

**FISCAL NOTE**  
**Requested by Legislative Council**  
**01/16/2015**

Bill/Resolution No.: HB 1343

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Bill pertains to election related administrative matters. No fiscal impact.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

None

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

None

**Name:** Al Jaeger

**Agency:** Secretary of State

**Telephone:** 701-328-2900

**Date Prepared:** 01/18/2015

**2015 HOUSE POLITICAL SUBDIVISIONS**

**HB 1343**

# 2015 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

HB 1343  
2/6/2015  
23409

- Subcommittee  
 Conference Committee

*Amanda Muscha*

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

Relating to notices by the secretary of state.

### Minutes:

Testimony 1

Chairman Klemin: Opened hearing on HB 1343

Representative Seibel: This bill deals with language changes on recall elections.

John Arnold: Testimony 1

Representative Anderson: How many recall petitions do you have?

John Arnold: I will direct that to Leanne Oliver.

Leanne Oliver: Per Year there may be 10 and that deals with everything.

Representative Anderson: Does it repeal the sections it needs to?

John Arnold: In Section 5 yes

Representative Klein: Moved a do pass

Representative Zubke: Seconded

A Roll Call Vote Was Taken: Yes 12, No 0, Absent 2 (Koppelman and Maragos)

Motion carried

Representative Zubke will carry the bill

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1343**

House Political Subdivisions Committee

Subcommittee  Conference Committee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation

As Amended  Rerefer to Appropriations

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Klein Seconded By Zubke

Representative	Yes	No	Representative	Yes	No
Chairman Lawrence R. Klemin	X		Rep. Pamela Anderson	X	
Vice Chair Patrick R. Hatlestad	X		Rep. Jerry Kelsh	X	
Rep. Thomas Beadle	X		Rep. Kylie Oversen	X	
Rep. Rich S. Becker	X		Rep. Marie Strinden	X	
Rep. Matthew M. Klein	X				
Rep. Kim Koppelman	/				
Rep. William E. Kretschmar	X				
Rep. Andrew G. Maragos	/				
Rep. Nathan Toman	X				
Rep. Denton Zubke	X				

Total (Yes) 12 No 0

Absent 2 (Koppelman and Maragos)

Floor Assignment

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

motion carries

**REPORT OF STANDING COMMITTEE**

**HB 1343: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1343 was placed on the Eleventh order on the calendar.**

**2015 SENATE POLITICAL SUBDIVISIONS**

**HB 1343**

# 2015 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Red River Room, State Capitol

HB 1343  
3/13/2015  
Job number 24834

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to notices by the secretary of state

### Minutes:

Written testimony #1 John Arnold

**Chairman Burckhard** opened the committee for a hearing on HB 1343. Senators Burckhard, Anderson, Bekkedahl, Lee, Grabinger was present. Senator Dotzenrod was absent.

**Rep. Jay Seibel** (District 33) introduced HB 1343 on behalf of the Secretary of State's office. HB 1343 deals with language changes regarding recall elections.

**John Arnold** North Dakota Voting Facilitator on behalf of Secretary Jaeger. (1:39- )  
Written testimony #1, do pass recommendation.

**Senator Judy Lee** Is this the 02000 version, did it come to the House as a 2000 version or did they amend something?

**John Arnold** That is a very good question. The original version was a 2000 also.

**Senator Grabinger** On page 1, line 16, 17 why is it included that not less than 5 days, why would you have that in there? I can understand not going more than 7, but why not less than 5 days?

**John Arnold** It is just for consistency with initiated and referendum petitions so all the petitions have the same deadline. That is what it is in those other sections, so for consistency in code we just want not less than 5 days just to make sure we're not rushing things.

**Chairman Burckhard** closed the hearing on HB 1343.

### Discussion

**Senator Anderson** Just a comment on Senator Grabingers' question. You know whenever you do a petition or one of these recalls or whatever, the people that are behind it are always

Senate Political Subdivisions Committee

HB 1343

March 13, 2015

Page 2

wanting it right now, so this gives the Secretary of State the 5 days to set it up without having to worry about the guy who says you had it yesterday why don't you have it out today. That would be my thoughts.

**Senator Judy Lee** moved do pass on HB 1343

2<sup>nd</sup> Senator Grabinger

Roll call vote 5-0-1

Carrier Senator Grabinger

Chairman Burckhard held the bill for Senator Dotzenrod to vote.

Minutes:

Roll call vote

5-0-1

Senator Dotzenrod later votes " yes" on the "Do Pass" on HB 1343 motion, changing the roll call vote to 6-0-0 on March 16, 2015. Job Number 24925



**REPORT OF STANDING COMMITTEE**

**HB 1343: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1343 was placed on the Fourteenth order on the calendar.**

**2015 TESTIMONY**

**HB 1343**

HB 1343 2/6/2015 1.1

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

February 6, 2015

TO: Representative Klemin, Chairman, and Members of the House Political Subdivisions Committee

FR: John Arnold, North Dakota Voting Facilitator, on behalf of Secretary of State Al Jaeger

RE: HB 1343 – Relating to Recall Petitions, Recall Elections, Election Notices, and Jury Lists

This bill attempts to seek consistency and remove redundancy within various chapters and sections of the Elections Title.

Section 1, page 1, lines 16 and 17: This change would allow the same number of days for the Secretary of State to review recall petitions for circulation as the law allows the Secretary of State to review submitted initiative and referendum petitions in 16.1-01-09.

Section 1, page 5, lines 7 and 9: These changes are requested since the filing deadline for candidates is sixty-four days before the election. Adjusting the number of days in which a special recall election is to be called would ensure candidates are allowed approximately one month to gather signatures before the filing deadline.

Section 2, page 5, lines 22 through 24: This codifies the existing practice of the Secretary of State's office in providing jury lists to the jury administrator of the federal court.

Section 3, page 6, lines 6 through 8: This change details that the Secretary of State is to notify county auditors of the location of the notice of the contests on the upcoming election ballot on the Secretary of State's website.

Section 4, page 6, lines 16, 17, and 19: This is a similar change to that in Section 1 on page 5 of the bill to allow candidates approximately one month prior to the filing deadline to gather signatures.

Section 5, page 6: Both sections to be repealed currently require a notice of the contests on the upcoming election ballot approximately seventy days before the election. Those sections are unnecessary because 16.1-07-30 also requires that this same notice be issued one hundred days before the election. Please see the attached page for the content of the sections that would be repealed.

We request your favorable consideration and a do pass recommendation.

## **Sections to be repealed if HB 1343 is approved**

### **16.1-11-05. Secretary of state to give notice to county auditor of officers to be nominated.**

Between the first day of March and the first day of April in each primary election year, the secretary of state shall notify the county auditor of each county regarding all the officers to be nominated in that county at the next primary election. This same information shall be made available to the public by the secretary of state at that time. The publication of the sample ballot by the county auditor constitutes the notice of the secretary of state in regard to the officers and candidates to be voted upon at the primary election.

### **16.1-13-03. Secretary of state to give notice to county auditor of officers to be elected.**

Not later than seventy days prior to the date of election, the secretary of state shall electronically transmit to the county auditor of each county a notice specifying each officer to be chosen at the next general election. This same information shall be made available to the public by the secretary of state at that time. The publication of the sample ballot by the county auditor constitutes the notice of the secretary of state in regard to the offices and candidates to be voted upon at the general election.

## **The Section that remains making the other two unnecessary**

### **16.1-07-30. Publication of election notice.**

1. Not later than one hundred days before a regularly scheduled election to which sections 16.1-07-18 through 16.1-07-33 apply, and as soon as practicable in the case of a special election, the secretary of state and each local election official charged with printing and distributing ballots and balloting materials for that election shall prepare an election notice, to be used in conjunction with the federal write-in absentee ballot described in section 16.1-07-25. The election notice must contain a list of all of the ballot measures and federal, state, and local offices that as of that date the secretary of state and the local election official expect to be on the ballot on the date of the election. The notice also must contain specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.
2. A covered voter may request a copy of an election notice. The officials charged with preparing the election notice shall send the notice to the voter by facsimile, electronic mail, or regular mail, as the voter requests if the voter is not able to obtain that same notice from the secretary of state's website.
3. At least fifty-five days before an election, the officials charged with preparing the election notice shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.
4. A local election official who maintains an internet website shall make updated versions of its election notices regularly available on the website.

*H.B. 1343*  
*3.13.15*  
*#1*

ALVIN A. JAEGER  
SECRETARY OF STATE

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March 13, 2015

TO: Senator Burckhard, Chairman, and Members of the Senate Political Subdivisions Committee

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Section 1, page 5, lines 7 and 9: These changes are requested since the filing deadline for candidates is sixty-four days before the election. Adjusting the number of days in which a special recall election is to be called would ensure candidates are allowed approximately one month to gather signatures before the filing deadline.

Section 2, page 5, lines 22 through 24: This codifies the existing practice of the Secretary of State's office in providing jury lists to the jury administrator of the federal court.

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Section 4, page 6, lines 16, 17, and 19: This is a similar change to that in Section 1 on page 5 of the bill to allow candidates approximately one month prior to the filing deadline to gather signatures.

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