

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTIN ROERS, CHAIR

TESTIMONY PRESENTED BY

MICHAEL HOWE, NORTH DAKOTA SECRETARY OF STATE

Chairman Roers and members of the committee, I'm Michael Howe, North Dakota Secretary of State. I'm here in favor of HB 1307. This bill provides for uniform elections across the state which I believe supports election integrity and helps public understanding and confidence in our elections.

Current home rule authority allows cities and counties to propose and adopt practices that may be in conflict with statewide election administration. While this may seem like a local control mechanism, it can result in issues that can create election integrity questions and diminish voter confidence. Here's a few examples of the types of issues that can result when uniformity is not the norm.

- Some political subdivisions through home rule have chosen to forgo the petition process outlined in statute in which candidates seek public support through signatures to gain access to the ballot. Rather, candidates pay a fee to the political subdivision to get on the ballot. This "buy-in" for ballot access is not something that would be allowed if local election processes needed to follow state law. We believe interested candidates should be able to gather signatures from those they would be representing to gain ballot access.
- In other areas, citizens have tried to bring home rule petitions to change elections processes. The most recent of these was in Walsh County where the petition proposed under their home rule charter sought to remove Walsh County from following statewide election law and best practices. This included using tabulation methods not certified by the State of North Dakota or the United States Election Assistance Commission. It would have prohibited voting by mail and voting early. It would have allowed for ballots to be taken out of the possession of the county recorder at any time, for any reason. And created an untrained citizen oversight board of the county election officials.
- A recent special election held in Fargo required citizens to complete a "certificate of affirmation," affirming that they resided in the city before they were allowed to vote. They were asked to present North Dakota ID, however there was an additional requirement of this "affirmation" before voting was allowed. This was not equal treatment under the law and raised several questions from concerned citizens to our office.

North Dakota has been proactive in putting in place important election integrity safeguards that protect our elections. The ability to adopt alternate election processes under home rule charter undermines these important measures already in statute, such as:

- North Dakota only uses paper ballots in elections. What if a county or city adopted a home rule ordinance that said they could vote digitally and allowed citizens to vote using their phone, without valid North Dakota ID?
- That brings us to North Dakota's ID law, which ensures only qualified electors who are U.S. citizens are allowed to vote. Are we OK if a community through home rule decides it's OK to vote in their elections if you just sign a certification or attestation that you live there to vote?
- North Dakota has banned private money for use in elections – aka “Zuckerbucks.” Could a city use home rule to make it OK to take private money to run their election to help balance their budget?
- We do not mass mail ballots. You must verify you are a qualified elector through our ID law to receive a ballot in North Dakota, whether by absentee or in person. Is it OK for a city or county to use home rule to simply send ballots to every citizen without verification that they are indeed a qualified elector?
- Ballot handling equipment is NEVER connected to the internet. If a home rule ordinance said they could vote digitally or use an unauthorized third-party vendor to conduct a North Dakota election, is that OK with us?

We want to protect against processes that could hinder the security of our elections such as a political subdivision adopting processes that could impact election integrity and uniformity under the law. We should all want to ensure our elections remain secure and champion voters having a similar experience no matter where they live in North Dakota.

Chair Roers and members of the committee, I ask you to support a DO PASS recommendation for HB 1307. Our office prefers a uniform election system at all levels of government as opposed to unorthodox election methods sporadically implemented across the state.