

**2019 SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE**

**SB 2256**

# 2019 SENATE STANDING COMMITTEE MINUTES

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

SB2256  
1/24/2019  
# 31442

- ☐ Subcommittee  
☐ Conference Committee

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| Committee Clerk Signature : Pam Dever |
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### Explanation or reason for introduction of bill/resolution:

Relating to the requirement form for measures to amend the constitution & the manner of placing the measures on ballots.

### Minutes:

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| Att #1-Sen Unruh; Att #2-Todd Kranda; Att #3-Kevin Herrmann |
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**Chairman Davison:** Let's open SB2256.

**Sen Jessica Unruh, Dist. 33. Beulah:** I am here to introduce this bill. (see att #1) (.25-3.20)

**Chairman Davison:** Was there any cost given by the state? What might the cost be for sponsoring committee?

**Sen Unruh:** (3.36) No, I do not have an estimate.

**Sen. Shawn Vedaa:** Are there any other state that have implemented this?

**Sen Unruh:** Not that I am aware of. Every state's process is different for changing the constitution. We can be the ground breakers on this and that is OK.

**Chairman Davison:** On the ethics measure there are 1250 words. From a constitutional stand point on the ballot it would require an additional page. It has to be in the writing that people can see exactly what the changes would be.

**Sen Unruh:** Yes.

**Todd Kranda, Kelsch, Ruff, Kranda, Nagle & Ludwig law firm, Mandan:** Here in support. (see att #2)

**Chairman Davison:** Any more in support? Any agencies? Any opposed?

**Kevin Herrmann, Beulah:** I am against this bill. (9.00-) (see att #3) I am opposed as introduced. On page 1, line 20, where it says the sponsoring committee must pay for the cost

of copies. This is an attack on a North Dakota taxpayer who signs on to a sponsoring committee.

**Chairman Davison:** Jim, could you come up again? I do have concerns about the cost of sponsoring committee would have to pay. Do you have any way to estimate the cost?

**Jim Silrum, Sec of State office:** Yes, it would be easy to do. It is fairly straight forward. We would have to print up as many of these as there would be the number of ballots that we print. We never know how many will show up for an election, we recommend to the counties that they should add 125% of what they think they need for the election in their county. Always better to have too many. Different counties have different printers. Each ballot cost 30 cent range, last election. We have 53 counties, so time is important. We could reimburse the counties' cost.

**Chairman Davison:** So if it was just a constitutional ballots and not on a November or June election, is it printed in one spot? Does each county print their own?

**Jim:** Counties would print and they pay for it. Most counties choose a printer that this is their job. The ballots have to be precise. (15.55)

**Chairman Davison:** Any more questions? You will do what it takes to get done.

**Jim:** Correct. Will not take any more FTE. We contract it out. (16.30)

**Chairman Davison:** Thank you. Close the hearing.

# 2019 SENATE STANDING COMMITTEE MINUTES

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

SB2256  
2/14/2019  
No recording

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Pam Dever

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

Relating to the requiring form for measures to amend the constitution & the manner of placing the measures on ballots.

### Minutes:

**Chairman Davison:** Let's discuss SB2256. Any thoughts?

**Vice Chair Meyer:** The sponsoring committee did not want to pay for the cost.

**Sen. Kristin Roers:** I understand the theory, but I struggle with the practical part of this. The Constitution is the what, not how.

**Sen. Erin Oban:** If the legislature can put it on the ballot are we going to pay the cost?

**Chairman Davison:** I see Donnell here.

**Donnell Preskey, Assoc. of Counties:** I did send you an e-mail on this issue, Mr. Chairman. I think the issue was there is a cost for a handout and who pays. The Auditor feels that the Sec. of State should work with the sponsoring committee and counties. The Sec. of State mails a big batch to counties so that is not that expensive.

**Chairman Davison:** Is the cost of all the ballots printing costs to counties?

**Donnell:** The question was what happens if a measure is over 500 words. I think the issue was a complaint that voters do not know what is all on the measure. The 500 words take up a lot of space. The total measure is posted at polling locations. Generally, voters want an easy pop in and vote and get out. They are better served to read and study it at home. When you have lots of long measures on a ballot, do voters really read it?

**Sen. Erin Oban:** Please remember not to assume that voters are not educated on the measures. They know about candidate's platform, etc, and that is different.

**Vice Chair Meyer:** But it is hard to change a constitutional amendment. We can be voted out of office.

**Sen. Erin Oban:** It is not that hard for the legislature to change it back.

**Sen. Kristin Roers:** I struggle because it is harder to delete than to add in stuff. At first, I liked the bill, but now I have major concerns. In practicality, what does it achieve, and how do we legislate it?

**Sen. Richard Marcellais:** I get called all the time when we have measures on the ballot. They ask me how they should vote. Confusing for them. I just testified this morning on 3719. They were talking about this bill and not in a good way.

**Chairman Davison:** What are the committee wishes?

**Sen. Kristin Roers:** I think if we pass this, we are creating a new problem.

**Sen. Erin Oban:** We should have I pads at each polling place so the people can read the measures before they vote.

**Sen. Shawn Vedaa:** My mother-in-law will never have an I pad.

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

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

Chairman Davison: Discussion. Take the roll: **YES -- 4 NO -- 3 -0-absent**  
**DO NOT PASS – passed. Sen. Kristin Roers will carry the bill.**

2-14-19  
Date:  
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE  
ROLL CALL VOTES SB 2256  
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 |     | /  | Sen. Oban       | /   |    |
| Vice Chair Meyer |     | /  | Sen. Marcellais | /   |    |
| Sen. Elkin       | /   |    |                 |     |    |
| Sen. K. Roers    | /   |    |                 |     |    |
| Sen. Vedaa       |     | /  |                 |     |    |
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Total (Yes) 4 No 3

Absent \_\_\_\_\_

Floor Assignment Sen. Roers

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

**REPORT OF STANDING COMMITTEE**

**SB 2256: Government and Veterans Affairs Committee (Sen. Davison, Chairman)**  
recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2256 was placed on the Eleventh order on the calendar.

**2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2256**



# 2019 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2256  
3/8/2019  
33467

☐ Subcommittee  
☐ Conference Committee

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| Committee Clerk: Carmen Hart typed by Mary Brucker |
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### Explanation or reason for introduction of bill/resolution:

Relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots

### Minutes:

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| Attachment 1-6 |
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**Chairman Kasper:** Opened the hearing on SB 2256.

**Senator Jessica Unruh** appeared in support. Distributed written testimony, see attachment 1. Testimony from 0:17-3:04.

**Rep. B. Koppelman:** Does this only apply to constitutional measures? Would this extra sheet of paper that would be provided for each measure, is that at state cost or how is that funded?

**Senator Unruh:** Yes, this is only for constitutional measures. If the constitutional measure was proposed by a sponsoring committee the sponsoring committee would be responsible for those costs.

**Rep. Schauer:** How will this provide more education? Will there be the proper context to understand the changes in the Constitution being proposed?

**Senator Unruh:** Our elections have changed in this state. The last time we changed the way that we change our constitution was in 1978. Our elections are accessed information. What we see on the ballot is one of the most important things. Prior to the election you'll hear all of those things about what you have in front of you. We've seen these things very well-funded, some from out of state. On the ballot you'll see a title and what you're changing then you would be able to read the words that are being changed. I think that is something the voters don't really seek out when they are evaluating something. At the ballot boxes there are copies of measures available in full context if you would like them. The average voter doesn't know they are there. Having that language there when you're changing the Constitution is really important.

**Rep. Schauer:** Do you think this will be perceived as having more hurdles for the initiated measures?

**Senator Unruh:** This is only for the Constitution, not for initiated measures. That 2/3 vote will remain and should remain. Direct democracy is an important thing and it can become complicated. I hope that as we see these initiated measures come before us we act responsibly and continue to do so in the future. When it comes to Constitutional amendments we have a responsibility to interpret what the people passed. What we've done with Article XIV of the Constitution needs to be interpreted as it is written in the Constitution. I'm a very huge proponent of doing only what the legislature is directed to do, which sometimes isn't always clear in the measures. Our role comes after these things have been passed by the people. Before they pass them and we have to deal with them they should know what's in it.

**Rep. Schneider:** On the attached sheet you gave us they were the initiated measures.

**Senator Unruh:** Those were Constitutional measures.

**Rep. Schneider:** Would Measure 1, the ethics bill, be impacted by this?

**Senator Unruh:** Yes.

**Rep. Schneider:** So those are the voices of the people speaking through initiated measures.

**Senator Unruh:** The voters would have full access to the new language to the Constitution, that's all this bill does.

**Rep. Schneider:** We already have that ability in that the full texts are available at the polls.

**Senator Unruh:** Yes. The full language of the measures is available at the polling place behind the polling table where you get your ballot if you know that they are there. Many people do not know they are there; our entire Senate committee didn't know they were there.

**Rep. Schneider:** Do you have an estimate of that cost to the sponsoring committee?

**Senator Unruh:** We'll hear later what that cost would be.

**Rep. C. Johnson:** How is this going to affect people that vote by absentee ballot?

**Senator Unruh:** If there are multiple constitutional ballot changes then they would receive multiple pieces of paper with all the language. This last election would have included one sheet of paper with Measure 1's proposal and since Measure 2 only had 77 words that language would have been included on the ballot.

**Rep. B. Koppelman:** If you had one subject matter that had an extremely detailed article are there any limitations to doing that on a ballot measure?

**Senator Unruh:** Not that I am aware of.

**Chairman Kasper:** One of the comments I've received about the bill is that it applies only to the measure committee and not to a constitutional amendment that the legislature might put on the ballot. Is it your intent not to include what the legislature is going to put on the ballot?

**Senator Unruh:** No. When I wrote the bill I specifically asked to make sure that the way it was written it included legislative proposals to be put on the ballot for constitutional changes. We had to address the funding for the sponsoring committees in that case but otherwise yes.

**Chairman Kasper:** At this point it does not include a constitutional amendment that the legislature would put on the ballot.

**Senator Unruh:** No. If the legislature proposes a constitutional amendment this law would also apply. This new language would have to be printed and an extra sheet would have to be provided.

**Chairman Kasper:** It would be at the cost of legislative council or management?

**Senator Unruh:** Yes.

**Todd Kranda, Lobbyist on behalf of the North Dakota Petroleum Council,** appeared in support. Distributed written testimony, see attachment 2. (Testimony from 14:16-16:25) The cost at our firm costs a penny to a penny and a half per page. If they are colored copies, then it raises the cost to about six cents a page.

**Chairman Kasper:** With 350,000 voters at a penny would be \$3,500.

**Rep. Schneider:** Did you know that full copies of the constitutional amendments being proposed are already available at the polls and we don't charge for them?

**Mr. Kranda:** I didn't know that until I heard it a few minutes ago.

**Rep. Schneider:** Would you be okay if we used voter education to tell people that it is available without creating another cost for sponsoring committees of initiated measures?

**Mr. Kranda:** I think this bill is an education bill. Do you have this sitting behind the desk at the polls or do you have it readily available? I think this is a little more informative.

**Rep. Schneider:** Right now we provide that for free. I'm all for voter education and for providing access to the content. I'm not for providing another financial barrier to the voice of the people to get this information on the ballot.

**Mr. Kranda:** I appreciate that position. I don't think it's a financial barrier that an entity such as any sponsoring committee is taking a serious approach to amending our Constitution so they shouldn't bare that nominal cost.

**Rep. Schauer:** These bills are written by attorneys and their language can be a little confusing. If the North Dakota Petroleum Council wanted to change the Constitution would

you find it easier to go with attorney language or would you rather go with a summary that would be strictly in terms of education?

**Mr. Kranda:** I think having it implemented under the concept of this bill where the actual language is there is a benefit. I like the idea of the overstruck and the underlines. I like to see what's being added and changed.

**Rep. B. Koppelman:** Wouldn't it make sense, since the sponsoring committee is in a sense writing the language, to make sure it's written in plain English rather than in legal language? They have a self-interest being voted on and I don't think people tend to vote yes on things that aren't in plain language.

**Mr. Kranda:** I agree, that's a great answer. The people promoting this need to make sure it's understandable.

Opposition:

**Donnell Preskey, North Dakota Association of Counties,** appeared in opposition. Attachment 3. She handed out and highlighted some points of Attachment 4 which was testimony from Michael Montplaisir, Cass County Auditor. (24:07-27:37)

**Rep. Schauer:** In Mr. Montplaisir's testimony he said "we believe adequate resources" so is this what we're shooting for to be adequate when it comes to constitutional change?

**Donnell Preskey:** The information is widely available; websites, the secretary of state's website, our papers, and in the polls.

**Rep. Schauer:** You mentioned newspapers but not many people are reading newspapers anymore. Do you think the auditors could figure out how to do two pages instead of one page when it comes to the ballot?

**Donnell Preskey:** You only have so much space. Sometimes they can fit them on one ballot but it gets to be very long.

**Rep. B. Koppelman:** Are you suggesting that the 500 words instead of 250 words is where the hurdle is and we should continue to only print the 250 words on the ballot with the possibility of having a longer printed version in the extra sheet that people get? That seems to be the most plausible example is availability at the poll. That is what this bill is trying to do anyway. Is your main objection going from 250 to 500 words?

**Donnell Preskey:** Yes. The main concern is the ballot space, length, and what kinds of situations we'd be getting in to by allowing for longer measures on the ballot. Having it available to voters on election day isn't near the problem as it is to have a longer ballot or a two-page ballot.

**Rep. P. Anderson:** What percentage of the 96% didn't know what they voted for?

**Donnell Preskey:** I don't think I can answer that question.

**Rep. P. Anderson:** I think our voters are well informed. This conversation is indicating that the voters don't know what they are voting for so we have to have a longer ballot.

**Donnell Preskey:** We understand the intent of this bill. We value transparency as well.

Law intern handed out Attachment 5, 16.0-06-19.

**Chairman Kasper:** I don't see on here where it's required at the polling place for constitutional measures information to be there at all.

**Rep. Karls:** Do you remember seeing this at the polls? Where did they put it?

**Donnell Preskey:** It is included in the packet that comes with the box of goodies we're supposed to bring to the election site.

**Rep. Karls:** Was it placed on the table where you could look at it?

**Donnell Preskey:** We had taped them on the wall and had copies available on the table.

**Chairman Kasper:** The requirement in the statute says at least five copies.

Neutral testimony

**Jim Silrum, Deputy Secretary of State,** appeared in a neutral position. The section in question we commonly refer to as the polling place wallpaper section because it requires maps and constitutional amendments to be posted. We call it wallpaper because we're not sure how many people read them. Even those who serve as poll workers don't know that they are there. I would ask the committee for consideration if it's decided to pass this that you contemplate an amendment that would say the increased costs of mailing to all who are absentee or mail ballot voters be considered as well. If there are five constitutional measures on the ballot that all exceed 500-word limit there would be five additional pages of paper that would go in the envelope going to all absentee and mail ballot voters, which is about 1/3 of our voting population. You might consider on page one line 22 of the bill add "and mailing" inserted before "the copies." That would allow the counties to recoup the increased costs for these ballots to go out.

**Rep. B. Koppelman:** The suggestion was that a sponsoring committee might not have the printing resources so they might be paying a cost that's higher than a penny or two a page. I see that the sponsoring committee shall pay the secretary of state the amount sufficient to cover that cost. Whether the auditors print it or the secretary of state prints it and uses the monies to do that isn't it presumed we're going to do it with an economy of scale similar to that of the state or we would hire a printing company?

**Mr. Silrum:** It could be handled a number of ways. Economies of scale would be brought to bear in this. Our thinking would be that it would make most sense for these pages to be created by the state, shipped out electronically to the counties, and then they would choose the manner in which they are printed. We would endorse them based on the cost they submit

to us for the printing of those extra pages. It would allow us to print all 400,000 at the capital. We would most likely have to ship that out to a shipping company to print that many.

**Rep. Karls:** Are the copies readable?

**Mr. Silrum:** We provide the full text of the measure to all the counties for the printing they are required to do in all the polls. They are on 8.5" x 11" sheets of paper with a font size of no less than 11-point aerial font. We ask the counties to post these in all polling stations that are readable.

**Rep. Schauer:** Do you share the concerns regarding the length of ballot and not wanting to go to two ballots?

**Mr. Silrum:** We have had to go to a two-page ballot in some counties in the past. The problem exists when some people go to the polling place, get their ballot, and walk to the scanner depositing it in the box just so they can be on the jury pools. There is also difficulty in two page ballots when the voters don't always insert both pages of the ballot.

**Rep. B. Koppelman:** Isn't there money being invested in new voting machines? Isn't there something that could be implemented to be more accommodating to a two-page ballot?

**Mr. Silrum:** I have not contemplated that on new voting system but we could think about that. In our current system if a person casts a blank ballot and the voter is given a notification saying there aren't any votes on this ballot they have to press a button saying to accept. They are warned if they over voted as well. We could see if there could be a warning to the voter saying they've only inserted one page of the ballot but often times the voter is walking out the door before it's fully gone into the ballot can.

**Rep. Karls:** The reason you had two-page ballot probably wouldn't have anything to do with a measure; it was back when we had third party candidates with a very low threshold to get on the ballot. We changed that threshold trying to get rid of that second page.

**Mr. Silrum:** You are correct. At one point we had four recognized parties within the state. They would have the entire column even if nobody was on the primary election ballot. I don't want to discount the fact that some of the measures that have been put before the people being in excess of 1,000 words would create long ballots if the full text was to be placed on the ballot.

**Chairman Kasper:** This bill only goes to 500 words and then you have an extra sheet so that's a non-issue.

**Mr. Silrum:** To a certain degree. I planned to speak in a neutral stand but if those extra sheets are printed then the legislature should consider the cost of mailing those absentee ballots. If you increase the size of a typical measure to 500 words it will double the length of the measure on the ballot for every measure that's there.

**Rep. P. Anderson:** Do you have any idea what the cost would be?

**Mr. Silrum:** I do not have the numbers at this point. I could reasonably argue the printing would also be minimal in nature. The vast amount of additional work is something the counties wouldn't receive compensation for. You couldn't estimate the amount of added time that would take.

**Chairman Kasper:** Could you provide the number of absentee ballots over the last three or four election cycles?

**Mr. Silrum:** I certainly can. I can also direct your intern to the location of that information on our website.

**Chairman Kasper:** Each page would add an additional cost.

**Mr. Silrum:** Because of the thickness of the ballot they are always going out at a cost that's higher than the typical Forever stamp.

**Rep. C. Johnson:** What happens if somebody accidentally sticks one of those other pages in the tabulator?

**Mr. Silrum:** The machines are programmed to only accept ballots so those pages would be rejected.

Closed the hearing

**\*\*Testimony provided after the hearing by the intern on the History of Early Vote Statistics, see attachment 6.**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2256  
3/15/2019  
#33824

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Carmen Hart

~typed by Jeanette Cook

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

Relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots

### Minutes:

**Chairman Kasper** brought SB 2256 back before the committee. This deals with initiated and referred measures. The key is on lines 20-22. "....the measure shall pay for it."

**Rep. P. Anderson:** I asked Rep. Keiser; he said that his printing company would probably charge about 2.5 cents.

**Rep. B. Koppelman:** I think that there is one other key to this, that is they would be doubling the max text on the ballot as well. Most measures today could be twice as long and still fit on the ballot. There was a suggestion that possibly the postage should be considered in lines 20-22? Then both the cost of printing and mailing should be passed along.

**Rep. B. Koppelman moved an amendment: Line 22 add "and mailing" the copies.**  
**Rep. Laning seconded the motion.**

**Rep. P. Anderson:** I don't know how many initiated measures the legislature is going to put on the ballot, but who pays that extra postage? So, the legislature doesn't pay anything, but a sponsoring committee does?

**Rep. B. Koppelman:** When the question was asked about the printing costs, I think we heard that if the legislature puts something on the ballot, that the legislature would pay the cost if it exceeds the 500 words. If it were a sponsoring committee putting it on, I think they would pay the costs. I assume the same would be true of the mailing.

**Rep. P. Anderson:** It seems unfair to me; like as a legislative body we should all throw in money to help cover postage.

**Rep. B. Koppelman:** We had a listing of how long the recent constitutional amendments measures were on the ballot. Several of them stayed within the 500 words. I think the



concept of the ballot should be to amend the constitution as a skeleton to be flushed out by law, so to speak. They typically do not have to be over 500 words, and if the citizens are proposing a statute, they can say we want the legislature to do this in this way without going over every single detail to get it in 500 words. I think the 500 words is a big benefit. Instead of focusing the cost of doing 500-1000 words, we should really be focusing on the fact that now we can put double the amount on the ballot. I support it in that way.

**Rep. Schneider:** This is just going to be seen as another impediment created by the legislature to impede the ability of the people to express their constitutional rights. I can't support it.

**Rep. P. Anderson:** This is going to be perceived as a backfire on ethics, I think.

**Rep. Schauer:** This is a constitutional amendment, and people need to know exactly what they are voting on. To me the pushback came from the auditors, who don't want a longer ballot. I am very comfortable with this and will support the bill.

**Rep. Rohr:** I too will support the bill because when we have an informed voter, then they make good decisions.

**Rep. Schneider:** We have already provided this material for free. This is definitely an add-on, there is no way around it. We have taken something that was a free service to people and created a cost. That will create a barrier, especially for individual voices. I am concerned about the title also. It says constitutional amendments, and that is the way we are treating it, but it is not just talking constitution.

**Chairman Kasper:** It seems like this is just talking about ballots at the poll, not the ones being mailed out.

**Rep. B. Koppelman:** I believe the Secretary of State was referring to the cost of printing and postage for mailing absentee ballots. I think you may be right in the sense that the language appears to only have to do with constitutional amendments. If you read Senator Unruh's testimony, the bill sponsor, it talks about changing the constitution being a serious thing, and at a minimum the voters should have all the changes in front of them. I think the intent is that *it is* only be constitutional amendments, and they just made an error on the title.

**Chairman Kasper:** If that is the case, we need to change the title.

**Rep. B. Koppelman:** I believe that they would tell you that the titles of our sections of law do not have any legal bearing.

**Chairman Kasper:** If you go to line 23, now we are getting into other initiated measures. That is why we need the title.

**A voice vote was taken on the amendment.  
The motion carried.**

**Chairman Kasper** reviewed the printing of measures for the polling stations and the postage.

**Rep. P. Anderson:** Last time 130,000 people voted absentee. Last time we had some citizen initiated measure plus some from the legislature. If it is over postage, is it because of the citizens' page or the legislature's? I do not think we should add postage.

**Rep. Hoverson:** The cost isn't my issue. I am going to resist this whole bill because I think it is just too much micromanaging. I think we have to let the local subs decide how they want to do stuff.

**Rep. B. Koppelman:** How do you think it is micromanaging the political subs.? The political subs are required by law to have one copy behind the desk. Are you saying that because it might require a two-page ballot?

**Rep. Hoverson:** I think that is part of it. Just read 10-21 and tell me that it is not micromanaging. I would add the words spoon feeding as well. We have to start treating the voters like adults. They need to find out what they are voting on.

**Rep. C. Johnson:** I feel that the voters should be prepared for voting in advance of getting the ballot, by adding an extra 500 words, I don't know how many will read that. I am going to resist this bill.

**Rep. Vetter:** I am also going to vote no. I don't think this is as important as some other measures. If we are going to be cutting down on measures, this one has to go.

**Rep. Johnston:** If a voter does come to the polls, and they do get information on the measure that is 500-1000 words, maybe they won't want to vote for something like that. It could go both ways.

**Rep. Laning:** I agree that voters should be informed before they get to the polls, but the fact is that they aren't. They do not read. I have gotten many phone calls asking me what it says because they don't want to read it. This would at least be in front of them on the ballot. I look at this as trying to educate the voters as to what they are voting for.

**Rep. Laning moved a DO PASS as amended on SB 2256.**

**Rep. Schauer seconded the motion.**

**A roll call vote was taken: Yes 6 No 7 Absent 1**

**The motion failed.**

**Rep. Johnson moved a DO NOT PASS as amended on SB 2256.**

**Rep. P. Anderson seconded the motion.**

**Chairman Kasper:** I was torn on this bill, but I think that Rep. Vetter made a good point and so did Rep. Anderson about the potential ballot clutter in the next election with constitutional amendments. Then I am cognizant of Measure #1 as well. Where this could be perceived as messing with the wishes of the voters and trying to make it more difficult for transparency. That was the reason for my vote.

**Rep. Johnston:** I think that this bill does just the exact opposite, I think it enhances transparency. Isn't that what we want?

**Chairman Kasper:** The transparency could be accomplished by simply having a stack of the ballot measures behind the place where you get your ballot. I agree this is transparency, but would it help the voter understand?

**Rep. B. Koppelman:** Maybe we should discuss the merits of having more space on the ballot. Regardless of who pays for printing, I think having more of the text of the measure or a longer description on the ballot, the better it will be. I think it would be better if we leave it at 500 words, but eliminating the requirement that someone pay for additional printing. I understand the message if we pass this as it is, but what is the message if we **don't pass** this at all? Is it saying that we don't want people to pay for printing or is it saying that we don't want the voter to have the ability to read more of the text of the measure on the ballot?

**Chairman Kasper:** To address your suggestion, it would appear to me that we would need to go to Line 20 on page 1 and amend out starting with "if a copy". Is that what you would suggest? We would get rid of the cost. It simply will allow on Line 17 that you can print up to 500 words. In the case that there is more than 500 words then the amendment complying with the Subsection must be provided to each voter with each ballot. The county must pay for that not the sponsoring committee.

**Rep. B. Koppelman:** That could be one way of amending it. I was thinking that we would amend the bill so that it changed the amount of room on the ballot to be 500 words, but not necessarily requiring a copy with every ballot. We could just have an adequate number of copies available upon request.

**Chairman Kasper:** Then we would have to go back to Line 16... and say that up to 500 words, and it may not be the entirety of the amendment.

**Rep. B. Koppelman:** We probably have to borrow from the language on page 2 of the bill for the amount – Line 5- "shall be printed in its entirety up to 500 words". Then add," if it is too long to print in full, the Secretary of State in consultation with the Attorney General shall cause to be printed a summary of less than 500 words." That way we still give more room on the ballot.

**Chairman Kasper:** We are going to have a subcommittee on this. We'll take it up again next week. **Rep. Schneider, Rep. Karls, and Rep. Koppleman** will be on the subcommittee to come up with a proposed amendment. You also need to review on p. 2 of this amendment.

**Rep. C. Johnson withdrew his motion for a DO PASS as amended on SB 2256.**  
**Rep. P. Anderson withdrew the second.**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2256  
3/20/2019  
#34058

☒ Subcommittee  
☐ Conference Committee

Committee Clerk: Carmen Hart

~typed by Jeanette Cook

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

Relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots

### Minutes:

Attachment # 1-2

**Rep. B. Koppelman** opened the subcommittee on SB 2256 in the Ft. Totten Room. Other members present were **Rep. Schneider** and **Rep. Karls**.

In full committee we talked about the full constitutional measures that were over 500 words. It didn't seem that there was much desire for wanting a full copy provided to every voter and mailed out with every absentee ballot, and have the cost passed on to the party that proposed the amendment.

A proposed amendment and a Christmas tree version of the bill was provided to the committee. See attachments 1-2. It keeps the expansion to 500 words on constitutional measures. If they are over 500 words, they would be summarized in a way that was as detailed as possible. Hopefully, that will give us the best informed voter for those that didn't have a chance to read the measure in its entirety. The amendment also suggests that those at the polling place would provide a copy to those that want one.

**Rep. Schneider:** I like the amendment as it is written. Is there something that would designate it as a summary on the ballot? Then you would know to get a copy if you want the full text.

**Rep. B. Koppelman:** Does anyone know, if currently when we have our 250-word limitation on the ballot, if we say summary, if it is summary?

**John Arnold, Secretary of State's Office:** I can look it up for you.

**Jim Silrum, Deputy Secretary of State:** There is difference that is shown on the ballot, which may not be as clear as it could be. It will either say, "Yes, I approve the measure as stated above." Or it will say, "Yes, I approve the measure as summarized above." It indicates that it is a summary. There are often time real questions that go back and forth in our office

and the Attorney General's Office as to when is a measure short enough to be put in its entirety on the ballot, and when must it be summarized. Having some criteria in the law that says anything that is more than 500 words must be summarized would be helpful. The summary should be comprehensive.

**Rep. B. Koppelman:** Do you believe the amendment does that?

**Mr. Silrum:** As I see it, it does say that it is printed in full unless it is over 500 words. Then it will be summarized with a summary that is approximately 500 words. Is that the intent?

**Rep. Koppelman:** Yes, that sums it up.

Rep. Schneider, does that explanation satisfy any concern you may have had?

**Rep. Schneider:** Yes.

**Rep. Karls moved the amendment. (19.0538.04001)**

**Rep. Schneider seconded the motion.**

**A voice vote was taken. The motion carried.**

**Rep. Schneider moved a Do Pass as amended as a recommendation to the committee.**

**Rep. Karls seconded the motion.**

**A voice vote was taken. The motion carried.**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2256  
3/21/2019  
#34104

☐ Subcommittee  
☐ Conference Committee

Committee Clerk: Carmen Hart

~typed by Jeanette Cook

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

Relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots

### Minutes:

Attachment 1-2

**Chairman Kasper** opened the meeting on SB 2256.

**Rep. B. Koppelman:** Explained the amendments. See attachments 1-2.

**Rep. B. Koppelman moved the amendments. (19.0538.04001)**

**Rep. Rohr seconded the amendments.**

**A voice vote was taken.**

**The motion carried.**

**Rep. B. Koppelman moved a DO PASS as amended on SB 2256.**

**Rep. Schneider seconded the motion.**

**Rep. Kasper:** This cleaned up the bill nicely. It is useful and easy to understand.

**Rep. C. Johnson:** I like the amendment; it is better than it was. I still think that up to 500 words is too much on a ballot. I am going to resist.

**Chairman Kasper:** Remember it says, “**up to** 500 words”, it does not require 500. Rep. Koppelman, that would still give the Secretary of State discretion, correct?

**Rep. B. Koppelman:** They would have discretion when they are doing a summary. When the measure is shorter than 500 words, it must be printed in its entirety. If it is longer than 500 words, the Secretary of State needs to create a detailed summary to best describe the bill in 500 words. We can do this or provide everyone with a complete copy of the measure at the door. I like this better.

**Rep. C. Johnson:** I agree we need to have informed voters. But, the purpose of the ballot is not to inform voters, it is to allow them to vote. They should do their research before they get to the polling place.

**Vice Chair Steiner:** I agree with previous speaker and am going to resist.

**A roll call vote was taken. Yes 9 No 2 Absent 3**

**The motion carried.**

**Rep. B. Koppelman will carry the SB 2256.**

DA 3/21/19

PROPOSED AMENDMENTS TO SENATE BILL NO. 2256

Page 1, line 17, after "case" insert "the election board at each polling place shall provide"

Page 1, line 18, remove "must be provided to each voter with the"

Page 1, line 19, replace the first "ballot" with "to any voter upon request"

Page 1, line 19, replace "complying with subsection 2" with "up to five hundred words in length  
which is as detailed as possible and fairly represents the substance of the amendment"

Page 1, line 20, remove "If a copy of the amendment must be provided to"

Page 1, remove lines 21 and 22

Renumber accordingly



Date: 3-15-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2256

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. Laning

| 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        |     |    |                      |     |    |
|                          |     |    |                      |     |    |
|                          |     |    |                      |     |    |

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

Absent \_\_\_\_\_

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

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

Line 22 add "and making" the copies

Date: 3-15-19  
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2256

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. Laning Seconded By Rep. Schauer

| 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) 6 No 7

Absent 1

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

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

Date: 3-15-19  
Roll Call Vote #: 3

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2256

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. C. Johnson Seconded By Rep. P. Anderson

| 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        |     |    |                      |     |    |
|                          |     |    |                      |     |    |
|                          |     |    |                      |     |    |

*Withdrawn motion*

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

Absent \_\_\_\_\_

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

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

**2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2256**

House Government and Veterans Affairs Committee

☒ Subcommittee

Amendment LC# or Description: 19.0538.04001

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. Karls                      Seconded By Rep. M. Schneider

[illegible]

|       | Yes | No |
|-------|-----|----|
| Total |     |    |

Absent \_\_\_\_\_

## Floor Assignment

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

## 2019 HOUSE STANDING COMMITTEE

## ROLL CALL VOTES

**BILL/RESOLUTION NO. SB 2256**

House Government and Veterans Affairs

## Committee

☒ Subcommittee

Amendment LC# or Description: 19.0538.04001

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. M. Schneider

Seconded By Rep. Karls

[illegible]

|       | (Yes) | No |
|-------|-------|----|
| Total |       |    |

Absent

## Floor Assignment

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

Date: 3-21-19  
Roll Call Vote #: 7

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2256

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 19.0538.04001

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. Rohr

| 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        |     |    |                      |     |    |
|                          |     |    |                      |     |    |
|                          |     |    |                      |     |    |

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

Absent \_\_\_\_\_

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

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



Date: 3-21-19  
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2256

House Government and Veterans Affairs Committee

☐ Subcommittee

Amendment LC# or Description: 19.0538.04001

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 Schneider

| Representatives          | Yes | No | Representatives      | Yes | No |
|--------------------------|-----|----|----------------------|-----|----|
| Chairman Jim Kasper      | X   |    | Rep. Pamela Anderson | A   |    |
| Vice Chair Vicky Steiner |     | X  | Rep. Mary Schneider  | X   |    |
| Rep. Jeff Hoverson       | A   |    |                      |     |    |
| 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        | A   |    |                      |     |    |
|                          |     |    |                      |     |    |
|                          |     |    |                      |     |    |

Total (Yes) 9 No 2

Absent 3

Floor Assignment Rep. B. Koppelman

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

**REPORT OF STANDING COMMITTEE**

**SB 2256: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). SB 2256 was placed on the Sixth order on the calendar.

Page 1, line 17, after "case" insert "the election board at each polling place shall provide"

Page 1, line 18, remove "must be provided to each voter with the"

Page 1, line 19, replace the first "ballot" with "to any voter upon request"

Page 1, line 19, replace "complying with subsection 2" with "up to five hundred words in length which is as detailed as possible and fairly represents the substance of the amendment"

Page 1, line 20, remove "If a copy of the amendment must be provided to"

Page 1, remove lines 21 and 22

Renumber accordingly



**2019 CONFERENCE COMMITTEE**

**SB 2256**

# 2019 SENATE STANDING COMMITTEE MINUTES

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

SB2256  
4/11/2019  
#34702

☐ Subcommittee  
☒ Conference Committee

|                            |
|----------------------------|
| Committee Clerk: Pam Dever |
|----------------------------|

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

Relating to the required form for measures to amend the constitution of the manner of placing the measures on ballots.

### Minutes:

|  |
|--|
|  |
|--|

**Present: Sen. Davison (chair), Sen. Elkin, Sen. Marcellais  
Rep. B Koppelman (chair), Rep. Vetter, Rep. Hoverson**

**Chairman Davison:** Can the House please explain what they did?

**Rep. Koppelman:** I was the one who drafted the amendment. I was in favor of the bill as it came over. But after the committee hearing and discussion, a do pass, failed big time. I listened to what people were most opposed to. It was the provision that lengthened words to 500, and it said if more, than all where to get a copy. The sponsoring committee had to pay for printing to every voter. We had bipartisan opposition on that provision. Do we fund it from the legislature for all types was a discussion? The counties were concerned, also. They were OK with the 500 words. We understand the intent which was to have the most informed voter we can have. We thought if there was detailed description in 500 words or less, that is ok. We required that there be adequate number of copies at the polling places. Now, it is a minimum of five. It is kind of a middle ground. This was a last ditch effort to save the bill because it was headed to a do not pass. I informed the sponsor about my amendments. She thanked me for saving the bill. That is what happened. (4.38)

**Sen. Jay Elkin:** We are talking about as detailed as possible and fairly represents the substance of the measure. It sounds like it is vague. Who defines fairly represents.

**Chairman Davison:** Who gets to decide if it is fairly represented? The Auditor?

**Rep. Koppelman:** Being that this is a statewide ballot to amend the constitution, I believe it would be Secretary of State's office. It also has to be as detailed as possible within 500 words. They can't say here is a 20-word description that fairly represents it if it is a 1000-word amendment. (5.45) They would have to use the 500 words to fairly represents it and is as detailed as possible.

**Jim Silrum, Deputy SOS:** Went to the podium.

**Chairman Davison:** Are you comfortable that you can be detailed and fairly represent like was described previously? Can you work within the parameters of this?

**Jim:** We feel we are already doing that. It is not just SOS, but in coordination with the Attorney General, as well. We are already tasked with the responsibility of giving a fair representation of exactly what the measure would do, if passed. We are not currently confined to a certain number of words. We are constrained to making it reflect what is being done. The extra verbiage is not a concern to us. On a personal note, what the problem has been for most people, is that people have been voting on concepts, not on actually wording. The concept on measure one was do you believe the government should be ethical. That is what people voted on; not on the actual wording of the measure. If they had read it, they would have known there were inconsistencies there. That was true for the land measures that were there, too. (8.38)

**Chairman Davison:** Should we provide copies there currently or not?

**Jim:** Yes. The law requires that at least five copies be at each polling place. People who worked at polling places, did not know the copies were there, which was surprising to us. We call that other section of law, the polling place wallpaper section. It requires maps, sample ballots, measures to be posted.

**Rep. Koppelman:** I don't have anything else. We are definitely in favor of the concept. We just did not think we could get it passed in the House as it was.

**Chairman Davison:** I think the bill has struggled along. It seems we are putting something in Code that we are already doing in practice. Is that necessary?

**Rep. Koppelman:** The perspective that I had after the hearing was that the bill's sponsor intention was for people to get the whole story. We wanted more on the ballots for people to read.

**Chairman Davison:** I was against having the sponsoring committee having to pay. We will come back and make a move. (13.15) Adjourned.

# 2019 SENATE STANDING COMMITTEE MINUTES

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

SB2256  
4/16/2019  
#34781

☐ Subcommittee  
☒ Conference Committee

|                            |
|----------------------------|
| Committee Clerk: Pam Dever |
|----------------------------|

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

Relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots.

### Minutes:

|  |
|--|
|  |
|--|

PRESENT: **Sen. Davison (chair), Sen. Elkin, Sen. Marcellais**  
**Rep. B Koppelman (chair) Rep. Vetter, Rep. Hoverson**

**Chairman Davison: Call to order. Attendance was taken and all were present.**

**Sen. Elkin:** I move that Senate accede to House amendments. Move a DO PASS as amended.

**Rep. B. Koppelman:** I second.

**Chairman Davison:** Discussion? Take the roll: **YES -- 6 NO -- 0 -0-absent. Passed.**  
**Sen. Davison will carry the bill. Rep. B. Koppelman will carry the bill.**

**2019 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. SB2256

**Senate Government and Veterans Affairs Committee Committee**

- Action Taken**    ☒ **SENATE accede to House Amendments**  
☐ **SENATE accede to House Amendments and further amend**  
☐ **HOUSE recede from House amendments**  
☐ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Elkin                      Seconded by: Rep. B. Koppelman

| <b>Senators</b>      | 4-11 | 4-16 |  | <b>Yes</b> | <b>No</b> |  | <b>Representatives</b>   | 4-11 | 4-16 |  | <b>Yes</b> | <b>No</b> |
|----------------------|------|------|--|------------|-----------|--|--------------------------|------|------|--|------------|-----------|
| Sen. Davison (chair) | x    | x    |  | x          |           |  | Rep. B Koppelman (chair) | x    | x    |  | x          |           |
| Sen. Elkin           | x    | x    |  | x          |           |  | Rep. Vetter              | x    | x    |  | x          |           |
| Sen. Marcellais      | x    | x    |  | x          |           |  | Rep. Hoverson            | x    | x    |  | x          |           |
|                      |      |      |  |            |           |  |                          |      |      |  |            |           |
|                      |      |      |  |            |           |  |                          |      |      |  |            |           |
| Total Senate Vote    |      |      |  | 3          |           |  | Total Rep. Vote          |      |      |  | 3          |           |

Vote Count            Yes: 6                      No: 0                      Absent: 0

Senate Carrier Sen. Davison                      House Carrier Rep. B. Koppelman

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**REPORT OF CONFERENCE COMMITTEE**

**SB 2256:** Your conference committee (Sens. Davison, Elkin, Marcellais and Reps. B. Koppelman, Vetter, Hoverson) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1166 and place SB 2256 on the Seventh order.

SB 2256 was placed on the Seventh order of business on the calendar.

**2019 TESTIMONY**

**SB 2256**



## North Dakota Senate

State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

Senator Jessica Unruh  
District 33  
1224 First Avenue NE  
Beulah, ND 58523-6301

[jkunruh@nd.gov](mailto:jkunruh@nd.gov)

Committees:  
Energy and Natural Resources,  
Chairman  
Finance and Taxation

01/24/2019

SB 2256  
1-24-19  
Att #1  
PSI

Senate Bill 2256 would require constitutional ballot measures to be printed on the ballot up to 500 words and if they exceed that count, the proposed change in its entirety must be printed on a separate piece of paper that must be included with each ballot. In this case, a summary of the language would be included on the ballot and the proposed changes in full would be printed on an additional page.

The format would read in a format we are all familiar with - they would look like the bill in front of you, with new language underlined, old language to be removed struck and unchanged language in regular print. The entire article proposing to be changed doesn't need to be printed - just the section proposed to be changed. The cost of providing this language in full to the voters will be paid by the sponsoring committee of the measure.

For the committee's information, the Secretary of State's office put together some numbers for me. The word count for the past 7 ballot measures has been included with my testimony.

This change would provide more transparency for the voters of North Dakota. I've heard from my constituents over the years how difficult it can be to keep measures on our ballots straight when they arrive at the polls. Many of the issues voters are required to evaluate are complicated, and we should ensure they have all the information they need to make an informed decision at the polls, especially if they are voting to change our constitution. Changing our constitution is a serious thing and at a minimum, I think voters should have all the changes in front of them when they check yes or no on their ballot, not summary language.

Co-sponsors of the bill had a couple suggestions I'll offer to the committee to consider. First would be to include summary language even if the amendment is less than 500 words. This would allow for voters to have a general sense of what the language does, but then also allow for the opportunity to read it for themselves. Another possible change would be to always print the first 500 words on the ballot, and include an extra page for the additional language. Another option could be to allow for the ballot measure to take up only a certain amount of space (no more than one column, for example) on the ballot rather than rely on word count, which can be a difficult unit of measure to use when placing these items on a ballot.

All of these suggestions and considerations deserve conversation, and I know the committee will do the best they can based on the testimony received today. My only hope is that we as a legislature do the best we can to ensure voters are informed at the ballot box, and I think this is a step in that direction.



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AH #1  
pg 2

## Constitutional Measures by Year

|   |             |
|---|-------------|
| 2018 General                            | Word Count  |
| Measure 1 on Ethics                     | 1,257 words |
| Measure 2 on Qualified Electors         | 257 words   |
| 2016 General                            |             |
| Measure 3 on Marsy's law                | 1,155 words |
| 2014 General                            |             |
| Measure 5 on Water, Wildlife, and Parks | 1,377 words |
| 2012 General                            |             |
| Measure 3 on Farming and Ranching       | 77 words    |
| 2012 Primary                            |             |
| Measure 2 on Eliminating Property Taxes | 1,665 words |
| Measure 3 on Religious Liberty          | 115 words   |

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1-24-19  
AH #2  
pg 1

**Testimony in Support of  
SENATE BILL NO. 2256**

**Senate Government and Veterans Affairs Committee**

**January 24, 2019**

Chairman Davison, Senate Government and Veterans Affairs Committee members, for the record my name is Todd D. Kranda. I am an attorney with the Kelsch Ruff Kranda Nagle & Ludwig Law Firm in Mandan. I appear before you today as a lobbyist on behalf of the North Dakota Petroleum Council (NDPC) to support SB 2256.

NDPC represents more than 500 companies involved in all aspects of the oil and gas industry, including oil and gas production, refining, pipelines, transportation, mineral leasing, consulting, legal work, and oilfield service activities in North Dakota, and has been representing the energy industry since 1952.

SB 2256 amends Section 16.1-06-09 NDCC to expand upon and clarify the specific required form for initiated or referred measures to amend the North Dakota Constitution and the manner of placing the measures on the ballot. Based on the provisions within SB 2256 and the understanding that the intent is to provide the North Dakota voter with more opportunity to be educated on the subject matter being voted on at the polls, this is a good bill that should go forward and be implemented. Currently, summaries are hard to capture large amendments in, so if North Dakota voters are changing the North Dakota Constitution, the voters should have access to the full language when they are voting. Simply stated, SB 2256 is a voter education bill.

In conclusion, NDPC urges your support of **SB 2256** and respectfully requests a favorable **Do Pass** recommendation. Thank you and I would be happy to try to answer any questions.

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att #3  
pg 1

## Written testimony on Senate Bill 2256

Chairman Davison and Government and Veteran Affairs committee members

My name is Kevin Herrmann from Beulah, ND. I oppose Senate Bill 2256 as introduced. The problem with Senate Bill 2256 is on page 1, line 20, with the sentence that states "If a copy of the amendment must be provided to each voter, the sponsoring committee of the measure shall pay the secretary of state an amount sufficient to cover the cost of printing the copies". This is an attack on any North Dakota taxpayer who signs on to a sponsoring committee.

I attended every meeting of the interim Initiated and Referred Measures Study Commission. A couple of Legislators on the committee made it known in wanting to make it harder for the citizens of North Dakota to petition any initiative measure to the voters of North Dakota, because the outcome of the Initiated and Referred Measure Study commission committee did not go their way. HCR 3007, HCR 3010 and SCR 4001 was introduced which attacks Article III "Powers Reserved to the People".

I am asking this committee to amend Senate Bill 2256 to strike sentence on page 1, line 20, "If a copy of the amendment must be provided to each voter, the sponsoring committee of the measure shall pay the secretary of state an amount sufficient to cover the cost of printing the copies". If not then the North Dakota Legislators shall be under the same standards so I am asking to add a new sentence on page 2, line 24, after "assembly,". The wording of the new sentence will read "If a copy of any measure submitted by the North Dakota legislative assembly to be place on any election ballot must be provided to each voter, the Legislators of North Dakota who voted Yea shall pay the secretary of state the amount sufficient to cover the cost of printing of copies".

Thank you for allowing to speak.

Kevin Herrmann  
300 Fair St. SW  
Beulah, ND 58523  
701-873-4163



## North Dakota Senate

State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

Senator Jessica Unruh  
District 33

1224 First Avenue NE  
Beulah, ND 58523-6301

[jkunruh@nd.gov](mailto:jkunruh@nd.gov)

### Committees:

Energy and Natural Resources,  
Chairman  
Finance and Taxation

03/07/2019

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Senate Bill 2256 would require constitutional ballot measures to be printed on the ballot up to 500 words and if they exceed that count, the proposed change in its entirety must be printed on a separate sheet of paper that must be included with each ballot. In this case, a summary of the language would be included on the ballot and the proposed changes in full would be printed on an additional page.

The format would read in a format we are all familiar with - they would look like the bill in front of you, with new language underlined, old language to be removed struck and unchanged language in regular print. The entire article proposing to be changed doesn't need to be printed - just the section proposed to be changed. The cost of providing this language in full to the voters will be paid by the sponsoring committee of the measure.

For the committee's information, the Secretary of State's office put together some numbers for me. The word count for the past seven ballot measures has been included with my testimony.

This change would provide more transparency for the voters of North Dakota. I've heard from my constituents over the years how difficult it can be to keep measures on our ballots straight when they arrive at the polls. Many of the issues voters are required to evaluate are complicated, and it is our responsibility to ensure they have all the information they need to make an informed decision at the polls, especially if they are voting to change our constitution. Changing our constitution is a serious thing and at a minimum, I think voters should have all the changes in front of them when they check yes or no on their ballot, not just summary language.

We've got numerous proposals in front of us to update the way we change our constitution, and I think all of them are worthy of discussion. But this is something we can do as a legislature to provide education to the voters of North Dakota, and I think we have a responsibility to make it clear. When you are voting to change the constitution of our great state, you should know that's what you are doing and have full and readily available access to all the changes.

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## Constitutional Measures by Year

|                                 | Word Count  |
|---------------------------------|-------------|
| 2018 General                    |             |
| Measure 1 on Ethics             | 1,257 words |
| Measure 2 on Qualified Electors | 257 words   |

|                          |             |
|--------------------------|-------------|
| 2016 General             |             |
| Measure 3 on Marsy's law | 1,155 words |

|   |             |
|---|-------------|
| 2014 General                            |             |
| Measure 5 on Water, Wildlife, and Parks | 1,377 words |

|                                   |          |
|-----------------------------------|----------|
| 2012 General                      |          |
| Measure 3 on Farming and Ranching | 77 words |

|   |             |
|---|-------------|
| 2012 Primary                            |             |
| Measure 2 on Eliminating Property Taxes | 1,665 words |
| Measure 3 on Religious Liberty          | 115 words   |

# 2  
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3-8-19

**Testimony in Support of  
SENATE BILL NO. 2256**

**House Government and Veterans Affairs Committee**

**March 8, 2019**

Chairman Kasper, House Government and Veterans Affairs Committee members, for the record my name is Todd D. Kranda. I am an attorney with the Kelsch Ruff Kranda Nagle & Ludwig Law Firm in Mandan. I appear before you today as a lobbyist on behalf of the North Dakota Petroleum Council (NDPC) to support SB 2256.

NDPC represents more than 500 companies involved in all aspects of the oil and gas industry, including oil and gas production, refining, pipelines, transportation, mineral leasing, consulting, legal work, and oilfield service activities in North Dakota, and has been representing the energy industry since 1952.

SB 2256 amends Section 16.1-06-09 NDCC to expand upon and clarify the specific required form for initiated or referred measures to amend the North Dakota Constitution and the manner of placing the measures on the ballot. Based on the provisions within SB 2256 and the understanding that the intent is to provide the North Dakota voter with more opportunity to be educated on the subject matter being voted on at the polls, this is a good bill that should go forward and be implemented. Currently, summaries are hard to capture large amendments in, so if North Dakota voters are changing the North Dakota Constitution, the voters should have access to the full language when they are voting. Also, any cost for printing copies to have available for the voter would be minimal. Simply stated, SB 2256 is a voter education bill.

In conclusion, NDPC urges your support of **SB 2256** and respectfully requests a favorable **Do Pass** recommendation. Thank you and I would be happy to try to answer any questions.

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P.1

Testimony for:  
House GVA  
3/8/19  
Prepared by:  
Donnell Preskey, NDACo

RE: SB 2256 – Printing Entirety of Measure on Ballot

Chairman Kasper and Committee Members, I am Donnell Preskey with the North Dakota Association of Counties. I serve as the Executive Director for the County Auditors Association. While we recognize the intent of this bill and value how it makes these important issues more transparent to voters; there are concerns that auditors have if this bill would pass.

Attached to this written information is an example of a ballot from 2010, on the backside is Constitutional Measure 1. Without the heading and the yes/no verbiage it is about 250 words on the actual ballot. Under this proposal, a constitutional measure would be printed up to 500 words – which would double the space, more than likely filling a full column and half of another one for one measure.

Think of a ballot like a section of land, with the ballot space being valuable “real estate”. Auditors are concerned with the amount of “real estate” that would be utilized under this proposal. What if there were more than one constitutional measure on the ballot? There are many issues that arise if counties are forced to move to two page ballots. For example, when a voter puts a ballot in the tabulator, if it is 2 pages, and there is an error with how they filled out their ballot and they return their ballot - this will throw off the count because one page is already in the scanner.

It’s also important to know that counties are responsible for the printing of ballots. Counties would more than likely be picking up the cost of longer ballots or multiple page ballots. Counties are also responsible for the cost of printing ballots in the papers prior to the election. This proposal would have an impact on that cost as well.

Your county auditors ask that you take these concerns into consideration.



GENERAL ELECTION BALLOT  
NOVEMBER 2, 2010

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| A  | STATE OF NORTH DAKOTA | B  | CASS COUNTY | C  | Olivet Lutheran Church |
|--|-----------------------|--|-------------|--|------------------------|
| <b>INSTRUCTIONS TO VOTER</b><br>To vote for the candidate of your choice, you must darken the oval (●) opposite the name of the candidate.<br>To vote for a person whose name is not printed on the ballot, write that person's name in the blank space provided for that purpose and darken the oval (●) opposite the space provided.   |                       | <b>Agriculture Commissioner</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Merle Boucher<br>Democratic-NPL Party<br><br><input type="radio"/> Doug Goehring<br>Republican Party<br><br><input type="radio"/>   |             | <b>County Commissioner District 2</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Vern S Bennett<br><br><input type="radio"/>                           |                        |
| <b>PARTY BALLOT</b>  |                       | <b>Public Service Commissioner</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Joshua Voytek<br>Libertarian Party<br><br><input type="radio"/> Kevin Cramer<br>Republican Party<br><br><input type="radio"/> Brad Crabtree<br>Democratic-NPL Party<br><br><input type="radio"/>                               |             | <b>County Commissioner District 4</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Darrell Vanyo<br><br><input type="radio"/>                            |                        |
| <b>United States Senator</b><br>Vote for no more than ONE name<br><br><input type="radio"/> John Hoeven<br>Republican Party<br><br><input type="radio"/> Keith J Hanson<br>Libertarian Party<br><br><input type="radio"/> Tracy Potter<br>Democratic-NPL Party<br><br><input type="radio"/>  |                       | <b>Tax Commissioner</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Richard Flattum-Riemers<br>Libertarian Party<br><br><input type="radio"/> Cynthia Kaldor<br>Democratic-NPL Party<br><br><input type="radio"/> Cory Fong<br>Republican Party<br><br><input type="radio"/>                                  |             | <b>County Auditor</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Michael Montplaisir<br><br><input type="radio"/>                                      |                        |
| <b>Representative in Congress</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Rick Berg<br>Republican Party<br><br><input type="radio"/> Earl Pomeroy<br>Democratic-NPL Party<br><br><input type="radio"/>  |                       | <b>NO-PARTY BALLOT</b><br>To vote for the candidate of your choice, you must darken the oval (●) opposite the name of the candidate.<br>To vote for a person whose name is not printed on the ballot, write that person's name in the blank space provided for that purpose and darken the oval (●) opposite the space provided. |             | <b>County State's Attorney</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Birch P Burdick<br><br><input type="radio"/>                                 |                        |
| <b>State Senator District 11</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Tim Mathern<br>Democratic-NPL Party<br><br><input type="radio"/>   |                       | <b>Justice of the Supreme Court</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Carol Kapsner<br><br><input type="radio"/>  |             | <b>County Recorder</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Jewel Spies<br><br><input type="radio"/>   |                        |
| <b>State Representative District 11</b><br>Vote for no more than TWO names<br><br><input type="radio"/> Ron Guggisberg<br>Democratic-NPL Party<br><br><input type="radio"/> Scot Kelsh<br>Democratic-NPL Party<br><br><input type="radio"/> Mike Williams<br>independent nomination<br><br><input type="radio"/> Zach Heuer<br>Republican Party<br><br><input type="radio"/> David Gibb<br>Republican Party<br><br><input type="radio"/> |                       | <b>Judge of the District Court East Central Judicial District Judgeship Number 2</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Doug Herman<br><br><input type="radio"/>   |             | <b>County Treasurer</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Charlotte Sandvik<br><br><input type="radio"/>                                      |                        |
| <b>Secretary of State</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Alvin A (Al) Jaeger<br>Republican Party<br><br><input type="radio"/> Corey Mock<br>Democratic-NPL Party<br><br><input type="radio"/>  |                       | <b>Judge of the District Court East Central Judicial District Judgeship Number 3</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Steve McCullough<br><br><input type="radio"/>  |             | <b>County Sheriff</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Paul D Laney<br><br><input type="radio"/>   |                        |
| <b>Attorney General</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Wayne Stenehjem<br>Republican Party<br><br><input type="radio"/> Jeanette Boechler<br>Democratic-NPL Party<br><br><input type="radio"/>   |                       | <b>Judge of the District Court East Central Judicial District Judgeship Number 4</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Steven L Marquart<br><br><input type="radio"/>   |             | <b>Supervisor, Soil Conservation District 6 Year Term</b><br>Vote for no more than ONE name<br><br><input type="radio"/> Terry Hoffmann<br><br><input type="radio"/>       |                        |
|  |                       |  |             | <b>Supervisor, Soil Conservation District 4 Year Unexpired Term</b><br>Vote for no more than ONE name<br><br><input type="radio"/> John Grove<br><br><input type="radio"/> |                        |
|  |                       |  |             | <b>VOTE BOTH SIDES</b>   |                        |
|  |                       |  |             | <b>All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted.</b>                              |                        |
|  |                       |  |             | <b>Official Ballot Cass County 1101-00 November 2, 2010</b>  |                        |
|  |                       |  |             | <b>Initials</b>  |                        |



GENERAL ELECTION BALLOT  
NOVEMBER 2, 2010

| D   | STATE OF NORTH DAKOTA  | E  | CASS COUNTY | F  | Olivet Lutheran Church |
|---|------------------------|--|-------------|--|------------------------|
| <b>Director, Garrison Diversion Conservancy</b><br>Vote for no more than ONE name |                        | <b>MEASURES BALLOT</b>   |             | <b>Initiated Statutory Measure No. 2</b>   |                        |
| <input type="radio"/> Jon Lindgren  |                        | <p>This ballot contains two statewide measures. Constitutional Measure No. 1 was approved by the 2009 Legislative Assembly. Statutory Measure No. 2 was placed on the ballot by initiative petition. These measures are submitted to the voters of North Dakota for their approval or rejection. A voter may vote upon a measure by either darkening the oval (●) opposite the word "YES" or "NO" following each question.</p> <p><b>Constitutional Measure No. 1</b><br/>(House Concurrent Resolution No. 3054, 2009 Session Laws, Ch. 641)</p> <p><b>SECTION 1.</b> A new section to article X of the Constitution of North Dakota is created and enacted as follows:</p> <p>1. Thirty percent of total revenue derived from taxes on oil and gas production or extraction must be transferred by the state treasurer to a special fund in the state treasury known as the legacy fund. The legislative assembly may transfer funds from any source into the legacy fund and such transfers become part of the principal of the legacy fund.</p> <p>2. The principal and earnings of the legacy fund may not be expended until after June 30, 2017, and an expenditure of principal after that date requires a vote of at least two-thirds of the members elected to each house of the legislative assembly. Not more than fifteen percent of the principal of the legacy fund may be expended during a biennium.</p> <p>3. Statutory programs, in existence as a result of legislation enacted through 2009, providing for impact grants, direct revenue allocations to political subdivisions, and deposits in the oil and gas research fund must remain in effect but the legislative assembly may adjust statutory allocations for those purposes.</p> <p>The state investment board shall invest the principal of the North Dakota legacy fund. The state treasurer shall transfer earnings of the North Dakota legacy fund accruing after June 30, 2017, to the state general fund at the end of each biennium.</p> <p><b>SECTION 2. EFFECTIVE DATE.</b> If approved by the voters, this measure becomes effective for oil and gas produced after June 30, 2011.</p> <p><input type="radio"/> YES - Means you approve the measure as stated above.</p> <p><input type="radio"/> NO - Means you reject the measure as stated above.</p> |             | <p><b>SECTION 1.</b> A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:</p> <p><b>Fee killing of certain captive game animals prohibited - Penalty - Exception.</b> A person is guilty of a class A misdemeanor if the person obtains fees or other remuneration from another person for the killing or attempted killing of privately-owned big game species or exotic mammals confined in or released from any man-made enclosure designed to prevent escape. This section does not apply to the actions of a government employee or agent to control an animal population, to prevent or control diseases, or when government action is otherwise required or authorized by law.</p> <p><b>SECTION 2. EFFECTIVE DATE.</b> This Act becomes effective on November 1, 2012.</p> <p><input type="radio"/> YES - Means you approve the measure as stated above.</p> <p><input type="radio"/> NO - Means you reject the measure as stated above.</p> |                        |
| <b>Official County Newspaper</b><br>Vote for no more than ONE name                |                        |  |             | <b>County Measure No. 1</b>  |                        |
| <input type="radio"/> Cass County Reporter  |                        | <b>FLOOD PROTECTION SALES, USE, AND GROSS RECEIPTS TAX PROPOSAL</b>  |             |  |                        |
| <input type="radio"/> The Forum of Fargo Moorhead                                 |                        | <p>Shall Article 9 of the Home Rule Charter of the County of Cass be amended to authorize collection of a one-half of one percent (1/2%) sales, use, and gross receipts tax as outlined in Resolution #2010-26 for a period of up to twenty consecutive years from and after April 2011, to be used for the engineering, land purchase, construction, and maintenance of a Red River Diversion and other flood control measures or the payment of special assessments or debt incurred for a Red River Diversion and other flood control measures as authorized by the Cass County Commission, all as provided in the Notice of Proposed Home Rule Charter Amendment as published in THE FORUM on the 30th day of August 2010.</p> <p><b>SHALL SUCH AMENDMENT BE APPROVED?</b></p> <p><input type="radio"/> YES - Means you approve the measure as stated above.</p> <p><input type="radio"/> NO - Means you reject the measure as stated above.</p>   |             |  |                        |
|   |                        | <b>VOTE BOTH SIDES</b>   |             |  |                        |
| D   | Olivet Lutheran Church | E  | 1101-00     | F  | Typ:01 Seq:0001 Spl:01 |

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3-8-19

Written Testimony To  
THE HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
Friday, March 8, 2019 by  
Michael Montplaisir, Cass County Auditor  
Cass County Government

REGARDING SENATE BILL 2256

Chairman Kasper and members of the House GVA Committee, I am Michael Montplaisir, Cass County Auditor. I have been involved in running elections for thirty years. While I understand the importance of transparency to our voters, SB 2256 raises concerns for counties from an administrative standpoint.

We want our voters to be fully informed. NDCC 16.1-01-07 already requires the Secretary of State of prepare an analysis of any constitutional amendment, initiated measure, or referred measure and publish the analysis in the official newspaper for two consecutive weeks before a sample ballot is published. This section also requires the Secretary of State to certify ballot language to the County Auditor, and NDCC 16.1-13-05 requires sample ballots be published for two consecutive weeks prior to the election. These four publications in the county's official newspaper provide notice to voters prior to Election Day so they can study the issues.

For those voters who do not have access to the official county newspaper, copies of the analysis and ballot language are available on the Secretary of State's web site and at the County Auditor's Office during the forty days of absentee voting. At least five copies of the newspaper publication or copy of the full text of any constitutional amendment, initiated, or referred measure are available at any polling site per NDCC 16.1-06.19.

There have been many measures on ballots in recent years in Cass County. A summary of the number and types of measures is below:

| <b>General Election</b>           | <b>2006</b> | <b>2008</b> | <b>2010</b> | <b>2012</b> | <b>2014</b> | <b>2016</b> | <b>2018</b> |
|-----------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Constitutional Measures           | 1           | 1           | 1           | 2           | 4           | 2           |             |
| Initiated Constitutional Measures | 1           |             |             | 1           | 1           | 1           | 2           |
| Initiated Statutory Measures      | 1           | 3           | 1           | 2           | 3           | 2           | 2           |
| City / County Measures            | 1           |             | 1           | 1           | 1           | 2           | 2           |
| Total                             | 4           | 4           | 3           | 6           | 9           | 7           | 6           |

Our ballots already include a lot of information. The proposal to include up to a five hundred word measure on the ballot could cause us to go to multiple ballots. Voters typically vote on all or a majority of the measures. For instance, in the last General Election almost 96% of the people casting a ballot voted on each of the four statewide measures.

We believe adequate resources already exist for voters through the four publications in the official newspaper, the information available on the state's website, and the information available at the polls for voters to fully inform themselves before casting their vote. Adding to the length and complexity of the ballot should be avoided.

Chairman Kasper and members of the House GVA Committee, thank you for considering these comments and I urge you to give Senate Bill 2256 a do not pass recommendation.

state the time, place, and date of the test or tests and that the district chairman or district chairman's designee may attend.

4. At the conclusion of the test, the programming for each electronic voting device must be sealed within the device with a unique numbered seal that must be verified by the election inspector before the opening of the polls to make sure the programming has not been removed from the device.
5. After each election, the secretary of state shall order a random testing of the voting system programming for one precinct in each county of the state according to logic and accuracy testing procedures detailed in subsection 2 and as may be further defined by the secretary of state in writing. This test is to be conducted before the meeting of the county canvassing board.

**16.1-06-16. County auditor to provide and distribute ballots - Other election supplies delivered at same time.**

For each election precinct in the county, the county auditor shall provide the number of ballots the auditor determines to be necessary. Each county auditor shall:

1. Have the ballots printed at least fifteen days before the election and available for public inspection at the auditor's office.
2. Deliver to the inspector in each precinct or cause to be delivered in a secure manner to the polling place no later than the day before the election the number of ballots, pollbooks, ballot boxes, voting equipment, forms of oaths, and other election supplies as the county auditor determines necessary.

**16.1-06-17. County auditor to provide ballots and other electronic voting system supplies.**

At the same time as other election supplies are provided and distributed, the county auditor shall provide to each precinct in the county using an electronic voting system:

1. A sufficient number of electronic voting system devices and ballots if the electronic voting system employs ballots.
2. One facsimile diagram of the entire face of the electronic voting system device as it will appear on election day.
3. Appropriate instruction material for the use of the electronic voting system devices.
4. All other materials required to carry out the election process through the use of electronic voting systems.

**16.1-06-18. Delivery of ballots.**

County auditors shall deliver, or cause to be delivered, by mail or other reliable method, to the inspector of elections in each precinct the official ballots, if available. The ballots must be delivered in sealed packages marked plainly with the precinct for which the ballots are intended. The county auditor also shall deliver or cause to be delivered a suitable seal for the purpose of sealing the wrapper containing the ballots as provided in section 16.1-15-08.

**16.1-06-19. Instructions, advertisements, maps, and ballots posted in polling places.**

Each county auditor shall have posters printed, in large type, containing full instructions to electors on obtaining and voting ballots and a copy of section 16.1-01-12, any federal laws regarding prohibitions on acts of fraud and misrepresentations, and general information on voting rights under applicable federal and state laws, including instructions on how to contact the appropriate officials if these rights are alleged to have been violated. The county auditor shall furnish at least one such poster to the election inspector in each election polling place who, before the opening of the polls, shall conspicuously post at least one poster in the polling place. The county auditor, at the time of delivering the ballots to the inspector of elections in each polling place, shall deliver at least five copies of the newspaper publication or other copy of the complete text of any constitutional amendment or initiated or referred measure to such inspector of elections. One of the newspaper publications or copies must be posted conspicuously in the polling place on the morning of the election. Each county auditor shall furnish the election

inspector in each polling place with four copies of a map showing the election precinct's boundaries and information regarding the date of the election and the hours during which polling places will be open. The inspector shall, before the opening of the polls, post the maps and information regarding the date of the election and the hours during which polling places will be open at the entry to and in other conspicuous places around the polling place.

**16.1-06-20. Election inspector and judges to display material and provide instruction.**

In addition to other duties provided by law, the election inspector and judges shall provide adequate instruction on the use of the electronic voting device to each voter before the voter enters the voting booth.

**16.1-06-21. Pollbooks delivered by county auditor - Contents - Inspector of elections to deliver.**

The county auditor shall see that one paper or electronic pollbook is delivered to the election inspector in each election precinct or polling place in the county.

The election inspector shall deliver the pollbook, or cause the pollbook to be delivered, to the clerks of election in the inspector's polling place on election day before the opening of the polls.

**16.1-06-22. County to provide ballot boxes.**

The board of county commissioners, at the expense of the county, shall provide suitable ballot boxes for each election polling place in the county.

**16.1-06-23. Secretary of state to send instructions to county auditor to make returns.**

The secretary of state shall send instructions for generating reports for all returns of votes required to be made to the secretary of state's office.

**16.1-06-24. Voting machines - Violations - Penalty.**

Repealed by S.L. 2003, ch. 171, § 33.

**16.1-06-25. Electronic voting systems - Violations - Penalty.**

Any person who violates any of the provisions of this chapter relating to electronic voting systems, who tampers with or injures any electronic voting system or device to be used or being used in any election, or who prevents the correct operation of any such system or device to be used or being used in any election is guilty of a class A misdemeanor.

**16.1-06-26. Secretary of state to adopt rules for the purpose of certifying and decertifying electronic voting systems and electronic counting machines.**

The secretary of state may adopt rules according to subsection 3 of section 16.1-01-01 for certifying and decertifying electronic counting machines authorized in section 16.1-06-10.1 and electronic voting systems authorized in section 16.1-06-11, including any software, hardware, and firmware components used as a part of an electronic voting system or electronic counting machine for use and procurement in the state. The rules may:

1. Establish criteria and standards with which all electronic voting systems and electronic counting machines must comply.
2. Describe the procedures for electronic voting systems and electronic counting machines, any single device of an electronic voting system and electronic counting machine, and any update and enhancement made to them, to be certified and decertified for procurement and use in the state.
3. Define what constitutes a vote on each electronic voting system and electronic counting machine which has been certified for procurement in the state.
4. Describe the procedures for the secretary of state to follow when defining what constitutes a vote on any new electronic voting system and electronic counting machine, any single device of an electronic voting system and electronic counting machine, and any update and enhancement made to them.

#6  
SB 2256  
3-8-19

## History of Early Vote Statistics

November 19, 2018

November 2018:

60,445 early vote centers + 53,129 vote by mail + 43,657 absentee = 157,231: 48% of 330,598 votes cast

June 2018:

10,295 early vote centers + 29,590 vote by mail + 5,876 absentee = 45,761: 40% of 115,226 votes cast

November 2016:

51,160 early vote centers + 42,753 vote by mail + 40,890 absentee = 134,803: 38% of 349,945 votes cast

June 2016:

12,248 early vote centers + 28,129 vote by mail + 9,452 absentee = 49,829: 36% of 139,957 votes cast

November 2014:

29,643 early vote centers + 31,040 vote by mail + 34,138 absentee = 94,821: 37% of 255,128 votes cast

June 2014:

20,282 early vote centers + 16,188 vote by mail + 3,262 absentee = 39,732: 42% of 93,624 votes cast

November 2012:

42,914 early vote centers + 39,772 vote by mail + 55,800 absentee = 138,486: 42% of 325,861 votes cast

June 2012:

12,492 early vote centers + 27,983 vote by mail + 12,990 absentee = 53,465: 30% of 175,303 votes cast

November 2010:

23,148 early vote centers + 32,812 vote by mail + 32,603 absentee = 88,563: 38% of 240,876 votes cast

June 2010:

4,453 early vote centers + 20,831 vote by mail + 4,910 absentee = 30,194: 29% of 102,066 votes cast

November 2008:

50,359 early vote centers + 30,690 vote by mail + 46,534 absentee = 127,583: 38% of 321,133 votes cast

June 2008:

7,888 early vote centers + 14,846 vote by mail + 5,966 absentee = 28,700: 28% of 102,886 votes cast



#1  
SB 2256  
3-20-19

Introduced by

Senators Unruh, Myrdal, Poolman

Representatives Mock, Roers Jones, Schmidt

1 A BILL for an Act to amend and reenact section 16.1-06-09 of the North Dakota Century Code,  
2 relating to the required form for measures to amend the constitution and the manner of placing  
3 the measures on ballots.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 16.1-06-09 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **16.1-06-09. Constitutional amendments and other initiated and referred measures -**  
8 **Manner of stating question - Explanation of effect of vote - Order of listing.**

9 ~~Constitutional amendments or measures,~~

10 1. A measure for a constitutional amendment must be divided into clearly identifiable  
11 sections, and each section of the measure may include proposed changes to only one  
12 section of the constitution. The entire text of each section of the constitution to be  
13 amended must be included in the measure. Language to be removed from the  
14 constitution must be overstruck and language to be added to the constitution must be  
15 underlined. The remaining text in the measure may not be overstruck or underlined.  
16 The entirety of a measure for a constitutional amendment must be printed on the ballot  
17 unless the amendment is more than five hundred words, in which case the election  
18 board at each polling place shall provide a copy of the amendment complying with this  
19 subsection ~~must be provided to each voter with the ballot~~ to any voter upon request,  
20 and a summary ~~complying with subsection 2~~ up to five hundred words in length which  
21 is as detailed as possible and fairly represents the substance of the amendment must  
22 be printed on the ballot in place of the full text of the measure. ~~If a copy of the~~  
23 ~~amendment must be provided to each voter, the sponsoring committee of the measure~~

1 ~~shall pay the secretary of state an amount sufficient to cover the cost of printing the~~  
2 ~~copies.~~

3 2. Other initiated measures, and referred measures, duly certified to the county auditor  
4 by the secretary of state, or any other question or measure to be voted on, except the  
5 election of public officers at any primary, general, or special election including officers  
6 subject to a recall petition, must, ~~unless otherwise determined by the secretary of~~  
7 ~~state,~~ be stated in full in a legible manner on the ballot. ~~If~~ However, if the secretary of  
8 state concludes the ~~amendment or~~ a measure other than a measure for a constitutional  
9 amendment is too long to make it practicable to print in full, the secretary of state in  
10 consultation with the attorney general shall cause to be printed a short, concise  
11 summary, which must fairly represent the substance of the ~~constitutional amendment~~  
12 ~~or initiated or referred measure.~~

13 3. After ~~the foregoing statement~~ each measure, statement, or question, the secretary of  
14 state shall cause to be printed another short, concise statement of the effect of an  
15 affirmative or negative vote on the ~~constitutional amendment or initiated or referred~~  
16 measure, or question. This explanatory statement must be drafted by the secretary of  
17 state in consultation with the attorney general. The words "Yes" and "No" must be  
18 printed on the ballot at the close of the statement regarding the effect of an affirmative  
19 or negative vote, in separate lines with an oval before each statement in which the  
20 voter is to indicate how the voter desires to vote on the question by darkening the oval.  
21 If two or more ~~amendments~~ measures, or questions are to be voted on, they must be  
22 printed on the same ballot.

23 4. The measures to be submitted to the electors must be grouped and classified as  
24 constitutional measures, initiated statutes, or referred statutes and must be placed  
25 within ~~such~~ the groups or classifications by the secretary of state in the order received,  
26 for the purpose of placing them on the ballot. Measures submitted by the legislative  
27 assembly must be placed first on the ballot within their classification in the order  
28 approved by the legislative assembly. ~~Constitutional measures shall~~ Measures for  
29 constitutional amendments must be placed first on the ballot, initiated statutes second,  
30 and referred statutes third. After all the measures have been placed within the

- 1 appropriate group or classification, all measures must be numbered consecutively,
- 2 without regard to the various groups or classifications.



19.0538.04001  
Title.

# 2  
SB 2256  
3-20-19  
Prepared by the Legislative Council staff for  
Representative B. Koppelman  
March 20, 2019

PROPOSED AMENDMENTS TO SENATE BILL NO. 2256

Page 1, line 17, after "case" insert "the election board at each polling place shall provide"

Page 1, line 18, remove "must be provided to each voter with the"

Page 1, line 19, replace the first "ballot" with "to any voter upon request"

Page 1, line 19, replace "complying with subsection 2" with "up to five hundred words in length  
which is as detailed as possible and fairly represents the substance of the amendment"

Page 1, line 20, remove "If a copy of the amendment must be provided to"

Page 1, remove lines 21 and 22

Renumber accordingly

#1  
SB 2256  
3-21-19

Introduced by

Senators Unruh, Myrdal, Poolman

Representatives Mock, Roers Jones, Schmidt

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19 subsection ~~must be provided to each voter with the ballot~~ to any voter upon request,  
20 and a summary ~~complying with subsection 2~~ up to five hundred words in length which  
21 is as detailed as possible and fairly represents the substance of the amendment must  
22 be printed on the ballot in place of the full text of the measure. ~~If a copy of the~~  
23 ~~amendment must be provided to each voter, the sponsoring committee of the measure~~

#1  
SB 2256  
3-21-19

1 ~~shall pay the secretary of state an amount sufficient to cover the cost of printing the~~  
2 ~~copies.~~

3 2. Other initiated measures, and referred measures, duly certified to the county auditor  
4 by the secretary of state, or any other question or measure to be voted on, except the  
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- 2 without regard to the various groups or classifications.

19.0538.04001  
Title.

#2  
SB 2256  
3-21-19  
Prepared by the Legislative Council staff for  
Representative B. Koppelman  
March 20, 2019

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