

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2238

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2238

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2238

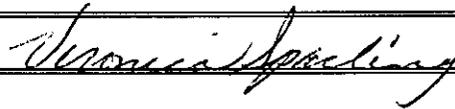
Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/26/07

Recorder Job Number: 2042

Committee Clerk Signature



Minutes:

All members of the committee were present.

Sen. Dever, Chairman, opened the hearing on SB 2238.

Jim Silrum, Deputy Secretary of State, introduced the bill. See attachment # 1.

He clarified the information found on page 2 of his testimony. He said many of the election workers that were appointed by District Party Chairs were actually found by the County Auditors. This is because the County Auditors provided the names to the District Party Chairs.

Senator Dever asked how long before the election the training is held.

Jim said it happens a week or so before the testing of the voting equipment.

Jim mentioned that every voter affidavit must be followed up on.

Senator Horne asked if the county or the state is responsible to follow up on the affidavits.

Jim responded it is the county's responsibility.

Senator Marcellais asked about page 3, line 19. He asked if it included the school board elections too.

Jim said it does.

Senator Dever asked if the only election workers that make decisions are the inspectors.

Jim said that is right as far as the challenging of voters. It would be decided by the election board which is comprised of the inspector and the two judges. If there is to be a determination of whether the voter is voting in the right place, a clerk can bring it to the attention of the judges and the inspector who will then make a determination.

Senator Dever asked if there are 2 judges to represent the two parties and provide balance.

Jim said that is the case and he feels the parties will gladly put forward their best to serve as judges.

Senator Nelson asked if the need for technical knowledge is a way to get some of the more elderly election workers to step aside.

Jim said that is not the case. There are many older citizens that are very "techie." Only because there is more technical skill required it is now listed as one of the requirements for the position.

Senator Nelson said on page 3, line 5-8 "gives us an out". She feels that the very elderly who have been serving could be not rehired as election workers because of the wording.

Senator Horne asked how they will test the election workers' proficiency.

Jim Silrum felt the county auditors could best answer that. Jim felt it is best to just present the job responsibilities and let the applicant decide if he or she can handle it.

Senator Nelson asked if splitting the shifts for judges and inspectors would now be allowed.

Jim said it will be if this bill is passed.

Senator Dever asked if the District Party Chairs have only the responsibility of finding the judge, will they most likely find someone who is responsible.

Jim answered affirmatively.

Mike Montplaisir, Cass County Auditor, spoke about the difficulty of getting election workers. He mentioned that the older election workers would like to retire. Election workers who are

strong enough to lift heavy weights and who are computer literate are important as the changes to new voting equipment are made. District Party Chairs would appreciate only being responsible to find the judges. He mentioned that the clerks should not have to screen the voters. They should just be checking the voters in. He presented a "flow chart" for the voting process. See attachment # 2. He commented that District Party Chairs used to hire election workers as an honor. It no longer is a position people vie for.

Senator Dever asked if the elderly election workers are serving out of a sense of duty and honor.

Jim said it is a sense of duty and honor and responsibility. He related a story of someone who said if he treated his employees that way, he would be in trouble with government agencies.

Senator Nelson said that schools will let students out of school to work at elections.

Al Jaeger, Secretary of State, mentioned that home dynamics have changed. Most people are in the work force so it is harder to find workers. He also feels if the partisanship were taken out of the clerkship positions, businesses could and would let employees off to work at the elections.

Opposition: -

Neutral: -

Chairman Dever closed the hearing on SB 2238.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2238

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 2/08/07

Recorder Job Number: 3092

Committee Clerk Signature

Monica Spaulding

Minutes:

All members of the committee were present.

Chairman Dever opened discussion on SB 2238.

There was discussion of the difficulty of finding enough people to serve as election officials.

The change to allow split shifts will help with that problem.

Senator Lee made a motion to pass SB 2238.

Senator Nelson seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: J. Lee

REPORT OF STANDING COMMITTEE (410)
February 8, 2007 10:46 a.m.

Module No: SR-27-2503
Carrier: J. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2238: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2238
was placed on the Eleventh order on the calendar.

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2238

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2238

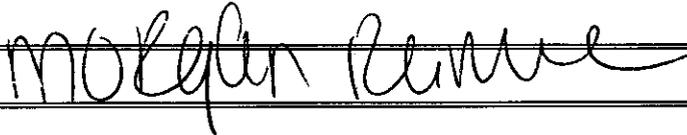
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5129

Committee Clerk Signature



Minutes:

Al Jaeger: Testimony attached.

Rep. Froseth: It has always been a question to me when each party appoints poll workers.

You have a balance of each political party sitting on the board. When the county auditor has to appoint them they don't have to look for political affiliation. How do you determine that there might be an uneven balance of the parties?

Al Jaeger: Under current law and the way it would remain, the political parties would only have to recruit a judge from their party rather than four people. They just need the judge. Under current law the political parties are required to provide the names on the 20th day before the election. If they fail to do that, the county auditor has no choice but to go out and recruit those people. A part of what we are saying is that the political parties have not been doing a very good job of being the poll workers. By law they are allowed to provide. What we are saying is that this piece of legislation, they would only have to appoint the judge. The parties will have equal representation. The fact of the matter is that in some places where the county auditor has to go out and recruit, under the current system if they don't have the names 20 days prior to, they very well may have people that aren't affiliated the way they are supposed to. The fact

is that the political party has failed that responsibility to do it. The county auditor has no choice because we need poll workers.

Rep. Haas: If the county auditor has to find the judges, do they make an effort to find one from each party?

Al Jaeger: Testimony continued.

Rep. Karls: I have been a district chairman and have responsibility. I have not noticed our county auditors not having anything to do. They are always extremely busy around election time. I would think that they don't need more to do.

Al Jaeger: First of all we are trying to change it from 20-40, the timeline, so there are more days. My understanding on the Senate side is that when the last election was held in Burleigh County, there was only one district that did provide all of those poll workers from the right political parties. I guess statistically we see that there are places where the party chair has done what they are supposed to do. What we are very careful about is to keep a political balance with the judges. They are the ones that can make the decision now. The clerk has no roll in the point of being a political party and to make decisions. It kind of follows that if they don't have any say in the process. County auditors do have people that approach them and want to help at the polls. In some cases there is the political party designation thing. Their hands are then tied until the 20th day before the election. I'm certain that it would be much easier to get poll workers.

Rep. Haas: So essentially the bill authorizes the county auditor to do this?

Al Jaeger: In the case of the clerks it just allows the county auditor to do it. In the case of the judge, they aren't even coming through with the judges.

Rep. Froseth: The county auditors have no way of knowing the political affiliation of all the poll workers. I have never seen any problem with that. It's just that it puts another burden on his shoulders.

Al Jaeger: It is a clerical type thing. They don't have any duties. They need to get the judges to challenge what the law is.

Mike Montplaisir: The first thing we do in finding election workers is send out a letter to the district party chairs, and also a list of the people who have worked in their district the past election. Our party chairs are pretty responsible. They are very diligent on trying to find people. The party used to be stay at home moms years ago. Our new polls are retired people. That is getting to the point where they are elderly and can't take the long hours. Some are afraid of the equipment. Not necessarily using it but setting it up as well. We are getting reluctance on that.

We are also getting reluctance on clerks because they think their handwriting is hard to read, or they can't write all the names. We are seeing a real shift in who is available to work and who the parties are appointing. When we don't get enough names from the party, sometimes we send out a press release. We always run those by the party before we appoint them. In many cases I've had the party chairs say that they don't care who the judge is. We do the same thing. Some people don't want others to know which party they belong to.

Rep. Haas: What election are the statistics from that Secretary Jaeger handed out? When you have to find judges how do you go about it?

Mike Montplaisir: On all of those that we refer, we find them and run them back through the district party chair. They are actually doing the appointing beyond those days. We are always making changes until the day of the election.

Rep. Karls: So you say that your pool is shrinking? In Bismarck we have 8 district chairs in the city. It seems to me that we are out here on the streets. We know the people. You are looking

at a huge metropolitan area. I don't see how it changes the city the way it is now except you are eliminating one more job to fill.

Rep. Haas: It is because they aren't doing their job.

Rep. Karls: I filled all of my slots last year. I had names to give to the other districts and the auditors.

Rep. Amerman: The election board consists of an inspector and two judges. The judges are from each party. How is the inspector chosen?

Mike Montplaisir: He is usually someone who has worked a lot of the elections before. The city appoints the inspectors and gives us the names. They try and balance it out between Democrats and Republicans. We try to find people who can run the polling place.

Danette Odenbach: *I have been tasked with standing up and asking for another amendment. We didn't come prepared with an amendment this morning. I would be happy to work on the amendment. What we are looking at is in section 3. Lines 1-4 to take out all the changes that are currently in the bill. The purpose of that section is to allow for shift sharing to let people work half the day. What this change actually does is means that even if you shift share you can't leave the premises. You could work from 6-12, and you can't leave until the polls close. That is not what we meant by the change. We do realize by keeping the change out you can still shift share.*

Rep. Haas: So what you want to do is remove the overstrike? And remove all of the underlined language?

Danette Odenbach: Right, we want to take out all of that.

Rep. Haas: Is there any more testimony on SB 2238? If not we will close the hearing on SB 2238.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2238

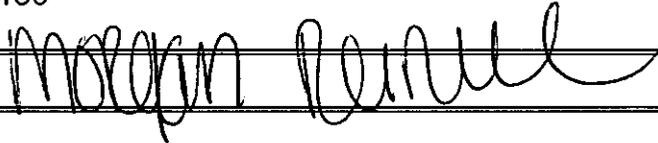
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5130

Committee Clerk Signature



Minutes:

Rep. Grande: I move the amendment.

Rep. Meier: I second that.

Rep. Haas: Now what that does on page 4 is remove the overstrike on line 1, and remove the underlined new language on lines 1 and 2.

Rep. Haas: Is there any other discussion on the amendment?

Rep. Kasper: Isn't the reason for the amendment to allow the poll workers to leave the premises? Are you doing that by amending as you just said? I think it still says shall remain on the premises.

Rep. Haas: That was the problem with it. They could have a second shift come in but the first shift couldn't leave the premises.

Rep. Kasper: I know, but are we fixing the problem?

Danette Odenbach: What that actually does is referring to the election board which is the inspector and the two judges. By adding in this change, the clerks couldn't shift share and leave the premises. By removing that proposed change, it really only relates to the election board. This way the judges can't leave but the clerks still could.

Rep. Karls: Can we just read that line the way it should be?

Rep. Haas: If I understand it, it would say. Each member of the election board shall remain on the premises of the polling place during the times the polls are open etc.

Rep. Weiler: Just the inspector.

Rep. Haas: Yes you have to think of the definition of the election board which is the two judges and the inspector, not the clerks. Are you ok with that?

Rep. Haas: Any further discussion? IF not we will take a voice vote on the amendment. All in favor say 'aye' all opposed say 'no'. The amendment is carried. What are your wishes on the amended bill?

Rep. Grande: I move a do pass as amended.

Rep. Amerman: I second that.

Rep. Haas: Is there any further discussion on a do pass as amended motion? If not we will take a roll call vote on a do pass motion on SB 2238. The do pass as amended motion for SB 2238 passes with a vote of 10-2-1. Is there a volunteer to carry this?

Rep. Amerman: I will.

**House Amendments to SB 2238 (78219.0101) - Government and Veterans Affairs
Committee 03/15/2007**

Page 1, line 2, replace the first comma with "and" and remove ", and 5"

**House Amendments to SB 2238 (78219.0101) - Government and Veterans Affairs
Committee 03/15/2007**

Page 3, line 21, replace the first comma with "and" and remove ", and 5"

**House Amendments to SB 2238 (78219.0101) - Government and Veterans Affairs
Committee 03/15/2007**

Page 4, remove lines 1 through 4

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2238: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2238 was placed
on the Sixth order on the calendar.

Page 1, line 2, replace the first comma with "and" and remove ", and 5"

Page 3, line 21, replace the first comma with "and" and remove ", and 5"

Page 4, remove lines 1 through 4

Renumber accordingly

2007 TESTIMONY

SB 2238

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



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attach: #1

pg 1

January 26, 2007

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

FR: Al Jaeger, Secretary of State

RE: SB 2238 – Election Officers

Section 1, page 1, lines 15 and 19: Grants authority to the county auditor to hire election inspectors in those polling places containing both city and rural precincts

Section 1, page 2, lines 4 and 5: Changes from 20 to 40 days the time by which inspectors are to be appointed prior to an election.

Section 1, page 2, lines 7 thru 28: Changes from 20 to 40 days the time by which the district party chair must provide the county with the name of an election judge and removes the clerk as an appointee of the party

Section 1, page 3, lines 3 thru 8: Authorizes the county auditor to hire an adequate number of poll clerks for each polling place.

In a recent survey conducted of the state's counties, 48 counties responding indicated 1,413 poll workers were appointed by the applicable district party chair by 20th day before the election. However, the applicable district party chairs did not appoint 790 (41%) of the required poll workers before the 20th day, which were then recruited and hired by the county auditor.

Section 2, page 3, lines 18 and 19: If no election workers appear to work at a polling place at the appointed time, the qualified electors present are to call the local election official to receive instructions.

Section 3, page 3, lines 25 and 26: Changes from two to one the number of poll books required

Section 3, page 3, lines 30 and 31: Clarifies the procedure to be followed when a person is challenged for not appearing to be a qualified elector of the precinct.

Section 3, page 4, lines 1 and 2: Allows the replacement of a poll worker by another qualified poll worker during the time the polls are open

Section 4, page 4: Adds a contact telephone number to the voter's affidavit to assist in making contact after the election with each elector who has signed an affidavit in order to vote

attach #1 pg 2

County Election Workers

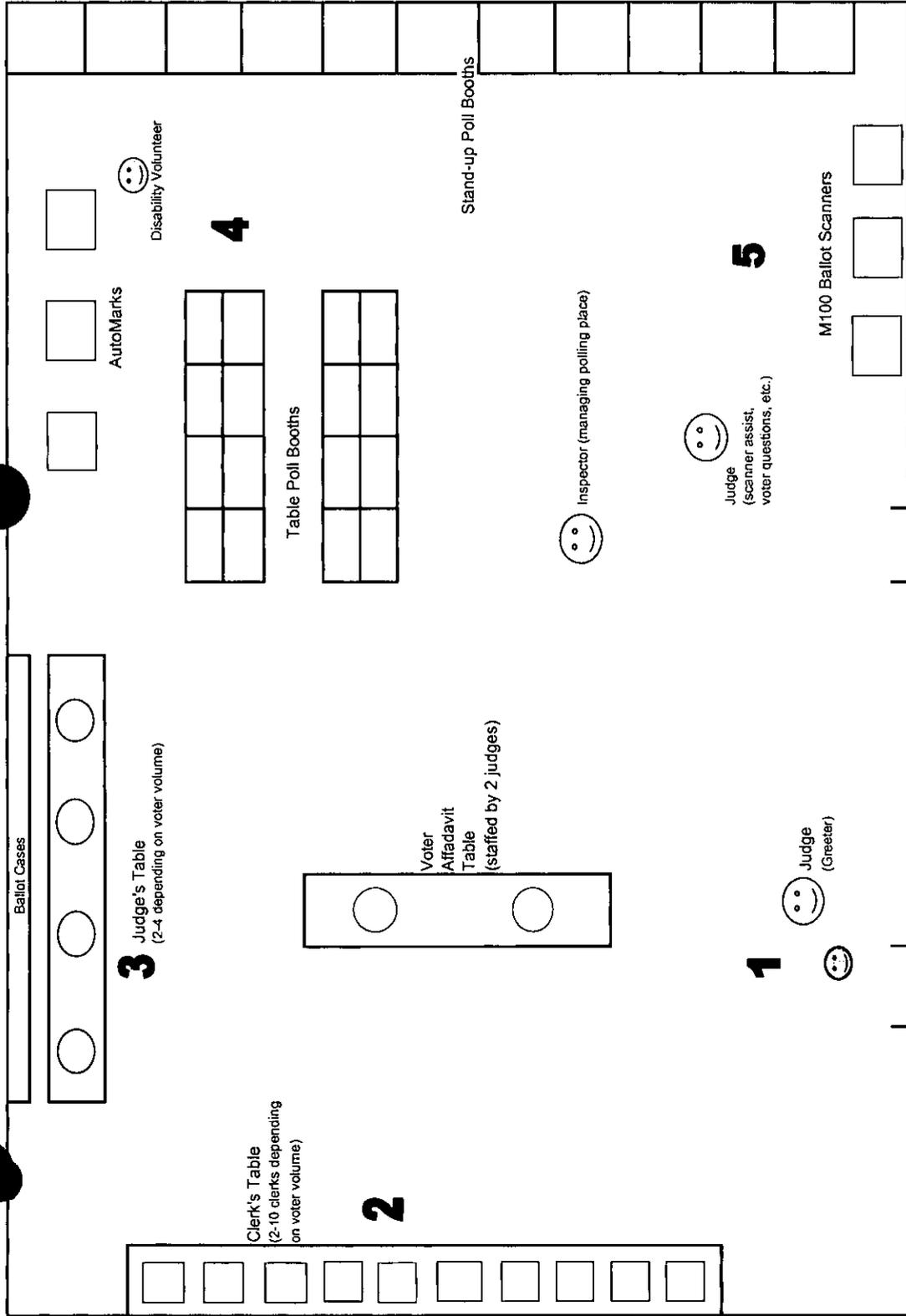
Election Jurisdiction - North Dakota's 53 Counties	Judges & Poll Clerks 2006 General Election	Appointed by District Party Chairs	Found by County Auditor	Judges Appointed by District Party Chairs	Judges Found by the County Auditor	Clerks Appointed by District Party Chairs	Clerks Found by County Auditor
Adams	14	0	14	0	6	0	8
Barnes	60	54	6	27	3	27	3
Benson	32	29	3	15	1	14	2
Billings	12	0	12	0	6	0	6
Bottineau	64	64	0	32	0	32	0
Bowman	16	0	16	0	8	0	8
Burke							
Burleigh	208	135	73	78	36	57	37
Cass	376	334	42	114	2	220	40
Cavalier	48	0	48	0	24	0	24
Dickey	20	20	0	10	0	10	0
Divide	16	8	8	4	4	4	4
Dunn	44	0	44	0	22	0	22
Eddy	16	0	16	0	8	0	8
Emmons							
Foster	24	22	2	12	0	10	2
Golden Valley							
Grand Forks	172	86	86	43	43	43	43
Grant	16	0	16	0	8	0	8
Griggs	28	0	28	14	0	14	
Hettinger	16	16	0	6	0	10	0
Kidder	24	24	0	12	0	12	0
LaMoure							
Logan	20	17	3	8	2	6	4
McHenry	32	32	0	16	0	16	0
McIntosh							
McKenzie	0	0	0	0	0	0	0
McLean	44	32	12	18	4	14	8
Mercer	52	52	0	26	0	26	0
Morton							
Mountrail	36	9	27	5	13	4	14
Nelson	24	24	0	12	0	12	0
Oliver	18	17	1	5	1	12	0
Pembina	54	50	4	24	0	26	4
Pierce	28	28	0	14	0	14	0
Ramsey	34	32	2	16	0	16	2
Ransom	24	9	15	7	3	4	10
Renville	10	10	0	4	0	6	0
Richland	72	62	10	32	4	30	6
Rolette	26	0	26	0	10	0	16
Sargent	20	20	0	10	0	10	0
Sheridan	18	17	1	8	0	9	1

County Election Workers

*attad #1
pg 3*

Election Jurisdiction - North Dakota's 53 Counties	Judges & Poll Clerks 2006 General Election	Appointed by District Party Chairs	Found by County Auditor	Judges Appointed by District Party Chairs	Judges Found by the County Auditor	Clerks Appointed by District Party Chairs	Clerks Found by County Auditor
Sioux	24	1	23	1	9	0	14
Slope	12	0	12	0	6	0	6
Stark	56	0	56	0	28	0	28
Steele	20	6	14	3	7	3	7
Stutsman	48	44	4	23	1	21	3
Towner	9	0	9	0	3	0	6
Traill	52	52	0	26	0	26	0
Walsh	48	0	48	0	24	0	24
Ward	130	76	54	42	24	34	30
Wells	24	24	0	12	0	12	0
Williams	62	7	55	4	26	3	29
Totals	2203	1413	790	683	336	757	427

Attachment 2



- Stop 1: Judge (Greeter) would ascertain from the voter as to proper identification.
 **If voter has proper ID, greeter would have them proceed to the Clerk's Table (Stop 2).
 **If voter does not have proper ID, greeter will direct them to the Voter Affidavit Table.
- Stop 2: Judges (2) at the Voter Affidavit table would have the voter complete the voter affidavit and then direct them to the Clerk's Table (Stop 2)
 Clerks would check the voter in in the poll book, or record information if not in the poll book. They would also determine what ballot style the voter is to receive and print a slip that the voter would take to the Judge's Table (Stop 3). Clerk's table would be staffed with 2-10 clerks depending upon voter volume.
- Stop 3: The voter would present a judge with their slip indicating their ballot style. The judge pull the appropriate ballot, initial said ballot, and direct the voter to the poll booths or AutoMarks (Stop 4). Judge's table would be staffed with 2-4 judges depending upon voter volume.
- Stop 4: This area would utilize stand-up poll booths, table booths and AutoMarks where voters would mark their ballots and proceed on to the M100 scanners (Stop 5). There is a possibility of having a Disability volunteer in this area to assist voters.
- Stop 5: A Judge would be here to offer assistance, if needed, to voters as they insert their ballots into the scanner and answer any voter questions. Upon scanning the ballot, the voter is directed to the exit.

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 2238 – Election Officers

Section 1, page 1, lines 15 and 19: Grants authority to the county auditor to hire election inspectors in those polling locations containing both city and rural precincts

Section 1, page 2, lines 4 and 5: Changes from 20 to 40 days the timeline by which inspectors are to be appointed by the auditor prior to an election.

Section 1, page 2, lines 7 thru 28: Changes from 20 to 40 days the time by which the district party chair must provide the county auditor with the name of an election judge. It removes the clerk as an appointee of the political party (the clerks are not members of the election board and cannot make decisions – the election board consists of the inspector and two judges)

NOTE: In a recent survey conducted of the state's counties, 48 counties responding indicated the applicable district party chair appointed 1,413 poll workers by 20th day before the election. However, the district party chairs did not appoint 790 (41%) of the required poll workers before the 20th day. In the limited amount of days remaining, the county auditor then recruited the needed poll workers.

Section 1, page 3, lines 3 thru 8: Authorizes the county auditor to hire an adequate number of skilled poll clerks for each polling place.

Section 2, page 3, lines 18 and 19: If no election workers appear to work at a polling place at the appointed time, the qualified electors present are to call the local election official to receive instructions.

Section 3, page 3, lines 25 and 26: Changes from two to one the number of poll books required

Section 3, page 3, lines 30 and 31: Clarifies the procedure to follow when a voter does not appear to be a qualified elector of the precinct.

Section 3, page 4, lines 1 and 2: Allows the replacement of a poll worker by another qualified poll worker during the time the polls are open

Section 4, page 4: Adds a contact telephone number to the voter's affidavit to assist in making contact with each elector after the election who has signed an affidavit allowing him or her to vote

County Election Workers

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McIntosh							
McKenzie	0	0	0	0	0	0	0
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Morton							
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Oliver	18	17	1	5	1	12	0
Pembina	54	50	4	24	0	26	4
Pierce	28	28	0	14	0	14	0
Ramsey	34	32	2	16	0	16	2
Ransom	24	9	15	7	3	4	10
Renville	10	10	0	4	0	6	0
Richland	72	62	10	32	4	30	6
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Sargent	20	20	0	10	0	10	0
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County Election Workers

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Steele	20	6	14	3	7	3	7
Stutsman	48	44	4	23	1	21	3
Towner	9	0	9	0	3	0	6
Traill	52	52	0	26	0	26	0
Walsh	48	0	48	0	24	0	24
Ward	130	76	54	42	24	34	30
Wells	24	24	0	12	0	12	0
Williams	62	7	55	4	26	3	29
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