

Written Testimony for the
Senate Government and Veterans Affairs
March 11, 2021
Erica Johnsrud, McKenzie County Auditor/Treasurer



RE: OPPOSITION for HB 1189

Good afternoon, Chairman Vedaa, and members of the Committee. My name is Erica Johnsrud and I am the Auditor/Treasurer for McKenzie County. I stand before you today in opposition to HB 1189 which, as amended, limits the time poll workers have at the end of Election Night to return the results to the county auditor to just 3 hours.

Originally this bill was introduced with a 90 minute deadline to return the results to the county auditor and was amended to adjust that time limit to 3 hours. Members of the Committee, this time limit is still very concerning. While this new 3 hour limit may work for the smaller land area counties it does not work for the larger ones.

McKenzie County, the largest county geographically in North Dakota, became a Vote By Mail County in 2018. On Election Day we have three vote centers open across McKenzie County, one in the west, one in the county seat and population center, and one to the east on Tribal land. Each of these polling locations are roughly a 45-minute drive to the courthouse located in Watford City, assuming perfect weather and road conditions and no road construction. Prior to becoming a Vote By Mail County we had two polling locations that were even farther away – an hour or more by drive time.

In November 2020 all three polling location inspectors and judges arrived at the courthouse within 15 minutes or so of one another, with all arriving around 9pm, which is 2 hours after the close of the polls. While none of these election workers would be in violation of the law as proposed in the amended HB 1189, I just want to point out that one of these polling locations is just 3 blocks from the courthouse steps. This particular vote center also sees the highest voter turnout on election day and also has more than two times the number of election workers meaning there are more hands to complete the work, but that the work is still extensive.

By the time the polls close on Election Night, poll workers have been present at the polling location for at least 11 hours with still some very important work before them. The following is a short list of the tasks that must be completed before poll workers are able to leave for the evening: verification that the number of voters checked in on the poll pads equals the number of ballots cast in the DS200, removal of all posted materials from the site, shutting down and packing up of the ExpressVotes and poll pads, ballot certification to verify the number of ballots received and present at the beginning of the day totals the number of ballots cast, voided, spoiled, and unvoted at the end of the day, printing and signing of the reports from the tabulator – a process which alone can take 30-45 minutes, wrapping and packing of all ballots, shutting down the DS200, removal of the USB totals stick, and then finally the trip to the county auditor's office.

Members of the Committee, I ask that you put yourself in the shoes of the poll worker, having worked all day taking the time needed to make sure every eligible voter in line at the time the polls close has the opportunity to vote, now having to rush to complete all end of the day tasks plus having to provide the results to the county auditor within 3 hours – and in the chaos that ensues to pack up all of the supplies that must be returned to the county auditor that night, forgets to grab one of the most important items – the USB results stick – and now having to drive the 45 minutes back to the polling location, find someone to unlock the building, grab the stick, and drive another 45 minutes back to the county courthouse. These results are now an additional, and unnecessary, 2 hours delayed, simply because the poll workers were rushed to complete their end of the day work – and likely later than if the poll workers had simply been able to take the time needed. You may think this scenario is unlikely to occur, but I can attest that it has in fact happened in McKenzie County's recent past.

This bill also adds some additional confusion to what point in time this 3 hour clock starts ticking. As stated currently in this bill it is 3 hours after the "official closing time of the polling location." Current law allows for any voter in line by the official closing time of the polling location be allowed to cast a ballot. Other legislation being proposed this Session sets a time limit of 30 minutes for the last voter in line to cast their ballot for Election Night tabulation which we support and will assist with voters unnecessarily delaying election result reporting. In McKenzie County the official closing time of our polls is 7pm. There is a possibility that a line of voters would be present at 7pm. For example let's say it takes until 7:30 to issue the last voter in line a ballot – that voter

would now have 30 minutes to vote that ballot. We are now one hour into the ticking clock time and our election workers cannot begin most of their end of the night work until that final voter's time limit concludes. I hope this illustrates the additional stress this places on our election workers having to determine exactly when this 3 hour clock begins – is it 7pm or is it 30 minutes after the last voter receives a ballot? Either way, it should not be the burden of our election works to worry about this ticking clock at all or to race the results to the courthouse at the end of a long day.

We all want to know the results of the Election as soon as possible, but the priority for the receipt of election results should not be fastest is best, but rather that the correct and most accurate is best, and to allow poll workers to complete their work in the time needed to do it right and complete the first time. Please do not place a time limit on our election workers, without whom elections cannot succeed.

Thank you for your time today and I urge a DO NOT PASS recommendation on HB 1189.