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SECRETARY OF STATE

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January 29, 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 1280 – Nullification of official actions taken by removed public official

This bill has many of the same suggested amendments as in HB 1360 and HB 1239. In many of the amended sections, the suggested amendments only change “voting system” to “counting system.” As you saw in HB 1253 that was heard in your committee yesterday, the proper terminology is voting system and efforts are suggested to ensure that the NDCC has the proper terminology when referring to the hardware, firmware, and software that are the components of a voting system.

This bill, however, is different in that it includes a new section of law that would be placed into ch. 16.1-16. That new law in Section 27 on page 16 would say, “If a public official is removed from office as the result of a judgment issued by a court in an election contest under this chapter, all actions taken by the public official before being removed must be vacated or nullified.” We are uncertain as to how that law could be followed by whoever is required to carry it out. In short, how do you un-ring a bell?

On behalf of the Secretary of State and his election team, we request the committee to vote for a Do Not Pass recommendation.