

**2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1161**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1161  
1/28/2021

Relating to closing time for polling places

**Chairman Kasper** opened the hearing at 8:00 a.m.

<b>Representatives</b>	<b>Roll Call</b>
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

### **Discussion Topics:**

- Time limit for the last voters

**Rep. Dan Ruby** introduced and testified in favor.

**Donnell Preskey, ND Association of Counties**, testified in favor, #3932.

**Sophia Burroughs** testified in opposition, #3965.

**Jim Silrum, Deputy Secretary of State**, testified neutral, #3783.

**Additional written testimony:** #3765

**Chairman Kasper** closed the hearing at 8:16 a.m.

*Carmen Hart, Committee Clerk*

Testimony Prepared for the  
**House Government & Veterans Affairs**

Jan. 28<sup>th</sup>, 2021

Donnell Preskey, NDACo



**RE: Support for HB 1161: Closing of Polls**

Good morning Chairman Kasper and committee members, I'm Donnell Preskey with the North Dakota Association of Counties. In that capacity, I serve as Executive Director for the County Auditors Association which supports of HB 1161.

This bill seeks to implement a time limit for the last voters to cast their ballot. By law, voters in line at a polling location at the time polls are set to close, are allowed to vote. This bill further provides that ballots must be marked and cast thirty minutes after the last elector at the polling place who is allowed to vote receives a ballot.

Mr. Chairman and committee members, this bill is in no way intended to rush voters. It is not about the poll-workers who just want to get home. This is about the unnecessary holding up of an election.

This bill will address circumstances one of our counties has experienced, more than once.

Ward County has had two instances of the same voter going to the polling place on election day approximately 30 minutes prior to closing time. This individual stays in the voting booth for at least an hour past closing time. According to the County Auditor, this individual comes to the office to pick up a sample ballot as soon as it is available. This indicates they are taking the time to research items on the ballot ahead of time.

This situation results in the delaying of results for that precinct. Currently, there is no other option by law other than for election officials to wait it out. Without a change in code, imagine how long this could go on for. Essentially, this behavior holds a polling location and results hostage. This also has financial impacts as county employees need to wait for the inspector and judges to bring in the results and ballots and cannot leave until this is done along with the additional pay for the poll workers in that effected polling location.

We ask the committee to give HB 1161 a Do Pass recommendation.

HB1161

**House Government and Veterans Affairs**

January 28<sup>th</sup>, 2021

Sophia Burroughs, not in support

Mr. Chair, Representative Jim Kasper, members of the committee representatives Ben Koppelman, Pamela Anderson, Jeff A. Hoverson, Representatives Karen Karls. Scott Louser, Jeffery J Margrum, Mitch Ostlie, Karen M Rohr, Austen Schauer, Mary Schneider, Vicky Steiner, Greg Stemna, and Steve Vetter.

Thank you for your time today, I will be testifying to urge a “do not pass” on the additions to House Bill number 1161, “that all ballots must be marked and cast thirty minutes after the last elector at the polling place who is allowed to vote receives a ballot.” As this past election has shown us, the American people are accustomed to knowing the results of an election in real time, and are in quite a bit of turmoil if they are asked to wait for their president elect. But a few short days of suspense is far better than disqualifying some voters from exercising their rights, which I believe this addition will do.

To freely and conveniently cast a vote is a hallmark of a well run democracy. When we put such a narrow time frame on voter to cast their vote, we will inadvertently disqualify some North Dakota residence from having their vote counted. To name a few demographics that would be negatively impacted by a time limit would be, individuals with visual impairments, Americans who speak English as a second language, adults with intellectual difficulties, the elderly population with slower overall movements, or persons with disabilities that slow their mobility. There are times as well that initiated measures proposed for vote are quite complicated and difficult to understand. These citizens may need addition time to vote their mind on these issues.

I do understand however that many polling stations are run by volunteers or overworked government officials. To stay late into the night to operate these stations is truly a sacrifice for our nation that should not be taken lightly. I propose an extension to this time limit to one hour. This gives sufficient time for all voters to truly participate in the democracy of the American system.

I now stand for questions.

ALVIN A. JAEGER  
SECRETARY OF STATE

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

E-MAIL [sos@nd.gov](mailto:sos@nd.gov)

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

January 28, 2021

TO: Chairman Kasper and Members of the House Government and Veterans Affairs Committee  
FR: Jim Silrum, Deputy Secretary of State on behalf of Secretary of State Al Jaeger  
RE: HB 1161 – Polling place closing times.

This bill amends NDCC § 16.1-01-03 to require that all ballots must be marked and cast thirty minutes after the last voter receives a ballot from an election judge after the polls close. We understand the situation in Minot over the last several elections in which voters have come into the polls right at closing time and then taken up to two hours to mark and cast their ballot is the cause for this bill.

We offer neutral testimony on this bill because the situation needs to be addressed so that the results from an election cannot be held hostage by a voter trying to make some sort of statement by taking more time than is necessary to vote. However, before making a recommendation on this bill, we would encourage the Committee members to read the language we have proposed to address this situation in Section 4 of HB 1253, which will be heard this afternoon.

Our suggestion takes into consideration that an individual living with disabilities may be the last person in line when the polls close and that disability might make them need more time to mark and cast their ballot. We offer that the polls would still close after the thirty minutes as proposed in this bill, but at that time the voter would be given the option to either cast their ballot so the polls could be closed or continue marking the ballot and have it counted at the meeting of the canvassing board six days after the election. This would allow the polls to close and the results be returned to the election office but would not disenfranchise a voter who lives with a disability that requires them to take more time to vote.

Respectfully submitted.

House Bill - 1161

Thank you for the chance to address the members of the House Government and Veteran Affairs Committee. I am writing in opposition to HB 1161.

Giving a 30 minute time limit to only the last voters at a polling place creates an inequitable voting system. No one else throughout the day would have this time limit in place.

I hope the committee gives this bill a Do Not Pass report as it would impact those heading to the polls at the end of the day. If a voter needed to look up some candidates on their phone to confirm their vote or if they are visually impaired and needed to take longer to fill out a ballot, they might struggle with this limit. Would their vote not count? I am concerned about the impacts of passing this bill.

Thank you for your time.

Whitney Oxendahl

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1161  
2/4/2021

Relating to closing time for polling places

**Chairman Kasper** opened the committee work meeting at 4:49 p.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	A
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

### Discussion Topics:

- Committee work

**Chairman Kasper** summarized the bill.

**Rep. Schauer** moved a **Do Pass**. **Rep. Magrum** seconded the motion.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	N
Representative Jeff A. Hoverson	A
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	Y
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauer	Y
Representative Mary Schneider	N
Representative Vicky Steiner	N
Representative Greg Stemen	Y
Representative Steve Vetter	Y

**Motion passes.** 10-3-1. **Rep. Louser** is the carrier.



House Government and Veterans Affairs Committee

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**Chairman Kasper** closed the meeting at 4:54 p.m.

*Carmen Hart, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1161: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB  
1161 was placed on the Eleventh order on the calendar.