2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2175

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2175
1/23/2025

Relating to conducting and reporting postelection audits.

10:50 a.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Mandatory testing of voting systems
- Postelection audit
- Ballot security

10:50 a.m. Senator Roers testified in favor.

10:52 a.m. Erika White, State Election Director, testified in favor and submitted testimony #30968.

11:00 a.m. Erica Johnsrud, McKenzie County Auditor/Treasurer, testified in favor and submitted testimony #30850.

11:01 a.m. Mike Blessum, Minot City Council sitting alderman, testified in favor and submitted testimony #30856.

11:09 a.m. Mark Lindeman, Policy and Strategy Director Verified Voting, testified in favor and submitted testimony #30835.

11:14 a.m. Chair Roers closed the hearing.

11:15 a.m. Committee discussion

11:26 a.m. Chair Roers adjourned the meeting.

Susan Helbling, Committee Clerk

VerifiedVoting

SB 2175 (Relating to conducting and reporting postelection audits)
Support with amendments
Senate State and Local Government hearing, 1/23/2025

On behalf of Verified Voting, I applaud the introduction of SB 2175, which would require a post-election audit after each election. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters. Since our founding in 2004 by computer scientists, we have acted to promote justified public confidence that each vote is counted as cast. As part of this work, we have helped many states implement routine post-election audits. Routine audits using voter-verified paper ballots (not test ballots) can provide assurance that tabulators are producing trustworthy counts. Thirty-seven states require post-election audits—and every state should. SB 2175 can materially enhance election security in North Dakota.

Several aspects of SB 2175 deserve particular praise. The routine audits are to be completed before election results are certified, so that if problems are found, the results can be corrected before they are made final. The audits cover up to four contests: one federal, one statewide, one legislative (if applicable), and one county contest in each county. Such audits require greater effort but provide greater assurance than audits that examine just one contest. The public notice requirement and the use of election boards (as per N.D.C.C. § 16.1-05-01) also are well considered.

We believe that some parts of SB 2175 merit review. Randomly selecting one polling location per county means hand-counting ballots from about 30% of polling locations statewide. This sample seems excessive, and it tends to burden counties with large polling locations and counties that have just one polling location. At the same time, the requirement appears to exclude absentee, vote-by-mail, and early voting ballots, although over half of North Dakota voters used one of these methods last November. Given these concerns, we suggest that the Legislative Assembly, in consultation with state and county officials, consider amending SB 2175 along these lines:

- Include absentee, vote-by-mail, and early voting ballots in the sampling pool.
- Allow any set of ballots for which vote totals are available—not just entire polling locations—to be selected and audited. (For instance, a set of mail ballots scanned together can be audited as a “batch.” In-person ballots often also can be divided into smaller batches.)
- Select some specified percentage, such as 10%, of all auditable batches per county—or statewide, *optionally* requiring at least one batch per county (perhaps only for county contests).

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While SB 2175 reasonably grants the secretary of state broad discretion to define the audit procedure, you may wish to clarify some procedural questions or direct the secretary to address them. For instance, who selects the contests to be audited, and how? Are audits open to public observers, and to what extent?

We wholeheartedly support routine post-election audits in North Dakota, and we encourage further consultation with state and county officials and other stakeholders on possible refinements of this important legislation. One audit model does not fit all states. I would be happy to discuss any questions you may have about audit design, drawing upon our knowledge of laws and practices in various states.

Sincerely yours,

Mark Lindeman
Policy & Strategy Director
Verified Voting

Written Testimony for the
Senate State and Local Government
January 23, 2025
Erica Johnsrud, McKenzie County Auditor/Treasurer

RE: SUPPORT for SB 2175

Good morning, Chairwoman Roers, and members of the Senate State and Local Government Committee. My name is Erica Johnsrud and I have the honor of serving as the Auditor/Treasurer for McKenzie County. I stand in support of SB 2175.

This bill strengthens the postelection audit process after each election which will result in increased voter confidence in the already secure North Dakota election process.

North Dakota is fortunate to already have robust election laws and this bill will only continue to strengthen those laws in place. County auditors realize the postelection audit as proposed will increase our workload during already busy times, but feel it is justified and needed to ensure the security and accuracy of North Dakota elections into the future.

We thank Secretary of State Howe and his election team for allowing us to provide input on this important process and thank the Legislative Assembly for taking action to further support and secure the North Dakota election process.

I urge a **DO PASS** recommendation on SB 2175.

Chairwoman Roers, Vice Chair Castaneda, and members of the Senate State and Local Government committee - my name is Mike Blessum. I am a Minot resident and sitting alderman on the Minot City Council. I'd like to give you my perspectives on SB2175 and ask you for a do pass recommendation. These thoughts are mine and are not the official positions of the City of Minot or other council members.

During the 2021 and 2023 legislative sessions I worked with various legislators to bring bills to try to tighten up ND election laws to fix current problems and avoid having issues from other states make their way here. In those two sessions more than 80 election bills were considered by the two chambers with only one signed into law in 2021. While there were important updates to the century code in that bill, I don't believe that there were any additional protections put in place in the wake of the 2016 and 2020 contested elections.

In my time as an election judge in Minot vote centers I have seen first hand the vulnerabilities that exist in our systems. While our elections are well run by hard working, dedicated volunteers, there is always room for improvement. I don't believe that we will find large scale issues or fraud. Rather, I believe that the audits will validate our processes and identify any small areas where we can make improvements. For example, at large vote centers we have ongoing issues with the numerous ballots that judges hand out to voters – more than 40 ballot types in our center in Minot. Identifying how often the wrong ballot is handed to an elector should be found if a hand count is administered.

Senate bill 2175 is similar to a bill I worked with Senator Boehm and Representative Henderson on in the 2023 session. I am very happy to see that Chairwoman Roers has brought this bill to try to put safeguards in place to ensure that ND elections remain accurate and secure. I believe that performing audits across the state that include hand counts will provide a new level of confidence and integrity in our election systems.

I would ask you to return a do pass recommendation on SB2175 to protect our elections and restore the confidence of the public.

Thank you for your consideration. I would stand for any questions.

Alderman Mike Blessum – Minot City Council

mblessum@min.midco.net

701-818-2000

NORTH DAKOTA
SECRETARY OF STATE

SENATE BILL NO. 2175
JANUARY 23, 2025

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTEN ROERS, CHAIR

TESTIMONY PRESENTED BY

ERIKA WHITE, STATE ELECTION DIRECTOR

Chairwoman Roers and members of the committee, I'm Erika White and I serve as the state election director for the Office of the Secretary of State. I am here in support of SB 2175 which strengthens our initiative of "trust and verify" of the election administration procedures established in North Dakota through a continued robust post-election audit process.

I want to be clear that North Dakota's election tabulation systems are extremely secure and operate with 100% accuracy. County auditors across our state conduct extensive logic and accuracy testing before each election to ensure ballot tabulators are accurate – there is zero tolerance for discrepancies. This bill simply builds upon the post-election verification to ensure the public that their vote is counted the way they intended it to count. We trust our election system and SB 2175 allows for another layer of verification.

The changes outlined in subsection 5 outline when the county is to conduct the post-election audit and which polling location the county auditor and election board are auditing. Additionally, it directs the county recorder to deliver the necessary ballots for the audit to be completed.

Subsection 6 outlines a few key elements:

- The county auditor must select an election board pursuant to 16.1-05-01, which is the same process they follow when selecting election boards for polling locations in their county.
- The county auditor must notice the time and place of the post-election audit.
- The election board shall review one contest from each of the following categories: federal, statewide, legislative (if appearing on the ballot), and county contest.
- In the rare instance a discrepancy exists, the secretary of state may order additional post-election audits and the audit shall serve as the official record for canvassing.

Subsection 7 outlines proper delivery and securing of ballots with the county recorder after the audit is complete. It also directs the county auditor to submit their post-election audit report to the secretary of state for publication.

We collaborated with county auditors across our state to develop this language. We wanted to ensure this process would be meaningful and allow North Dakota to showcase that we do have the best process in the country, while simultaneously allowing for flexibility when counties are completing other post-election processes before County Canvassing. We've garnered support from counties across our state who agree that this bill strengthens our shared initiative of "trust and verify" North Dakota's election system and procedures.

Madam Chair, members of the committee, thank you for your continued support to ensure North Dakota elections are held with security and integrity. I urge a **DO PASS** recommendation on SB 2175.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2175
1/23/2025

Relating to conducting and reporting postelection audits.

2:48 p.m. Chair Roers called the hearing to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Committee Action

2:48 p.m. Committee discussion on proposed amendment and changing wording page 1 line 11 and page 2 line 10.

3:05 p.m. Senator Lee moved a Do Pass on amendment #25.0588.02001.

3:05 p.m. Senator Braunberger seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

3:06 p.m. Senator Braunberger moved a Do Pass as amended.

3:06 p.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	
Senator Jose L. Castaneda	
Senator Jeff Barta	
Senator Ryan Braunberger	
Senator Judy Lee	
Senator Chuck Walen	

Motion Passed 6-0-0

Senator Braunberger will carry the bill.

3:08 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Adopted by the State and Local Government Committee
January 23, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

JB 1-23-25
1 of 3

SENATE BILL NO. 2175

Introduced by

Senators Roers, Boehm, Castaneda

Representatives Henderson, Hendrix, Satrom

A BILL for an Act to amend and reenact section 16.1-06-15 of the North Dakota Century Code, relating to conducting and reporting postelection audits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-06-15 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-15. Mandatory testing of voting systems before each election and after tabulation of ballots.

1. All voting systems used in this state must be tested according to guidelines established by the secretary of state and as follows to ascertain whether the automatic tabulating equipment will accurately count the votes cast for all offices and measures. The testing must be conducted ~~prior to~~before each election at which the system will be used. The testing must be done by the county auditor or county auditor's designee, and after each test, the testing materials and any preaudited ballots used during the test must be sealed and retained in the same manner as election materials after an election.
2. The test of a voting system employing paper ballots must be conducted by processing a preaudited group of ballots on which are recorded a predetermined number of valid votes for each candidate and measure and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. During the test a

different number of valid votes must be assigned to each candidate for an office and for and against each measure. If an error is detected, the cause of it must be ascertained and corrected, and an errorless count must be secured and filed as provided in this section.

3. The test must be conducted at least one week before the election. One week before the test is conducted, the county auditor must send the district chairman of each political party having a candidate on the ballot a notice of the test. The notice must 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 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 statewide primary, general, and special election, the secretary of state shall order a ~~random testing of the voting system programming~~postelection audit for one ~~precinct~~polling location selected randomly 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~~. The postelection audit must be commenced on the sixth day following election day and concluded by the eighth day following election day. The county recorder shall deliver to the county auditor the wrapped ballots from the polling location subject to the postelection audit. The secretary of state may further define the procedure for conducting a postelection audit in writing. ~~This test is to be conducted before the meeting of the county canvassing board.~~

6. The county auditor shall appoint an election board consistent with the procedure under section 16.1-05-01 to conduct the postelection audit. The county auditor shall notice the date, time, and location of the postelection audit. The election board shall review the ballots received under subsection 5 from one federal contest, one statewide contest, one legislative contest if a legislative contest appeared on the ballot, and one county contest. If the election board discovers a discrepancy between the automated tabulating equipment and the results of the postelection audit, the secretary of state

AB 3 3 of 3

may request additional postelection audits within the county, which must serve as the official record used during canvassing.

7. Upon completion of the postelection audit, the election board shall prepare the ballots as specified in section 16.1-15-08 and the county auditor shall deliver the ballots to the county recorder for storage as required under section 16.1-15-13. The election board shall submit the results of the postelection audit to the secretary of state, who shall publish the results.

REPORT OF STANDING COMMITTEE
SB 2175

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS (25.0588.02001)** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2175 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2175

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Pioneer Room, State Capitol

SB 2175
3/6/2025

Relating to conducting and reporting postelection audits.

3:30 p.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff
Members absent: Representative Brown

Discussion Topics:

- Audits on polling locations

3:31 p.m. Senator Roers introduced the bill.

3:33 p.m. Erika White, State Election Director, testified in favor and submitted testimony, #39240.

Additional written testimony:
Marisa Haman, Private Citizen, submitted testimony in favor, #38948.
Saige Draeger, Senior Policy Associate with Verified Voting, submitted testimony in favor, #38950.

3:38 p.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk

Written Testimony for the

House Government and Veterans Affairs Committee

March 5th, 2025

Marisa Haman, Ward County Auditor/Treasurer

Re: Support for SB 2175

Good afternoon Chairman Schauer, and members of the House Government and Veterans Affairs Committee. My name is Marisa Haman and I currently serve as the Auditor/Treasurer for Ward County.

I am writing today in support of SB 2175.

I believe the postelection audit as currently written will provide additional confidence in the election process.

Although it will take additional hours for our office to complete the process, the payoff of a second validation is worth the time and effort.

I encourage you to recommend “do pass” on SB2175.

Thank you for your time and consideration. Please feel free to contact me with any questions.

Ward County * P.O. Box 5005 * Minot, ND 58702-5005 * 701.857.6417 * marisa.haman@wardnd.com

VerifiedVoting

SB 2175 (Relating to conducting and reporting post-election audits)
Support with amendments
House Government and Veterans Affairs hearing, 3/6/2025

On behalf of Verified Voting, I offer these comments on SB 2175, which would require a routine post-election audit to check vote tabulations after each election. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters. Since our founding in 2004 by computer scientists, we have acted to promote justified public confidence that each vote is counted as cast.

As part of this work, we have helped many states implement routine post-election audits. Routine audits using voter-verified paper ballots (not test ballots) can provide assurance that tabulators are producing trustworthy counts. Thirty-seven states require post-election audits—and every state should. For this reason, we support the aim of SB 2175, which can materially enhance election security in North Dakota. However, to be reliable, post-election tabulation audits must include manually examining some of the paper ballots to check the machine counts. We recommend amending SB 2175 to explicitly require manually examining either all, or a representative random sample of, the paper ballots selected for the audit.

We suggest this flexible requirement because North Dakota already has at least two good methods to manually verify vote counts. The most common method is to hand-count all the ballots selected for the audit. Audit hand-counts provide a direct check of the original totals, but they can be labor-intensive and error-prone if the batches are large. An alternative method involves retabulating each batch of ballots selected for the audit on a central-count scanner, then manually inspecting a random sample of ballots, one ballot at a time, to check the retabulation. North Dakota's DS450 scanners can imprint serial numbers in the ballot margins to facilitate this check. We believe that the law need not prescribe—or preclude—either of these methods, but it should explicitly require manually examining paper ballots. Merely retabulating ballots, even using different hardware or software, has far less value for validating the original results.

The legislature should also consider alternatives to randomly selecting one polling location per county to audit. This approach tends to burden counties that have just one polling location—almost half of North Dakota's counties—and appears to exclude absentee, vote-by-mail, and early voting ballots, although a majority of North Dakota voters used one of these methods last November. We suggest dividing all valid ballots into auditable batches—such as all the ballots counted on a specific scanner, or a set of vote-by-mail ballots that were scanned together—and randomly selecting batches for

audit.

We applaud the legislature's commitment to election verification by requiring a post-election tabulation audit after each election, and welcome the opportunity to discuss our suggestions with legislators, election officials, and other stakeholders to further strengthen SB 2175's efficacy.

Sincerely yours,

Saige Draeger
Senior Policy Associate
Verified Voting

NORTH DAKOTA
SECRETARY OF STATE

SENATE BILL NO. 2175
MARCH 6, 2025

HOUSE GOVERNMENT & VETERAN AFFAIRS COMMITTEE
REPRESENTATIVE AUSTEN SCHAUER, CHAIR

TESTIMONY PRESENTED BY
ERIKA WHITE, STATE ELECTION DIRECTOR

Chairman Schauer and members of the committee, I'm Erika White, State Elections Director for the Office of the Secretary of State. I am here in support of SB 2175 which strengthens our initiative of "trust and verify" of the election administration procedures established in North Dakota through a continued robust post-election audit process.

I want to be clear that North Dakota's election tabulation systems are extremely secure and operate with 100% accuracy. County auditors across our state conduct extensive logic and accuracy testing before each election to ensure ballot tabulators are accurate – there is zero tolerance for discrepancies. This bill simply builds upon the post-election verification to ensure the public that their vote is counted the way they intended it to count. We trust our election system. SB 2175 simply allows for another layer of verification. Here is a brief overview of the bill:

The changes in subsection 5 outline when the county is to conduct the post-election audit and which polling location the county auditor and election board are auditing. Additionally, it directs the county recorder to deliver the necessary ballots for the audit to be completed.

Subsection 6 outlines a few key elements:

- The county auditor must select an election board pursuant to 16.1-05-01, which is the same process they follow when selecting election boards for polling locations in their county.
- The county auditor must notice the time and place of the post-election audit.
- The election board shall review one contest from each of the following categories: federal, statewide, legislative (if appearing on the ballot), and a county contest.
- In the rare instance a discrepancy exists, the secretary of state may order additional post-election audits and the audit shall serve as the official record for canvassing.

Subsection 7 outlines proper delivery and securing of ballots with the county recorder after the audit is complete. It also directs the county auditor to submit their post-election audit report to the secretary of state for publication.

We collaborated with county auditors across our state to develop this language. We wanted to ensure this process would be meaningful and allow North Dakota to showcase that we do have the best process in the country, while simultaneously allowing for flexibility when counties are completing other post-election processes before County Canvassing. We've garnered support from counties across our state who agree that this bill strengthens our shared initiative of "trust and verify" for North Dakota's election system and procedures.

Chairman Schauer, members of the committee, thank you for your continued support to ensure North Dakota elections are held with security and integrity. I urge a **DO PASS** recommendation on SB 2175.

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Pioneer Room, State Capitol

SB 2175
3/7/2025

Relating to conducting and reporting postelection audits.

10:59 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff
Members absent: Representative Bahl

Discussion Topics:

- Committee action

11:01 a.m. Vice Chairman Satrom moved a Do Pass.

11:01 a.m. Representative VanWinkle seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	AB
Representative Collette Brown	Y
Representative Karen Grindberg	Y
Representative Karen Karls	N
Representative Carrie McLeod	Y
Representative Karen Rohr	Y
Representative Mary Schneider	N
Representative Vicky Steiner	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y
Representative Christina Wolff	Y

11:02 a.m. Motion passed 10-2-1.

Representative VanWinkle will carry the bill.

11:03 a.m. Chairman Schauer closed the meeting.

Jackson Toman, Committee Clerk

REPORT OF STANDING COMMITTEE
ENGROSSED SB 2175 (25.0588.03000)

Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2175 was placed on the Fourteenth order on the calendar.