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Deanna D. Galt
Operator's Signature

10/21/03
Date

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS
SB 2248

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Deanna Ballantyne
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10/21/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2248

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 02/06/03

Tape Number	Side A	Side B	Meter #
Tape 2	x		550-3750
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

Senator Karen Krebsbach, Chairman opens SB 2248. All senators present.

Cory Fong, Deputy Secretary of State (Testimony attached)

Senator Krebsbach : What has changes that has not been practiced in the past?

Fong: Most all of it.

Senator Brown: I have a sister who is legally blind, does not have a driver's license, and needs help in the voting booth, how does she vote?

Fong: Currently the law says that she can receive assistance from both election judges or your sister can receive assistance from a person of her choice, but that person can not be an employer, agent of their union or a candidate or relative of a candidate. Her daughter could help her.

Mike Montplaisier, Cass County City Auditor (Testimony attached)

Most counties would not use this. We probably wouldn't use these in primary elections but would in general elections.

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10/21/03
Date

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2248

Hearing Date 02/06/03

Senator Krebsbach : This would be a separate voting place but would still have voting available at the courthouse?

Montplaisier: Early voting would be at the courthouse.

Senator Nelson: would you have 9 different machines, 1 for each district or would you be able to program for each person?

Montplaisier: The current ballot wouldn't change and we could use a scanner and total the votes correctly.

Senator Brown: In a general election how many absentee ballots came back?

Montplaisier: Almost 100%.

Senator Dever : Would you restrict campaigning within the confines of the voting place?

Montplaisier: We usually do not allow campaigning in the courthouse.

Dave Kemnitz, President of the AFL/CIO : We put returned postage to get back the ballots and we have to get them returned to our facility. We did return them to the auditor's office for our members. We support the amendments from the Secretary of State.

Closed 2248

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Deanna Ballantyne
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10/21/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2248

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 02/13/03

Tape Number	Side A	Side B	Meter #
Tape 2	x		2290-4550
Committee Clerk Signature			

Minutes:

Senator Karen Krebsbach, Chairman reopens SB 2248. All senators present.

Cory Fong, deputy Secretary of State, (Testimony and new amendments attached replacing old ones)

Senator Nelson : the government controlled facilities; can that be schools, etc.

Fong: I believe they kept it broad so that they could be in schools etc. It would take out churches, malls, and clubs. this is just for early voting precinct.

Senator Dever : Is it a problem that absentee ballots do not get forwarded.

Fong: That is still a concern. The parties feel that to do their work they need to be able to receive them. If they didn't forward them it would be a violation.

Senator Brown moves to adopt the new amendment

Senator Wardner 2nd

6 Yes 0 No

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12/21/03
Date

Page 2

Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2248

Hearing Date 02/13/03

Senator Brown moves a Do Pass as amended

Senator Wardner 2nd

6 Yes 0 No

Carrier: Senator Fairfield

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Deanna Waller
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12/21/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2248

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 02/19/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		0-647
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

Senator Karen Krebsbach, Chairman reopens SB 2248. All senators with exceptio of Senator Dever are present. Senator Dever is aware and in accordance to all action taken.

John Bjorson, Legislative Council, explains problem. The committee adopted the correct bill but council received the wrong amendment. In order for the procedure to be corrected the council has prepared the amendment that the committee did adopt and the committee must reconsider the vote from before and readopt and Pass the bill.

Senator Wardner moves for reconsideration

Senator Brown 2nd

6 Yes 0 No

Senator Wardner moves for adoption of correct amendment

Senator Brown 2nd

6 yes 0 No

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10/21/03
Date

Page 2
Senate Government and Veterans Affairs Committee
Bill/Resolution Number SB 2248
Hearing Date 02/19/03

Senator Wardner moves for a Do pass as amended

Senator Brown 2nd

6 yes 0 No

Carrier Senator Fairfield

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10/21/03
Date

FISCAL NOTE
Requested by Legislative Council
04/16/2003

Amendment to: SB 2248

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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 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.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.*

The amendments approved by the conference committee do not change anything from that which was conveyed in the first fiscal note dated January 20, 2003.

//////////

Traditionally, the expense of conducting elections has been and continues to be a county expense. However, the fiscal impact to the counties under this bill is unknown. It will vary and will depend on whether or not a county chooses to open an early voting precinct according to Section 5 of the bill, the number of days the precinct would be open, and the hours of voting. The fiscal impact of opening an early voting precinct, staffed by a paid election board, is also uncertain due to the potential savings that may be ultimately gained in printing/ordering fewer absentee applications and absentee ballot envelopes, along with reduced mailing costs associated with the increased interest in absentee voting during recent elections. This bill allows each county to make that decision for themselves.

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, on the part of the state. See narrative for county impact.

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

Deanna Ball
Operator's Signature

10/21/03
Date

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	04/15/2003

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10/21/03
Date

FISCAL NOTE
Requested by Legislative Council
01/20/2003

Bill/Resolution No.: SB 2248

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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 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.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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.*

The purpose of this bill is to allow counties the option of opening an early voting precinct. It also clarifies the absentee balloting process.

Traditionally, the expense of conducting elections has been and continues to be a county expense. However, the fiscal impact to the counties under this bill is unknown. It will vary and will depend on whether or not a county chooses to open an early voting precinct according to Section 5 of the bill, the number of days the precinct would be open, and the hours of voting. The fiscal impact of opening an early voting precinct, staffed by a paid election board, is also uncertain due to the potential savings that may be ultimately gained in printing/ordering fewer absentee applications and absentee ballot envelopes, along with reduced mailing costs associated with the increased interest in absentee voting during recent elections. This bill allows each county to make that decision for themselves.

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 on the part of the state. See narrative for county impact.

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

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Date

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-3670	Date Prepared:	02/03/2003

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Operator's Signature

Deanna Waller

10/21/03

Date

38323.0101
Title.0200

Adopted by the Government and Veterans
Affairs Committee
February 13, 2003

JE3
2-14-03
1042

PROPOSED AMENDMENTS TO SENATE BILL NO. 2248

Page 1, line 1, replace "a" with "three" and replace "section" with "sections"

Page 1, line 2, after the first "to" insert "providing absentee voting information to military and overseas voters, rejecting absentee ballots cast by military and overseas voters, and creating" and after "reenact" insert "subsection 2 of section 16.1-07-01 and"

Page 1, line 3, after "to" insert "absentee voting for federal offices by citizens who have never lived in the United States,"

Page 1, line 4, after "ballots" insert a comma

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 16.1-07-01 of the North Dakota Century Code is amended and reenacted as follows:

2. A qualified elector who is a citizen of the United States and lives outside the United States or a citizen of the United States who is eighteen years of age or older and has never lived in the United States and whose parent is a qualified elector of the state may vote absentee in this state pursuant to this chapter if the individual:
 - a. Does not maintain a domicile;
 - b. Is not registered to vote;
 - c. Is not voting in any other state, territory, or possession of the United States; and
 - d. Possesses a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States.

Such an elector may vote only in federal elections, which means any election held solely or in part for the purpose of electing or nominating any candidate for the office of president, vice president, presidential elector, member of the United States senate, or member of the United States house of representatives."

Page 2, line 28, replace "16.1-08.1-09" with "16.1-08.1-01"

Page 4, line 2, remove "the applicant's employer, officer, or"

Page 4, line 3, remove "agent of the applicant's union, or" and remove ", or a relative of a"

Page 4, line 4, remove "candidate for any office as described in subsection 2 of section 16.1-05-02."

Page No. 1

38323.0101

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Operator's Signature

Diana Waller

Date

10/21/03

Page 5, after line 19, insert:

"5. Each person requesting an absent voter's ballot under this chapter who cannot read the English language or who because of blindness or other disability is unable to mark the voter's ballot, upon request, may receive the assistance of any person of the voter's choice, other than the voter's employer, an officer or agent of the voter's union, a candidate running in that election, or a relative of a candidate as described in subsection 2 of section 16.1-05-02, in marking the voter's ballot."

Page 5, line 26, replace "16.10-13" with "16.1-13"

Page 6, line 29, after "counting" insert an underscored comma

Page 7, after line 2, insert:

"SECTION 7. A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Secretary of state to provide information regarding absentee voting for military and overseas voters. The secretary of state is designated as the official responsible for providing information regarding absentee voting by military and overseas citizens eligible to vote in the state according to section 702 of the Help America Vote Act of 2002 [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 1973ff-1]. The secretary of state shall develop and provide uniform procedures for county auditors to follow when transmitting and receiving applications for absentee ballots to and from military and overseas voters.

SECTION 8. A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Notification of rejected absentee ballots cast by military and overseas voters. The secretary of state shall establish a uniform procedure for county auditors to follow when notifying a military or overseas voter that the voter's absentee ballot was rejected. The procedure must provide that the notice include the reason why the voter's absentee ballot was rejected as provided by section 707 of the Help America Vote Act of 2002 [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 1973ff-1]."

Renumber accordingly

Date: 2/13/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2248

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38323.0101 Title.0200

Action Taken Amendment

Motion Made By Brown Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator April Fairfield	✓	
Senator Dick Dever, Vice Chr.	✓		Senator Carolyn Nelson	✓	
Senator Richard Brown	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Amended

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

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Deanna Wallis
Operator's Signature

10/21/03
Date

Date: 2/13/03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2248

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38323.0101 Title .0200

Action Taken Do Pass as amended

Motion Made By Brown Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator April Fairfield	✓	
Senator Dick Dever, Vice Chr.	✓		Senator Carolyn Nelson	✓	
Senator Richard Brown	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Fairfield

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

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Deanna Waller
Operator's Signature

12/21/03
Date

REPORT OF STANDING COMMITTEE (410)
February 17, 2003 9:02 a.m.

Module No: SR-30-2863
Carrier: Fairfield
Insert LC: 38323.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2248: 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). SB 2248 was placed
on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "three" and replace "section" with "sections"

Page 1, line 2, after the first "to" insert "providing absentee voting information to military and overseas voters, rejecting absentee ballots cast by military and overseas voters, and creating" and after "reenact" insert "subsection 2 of section 16.1-07-01 and"

Page 1, line 3, after "to" insert "absentee voting for federal offices by citizens who have never lived in the United States,"

Page 1, line 4, after "ballots" insert a comma

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 16.1-07-01 of the North Dakota Century Code is amended and reenacted as follows:

2. A qualified elector who is a citizen of the United States and lives outside the United States or a citizen of the United States who is eighteen years of age or older and has never lived in the United States and whose parent is a qualified elector of the state may vote absentee in this state pursuant to this chapter if the individual:
 - a. Does not maintain a domicile;
 - b. Is not registered to vote;
 - c. Is not voting in any other state, territory, or possession of the United States; and
 - d. Possesses a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States.

Such an elector may vote only in federal elections, which means any election held solely or in part for the purpose of electing or nominating any candidate for the office of president, vice president, presidential elector, member of the United States senate, or member of the United States house of representatives."

Page 2, line 28, replace "16.1-08.1-09" with "16.1-08.1-01"

Page 4, line 2, remove "the applicant's employer, officer, or"

Page 4, line 3, remove "agent of the applicant's union, or" and remove " , or a relative of a"

Page 4, line 4, remove "candidate for any office as described in subsection 2 of section 16.1-05-02,"

Page 5, after line 19, insert:

- "5. Each person requesting an absent voter's ballot under this chapter who cannot read the English language or who because of blindness

(2) DESK, (3) COMM

Page No. 1

SR-30-2863

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Deanna D. Smith
Operator's Signature

10/21/03
Date

REPORT OF STANDING COMMITTEE (410)
February 17, 2003 9:02 a.m.

Module No: SR-30-2863
Carrier: Fairfield
Insert LC: 38323.0101 Title: .0200

or other disability is unable to mark the voter's ballot, upon request, may receive the assistance of any person of the voter's choice, other than the voter's employer, an officer or agent of the voter's union, a candidate running in that election, or a relative of a candidate as described in subsection 2 of section 16.1-05-02, in marking the voter's ballot."

Page 5, line 26, replace "16.10-13" with "16.1-13"

Page 6, line 29, after "counting" insert an underscored comma

Page 7, after line 2, insert:

"**SECTION 7.** A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

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SECTION 8. A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Notification of rejected absentee ballots cast by military and overseas voters. The secretary of state shall establish a uniform procedure for county auditors to follow when notifying a military or overseas voter that the voter's absentee ballot was rejected. The procedure must provide that the notice include the reason why the voter's absentee ballot was rejected as provided by section 707 of the Help America Vote Act of 2002 [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 1973ff-1]."

Renumber accordingly

Roll Call Vote #:

BILL/RESOLUTION NO. 2248

Senate Government and Veteran Affairs

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken reconsideration

Motion Made By Wardner Seconded By Brown

[illegible]

Total (Yes) 6 No 0

Absent 0

Floor Assignment

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

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Deanna Kallath
Operator's Signature

10/21/03

38323.0102
Title.

Prepared by the Legislative Council staff for
Senator Krebsbach
February 19, 2003

PROPOSED AMENDMENTS TO SENATE BILL NO. 2248

Page 1, line 1, replace "a" with "three" and replace "section" with "sections"

Page 1, line 2, after the first "to" Insert "providing absentee voting information to military and overseas voters, rejecting absentee ballots cast by military and overseas voters, and creating" and after "reenact" Insert "subsection 2 of section 16.1-07-01 and"

Page 1, line 3, after "to" Insert "absentee voting for federal offices by citizens who have never lived in the United States,"

Page 1, line 4, after "ballots" Insert a comma

Page 1, after line 5, Insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 16.1-07-01 of the North Dakota Century Code is amended and reenacted as follows:

2. A qualified elector who is a citizen of the United States and lives outside the United States or a citizen of the United States who is eighteen years of age or older and has never lived in the United States and whose parent is a qualified elector of the state may vote absentee in this state pursuant to this chapter if the individual:
 - a. Does not maintain a domicile;
 - b. Is not registered to vote;
 - c. Is not voting in any other state, territory, or possession of the United States; and
 - d. Possesses a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States.

Such an elector may vote only in federal elections, which means any election held solely or in part for the purpose of electing or nominating any candidate for the office of president, vice president, presidential elector, member of the United States senate, or member of the United States house of representatives."

Page 1, line 9, remove "directly"

Page 2, replace lines 4 through 9 with:

"Any individual, other than an election official identified in section 16.1-07-05, who is collecting completed absent voters' ballot applications shall submit all completed applications received from applicants to the appropriate election official in a timely manner so as to allow each applicant to receive, complete, and mail the absent voter's ballot before the day of the election."

Page 2, line 15, overstrike "or" and Insert immediately thereafter an underscored comma

Page No. 1

38323.0102

Date: 2/19/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2248

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38323.0102 Title.

Action Taken adopt amendments

Motion Made By ~~Brown~~ Wardner Seconded By Brown

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator April Fairfield	✓	
Senator Dick Devor, Vice Chr.			Senator Carolyn Nelson	✓	
Senator Richard Brown	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

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Operator's Signature

Deanna Waller

Date

12/21/03

Date: 2/19/03
Roll Call Vote #: 3

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2248

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38323.0103

Action Taken Do Pass as amended

Motion Made By Brown Seconded By Wardner

Senators	Yes	No	Senators	Yes	No
Senator Karen Krebsbach, Chr.	✓		Senator April Fairfield	✓	
Senator Dick Dever, Vice Chr.			Senator Carolyn Nelson	✓	
Senator Richard Brown	✓				
Senator Rich Wardner	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Fairfield

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

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Deanna Waller
Operator's Signature

10/21/03
Date

REPORT OF STANDING COMMITTEE (410)
February 19, 2003 5:20 p.m.

Module No: SR-32-3364
Carrier: Fairfield
Insert LC: 38323.0103 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2248: 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). SB 2248 was placed
on the Sixth order on the calendar.

In lieu of the amendments to Senate Bill No. 2248 as printed on pages 478-480 of the Senate Journal, Senate Bill No. 2248 is amended as follows:

Page 1, line 1, replace "a" with "three" and replace "section" with "sections"

Page 1, line 2, after the first "to" insert "providing absentee voting information to military and overseas voters, rejecting absentee ballots cast by military and overseas voters, and creating", after the semicolon insert "and", and after "reenact" insert "subsection 2 of section 16.1-07-01 and"

Page 1, line 3, after "to" insert "absentee voting for federal offices by citizens who have never lived in the United States,"

Page 1, line 4, after "ballots" insert a comma

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 16.1-07-01 of the North Dakota Century Code is amended and reenacted as follows:

2. A qualified elector who is a citizen of the United States and lives outside the United States or a citizen of the United States who is eighteen years of age or older and has never lived in the United States and whose parent is a qualified elector of the state may vote absentee in this state pursuant to this chapter if the individual:
 - a. Does not maintain a domicile;
 - b. Is not registered to vote;
 - c. Is not voting in any other state, territory, or possession of the United States; and
 - d. Possesses a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States.

Such an elector may vote only in federal elections, which means any election held solely or in part for the purpose of electing or nominating any candidate for the office of president, vice president, presidential elector, member of the United States senate, or member of the United States house of representatives."

Page 1, line 9, remove "directly"

Page 2, replace lines 4 through 9 with:

"Any individual, other than an election official identified in section 16.1-07-05, who is collecting completed absent voter's ballot applications shall submit all completed applications received from applicants to the appropriate election official in a timely manner so as to allow each applicant to receive, complete, and mail the absent voter's ballot before the day of the election."

(2) DESK, (3) COMM

Page No. 1

SR-32-3364

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10/21/03
Date

Page 2, line 15, overstrike "or" and Insert Immediately thereafter an underscored comma

Page 2, line 16, after the underscored comma insert "or any blank"

Page 2, remove lines 28 through 31

Page 4, line 2, remove "the applicant's employer, officer, or"

Page 4, line 3, remove "agent of the applicant's union, or" and remove ", or a relative of a"

Page 4, line 4, remove "candidate for any office as described in subsection 2 of section 16.1-05-02,"

Page 5, after line 19, insert:

"5. Each individual requesting an absent voter's ballot under this chapter who cannot read the English language or who because of blindness or other disability is unable to mark the voter's ballot, upon request, may receive the assistance of any person of the voter's choice, other than the voter's employer, an officer or agent of the voter's union, a candidate running in that election, or a relative of a candidate as described in subsection 2 of section 16.1-05-02, in marking the voter's ballot."

Page 5, line 26, replace "16.10-13" with "16.1-13"

Page 6, line 12, after "space" insert "in a government-controlled facility"

Page 6, line 29, after "counting" insert an underscored comma

Page 7, after line 2, insert:

"**SECTION 7.** A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Secretary of state to provide information regarding absentee voting for military and overseas voters. The secretary of state is designated as the official responsible for providing information regarding absentee voting by military and overseas citizens eligible to vote in the state according to section 702 of the Help America Vote Act of 2002 [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 1973ff-1]. The secretary of state shall develop and provide uniform procedures for county auditors to follow when transmitting and receiving applications for absentee ballots to and from military and overseas voters.

SECTION 8. A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Notification of rejected absentee ballots cast by military and overseas voters. The secretary of state shall establish a uniform procedure for county auditors to follow when notifying a military or overseas voter that the voter's absentee ballot was rejected. The procedure must provide that the notice include the reason why the voter's absentee ballot was rejected as provided by section 707 of the Help America Vote Act of 2002 [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 1973ff-1]."

Renumber accordingly

2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2248

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10/21/03
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2248

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 3-20-03

Tape Number	Side A	Side B	Meter #
1	x		0-end
1		x	0-2.0
3		x	10.0-end
4	x		0-2.3
Committee Clerk Signature <i>James Penick</i>			

Minutes: Chairman Klein: called the hearing to order on SB 2248. All committee members were present.

Cory Fong, Deputy Secretary of State: appeared in support of SB 2248 and gave a statement

(SEE ATTACHED TESTIMONY).

Representative Klein: one of the things I think they are trying to address is the Navy people out to sea, when the mail only comes once in several weeks, that was some of the problems they had in the last election.

Representative Kasper: bottom of page 7, Sec. 7, where you are talking about the absentee ballots for military, in your testimony it says the Secretary of State will be the single office in the State providing information regarding absentee voting, are you prohibiting political parties from getting information from the Secretary of State that has already been pre-approved

Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2248

Hearing Date 3-20-03

and your not allowing them to send any information that has to come to the Secretary of States Office or what is the intent there?

Cory Fong: no we should be a resource for military and overseas voters for learning about absentee voting, but that is not going to prohibit political parties or associations from doing what they currently do.

Representative Haas: did I hear you say that in the given precinct the early precinct is established and that could cross district lines?

Cory Fong: that is correct, it would be one place for all voters in that particular county to come during the early voting hours designated by the county in which they could cast a vote as a voter does on election day.

Representative Sitte: the votes being cast are decreasing and this is the national trend, but it seems that the more we open up the system and the more we have the early voting, the fewer people get excited about coming up to vote, is this true just here or what is the national take on this?

Cory Fong: its a interesting question and an on going debate, in other states registration laws have opened up a process, voting has become easier and yet turnout has continually declined.

Representative Winrich: I'm concerned about the agent, Sec. 5 on page 4, where we are talking about the agent actually receiving the absent voters ballot, we have a agent getting the ballot but then the new language in Sec. 2, lines 23-27, talks about someone collecting a number of absent voter applications and submitting them, is one person going to be able to act as a agent for several voters and get a whole bunch of ballots for these voters under that section or are these ballots going to be mailed out to the voters from the county auditor?

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10/21/03
Date

Page 3

House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2248

Hearing Date 3-20-03

Cory Fong: that information is restricted and can only ask a agent for 4 voters, they actually carry the ballots, they might be a spouse, a daughter of an elderly mother, go to the auditor and have the authorized form, they can only do that for 4 individuals.

Michael Montplaisir, Cass County Auditor: appeared in support of SB 2248 and provided a written statement **(SEE ATTACHED TESTIMONY)**.

Kevin Glatt, Burleigh County Auditor: appeared in support of SB 2248. I would like to see early voting being allowed anywhere not just in a government building. If I want to designate Gateway or Kirkwood Mall for the early morning precinct of Burleigh county, I would like that opportunity, I think the goal of this bill is make it convenient, lets go where we have parking. Government buildings in most cases are tough. Are we making it to easy for the public? that's tough for me to say, my job is to get people out to vote. I think we should go back to requiring a reason for voter absentee or let's just open it up all the way and go to a bona fide mail.

Representative Sitte: If we went back to having a reason for absentee we wouldn't need to have the 2 weeks early notice.

Kevin Glatt: Since we "let the jeannie out of the bottle" or what ever you want to call it, absentee balloting has increased, has voter turn out has increased, not necessarily.

Jim Coats: appeared in support of SB 2248, I like the contents of this bill, it would allow every voter the right to vote on his initiative, I would only see one draw back, Morton County might not go along with this bill, because it voluntary and Burleigh County might, and that might be discriminatory.

John Jacobson, North Dakota Coordinating Council Legislative Committee: appeared in support of SB 2248. I never know where I'll be from day to day, as a retired veteran of the military, I feel

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10/21/03
Date

Page 4
House Government and Veterans Affairs Committee
Bill/Resolution Number SB 2248
Hearing Date 3-20-03

that this also gives the military man or woman outside the United States, a better chance to cast a ballot. This is why I'm asking the committee a Do Pass on this bill.

Representative Klemin: made a motion to AMEND SB 2248.

Representative Haas: SECOND the motion to amend SB 2248.

VOTE: 10-YES 4-NO 0-ABSENT

Motion carried to amend.

Representative Haas: made a motion to DO PASS AS AMENDED.

Representative Meier: SECOND the motion.

VOTE: 14-YES 0-NO 0-ABSENT

Motion carried.

Representative Klemin: will carry the bill to the floor.

Meeting adjourned.

Prepared by the Legislative Council staff for
Representative Klemin
March 20, 2003

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2248

Page 2, remove line 23

Page 2, line 24, replace "collecting completed absent voter's ballot applications shall submit all" with "an 'A' and replace the second 'applications' with 'application must be returned by the applicant'"

Page 2, line 25, remove "received from applicants"

Page 2, line 26, replace "each" with "the"

Page 3, line 27, after "auditor" insert "either"

Page 3, line 28, after "instructions" insert "or send to the qualified elector the ballot and instructions by facsimile"

Renumber accordingly

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10/21/03
Date

Roll Call Vote #:

Date: 3-20-03

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTE
SENATE BILL/RESOLUTION NO. 2248

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Move to Amend as presented by Klemm

Motion Made By Rep. Klemm Seconded By Rep. Haas

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman		X
Vice Chairman B.B. Grande	X		L. Potter		X
W.R. Devlin	X		C. Williams		X
C.B. Haas	X		L. Winrich		X
J. Kasper	X				
L.R. Klemm	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 10 No 4

Absent _____

Floor Assignment _____

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

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Operator's Signature

10/21/03
Date

Roll Call Vote #: Date: 3-20-03

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTE
SENATE BILL/RESOLUTION NO. 2248

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38323.0301

Action Taken Do Pass As Amended by Klemin

Motion Made By Rep. Haas Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	X	
W.R. Devlin	X		C. Williams	X	
C.B. Haas	X		L. Winrich	X	
J. Kasper	X				
L.R. Klemin	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Klemin

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

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Date

REPORT OF STANDING COMMITTEE (410)
March 21, 2003 11:09 a.m.

Module No: HR-51-5403
Carrier: Klemin
Insert LC: 38323.0301 Title: .0400

REPORT OF STANDING COMMITTEE

SB 2248, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2248 was placed on the Sixth order on the calendar.

Page 2, remove line 23

Page 2, line 24, replace "collecting completed absent voter's ballot applications shall submit all" with "A" and replace the second "applications" with "application must be returned by the applicant."

Page 2, line 25, remove "received from applicants"

Page 2, line 26, replace "each" with "the"

Page 3, line 27, after "auditor" insert "either"

Page 3, line 28, after "instructions" insert "or send to the qualified elector the ballot and instructions by facsimile"

Renumber accordingly

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS

CONFERENCE COMMITTEE

SB 2248

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Deanna D. Smith
Operator's Signature

10/21/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2248

Senate Government and Veterans Affairs Committee

☒ Conference Committee

Hearing Date 04/10/03

Tape Number	Side A	Side B	Meter #
Tape 1	x		4404-6153
Committee Clerk Signature <i>Lisa Hyson</i>			

Minutes:

Senator Brown opens conference committee on SB 2248. Senator Brown, Dever, Fairfield, Representative Klemin, Sitte, Potter were all present.

Senator Brown asked Representative Klemin to explain house side to the bill.

Representative Klemin moves to the house recedes and further amends to the amendment 38323.0303.

Representative Sitte 2nds the motion.

Conference committee discusses the changes this amendment would bring.

Vote is taken 6 Yes 0 No

Carrier: Senator Brown

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Date

HGVA/SGVA Conference Committee

Amendment to First Engrossment of Engrossed SB 2248 (version 38323.300)

Section 2, lines 23 - 27: Amended to read as follows:

A completed application must be submitted to the appropriate election official in a timely manner so as to allow the applicant to receive, complete, and mail the absent voter's ballot before the day of the election.

Section 3, lines 26 - 29: Amended to read as follows:

If the qualified elector furnishes the county auditor with a current mailing address and the elector's residential address, the county auditor either shall mail to the qualified elector a ballot with a return envelope and instructions or send to the qualified elector the ballot and instructions by facsimile for voting any statewide election in that calendar year.

fv

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10/21/03
Date

38323.0303
Title.0500

Prepared by the Legislative Council staff for
Representative Klemin
April 9, 2003

C2
4-10-03

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2248

That the House recede from its amendments as printed on page 908 of the Senate Journal and page 1004 of the House Journal and that Engrossed Senate Bill No. 2248 be amended as follows:

Page 2, replace lines 23 and 24 with "A completed application must be submitted"

Page 2, line 25, remove "received from applicants"

Page 2, line 26, replace "each" with "the"

Page 3, line 27, after "auditor" insert "either"

Page 3, line 28, after "instructions" insert "or send to the qualified elector the ballot and instructions by facsimile"

Renumber accordingly

Page No. 1

38323.0303

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10/21/03
Date

Date: 04/10/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2248

Senate Government and Veterans' Affairs Committee

☒ Check here for Conference Committee

Legislative Council Amendment Number 38323.0303

Action Taken House recedes and further amends

Motion Made By Rep Klemin Seconded By Rep Sitte

Senators	Yes	No	Senators Rep.	Yes	No
Senator Brown	✓		Representative Klemin	✓	
Senator Dever	✓		Representative Sitte	✓	
Senator Fairfield	✓		Representative Potter	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Brown

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

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10/21/03
Date

REPORT OF CONFERENCE COMMITTEE (420)
April 14, 2003 4:31 p.m.

Module No: SR-67-7654

Insert LC: 38323.0303

REPORT OF CONFERENCE COMMITTEE

SB 2248, as engrossed: Your conference committee (Sens. Brown, Dever, Fairfield and Reps. Klemin, Sitte, Potter) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 908, adopt amendments as follows, and place SB 2248 on the Seventh order:

That the House recede from its amendments as printed on page 908 of the Senate Journal and page 1004 of the House Journal and that Engrossed Senate Bill No. 2248 be amended as follows:

Page 2, replace lines 23 and 24 with "A completed application must be submitted"

Page 2, line 25, remove "received from applicants"

Page 2, line 26, replace "each" with "the"

Page 3, line 27, after "auditor" insert "either"

Page 3, line 28, after "instructions" insert "or send to the qualified elector the ballot and instructions by facsimile"

Renumber accordingly

Engrossed SB 2248 was placed on the Seventh order of business on the calendar.

2003 TESTIMONY

SB 2248

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Operator's Signature

10/21/03
Date

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 106
BISMARCK ND 58505-0500

E-MAIL sos@state.nd.us
WE PAGE www.state.nd.us/sec



SECRETARY OF STATE

February 6, 2003

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GENERAL INFORMATION (701) 328-2900
TOLL FREE 1-800-352-0867

TO: Senator Karen Krebsbach and Members of the Senate Government and Veteran's Affairs Committee

FR: Cory G. Fong, Deputy Secretary of State

RE: Senate Bill No. 2248 – Absentee and Early Voting

The Secretary of State's office strongly supports Senate Bill No. 2248. The legislation incorporates additional security and integrity measures into our absentee voting laws intended to address concerns that were brought to the forefront during the 2002 election cycle. Senate Bill No. 2248 also brings efficiencies to the administration of absentee voting that takes place at the county auditors offices during the last days before the election by officially introducing an early voting option for counties to voluntarily adopt.

Before I explain the highlights of Senate Bill No. 2248, the Secretary of State's office is proposing some amendments to the bill. Some of the amendments are technical corrections and others are related to putting North Dakota in compliance with the Help America Vote Act of 2002 (HAVA). My explanation of the bill will also include discussion of these proposed amendments.

The bill with the proposed amendments accomplishes the following:

- Requires a completed absentee ballot application to be returned directly to an election official and not through an intermediary (e.g. a political party, association, etc.). (Section 1)
- Requires absentee ballot applications provided by election officials to be prescribed by the Secretary of State. (Section 2)
- Requires absentee ballot applications provided and distributed by anyone other than an election official (e.g. a political party, association, etc.) to be approved by the Secretary of State and to include a statement disclosing the person, as defined in section 16.1-08.1-01, or political party, responsible for paying for distribution of the application. (Section 2)
- Requires absentee ballot applications to require a space for voters to include their precinct or voting location, if known. (Section 2)
- Provides a process for persons who cannot sign an absentee ballot application to mark an (X) and have it witnessed. (Section 2)
- Provides the same restriction for whom may provide assistance to an individual voting an absentee ballot as a voter voting a ballot in the polling location on Election Day. An absentee voter who cannot read English or may have a disability that prevents them from reading or marking the ballot could not receive assistance from the absentee voter's

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Dan M. Wall
Operator's Signature

12/21/03
Date

employer, officer or agent of the voter's union, or a candidate for any office, or a relative of a candidate for any office. (Section 4 with proposed amendments)

- Prevents election officials from providing a ballot to anyone acting as an agent who cannot provide a signed, written, authorization form. (Section 4)
- Authorizes counties, as a voluntary option, to establish an early voting precinct on business days during the 15 days immediately preceding the election that would process early voters like a traditional election board. The early voting precinct election board would be comprised of an independent person to act as the Inspector and equal representation of each political party represented on the election board. Results from the early voting precinct may not be counted, canvassed, and released until the closing of the polls on Election Day. The early voting precinct must operate according to all existing laws governing the conduct of election boards, precincts, the opening and closing of the polls, and the counting and canvassing procedures. (Section 5)
- Restricts the ability to fax voted ballots to only those members of the armed forces living outside the United States and other qualified electors living outside the United States. (Section 1)
- Restricts the ability to receive an absentee ballot without submitting an application to only those members of the armed forces living outside the United States and other qualified electors living outside the United States. (Section 2)
- Allows a U.S. citizen who is 18 years of age or older who has never lived in the United States and whose parent is a qualified elector of the state, to vote absentee in North Dakota for federal offices only. (proposed amendments)
- Establishes the Secretary of State's office as the single office in the state for providing information regarding absentee voting by military and overseas citizens who are eligible to vote in the state according to HAVA.
- Directs the Secretary of State to develop uniform procedures for county auditors to follow when transmitting and receiving voting materials to and from military and overseas voters. (proposed amendments)
- Directs the Secretary of State to establish uniform procedures for county auditors to follow when notifying a military or overseas voter that their ballot was rejected. (proposed amendments)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2248

Page 1, line 1, replace "a new section" with "three new sections"

Page 1, line 2, after "to" insert "designating the secretary of state as the single office for providing absentee voting information to military and overseas voters, rejecting absentee ballots cast by military and overseas voters, and" and after "reenact" insert "subsection 2 of section 16.1-07-01,"

Page 1, line 3, after "to" insert "absentee voting for federal offices by citizens who have never lived in the United States,"

Page 1, after line 5. insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 16.1-07-01 of the North Dakota Century Code is amended and reenacted as follows:

2. A qualified elector who is a citizen of the United States and lives outside the United States, or a citizen of the United States who is eighteen years of age or older and has never lived in the United States and whose parent is a qualified elector of the state, may vote absentee in this state pursuant to this chapter if the individual:
 - a. Does not maintain a domicile;
 - b. Is not registered to vote;
 - c. Is not voting in any other state, territory, or possession of the United States; and
 - d. Possesses a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States.

Such an elector may vote only in federal elections, which means any election held solely or in part for the purpose of electing or nominating any candidate for the office of president, vice president, presidential elector, member of the United States senate, or member of the United States house of representatives."

Page 2, line 28, replace "16.1-08.1-09" with "16.1-08.1-01"

Page 4, line 2, remove "the applicant's employer, officer, or"

Page 4, line 3, remove "agent of the applicant's union, or" and ", or a relative of a"

Page 4, line 4, remove "candidate for any office as described in subsection 2 of section 16.1-05-02,"

Page 5, after line 19, insert:

- "5. Each person requesting an absent voter's ballot under this chapter, who cannot read the English language, or that because of blindness or other disability is unable to mark the voter's ballot, upon request, may receive the assistance of any person of the voter's choice, other than the voter's employer, officer or agent

Page 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2248

of the voter's union, a candidate running in that election, or a relative of a candidate as provided in subsection 2 of section 16.1-05-02, in marking the voter's ballot.

SECTION 6. A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Secretary of state to provide information regarding absentee voting for military and overseas voters. The secretary of state shall serve as the single office in the state for providing information regarding absentee voting by military and overseas citizens eligible to vote in the state according to section 702 of the Help America Vote Act of 2002 (Pub.L. 107-252, 116 Stat. 1666, 42 USC 1973ff-1). The secretary of state shall develop and provide uniform procedures for county auditors to follow when transmitting and receiving applications for absentee ballots and absentee ballots to and from military and overseas voters.

SECTION 7. A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Notification of rejected absentee ballots cast by military and overseas voters. The secretary of state shall establish a uniform procedure for county auditors to follow when notifying any military or overseas voter that the voter's absentee ballot was rejected along with the reason why the voter's absentee ballot was rejected according to section 707 of the Help America Vote Act of 2002 (Pub.L. 107-252, 116 Stat. 1666, 42 USC 1973ff-1)."

Page 5, line 26, replace "16.10-13" with "16.1-13"

Renumber accordingly

Deanna D. Smith
Operator's Signature

10/21/03
Date

Senate Bill 2248

Chairman Krebsbach and members of the Senate Government and Veterans Affairs Committee

I am Michael Montplaisir, Cass County Auditor and am here in support of Senate Bill 2248.

Senate Bill 2248 is a bill that changes some of the absentee voter application requirements and allows for an early voting precinct.

Absentee voting has really taken off over the past few years. Besides the applications for absentee ballots that counties publish in the papers, applications are available on state and county web sites, political parties and other groups mail applications to potential voters, and political candidates hand out applications as they go door to door campaigning. The whole effort is geared toward getting the public out to vote.

In Cass County, we have seen more interest in voting absentee, particularly in the general elections. The chart below shows the number of people applying for absentee ballots since 1996.

	Primary	General	
1996		3,236	Presidential
1998	428	2,065	
2000	296	6,427	Presidential
2002	968	5,080	

The increase can be attributed to a number of factors, including convenience, fear of the weather in November, and our busy 21st century life style. If our goal is to increase the voter participation, an early voting precinct would seem to be the next logical step for the November elections.

An early voting precinct would operate very much like any other precinct on Election Day. An election board would be established through the same political process other election boards are nominated, the days and hours the poll would be open would be set by the County Commission; again, the same as they do for regular polling sites.

Some of the differences between a regular polling site and the early voting site might be in the level of technology. Because of the proximity to the county auditor's office, we would have the possibility of the poll workers using computers to record the voters. With new technology available, we may be able to use either direct recording devices for voting or precinct scanners which would speed up election reporting on Election Day.

An early voting precinct would give us one more tool to serve the voters in North Dakota, without significantly increasing the cost of elections. I estimate that an election board operating the same hours as the courthouse would cost the county about \$350 per day.

I urge you to support Senate Bill 2248

**TESTIMONY TO THE
SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE**
Prepared by Kevin J. Glatt, Burleigh County Auditor

SENATE BILL 2248

ABSENT VOTER'S BALLOTS

Madam Chair and members of the committee, I am here today to raise some concerns I have regarding absent voter ballots and to make a plea to allow counties to conduct all elections by MAIL.

Current law only authorizes MAIL ballot elections for Primary elections. However, both political parties have circumvented this through their attempts to get out the vote. Please note the attached GOP and DEMO\NPL mailings. Other groups have quickly followed (attached).

If in fact we want a vote by mail system then allow vote by mail and lets call a duck a duck.

I have been an advocate of voter turnout during my entire tenure. I have opened my office on Saturdays to accommodate college students and those who work out of town. I have spent many hours at local high schools explaining voting procedures and encouraging and **challenging** young people to vote.

I understand the goal of all the political party mailings – increased voter turnout. I understand the previous legislation to remove the requirement to state a reason for voting absentee – increased voter turnout. *I do not think the present system increases participation, only shifts voting methods from traditional precinct balloting to mail balloting.*

I understand the attempt to make voting more convenient as a means to increase participation. However, we as citizens need be responsible. We need to realize how important our vote is. I am a firm believer that two (2) of the most important things I did in the year 2002 were voting on June 11 and November 4. I agree that voting is a right and a privilege. Moreover, it is my DUTY and REPSONSIBILITY.

The effect of the present absent voter system is placing an administrative and fiscal burden on counties. There is no easy way to handle absentee ballots. The political party mailings compound this burden by increasing the number of absent voters. From my visits with people returning absent voter ballots to my office, their only reason for voting absentee was the convenience, and if they had not received an absent voter application they would have voted on election day at their normal precinct. I received several duplicate applications for absent voter ballot from the same elector – 1 from each party and the AFLCIO. I received many, many incomplete applications which required follow

up by a phone call or mail (all of which must be done on a very timely basis). My records show that the combined staff of the Burleigh County Auditor, Treasurer and Director of Tax Equalization basically shut down everyday between October 15th thru November 3rd from 7:00AM until 3:00PM to process the applications for absentee ballots and get the ballots in the mail for delivery to the electors.

Presently county auditors have to prepare for two (2) types of elections: traditional polling places and vote by mail. County auditors have no way of knowing how many people will vote "absentee" and how many will show up on election day. County auditors need to staff polling places and order enough ballots for both the traditional and mail election. I estimate that this increases costs in Burleigh County by at least 15%.

Madam Chair and members of the Committee, please consider these items when deliberating over this bill.

Thank You.

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Deanna Wallis
Operator's Signature

10/21/03
Date

Absentee voters more numerous

Numbers in Burleigh County easily should exceed the 6,000 who voted in 2000

TONY SPILDE
Bismarck Tribune

The latest trend in North Dakota voting could be a lot like an elfin work stoppage at Santa's toy factory. Smaller turnout at the polls. County auditors, who saw a record num-

ber of absentee ballots in the 2000 election, said they're getting even more this year.

"We certainly can't see that number going down," said Lee Ann Oliver, election specialist for the secretary of state's office. "It's a matter of convenience for people. In talking to the auditors, they're all seeing more absentee ballots."

The reason for the increase, auditors say, is a target-marketing campaign by the state's political parties and other interest groups. They've mailed ballot applications to voters they consider sympathetic to their cause, in an attempt to generate more support.

Those who wish to vote prior to the Nov. 5 election simply send a request to their county auditor, who mails them a ballot. Completed ballots are eventually returned to the auditor's office.

Burleigh County Auditor Kevin Glatt said he received about 6,000 absentee ballots in the 2000 election. He expects to easily exceed that total this year. The county has more than 1,000 back already, and voters still have until Nov. 4 to return their ballots. Election workers mailed another 1,000 ballots Tuesday alone.

"Our goal is to get more participation, so
SEE ABSENTEE, 10A

1E

BISMARCKTRIBUNE.COM

Absentee: Voting at leisure a plus

FROM 1A

It's wonderful that we're having this response," Glatt said. "It's just handy for people."

In Morton County, auditor Paul Trauger said they're about on pace with the absentee numbers from 2000.

He said another reason many counties are seeing increases is "absentee" voters needn't be absent any longer. Trauger said a state law passed in 1997 removed the requirement that voters provide a reason for their absence from their precinct on election day.

That's allowed voters such as Juleen Cunningham of Bismarck to vote at their leisure.

"It was icy this morning. If it had been like that on election day, maybe I wouldn't have voted," Cunningham, 79, said Tuesday. "For me, it's about convenience. Plus, it's good for seniors because we have a tendency to forget things sometimes."

Glatt said the early voting shouldn't be called absentee balloting anymore.

"We no longer have absentee balloting in North Dakota, we have vote-by-mail," Glatt said. "Essentially, that's what it is."

Glatt and others tried to legalize a vote-by-mail effort at the last legislative session. It's currently used only in the June primary elections.

Glatt said lawmakers balked at the idea because they thought it opened the door to fraud, that it would be too easy to vote more than once or mark a ballot for someone else.

But he said those problems already exist, though the instances are few. Glatt didn't think that changing the name would dramatically increase the cases of voter fraud.

"We would be able to take care of the application process instead of the parties (doing it)," Glatt said.

"We could use our voter database from the last election (for the mailings), and get the busy work done ahead of time, instead of waiting for the ballots to come in."

Currently, absentee ballots are taken — still sealed — to the voter's home precinct on election day.

The name on the outside of the envelope is compared with a checklist at the precinct, and crossed off so the citizen cannot vote more than once.

To vote prior to Nov. 5, request a ballot from your county courthouse or download them from the secretary of state's Web site, www.state.nd.us/sec.

(Reach Tony Spilde at 250-8260 or tsplide@ndonline.com.)

"Our goal is to get more

participation, so it's wonderful that we're having this response. It's just handy for people."

Burleigh County Auditor
Kevin Glatt

"It was icy this morning. If it had been like that on election day, maybe I wouldn't have voted."

Juleen Cunningham, 79,
a Bismarck voter

Avoid the snow drifts,
the freezing rain, the
sleet and the winds
this November.
(For one day at least.)

Vote for the North Dakota Democratic - NPL Team by mail

Remember Election Day 2000, when there was over a foot of snow? This November, don't let Mother Nature mess with your right to cast a vote. Follow the simple directions below to vote from the comfort of your home.

1. Detach and complete the card on the right.
2. Make sure you circle *State General Election* on the Ballot Application.
3. Drop it in the mail no later than October 22.
(No postage required.)

Your official 2002 ballot will then be mailed to you. Cast your votes for the *North Dakota Democratic - NPL Team*, and mail it in.

Vote from home, and
don't let Mother Nature
decide who will represent
you in government.

Please call 701.222.0424 with questions.

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Operator's Signature

Deanna Waller

Date

10/21/03

**Don't Delay—Your Vote Will Make
a Difference!**

VOTE BY MAIL

VOTE REPUBLICAN

VOTE

ELECTION DAY NOV. 5, 2002

Rick Clayburgh
U.S. House
Susan Wefald
Public Service Commission

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Dennis O'Fallon
Operator's Signature

10/21/03
Date

PUT ALL YOUR OTHER MAIL ASIDE!
VOTE BY MAIL!

NORTH DAKOTA REPUBLICAN PARTY
PO Box 1917
Bismarck, ND 58502

Non-Profit Org.
U.S. Postage
PAID
North Dakota
Republican
Party

VOTE
REPUBLICAN

*****ECRLOT**C-027
LEE AND KEVIN GLATT
507 N 33rd St.
Bismarck, ND 58501-3225



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Operator's Signature

Date



STAY AT
HOME

and



VOTE



Complete the attached absentee ballot application to have a ballot mailed to your home for the
November General Election.

Give the completed application to your union officer/steward or Labor 2002 Coordinator!

ABSENT VOTER'S BALLOT APPLICATION

PRECINCT

48

DISTRICT

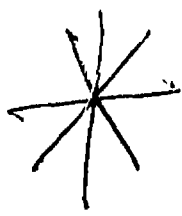
47

Application must be for one of the following elections: _____ Primary ☒ General _____ Special

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Deanna Waller
Operator's Signature

10/21/03
Date



My address - Kevin J. Glatt
these are people purchized our
home from in 1987

PRSRT STD
U.S. POSTAGE
PAID
GARNER
PRINTING

*****ECRLDT**C-027
21531 S 100 E 226
HAROLD AND EDNA SCHONBERGER
507 N 33RD ST
BISMARCK ND 58501-3225

Confused by the attacks?

Make sure you check the record -

**Don't believe
Rick Clayburgh's distortions.**

*Earl Pomeroy
has led the fight
to protect
Social Security.*



EARL POMEROY
FOR CONGRESS

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Deanna Ballantyne
Operator's Signature

10/21/03
Date

REQUEST FOR ABSENTEE VOTER'S BALLOT

Request an Absentee Voter's Ballot for the November 5, 2002 General Election.

Your name and voting address are:

10/21/02 315 GOP

Telephone Number 7 0 1 - 3 2 3 - 7131

Mailing Address (If different than your voting address above). Please print clearly.

Mailing Address

City

State

Zip

I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days next preceding the election.

Joe Plines

Voter's Signature (This application must be signed to be valid. Only one voter per request.)

10-18-02

Date

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Operator's Signature

Deanna D. Smith

10/21/03

Date

REQUEST FOR ABSENTEE VOTER'S BALLOT

I request an Absentee Voter's Ballot for the November 5, 2002 General Election.

My name and voting address are:

10/23/02

200

Lloyd Huisinger
1111 N 1st St.
Bismarck, ND 58501

Deceased March 16, 2002

10/22/02

491

Telephone Number

Mailing Address (if different than your voting address above). Please print clearly.

10/24/02

Mailing Address

156

City

State

Zip

I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days next preceding the election.

Voter's Signature (This application must be signed to be valid. Only one voter per request.)

Date

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Operator's Signature

10/21/03

Date

REQUEST FOR ABSENTEE VOTER'S BALLOT

I request an Absentee Voter's Ballot for the November 5, 2002 General Election.

My name and voting address are:

Paul Splonskowski
700 S. 12th Street #203
Bismarck, ND 58504

Telephone Number

7 0 1 - H 258-3018 W 258-3470

Mailing Address (if different than your voting address above). Please print clearly.

Mailing Address

700 S. 12th St. #203 BISMARCK, N.D.

City

State

58504
Zip

I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days next preceding the election.

Paul Splonskowski

Voter's Signature (This application must be signed to be valid. Only one voter per request.)

10-21-02
Date

REQUEST FOR ABSENTEE VOTER'S BALLOT

I request an Absentee Voter's Ballot for the November 5, 2002 General Election.

My name and voting address are:

Paul Splonskowski
700 S 12th St. Lot 203
Bismarck, ND 58504

Telephone Number

H-258-3018 W-258-3470

Mailing Address (if different than your voting address above). Please print clearly.

Mailing Address

City

State

Zip

I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days next preceding the election.

Paul Splonskowski

Voter's Signature (This application must be signed to be valid. Only one voter per request.)

10-21-02
Date

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Operator's Signature

Deanna Waller

10/21/03
Date

REQUEST FOR ABSENTEE VOTER'S BALLOT

I request an Absentee Voter's Ballot for the November 5, 2002 General Election.

My name and voting address are:

Gordan Knutson
2600 236th St. NE
McKenzie, ND 58572

Telephone Number

673 - 319

Mailing Address (if different than your voting address above)

2600 236th ST. NE.
Mailing Address

McKENZIE

City

*For future reference
we did not like
mailing these
requests with
Name, Address,
phone # + Signature
Open for all the world
to see. Thanks
Knutson*

I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days next preceding the election.

Gordan Knutson

Voter's Signature (This application must be signed to be valid. Only one voter per request.)

Date

10-20-02

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Operator's signature

Deanna Wallis

Date

10/21/03

✓ 10/8^u

DEMO

Absent Voter's Ballot Application As prescribed by the Secretary of State

For reference, see North Dakota Century Code, Chapter 16.1-07

Application must be for at least one of the following elections (please circle one): State Primary Election City Election (If applicable) Slate General Election Special Election Other Election

Voting Address please print clearly

Raymond + Marlene Blumhagen Libby
Name City/Township Precinct or voting location
5300 - 20th Ave NE, Bismarck, Burleigh ND 58501
Address of Voter (residential address) City County State Zip Code

Mailing Address (if different than your voting address above) please print clearly

Mailing Address City County State Zip Code
I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days immediately prior to the election. 223 - 4575
Home or Daytime Telephone Number

Raymond Blumhagen 10/14/02
Signature of Applicant Date
Marlene Blumhagen

24-008187

GOP

**REQUEST FOR ABSENTEE
VOTER'S BALLOT**

10/8

I request an Absentee Voter's Ballot for the November 5, 2002 General Election.
My name and voting address are:

Marlene Blumhagen
5300 20th Ave. NE
Bismarck, ND 58501

Telephone Number 2 2 3 - 4 5 7 5

Mailing Address (if different than your voting address above). Please print clearly.

Mailing Address

City

State

Zip

I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days next preceding the election.

Marlene Blumhagen 10/19/02
Voter's Signature (This application must be signed to be valid. Only one voter per household.) Date

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Deanna O'Neil 10/21/03
Operator's Signature Date

REQUEST FOR ABSENTEE VOTER'S BALLOT

I request an Absentee Voter's Ballot for the November 5, 2002 General Election.

My name and voting address are:

Dave Ely
1818 E Bowen Ave.
Bismarck, ND 58504

Telephone Number 2 2 2 - 2 5 7 1

Mailing Address (if different than your voting address above). Please print clearly.

Mailing Address

City

State

Zip

I do solemnly affirm that I have resided in the precinct where my residential voting address is located, for at least thirty days next preceding the election.

Voter's Signature (This application must be signed to be valid. Only one voter per request.)

Date

24-008303

REQUEST FOR ABSENTEE VOTER'S BALLOT

I request an Absentee Voter's Ballot for the November 5, 2002 General Election.

My name and voting address are:

SAME Person

2 apps

Telephone Number 2 2 2 - 2 5 7 1

Mailing Address (if different than your voting address above). Please print clearly.

Same Day

1818 EAST BOWEN AVE

Mailing Address

BISMARCK

City

ND

State

58504

Zip

I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days next preceding the election.

Voter's Signature (This application must be signed to be valid. Only one voter per request.)

Date

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Operator's Signature

Date

Absent Voter's Ballot Application As prescribed by the Secretary of State

For reference, see North Dakota Century Code, Chapter 16.1-07

Application must be for at least one of the following elections (please circle one): State Primary Election City Election (If applicable) State General Election Special Election Other Election

Voting Address please print clearly

Name Janet Myers School Burleigh N.D. City/Township Precinct or voting location

Address of Voter (residential address) City County State Zip Code

Mailing Address (If different than your voting address above) please print clearly

616 So 15th St Bur. N.D. 58504 Mailing Address City County State Zip Code

I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days immediately prior to the election.

223-8456 Home or Daytime Telephone Number

Celestina Denne Signature of Applicant Date

Celestina Denne

Absent Voter's Ballot Application As prescribed by the Secretary of State

For reference, see North Dakota Century Code, Chapter 16.1-07

Application must be for at least one of the following elections (please circle one): State Primary Election City Election (If applicable) State General Election Special Election Other Election

Voting Address please print clearly

Name Janet Myers School Bismarck City/Township Precinct or voting location

Address of Voter (residential address) City County State Zip Code

Mailing Address (If different than your voting address above) please print clearly

616 S 15th Bismarck Burleigh N.D. 58504 Mailing Address City County State Zip Code

I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days immediately prior to the election.

223-8456 Home or Daytime Telephone Number

Celestina Denne Signature of Applicant Date

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Deanna Ball Operator's Signature Date

Absent Voter's Ballot Application As prescribed by the Secretary of State

For reference, see North Dakota Century Code, Chapter 16.1-07

Application must be for at least one of the following elections (please circle one):

State Primary Election

City Election (if applicable)

State General Election

Special Election

Other Election

Voting Address please print clearly

Lisa Carney & Kurt Carney

Name

City/Township

Precinct or voting location

1012 W. Sweet Ave. Bismarck

Burleigh ND

58504

Address of Voter (residential address)

City

County

State

Zip Code

Mailing Address (if different than your voting address above) please print clearly

Mailing Address

City

County

State

Zip Code

I do solemnly affirm that I have resided in the precinct, where my residential voting address is located, for at least thirty days immediately prior to the election.

701224-1152

Home or Daytime Telephone Number

Lisa J. Carney

10-14-02

Signature of Applicant

Date

Who is responsible for
Sending application to Kurt?
(no signature)

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Deanna Waller

Operator's Signature

10/21/03

Date

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

E-MAIL soe@state.nd.us
WE PAGE www.state.nd.us/soe



SECRETARY OF STATE

February 13, 2003

BUSINESS DIVISION
PHONE (701) 328-4284, FAX (701) 328-2992
CENTRAL INDEXING DIVISION
PHONE (701) 328-3882, FAX (701) 328-4214
ELECTIONS DIVISION
PHONE (701) 328-4146, FAX (701) 328-2992
LICENSING DIVISION
PHONE (701) 328-3885, FAX (701) 328-1890
GENERAL INFORMATION (701) 328-2900
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TO: Senator Karen Krebsbach and Members of the Senate Government and Veteran's Affairs Committee

FR: Cory G. Fong, Deputy Secretary of State

RE: Amendments to Senate Bill No. 2248 – Absentee and Early Voting

Since the hearing of Senate Bill 2248, the Secretary of State's office has worked with the various interested parties to address concerns about the legislation.

As a result of our work, I am providing the committee with a new and improved set of amendments to Senate Bill No. 2248. The changes in the new set of amendments accomplish the following:

- Allows completed absentee ballot applications to be returned to an intermediary (e.g. a political party, association, etc.) as long as the intermediary submits all completed applications received from applicants to the appropriate election officials in a timely manner.
- No longer requires absentee ballot applications provided and distributed by anyone other than an election official (e.g. a political party, association, etc.) to be approved by the Secretary of State as long as the application meets the requirements of the law.
- No longer requires absentee ballot applications to include a statement disclosing the person, as defined in section 16.1-08.1-01, or political party, responsible for paying for distribution of the application.
- Provides the same restriction for whom may provide assistance to an individual voting an absentee ballot as a voter voting a ballot in the polling location on Election Day. An absentee voter who cannot read English or may have a disability that prevents them from reading or marking the ballot could not receive assistance from the absentee voter's employer, officer or agent of the voter's union, or a candidate for any office, or a relative of a candidate for any office.
- Requires early voting precincts to be in government-controlled facilities.
- Allows a U.S. citizen who is 18 years of age or older who has never lived in the United States and whose parent is a qualified elector of the state, to vote absentee in North Dakota for federal offices only.
- Establishes the Secretary of State's office as the single office in the state for providing information regarding absentee voting by military and overseas citizens who are eligible to vote in the state according to HAVA.

If you want to choose your own future, VOTE! - Tuesday Zwelow - 2000-2002 Get Out the Vote Slogan Winner - Bismarck Vo Tech

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- Directs the Secretary of State to develop uniform procedures for county auditors to follow when transmitting and receiving voting materials to and from military and overseas voters.
- Directs the Secretary of State to establish uniform procedures for county auditors to follow when notifying a military or overseas voter that their ballot was rejected.

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Brown/Hardner
6-B

Presented By
Cory Fong 2/13/03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2248

Page 1, line 1, replace "a new section" with "three new sections"

Page 1, line 2, after "to" insert "designating the secretary of state as the single office for providing absentee voting information to military and overseas voters, rejecting absentee ballots cast by military and overseas voters, and" and after "reenact" insert "subsection 2 of section 16.1-07-01,"

Page 1, line 3, after "to" insert "absentee voting for federal offices by citizens who have never lived in the United States,"

Page 1, after line 5. Insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 16.1-07-01 of the North Dakota Century Code is amended and reenacted as follows:

2. A qualified elector who is a citizen of the United States and lives outside the United States, or a citizen of the United States who is eighteen years of age or older and has never lived in the United States and whose parent is a qualified elector of the state, may vote absentee in this state pursuant to this chapter if the individual:
 - a. Does not maintain a domicile;
 - b. Is not registered to vote;
 - c. Is not voting in any other state, territory, or possession of the United States; and
 - d. Possesses a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States.

Such an elector may vote only in federal elections, which means any election held solely or in part for the purpose of electing or nominating any candidate for the office of president, vice president, presidential elector, member of the United States senate, or member of the United States house of representatives."

Page 1, line 9, remove "directly"

Page 2, line 4, replace "With the exception of an application from a member of the United States armed forces" with "Anyone other than an election official identified in section 16.1-07-05, who is collecting completed absent voter's ballot applications, must submit all completed applications received from applicants to the appropriate election officials in a timely manner to allow an applicant to receive, vote, and mail an absent voter's ballot before the day of the election."

Page 2, remove lines 5 through 9

Page 2, line 15, overstrike "or" and immediately thereafter insert "1"

Page 2, line 16, after the comma insert "or any blank"

Page 1

amendments (sb 2248) 020103

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Deanna Ballantyne

Date

10/21/03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2248

Page 2, remove lines 28 through 31

Page 4, line 2, remove "the applicant's employer, officer, or"

Page 4, line 3, remove "agent of the applicant's union, or" and ", or a relative of a"

Page 4, line 4, remove "candidate for any office as described in subsection 2 of section 16.1-05-02,"

Page 5, after line 19, insert:

- "5. Each person requesting an absent voter's ballot under this chapter, who cannot read the English language, or that because of blindness or other disability is unable to mark the voter's ballot, upon request, may receive the assistance of any person of the voter's choice, other than the voter's employer, officer or agent of the voter's union, a candidate running in that election, or a relative of a candidate as provided in subsection 2 of section 16.1-05-02, in marking the voter's ballot.

SECTION 6. A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Secretary of state to provide information regarding absentee voting for military and overseas voters. The secretary of state shall serve as the single office in the state for providing information regarding absentee voting by military and overseas citizens eligible to vote in the state according to section 702 of the Help America Vote Act of 2002 [Pub.L. 107-252, 116 Stat. 1666, 42 USC 1973ff-1]. The secretary of state shall develop and provide uniform procedures for county auditors to follow when transmitting and receiving applications for absentee ballots and absentee ballots to and from military and overseas voters.

SECTION 7. A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Notification of rejected absentee ballots cast by military and overseas voters. The secretary of state shall establish a uniform procedure for county auditors to follow when notifying any military or overseas voter that the voter's absentee ballot was rejected along with the reason why the voter's absentee ballot was rejected according to section 707 of the Help America Vote Act of 2002 [Pub.L. 107-252, 116 Stat. 1666, 42 USC 1973ff-1]."

Page 5, line 26, replace "16.10-13" with "16.1-13"

Page 6, line 12, after space insert "in a government controlled facility"

Renumber accordingly

Page 2

amendments (sb 2248) 020103

ALVIN A. JAEGER
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SECRETARY OF STATE

March 20, 2003

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TOLL FREE 1-800-352-0867

TO: Representative Matt Klein and Members of the House Government and Veteran's Affairs Committee

FR: Cory G. Fong, Deputy Secretary of State

RE: Senate Bill No. 2248 – Absentee and Early Voting

Senate Bill No. 2248 incorporates additional security and integrity measures into our absentee voting laws intended to address concerns that were brought to the forefront during the 2002 election cycle. Senate Bill No. 2248 brings efficiencies to the administration of absentee voting that takes place at the county auditors offices during the last days before the election by officially introducing an early voting option for counties to voluntarily adopt. Senate Bill No. 2248 also attempts to make changes intended to put North Dakota in compliance with parts of the new federal election reform bill, the Help America Vote Act of 2002.

The bill accomplishes the following:

- ④ Allows completed absentee ballot applications to be returned to an intermediary (e.g. a political party, association, etc.) as long as the intermediary submits all completed applications received from applicants to the appropriate election officials in a timely manner to allow a voter to receive, vote, and mail an absentee ballot before the day of the election. (Section 2)
- ④ Requires absentee ballot applications provided by election officials to be prescribed by the Secretary of State. (Sections 3 and 4)
- ④ Provides that absentee ballot applications distributed by anyone other than an election official (e.g. a political party, association, etc.) be approved by the Secretary of State unless the application meets the requirements set out by law. (Section 3)
- ④ Requires absentee ballot applications to require a space for voters to include their precinct or voting location, if known. (Section 3)
- Provides a process for persons who cannot sign an absentee ballot application to mark an (X) and have it witnessed. (Section 3)
- Provides the same restriction for whom may provide assistance to an individual voting an absentee ballot as a voter voting a ballot in the polling location on Election Day. An absentee voter who cannot read English or may have a disability that prevents them from reading or marking the ballot could not receive assistance from the absentee voter's employer, officer or agent of the voter's union, or a candidate for any office, or a relative of a candidate for any office. (Section 5)

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Deanna D. Smith

Date

10/21/03

SB 2248 – Absentee and Early Voting
House Government and Veteran's Affairs
March 20, 2003
Page two

- Prevents election officials from providing a ballot to anyone acting as an agent who cannot provide a signed, written, authorization form. (Section 5)
- Authorizes counties, as a voluntary option, to establish an early voting precinct on business days during the 15 days immediately preceding the election that would process early voters like a traditional election board. The early voting precinct election board would be comprised of an independent person to act as the Inspector and equal representation of each political party represented on the election board. Results from the early voting precinct may not be counted, canvassed, and released until the closing of the polls on Election Day. The early voting precinct must operate according to all existing laws governing the conduct of election boards, precincts, the opening and closing of the polls, and counting and canvassing procedures. The bill requires early voting precincts to be in government-controlled facilities. (Section 6)
- Clarifies that only those members of the Armed Forces living outside the United States and other qualified electors living outside the United States may receive ballots and return ballots by fax and request absentee ballots without completing and submitting an application. (Sections 2 and 3)
- Allows a U.S. citizen who is 18 years of age or older who has never lived in the United States and whose parent is a qualified elector of the state, to vote absentee in North Dakota for federal offices only. (Section 1)
- Establishes the Secretary of State's office as the single office in the state for providing information regarding absentee voting by military and overseas citizens who are eligible to vote in the state according to the Help America Vote Act of 2002. (Section 7)
- Directs the Secretary of State to develop uniform procedures for county auditors to follow when transmitting and receiving voting materials to and from military and overseas voters. (Section 7)
- Directs the Secretary of State to establish uniform procedures for county auditors to follow when notifying military or overseas voters that their ballot was rejected. (Section 8)

The Secretary of State's office supports Senate Bill No. 2248 and encourages this committee to give it a do pass recommendation.

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**Increases in Absentee Voting
1992-2002**

Year	Type	Total Votes Cast	Absentees Cast	Absentee Turnout (%)	Overall Voter Turnout (%)
1992	Primary	146,867	6,810	5%	32%
1994	Primary	139,961	6,771	5%	30%
1994	General	241,255	14,857	6%	52%
1996	Primary	123,131	5,926	5%	26%
1998	Primary	99,157	4,315	4%	21%
1998	General	217,584	18,263	8%	46%
2000	Primary	94,306	5,102	5%	20%
2002	Primary	128,519	8,194	6%	27%
2002	General	232,860	34,816	15%	49%

Shaded data indicates General Presidential Elections when turnout is always stronger.

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Senate Bill 2248

Chairman Klein and members of the House Government and Veterans Affairs Committee

I am Michael Montplaisir, Cass County Auditor and am here in support of Senate Bill 2248.

Senate Bill 2248 is a bill that changes some of the absentee voter application requirements and allows for an early voting precinct.

Absentee voting has really taken off over the past few years. Besides the applications for absentee ballots that counties publish in the papers, applications are available on state and county web sites, political parties and other groups mail applications to potential voters, and political candidates hand out applications as they go door to door campaigning. The whole effort is geared toward getting the public out to vote.

In Cass County, we have seen more interest in voting absentee, particularly in the general elections. The chart below shows the number of people applying for absentee ballots since 1996.

	Primary	General	
1996		3,236	Presidential
1998	428	2,065	
2000	296	6,427	Presidential
2002	968	5,080	

The increase can be attributed to a number of factors, including convenience, fear of the weather in November, and our busy 21st century life style.

An early voting precinct would operate very much like any other precinct on Election Day. An election board would be established through the same political process other election boards are nominated, the days and hours the poll would be open would be set by the County Commission; again, the same as they do for regular polling sites.

One of the differences between a regular polling site and the early voting site might be in the level of technology. Because of the proximity to the county auditor's office, we have the possibility of the poll workers using computers to record the voters in the poll book. With new technology available, we may be able to use either direct recording devices for voting or precinct scanners which would speed up election reporting on Election Day. I estimate that an election board operating the same hours as the courthouse would cost the county about \$350 per day.

If our goal is to increase voter participation, an early voting precinct would be beneficial to both the voters and the election administrators. This early voting precinct would give us one more tool to serve the voters in North Dakota, without significantly increasing the cost of elections.

I urge you to support Senate Bill 2248

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