



Written Testimony for the  
**House Political Subdivisions**

January 26, 2023

Erica Johnsrud, McKenzie County Auditor/Treasurer

**RE: OPPOSITION for HB 1405**

Good morning, Chairman Longmuir, and members of the House Political Subdivisions Committee. My name is Erica Johnsrud and I serve as the Auditor/Treasurer for McKenzie County. I stand in opposition of HB 1405.

The intent of this bill is to disconnect electronic pollbooks from secure networks on Election Day and to limit the number of precinct ballots that can be within one vote center.

Outlined below are concerns of election officials regarding the current bill language as it pertains to election security and integrity:

- **SECTION 1**

- Page 1, lines 22-23 state that the voter file is to be downloaded the day before the Election.
  - Downloading the voter file only the day before the Election allows no time for counties to conduct the important logic and accuracy testing on the pollbooks, which is a key component of a successful Election Day.
  - One day allowed to download the voter file may not be sufficient for some counties due the number of pollbooks in that county.
  - Would not allow the use of pollbooks during early voting.
- Page 1, lines 23-24 state on Election Day the pollbooks are to be disconnected from all internet or cell networks.
  - Currently pollbooks are connected via a secure connection to the State's Central Voter File (CVF) on Election Day.
  - Pollbooks are "married" to specific devices called cradle points, provided and controlled by North Dakota IT, that allow the pollbooks to communicate with the CVF specifically.
    - This allows voters who vote in one polling location to appear state-wide in all pollbooks as having already voted.
    - Pollbooks are used only for checking in voters, ensuring they are in the proper location, and assigning the proper ballot style to the voter.
    - This also allows any voter who has returned an absentee ballot to be marked as already voted in the Election, ensuring that voter will be unable to vote a second time at an in-person location on Election Day.

- Pollbooks are only used to check in voters, no other functions are permitted.
  - Page 2, lines 1-5 state the voter must be added to the pollbooks AFTER the polling place has closed and that the pollbook can be reconnected to a network only AFTER all ballots cast are counted.
    - Voters should not be added to the pollbook AFTER the polls close. It is important voters are added at the time they are determined to be a qualified elector in that polling location. Currently, voters are added immediately and that information is communicated in near real-time to every county across ND.
    - If voters are added after the polls close, it leaves a possibility for that voter to go to a second polling location and vote again, as the election board will have no knowledge the voter has already cast a ballot in the Election.
    - One important step on election night is for the Election Board to verify the number of qualified electors checked into a polling location equals the number of ballots cast at that polling location. The addition of voters to the pollbook after ballots cast are counted would cause additional confusion and delays in reporting results.
- **SECTION 2**
  - Page 2, lines 26-28 state a qualified elector may only vote at one polling location.
    - This is the aim of electronic pollbooks, to ensure voters only vote one time in each Election.
    - Currently the communication between the State CVF and pollbooks across ND assists in assurances that voters only vote one time in any given election.
  - Page 3, lines 1-8 limit the number of precincts within a vote center.
    - This would limit voter accessibility to the polls.
    - This would make early voting difficult for jurisdictions with more than 5 precincts.
      - For example, McKenzie County has 11 precincts, many with more than one ballot style per election.
      - For example, Burleigh County would have to operate 6 separate early vote locations to accommodate over 30 precincts.
      - This would make it increasingly difficult to recruit qualified election workers, already a difficult task and unnecessarily increase costs to taxpayers.
      - This would increase voter confusion regarding which vote center they can utilize.
    - Definition of a vote center in NDCC 16.1-04-02 currently is a place that “contains all of the precincts in a county.”
- **SECTION 3**
  - Page 3, lines 22-24 adds language that pollbooks must be locked and secured until the polling location is open to voters on Election Day.

- Pollbooks are already secured prior to Election Day.
  - Polling locations must be ready to check in voters the moment the polling location opens for voting. If pollbooks are not allowed to be opened until the polling location it is open, voter delays will occur.
  - Important communication between the State CVF and the secure pollbooks occurs in the morning prior to the polls opening. This ensures that all voters who returned absentee ballots or voted early the preceding day are correctly marked in the pollbook and not allowed to cast a second ballot.
- **SECTION 4**
    - Page 3, line 30 changes the date by which ballots need to arrive to the Auditor's Office prior to Election Day from the day before to six days before.
      - Numerous absentee ballots are returned within 6 days prior to the Election through USPS, secure dropbox, or other mail delivery services.
        - Represents 174 ballots in McKenzie County that would not have been included in the Election Night results.
        - Represents 10,673 ballots statewide that would not have been included in Election Night Reporting.
      - Changing from the day before to six days before will cause many eligible ballots to not be included in the Election Night Results.
        - Voter expectation is to have their votes included with Election Night Results.
        - County Officials' goal is to have all eligible votes received tallied on Election Night.
        - Possible changes in outcomes of races between Election Night (unofficial results) and Canvassed Official results, 13 days later.
        - Could result in increased voter confusion and distrust if results change between Election Night and Official Canvass.
    - Page 4, lines 3-7 adds the same changes as the previous statement on Page 3, line 30 when dealing with canvass boards now counting all ballots received five days before the Election and Election Day.

It is my hope that from the details and concerns briefly presented above you can appreciate the effects HB 1405 would have on voter experience, vote integrity, and the resulting apprehension of local election officials regarding these changes. Elections and election integrity are at the forefront of every election official's mind all days of every year, not just one or two days a year. Election Officials need the opportunity to thoroughly test each and every piece of election equipment used on and for elections, while also ensuring that each voter only casts ONE ballot. This bill would severely limit our abilities to both test and ensure one voter, one vote statewide and, as such, I urge a **DO NOT PASS** recommendation on HB 1405.