

FISCAL NOTE
Requested by Legislative Council
03/30/2015

Amendment to: Engrossed HB 1474

- 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).*

The study will have no fiscal impact on the agency.

- 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: 03/30/2015

FISCAL NOTE
Requested by Legislative Council
02/16/2015

Amendment to: HB 1474

- 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
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Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

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The study will have no fiscal impact on the agency.

- 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.*

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- 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: 02/16/2015

FISCAL NOTE
Requested by Legislative Council
01/20/2015

Revised
 Bill/Resolution No.: HB 1474

- 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	\$90,000	\$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).*

Creates two election dates per year on which all state, district, county, and political subdivisions (except for the annual meeting of townships) would be held in June and November whether they are special, recall, primary, bond, tax levy, or a general election.

- 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.*

The agency cannot determine what the impact would be for the various subdivisions because the law mandates that they enter into an agreement with the county administration conducting the election and not all entities would necessarily have an election to conduct on those two dates.

The impact for the Secretary of State would be the investment of time to merge all entities listed in the bill and for each county into the state's central voter file and its ND Voices election administration software platform.

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.*

The cost would be absorbed in the agency's operating budget.

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: 01/26/2015

FISCAL NOTE
Requested by Legislative Council
01/20/2015

Bill/Resolution No.: HB 1474

- 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.*

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Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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- 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.*

The agency cannot determine what the impact would be for the various subdivisions because the law mandates that they enter into an agreement with the county administration conducting the election and not all entities would necessarily have an election to conduct on those two dates.

The impact for the Secretary of State would be the investment of time to merge all entities listed in the bill and for each county into the state's central voter file and its ND Voices election administration software platform.

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The cost would be absorbed in the agency's operating budget.

- 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: 01/23/2015

2015 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1474

2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Fort Union, State Capitol

HB 1474
2/13/2015
#23839

- Subcommittee
- Conference Committee

Committee Clerk Signature

Beckie Streege

Explanation or reason for introduction of bill/resolution:

Relating to school district and special elections; and to provide an effective date

Minutes:

Attachments 1-3

Chairman Kasper opened the hearing on HB 1474.

Rep. Randy Boehning, District 27 Fargo: (Attachments 1 & 2) We seem to always have elections in North Dakota, if we consolidate elections we'd let professionals (County Auditors in the state) conduct the elections. I feel it's important to have one entity running the elections within the state. If we had certain dates set in statute when they have election, then everyone would know when election is, then people can plan ahead. We have low voter turnout on Special Elections. We decided to put together a committee to do a study.

Rep. Wallman: I'm glad you turned it into a study. Is the reason you turned it into a study because the flexibility in local control still needs to be respected?

Rep. Boehning: It's the local control. Also, it's very important that we have professional people running the elections. It is easier to have just one ballot.

Rep. Wallman: Would your idea be that special elections for bonding occur at General Elections?

Rep. Boehning: Correct. It would help to not have to go to the poles all the time.

10:07

Rep Mooney: You have referred to the election process being handled by professionals. Currently our Auditors are in charge of elections across the state. Are you saying that our Auditors are not professional in their capacity?

Rep Boehning: I'm saying the Auditors are the professionals in the elections in North Dakota. They know the laws and the deadlines, etc.

Rep Mooney: Through a study process, we would be considering all laws currently on the books pertaining to elections, including one that may pass that could affect our senate race, which may be moved to a special election. In that case, would that special election also be moved to a 6 month time-frame?

Rep Boehning: That is possible.

Rep Boehning: The amendment I handed out has to do with political parties and it removes some of the language from the current law.

Representative Mooney: Do you want us to consider your amendment in addition to the study for this, but you're not going to help us understand it?

Representative Boehning: I wanted to hand it out and let you look at it and consider it before we...

Chairman Kasper: This is a whole different approach to your study. Are you suggesting that we consider the study?

Representative Boehning: This would be in addition to the study.

Chairman Kasper: So you would add this to the study?

Representative Boehning: Correct. I don't know how well that will fit in once you take a look at it.

Chairman Kasper: Committee, I just browsed at this amendment. This is actually a bill that's over in the Senate now.

15:03

Danelle Presky, North Dakota Association of Counties, testifying in support

I will speak about the amendment that Representative Boehning spoke about in debth. The Auditors Association supports this study. We feel that the legislature will be allowed to take a look at the deeper issues to elections, and answer some of the questions that came about during this session and prior sessions. Auditors have heard from legislators that this is a concern, and maybe there should be more consolidation of elections. We feel the ACIR (Advisory Committee of Inter-government Relations) committee could be a good fit for this issue. The ACIR would be made up of the Counties, the North Dakota Association of Counties has representation, as well as cities and parks. Limiting time for elections would be critical for this to move forward.

John Martinson, North Dakota School Board Association

I was initially opposed to the bill, but we think this is an appropriate amendment with a study. I am a member of the Advisory Committee of Inter-government Relations (ACIR) and this is the first time the issue of eliminating special elections has come up. In the committee hearings, the reason for eliminating special elections is because of low voter

turnout. But I learned that in some cases of special elections, there was a higher voter turnout than Primary Elections. Maybe the amendment to this bill that does allow for annual elections, but given certain dates, may be the way to go. We are in support of a study that would look at that.

Pete Haga, Grand Forks, North Dakota

I came here to oppose the original bill, but now support the study, and further support the ACIR as a vehicle to do that. I hope that's a good demonstration of local flexibility. We appreciate the opportunity to be able to now support what we were first opposing.

NO OPPOSITION

NEUTRAL POSTION

21:06

Dale Sandstrom, Justice of the Supreme Court (testimony attached #3)

I am chairman of the Legislative Committee of the North Dakota Judicial conference. It is a statutory body made of all the Supreme Court Justices, all the District Judges, all the Circuit Judges, Municipal Judges, a few lawyers, the Dean of the Law School and the Clerk of the Supreme Court. One of our responsibilities is to look at legislation that might affect the Judiciary. We feel there is an unintended consequence in sections 78, page 50 of the bill that would purport the Governors authority to call a Special Election in the case of vacancies on the Supreme Court or District Judgeships - we would like that section to be eliminated from the bill.

23:40

Representative Wallman: Do you feel the study committee would be a useful group to have a representative if there were a study to take place? Do you believe that a judicial organization would also be a benefit to the study committee?

Sandstrom: I really don't that would be part of the process. As long as the Governor has the authority to call Special Elections that he/she would ever have to call such a Special Election. The amendment purports to take away the Governors authority to call an election if that's the option.

Hearing closed on HB 1474

Representative Amerman: Motion to adopt the "study" amendment - 15.0088.01003.

Representative Karls: Seconded

Representative Amerman: I think it's a good study and I hope it gets chosen.

Voice Vote carries.

Chairman Kasper: The motion carries and the amendment is on the bill. We can forget about the 90 pages and we now have a one page bill before us. Representative Boehning presented the second amendment. Last session we had a huge rewrite of election law that cleaned up the ambiguities between the power of the state political parties compared to the power of the district committees. It gave each entity certain rights and powers under North Dakota statute. This amendment seeks to undo some of the things we did in the bill passed in 2013. I would urge the committee no to consider this amendment at this time.

Representative Laning: It seems to me that the second proposed amendment is kind of mute. We are essentially planning to study this entire section of law, which would include thoughts of this second proposed amendment.

Chairman Kasper: We will not take up the second amendment. Now we have HB 1474 as amended before us.

Representative Karls: Moves a Do Pass on HB 1474.

Representative Seibel: Seconded

A roll call vote was taken. Yes: 14 No: 0 Absent: 0

Motion passes.

Representative Karls will carry the bill.

AB
2-13-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1474

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the consolidation of elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CONSOLIDATION OF ELECTIONS. During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of consolidating all political subdivision and school district elections with the statewide primary election and the holding of all special elections on other specified dates during any year. If the legislative management conducts the study, the legislative management shall seek input and participation from the secretary of state; representatives of cities, counties, school districts, and other political subdivisions; and representatives of political parties. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

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

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1474**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 15.0088.01003

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 Amerman Seconded By Karls

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

*Voice
Vote
motion
carries*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

To adopt the "Study" amendment.

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

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1474**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: 15.0088.01003

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 Karls Seconded By Seibel

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 _____

Floor Assignment Karls

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

REPORT OF STANDING COMMITTEE

HB 1474: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1474 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the consolidation of elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CONSOLIDATION OF ELECTIONS. During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of consolidating all political subdivision and school district elections with the statewide primary election and the holding of all special elections on other specified dates during any year. If the legislative management conducts the study, the legislative management shall seek input and participation from the secretary of state; representatives of cities, counties, school districts, and other political subdivisions; and representatives of political parties. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1474

2015 SENATE STANDING COMMITTEE MINUTES

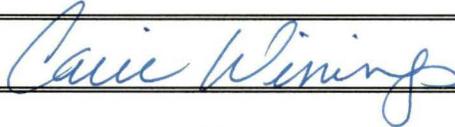
Government and Veterans Affairs Committee

Missouri River Room, State Capitol

HB 1474
3/6/2015
Job # 24419

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for a legislative management study of the consolidation of elections.

Minutes:

Attachments 1

Chairman Dever: Opened the hearing on HB 1474.

Representative Boehning, District 27: Testified as a sponsor and in support of the bill. Explained the bill. This was a 93 page bill that we turned into a study. We need to study the elections in North Dakota. There are several small elections across the state for a variety of reasons. What we would like to do is take and study the system in North Dakota and try to simplify a little bit. At one point there was a time that I had to vote three times in six months. We need to simplify it and let the professionals handle it. We need to devise a system where things are done on an even level across the state by professionals with the county auditors. I know there is consternation by some. The intent of the bill was to have the elections on two certain dates of every year; a June and a November election. It is important for the people to know when their elections are. (Gave examples as to why the study should be done.)

(5:05)Chairman Dever: Did the original bill implement what you are talking about studying?

Representative Boehning: It did. It got to be so complicated because of all of the divisions of government.

Senator Cook: I could not agree with you more. So much so that last session I introduced a study resolution. We just studied it in the interim and the advisory commission on intergovernmental relations tried to get all bonding decisions made at one of two elections; either the primary or general election. We would have to create another primary election to be held in off years, and quite frankly, county auditors should be in charge of every election whether they like it or not. That is their job. I do not hesitate to tell them that. Bottom line is that we could not get a bill out of the interim committee because no one wants to vote for it when all of their school superintendents are going to lobby them not to. We can study it again but we know what we have to do. We just can't get the votes to do it.

Representative Boehning: I could not agree with you more. Maybe we need another study to say that we really need to do this. It is not just the school boards. It is the cities and the counties as well. The auditors need to do this. Some of these small rural areas do not know all of the ins and outs that the county auditors do.

Senator Flakoll: I like the concept but I am wondering how this would play out. You reference that you live in Fargo but you are in West Fargo school district, so, what would you see as in the case of the passing of Mayor Walaker? You would not propose that we wait until June of 2016 to replace him would you?

Representative Boehning: My intent would be that we have elections set up in June and November of each year. So when they come up the can be done on those two dates. Everyone can plan around those two dates and know that is when it will occur.

Chairman Dever: Currently that is every other year.

Representative Boehning: My intent would be that it would be every year in code.

Chairman Dever: If a subdivision is going to have an election, then they would have it then if there is something to have one for.

Representative Boehning: No, if there is nothing out there have one for they would not have one. The dates would be set up each year and be available.

Senator Flakoll: So on lines 6 and 7, the special elections, you would say that they would be in June and November, how would that work for appointments for federal offices? If that happens then would you wait until the following June? How would that play out in this scenario?

Representative Boehning: That is something that we would have to work out. Even in that case we could go through the process and have the election on that date. We would do the nominations like we would on a regular convention I would assume.

Chairman Dever: In regards to school districts, are they not considered to be political subdivisions?

Senator Cook: They are political subdivisions.

Chairman Dever: I ask that because we have had conversations about teachers fund for retirement a few years ago and I asked the Attorney General who is ultimately responsible for that and he said that school districts are creatures of the state.

Representative Boehning: I guess we would have to make sure the wording is good.

(12:00)Jim Silrum, Deputy Secretary of State: Testified in support of the bill. We stand in favor of looking at a study of election processes and we do think that the consolidation of elections should be one of those things that we study along with other issues. Maybe two

elections each year is not enough. Maybe there needs to be three or four, but if there is a study, then that could be determined. We do believe that elections should be handled by those people who understand them best; not that cities and schools cannot run their elections. That is not it at all. But they do not run them that often and that is the situation. We support whole heartedly a study on elections and we hope that it would include this. We would like to broaden it beyond just bond issues but anytime there is an election to fill a vacancy or things of that nature.

(14:25)Donnell Presky, North Dakota Association of Counties: See Attachment #1 for testimony in support of the bill.

(17:31) Chairman Dever: We passed a constitutional resolution through the Senate that is now in the House that specifies that the election will be in June of 2016. If we would make these adjustments then we could make those in November of 2016. I am just thinking out loud.

Donnell Presky: I am not clear on what you are trying to say.

Chairman Dever: Sometimes there are political considerations involved with our putting a resolution on the ballot and the timing of that. The fact that we had 8 measures on the ballot last time and people draw conclusions to each of those individually and the only conclusion that I could draw is that people were overwhelmed that there were 8 and they voted all but one out.

Donnell Presky: I hope they made good informed decision.

Senator Flakoll: Recently in Fargo there was a school election because there was a prohibition on having elections in the schools because it was deemed to create a dangerous environment. During the election they made an exception. Are there a lot of situations where the polling places, depending on what is on the ballot, are different. Is that something that we should consider studying?

Donnell Presky: I have heard comments involving that very point and I could reach out to fellow auditors and see if they would like that option explored.

Chairman Dever: Are you suggesting in your testimony that county auditors should be considered to be the election official in all elections?

Donnell Presky: I am saying that they support the study to consolidate the elections to look into the issue.

Chairman Dever: Closed the hearing on HB 1474.

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

HB 1474
3/26/2015
Job # 25489

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

Attachments 1 - 2

Chairman Dever: Opened HB 1474 for committee discussion. See Attachment #1 for proposed amendment brought to the committee by Bob Harms and See Attachment #2 for additional information from Jim Silrum.

Committee Discussion: The committee proceeded to review attachment #1 and discuss whether or not they wanted to keep the bill and if they should amend the bill; if they wanted the study, the amendment or both. They also discussed what the proposed amendment would do to the bill. The amendment would basically be a hog house amendment because the amendments proposed were not all in the current bill version. Senator Nelson expressed that she like sections 1 and 2 and would prefer to leave section 3 out.

Chairman Dever: Bob Harms brought this to me. He is the chair of the North Dakota Republican Party. He said that he had conversations with the Democrat Party leaders. I think last session this language was inserted. (Asked the intern to print out the section of code.)

Committee Discussion: The committee reviewed the section of code and continued to discuss the idea of the study.

Senator Nelson: Moved to hog house the bill by replacing all of the language in 1474 with sections 1 and 2 of Attachment #1.

Senator Marcellais: Seconded.

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

Motion Carried.

Senator Nelson: Moved a Do Pass As Amended.

Senator Marcellais: Seconded.

Senate Government and Veterans Affairs Committee

HB 1474

03/26/2015

Page 2

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

Motion Carried.

Senator Nelson will carry the bill.

March 26, 2015

3/27/15
JAW

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1474

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 16.1-03-02 and 16.1-03-05 of the North Dakota Century Code, relating to political organizations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-03-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-02. Who may participate in and vote at caucus.

1. Only those individuals who are qualified electors under section 16.1-01-04 may vote or be elected as committeemen or officers at the precinct caucus.
2. ~~Only those individuals who either voted or affiliated with the party at the last general election or intend to affiliate with the party and vote with the party at the next election may vote at the precinct caucus.~~
3. In case the right of an individual to participate at the caucus is challenged, the question of the individual's right to participate must be decided by a vote of the whole caucus. An individual so challenged may not vote on the question of the individual's right to participate in the caucus, and a two-thirds vote of the whole caucus is required to exclude an individual from participation.
- 4.3. An individual may not vote or participate at more than one precinct caucus in any one year.

SECTION 2. AMENDMENT. Section 16.1-03-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-05. Vacancies in office of precinct committeeman - Filling.

A vacancy in the office of precinct committeeman, which occurs after the organization of the district committee, may be filled by appointment ~~from the precinct by the district executive committee of the party, as authorized by the district party by-laws.~~

Renumber accordingly

Date: 3/24
 Roll Call Vote #: 1

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES 1474
 BILL/RESOLUTION NO.**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: Sections 1 & 2 Attachments # 1 *Replace current language*

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

Motion Made By Nelson Seconded By Marcellais

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

Total (Yes) 6 No 0

Absent /

Floor Assignment _____

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

Date: 3/24
 Roll Call Vote #: 2

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1474**

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 Nelson Seconded By Marcellais

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

Total (Yes) 6 No 0

Absent 1

Floor Assignment Nelson

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

REPORT OF STANDING COMMITTEE

HB 1474, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1474 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 16.1-03-02 and 16.1-03-05 of the North Dakota Century Code, relating to political organizations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-03-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-02. Who may participate in and vote at caucus.

1. Only those individuals who are qualified electors under section 16.1-01-04 may vote or be elected as committeemen or officers at the precinct caucus.
2. ~~Only those individuals who either voted or affiliated with the party at the last general election or intend to affiliate with the party and vote with the party at the next election may vote at the precinct caucus.~~
3. In case the right of an individual to participate at the caucus is challenged, the question of the individual's right to participate must be decided by a vote of the whole caucus. An individual so challenged may not vote on the question of the individual's right to participate in the caucus, and a two-thirds vote of the whole caucus is required to exclude an individual from participation.
- 4-3. An individual may not vote or participate at more than one precinct caucus in any one year.

SECTION 2. AMENDMENT. Section 16.1-03-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-05. Vacancies in office of precinct committeeman - Filling.

A vacancy in the office of precinct committeeman, which occurs after the organization of the district committee, may be filled by appointment ~~from the precinct by the district executive committee of the party, as authorized by the district party by-laws.~~

Renumber accordingly

2015 CONFERENCE COMMITTEE

HB 1474

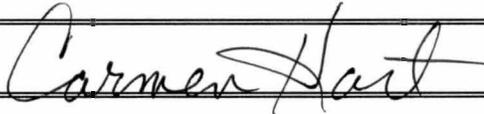
2015 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Fort Union, State Capitol

HB 1474
4/10/2015
26007

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to school district and special elections

Minutes:

"Click to enter attachment information."

Rep. B. Koppelman opened the conference committee meeting on HB 1474. Please explain the changes you made. The 2000 version is all the House version was, and you struck that out entirely and hoghoused it to the 3000 version.

Senator Nelson We weren't really enamored with another study about elections. We became aware that last session when we were fixing up how districts organize, we did a pretty inclusive thing about it, but we missed two things that are added here. One was the party caucus can figure out who can or can't vote or your political party can have that in your default by laws. In Section 2, rather than having vacancies of a precinct committee which most districts don't even know they have them, the current law says they have to be appointed by the district committee, and we just changed it to whatever your district bylaws say.

Rep. B. Koppelman In that section you were just referring to, Lines 22-24, that is in order to fill a vacancy, not an initial election of a precinct committee person?

Senator Nelson Yes, a vacancy in the office of a precinct committeeman.

Rep. Dockter made a motion for the HOUSE ACCEDE TO SENATE AMENDMENTS.

Rep. Wallman seconded the motion.

A roll call vote was taken. 6 Yeas, 0 Nays, 0 Absent.

The meeting was adjourned.

Date: 4-10-15
 Roll Call Vote #: 1

**2015 HOUSE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1474 as (re) engrossed

House GVA Committee

- Action Taken** **HOUSE accede to Senate Amendments**
 HOUSE accede to Senate Amendments and further amend
 SENATE recede from Senate amendments
 SENATE recede from Senate amendments and amend as follows
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Dockter Seconded by: Wallman

Representatives	4/10		Yes	No	Senators	4/10		Yes	No
Rep. B. Koppelman	X		X		Senator Davison	X		X	
Rep. Dockter	X		X		Senator Dever	X		X	
Rep. Wallman	X		X		Senator Nelson	X		X	
Total Rep. Vote			3		Total Senate Vote			3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier None Senate Carrier None

LC Number 15. 0088 . 02001 of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

HB 1474, as engrossed: Your conference committee (Sens. Davison, Dever, Nelson and Reps. B. Koppelman, Dockter, Wallman) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1281-1282 and place HB 1474 on the Seventh order.

Engrossed HB 1474 was placed on the Seventh order of business on the calendar.

2015 TESTIMONY

HB 1474

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1474

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the consolidation of elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CONSOLIDATION OF ELECTIONS. During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of consolidating all political subdivision and school district elections with the statewide primary election and the holding of all special elections on other specified dates during any year. If the legislative management conducts the study, the legislative management shall seek input and participation from the secretary of state; representatives of cities, counties, school districts, and other political subdivisions; and representatives of political parties. The legislative management shall report its finding and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

1474 # 2
2-13-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1474

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 16.1-03-02, 16.1-03-05, and 16.1-03-07 of the North Dakota Century Code, relating to political party organization.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-03-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-02. Who may participate in and vote at caucus.

1. Only those individuals who are qualified electors under section 16.1-01-04 may vote or be elected as committeemen or officers at the precinct caucus.
2. ~~Only those individuals who either voted or affiliated with the party at the last general election or intend to affiliate with the party and vote with the party at the next election may vote at the precinct caucus.~~
3. In case the right of an individual to participate at the caucus is challenged, the question of the individual's right to participate must be decided by a vote of the whole caucus. An individual so challenged may not vote on the question of the individual's right to participate in the caucus, and a two-thirds vote of the whole caucus is required to exclude an individual from participation.
- 4-3. An individual may not vote or participate at more than one precinct caucus in any one year.

SECTION 2. AMENDMENT. Section 16.1-03-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-05. Vacancies in office of precinct committeeman - Filling.

A vacancy in the office of precinct committeeman, which occurs after the organization of the district committee, may be filled by appointment ~~from the precincts~~ authorized by the district executive committee of the party bylaws.

SECTION 3. AMENDMENT. Section 16.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-07. Meeting of district committee - Organization.

1. In every odd-numbered year, the district committee of each party shall meet within fifteen days after the precinct caucus provided for in section 16.1-03-01. The day, hour, and site must be set by the existing district committee chairman. Any incumbent members of the legislative assembly

from the party, the precinct committeemen of a party, selected as provided by this chapter, and any other individual provided for by the district committee's bylaws constitute the district committee of the party. The district committee of a party must be organized to coincide with the geographical boundary lines of state legislative districts. Each member of any committee provided for in this chapter must be a qualified elector.

2. The precinct committeemen and the party's incumbent members of the legislative assembly from the district shall select the officers of the district committee. The officers selected, as provided by the district party bylaws, need not be precinct committeemen; however, all the officers must be voting members of the district committee. The district committee shall forward to the state committee the name and contact information of the district committee chairman. The district committee may appoint an executive committee consistent with the bylaws of the district committee. That party's nominees for and members of the legislative assembly shall serve as members of the executive committee.
3. If the office of chairman becomes vacant, the vacancy may be filled as provided by the district party bylaws.
4. ~~The bylaws of the state committee or state party may not include any requirement providing directives or procedures for the method of the organization of district committees nor may the state committee or state party take any action or impose any requirement regarding district party organization which is not consistent with this chapter."~~

Renumber accordingly

HB1474
2-13-15
#3

House Bill 1474
House Government and Veterans Affairs Committee
Testimony of Justice Dale Sandstrom
February 13, 2015

Mr. Chairman and members of the committee, I'm Dale Sandstrom, a Justice of the Supreme Court. This is the twentieth legislative session I've been privileged to appear before. I'm here in my capacity as chair of the committee on legislation of the North Dakota Judicial Conference. The Judicial Conference is a statutory body which includes all supreme court justices, all district judges, all surrogate judges, the attorney general, the dean of the law school, the clerk of the supreme court, two municipal judges, and five members of the bar engaged in the practice of law. One responsibility of the Judicial Conference is to review of proposed legislation which may affect the operation of the judicial branch.

The Judicial Conference takes no position on House Bill 1474 as a whole.

We are concerned, however, about section 78, found on page 50 of the bill. The amendment in that section purports to take away the governor's ability to call a special election to fill a judicial vacancy. Although no governor has ever made use of the special election provision in N.D.C.C. §27-25-04(3)—and no governor is likely to need to make use of the provision as long as it continues to exist—the existence of the provision is an important safety valve for the integrity of the judicial selection process.

Now, when there is a judicial vacancy, a judicial nominating committee—with members appointed in equal numbers by the governor, chief justice, and president of the State Bar Association—submits a list of two to seven names to the governor. Without the safety valve of the option to call a special election, a runaway judicial nominating committee could seek to co-opt the governor's appointment power by forwarding clearly unacceptable names or clearly unacceptable names except for one

potentially qualified person. The governor could ask for a second list, but the judicial nominating committee could potentially again submit a similarly objectionable list. Although this scenario may be unlikely, it seems unwise to create a structure that would permit it.

The problem is also greater because a judicial appointment continues **not** to the next general election, but to the first general election held **after** the judge or justice has served in office for **at least two years**.

An additional problem, is that N.D.C.C. §27-25-02 relies on N.D.C.C. §27-25-04(3)—the special election provision proposed to be eliminated—for the governor's use if the commission fails to forward names in the specified times.

We believe the problems we have identified are inadvertent, yielding unintended consequences.

We request you delete section 78 of the bill.

Testimony to the
Senate Government & Veterans Affairs Committee
3/6/15
Prepared by
ND Association of Counties

Relating to HB 1474: Study Consolidation of Elections

Chairman Dever & Committee members I'm Donnell Preskey with the North Dakota Association of Counties. The Auditors Association supports studying the consolidation of elections. This combined with the study proposed in 1302 would allow the legislature to take a comprehensive look at several questions and deeper issues involving elections.

Auditors have heard this concern brought up many times. A recent incident that made the news involving a school election in Cass County brings this issue even more to the forefront.

Auditors recognize they are the experts in conducting elections but because of the size of most offices, they do have concerns in taking over all elections. Limiting the times for elections would be critical. For example Cass County does aid in some school and city elections. Cass County Auditor, Mike Montplaisir ran six election in 2013 and remember that was an off year for elections.

In our discussions on this issue many issues have surfaced take for example the timing of a bond issue for a school around an election and construction season. That issue and others will need to be taken into consideration to determine if this is a worthy idea to pursue. That's why it is vital to have all the players involved in elections involved in this study. A county auditor would definitely want a seat at the table.

3/26

#1
pg 1

HB1474

Sixty-fourth
Legislative Assembly
of North Dakota

BILL NO.

Introduced by Senator _____

A BILL for an Act to amend and reenact section 16.1-03-02 of the North Dakota Century Code, relating to political organizations

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-03-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-02. Who may participate in and vote at caucus.

1. Only those individuals who are qualified electors under section 16.1-01-04 may vote or be elected as committeemen or officers at the precinct caucus.

~~2. Only those individuals who either voted or affiliated with the party at the last general election or intend to affiliate with the party and vote with the party at the next election may vote at the precinct caucus.~~

32. In case the right of an individual to participate at the caucus is challenged, the question of the individual's right to participate must be decided by a vote of the whole caucus. An individual so challenged may not vote on the question of the individual's right to participate in the caucus, and a two-thirds vote of the whole caucus is required to exclude an individual from participation.

43. An individual may not vote or participate at more than one precinct caucus in any one year.

SECTION 2. AMENDMENT. Section 16.1-03-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-05. Vacancies in office of precinct committeeman - Filling.

A vacancy in the office of precinct committeeman, which occurs after the organization of the district committee, may be filled by appointment ~~from the precinct by the district executive committee of the party,~~ as authorized by the district party by-laws.

SECTION 3. AMENDMENT. Section 16.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-07. Meeting of district committee - Organization.

1. In every odd-numbered year, the district committee of each party shall meet within fifteen days after the precinct caucus provided for in section 16.1-03-01. The day, hour, and site must be set by the existing district committee chairman. Any incumbent members of the legislative assembly from the party, the precinct committeemen of a party, selected as provided by this chapter, and any other individual provided for by the district committee's bylaws constitute the district committee of the party. The district committee of a party must be organized to coincide with the geographical boundary

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lines of state legislative districts. Each member of any committee provided for in this chapter must be a qualified elector.

2. The precinct committeemen and the party's incumbent members of the legislative assembly from the district shall select the officers of the district committee. The officers selected, as provided by the district party bylaws, need not be precinct committeemen; however, all the officers must be voting members of the district committee. The district committee shall forward to the state committee the name and contact information of the district committee chairman. The district committee may appoint an executive committee consistent with the bylaws of the district committee. That party's nominees for and members of the legislative assembly shall serve as members of the executive committee.

3. If the office of chairman becomes vacant, the vacancy may be filled as provided by the district party bylaws.

~~4. The bylaws of the state committee or state party may not include any requirement providing directives or procedures for the method of the organization of district committees nor may the state committee or state party take any action or impose any requirement regarding the party organization which is not consistent with this chapter.~~

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3/26 AB 1474 #2



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 1474 – Consolidation of Elections Study

We approve of the desire of some in the 2015 Legislative Assembly to make a comprehensive study of election laws during the upcoming interim.

We request your favorable consideration for a do pass recommendation.