

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1280

2001 HOUSE JUDICIARY

HB 1280

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1280

House Judiciary Committee

Conference Committee

Hearing Date 01-22-01

Tape Number	Side A	Side B	Meter #
Tape 1		x	1931 to 4069
Committee Clerk Signature <i>Joan Deed</i>			

Minutes: Chr DeKrey called the hearing to order on HB 1280, the clerk will read the title.

Relating to determining residency for voting purposes. Rep Kretschmar: introduced the bill as a sponsor. This bill would establish the policy of residency. The residency of a voter, if you register at 18 in a precinct, you may continue to vote there until the end of time unless you vote in another precinct. The Purpose would be to have something set in law, by action of the electors to set your residency.

Rep Klemin: How would this work with absentee ballots, if you have permanently moved from North Dakota to Arizona would they be allowed to vote in a North Dakota election.

Rep Kretschmar: I believe they would, it would be an absentee ballot.

Rep Kingbury: Could you be a voting member in a precinct and no matter where you live, still serve on the board.

Rep Kretschmar: You would be eligible.

Page 2
House Judiciary Committee
Bill/Resolution Number HB 1280
Hearing Date 01-22-01

Rep Fekre If your car license of North Dakota, no property in North Dakota and still be able to vote in your home precinct?

Rep Kretschmar: Yes.

Chr DeKrey: Is there anyone wishing to testify on HB 1280?

Al Jaeger: Secretary of State (see attached testimony)

Rep Klemm I am not sure how this would apply to federal elections, do you know?

Al Jaeger: I'm not sure, but we do have provisions for voting for federal elections in statute.

Rep Klemm: Yes on the president ballot, but what about the senators and representatives?

Al Jaeger: I am not aware of any.

Bill Koek: resident of Grant County, here to testify in opposition of HB 1280. I agree with the Secretary of State Jaeger. You can only vote once. The Supreme Court has made more than one ruling on this issue. Your residency is where you have your home. I am opposed to this bill

Chr DeKrey: are there any further questions of any one? If not thank you for appearing in front of the committee. We will close the hearing on HB 1280.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1280a

House Judiciary Committee

Conference Committee

Hearing Date 02-06-01

Tape Number	Side A	Side B	Meter #
TAPE 1	x		1500 to 2275

Committee Clerk Signature *Joan Diers*

Minutes: Chairman DeKrey called the committee to order, the committee will take up HB 1280

COMMITTEE ACTION

Vice Chr Kretschmar moved a DO PASS on HB 1280, seconded by Rep Mahoney.

Discussion

The clerk will call the roll on a DO PASS motion. The motion passes with 8 YES, 7 NO, and 0 ABSENT. Vice Chr Kretschmar will carry the bill.

Date: 02-06-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB-1280

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Vice Chr Kretschmar Seconded By Rep Mahoney

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) 8 No 7

Absent 0

Floor Assignment Vice Chr Kretschmar

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

REPORT OF STANDING COMMITTEE (410)
February 6, 2001 12:55 p.m.

Module No: HR-21-2472
Carrier: Kretschmar
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1280: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1280 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

HB 1280

ALVIN A. JAEGER
SECRETARY OF STATE

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SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
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January 22, 2001

TO: Rep. DeKrey and Members – House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: HB 1280 – Determining Residency for Voting Purposes

Although it seems to be a rather simple question, "Where do I vote?" I have learned that the answer is very difficult to provide.

At first glance, it would appear the answer should be, "Where you live (reside)."

However, during the past eight years, I have learned from county auditors, voters, poll workers, and candidates that there are people that regularly vote where they do not live. At first, I accepted it. Then, when I learned that some people were using a voting address where a house used to stand, I begin to question it. However, I have also learned that I am not alone. There are many other people, organizations, political subdivisions that share my same concerns as well.

There are a few people who would take the position that what this bill states is already allowed in state law. On the other hand, there are others who are asking why it is possible for people to continue to vote "where they used to live" when they obviously are living elsewhere and have been for years.

As is commonly known, I have taken a position in opposition to enacting voter registration in North Dakota. I have done this for several reasons, e.g., the cost, the federal bureaucracy, and the fact that voter registration will not resolve the issues of residency unless those issues are addressed beforehand. I also am often asked, because North Dakota does not have voter registration, if this state has a problem with fraud. My answer is that I do not know of anyone who has been convicted of voter fraud. However, at the same time, I also make it clear that there are voters who believe that they can vote in precincts where they no longer live and therefore, do vote in a former precinct.

Why do these voters do this? Some do it because they identify "where they used to live" as their roots and that is where they have always voted (along with parents, grandparents, etc.). Some do it because they still own property "where they used to live." Some do it because they want a voice in elections, whether for candidates or tax issues, "where they used to live."

I understand and can accept the residency and voting circumstances related to students, military personnel, short-term assignments, snowbirds, etc. They should be able to vote back home. I could even accept an exception for those individuals who now live in nursing homes, either by choice or no choice.

Certainly the bill before you would make that clear. However, it also raises the questions related to fairness, equality, responsibility, fraud, rights, etc.

For example, look at my own circumstances. Eight years ago this month I sold my home, which was located in Fargo's 44th legislative district. Based on this bill, even though I gave the keys to the buyers, I could still use my former address (their address) as my voting residency until I decided to vote elsewhere, whether it was here in North Dakota or in Arizona. I wonder what they would think if they

knew that I was using the very same address for my voting residence as the were using as their voting residence.

When requesting an absentee ballot under this bill, I would list my former address (their address) as my residence for voting and have the ballot sent to me here in Bismarck. Would that be possible if they were renting my former residence and they knew that if I moved back to Fargo they would have to move? Yes, that probably would be possible under those circumstances. But, they bought the house and probably would not be willing to move out if I decided to move back to Fargo even though I used my former address (their address) as my voting address.

From another perspective, how will the County Auditor know under this bill when I have voted in another precinct (in North Dakota or elsewhere) if I do not tell he or she? Under the present system of no centralized voter data base and lack of uniformity and common standards in county poll book records, it would be a challenge for an election official to spot check the records in other voting precincts in North Dakota to confirm that I had not voted in another precinct. What if I had moved to Arizona? In other words, it would be an honor system.

This bill is intended to allow people to vote where they have lived until they vote in another precinct. What about the voters that still live in the precinct? In other words, the ones left behind. What are their rights? Why is it considered acceptable to allow people, who no longer live in the precinct, to vote and influence the outcome of elections in precincts where they no longer live? Don't they have rights? *-the people left behind*

Without a doubt, the issue of one's voting residence is a complex and emotional issue. Along with organizations representing political subdivisions, the Secretary of State's office has been studying it in depth for several years now. While the solutions will not be easily arrived at, the bill before you is not the answer.

Please remember this: One does not become a resident by voting. One must first become and remain a resident before they can vote.