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Yolanda Rickford
Operator's Signature

10/2/03
Date

2003 HOUSE JUDICIARY

HB 1059

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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1059

House Judiciary Committee

Conference Committee

Hearing Date 1-8-03

Tape Number	Side A	Side B	Meter #
1	xx		42-end

Committee Clerk Signature *D. Penrose*

Minutes: 12 members present, 1 absent (Rep. Bernstein)

Chairman DeKrey: We will now hear testimony on HB 1059.

Rep. B. Thoreson: (See testimony)

Chief Deputy Jim Thoreson: I'm here today to testify in favor of HB 1059, this bill would allow for the service of civil process on election day, which is currently prohibited by law. Our officers serve approximately 9,000 civil papers a year. When the current law was written, its concern was that the sheriff of the town would sit at the one polling place and wait to make service on an individual coming to vote. We've never laid in wait at any of the polling places to make service. There should be no negative impact in the change of this law. This change is similar to Sunday retail opening, and liquor establishments being open on election day. There is nothing more efficient than doing our jobs.

Rep. Kretschmar: Has this caused you problems in not being able to serve someone on election day?

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House Judiciary Committee
Bill/Resolution Number 1059
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J. Thoreson: What brought this to light was that we needed to serve a child support paper of a trucker who was in and out of town and we wanted to make service and it happened to be election day and we couldn't; and that is what prompted this.

Rep. Klein: I know you said you can't imagine anyone lying in wait for someone to be served, but on the other hand, we have a lot of private process servers who don't necessarily do things exactly the same way as maybe someone in the sheriff department might, and I know from personal experience that there are some people are extremely difficult to get served because they avoid being served. I am wondering if it might accomplish the same purpose if we had some sort of distance restriction from the polling place on where a person could be served, as opposed to just repealing this all together, because if we do repeal it all together, it seems to me that a private process server could lie in wait at the polling place someplace to serve someone, maybe you wouldn't do that, but maybe someone else might. Would you have a problem if we had some sort of distance restriction on the polling place rather than saying we can't do it at all on those dates.

J. Thoreson: I would have no objection to that whatsoever. Our intent is to just to allow us to continue doing our duties on election day.

Rep. Eckre: How far is it on election day, like the federal law says you can't get within so many feet of the polling place, in State of North Dakota, you can't campaign at all; but there is federal law that says you have to be so far from the polling place? We could set it at the same amount, that way we'd be consistent with federal law. The intern could find out. That way it would be similar for law enforcement.

Yalosta Rickford
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Chairman DeKrey: Is there any other testimony in favor of the bill? Is there anyone wanting to testify in opposition to the bill.

Rep. Eckre: I would like to ask Rep. Thoreson if he has any concerns with Rep. Klemin, for or against or bother you at all to change your bill.

Rep. Thoreson: I would have no problem with changing the bill as long as the people who are in support would care to amend the bill in this way.

Al Jaeger: I am not here to testify for or against the bill, but whenever the bill has the word election in it, it does get our attention. We did first look at the footnotes in the law, it actually goes back to territorial days, and we are probably in a different time and place now than what we were then, so we have run through archives, whether there could be some inhibiting factor in today's climate or environment as far as elections were, where somebody could go out and do something, it may have been more prevalent in the early history of our state, so I am just bringing that to your attention. The other thought that came to mind, while we do have an election day, voting does happen somewhat before election day, whether it's a concern or not, I don't know.

Chairman DeKrey: We will have the intern check on the required feet from the polling place and close this bill for now.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1059

House Judiciary Committee

Conference Committee

Hearing Date 1-13-03

Tape Number	Side A	Side B	Meter #
3	xx		31-35
Committee Clerk Signature <i>A. Penrose</i>			

Minutes: 11 representatives present, 2 representatives absent (Rep. Wrangham & Rep. Bernstein)

Chairman DeKrey: One other thing, HB 1059, here is the amendment, law enforcement wants to be able to serve people on election day, you can't in North Dakota, but we as a committee felt, by straw poll decided, it probably wasn't a bad idea if we found out how many feet to polling place, so our intern Sara Brown, looked it up, it's a 100 feet. Here is the amendment to that effect. Let's take a look at the amendment (see amendment). I don't think that not being able to serve on election day serves anybody.

Rep. Maragos: I would move the adoption of the amendment.

Rep. Delmore: Second.

Chairman DeKrey: It was moved by Rep. Maragos, seconded by Rep. Delmore that we accept amendment 30298.0101 on HB 1059. Is there any discussion on the amendment?

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Rep. Klemin: There are several private process servers that are awfully aggressive too, and I would hate to have this interfere with someone's right to vote. They can catch them on the other side of the block.

Rep. Kingsbury: It is across the street, actually.

Chairman DeKrey: Is there any other discussion on the amendment? Hearing none, we will take a voice vote on the amendment. All those in favor of HB 1059, say Aye (11 aye), no Nays were heard. Amendment carries. We now have the bill before us with the amendment, what is your wishes?

Rep. Delmore: I move adoption of the bill as amended.

Rep. Kretschmar: Second.

Chairman DeKrey: It was moved by Rep. Delmore and seconded by Rep. Kretschmar a Do Pass on HB 1059 as amended. Any further discussion on the bill as amended. If not, we will call the roll.

11 Yes 0 No 2 Absent DO PASS Carrier: Rep. Eckre

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