

2013 HOUSE POLITICAL SUBDIVISIONS

HB 1238

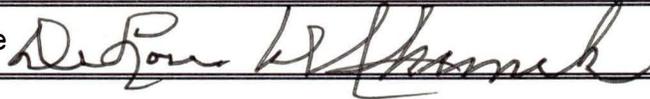
2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1238
January 31, 2013
Job # 18114

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to delivery of absent voters' ballots.

Minutes:

Testimony 1,2,3

Chairman N. Johnson: Opened the hearing on HB 1238. There was a correction on this bill because the sponsor was spelled wrong, It should have been Wardner; not Warner.

Rep. Ben Koppelman: Introduced this bill. It limits the timeframe on how far before the election absentee ballots may be sent out. Without this bill there have been some variations in when different counties are sending out their absentee ballots. I think most of them are doing it 40 days before the election. The concept of having it is 20 days before is not designed to limit the convenience of voting. What it does do if you get too far in advance; then if you get your ballot 40 days before and we value going door to door meeting people you are not going to shake very many hands and meet very many people before those people have already voted. If you are not particularly techy in terms of your campaign approach you may not have websites and Facebook posts to inform voters before they would be receiving their absentee ballot and potentially voting. This bill wants to give the candidate a change to meet their citizens before they vote. There are no restrictions when you can send in an application for an absentee ballot and as long as you have proven your identification to get it there is no restriction where it can be mailed.

Rep. Beadle: I like the bill. Is there are a lot of instances of voters complaining that they were able to vote too soon?

Rep. Ben Koppelman: I don't think that is the case and I don't think that is the intent of this bill. When I knocked on their doors going door to door there were a huge number of people that said they had already voted and they said if I had met you first I might have voted for you first versus the other guy or they might be the opposite, I really don't like you at all and I would have not voted for you. Whether they would choose to vote for me or my opponent, I would want them to do it for the right reasons. Because they believe what I or my opponent stands for.

Rep. Maragos: This is no guarantee that same situation wouldn't happen though; presume that you didn't get to all the houses before the twenty days.

Rep. Ben Koppelman: That is true but at least mathematically it might be possible under this scenario compared to the scenario we have today.

Rep. Kathy Hogan: Do you know how other states deal with this issue?

Rep. Ben Koppelman: No I do not.

Rep. Muscha: Did you talk with people from rural areas before writing this because mathematically I don't think I could hit all my area in three weeks. I have a lot of square miles. I see there is a big difference between the big city and rural areas. Some of the same issues that affect you don't affect me.

Rep. Ben Koppelman: I did talk to people from rural areas about this. If I asked them if this is a better scenario so that maybe you can do two mailings before the person votes or maybe you have a chance to attend all the church functions. For those of us from the more urban areas in ND we go door to door and we do some mailing etc. but we try to shake hands with everyone we can. In rural areas half your campaign budget is gas driving around to functions and meet people at mass gatherings. I don't think allowing you more time during the campaign season to meet people is a bad thing.

Rep. Kathy Hogan: You are saying they can send in their application early. Then at 20 days the ballots go out. In my district I have a fair number of elderly people often times they want to get your application right away because they are thinking about it. Family members have said they like that extended period of time because they can help and they can walk through it and it is that convenience of people having the time to vote.

Rep. Ben Koppelman: Regardless of when they are going to mail the ballots out; most people in some window of time before that are going to send in for their application for a ballot and that application is often sent within the 30 days prior to whenever the ballots are processed. If this moves the date 20 days later that probably just 20 days later when they request the ballot as well. It doesn't have to be a longer time between when they request and when they receive.

Rep. Kathy Hogan: But it could be. Particularly people who have family members helping them. I think the group that might have an issue with this is the elderly and that concerns me because they often use absentee ballots.

Rep. Koppelman: Voting has changed so much over the years. Were you thinking that the intent to think we need to get some balance back since it is getting too far out? Why did you introduce the bill?

Rep. Ben Koppelman: When your goal is to inform every voter you can to be an informed person out campaigning and then when you think about campaign signs and if there was a limitation; which in some places there are in time frames in some cases don't allow you to get a sign out before this person is voting under current regulations. I don't know how effective it would be to start at the beginning of August and try to reach those people nor do I know what kind of reception I would get. I think people expect campaigning to start

around the Labor Day holiday. If there is no limitation on how far in advance absentees can campaign I think the pendulum has swung too far. I think it makes some sense to define that. I don't think this is tremendously onerous on any political subdivision that is sending out ballots.

Rep. Muscha: Did you talk with some of the counties for example Ransom that we only have one polling place so the whole county votes by mailing ballot.

Rep. Ben Koppelman: I did not speak specifically with Ransom County. I think some counties have probably gotten too few polling places now to what they should have. I am not 100% sure that it mandates for districts that are strictly by mail. This was intended for those that have polling places and otherwise use absentee ballots. If there is some problem with that and it needs to be amended for counties by mail that the committee could discuss that.

Rep. W. Hanson: Would the sorting process at post offices slow down the mailing process to the point where this could endanger the vote with the 20 days in rural areas?

Rep. Ben Koppelman: I am not aware of any rural counties where anybody who has an address can't mail their ballot. I am aware of counties that have closed their post offices so that people who may be used to have a post office box can't anymore because there is no post office. I was told statewide the longest mail is supposed to take is 3 days. The twenty days should not be restrictive.

Opposition:

Al Jaeger, Secretary of State: (See testimony #1). 16:18-20:18

Rep. Kathy Hogan: What about the overseas military situation. Aren't there rules with Help American Vet Voting Act in terms of those timelines too?

Al Jaeger: By federal law we have to have the ballots ready 46 days prior to the election. 40 and 46 don't quite match out but now I am of a sudden by adding 20 days you are having 26 days when military and overseas voters are able to receive their ballot compared to people a few blocks from here. The DOJ because of the mandate of Congress is on the butt of every election official in this country. They passed a law that said the ballots had to be ready 45 days. Forty five days always ends on a Saturday. We asked you to change it to 46 days to make sure that ND is covered.

Rep. Kathy Hogan: So the ballot has to be ready in 46 days so if this law would pass you would just set on those ballots until then. You are decreasing the sector that is not overseas and decreasing their time to vote by 20 days.

Rep. Koppelman: So you are giving more time to people that are farther away so it take longer presumably for them to get their ballots and to get them back.

Al Jaeger: They get 46 days and right now everybody gets 40.

Rep. Koppelman: Absentee voting is usually voting earlier. Isn't that correct.

Al Jaeger: Yes

Rep. Koppelman: You mentioned earlier campaigns cater to this by encouraging people to vote early and that people really like it etc. When I ask people they say that elections go too long. Do you think that the reason that campaigns cater to the system we have set up is by necessity or because the campaign somehow like the early process and want to encourage it.

Al Jaeger: They all do it and they all say something like vote early.

Rep. L. Meier: In the last election how many voters did we have in the state that early voted absentee?

Al Jaeger: Approximately 30% of the votes were cast prior to Election Day.

Michael Montplaisir, Cass County Auditor in Cass County: (See testimony #2) 26:13-30:12

Rep. Hatlestad: On the envelop coming back from Arizona did it say why it couldn't be delivered? Did they have the wrong address?

Michael Montplaisir: Usually it is a forwarding thing. We even had a representative in Fargo that we mailed his ballot to him twice and then we finally called and said we will drive it out to you. The post office isn't just as fast as we would like it to be.

Deanne Buckhouse, Election Coordinator for Cass County: The one he is referring to; when we first sent it to Arizona it came back stating that their address is North Dakota. We called the gentleman and he said no I talked to the post office and everything should be fine. Were mailed them; they mailed them back to us and said no their address is North Dakota. With the representative we had that kept coming back it was a similar situation.

Rep. Koppelman: If this bill were to apply the 20 days would it make sense to have another window in there that might say if the ballot has to be delivered outside the voting district that there is a different window of time. The intent of the bill is dealing with people that are where they live and candidates are campaigning among and if someone is in Arizona they will not be seen by a candidate anyway much like the military folks. Would that make sense in terms of your workload?

Deanne Buckhouse: It may address those timeframes for those that we are mailing ballots out of state; however I don't know if it would address those people who are preparing to go out of state. We have a lot of snow birds that do schedule their departure around when they can come in and get their vote cast before they leave. I don't know if it would address out workload either because a good majority of our absentee ballots that are processed are not getting mailed to a different address; they are getting mailed to their residential address but they do want that time. These are rare cases.

Rep. Koppelman: You make the point a lot of people do vote early. Maybe they would vote in August too.

Michael Montplaisir: As to whether people would vote in August I don't know. I think people vote once they have made up their mind. Commits we get is that we really like the absentee voting ability. Once we vote we don't have to listen anymore.

Rep. Koppelman: Do you hear that half the ballot I don't know any of these people. Do you hear that?

Michael Montplaisir: If you look at the voting stats you will see a definite drop off from the presidential race down to the soil conservation director. Most people I think aren't interested in it.

Chairman N. Johnson: The only thing I can see is we are creating three levels of citizens and when they can vote; military, out of states and in districts. Any citizen can pick any of these options.

Rep. Koppelman: If this bill were to pass we are saying we prefer this 20 day window. We are going to make exceptions for people who can't meet that for whatever reason like we do now for military. I think we see it as extending an extra accommodation to people that doesn't.

Kevin Glatt, Burleigh County Auditor/Treasurer: (See testimony #3).39:00-41:52

Rep. Kretschmar: Did you experience any difficulties with the US Mail like Cass County did?

Kevin Glatt: The last couple years I received ballots with valid post marks in January.

John Arnold, ND Association of Counties: I Rep. Maragos: here to just tell you what Michael and Kevin have already told you? The other duties of the office in addition to the day to day duties of the county auditor in the three weeks before the election they also conduct logic and accuracy testing. That is where every ballot in the county is tested to make sure the programming cards read those ballots correctly. This is a time consuming process and would take place in that 20 day timeframe. There is no reason to believe the number of absentee would go down.

Rep. Kretschmar: Do you know how many of the counties in ND now use balloting by mail?

John Arnold: It is 26 that do vote by mail.

Hearing closed.

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1238
February 14, 2013
Job # 18997

Conference Committee

Committee Clerk Signature



Minutes:

Chairman N. Johnson reopened the meeting on HB 1238. This was the bill that would reduce the length of time for absentee voter ballots to 20 days. It was a concern to me that we had expanded it and now we are telling our citizens are we don't want to have that anymore.

Rep. M. Klein: I think from the testimony we had involving our soldiers there is no way that they could make the time and get this done.

Chairman N. Johnson: The federal rules for the military are set. We can't change those. We have mirrored our state rules to follow what they can do. We can't change the federal rules.

Rep. Kathy Hogan: Since our hearing we also had the closing of post offices on Saturdays; which might happen so that will further restrict access.

Do Not Pass Motion Made by Rep. Ben Hanson; Seconded by Rep. J. Kelsh:

Vote: 10 Yes 3 No 2 Absent Carrier: Rep. Ben Hanson

Closed.

Date: 2-14-13
 Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1238

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Rep. B. Hanson Seconded By Rep. J. Kelsh

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Ben Hanson	✓	
Vice Chairman Patrick Hatlestad		✓	Rep. Kathy Hogan	✓	
Rep. Thomas Beadle	✓		Rep. Jerry Kelsh	✓	
Rep. Matthew Klein	✓		Rep. Naomi Muscha	✓	
Rep. Lawrence Klemin	✓				
Rep. Kim Koppelman		✓			
Rep. William Kretschmar	—				
Rep. Alex Looyen	✓				
Rep. Andrew Maragos	—				
Rep. Lisa Meier	✓				
Rep. Nathan Toman		✓			

Total (Yes) 10 No 3

Absent 2

Floor Assignment Rep. B. Hanson

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

REPORT OF STANDING COMMITTEE

HB 1238: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends DO NOT PASS (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1238 was placed on the Eleventh order on the calendar.

2013 TESTIMONY

HB 1238

#1

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SECRETARY OF STATE



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SECRETARY OF STATE
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January 31, 2013

TO: Rep. N. Johnson, Chairman, and Members of the House Political Subdivision Committee

FR: Al Jaeger, Secretary of State

RE: HB 1238 – Delivery of Absent Voters' Ballots

Since this bill amends N.D.C.C. § 16.1-07-08(1), it is in conflict with the existing provisions of N.D.C.C § 16.1-07-04. The latter section of the Century Code is where it states that ballots must be delivered to the county auditor "at least forty days before the holding of any general, special, or primary state election". The section contains the same forty day requirement for city and school elections.

The forty day requirement for the availability of absentee ballots has been in state law since 1981, when Title 16.1 was created.

By decreasing the number of days by twenty, it greatly impacts the number of days for the delivery and return of the ballot between the County Auditor and the voter.

It is no secret that for the past several election cycles, candidates and political parties have actively and aggressively encouraged their supporters to vote early. As a result, counties are now processing hundreds and thousands of ballots before election day.

Therefore, the reduction of days as proposed in this bill would greatly hamper the timely deliver, return, and processing of the ballots. That, coupled with the United States Postal Service considering the possible reduction of delivery days and hours when postal office are open, the prompt handling of ballots could be jeopardized.

#2

**Written Testimony To
THE HOUSE POLITICAL SUBDIVISION COMMITTEE
Thursday, January 31, 2013
Michael Montplaisir, Cass County Auditor
Cass County Government**

REGARDING HOUSE BILL 1238

Chairman Johnson and committee members my name is Michael Montplaisir and I am the County Auditor in Cass County. I am here today to give you some of my thoughts concerning House Bill 1238.

House Bill 1238 changes the current period for absentee voting from forty days prior to an election to twenty days prior to the election. During the past two presidential elections we issued more than 10,000 absentee ballots. These are citizens of Cass County who desire to vote by the absentee process—some because they are headed to warmer climates, some because they are going to be out of town on election day, some because they have a hard time physically getting to the polls on election day, and some simply because they like that method of voting. Both political parties also are very active in promoting absentee voting by sending out postcards and doing follow-up calls to voters to urge them to vote absentee.

The current forty day limit is implied in NDCC 16.1-07-04 when the county auditor is directed to have the ballots prepared, printed, and available at least forty days prior to the election. From the start of the current forty day limit right up to Election Day, the county auditor's office is extremely busy both sending out and receiving absentee ballots. In addition to our seven permanent staff members, we also employ temporary staff to make sure that every application that comes in is processed the same day it arrives to ensure the voter has the maximum amount of time to vote and return their ballots. It is a challenge but we do it because we believe every voter counts! Reducing this time period to twenty days would not only greatly impact our office; it negatively impacts the voting public.

Voters who normally try to vote before heading south for the winter would either have to delay going south or use the mail to vote absentee. The shortened time frame would mean that some voters may not get their ballots in time to return them before the election.

The current time line works – reducing the time line would be a disservice to the voting public.

I urge a do not pass on House Bill 1238.

**TESTIMONY TO THE
HOUSE POLITICAL SUBDIVISIONS COMMITTEE**
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer

HOUSE BILL 1238

Madam Chair and members of the committee, I appear before you to express my **opposition to HB1238**. I am afraid if the time frame is shortened we will have great difficulty processing all requests for absentee ballots -we sent out over 3,000 ballots on the 40th day before the 2012 General Election with a total of 10,548 were processed and counted on Election Day.

*The effect of the present absent voter system is placing an administrative and fiscal burden on counties. There is no easy way to handle absentee ballots. The political party mailings compound this burden by increasing the number of absentee ballot requests. From my visits with people returning absent voter ballots to my office, their **primary reason** for voting absentee is **convenience**, and if they had not received an absent voter application they would have voted on Election Day at their regular precinct. I personally received 7 applications for an absent voter ballot at my home (5 GOP and 2 DEMO).*

My office receives many, many incomplete applications which require follow up by a phone call or mail (all of which must be done on a very timely basis). My records show that the combined staff of the Burleigh County Auditor, Treasurer and Director of Tax Equalization basically shut down every day between October 15th thru November 6th from 7:00AM until 3:00PM to process applications for absentee ballots and get the ballots in the mail for delivery to the electors.

From my vantage point – as election administrator for Burleigh County – **the origin of all these issues goes back to the change in legislation allowing all electors to vote absentee without a reason**. Previous ABSENTEE BALLOT legislation has dramatically increased costs of elections and HAS NOT INCREASED VOTER PARTICIPATION. With this increase in cost, county auditors and the Sec of State have been trying to find ways to reduce the costs associated with absent voter ballots by reducing precincts and utilizing early vote and Election Day vote centers – all with NO CORRESPONDING INCREASE IN VOTER PARTICIPATION. What is on the ballot drives voter participation; not how convenient we make access to the ballot.

With the present situation several county auditors now prepare for three (3) types of elections:

- Regular Election Day precinct election (26,578 or ⁶¹~~15~~%)
- Absent Voter election (10,548 or 24%)
- Early Vote election (6,316 or 15%)

I must staff polling places and order enough ballots for all three (3) types of elections. I estimate this increases election costs in Burleigh County by at least 30%.

I have been an advocate of voter turnout during my entire tenure. I have opened my office on Saturdays to accommodate college students and those who work out of town. I have spent many hours at local high schools explaining voting procedures and encouraging and challenging young people to vote.

I understand the attempts to make voting more convenient as a means to increase participation – however, at what cost? We as citizens need be responsible. We need to realize how important our vote is. I agree that voting is a right and a privilege. Moreover, it is my DUTY and RESPONSIBILITY.

The record shows that the present absent voting system does not increase participation, only shifts voting methods from traditional precinct balloting to other methods and increases costs.

I would propose the following amendment to HB1238:

16.1-07-01. Absent voter – Who may vote.

Any qualified elector of this state who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct; illness; disability; religious discipline; observance of a religious holiday; or service as an election judge in another precinct may vote an absent voter's ballot at any general, special, or primary state election, any county election, or any city or school district election.

In conclusion I am opposed to shortening the time frame allowed for absentee voting and early voting. If anything the time frame should be increased to alleviate the administrative and fiscal expenses related to absent voting.

Sincerely,

Kevin J. Glatt
Burleigh County Auditor\Treasurer