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ROLL NUMBER

DESCRIPTION

2232

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2232

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2232

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/25/07

Recorder Job Number: 1901, 1911

Committee Clerk Signature

Veronica Spaulding

Minutes:

All members of the committee were present.

Sen. Dever, Chairman, opened the hearing on SB 2232.

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

Jim Silrum, Deputy Secretary of State, spoke in favor of SB 2232. He explained that it is to correct an oversight that was made on a bill last session. The bill granted the right to get a ballot by fax or email to overseas personnel, but neglected to grant that right to their family members. This will rectify that oversight. See attachment # 2.

Section 4, page 3, line 4 requires a birth year on the application. This is to help identify people who share the same name. If someone votes absentee, it can be marked in the poll books as such.

Senator Lee asked if the trend of fewer people having land lines and being in the phone book is going to be an issue. She also feels the birth year is not an accurate limiting factor.

Jim responded the language "contact phone number" may be better than "home phone number." Birth year is important because about 10 % of the population of our state doesn't have a State Issued ID Card or a driver's license

There was discussion about the possible use of a State Issued ID Card for the Central Voter File.

Senator Horne asked about the email ballot that is sent to the military and their families. He questioned whether they can also cast their vote by email.

Jim Silrum said they can receive the ballot by email. Then they must print it out, mark their votes, fill out the accompanying paperwork, and return it by regular mail. If they are running out of time (mail to Iraq takes 20 days) they can scan their documents and return them by email attachment back to the county. In doing so they are somewhat compromising their right to a completely secret ballot. In addition all military and overseas voters have to sign the application for an absentee ballot. When they vote, the signature that comes back with their affidavit must match the signature on the application for absentee ballot.

Jim explained that the county canvassing board goes by the postmark that is on absentee ballots.

There was further discussion about the State Issued ID card and the Central Voter File. With our mobile society they want as much ease and accuracy of record keeping as possible.

Opposition: -

Neutral: -

Chairman Dever closed the hearing on SB 2232.

Chairman Dever opened discussion on SB 2232.

Senator Nelson made a motion to pass SB 2232.

There was discussion about the wording of the phone number with possible changes including: home number, applicant's phone number, current phone number. They decided to just delete the word home. This will be added to the proposed amendments.

There was more discussion about the State Issued ID Card. If 90% of our population has either a driver's license or a state issued ID, it would be such a simple change. The State Issued ID card costs \$8.00 and is good for 10 years.

The committee will look into how the Secretary of State stands on the State Issued ID Card.

Senator Nelson withdrew the motion to pass the bill.

Senator Dever closed the discussion on SB 2232. The committee members will consider it again after they look into how the Secretary of State stands on the State Issued ID Card.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2232

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 2/01/07

Recorder Job Number: 2538, 2631

Committee Clerk Signature

Veronica Spaulding

Minutes:

All members of the committee were present.

Sen. Dever, Chairman, opened discussion on SB 2232.

Jim Silrum, Deputy Secretary of State, spoke about the possibility of the wording on the use of the State ID.

There was discussion about the merits of using the State issued ID as an identifier and the legality of doing so.

Jim mentioned that there is concern about someone going to the website and printing off the application for absentee ballot and then having people fill them out, collecting them and then having access to identifying numbers. There is an opportunity for identity theft.

Senator Dever mentioned that it is better than giving out the Social Security Number and asked if someone could check with the Dept. of Transportation.

Senator Lee said she would like to see if it is even possible to use the State issued ID number as an identifier.

Jim said he will check with the Dept. of Transportation.

The committee will take action at a later date.

Chairman Dever opened discussion on SB 2232.

Senator Dever said Jim Silrum had checked with the Secretary of State and it is fine to use the State issued ID number as an identifier.

There was some discussion about the wording of putting that in the amendment.

Senator Marcellais made a motion to amend SB 2232.

Senator Nelson seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0.

Senator Nelson made a motion to pass SB 2232 as amended.

Senator Marcellais seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0.

Carrier: Nelson

JuB
2-2-7

PROPOSED AMENDMENTS TO SENATE BILL NO. 2232

Page 2, line 27, overstrike "home"

Page 3, after line 4, insert:

"k. The applicant's motor vehicle operator's license number or nondriver identification number, if available."

Page 4, line 20, replace "or" with "and"

Page 4, line 21, remove "not"

Page 4, line 22, remove ", as was previously determined by the precinct election board,"

Renumber accordingly

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

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. amendment to 2232

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Marcellais Seconded By Nelson

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 _____

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

line 27 ~~home~~
page 3 line 4 j.
k.
amendment from

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

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2232

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken do pass as amended.

Motion Made By Nelson Seconded By Marcellais

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 Nelson

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

overshike "home"
"k. a state issued ID, if available"
at and
not
as was previously heard

REPORT OF STANDING COMMITTEE

SB 2232: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2232 was placed on the Sixth order on the calendar.

Page 2, line 27, overstrike "home"

Page 3, after line 4, insert:

"k. The applicant's motor vehicle operator's license number or nondriver identification number, if available."

Page 4, line 20, replace "or" with "and"

Page 4, line 21, remove "not"

Page 4, line 22, remove ", as was previously determined by the precinct election board,"

Renumber accordingly

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2232

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2232

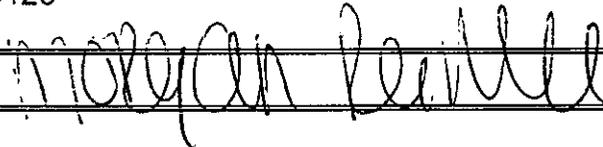
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5125

Committee Clerk Signature



Minutes:

Al Jaeger: Testimony attached.

Rep. Froseth: Page 3 in section 4, don't we need the date instead of birth year? If their date falls after the date, they might not be 18.

Jim Silrum: We were just discussing this portion in the back. For the last 3 days we have been meeting with our vendor who is helping us customize the central voter file software that we are using. In part of our discussion it came to life for those people who do not have driver licenses or state issued id's for one reason or another. For matching criteria in terms of searching for that voter it would be easier if we had that complete birth date instead of the birth year. The only thing we are going to be using that for is to be searching to find that particular voter. For example in our system in the state, there are nearly 100 David Johnsons. Finding that particular one in our system, the vendor said it would be greater if we could have a complete birth date. On an absentee ballot application they better have that. Typically those people who do not have drivers licenses or state issued Id's are those people who tend to vote by absentee because of the fact they are in a nursing home or etc. Your question is very appropriate at this point. I just barely had time to talk with Secretary Jaeger about this. I think

we should ask the committee to consider an amendment to make it not just the year but the exact date.

Rep. Weiler: Can you explain to me the same voting rights are for uniform? It says in section 3 page 3 this change makes it clear that family members of a uniform service member have the same voting rights as that service person?

Jim Silrum: Last session we extended for those military and overseas voters who are residents, we extended to them the right to receive their ballot by fax or email attachment through which they could print it out and send it back to the office. Federal law we discovered, was identified to us by saying if a spouse or family member of a uniform citizen is living away from their residential home as well, they need to be granted the same rights as well. We inadvertently forgot last time.

Rep. Weiler: It talks about checking the signatures. What do you do with it if it isn't the same.

Al Jaeger: If the signature isn't the same the ballot wouldn't be counted.

Rep. Weiler: The reason I asked that question is because when I sign a credit card slip, when I look at one signature to another it doesn't look anything alike.

Al Jaeger: I understand that. I think there are still some similar things. It's a security type of thing. The board made up of several people is going to make that call. We understand about signatures because of reviewing petitions when we see just a line as a signature. There is something to go by. There would be other things that could possibly be determining factors.

Rep. Weiler: If you're going to compare the signature on the application to the affidavit. In all likelihood it is going to be the same person.

Al Jaeger: It's a security issue. What if someone does apply for that ballot and their neighbor gets a hold of it, fills it out, and sends it in.

Rep. Haas: The issue about family members of the uniform person. Why don't they automatically have absentee voter rights. IF they are citizens why do they have to have an identification of them with the uniform person to establish their voting rights?

Jim Silrum: The answer is that the way the law currently reads as it says right now, we gave those rights specifically to anyone who is in uniform away from home. Or anyone who is an overseas voter living overseas. For example if I am in the military and stationed in Fort Bragg, under our current law I would be able to receive my ballot by fax or by email. My wife would not be able to even if she were living with me.

Al Jaeger: They are allowed to vote absentee it is just that they don't have the right to do it the same way as the person in the military.

Rep. Kasper: Going back to page 4, lines 22 and 23. What your asking there in the underlined language is to verify the signature of the voter to be sure that it is the same signature. I'm puzzled by the wording. Particularly by the word or. It seems that it should say 'and'. What the language says is that signatures on the absentee ballot application and the voter's affidavit were not signed by the same person. Don't we want to say that they were signed by the same person?

Rep. Haas: I think that is the wrong bill. Look at the engrossed version.

Rep. Karls: Looking at your testimony where it talks about sections 6 and 7. I have sat on a canvassing board for ten years. We have always checked and compared the signatures one against the other.

Al Jaeger: Yes. It doesn't say it in law though, and that is what we are trying to do.

Rep. Potter: Just one other question, the email that goes to service members and their families, is there some reason we can't do other folks too?

Al Jaeger: I guess that it probably could be done. I'm not sure that everyone is ready for that. In the military it is really crucial. We ran into quite a situation. ND has been a leader in this area. We have had the ability to fax ballots back since 1992. After the deployment of the National Guard prior to the 2003 session, we learned very quickly that the fax machine is not a standard field issue. We had to go through some challenges to work it so the soldiers could vote in the 2002 election. We came in last session to allow that to happen. The preference is to have it by mail. That was the legislation that Mr. Silrum was referring to. To open it up more, I don't know if I'm ready to date to do that. It is just very important for the military people.

Jim Silrum: I may also address that first of all the only reason that we want to be able to email ballots is because it currently takes 20 days for the mail to go back and forth. If you suddenly think that as a voter, a week before the election, that you would like to vote from Afghanistan, under our current law if you don't have access to a fax machine you can't. If the only way to get it was from mail that was essentially saying that you couldn't. The reason that I would say that you also don't want to grant that access to those of us that are living here in ND is because our mail goes back and forth very fast. When a ballot like that comes back in the mail, the two judges need to sit down with that particular ballot and transfer the votes from that ballot to another ballot that can be re read by machine. We want to do that on a limited basis if possible.

Rep. Boehning: When you are doing an email ballot do you put the ballot on a format so you don't have to transfer everything over?

Al Jaeger: The ballots are in various sizes. It might not work in all situations.

Jim Silrum: He is right. Generally when it goes to a Pdf. File to the voter, they print it out on an 8.5 x 11 sheets of paper when in effect it is a ballot that is 14 or 17 inches in length. That compresses it quite a bit. Technically no, that is really not possible. Even if it were, the ballots

that we print that are being read by these machines, the paper itself is specifically weighted paper. It has certain control environments because of protection purposes for making sure that essentially nobody is stepping the ballot box with photocopy ballots.

Rep. Boehning: Along that line, we have to print the ballot off and then send it back in again?

Jim Silrum: Yes. You must print the ballot, fill in the ovals, and then if you want to return the ballot by email, you must scan it back in and send it back that way.

Rep. Boehning: Can't we, with technology, just fill them out online without printing them out?

Jim Silrum: We have been assured by the Pentagon that voters in those situations do have access to the scanners. The second reason is strictly for the purposes of security of the ballot. It is virtually impossible to change a Pdf. It might be possible to change a form that you are suggesting. If that ballot were to be intercepted, it would be by someone with malicious intent; our purpose is to make that ballot as secure as possible.

Al Jaeger: I just might add to the military part. We work very closely with the National Guard with this. We have a very active program.

Jim Silrum: Just for the questions that were asked, we did not come prepared with an amendment because that came about us so quickly. Just going back to section 4 relating to the birth year instead of birth date.

Rep. Haas: Is there any more testimony on SB 2232? If not we will close the hearing on SB 2232.

2007 HOUSE STANDING COMMITTEE MINUTES

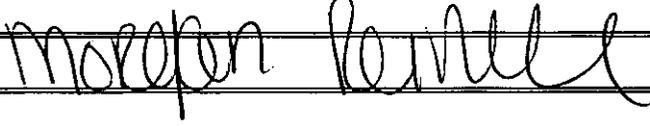
Bill/Resolution No. SB 2232

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5126

Committee Clerk Signature 

Minutes:

Rep. Weiler: After the birth date add year?

Rep. Wolf: Shouldn't it just say birth date?

Rep. Weiler: I think that it needs to say birth date and year. Sometimes you need to just spell it out. If you just put birth date someone is just going to put in the date and not the year.

Rep. Haas: So we are going to add the word year after birth date. So we add the words 'date and'.

Rep. Grande: 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 on the amendment. All in favor say 'aye' all opposed say 'no'. The motion passes.

Rep. Froseth: I would move a do pass as amended.

Rep. Potter: I second that.

Rep. Haas: Is there any other discussion? If not we will take a roll call vote on a do pass as amended motion for SB 2232. The do pass as amended motion for SB 2232 passes with a vote of 12-0-1. Is there a volunteer to carry this bill?

Rep. Boehning: I will.

78228.0201
Title.0300

Adopted by the Government and Veterans
Affairs Committee
March 15, 2007

**House Amendments to Engrossed SB 2232 (78228.0201) - Government and Veterans
Affairs Committee 03/14/2007**

Page 3, line 4, after "birth" insert "date and"

Renumber accordingly

Date: 3-15-07
Roll Call Vote #:

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 2232

Action Taken Do pass as amended

Motion Made By Rep Froseth Seconded By Rep Potter

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			Rep. Lisa Wolf	X	
Rep. Glen Froseth	X				
Rep. Karen Karis	X				
Rep. Jim Kasper	X				
Rep. Lisa Meier	X				
Rep. Dave Weller	X				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep Boehning

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

REPORT OF STANDING COMMITTEE

SB 2232, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2232 was placed on the Sixth order on the calendar.

Page 3, line 4, after "birth" insert "date and"

Renumber accordingly

2007 TESTIMONY

SB 2232

Attachment #1

Government and Veterans Affairs Committee

1-25-07

Chairman Dever and members of the committee

I am Dave Oehlke, senator from district 15.

SB 2232 stipulates that absentee ballots shall look just like the regular ballots, establishes the number of days before and election that absentee ballots are to be available(40), uses "uniformed service" to help define who may vote absentee and when, adds some detail on how the canvassing board is to determine authenticity of certain absentee voter ballots, and amends century code to instruct county auditors to designate space in a public facility for it's early voting precinct.

Thank you, I will stand for questions.

ALVIN A. JAEGER
SECRETARY OF STATE

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January 25, 2007

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Attachment 2

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

FR: Al Jaeger, Secretary of State

RE: SB 2232 – Absentee Ballots

Section 1, page 1, lines 11 thru 15: To establish a uniform 60 filing deadline for all elections, the text is removed pertaining to special elections having a differing timeline.

Section 2, page 2, line 5: To establish a uniform 40 day period for providing absentee ballots for all elections, the timeline for a school election is changed from 20 days to 40 days.

Section 3, page 3, lines 13 thru 16: This change makes it clear that family members of a uniformed service member have the same voting rights. This is a requirement of federal law and inadvertently overlooked during the passage of legislation in 2005.

Section 4, page 3, line 4: It requires an applicant for an absentee ballot to provide his or her birth year on the application. This information would only be used to assist in matching the applicant with the corresponding name filed in the Central Voter File.

Section 4, lines 10 thru 15: Same reason as given above for change in Section 3

Section 5, lines 20 thru 29: Same reason as given above for change in Section 3

Section 6, lines 20 thru 22: For any ballot received after election day, this change authorizes the canvassing to compare the signatures on the application and the voter's affidavit and make a determination if they are the same. The attached amendment is submitted to make a correction.

Section 7, lines 26 and 27: Allows a county the option of using a public facility for an early voting precinct rather than it only being allowed to use a government controlled site.

Attachment # 2

page 2

PROPOSED AMENDMENTS TO SENATE BILL NO. 2232

Page 4, line 20, replace "or" with "and"

Page 4, line 21, remove "not"

Page 4, line 22, remove ", as was previously determined by the precinct election board,"

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

March 15, 2007

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

FR: Al Jaeger, Secretary of State

RE: SB 2232 – Absentee Ballots

Section 1, page 1, lines 11 thru 15: In order to coincide with a uniform 60 filing deadline for all elections, the text is removed having a differing timeline for providing absentee ballots in a special election.

Section 2, page 2, line 5: To establish a uniform 40 day period for providing absentee ballots for all elections, the timeline for providing an absentee ballot in a school election is changed from 20 days to 40 days.

Section 3, page 3, lines 13 thru 16: This change makes it clear that family members of a uniformed service member have the same voting rights as that service member. This is a federal requirement and inadvertently overlooked during the passage of legislation in 2005.

Section 4, page 3, lines 4 through 6: It requires an applicant for an absentee ballot to provide his or her birth year on the application for an absentee ballot and, if available, the applicant's motor vehicle operator's license or non-driver identification number. This information will only be used to assist in matching the applicant with his or her name filed in the Central Voter File.

Section 4, page 3, lines 12 thru 16: Same reason as given above for the change in Section 3

Section 5, page 3, lines 22 thru 31: Same reason as given above for the change in Section 3

Section 6, lines 22 thru 24: This change authorizes the canvassing board, for any ballot received after election day, to compare the signature on the application and the signature on the voter's affidavit to make sure they are the same.

Section 7, lines 27 and 28: Allows a county the option of using a public facility for an early voting precinct rather than restricting it only to a government controlled site.