

**1999 SENATE JUDICIARY**

**SB 2148**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2148

Senate Judiciary Committee

Conference Committee

Hearing Date January 12, 1999

Tape Number	Side A	Side B	Meter #
1	x		00 - 1245
Committee Clerk Signature <i>Jackie Tollman</i>			

Minutes:

SB2148 relates to deadlines for placing county and city measures on election ballots.

SENATOR STENEHJEM opened the hearing on SB2148 at 9:00 A.M.

All were present.

CORY FONG, Secretary of State Office, Elections Director, testified in support of SB2148.

Testimony attached.

SENATOR WATNE asked about the part on not excusing the workers on training, some have done it for 20 or 30 years and do not need training.

CORY FONG stated this is the purpose of the amendment. The county will have the choice on whether to require training or not. Training for the clerks is very important.

SENATOR TRAYNOR asked if these workers were paid for this training.

CORY FONG stated that they were paid.

KEVIN GLATT, County Auditor of Burleigh County, testified in support of SB2148. Section 3 is very important. The demands being made on the County Auditors to have something on the ballot. This needs to be done on a timely basis to get accurate information. Right now there is nothing that says when a city or county has to get a measure to the County Auditor. This would be very helpful.

SENATOR STENEHJEM asked how soon after you get the petitions and everything on the 60th day do you send it off to the printer.

KEVIN GLATT stated they try to do it the very next day. We need to have the absentee ballots in our office 40 days before the election and with the deadline for petitions being 60 days, that leaves us 20 days to set the ballots, to get it to the printer, get it printed, proof it, proof it, proof it and to proof it.

JERRY HJELMSTAD, North Dakota League of Cities, testified in support of SB2148. There is a need for clarification and Section 3 does this.

SENATOR STENEHJEM CLOSED the hearing on SB2148.

SENATOR WATNE made a motion for the Amendment, SENATOR NELSON seconded the motion.

SENATOR WATNE made a motion for DO PASS AS AMENDED, seconded by SENATOR BERCIER.

SENATOR BERCIER will carry the Bill.

Date: 1-12-99  
Roll Call Vote #: \_\_\_\_\_

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2148

Senate Judiciary \_\_\_\_\_ Committee

Subcommittee on \_\_\_\_\_  
or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass on Amendment

Motion Made By Watne Seconded By Bercier

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
SenatorCarolyn Nelson	X				

Total (Yes) 6 No 0

Absent \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Floor Assignment Senator Bercier

REPORT OF STANDING COMMITTEE (410)  
January 13, 1999 1:14 p.m.

Module No: SR-07-0550  
Carrier: Bercier  
Insert LC: 98224.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

SB 2148: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends  
**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2148 was placed on the Sixth  
order on the calendar.

Page 2, remove the overstrike over lines 26 through 31

Renumber accordingly

**1999 HOUSE JUDICIARY**

**SB 2148**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. : 2148

House Judiciary Committee

Conference Committee

Hearing Date : March 1, 1999

Tape Number	Side A	Side B	Meter #
2	X		35.6
Committee Clerk Signature <i>Alan Gindberg</i>			

Minutes:

COREY FONG (SOS) Presented written testimony, a copy of which is attached.

TERRY HJELMSTAD (Township Officers Assoc.) We favor this bill.

COMMITTEE WORK: ~~March 3, 1999~~

REP. KOPPELMAN moved that the amendments suggested by Corey Fong be adopted. Rep.

Maragos seconded and the motion passed on a unanimous voice vote.

REP. MARAGOS moved that the committee recommend that the bill DO PASS. Rep. Meyer

seconded and the motion passed on a roll call vote with 15 ayes, 0 nays and 0 absent. Rep.

Maragos was assigned to carry the bill on the floor.

Date: 3/3  
Roll Call Vote #: \_\_\_\_\_

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2148

House JUDICIARY Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass as amended

Motion Made By Maragos Seconded By Meyer

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY	✓		REP. KELSH	✓	
REP. CLEARY	✓		REP. KLEMIN	✓	
REP. DELMORE	✓		REP. KOPPELMAN	✓	
REP. DISRUD	✓		REP. MAHONEY	✓	
REP. FAIRFIELD	✓		REP. MARAGOS	✓	
REP. GORDER	✓		REP. MEYER	✓	
REP. GUNTER	✓		REP. SVEEN	✓	
REP. HAWKEN	✓				

Total Yes 15 No 0

Absent 0

Floor Assignment Maragos

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



**REPORT OF STANDING COMMITTEE**

SB 2148, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2148 was placed on the Sixth order on the calendar.

Page 1, line 3, after the fifth comma insert "subsection 3 of section 16.1-13-22, sections 16.1-15-01,"

Page 1, line 6, remove "form of the"

Page 6, after line 26, insert:

**"SECTION 7. AMENDMENT.** Subsection 3 of section 16.1-13-22 of the North Dakota Century Code is amended and reenacted as follows:

3. At primary elections, the inspector or judge shall also inform each elector that if the elector splits the party ballot or votes for candidates of more than one party the elector's party ballot will be rejected.

**SECTION 8. AMENDMENT.** Section 16.1-15-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-01. Ballots void and not counted - Part of ballot may be counted.** In the canvass of the votes at any election, a ballot is void and may not be counted if:

1. It is not endorsed with the official stamp and initials as provided in this title; or
2. It is impossible to determine the elector's choice from the ballot or parts of a ballot.

If a ballot is marked so only a part of the voter's intention can be determined, the election judges shall count such part. If an elector votes for more than the number of persons to be elected to any office, the elector's ballot may be invalidated only insofar as the elector's vote for such office is concerned, and the balance of the elector's ballot, if otherwise proper, may not be invalidated. However, at primary elections only, a party ballot is void if the elector votes for candidates of more than one party."

Renumber accordingly

**1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2148**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2148

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3-18-1999

Tape Number	Side A	Side B	Meter #
1		X	7.9 - 26.3
Committee Clerk Signature <i>David McWilliams</i>			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more detailed information.

Summary of the Bill: Relating to deadlines for placing county and city measures on election ballots. Also, relating to election of county commissioners, election worker training sessions, the time for submitting nominating petitions of certificates of endorsement, the form of the primary election ballot, and county canvassing boards and recount boards being authorized to stamp and initial absentee ballots.

Representative Klein, Chairman of the GVA Committee opened the hearing on March 18, 1999,

Testimony in Favor:

Cory Fong, ND Secretary of States Office submitted written testimony which he read in it's entirety (**please refer to his testimony**). This is basically a clean up bill.

Representative Cleary, We heard this in judiciary and I was wondering why we are hearing it here. League of cities and the counties do support this legislation.

Fong, I am not sure I am the person to answer that question.

Representative Klein, I would like to take this one up, but before we do, I have some amendments to submit and walk you through them. Briefly these amendments relate to campaign and campaign finance reform.

Representative Metcalf, Is this cumulative?

Representative Klein, Yes.

Representative Winrich, Some of this language is similar to SB 2316. Is there a close relationship to these bills.

Representative Klein, Most of what is in SB 2316 is in these amendments. Put it into a secretary of state bill.

Representative Thoreson, Is section 5 where that money accumulates and then report it.

Representative Klein, That's where you aggregate it.

Representative Klemin, Is the \$200 dollars the federal requirement?

Representative Klein, Yes.

Representative Winrich, I am resistant to the change to \$200. I think \$100 is fine.

Representative Klein, I don't see any major problem with it. This is to bring it up to date and standardize it.

Representative Devlin, Made a motion to move a Do Pass on the amendments.

Representative Grande, Seconded the motion.

Page 3  
House Government and Veterans Affairs Committee  
Bill/Resolution Number SB 2148  
Hearing Date 3-18-1999

Representative Winrich, Asked to make a motion to amend the amendments from \$200 back to \$100.

Representative Kroeber, Seconded the motion.

Representative Klein, Well act on this one first. To move \$200 back to \$100 (amendment 2).

Motion Fails: Do Not Pass **6-9**.

Representative Klein, Call the roll on the first amendment.

Motion Passes: Do Pass **15-0**.

Representative Grande, Made a motion for a Do Pass on the amended bill.

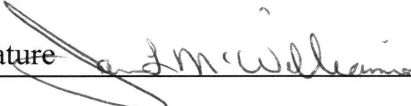
Representative Thoreson, Seconded the motion.

Motion Passes: Do Pass as amended **12-3**.

Representative Devlin, Is the carrier for the bill.

## General Discussion

- Committee on Committees
- Rules Committee
- Confirmation Hearings
- Delayed Bills Committee
- House Appropriations
- Senate Appropriations
- Other

Date March 19, 1999			
Tape Number	Side A	B Side	Meter #
1	X		0.4 - 7.8
Committee Clerk Signature 			

Minutes: Chairman Klein instructed the committee that we will proceed with the work of acting on what bills are left in committee. ***Please note \*This general discussion consisted of two bills, SB 2148 and SB 2316.***

Representative Cleary, Can I move for reconsideration of SB 2148? I didn't get a chance to read all the amendments. It was the bill we acted on yesterday.

Chairman Klein, SB 2148 didn't we kick that one out?

Jim McWilliams, Committee clerk stated that I turned that in and it's at the desk.

Representative Devlin, What's the reason to reconsider?

Representative Cleary, I just read the amendments a little more closely and I saw that one part was omitted.

Chairman Klein, Maybe what we should do is to reconsider the other one we are still holding (SB 2316).

Representative Cleary, Made a motion to reconsider 2316.

Representative Fairfield, Seconded the motion.

Representative Cleary, The part that was in SB 2316 that was excluded from SB 2148 is the part about political committees.

Representative Devlin, Isn't it still in SB 2316. It came out of committee Do Not Pass, but it still goes to the floor and if you support it, you can argue that on the floor.

Representative Hawken, In our district, our political committee is the district. For us this is just an additional step. It would be a third report in addition to the two that were already doing. I know this isn't true for everybody.

Representative Klein, Do you want us to reconsider this in committee or do you want to do what you need to do on the floor?

Representative Cleary, What can we do on the floor?

Chairman Klein, You make your case.

Representative Kroeber, We were under the impression that 2316 was amended into the other bill, and it wasn't. There were parts that were left out. We had very little time to look at those amendments before we voted on it. We would have rather reconsidered the other bill (SB 2148) and then have a minority report on those amendments. If that's gone, we can't do that. I guess we don't have anything to gain by reconsidering our actions on this.

General Discussion

Page 3

Government and Veterans Affairs

3-19-1999

Representative Devlin, Unless you want to take out or add something to SB 2316. But if your going to leave it intact, there's no reason to reconsider it. You can certainly do it if you want though.

Representative Winrich, Is it still possible to file a minority report on SB 2148?

Chairman Klein, It's already on the floor, at the desk. You could pull the amendments off it on the floor (6th order of business). OK, lets move on to other action. End of discussion.



VRC  
3/18/99  
1065

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2148 GVA 3-19-1999**

In lieu of the amendments printed on pages 724 and 725 of the House Journal, Engrossed Senate Bill No. 2148 is amended as follows:

Page 1, line 1, after "section" insert "to chapter 16.1-08.1 and a new section"

Page 1, line 2, after "to" insert "reporting requirements for political committees that organize and register according to federal law and"

Page 1, line 3, after the second comma insert "16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.2, subsection 3 of section 16.1-08.1-03.3, sections 16.1-08.1-06," and after the fifth comma insert "subsection 3 of section 16.1-13-22, sections 16.1-15-01,"

Page 1, line 5, after the second comma insert "campaign contribution statements,"

Page 1, line 6, remove "form of the"

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2148**

**GVA 3-19-1999**

Page 2, after line 31, insert:

**"SECTION 3. AMENDMENT.** Section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-01. Definitions.** As used in this chapter, unless the context otherwise ~~plainly~~ requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
2. "Candidate" means an individual who seeks nomination for election or election to public office.
3. "Contribution" means a gift, subscription, loan, advance, or deposit of money, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. ~~Contribution~~ The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes, ~~and~~ The term includes funds received by a candidate for public office or a political party or committee which are transferred or signed over to that candidate, party, or committee from another candidate, party, or political committee or other source except as provided in subdivision d. ~~This definition~~ The term does not include:
  - a. A loan of money from a bank or other lending institution made in the regular course of business.

- b. Time spent by volunteer campaign or political party workers.
  - c. Money spent by a candidate on the candidate's own behalf.
  - d. Any money received ~~from a district or state committee of a political party, as established pursuant to sections 16.1-03-06 and 16.1-03-08, except for contributions reported pursuant to section 16.1-08.1-03 by a candidate for legislative office which is immediately transferred or signed over to a district committee of a political party within thirty days of the candidate receiving the money. The district committee of the political party shall report a transfer of this kind as a contribution according to section 16.1-08.1-03 and shall show the origin of the contribution to the legislative candidate.~~
4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code.
  5. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or property, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.
  6. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
  7. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
  8. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures primarily for political purposes.
  9. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.
  10. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office whether the activity is undertaken by a candidate, a political committee, a political party, or any person. The term does not include activities undertaken in the performance of a duty of a state office.
  11. "Public office" means every statewide or legislative office to which persons can be elected by vote of the people under the laws of this state.

**SECTION 4. AMENDMENT.** Section 16.1-08.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-02. Contributions statement required of candidates.**

1. Any candidate who is soliciting or accepting contributions for any political purpose shall make and file a statement in accordance with this section.

2. The candidate shall include in the statement the name and mailing address of all contributors who contributed in excess of ~~one~~ two hundred dollars in the aggregate during the reporting period to the candidate, the amount of each reportable contribution, and the date each reportable contribution was received.
3. The candidate shall file the statement in the office of the secretary of state no later than the twelfth day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes complete from the beginning of that calendar year through the twentieth day before the date of the election. The candidate shall file a complete statement for the entire calendar year no later than the thirty-first day of January of the following year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year or whether the candidate did not seek election at any election through write-in votes.

~~Statements of a legislative candidate must be filed in the office of the county auditor of the candidate's county of residence. Statements of state office candidates must be filed in the office of the secretary of state.~~

4. Even if the candidate has not received any contributions in excess of ~~one~~ two hundred dollars during the ~~calendar year~~ reporting period, the candidate shall file a statement as required by this chapter.

**SECTION 5. AMENDMENT.** Section 16.1-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03. Contributions statement required of political parties.**

1. Any political party that receives contributions in excess of ~~one~~ two hundred dollars in the aggregate during the reporting period shall file a statement containing a detailed list of all contributions received from a person or political committee which exceed ~~one~~ two hundred dollars in amount. The statement must include the name and mailing address of all contributors listed, the amount of each reportable contribution, and the date each reportable contribution was received.
2. A yearend statement covering the entire calendar year must be filed with the secretary of state no later than the thirty-first day of January of the following year. A preelection statement must be filed no later than the twelfth day before any election at which the party has endorsed or will nominate a candidate and must be complete from the beginning of that calendar year through the twentieth day before the election.
3. Even if the political party has not received any contributions in excess of two hundred dollars during the reporting period, the political party shall file a statement as required by this chapter.

**SECTION 6. AMENDMENT.** Section 16.1-08.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03.2. Political committee registration.** A political committee, other than a political party and a committee organized in support of a legislative candidate, and a person aiding or opposing a measure to be voted upon by the voters of the state shall register its name, address, and its agent's name and address with the secretary of state each calendar year in which it receives any contribution. The registration must be completed within five days of the receipt of any contribution and must be submitted with a registration fee of five dollars. A political committee that organizes and registers according to federal law and makes a disbursement in excess of two hundred dollars to

a nonfederal candidate seeking public office in this state is not required to register as a political committee according to this section if the political committee reports according to section 8 of this Act.

**SECTION 7. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

- 3. All political committees formed for the purpose of administering the segregated fund provided for in this section shall file a statement showing the name and mailing address of each contributor of an amount in excess of two hundred dollars in the aggregate for the reporting period and a listing of all expenditures of an amount in excess of ~~one~~ two hundred dollars in the aggregate made for political purposes with the secretary of state. The statement must include the amount of each reportable contribution and the date it was received and the amount of each reportable expenditure and the date it was made. A yearend statement covering the entire calendar year must be filed no later than the thirty-first day of the following year. A preelection statement must be filed no later than the twelfth day before any primary, special, or general election and must be complete from the beginning of the calendar year through the twentieth day before the election.

**SECTION 8.** A new section to chapter 16.1-08.1 of the North Dakota Century Code is created and enacted as follows:

**Political committees that organize and register according to federal law that make disbursements to nonfederal candidates.** A political committee that organizes and registers according to federal law and makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office in this state shall file a copy of that portion of the committee's federal report detailing the disbursement made to the candidate. The political committee shall file a copy of the committee's federal report with the secretary of state at the time of filing the report with the applicable federal agency. The report must include:

- 1. The name, mailing address, and treasurer of the political committee;
- 2. The recipient's name and mailing address; and
- 3. The date and amount of the disbursement made.

**SECTION 9. AMENDMENT.** Section 16.1-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-06. Contributions statement requirements.**

- 1. A statement required by this chapter to be filed with the secretary of state ~~or county auditor~~ must be:
  - ~~+~~ a. Deemed properly filed when deposited in an established post office within the prescribed time, postage affixed, and directed to the secretary of state ~~or county auditor~~, but if it is not received, a duplicate of the statement must be promptly filed upon notice by the secretary of state ~~or county auditor~~ of its nonreceipt.
  - 2- b. Preserved by the secretary of state ~~or county auditor~~ for a period of four years from the date of filing. The statement is to be considered a part of the public records of the secretary of state's ~~or county auditor's~~ office and must be open to public inspection.

505

- 2. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state ~~or county auditor~~ is closed, the statement must be filed on the next available day on which the office of the secretary of state ~~or county auditor~~ is open. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated to report an overall total contribution for the purposes of the statements required by this chapter. Aggregate contributions must reference the date of the most recent contribution. Contributions made separately by different persons from joint accounts are considered separate contributions for reporting purposes."

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2148

GVA 3-19-1999

Page 6, after line 26, insert:

**"SECTION 14. AMENDMENT.** Subsection 3 of section 16.1-13-22 of the North Dakota Century Code is amended and reenacted as follows:

- 3. At primary elections, the inspector or judge shall also inform each elector that if the elector splits the party ballot or votes for candidates of more than one party the elector's party ballot will be rejected.

**SECTION 15. AMENDMENT.** Section 16.1-15-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-01. Ballots void and not counted - Part of ballot may be counted.**

- 1. In the canvass of the votes at any election, a ballot is void and may not be counted if:
  - ~~1-~~ a. It is not endorsed with the official stamp and initials as provided in this title; or
  - ~~2-~~ b. It is impossible to determine the elector's choice from the ballot or parts of a ballot.
- 2. If a ballot is marked so only a part of the voter's intention can be determined, the election judges shall count such part. If an elector votes for more than the number of persons to be elected to any office, the elector's ballot may be invalidated only insofar as the elector's vote for such office is concerned, and the balance of the elector's ballot, if otherwise proper, may not be invalidated. However, at primary elections only, a party ballot is void if the elector votes for candidates of more than one party."

Renumber accordingly

Date: 3-18-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2148

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken AMENDMENT #2 DO PASS

Motion Made By WINRICH Seconded By KROEBER

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN		✓	REP. WINRICH	✓	
VICE-CHAIR KLINISKE		✓			
REP. BREKKE		✓			
REP. CLEARY	✓				
REP. DEVLIN		✓			
REP. FAIRFIELD	✓				
REP. GORDER	✓				
REP. GRANDE		✓			
REP. HAAS		✓			
REP. HAWKEN		✓			
REP. KLEMIN		✓			
REP. KROEBER	✓				
REP. METCALF	✓				
REP. THORESON		✓			

FAILED

Total (Yes) 6 No 9

Absent 0

Floor Assignment \_\_\_\_\_

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

Roll Call Vote #: 2 Date: 3-18-99

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2148

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken AMENDMENT #1 DO PASS

Motion Made By DEVLIN Seconded By GRANDE

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH	✓	
VICE-CHAIR KLINISKE	✓				
REP. BREKKE	✓				
REP. CLEARY	✓				
REP. DEVLIN	✓				
REP. FAIRFIELD	✓				
REP. GORDER	✓				
REP. GRANDE	✓				
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER	✓				
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Roll Call Vote #: 3 Date: 3-18-99

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2148

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass Amended (Amendment #1) <sup>BILL</sup>

Motion Made By GRANDE Seconded By THORESON

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH		✓
VICE-CHAIR KLINISKE	✓				
REP. BREKKE	✓				
REP. CLEARY	✓				
REP. DEVLIN	✓				
REP. FAIRFIELD		✓			
REP. GORDER	✓				
REP. GRANDE	✓				
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER		✓			
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 12 No 3

Absent 0

Floor Assignment DEVLIN

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



REPORT OF STANDING COMMITTEE

SB 2148, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2148 was placed on the Sixth order on the calendar.

In lieu of the amendments printed on pages 724 and 725 of the House Journal, Engrossed Senate Bill No. 2148 is amended as follows:

Page 1, line 1, after "section" insert "to chapter 16.1-08.1 and a new section"

Page 1, line 2, after "to" insert "reporting requirements for political committees that organize and register according to federal law and"

Page 1, line 3, after the second comma insert "16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.2, subsection 3 of section 16.1-08.1-03.3, sections 16.1-08.1-06," and after the fifth comma insert "subsection 3 of section 16.1-13-22, sections 16.1-15-01,"

Page 1, line 5, after the second comma insert "campaign contribution statements,"

Page 1, line 6, remove "form of the"

Page 2, after line 31, insert:

**"SECTION 3. AMENDMENT.** Section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-01. Definitions.** As used in this chapter, unless the context otherwise plainly requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
2. "Candidate" means an individual who seeks nomination for election or election to public office.
3. "Contribution" means a gift, subscription, loan, advance, or deposit of money, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. ~~Contribution~~ The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes, ~~and~~ The term includes funds received by a candidate for public office or a political party or committee which are transferred or signed over to that candidate, party, or committee from another candidate, party, or political committee or other source except as provided in subdivision d. ~~This definition~~ The term does not include:
  - a. A loan of money from a bank or other lending institution made in the regular course of business.

- b. Time spent by volunteer campaign or political party workers.
  - c. Money spent by a candidate on the candidate's own behalf.
  - d. Any money received from a district or state committee of a political party, as established pursuant to sections 16.1-03-06 and 16.1-03-08, except for contributions reported pursuant to section 16.1-08.1-03 by a candidate for legislative office which is immediately transferred or signed over to a district committee of a political party within thirty days of the candidate receiving the money. The district committee of the political party shall report a transfer of this kind as a contribution according to section 16.1-08.1-03 and shall show the origin of the contribution to the legislative candidate.
4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code.
  5. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or property, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.
  6. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
  7. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
  8. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures primarily for political purposes.
  9. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.
  10. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office whether the activity is undertaken by a candidate, a political committee, a political party, or any person. The term does not include activities undertaken in the performance of a duty of a state office.
  11. "Public office" means every statewide or legislative office to which persons can be elected by vote of the people under the laws of this state.

**SECTION 4. AMENDMENT.** Section 16.1-08.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-02. Contributions statement required of candidates.**

1. Any candidate who is soliciting or accepting contributions for any political purpose shall make and file a statement in accordance with this section.
2. The candidate shall include in the statement the name and mailing address of all contributors who contributed in excess of ~~one~~ two hundred dollars in the aggregate during the reporting period to the candidate, the amount of each reportable contribution, and the date each reportable contribution was received.
3. The candidate shall file the statement in the office of the secretary of state no later than the twelfth day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes complete from the beginning of that calendar year through the twentieth day before the date of the election. The candidate shall file a complete statement for the entire calendar year no later than the thirty-first day of January of the following year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year or whether the candidate did not seek election at any election through write-in votes.

~~Statements of a legislative candidate must be filed in the office of the county auditor of the candidate's county of residence. Statements of state office candidates must be filed in the office of the secretary of state.~~

4. Even if the candidate has not received any contributions in excess of ~~one~~ two hundred dollars during the calendar year reporting period, the candidate shall file a statement as required by this chapter.

**SECTION 5. AMENDMENT.** Section 16.1-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03. Contributions statement required of political parties.**

1. Any political party that receives contributions in excess of ~~one~~ two hundred dollars in the aggregate during the reporting period shall file a statement containing a detailed list of all contributions received from a person or political committee which exceed ~~one~~ two hundred dollars in amount. The statement must include the name and mailing address of all contributors listed, the amount of each reportable contribution, and the date each reportable contribution was received.
2. A yearend statement covering the entire calendar year must be filed with the secretary of state no later than the thirty-first day of January of the following year. A preelection statement must be filed no later than the twelfth day before any election at which the party has endorsed or will nominate a candidate and must be complete from the beginning of that calendar year through the twentieth day before the election.
3. Even if the political party has not received any contributions in excess of two hundred dollars during the reporting period, the political party shall file a statement as required by this chapter.

**SECTION 6. AMENDMENT.** Section 16.1-08.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03.2. Political committee registration.** A political committee, other than a political party and a committee organized in support of a legislative candidate, and a person aiding or opposing a measure to be voted upon by the voters of the state shall register its name, address, and its agent's name and address with the secretary of state each calendar year in which it receives any contribution. The registration must be completed within five days of the receipt of any contribution and must be submitted with a registration fee of five dollars. A political committee that organizes and registers according to federal law and makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office in this state is not required to register as a political committee according to this section if the political committee reports according to section 8 of this Act.

**SECTION 7. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

3. All political committees formed for the purpose of administering the segregated fund provided for in this section shall file a statement showing the name and mailing address of each contributor of an amount in excess of two hundred dollars in the aggregate for the reporting period and a listing of all expenditures of an amount in excess of ~~one~~ two hundred dollars in the aggregate made for political purposes with the secretary of state. The statement must include the amount of each reportable contribution and the date it was received and the amount of each reportable expenditure and the date it was made. A yearend statement covering the entire calendar year must be filed no later than the thirty-first day of the following year. A preelection statement must be filed no later than the twelfth day before any primary, special, or general election and must be complete from the beginning of the calendar year through the twentieth day before the election.

**SECTION 8.** A new section to chapter 16.1-08.1 of the North Dakota Century Code is created and enacted as follows:

**Political committees that organize and register according to federal law that make disbursements to nonfederal candidates.** A political committee that organizes and registers according to federal law and makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office in this state shall file a copy of that portion of the committee's federal report detailing the disbursement made to the candidate. The political committee shall file a copy of the committee's federal report with the secretary of state at the time of filing the report with the applicable federal agency. The report must include:

1. The name, mailing address, and treasurer of the political committee;
2. The recipient's name and mailing address; and
3. The date and amount of the disbursement made.

**SECTION 9. AMENDMENT.** Section 16.1-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-06. Contributions statement requirements.**

1. A statement required by this chapter to be filed with the secretary of state ~~or county auditor~~ must be:

- ~~1.~~ a. Deemed properly filed when deposited in an established post office within the prescribed time, postage affixed, and directed to the secretary of state ~~or county auditor~~, but if it is not received, a duplicate of the statement must be promptly filed upon notice by the secretary of state ~~or county auditor~~ of its nonreceipt.
- ~~2.~~ b. Preserved by the secretary of state ~~or county auditor~~ for a period of four years from the date of filing. The statement is to be considered a part of the public records of the secretary of state's ~~or county auditor's~~ office and must be open to public inspection.
2. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state ~~or county auditor~~ is closed, the statement must be filed on the next available day on which the office of the secretary of state ~~or county auditor~~ is open. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated to report an overall total contribution for the purposes of the statements required by this chapter. Aggregate contributions must reference the date of the most recent contribution. Contributions made separately by different persons from joint accounts are considered separate contributions for reporting purposes."

Page 6, after line 26, insert:

**"SECTION 14. AMENDMENT.** Subsection 3 of section 16.1-13-22 of the North Dakota Century Code is amended and reenacted as follows:

3. At primary elections, the inspector or judge shall also inform each elector that if the elector splits the party ballot or votes for candidates of more than one party the elector's party ballot will be rejected.

**SECTION 15. AMENDMENT.** Section 16.1-15-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-01. Ballots void and not counted - Part of ballot may be counted.**

1. In the canvass of the votes at any election, a ballot is void and may not be counted if:
  - ~~1.~~ a. It is not endorsed with the official stamp and initials as provided in this title; or
  - ~~2.~~ b. It is impossible to determine the elector's choice from the ballot or parts of a ballot.
2. If a ballot is marked so only a part of the voter's intention can be determined, the election judges shall count such part. If an elector votes for more than the number of persons to be elected to any office, the elector's ballot may be invalidated only insofar as the elector's vote for such office is concerned, and the balance of the elector's ballot, if otherwise proper, may not be invalidated. However, at primary elections only, a party ballot is void if the elector votes for candidates of more than one party."

Renumber accordingly

**1999 TESTIMONY**

**SB 2148**



## SECRETARY OF STATE

STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

January 12, 1999

TO: Senator Stenehjem and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

**RE: HB 2148 – Election Clean Up**

Senate Bill 2148 is intended to clean up a variety of unrelated election statutes that have raised questions during the past two years.

### Section 1

This section simply corrects an incorrect cross-reference to the election title. Section 11-07-06 makes reference to title 16 when it should refer to title 16.1.

### Section 2

This section eliminates the ability for the board of county commissioners to excuse poll clerks from attending election worker training sessions. These election-training sessions are extremely important and serve as valuable opportunities for election officials to learn about proper and consistent election procedures. Since poll clerks play such an important role in overseeing the conduct of the polling location on Election Day, it is very important that they receive the proper election training. For this reason, election clerks should be required that they attend election training session.

The deadline for the introduction of agency bills was December 10. Since that time, we have continued to evaluate and fine-tune Senate Bill 2148. Therefore, we have proposed amendments to section 2 that no longer eliminate the contents found in subsection 3 of section 16.1-05-03.

### Section 3

This section provides for a deadline for measures to be submitted to the voters of a county at a primary, general, or special statewide election. The deadline provided in section 3 coincides with the deadline for candidates to gain ballot access. That deadline is 4 p.m. on the 60<sup>th</sup> day before the election.

Section 3 also provides for a deadline for measures to be submitted to the voters of a city at a regular or special election combined with a county primary, general, or special election. This deadline also coincides with the deadline for candidates to gain ballot access in a combined election. That deadline is 4 p.m. on the 60<sup>th</sup> day before the election.

### **Sections 4 and 5**

Current law provides for a narrow 10-day window for federal, statewide, legislative, and judicial candidates to file their nominating papers with the appropriate filing officer. According to sections 16.1-11-06 and 16.1-11-11, nominating papers may not be filed with the appropriate election officials earlier than the 70<sup>th</sup> day before an election and not later than the 60<sup>th</sup> day before an election.

During the 1998 election cycle, some candidates, especially legislative candidates, questioned the need for such a narrow 10-day filing window and expressed an interest in lengthening it. Sections 4 and 5 expand the 10-day filing window to 90 days by allowing candidates to file their nominating papers with the appropriate election officials at the same time candidates may begin circulating nominating petitions. According to section 16.1-11-15, candidates may begin circulating nominating petitions not earlier than 90 days before petitions are required to be filed with election officials.

### **Section 6**

This section is simply intended to provide clarification to election officials and voters as to when a voter's party ballot may be rejected in the primary election. Currently the law requires election officials to inform voters at a primary election that crossing party lines will cause their ballot to be rejected. In reality however, when a voter crosses party lines in a primary election, only the party portion of their ballot is rejected. The no-party, measure, and local sections of the ballot are still counted.

Section 6 clarifies this by stating that voters at a primary election that cross party lines will cause their party ballot to be rejected.

### **Sections 7 and 8**

Section 16.1-15-01 requires that ballots be properly stamped and initialed in order to be counted by a canvassing board. Sections 7 and 8 simply authorize county canvassing boards and recount boards to stamp and initial properly postmarked absentee ballots that arrive too late to be forwarded to, and stamped, initialed and considered by the proper precinct on election night.

For these reasons, I encourage your support for Senate Bill 2148.



SECRETARY OF STATE  
ALVIN A. JAEGER

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**SECRETARY OF STATE**

STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

January 12, 1999

TO: Senator Stenehjem and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

**RE: HB 2148 – Election Clean Up – Proposed Amendments**

Page 2, remove the overstrike over lines 26 through 31.



## SECRETARY OF STATE

STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

March 1, 1999

TO: Representative DeKrey and Members of the House Judiciary Committee

FR: Al Jaeger, Secretary of State

### RE: HB 2148 – Election Clean Up

Senate Bill 2148 is intended to clean up a variety of unrelated election statutes that have raised questions during the past two years.

#### Section 1

Section 1 simply corrects an incorrect cross-reference to the election title. Section 11-07-06 makes reference to title 16 when it should refer to title 16.1.

#### Section 2

Section 2 eliminates the ability for the board of county commissioners to excuse poll clerks from attending election worker training sessions. These election-training sessions are extremely important and serve as valuable opportunities for election officials to learn about proper and consistent election procedures. Since poll clerks play such a critical role in overseeing the conduct of the polling location on Election Day, it is very important that they receive the proper election training. For this reason, election clerks should be required to attend election-training sessions.

#### Section 3

This section provides for a deadline for measures to be submitted to the voters of a county at a primary, general, or special statewide election. The deadline provided in section 3 coincides with the deadline for candidates to gain ballot access. That deadline is 4 p.m. on the 60<sup>th</sup> day before the election.

Section 3 also provides for a deadline for measures to be submitted to the voters of a city at a regular or special election combined with a county primary, general, or special election. This deadline also coincides with the deadline for candidates to gain ballot access in a combined election. That deadline is 4 p.m. on the 60<sup>th</sup> day before the election.

#### Sections 4 and 5

Current law provides for a narrow 10-day window for federal, statewide, legislative, and judicial candidates to file their nominating papers with the appropriate filing officer. According to sections 16.1-11-06 and 16.1-11-11, nominating papers may not be filed with the appropriate

election officials earlier than the 70<sup>th</sup> day before an election and not later than the 60<sup>th</sup> day before an election.

During the 1998 election cycle, some candidates, especially legislative candidates, questioned the need for such a narrow 10-day filing window and expressed an interest in lengthening it. Sections 4 and 5 expand the 10-day filing window to 90 days by allowing candidates to file their nominating papers with the appropriate election officials at the same time candidates may begin circulating nominating petitions. According to section 16.1-11-15, candidates may begin circulating nominating petitions not earlier than 90 days before petitions are required to be filed with election officials.

### **Section 6**

Section 6 is simply intended to provide clarification to election officials and voters as to when a voter's party ballot may be rejected in the primary election. Currently the law requires election officials to inform voters at a primary election that crossing party lines will cause their ballot to be rejected. In reality however, when a voter crosses party lines in a primary election, only the party portion of their ballot is rejected. The no-party, measure, and local sections of the ballot are still counted.

Section 6 clarifies this by stating that voters at a primary election that cross party lines will cause their party ballot to be rejected.

### **Sections 7 and 8**

Section 16.1-15-01 requires that ballots be properly stamped and initialed in order to be counted by a canvassing board. Sections 7 and 8 simply authorize county canvassing boards and recount boards to stamp and initial properly postmarked absentee ballots that arrive too late to be forwarded to, and stamped, initialed and considered by the proper precinct on election night.

For these reasons, I encourage your support for Senate Bill 2148.

ALVIN A. JAEGER  
SECRETARY OF STATE  
STATE OF NORTH DAKOTA  
600 E BOULEVARD AVE DEPT 108  
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## SECRETARY OF STATE

March 2, 1999

**TO:** Representative Koppelman, House Judiciary Committee  
**FR:** Cory Fong, Elections Director *Cory*  
**RE:** **SB 2148 – Election Clean Up – Proposed Amendments**

### PROPOSED AMENDMENTS TO SENATE BILL NO. 2148

Page 8, after line 8, insert:

**"SECTION 9. AMENDMENT.** Subsection 3 of section 16.1-13-22 of the North Dakota Century Code is amended and reenacted as follows:

3. At primary elections, the inspector or judge shall also inform each elector that if the elector splits the party ballot or votes for candidates of more than one party the elector's party ballot will be rejected.

**SECTION 10. AMENDMENT.** Section 16.1-15-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-01. Ballots void and not counted - Part of ballot may be counted.** In the canvass of the votes at any election, a ballot is void and may not be counted if:

1. It is not endorsed with the official stamp and initials as provided in this title; or
2. It is impossible to determine the elector's choice from the ballot or parts of a ballot.

If a ballot is marked so only a part of the voter's intention can be determined, the election judges shall count such part. If a voter votes for more than the number of persons to be elected to any office, his ballot may be invalidated only insofar as his vote for such office is concerned, and the balance of his ballot, if otherwise proper, may not be invalidated. However, at primary elections only, a party ballot is void if the elector votes for candidates of more than one party."

Renumber accordingly



## SECRETARY OF STATE

STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

March 18, 1999

**TO:** Representative Klein and Members of the House Government and Veterans Affairs Committee  
**FR:** Al Jaeger, Secretary of State  
**RE:** **SB 2148 – Election Clean Up**

Senate Bill 2148 is intended to clean up a variety of unrelated election statutes that have raised questions during the past two years.

### **Section 1**

Section 1 simply corrects an incorrect cross-reference to the election title.

### **Section 2**

Section 2 eliminates the ability for the board of county commissioners to excuse poll clerks from attending election worker training sessions.

### **Section 3**

This section provides for a deadline for measures to be submitted to the voters of a county at a primary, general, or special statewide election. The deadline provided coincides with the 60-day filing deadline for candidates to gain ballot access. Section 3 also provides for a similar 60-day filing deadline for measures to be submitted to the voters of a city at a regular or special election combined with a county primary, general, or special election.

### **Sections 4 and 5**

Sections 4 and 5 expand the 10-day filing window for candidates to file their nominating papers to 90 days by allowing candidates to file with the appropriate election officials at the same time candidates may begin circulating nominating petitions.

### **Sections 6, 7 and 8**

Sections 6, 7 and 8 are simply intended to provide clarification to election officials and voters that cross-over voting only invalidates the party portion of a voter's primary ballot.

### **Sections 9 and 10**

Sections 7 and 8 simply authorize county canvassing boards and recount boards to stamp and initial properly postmarked absentee ballots that arrive too late considered by the proper precinct on election night.

For these reasons, I encourage your support for Senate Bill 2148.