

March 17, 2021

House Government and Veterans Affairs Committee  
North Dakota Legislative Assembly  
State Capitol  
600 East Boulevard  
Bismarck, ND 58505-0360

RE: Verified Voting Opposition to Senate Bill 2271

*A copy of this testimony was previously submitted to the bill's sponsors along with members of House leadership.*

Dear Committee Members,

On behalf of Verified Voting, I write today in strong opposition to Senate Bill 2271. Verified Voting is a nonpartisan nonprofit organization whose mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. We believe that the integrity and strength of our democracy rely on citizens' trust that each vote is counted as cast. This bill threatens to undermine that trust by potentially concealing detailed presidential vote counts for over a month after a presidential election. Public trust in elections depends on transparency; this bill sets course in the wrong direction.

The principle of election transparency dates from the inception of the United States, when voting was quintessentially public. Well into the 19th century, and in some places until the 1880s, voters cast their votes orally, *viva voce*, for all to witness. As Americans accepted the importance of voting in private (the "secret ballot"), transparency came to entail making results available as soon as possible, often at each polling place on election night. Sharing detailed results allows for scrutiny that may reveal errors in the vote counts -- and it supports the idea that elections belong to the public, who have a right to know the results. This bill effectively takes the public out of the results phase of the election for over a month.

The 2020 election cycle illustrated what can happen when the public lacks confidence in their electoral system and the procedures that hardworking election officials use to count ballots and report results. We agree with the expert consensus that the November election was the most secure in recent history -- but the public themselves are the ultimate arbiters. How can the public trust the security of the election if they are prevented from knowing the results?

Please consider the lasting damage that this bill could do. We recognize that, if passed, it would not become effective until or unless the national popular vote compact comes into effect. (We take no position on the compact.) But even the precedent of preparing to conceal vote counts

until after the Electoral College meets would be dangerously misguided. We urge Senate Bill 2271 be rejected.

Respectfully submitted,

Mark Lindeman  
Acting Co-Director

