

MICHAEL C. HOWE
SECRETARY OF STATE

WEBSITE sos.nd.gov



PHONE (701) 328-2900
E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

HOUSE GOV'T & VETERANS AFFAIRS COMMITTEE
REP. AUSTEN SCHAUER, CHAIRMAN

HOUSE BILL NO. 1192
JANUARY 20, 2023

TESTIMONY PRESENTED BY

BRIAN NEWBY, SECRETARY OF STATE

Chairman Schauer and members of the committee, I am Brian Newby, Elections Director for the Office of Secretary of State, and I'm here in support of House Bill 1192. This bill corrects a few items that were missed in a clean-up effort in this part of statute in the 2021 Session (HB 1253).

There are two specific areas this bill seeks to address:

- 1) It seeks to remove the word "electronic" in reference to voting systems. A voting system appropriately references the entire system used in conducting elections, which can include both electronic devices – such as pollbooks, Express Vote machine, or ballot scanner – as well as non-electronic devices – such as paper ballots. This bill removes the word "electronic" when it precedes "voting system" in this statute.
- 2) Two references to dates were missed in NDCC 12.1-15-22 and 16.1-15-25. The time frame for certified abstracts of votes must be to the Secretary of State's office prior to "thirteenth" day after the primary and general election. The statute currently references the "eighth" day and this seeks to correct that.

There were also a couple additional clean-up items that didn't make it into this bill draft and so we are also requesting your support for a proposed amendment attached to this testimony, again correcting dates.

This concludes my testimony and I'm happy to stand for any questions you may have.

Page 3, after line 22, insert:

SECTION 7. AMENDMENT. Section 16.1-11.1-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-06. Canvass of votes - Mail ballot precinct.

The county auditor shall appoint a mail ballot precinct election board for the purpose of counting mail ballots in the same manner as prescribed in section 16.1-07-12.1. The board may begin scanning the ballots at any time ~~on the day~~ beginning three business days before election day and the closing of the polls on election day. Results from the mail ballot precinct may be counted, canvassed, or released under chapter 16.1-15 as soon as any precinct within the county, city, or legislative district closes its polls on the day of the election. The county auditor shall designate a location for the closing, counting, and canvassing process under chapter 16.1-15, which location must be open to any person for the purpose of observing. The board shall comply with the requirements of sections 16.1-15-04 through 16.1-15-12 as applicable. A county conducting a mail ballot election constitutes one voting area, and ballots need not be sorted according to precinct or ward unless necessary for the administration of the election.

SECTION 8. AMENDMENT. Section 16.1-14-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-04. Meeting of presidential electors.

Presidential electors shall meet at one p.m. in the office of the governor in the state capitol on the ~~first Monday~~ after the first Tuesday after the second Wednesday in December next following their appointments by election for the purpose of casting their ballots as members of the electoral college. The secretary of state shall notify the electors of the date of the meeting.

Renumber accordingly