

2021 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2142

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Room JW216, State Capitol

SB 2142
1/21/2021

A BILL for an Act to amend and reenact section 16.1-07-12 of the North Dakota Century Code, relating to processing absentee ballots.

Chair Vedaa called hearing to order at 9:00 a.m. Sens. Vedaa, Meyer, Elkin, K Roers, Wobbema, Weber, and Marcellais were present.

Discussion Topics:

- Election procedures

Senator Roers introduced the bill.

Senator Marcellais testified in favor of the bill #1270

Erika White, Burleigh County Election Manager testified in favor #2040

Donnell Preskey, ND Association of Counties testified in favor #2042

Sen K Roers: I move amendment 21.0426.01001. **Sen Meyer:** I second the motion.

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

7-0-0 **Motion PASSED**

Sen Meyer: I move a DO PASS as Amended. **Sen Wobbema:** I second.

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

7-0-0 **Motion PASSED with amendment**

Sen K Roers will carry the bill.

Adjourned at 9:39 AM

Pam Dever, Committee Clerk

21.0426.01001
Title.

HF
BM

Prepared by the Legislative Council staff for
Senator K. Roers

January 18, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2142

Page 1, line 7, replace "calendar" with "business"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2142: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2142 was placed
on the Sixth order on the calendar.

Page 1, line 7, replace "calendar" with "business"

Renumber accordingly



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

#1270



Senator Richard Marcellais

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COMMITTEES:

Education
Government and Veterans Affairs

SB 2142 Testimony

Senate Government Veterans Affairs

January 21, 2021 @ 9:00 am

Room 216J

Good morning Chairman Vedaa members of the Senate Government Veterans Affairs Committee for the record my name is Senator Richard Marcellais, District 9, Rolette County.

I appear before you this morning in favor of SB 2142 relating to procession absentee ballots.

I will try an answer any questions.

Written Testimony for the
Senate Government and Veterans Affairs
January 21, 2021
Erika White, Burleigh County Election Manager



RE: SUPPORT for SB 2142

Good Morning, Chairman Vedaa, and members of the Committee. My name is Erika White and I am the Election Manager in the Burleigh County Auditor/Treasurer's office. I'm here this morning in support of SB 2142 which would extend the processing time of absentee ballots.

Currently, under state law, counties are allowed to begin processing absentee ballots the day before Election Day. While this has been an ample amount of time in the past, counties are seeing an increase in non-traditional voting methods such as voting early and absentee voting.

Burleigh County has seen increases in absentee voting over the past 4 election cycles. Between the 2014 and 2016 General Elections, we saw a 12% increase in absentee voting and a 22% increase between the 2016 and 2018 General Elections. We know 2020 was an unprecedented year but absentee voting increased 144% over the 2018 General Election.

As a majority of voters have experienced absentee voting and have grown more comfortable with the process, we expect our absentee quantities to continue to increase. We heard many comments from voters in the 2020 election cycle that praised the absentee process with many stating this is how they will continue to vote in future elections.

Processing absentee ballots is quite an undertaking. As voted ballots are returned to the Auditor's office, our staff scans the barcode on the outer/affidavit envelope, containing the ballot, into the Central Voter File as received. This marks the voter as "Voted" and that voter cannot cast another ballot at early vote or on Election Day. The outer/affidavit envelope is not opened at this time, but is

matched with the corresponding application, signatures are verified, and then alphabetized and stored in a secure location until the absentee board meets.

Prior to the absentee board meeting, our staff prints a roster of received absentee ballots. The roster includes voter information, in alphabetical order, and accompanies the corresponding envelopes, containing the ballots, for the absentee board to process. The absentee board then takes the roster and envelopes containing the ballots and one by one verifies that the roster and ballots equate.

Then, the absentee board verifies the signature from the application to the outer/affidavit envelope. After signatures are verified, the board will open and remove the ballot, in its secrecy envelope, from the outer/affidavit envelope. It is important to note here that the ballot is left inside in its secrecy envelope to maintain voter anonymity during this entire process. Once they have a good number of ballots, still in the secrecy envelope, they will remove the ballot from the secrecy envelope and initial the bottom of the ballot.

The ballots are then scanned by our central count scanner which is a high-throughput scanner meant to handle large quantities of ballots. Results from this scanner are not known or available until 7:00pm on Election Day when the results are allowed to be exported from the scanner. The only information the board and our office know prior to 7:00pm on Election Day is the ballot quantity scanned by the machine. We do not know the results of the absentee precinct until polls close on Election Day.

The absentee process is quite extensive and allowing for extra days in the verification of signatures and opening of ballots will ensure deliberate processes and procedures are followed, added security, and timely election results.

We are requesting one minor change to the language of the bill, on page 1 line 7, to three **BUSINESS** days instead of three calendar days. This minor change would allow counties across North Dakota to begin preparing absentee ballots for tabulation on the Friday prior to the Election, which county auditors agree would be very beneficial and would assist in the timely reporting of election results on

Election Night. You may hear today that there is no need to give extra time for processing as it just a matter of hiring enough election workers, but I'm here to testify that finding willing and qualified election workers is a struggle county auditors have each year, not to mention during a pandemic. Many counties, including Burleigh, struggled this year to find enough trained election workers, and we were no exception to what my colleagues around the state reported. Again this would allow for the preparation of the ballots for tabulating and we want to assure you that NO results are generated during this preparation period.

Thank you for your time today and I urge a DO PASS recommendation for SB 2142.

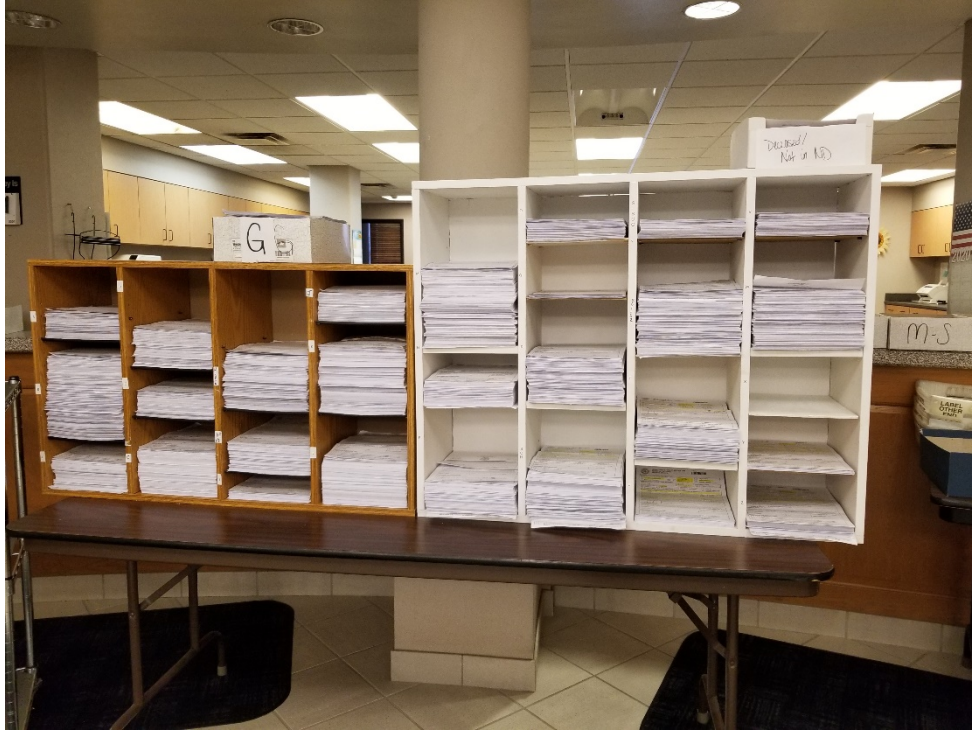


Batch 1



Batch 2

*The above pictures are batches 1 and 2 of 4 total batches for the election. Each batch (cart) contained approximately 6,000 ballots still in their outer/affidavit envelope with corresponding application.



*The above picture are the file sorters that stored the completed absentee applications filed in alphabetical order.



Burleigh County Ballot Progress



Picture depicts a portion of the ballots received

26,568 Ballots Mailed
12,438 Ballots Received

Staffing:

11 Employees
7 Temporary Employees

October 15, 2020

Testimony Prepared for the
Senate GVA
January 21, 2021
Donnell Preskey, NDACo



RE: Supportive Testimony for SB 2142: Process Days for Ballots

Chair Vedaa and committee members, I'm Donnell Preskey with the North Dakota Association of Counties. One of my roles at NDACo is serving as executive director for the county auditors association. The Auditors are very much in support of SB 2142. With the amendment presented by Sen. Roers changing the reference to "calendar" days to "business days".

NDCC 16.1.07-12 restricts the absentee board of processing ballots to the day before election day through the closing of the polls on election day. This bill seeks to allow for additional days to process ballots due to more of our citizens utilizing absentee and vote by mail.

Auditors made the request for this bill to be introduced. This is an issue that came to our attention during the 2020 elections.

Allow me to provide you some background, the Governor issued an executive order (issued at the request of county auditors) allowing counties to go all vote by mail for the primary election due to the health crisis we were experiencing. This was unprecedented. By law, counties are required to have at least one polling location open on Election day. Auditors recognized this would also result in an unprecedented number of ballots to process. As part of the executive order request to the Governor, Auditors asked for additional time to process ballots, which was granted. The executive order issued for the June primary, increased the time to process vote by mail ballots from two days to 5 days. The Governor, through a separate executive order, and again by our request, authorized counties to begin the processing of ballots 4 business days prior to the general election. We ask you today to help us in future elections by increasing the time to process ballots in code.

The additional days to process ballots was necessary for a number of reasons we outlined prior to the November election, which still apply.

1. COVID-19 concerns were heightened with the risk level increasing prior to the November election; leading to a record number of voters utilizing Vote-by-Mail/absentee.
2. Finding election workers to fill the absentee board for two long days would be difficult as counties have struggled to secure election workers this year amidst COVID-19 concerns.
3. The COVID-19 risk level recommendations impact the number workers counties can utilize in one place.

4. If more time is not granted to process the ballots, the absentee boards can be expected to work 12-16 hours each of the two days. This can lead to errors and poll worker burnout and an unwillingness to assist in future elections.
5. Timeliness of results impacts the trust in our voting system in North Dakota. Citizens have come to expect results on election night. Without the additional days to process ballots, auditors have indicated that results will surely be delayed hours, and potentially days, which in turn could cause voters to lose trust in the process.

Looking at the number of ballots cast prior to election day also helps put this request into perspective.

The work the absentee board does to process ballots is very tedious. The absentee ballot boards are a second set of eyes to ensure the integrity of the election process. The protocols listed below are followed by every county:

Election	Total Ballots	Ballots Cast Prior to Election Day (%)
2020 General	364,251	273,105 (75%)
2020 Primary	160,114	160,114 (100%)
2018 General	330,598	157,231 (48%)
2018 Primary	115,226	115,226 (40%)
2016 General	349,945	134,803 (38%)
2016 Primary	139,957	49,829 (36%)

1. Compare the signatures on the application and ballot envelope.
2. Open the ballot envelope.
3. Remove the secrecy sleeve which holds the ballot from the ballot envelope.
4. Remove the ballot from the secrecy sleeve.
5. Initial ballots to make them official ballots.
6. Run ballots through the scanner.

It is important to highlight that this protocol is followed for every absentee/mail ballot before it is counted. Ballots would not be **tabulated** until the polls close on Election day.

We surveyed counties regarding the amount of time to process absentee/vote by mail ballots in the general election and the number of workers involved. On average it took 12 hours with 8 people working. Here are a few examples, showing you the difference between our large and small counties.

Burleigh – 24 hours - 30 workers
 Cass – 24 hours - 24 workers
 Stark – 36 hours - 5 workers
 McHenry – 8 hours - 8 workers
 Rolette – 10 hours – 7 workers

We thank you for your thoughtful consideration and encourage you to give SB 2142 a Do Pass Recommendation.

2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2142

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2142
3/19/2021

Relating to processing absentee ballots

Chairman Kasper opened the hearing at 10:17 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	A

Discussion Topics:

- Processing time extension

Senator K. Roers introduced and testified in favor.

Erika White, Election Manager, Burleigh County Auditor/Treasurer's Office, testified in favor, #10080.

Donnell Preskey, Executive Director, ND County Auditors Association, testified in favor, #10068.

Don Morrison, Volunteer, ND Voters First, testified in favor, #10107.

Rep. Rohr moved **Do Pass**. **Rep. Ostlie** seconded.

Representatives	Vote
Representative Jim Kasper	N
Representative Ben Koppelman	N
Representative Pamela Anderson	Y
Representative Jeff A. Hoverson	N
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	N
Representative Mitch Ostlie	Y

Representative Karen M. Rohr	Y
Representative Austen Schauer	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Greg Stemen	Y
Representative Steve Vetter	A

Motion passes. 9-4-1. **Rep. Stemen** is the carrier.

Chairman Kasper ended at 11:12 a.m.

Carmen Hart, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2142, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2142 was placed on the Fourteenth order on the calendar.

Written Testimony for the
House Government and Veterans Affairs
March 19, 2021
Erika White, Burleigh County Election Manager



RE: SUPPORT for SB 2142

Good Morning, Chairman Kasper, and members of the Committee. My name is Erika White and I am the Election Manager in the Burleigh County Auditor/Treasurer's office. I'm here this morning in support of SB 2142 which would extend the processing time of absentee ballots.

Currently, under state law, counties are allowed to begin processing absentee ballots the day before Election Day. While this has been an ample amount of time in the past, counties are seeing an increase in non-traditional voting methods such as voting early and absentee voting.

Burleigh County has seen increases in absentee voting over the past 4 election cycles. Between the 2014 and 2016 General Elections, we saw a 12% increase in absentee voting and a 22% increase between the 2016 and 2018 General Elections. We know 2020 was an unprecedented year but absentee voting increased 144% over the 2018 General Election.

As a majority of voters have experienced absentee voting and have grown more comfortable with the process, we expect our absentee quantities to continue to increase. We heard many comments from voters in the 2020 election cycle that praised the absentee process with many stating this is how they will continue to vote in future elections.

Processing absentee ballots is quite an undertaking. As voted ballots are returned to the Auditor's office, our staff scans the barcode on the outer/affidavit envelope, containing the ballot, into the Central Voter File as received. This marks the voter as "Voted" and that voter cannot cast another ballot at early vote or on Election Day. The outer/affidavit envelope is not opened at this time, but is

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to testify that finding willing and qualified election workers is a struggle county auditors have each year, not to mention during a pandemic. Many counties, including Burleigh, struggled this year to find enough trained election workers, and we were no exception to what my colleagues around the state reported. Again this would allow for the preparation of the ballots for tabulating and we want to assure you that NO results are generated during this preparation period.

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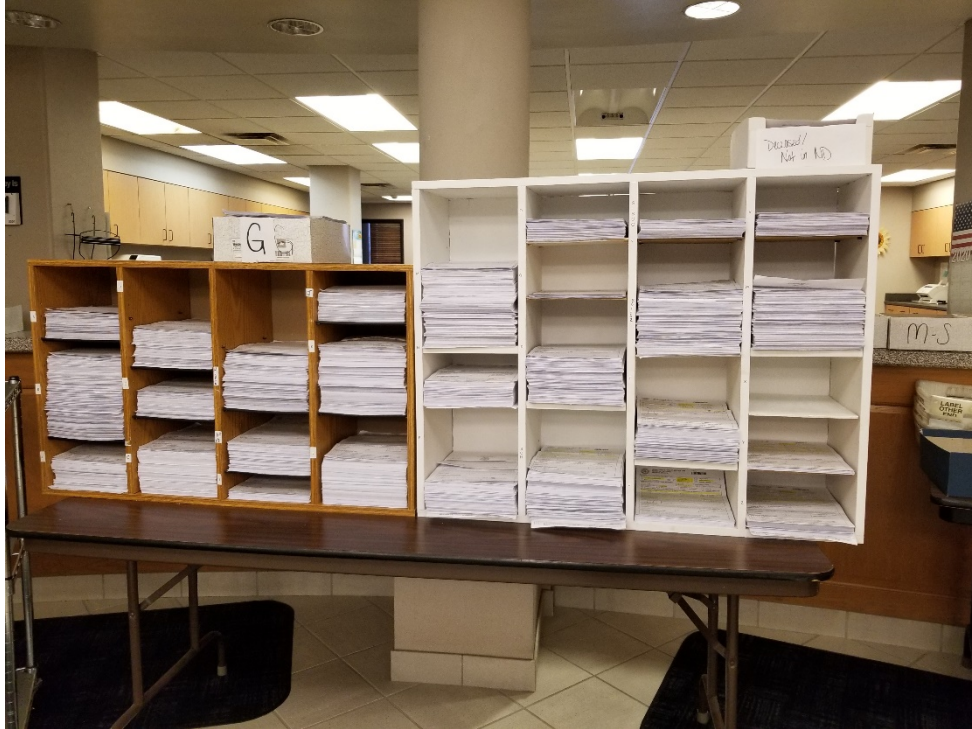


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NDCC 16.1.07-12 restricts the absentee board of processing ballots to **the day before election day through the closing of the polls on election day**. This bill seeks to allow for processing of the ballots to begin **3 business days before the election**.

Auditors made the request for this bill to be introduced. This is an issue that came to our attention during the 2020 elections as well as the increase of voters of the past few years in utilizing vote by mail options to cast their ballot.

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Background: With the June Primary election being all vote by mail (due to COVID-19 pandemic) auditors recognized there would be an unprecedented number of ballots to process – and requested the Governor to allow for additional time to process the ballots, which was granted. The executive order issued for the June primary, increased the time to process vote by mail ballots from two days to 5 days. The Governor, through a separate executive order, and again by our request, authorized counties to begin the processing of ballots 4 business days prior to the General Election.

We ask you today to help us in future elections by increasing the time to process ballots for the following reasons:

- Increase in citizens voting prior to Election Day.
- Makes it easier to hire election workers to fill the absentee board to process ballots if shorter days as work is very tedious.
- If additional days are not allowed, the absentee boards can be expected to work 12-16 hours each of the two days. This can lead to errors and poll worker burnout and an unwillingness to assist in future elections.
- Timeliness of results impacts the trust in our voting system in North Dakota. Citizens have come to expect results on election night. Without the additional days to process ballots, auditors have indicated that results will surely be delayed hours, and potentially days, which in turn could cause voters to lose trust in the process.

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We thank you for your thoughtful consideration and encourage you to give SB 2142 a Do Pass Recommendation.

Testimony HB 2142
House Government and Veteran Affairs Committee
Don Morrison, North Dakota Voters First
March 19, 2021

Mr. Chairman and members of the House Government and Veterans Committee, my name is Don Morrison. I live in Bismarck. Today, I am providing testimony on behalf of North Dakota Voters First. We are a non-partisan group of North Dakotans working to strengthen our democracy, help make our elections and public policy more open, ethical, and accountable to the people of our state.

Encouraging more North Dakotans to exercise their vote is a core value of our state and country. Mail voting is an important part of achieving that goal. The bipartisan SB 2142 would help make processing mail ballots more efficient.

North Dakota Voters First is pleased to support SB 2142 and encourages the House Government and Veterans Affairs Committee to recommend to the full House a DO PASS. Thank you for the opportunity to share our thoughts with you this morning.