

**TESTIMONY TO THE  
INTERIM JUDICIARY COMMITTEE  
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer  
1/5/16**

Our form of government is predicated on the right of holding and participating in a free election and is one of our most prized possessions. This possession has value only if it is properly exercised. The misuse thereof is as bad as its denial - they are equally damaging. The difference is mainly as to form but the result is the same. Helgi Johanneson AG Opinion#64-86

I noted the following items mentioned by Chairman Hogue in a recent newspaper article and I will try and respond:

- What is the upside to Registration?
- Would we disenfranchise fewer voters?
- Is there a good reason why we are unique?
- Concerned about verifying residency of voters....

*I would also like the committee to carefully consider how any changes to statute affect election workers on Election Day. Please keep in mind that the election workers are the backbone of the system – and that they have a difficult job on Election Day - and without concise rules and regulations their job is even more difficult.*

- What is the upside to Registration?  
A system to validate addresses and confirm residency.  
The legislature, Secretary of State, and Attorney General have established the Central Voter File as “voter registration” in ND. Currently the DOT is the gatekeeper of elections in ND. This is our system – yet to protect the sanctity of ND elections – there are no requirements to validate addresses or to ensure that the addresses used (driver’s license addresses) are in fact residential addresses. The present system allows anyone to go on-line and change their address which is then updated “nightly” to the Central Voter File. The Secretary of State’s office has indicated that, in an effort to make the central voter file more up to date, the DOT will be providing updated residential information to the Secretary of State for inclusion in the central voter file nightly rather than weekly.<sup>11</sup> “These nightly updates will be processed right up to Election Day so that anyone who updates his or her address on DOT’s website in the days before the election will have an updated record in the Central Voter File.” My concern is that no one validates the address as authentic or as residential addresses. No one confirms that the person lives at this address or has been there for at least 30 days. One merely needs to go and change their address – and if the address is within the precinct boundary - they will be allowed to vote.

- Would we disenfranchise fewer voters? I do not believe anyone is being disenfranchised. If someone is a qualified elector and follows the requirements of having a “current” driver’s license and shows up at the correct precinct they will be allowed to vote.
- Is there a good reason why we are unique? I am not sure – is it because voting is easy in ND? Is that a good enough reason to be unique?
- Concerned about verifying residency of voters.... Voting residence in ND is defined as the union of act and intent. I may move to another residence, but if my intent is to return I can continue to vote at the former precinct. Furthermore, I do not lose my voting precinct until I vote in a new precinct (action). If I move but do not vote in my new precinct, I can continue voting in my former precinct. Should it be this way?

From the SOS:

**What happens when someone doesn’t update his or her address and the individual shows up at what the individual thinks is his or her new polling place?** If someone doesn’t update his or her record at all and shows up at a polling place where the individual’s name is not in the pollbook, the individual should be redirected to the polling place associated with the address that is on record for him or her, where the individual will be allowed to vote.

Therefore, someone could have moved two years ago – and never updated their address with the DOT. According to the SOS they should be directed to the polling place associated with the address that is on record for him or her and be allowed to vote. Is this really what is intended? I am not sure how such residency issues can be resolved without a clear and concise definition of voting residence.

Mr. Chairman and members of the committee, the primary source of election difficulties that ND has recently experienced are directly related to the fact that we have made the DOT the gate keeper of elections in ND. We have made the Central Voter file a quasi-voter registration system. Current law requires potential voters to provide a ND driver’s license. Again, the issue with the current system is that the Driver’s License Division does not verify residential addresses – I can provide examples of Driver’s License Address Changes in Burleigh County that are not for residential addresses and for some addresses that do (or did) not exist at the time of the election.

Mr. Chairman and members of the committee, every session brings different proposals for solving voter qualification questions (ID, affidavits, Long-term care certificates, student certificates, student ID, poll challengers, etc. etc.). I am encouraged that this study of residency & registration can lead to the advancement of election administration in ND and preserve one of our most prized possessions. I believe if a thorough review is not completed – we will accomplish nothing in election reform - but a lot of talking.