

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3039

2001 HOUSE POLITICAL SUBDIVISIONS

HCR 3039

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR3039

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date 2-15-01

Tape Number	Side A	Side B	Meter #
1	xx		5500--end
1		xx	1--3466
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: Chair Froseth opened hearing on HCR3039 to encourage the Secretary of State to appoint a committee to conduct a comprehensive study of ND election laws.

Rep. Disrud : Prime sponsor and support of this resolution. I asked, where do we go when we have a question about an election or election law? The League of Women voters also want questions answered, also. I have Cory here to help with discussion.

Cory Fong, Sec. State : (6120) here in support of HCR3039. Due to the dramatic end to this last national election, election reform has taken center stage nation wide. Many organizations have come up with solutions to election problems. States are promoting reform on their own. Congress is promoting a variety of reforms, and industries are also promoting reform.. At this point, no one knows the specifics or the direction of these reforms, or what the conclusion will be. What we do know is the election process in this country will be tested and scrutinized under a microscope. (end Tape 1, side A, begin side B) We feel that ND will benefit from taking a comprehensive and penetrating look at our election laws. Technology is dramatically changing

the way election are conducted. Voting over the Internet, or doing away with punch card system, touch screen devices. Purchasing new voting equipment will be a big issue in the coming years. We need to consider systems standards and how they are implemented and used in ND. How will they be tested and how will they be authorized for purchasing. There has been a flood of industries that think they have the solution, it is essential that the legislature and the Sec. of State's Office make sure we have standards in place to help our county auditors decide what is best if they change equipment. These voting systems are flooding the market and we need standards to make logical and fiscal decisions for ND. I want to make sure that our counties make good and informed decisions. Consistency nation wide is also necessary.

Rep. Ekstrom : (470) What kinds of voting machines are you presently using?

Cory : We mainly use optic scanners in ND. One system completes the arrow and the other is fill in the oval. We have six (6) counties that still use the traditional hand count paper ballot. You make the X. We have one county, Williams, that uses, punch card. The county auditor in Williams loves the punch card.

Rep. Ekstrom : It will be difficult to finance a new solution.

Cory : It's important to take a look at technology. Congress is looking at reform. With that will be grants, matching grants, etc. to help states to upgrade voting equipment. We need to be prepared to have standards in place, so we know what equipment will work for ND. A good study is important. The study will include looking at instructions, also. We need to better educate voters.

Rep. Delmore : Will this result in an over all uniformity for ND voting systems? We are an independent state and some may not want to change. Some changes will be very expensive.

Cory : There is a lot of discussion on uniformity in election reform nation wide, so that has to be part of our study. We need procedures to be uniform not necessarily uniform systems. I don't think the intention is to pick one system and say this is it for the whole country. We need good testing numbers to make good recommendations.

Rep. Delmore : How many people would be on the study committee? If a committee is too large, sometimes they don't come up with anything.

Cory : I envision subcommittees divided into their expert groups. Then bring the small groups together to make recommendations to the big group. Citizen input is a must. As far as fiscal impact on our office, we are already trying to reach out and get corporate funds.

Rep. Grosz : (1250) How much will I get paid to be on this committee?

Cory : They will be paid with a smile. We don't have any intent to pay people. They will be volunteers. There will be a lot of people who will want to help. Groups involved would be: League of Cities, Association of Counties, County Auditors, School Boards, Townships, technology, political parties, and disability groups.

Rep. Kretchmar : (1499) Is it the intent of the Sec. of State Office to establish a committee?

Cory : Regardless of whether this committee passes this resolution, we will establish this committee. This bill gives us substance and requires us to report back to you in two years.

Al Jaeger, Sec. Of the State : We were approached about this issue by members of the Judiciary Committee. We could do this one our own, but we wanted your blessing. You can't direct me to do this study, but encourage me. We can report back to the legislature. I am with the executive branch and the L.C. is legislative branch of government. The L.C. can help us, but I don't have the authority to request help. Election law is our business and not L.C., that is why we feel it's more appropriate for us to do this study. We are in that business.

Page 4  
House Political Subdivisions Committee  
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Rep. Disrud : Jon Bjornson and I visited about this resolution and maybe we can discuss them helping you.

Al : That would be good.

Terry Traynor, ND Assoc. of Counties : We support this resolution.

Chair Froese : Any further testimony for or against? Hearing none, we are closed. What are your wishes?

Rep. Herbel : I move a DO PASS.

Vice-Chair Severson : I second.

**VOTE: 12 YES and 0 NO with 3 absent. PASSED. Rep. Herbel will carry the bill.**

Date: 2-15-01  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR. 3039

House POLITICAL SUBDIVISIONS Committee

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

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Herbel Seconded By Vice Chair Severson

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

Total (Yes) 12 No 0

Absent 3

Floor Assignment Rep. Herbel

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

**REPORT OF STANDING COMMITTEE (410)**  
February 15, 2001 12:15 p.m.

Module No: HR-28-3491  
Carrier: Herbel  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HCR 3039: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3039 was placed on the Tenth order on the calendar.**



2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

HCR 3039

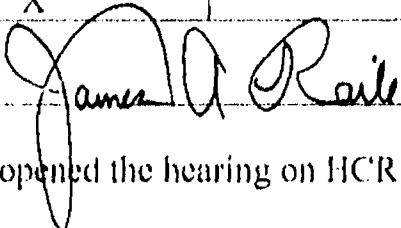
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3039

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date March 23, 2001

Tape Number	Side A	Side B	Meter #
1	X		5.8-14.3
1		X	0.6-14.0
1		X	52.0-End
1	X		0.0-4.2
Committee Clerk Signature 			

Minutes: **Chairman Krebsbach** opened the hearing on HCR 3039 which is a resolution to encourage the Secretary of State to appoint a committee to conduct a comprehensive study of North Dakota Election Laws. Appearing before the committee was **Representative Rachel Disrud**, district 21, primary sponsor of the resolution. She indicated that this bill came about because she has been thinking for some time about the situation with our elections. Not wanting North Dakota ever to run into any unfortunate situations as have occurred in some places. She indicated she had this idea and she spoke with the secretary of states office and they welcomed the idea saying that they had hoped an opportunity like this would come their way. She also spoke with the legislative council and from what she understood traditionally there have been studies of election laws and there was one she understands about 10 years ago. It was done by the legislative council. We decided as a team between the council and the secretary of states

office and herself in visiting about this that it would be very appropriate to have the secretary of state be appointed to conduct a comprehensive study of election laws. They would have it ready by the next legislative session in 2003. What this study will do is we will work cooperatively with all the people that would be involved including counties, cities, townships, and school districts. So the with the secretary of state's office coordinating this study, this would bring in a lot of the key players who have concerns and issues so that all of the pieces could fall into the mix. **Chairman Krebsbach** inquired if the legislative body would be involved in this study. **Representative Disrud** indicated that through the involvement of political parties there is legislative involvement. **Senator T. Mathern** inquired if this study will focus on the balloting or voting process or all of election laws. **Representative Disrud** indicated her sense of this bill would be that the voting process would be involved. **Senator T. Mathern** indicated he wanted to know what her interest is within this entire area. **Representative Disrud** indicated it was more the process not the the candidates. **Senator C. Nelson** indicated that we've had a number of partial studies in the past. She indicated she was a little concerned about the secretary of state leading the charge because usually the legislative council does this. Why did you choose this route? **Representative Disrud** indicated there would be no fiscal note on this. This would already be included in the budget of the secretary of state's office. The legislative council would still be a part of this study. The difference would be the charge should be lead by the secretary of state's office because that is the area of state government that deals with election laws and so on. **Senator Dever** inquired about the aspects of voting by mail, Internet voting, and such. Will this be encompassed in the study. **Representative Disrud** indicated it would include absentee ballots, voter registration, and other issues. There were no further questions. The hearing was temporarily adjourned at this time. Chairman Krebsbach reconvened the hearing on HCR 3039.

**Corey Fong** with the Secretary of State's appeared before the committee. A copy of his written testimony is attached. **Senator Wardner** inquired about the make up of the study committee.

**Corey Fong** responded that this does say that the Secretary of State's Office will conduct the study. That is the intent. There are so many studies come out of secretary of state's offices. Some states are forming blue ribbon commissions, some are being appointed by governors. He indicated they feel they are in the best position because they can bring these groups together and have discussions that would hopefully end up in some positive and substantive changes to our election laws. They do see themselves managing this study process. They also see the importance of having legislative input. Therefore what they are looking toward is having the chairman of the legislative council make appointments to this kind of a study committee.

**Senator Dever** inquired if Mr. Fong would see this kind of committee as more reactive to situations that happened in the last election or proactive. Mr. Fong indicated that he thought one of the primary focuses of this study would be technology. He thinks we need to take a candid look at these technologies and how they relate to our law and see what fits in and what are moving to in the state of North Dakota as far as election technology. That would be a very important to this study. This study is somewhat reactive but also proactive. **Senator T.**

**Mathern** indicated he thought this would be a good study but he has a concern that it appears so broad. When he reads what you plan to do he wonders if the resolution should be more focused. He is concerned if you don't focus it you might be distracted by different groups who might think you are doing something else. **Senator C. Nelson**, indicated that in your testimony you made the comment about inclusion by references, how the legislature is going to be included, which doesn't seem very active to her. Could you do this without getting permission from the legislature. **Mr. Fong** indicated yes, the office could. They testified to that effect on the house

side. They feel that they would like to have legislative support for this. They are looking in essence to include the legislature in this. They want the backing of the legislature to bring credibility and support to this. Other questions and comments were offered by **Senators Dever** and **Senator T. Mathern**. There was nothing further. The hearing was closed on HCR 3039.

**Chairman Krebsbach** reopened the discussion on HCR 3039. **Senator T. Mathern** indicated he believed that the committee should add the legislative council appointing or having the ability to appoint. He was thinking the wording could give it flexibility as to how many members would be appointed by the council. **Senator T. Mathern** moved that the committee add another resolved section. Be it further resolved that the Legislative Council be authorized to appoint up to 4 members of the legislature with both the minority and majority members of the house and senate being represented to the committee established by the Secretary of State. The motion was seconded by **Senator Wardner**. Roll Call Vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. A motion for Do Pass as Amended was made by **Senator C. Nelson**, seconded by **Senator Wardner**. 6 Yeas, 0 Nays, 0 Absent or Not Voting. **Senator C. Nelson** will be the carrier of the resolution.

Date: 3/23/00

Roll Call Vote #:

## 2001 SENATE STANDING COMMITTEE ROLL CALL VOTES

**BILL/RESOLUTION NO.** HCR 3039

Senate GOVERNMENT AND VETERAN'S AFFAIRS

## Committee

☐ Subcommittee on

or

☐ Conference Committee

Legislative Council Amendment Number

Action Taken	Hand
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**Motion Made By**

Secorded

By

Sen. Wardner

[illegible]

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

**Absent**

## Floor Assignment

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

Date: 3/23/01  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3039

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

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

Legislative Council Amendment Number

Action Taken Do Pass as Amended

Motion Made By Sen. C. Nelson Seconded By Sen. Wardner

[illegible]

Total (Yes) 6 No 0

**Absent** 6

Floor Assignment Carrier: Sen. C. Nelson

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

REPORT OF STANDING COMMITTEE (410)  
March 26, 2001 7:41 a.m.

Module No: SR-52-6671  
Carrier: C. Nelson  
Insert LC: 13080.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**

**HCR 3039: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3039 was placed  
on the Sixth order on the calendar.

Page 1, after line 17, Insert:

**"BE IT FURTHER RESOLVED**, that if the Secretary of State appoints such a  
committee, the Legislative Council be authorized to appoint up to four members of the  
Legislative Assembly to the committee, with members from the majority and minority  
parties and from the House of Representatives and the Senate; and"

Renumber accordingly



2001 TESTIMONY

HCR 3039

ALVIN A. JAEGER  
SECRETARY OF STATE

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## SECRETARY OF STATE

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

March 23, 2001

TO: Senator Karen Krebsbach and Members of the Senate Government and Veterans Affairs Committee  
FR: Cory Fong, Secretary of State's Office  
RE: HCR 3039 - Comprehensive Election Study

Due to the dramatic and controversial ending to Florida's election, election reform has taken center stage nationwide. Congress, states, local jurisdictions, interest groups, and the elections community and its related industries, are paying considerable attention to addressing the election problems that were realized during the 2000 General Election.

As an example, the National Association of Secretaries of State (NASS), along with others in the elections community, is conducting an aggressive and comprehensive examination of our nation's diverse and complicated election process. At its recent winter meeting in Washington, D.C., NASS approved a resolution calling for election reform that outlined twelve points for state's and local governments to work towards. It also adopted four recommendations for Congress to consider. For your consideration and future reference, I have attached a copy of the NASS resolution to my testimony.

At this early stage, no one knows the specific direction these various reform efforts will take or what the results may or may not be. However, what we do know is that the election process in our country is going to be tested and scrutinized during the next 2 years.

In keeping with our agency's efforts to keep up with changes in elections and to promote legislation aimed at cleaning up our election laws when necessary, we believe that our state could also benefit from taking a comprehensive and penetrating look at our election laws and procedures. Especially at a time when we will be able to glean so much from the election reform efforts and discussions that will take place at the national level and around the country during the next 2 years.

It is uncertain at this time what specific direction our study will take, except that it will enlist the input of a variety of election related interest groups in our state. As the resolution states, representation for the study would come from cities, counties, townships, school districts, political parties, voter advocacy groups, disability groups, and the technology sector. Our office also recognizes the importance of having legislative involvement in the study process and welcomes its inclusion by reference in the resolution. Out of this study, the Secretary of State's office hopes to make informed, researched, and hopefully unified recommendations to the next legislative session detailing the problems with our current election laws and what the potential solutions are.

The Secretary of State's office welcomes the opportunity to conduct a comprehensive study of our North Dakota's election laws and fully supports HCR 3039.

## **National Association of Secretaries of State Election Reform Resolution**

*Adopted February 6, 2001*

WHEREAS, the nation's Secretaries of State are committed to protecting an individual's right to vote by ensuring access, accuracy and integrity in elections;

WHEREAS, the administration of elections is a complex enterprise involving 200,000 polling places, 7,000 jurisdictions, 1.4 million poll workers, more than 700,000 voting machines, 100 million voters and 22,000 elections officials;

WHEREAS, the United States was founded upon the principle of self-government in which the right to vote is the most important and fundamental right of the people;

WHEREAS, the conduct of elections is primarily the responsibility of state and county elections officials;

WHEREAS, America's voting systems and election procedures must ensure that all votes are counted accurately and that voting is easily understood and as convenient and accessible as possible;

WHEREAS, our collective expertise with elections issues and our strong commitment to fair and accurate elections will enhance our democratic process;

WHEREAS, the recent election and subsequent civics lesson that emerged draws critical attention to the issues that NASS has steadfastly sought to address; and

WHEREAS, to ensure that all eligible voters are afforded their constitutional right to vote and unfettered access to the elections process,

The National Association of Secretaries of State recommends that State and Local governments and election officials continue to work to:

1. Ensure non-discriminatory equal access to the elections system for all voters, including elderly, disabled, minority, military, and overseas citizens.
2. Encourage the adoption and enforcement of election day rules and procedures to ensure equal treatment of all voters;
3. Modernize the voting process as necessary, including voting machines, equipment, voting technologies and systems and implement well-defined, consistent standards for what counts as a vote throughout the election process ensuring accurate vote counts and minimal voter error;
4. Encourage states to adopt uniform state standards and procedures for both recounts and contested elections, in order to ensure that each vote is counted and to provide public confidence in the election results;

5. Provide elections officials with increased funding to implement the recommendations of this resolution;
6. Conduct aggressive voter education and broad-based outreach programs;
7. Expand poll worker recruitment and training programs by adopting the innovative practices of other states and localities, with the ultimate goal of providing a satisfactory election day experience for all voters;
8. Maintain accurate voter registration rolls with a system of intergovernmental cooperation and communication;
9. Enhance the integrity and timeliness of absentee ballot procedures;
10. Adopt and adhere to the Voluntary Federal Voting Systems Standards for Voting Systems;
11. Provide for continuous training and certification for election officials; and
12. Collect data and election information on a regular and consistent basis to provide a nexus for public consumption and systemic improvements.

NASS further recommends that the Congress:

1. Fully fund the continuous update of the Federal Voting Systems Standards developed in consensus with state and local election officials;
2. Fund the development of voluntary management practices standards for each voting system;
3. Promote intergovernmental cooperation and communication among state and local elections officials to facilitate the maintenance of accurate voter registration rolls; and
4. Provide funding to the States to implement the state and local recommendations of this resolution.

Now, THEREFORE BE IT RESOLVED that the National Association of Secretaries of State welcomes the opportunity to work with the Administration, Congress, governors, state legislators and county election officials as well as organizations such as National Association of State Election Directors and the Election Center, all members of the election community, and concerned organizations, community groups, and the public to secure funding to ensure our citizens will have accurate, reliable, and efficient systems of elections;

THEREFORE BE IT FURTHER RESOLVED, that we, the National Association of Secretaries of State, reaffirm our determination and commitment to ensure that all eligible voters can register and vote, and that all votes will be counted accurately and fairly in each and every election.