

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1104

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1104

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1104

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1/13/05

Tape Number	Side A	Side B	Meter #
1	x		11.8-13.7

Committee Clerk Signature



Minutes: HB 1104 Service of civil process on election day. 13 members present 1 absent.

**Chairman Haas: We will open the meeting on HB 1104.**

**Jim Silrum, Deputy Secretary of State-For-Attached Testimony**

**Chairman Haas:** Can you site any specific incident where this was a problem at a polling site.

**Jim:** None what so ever. We simply, in the process of reviewing the century code, it was noticed that this was missing so we decided to ask for it to be added, add primary elections.

**Chairman Haas:** Thank you very much. Any more questions?

**REP. BOEHNING: I MOVE A DO PASS ON HB 1104.**

**REP. MEIER: I SECOND.**

**VOTE: YES 13 NO 0 ABSENT 1 PASS      REP. MEIER WILL CARRY THE BILL**

Date: 1/13/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1104

House House Government and Veterans Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass

Motion Made By

Rep. Boehning

Seconded By

Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman C.B. Haas	✓		Rep. Bill Amerman	✓	
Bette B. Grande - Vice Chairman	✓		Rep. Kari Conrad	AB	
Rep. Randy Boehning	✓		Rep. Louise Potter	✓	
Rep. Glen Froseth	✓		Rep. Sally M. Sandvig	✓	
Rep. Pat Galvin	✓				
Rep. Stacey Horter	✓				
Rep. Jim Kasper	✓				
Rep. Lawrence R. Klemin	✓				
Rep. Lisa Meier	✓				
Rep. Margaret Sitte	✓				

Total (Yes)

13

No

0

Absent

1

Floor Assignment

Rep. Meier

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

**REPORT OF STANDING COMMITTEE (410)**  
January 13, 2005 1:01 p.m.

**Module No: HR-08-0409**  
**Carrier: L. Meier**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1104: Government and Veterans Affairs Committee (Rep. Haas, Chairman)**  
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1104 was placed on the Eleventh order on the calendar.

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1104

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1104**

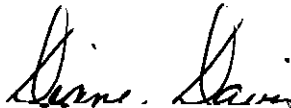
**Senate Government and Veterans Affairs**

Business and Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
1	x		1000-2355
1		x	4029-4470

Committee Clerk Signature



**Chairman Krebsbach** opens hearing on **HB 1104**

**Relating to service of civil process on election day.**

**(meter #1000, tape 1, side A)**

**Jim Silrum** - Deputy Secretary of State - See written testimony. - In favor.

**(meter #1090)**

**Senator Syverson** - Asked if he was comfortable with the definition of entrance to a polling place and if it should be 100 or 500 feet.

**Silrum** - Speculating that the 100 feet was adopted from other states.

**Senator Syverson** - Asked if it would be easier if we added verbiage stating where the 100 feet begins.

**Silrum** - Stated that it hasn't been a difficulty at this time.

**Senator Krebsbach** - She said it states any entrance leading into a polling place.

**Silrum** - Said a states attorney could interpret it that way, but their office does not interpret the law.

**Senator Syverson** - Asked if the attempt of the law is to keep someone (process server) from going to the poll. He isn't sure 100 ft. would do it.

**Silrum** - Said he is here to tell about the bill not interpret the law.

**Senator Nelson** - In her district the auditor ruled that it was outside the doors of the building.

**Senator Lee** - She is not comfortable being to restrictive. She said if it hasn't been a critical problem it should be left to the district.

**Senator Syverson** - Mentioned that the distance is all relative.

**Senator Nelson** - Asked if they are counting the primary as and election day.

**Silrum** - Said they could serve on primary day.

**Senator Syverson** - Asked about township elections and special elections qualifying for this.

**Silrum** - Township elections are different from other elections but special elections are called for a special purpose outside of the normally scheduled elections. He also wanted to clarify that the history of this is that primary elections have always been left out of this section of law. Previous to the 2003 legislative session there was no service of civil process on any general or special election day but there was on a primary day.

Close the hearing on 1104

(meter #2166)



**Senator Syverson** - Asked if the intent of the law is to keep process servers from harassing people who want to vote then we are defining what elections this person can go to without harassment.

He thinks maybe we should make it any election held in the state.

**Senator Nelson** - Mentioned you would have to say any governmental election.

**Senator Syverson** - Asked if before any thing is done he could ask the attorney general's office a couple questions.

(meter #2355)

Continued

(Tape 1, side B, meter #4029)

**Senator Syverson** - Had some concern of the different interpretations if the situation were to ever arise by different district prosecutors. The Attorney General's office was in concurrence primarily. In that the differences of opinion of various attorneys'. He then proposed an amendment that states 100 feet from the outer most entrance leading to the building or facility in which a polling place is located.

**Senator Syverson** moved to adopt the amendment

**Senator Brown** seconded.

**Senator Brown** moved do pass on amended bill

**Senator Nelson** seconded

(meter #4470)

**Senator Nelson** will carry

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1104

Page 1, line 9, replace "any" with "the outermost", after "into" insert "the building or facility in which", and after "place" insert "is located"

Renumber accordingly

Date: 3/10/05  
Roll Call Vote #: /

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1104

Senate **Government and Veterans Affairs**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

*Do Pass on the amendment*

Motion Made By

*Senator Syverson*

Seconded By

*Senator*

*Brown*

**Senators**  
Karen K. Krebsbach, Chairman  
Richard L. Brown, Vice Chairman  
Judy Lee  
John O. Syverson

**Yes**  
X  
X  
X  
X  
**No**

**Senators**  
Carolyn Nelson

**Yes**  
X  
**No**

Total (Yes)

*5*

No

*0*

Absent

*0*

Floor Assignment

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

Date: *3/10/05*  
Roll Call Vote #: *2*

**2005 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. *1164***

Senate **Government and Veterans Affairs**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

*Do Pass as amended*

Motion Made By

*Senator Brown*

Seconded By

*Senator Nelson*

Senators
Karen K. Krebsbach, Chairman
Richard L. Brown, Vice Chairman
Judy Lee
John O. Syverson

Yes
<i>X</i>
<i>X</i>
<i>X</i>
<i>X</i>

No

Senators
Carolyn Nelson

Yes	No
<i>X</i>	

Total (Yes)

*5*

No

*0*

Absent

*0*

Floor Assignment

*Senator Nelson*

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

**REPORT OF STANDING COMMITTEE (410)**  
March 11, 2005 1:25 p.m.

**Module No: SR-45-4778**  
**Carrier: Nelson**  
**Insert LC: 58160.0101 Title: .0200**

**REPORT OF STANDING COMMITTEE**

**HB 1104: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1104 was placed  
on the Sixth order on the calendar.

Page 1, line 9, overstrike "any" and insert immediately thereafter "the outermost", after "into"  
insert "the building or facility in which", and after "place" insert "is located"

Renumber accordingly

2005 TESTIMONY

HB 1104

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



SECRETARY OF STATE

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January 12, 2005

TO: Rep. Haas, Chairman,  
and Members of the House Government and Veterans Affairs Committee

FR: Jim Silrum, Deputy Secretary of State

RE: HB 1104 – Service of Civil Process on Election Day

During the 2003 Legislative Session, House Bill 1059 was adopted by a vote of 89 to 3 in the House and 47 to 0 in Senate.

It amended N.D.C.C. § 1-08-09 to allow for the service of civil process on Election Day outside of a 100-foot boundary from the entrance to a polling place.

Prior to that amendment, service of civil process was not allowed anywhere in North Dakota on any general or special Election Day.

Inadvertently, only references to general and special elections were included and a reference to primary elections was excluded. Therefore, this bill adds the primary election to this section of law.

On behalf of the Secretary of State, I request your favorable consideration for a Do Pass Recommendation.

# 1104  
ALVIN A. JAEGER  
SECRETARY OF STATE

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## SECRETARY OF STATE

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

March 10, 2005

TO: Senator Krebsbach, Chairman,  
and Members of the Senate Government and Veterans Affairs Committee

FR: Jim Silrum, Deputy Secretary of State

RE: HB 1104 – Service of Civil Process on Election Day

During the 2003 Legislative Session, House Bill 1059 (2003 Session Laws Chapter 50) was adopted by a vote of 89 to 3 in the House and 47 to 0 in Senate.

It amended N.D.C.C. § 1-08-09 to allow for the service of civil process on Election Day outside of a 100-foot boundary from the entrance to a polling place.

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