk positions, we are able to vary the staff according to what we need to effectively run the precinct. We know that our two peak times are the 7 A.M. to 9 A.M. period and the 4 P.M. to 8 P.M. period. Now we schedule more clerks at those times and fewer during the rest of the day. This allows us to accommodate the needs of the voters while controlling our costs. We would like to be able to do the same thing with Judge positions. We are finding now that the Judges' table is where we have our lines form during those peak times, and the only choices we have are to overstaff for most of the day or short staff for the peak times.

Thank you for considering these comments and I urge you to give HB 1059 a do pass recommendation.

H.B. 1059
2/28/2019
acc #1

Testimony Prepared for the
Senate Political Subdivisions Committee

February 27, 2019

By: Donnell Preskey, NDACo



RE: Support for House Bill 1059 – Election Staffing

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H.B. 1059
2/28/2019
Att # 2

Written Testimony To
THE SENATE POLITICAL SUBDIVISION COMMITTEE
Thursday, February 28, 2019 by
Michael Montplaisir, Cass County Auditor
Cass County Government

REGARDING HOUSE BILL 1059

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