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January 28, 2021

TO: Chairman Kasper and Members of the House Government and Veterans Affairs Committee

FR: Jim Silrum, Deputy Secretary of State on behalf of Secretary of State Al Jaeger

RE: HB 1161 – Polling place closing times.

This bill amends NDCC § 16.1-01-03 to require that all ballots must be marked and cast thirty minutes after the last voter receives a ballot from an election judge after the polls close. We understand the situation in Minot over the last several elections in which voters have come into the polls right at closing time and then taken up to two hours to mark and cast their ballot is the cause for this bill.

We offer neutral testimony on this bill because the situation needs to be addressed so that the results from an election cannot be held hostage by a voter trying to make some sort of statement by taking more time than is necessary to vote. However, before making a recommendation on this bill, we would encourage the Committee members to read the language we have proposed to address this situation in Section 4 of HB 1253, which will be heard this afternoon.

Our suggestion takes into consideration that an individual living with disabilities may be the last person in line when the polls close and that disability might make them need more time to mark and cast their ballot. We offer that the polls would still close after the thirty minutes as proposed in this bill, but at that time the voter would be given the option to either cast their ballot so the polls could be closed or continue marking the ballot and have it counted at the meeting of the canvassing board six days after the election. This would allow the polls to close and the results be returned to the election office but would not disenfranchise a voter who lives with a disability that requires them to take more time to vote.

Respectfully submitted.