

2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2178

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2178
1/23/2025

Relating to data stored in the central voter file and primary election ballots.

10:03 a.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Ballot requirements
- Voter requirements
- Layout and style charges

10:03 a.m. Senator Walen testified in favor and submitted testimony #30998.

10:15 a.m. Mike Blessum, Minot City Council sitting alderman, testified neutral.

10:20 a.m. Carol Two Eagles, spiritual rights advocate, testified neutral.

10:25 a.m. Erika White, State Election Director, testified neutral and submitted testimony #30967.

10:35 a.m. Linda Svihovec, ND Association of Counties, testified in opposition.

10:36 a.m. Erica Johnsrud, McKenzie County Auditor/Treasurer, testified in opposition and submitted testimony #30849.

10:43 a.m. Carol Sawicki, League of Women Voters of ND, testified in opposition and submitted testimony #30729.

Additional written testimony:

Mona Rindy submitted testimony #30015 in opposition.

Mark Taggart submitted testimony #30028 in opposition.

Susan Dingle submitted testimony #30278 in opposition.

Vicki Voldal Rosenau submitted testimony #30829 in opposition.

10:55 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Jan 19, 2025

TO ND Legislature
RE SB 2178 OPPOSE
FR Mona Rindy
14129 1st St NE
Portland, ND 58274

I hereby submit written testimony in opposition to SB 2178. I am proud of ND's current status of not indicating allegiance to a party for a primary ballot, and not having that private information captured. We are a state of many independent-minded people, and should not be pigeon-holed and defined by a certain party if the voter does not choose to align him or herself permanently in that manner.

I see this as an infringement on our precious privacy, and I count on our conservative legislature to uphold that privacy.

Thank you.

Please do not advance Bill SB 2178 to create multiple primary ballots.

For multiple reasons, to orchestrate multiple primary ballots is an excessive expense of labor and costs. In the event more than 2 parties were to run, multiple columns could be established, too. Voting in ND has become more and more restrictive and complicated in recent years without cause and this is another complication to what should be a simple and trusted grace.

It is also irrelevant as to how a person votes in the primary and discourages independent abilities to vote to find the appropriate candidates who reflect an individuals considerations to policies.

To hold and record a person's vote and risk the potential of public exposure is a threat to supporting the trust of the People. It is intimidating and again, a waste of resources, labor and expenses.

Please, vote no and oppose Bill SB 2178. Or, if possible, withdraw it and give more time to other considerations to improve the health, citizenship, and communities throughout North Dakota.

best,

Mark Taggart

Please vote DO NOT PASS on SB2178. This bill imposes further restrictions on election procedures by requiring persons voting in a primary election to choose a party and then receive a ballot for only that party. Further, it allows storage of the party affiliation identification and allows this information to be shared publicly. The ballot is supposed to be a SECRET BALLOT. Gathering, storing, and sharing this information violates that secrecy. It isn't hard to imagine a lot of people deciding they don't want their personal information shared and deciding simply not to vote. These reduced vote numbers mean elections would become even less representative of public sentiment than they are now, where one can only argue they are less representative because less than a majority of the eligible public votes, and primary elections already have smaller numbers of voters than general elections do. This is not an improvement in voting procedures, in making voting easier, in potentially enlarging the numbers of people who decide to vote, or in electing people who represent the interests and concerns of their constituents. This is an intrusion in people's lives, privacy, and right to vote using the secret ballot in elections. Please VOTE DO NOT PASS on SB2178.
Susan Dingle, District 35, Bismarck



SB 2178
Senate State and Local Government Committee
January 23, 2025

Chair Roers and Members of the Senate State and Local Government Committee, my name is Carol Sawicki, and I am a Board member and representative of the League of Women Voters of North Dakota.

Senate Bill 2178 would require state primary election voters to select a ballot based on political party. That information would be stored in our state's central voter file for six years and would be available to a political candidate, political party, or political committee.

The bill represents an abrupt departure from our current electoral process. Currently, voters receive a single ballot in the primary that includes candidates listed in the column of their respective political party. The voter privately selects candidates in their preferred party's column and may not "crossover" to vote for another party's candidates.

The League of Women Voters of North Dakota opposes SB 2178 for the following reasons:

- **Voters' political party selection would no longer be private information, which would be objectionable—and even uncomfortable—for many North Dakotans.** The bill would require voters to publicly request their party ballot of choice at the polls within hearing of other voters and election workers. If passed, the bill would overturn North Dakota's tradition of voter privacy and may make voters hesitant to vote in the party primary, resulting in voter suppression. The League of Women Voters of North Dakota supports legislation that empowers, rather than discourages, citizen participation in the electoral process.
- **The bill would track voters' political party selection and keep it on record, whether voters want to be identified with one or not.** Voters' political party selection for primary elections would be recorded in the central voter file and made accessible to candidates, political parties, and political committees. This would be a vast change to the privacy of North Dakota voters' information.
- **It would decrease the timeframe a voter could request a primary election absentee ballot.** The petition to establish a political party in North Dakota has a deadline in April and the state primary is in June. If this bill were to pass, voters would have to wait until after that deadline to request an absentee ballot to know what political parties are available to them. This would create more barriers for



absentee voting, as under the current system, voters can request an absentee ballot for all the elections in the year starting in January of the election year.

- **If the bill passed, voters would know less information about candidates when requesting an absentee ballot.** Voters would need to research candidates much sooner, possibly before much information is available, to decide in which political primary they would like to vote before requesting an absentee ballot. Our nonpartisan voter guide on VOTE411.org isn't available until mid-May to help voters to compare candidates and make their decisions.

This bill would impact voter privacy and increase barriers for absentee voters; therefore, the League of Women Voters of North Dakota **urges committee members to give SB 2178 a Do Not Pass recommendation.**

Thank you, Chair Roers and members of the committee, for your consideration of our testimony.

Members of the Senate State and Local Government Committee, my name is Vicki Voldal Rosenau; I live in Valley City.

I am speaking up today to oppose Senate Bill 2178. This proposal would wrongly, even dangerously, require voters to reveal their party preference in order to vote in Primary Elections. My many years of active participation in representative government tell me that forcing privacy-loving North Dakotans to publicly declare their personal party preference will produce one chief result: fewer citizens will vote in Primary Elections in North Dakota.

By removing privacy at the polls, this unnecessary change would scare some North Dakotans away from voting at all, because they would fear repercussions from revealing any personal party partiality. Others would be dissuaded from participating simply because the harmful requirement would render the voting process needlessly complicated and confusing.

Please preserve our secret ballot; please recommend "Do Not Pass" on Senate Bill 2178. Thank you for your consideration.

Respectfully submitted: Vicki Voldal Rosenau, Valley City, ND (701) 490-4883

Written Testimony for the
Senate State and Local Government

January 23, 2025

Erica Johnsrud, McKenzie County Auditor/Treasurer



RE: OPPOSITION for SB 2178

Good morning, Chairwoman Roers, and members of the Senate State and Local Government Committee. My name is Erica Johnsrud and I have the honor of serving as the Auditor/Treasurer for McKenzie County. I stand in opposition of SB 2178.

The intent of this bill is to change the way North Dakotans vote in primary elections moving from an open primary, where the voter has the choice, *in the voting booth*, to vote their party of choice to a closed primary, where the voter must disclose to the election workers their choice of party before receiving a ballot.

This legislation, in its current form, would increase costs to counties for additional ballots and workers, place possible limitations on polling locations, create additional challenges for balancing and handling ballots, and decrease voter anonymity.

Elections are expensive. By the time the McKenzie County 2024 primary election was over, the cost per vote was \$17.21 (total election costs of \$29,383.54). For the 2024 General election that cost per vote was \$5.13 (total election costs of \$28,515.93). There are several reasons for the difference between the two, but mostly due to the lower voter turnouts that traditionally occur in primary elections. Because I have to be prepared in the event that every qualified elector in the County shows up to vote, I have to have enough ballots on hand to accommodate that scenario, which doesn't differ much from Primary Election to General Election. If the Primary Election shifts to a closed primary, I will now have to purchase three times (or more) the number of ballots, depending on the number of parties that qualify to be printed on the ballot, because each voter would have the option to pick any party they wish, a 3x increase in costs for ballots alone, not to mention programming, layout, and testing costs.

Costs would also be increased due to the need for additional election workers. During the 2024 Primary Election, McKenzie County poll workers in each polling location had 18 different ballots to manage. This bill would move that to 54 different ballots (or more). Larger counties, like Burleigh or Cass or Ward, would likely have in excess of 150-200 different ballots. Due to this large number of different ballots, I would need to find larger polling locations in my rural areas to accommodate the extra needed space and security for these ballots within the location. It is already challenging to find sufficient election workers and places willing to be used as polling locations. My devoted workers for the last many years continue to ask for a reduction in the number of ballots they handle, not an

increase. This would also increase the time it takes to get results, as election workers would have to balance and reconcile numbers for each different ballot. There may also be an increase in voters receiving the wrong ballot if election workers are stressed or under pressure to get a ballot to the voter, especially if there is a long line of voters waiting.

Other administrative tasks, all important to the integrity and security of North Dakota elections, would have increased challenges. Logic and accuracy testing would become more complicated and take more time – vital testing that happens at the same time as other tasks within the County Auditor's Office.

The bill in Section 2 would decrease voter anonymity, a very important component of elections as every voter should be allowed to vote their ballot in any manner they choose. Section 2 would allow the public to request party designation information for voters. Political committees, political parties, and candidates would be able to request the complete voter name, complete voter residential address, and six years of voter history "including the political party associated with a ballot furnished to the voter."

This bill would unnecessarily increase costs, complexity, timeliness of results, and difficulty in finding election workers and polling locations in already challenging times.

I urge a **DO NOT PASS** recommendation on SB 2178.

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTEN ROERS, CHAIR

TESTIMONY PRESENTED BY

ERIKA WHITE, STATE ELECTION DIRECTOR

Chairman Roers and members of the committee, my name is Erika White, and I serve as the state election director for the Office of the Secretary of State. I'm here to offer neutral testimony on SB2178 in relation to the impacts that this legislation has on election administration.

First, if there is strong desire to capture political affiliation, we could support this bill. It would create an opportunity to gather the political ballot type requested by the roughly 20 percent of voters who participate in our primary elections. I do want to take an opportunity to provide information related to the complexities of Primary election ballot styles. In a Primary election, counties are conducting elections for many jurisdictions including city and school elections. Each unique jurisdiction is required to have a unique ballot style to ensure voters are voting on the proper contests, candidates, and issues. North Dakota counties managed 849 unique ballot styles in the 2024 Primary election.

The creation of ballots for each party type would increase the cost of election administration and provide increased challenges to our county partners. As an example, assuming at a minimum two political party ballots, and one independent/no party ballot:

- **Greater Costs:** The total cost of ballot printing and would triple, at minimum.
 - Layout charges per ballot style are roughly \$45: 849 ballot styles = \$38,205; 2,547 ballot styles = \$114,615
 - Ballot printing for all counties in 2024 Primary = \$320,000; equates to a times 3 cost of - \$960,000.
 - Other charges to consider – Test decks cost (charged per ballot), election worker wages for increased handling of ballots and ballot management
- **Increased Challenges:** The increase in ballot styles would impact the overall challenge of administering the election. For example, Cass County had 97 ballot styles for the 2024 Primary election – this would increase that number to 291 ballot styles.
 - Logic and accuracy testing would have to take place on a greater scale with larger test deck numbers. – Cass County had 4,000 ballots in its test deck. With the increase in additional ballot

styles based on 3 different ballot parties this number would need to be over 12,000 in a test deck to test accuracy of equipment.

- Ballot management – increase ballot styles create room for human error in handing out the wrong ballot style.
- Recount and audit challenges – More ballots increase challenges to reconcile and verify post-election and would potentially require greater numbers of recount board members to adequately conduct a timely recount.

We have also heard concerns about crossover voting, but this bill does not impact what we believe is meant by crossover in these instances. Crossover voting in elections means voting for more than one political party in a primary election. Ballot tabulators are programmed to watch for this and alert voters if they vote in both the Republican and Democrat columns. Voters are notified they have a “crossover” vote and can either vote their ballot with the front side not counting due to the crossover or request a new ballot to cast. There is nothing in this bill that would stop a Democrat or Republican from requesting the other party’s ballot style. Whatever ballot type requested under this bill would be the ballot type provided to the voter and there would be no way of knowing whether that matched their actual political affiliation.

If this bill moves forward, we will need to account for parties who may gain ballot access but only have one or no candidates. In 2024, the Libertarian party gained ballot access but provided no Primary candidates. Would a ballot style be needed in this instance?

There is also language that would need change on page 2, line 22, which refers to including information to candidates for individuals who in the central voter file are “secured active” voters. These are voters that are protected under open records law such as law enforcement agents and judges. This information is protected in other sections of law and we do believe it should remain protected in the central voter file as well. Section NDCC 16.1-06-14 which discusses the handling of crossover ballots by electronic voting systems may also need to be addressed.

If there is support for this bill to move forward, our office does believe it can be administered but counties would bear the burden of these greater costs and resources to manage the increased number of ballots.

Chairman Roers and members of the committee, that concludes my testimony and I’d stand for any questions.

Testimony on Senate bill 2178

January 20, 2025

Sponsor Chuck Walen, Senator D4

cwalen@ndlegis.gov

701-421-2262

Chairman Roers and members of the committee

For the record my name is Chuck Walen Senator for District 4

I am here to sponsor and introduce Senate bill 2178

Senate bill 2178 proposes to have separate ballots by political party for the primary elections. A Voter must request the political party primary ballot of their choice from the election officials. The official would mark on the record which party they gave to the voter.

One side of the ballot would be the political party the individual requested and the reverse side may include non-partisan races, ballot issues and other measures.

The purpose of this change in Primary ballots is to help prevent spoiled ballots of cross party voting in a primary election.

2nd it will allow those who are allowed by current law to request the primary voters record to see which party ballot has been requested. This will help political parties and candidates to identify potential members of their party and help target those individuals who they may contact for advertising, recruitment and other needs. This bill does not and is not intended to create any type of party voter registration.

I do request I do pass on Senate bill 2178

Chairman Roers and members of the committee this concludes my testimony.
I stand for any questions you may have

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2178
1/23/2025

Relating to data stored in the central voter file and primary election ballots.

3:13 p.m. Chair Roers called the hearing to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Committee Action

3:14 p.m. Senator Walen moved a Do Not Pass.

3:14 p.m. Vice Chairman Castaneda seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Walen will carry the bill.

3:17 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2178 ([25.0733.01000](#))

State and Local Government Committee (Sen. Roers, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2178 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.