

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1335

2001 HOUSE POLITICAL SUBDIVISIONS

HB 1335

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1335

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date 2-1-01

| Tape Number                                | Side A | Side B | Meter #    |
|--|--------|--------|------------|
| 1  | xx     |        | 3235--4600 |
| 2  | xx     |        | 4750--5500 |
|  |        |        |            |
| Committee Clerk Signature <i>Pam Dever</i> |        |        |            |

Minutes: Chair Froseth (3235) opened the hearing on HB1335 relating to canvassing school district election results, members of school boards taking oaths of office and failing to qualify for office, terms of city commissioners, withdrawal of city nominating petitions, and canvassing city election results.

Rep. Bellew : I introduce and support HB1335. This is a clean up bill. (SEE ATTACHED)

Sen. Dever, Dist 32, Bismarck : here in support of HB1335. Urge your support.

Cory Fong, Sec. of State's Office : here in support and to explain HB1335. (SEE ATTACHED)

Bill is intended to clean up and clarify a variety of sections of law dealing with conduct, administration, and canvassing of local elections.

Chair Froseth : (4150) Any opposition? Hearing none, hearing is closed.

**Tape 2, side A, 2-01-01** Chair Froseth : We have the amendments from Sec.of State, and what are committee wishes?

Rep. Maragos : I move a DO Pass on amendments.

Page 2  
House Political Subdivisions Committee  
Bill/Resolution Number HB1335  
Hearing Date 2-1-01

Rep. Delmore : I second.

**VOICE VOTE: ALL YES. AMENDMENTS CARRY**

Vice-Chair Severson : I move a DO PASS AS AMENDED.

Rep. Tieman : I second.

**VOTE: 13 YES and 0 NO with 2 Absent. BILL PASSED. Vice Chair Severson will carry the bill.**

18292.0101  
Title.0200

Adopted by the Political Subdivisions  
Committee

February 1, 2001

VR  
2/1/01

HOUSE AMENDMENTS HB 1335

HOUSE POL. SUBS. 2-2-01

Page 2, line 9, replace "thirty" with "fifty-five" and replace "county's publishing deadline" with "election"

HOUSE AMENDMENTS to HB 1335

HOUSE POL. SUBS. 2-2-01

Page 3, line 21, replace "thirty" with "fifty-five" and replace "county's publishing deadline" with "election"

Renumber accordingly

Date: 2-1-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1335

House POLITICAL SUBDIVISIONS Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number 18292.0101 .0200

Action Taken DO PASS AS AMENDED

Motion Made By Vice Chair Severson Seconded By Rep. Tieman

| Representatives             | Yes | No | Representatives      | Yes | No |
|-----------------------------|-----|----|----------------------|-----|----|
| Chairman Glen Froseth       | /   |    | Rep. Wayne W. Tieman | /   |    |
| Vice-Chair Dale C. Severson | /   |    |                      |     |    |
| Rep. Lois Delmore           | /   |    |                      |     |    |
| Rep. Rachael Disrud         | AB  |    |                      |     |    |
| Rep. Bruce Eckre            | /   |    |                      |     |    |
| Rep. Mary Ekstrom           | /   |    |                      |     |    |
| Rep. April Fairfield        | AB  |    |                      |     |    |
| Rep. Michael Grosz          | /   |    |                      |     |    |
| Rep. Jane Gunter            | /   |    |                      |     |    |
| Rep. Gil Herbel             | /   |    |                      |     |    |
| Rep. Nancy Johrison         | /   |    |                      |     |    |
| Rep. William E. Kretschmar  | /   |    |                      |     |    |
| Rep. Carol A. Niemeier      | /   |    |                      |     |    |
| Rep. Andrew G. Maragos      | /   |    |                      |     |    |

Total (Yes) 13 No 0

Absent 2 ab.

Floor Assignment Vice Chair Severson

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

REPORT OF STANDING COMMITTEE (410)  
February 2, 2001 8:30 a.m.

Module No: HR-18-2179  
Carrier: Severson  
Insert LC: 18292.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1335: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1335 was placed on the Sixth order on the calendar.**

Page 2, line 9, replace "thirty" with "fifty-five" and replace "county's publishing deadline" with "election"

Page 3, line 21, replace "thirty" with "fifty-five" and replace "county's publishing deadline" with "election"

Renumber accordingly

2001 SENATE POLITICAL SUBDIVISIONS

HB 1335



2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1335

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 2, 2001

| Tape Number                                    | Side A | Side B | Meter #  |
|--|--------|--------|----------|
| I  | x      |        | 0.0-11.1 |
|  |        |        |          |
|  |        |        |          |
| Committee Clerk Signature <i>Mary Jo Wacke</i> |        |        |          |

Minutes:

The hearing was opened on HB1335 which relates to canvassing school district election results.

SENATOR DEVER - Sponsor was here in the committee. REPRESENTATIVE BELLOW:

Introduced and supporter of HB1335. CORY FONG: Secretary of State's Office, explained the miscellaneous sections of law that needed to be clarified and cleaned up pertaining to the conduct, administration and canvassing of city and school district elections. Many of these changes are considered kinds of mechanical changes that still need to be made because of the combination of joint elections which was made during the 1993 session. The first round of joint elections between cities and counties was the 94' cycle. Since that change we continue to find little clean up sections of the law that will make the combination and the administration of joint elections between cities and counties much easier. Also something that may be of interest to you is school districts are not required to hold joint elections with counties, but they may enter into an agreement. Again that is part of this, to, provide a little bit more efficient process when they

do choose to do that. I urge a Do Pass on 1335. SENATOR MATHERN: Was their discussion, if with the school boards or any of the administration? I had sat in on a couple Fargo School Board meetings and I know they made some policy change regarding elections and all. I was just curious if this was discussed with them or how you'll notify them? CORY FONG: Yes, the school boards are, they are not here today, I don't see them, but they have been supportive of this bill. Again, these are changes that we have thought out because of the joint election that now exists and they are supportive of the changes. SENATOR MATHERN: Grammatical, more so, on Page 2, Line 16 the language a lot of it "take and come over here", so there where it says refusal to take and file an affirmation, would it be better to say "refusal to file an affirmation or take an oath of office"? CORY FONG: I think the point is the same and if you choose to make that change we wouldn't have any problems with that. I'll explain a little bit about this particular section, now that you bring it up. This was a section that actually was made or changed in the 1999 session. But if you remember there was a whole rewrite of the code pertaining to education. They moved everything from 15 into 15.1:09. And so we made this change, it passed, but they eliminated the section that we changed. And so we had to go in this session and make sure where it reappeared in 15.1 that it now gets changed to 15. This is the same language that got passed in 1999, but if you think that is more grammatically correct we can clean it up. SENATOR MATHERN: Its' okay, as defined. SENATOR WATNE: I noticed the state House amended in changing the 30 to 55 days, was there a specific reason for that? CORY FONG: Yes, Jerry Hjelmsted from the ND League of Cities, testified that perhaps that would be a more logical time because 55 days is the across the board deadline for ballot preparation. That way that is the day that everyone can remember, 55 days before the election, we have to certify the ballot with the

county auditors and therefore so should the subdivisions certify the things that should go on the ballot if they are going to have combined election. I think that the 55 days provides more time and makes a heck of a lot more sense. So we agreed to those amendments. And I see the way they marked your bills, that's pretty neat, that you know where the amendments all came in from.

JERRY HJELMSTED: North Dakota League of Cities. The sections here with the bill does add some clarity to some areas that have some confusion before. On the one section where we did go to the 55 days, currently candidates for city office are required to turn their petitions in to the city auditor 60 days before the election. The auditor has five days to arrange that ballot and get it to the county. That's why we choose the 55 days. And then also the county is responsible for getting those ballots prepared for absentee ballot requests sometime before the election they have to be available. They did want to have that time frame to make sure that those ballots would be available for absentee requests. SENATOR POLOVITZ: Jerry, a question that I have here, in a lot of these we say, you use the term commissioners and in Grand Forks we use council. Is this the same thing? JERRY HJELMSTED: No, this would be a different section of the law. The council section of the code was clearer that they would take office the fourth Tuesday in June following the election. The commission for some reason in the language wasn't quite as clear so we, they put this in here commencing on the fourth Tuesday for commissioners also, so it would be uniform. SENATOR POLOVITZ: Your talking about county then? JERRY HJELMSTED: No, this is for city commissioners. The two forum is the city commission forum which we have about 30 cities in North Dakota that have a commission forum and the council forum. In the council section of the code it is very clear that they take office on the fourth Tuesday. The organizational meeting. This makes it uniform for both.

Hearing Closed HB1335

Page 4

Senate Political Subdivisions Committee

Bill/Resolution Number HB1335

Hearing Date March 2, 2001

Senator Lee moved a Do Pass

Senator Watne- 2nd

Committee discussion was held.

Roll call vote: 7 Yeas, 0 No, 1 Absent

Carrier: Senator Christenson

Date: Mar. 2, 2001  
Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. *H. B. 1335***

| Senate | Political Subdivisions | Committee |
|--------|------------------------|-----------|
|--------|------------------------|-----------|

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number

Action Taken *No Pass*

Motion Made By Sen. Lee Seconded By Sen. Watne

[illegible]

Total (Yes) 7 No 0

Absent /

Floor Assignment Sen. Christenson

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

**REPORT OF STANDING COMMITTEE (410)**  
**March 2, 2001 1:48 p.m.**

**Module No: SR-36-4743**  
**Carrier: Christenson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1335, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)**  
**recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).**  
**Engrossed HB 1335 was placed on the Fourteenth order on the calendar.**

2001 TESTIMONY

HB 1335

## **TESTIMONY IN SUPPORT OF HB 1335**

**HB1335 is being introduced by myself and Reps. DeKrey, Eckre, and Haas and Sens. Dever and Freborg at the request of the Secretary of State.**

**The Bill topic is Local Election Cleanup.**

### **BRIEF SUMMARY**

**SECTIONS 1 & 2 Provides that for school district elections held in agreement with a city or county, the election returns must be canvassed and the winners declared as set out in the agreement between the school district and the city or county.**

**SECTION 3 Provides that each school district entering into an agreement to hold a joint election with a county must notify the county auditor, in writing, at least 30 days prior to the county's publishing deadline of the offices to be filled and any measures appearing on the school district ballot.**

**SECTION 4 Provides that elected school board members must file their oath of office with the school business manager within 10 days after the notice of the member's election or appointment. Refusal to take and file an affirmation or oath of office by an elected member must also be deemed a refusal to serve and therefore a failure to qualify for the office.**

**SECTION 5 Sets out the term for city commissioners commencing on the 4th Tuesday in June following their election and ending when their successors are duly elected and qualified.**

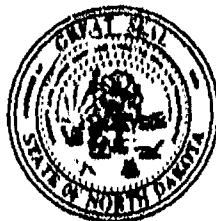
**SECTION 6 Provides that city entering into an agreement to hold a joint election with a county must notify the county auditor, in writing, at least 30 days prior to the county's publishing deadline of the offices to be filled and any measures appearing on the school district ballot.**

**SECTION 7 Allows candidates for municipal office to withdraw their nomination any time prior to the deadline for filing for the office.**

**SECTION 8 Provides that for city elections held in agreement with a county, the election returns must be canvassed as set out in the agreement between the city and the county.**



ALVIN A. JAEGER  
SECRETARY OF STATE



PHONE (701) 328-2900

FAX (701) 328-2992

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

HOME PAGE <http://www.state.nd.us/sec>

## SECRETARY OF STATE

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

February 1, 2001

TO: Representative Glen Froseth & Members of the House Political Subs Committee  
FR: Al Jaeger, Secretary of State (presented on his behalf by Cory Fong)  
RE: HB 1335 - Local Elections Misc Technical Corrections

House Bill 1335 is intended to clean up and clarify a variety of miscellaneous sections of law pertaining to the conduct, administration, and canvassing of local elections.

### Sections 1 & 2

Sections 1 and 2 provide that for school district elections held in agreement with a city or county, the election returns must be canvassed and the winners declared as set out in the agreement between the school district and the city or county.

### Section 3

Section 3 provides that each school district entering into an agreement to hold a joint election with a county must notify the county auditor, in writing, at least 30 days prior to the county's publishing deadline of the offices to be filled and any measures appearing on the school district ballot.

### Section 4

Section 4 provides that elected school board members must file their oath of office with the school business manager within 10 days after the notice of the member's election or appointment. Refusal to take and file an affirmation or oath of office by an elected member must also be deemed a refusal to serve and therefore a failure to qualify for the office.

### Section 5

Section 5 sets out the term for city commissioners commencing on the 4<sup>th</sup> Tuesday in June following their election and ending when their successors are duly elected and qualified.

### Section 6

Section 6 provides that a city entering into an agreement to hold a joint election with a county must notify the county auditor, in writing, at least 30 days prior to the county's publishing deadline of the offices to be filled and any measures appearing on the school district ballot.

**Section 7**

Section 7 allows candidates for municipal office to withdraw their nomination any time prior to the deadline for filing for the office.

**Section 8**

Section 8 provides that for city elections held in agreement with a county, the election returns must be canvassed as set out in the agreement between the city and the county.

For these reasons, the Secretary of State's office urges a due pass on HB 1335.

ALVIN A. JAEGER  
SECRETARY OF STATE

HOME PAGE <http://www.state.nd.us/sec>



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

E-MAIL [sec@state.nd.us](mailto:sec@state.nd.us)

## SECRETARY OF STATE

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

February 1, 2001

TO: Representative Glen Froseth & Members of the House Political Subs Committee  
FR: Cory Fong, Secretary of States office  
RE: HB 1335 - Local Elections Misc Technical Corrections - Proposed Amendments

### Proposed Amendments to House Bill No. 1335

Page 2, line 9, replace "thirty" with "fifty-five" and replace "county's publishing deadline" with "election"

Page 3, line 21, replace "thirty" with "fifty-five" and replace "county's publishing deadline" with "election"

Renumber accordingly



## SECRETARY OF STATE

STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0600

March 2, 2001

TO: Senator Cook & Members of the Senate Political Subdivisions Committee  
FR: Cory Fong, Secretary of State's office  
RE: HB 1335 - Local Elections Misc Technical Corrections

House Bill 1335 is intended to clean up and clarify a variety of miscellaneous sections of law pertaining to the conduct, administration, and canvassing of city and school district elections.

### Sections 1 & 2

Sections 1 and 2 provide that for school district elections held in agreement with a city or county, the election returns must be canvassed and the winners declared as set out in the agreement between the school district and the city or county.

### Section 3

Section 3 provides that each school district entering into an agreement to hold a joint election with a county must notify the county auditor, in writing, at least 55 days prior to the election of the offices to be filled and any measures appearing on the school district ballot for ballot preparation and publication purposes.

### Section 4

Section 4 provides that an elected school board member must file their oath of office with the school business manager within 10 days after the notice of the member's election or appointment. Refusal to take and file an affirmation or oath of office by an elected member must also be deemed a refusal to serve and therefore a failure to qualify for the office.

### Section 5

Section 5 sets out the term for city commissioners commencing on the 4<sup>th</sup> Tuesday in June following their election and ending when their successors are duly elected and qualified.

### Section 6

Section 6 provides that a city entering into an agreement to hold a joint election with a county must notify the county auditor, in writing, at least 55 days prior to the election of the offices to be filled and any measures appearing on the city's ballot for ballot preparation and publication purposes.

**Section 7**

Section 7 allows candidates for municipal office to withdraw their nomination any time prior to the deadline for filing for the office.

**Section 8**

Section 8 provides that for city elections held in agreement with a county, the election returns must be canvassed as set out in the agreement between the city and the county.

For these reasons, the Secretary of State's office urges a do pass on HB 1335.