

2023 SENATE STATE AND LOCAL GOVERNMENT

SB 2226

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2226
1/26/2023

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| Relating to the required form for measurers to amend the constitution and the manner of placing the measures on ballots. |
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10:30 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Out of state money
- Constitutionality
- Uninformed voters

10:32 AM Sen Myrdal, Dist 19, bill sponsor and testified in support with no written testimony.

10:42 AM Lee Ann Oliver, Sec State Office, testified opposed #17040

10:55 AM Erika White, Burleigh Co Auditor Office testified opposed #16864.

11:05 AM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2226
2/16/2023

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|---|
| Relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots. |
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9:46 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Sen Lee moved a DO NOT PASS.

Sen Braunberger seconded the motion.

| Senators | Vote |
|--------------------------|------|
| Senator Kristin Roers | Y |
| Senator Jeff Barta | Y |
| Senator Ryan Braunberger | Y |
| Senator Sean Cleary | Y |
| Senator Judy Estenson | Y |
| Senator Judy Lee | Y |

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Braunberger will carry the bill.

9:56 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2226
2/16/2023

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|---|
| Relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots. |
|---|

4:56 PM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Reconsider

Sen Braunberger moved to reconsider SB 2226.

Sen Estenson seconded the motion.

| Senators | Vote |
|--------------------------|------|
| Senator Kristin Roers | Y |
| Senator Jeff Barta | Y |
| Senator Ryan Braunberger | Y |
| Senator Sean Cleary | AB |
| Senator Judy Estenson | Y |
| Senator Judy Lee | AB |

ROLL CALL VOTE: YES – 4 NO – 0 Absent – 2 Motion PASSED

4:57 PM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2226
2/17/2023

| |
|---|
| Relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots. |
|---|

10:08 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Sen Braunberger moved a DO NOT PASS.

Sen Barta seconded.

| Senators | Vote |
|--------------------------|------|
| Senator Kristin Roers | Y |
| Senator Jeff Barta | Y |
| Senator Ryan Braunberger | Y |
| Senator Sean Cleary | Y |
| Senator Judy Estenson | Y |
| Senator Judy Lee | AB |

VOTE: YES – 5 NO – 0 Absent – 1 Motion PASSED

Sen Braunberger will carry the bill.

10:10 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2226: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2226 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2023 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2226

2023 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2226
3/9/2023

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|---|
| Relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots. |
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Chairman Schauer called the meeting to order at 11:43 AM.

Chairman Austen Schauer, Vice Chairman Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider. All present.

Discussion Topics:

- Literacy level
- Ballot pages

Sen. Mrydal introduced SB 2226 speaking in opposition to bill.

Erika White, Burleigh County Election Manager, opposition testimony (#23013).

Erica Johnsrud, McKenzie County Auditor and Treasurer, spoke in opposition.

LeAnn Oliver, with the Elections Divisions of the North Dakota Secretary of State office, opposition testimony (#23393).

Chairman Schauer closed the hearing at 11:50 AM.

Rep. Bahl moved a do not pass on SB 2226.

Seconded by Vice Chairman Satrom.

Roll Call Vote:

| Representatives | Vote |
|---------------------------------|------|
| Representative Austen Schauer | Y |
| Representative Bernie Satrom | Y |
| Representative Landon Bahl | Y |
| Representative Claire Cory | Y |
| Representative Jeff A. Hoverson | Y |
| Representative Jorin Johnson | Y |
| Representative Karen Karls | Y |
| Representative Scott Louser | Y |
| Representative Carrie McLeod | Y |
| Representative Karen M. Rohr | Y |
| Representative Mary Schneider | Y |

| | |
|------------------------------|---|
| Representative Vicky Steiner | Y |
| Representative Steve Vetter | Y |

Motion carries 13-0-0.

Carried by Rep. McLeod.

Chairman Schauer adjourned the meeting at 11:52 AM.

Phillip Jacobs, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2226: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)
recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
SB 2226 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2226

Written Testimony for the
Senate State and Local Government
January 26, 2023
Erika White, Burleigh County Election Manager



RE: OPPOSITION for SB 2226

Greetings, Chair Roers, 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 submitting testimony in opposition of SB 2226, as written.

I understand the basis for this bill and agree that voters should be educated on the material presented on the ballot. I disagree that measures should be stated in full on the ballot. This can and will lead to substantial and significant issues when it comes to executing an election.

Space on a ballot is limited due to size restrictions the tabulating equipment can handle. The current tabulation equipment can scan ballots 8.5 inches wide and up to 19 inches in length. While this may seem like a sizeable area, there are restrictions for the amount of text that can be placed in a singular column. In addition, space is further restricted due to header and footer information, required by law, as well as border space for the tabulators to correctly scan each ballot.

If the information can not fit on a one-page, double-sided ballot, the only option is to have a two-page, double-sided ballot. Having a two-page ballot opens up a myriad of issues. Voters will forget or even choose to only send back a singular page in their absentee envelope. Scanning one page versus two pages will create discrepancies with the number of absentee voters checked-in to our Central Voter File and the quantity of ballots scanned on the tabulator. Having these discrepancies in the count will lead to increased voter distrust and election integrity concerns.

Having a two-page ballot will also lead to early vote and Election Day problems. The dedicated election workers who are at the polls will have more to manage with a two-page ballot. This could lead to increased wait times at the polls as well as balancing issues when the polls close, all of which will lead to a delay in reporting the election results.

Voter education is key when relating to items on the ballot. Auditors across the state are currently supplying polling locations with the entire text of ballot measures. The entirety of the text is posted throughout the polling location and additional copies are readily available for any voter who requests a copy. I personally have never witnessed a voter examining the entirety of the text or requesting the text of measures. I would argue that a majority of voters have their decision regarding ballot measures decided before coming to the polling location.

I do believe that auditors would be willing to supply each voting booth with the full text of measures for voters to read. Printing the entirety, or up to 500 words of a measure, will be overwhelming and burdensome for the voter. We agree that transparency and communication

is key when executing successful elections. However, there are great alternatives that can maintain the current one-page, two-sided ballot. This will allow us to confidently uphold the integrity of North Dakota Elections.

Thank you for your time and I urge a DO NOT PASS on SB 2226 as drafted.

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

SENATE BILL 2226
JANUARY 26, 2023

SENATE STATE & LOCAL COMMITTEE
SENATOR KRISTIN ROERS, CHAIRMAN

TESTIMONY PRESENTED BY

LEE ANN OLIVER, SECRETARY OF STATE

Chairperson Roers and members of the committee. I am Lee Ann Oliver and work in the Elections Division of the Office of Secretary of State. I am here today to oppose Senate Bill 2226 as we believe it could create issues with ballot length and attempts to create the ability to do things that are already allowed within code.

Senate Bill 2226 calls for the full text of constitutional measures to be provided on the ballot, or in cases where they are of great length, for the full measure to be provided to the voter at the polls. If full text must be included, counties may run into an issue with ballot length. A scenario where information needing to be printed on the ballot is too great, it may cause a two-page ballot which creates a multitude of issues – difficulty in recounting and keeping ballots together, chance of voters only returning one page of the ballot, higher printing costs, higher postage costs, longer voting times for each voter, etc. A two-page ballot is simply something election administrators attempt to avoid as a best practice. An example of ballots and how multiple races and measures create spacing issues is provided on the next page.

Under NDCC 16.1-06-19 polling places are already required to post the full text of the ballot measures at the polls. See highlighted portion of code that follows.

16.1-06-19. Instructions, advertisements, maps, and ballots posted in polling places. Each county auditor shall have posters printed, in large type, containing full instructions to electors on obtaining and voting ballots and a copy of section 16.1-01-12, any federal laws regarding prohibitions on acts of fraud and misrepresentations, and general information on voting rights under applicable federal and state laws, including instructions on how to contact the appropriate officials if these rights are alleged to have been violated. The county auditor shall furnish at least one such poster to the election inspector in each election polling place who, before the opening of the polls, shall conspicuously post at least one poster in the polling place. **The county auditor, at the time of delivering the ballots to the inspector of elections in each polling place, shall deliver at least five copies of the newspaper publication or other copy of the complete text of any constitutional amendment or initiated or referred measure to the inspector of elections. One of the newspaper publications or copies must be posted conspicuously in the polling place on the morning of the election.** Each county auditor shall furnish the election inspector in each polling place with four copies of a map showing the election precinct boundaries and information regarding the date of the election and the hours during which polling places will be open. Before the opening of the polls, the inspector shall post the maps and information regarding the date of the election and the hours during which polling places will be open at the entry to and in other conspicuous places around the polling place.

I request you give SB2226 a do not pass as it could result in unintended election difficulties through multi-page ballots and seeks to correct something that is already allowed under Century Code.

Yellow denotes for illustration purposes the space available during a presidential election year for local contests and measures.

PAPER BALLOT - PRIMARY

PAPER BALLOT – EXPRESS VOTE - PRIMARY

OFFICIAL NORTH DAKOTA PRIMARY BALLOT

Electionware County
PRECINCT 2
MARCH 10, 2020

Instructions to Voters: To vote, blacken the oval (●) completely next to the candidate of your choice. To vote for a person not on the ballot, manually WRITE In his or her name in the space provided then blacken the corresponding oval (●). Use only a pen or pencil. If you spoil your ballot, do not erase, but ask for a new ballot.

| | | |
|---|---|--|
| Democratic Contests | Democratic Contests | |
| President of the United States Vote for One | Governor Vote for One | |
| <input type="radio"/> Liz Erd Democratic Party <input type="radio"/> Anna Mull Democratic Party <input type="radio"/> Max E. Mumm Democratic Party <input type="radio"/> Sarah Nade Democratic Party <input type="radio"/> Write-in | <input type="radio"/> Mel N. Colly Democratic Party <input type="radio"/> May L. Mahn Democratic Party <input type="radio"/> Sue T. Case Democratic Party <input type="radio"/> Write-in | |
| U.S. House Vote for One | State Senate Vote for One | |
| <input type="radio"/> Clara Net Democratic Party <input type="radio"/> Iona Mink Democratic Party <input type="radio"/> Tim Burr Democratic Party <input type="radio"/> Write-in | <input type="radio"/> Ken E. Boit Democratic Party <input type="radio"/> Doll R. Bill Democratic Party <input type="radio"/> Write-in | |
| | State House Vote for One | |
| | <input type="radio"/> Mora Less Democratic Party <input type="radio"/> Hollin Wan Democratic Party <input type="radio"/> Miles A Head Democratic Party <input type="radio"/> Misty Cloudz Democratic Party <input type="radio"/> Write-in | |

Please See Other Side 0002

ELECTIONWARE COUNTY/ELECTIONWARE STATE
NORTH DAKOTA PRIMARY DEMO
63/10/2020
PRECINCT 1, PRECINCT 1



PARTY PREFERENCE-----REPUBLICAN

REP PRESIDENT OF THE UNITED STATES----POLLY C. HOLDER

REP U.S. HOUSE-----BARBIE DAHL

REP GOVERNOR-----ELLIE PHUNT

REP STATE SENATE-----OTTO MATICK

REP STATE HOUSE-----RAY N. BOW

Written Testimony for the
House Government and Veterans Affairs
March 9, 2023
Erika White, Burleigh County Election Manager



RE: OPPOSITION for SB 2226

Greetings, Chair Schauer, 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 submitting testimony in opposition of SB 2226, as written.

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BISMARCK ND 58505-0500

HOUSE GOVERNMENT & VETERAN'S AFFAIRS COMMITTEE
REPRESENTATIVE AUSTEN SCHAUER, CHAIRMAN

SENATE BILL 2226
MARCH 9, 2023

TESTIMONY PRESENTED BY

LEE ANN OLIVER, OFFICE of SECRETARY OF STATE

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A scenario where information needing to be printed on the ballot is too great, it may cause a two-page ballot which creates a multitude of issues, such as:

- difficulty in recounting and keeping ballots together,
- chance of voters only returning one page of the ballot,
- higher printing costs,
- higher postage costs,
- longer voting times for each voter, etc.

Under NDCC 16.1-06-19 polling places are already required to post the full text of the ballot measures at the polls. See highlighted portion of code that follows.

16.1-06-19. Instructions, advertisements, maps, and ballots posted in polling places. Each county auditor shall have posters printed, in large type, containing full instructions to electors on obtaining and voting ballots and a copy of section 16.1-01-12, any federal laws regarding prohibitions on acts of fraud and misrepresentations, and general information on voting rights under applicable federal and state laws, including instructions on how to contact the appropriate officials if these rights are alleged to have been violated. The county auditor shall furnish at least one such poster to the election inspector in each election polling place who, before the opening of the polls, shall conspicuously post at least one poster in the polling place. The county auditor, at the time of delivering the ballots to the inspector of elections in each polling place, shall deliver at least five copies of the newspaper publication or other copy of the complete text of any constitutional amendment or initiated or referred measure to the inspector of elections. One of the newspaper publications or copies must be posted conspicuously in the polling place on the morning of the election. Each county auditor shall furnish the election inspector in each polling place with four copies of a map showing the election precinct boundaries and information regarding the date of the election and the

hours during which polling places will be open. Before the opening of the polls, the inspector shall post the maps and information regarding the date of the election and the hours during which polling places will be open at the entry to and in other conspicuous places around the polling place.

I request you give SB2226 a do not pass as it could result in unintended election difficulties through multi-page ballots and seeks to correct something that is already allowed under Century Code.

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PAPER BALLOT - PRIMARY

PAPER BALLOT – EXPRESS VOTE - PRIMARY

OFFICIAL NORTH DAKOTA PRIMARY BALLOT

**Electionware County
PRECINCT 2**

MARCH 10, 2020

Democratic Contests

Instructions to Voters: To vote, blacken the oval (●) completely next to the candidate of your choice. To vote for a person not on the ballot, manually WRITE in his or her name in the space provided then blacken the corresponding oval (●). Use only a pen or pencil. If you spoil your ballot, do not erase, but ask for a new ballot.

| | |
|--|---|
| <p>Democratic Contests</p> <p>President of the United States Vote for One</p> <p><input type="radio"/> Lori Erd Democratic Party</p> <p><input type="radio"/> Anna Mull Democratic Party</p> <p><input type="radio"/> Max E. Mumm Democratic Party</p> <p><input type="radio"/> Sarah Nade Democratic Party</p> <p>Write in</p> <p>U.S. House Vote for One</p> <p><input type="radio"/> Clara Net Democratic Party</p> <p><input type="radio"/> Iona Mink Democratic Party</p> <p><input type="radio"/> Tim Burr Democratic Party</p> <p>Write in</p> | <p>Governor Vote for One</p> <p><input type="radio"/> Mel N. Cully Democratic Party</p> <p><input type="radio"/> May L. Mahn Democratic Party</p> <p><input type="radio"/> Sue T. Case Democratic Party</p> <p>Write in</p> <p>State Senate Vote for One</p> <p><input type="radio"/> Ken E. Bolt Democratic Party</p> <p><input type="radio"/> Doll R. Bill Democratic Party</p> <p>Write in</p> <p>State House Vote for One</p> <p><input type="radio"/> Mora Less Democratic Party</p> <p><input type="radio"/> Hollin Wan Democratic Party</p> <p><input type="radio"/> Miles A. Head Democratic Party</p> <p><input type="radio"/> Misly Cloudtz Democratic Party</p> <p>Write in</p> |
|--|---|

Please See Other Side

0002

ELECTIONWARE COUNTY/ELECTIONWARE STATE
NORTH DAKOTA PRIMARY DEMO
87/15/2020
PRECINCT 1, PRECINCT 1



PARTY PREFERENCE REPUBLICAN

REP. PRESIDENT OF THE UNITED STATES..... POLLY C. HOLDER

REP. U.S. HOUSE BARBIE DAHL

REP. GOVERNOR ELLIE PHUNT

REP. STATE SENATE OTTO MATICK

REP. STATE HOUSE RAY N. BOW