

**2013 HOUSE POLITICAL SUBDIVISIONS**

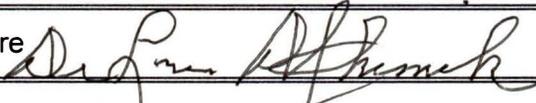
**HB 1401**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee  
Prairie Room, State Capitol

HB 1401  
January 31, 2013  
Job # 18049

Conference Committee

Committee Clerk Signature 

## Explanation or reason for introduction of bill/resolution:

Relating to the date for the canvass of an election.

## Minutes:

Testimony #1

**Chairman N. Johnson:** Opened the hearing on HB 1401.

**Jim Silrum, Deputy Secretary of State:** (See testimony #1). 00:40-3:11

**Rep. Kretschmar:** In one of the sections you mentioned the old language still have the County Superintendent of Schools. Are there many counties that still have that?

**Jim Silrum:** There are still counties that do have that office and often in other cases the county auditor can serve as that superintendent.

Opposition: None

Hearing closed.

**Do Pass Motion Made by Rep. M. Klein: Seconded by Rep. Kathy Hogan:**

**Chairman N. Johnson:** I think this clarifies and will get those that have mailed in a ballot that the mailing stamp date is prior to the election can still be counted in the election.

**Vote:** 13 Yes 0 No 2 Absent **Carrier: Rep. Muscha:**

Closed.

Date: 1-31-13  
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1481**

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. Klein Seconded By Rep. K. Hogan

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) 13 No 0

Absent 2

Floor Assignment Rep. Muscha

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

**REPORT OF STANDING COMMITTEE**

**HB 1401: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1401 was placed on the Eleventh order on the calendar.

**2013 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1401**

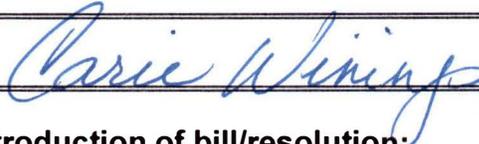
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

HB 1401  
03/21/2013  
Job Number

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act relating to the date for the canvass of an election.

## Minutes:

**Chairman Dever:** Opened the hearing on HB 1401.

**Jim Silrum, Deputy Secretary of State:** See Attachment #1 for testimony in support of the bill.

**(3:25)Chairman Dever:** There is the canvas that takes place on election night and then there is the canvassing board that takes place in Burleigh County normally the following Monday and then the state canvassing board that meets a couple weeks after that; is that right?

**Jim Silrum:** Correct.

**Vice Chairman Berry:** By moving this to 6 days only that is going to assume that those ballots have moved over the weekend and they have a chance to be delivered by that Monday otherwise we are looking at a weekend.

**Jim Silrum:** This just gives a greater period of time for those to come back. Let's say under current law a county canvassing board meets early in the morning on Friday. They could completely miss the mail delivery for the county for absentee ballots that would be returned on Friday, also any of those that would come in on Saturday and following that; if this bill

were to pass and become law canvassing boards could wait until after the mail comes in on Monday and have all the ballots that can be counted, counted.

**Vice Chairman Berry:** My point is to make sure that the mail comes in Monday before they meet so that they have that chance.

**Jim Silrum:** That is the intent of this amendment or if our office need to communicate that intent to the canvassing boards.

**Senator Cook:** Are you comfortable on having a law contingent on the United States Postal system? What I am getting at is that I like it the way it is.

**Jim Silrum:** OK.

**Senator Cook:** I like it the way that it is.

**Chairman Dever:** The elimination of Saturday delivery plays into this as well.

**Jim Silrum:** That is correct and the US postal service is not going to be delivering on Saturdays starting in August. It is even more important that the mail on Monday comes in. The US Postal system is not perfect. We are still getting absentee ballots from voters that were properly cast before Election Day coming back to their mailboxes.

**Senator Cook:** Maybe the solution is to have a requirement of after 1 pm on the 6<sup>th</sup> day.

**Jim Silrum:** We would be agreeable to an amendment such as that.

**Senator Nelson:** I am wondering how much one or two votes will make a difference.

**Jim Silrum:** We need to go back and remember that then Uniform Military and Overseas Act effects all elections. Those are elections that are covered by that bill as well. Outside of township where votes are cast by a raising of hands, every election is covered by the uniform act for those. Technically that means that our military and overseas voters have just as much right to vote for school board member as they do for president.

**Chairman Dever:** Closed the hearing on HB 1401.

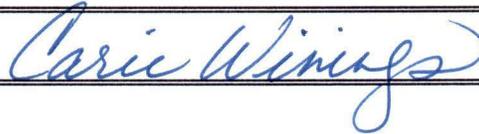
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

HB 1401  
03/29/2013  
Job Number 20693

Conference Committee

Committee Clerk Signature



## Minutes:

**Chairman Dever:** Opened HB 1401 for committee discussion.

**Senator Nelson:** Moved a Do Pass.

**Senator Poolman:** Seconded.

**A Roll Call Vote Was Taken:** 7 yeas, 0 nays, 0 absent.

**Senator Poolman:** Carrier.

Date: 3/29

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 1401

Senate Government and Veterans Affairs 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 Senator Nelson Seconded By Senator Poolman

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais	✓	
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Poolman

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

**REPORT OF STANDING COMMITTEE**

**HB 1401: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1401 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**HB 1401**

A1

ALVIN A. JAEGER  
SECRETARY OF STATE

HOME PAGE [www.nd.gov/sos](http://www.nd.gov/sos)



PHONE (701) 328-2900  
FAX (701) 328-2992

E-MAIL [sos@nd.gov](mailto:sos@nd.gov)

**SECRETARY OF STATE**  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

January 31, 2013

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

FR: Jim Silrum, Deputy Secretary of State, on behalf of Al Jaeger, Secretary of State

RE: HB 1401 – Date for Canvassing the Results of Elections

The Uniform Military and Overseas Absentee Voters Act (UMOVA), passed by the 2011 Legislative Assembly, safeguarded the vote of North Dakota's deployed military and overseas qualified electors. It provided them with the electoral process to cast a vote and have it counted even though they were far from home. The objective of this bill is to allow as many days as possible for a UMOVA cast ballot to arrive and be counted by the canvassing board regardless of jurisdiction. Under current law, canvassing boards may meet after an election no sooner than the third day (usually a Friday) and no later than the sixth day afterwards (usually a Monday). This bill sets the canvassing date for all elections as the sixth day after the election.

Page 1, section 1, lines 9 through 10: Instead of allowing forty-eight hours for election judges and clerks to sign the returns after a school election, they would be required to do so immediately after the polls close.

Page 1, section 2, lines 17 and 18: Requires the canvassing of school elections to be held six days after the election rather than the now three days.

Page 2, section 3, lines 5 and 6: If a school election ends in a tie vote, the drawing date for breaking the tie is changed from within three days after the election to within three days after the meeting of the canvassing board.

Page 2, section 4, line 17: Changes the timeline as to when the school business manager send notices of election to the selected candidate from within five days after the election to within three days after the canvassing of the votes.

Page 2, section 4, line 20: Changes the timeline as to when the school business manager certifies to the county superintendent of schools the names of the individuals elected to the school board from within ten days after the election to within ten days after the canvassing of votes.

Page 2, section 5, lines 26 and 27: The change requires all county canvassing boards to meet on the sixth day after the election. It removes the option of their meeting as soon as three days after the election.

Footnote: Although city elections are not mentioned in this bill, the six day requirement will also apply to those elections because of N.D.C.C. § 40-21-13. It requires municipal elections to be governed by the same laws that apply to county elections, which is being changed on page 2, section 5, lines 26 and 27.

We request your favorable consideration.

Attachment # 1

ALVIN A. JAEGER  
SECRETARY OF STATE



PHONE (701) 328-2900  
FAX (701) 328-2992  
E-MAIL sos@nd.gov

HOME PAGE [www.nd.gov/sos](http://www.nd.gov/sos)

SECRETARY OF STATE  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

March 21, 2013

TO: Sen. Dever, Chairman, and Members of the Senate Government and Veterans" Affairs Committee

FR: Jim Silrum, Deputy Secretary of State, on behalf of Al Jaeger, Secretary of State

RE: HB 1401 – Date for Canvassing the Results of Elections

The Uniform Military and Overseas Voters Act (UMOVA), passed by the 2011 Legislative Assembly, safeguarded the vote of North Dakota's deployed military and overseas qualified electors. It provided them with the electoral process to cast a vote and have it counted even though they were far from home. The objective of this bill is to allow as many days as possible for a cast ballot from a UMOVA covered voter to arrive and be counted by the canvassing board regardless of jurisdiction within the state. Under current law, canvassing boards may meet no sooner than the third day (usually a Friday) and no later than the sixth day (usually a Monday) after an election. This bill sets the canvassing date for all elections as the sixth day after the election.

Page 1, section 1, lines 9 through 10: Instead of allowing forty-eight hours for school election judges and clerks to sign the returns, they would be required to do so immediately after the polls close.

Page 1, section 2, lines 17 and 18: Requires the canvassing of school elections to be held six days after the election rather than the now three days.

Page 2, section 3, lines 5 and 6: If a school election ends in a tie vote, the date for breaking the tie by a drawing of names is changed from within three days after the election to within three days after the meeting of the canvassing board.

Page 2, section 4, line 17: Changes the timeline as to when the school business manager send notices of election to the selected candidate from within five days after the election to within three days after the canvassing of the votes.

Page 2, section 4, line 20: Changes the timeline as to when the school business manager certifies to the county superintendent of schools the names of the individuals elected to the school board from within ten days after the election to within ten days after the canvassing of votes.

Page 2, section 5, lines 26 and 27: The change requires all county canvassing boards to meet on the sixth day after the election. It removes the meeting option for as soon as three days after the election.

Footnote: Although city elections are not mentioned in this bill, the six day requirement will also apply to those elections because of N.D.C.C. § 40-21-13. It requires municipal elections to be governed by the same laws that apply to county elections, which is being changed on page 2, section 5, lines 26 and 27.

We request your favorable consideration.