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January 21, 2021

TO: Chairman Kasper and Members of the House Government and Veterans Affairs Committee
FR: Jim Silrum, Deputy Secretary of State on behalf of Secretary of State Al Jaeger
RE: HB 1198 – No suspension of polling place requirement allowed

Currently, NDCC § 37-17.1-05 does not mention elections. The proposed amendment in this bill would prevent the Governor from suspending the polling place requirement in Chapter 16.1-11.1 of the NDCC by executive order.

This added wording could have unintended consequences preventing qualified electors in North Dakota from exercising their right to cast a ballot. During a declared disaster, it would prohibit a governor from making any adjustments to elections that would ensure voters are able to vote.

Disasters can be caused by tornados, blizzards, floods, fires, and many other unforeseen events. Any of these just before an election could require temporary measures to be put in place to administer the election and allow electors to vote. Disasters occurring in another state could also cause our skilled tradespeople, doctors, nurses, and others to be away from the state to help those impacted. Adding the language in this bill to law would take away the right of these individuals to vote.

It has been suggested that a special session of the legislature could be called to address any changes that might be necessary after a disaster. However, if the disaster brings down some of the state's critical infrastructure of internet, power, and cell signals, a virtual session would be impossible and gathering all legislators in person may not be feasible due to the timing of the disaster.

On behalf of the Secretary of State and his election team, I urge the committee to give this bill a do not pass recommendation.