

2023 SENATE STATE AND LOCAL GOVERNMENT

SB 2292

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2292
1/26/2023

Relating to election offenses and election observers; provide a penalty.

9:00 AM Chair Roers opened hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Protections
- Safety
- Obstructions

Sen Roers, bill sponsor and testified in support with no written testimony.

Donelle Presky, ND State County Auditors, testified in support with no written testimony.

Erika White, Burleigh Co Election Manager testified in support. #16863

Sen Lee moved a DO PASS on Amendment 23.0875.01001.

Sen Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES 6 NO 0 Absent 0

Motion PASSED

Sen Barta moved a DO PASS as Amended.

Sen Braunbeger seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES 6 NO 0 Absent 0

Motion PASSED

Senate State and Local Government Committee

SB 2292

01/26/2023

Page 2

Sen Barta will carry the bill.

9:30 AM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

PROPOSED AMENDMENTS TO SENATE BILL NO. 2292

Page 1, line 12, after "elector" insert "or a member of the election board"

Page 3, line 24, replace "person" with "individual"

Page 3, line 26, after "section" insert "if the individual informs the election inspector of the individual's intent to serve as an election observer"

Page 3, line 31, overstrike the first "the" and insert immediately thereafter "any"

Renumber accordingly

OR
171
1-26-2023

REPORT OF STANDING COMMITTEE

SB 2292: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2292 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 12, after "elector" insert "or a member of the election board"

Page 3, line 24, replace "person" with "individual"

Page 3, line 26, after "section" insert "if the individual informs the election inspector of the individual's intent to serve as an election observer"

Page 3, line 31, overstrike the first "the" and insert immediately thereafter "any"

Renumber accordingly

2023 HOUSE POLITICAL SUBDIVISIONS

SB 2292

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2292
3/3/2023

Relating to election offenses and election observers; and to provide a penalty.

2:12 PM Chairman Longmuir opened the hearing. Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Klemin, Rep. Motschenbacher, Rep. Rios, Rep. Toman, Rep. Warrey, Absent: Rep. Ostlie, Rep Davis and Rep. Hager

Discussion Topics:

- Observer restrictions.
- Election board responsibilities.

Senator K. Roers: Introduced the bill. No written testimony.

Erika White, Burleigh County Election Manager: Testimony # 21844

Mitchell Sanderson: Testimony # 21769

The hearing closed at 2:18 PM

Delores Shimek, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2292
3/10/2023

Relating to election offenses and election observers; and to provide a penalty.

9:08 AM Chairman Longmuir opened the meeting. Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Klemin, Rep. Motschenbacher, Rep. Rios, Rep. Warrey, Absent: Rep. Ostlie, Rep Davis and Rep. Hager. Absent: Rep. Toman

Discussion Topics:

- Committee action.

Rep. Klemin moved a Do Pass;
Seconded by Rep. Ostlie

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick Hatlestad	Y
Representative Matt Heilman	Y
Representative Dawson Holle	Y
Representative Jim Jonas	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nico Rios	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

Roll call vote: 13 Yes 0 No 1 Absent Motion carried
Carrier: Rep. Warrey

The meeting closed at 9:10 AM

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2292, as engrossed: Political Subdivisions Committee (Rep. Longmuir, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2292 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2292

Written Testimony for the
Senate State and Local Government
January 26, 2023
Erika White, Burleigh County Election Manager



RE: SUPPORT for SB 2292

Good Morning, Chair Roers, and members of the Committee. My name is Erika White and I am the Election Manager in the Burleigh County Auditor/Treasurer's office. I'm here this morning in support of SB 2292, with proposed amendments, which provides additional protections for election boards while simultaneously allowing access to election observers.

Currently, state law addresses election offenses such as voting another person's ballot, voting more than once in any election, voting when not qualified, and many more offenses. However, there is not a provision to protect the duties of the election board which many election workers have requested.

Election boards are responsible for many things, including verifying the tabulators are secure and begin at zero votes on election morning, operations of the polling location throughout the day, and making decisions regarding voter qualifications. They are also responsible for balancing at the close of polls to ensure the total votes cast equals the numbers of voters checked-in at the location.

I believe we all agree that election boards are a fundamental piece of our elections and are relied on heavily to complete their duties securely and with integrity. SB 2292 will provide protections to election boards who may encounter individuals looking to disrupt election processes.

In addition to adding election worker protections to state law, SB 2292 addresses election observers and voter privacy. I firmly believe that election observers should be welcomed to observe election processes, but voters also deserve privacy.

In Burleigh County, we thankfully haven't had an issue with election observers infringing on voter privacy. However, it's been a talking point amongst election boards and addressing this in state law will equip the boards with the necessary support should they encounter an election observer infringing on voter privacy.

I am confident that election workers, auditors, and most importantly, voters will appreciate the foresight this bill addresses to strengthen election integrity.

Thank you for your time and I urge a DO PASS on SB 2292.

SB 2292

(Poll Watchers)

Who is going to be the one who decides if someone is being disruptive?

I have seen many election workers and auditors being rude to those who just want to be a watcher or observe if the ballot machine is connected to the internet or asking if the ballot machine had Bluetooth and they got upset that people were even asking them these questions.

I have even seen a poll watcher threatened by a state's attorney for wanting to be a poll watcher!

Written Testimony for the
House Political Subdivisions

March 3, 2023

Erika White, Burleigh County Election Manager



RE: SUPPORT for SB 2292

Good Afternoon, Chair Longmuir, and members of the Committee. My name is Erika White and I am the Election Manager in the Burleigh County Auditor/Treasurer's office. I'm here this morning in support of SB 2292, which provides additional protections for election boards while simultaneously allowing access to election observers.

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