

# MICROFILM DIVIDER

GMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1318

2001 HOUSE POLITICAL SUBDIVISIONS

HB 1318

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1318

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-1-01

Tape Number	Side A	Side B	Meter #
1	xx		60--3070
Committee Clerk Signature <i>Ron Linder</i>			

Minutes: Chair Froseth opened the hearing on HB1318 relating to political party reorganization, election officer appointment, absentee ballot affidavits, corrupt election practices, and filling vacancies; and to repeal sections of ND Code relating to filling vacancies and use of stickers.

Rep. Tieman : I'm here to introduce this bill and support it on behalf of the Secretary of State.

There are nine (9) sections to this bill.

Rep. Ekstrom : In line 30, page 4, section 6, why do you want the addition of "similar"?

Rep. Tieman : I will have to let Cory answer that one.

Cory Fong, Sec. of State Office : (288) This bill is a clean up bill and will clarify a number of things for us and the public. **(SEE ATTACHED TESTIMONY)** To explain the word "similar". We had a version of this bill come through in 1999 with similar changes. We added the term "similar" to that bill also. This is intended to make it more exhaustive.

Rep. Ekstrom : (991) When a person running for office has brochures, cards, etc., it sometimes only says paid for by Dist. 12, name of chairman, but does not say Dem-NPL or Rep. Party on it. Will section 6 change this to require the party to be listed on disclaimer?

Cory : If you are paying for it, no, but if the district is paying for it, yes. Generally the district party does all the buying for the campaign. If you have a special committee and it's a separate group who is paying for something, then that is what has to be on the disclaimer. Right now there is broad confusion as to when and what needs to be on the disclaimer. We would like it cleaned and cleared up.

Rep. Ekstrom : Why do you want it included that it must say Republican or Democrat?

Cory : It is being added because it isn't in current law.

Vice-Chair Severson : I want to go back to the word "similar". Does this include any Internet advertising? Will this cover this base as well?

Cory : (1305) A good question. It's a public means. It's limited, however, to only those who have a computer and Internet service.

Chair Froseth : It seems to me in lines 29-31 seems to refer to hard copy materials, not broadcast. Where does electronic come in?

Cory : There are two parts to this section. The first part is referring to print advertisement, like billboards, etc. The second part talks about broadcast. You may be right that Internet is not addressed. There is a question that this particular bill may not be constitutional. It failed in 1999. We require the disclaimer because of correspondence from attorney general's office and their interpretation of the need for party identification.

Rep. Kretschmar : (1574) I have seen ads that just say *paid for by the candidate*.

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Cory : I have seem that and I feel they need to have the name spelled out. Cory went on to read sections 7,8, and 10 of bill.

Rep. Kretschmar : In the last general election, in Missouri, the governor was killed just a few days before the election. His name stayed on the ballot and he was elected, even though he was dead. What would our ND law do in this situation?

Cory : Currently the statute provides a vacancy can be filled up to 18th day before the election. The problem with that is we have absentee ballots going out 40 days before the election. People will be voting on candidates that may die after that fact. Under current statute, if the vacancy occurs before the 18th day, the party could get a new name on the ballot via sticker system.

Rep. Ekstrom : On page 2, line 1,2, and 3 relating to public notice. Now, the Sec. Of State wants to be removed from the responsibility. This is a public notice to all people of the district, regardless of party affiliation. Why remove this?

Cory : (2140) There would still be the requirement for them to put out the notice. It will just have to be the responsibility of the party. It just shifts who will put out the notice. We feel state government should not micro manage so much.

Vice-Chair Severson : Living in a rural area, I'm worried if it is left up to the parties to get a notice in, they may not do it. Then what? This is very important since we will have redistricting.

Cory : This bill request is coming from county auditors as well. They want it cleaned up.

Chair Froseth : Are the local areas monitored at all to see if they comply with notice requirements?

Cory : There are a lot of questions when it comes to redistricting public notifications. We provide guidance to districts and parties. We send out publications on the subject and the

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process. Party functions should be party responsibilities. This notice we are talking about here is the map and where people should vote, which may be different than last time.

Vice-Chair Severson : This is the one time when the auditor sends out the new map and tells what the new district looks like. If you leave this up to the parties to announce when they will meet, they may not even publish the map. Would you be opposed to us amending that back in.

Cory : That is the role of this body. If you want me to draft the amendment, I will. I will talk to the secretary of state and some legal people.

Chair Froseth : Could you work on the disclaimer issue? It's not the newspapers responsibility to do this correctly. We do it to keep the candidate legal.

Cory : Sure. I will try to get amendment to clarify. I understand the need.

Rep. Ekstrom : (3070) I think it means more if we see a notice from the Secretary of State's Office, then just from a party.

Chair Froseth : Any more testimony on HB1318? Hearing none, hearing is closed.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1318 b

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-08-01

Tape Number	Side A	Side B	Meter #
1		xx	2220-2235

Committee Clerk Signature *Ann Owen*

Minutes: Chair Froseth : Has anyone seen any amendments from Cory? We will hold this and see what happened.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1318 c

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-15-01

Tape Number	Side A	Side B	Meter #
1		xx	5590--end
2	xx		1-1100
Committee Clerk Signature <i>Pam Devoe</i>			

Minutes: Chair Froseth : Let's take up HB1318. I believe Rep. Tieman has amendments from Cory.

Tape 1, side B ended, Tape 2, side A begins:

Rep. Tieman : I will go through these amendments line by line. (SEE ATTACHED)

Rep. Ekstrom : We have repeatedly asked for and still not received an opinion from the Attorney General's Office, regarding the language on the top of page 5. It goes back to the U.S.

Constitution dealing with free association. We have not gotten an opinion back on that. I can't support this bill without that.

Rep. Eckre : (488) I started checking around, and there was a Supreme Court decision a few years back that said you can't force that on.

Chair Froseth : Federal laws are different than state laws.

Vice-Chair Severson : I don't have a problem. I still have a problem with the section making the political parties responsible for notification instead of Sec. of State's Office.



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Rep. Grosz : The amendment took that off and the parties are not responsible. The Sec. State is still responsible like now.

Rep. Maragos : I move a **DO PASS ON AMENDMENTS /**

Vice-Chair Severson : I second.

**VOICE VOTE: ALL YES. AMENDMENTS PASSED.**

Vice-Chair Severson : I move a **DO PASS AS AMENDED.**

Rep. Grosz : I second.

**VOTE: 10 YES and 4 NO with 1 absent. PASSED. Rep. Tieman will carry the bill.**

February 15, 2001

VR  
2/15/01

**HOUSE AMENDMENTS to HB1318 HOUSE POL. SUBS 2-16-01**  
Page 1, line 1, remove "section 16.1-03-17,"

Page 1, line 2, remove "and"

Page 1, line 5, replace "section" with "sections" and after "16.1-12-08" insert "and 46-05-05"

Page 1, line 6, replace "use of stickers" with "rates for political announcements"

Page 1, remove lines 8 through 23

**HOUSE AMENDMENTS to HB1318 HOUSE POL. SUBS. 2-16-01**  
Page 2, remove lines 1 through 6

**HOUSE AMENDMENTS to HB1318 HOUSE POL. SUBS. 2-16-01**  
Page 5, line 2, overstrike "at the bottom of" and insert immediately thereafter "on" and  
overstrike "or names of the sponsor or sponsors of"

Page 5, line 3, overstrike "the advertisement, and the name"

Page 5, line 13, overstrike "sponsor" and remove the underscored comma

Page 5, line 14, remove the underscored comma

Page 5, line 15, remove "along with the person's title" and after the first period insert "An advertisement paid for by an individual candidate or group of candidates must disclose that the advertisement was paid for by the individual candidate or group of candidates. The first and last name or names of the candidates paying for the advertisement are not required to be disclosed."

**HOUSE AMENDMENTS to HB1318 HOUSE POL. SUBS. 2-16-01**  
Page 8, line 16, replace "Section" with "Sections", after "16.1-12-08" insert "and 46-05-05", and  
replace "is" with "are"

Renumber accordingly

Date: 2-15-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1318

House POLITICAL SUBDIVISIONS Committee

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

Legislative Council Amendment Number 18293.0101 0200

Action Taken Do Pass As Amended

Motion Made By Vice Chair Severson Seconded By Rep. Tieman

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	/		Rep. Wayne W. Tieman	/	
Vice-Chair Dale C. Severson	/				
Rep. Lois Delmore		/			
Rep. Rachael Disrud	/				
Rep. Bruce Eckre		/			
Rep. Mary Ekstrom		/			
Rep. April Fairfield	AB				
Rep. Michael Grosz	/				
Rep. Jane Gunter	/				
Rep. Gil Herbel	/				
Rep. Nancy Johnson	/				
Rep. William E. Kretschmar	/				
Rep. Carol A. Niemeier		/			
Rep. Andrew G. Maragos	/				

Total (Yes) 10 No 4

Absent 1 AB

Floor Assignment Rep. Tieman

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

REPORT OF STANDING COMMITTEE

HB 1318: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1318 was placed on the Sixth order on the calendar.

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2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1318

