

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1047

2001 HOUSE JUDICIARY

HB 1047

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047

House Judiciary Committee

Conference Committee

Hearing Date 01-16-01

Tape Number	Side A	Side B	Meter #
Tape I		X	2618 to 6250
Tape II	X		01 to 38
Committee Clerk Signature <i>Jan Davis</i>			

Minutes: Chr DeKrey opened the hearing on HB 1047. Ask the clerk to read the title.

Vonette Richter: Legislative Council. She was here to explain the bill. (see attached testimony)

Chr DeKrey: What the concern, is this going to change how those ballots are handled?

Vonette Richter: This bill would not have any effect on how those ballots would be handled.

Rep Delmore: Is sub section 6 in the code right now?

Vonette Richter: Yes

Rep Kretschmar: If someone provides appropriate form of identification, then they are not required to sign that affidavit?

Vonette Richter: That is correct.

Rep Kretschmar: Would it be the election board who determines the appropriate form?

Vonette Richter: Yes

Rep Kretschmar: This poll challenger, would he have the right to have this person sign an affidavit? Or would it be just the election board, the inspector?

Vonette Richter: It would be the poll challenger or the election board member.

Rep Kretschmar: Who make the decision if it is appropriate?

Vonette Richter: The same people.

Rep Kingsbury: If the poll challenger brought it up, then the decision would be made the election board.

Vonette Richter: Sounds logically to me.

Rep Mahoney: How is this changed by this?

Vonette Richter: That affidavit process would be one additional step that would happen before.

Chr DeKrey: Right now they have to sign an affidavit if a person challenges them, whereas if this would pass and they have a drivers license or a utility bill that could be avoided.

Vonette Richter: That is correct.

Rep Mahoney: Couldn't they ask for identification already?

Vonette Richter: That question was raised. They do not have the authority to ask right now.

Rep Maragos: In the Interim Committee was there any testimony, why would anybody need an identification if they signed an affidavit?

Vonette Richter: They don't.

Rep Maragos: If a person and has no drivers license, what is required, after a valid drivers license what is the preferred or accepted form of ID.

Rep Grande: Utility bill.

Rep Maragos: Are you sure.

Vonette Richter: It wouldn't be up to the person who challenges anymore, if you can't produce anything then you would have to sign an affidavit.

Rep Maragos: It is just adding one more step beyond the affidavit, to allow a person to vote.

Vonette Richter: That is correct.

Rep Grundy: A utility bill is legal.

Rep Maragos: Does that then say that they have been there 30 days?

Rep Klemm: If you produce an ID, then you have to sign an affidavit. An ID produced then you don't have to go thru the affidavit process.

Chr DeKrey: That would say you that step. When you ask someone to sign an affidavit, that is rather intimidating. So the thought was if we have something before they have to sign an affidavit it would make them more comfortable.

Rep Maragos: The law is in effect, have we ever had a case where someone has been intimidated by signing an affidavit?

Vonette Richter: I don't have that information.

Rep Fairfield: Are we then going to embark on a a campaign to have encourage their utilities bills to the polls with them?

Vonette Richter: It is only an issue if there is an eligibility concern.

Rep Fairfield: I want to make sure that I understand this as well, the same person that is challenging is also going to be the arbiter what appropriate identification is going to be.

Vonetter Richter: I would say yes.

Rep Fairfield: On the affidavit, what about people who can't write?

Vonette Richter: I will defer to Mr Fong on that question.

Cory Fong: here on behalf of the Secretary States Office. (see attached testimony)

Question number one - the question of current law. You cannot be requested to produce ID under current law. Number 2 - already there is some statute under sub section two, the reasons for the key indicators, the poll challengers look to to challenge voters, and those are identified in sub section two a, b, c, d. He then goes on to explain the process.

Rep Eekre: Who decides then, when a person cannot provide the identification?

Mr Fong: Right now, if someone executes an affidavit, they must be allowed to continue on with the right to vote. The County Auditor is required by law to randomly verify 10% of the vote. They must report anyone known violations to the States Attorney for action.

Rep Eekre: Didn't a very similar bill come before Political Subdivisions last year?

Mr Fong: A bill tried to address that voting residency, what resulted in that was the four points under sub section two a, b, c, d.

Rep Delmore: When we looked at this bill during the Interim Committee, we really weren't sure that something was wrong, that needed to be fixed. Are we following through with the County Auditor looking at the 10%. Has it shown us problems.

Mr Fong: It is a good question, probably one for election officials. This just strengthens the challenge process.

Rep Maragos: Are the County Auditors following the current statutes?

Mr Fong: Yes, I do.

Rep Maragos: Do we know how many affidavits per capita are usually crafted during any given election?

Mr Fong: The number would be a fraction of 1% of the vote cast.

Rep Maragos: My question would be better directed to someone on the Criminal Justice Interim Committee.

Rep Mahoney: There is an assumption that they can't do this now, is there case law?

Mr Fong: It is based on an understanding, the only method of challenging the voter is that step which is the affidavit.

Rep Mahoney: What if they just don't

Mr Fong: What you are saying is, does that prohibit them from asking for a form of ID.

Rep Mahoney: A discussion was then held with several examples given when asked for ID other than voting.

Mr Fong: Are people intimidated by the process, yes they do.

Rep Maragos: If the person is not on the roll, how do they ascertain if that person has been in the district for 30 days?

Mr Fong: No, they don't.

Rep Maragos: You still haven't answered question on the 30 day requirement.

Mr Fong: I guess it would be on face value.

Rep Wrangham: How does part 2 of para 2,b -- fails to provide reasonable evidence of residence in the precinct - isn't that what we are saying with the new language under three?

Mr Fong: It clarifies and strengthens by this bill HB 1047.

Rep Mahoney: Are you challenging that person by asking them for an ID?

Mr Fong: I think that is another step in the process.

Chr DeKrey: The auditors are here, is there anything they would like to bring up at this point?

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House Judiciary Committee

Bill/Resolution Number HB 1047

Hearing Date 01-16-01

TAPE II SIDE A

Chr DeKrey: Is there any further testimony on HB 1017? If not we will close the hearing on HB

1047.



2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1047A

House Judiciary Committee

Conference Committee

Hearing Date 01-24-01

Tape Number	Side A	Side B	Meter #
Tape II	x		4371 to 6244
Tape II		x	01 to 990
Committee Clerk Signature <i>Joan Deers</i>			

Minutes: Chairman DeKrey: We will take up HB 1047.

Rep Mahoney: I move a DO NOT PASS.

Rep Fairfield: I second the motion.

Chairman DeKrey: Is there any discussion on the bill. The issue of ID was discussed and how it could be taken care of.

TAPE II SIDE B

The discussion of ID continues

Cory Fong from the Secretary of States Office came in and clarified some of the points of the discussion.

Chairman DeKrey: We will ask the clerk to read the roll on a DO NOT PASS motion on HB 1047. The motion passes with a vote of 14 YES, 4 NO and 1 ABSENT and not voting. Rep Maragos will be the carrier.

Date: 01-24-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB-1047

House JUDICIARY Committee

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

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

Action Taken Do Not Pass

Motion Made By Rep Mahoney Seconded By Rep Fairfield

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey		✓			
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke	✓				
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre		✓			
Rep April Fairfield	✓				
Rep Bette Grande		✓			
Rep G. Jane Gunter					
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin		✓			
Rep John Mahoney	✓				
Rep Andrew G Maragos	✓				
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 10 No 4

Absent 1

Floor Assignment Rep Maragos

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

**REPORT OF STANDING COMMITTEE (410)**  
January 25, 2001 8:25 a.m.

**Module No: HR-13-1566**  
**Carrier: Maragos**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1047: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO NOT PASS**  
**(10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1047 was placed on the**  
**Eleventh order on the calendar.**

2001 SENATE JUDICIARY

HB 1047

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1047

Senate Judiciary Committee

Conference Committee

Hearing Date March 7th, 2001

Tape Number	Side A	Side B	Meter #
1	x		0-18.8
Committee Clerk Signature			

Minutes: **Senator Traynor**, opened the hearing on HB 1047.

**Vonette Richter**, legislative council for the interim committee, (testimony attached)

**Senator Traynor**, this bill passed house without any amendments.

**Senator Nelson**, what is the difference now?

**Vonette Richter**, there is no authority in the law now for an election worker to ask for identification. This would allow them to ask for id. A simple drivers license will not be sufficient.

**Senator Nelson**, the difference in existing law is the voter can stay in line.

**Rep. Grande**, district 41, (proposed amendments attached) currently when a person files out an affidavit and its wrong, they have already voted.

**Senator Traynor**, secrecy of the ballot is maintained no matter what happens?

**Rep. Grande**, correct.

**Senator Traynor**, I read about the argument in the house, where someone was challenged about small communities. Everyone would know who was asked to show identification and who challenged them.

**Senator Trenbeath**, we set this provisional ballot aside, then no information regarding the ballot comes. Who then looks at the affidavit?

**Rep. Grande**, the state auditor.

**Senator Trenbeath**, so they have affidavit in front of them.

**Cory Fong**, Secretary of State's office, (testimony attached). Didn't see Rep. Grande's proposed amendments. Hopes that they are amendments the Secretary of State recommended to the House Judiciary Committee. Supportive of the general concept of the bill. Rep. Grande mentioned there is a review by the county auditor and State Attorney to determine whether person is an eligible voter.

**Senator Dever**, are these amendments reconcilable with the original bill?

**Cory Fong**, yes.

**Senator Traynor**, the question is, are the amendments germane? You also propose amendments Cory. Do they apply to Rep. Grande's?

**Rep. Grande**, yes.

**Senator Traynor**, closed the hearing on HB 1047.

**SENATOR NELSON MOTIONED TO PASS AMENDMENTS, SECONDED BY SENATOR BERCIER. VOTE INDICATED 7 YEAS, 0 NAYS, AND 0 ABSENT AND NOT VOTING. SENATOR TRENBEATH MOTIONED TO DO PASS AS AMENDED, SECONDED BY SENATOR BERCIER. VOTE INDICATED 7 YEAS, 0 NAYS AND 0**

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Senate Judiciary Committee  
Bill/Resolution Number 1047  
Hearing Date March 6th, 2001

**ABSENT AND NOT VOTING. SENATOR DEVER VOLUNTEERED TO CARRY THE  
BILL.**

