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2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1373

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1373

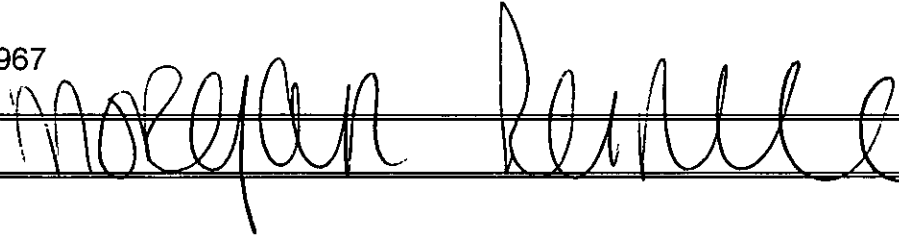
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1967

Committee Clerk Signature



Minutes:

**Al Jaeger:** Testimony Attached.

**Rep. Weiler:** Where is the fiscal impact?

**Al Jaeger:** We weren't asked for a fiscal note.

**Rep. Weiler:** The reason I asked was because I was asked to be a co-sponsor of this bill. I asked the reason of this bill and I was told that it was going to save a bunch of money. If it does save money I want to know how much it is going to be saving.

**Al Jaeger:** At one point we were under the impression that it would save money because of the cut down of various styles. Quite frankly we were under that impression. Then we were told that it wasn't going to save money. In the timing of preparing the ballot, we were looking at a timely issue. I won't make the claim that there is going to be money saved. I couldn't prove it to you and I'm not going to go there. I don't have the statistics.

**Rep. Kasper:** A couple years ago I heard a story about a man in Manhattan who had to catch the subway train to get to downtown from the outskirts. He had to catch it running to go home at night. He was always late at doing what he was doing. The conductor was on the same train that we went to town and back to town on. He would run his tail off at the end of the day to catch that train. The conductor watched him for weeks and weeks and months. He finally one

day missed the train. He just barely missed it and as the training was going away he said to himself and the conductor "I shoulda run faster" and the conductor said "You should have started earlier". Why don't we start four or five days earlier in this process so we can pick up your time and we don't have to have this bill?

**Al Jaeger:** I guess that is a good question. Six days would offer a little more time. What we have done in other legislations or bills you have heard, when you find that we have to make all of the filing deadlines . We have run into situations particularly where elections were to be combined where they couldn't be because of the differing times. I can't say that those are earlier.

**Rep. Kasper:** If your concern is these last two or three days when your time is crunched. If we change 60 to 65 you buy you the extra days and you would have no problem.

**Al Jaeger:** Five days would help. It would take a lot of changing.

**Rep. Haas:** That is 60 calendar days right? Not working days?

**Al Jaeger:** Right.

**Al Jaeger:** I was just informed by the Deputy Secretary of State that we might run into a little problem there because of the constitutional part of the 90 days prior to an election. We would have to be real careful. It's your choice but I think right now while we think this would have benefit.

**Rep. Kasper:** There is a whole lot of difference between a constitutional amendment which has no names to rotate, and the names you are talking about rotating in the various elections.

**Al Jaeger:** It's about the timing of 60 and 90 days. For instance the constitution says right now is that the measure has to be put in and I have 35 days to review it.

**Rep. Potter:** You said that the 60 day deal has been in operation for quite some time. That has got my mind going with all the stuff we have computerized, is there just lots more duties to

perform? It just seems that with computer generated equipment that it should be able to make the time crunch less.

**Al Jaeger:** I guess I'm not sure on how it relates to the ballots in Grand Forks County. This is a decision that we think would work. We understand your end because we hear it.

**Rep. Grande:** Will you walk with me on the 2008 ballots? You have President and Vice President on there. Do they rotate?

**Al Jaeger:** Yes, everyone will rotate.

**Rep. Karls:** When you get draw these names, are the candidates invited to be there?

**Al Jaeger:** My understanding is yes they are invited and most of them show up.

**Rep. Haas:** Is there any other testimony in support of HB 1373? If not we will close the hearing on HB 1373.

# 2007 HOUSE STANDING COMMITTEE MINUTES

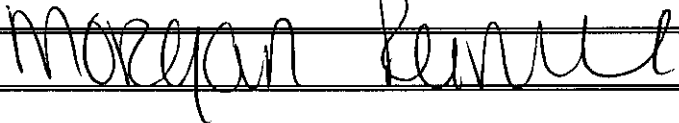
Bill/Resolution No. HB 1373

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number: 1972

Committee Clerk Signature 

Minutes:

**Rep. Weiler:** I move a do not pass.

**Rep. Dahl:** I second that

**Rep. Haas:** Is there any discussion? If not we will take a roll call vote on HB 1373. The motion passes 13-0-0. Will someone volunteer to carry this bill?

**Rep. Weiler:** I will

Date: 1-25-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number HB ~~1074~~ 1373

Action Taken Do not pass

Motion Made By Rep. Weiler Seconded By Rep. Dahl

Representatives	Yes	No	Representatives	Yes	No
Rep. C.B Haas Chairman	X		Rep. Bill Amerman	X	
Rep. Bette Grande V.E	X		Rep. Louise Potter	X	
Rep. Randy Boehning	X		Rep. Jasper Schneider	X	
Rep. Stacey Dahl	X		Rep. Lisa Wolf	X	
Rep. Glen Froseth	X				
Rep. Karen Karls	X				
Rep. Jim Kasper	X				
Rep. Lisa Meier	X				
Rep. Dave Weiler	X				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Rep. Weiler

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

**REPORT OF STANDING COMMITTEE (410)**  
January 26, 2007 7:15 a.m.

**Module No: HR-18-1281**  
**Carrier: Weller**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1373: Government and Veterans Affairs Committee (Rep. Haas, Chairman)**  
recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1373 was placed on the Eleventh order on the calendar.



2007 TESTIMONY

HB 1373



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

January 25, 2007

TO: Representative Haas, Chairman,  
and Members of the House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: HB 1373 – Candidate Name Rotation

This bill removes the requirement of having the names of individual candidates on the ballot rotated from precinct to precinct.

Sections 1, 2, 3, and 4 remove the rotation requirement and the rotation formula.

Section 3, page 3, lines 25 thru 30 establishes the procedures by which the placement of the names on the ballot will be determined. The Secretary of State will hold a drawing for all federal, statewide, judicial, and legislative candidates. Each county auditor will hold a drawing for all county, city, and school district candidates.

The elimination of name rotation will allow for the more timely production, editing, and proofing of ballots and allows extra time to program scanners, perform security checks, and test voting machines. It will reduce errors and ensure greater security.

Under current law, the candidate filing deadline is 60 days, the certification of the ballots is 55 days, and absentee ballots are to be ready in 40 days. Approximately half of the 15 days available to prepare the ballot relates to establishing and ensuring the correct name rotation for each office on the ballot for the various precincts. Once verified, the necessary programs are prepared to read the numerous ballot variations, which uses another five to six days. This only leaves three to four days for printing the ballots to have them available by the 40th day. It usually does not happen by the mandated deadline. That makes it challenging to deliver ballots in a timely manner to uniform personnel and their families stationed throughout the world.

One of the concerns expressed about the elimination of name rotation is that it gives an unfair advantage to one of the candidates. This belief is not supported by numerous studies.

- North Dakota voters identify with the candidate and not the placement of the name on the ballot
- Currently, the name rotation of city candidate names is not required. In a recent survey, 16 counties reported that 42 candidates listed first in city elections were elected. On the other hand, 92 candidates listed other than in the first position were elected.
- Nationwide, over half of the states do not use name rotation
- Candidates may find it beneficial to provide voters with a consistent message as to where their name is located on the ballot