

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

1374

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1374

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1374

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1968

Committee Clerk Signature

*Morgan Benoit*

Minutes:

**Al Jaeger:** Testimony Attached.

**Rep. Schneider:** What happens when the initial problems are not verified?

**Al Jaeger:** The election board can make the decision as to whether or not the ballots should be allowed. If the ballot is not initialed, every voter that came in and filled out a ballot that wasn't initialed, it doesn't count.

**Jim Silrum:** The same thing happens if the initials are completely missing. That particular ballot is not counted. What is being looked for there, which is not too likely to happen, if for some reason the election workers in the particular precinct, and the ballots weren't initialed, it would constitute for a ballot that is not valid. It's just another point of security for the system. It's not likely to happen, just something that says we look for initials and specific ones from that precinct.

**Ann Johnsrud:** Testimony Attached.

**Rep. Haas:** Is there any other testimony for HB 1374? If not we will close the hearing on HB 1374.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1374

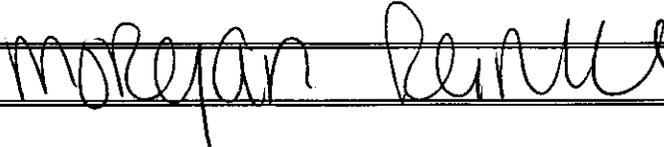
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1972

Committee Clerk Signature



Minutes:

**Rep. Froseth:** I move the amendment.

**Rep. Meier:** I second that.

**Rep. Haas:** Is there any discussion on the amendment? If not we will take a voice vote.

Amendment carries. We now have 1374 before us as amended. What are your wishes?

**Rep. Wolf:** I move a do pass as amended.

**Rep. Potter:** I second that.

**Rep. Haas:** Is there any further discussion? I will ask for a roll call vote. The motion passes 13-0-0.

**Rep. Amerman:** I will carry this bill.

Date: 1-26-07  
Roll Call Vote #: 1

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number HB 1374

Action Taken Move Amendment

Motion Made By Rep. Froseth Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman			Rep. Bill Amerman		
Rep. Bette Grande VC			Rep. Louise Potter		
Rep. Randy Boehning			Rep. Jasper Schneider		
Rep. Stacey Dahl			Rep. Lisa Wolf		
Rep. Glen Froseth					
Rep. Karen Karis					
Rep. Jim Kasper					
Rep. Lisa Meier					
Rep. Dave Weiler					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



**REPORT OF STANDING COMMITTEE**

**HB 1374: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1374 was placed on the Sixth order on the calendar.

Page 1, line 9, after "conducted" insert "according to guidelines established by the secretary of state and"

Renumber accordingly

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1374

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1374

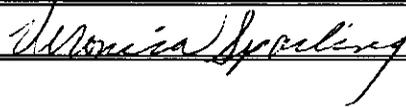
Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 2/23/07

Recorder Job Number: 3762

Committee Clerk Signature



Minutes:

Roll was taken and all members were present.

Senator Dever, Chairman, opened the hearing on HB 1374.

Al Jaeger, Secretary of State, introduced the bill and mentioned that under the Help America Vote Act each state has two members on the Voting Standards Committee and Kevin Glatt and Mike Montplaisir are presently serving in that capacity at a meeting in Atlanta. See attachment # 1. He mentioned that on all of the recounts called for in 7 counties, the only error that was discovered was human error. There was not a problem with the voting machines. He mentioned that the guidelines for conducting a recount referred to in section 1, page 1, lines 9 and 10 will be set well before an election. He explained that the change to section 1, page 3, lines 14 and 15 was made because of a possible conflict of interest. The Clerk of District Court is an employee of the court and the County Recorder is an employee of the county. If a Clerk of District Court is on a recount board and then that recount ends up in court there may be a conflict of interest.

Ann Johnsrud, McKenzie County Recorder, spoke in support of HB 1374. See attachment # 2.

Senator Dever asked what the duties of the county recorders are.

Ann said it varies county to county.

Valerie McCloud, Rollette County Auditor and President of the North Dakota County Auditors Association, spoke in support of HB 1374.

Support: -

Opposition: -

Neutral: -

Chairman Dever closed the hearing on HB 1374.

A do pass motion was made by Senator Lee.

The motion was seconded by Senator Oehlke.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Oehlke

Senator Dever asked what amendment the House had made to this bill.

Al Jaeger said they added the words on line 10 "established by the Secretary of State."

Date : 2-23-07  
Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1374

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken do pass

Motion Made By See Seconded By Pehlke

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehike - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Pehlke

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 23, 2007 11:24 a.m.

**Module No: SR-35-3738**  
**Carrier: Oehlke**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1374, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1374 was placed on the Fourteenth order on the calendar.**

2007 TESTIMONY

HB 1374

To: Chairman Haas  
Members of the Government and Veterans Affairs Committee

From: Ann Johnsrud – McKenzie County Recorder  
North Dakota County Recorders Association

RE: SB 1374

For the record, my name is Ann Johnsrud, McKenzie County Recorder, representing the North Dakota Recorders Association.

I am here today to offer support to SB 1374. The County Recorders are in full agreement to accept the duties formerly performed by the Clerk of District Court in the voting process.

If you have any questions, I would be happy to answer them at this time.

ALVIN A. JAEGER  
SECRETARY OF STATE

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SECRETARY OF STATE  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

January 25, 2007

TO: Representative Haas, Chairman,  
and Members of the House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1374 – Recounts

This bill clarifies the recount process.

Section 1, page 2, line 30; page 3, lines 17 and 28: Titles are added to the subsections for easier reading and identifying the responsibilities of those involved in a recount.

Section 1, Throughout this section, wherever there is a reference made to the "clerk of the district court" it is replaced by the "county recorder"

Section 1, page 3, lines 5 thru 7: Pertains to conducting a review of the ballots to determine if they were properly initialed and that they are similar to those of the election worker.

Section 1, page 4, lines 5 thru 10: Identifies those persons who are excluded from serving on the recount board

Section 1, page 4, line 16: Removes an obsolete reference to "stamping" a ballot.

Section 1, page 4, lines 17 and 18: The change reconciles the law pertaining to the duties of the canvassing board and those of the recount board. It is the function of canvassing board to make the final determination of voter eligibility. The function of the recount board is to recount the ballots

Section 2, Page 5 and 6: Wherever there is a reference made to the "clerk of the district court" it is replaced by the county auditor

An amendment is attached to allow the Secretary of State to develop the guidelines for a recount.

PROPOSED AMENDMENT TO HOUSE BILL NO. 1374

Page 1, line 9, after "conducted" insert "according to guidelines established by the secretary of state and"

Renumber accordingly

ALVIN A. JAEGER  
SECRETARY OF STATE

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SECRETARY OF STATE  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

February 23, 2007

*Attachment #1*

TO: Senator Dever, Chairman,  
and Members of the Senate Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1374 – Recounts

This bill clarifies the recount process.

Section 1, page 1, lines 9 and 10: Allows the Secretary of State to establish guidelines for conducting a recount

Section 1, page 3, lines 3 and 21, page 4, line 1: Titles are added to three subsections for easier reading and identifying the responsibilities of those involved in a recount.

Section 1, page 3, lines 9 thru 10: Pertains to conducting a review of the ballots to determine if they were properly initialed and that the initials are similar to those of the election worker.

Section 1, page 3, lines 14 and 15: Throughout this bill, wherever there is a reference made to the "clerk of the district court" it is replaced by the "county recorder"

Section 1, page 4, lines 9 thru 14: Identifies those persons excluded from serving on the recount board

Section 1, page 4, line 20: Removes obsolete reference to "stamping" a ballot.

Section 1, page 4, lines 21 and 22: The two-word deletion reconciles the law pertaining to the duties of the canvassing board and those of the recount board. It is the function of canvassing board to make the final determination of voter eligibility. The function of the recount board is to recount the ballots

Section 2, Page 6: Wherever there is a reference made to the "clerk of the district court" it is replaced by the county recorder

*Attach # 2*

To: Chairman Dever  
Members of the Government and Veterans Affairs Committee

From: Ann Johnsrud – McKenzie County Recorder  
North Dakota County Recorders Association

RE: HB 1374

For the record, my name is Ann Johnsrud, Mckenzie County Recorder, representing the North Dakota County Recorders Association.

I am here today to offer support to HB 1374. The County Recorders realize the importance of the election process and the necessity to keep continuity within the system. We are willing to accept the duties formerly performed by the Clerk of District Court in the voting process.

I thank you for this time and would be happy to answer any question you may have.