

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1333

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

HB 1333
1/29/2015
22800

- Subcommittee
- Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to voting requirements, qualifications of electors, and voter identification

Minutes:

Attachments 1-10

Chairman Kasper opened the hearing on HB 1333.

Rep. Randy Boehning, District 27, appeared in support. I am introducing this bill again after working with the Secretary of State's office to clarify some of the voting problems we had in the last election. He highlighted some major points and stated that others would be testifying for further clarification. Attachment 1 is an email from DOT that shows the number of IDs generated in the past three years. Attachment 2 provides some information about a driver's license when you are not a US citizen.

Rep. Amerman Are those numbers you gave a running number?

Rep. Boehning The total number that are issued in the state.

Chairman Kasper That includes the previous years?

Rep. Boehning That includes the previous years.

Rep. Steiner I had some calls from NDSU students saying that they had been unable to vote. Does this get into the college ID issue?

Rep. Boehning Were those students constituents from Dickinson?

Rep. Steiner They were.

Rep. Boehning We are not denying anybody the right to vote. They can vote back in their own precinct or their own home state. They have to follow the laws of North Dakota to vote here.

Rep. Steiner I think there is a problem. I was told by a phone call that the college has some kind of timing restriction where you have to go in advance and they didn't know about getting an ID. We need to work with the colleges to make that a little more smooth.

Rep. Boehning The Secretary of State did a fairly good job last year to get the word out to let the college students know that they need to get their ID issued at least 30 days before.

Rep. Steiner The problem was the day of the election they couldn't do that. They were told to go online, and I think they went to go online and weren't able to the actual day they need it. I think there is a cutoff date. We need to make that a better process.

Rep. Boehning You do need to be a resident of your district 30 days prior to voting. You can't change your address on the day of the election. You have to get that information changed on your ID.

Karen Christenson, Former Barnes County Auditor's Office Worker, appeared in support. Attachment 3. I do have some reservations about the long term certificate. A lot of the student certificates just had dorm names and room numbers. I questioned whether that was a sufficient address. I asked my auditor to address this to our State's Attorney and get him involved so we can get an answer. Five days later I was terminated without a reason. The poll workers were confused. I suggest getting a plastic photo ID card that everybody should carry, because I don't feel it is fair that some people are required to have photo IDs to come to the polls to vote and some don't. If people who are in the care centers can get out to go to a doctor appointment, why wouldn't it be possible to somehow get some kind of a plastic phot ID rather than the paper? If someone wants a ballot mailed out to them through an absentee voting process, we send them an application. They sign it, send it back, and we send the ballot. How can we really verify that this is actually the person who is sending the application to us?

Jim Silrum, Deputy Secretary of State, appeared in support. Attachment 4. (18:43-24:05)

Chairman Kasper Since this is a technical bill, it will be okay to ask questions as we go along.

Rep. B. Koppelman Where you talked about some sort of form that showed you changed residence, how would the poll worker know that the new address being provided is actually the residential address at all? What would prevent me from voting illegally under your change?

Jim Silrum Yes, you may indeed be permitted to vote incorrectly in your wrong precinct, but because your state issued ID is presented, we would be able to determine that you shouldn't had the right to vote anywhere else either. We can track that all individuals of the state voted in these locations in the state and didn't vote again elsewhere.

Rep. B. Koppelman It appears to me by allowing this new language, we are trying to get away from the person who doesn't follow a requirement of the drivers' license division to change your address. We are trying to provide ability for them to vote, but are we creating a loophole at the same time for malicious activity?

Jim Silrum I respect the comment. All election officials stand on the ground that we as voters should vote in the precinct in which we reside, but what does residency mean in the state? Our office has asked for several sessions if there could be bright line definitions set in stone for what does residency mean for voting purposes only? Under the old system when affidavits were allowed to be used, there were more than 10,500 submitted that were unverifiable after the election.

Chairman Kasper He read a couple of sentences from the definition of residency under North Dakota statute. (30:45-31:32)

Jim Silrum asked Chairman Kasper to read the last bullet of that section.

Chairman Kasper did so. (32:16-32:25)

Jim Silrum The Union Act and Intent--I may have the action to move to a new location but I may say it is not my intent to make that my residence, or I may move to my new location and say it is my intent. That is where the conflict comes in. These rights have to be held in balance.

Chairman Kasper It says their residence is when they return in seasons of repose. This makes us think of oil workers and college students. How does that apply to people who really have not raised their hand and done the things that the law requires to establish their residency in the state of North Dakota? That is the issue that we deal with in this area of voter ID because it is a separate section compared to the residency rights.

Rep. Mooney Could you go back and clarify about the accommodations of students.

Jim Silrum We don't want to single out people who live within the state. The student ID certificate was an attempt for the Secretary of State to prescribe a form by which students could provide some kind of identification issued to them by the college or university that they were attending. We tried to make it standardized for all kinds of schools. We discovered that how those IDs were created and applied in Grand Forks might be different than in Fargo, and that is just two institutions. Our thinking has moved in the direction that if we are going to do something, let us have law specify what the approved forms of identification are, and those approved forms of identification should be available to everyone regardless of what they do or what they are currently doing. The only exception that we felt necessary to provide would be for those who live in a long-term care facility. Most people who are in long-term care facilities are not mobile. For those individuals who are not able to leave their home due to a disability with which they live to obtain an ID, they should be allowed to vote through the use of an attester. Those attesters would now be limited to four, and we are also qualifying it for those people who permanently reside in their homes, not in a long-term care facility, because these attesters were used in various parts of the state for people who were just not willing to go out and obtain an ID.

Rep. Mooney Students are still left with the existing law?

Jim Silrum The law does change specifically for students. They will no longer have another form of ID. They will have the forms of identification that are available to you and

me and any other resident of the state--ND driver's license, free ND non driver's ID, tribal ID if they are a tribal member.

Rep. Mooney We are going to make them conform with the rest of the state?

Jim Silrum Yes.

Rep. Schneider Like Rep. Steiner's example, there were many NDSU students who wanted to vote in my district and were not able to. I don't know that they would be able to necessarily under this change either. Students often have a change of residency. It might be here during the school year and someplace else during summer. While they are at NDSU for four more years, they should be able to choose whether they vote in Dickinson or in Fargo. They don't necessarily get bills. If they live in a dorm, they wouldn't necessarily change their bank account or have a bill that comes to the dorm. Yet, they live there and consider that their residence. I am not so sure they wouldn't have more trouble under this. It wasn't a good system last time. Do you think this is going to solve those issues?

Jim Silrum I believe this will be a better scenario for them. We know of a number of people who have a home on the farm and a home in town. These are farmers, not students. The law says you have to choose which of those is going to be your residence. The same is going to be true under this bill for students. If they grew up in Bismarck but going to school in Fargo, going online to DOT and at no cost, a student is able to update their state issued ID, and that information is then populated to the central voter file.

Rep. Schneider What was the consideration of a student ID and why was that dismissed? It used to be they could choose where to vote. They could vote by absentee and in their district, or they could vote where they resided. Wouldn't the student ID tell us that?

Jim Silrum Do you mean the ID that issued to them from the college or university they attend?

Rep. Schneider Yes.

Jim Silrum Colleges and universities are unwilling to put any address on an ID because of constant moving.

Rep. Wallman Has the Secretary of State's Office consulted with the university attorneys, because I know in other states this has been an issue? It is a problem when you have a lot of out of state students who are paying out of state tuition. She used the example of a student from Minnesota and going to school in North Dakota. If you issue a student a license in North Dakota that determines their residency, doesn't that mean the student no longer has to pay out of state fees?

Jim Silrum I think you bring up another point of how impactful the issue of residency is. We have asked for bright line definitions for residency only as it pertains to voting. If they wish to vote here, obtain an ID.

Rep. Amerman asked a question on the change of address. Let us say in my small town of Forman I own a house and now sold it and moved into an apartment two blocks down. My address changes, but my precinct does not change. Say I live there 20 days and I haven't changed my address and I go to the polls where they have my new address. On my driver's license, it is my old address, and I can't get an utility bill that is dated 30 days prior because I have only lived at the new address 20 days, would I be allowed to vote?

Jim Silrum It is not a problem at all when somebody moves within their precinct. It should be remembered that we have splits or precinct parts.

Rep. B. Koppelman The answer I have always heard and understood is you can't lose one residency until you obtain another. Because that happens after your action and intent are combined, if the individual moves down the street, that might be the intent to move, but the action would be when he changes his driver's license. If he doesn't change his driver's license, isn't it presumed that he still maintains his original residency until the new one? Isn't this how an election official would look at it?

Jim Silrum Correct interpretation.

Rep. Wallman Are there other states that have a definition of resident for voting purposes?

Jim Silrum We have no voting registration in our state. I do know when other states use registration, you have to register for where you reside so they would have to have some sort of definition. Continued Attachment 4 on the paragraph with Section 2, Page 2, Lines 4-9 (57:23-1:01:02)

Rep. Steiner Are there rules for attesters?

Jim Silrum An attester must print their name, sign their name, list their North Dakota identification number, and phone number on the absentee ballot application of the person for whom they are attesting.

Chairman Kasper Would you be able to provide the committee a copy of the certification and attester form?

Jim Silrum We can print that off of the website. Attachment 5.

Rep. B. Koppelman If there is an individual who just can't get to the DMV to get their free identification, is there a process by which they can get an ID even if it takes a little longer to where they don't have to have an attester every single election from here forward?

Jim Silrum I don't have anything right off the top of my head that would allow that.

Rep. Wallman If I work at a long-term care facility and I want to go pick up ballots for the residents, I can only attest for four and bring those back?

Jim Silrum If an absentee ballot application is to be delivered to the local election official but not by the individual who is applying for that ballot, there is a separate application form

authorizing that individual who is dropping off that application and then receive the ballot to return to that other individual. That is a completely separate scenario from what we are talking about here. The attester speaks specifically about the returned ballot from an individual who cannot obtain and, therefore, does not have any form of identification.

John Ertelt appeared in support. It looks like we have a convoluted mess here. What needs to be done is to have a strict state issued voter photo ID. There are seven states in the nation that have voter photo IDs. I would recommend some amendments to eliminate the paper IDs completely and all forms of affidavits.

Rep. Mooney In advocating for stricter enforcement with photo ID, would you also be advocating voter registration?

John Ertelt I have not looked into the registration of other states.

Rep. Mooney I asked because all the other states are voter registration, so that really is part of your enforcement then I would believe.

John Ertelt If we could get the legislature to go that direction, it probably would work.

Donnell Preskey Hushka, North Dakota Association of Counties, appeared in support. Attachment 6 (1:14:29-1:19:43) She also handed out Attachment 7 which was testimony by Michael Montplaisir, Cass County Auditor, who was not able to appear at this hearing.

Rep. Schneider With such major changes in the law last time, do you know whether there was any plan to collect data on the problems at the polls and the number of people turned away?

Donnell Preskey Hushka Several counties did survey their election workers. I took notes as I was sitting at the table during my day as a poll worker. I wanted to document what I was seeing. I could tell early on that I was troubled by some of the things that I saw, and I wanted to make sure that I would remember it by the end of the long day. Also, I didn't know if it was going to be documented, or how it would be documented. This survey as representing all the auditors and knowing this issue would be tackled during the legislative session, I sent out and asked them a variety of questions.

Vice Chair Rohr How many auditors did you send the request and how many responded?

Donnell Preskey I sent the survey to all 53 counties and 25 auditors responded.

Chairman Kasper Do the auditors believe that only true residents of the state of North Dakota ought to be allowed to vote in a North Dakota election?

Donnell Preskey That is a tough question for me to answer without referring to them.

Chairman Kasper Do you believe that only residents of the state of North Dakota ought to be allowed to vote in a North Dakota election?

Donnell Preskey Then we get back to the definition of what is a resident.

Chairman Kasper You don't know or you do not wish to answer?

Donnell Preskey Hushka Under the broad definition of what a resident is in North Dakota, I believe those people who are working here and if this is their only residence they have, they should have the right to vote. As far as the student certificates, I know there were a lot of auditors who felt those students that had a place in North Dakota for the four years they were going to school here wanted to vote and should have been able to.

Rep. Karls I have a nephew who attends BSC, lives on a farm back in my hometown. Two days before election, he tells her he could vote for her because his apartment is in her district and asked how he could do it. I don't know that college students really know they have that desire to vote until it comes right up to that time.

Donnell Preskey Hushka I experienced that also at the poll site. A lot of people waited until the last minute to figure it out, and to me that was disheartening. This is a responsibility and while these rules are set forth, we as individuals have a responsibility to know what needs to be done to be able to go to the poll on election day and cast our ballot.

Rep. Wallman Do you believe the county auditors would appreciate a body like this committee tackling a definition for residence for the purpose of voting?

Donnell Preskey I believe we would be with what the Secretary of State stated. There is a lot of gray area as far as how we perceive.

Rep. Wallman If we already have a head start on what that might look like, that could maybe be something a subcommittee in GVA could tackle.

Opposition

Kevin Glatt, Burleigh County Auditor/Treasurer, appeared in opposition. Attachment 8. (1:28:02-1:32:29)

Rep. Louser I am not convinced that registration is a bad thing, and I am wondering how the auditors would you handle same day registration as is done in other states?

Kevin Glatt I am not a fan of same day registration. To me, it is no different than signing voter affidavit that we had before.

Rep. Mooney You would not be in favor of same day registration, but essentially you are in favor of voter registration in North Dakota?

Kevin Glatt I think it needs to be seriously explored. Current law basically says I must have changed my address at least 30 days prior to the election. Is there really a difference?

Josh Askvig, AARP ND, appeared in opposition. Our only concern, other than voter ID in general which we debated last session and won't revisit it, is on Page 4, Lines 28-30. It reads "if the applicant does not possess or cannot secure due to a disability with which the individual lives." The question we have is who determines whether the disability prevents them from traveling to obtain? How do you check that? What might that mean? Specifically in rural areas, maybe they are able to get there, but maybe public transportation doesn't line up with when DOT sites are open. We just might add that insuring people can remain safely in their homes as they age is a priority of ours. We like having access through a long-term care facility, but making sure that those that can stay home and want to stay home and have the supports to stay home aren't limited from their right to vote as well.

Rep. Schneider Can you give us some insight on how the long-term care certificate worked?

Josh Askvig AARP has always done voter education. We didn't hear any complaints about the long-term certificates. We heard more concerns about if they don't live in a long-term care facility and don't have a driver's license, what were their options and what that might look like.

Carol Two-Eagle, appeared in opposition. She has had stalkers. Under the current law, the residential address goes into a public database. She elaborated a little more about her situation. She asked that the committee entertain some thoughts to a special category for them. Currently she is disenfranchised. In the past she voted on the affidavit, because she could give a residential address where technically she rents a room, but physically doesn't live there.

Rep. B. Koppelman How do you handle your address on your driver's license?

Carol Two-Eagle It is on the reservation.

Rep. B. Koppelman You just used the other address you were talking about that you claim as your residency even though that is not where you dwell?

Carol Two-Eagle That is right. I'll take fraud charges over a bullet any day.

Rep. B. Koppelman That sounds to me like that is in concert with the law.

Rep. Mooney Are mail in ballots public knowledge as well?

Carol Two-Eagle Yes, they want to see your driver's license. They can tie it to that.

Rep. Laning You mentioned you are a victim of stalking. I assume law enforcement has that on record, and I am wondering if that may be a way of developing a special category.

Carol Two-Eagle It is possible. He followed me from another state and it was law enforcement officers in South Dakota who said keep your address on the reservation. It is

a jurisdictional matter, and he cannot find you as easily. It stops him about 98%, and I thought that was helpful.

Jim Silrum The designation already exists. He quoted from the ND Century Code. County auditors shall generate a poll book for each precinct in the county from the central voter file by the day before the election with the exception of a record designated as secured active and the voter's date of birth and driver's license number or non driver's identification card number issued by the DOT which are exempt records, the poll books are open for public record. That means somebody who has gone through the process of having their record designated as secured active with law enforcement, is to be transferred to the Secretary of State's Office. We change the designation the status on that individual's record to being secured active, and that may not be distributed to anybody obtaining a poll book for this.

Tom Ricker, ND AFL-CIO, appeared in opposition. I am a parent of a college student. I heard there were quite a few college students that were disenfranchised because they didn't know about the 30 day thing. They are concerned about school. I don't agree with taking away the student IDs. Last go around they spent \$700,000 trying to educate and promote the election process to make sure that everyone who is eligible to vote made sure they understood how to vote. If they change it again and take away the student ID, is it going to be a \$700,000 "easy as cherry pie" campaign, and are we still going to have disenfranchisement? I like some parts of the bill like Section 2 where they are allowing other forms of identification. That is a step in the right direction.

Chris McGwen, student member of the State Board of Higher Education, appeared in opposition. I had the opportunity to speak with students from all 11 state institutions. There was a consistent desire to see the student certificate to continue to be an option. This was especially true for freshmen and sophomores that often require to live in temporary housing on campus where room and building assignments even within campus change very frequently.

Rep. Laning Don't you think students could go online and change that address 30 days prior?

Chris McGwen Students have accessibility to technology, but that doesn't necessarily mean they know how to harness it or use it properly. I feel some educational opportunities would be very beneficial especially to meet the 30 day deadline.

Rep. B. Koppelman Don't you think it would reasonable for a student that moves to North Dakota and intends to participate in the right to vote to initially secure a North Dakota driver's license or ID?

Chris McGwen A lot of students actually do secure the residency including the state driver's license ID. My biggest concern is those especially starting freshman year during an election season. The ones I talked to the most were from western North Dakota where they actually live within the state or within the region, but they maybe travel an hour from where they live in state to, for example, Dickinson, North Dakota. My biggest concern is in terms of the strict letter of the law and upholding that especially for the students in some of our smaller campuses.

Vice Chair Rohr How did you solicit the information from the students, and how many responses did you get?

Chris McGwen I used the ND Student Association which meets every month during the school year. I was able to speak with the main representation of those campuses of which those are often typically through the round processes the representation picked by their student peers.

Rep. Louser You mentioned about potentially offering some additional training. What could we do?

Chris McGwen Most of these students are 18-19 years and just received their driver's license 2-3 years before. I think the simplest thing in terms if you wanted to make this happen is awareness.

Rep. Louser You mentioned about many of the freshmen and sophomores just getting their license would also never had voted before. I would assume that a freshman who has never voted before would seek out the avenue to vote, and if the law says this is what you do, then a responsible voter would follow the law and go get the proper identification. Why would a freshman or sophomore not do that?

Chris McGwen I don't think there is ever an intent to not follow the law. I think a lot of it is just them not necessarily being fully away of their options as well as the accessibility. A big hang up is often the 30 day marker. I am asking for a little flexibility for our younger citizens in the state that are just learning to how to participate in the process for the first time.

Rep. Laning Since the colleges have expressed a reluctance to put IDs with current addresses on and since the freshmen seem to be a target of an ignorance area, do you think the colleges would be willing to incorporate in their orientation just a short bit on election procedures and educate them along that line?

Chris McGwen That could be a potential solution as well. The newness of the law and how to comply with it caught me off guard.

Rep. Schneider Would you want us to just add back in the student certificate as an alternative rather than making it a mandatory requirement?

Chris McGwen Yes, that was my only hang up--the lack of that alternative as an option for students.

Rep. Schneider Were there any problems with the certificate itself? At what point was it really too late to get a student certificate?

Chris McGwen If I recall, a lot of the concerns were the 30 day. The way it was interpreted was you needed to have your proper addressing campus connection which is the online interface where you have all this in place prior 30 days to election.

Chairman Kasper Have you ever thought about having a link on the State Board of Higher Education website as well as for each college and university that would describe the process that a student would have to use to be able to vote?

Chris McGwen I didn't necessarily give thought to that specific solution, but I did take note. I happen to have a board meeting in an hour, and there might be a public comment from me.

Chairman Kasper It appears in some cases it is a lack of knowledge, particularly with the freshmen and sophomores. I think there are some pretty easy solutions for the education of the college student. Of course, it gets to the responsibility of the individual.

Chris McGwen There is a required freshmen orientation class at the universities, and that possibly could be an option.

Aaron Weber, North Dakota State University Student Government, appeared in opposition.
Attachment 9 (2:06:40-2:09:40)

Rep. Karls Is there a cost associated with applying for a North Dakota driver's license? Might you then also be expected to register your car in this state?

Aaron Weber To my knowledge there is a \$15 fee to renew your driver's license. That could be a cause for students that are reluctant to go maybe go get their driver's license. Another thing, students like to procrastinate. Students are also very busy, and a lot of students don't have cars on campus.

Rep. Wallman Have you run across an issue where if you change and get a North Dakota driver's license, you are not covered under your parents' car insurance until they change your address?

Aaron Weber I can't answer that definitively.

Chairman Kasper If a student is from outside of North Dakota and wishes to establish residency in North Dakota, our state law says you are supposed to get a driver's license if you drive. If you own a vehicle, you should register that vehicle in North Dakota. If your parents own the vehicle, you are not required to register the vehicle. If you are under your parents' auto policy, your parents are supposed to notify the insurance carrier that you have changed locations so they have the address of the student.

Rep. Schneider If we amended this bill to put the student certificate back in as an alternative, were there any other problems that you want us to rectify at the same time?

Aaron Weber We can accommodate the 30-day requirement. Another advantage we see to the student voting certificate is it is very convenient to students.

Rep. Louser Did you use the certificate to vote?

Aaron Weber I did.

Chairman Kasper Does your organization at NDSU have a website?

Aaron Weber Yes, it is NDSU.edu/sg.

Chairman Kasper Do you publish on your website the information about how students can get their certificate to vote and give them information about what they are supposed to be doing?

Aaron Weber Yes, we do.

Chairman Kasper In orientation does NDSU provide an opportunity for you or somebody else on your committee to address the student orientation where you could again remind them that if you wish to vote in the fall election, here is what you do?

Aaron Weber That is an option we have been exploring.

Kelsey Klein, North Dakota Student Association, appeared in opposition. Attachment 10 (2:15:59-2:16:55)

Rep. B. Koppelman If we have provided them the opportunity to get a North Dakota driver's license and if we do our best to inform them, could you still say that they are really disenfranchised?

Kelsey Klein I feel like some of them weren't as informed as they should have been. Personally, I wasn't as informed as I should have been. I did not vote this past election, because I wasn't up to date on the 30 day period before voting.

Neutral

Sean Johnson appeared in neutral testimony. I wanted to point out one technicality. The passport is not a valid way to determine your residency in a district by your address. What is written on the outside of a military ID that a poll worker will look at has great information except your residency. The remedy for this would be a certified letter from their commander that would show their home of record is that address. Take a hard look at why we give students more choices on where they can vote than we give our service members. Residency is relatively straight forward. The bottom line is you get one place that you live. By the way, those student certificates are pretty easy to forge.

Vice Chair Rohr We need a little education on the ethics of voter responsibilities.

Sean Johnson I couldn't agree more. The voting process can be confusing and can cause some concerns especially for the younger voter, but there are a lot of people their age not in college and serving in the military and they handle it. I think our kids stateside that same age can probably manage our rules in figuring out what their responsibilities are.

Rep. Mooney Am I hearing you are in favor of state registration?

Sean Johnson Personally, we are hanging on to not registering because we are good old North Dakota. I think registration is something we need to look at. If put to a ballot, an initiated measure, I personally would vote for it.

Rep. Mooney Why would you be in favor of voter registration versus same day registration?

Sean Johnson I believe that has already been addressed from the standpoint that it really is another way of doing a simple affidavit.

Rep. Schneider There are a lot of good students including the many who return from service and go back into the special programs we have at NDSU.

Sean Johnson If my testimony led you to take that away, I do apologize.

Chairman Kasper Jim, would you share with the committee the voting method for those in the military and the passport situation.

Jim Silrum The military ID and passport is limited to a very small subsection of people, either those not living here because they are temporarily assigned overseas, or because the military and their family are stationed elsewhere other than their location here in North Dakota. Citizens of our state who are stationed abroad are allowed to use their passport, because we know that living abroad they have to have their passport with them.

Chairman Kasper How are these military out of state identified?

Jim Silrum They do have to apply for an absentee ballot.

Chairman Kasper How do we know that they were a ND resident prior to being in the military out of state?

Jim Silrum For someone who does not have a North Dakota driver's license and is serving in the military for the North Dakota National Guard or something on deployment, this bill presumes that they would indeed have been a resident of the state prior to leaving the state. We cannot guarantee it with this bill.

Chairman Kasper When they apply for their absentee ballot, do they have to give their North Dakota residence?

Jim Silrum It is required of everyone who applies for an absentee ballot. You have to list your residential and mailing address. As you contemplate, remember when you register to vote in any other state, you have to prove who you are.

The hearing was closed.

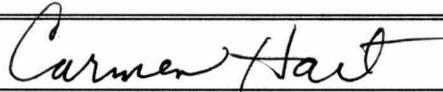
2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

HB 1333
2/5/2015
23358

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to voting requirements, qualifications of electors, and voter identification

Minutes:

Attachment 1

Chairman Kasper opened the meeting on HB 1333. This changes some of the ways that people can vote in our state. What it boils down to is that in order to vote in North Dakota, you have to have a legitimate North Dakota ID, and it takes away the student certificate, but students are eligible to vote with a North Dakota ID. We put an area in where if a North Dakota resident has a voter ID from the state of North Dakota moves from one location to another in the state and within that 30-day window did not change the address on their North Dakota voter ID, to be able to vote all they would need to do is to provide an utility bill or bank statement that showed their new address.

Rep. Karls Attachment 1 was provided to all committee members by Donnell Preskey.

Rep. B. Koppelman I wonder is it important to also require a certified letter from the commander as suggested by an individual during the hearing?

Chairman Kasper I don't recall that. We have to be careful that we don't put something in here for military that is going to make it more difficult for them to vote.

Rep. Laning made a motion for a DO PASS.

Rep. Karls seconded the motion.

Rep. Wallman I don't support this because our Cass County auditor felt like the student certificates worked fine and good for the students and good for election workers.

A roll call vote was taken. 9 Yeas, 5 Nays, 0 Absent.

Rep. B. Koppelman will carry the bill rather than Rep. Wallman.

Date: 2-5-15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1333**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Laning Seconded By Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman		X
Vice Chair Karen Rohr	X		Rep. Gail Mooney		X
Rep. Jason Dockter	X		Rep. Mary Schneider		X
Rep. Mary C. Johnson		X	Rep. Kris Wallman		X
Rep. Karen Karls	X				
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Jay Seibel	X				
Rep. Vicky Steiner	X				

Total (Yes) 9 No 3

Absent _____

Floor Assignment B. Koppelman

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

REPORT OF STANDING COMMITTEE

HB 1333: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING).
HB 1333 was placed on the Eleventh order on the calendar.

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1333

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1333
3/20/2015
Job # 25200

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact sections 16.1-01-04, 16.1-05-07, and 16.1-07-06 of the North Dakota Century Code, relating to voting requirements, qualifications of electors, and voter identification.

Minutes:

Attachments 1 - 5

Chairman Dever: Opened the hearing on HB 1333.

Representative Boehning, District 27: Testified as sponsor and in support of the bill. (Explained the bill by going through the bill.) It is mostly clean up language from last session when we put out the voter ID bill.

(4:18)Chairman Dever: Does the USPS date stamp the address change form?

Representative Boehning: I am not sure. I think there is a date on there.

Chairman Dever: And a long term care certificate, that is something that they have worked with before?

Representative Boehning: That was in the last legislative session that we included the long term care certificate. A lot of them don't have any ID anymore because they are in the nursing home and don't need them.

Chairman Dever: That is to attest to their residency for the absentee ballots?

Representative Boehning: Correct. This would just make it better in the language on that.

Chairman Dever: I think part of the reason for the previous was so that an administrator of long term care facility could attest to the residents of their facility.

Representative Boehning: I think with the long term care certificate that is handled a little bit differently.

Senator Flakoll: It just occurred to me that my mail is currently going to a different district because it is being forwarded to my office and I am wondering how we ensure that they actually live there because they could be getting their mail forwarded like I am.

Representative Boehning: If you get it forwarded to your office but you still have your residential address that is your 911 address, which would be your residence.

Senator Flakoll: What if I would do that permanently?

Representative Boehning: I think with that your mail is still going to your basic address and then it is forwarded.

Senator Nelson: I was looking at the USPS piece, I do not know of anyone who keeps copies of those. I just moved and I put the form in the mailbox and I did not make a copy of it.

Representative Boehning: It has been a few years since I have filled one of those out and I am guessing they have those on record as well. Once you do fill that out, I do believe that the DOT has a mail merge with them and they update their system as well.

Senator Nelson: You better have it on a plastic card to vote.

Representative Boehning: Technically the address just has to be registered with DOT in the system and you do not have to have a new card. There could be some issues there.

Chairman Dever: The up side of the whole conversation is that the bill improves the process.

(10:55)Jim Silrum, Deputy Secretary of State: See Attachment #1 for testimony in support of the bill. This is an update to provide solutions for all voters that want to vote in the state. Those with a disability that cannot leave their home to vote have the option of the attester to be able to do so.

(17:05)Senator Cook: To the attester, my mother in law is in a nursing home and my wife always gets her the absentee ballot, I did not think my wife had to sign anything?

Jim Silrum: As long as the person can still sign the application they do not need to have an attester sign. Sometimes spouses will want to serve as an agent for getting an absentee ballot and there both people need to sign that. In that situation, if your mother can sign it, your wife can deliver it. If the absentee ballot is to go back with your wife to your mother then there needs to be agent authorization form where both would need to sign that. Generally, it could be mailed back to your mother with any need for additional signatures.

Senator Cook: With an expired driver's license, aren't we opening up the door to allow some people to have 2 ID's.

Jim Silrum: I do not believe so. Our thinking in that is that if a person no longer drives they can still use their Driver's License to be their form of ID as long as the information on the ID is still true. I believe I would be better suited to let DOT speak to that. I believe you have to surrender one for another at DOT.

Chairman Dever: Do you know if the USPS date stamps on address change form and if not what would prevent someone from going down to the post office and writing a date 30 days ago?

Jim Silrum: I do not know and we will check into that and can get back to you. Our intent with this was to try and provide options for people to do this and in many other states the USPS change of address form is an acceptable form of physical proof of residence.

(21:05)Donnell Preskey, North Dakota Association of Counties: See Attachment #2 for testimony in support of the bill with some concerns. See Attachment #3 for testimony from Mike Montplaisir in support of the bill, and See Attachment #4 for testimony from Kevin Glatt in opposition to the bill.

(26:21) Chairman Dever: Am I missing something or is there some place in this bill where you suggest that student certificates are eliminated?

Donnell Preskey: If you look on page 3, line 1, on alternative form of identification, prescribed by the Secretary of State was the law as it was passed in 2013, and one of the prescribed forms of ID was the student certificate and I referred to putting the long term care certificate along with the tribal ID into code and that is what has been done now. In 2013 that was part of what they prescribed.

Senator Marcellais: In Mr. Glatt's testimony he says see attached and we do not have that?

Donnell Preskey: I noticed that also and he will have to get back to you on that.

Senator Cook: I want to make sure that the counties would like to see the student ID put back in? That is the position of the counties? Mr. Glatt lost out then?

Donnell Preskey: This has been a tough issue to balance out between all of our auditors. We have tried to take what the feelings are of most and have a position on this, but the student ID is important to a majority of us. Especially those that are in the college serving communities.

Senator Cook: This is the second time that Kevin Glass has informed us with his testimony that language in the current law for the purposes of this title, "An individual may not be deemed to have gained or lost a residence solely by reason of the individuals presence or absence while enrolled as a student at a college" it is as simple as that. You vote where your ID says you live.

Chairman Dever: His argument is that if you want to vote at college then you change your driver's license.

Donnell Preskey: This whole issue of student ID's and student certificates; there have been numerous issues this session and this is a position that the legislature is going to have to figure out what side they lean on.

Senator Cook: If we are going to do that then we obviously need to change a section of code that we have failed to change in the past and I like it just the way that it is.

Donnell Preskey: I see a door open. There have been many arguments on the student certificates and Mike Montplaisir gives some really good examples of how those students become part of the communities. This is a complex issue to get everyone on the same page.

(31:25) John Ertelt, Resident of North Dakota: Testified in support of the bill. I agree that using paper as an ID is a problem. As far as the alternative form of ID which covers the student certificates - I think that is the best part of this whole bill. Those student certificates have to go. I worked as a poll worker on a number of occasions and this last election and it created quite a problem in Barnes County. It will continue to create quite a problem because if you look at a copy of these, that paper ID could be forged very easily in a few minutes on a computer. I would like to see a plastic photo ID for everyone which the rest of the voters have to produce. If the college students what to be productive adult citizens then they need to get with the program. It is a simple matter of going online and updating their driver's license and they are far more proficient with a computer than I will ever be.

(33:45)Becky Lamboley, Director of Student Affairs, North Dakota University System: Testified in support of the bill. I would like to see in terms of our legislation that if we allow one group to use a paper ID's then it needs to be available for all groups. I would like to see consistency throughout the bill. I understand the arguments with changing your driver's license. I can see that. I recognize that our students move very frequently. The paper certificates help them ensure that they take that responsibility of educating themselves and then going out and voting. I do have concern with the removal of an alternative form of identification and we support what our auditors stated.

(35:39)Chairman Dever: You are aware that they do not have to change their driver's license and they only have to contact DOT and change their address.

Becky Lamboley: Yes.

(36:45)Aaron Weber, NDSU Student Government: See Attachment #5 for testimony in opposition to the bill.

(40:50)Chairman Dever: I believe that you mentioned something about a lack of education in our university system?

Aaron Weber: I would clarify that to be a lack of information of how to vote properly.

Chairman Dever: Is that a solution then to the issue of certificates?

Aaron Weber: In the issues that we saw this past fall we believe that increased education of how students can vote, where they can vote, and the means they can use to vote would be a tangible solution to some of the issues that we saw.

Chairman Dever: So a student with a North Dakota driver's license can contact the DOT 30 days in advance of an election and change their address and take care of all of those problems.

Aaron Weber: That is correct.

Chairman Dever: This would only then leave a problem for non-resident students who chose to vote in North Dakota.

Aaron Weber: Or students that don't have a driver's license to begin with. That is not terribly uncommon. There are isolated cases where the student certificate would be their only option.

Chairman Dever: I wonder if non-resident students recognize that when they establish a new address and vote in North Dakota that they give up their old address.

Aaron Weber: I do not know. Students that come from out of state are paying taxes here and they contribute to the state of North Dakota.

Chairman Dever: If they are a qualified elector they are a citizen of North Dakota as well as a resident.

(43:25) Josh Askvig, AARP: Testified in opposition to the bill. Last session we worked in favor of the change to voter ID as a whole and we are not going to revisit that here for you. We see a lot of good in the bill. Our specific concern is with Page 4, Line 29, when we add into the attester section "due to a disability with which the individual lives and prevents the individual from traveling to obtain". I think the abuse question that was addressed earlier was addressed on the next page on line 2 in my opinion about "an individual may not certify the applications of more than 4 individuals in any election. Adding the language about a disability with which the individual lives and there is not clarification anywhere else in the statute that I can find about how you prove you have that disability and what proof you have to provide. So, now as a voter do I have to open my medical records to someone to certify whether I can or cannot get to a polling location to do that? For us it is unnecessary, but the rest of the bill we really do not have an opinion on. As a whole we do not support the move to voter ID and still would object.

(44:47) Pat Finken, Resident of North Dakota: Testified in support of the bill however in light of the discussion today I felt some rebuttal to some of the points made today. I have some grave concerns about the idea of establishing a special class for students; to treat them differently than all other voters. I understand that the bill does make some allowances for people on tribal lands, long term care, and some serving in the military. These are exceptions that make sense. College students are not infirmed, serving in a foreign land, and they are not members of a sovereign nation. They are adults like all of us and the concept that somehow we create a special class and give them a special right to

vote over all others to me is inappropriate and unfair. It is not in keeping with the true sense of democracy. Elections are only fair when everyone is treated equally. In this state having this kind of an exemption like a student ID allows them a special consideration in voting that we do not offer other new citizens to the state. There are many people that have moved to the state that pay sales tax and income tax and they don't have a certificate to vote with. That doesn't make sense, it is not fair, and how does that serve democracy. As you contemplate the action on this legislation I encourage you to pass as is and not entertain the concept of any kind of amendments that would resurrect what we have heard is a difficult situation from the Secretary of State's office in terms of managing that process.

(47:35) Glynn Jackson, DOT Driver's License Division: We are neutral to the bill.

Senator Cook: Is it possible for someone to move and get a new driver's license and keep the old one?

Glynn Jackson: That is possible. It is also possible when someone gets a duplicate license to tell us they lost it and not have and still have it in their possession.

Senator Flakoll: If someone moves from Minnesota to North Dakota and they get a driver's license do they have to turn over their current driver's license?

Glynn Jackson: If it is in their possession they do. This conversation brings up a real issue that we are working through. The driver's license is your proof of your ability to drive a certain class of vehicle and your qualification to do so but for the last 10 years or so it has become your primary source of identification. We really serve two masters and we have two purposes. Trying to clarify what we use the license and the ID card for is a very important issue by itself. If we use this for the purposes of voting then how does that fit in? That is why we do not for example determine citizenship and we do not have a way of saying that the person actually lives at the residence they provide without actually going out to their house and spying on them. So, how much do you use that for. It is a good philosophical conversation.

Senator Flakoll: Can you electronically "kill" a card?

Glynn Jackson: We do not at this time. There will be a system coming out probably early next year in which someone can take the card and you can scan that and it basically will send for information from our database and ask for a yes/no. Another words it is asking if all the information is accurate. It validates if it is a North Dakota license and if the information is accurate. So that could be used in a poll environment. If we had that in place, if we needed to we could terminate a driver's license or ID for some purposes and it would return a no answer. The federal government does not have the ability to suspend a North Dakota driver's license. The courts in any jurisdiction can send us information but we can then evaluate and act on to suspend someone's priveledges.

(51:05) Chairman Dever: Closed the hearing on HB 1333.

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1333
4/2/2015
Job # 25748

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened HB 1333 for committee discussion. I think this was pretty straight forward. One of the major changes in this is that it eliminates student certificates but as we have discovered in various conversations that it is pretty easy to call DOT and give them a new address.

Senator Cook: I have a note that the bill needs to be amended in two places. I do not think that an expired driver's license should be a valid form of ID, and second I had an issue with the language on disability. My mother in law would fit in that category but she still does not have a problem voting. If she is just filing for an absentee ballot because she cannot get to the poll either. If she cannot get a driver's license she cannot get to the poll which means she is going to file for an absentee ballot and she needs no proof of Identification. She needs to sign her name. If I signed her name then she would need an attester.

Senator Nelson: I have a problem of postal address change form too. If you pick them up at the post office and fill one out you can put in any address you want.

Chairman Dever: I was thinking the Secretary of State was going to get us some information on that but I have not heard anything.

Senator Nelson: About 10 days later you get a letter from the centralized distribution office saying that they received our card and this is now where you live. If that is what they mean but that is not what this says.

Senator Flakoll: Noting that we have a number of studies that we will probably be doing on this topic this seems that we may have put the cart before the horse. **Moved A Do Not Pass.**

Senator Nelson: Seconded.

Chairman Dever: The one provision that I was focused on was the fact that college students would have to use their driver's license to vote.

Senator Cook: I am wondering if the cart before the horse is worse than the camel's nose under the tent?

A Roll Call Vote Was Taken: 5 yeas, 2 nays, 0 absent.

Motion Carried.

Senator Poolman will carry the bill.

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1333
4/2/2015
Job # 25752

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened HB 1333 for committee discussion.

Senator Poolman: Moved to reconsider committee action.

Senator Marcellais: Seconded.

A Voice Vote Was Taken: All were in favor.

Motion Carried.

Senator Poolman: Moved to Amend by removing all of the new language on Line 19 to Line 25 and to strike "or expired" on Line 27.

Senator Marcellais: Seconded.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 1 absent.

Motion Carried.

Chairman Dever: Is there any further discussion?

Senator Cook: Asked a question regarding language on Page 3, Line 23.

Chairman Dever: If they do not satisfy the 30 day residency requirement they are in the incorrect precinct.

Senator Cook: I don't think it hurts anything.

Committee Discussion: The committee discussed the problems with people moving and not realizing that they had changed voting districts. They also reviewed the student ID issue. The students can contact DOT with their current address as long as it is 30 days prior in order to vote.

Senator Poolman: In response to comments on the student ID, I would say that the only exception that we need to have is that long term care certificate and the reason that I like that is because we put people in long term care facilities because they are incapable of taking care of themselves. College kids are perfectly capable of taking care of themselves. I don't think we should carve them out and give them an exception if we are trying to teach them to be civically minded and we are trying to teach them to be responsible adults. Can't we just keep the same expectation that everyone else has and do all sorts of education relating to absentee voting etc. There are other ways to do it rather than the certificates. The certificates were confusing.

Chairman Dever: I think the colleges could do some publicity on voting.

Senator Nelson: I do not disagree with that. I just have an awful lot of college student voters.

Senator Flakoll: It is tough on poll workers, watchers, and judges when we did make some of these changes. Really it seems like there was a lot of different interpretations on what could and could not be done. Some of these things were done on the fly and modified on the fly. I think that is where the challenge has come in. If I were to vote for this bill it would probably be to get it into the conference committee. We always run the possibility that they could concur.

Senator Poolman: Moved a Do Pass As Amended.

Senator Marcellais: Seconded.

A Roll Call Vote Was Taken: 4 yeas, 2 nays, 1 absent.

Motion Carried.

Senator Poolman will carry the bill.

15.0687.02001
Title.03000

Adopted by the Government and Veterans
Affairs Committee
April 2, 2015

ET
04/02/15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1333

Page 2, line 19, remove "If the identification provided does not verify that"

Page 2, remove lines 20 through 24

Page 2, line 25, remove "and which is from a date thirty or more days before the election."

Page 2, line 27, remove "or expired"

Renumber accordingly

4/2

Date:
Roll Call Vote #:

1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1333

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Flakoll Seconded By Nelson

Senators	Yes	No	Senators	Yes	No
Chairman Dever		✓	Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison		✓			
Senator Flakoll	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Poolman

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

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1333**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Poolman Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Dever			Senator Marcellais		
Vice Chairman Poolman			Senator Nelson		
Senator Cook					
Senator Davison	AB				
Senator Flakoll					

voice vote

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

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

Date: 4/2
 Roll Call Vote #: 2

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1333**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: Line 19 Remove all new language to Line 25
Line 27 strike or expired

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Podman Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	AB				
Senator Flakoll	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

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

4/2
3

Date:
Roll Call Vote #:

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1333

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 15.0687.02001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider

Motion Made By Poolman Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson		✓
Senator Cook	✓				
Senator Davison	AB				
Senator Flakoll		✓			

Total (Yes) 4 No 2

Absent 1

Floor Assignment Poolman

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

REPORT OF STANDING COMMITTEE

HB 1333: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1333 was placed on the Sixth order on the calendar.

Page 2, line 19, remove "If the identification provided does not verify that"

Page 2, remove lines 20 through 24

Page 2, line 25, remove "and which is from a date thirty or more days before the election."

Page 2, line 27, remove "or expired"

Renumber accordingly

2015 TESTIMONY

HB 1333

Boehning, Randy G.

1535

1-29-15

From: Jackson, Glenn E.
Date: Friday, January 23, 2015 10:31 AM
To: Boehning, Randy G.
Subject: ID Card Data

Hi Rep. Boehning,

In response to your question, we generated the following number of ID's in the past three fiscal years. As you can tell, the number increased the past two fiscal years.

FY12 – 14,026 (Last year in which all licenses were paid for)
FY13 – 16,354
FY14 – 18,742

Let me know if you have other questions.

Glenn Jackson
Director, Driver's License Division
ND Dept. of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700
W: (701) 328-4792
F: (701) 328-2435
gjackson@nd.gov

1335 #2
1-29-15

Local government entities that receive federal safety funds:

Currently 54 law enforcement agencies receive federal safety funds. *Please see Attachment A.* This list may change as we continue to contract with local entities.

Information about the link between the Traffic and Criminal Software (TraCS) program and Criminal Justice Information Sharing (CJIS) system:

The TraCS system is what is in the field to gather both crash and citation data. This data is fed into a system called TraCS web which is managed by DOT. The DOT gathers the information submitted by the officers. The DOT by agreement shares the information, both citations and crashes with CJIS. The DOT also shares the citations with the North Dakota court system. *Attachment B* provides a diagram illustrating the connection between the TraCS program and CJIS system.

Branch office locations that are issuing titles:

Beulah, Devils Lake, Dickinson, Fargo, Grand Forks, Rugby and Wahpeton.

Number of online renewals:

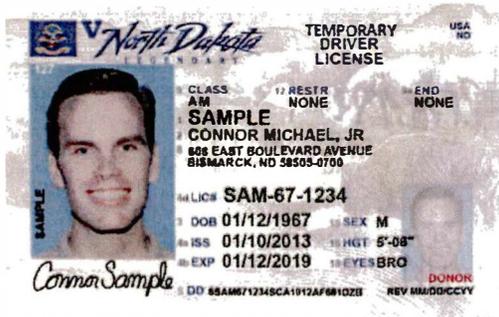
As stated in testimony, approximately 25% of the motor vehicle renewals are completed online each year. The number of online renewals in 2013 was approximately 212,000 and in 2014 there were approximately 227,000.

Does the DOT issue drivers licenses to aliens:

Following North Dakota Century Code, the DOT issues temporary licenses as stated in NDCC 39-06-19(4)

“An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, a pending application for asylum in the United States, a pending or approved application for temporary protected status in the United States, approved deferred action status, or a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent residence status in the United States will be issued a temporary operator's license or nondriver photo identification card. The temporary operator's license or identification card is valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year. The license or card may be renewed only upon presentation of valid documentary evidence that the status has been extended.”

This type of license has “Temporary Driver License” included on it – see example below:



The DOT also follows Century Code in the two areas listed below:

39-06-07.1

“Proof of name, date of birth, and legal presence for operator's license application. An applicant must verify the applicant's name, date of birth, and legal presence on any application by a certified birth certificate or any other documentary evidence that confirms to the satisfaction of the director the true identity, date of birth, and legal presence of the applicant.”

39-06.2-06 Commercial Driver’s License Required (5)

“Pursuant to the limitations imposed by 49 CFR part 383.3, the required knowledge and skills tests may be waived and a restricted commercial driver's license issued for a single period of one hundred eighty days or two periods of ninety days within a twelve-month period to employees of agrichemical businesses, custom harvesters, farm retail outlets and suppliers, including retailers and suppliers of trees, and livestock feeders.”

Does a temporary driver’s license prevent aliens from voting in an election:

All temporary drivers licenses issued to aliens are labeled as temporary based on documented status provided by the U.S. Department of Homeland Security (DHS.) However there are some aliens who have permanent status in the U.S. based on DHS documents so their drivers license does not list them as temporary. The DOT is working with the Secretary of State’s office and legislative members to see what changes can be made in the database to assist voting officials in identifying individuals that have permanent status in the U.S., but are not eligible to vote.

Will the new Vehicle Registration and Titling System (VRTS) change the look of our titles and motor vehicle registration cards:

We do not anticipate that the documents themselves will change significantly with the new VRTS system.

Motor Vehicle registration information follows NDCC 39-04-02(1):

“Application must be made by the owner thereof using the legal name as evidenced by a valid state-issued driver's license, identity card, or any other documentary evidence that confirms to the satisfaction of the director the true identity of the owner, upon appropriate forms approved or furnished by the department, and every application must be signed by the owner and must contain the owner's county of residence, address, and a brief description of the vehicle to be registered, including the name of the maker, either the engine, serial, or identification number, if any, whether new or used, and the last license number known, and the state in which issued, and, upon the registration of a new vehicle, the date of sale by the manufacturer or dealer to the person first operating the vehicle. When two or more owners are designated, at least one of the owners must comply with the identification requirement in this subsection and all names used must be legal names. The application must contain other information as may be required by the department.”

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Contact us: (701) 845-0463



HELLO Barnes County

From Dallas Dockter Valley City, ND, USA

County ^{TT 5 17 22} ¹⁻²⁹⁻¹⁵ **Worker Questions Firing**

By Paul Riemerman trditor@times-online.com

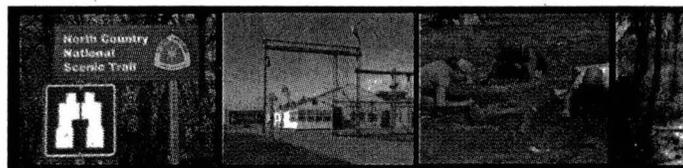
Former Barnes County employee Karen Christenson appeared before Barnes County Commissioners Jan. 20 to discuss precinct voting issues after she was terminated by Barnes County Auditor Beth Didier.

Barnes County Commissioner John Froelich said Didier reported she was terminated for insubordination after she raised questions to Didier about "perceived voting irregularities by Valley City State University students."

Froelich said commissioners took no action on Christenson's request, and as an elected official, Didier makes her own decisions on who works in her office.

Didier was not available Monday, and an office employee said she would not be in the office the entire week.

Barnes County State's Attorney Carl Martineck said Monday his office goes **COUNTY, Page 2**



Explore **THE SHEYENNE** Up And **2015** **2015**

COUNTY

From 1

with guidelines from the North Dakota Secretary of State that "the name of the dorm and a room number is sufficient" for identifying a student's eligibility for voting.

Martineck said under state law, college students of voting age have the option of voting either at their home address or where they are attending college.

A letter Christenson wrote about her situation said, "When I came into work this past Monday morning, Jan. 12, I found an envelope propped on my keyboard with my name and address on it. It was an insubordination/termination letter stating I was being released because it was the consensus of the group that my behavior constitutes insubordination."

According to Christenson, "I worked at the Barnes County Auditor's Office for 3 years and have worked closely with the election and election officials in the County. Since my employment, I took it upon myself to post the voter credits into the Central Voting File in order to upload to the state as a permanent record. Shortly after the election I read several articles in the regarding problems with Voter ID's including Grand Forks, Cass and Barnes Counties. Secretary of State, Al

Jaeger cited NDCC 16.1 in a Fargo Forum opinion article, dated November 11, 2014."

"After I read those articles, I decided to do some checking on our poll books to make sure they were in compliance with correct voter names, Addresses and so on. I found many issues in Precinct No. 3 and few in precinct 4, which I addressed in the emails I sent each one of you on Tuesday, Jan. 13, of this past week. I am hoping you had time to review them. In this email I outlined the issues I saw and addressed them to our Barnes County Auditor Beth Didier, North Dakota Voting Facilitator John Arnold, Deputy Auditor Julie Mindt and Barnes County Commission Chairperson Cindy Schwehr, and eventually Barnes County State's Attorney Carl Martineck. I became concerned about using Dorm names and room numbers as a street address because this didn't appear to be a complete mailing address as specified in NDCC 16.1. One of the student ID Certificate's had only a PO Box Number; many had dorm names and room numbers only, which is not acceptable according to The 2014 Election Officials Manual on Page 8, (where it says a PO Box is not acceptable). I tried to enter these addresses as John Arnold requested but found I could not save the

file because it would not generate a precinct number in CVF. When I tried to talk to Beth Didier she basically instructed me to alter the voter information into the CVF (refer to emails). I was verbally told not to make a bigger issue out of this than it is. I was very concerned about doing this and the penalties involved that are outlined in NDCC 16.01-02-16. I stated I didn't feel comfortable or right in altering the records. I emailed Ms. Didier on Wednesday, Jan. 7 stating I would feel more comfortable if she contacted our State's Attorney Carl Martineck to see if he would be able to help us with this matter. I did not receive any more contact from her regarding this matter until my termination letter. John Arnold quit contacting me after I sent him the requested TR article "Poll Worker Seeks Guidance."

Christenson wrote, "In my opinion, the student certificates did not prevent voter fraud as it was intended to do, but rather it appears they created a potential for voter fraud. ...

"I suggest a total elimination of paper voter ID's, namely (college student Ids and Long Term Care Certificates) and replace them with plastic voter ID cards similar to or exactly like a non-driver's license ID card which are already in use by some voters."

ALVIN A. JAEGER
SECRETARY OF STATE

PAGE www.nd.gov/sos



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

January 29, 2015

TO: Chairman Jim Kasper and members of the House Government and Veteran's Affairs Committee

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

RE: HB 1333 – Qualification of Electors and Voter Identification

This bill is an enhancement to what became law after the last legislative session. It would establish in law the approved forms of identification and provide for additional methods by which voters can prove a new residence if the address listed on the voter's identification is no longer correct.

Section 1, page 2, lines 11 and 12: This change links the voting requirements and qualifications to the voter identification requirements detailed in 16.1-05-07 and 16.1-07-06.

Section 2, page 2, lines 19 through 26: The change allows for additional methods for individuals to provide proof of residence when the residential address on the individual's identification is out-of-date. These methods include a United States postal service change of address form, a bill of any kind, or bank statement. These items must include the voter's name, residential address, and be dated thirty or more days before the election.

Section 2, page 2, line 27: This change adds that a voter's expired driver's license or nondriver identification card issued from the ND Department of Transportation (DOT) is a valid form of identification if the information included on the card is still correct or the voter provides any of the allowable additional information to verify residence within the precinct.

Section 2, page 2, lines 28 and 29: This deletion reflects that driver's licenses and nondriver identification cards issued by the ND DOT are the two approved forms of identification issued by the state.

Section 2, page 3, line 1: The long-term care certificate would be the only remaining valid form of identification prescribed by the secretary of state.

Section 2, page 3, lines 4 through 9: A passport or military identification card is a valid form of identification for uniformed service members, qualifying family members stationed away from the individual's residential address, or for qualified electors living outside of the United States.

Section 2, page 3, line 23: This change clarifies that a voter must reside in the precinct for thirty or more days before the election and if the thirty-day residency is not met, the voter may vote in the voter's previous precinct of residence.

Section 3, page 4, lines 16 through 21: This change clarifies the identification requirements that must be provided on an absentee or mail ballot application form.

Section 3, page 4, lines 28 through 30: This change clarifies that voters living with a disability that prevents the individual from obtaining a valid form of identification are the only individuals for whom the attester is a valid alternative.

Section 3, page 5, lines 2 and 3: Restricts individuals to act as an attester for no more than 4 applicants.

We request your favorable consideration and a do pass recommendation.

4 1333
1-29-15
PHONE (701) 328-2900
FAX (701) 328-2992
E-MAIL sos@nd.gov

5 1533 1-29-15



ABSENTEE/MAIL BALLOT APPLICATION
SECRETARY OF STATE
SFN 51468 (01-2014)

For Office Use Only
Precinct Part

For reference, see North Dakota Century Code, Chapter 16.1-07.

Application must be for at least one of the following elections:

<input type="checkbox"/> June (Primary) Election	OR	<input type="checkbox"/> All Statewide Elections	<input type="checkbox"/> City Election
<input type="checkbox"/> November (General) Election		<input type="checkbox"/> School Election	<input type="checkbox"/> Special Election

Applicant Information: (ALL FIELDS REQUIRED)

Voter's Name	Date of Birth	Daytime Telephone Number	ID Number (check valid ID type below)
North Dakota ID Type:			
<input type="checkbox"/> Driver's License	<input type="checkbox"/> Non-driver's ID	<input type="checkbox"/> Long Term Care Certificate	<input type="checkbox"/> Student ID Certificate
<input type="checkbox"/> Tribal ID	<input type="checkbox"/> Passport or Military ID (only for voters outside the United States)		<input type="checkbox"/> Applicant Without ID*
Residential Address	City	State	ZIP Code
Ballot Delivery Address (if different from residential address)	City	State	ZIP Code
I do solemnly affirm that I have resided or will reside in the precinct, where my residential voting address is located, for at least thirty days next preceding the election and will be a qualified elector of the precinct.			
Signature of Applicant			Date

Applicant Unable to Sign:

If the applicant is unable to sign the applicant's name, the applicant shall mark or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the "X" or using the signature stamp below the "X" or signature and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

<input type="checkbox"/> Voter's Mark	Printed Name of Person Making Mark or Voter's Signature Stamp
	Signature of "Witness to the Mark"

***Applicant Without ID:**

If the applicant does not possess an approved form of identification, another qualified elector of the state may attest that the applicant is a qualified elector of that precinct by signing below and providing his or her approved North Dakota identification number.

Printed Name of Attester		Driver's / Non-driver's / Tribal ID Number
Signature of Attester	Date	Daytime Telephone Number

Active Military and Overseas Voter:

Check **ONE** (if applicable):

Citizen living outside of the United States

Uniformed service or family member living away from the voter's residence, yet **within** the United States

Uniformed service or family member living away from the voter's residence, yet **outside** the United States

one of the check boxes above applies to you, please indicate your preferred ballot delivery method:

Mail Email (provide email address): _____ Fax (provide fax number): _____

Mail or Submit to the Auditor of Your County of Residence or Appropriate Election Officer

3. The complete mailing address of the individual, if different from the individual's residential address.
4. The unique identifier generated and assigned to the individual.
5. A designation showing whether the individual's ability to vote in a precinct has been inactivated as a result of death or because the individual is no longer a resident of the precinct according to section 16.1-01-04.
6. The county, legislative district, city or township, school district, county commissioner district, if applicable, precinct name, and precinct number in which the individual resides.
7. Beginning in 2008, four years of an individual's voting history, if applicable.
8. Date of birth.
9. The individual's driver's license or nondriver identification card number issued by the department of transportation.
10. Any other information requested of and obtained from the individual deemed necessary by the secretary of state for the proper administration of the central voter file.

16.1-02-13. Information contained in pollbooks generated from the central voter file.

The county auditor shall generate a pollbook for each precinct in the county from the central voter file by the day before an election. With the exception of a record designated "secured active" and the voter's birth date and driver's license or nondriver identification card number issued by the department of transportation, which are exempt records, the precinct pollbooks are open records under section 44-04-18. The secretary of state shall prescribe procedures for generating pollbooks and for transporting the pollbooks to the election judges for use on election day. Pollbooks generated from the central voter file must contain the following information for each individual contained therein:

1. The complete legal name of the individual.
2. The complete residential address of the individual.
3. The complete mailing address of the individual, if different from the individual's residential address.
4. The unique identifier generated and assigned to the individual.
5. The county, legislative district, city or township, school district, county commissioner district, if applicable, precinct name, and precinct number in which the individual resides. A ballot-style code identifying this information may be used in place of the information required by this subsection.
6. Any other information requested of and obtained from the individual deemed necessary by the secretary of state for the proper administration of the pollbook.

16.1-02-14. Voter lists and reports to be made available for jury management.

By February first of each year, the secretary of state shall transmit information from the central voter file to the state court administrator for the purpose of compiling the master list of jurors under chapter 27-09.1.

16.1-02-15. Voter lists and reports may be made available for election-related purposes - Funds received.

Except as otherwise provided by law, a voter list or a report generated from the central voter file may be made available to a candidate, political party, or a political committee for election-related purposes. Any information obtained by a candidate, political party, or political committee for election-related purposes from a list or report generated from the central voter file may not be sold or distributed for a purpose that is not election-related. Except for information identified in the central voter file under subsections 1, 2, 3, 4, 5, 6, 7, and 10 of section 16.1-02-12, which may be made available to a candidate, political party, or political committee for election-related purposes, information in the central voter file is an exempt record. An individual's record that is designated as "secured active" is an exempt record and is not available to any candidate, political party, or political committee for any purpose. Any funds

61333
1-29-15

Testimony to the:
House GVA Committee
1/29/15
Prepared by:
North Dakota Association of Counties

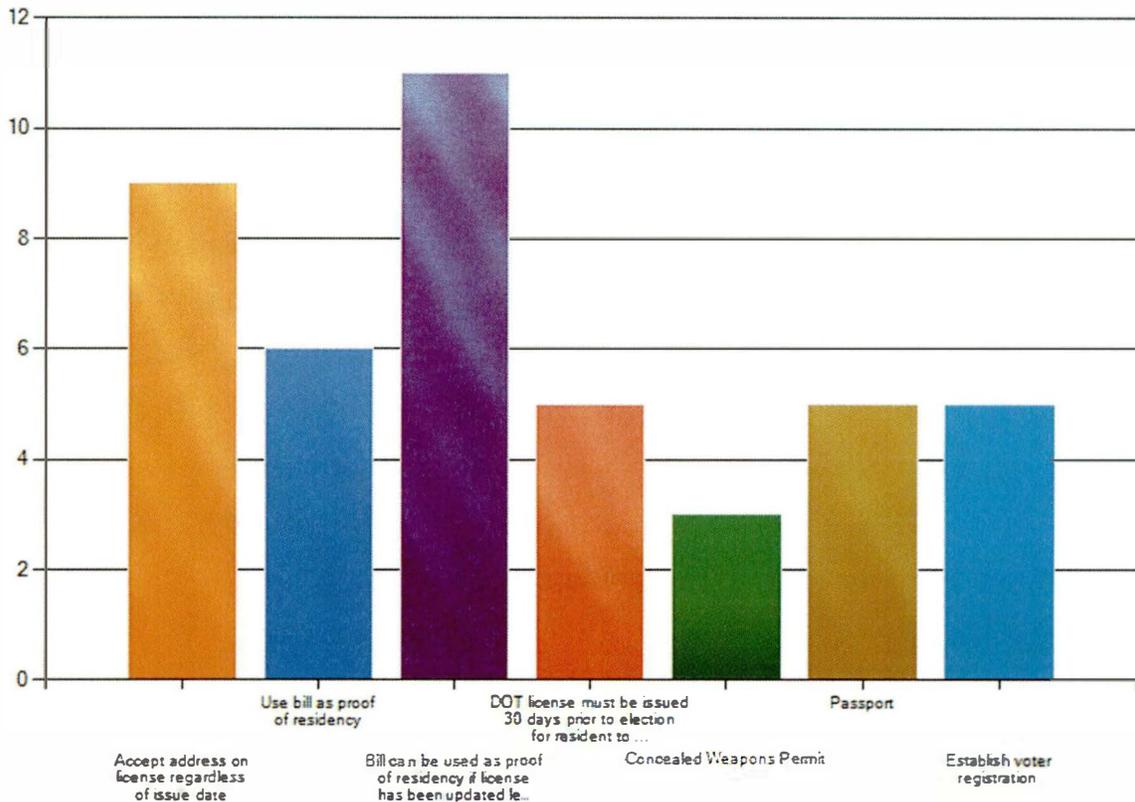
HB 1333: Voter ID Requirements

Chairman Kasper and committee members, I'm Donnell Preskey Hushka with the North Dakota Association of Counties. In my role with NDACo, I serve as the Executive Director of the County Auditors Association. As you know it is our 53 County Auditors who run the local elections. After the past election, it was obvious tweaks are needed to the way the current Voter I.D. law was administered. The auditors are supportive of that effort and offer suggestions which could improve their overall support of House Bill 1333.

First let me provide you with some feedback from the auditors following the election. It was no secret, there were more voters turned away during the last election than in the past because they didn't meet the requirements set forth by the Secretary of State's office. Following the election we surveyed the auditors, 25 of them responded. According to their responses there were around 1200 voters in those counties who were turned away due to improper voter ID. In most cases, voters failed to update their licenses prior to the 30 days before the election, or had not updated their address at all. In prior elections, a utility bill could be provided to prove residency but that was not the case in 2014. In the survey we asked Auditors for their opinion on how the 30 day residency should be proven. As you can see, from their responses, allowing a bill to be used ranks highest. And remember, these are the people who hire and train poll workers and execute our elections.

P. 2

In your opinion how should 30 day residency be proven? Choose all that apply



Now I will highlight a number of the concerns auditors have raised in regards to voter id requirements.

- 30 day residency: Auditors question if using the issue date printed on driver's licenses is the best method for proving 30 residency. What if a resident renews their license on October 30th, and let's say he isn't in the poll books because he hasn't voted in recent years. That long-time resident will have to bring a bill to prove his residency? Our county auditors train poll workers to ask two questions: "Are you a U.S. Citizen?" and "Have you lived in this precinct for 30 days?" Auditors say this method works fine.

- Use of “expired” license: It is the auditors’ belief that an expired license should not be honored as a valid form of I.D. When something is “expired” it usually means it is no longer valid.
- Use of Passport: Auditors question the use of a passport as a valid form of ID. A valid ID is needed when applying for a passport, however addresses are not listed on American passports.
- Term “Bill”: Auditors would like to see the term bill clarified – as it stands now its definition is loose.
- Student Certificates: Auditors are disappointed to see that Student Certificates will no longer be an acceptable form of identification and urge you to consider amending that into this bill. The Auditors, especially those who serve the college towns, say the certificates worked well. To quote Cass County Auditor Mike Montplaisir, “They were good for the students and good for election workers.”

If the use of a bill as laid out in Section 2 is intended to help students vote, then Auditors want to make sure Line 20 on Page 1 does not jeopardize that. It states: *“For the purpose of this title, an individual may not be deemed to have gained or lost a residence solely by reason of the individual’s presence or absence while enrolled as a student at a college, university, or other postsecondary institution of learning in this state.”*

Auditors appreciate that the acceptable forms of identification like the long-term care certificates and Tribal ID’s are codified in state law so there is no misunderstanding on behalf of the public, candidates or

election officials. This step makes it clear what the rules are. And again, we would urge you to do the same for the Student Certificates.

On a personal note, I served as a poll worker during the general election. It was very disheartening to turn away well-intended citizens who were trying to exercise their right to vote. In your review of these bills that deal with voting, think about the hundreds of people who step up during our election to fill the role of a poll worker. And believe me, none of them enjoyed telling voters they would not be allowed to cast a ballot.

We hope you consider the recommendations coming forth from the auditors because they truly are the experts at this. They are the ones who recruit poll workers, train them and run the elections. While we offer suggestions to HB 1333; auditors say the proposal is better than the current law.

Written Testimony To
THE HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
Thursday, January 29, 2015 by
Michael Montplaisir, Cass County Auditor
Cass County Government

#17 1333
1-29-15

REGARDING HOUSE BILL 1333

Mr. Chairman and members of the House GVA Committee, I am Michael Montplaisir, Cass County Auditor and have worked in elections for over twenty five years. House Bill 1333 is a welcome clarification of state law concerning the voter identification issue and will put into law what is acceptable so voters, candidates, and election workers do not need to rely on interpretations from state and local election officials or state's attorneys.

In Section 2, on page 2, of the bill in lines 19 through 25 it addresses identification that is issued less than thirty days before the election and the fact that they can bring a bill, bank statement, or United States postal service change of address form. This puts the person who has a driver's license that expires within that thirty day period with either the option of renewing their license early, or perhaps driving on an expired license until after the election so that they can vote without having to bring in a bill or bank statement to prove that they have lived where they have lived and voted for perhaps years. Quite frankly, they are not going to realize that they need an additional form of identification because they have not moved recently and have only been issued a new license because of their birth date. This is going to create confusion and resentment with voters who are told that they have to go home and get another form of identification.

There is a simple solution. Drop the thirty day issue requirement and ask every voter, as we already do: Have you lived in your precinct for the thirty days preceding the election? North Dakotans are honest and will tell you if they have moved within the last thirty days. We had people in the last General Election who were told that they had to go to their previous precinct in order to vote because their identification had not been updated. They were upset, they said they could not go to their old precinct and lie, either expressly, or implied, by voting in a precinct that they hadn't been living in during the preceding thirty days. I had a very nice lady at my counter who had moved to Fargo from Richland County on

October 1st last year. She came to our office because she was going to vote absentee in Richland County but said she couldn't fill out the absentee application and state that she lived in a precinct that she had not lived in the thirty days preceding the election – that is integrity and I believe most North Dakotans feel the same way.

Unfortunately, in the last election our poll workers had to tell some people that their only option to vote was to go and vote in another precinct where they no longer met the residency requirements. That precinct may have been in a different legislative district, or even in a different county.

Also in Section 2, on page 3, lines 1 through 3 the language takes out “An alternative form of identification” and replaces it with “A long-term care certificate”. I agree with specifying what alternative forms of identification are allowed, however, in the last election cycle another alternative form of identification was authorized. The Student Identification Certificate was authorized by the Secretary of State. This was a widely used method of identification for our college students and was convenient for both the students and the election workers. If a student lives in the dorm, they may not have bill that they can use for the address verification and they typically would not redirect their mail through a change of address with the U.S. Post Office. They also don't typically change their driver's license to the college address because they move almost every year. These are students that we encourage to come to the college towns to get an education, encourage them to get part time jobs in the local economy, encourage them to support the local economy with their spending. Also, in Fargo we depend on college students to help us with the periodic flooding. Let's not make it harder for them to cast their ballot in our elections. Let's codify the Student Identification Certificate as we are doing with the Long-Term Care Certificate. Make it so the student can use the Student Identification Certificate in combination with their North Dakota issued driver's license or nondriver identification card mentioned in Section 2 of Page 2, line 27.

I urge you to give HB 1333 a do pass with some consideration of the issues that have been raised.

8 1333
1-29-15

**TESTIMONY TO THE
HOUSE GOVERNMENT and VETERANS AFFAIRS COMMITTEE**
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer
1/29/15

HOUSE BILL 1333

Mr. Chairman and members of the committee, this testimony is in opposition to HB1333 in its present form – I do however, see a real need to fix what we presently have. To this end I firmly believe that we should start addressing the real issues we have with voting in ND – residency and Registration.

Mr. Chairman the source of the current problems ND has experienced with elections is that we have made the ND DOT the gate keeper of elections in ND. We have made the Central Voter file a quasi- voter registration system (see attached).

Current law requires potential voters to show ID which includes the residential address and date of birth – for most people this is a driver's license (with this proposal even an EXPIRED driver's license) and for the life of me I do not understand how an EXPIRED driver's license is acceptable for voting purposes. Webster's definition of expired is: *to no longer be valid after a period of time.*

One of the issues with the current system is that the Driver's License Division does not verify residential addresses – I have attached examples of Driver's License Address Changes in Burleigh County that are not for residential addresses and for some addresses that do (or did) not exist at the time of the election.

Allowing a bill or bank statement to prove residency is tenuous – I can direct a bill or bank statement to be sent anywhere. I believe this section is intended to provide access for college students. Maybe we should follow existing law regarding college students:

ND16.1-01-04. Qualifications of electors.

5. For the purposes of this title, an individual may not be deemed to have gained or lost a residence solely by reason of the individual's presence or absence while enrolled as a student at a college, university, or other postsecondary institution of learning in this state.

Why do we treat college students differently? Why do they get to choose which address they can use at any given election?

Allowing passports as ID does not satisfy ND Statute as Passports do not include a residential address.

P. 2

In regards to the "attester" (pg 4 line 28) – what does "or cannot secure mean"? If a person shows up at the auditor's office to request an absent voter's ballot without an ID – should I assume that same person could have went to DOT and acquired a nondriver ID card? Does this mean that person is ineligible to vote? Further why does this proposed legislation not limit those who can certify qualifications to include candidate, relative of candidate, employer or agent of an employer similar to the limitations placed on agents for absentee ballots?

Mr. Chairman – I am hoping at least some of these issues can be resolved for the betterment of elections in ND!

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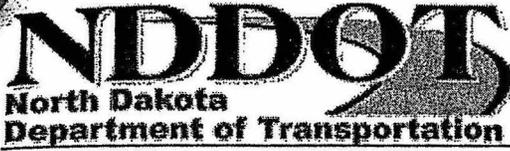
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WAGERING.
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North Dakota

nd.gov Official Portal for North Dakota State Government



Drivers License Address Change
Drivers License Online Services

Address Change

Name	Address	Action
[REDACTED]	547 S 7TH ST BISMARCK, ND 585045859	Change Resident Address Add Mailing Address

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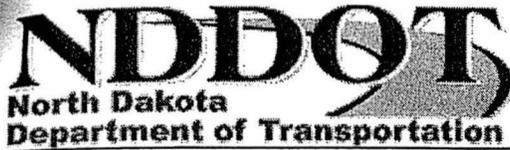
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Drivers License Address Change
Drivers License Online Services

Address Change

Name	Address	Action
[REDACTED]	301 E THAYER AVE BISMARCK, ND 585014017	Change Resident Address Add Mailing Address

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P. 7

North Dakota

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Drivers License Online Services

Address Change

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Aaron Weber
NDSU Student Government
HB 1333 Testimony

9
1333
1-29-15

Good morning Chairman Kasper and members of the committee. For the record my name is Aaron Weber, and I serve as the Executive of Governmental Relations for NDSU Student Government. I am here on behalf of the nearly 15,000 students of NDSU to speak in opposition to HB 1333.

HB 1333 would eliminate the provision in section 16.1-05-07 subsection 1 subsection c allowing the Secretary of State to prescribe a form of identification if "the individual does not possess an official form of identification provided for under subdivision a or b." This provision is what allowed for the implementation of the student voting certificate in the most recent election. Eliminating this provision would only disenfranchise a student's right to vote. For this reason, NDSU Student passed a resolution supporting the inclusion of the student voting certificate in North Dakota Century Code.

We were very pleased to see that during the 2013 session several members of this committee were concerned with how the new voter ID law would impact students. They committed to ensuring that no one was disenfranchised and that every student was able to vote in North Dakota. And for that we thank. However, we were disheartened to see this piece of legislation come forward.

Out of that concern for the voting accessibility of students came the provision, which allowed the Secretary of States office the ability to adopt a process in which the student voting certificate would be an approved form of identification.

While we recognize that the student voting certificate was a not flawless solution to provide students the right to vote, we feel that many of the problems could be addressed by better education of students. This could come from the combined efforts of the Secretary of States Office, The University System, individual campuses, and individual campus student governments.

As a democratic governing body, NDSU Student Government believes the ability to vote is a fundamental right for all students. For this reason, NDSU Student Government opposes the passage of HB 1333. I will stand for any questions the committee may have at this time.

SR-13-15

A Resolution Supporting the Inclusion of the Student Voting Certificate in North Dakota Century Code

Whereas, voting is recognized as being a natural and fundamental right to all United States citizens, and

Whereas, North Dakota provides this right to all of its citizens including its students of higher education, regardless of state of previous residence, and

Whereas, currently there is no provision in North Dakota Century Code to guarantee this right to students, and

Whereas, during the 2014 election cycle the North Dakota Secretary of State included the Student Voting Certificate as an acceptable form of identification for college students wishing to vote, and

Whereas, the certificate provides potential to be the most effective form of identification for North Dakota students when voting, and

Whereas, combined with increased education and mandatory information updates on Campus Connection, the problems presented by the certificate in the 2014 general election could be remedied, therefore be it

Resolved, that NDSU Student Government supports the inclusion of the Student Voting Certificate in North Dakota Century Code, be it further

Resolved, that NDSU Student Government supports keeping the residency requirement at 30 days, be it further

Resolved, that NDSU Student Government will set this as a goal for the 2015 Legislative Session

Kelsey Klein
North Dakota Student Association
HB 1333 Testimony

#190
1333
1-29-15

Good morning Chairman Kasper and members of the committee. For the record my name is Kelsey Klein, I am the Director of Governmental Relations for the North Dakota Student Government Association. I am here this morning representing all 11 college institutions.

I stand before you in opposition of House Bill 1333 because we believe this would disenfranchise many students especially those from out of state. The proposed bill would no longer allow the Secretary of State to approve acceptable forms of identification and discontinue the option for students to use a voter certificate .

To echo previous speaker from NDSU student government, we encourage a do not pass on this bill. NDSA this last weekend passed a resolution in opposition of HB 1333 and I have included a copy of this resolution along with my testimony. Thank you for your time and I will stand for any questions from the committee.

SLAC- 13-1415

WHEREAS, NDSA recognizes that a student's right to vote is a fundamental part of their duties as an American citizen, and

WHEREAS, The NDUS Institutions attract multiple out of state students due to our world class education programs, and

WHEREAS, in the 2014 election student were granted the right to vote through the student voting certificate, and

WHEREAS, under the current vote ID Statue this provision has proven to be the most viable avenue for students to vote, and

WHEREAS, H.B. 1333 would eliminate the student voting certificate from being utilized in future elections, and

Whereas, NDSA recognizes that problems have existed in the past with the current Student Voting Certificate, and

WHEREAS, NDSA believes those problems could be addressed through improved educational campaigns from the collaboration of the secretary of state office, the NDUS office, individual institutions, and institutional student governments, Therefore be it

RESOLVED, that NDSA opposes the passage of HB 1333.

#1
1333
2-5-15

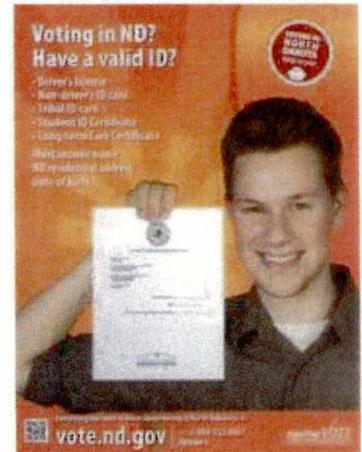
Students

What College Students Need to Know About Voting

College students busy with classes, tests and social lives can find it easy to overlook what's going on outside of campus life. Voting in the upcoming election is definitely among the more important events coming up, and something many students will want to put on their "to do" list.

There are two ways to vote - by mail or in person - and there are good reasons for each.

Voting Absentee/By Mail: Students may want to vote absentee because they have strong feelings about candidates or issues "back home" or simply prefer the convenience of voting by mail. To do so, simply complete an application to receive a ballot, which will be sent by mail. Absentee ballot applications are available online at vote.nd.gov.



Voting in Person: Students also have good reasons to prefer voting in person, such as voting local candidates or issues, or simply to have the experience of stepping into a voting booth to cast their vote. While driving to their home voting precinct on Election Day is certainly an option, for most students, this will mean voting in the precinct they live in during the school year.

The main thing to remember is that voters need to reside in their precinct 30 days prior to Election Day, and their ID needs to match up with that address. Most students already have a current state-issued driver's license or non-driver's ID. Tribal IDs are also acceptable if they show the current residential address.

Students voting in person in their college town have two options for their ID:

1. If the college address is temporary (moving back home after the school year) they need to get a Student Identification Certificate for voting. This certificate verifies a dorm or apartment as the residence. The Student ID Certificate is available by logging onto Campus Connection. The Student Voting Information link provides everything needed. A Student ID Certificate is necessary because, unlike a student photo ID, the Certificate includes residential address.
2. If the college address is permanent (not planning to move back home after the school year) then the student needs to update their state-issued driver's license or non-driver's ID. State law requires all drivers update their address within 10 days of moving anyway, and the good news is it's the driver's license update will change your voter record, so it's all done in one step. This, too, is found at vote.nd.gov.

To find your polling place, visit [this site](#) and type in your address.

For complete information about voting in North Dakota, visit vote.nd.gov.

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STUDENT IDENTIFICATION CERTIFICATE

Student's Full Name

Student's Address at College for 30 or More Days

Student's Permanent or Previous Address

Student's Date of Birth

Student's Signature _____

Date _____

Driver's License Number and State (if available) _____



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#1

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 20, 2015

TO: Chairman Dever and members of the Senate Government and Veteran's Affairs Committee

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

RE: HB 1333 – Qualification of Electors and Voter Identification

This bill is an enhancement to what became law after the last legislative session. It would establish in law the approved forms of identification and provide for additional methods by which all voters can prove a new residence if the address listed on the voter's identification is no longer correct.

Section 1, page 2, lines 11 and 12: This change links the voting requirements and qualifications to the voter identification requirements detailed in 16.1-05-07 and 16.1-07-06.

Section 2, page 2, lines 19 through 26: The change allows for additional methods for all individuals (including college and university students) to provide proof of residence when the residential address on the individual's identification is out-of-date. These methods include a United States postal service change of address form, a bill of any kind, or bank statement. These items must include the voter's name, residential address, and be dated thirty or more days before the election.

Section 2, page 2, line 27: This change allows an expired driver's license or nondriver identification card issued from the ND Department of Transportation (DOT) is a valid form of identification if the information included on the card is still correct or the voter provides any of the allowable additional information to verify residence within the precinct. This is useful for individuals who no longer drive.

Section 2, page 2, lines 28 and 29: This deletion reflects that driver's licenses and nondriver identification cards issued by the ND DOT are the two approved forms of identification issued by the state.

Section 2, page 3, line 1: The long-term care certificate would be the only remaining valid form of identification prescribed by the secretary of state. This is useful to individuals who move to a nursing home and no longer have a state-issued ID.

Section 2, page 3, lines 4 through 9: A passport or military identification card is a valid form of identification for uniformed service members, qualifying family members stationed away from the individual's residential address, or for qualified electors living outside of the United States.

Section 2, page 3, line 23: This change clarifies that a voter must reside in the precinct for thirty or more days before the election and if the thirty-day residency is not met, the voter may vote in the voter's previous precinct of residence.

Section 3, page 4, lines 16 through 21: This change clarifies the identification requirements that must be provided on an absentee or mail ballot application form.

Section 3, page 4, lines 28 through 30: This change clarifies that voters living with a disability that prevents the individual from obtaining a valid form of identification are the only individuals for whom the option of using an attester is a valid alternative.

Section 3, page 5, lines 2 and 3: Restricts individuals to act as an attester for no more than 4 applicants.

We request your favorable consideration and a do pass recommendation as these amendments will work for all residents of North Dakota.

Testimony to the:
Senate GVA Committee
3/20/15
Prepared by:
North Dakota Association of Counties

HB 1333: Voter ID Requirements

Chairman Dever and committee members, I'm Donnell Preskey Hushka with the North Dakota Association of Counties. In my role with NDACo, I serve as the Executive Director of the County Auditors Association. A majority of the group supports this bill because they see that it is a step in the right direction of clarifying state law concerning the voter identification issue. However, there are some auditors who oppose it because they believe flaws may be too numerous to fix. As a group we have decided to support HB 1333 but further amending would increase the auditor's support of this bill.

- "30 day requirement" (Section 2, page 2, lines 19-25) : Most of the problems voting officials observed during the prior election revolved around linking a voter's ID as being the proof of residency for at least thirty days before the election. The emphasis seems to be that the ID is issued thirty days before the election, not that the voter has lived in the precinct thirty days. Auditors say there is a simple solution. Auditors suggest dropping the language as listed in Section 2, page 2, lines 19-25 requiring documentation of 30 day residency. Poll workers currently ask voters two questions when they arrive to vote: Have you lived in your precinct for at least 30 days? Are you a U.S. Citizen? Auditors say this works fine. After all, we don't ask for further identification to prove citizenship. The thirty day requirement that the voter live

in the precinct is listed in Section 1, page 1, line 9 and that should suffice in clarifying voter eligibility.

- Term “bill” (Section 2, page 2, line 23): Auditors would like to see the term bill clarified. As it stands now its definition is loose and could easily lead to voter fraud. Think about the varying bills you receive. Is a bill from the bookstore just as legitimate as a utility bill?
- Use of “expired” license: (Section 2, page 2, line 27): Auditors have a difficult time understanding the logic behind honoring an expired license as a valid ID. When something is “expired” it usually means it is no longer valid.
- Student Certificates: Auditors are disappointed to see that Student Certificates will no longer be an acceptable form of identification and urge you to consider amending it into this bill. To address a concern that a student certificate would allow out of state students to vote in ND – you could allow a student to use a student certificate along with a North Dakota ID. This would allow North Dakota student from Beach to vote in Fargo while attending NDSU where they are residing the thirty days before the election.

Auditors appreciate that the acceptable forms of identification like the long-term care certificates and Tribal ID’s are codified in state law so there is no misunderstanding on behalf of the public, candidates or election officials. This step makes it clear what the rules are. And again, we would urge you to do the same for the Student Certificates.

In Section 3, page 4 lines 28 to 30, auditors wonder who this would apply to. Whom is so disabled that they can’t get out to secure an identification? Who makes that judgment, do they take the certification of the disabled individual that they cannot travel? Will they need certification by a physician? Are the auditors responsible for

investigating each of these and making a decision before issuing a ballot? Where the section was very vague, it is now so specific that virtually no one would qualify. A simple change would be to change “prevents” to “makes it impractical for” and make it clear that the both the individual applying for the ballot and the attester certifies that the voter is a qualified elector and it is impractical by reason of disability to obtain identification.

The auditors ask you to give their suggestions serious consideration as they are the professionals who operate the elections and have first-hand experience they are drawing from in making these recommendations

Written Testimony To
THE SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
March 20, 2015 by
Michael Montplaisir, Cass County Auditor
Cass County Government

#3
Pg 1

REGARDING HOUSE BILL 1333

Mr. Chairman and members of the Senate GVA Committee, I am Michael Montplaisir, Cass County Auditor and have worked in elections for over twenty five years. House Bill 1333 is a welcome clarification of state law concerning the voter identification issue and will put into law what is acceptable so voters, candidates, and election workers do not need to rely on interpretations from state and local election officials or state's attorneys.

In Section 2, on page 2, of the bill (lines 19 through 25) it says the ID must verify that the individual has resided at the address for thirty days. It seem the emphasis is now on the ID being issued thirty days prior to the election and not where the voter has resided. The voter may have lived at the address for ten years but if they renewed their license within the thirty day window of an election they have to bring in a bill to prove they have lived there for thirty days.

In the past election cycle we were able to rely upon the central voter file record which may have been updated through the agency match with the DOT data base. Currently people can update their address on the DOT web site, or call in and change their address which in turn updates the central voter file. We would then accept their license as proof of who they were and the central voter file information as to where they reside. As an additional safeguard we also asked them if they were residing at that address in the thirty days preceding the election.

It appears from the change in law this will no longer be accepted, that in order to avoid having to bring in a bill people will have to get a new physical license or non-drivers state issued identification with their updated address. This could go on for years, I believe the license is good for six years before it has to be renewed and a new license is issued. This makes the whole link between the DOT information and the central voter file un-necessary – regardless of if they have moved and updated the information on the DOT website or by phone, if they have not updated their physical ID they will have to bring in a bill to vote in the correct precinct as I read the change in law.

Unfortunately, in the last election our poll workers had to tell some people that their only option to vote was to go and vote in another precinct where they no longer met the residency requirements. That precinct may have been in a different legislative district, or even in a different county. The addition of the use of a bill or bank statement may help in this regard, however, I wish we could be more specific in the type of bill that would be acceptable.

Also in Section 2, on page 3, lines 1 through 3 the language takes out "An alternative form of identification" and replaces it with "A long-term care certificate". I agree with specifying what

alternative forms of identification are allowed, however, in the last election cycle another alternative form of identification was authorized. The Student Identification Certificate was authorized by the Secretary of State. This was a widely used method of identification for our college students and was convenient for both the students and the election workers. If a student lives in the dorm, they may not have bill that they can use for the address verification and they typically would not redirect their mail through a change of address with the U.S. Post Office. They also don't typically change their driver's license to the college address because they move almost every year. These are students that we encourage to come to the college towns to get an education, encourage them to get part time jobs in the local economy, encourage them to support the local economy with their spending. Also, in Fargo we depend on college students to help us with the periodic flooding. Let's not make it harder for them to cast their ballot in our elections. Let's codify the Student Identification Certificate as we are doing with the Long-Term Care Certificate. Make it so the student can use the Student Identification Certificate in combination with their North Dakota issued driver's license or nondriver identification card mentioned in Section 2 on Page 2, line 27.

Finally, in Section 3, on Page 4, lines 28 to 30 it addresses who can use another qualified elector to certify their qualification if they do not possess or cannot secure an approved form of ID "due to a disability with which the individual lives and which prevents the individual from traveling to obtain". I am not sure who this qualification would apply to and who makes that determination. As county auditor, do I have to somehow decide if the individual cannot travel to obtain an ID, does the applicant certify on the application that they have a disability that prevents them from traveling to obtain an approved form of ID?

I urge you to give HB 1333 a do pass with some consideration of the issues that have been raised.

**TESTIMONY TO THE
SENATE GOVERNMENT and VETERANS AFFAIRS COMMITTEE
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer
3/20/15**

HOUSE BILL 1333

Mr. Chairman and members of the committee, this testimony is in opposition to HB1333 in its present form – I do however, see a real need to fix what we presently have. To this end I firmly believe that we should start addressing the real issues we have with voting in ND – residency and Registration.

Mr. Chairman the source of the current problems ND has experienced with elections is that we have made the ND DOT the gate keeper of elections in ND. We have made the Central Voter file a quasi- voter registration system (see attached).

Current law requires potential voters to show ID which includes the residential address and date of birth – for most people this is a driver's license (even an EXPIRED driver's license) and for the life of me I do not understand how an EXPIRED driver's license is acceptable for voting purposes. Webster's definition of expired is: *to no longer be valid after a period of time.*

One of the issues with the current system is that the Driver's License Division does not verify residential addresses – I have attached examples of Driver's License Address Changes in Burleigh County that are not for residential addresses and for some addresses that do (or did) not exist at the time of the election.

Allowing a bill or bank statement to prove residency is tenuous – I can direct a bill or bank statement to be sent anywhere. I believe this section is intended to provide access for college students. Maybe we should follow existing law regarding college students:

ND16.1-01-04. Qualifications of electors.

5. For the purposes of this title, an individual may not be deemed to have gained or lost a residence solely by reason of the individual's presence or absence while enrolled as a student at a college, university, or other postsecondary institution of learning in this state.

Why do we treat college students differently? Why do they get to choose which address they can use at any given election?

Allowing passports as ID does not satisfy ND Statute as Passports do not include a residential address.

4
pg 2

In regards to the "attester" (pg 4 line 28) – what does "or cannot secure mean"? If a person shows up at the auditor's office to request an absent voter's ballot without an ID – should I assume that same person could have went to DOT and acquired a nondriver ID card? Does this mean that person is ineligible to vote? Further why does this proposed legislation not limit those who can certify qualifications to include candidate, relative of candidate, employer or agent of an employer similar to the limitations placed on agents for absentee ballots?

Mr. Chairman – I am hoping at least some of these issues can be resolved for the betterment of elections in ND!

Aaron Weber
NDSU Student Government
HB 1333 Testimony

Good morning Chairman Dever and members of the committee. For the record my name is Aaron Weber, and I serve as the Executive of Governmental Relations for NDSU Student Government. I am here on behalf of the students of NDSU to speak in opposition to HB 1333.

HB 1333 would eliminate the provision in section 16.1-05-07 subsection 1 subsection c allowing the Secretary of State to prescribe a form of identification if "the individual does not possess an official form of identification provided for under subdivision a or b." This provision is what allowed for the implementation of the student voting certificate in the most recent election. Eliminating this provision would only disenfranchise a student's right to vote. For this reason, NDSU Student passed a resolution supporting the inclusion of the student voting certificate in North Dakota Century Code.

We were very pleased to see that during the 2013 session several members of this assembly were concerned with how the new voter ID law would impact students. They committed to making voting as accessible as possible for students, and for that we thank you. However, we were disheartened to see this piece of legislation come forward. Out of that concern for the voting accessibility of students came the provision, which allowed the Secretary of States office the ability to adopt a process in which the student voting certificate would be an approved form of identification.

While we recognize that the student voting certificate was a not flawless solution to provide students the right to vote, we feel that many of the problems could be addressed by better education of students. This could come from the combined efforts of the Secretary of States Office, The University System, individual campuses, and individual campus student governments. That said, we respectfully ask that the bill be amended to include the student voting certificate as a valid form of ID.

NDSU Student Government believes the ability to vote should be accessible to all students. For this reason, NDSU Student Government opposes the passage of HB 1333. I will stand for any questions the committee may have at this time.