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2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2231

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2231

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/25/07

Recorder Job Number: 1900, 1910

Committee Clerk Signature

Veronica Spurling

Minutes:

All members of the committee were present.

Sen. Dever, Chairman, opened the hearing on SB 2231.

Senator Oehlke from District 15 introduced the bill. See attachment # 1.

Jim Silrum, Deputy Secretary of State, spoke in support of SB 2231. See attachment # 2.

Senator Nelson asked why it mentions a requirement to register when no one is required to register.

Jim replied that it was existing language that was left in there.

Senator Nelson asked whether each polling place is required to have one of these ballots on hand.

Jim responded that in order for a voter to cast that particular type of ballot they must between the time of moving into the state and 10 days before the election, appear before their county auditor and fill out the required form in the presence of the county auditor. The auditor hands them a ballot, they mark their vote, seal it and then it's counted on Election Day. No one can fill out a ballot like this on Election Day or within the 10 days prior to election.

Senator Nelson asked if this needs better advertising.

Jim responded that may be a fair assessment, but the only ballot that can be cast on Election Day is a complete ballot.

Senator Horne asked for clarification on when the form needs to be filled out.

Senator Dever asked for clarification of how it works that you don't lose one residence until you have gained another one.

Senator Marcellais asked whether they were just going to add a phone number to the form.

Jim responded that is the case.

Opposition: -

Neutral: -

Chairman Dever closed the hearing on SB 2231

Chairman Dever opened discussion on SB 2231.

Roll Call Vote: Yes 6 No 0 Absent 0

A do pass motion was made by Senator J. Lee.

The motion was seconded by Senator Oehlke.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Marcellais

Date : 1-25-07
Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2231

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass

Motion Made By Lee Seconded By Oehlke

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Marcellais

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

REPORT OF STANDING COMMITTEE (410)
January 25, 2007 1:22 p.m.

Module No: SR-17-1217
Carrier: Marcellais
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2231: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2231
was placed on the Eleventh order on the calendar.

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2231

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2231

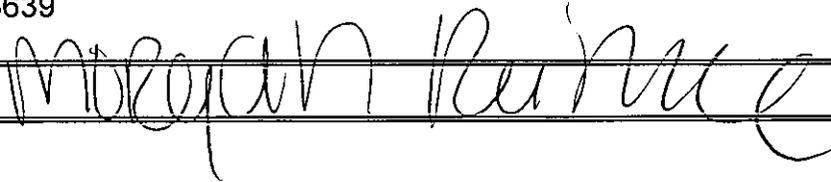
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3639

Committee Clerk Signature



Minutes:

Al Jaeger: Testimony attached.

Rep. Kasper: Can a telephone number be a cell phone?

Al Jaeger: It's a telephone number.

Rep. Kasper: So a cell phone would be sufficient?

Al Jaeger: The main reason for the change is that if there are any questions the county auditor needs some method of getting back to them. A telephone number is a way to do that.

Rep. Kasper: What happens if they don't have a telephone?

Al Jaeger: Then they can't provide it.

Rep. Kasper: Does that mean they can't vote/

Al Jaeger: No, they are allowed to vote. We can't stop them from voting.

Rep. Haas: Are there any further questions?

Rep. Potter: On the testimony it does say that it adds the requirement and the applicant must supply a telephone number.

Al Jaeger: You have a good question. The bill just adds to the form.

Rep. Haas: Is there any more testimony for SB 2231? If not we will close the hearing on SB 2231.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2231

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3647

Committee Clerk Signature

Morgan Penick

Minutes:

Rep. Kasper: So long as this is not going to disqualify anyone if they don't give their telephone number. If however you don't put a telephone number on it, I'm not comfortable on it.

Rep. Haas: Would you be more comfortable if we put optional under that line?

Rep. Froseth: I don't know if I would agree with optional but how about if available? If they do it optional they will not put it on there.

Rep. Weiler: I think that Secretary of State made it clear that they cannot stop someone from voting. If you put if available you will not see phone numbers. The bill is fine the way it is. They can't stop people from voting.

Rep. Potter: I agree. I would like it left on there. I think it's too bad that this couldn't be put with another bill. This seems like a small item to have a whole bill just for a telephone number.

Rep. Haas: I don't disagree with you. I know that Secretary Jaeger made the comment that in some sessions he had combined a whole bunch of things into one bill. Legislators would like parts but not other parts so he decided he would bring individual pieces in so we could make decisions on individual ones.

Rep. Kasper: What will a county auditor do if a phone number is not there? Will they not send the ballot out?

Rep. Haas: Absolutely they will.

Rep. Kasper: How do we know?

Rep. Haas: Secretary of State said they would. That will not preclude anyone from voting.

Rep. Kasper: It would be an incomplete application.

Rep. Boehning: I think the Secretary of State said with presidential elections they have let them vote no matter what. With us they have to be 30 day residents. With us they don't have to be a resident for 30 days. You can vote for president no matter what.

Rep. Amerman: If I just moved from South Dakota into North Dakota, how many people know they have to fill this application out?

Rep. Haas: I don't know. This is an affidavit. It has to be notarized. The affidavit is not swearing to the telephone number. They are swearing to the information about being a resident and citizen. I don't see that as a problem with the telephone number. Most people will provide it.

Rep. Boehning: I move a do pass.

Rep. Dahl: I Second that.

Rep. Haas: Is there any further discussion? If not we will take a roll call vote on SB 2231. The do pass motion on SB 2231 passes with a vote of 12-0-1. Is there a volunteer to carry this bill?

Rep. Schneider: I will.

Date: 2-22-07
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 SB 2231

Action Taken DO PASS

Motion Made By Rep Boehning Seconded By Rep Dahl

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

Total (Yes) 12 No 1

Absent 0

Floor Assignment Rep. Schneider

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

REPORT OF STANDING COMMITTEE (410)
February 22, 2007 11:42 a.m.

Module No: HR-34-3667
Carrier: Schneider
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2231: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2231
was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2231

attach #1

Government and Veterans Affairs Committee
1-25-07
Chairman Dever and Senators

I am Dave Oehlke, senator from District 15.

Testimony relative to SB 2231

On occasion, someone may move to the great state of North Dakota, but may fail the "test" of being a resident of the state for 30 days prior to a general election. They are, however, a US citizen and ~~qualified~~ would be a qualified voter except for the 30 day wait.

This bill would allow that person to vote for the "president only" in such a circumstance.

This appears to be a gracious plan for a concerned voter.

Thank you and I will stand for any questions.

ALVIN A. JAEGER
SECRETARY OF STATE

E PAGE www.nd.gov/sos



Attch #2

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

FR: Al Jaeger, Secretary of State

RE: SB 2231 – President Only Ballot

Under current North Dakota law, a qualified elector is allowed to vote if they have lived in the precinct for a period of at least 30 days.

In those situations where an elector is a new resident to the state and has not lived in the precinct for at least 30 days, they are still qualified to vote for President. There is a special ballot for this purpose and an elector must apply to receive it (application form is on the reverse side).

The only change in this bill appears on page 2, line 6. It adds the requirement that the applicant must supply a telephone number, which is to provide an additional method of contact in the event the County Auditor is required to make contact with the voter.

Attach #2 pg 2



NEW RESIDENT BALLOT APPLICATION - PRESIDENT ONLY
SECRETARY OF STATE
SFN 54449 (09-05)

For reference, see North Dakota Century Code, Chapter 16.1-07 and 16.1-14-20

A person desiring to qualify to vote for presidential electors is not required to register but, not less than ten days in advance of the election, shall make an application in the form of an affidavit executed in duplicate in the presence of the county auditor. Affidavit is found below.

Application for state General Election Only

State of North Dakota)
)ss.
County of _____)

I, _____, do solemnly swear that:

1. I am a citizen of the United States.

2. Before becoming a resident of this state, I resided at _____, in the _____
(street) (town/township/city)
of _____, county of _____ in the state of _____.

3. On the day of the next presidential election, I shall be at least eighteen years of age. I have been a resident of this state since _____, _____, now residing at _____, in the _____
(residential address) (town/township/city)
of _____, county of _____ in the state of North Dakota.

4. I have resided in _____ precinct for less than thirty days. I believe I am entitled under the laws of this state to vote at the presidential election to be held on November _____, _____.

5. I apply for a presidential election ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed _____
(Applicant)

Subscribed and sworn to before me this _____ day of _____.

Signed _____
(Title and name of officer authorized to administer oaths)

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 22, 2007

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and Members of the House Government and Veterans Affairs Committee

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