

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1445

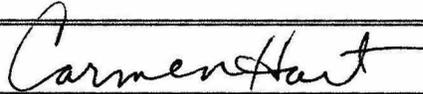
2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

HB 1445
2/13/2015
23838

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to election canvass reports

Minutes:

Attachment 1

Chairman Kasper opened the hearing on HB 1445.

Rep. Corey Mock, appeared in support. The intent of the bill is to have one canvass report instead of three.

Kevin Glatt, Burleigh County Auditor/Treasurer, appeared in support. Attachment 1 (2:20-4:20) He showed the committee of the report in a ticker tape roll form.

Rep. Karls How many precincts do we have?

Kevin Glatt In Burleigh County we have 35 precincts in 27 different locations.

Rep. Mooney How long are you required to keep those?

Kevin Glatt I believe 22 months.

Rep. M. Johnson Is that the form of the report for all precincts statewide?

Kevin Glatt Yes

Chairman Kasper If you did just one report, do you think there would be any public trust problem?

Kevin Glatt No. People don't look at these. People look at the PCMCI card, the card that is brought back to the auditor's office and is used to do the accumulation of the totals.

Donnell Preskey, ND Association of Counties, appeared in support. All the auditors on our legislative committee support this bill.

No opposition or neutral.

The hearing was closed.

Rep. Laning made a motion for a DO PASS.

Rep. Steiner seconded the motion.

A roll call vote was taken. 14 Yeas, 0 Nays, 0 Absent.

Rep. Seibel will carry the bill.

Date: 2-13-15
 Roll Call Vote #: 1

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1445**

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 Steiner

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) 14 No 0

Absent 0

Floor Assignment Seibel

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

REPORT OF STANDING COMMITTEE

HB 1445: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1445 was placed on the Eleventh order on the calendar.

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1445

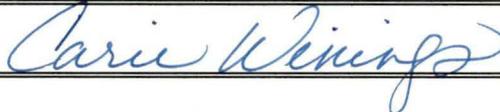
2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

HB 1445
3/6/2015
Job # 24421

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact sections 16.1-15-04, 16.1-15-05, and 16.1-15-06 of the North Dakota Century Code, relating to election canvass reports.

Minutes:

Attachments 1 - 3

Chairman Dever: Opened the hearing on HB 1445.

Kevin Glatt, Burleigh County Auditor/Treasurer: Testified in support of the bill and to explain the bill. See Attachment #1 for testimony.

(2:50) Senator Flakoll: I have had one of those from the people that work the poles in my district, does it not have some of the data as far as early voting versus the day of? It is pretty hard to get the early voting information out of people and that has taken on a greater and greater percentage of the vote. It seems like everything is compiled together there does not seem to be a lot of ability to get that information.

Kevin Glatt: This is the report that is run on election night from a machine in that precinct. It does not include the early vote. It just includes the ballots that went through that machine on Election Day. In Burleigh County with our early vote precinct, we use three machines and those three machines will generate a report like this for just the early ballots that were cast in that machine. See Attachment #2 for additional information.

Senator Flakoll: So each location is counted on a separate tally similar to that correct?

Kevin Glatt: Yes, but you should be able to readily determine the early votes by precinct at each early vote location.

Senator Flakoll: I seem to have a terrible time getting that information once everything has been thrown into the bucket.

Kevin Glatt: I think on election night our goal is to get the totals out as soon as possible before the 10 o'clock news. That level of detail takes a little bit of work. It is not hard to do and it could be done the next day or that night.

Chairman Dever: All of the information on there, you will do that anyway, but you are saying it would be only one copy instead of three. And it is available by other means?

Kevin Glatt: Yes, it is saved on a PCMCIA card and those cards are brought into the auditor's office on election night and they are accumulated.

Senator Marcellais: What would be cost savings?

Kevin Glatt: I do not think the cost is the issue but it is the time it takes at each precinct.

Chairman Dever: So we are talking about advancing technology?

Kevin Glatt: That is my belief.

(8:10)Jim Silrum, Deputy Secretary of State: See Attachment #3 for testimony in opposition to the bill. We do aggregate the information into computers after we get things back to the office and it is easy to tell if there is a discrepancy. No one is saying that anything is happening from the polling place to the county auditor's office but if there is a question, because the election workers at the polling place have a signed copy of that tape they can make a comparison of the tape. It is covering everyone's own backside to have this redundancy in our estimation. It ensures that there can be a simple verification done if there is any question. At some point I am sure as we get a new election system that the votes will be transferred by modem from the polling location to the county office. That will transmit those votes more quickly than driving them to the county auditor as is currently done.

(13:45)Senator Flakoll: It seems that transferring it by modem would be a good idea; will they possibly be able to sign off on the electronic copy?

Jim Silrum: We have not completely studied the modeming of election results from the polling location to the county office, but as far as I know, that is just a secure modem transmission that goes between the polling location and the county office. Not necessarily disbursed to the political parties. That could be studied and contemplated.

Senator Flakoll: To what extent are other states modeming?

Jim Silrum: Minnesota does have some districts that modem in their results. There are other states that certainly use that and as a matter of fact our current voting system could be modified to include the modeming of election results. We will definitely be coming back the next legislative assembly asking for an appropriation to purchase a new voting system statewide so we do not think it is appropriate to do that until we replace the system that is soon to be outdated.

Chairman Dever: So your concern with the bill is that it is ahead of its time?

Jim Silrum: I do not know that I can say that because I still hold to my testimony that as long as there is time at which the results are moved from the polling location and

transported physically to another location, there is still an extreme vulnerability. I have been in other jurisdictions in other states when that occurs and they can only be transported by the pole workers with a police escort and they are placed in an armored vehicle. In many states they take that time period far more seriously than we even do here. Right now the results can come back by way of the election inspector or the judges can bring it back to the county office.

Chairman Dever: So currently the report is generated in triplicate and then does the auditor and two judges sign each of the copies?

Jim Silrum: The auditor does not sign the copies of the tapes. It is the election board members that sign the tapes in the polling location and then one of those is given to be transported with the ballots back to the county auditor.

Chairman Dever: So they are generated at the polling location?

Jim Silrum: That is correct.

Chairman Dever: So when you are referring to the election board you are talking about the inspector and the judges?

Jim Silrum: That is correct.

Chairman Dever: Closed the hearing on HB 1445.

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HB 1445
3/26/2015
Job # 25516

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened HB 1445 for committee discussion. This is the canvas report that is generated in triplicate. One goes to the auditor and one goes to each party. The Secretary of State's office does not like this. They like to have the multiple copies. What were we looking at that Kevin Glatt stretched out? What was that a tally of?

Donnell Presky, North Dakota Association of Counties: That is a paper copy of all of the votes at that polling location. It includes all of the votes that were cast in that precinct. That tape has the vote totals for everyone's vote.

Chairman Dever: In addition to that they have the ballots?

Donnell Presky: The ballots are kept for so long.

Chairman Dever: I believe that it is 60 days on a state election but 21 months on a federal election which is most of our general elections. I guess the question is if there is benefit to having that in triplicate.

Senator Poolman: Do they keep it electronically?

Terry Traynor, Association of Counties: Each vote counting machine has a memory card that has all of the votes on there and that is what is taken out, secured, and taken back to the county court house to be plugged into the vote tally machine. Each one of those cards is used to update the states system. The purpose of that tape is to have a record before all of those election workers go home and they are signed to confirm what the computer said. They are split up between the two parties and the auditor. From the Secretary of State's standpoint if something happens to the person carrying the card back to the courthouse or to the card then they have the paper copy. It is just additional insurance that someone else has a tally from that precinct.

Senator Flakoll: Asked about a copy of a tally that he gets.

Terry Traynor: I believe you are talking about a summary of what gets uploaded.

Senator Flakoll: That one is signed by both parties, the judges, etc.

Terry Traynor: That is the canvas report on Monday after the election.

Chairman Dever: They don't tally the votes in the precinct do they? They account for the number of votes and then they take them to the auditor and the auditor runs them through the machine.

Terry Traynor: Correct.

Senator Poolman: Moved a Do Pass.

Senator Nelson: Seconded.

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

Motion Carried.

Senator Davison will carry the bill.

3/24

Date:
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. KK45

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 Nelson

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

Total (Yes) 7 No 0

Absent 0

Floor Assignment Davison

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

REPORT OF STANDING COMMITTEE

HB 1445: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1445 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1445

**TESTIMONY TO THE
HOUSE GOVERNMENT and VETERANS AFFAIRS COMMITTEE**
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer
2/13/15

#1
1445
2-13-15

HOUSE BILL 1445

Mr. Chairman and members of the committee, this testimony is in SUPPORT of HB1445 on behalf of the county auditors of ND.

Current law requires three (3) canvass reports be generated from each voting machine (electronic voting device) – one for the DEMO party, one for the GOP, and one for the county auditor.

The requirement for three (3) separate reports goes back to the days of the steamboat when ballots were hand counted and the GOP and DEMO judges took the tallies back to the respective headquarters and added the reports the other precinct tally's within their county/district.

In today's world neither party wants or needs the reports as everything is done electronically with vote totals being accumulated and reported before they can get to headquarters. This is permissive legislation and if desired more than one (1) report may be generated.

Mr. Chairman and members of the committee I respectfully request a DO PASS for HB1445 as the current law is a redundant, time consuming waste of paper and time.

#1

**TESTIMONY TO THE
SENATE GOVERNMENT and VETERANS AFFAIRS COMMITTEE
Prepared by Kevin J. Glatt, Burleigh County Auditor/Treasurer
3/6/15**

HOUSE BILL 1445

Mr. Chairman and members of the committee, this testimony is in SUPPORT of HB1445 on behalf of the county auditors of ND.

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Mr. Chairman and members of the committee I respectfully request a DO PASS for HB1445 as the current law is a redundant, time consuming waste of paper and time.

3/6
HB1445

(Burleigh)

#2
Pg 1

2014 GENERAL ELECTION REPORT

- 5,029 early votes (14%)
- 7182 absentee votes (20%)
- 24,474 Election Day precinct votes (66%)

Total Votes: 36,685 2012(43,441) 2010 (32,831) 2008 (42,222) 2006 (28,953)

36 Precincts \ 39 Ballot styles \ 27 Voting Locations
Poll hours 7AM – 7PM

Largest Election Day Precinct:

Horizon Middle School	1,905
Bismarck Civic Center (5 precincts combined)	2,577

Smallest Election Day Precincts:

Sterling	167 votes
Wing	158 votes
Wilton/Regan	199 votes

Average vote cast per voting location: 906

Early Vote Precinct: 5029 votes (down 1287 from 2012) open 11 days

10/25/14	85 votes case in 3.5 hours (Saturday 9:30am – 1pm)
11/3/12	892 votes cast in 7.5 hours... (9:30am – 5pm)

Absentee: 7182 votes counted (down 3366 from 2012)

7,528 sent out with 97% returned

Absentee Precinct – 12 electors worked 12 hours over 2 days to review signatures, open, tabulate.

Election Worker Expense for Election Day: \$43,330.95

Election Worker Expense for Absentee Precinct (2 days): \$ 2,754.00

Election Worker Expense for Early Vote Precinct (11 days): \$ 6,073.80

\$52,158.75 (unaudited)

E-POLL BOOKS – in addition to the 4-H, Evangel Assembly of God, 1st Evangelical Free Church, Horizon and Centennial Schools, E-Poll books were used at Solheim School and Lord of Life Church precincts with GREAT SUCCESS!

Election Day

Very busy & frustrating day due to issues with ID - *Voting is Easy in ND* - I estimate between 325 & 400 people were turned away from the polls due to ID issues.

Extremely nice weather contributed to voter turnout.

Both Early Vote and Absentee Ballots were significantly down from 2012.

2014 PRIMARY ELECTION REPORT

Total Ballots Cast 9,239 13.4% of eligible (2013 census estimate of 68,820 -18yrs old and older)

24,871 (2012 Primary - Measure #2 / Fighting Sioux) 38.5%
43,680 (2012 General)
11,920 (2010 Primary) 32,831 (2010 General)
8,693 (2008 Primary) 42,222 (2008 General)
13,882(2006 Primary)
11,034 (2004 Primary)
13,810 (2000 Primary)
5,539 (1998 Primary)
14,716 (1996 Primary)
19,716 (1994 Primary – Sorenson\Hawk, Seat Belts, City Sales Tax)

Absent Voter Ballots Cast: 644

Early Votes Cast: 894

Smallest Precinct Sterling School 27 votes

Largest Precinct Horizon Middle School 913 votes

Election Worker Salaries\Mileage \$44,540.63 (\$4.82 per ballot)

98 Total Candidates\Measures

0 Non-city, school, park candidates eliminated from General Election.

Fifteen (15) City, school, park candidates Not Elected

(Bismarck, Lincoln, Wing, Regan, Wilton)

E-POLL BOOKS – in addition to the 4-H, Evangel Assembly of God, 1st Evangelical Free Church, Horizon and Centennial Schools, E-Poll books were used at Solheim School and Lord of Life Church precincts with GREAT SUCCESS!

Election Day

Relatively quiet day – very few calls from precincts or voters\minor issues.

232 CrossOver votes - Voting for more than 1 party.

2012 GENERAL ELECTION REPORT

- 6,316 early votes (15%)
- 10,548 absentee votes (24%)
- 26,578 Election Day precinct votes (61%)

Total Votes: 43,441 2010 (32,831) 2008 (42,222) 2006 (28,953)

36 Precincts \ 39 Ballot styles \ 27 Voting Locations
Poll hours 7AM – 7PM

Largest Election Day Precinct:

Horizon Middle School 1,880
Bismarck Civic Center 3,086
(5 precincts combined)

Smallest Election Day Precinct:

Sterling 171 votes
Wing 176 votes

Average vote cast per voting location: 904

Early Vote Precinct:

11/5/12 1,090 votes cast in 7 hours... (10am – 5pm)
11/3/12 (Saturday) 525 votes cast in 4 hours... (9am – 1pm)

Absentee:

11,478 sent out
96% have been returned.

Absentee Precinct – 14 electors worked 16.5 hours over 2 days to review signatures, open, and tabulate.

Election Worker Expense for Election Day:	\$43,330.95
Election Worker Expense for Absentee Precinct (2 days):	\$ 2,754.00
Election Worker Expense for Early Vote Precinct (11 days):	<u>\$ 6,029.00</u>
	\$52,113.95 (unaudited)

#2 pg 4.
(Burleigh)

2012 PRIMARY ELECTION REPORT

Total Ballots Cast 24,871 38.5% of eligible (2011 census estimate of 64,521 -18yrs old and older)

11,920 (2010 Primary)	32,831 (2010 General)
8,693 (2008 Primary)	42,222 (2008 General)
13,882(2006 Primary)	
11,034 (2004 Primary)	
13,810 (2000 Primary)	
5,539 (1998 Primary)	
14,716 (1996 Primary)	
19,716 (1994 Primary – Sorenson\Hawk, Seat Belts, City Sales Tax)	

Absent Voter Ballots Cast: 3,363 (13.5% of vote)

Early Votes Cast: 1,960 (7.8% of vote)

Smallest Precinct Wing Fire Hall 137 votes

Largest Precinct Horizon Middle School 2167 votes

Election Worker Salaries\Mileage \$44,418.71 (\$1.79 per ballot)

104 Total Candidates\Measures

Eight (8) Non-city, school, park candidates eliminated from General Election.

Five (5) City, school, park candidates Not Elected (Bismarck, Lincoln, Wing, Regan, Wilton)

E-POLL BOOKS – utilized at 4-H, Evangel Assembly of God, 1st Evangelical Free Church, Horizon and Centennial Schools with GREAT SUCCESS!

Election Day

Relatively quiet day – very few calls from precincts or voters\minor issues w\ machines.

Large number of CrossOver votes - Voting for more than 1 party (939 total).

#3

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 6, 2015

TO: Chairman Dick 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 1445 – Election Canvass Reports

As the state's chief election official, the Secretary of State and the agency's election staff members support the current law, which requires the generation of multiple canvass (tabulation) reports after the close of the polls. We believe it is an essential element in maintaining the integrity of election administration in the state of North Dakota.

Here is a brief history of multiple canvass reports:

- The sections of this bill have included the concept of creating multiple canvass reports after the polls close since 1981 when the Elections Title was rewritten by the Legislative Assembly.
- During the 2005 Legislative Assembly, the specific wording of "generate at least three canvass reports" was added to section 16.1-15-04 in HB 1417 to be consistent with the uniform statewide voting system put in place at that time thanks to the federal Help America Vote Act.
- Since 2005, the state's voting machines have all been programed to generate the three canvass reports to comply with the law and for good sense.

The three canvass reports generated by the voting machines are printed on "calculator" or "cash register" type tape rolls. Each of the three reports includes signature lines for each member of the election board to sign as proof that the report contains the correct tabulation of the votes cast on that voting machine in the polling location. After signing the reports, one is given to the county auditor, one each to the representatives of the two political parties serving on the election board as judges.

The distribution of the separate reports is a verification that the tabulation of votes did not change from what was delivered from the polling location to the office of the county auditor. This process allows for a resolution of any questions about a discrepancy (perceived or real) by a simple comparison of the signed report in the possession of the county auditor with the signed reports maintained by the representatives of the two political parties who worked the election as judges.

If only one canvass report is generated, this verification cannot happen.

Yes, it does take time to print on these long reports on "calculator tape rolls." It has been reported that some election judges have either refused to take a copy of the canvass report or tossed it in the trash soon after receiving it. But for the integrity of this portion of election administration, for the security of the votes cast by the voters, and the proof that anyone can turn to if the results are called into question, the Secretary of State's office recommends that the law would continue to require the generation of all three canvass reports.

It is anticipated that the next voting system purchased will have a more efficient method of generating these reports. Nevertheless, it will still be prudent to have multiple reports printed when election results and ballots are transported between the polling place and the local election official.

The Secretary of State requests your consideration for a do not pass recommendation.