

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1405

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1405

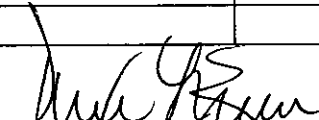
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1405

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1/27/05

Tape Number	Side A	Side B	Meter #
1	x		0-31.2
Committee Clerk Signature 			

Minutes: HB Relating to identification of individuals seeking to vote.

**Rep. Arlo Schmidt-District 7-For-Attached Testimony**

**Rep. Klemin:** This would mean that if they didn't know this voter, they would have to show identification.

**Rep. Arlo:** Yes, if he is a stranger he must show identification.

**Rep. Klemin:** This is not limited to small towns, I had to show my ID to my neighbor when I went to vote last time in my own precinct.

**Rep. Galvin:** I experienced this when I was on the election board and I had to ask my own wife for identification. Your neighbor comes up and you don't ask him for his ID and the next gentlemen that comes up, you ask him for his ID, but he thinks you know him, but you don't and you don't remember his name and you ask him for his ID, that is where the problem comes in. Somebody is going to watch that poll and they are going to say look you didn't ask him for his ID and you ask me. Thinking it over, how else could you do it.

**Rep. Schmidt:** A stranger does not get upset. They realize they are new in town.

**Rep. Galvin:** This person you are asking to see his ID, doesn't think he is a stranger, he thinks he knows you well, you had a glass of beer with him last night, but this is the one that is going to get mad and turn you in, because you are not treating everyone equal.

**Rep. Schmidt:** The majority of people like that are in the minority.

**Rep. Kasper:** Line 19 and 20 of the bill. You know the individual and you pass them by for identification, but line 19 says that the poll clerk shall verify the individuals residential address and mailing address. How do you verify if you don't see some form of identification.

**Rep. Schmidt:** You should just have to give them your address verbally.

**Rep. Kasper:** We may have to change the word verify, because doesn't verify mean you substantiate the persons address.

**Rep. Schmidt:** In small towns nobody is going to doubt when you give them your address.

**Rep. Amerman:** I went into vote in my small town and they go down the list and verify my address. I don't know if they do that in your small town.

**Rep. Schmidt:** Yes, they do the same thing, each one verifies the other one, before you went to vote, it flashed across the bottom of your TV screen that you must bring your drivers license in order to vote.

**Rep. Potter:** In the rural area you do have a nice situation and I have to say I worked at one of the polls in Grand Forks, not in my area. People came into the polls and new me just fine and I couldn't have told you their names from the man in the moon. I was the one they showed me their ID when they came in the door and I was thankful that they had to show ID, so I could

figure out there names. That is a pretty sad comment that in the big cities that we really don't know our neighbors as well as you have in the rural areas.

**Rep. Schmidt:** People were asking for identification and it really caused people in our little town to become very upset.

**Chairman Haas:** Any more questions in favor of HB 1405? Thank you very much Rep Schmidt.

**Chairman Haas:** Any questions in opposition to HB 1405.

**Al Jaeger-Secretary of State-Against**

**Al:** There is absolutely no reason that the voters, at that polling location should have been denied the right to vote or turned away. I direct your attention to lines 16 and 17, or the clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct, that is current law. We spent thousands and thousands of dollars of Hava money, we ran two very large adds back to back, two consecutive weeks and every official newspaper in the state of North Dakota, the law says that the Secretary of State in addition to drivers license can prescribe any number of forms of identification. We had at least seven or eight and all of the advertising after that says that if you do not have the proper identification, you can choose to sign an affidavit or if a member of the election board knows you and is willing to vouch for you, you can vote. What Rep. Schmidt has described is that every person that was turned away was personally known by a member of the election board and there is no reason why that individual couldn't vote. What I see as a more critical problem is what it emphasis and our needs and this is a goal for the next biennium, is take some of our Hava money, which part of it is for education of poll workers, poll worker training and education of voters. What happened is a result more of a new system and coworkers not receiving adequate training, knowing all of the options, if Maddock is

the community it is and I believe it is, I have to believe every person that was turned away was known by a member of the board. It could be they knew him so well, that they didn't want to vouch for him. That was meant as light hearted comment. This purpose of ID is for two reasons, that Mr. Chairman that you are record as to who you are and on record to where your residential address is. A reference was made to the reservations, we know that they don't have street addresses, but we also know that they have BIA, road numbers, and the auditors, in those particular areas we instructed, if they come in and say that they live three miles from town on BIA road, that shows and a record, that is a place of residence. We need a street address, if Maddock doesn't have street numbers and if they come in we live two block west of the post office, I would accept that, because that is a record of where they live. Current Law is in place that allowed every voter to come in and if they had a drivers license, state ID, a tribal ID card, but if someone is willing to vouch for you on the poll worker, you will be allowed to vote and in the poll book, just note that one of the poll worker had vouched for them. Everybody had the opportunity to vote and so it is unfortunate anyone was denied the right to vote. As you know when we write checks or get on a plane, we have to go through the process and maintaining the integrity of the process is exceedingly important. If they sign an affidavit to vote, they have the right to vote and if people were insulted when they went to vote, that means we have to do a better job with our poll workers.

**Rep. Galvin:** We couldn't selectively ask this guy for his ID and tell the next one to go ahead, we have to treat everybody equal. It is really nice to have that identification, because you don't always remember there name.

Page 5

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1405

1/27/05

**Al:** The process went much quicker, when they had there ID's out and the feed back I got from the poll workers, it made the process go very smoothly.

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

The hearing will be closed on HB 1405.

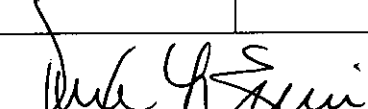
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1405

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1/28/05

Tape Number	Side A	Side B	Meter #
5	x		12.2-28.7
Committee Clerk Signature 			

Minutes: HB 1405 Relating to identification of individuals seeking to vote.

14 members present, 0 absent.

Discussion and voting.

**Chairman Haas:** We are going to look at 1405.

**Rep. Froseth:** I want this amendment to go on 1430, so if we are going to use this amendment all we need is number 1 and attach it to 1405.

**Chairman Haas:** If your amendment is that we amend HB 1405 to change it as paragraph 1 is outlined on here, that would be appropriate. That's the motion, is there a second? Seconded by Rep. Grande, now we will have discussion on the amendment.

**Rep. Kasper:** 1405 and 1254 are almost identical, however, we are not addressing the tribal concern about being able to use the form of official identification issued by tribal government in 1405, which we would now go to 1254 and address, which is right in the same section where we



the other bill and let me tell you why. For years we have tried to involve the tribes in the political process and get them politically active. They came here today and testified on 1254, they weren't here on 1405, being both bills are identical, I would love to work on 1254 with the amendments that Rep. Froseth has for 1405 and incorporate them in 1254, but lets say we listen to the tribal concern, lets solve there problem, they were here on this bill, we continue to reach out to the tribe to let the know we are listening.

**Rep. Froseth:** I withdraw my motion.

**Chairman Haas:** At this time I am going to appoint a committee of three people who will combine 1405 and 1254 and come back to the committee with some recommendations.

**Rep. Froseth:** I don't know that we need that. I think all we have to do is give one bill or the other a Do Not Pass and then work on the remaining one. If it is an order I would move a Do Not Pass on HB 1405.

**Rep. Kasper:** I seconded.

**Chairman Haas:** Motion made and seconded for a DO NOT PASS on HB 1405.

**Rep. Klemin:** I think Rep. Schmidt objective was to take the emphasis out of the middle of this section and put it in at the beginning, so a person reading it would get the emphasis first, that if you vouch for somebody, somebody reading the first lines three lines of this law and then skipping all the rest of it, so his objective was to basically use the same language, but put it in a different order.

**Rep. Grande:** The issue isn't the order how this stuff falls in the century code, it is in the order on how you educate the poll workers. Changing our century code so it reads different for

Page 3  
House Government and Veterans Affairs Committee  
Bill/Resolution Number HB 1405  
Hearing Date 1/28/05

somebody is not going to change the educational process. Lets move forward on focusing on the education process.

**Rep. Conrad:** I think having this emphasis here is a good idea.

**Rep. Grande:** Then we are back to first and only thing the people are going to look at is no identification is necessary. I am go to foresee that will cause the biggest problem yet. I don't have to show identification to vote and that is what we are trying to avoid here.

**Rep. Kasper:** If you recall, Secretary Jaeger said it is in the law in order of importance, so that it is not assumed that you don't need any ID if someone knows you. I think you need to keep the order.

**Chairman Haas:** Further discussion on the DO NOT PASS motion. If not the clerk will take the roll.

**VOTE: YES 11 NO 3 ABSENT 0 DO NOT PASS HB 1403**

**REP. GRANDE WILL CARRY THE BILL**

Date: 1/28/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1405

House House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Rep. Froseth Seconded By Rep. Kasper

Representatives	Yes	No	Representatives	Yes	No
Chairman C.B. Haas	✓		Rep. Bill Amerman		✓
Bette B. Grande - Vice Chairman	✓		Rep. Kari Conrad		✓
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) 11 No 3

Absent 0

Floor Assignment Rep. GRANDE

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

**REPORT OF STANDING COMMITTEE (410)**  
February 1, 2005 8:29 a.m.

**Module No: HR-21-1517**  
**Carrier: Grande**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1405: Government and Veterans Affairs Committee (Rep. Haas, Chairman)**  
recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1405 was placed on the Eleventh order on the calendar.

**2005 TESTIMONY**

HB 1405

GOVERNMENT AND VETERANS AFFAIRS COMMITTEE

HOUSE BILL 1405

FOR THE RECORD I AM REPRESENTATIVE ARLO SCHMIDT FROM DISTRICT 7, WHICH INCLUDES ALL OF PIERCE, MCHENRY, MOST OF BENSON, AND THE NORTH HALF OF SHERIDAN COUNTIES.

THE INTENT OF THE CHANGE IN CHAPTER 16.1-05 OF THE CENTURY CODE IS TO ELIMINATE THE NEED FOR A DRIVERS LICENSE OR SOME OTHER FORM OF IDENTIFICATION IF A MEMBER OF THE ELECTION BOARD OR CLERK KNOWS THE INDIVIDUAL; THIS CHANGE IS BEFORE YOU BECAUSE OF COMPLAINTS FROM THE VOTERS IN MY DISTRICT, AND FROM VOTERS ACROSS THE STATE. IN THE LAST ELECTION ALL VOTERS WERE ASKED TO PROVIDE IDENTIFICATION. THIS CHANGE CREATED CONFUSION, TENSION (SOME FOLKS NOT VOTING).

IN THE MANY SMALL TOWNS AND HAMLETS IN NORTH DAKOTA, EVERYBODY IS A NEXT DOOR NEIGHBOR. TO GREET YOUR NEIGHBOR BY NAME AND THEN ASK HIM TO PRODUCE EVIDENCE TO PROVE WHO HE IS, THIS IS ABNORMAL. IF AN INDIVIDUAL IS A STRANGER, THEN HE MUST HAVE IDENTIFICATION AND WILL NOT BE EMBARRASSED OR FEEL UNCOMFORTABLE.

HAVING SERVED ON THIS COMMITTEE, I KNOW HOW OFTEN YOU HAVE BEEN ASKED TO MAKE CHANGES TO MAKE LIFE A LITTLE BETTER FOR THE CITIZENS OF THIS STATE. YOUR COMMITTEE HAS A COMMENDABLE RECORD ON THIS ISSUE, AND I ASK YOU TO LOOK FAVORABLY AT THIS ISSUE;

THANK YOU, I WILL TRY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

is not a qualified elector. Members of the election board of poll members of the election board of poll a voter if they know or have the right of an challenger has knowledge or has reason to believe that the person is not a qualified elector of the precinct. A person is not a qualified elector of the precinct if the person is one of the following:

1. The person does not meet the age or residence requirements of the precinct.

2. The person offering to vote has never voted in the precinct and the person offering to vote does not have a voter registration card generated from the central voter file, and provide reasonable evidence of residency in the precinct.

3. The person offering to vote resides outside of the precinct.

4. The person offering to vote does not meet the residency requirements of section 16.1-01-05 16.1-01-04.

5. The person offering to vote fails or refuses to provide an identification as requested under subsection 3.

6. An election board member may request that an individual offering to vote provide an identification to address any of the voting eligibility requirements on 2- # and the identification is not provided to the election board member of the challenged person. The election board member of the challenged person may not vote unless the individual executes an affidavit, acknowledged by the election board member, that the challenged person is a qualified elector of the precinct.

7. The person offering to vote must provide the name of the affiant and the address of the person last voted.

8. The person offering to vote must provide the name of the affiant if it was different when the person last voted.

9. The person offering to vote must provide the qualifications for voting as set forth in section 16.1-01-05 rules for determining residence.

10. The person offering to vote must provide the name of the affiant for making a false affidavit and that the county clerk shall record the affidavit.

state. Any person who falsely swears in order to vote is guilty of a class A misdemeanor and must be punished pursuant to chapter 16.1-01.

6. The county auditor shall verify randomly at least ten percent of the affidavits signed in the county and shall report all known or suspected violations to the state's attorney for investigation and possible prosecution.

7. In addition to the poll challenger, not more than two poll checkers appointed by the district chairman of each political party represented on the election board may be in attendance at each polling place, provided each the poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties. The poll challengers and poll checkers must be qualified electors of the district in which they are assigned.

8. No poll challenger or checker may be a member of the election board.

9. The district chairman shall notify the county auditor of each county contained in the legislative district before the third day before the day of the election of the names of individuals whom the district chairman has appointed to serve as poll challengers and poll checkers in the precincts in the legislative district.

SECTION 4. A new section to chapter 16.1-05 of the North Dakota Century Code is created and enacted as follows:

**Poll clerks to check identification and verify eligibility - Poll clerks to request, correct, and update incorrect information contained in the pollbook.**

1. Before delivering a ballot to an individual according to section 16.1-13-22, the poll clerks shall request the individual to show a driver's license issued by the state, another form of identification displaying a photograph of the individual and the individual's date of birth, or another appropriate form of identification prescribed by the secretary of state. If an individual offering to vote fails or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. After verifying that the individual's name is contained in the pollbook generated from the central voter file, poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.

2. If the individual's name is not contained in the pollbook generated from the central voter file, the individual may be challenged according to section 16.1-05-06 and the individual's name must be recorded in the