

**2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1526**

# 2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Fort Union Room, State Capitol

HB 1526  
1/31/2019  
31958

- Subcommittee  
 Conference Committee

Committee Clerk Carmen Hart by Marjorie Conley

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

Relating to the form of a primary election ballot

## Minutes:

**Chairman Kasper:** opened the hearing on HB 1526.

**Rep. Andrew Marschall** appeared in support of HB 1526. The last session this bill was heard and passed out of the house but unfortunately died in the senate. Secretary of State came into the senate as opposed to it. This time it is the same bill but has an addition. HB 1526 puts a notation next to the candidate's name as endorsed by the political party as it did last time, but the addition comes in by adding the petition next to the candidate that is on the ballot due to nominating petition. By adding petition language this bill we will alleviate the Secretary of States concerns with it. It is my hope that this committee will once again give this bill a Do Pass.

**Rep. Laning:** What's the motivation for this?

**Rep. Marschall:** My personal opinion on this is that it allows the voter to see that each individual was endorsed by their political party and this individual was placed on the ballot due to non-nominated petition.

**Rep. Laning:** Just having no affiliation with party would be better?

**Rep. Marschall:** This is only for the party elections for the primaries.

**Rep. P. Anderson:** Endorsed candidate on the primary, will that make it help the person that didn't get an endorsement has a really difficult time at the primary. That's not based upon knocking on doors and calling on people.

**Rep. Marschall:** If an elector comes in and looks at ballot elector upset with the status quo that could help or hurt endorsed candidate.

**Chairman Kasper:** Page 2, Lines 11-13. This applies to all candidates for all offices, is that your understanding?

**Rep. Marschall:** Under party lines.

**Chairman Kasper:** Not impacting a city or county commission race or a school board race at all? It is just like a legislative race or a state wide race or whatever?

**Rep. Marschall:** Yes, that is my understanding.

**Chairman Kasper:** That is the intent of the bill? Then the wording on line 12 a notation, what is your definition of notation? How do you envision that?

**Rep. Marschall:** I'd leave that up to secretary of state to determine that. It could be either e as being endorsed or the work endorsed. Same way with petition, either a p or the word petition.

**Jim Silrum, Deputy Secretary of State,** appeared in support. I think there needs to be a small amendment Line 12 of instead of the word or needs to be changed to of, because it is a certificate of endorsement not a certificate or endorsement. There is a small amendment that needs to be made there.

**Rep. Laning:** Don't you feel having an e behind could bias the voter. We have a state senator in Washington right now that bypassed the endorsement phase.

**Mr. Silrum:** It can be a two-edge sword. We see this as informative instead of advertising.

**Rep. P. Anderson:** I was endorsed. Another person was endorsed. Third person petitioned. Everyone in that primary would have a notation.

**Mr. Silrum:** Yes.

**Rep. P. Anderson:** Wouldn't it be easier to have these are the two endorsed candidates and not have everybody with a notation?

**Mr. Silrum:** In your situation, the person who was gained ballot access by petition should not have been allowed to run for office?

**Rep. P. Anderson:** It would just say out of these three candidates, two were endorsed.

**Chairman Kasper:** The two endorsed candidates would have an e and the petitioned candidate would not have anything. Their name would appear but they would not have a p.

**Mr. Silrum:** We would be in opposition. Make decisions on the merits of the individual running and represent the will of the electorate that will be voting.

**Rep. P. Anderson:** In my case there would be an e, e, and ?.

**Mr. Silrum:** I believe that it may be that next to the name there would be a p or an e, but I think somewhere in the instructions we're going to have to include some sort of indication to the voters so that they know what e stands for and p stands for. So they have some idea that that isn't some sort of reference to a title or something.

**Chairman Kasper:** What about an independent candidate who is an independent or libertarian? How would you address them if the libertarian got the signatures? Would it be a p/l or indicating that it would be a different party? Is that how you would envision it?

**Mr. Silrum:** There is a section for the republicans, a section for the democrats, and a libertarian section and all of the candidates relating to that particular party. Independents running for political party office are only allowed to do so at the general election and my boss is one of those prime examples because he did not get the endorsement for the primary election, did not run in the primary election but ran in the general election and had to be listed as an independent. So there would not be a column for the independent section.

**Chairman Kasper:** Anyone else in support of HB 1526? Against? Neutral?

Closed the hearing.

**Rep. Rohr made a motion to adopt an amendment.**

**Rep. Hoverson seconded the motion.**

Voice Vote for amendment to change or to of on line 12 carried.

# 2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Fort Union Room, State Capitol

HB 1526  
2/8/2019  
32480

- Subcommittee  
 Conference Committee

Committee Clerk Signature Carmen Hart

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

Relating to the form of a primary election ballot

## Minutes:

**Chairman Kasper** opened the meeting on HB 1526.

**Rep. Laning:** I think that gives an unfair advantage to the endorsed candidate. I think it is an unnecessary addition.

**Rep. P. Anderson:** I agree with Rep. Laning. I think it was better that there was nothing beside any of our names.

**Rep. B. Koppelman:** If we are going to use the endorsement process, it would indicate where the individual running for office is, how they got on the ballot, and then let the voter decide if they like one way or another. More information is always better. I hope we support the bill. **I make a motion for a DO PASS AS AMENDED.**

**Rep. Vetter seconded the motion.**

**Chairman Kasper:** This is a big issue. It is a transparency change.

**Rep. Rohr:** I have no testimony. Who was for or against it?

**Chairman Kasper:** The only person that testified in favor was Rep. Marschall who introduced it. Jim Silrum came and offered the amended of compared to or.

**A roll call vote was taken. 6-6, 2 absent.**

**Chairman Kasper:** We are going to have to wait on this bill, because we are going to need our two committee members back.

# 2019 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Fort Union Room, State Capitol

HB 1526  
2/15/2019  
32858

- Subcommittee  
 Conference Committee

Committee Clerk: Carmen Hart

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

Relating to the form of a primary election ballot

## Minutes:

**Chairman Kasper** opened the meeting on HB 1526. We had adopted the amendment at an earlier meeting. We had a tie vote and decided to wait until we had all committee members back.

**Rep. B. Koppelman made a motion for a DO PASS AS AMENDED.**

**Vice Chair Steiner seconded the motion.**

**Rep. Laning:** This is where we put party affiliation with the ballot?

**Chairman Kasper:** The endorsement.

**Vice Chair Steiner:** I have since had some conversations about the primary, and one of the callers expressed support of this bill because there is something to be said about being vetted and endorsed by your party. I am going to support it.

**Chairman Kasper:** Referring to Line 16, Page 2, the other way to be nominated is by petition.

**A roll call vote was taken. 11-3, 0 absent.**

**Vice Chair Steiner will carry the bill.**

DP 2/15/19

19.1109.01001  
Title.02000

Adopted by the Government and Veterans  
Affairs Committee  
February 15, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1526

Page 2, line 12, replace "or" with "of"

Renumber accordingly

Date: 1-31-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1526**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: change octo of on line 12

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. Rohr Seconded By Rep. Hoverson

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Pamela Anderson		
Vice Chair Vicky Steiner			Rep. Mary Schneider		
Rep. Jeff Hoverson					
Rep. Craig Johnson					
Rep. Daniel Johnston					
Rep. Karen Karls					
Rep. Ben Koppelman					
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Karen Rohr					
Rep. Austen Schauer					
Rep. Steve Vetter					

*Voice  
 Vote  
 motion  
 Carries*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 2-8-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1526**

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 Rep. B. Koppelman Seconded By Rep. Vetter

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson		X
Vice Chair Vicky Steiner		X	Rep. Mary Schneider		X
Rep. Jeff Hoverson	A				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	A				
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning		X			
Rep. Scott Louser	X				
Rep. Karen Rohr		X			
Rep. Austen Schauer		X			
Rep. Steve Vetter	X				

Total (Yes) 6 No 6

Absent 2

Floor Assignment \_\_\_\_\_

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

Date: 2-15-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1526**

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 Rep. B. Koppelman Seconded By Rep. Steiner

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson		X
Vice Chair Vicky Steiner	X		Rep. Mary Schneider		X
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning		X			
Rep. Scott Louser	X				
Rep. Karen Rohr	X				
Rep. Austen Schauer	X				
Rep. Steve Vetter	X				

Total (Yes) 11 No 3

Absent 0

Floor Assignment Rep. Steiner

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

**REPORT OF STANDING COMMITTEE**

**HB 1526: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1526 was placed  
on the Sixth order on the calendar.

Page 2, line 12, replace "or" with "of"

Renumber accordingly

**2019 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1526**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Sheyenne River Room, State Capitol

HB1526  
3/22/2019  
#34165

- Subcommittee  
 Conference Committee

Committee Clerk: Pam Dever

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

Relating to the form of a primary election ballot.

### Minutes:

Att # 1 – Rep. Marschall

**Chairman Davison:** Let's open HB1526.

**Rep. Andrew Marschall, Dist 16:** I am here to introduce this bill. It relates to the primary election ballots and how candidates' names appear on the ballot. (see att# 1) (.52-1.45)

**Sen. Erin Oban:** How does it matter if the candidate gets on the ballot?

**Rep. Marschall:** This allows information for the voters. Not all voters are game fully employed in the process. This is just for the party ballots. They will know how the candidates got on the ballots by petition or incumbent. (2.37)

**Chairman Davison:** Why is it important?

**Rep. Marschall:** It's informative.

**Sen. Kristin Roers:** I would argue, if the voter has not researched enough to know which one, will they know what E or P means?

**Rep. Marschall:** I just felt this is a way to inform the voters. (4.04)

**Tracy Potter, Bismarck:** I live in Dist. 35 and am retired. I am not against this. Both political parties are in great disrepute. This would help people know who is nominated at convention and those by petition. (4.55)

**Chairman Davison:** Any more in support? Agency?

**Jim Silrum, Deputy Secretary of State:** The wording of the law allows us how to state it. We could easily do a letter, but we would add instructions somewhere what it means to be endorsed and what it means to get on ballot by petition. (6.40) We support this because it is

another way of informing the voter of how the person got their name on the ballot. We don't see any problem with that. We did have concerns when it was suggested that those endorsed only would have a letter by them. (7.16) We felt it was advertising. We don't put 'I' for incumbent.

**Sen. Shawn Vedaa:** Did you say you would put on the ballot what the 'E' meant and "P" meant?

**Jim:** In our opinion, even though the bill does not call for the instructions to be altered, we could add them to the instructions. They are informative and not substantive. Yes, we would add that to the instructions. (8.24)

**Chairman Davison:** Any against? Hearing is closed. (9.07)

**Sen. Kristin Roers:** I want to comment on the data that Rep. Marschall presented. Dist. 19 as part of their bylaws, don't have an endorsing process. If they have more than one candidate, it will always be on the primary ballot. They both have to go on by petition. (9.58)

**Chairman Davison:** Do we need more time? We will vote next week.

**Sen. Kristin Roers:** I feel there is some history behind this bill. There were hard feelings in Cass county when something like this issue happened.

**Chairman Davison:** I don't think this is a democrat or republican bill. (11.58)

Adjourned (12.25)

# 2019 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Sheyenne River Room, State Capitol

HB1526  
3/22/2019  
# 34175

- Subcommittee  
 Conference Committee

Committee Clerk: Pam Dever

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

Relating to the form of a primary election ballot.

## Minutes:

**Chairman Davison:** Look at HB1526. What are the committee wishes?

**Sen. Kristin Roers:** I move a DO NOT PASS.

**Sen. Erin Oban:** I second.

**Chairman Davison:** Discussion?

**Sen. Kristin Roers:** It may add a tiny bit of transparency; it feels like sour grapes to me. (.48)

**Chairman Davison:** Call roll: YES -- 6 NO - 1 -0-absent

HB1526 DO NOT PASS – passed.

**Sen. Kristin Roers will carry the bill.**

Done (1.31)

3-22-19

Date:  
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES 1524  
BILL/RESOLUTION NO.

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 Sen. Roers Seconded By Sen. Oban

Senators	Yes	No	Senators	Yes	No
Chairman Davison		/	Senator Marcellais	/	
Vice Chairman Meyer	/		Senator Oban	/	
Senator Elkin	/				
Senator Roers	/				
Senator Vedaa	/				

Total (Yes) 6 No 1

Absent \_\_\_\_\_

Floor Assignment Sen. Roers

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



**REPORT OF STANDING COMMITTEE**

**HB 1526, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1526 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**HB 1526**

HB 1526  
3-22-19  
att #1  
p81

Thank You Chairman Davison,

For the record my name is Representative Andrew Marschall from Dist. 16.

Mr. Chairman and members of the committee.

HB 1526 relates to the primary election ballot and how the candidate's names appear on the ballot and provides information to voters on how the candidates got on the ballot.

This bill puts a notation next to the candidate's name "E" for endorsed by the political party and a "P" for petition.

Secretary of State office staff testified before the house GVA that this is not a problem for them to add this additional information on the ballot.

Thank you

I'm ready for any questions.

1526

HB 1526  
3-22-19

ND Primary Challenge History within the **Republican Party**:

pg 2  
AH #1

Year	District		Statewide		Governor & Lt. Gov.	Total Challenges
	State Senate	State House	US Senate	US House		
2000						
2002	22, 43	1				3
2004		10				1
2006	23	1, 33, 35				4
2008	10	14, 40				3
2010				Yes		1
2012	10, 12, 19	14, 28, 34, 42	Yes	Yes		9
2014	1, 19, 25					3
2016	14	14, 28, 36			Yes	5
2018	19	1, 3, 45, 47	Yes	Yes (*)		7
					<b>Total</b>	36

\*4 total candidates:  
Abentroth,  
Armstrong, Campbell,  
Schaffner

ND Primary Challenge History within the **Democrat-NPL Party**:

Year	District		Statewide		Governor & Lt. Gov.	Total Challenges
	State Senate	State House	US Senate	US House		
2000	12					1
2002						
2004						
2006						
2008						
2010			21			1
2012						
2014			41			1
2016						
2018						
					<b>Total</b>	3

(The source excel file is attached, with much greater detail.)