

2009 HOUSE POLITICAL SUBDIVISIONS

HB 1395

2009 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1395

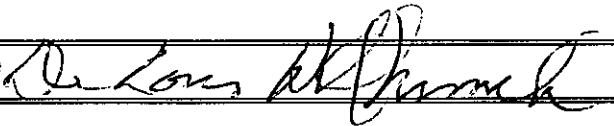
House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: January 30, 2009

Recorder Job Number: 8248

Committee Clerk Signature



Minutes:

Chairman Wrangham opened the hearing on HB 1395.

Rep. Kasper: Introduced HB 1395. I think this is an important public policy. I believe the right to vote and the opportunity to vote is paramount in a free society. This bill is in regard to voting accessibility. There is a problem of voting in Fargo in regard to precinct from six to two. That meant our voters had a drop of 66% for accessibility on Election Day to vote. In Fargo in 2007 gave more excess to our citizens to vote. I would acknowledge that. Our citizen's did have a great opportunity to vote. On election day that voter access was greatly diminished in my district. HB 1395 requires that a legislative district must have a minimum of four precincts open on election day. There will be objections and 1. They can't find pole workers; I don't think that is a good enough excuse. 2. It will cost too much; before 2007 we had all the money in the world to find pole workers, it won't cost much more than it did in the past. 3 things are working good the way they are now; they are prior to election day. I would answer that to say when it comes to protecting and encouraging our citizens to vote; until 2007 election district and precinct worked very well. It is my opinion that it is one of the most important obligations that each one of us as individual legislatures to do all we can to preserve and protect the ability of our citizens to vote.

Rep. Nancy Johnson: How many people turned out to vote in 2004 versus 2008?

Rep. Kasper: In 2004 compared to 2008 I think we had a greater voter turnout in 2004, although I cannot say for sure.

Rep. Zaiser: Do you know for sure how many people did not vote due to lack of polling places?

Rep. Kasper: Difficult to answer this. I think the answer is no; but there were only two polling places in our district the answer would be yes. Can you imagine in the western part of the state where polling places are 150 miles across and 50-80 miles wide and now we are moving toward the direction of fewer voting places; that is unfair to the voters of the state. I think we need to slow down; go back to having more precincts available.

Opposition:

Michael Montplaisir, County Auditor in Cass County: (see testimony #1)

Rep. Jerry Kelsh: Did I understand there were two polling places in your district; Rep. Kasper's in that district. I know they have to have at least one and it covers many districts. I don't think anyone in Fargo; how many polling places did you have in the county of Cass?

Michael Monplaisir: We had 35 precincts throughout the entire county. We had voting places open nine days before election. In Fargo there are probably 15 of those in Fargo, West Fargo Metro area.

Rep. Kretschmar: How many legislative districts do you have in Cass County?

Michael Monplaisir: There are 10 legislative districts either whole or in part in Cass County. This bill would make 43 precincts; I would think more than that because of rural area; we have a lot more precincts because of population.

Rep. Koppelman: You referred again to the issue of Fargo with regard to the schools, but that didn't exist in West Fargo. Was that effort a reaction from being removed from the schools for voting or was it a strategy to reduce the number of polling places?

Michael Monplaisir: We reduced polling places in West Fargo. We had some problems with parking and space within the building. We do still use a school in West Fargo. That has worked out very well. We also have one in the rural area where it is the only thing available.

Kevin Glatt: Burleigh County: I oppose this bill. In District 8 we have four precincts. In district 8 we have four precincts: Rural Fire, Shallow Christian School, Baldwin School, and Evangel School. If that small school of Baldwin closes not sure where we will go?

Al Jaeger: Most of the district where you have to drive miles, it was no problem. It should be county decision along.

Danette Odenbach: (testimony #2).

Hearing closed.

2009 HOUSE STANDING COMMITTEE MINUTES

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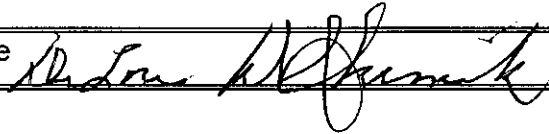
House Political Subdivisions Committee

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Hearing Date: February 5, 2009

Recorder Job Number: 8748

Committee Clerk Signature



Minutes:

Chairman Wrangham opened the hearing on HB 1395.

Do Not Pass Motion Made By Rep. Conrad, Seconded By Rep. Johnson

Vote: 10 Yes 1 No 1 Absent

Carrier: Rep. Jerry Kelsh

Hearing closed.

FISCAL NOTE
Requested by Legislative Council
01/29/2009

REVISION

Bill/Resolution No.: HB 1395

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 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.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$199,080	\$0	\$0	\$50,000	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill mandates that each legislative district has at least four polling locations. At present, all of the impact would be in one county although it could impact others in the future.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

It has a fiscal impact for counties who are now charged by law to establish voting locations and to have them in a location accessible to physically disabled persons.

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.*

The county will need additional poll workers, purchase more election equipment, programming, testing, ballot stock and styles, polling locations, etc.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

No state appropriation.

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	01/29/2009

FISCAL NOTE
Requested by Legislative Council
01/15/2009

Bill/Resolution No.: HB 1395

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 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.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$35,000	\$0	\$0	\$40,000	\$0	\$0

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill mandates that each legislative district has at least four polling locations. At present, all of the impact would be in one county although it could impact others in the future.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

It has a fiscal impact for counties who are now charged by law to establish voting locations and to have them in a location accessible to physically disabled persons.

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.*

The county will need additional poll workers, election equipment, programming, testing, ballot stock, locations, etc.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

No state appropriation.

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	01/29/2009

Date: 2/5
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1395

House Political Subdivisions

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

DO PASS

DO NOT PASS

AS AMENDED

Motion Made By

Rep. Conrad

Seconded By

Rep. N. Johnson

Representatives	Yes	No	Representatives	Yes	No
Rep. Dwight Wrangham, Chairman	✓		Rep. Kari Conrad	✓	
Rep. Craig Headland, Vice Chairman	0		Rep. Jerry Kelsh	✓	
Rep. Patrick Hatlestad	✓		Rep. Robert Kilichowski	✓	
Rep. Nancy Johnson	✓		Rep. Corey Mock	✓	
Rep. Lawrence Klemin	✓		Rep. Steve Zaiser	0	
Rep. Kim Koppelman		✓			
Rep. William Kretschmar	✓				
Rep. Vonnie Pietsch	✓				

Total

(Yes)

10

No

1

Absent

2

Carrier:

Rep Kelsh

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

REPORT OF STANDING COMMITTEE

HB 1395: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends
DO NOT PASS (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1395 was
placed on the Eleventh order on the calendar.

2009 TESTIMONY

HB 1395

#1

TESTIMONY ON HOUSE BILL 1395

Mr. Chairman and members of the Political Subdivisions Committee, I am Michael Montplaisir, the County Auditor in Cass County. I am in charge of Primary and General Elections for the county. I am here today in opposition to House Bill No. 1395.

Dividing the county into precincts is a local decision. Cass County looks at precinct boundaries and polling locations prior to every election cycle. In the cities of Fargo and West Fargo, we consult with the city auditors and the city commissions. Following the 2006 General Election, we were told by the Fargo School District that we could no longer use Fargo School District buildings as polling sites. The school district was concerned about security during elections; I had the same concerns expressed by election inspectors. In addition, the space allocated at the polling place, the lighting, and the parking was not adequate—so the change was needed.

During 2007 we looked at our precincts and first tried to find new polling sites to replace school district buildings. Also we looked at other problem locations, like a local restaurant where room was tight both in the building and in the parking lot, and a park district building we had received a lot of complaints about because of the distance between the parking lot and the building. We found suitable polling locations were very difficult to find. We looked for buildings people would let us use that had sufficient space within the building; buildings that were handicapped accessible; buildings with adjacent parking and sufficient spaces for the voting public; and locations that were easy for the voters to find. We could not do that with the same number of precincts we had in 2006.

Due to problems finding suitable locations within the current precincts, we changed our approach. We instead looked for suitable polling sites with at least 2,500 square feet of available space that they were willing to allow us to use on election day; handicapped accessible with parking for 30 to 40 cars; and where traffic patterns allowed voters to enter and exit the parking lots without a lot of wait time during peak traffic hours. We were able to find at least two locations in each legislative district. Our next task was to look at precinct boundaries. With the locations we found, we were able to re-draw precinct boundaries by combining current precincts and making major streets the dividing lines between the precincts. This was important because when we publish maps of the precincts, and when we receive phone calls about which precincts voters live, it is a lot easier if the precincts have a major arterial street as a dividing line. For instance, if a voter in District 46 wants to know which precinct they live in or where their polling location is, by simply knowing if they live north or south of 32nd Ave South, we can

give them the information they want. Another example, in District 41 those who live north of 32nd Avenue are in precinct 1 and south of 32nd Avenue are in precinct 2.

We kept city personnel informed and met with the Democratic and Republican party chairs of each affected district. The final boundaries were approved by both Fargo and West Fargo City Commissions following a public hearing. Before the Primary Election, we did a lot of work in letting the public know about the new precinct boundaries and the new polling locations using the media, e-mails to district party chairs which they could forward to their contact lists, and flyers that students took home from school. We had less problems with people finding their precincts on election days in 2008 than we had ever had before – with the reduced precincts people had a much easier time reading the maps and finding the correct locations.

With the larger precincts, there were waiting lines during the Primary Election. In response, we adjusted staffing for the General Election and introduced E-Poll Books to all our metro precincts. We had very few problems during the General Election and we were able to address those during the day by managing the polling site.

Distance is also not a problem with the new larger precincts; legislative districts in the metro area are very compact – no one lives very far from their polling location. In fact, on my fifteen minute drive to work I travel through three districts and into a fourth – about a distance of five miles.

Requiring polling locations to be located within the precincts also creates some interesting problems. For instance, the nearest polling location for a precinct in District 22, located in the north part of West Fargo would be seven miles to the west in Mapleton—the actual precinct is in District 13. The same situation exists in one of our rural precincts; we would have our voters in precinct 22-01 drive sixteen miles to Buffalo to vote instead of nearby in Page.

I go through all of this, not to bore you with the details of how we establish polling locations and precinct boundaries, but rather to show you that determining the number of polling locations and precinct boundaries in each district are decisions which need to be made on the local level. We look at each district separately, where distance to polling sites is a concern; where there has been a lot growth since the last legislative redistricting; or where traffic patterns dictate we use additional precincts to adequately serve our voters.

1
2
Requiring four precincts in every legislative district is simply not needed. In times of tight budgets it is an expense simply not needed and cannot be justified by better service to the voting public. The voting public is better served by larger, better staffed, and better equipped precincts. In addition to our Election Day precincts, we offer Early Voting and Absentee Voting. Cass County is committed to ensure voting is accessible to all eligible voters.

I urge a Do Not Pass on House Bill 1395.

#2

**TESTIMONY TO THE
HOUSE POLITICAL SUBDIVISIONS COMMITTEE**

Prepared January 30, 2009 by
Danette Odenbach
North Dakota Association of Counties

REGARDING HOUSE BILL 1395

Chairman Wrangham and members of the House Political Subdivisions Committee:

The North Dakota Association of Counties (NDACo) submits this testimony in opposition to House Bill 1395.

The requirement to add additional precincts in legislative districts where it is possible to efficiently and effectively maintain fewer than four precincts is unnecessary and overly burdensome. The proposed mandates in HB 1395 would require an unnecessary expenditure of taxpayer dollars; and for what benefit?

As legislative districts are currently apportioned, only Cass County has districts with fewer than four precincts. And these are relegated to the densely populated districts found in the cities of Fargo and West Fargo. These highly populated residential areas provide very few, if any acceptable polling sites. By federal and state law, poll sites must be accessible to people with a full range of disabilities. In addition, the site must be large enough to handle the expected flow of traffic and able to accommodate the parking needs of the electorate. The number and geography of precincts is a local decision necessarily addressed by the individual county. Micromanagement by the state only serves to subject the counties and their taxpaying citizens to unnecessary precincting requirements; especially as we approach the 2010 decennial census and subsequent legislative redistricting process.

Finally, the language found on lines 17-18 of the bill, which reads "Notwithstanding section 16.1-04-02", causes section 16.1-04-01 to override section 16.1-04-02. The overridden section allows for vote centers, and more importantly requires all poll sites to be accessible to the elderly and the physically disabled. Accessibility to the poll sites is not an option; it's a federal requirement under both the Americans with Disabilities Act and the Help America Vote Act.

The counties appreciate your consideration and urge a Do Not Pass recommendation on HB 1395.