

2009 HOUSE JUDICIARY

HB 1461

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1461

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 1/26/09

Recorder Job Number: 7716

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on HB 1461.

Rep. Mike Schatz: Sponsor, support (attachment).

Rep. Dahl: I assume you meant democratic with a small "d". There are a number of provisions that prohibit yard signs up or advertising with exception to billboards on election day, do you mean to include prohibiting those in those counties that have early voting.

Rep. Mike Schatz: On page 1, 16-1-10-03 is part of the provision of this bill, talks about political badge and button, insignias. Primarily this is taking the existing law and adding early voting.

Rep. Dahl: In Grand Forks County, we had two weeks of early voting before election day. So there could be no TV advertising, etc.

Rep. Mike Schatz: That's not what the law says about polling places. This is dealing with a polling place and what you can do at a polling place, where voting is taking place on election day, this would apply to early voting. No badges, etc. can be worn to influence the vote.

Rep. Koppelman: This keeps the polling place a neutral ground on election day. I think that this law, I've been told, if it were challenged on constitutional grounds, in terms of free speech, it probably would be struck down. We had a measure two years ago to get rid of it on that

basis, and the legislature said we want to keep it, because people in ND have common sense and we respect it and we exercise it that way.

Rep. Delmore: It is your intent that there can be no signs in the general vicinity, no political signs.

Rep. Mike Schatz: That is correct.

Rep. Delmore: If I were to be in the same building, which we were in a very large building for the early voting, so if I'm sitting somewhere else in the building with a political button on, how would you make a determination. It's two weeks before the election and that's the time that many people really begin to get involved. If I'm wearing a button and walking around the facility, under the statute could I be found guilty of a misdemeanor.

Rep. Mike Schatz: I believe you're right. The situation I feel is that there is going to have to be some consideration about where you are going to have your early voting places. Maybe that isn't the best place (Alerus Center). Maybe it has to be changed to a small venue, another government office where you don't have any other campaigning that's going on. Yes, I believe you'd be right.

Rep. Wolf: I can see where it might happen that a TV might be on near the early voting area. What's going to happen in that situation.

Rep. Mike Schatz: I think it's going to be a message to our county commissioners as far as where they put the early voting places. I think we need to get away from any campaigning that goes on at a polling place. I don't think that's a good thing. This would remove it, and force them to move it to a place where there wouldn't be any TV on with advertisements.

Rep. Klemin: I think we're getting off track. I'm looking at the handout which already has the statutes there that are referred to in the bill. I don't see anything in there about advertising on TV or otherwise. I don't see anything in there about signs. It talks about how you can't give

away badges, buttons or insignia on that day and you can't wear it at or about the polls on any election day. Then you go to section 6.2 and it talks about the sale or distribution within 100 feet of the polling place. I don't see anything there about television advertising or anything like that. Your comments seem to agree with the questions that you couldn't do certain types of advertising but I'm not sure that's really is in there.

Rep. Mike Schatz: Now that I look at it a little closer, I hate to agree with everybody. I see what you're saying.

Rep. Koppelman: Along those lines, I'm wondering if we should be dealing with other parts of the statute, taking a closer look at it. We have sort of a melding of things that we can't do on election day. In ND, we are not allowed to campaign on election day. There aren't signs up everywhere. We take all of that down.

Rep. Wolf: Not in Minot. You don't have to take the signs down ever. It depends on where you live.

Rep. Koppelman: I guess that's been the tradition in some areas. There are certain things that happen on election day, and there are other things that can't happen within a certain distance of a polling place. Are you saying this broadens it, or narrows it.

Rep. Mike Schatz: I think we're treading on new ground, the early voting situation, we don't have a lot of history as to what we allow and don't allow. Maybe some things have to be added to that.

Rep. Delmore: We need to be careful too in trying to tie the hands of county commissioners simply because, if you're going to have five legislative districts depending on city size, you do need to have an establishment large enough to cover that. Would you say the same would hold true in Dickinson. Schools that are utilized would not be big enough.

Rep. Mike Schatz: I agree that you need a facility that's going to be large enough. Exactly what .03 states in here, it states what you aren't allowed to do there. I think maybe you need to be a little more careful about where they put the polling places. They may need to put it in a building that normally doesn't allow people to wear buttons around, whether a county or state building where that is discouraged. We may need to look carefully at places where early voting is held.

Chairman DeKrey: Thank you. Further testimony in support.

Al Jaeger, Secretary of State: Support (attachment). This is only looking at two sections of the law.

Rep. Delmore: Why did you leave out political signs right outside the building in this particular bill.

Al Jaeger: You need to see the language, these three sections of the law address what happens on election day. We're talking about electioneering, or other sections of the law; it is in specific reference to these two cites.

Rep. Delmore: Why you think it wasn't included to use political signs which could surround the area from both parties.

Al Jaeger: We drafted the bill to deal with these two sections in the law pertaining to early voting procedures. If there are a sign within 100 ft or billboards, etc. as Rep. Wolf says, Minot has different customs than many other counties, they would need to be taken down before election day. It doesn't deal with electioneering. All I'm trying to say is that this bill is specific to these two statutes, no more no less.

Rep. Kretschmar: For instance, say if Grand Forks County had early voting and it was on October 18, and Rep. Delmore was out campaigning in her district on the 18th, would she be prohibited from giving that person a political badge or button.

Al Jaeger: I believe that the way this is written, it is strictly at the polls. You can't walk into a polling location and give out political materials. What she does more than 100 ft away is not a problem. The reason that our office only is dealing with these two areas is because our office got calls that dealt with this matter. Well, it's not election day; so we have the election board sitting there, somebody comes in with a big T-shirt saying vote for Jaeger, that wouldn't be a bad thing, but my point is that can't be done on election day, and all this is saying that the same thing applies to an early voting precinct. You can't walk in with it on.

Rep. Wolf: An early voting location, that may be located in a residential area, and I'm going door to door handing out buttons, if this house is within 100 ft. in or about the polling location, is that going to now restrict me from being able to go door-to-door during the early voting time of my campaign and not give out buttons.

Al Jaeger: That's what I was attempting to answer earlier. It doesn't stop you from campaigning, just not at the poll, at the early polling location.

Rep. Wolf: But if the poll location is right there, some of the schools where we are voting at that are open for early voting are right next to the houses in my district.

Al Jaeger: In 03 it says you can't do it at or about the polls, you can't distribute items within 100 ft. of the location. Maybe you have to do it after the polls close. What's 100 ft.

Rep. Wolf: 100 feet from where?

Rep. Dahl: Would you be opposed to also amending in section 16.1-10-06 electioneering on election day because that provision specifically references the election day, would that be something that you would be opposed to if it were included.

Al Jaeger: That might cause a lot of other problems; this is specific to a poll location. The chapter on electioneering, there are many of us that really love that particular section. I think

every attorney in the state looks at it as unconstitutional. I think this is very specific to a polling location. I wouldn't think that this bill takes that away from us.

Chairman DeKrey: Thank you. Further testimony in support.

Gary Emineth, Republic Party State Chairman: Support. This bill is mainly for clarification. We had many calls during this last election cycle. Some of them were simple as an issue of a sticker being on the clothes, and they were asked to remove it. In other instances, they were not asked to remove it. They asked what the law is, what should we do. We're treating it as election day, so we would encourage them to take it off. We didn't publicly go out and get excited about it. We just want clarification. We will adapt to whatever the strategy will be. Right now we treated early voting as election day.

Rep. Delmore: Why would you not add political signs to this. That was a bone of contention in Grand Forks, as well. That there were political ads for specific districts that would be voting there, both Republican and Democrat. I'm not so sure that sign shouldn't have been something taken away from that location. Why not include the signs as well.

Gary Emineth: I don't have a problem either way. If the committee wants to add signs, it's fine. My bigger concern was having a political rally not too far from the early voting place.

Chairman DeKrey: Thank you. Further testimony in support.

Danette Odenbach, ND Assoc of Counties: Support (attachment). Counties go to great lengths to protect the voting process.

Chairman DeKrey: Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1461

House Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/4/09

Recorder Job Number: 8679

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will take a look at HB 1461. What are the committee's wishes.

Rep. Klemin: The amendment changes it from precincts to polling places at the precinct.

This will narrow down the area designated for the polling place.

Rep. Delmore: Isn't that in Code now.

Rep. Klemin: The code only deals with election day. This bill defines election day as being the early 15 days that no buttons, etc. could be worn within 100 ft. of the polling place. I move the amendment.

Rep. Koppelman: Second.

Chairman DeKrey: Voice vote. Motion carried. We now have the bill before us as amended.

Rep. Koppelman: I move a Do Pass as amended.

Rep. Dahl: Second.

9 YES 4 NO 0 ABSENT

DO PASS AS AMENDED

CARRIER: Rep. Dahl

VJR
2/4/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1461

Page 1, line 10, after "to" insert "polling places at"

Page 1, line 12, after "precinct" insert "polling place"

Renumber accordingly

Date: 2/4/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1461

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ DP ☐ DNP ☒ DP AS AMEND ☐ DNP AS AMEND

Motion Made By Rep. Koppelman Seconded By Rep. Dahl

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore		✓
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig		✓
Rep. Dahl	✓		Rep. Wolf		✓
Rep. Hatlestad	✓		Rep. Zaiser		✓
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 9 No 4

Absent _____

Floor Carrier: Rep. Dahl

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

REPORT OF STANDING COMMITTEE

HB 1461: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1461 was placed on the Sixth order on the calendar.

Page 1, line 10, after "to" insert "polling places at"

Page 1, line 12, after "precinct" insert "polling place"

Renumber accordingly

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1461

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.1461

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/19/09

Recorder Job Number: 11300

Committee Clerk Signature

Kathleen Oisel

Minutes:

Chairman Dever opened the public hearing on HB1461. Representative Mike Schatz was there to introduce the bill.

Representative Schatz: Mike Schatz, district 36 Dunn, Stark, Morton, & Hettinger counties.

See attached testimony #1.

Senator Nelson asked the question on House Bill 1180 and I think that the reference to that would mean something to that if you are wearing an article of clothing is different that standing outside and showing your sign.

Senator Dever: As I understand it an early voting precinct, a county might have one but they might have more than one polling place

Mike Schatz: That is correct; you can have more than one polling place in a precinct.

Al Jager: Secretary of the State. See attached testimony #2.

Senator Horne: Are you going to advise all of the auditors in the counties that they need to post signs outside every door stating what is allowed.

Al Jager: I imagine that it would be the same as on Election Day. I don't see this as a big problem, again I think that when it happens the public will know it and see the purpose.

Senator Horne: It seems to me that there is a difference; a courthouse is a place where business is conducted and it's not the same atmosphere or circumstances. Most people understand that on Election Day you can't campaign, it seems to me that it could be problematic if it is really strictly enforced.

Al Jager: The election board is a legal representative of the political parties. And there are some posting requirements and we now have to post the correct practices at the polling places.

Senator Nelson: What I perceive to be the difference between 1461 and 1180, 1461 says that during the time that the polling place is open. 1180 says that during the time that the facility is being used as an early voting precinct; that would say to me during the entire time you have your equipment set up. Am I interpreting that right?

Al Jager: I think that once the precinct is closed that location is no longer being used because you can no longer come in and vote.

Senator Cook: If somebody was staying at the Doublewood and they were wearing a t shirt of a political candidate. Someone could stop and challenged them, correct?

Al Jager: They can do it under current law.

Senator Dever: We, as candidates in North Dakota respect the will of the people. The consequences that we would face would be worse than any penalty that could be imposed on us, we would lose votes. Aren't we opening the door for people to challenge the rule as an argument of free speech?

Al Jager: The fact is someone can challenge it today. I understand the situation and I think that both of these bills have merit. You touched on something critical, we all talk about the unconstitutional laws but there has been not attempt to reverse it. The other thing that you touched on is the citizens; the outcry that we got from commercials on Election Day is

staggering. This is not a party reaction; it is the citizens that are calling. To say that we have different rules for early voting, which in Cass County we had 20,000 people voting early, is not good and that is what both these bills do. Ultimately, what it comes down to is we get called and we can tell them what the law says, but I am not the prosecutor. Between public opinion and pressure from a party it seems to get sorted out. Both of these bills makes it a little clearer for all political parties.

Senator Cook: My concern is that we are moving this a little too far and someone will challenge it. Back when you had strictly Election Day voting it was not a problem. I think that you could jeopardize the integrity that we have managed to instill and I am thinking that we may just need an amendment that says that it does not apply if a polling place is in an establishment open for routine activity for purposes other than voting.

Al Jager: One of the things to keep in mind, what you are referring to is someone on a national campaign. I think that in most cases the first outcry, the in-state political party would take care of that. They are more concerned about public opinion than the fact that somebody comes along and arrests them. The public opinion part of this is so much more overriding than anything else. I think that our local culture would take care of that.

Senator Cook: Don't get me wrong, I want to protect the beauty of how we handle the elections. My concern is someone who has no concern about any candidate but wants to make the free speech argument.

Al Jager: We know that there are fringe groups in the election community that are really fringe. They are called all kinds of things and there is no rhyme or reason to these people. In the bigger scheme of things they have bigger things to do than come to North Dakota. The purpose of both of these bills is to preserve what is in place.

Senator Nelson: Right outside the Doublewood there is a new digital sign that cycles between different ads, are you going to look at that next session?

Al Jager: In my opinion that is already covered by law. I am quite certain that the law says that if it is not readily removable it can be kept up, but if it is cycled in it seems that it can be changed easily.

Denette Odenbach: North Dakota Association of Counties supports House Bill 1461; consider that if Senate Bill 2319 passes the House as well look at line 12.

Senator Dever: In 1180 it says precinct, would it be more correct to say polling place?

Denette Odenbach: If it is in singular form, then precinct is correct. If it is in multiple form then polling place would be correct.

With that Chairman Dever closed the public hearing on HB1461

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.1461

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/19/09

Recorder Job Number: 11660

Committee Clerk Signature

Kate Oehlke

Minutes:

Senator Nelson: There was an amendment. Because 'the' implied there was only 1.

Senator Dever: Line 10 it is plural.

Senator Nelson: Early voting place is singular. I have watch 2319 on this one.

Senator Dever: Secretary of State asked to not act on right away and see what the house does with Senate Bill 2319.

Senator Nelson made a motion to consider the amendments with a second by Senator Oehlke. There was no discussion and the motion passed 5-0. Senator Oehlke made a motion for a do pass as amended with a second by Senator Nelson. There was no discussion and the motion passed 5-0 with Senator Nelson carrying the bill to the floor.

90785.0201
Title.0300

Adopted by the Government and Veterans
Affairs Committee
April 2, 2009



PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1461

4-2-9

Page 1, line 12, replace "the" with "an"

Renumber accordingly

4-2-09
Date: ~~2-4~~
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1461

Senate Government and Veteran's Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Move Amendments

Motion Made By Nelson Seconded By Oehlke

Representatives	Yes	No	Representatives	Yes	No
Dick Dever	x		Dwight Cook	x	
Dave Oehlke	x		Carolyn Nelson	x	
Robert M. Home	x				

Total Yes 5 No 0

Absent _____

Floor Assignment _____

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

Date: 4-2-09
Roll Call Vote #: 2

Carrier
Nelson

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1461

Senate Government and Veteran's Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

Do Pass As Amended

Motion Made By

Oehlke

Seconded By

Nelson

Representatives	Yes	No	Representatives	Yes	No
Dick Dever	X		Dwight Cook	X	
Dave Oehlke	X		Carolyn Nelson	X	
Robert M. Horne	X				

Total

Yes

5

No

0

Absent

Floor Assignment

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

REPORT OF STANDING COMMITTEE

HB 1461, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1461 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "the" with "an"

Renumber accordingly

2009 TESTIMONY

HB 1461

Mr. Chairman and members of the House Judiciary committee,

For the record, my name is Mike Schatz and I am a representative from Dist. 36 which is Dunn, Hettinger, Morton, & Hettinger counties.

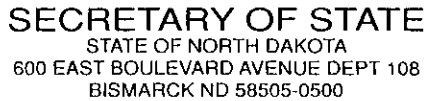
I am the prime sponsor of HB 1461 which basically includes early polling places into the law that deals with how elections are conducted.

As many of you know, state law does not allow rallies, wearing of buttons or general electioneering within 100 ft. of the entrance of a polling place. Neither can you have signs or try to induce people to vote a certain way. Early voting is new to many of us and it is becoming more prevalent. It is therefore necessary that we keep polling places free from influence on voting days and insure that our democratic system prevent undo influence.

Thank you Mr. Chairman and I will be available for any question that I am capable of answering.

SEC
(b)(7)(C)

ME



E-MAIL sos@nd.gov

January 26, 2009

TO: Rep DeKrey, Chairman, and Members of the House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: HB 1461 – Campaigning Restrictions at Early Voting Precinct

The Secretary of State supports the proposed changes in this bill because it makes it clear the activities referenced in the following two sections of law are also prohibited at an early voting precinct during the time it is open for voting.

[illegible]

16.1-10-03. Political badge, button, or insignia at elections.

On the day of an election, no person may buy, sell, give, or provide any political badge, button, or any insignia to be worn at or about the polls on that day. No such political badge, button, or insignia may be worn at or about the polls on any election day.

16.1-10-06.2. Sale or distribution at polling place.

A person may not approach a person attempting to enter a polling place, or who is in a polling place, for the purpose of selling, soliciting for sale, advertising for sale, or distributing any merchandise, product, literature, or service. A person may not approach a person attempting to enter a polling place, who is in a polling place, or who is leaving a polling place for the purpose of gathering signatures for any reason. These prohibitions apply in any polling place or within one hundred feet [30.48 meters] from any entrance leading into a polling place on election day.

**TESTIMONY TO THE
HOUSE JUDICIARY COMMITTEE**

Prepared January 26, 2009 by
Danette Odenbach
North Dakota Association of Counties

REGARDING HOUSE BILL 1461

Chairman DeKrey and members of the House Judiciary Committee:

The North Dakota Association of Counties (NDACo) submits this testimony in support of House Bill 1461.

House Bill 1461 amends section 16.1-07-15 of the North Dakota Century Code by applying the same standards for prohibited conduct on Election Day, to include the times when an early voting precinct is open.

The counties support this change as it applies the same protections from political influence or solicitation at the poll site for early voters as for those who cast their ballots on Election Day.

The North Dakota Association of Counties appreciates your consideration, requesting a subsequent Do Pass recommendation on House Bill 1461.



A person may not approach a person attempting to enter a polling place, or who is in a polling place, for the purpose of selling, soliciting for sale, advertising for sale, or distributing any merchandise, product, literature, or service. A person may not approach a person attempting to enter a polling place, who is in a polling place, or who is leaving a polling place for the purpose of gathering signatures for any reason. These prohibitions apply in any polling place or within one hundred feet [30.48 meters] from any entrance leading into a polling place on election day.

CHAPTER 16.1-10 CORRUPT PRACTICES

16.1-10-01. Corrupt practice - What constitutes. A person is guilty of corrupt practice within the meaning of this chapter if the person willfully engages in any of the following:

1. Expends any money for election purposes contrary to the provisions of this chapter.
2. Engages in any of the practices prohibited by section 12.1-14-02 or 12.1-14-03.
3. Is guilty of the use of state services or property or the services or property of a political subdivision of the state for political purposes.

16.1-10-02. Use of state or political subdivision services or property for political purposes.

1. No person may use any property belonging to or leased by, or any service which is provided to or carried on by, either directly or by contract, the state or any agency, department, bureau, board, commission, or political subdivision thereof, for any political purpose.
2. The following definitions must be used for the purposes of this section:
 - a. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a state office or a position taken in any bona fide news story, commentary, or editorial.
 - b. "Property" includes, but is not limited to, motor vehicles, telephones, typewriters, adding machines, postage or postage meters, funds of money, and buildings. However, nothing in this section may be construed to prohibit any candidate, political party, committee, or organization from using any public building for such political meetings as may be required by law, or to prohibit such candidate, party, committee, or organization from hiring the use of any public building for any political purpose if such lease or hiring is otherwise permitted by law.
 - c. "Services" includes, but is not limited to, the use of employees during regular working hours for which such employees have not taken annual or sick leave or other compensatory leave.

16.1-10-03. Political badge, button, or insignia at elections. On the day of an election, no person may buy, sell, give, or provide any political badge, button, or any insignia to be worn at or about the polls on that day. No such political badge, button, or insignia may be worn at or about the polls on any election day.

16.1-10-04. Publication of false information in political advertisements - Penalty. A person is guilty of a class A misdemeanor if that person knowingly, or with reckless disregard for its truth or falsity, publishes any political advertisement or news release that contains any assertion, representation, or statement of fact, including information concerning a candidate's

prior public record, which is untrue, deceptive, or misleading, whether on behalf of or in opposition to any candidate for public office, initiated measure, referred measure, constitutional amendment, or any other issue, question, or proposal on an election ballot, and whether the publication is by radio, television, newspaper, pamphlet, folder, display cards, signs, posters, billboard advertisements, web sites, electronic transmission, or by any other public means. This section does not apply to a newspaper, television or radio station, or other commercial medium that is not the source of the political advertisement or news release.

16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements. Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, must disclose on the advertisement the name of the person, as defined in section 16.1-08.1-01, or political party paying for the advertisement. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible person from the political party, association, or partnership. The name of the person or political party paying for any radio or television broadcast containing any advertising announcement for or against any candidate for public office must be announced at the close of the broadcast. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible person from the political party, association, or partnership. In every political advertisement in which the name of the person or political party paying for the advertisement is disclosed, the first and last name of any named person must be disclosed. An advertisement paid for by an individual candidate or group of candidates must disclose that the advertisement was paid for by the individual candidate or group of candidates. The first and last name or names of the candidates paying for the advertisement are not required to be disclosed. This section does not apply to campaign buttons.

16.1-10-05. Paying owner, editor, publisher, or agent of newspaper to advocate or oppose candidate editorially prohibited. No person may pay or give anything of value to the owner, editor, publisher, or agent of any newspaper or other periodical, or radio or television station, to induce the person to advocate editorially or to oppose any candidate for nomination or election, and no such owner, editor, publisher, or agent may accept such inducement.

16.1-10-06. Electioneering on election day - Penalty. Any person asking, soliciting, or in any manner trying to induce or persuade, any voter on an election day to vote or refrain from voting for any candidate or the candidates or ticket of any political party or organization, or any measure submitted to the people, is guilty of an infraction. The display upon motor vehicles of adhesive signs which are not readily removable and which promote the candidacy of any individual, any political party, or a vote upon any measure, and political advertisements promoting the candidacy of any individual, political party, or a vote upon any measure which are displayed on fixed permanent billboards, may not, however, be deemed a violation of this section.

16.1-10-06.1. Paying for certain election-related activities prohibited. No person may pay another person for:

1. Any loss or damage due to attendance at the polls;
2. Registering;
3. The expense of transportation to or from the polls; or
4. Personal services to be performed on the day of a caucus, primary election, or any election which tend in any way, directly or indirectly, to affect the result of such caucus or election.

The provisions of this section do not apply to the hiring of a person whose sole duty it is to act as a challenger and to watch the count of official ballots.

16.1-10-06.2. Sale or distribution at polling place. A person may not approach a person attempting to enter a polling place, or who is in a polling place, for the purpose of selling, soliciting for sale, advertising for sale, or distributing any merchandise, product, literature, or service. A person may not approach a person attempting to enter a polling place, who is in a polling place, or who is leaving a polling place for the purpose of gathering signatures for any reason. These prohibitions apply in any polling place or within one hundred feet [30.48 meters] from any entrance leading into a polling place on election day.

16.1-10-07. Candidate guilty of corrupt practice to vacate nomination of office. If any person is found guilty of any corrupt practice, the person must be punished by being deprived of the person's government job, or the person's nomination or election must be declared void, as the case may be. This section does not remove from office a person who is already in office and who has entered upon the discharge of the person's duties when such office is subject to the impeachment provisions of the Constitution of North Dakota.

16.1-10-08. Penalty for violation of chapter. Any person violating any provision of this chapter, for which another penalty is not specifically provided, is guilty of a class A misdemeanor.

Senate Government and Veterans Affairs Comm

Sen. Dever – Chair

3-19-09, 9am, Missouri River Rm

Good, morning Mr. Chairman and members of the Senate Government and Veterans Affairs Committee,

For the record, my name is Mike Schatz and I am a representative from Dist. 36 which is Dunn, Stark, Morton, & Hettinger counties.

I am the prime sponsor of HB 1461 which basically includes early polling places into the law that deals with how elections are conducted.

As many of you know, state law does not allow rallies, wearing of buttons or general electioneering within 100 ft. of the entrance of a polling place. Neither can you have signs or try to induce people to vote a certain way. Early voting is new to many of us and it is becoming more prevalent. It is therefore necessary that we keep polling places free from influence on voting days and insure that our election system prevent undo influence.

Thank you Mr. Chairman and I will be available for any question that I am capable of answering.