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ROLL NUMBER

DESCRIPTION

2336

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2336

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2336

Senate Government and Veterans Affairs

Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
1	x		0-4510
2	x		133-3365
Committee Clerk Signature <i>Diane Davis</i>			

Chairman Krebsbach opens hearing on 2336

Al Jaeger - Secretary of State - See written testimony - Gives an overview of the bill and talks about the amendments.

(meter #1150)

Senator Syverson - Asked if there are any requirements for the absentee to keep a hard copy.

Sec. Jaeger - Replied no, in ND as long as ballot has been put in the mail before the election it is a legal ballot. In some states ballots have to arrive before the election.

Senator Nelson - Asked about page 9, would that cause a canvassing problem.

Sec. Jaeger - He said they still allow the initialing and stamping. He said that we would be seeing more bills for cleanup of the voting system.

Page 2

Senate Government and Veterans Affairs

Bill/Resolution Number SB 2336

Hearing Date ~~January 25, 2005~~ 2-10-05

Senator Nelson - Said she worked as an inspector at the last action and there was no presidential ballots.

Jim Silrum - Said that presidential ballots are only for those who have moved into the state in the last 30 days or left the state and do not meet voting requirements in another state.

Senator Brown - Asked if someone is gone for 30 years can they only vote for president.

Silrum - Replied no, you are allowed to vote the full ballot as long as you have maintained your citizenship.

Senator Brown - Told of his brother-in-law who lives out of the states and maintains citizenship and is very up on all the politics because of the Internet, he should be allowed to vote.

Silrum - Said should an individual that has lived abroad so long be allowed to decide on local issues.

Senator Brown - Told of working election and having to turn away students who lived in Moorhead that just wanted to vote for president. Unfortunately they had to send them back to Minnesota. They only wanted to vote for president. Said its very difficult to put in limitations.

Silrum - The question is someone who does not maintain their residence in ND any longer but has their ties to ND because this is where they last lived. Do those people have a right to vote on local issues.

Senator Syverson - Asked if Senator Brown's brother-in-law pays state or federal taxes.

Senator Brown - Not sure if he pays state taxes.

Senator Lee - Asked if applicant for the presidential ballot only would have to apply in 10 days or before 10 days.

Silrum - Replied, before 10 days.

Page 3

Senate Government and Veterans Affairs

Bill/Resolution Number **SB 2336**

Hearing Date ~~January 25, 2005~~ 2-10-05

Senator Lee - Recalled a bill in the senate a few years ago whether people could vote in the old home place other than the ND city they were living in. Does this bill eliminate that.

Silrum - Said residency is determined as a union of act and intent. That is where that issue is undecided.

(meter #2744)

Senator Krebsbach - Stated language has not changed, the elector may only vote in one place, where they are now living. Residency has to have a fixed dwelling.

Brigadier General Jerald Engelman - Deputy Adjutant General - See written testimony.

He also mentioned comments from the troops. They felt they were able to vote but it was difficult. They would appreciate whatever the legislature could do to guarantee that right and to make it as accommodating to their environment as possible.

Senator Brown - Asked what was difficult specifically.

Brig. Gen. Engelman - Responded the unknown. They were given all kinds of resistance by their location, their equipment. He would like to eliminate the unknown.

Senator Krebsbach - If we open it up to electronic, will that help.

Brig. Gen. Engleman - Relied yes. We have remote troops that are 10 days away from mail. They have no e-mail, no way to fax.

Senator Nelson - Asked if there was concern about privacy on their ballot.

Brig. Gen. Engleman - Said he heard none.

Senator Syverson - Asked if there has been discussion about sending them packets out to remote sites.

Page 4

Senate Government and Veterans Affairs

Bill/Resolution Number SB 2336

Hearing Date ~~January 25, 2005~~ 2-10-05

Brig. Gen. Engleman - Replied that would be a tool. Military mail goes through many chains of commands. That is why different tools would help such as is in this bill.

(meter #4105)

Kevin Glatt - Burleigh County Auditor - Has a concern about line 7 and 8, regarding people who live elsewhere wanting to vote in other places in the state. Wants to know how to respond to people that live elsewhere and want to vote in Burleigh County.

(meter #4505)

Close hearing on 2336.

Committee Work on 2336

Tape 2, side A, meter #133

Senator Krebsbach - Is not in accord with the 4 years. Removal of language on page 2, subsection 7.

Senator Syverson - Feels there must be a cut off somewhere.

Senator Nelson - Also does not agree with the 4 years.

Senator Krebsbach - Said she hates it to be totally restrictive.

Senator Lee - Stated that if someone is willing to make the effort to vote they deserve the opportunity to vote.

Senator Brown - Said all local information is on the Internet. He believes it should not be restricted. If someone still has connections to ND it should not be restricted.

Senator Syverson - Residency is a matter of intent. Regarding townships - Someone may make the difference on a vote for a local issue. Doesn't believe its fair to the people that live in that township.

Senator Lee - Said she agrees with Senator Syverson.

Senator Syverson - Said we have no way of knowing if they have a legal residency elsewhere, and are they voting elsewhere.

Senator Krebsbach - Consulted with Sandy Tabor about this but she was not sure about this issue. She said you must be a citizen here to vote.

Senator Syverson - Said why should and out of country person be allowed to vote in a Fargo city election. Doesn't believe it is fair.

Senator Brown - Disagrees, thinks if you keep up on local issues you should be able to vote.

Senator Syverson - Said on the issue of residency, what's the difference between moving to another country or another state.

Senator Krebsbach - Said she looks at it that they are not relinquishing their residency.

Senator Brown - He has a hard time seeing the difference between federal and state issue.

Senator Syverson - Why should we allow someone who is not maintaining residency here vote in ND.

Discussion on what lines to delete and what to keep.

(meter #2055)

Senator Nelson - moved do pass on amendments

Senator Brown - seconded

Senator Brown - moved do pass on amended bill

Page 6

Senate Government and Veterans Affairs

Bill/Resolution Number **SB 2336**

Hearing Date ~~January 25, 2005~~ 2-10-05

Senator Nelson - seconded

Senator Brown will carry

(meter #3365)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2336

Page 1, line 1, remove "16.1-01-04,"

Page 1, remove lines 5 through 23

Page 2, remove lines 1 through 13

Page 2, line 19, remove "for a period of four years or less"

Page 2, line 24, after the underscored comma insert "and"

Page 2, line 25, remove ", and has lived away from the United States for a"

Page 2, line 26, remove "period of four years or more"

Page 3, line 15, replace "Uniformed and overseas citizens" with "Applications and voting for uniformed citizens and for citizens living outside the United States"

Page 3, line 16, remove "applications and voting"

Page 4, line 17, overstrike "apply for and vote by facsimile if otherwise"

Page 4, overstrike lines 18 through 20

Page 4, line 21, overstrike "facsimile under this section" and insert immediately thereafter "receive an absentee ballot by mail, facsimile, or electronic mail. If returning the voted ballot by mail is not practicable, a qualified elector may return a voted ballot and other required documents to the county auditor by means of facsimile transmission or electronic mail. The elector must have access to the technology to scan the documents, save the documents in a secure format approved by the secretary of state, and return the documents as an electronic mail attachment directly to the electronic mail address assigned by the auditor, clerk, or business manager for that purpose before midnight in the voter's county of residence on the day before the election. The secretary of state shall develop written guidelines relating to security measures for voted ballots returned by electronic mail"

Page 6, line 12, after "number" insert "or electronic mail address" and after the second "facsimile" insert "or electronic mail"

Renumber accordingly

Date: 2/10/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2336

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass on amendments

Motion Made By Senator Nelson Seconded By Senator Brown

Senators	Yes	No	Senators	Yes	No
Karen K. Krebsbach, Chairman	<input checked="" type="checkbox"/>		Carolyn Nelson	<input checked="" type="checkbox"/>	
Richard L. Brown, Vice Chairman	<input checked="" type="checkbox"/>				
Judy Lee	<input checked="" type="checkbox"/>				
John O. Syverson		<input checked="" type="checkbox"/>			

Total (Yes) 4 No 1

Absent 0

Floor Assignment _____

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

2005

Date: 2/10/05

Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2384

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass on amended bill

Motion Made By Senator Brown Seconded By Senator Nelson

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) 4 No 1

Absent 0

Floor Assignment Senator Brown

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

REPORT OF STANDING COMMITTEE

SB 2336: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2336 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "16.1-01-04,"

Page 1, remove lines 5 through 23

Page 2, remove lines 1 through 13

Page 2, line 19, remove "for a period of four years or less"

Page 2, line 24, after the underscored comma insert "and"

Page 2, line 25, remove ", and has lived away from the United States for a"

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Page 6, line 12, after "number" insert "or electronic mail address" and after the second "facsimile" insert "or electronic mail"

Renumber accordingly

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2336

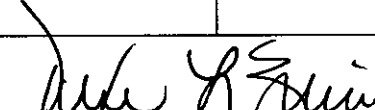
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2336

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3/17/05

Tape Number	Side A	Side B	Meter #
1	x		44.3-end
2	x		0.21.9
Committee Clerk Signature 			

Minutes: SB 2336 Relating to absentee voting.

Chairman Haas: At this time we will open the hearing on SB 2336 and ask the clerk to read the title, please, thank you. Secretary Jaeger.

Al Jaeger-Secretary of State-Testimony Attached

Rep. Klemin: If we are sending somebody a form electronically and fill out electronically and to return electronically, how do you get a an original signature?

Jim Silrum-Assistant Secretary of State-We would ever to get to a point where the form would be completely or the ballot would be completely filled out on line, without it ever being printed out, because in printing it out that is where we are actually going to have a voter sign it and then they will be able to scan it back into the system, where it is a picture image of there work and then send it back that way.

Rep. Klemin: We do this on the income tax forms now, they can be filed electronically, also with a notary. I feel that we are taking a step backwards.

Secretary of State: I understand where you are coming from on this, I think what we need to do is take some baby steps on this, I think we are opening up an avenue, we are not quite there, for the moment we would just like to take this step. Right now to do what we were doing is a disservice to the process and the people that are in those situations.

Rep. Klemin: Just to follow up, the fax machines are not there, but now we have to make sure they have a printer and a scanner.

Secretary of State: Those types of things we discovered were there, it is they just don't have fax machines. They did have the other type of technology available to them.

Rep. Klemin: If I don't have time on my paper ballot, I am going to have to track down a printer and scanner?

Secretary of State: No, you can still do the paper ballots.

Rep. Klemin: Timing was the issue?

Secretary of State: The timing was strictly the issue. If everything goes and some of the legislation that you have already passed, if we can get everything sooner if we can transmit, are preferred method would be to convey it by mail.

Rep. Klemin: If I am this list today I would be sitting out there and I could download this from my blackberry Tva from a satellite that is overhead and it would be transmitted via e-mail directly to your office. I don't need to have a scanner.

Rep. Meier: How many service men voted absentee ballots in this last election?

Secretary of State: In the survey they were expecting well over 50% of the troops. We have that information in our office, we can get that for you.

Chairman Haas: Further questions for Secretary Jaeger.

Secretary Jaeger: I did pass out the amendment, our concern at this point is that subsections 1 and 2 are intended for two different purposes and we feel we should have the change made there in subsection 2.

Rep. Froseth: There is no way that you can tell if that 18 year old, who moved to Canada, has voted in Canada and absentee in the US, can you.

Secretary Jaeger: I would have to say that you are right. There is an unknown factor there, we don't have you send in citizenship papers. The only thing we can go by is that they are signing affidavits. We are trying with this bill to make things a little bit better, work out better then it now.

Jim: In the process, when we have our central voter file in place, there are going to be times when someone will have there residential address here in North Dakota and there mailing address will be some other state or some other country. It will be the process that to safeguard the election process, that we will send the list to the other state or other country to people who have indicated that they voted here in North Dakota, will you check your records to see if they voted in California. That will be a safeguard to help to protect that. Perhaps there is a situation out there, who lives in North Dakota and moves to Minnesota, but never registers or votes in Minnesota, then leaves the United States, what are there voting rights there. In previous years we said that was a possible, possible situation where a person would be limited through a federal ballot only from North Dakota. However, in a practical world, when you are addressing the individuals who

applied for an absentee ballot, how do you know that track record of that person residency without a whole lot more questions than what we are presently allowed to ask on the application.

Rep. Klemin: We should be deleting that part out of ten and eleven, following that same rationale, we should take out of both places.

Secretary Jaeger: We struggled through this, if we could be allowed to research this a little further with our legal council, what we are trying to do is, with the changes the Senate made, we are thinking this is something we have to deal with and we if we can have a little latitude to just come back. I think we are making a step forward.

Chairman Haas: Secretary Jaeger we will hold this bill until nine o'clock tomorrow morning. Further questions for Secretary Jaeger, if not thank you, and we will see you tomorrow morning at 9:00 a.m. Good Morning LTC David Thiele

LTC David Thiele-Staff Judge Advocate-Testimony Attached

Rep. Klemin: Are you carrying a scanner and a printer with you now.

LTC: No, I did talk to a couple of our soldiers and I can tell you that the environment is always evolving. The technology is changing all the time. I do know that the military is very committed to ensuring that there soldiers have the opportunity to vote, so this is fairly standard across the board.

Chairman Haas: Further questions for LTC Thiele, thank you for being here this morning.

Further testimony on SB 2336, is there opposing testimony on SB 2336? If not we will close the hearing on SB 2336.

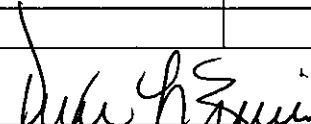
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2336

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3/18/05

Tape Number	Side A	Side B	Meter #
1	x		0-9.8
Committee Clerk Signature 			

Minutes: SB 2336 Relating to absentee voting.

Chairman Haas: I would like to call the meeting to order of the House Government and Veterans Affairs Committee and ask the clerk to take the roll.

14 members present, 0 absent.

Chairman Haas: The chair declares that we do have a quorum, at this time we are going to continue our deliberations on SB 2336, we had asked Secretary Jaeger if he would be willing to look into and give us more clarification on subsection 2 of that 16.1-07-01, so Secretary Jaeger if you would please.

Secretary of State-Al Jaeger-One of the things that we want to make quite clear is that the purposes of subsection 1 and subsection 2 are two different sections. The reason we brought the amendment in yesterday was that we were concerned that the distinction between subsection 1 and subsection 2 will not be as clear as we would like it to be. In fact under current law the similarities with some of the wording created some challenges for us. We made a lot of calls

yesterday, with the suggestion that Rep. Kasper had, actually the consensus is that, well I know it was to expand and allow more people to vote, that it actually does the opposite, more US citizens fall into that group. It would be our recommendation that the only parts that would be amended would be the part that we suggested yesterday.

Chairman Haas: So, Secretary Jaeger you are proposing that there would be no change to your amendment.

Secretary Jaeger: That is correct.

Chairman Haas: Are there further questions for Secretary Jaeger, if not thank you very much for being here. Committee members we have the amendment before us, what are your wishes. We have a motion by Rep. Grande to move the amendments proposed by Secretary Jaeger, is there a second, seconded by Rep. Sitte, is there any further discussion on the amendment. We will do a voice vote on the amendment, all in favor say I, all oppose say no, amendment is carried. We now have the amended bill before us, Rep. Grande moves a DO PASS as Amended, seconded by Rep. Boehning, is there any further discussion on SB 2336 as AMENDED. We will ask the clerk to take the roll on a DO PASS motion as AMENDED on SB 2336.

VOTE: YES 14 NO 0 ABSENT 0 DO PASS AS AMENDED ON SB 2336

REP. GRANDE WILL CARRY THE BILL.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 2336

Page 1, line 14, remove "qualified elector who is a citizen of the United States and, lives outside the"

Page 1, remove line 15.

Page 1, line 16, remove "departure from the United States or a"

Renumber accordingly

**House Amendments to Engrossed SB 2336 - Government and Veterans Affairs
Committee 03/21/2005**

Page 1, line 14, overstrike "qualified elector who is a citizen of the United States", remove the underscored comma, and overstrike "lives outside the"

Page 1, line 15, overstrike "United States" and remove ". and who resided in this state immediately before the individual's"

Page 1, line 16, remove "departure from the United States" and overstrike "or a"

Renumber accordingly

Date: 3/18/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2236

House House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number SB309.0201

Action Taken DO PASS AS Amended

Motion Made By Rep. Grande Seconded By Rep. Boehning

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. Grande

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

Rep. Grande moves the Amendment
Rep. Sitte seconds
voice vote - amendment is carried

REPORT OF STANDING COMMITTEE

SB 2336, as engrossed: **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). Engrossed SB 2336 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "qualified elector who is a citizen of the United States", remove the underscored comma, and overstrike "lives outside the"

Page 1, line 15, overstrike "United States" and remove ", and who resided in this state immediately before the individual's"

Page 1, line 16, remove "departure from the United States" and overstrike "or a"

Renumber accordingly

2005 TESTIMONY

SB 2336

2336
ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.state.nd.us/sec



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SECRETARY OF STATE

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

February 10, 2005

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

FR: Al Jaeger, Secretary of State

RE: SB 2336 – Absentee Voting

During the 2004 General Election, several of the state's county election officials and the Secretary of State's office received a number of requests for absentee ballots from individuals who were citizens of the United States and who had previously lived in North Dakota. In some circumstances, individuals wanting to vote had lived in Canada for 30 plus years and yet retained their United States citizenship.

Under federal law and state law, an individual who retains his or her citizenship is eligible to vote in federal elections. However, under current North Dakota law, many of these same individuals (even though they had not been residents of the state for many years) were also eligible to vote the entire ballot including statewide, district level, local offices, and measures.

While still allowing North Dakota citizens living outside the United States to vote for federal offices, Sections 1 and 2 state that only in the first four years away from North Dakota may one of these citizens vote the entire ballot in the North Dakota precinct where they last lived.

It was also learned in 2004 that current North Dakota law needed to be updated to provide uniformed and citizens living outside the United States with the necessary technological options (other than facsimile transmission allowed since 1991) to allow absentee ballots to be transmitted back and forth in a timely manner. In Section 3, these options, along with the appropriate safeguards, are addressed.

The change in Section 4 requires additional information from those individuals wishing to vote via facsimile or electronic mail. This change means that all persons desiring to vote by absentee ballot must apply for an absentee ballot on a form requiring their signature. This is to allow a crosscheck of the signatures for security reasons and ballot integrity.

The change in Section 5, page 7, line 9, makes it clear that the printed statement on the envelope returning the absentee ballot is a voter's affidavit. Therefore, subsection 3 in that section of law is being eliminated because it duplicates the affidavit requirement in subsection 2.

Section 6 allows the expanded use of a federal write-in ballot, which is a recommendation of the Federal Voting Assistance Program.

Section 7 updates text to reflect new ballot processing procedures and provides that any rejected ballots are given to the county canvassing board for final determination of eligibility.

On page 3, beginning on line 15, the words "Uniformed and overseas citizens applications and voting" are to be replaced with, "Applications and voting for uniformed citizens – Applications and voting for citizens living outside the United States"

On page 4 of SB 2336 beginning on line 17 everything after the word "may" in subsection 4 is to be replaced with the underlined text beginning with the word "receive."

4. An applicant who is a ~~member of the United States armed forces or the United States merchant marine living outside the United States or is a~~ qualified elector living outside the United States may ~~apply for and vote by facsimile if otherwise qualified to apply for and vote by absentee ballot. An auditor, clerk, or business manager may send and receive facsimile absentee ballot applications and facsimile absentee ballots to any individual eligible to apply for and vote by facsimile under this section.~~ receive an absentee ballot by mail, facsimile, or electronic mail. In the event that returning the voted ballot by mail is not practicable, qualified electors meeting the stated criteria of this subsection may return a voted ballot and other required documents to the county auditor by means of facsimile transmission or electronic mail. To return a voted ballot and other required documents by electronic mail, the eligible voter must have access to the technology to scan the documents, save them in a secure format approved by the secretary of state, and return them as an electronic mail attachment directly to the electronic mail address assigned by the auditor, clerk, or business manager for that purpose prior to midnight in the voter's county of residence on the day before the election. The secretary of state shall develop written guidelines relating to security measures for voted ballots returned by electronic mail.

The following is a clean version of how subsection 4 would read if the amendment is passed:

- 4 An applicant who is a qualified elector living outside the United States may receive an absentee ballot by mail, facsimile, or electronic mail. In the event that returning the voted ballot by mail is not practicable, qualified electors meeting the stated criteria of this subsection may return a voted ballot and other required documents to the county auditor by means of facsimile transmission or electronic mail. To return a voted ballot and other required documents by electronic mail, the eligible voter must have access to the technology to scan the documents, save them in a secure format approved by the secretary of state, and return them as an electronic mail attachment directly to the electronic mail address assigned by the auditor, clerk, or business manager for that purpose prior to midnight in the voter's county of residence on the day before the election. The secretary of state shall develop written guidelines relating to security measures for voted ballots returned by electronic mail.

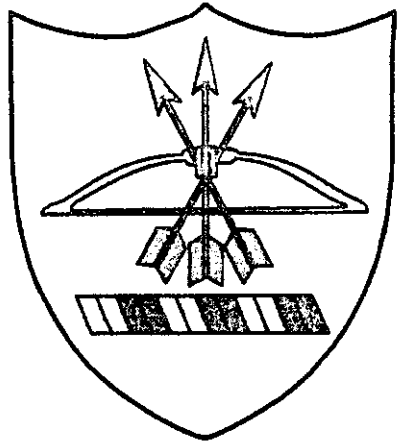
On page 6, beginning at line 11, the following underlined words are to be added to subsection 3:

3. The application for a qualified elector living outside the United States must include a facsimile telephone number or electronic mail address if the voter desires to vote by facsimile or electronic mail.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2336

Page 2, line 26, replace "four years or more" with "more than four years"

Renumber accordingly



Army National Guard
"The Straight Arrows"



Air National Guard
"The Happy Hooligans"

The
North Dakota
National Guard

Testimony of
Brigadier General Jerald Engelman
The Deputy Adjutant General
before the
Senate Government and Veterans Affairs Committee
February 10, 2005

SENATE BILL 2336

TESTIMONY OF
BRIGADIER GENERAL JERALD ENGELMAN
THE DEPUTY ADJUTANT GENERAL
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
FEBRUARY 10, 2005
SENATE BILL 2336

Madame Chair, Members of the Committee,

To date over 2,800 North Dakota National Guard members have been mobilized in support of Operation Enduring Freedom and Operation Iraqi Freedom. With many of these soldiers and airman serving in remote and hostile areas of the world their ability and right to vote has been threatened due to simple logistics. SB 2336 will help our military members to exercise that most important inalienable right; the right to vote.

Senate Bill 2336 recognizes that current technologies such as fax or e-mail are legitimate methods to securely communicate. In this case such methods, with appropriate safeguards, will allow our soldiers in remote locations to cast their vote in a timely fashion. The reality is that in today's world mail is not reliable or practical in many of our remote locations. With satellite technology and equipment communication by e-mail or fax is not only practical but is the preferred method of communication.

In conclusion, the Adjutant General's Office strongly supports this bill and, on behalf of all our soldiers and airman, we request your favorable consideration.

Thank you Madame Chair. I would be pleased to respond to any questions.

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 17, 2005

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

FR: Al Jaeger, Secretary of State

RE: SB 2336 – Absentee Voting

During the 2004 General Election, several of the state's county election officials and the Secretary of State's office received a number of requests for absentee ballots from United States citizens who had lived in North Dakota immediately prior to leaving the country. In some circumstances, individuals wanting to vote had lived in Canada for 30 plus years and yet retained their United States citizenship.

Under federal and state law, an individual who retains his or her citizenship is eligible to vote in federal elections. However, under current North Dakota law, many of these same individuals (even though they had not been residents of the state for many years) are also eligible to vote the entire ballot including statewide, district level, local offices, and measures.

The Senate removed the language from the bill that would have limited the voting rights to only federal offices for those individuals who have lived away from North Dakota and the United States for a period of more than four years. At our request, the Senate also added text that was needed to provide clarity and procedural continuity with other sections of the bill.

Since the action by the Senate, we realized their amendment might cause confusion between the remaining subsections 1 and 2 in N.D.C.C. § 16.1-07-01(1). Therefore, I am offering an amendment, which we believe will clarify the distinction between the two subdivisions.

The overseas deployment of North Dakota's Guard and Reserve troops created a challenge during the 2004 election cycle. Although the facsimile transmission of election information and ballots has been allowed under North Dakota law since 1991 for uniformed and other qualified electors living outside of the United States, it was quickly learned that newer technology had made the fax machine an obsolete piece of equipment in war zones. Therefore, in Section 2 of this bill, it allows other electronic options, along with the appropriate safeguards, to be used to transmit election information and ballots.

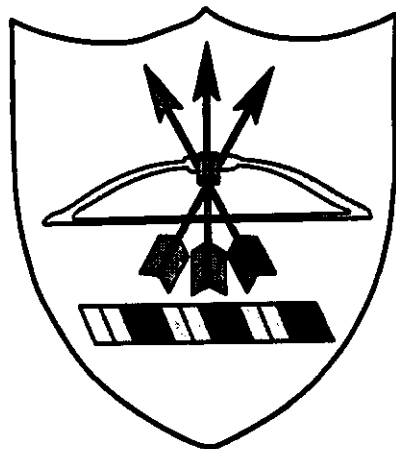
To provide continuity and additional safeguards, the changes in Section 3 requires additional information from those individuals wishing to vote via facsimile or electronic mail and requires a signature when they apply for an absentee ballot. This allows election workers a means to match the signature on the application with the signature on the affidavit when the ballot is transmitted back to the county election officials.

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The change in Section 4, page 6, line 14, makes it clear that the printed statement on the envelope returning the absentee ballot is a voter's affidavit. On page 7, lines 1 through 9 are being deleted because it duplicates the affidavit requirement already covered in subsection 2.

Section 5 allows the expanded use of a federal write-in ballot, which is a recommendation of the Federal Voting Assistance Program.

Section 6 updates text to reflect new ballot processing procedures and provides that any rejected ballots are given to the county canvassing board for final determination of eligibility.



Army National Guard
"The Straight Arrows"



Air National Guard
"The Happy Hooligans"

The
North Dakota
National Guard

Testimony of
LTC David Thiele
Staff Judge Advocate
before the
House Government and Veterans Affairs Committee
March 17, 2005
ENGROSSED SENATE BILL 2336

TESTIMONY OF
LTC DAVID THIELE
STAFF JUDGE ADVOCATE
NORTH DAKOTA NATIONAL GUARD
BEFORE THE
HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
MARCH 17, 2005
ENGROSSED SENATE BILL 2336

Mr. Chairman, Members of the Committee,

To date over 2,800 North Dakota National Guard members have been mobilized in support of Operation Enduring Freedom and Operation Iraqi Freedom. With many of these soldiers and airman serving in remote and hostile areas of the world their ability and right to vote has been threatened due to simple logistics. SB 2336 will help our military members to exercise that most important inalienable right; the right to vote.

Senate Bill 2336 recognizes that current technologies such as fax or e-mail are legitimate methods to securely communicate. In this case such methods, with appropriate safeguards, will allow our soldiers in remote locations to cast their vote in a timely fashion. The reality is that in today's world mail is not reliable or practical in many of our remote locations. With satellite technology and equipment communication by e-mail or fax is not only practical but is the preferred method of communication.

In conclusion, the Adjutant General's Office strongly supports this bill and, on behalf of all our soldiers and airman, we request your favorable consideration.

Thank you Mr. Chairman and members of the committee. I would be pleased to respond to any questions.