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ROLL NUMBER

DESCRIPTION

23/0

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2310

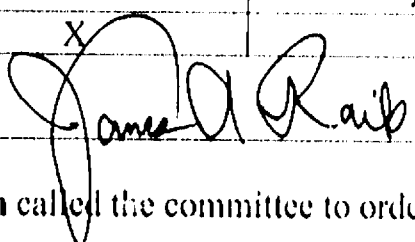
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2310

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date February 9, 2001

Tape Number	Side A	Side B	Meter #
1	X		0.0-12.3
1		X	45.6-End
2	X		0.0-0.5
Committee Clerk Signature 			

Minutes: **Chairman Krebsbach** called the committee to order. The clerk called the roll. All members were present. **Chairman Krebsbach** opened the hearing on SB 2310 which relates to counting of write in votes. **Senator Dick Dever**, District 32, appeared before the committee to introduce this piece of legislation. **Senator Dever** indicated that Bill Langer has died a long time ago and he was an inspiration to us all. A lot of people revered Bill Langer but he is gone and yet he lives on in the hearts and minds of constituents everywhere and gets several votes during each election. This bill is regarding write-in votes and whether or not it should be necessary to count those. We do our vote counting across the state electronically. We don't do the Florida thing. As he understands it when a machine comes across a write-in vote it kicks it out and they must be counted separately. That is one of the reasons he thinks the committee should support the bill. Another reason is this. You and I, assuming you went through the same process as he did, went through the precinct caucuses last January or February and at the district convention were nominated by the members of your party from your district. You filed your

forms sometime in April. You went through the primary process where you could have had a primary fight. You probably went down to the county auditors office on the last day of filing to check to see if you had opponents. I would imagine that most of you did. But imagine that you didn't. You went through the primary and you still didn't have opponents. You come into September which is the filing deadline 60 days before the election and you still don't have opponents. You communicate with your constituents but you don't put together a campaign. Then the Friday before the election somebody files as a write-in candidate. Their campaign signs go up and their radio advertising hits the air. You are caught completely by surprise. That is what can happen now with the way the law is written. I don't happen to think that is real fair and this will eliminate that situation. Corey Fong, representing the Secretary of State's Office, appeared before the committee. A copy of his written testimony is attached. Also attached is a copy of amendments he proposes be added to the bill. **Senator C. Nelson** indicated that she has a little problem with section 4. **Corey Fong** explained how this problem would be solved. **Mr. Fong** elaborated on the local level election process and how this bill would not affect those elections. Other comments were made by **Senator C. Nelson** and **Senator Dever**. There was no further testimony offered in support of, in neutral position on, or in opposition to SB 2310. **Chairman Krebsbach** closed the hearing on SB 2310. **Senator Dever** made a motion for the adoption of the Amendments on SB 2310, seconded by **Senator T. Mathern**. Roll Call Vote indicated 6 Yeas, 0 Nays, and 0 Absent or Not Voting. A motion for Do Pass as Amended is made by **Senator Dever**, seconded by **Senator Kilzer**. **Senators C. Nelson** and **T. Mathern** expressed their reasons for voting against the passage of this bill. **Senator Wardner** and **Chairman Krebsbach** also made comments concerning this bill. **Senator Dever** offered a few

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2310

Hearing Date February 9, 2001

last comments. Roll Call Vote indicated 4 Yeas, 2 Nays, and 0 Absent or Not Voting. **Senator**

Dever will carry the bill.

FISCAL NOTE

Requested by Legislative Council

01/23/2001

Bill/Resolution No.: SB 2310

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

None

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

None

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	01/23/2001

Date: 7/04/20

Roll Call Vote #:

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO.

56 2310

Senate GOVERNMENT AND VETERAN'S AFFAIRS

Committee

☐ Subcommittee on _____
or _____

☐ Conference Committee

Legislative Council Amendment Number

Action Taken

Adopt Animals

Motion Made By

San Diego

Secondded

By

[illegible]

Total (Yes) 6 No 0

Absent _____

Floor Assignment

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

Date: 2/09/01
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 230b

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken Dr. J. C. [illegible]

Motion Made By Sen. Dever Seconded By a. Kilmer

[illegible]

Total (Yes) 4 No 2

Absent

Floor Assignment Senator Dwyer

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

REPORT OF STANDING COMMITTEE

SB 2310: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "subsection 3 of section 16.1-08.1-02, sections 16.1-09-02, and"

Page 1, line 2, after "to" insert "write-in candidates and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 16.1-08.1-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The candidate shall file the statement in the office of the secretary of state no later than the twelfth day before the date of the election in which the candidate's name appears on the ballot ~~or in which the candidate seeks election through write-in votes~~ complete from the beginning of that calendar year through the twentieth day before the date of the election. The candidate shall file a complete statement for the entire calendar year no later than the thirty-first day of January of the following year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year ~~or whether the candidate did not seek election at any election through write-in votes.~~

SECTION 2. AMENDMENT. Section 16.1-09-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-09-02. Statement of interests to be filed. Every candidate for elective office shall file a statement of interests as required by this chapter. In a year when a president and vice president of the United States are to be chosen, presidential and vice presidential candidates shall file with the secretary of state either a statement of interests as required by this chapter or a copy of the personal disclosure statement that is required by the federal election commission. A candidate for elective office shall file the statement of interests with the officer with whom the candidate filed the candidate's certificate of nomination, certificate of endorsement, ~~or petition of nomination, or certificate of write-in candidacy.~~ Candidates for elective office who are required to file such statements shall do so at the time of filing a certificate of nomination, a certificate of endorsement, ~~or a petition of nomination, or a certificate of write-in candidacy,~~ pursuant to chapter 16.1-11, ~~16.1-12,~~ or 40-21, as is appropriate. A person who has filed a statement as the result of candidacy in a primary election need not refile before running in the following general election. A write-in candidate ~~who is not required to file a certificate of write-in candidacy~~ in county, city, school district, or other political subdivision election shall file the statement of interests after the candidate's election at the time of filing the required oath of office. Every person who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment."

Page 1, line 14, after the underscored period insert "Notwithstanding section 16.1-07-08.1, an election board or canvassing board is not required to count any write-in vote cast in a federal, state, judicial district, or legislative district election."

REPORT OF STANDING COMMITTEE (410)
February 12, 2001 8:46 a.m.

Module No: SR-25-2988
Carrier: Dever
Insert LC: 10699.0101 Title: .0200

Renumber accordingly

2001 TESTIMONY

SB 2310

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

February 9, 2001

TO: Senator Karen Krebsbach & Members of the Senate Government and Veterans Affairs Committee
FR: Cory Fong, Secretary of State's Office
RE: **HB 2310 – Write-Ins**

Under current North Dakota law, it is far too easy for persons to become statewide and legislative write-in candidates. In some cases, persons wishing to be write-in candidates simply have to file a form with the Secretary of State or county auditor in order to force and require the counting and canvassing of their write-in votes. In other cases, persons wishing to be write-in candidates don't have to do anything to force and require the counting and canvassing of their write-in votes.

However, the process of certifying, counting, and canvassing these few write-in votes is very cumbersome and has little, if any, public benefit given that write-in candidates at the statewide and legislative levels don't have a realistic or reasonable chance of being elected.

Senate Bill 2310 eliminates altogether the requirement that canvassing boards are required to count write in votes cast in federal, state, judicial district, and legislative district elections along with the corresponding provisions that allow persons to file certificates with the Secretary of State and county auditors to force and require the counting of their write-in votes.

Please keep in mind, HB 2310 does not eliminate the ability for write-in candidates to run at the county, city, school district, and other local levels. Canvassing boards at the local level would still be required to count and canvass all write in votes cast in any county, city, school district, or local political subdivision election.

I am also including with my testimony a set of amendments. When the bill was drafted, a number of cross-references in the statute pertaining to write-in candidates were not included. The amendments take care of these cross-references.

For these reasons, I encourage a do pass on HB 2310.



SECRETARY OF STATE

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

February 9, 2001

TO: Senator Karen Krebsbach & Members of the Senate Government and Veterans Affairs Committee
FR: Cory Fong, Secretary of State's Office
RE: **HB 2310 – Write-Ins – Proposed Amendments**

Proposed Amendments to House Bill No. 2310

Page 1, line 1, replace "section 16.1-12-02.2" with "subsection 3 of section 16.1-08.1-02 and sections 16.1-09-02, 16.1-12-02.2, 16.1-13-25, and 16.1-13-26"

Page 1, line 2, after "relating to" insert "write-in candidates and"

Page 1, line 3, after "NORTH DAKOTA:" insert

"SECTION 1. AMENDMENT. Subsection 3 of section 16.1-08.1-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The candidate shall file the statement in the office of the secretary of state no later than the twelfth day before the date of the election in which the candidate's name appears on the ballot ~~or in which the candidate seeks election through write-in votes~~ complete from the beginning of that calendar year through the twentieth day before the date of the election. The candidate shall file a complete statement for the entire calendar year no later than the thirty-first day of January of the following year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year ~~or whether the candidate did not seek election at any election through write-in votes.~~

SECTION 2. AMENDMENT. Section 16.1-09-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-09-02. Statement of interests to be filed. Every candidate for elective office shall file a statement of interests as required by this chapter. In a year when a president and vice president of the United States are to be chosen, presidential and vice presidential candidates shall file with the secretary of state either a statement of interests as required by this chapter or a copy of the personal disclosure statement that is required by the federal election commission. A candidate for elective office shall file the statement of interests with the officer with whom the candidate filed the candidate's certificate of nomination, certificate of endorsement, or petition of nomination, ~~or certificate of write-in candidacy.~~ Candidates for elective office who are required to file such statements shall do so at the time of filing a certificate of nomination, a certificate of endorsement, or a petition of nomination, ~~or a certificate of write-in candidacy,~~ pursuant to chapter 16.1-11, ~~16.1-12,~~ or 40-21, as is appropriate. A person who has filed a statement as the result of candidacy in a primary election need not refile before running in the following general election. A write-in candidate ~~who is not required to file a~~

~~certificate of write-in candidacy in a county, city, school district, or other political subdivision election~~ shall file the statement of interests after the candidate's election at the time of filing the required oath of office. Every person who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment."

Page 1, line 4, replace "SECTION 1." with "SECTION 3."

Page 1, line 14, after "election." insert "Notwithstanding section 16.1-07-08.1, an election board or canvassing board is not required to count any write-in vote cast in a federal, state, judicial district, or legislative district election."

Page 3, line 2, after "ballots." insert:

"SECTION 4. AMENDMENT. Section 16.1-13-25 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-25. Elector may write or paste name on ballot - Counting. The provisions of this title do not prevent any elector from writing or pasting on the ballot or ballot envelope the name of any person for whom the elector desires to vote, and such vote must be counted the same as if printed on the ballot and marked by the elector pursuant to section 16.1-12-02.2.

SECTION 5. AMENDMENT. Section 16.1-13-26 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-26. Name written or pasted on ballot evidence of vote without marking "x". If a name has been written or pasted opposite an office to be voted for pursuant to section 16.1-12-02.2, it must be deemed sufficient evidence that the person depositing the ballot or ballot envelope intended to vote for the person whose name is written or pasted thereon, and not for the person whose name originally was printed on the ballot, whether or not the elector made a mark or cross opposite the written or pasted name."

Renumber accordingly