

Testimony Prepared for the
House GVA
January 28th, 2021
By: Donnell Preskey, NDACo



RE: Support for HB 1253 – Election Reform

Chairman Kasper and committee members, I'm Donnell Preskey with the North Dakota Association of Counties. In that capacity, I serve as Executive Director for the County Auditors Association which stands in support of this bill.

County auditors commend the Secretary of State's office and Representative Scott Louser for the diligent effort put forward in this bill to update our state's election law. Prior to the session, auditors identified several of the items included in this bill as ones to address.

Changes included in HB 1253 that we support are:

- Updating of outdated language.
- Outlines the procedure for signature verification to include specifying that process to include only written communication or an in person visit to the county office. This eliminates the many phone calls made by the county auditor's office.
- Eliminates the requirement to print 3 copies of reports from DS200's.
- Addresses questions regarding residency of a candidate.
- Addresses questions regarding candidate vacancies.
- Addresses time limit in polling place following closure of polls.
- Eliminates need to wrap write-in ballots as new equipment makes this unnecessary.

There are a few items we would like to bring to the committee's attention. Auditors are asking for you to omit, further adjust and consider items not included in HB 1253.

Auditors respectfully request the removal of adding the words "endorsed" and "petition" behind candidate names which is addressed in Sections 23 and 54. This is a separate issue from election reform and is more appropriate to be addressed in a separate bill.

Auditors are concerned with the shortening of the timeline to update voter history which is proposed in Section 16. Auditors understand the intent for this proposal; however, this process shouldn't be rushed and there are several tasks auditors need to accomplish to prepare for the county canvassing board meeting. It's also important to

recognize that even if an individual is identified for voting more than once; no adjustments can be made to the vote totals as there is no way to know how that individual voted *nor* can you determine which ballot should be discarded. Regardless, of when it is determined – the county auditor will forward the information to the state’s attorney for possible prosecution.

Auditors suggest addressing the timeline with the following:

In Section 16 on page 11 line 26 add **“Before the end of the contest period allowed under section 16.1 - 16 – 04.”** This would replace the “within forty-five days” currently in statute and the “Before the meeting of the county canvassing board” proposed in the current version of HB 1253. Our proposed language is less time than currently in statute, but more than the six days set out in this bill.

Auditors also recommend that language regarding the timeline in Section 16 and Section 19 be identical as the procedures outlined in Section 16 and 19 happen simultaneously.

Looking at the signature verification efforts. Auditors ask for you to consider the following additions:

Section 33 – 16.1.07-06 Application form.

To items:

(g) An affirmation that... include a statement that the signature on the application will be compared to the signature on the affidavit on the absentee ballot envelope.

(h) The applicant’s signature. Add a statement to specify that no electronic signatures are allowed.

Section 35 – 16.1-07-08 Affidavit on envelope

Subsection 3 on the affidavit under the Applicant’s signature **include a statement that the signature on the application will be compared to the signature on the affidavit on the absentee ballot envelope.**

Auditors request these changes to further enhance the signature verification procedures.

Mr. Chairman committee members we are willing to work with your committee on any of the changes recommended by the county auditors. Our county auditors are very committed to ensuring at the local level that our elections run appropriately and securely.