

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1430

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1430

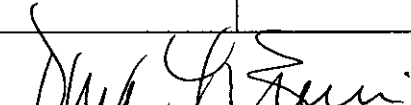
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1430

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1/27/05

Tape Number	Side A	Side B	Meter #
1	x		20.9-31.4
Committee Clerk Signature 			

Minutes: HB Relating to early voting.

Speaker- Klein-District 40-Introduced the bill. In Ward county they use the court house as the early voting area, but because of some parking problems, access, it could end up being a problem as time goes on, so they would like to have another option. When I checked to see how many people voted early, I was really amazed, the numbers were well into the hundreds at the time I came there. It gives the people the option and early voting is really catching on.

Chairman Haas: How early was early? How many days before the election?

Speaker Klein: I believe it was two weeks prior to the election, but I am not sure of the exact date. We could vote at the court house, two weeks prior.

Al Jaeger, Secretary of State-Neutral-Testimony Attached

Chairman Haas: How early is early to be able to vote?

AL: In ward county the voters could vote at the court house absentee, as early as the ballots were available, it was more then two weeks, it was more like four weeks, keep in mind it is

interchangeable, absentee voting, early voting, in other words people call it early voting, but the process with absentee voting, see that is the key, in the early voting precinct, what happens is that the hundreds of people in Ward County that voted, the paper work they were going through would be absentee processes, just as if they would have received ballot by mail and returned it by mail, all of the record keeping remains the same. What this would do then, is Ward County could establish an early voting precinct up to 15 days, where they would have an election board, this is already allowed under current law. Does it have to in a government controlled facility or could it be in another facility?

Chairman Haas: What I want to know is how early, does the statute that authorizes early voting, with the election board, how early is early.

AL: It is 15 days.

Chairman Haas: It is a maximum of 15 days.

AL: They can still vote absentee earlier than that.

Rep. Galvin: Line 8, containing a storage area that can be locked and made available, that can be locked seems kind of broad. It doesn't seem very secure, shouldn't that be a little more specific.

AL: It needs to be a secure location and that is only accessible to the election board and the county election workers.

Rep. Klemin: Through the absentee ballot, you need to make the application for the ballot and then you get the ballot, you skip the application, is that what we are doing?

AL: The early voting precinct with the election board allows a voter to come in the same way as they would on election day, they would follow that process and in that process you don't fill out

that application and you don't fill out all the different documents that are related to absentee voting. That is where the costs comes in and that is where the labor comes in.

Speaker Klein: If you vote absentee those votes have to opened later that night, at the end of that particular precincts operation, but doing this way those votes would automatically be counted and we wouldn't have to wait until 2 or 3 o'clock in the morning, while you have hundreds of absentee ballots to count. Am I saying that correctly.

AL: One of things with the optical scanner, as the ballot is being inserted into the optical scanner internally a count is being made and nobody has access to that count until after the elections are over and the information is taken out, those ballots would be counted, otherwise the absentee ballots are either taken out to the polling place and during the course of the day, as they get breaks, election board open them.

Rep. Potter: With these early voting precincts, I am wondering about the voting book, how are they going to know at the regular voting place on regular voting day, if those ballots aren't brought up, are the books going to have to printed before the election to get all those people in there, so you know that people aren't voting twice.

Mike Montpaisir-County Auditor-Cass County-Absentee voting and early voting have become very popular. We run a list of all the people who have a cast an absentee ballot or early voting ballot in that precinct, as of four o'clock on Friday before the election and send that out.

Chairman Haas: The optical scanner will tally these ballots by precincts is that correct?

Mike: Yes. The optical scanner will tell a voter right then, when they vote, whether they have under voted or over voted. If a voter votes in the wrong precinct the optical scanner will also tell them that.

Rep. Froseth: Absentee ballots have to be recorded in the poll books, does the poll workers have to write that name in the poll books and if they see the name appear twice, and if that name pops up again on election day, they will be alerted, is that correct?

Mike: It is and it isn't. A list has been sent out to the poll workers and they can cross check those names from that list.

Rep. Potter: At our polling place we did get that list and we went through the polling book and people came in and we said you have already voted. They would insist that they had not voted. They had requested a ballot and said they didn't turn in there ballot. We didn't know if they had turned in a ballot or not.

Mike: When we send a list, it is only the people who have returned the ballots and even at that point, it sometimes becomes a question. If they insist that they haven't voted, have them fill out an affidavit, flag it, so we can check that.

Rep. Amerman: You moved it to a public place rather then a court house just to see **how** it would work versus a court house?

Mike: We held our early voting in the court house. What this bill is saying is that you can use another option, you can use a public place, they really don't define a public place.

Rep. Amerman: There must be some costs involved if the county if they would have to rent a public place and have to staff it. Do you have any idea what kind of costs this would incur?

Mike: We staff the early voting precincts with political boards, both republicans and democrats and we would have to do that where ever we have it.

AL: The whole purpose for this bill is to give the option of using another facility that is not government controlled, but which still has all of the appropriate and applicable safeguards. The

Page 5

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1430

Hearing Date 1/27/05

change gives the County an option for reasons related to parking, interior space and accessibility for people with disabilities.

Chairman Haas: Thank you so much. Any more questions?

The hearing will be closed on HB 1430.

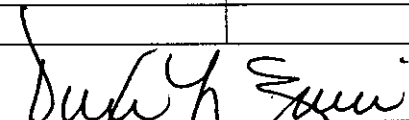
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1430

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1/28/05

Tape Number	Side A	Side B	Meter #
4	x		34.1-48.5
Committee Clerk Signature 			

Minutes: HB 1430 Relating to early voting.

14 members present, 0 absent.

Discussion and voting.

Chairman Haas: Rep. Grande moves the amendment, is there a second, Rep. Sitte seconds the amendment. Voice vote on the amendment, all in favor say I, all oppose say no, the amendment is carried. What are your wishes on the bill as amended.

Rep. Froseth: Mr. Chairman, if I can explain. Rep. Schmidt brought in HB 1405, that eliminates the need for a drivers license as valid ID for polls. Secretary of State drafted this amendment that would clarify and eliminate the word that you would need a drivers license. I think this would clarify Chairman Halls concerns. If we adopt this amendment to 1430 we can dispense with 1405 and 1254.

Chairman Haas: We have an amendment before us, Rep. Froseth moved the amendment, is there a second, Rep. Sandvig.

Page 2
House Government and Veterans Affairs Committee
Bill/Resolution Number HB 1430
Hearing Date 1/28/05

Rep. Froseth: I with draw my motion to place this amendment into 1430.

Chairman Haas: You with draw your second?

Rep. Sandvig: Yes, I with draw my second.

Chairman Haas: We have HB 1430 before us with one amendment, which deletes line 7 through 10 up to including the word board. Is there a motion.

Rep. Sitte: I move a DO PASS as amended on HB 1430.

Chairman Haas: Rep. Sitte moves a DO PASS as AMENDED on HB 1430, seconded by Rep. Grande. Is there any further discussion. I will ask the clerk to take the roll.

VOTE: YES 14 NO 0 ABSENT 0 DO PASS AS AMENDED ON HB 1430

REP. GALVIN WILL CARRY THE BILL.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1430

Page 1, line 1, after "reenact" insert "section 16.1-05-07 and"

Page 1, line 2, after "to" insert "identification required of voters and to"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 16.1-05-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-05-07. 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~~ an official identification issued by the state, ~~another form of identification displaying a photograph of the individual and the individual's date of birth,~~ or ~~another appropriate~~ a form of identification prescribed by the secretary of state which includes the individual's residential address and date of birth. 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 pollbook. The poll clerks shall request and obtain any additional information for the individual required to be included in the pollbook.
3. When verifying an individual's eligibility or when entering the name of an individual into the pollbook, poll clerks shall request, correct, and update any incorrect or incomplete information about an individual that is required to be contained in the pollbook generated from the central voter file.
4. Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct to the proper precinct and voting location."

Page 1, remove lines 7 through 9

Page 1, line 10, remove "the early voting precinct election board,"

Renumber accordingly

58288.0102
Title.0200

Adopted by the Government and Veterans
Affairs Committee
January 28, 2005

VK
1/28/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1430 GVA 1/31/05

Page 1, line 1, remove "c," and remove the second comma

Page 1, line 4, remove "c," and remove the second comma

Page 1, remove lines 6 through 12

Renumber accordingly

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

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1430

House House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

DO PASS AS AMENDED

Motion Made By

Rep Sitte

Seconded By

Rep. Grande

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) 14 No 0

Absent 0

Floor Assignment

Rep. Galvin

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

Rep. Grande move Amendment
Rep. Sitte 2nd the motion
voice vote carried

Amend Amendment
Rep. Froseth move to amend
Rep. Sandvig 2nd the motion
voice vote carried

REPORT OF STANDING COMMITTEE

HB 1430: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1430 was placed
on the Sixth order on the calendar.

Page 1, line 1, remove "c," and remove the second comma

Page 1, line 4, remove "c," and remove the second comma

Page 1, remove lines 6 through 12

Renumber accordingly

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1430

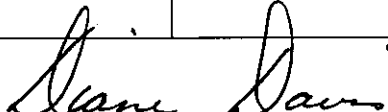
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1430**

Senate Government and Veterans Affairs

Business and Conference Committee

Hearing Date March 10, 2005

Tape Number	Side A	Side B	Meter #
1	x		3340-4700
Committee Clerk Signature 			

Chairman Krebsbach opens hearing on **HB 1430**

Relating to early voting.

(meter #3340)

Jim Silrum - Deputy Secretary of State - See written testimony.

Silrum - Said that the scanner that will be used in coming elections sits on top of the ballot box. When the ballot is taken into the machine the machine reads and tabulates the votes. If the ballot contains a write-in it is deposited on the right side of the ballot box if it contains no write-ins it is deposited on the right side of the box. In an early voting precinct, such as 15 days prior to an election, if a number of residents choose to make use of that option that box can get full. So to allow election workers to settle the box or move to another box for safe keeping is the intent of this section in the bill.

Senator Krebsbach - Asked if it is required that they have to move them do they have to have someone who is responsible for the election process be present.

Silrum - Said there is an election inspector.

Senator Krebsbach - Asked if there was available to that person a locked box to transfer to.

Silrum - Said they recommend the old ballot boxes that every precinct used to utilize that had the slot in the front be used to store the extra ballots so they can be secure.

Senator Nelson - Asked if all our government controlled entity are handicapped accessible.

Silrum - Said yes, they are required to be.

Senator Nelson - Asked how often there are ballot jams on the new machines.

Silrum - Said they can jam, its good practice to open it up and settle the ballots down.

(meter #4575)

Closed the hearing on 1430

Senator Syverson moved for do pass

Senator Brown seconded

Senator Syverson will carry.

(meter #4700)

Date: 3/10/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1430

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Syverson Seconded By Senator Brown

Senators	Yes	No	Senators	Yes	No
Karen K. Krebsbach, Chairman	X		Carolyn Nelson	X	
Richard L. Brown, Vice Chairman	X				
Judy Lee	X				
John O. Syverson	X				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Senator Syverson

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

REPORT OF STANDING COMMITTEE (410)
March 10, 2005 12:59 p.m.

Module No: SR-44-4635
Carrier: Syverson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1430, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1430 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1430



SECRETARY OF STATE

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

January 27, 2005

TO: Chairman Haas, Chairman,
and Members of the House Government & Veteran Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1430 – Early Voting and Access to Ballot Box

The 2003 Legislative Assembly adopted Senate Bill 2248, which allows the counties the choice of using an early voting precinct.

Although absentee voting is also a form of early voting and a voter has the option of voting on an absentee ballot at a County Auditor's office, the same procedures and process must be followed as if the ballot was transmitted through the mail. The absentee voting process is more expensive and more labor intensive for the County Auditor and his or her staff than voting at a polling location

Therefore, because of the popularity of voters voting an absentee ballot at the County Auditor's office, SB 2248 gave a county the choice of establishing an early voting precinct, which has its own election board. This provides a county with an option if they determine that it would be less expensive and less labor intensive to open an early voting precinct rather than processing the equivalent number of absentee ballots. In the November 2004 General Election, three counties used an early voting precinct for a varying period of time within the 15 day period prior to the election.

The current law designates that an early voting precinct polling place can only be located in a government-controlled facility. In lines 7 through 10, a County Auditor is given the option of using another facility that is not government-controlled but which still has all of the appropriate and applicable safeguards.

This option becomes important for another reason. The Help America Vote Act of 2002 (HAVA), as well as the Americans with Disabilities Act (ADA) requires a public entity to provide the same accessibility and requires the removal of "readily achievable" barriers. Again, because of the popularity of absentee (or, early voting) voting, not all government-controlled facilities provide adequate accessibility for the numbers of voters who may wish to vote at the County Auditor's office. This change gives the County an option, at their choice, of using a facility other than one that is government-controlled for reasons related to parking, interior space, and accessibility for people with disabilities.

The change in line 17 removes an obsolete reference to "stamp and inkpad."

The change in lines 21 through 23 allows the poll workers to open a ballot box on an optical scanner ballot counter in order clear ballot jams or to move ballots to a separate locked ballot box if the ballot box on the optical scanner becomes too full to accept additional ballots.

#1430
ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.state.nd.us/sec



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@state.nd.us

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 & Veteran Affairs Committee

FR: Jim Silrum, Deputy Secretary of State

RE: HB 1430 – Access to Ballot Box in Early Voting Precinct

Under N.D.C.C. § 16.107-15(c), a county is authorized to open an early voting precinct in a government-controlled facility.

As originally introduced, the bill would have allowed a county to use a facility that was open to the public, which was not government-controlled. That is, as long as the location could meet certain security standards. The House Government & Veteran Affairs Committee removed that option and the Secretary of State concurred.

Therefore, the engrossed bill contains only two changes.

On line ~~17~~¹⁹, an obsolete reference to "stamp and inkpad" is removed.

On lines 14 to 16, poll workers in an early voting precinct are allowed to open the ballot box beneath an optical scan ballot tabulator in order to clear ballot jams or to move ballots to a separate locked ballot box if the ballot box beneath the scanner becomes too full to accept additional ballots. This same change is being made in another section to allow the election board on Election Day to do the same thing.

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