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2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2239

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2239

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/26/07

Recorder Job Number: 2043

Committee Clerk Signature *Veronica Spaulding*

Minutes:

All members of the committee were present.

Sen. Dever, Chairman, opened the hearing on SB 2239.

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

He mentioned that the bill will need an amendment. There is repeated language in Section 2.

At the bottom of page one, lines 21-23, when one subsection is deleted, it leaves only one subsection so there is no need for a subsection. There was discussion about how to fix this oversight. Intern, Peter Zuger, will work on it.

Senator Horne asked what the procedure will be for a voter who needs to ask for assistance.

Jim responded that it was on page 2, line 6-9 that a voter had to say why he needed assistance. With this change, a voter can cast a ballot just like any other voter would on Election Day.

Senator Dever remarked that there may be some election workers who were insensitive about a voter's disability.

Jim replied that under the Help America Vote Act of 2002 every state is required to develop a grievance policy or complaint system whereby voters who believe they have been denied access to voting on issues that relate to disabilities have a chance to file that. The only ones

that have been filed since that grievance procedure has been in place have been exactly for that reason. They went to the polls, were unwilling to declare why they needed assistance, and the poll workers said they could not vote with assistance unless they would declare why they needed assistance.

Senator Dever asked how a write-in vote can be done on the Automark System.

Jim explained that there is a keyboard on the screen and directional arrows.

Bruce Murry of ND Protection and Advocacy testified in favor of SB 2239. ND Protection and Advocacy used to run an election hotline informally on the nights of elections and used to get calls from voters who ran into barriers because of their disabilities. He reported that there were no calls this past election from voters with disabilities who had difficulty voting.

Opposition: -

Neutral: -

Chairman Dever closed the hearing on SB 2239.

The committee will act on this bill at a later date.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2239

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 2/08/07

Recorder Job Number: 3093

Committee Clerk Signature

Therica Spaulding

Minutes:

All members of the committee were present.

Chairman Dever opened discussion on SB 2239.

Senator Oehlke mentioned that the first three lines on page 2 needed to be deleted because it was repeated elsewhere.

Senator Nelson asked about the wording of page 2, line 14-15. She was concerned if a voter could not read, he might need assistance. There was discussion of giving assistance to the voter.

Senator Marcellais made a motion to amend SB 2239.

Senator Horne seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Senator Nelson made a motion to pass SB 2239 as amended.

Senator Lee seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Horne

78223.0101
Title.0200

Adopted by the Government and Veterans
Affairs Committee
February 8, 2007

[Handwritten Signature]
2-8-7

PROPOSED AMENDMENTS TO SENATE BILL NO. 2239

Page 2, line 1, overstrike "~~Before delivering any paper ballot to an elector, the inspector or judge shall initial~~"

Page 2, overstrike lines 2 and 3

Renumber accordingly

Date : 2-8-07
Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2239

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken amend

Motion Made By Marcellais Seconded By Horne

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:
delete lines 1-3 on page 2.

REPORT OF STANDING COMMITTEE

SB 2239: 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 2239 was placed
on the Sixth order on the calendar.

Page 2, line 1, overstrike "~~Before delivering any paper ballot to an elector, the inspector or
judge shall initial~~"

Page 2, overstrike lines 2 and 3

Renumber accordingly

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2239

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2239

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5131

Committee Clerk Signature 

Minutes:

Al Jaeger: Testimony attached.

Rep. Meier: Is there a designee at every polling place to help people who need assistance or can anybody do it?

Al Jaeger: There are restrictions as to who can do it. Someone that is connected like a candidate cannot do it. If there is nobody there, the two judges have to be there. You can't just go into the booth when you are the only member of a political party there. It is very well defined. It is just saying that you can't ask questions. It is very well restricted.

Rep. Potter: On page 1 at the bottom, would you explain they are crossing out those lines?

Al Jaeger: Because line 21 says primary elections and not general elections. It is saying something about an election that the chapter doesn't pertain to.

Bruce Murry: *I just want to support this bill and share a brief story that will illustrate the reason to you. They have an example of a voter from western ND who had been asked why he needed help. He had been troubled by that and contacted us. I want to comment on the general sensitivity that is resulting from the effort. Protection and Advocacy used to have a very informal election hotline for people with disabilities. We routinely get calls throughout the evening of the election saying that they weren't allowed to vote or they had a bad experience. I*

think it is important to note that since I am the supervisor I was manning that phone line this year's election night. I had a very quite night of paperwork and didn't receive a single call. I think that says something about the increase training and sensitivity.

Rep. Haas: Do you have any statistics on the incident rate of people going to the polls and asking for help?

Bruce Murry: I don't have any statistics on that. I could check into it and let you know.

Rep. Haas: Is there any other testimony on SB 2239? If not we will close the hearing on SB 2239.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2239

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5132

Committee Clerk Signature

Morgan Penick

Minutes:

Rep. Dahl: I move a do pass.

Rep. Potter: I second that.

Rep. Haas: If not we will take a roll call vote on a do pass motion on SB 2239. The do pass motion for SB 2239 passes with a vote of 12-0-1. Is there a volunteer to carry this bill?

Rep. Weiler: I will.

Date: 3-15-07
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 2239

Action Taken DO PASS

Motion Made By Rep Dahl 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				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 0

Absent 1

Floor Assignment Rep Weiler

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

REPORT OF STANDING COMMITTEE

SB 2239, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2239 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2239

ALVIN A. JAEGER
SECRETARY OF STATE

2 PAGE www.nd.gov/sos



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January 26, 2007

Attach #1

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

FR: Al Jaeger, Secretary of State

RE: SB 2239 – General Election Provisions

Section 1: Requires the candidate's contact telephone number as a part of the requested information on the completed forms.

Section 2, page 1, lines 21-23: Removes an unneeded reference to primary elections in the chapter describing general elections.

Section 3, page 2: Removes the need for a voter desiring assistance to complete their ballot to announce their reason for needing help to the election board.

ALVIN A. JAEGER
SECRETARY OF STATE

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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 2239 – General Election Provisions

Section 1: Requires the candidate's contact telephone number as a part of the requested information on certificates of nomination.

Section 2, page 1, lines 21-23: Removes an unneeded reference to primary elections in a chapter that pertains to general elections.

Section 3, page 2: In a situation where the voter requests assistance in completing his or her ballot, the voter is not obligated to provide a reason as to why they are needing the help.