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ROLL NUMBER

DESCRIPTION

2230

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2230

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2230

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 1/25/07

Recorder Job Number: 1899, 1909

Committee Clerk Signature

Veronica Spurling

Minutes:

Roll was taken and all members were present.

Sen. Dever, Chairman, opened the hearing on SB 2230.

Senator Oehlke from District 15 introduced the bill. See attachment # 1.

Al Jaeger, Secretary of State, clarified that the elections can be done by mail for the June elections, but to date that option has not been there for the November elections. Voters do not like the inconsistency. See attachment # 2. He also mentioned with the Help America Vote Act there has to be a scanner and a voting device available to every voter. Each voting machine for the disabled costs \$5,000.00. If there could be only one polling place per county, it would save a lot of money. The mail in option would most likely be exercised by counties with lower populations.

Senator Horne asked whether voters can vote at the courthouse on Election Day.

Secretary of State Jaeger responded that the bill states there would have to be a polling place open in the county.

Senator Oehlke asked if the mailed out applications would only go to the voters who turned out for the primaries. Primaries sometimes have a very low turnout.

Secretary of State Jaeger responded the amendment would address that problem.

Senator Nelson asked about the Central Voter File.

Mr. Jaeger clarified that the Central Voter File is a record of who has voted, not of who can vote. It just compiles the voter list of the 53 counties of the state, all of which is public record.

Senator Dever asked if there is a problem with having one polling place in the county with multiple legislative districts and school districts.

Mr. Jaeger responded that those counties most likely would not pursue this. Some people even feel our present system of voting absentee is already a vote by mail system.

Senator Horne mentioned there is confusion about where to vote. Could it all be done at one location?

Al Jaeger said that would be addressed in another bill.

Senator Nelson asked what the process is to delete people from the Central Voter File.

Al said that is addressed in another bill.

Danette Odenbach, from North Dakota Association of Counties, spoke in support of SB 2230.

See attachment # 3.

Senator Nelson asked if the poll workers have to wait until the end of the day to enter the votes.

Jim Silrum, the Deputy Secretary of State, responded they can enter them during the day but they have to wait until the end of the day to tabulate them.

Blanche Schumacher, Logan County Auditor, spoke in favor of the bill. See attachment # 4.

Opposition:-

Neutral:-

Chairman Dever closed the hearing on SB 2230.

Chairman Dever opened discussion on SB 2230.

Senator Nelson made a motion to amend SB 2230.

Senator Marcellais seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0 to amend SB 2033.

Senator Nelson made a motion to pass SB 2230 as amended.

Senator Lee seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Senator Nelson.

78224.0101
Title.0200

Adopted by the Government and Veterans
Affairs Committee
January 25, 2007

JG
1-25-07

PROPOSED AMENDMENTS TO SENATE BILL NO. 2230

Page 1, line 21, overstrike "pollbooks of" and insert immediately thereafter "central voter file for"
and overstrike "from the"

Page 1, line 22, overstrike "last regular statewide election"

Renumber accordingly

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

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Amendment to 2230

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Nelson Seconded By Marcellais

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

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

Date: 1-25-07
Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2230

Senate Government and Veteran Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 78224.0101 0200

Action Taken do pass as amended

Motion Made By Nelson Seconded By Lee

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Nelson

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

REPORT OF STANDING COMMITTEE

SB 2230: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was placed on the Sixth order on the calendar.

Page 1, line 21, overstrike "pollbooks of" and insert immediately thereafter "central voter file for" and overstrike "from the"

Page 1, line 22, overstrike "last regular statewide election"

Renumber accordingly

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2230

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2230

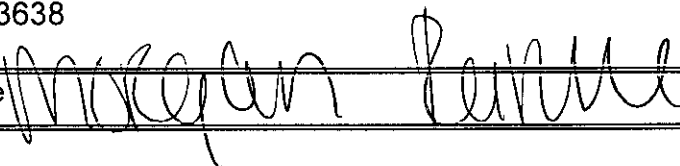
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3638

Committee Clerk Signature



Minutes:

Al Jaeger: Testimony attached.

Rep. Froseth: I think the mail ballot is a good idea. I think it was very effective in the counties that were using it. It was very effective. I think it's a good idea to use it for the general election to. On page 1 you would be sending an application for the ballot from the central voter file.

That is going to leave a lot of people who didn't vote in the last general election without an application ballot. Wouldn't it be better to try and devise some kind of method where everyone would get an application notice, not just those who voted in the last election, is that possible?

Al Jaeger: I will defer that question to Danette Odenbach.

Rep. Karls: So would the mail ballots replace the absentee ballots, or would you still have that option?

Al Jaeger: I guess they are really the same. I don't think they would replace it.

Rep. Haas: Isn't there a difference because a person generally goes in to request the absentee ballot?

Al Jaeger: Right. The people can still request it. There was a test county back in 1990 and it worked very well. Adam's county has used it a few times.

Rep. Karls: Now will this pick up duplicates?

Al Jaeger: We have another system that is currently in place that will be interactive. When those ballots come in they will be recorded like they are in a poll book. A same person can't vote twice if that is what you are getting at. We have a whole system that is being developed in the central voter file.

Rep. Boehning: Was the voter turnout higher when they had the mail in ballots compared to a previous primary.

Al Jaeger: I guess I can't give a good answer to that. It has been a few years since they have done it. I just know the feedback was good.

Danette Odenbach: Testimony attached.

Danette Odenbach: To answer Rep. Froseth's question, this bill was amended by the senate. It says the source comes to the voter's office and will be updated with accurate information. It comes from the Department of Transportation, so anyone who has a driver's license or a state issued ID is in there who is 18 or over. In addition to that if you don't have an ID, that source comes from the poll book as well.

Rep. Froseth: How do 18 year olds first get established in the central voting file

Danette Odenbach: It actually comes from the DOT. Most 18 year olds have driver's licenses. They can also apply for absentee ballots. If they don't receive an application from the county they can request an application online or any number of ways.

Rep. Amerman: Is there any talk about the costs to counties for the mailing and such?

Danette Odenbach: Actually the counties are predicting that there will be a decrease in cost.

Rep. Haas: Let's take Adams County for example, in a situation where they did mail the ballot and had one voting location that location is almost like a vote center?

Danette Odenbach: You are correct. It actually does operate a lot like that.

Rep. Kasper: How do you protect against a 16 year old with a drivers license from voting?

Danette Odenbach: There age is in the central voters file. If you are under 18 you aren't recognized as a voter.

Kevin Glatt: Testimony attached.

Rep. Kasper: Would it be your intention if you were doing a mail ballot, that there would only be one polling place open besides the balloting? If you have a district that has many miles between where voters live, would you have more than one voting place?

Kevin Glatt: I would consider more than one vote center. When we have used the vote by mail for a presidential primary back in about 1986, they used the Bismarck Civic Center. I think it would be my recommendation to the County Commissioner regards to the number of polling places to be open would be based upon what is on the ballot. There are certain elections whether general or special elections, based upon what is on the ballot that drives voter turnout.

Rep. Kasper: Don't you see the potential that this could reduce voter turnout? Some people are used to going to the polls on voting day. The poll they are used to going to is no longer there. They didn't mail in their ballot so they say they aren't going to vote.

Kevin Glatt: I really do not see that. I think voting by mail will perhaps increase voter turnout. People more and more want to vote at home, at their own convenience.

Rep. Kasper: But you've done no research to verify what you just said. This is your own personal judgment? Is that not correct?

Kevin Glatt: Yes it is my own judgment.

Rep. Weiler: So the second page of your handout is something that you have received in the mail?

Kevin Glatt: Yes.

Rep. Potter: Is this sought out more for rural areas? Or do you see this working in a city like Bismarck?

Kevin Glatt: I think this could be used throughout the state in urban and rural areas. Right now we can use it in the primary. I'm hesitant and I won't use it in the primary. If I do, come November, everyone is going to expect a ballot mailed to their house. People are busy. That is the reason I get when we have absentee ballots available. I asked people why they came to vote absentee when they did. It is a convenience. They would have 30 days prior to the election to do it when they can, and not when we tell them they have to. I just think people see it as a convenience.

Rep. Karls: When you are doing a mailing ballot, do you mail the ballot without a request, or do you send a request?

Kevin Glatt: There would be an application that would be mailed. Upon receiving the application we would mail the ballot.

Rep. Karls: Say a person gets the mail ballot and you forget about it. Or they mail it in and forget. If they go to vote will that duplication be caught?

Kevin Glatt: I believe that this requires that we provide a list to the polling place of all the returned ballots. If that person comes in person to cast a ballot they can refer to the list and say they have already turned in a ballot.

Rep. Weiler: I'm trying to go over the timing of this. I think it's in section 4 and 5. If I receive this ballot in the mail and I decide to turn it in at the last minute, do you need to receive it the day before the election?

Kevin Glatt: It has to be postmarked the day before.

Rep. Weiler: So you might not receive it until the day before or the day after, is that correct?

Kevin Glatt: In all sincerity I have learned I cannot answer for the US Postal Service.

Rep. Weiler: So if you are going to still count that ballot even though it was postmarked the day before the election which I sent it the day before, now I want to show up at the booth and vote again. Can I do that?

Al Jaeger: First of all we are going to recommend going to electronic poll books. What is going to happen is that if you come in on Election Day to vote you are going to be entered into that book. If your ballot comes in after Election Day your name is immediately going to match with the fact that you have already voted.

Rep. Meier: Could we address about the central voter files, and will this pose a problem right now?

Al Jaeger: The thing with voting centers is that you still have the absentee voting. You can allow people to come in to a number of different areas. We don't really proceed, the small populated counties may do a voting center. We see that more of something of the larger counties. There may be a couple of different places in Bismarck. In small populated counties I can see that this would be an alternative.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2230

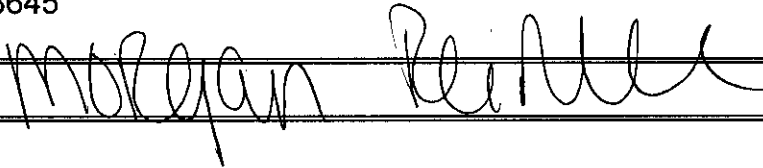
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3645

Committee Clerk Signature



Minutes:

Rep. Haas: I want to open the floor to promotion discussion on SB 2230. I believe Rep. Meier has some comments.

Rep. Meier: Based on the discussion this morning I just have a little thought for amending the bill. On line 8, I believe that the Secretary of State wanted this bill for populations less than 5,000. So after a county to put less than 5,000 populations. I think that would address mainly what the Secretary of State wanted in the bill. I know that the Bismarck auditor had gotten up and said that it might work really well for Bismarck. This bill really does address some of the 29 counties.

Rep. Haas: There is 29 counties that have less than 5,000 populations in the state right now. The way the statute is structured now, any county could conduct a primary election by mail ballot. Perhaps if we simply insert that language, then it would preclude any county from over 5,000 from even conducting the mail ballot for the primary. We might need to go to legislative council and get your amendment worked on. Are there other comments on this bill?

Rep. Potter: To tag along with what we are discussing, I would hate to preclude a county larger than 5,000 from this. If they would want to do that, they couldn't if we made this

amendment. With the way the wording is now it seems like they have a choice to do that. It is not a requirement but they do have the option. I like that.

Rep. Haas: Is there further discussion? If not Rep. Meier will send this to legislative council for amendments.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2230

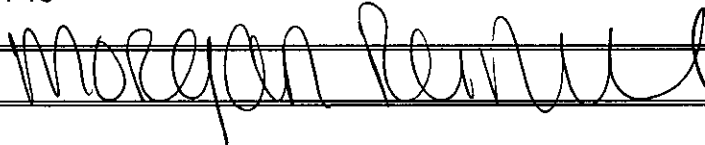
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 23, 2007

Recorder Job Number: 3743

Committee Clerk Signature



Minutes:

Rep. Meier: After doing a little checking on SB 2230, I was going to look at an amendment dealing with population under 5,000. The conclusion was that all of those counties, some of them have more than 5,000. I think we should leave the bill just the way it is.

Rep. Haas: With that information what are your wishes?

Rep. Meier: I move a do pass.

Rep. Boehning; I Second that.

Rep. Haas: Is there any further discussion? If not we will take a roll call vote on SB 2230. The do pass motion for SB 2230 passes with a vote of 11-0-2. Is there a volunteer to carry this to the floor?

Rep. Meier: I Will.

REPORT OF STANDING COMMITTEE

SB 2230, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2230 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

SB 2230

Government and Veterans Affairs Committee

1-25-07

Chairman Dever and Senators,

Attachment #1

My name is Dave Oehlke, senator from District 15. SB 2230 enables a county to conduct "an election" by mail ballot. This currently only allowable for primary elections. The county could elect to do mail ballots county wide and then on election day, have ONE walk in polling place for anyone who want to do a regular ballot on election day.

The bill also stipulates when mail in ballots may be counted and the information released.

Some low population counties may desire to do this option and save on election costs.

Thank you, I will stand for questions.

*Attach #2
page 1*

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SECRETARY OF STATE
HOME PAGE www.nd.gov/sos

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

January 25, 2007

TO: Senator Dever, Chairman,
and Members of the Senate Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2230 – Mail Ballot Elections

Under current state law, a county has the option of conducting a vote my mail election in the June election. They do not have the same option in the November election. The state has 29 counties having a population of 5,000 or fewer people. Some of these counties want the option of conducting an election by mail in both the June and November election.

This option is allowed in Sections 1, 2 and 3 of the bill.

For your information, current law mandates a county to have at least one polling location open on election day.

Section 4, page 3: Under current law, ballots can be hand-delivered or mailed to the county auditor on the day of the election. This amendment changes it to the day before the election.

Section 5: This change allows the election board to insert ballots into optical scanner after the opening of the county's single polling location and makes it clear the vote is tabulated after the poll is closed at the end of day.

Attach # 2
page 2

PROPOSED AMENDMENTS TO SENATE BILL NO. 2230

Page 1, line 21, overstrike "pollbooks of" and insert immediately thereafter "central voter file for", and overstrike "from the".

Page 1, line 22, overstrike "last regular statewide election".

Renumber accordingly

Attach #3

**TESTIMONY TO THE
SENATE GVA COMMITTEE**

Prepared January 25, 2007 by
Danette Odenbach
North Dakota Association of Counties

REGARDING SENATE BILL 2230

Chairman Dever and members of the Senate GVA Committee:

The North Dakota Association of Counties (NDACo), on behalf and at the request of the North Dakota County Auditor's Association (NDCAA), submits this testimony in support of Senate Bill 2230.

Senate Bill 2230 amends section 16.1-11.1 of the North Dakota Century Code to allow counties to conduct elections by mail ballot. Currently, the statute allows only for a primary election to be conducted by mail.

With the introduction of no-reason absentee voting and a continued trend in extended work commutes, counties are experiencing a significant increase in absentee voting rates. Providing the state's 53 counties the option to conduct an election through the mail would allow small population counties opportunities for increased administrative time efficiency and cost-savings. For those voters who would prefer to cast their ballot in person, all counties would continue to have at least one polling site open on the day of election (16.1-11.1-01).

The bill would require voters to return their ballot in-person or have it post-marked the day before the election.

Finally, the bill would allow counties to begin scanning absentee ballots after the polls have opened on election day. However, totals of the ballots scanned may not be tabulated until the polls have closed.

The North Dakota Association of Counties and the North Dakota County Auditor's Association appreciate your consideration and request a Do Pass recommendation on Senate Bill 2230.

Attachment # 4

ELECTION STATISTICS:

- 1. INTRODUCTION: Thank you for giving us the opportunity to meet with you here today—**

- 2. Introduction of members:**

- 3. REASON: We are present here today to support Senate Bill 2230, relating to mail ballot elections.**

- 4. We encourage and respectfully request that this committee support Senate Bill 2230 which would allow the board of county commissioners to conduct an election by mail for several reasons:**
 - (1) Greater Voter Turnout*
 - (2) Difficulty in finding qualified election workers*
 - (3) Cost-savings for residents.*

(A) Our State is composed of 53 counties, with 45 of those being very rural, sparsely populated counties.

(B) It is becoming more and more difficult to find qualified electors to serve on the elections boards. (Clerk & Judge switched places; job related duties—new Inspector worked out of her home & during workshop needed to be excused for a conference call that she could not miss). In the past it has not been all that difficult to find workers—they are very conscientious and very willing to serve—there are just fewer and fewer that can afford to take the time to do so.

The mail ballot election would allow us to utilize a 5 member board, and have a single precinct open on election day.

In 1992, Adams County agreed to be a pilot county for a mail ballot primary election and has been conducting a mail ballot primary election every year since that time. In keeping in contact with the former and present auditors, they say their people are very pleased with it. I have not conducted the mail ballot primary as of yet as the cities have no one running in the elections, and all votes are write-ins and have to be hand counted. Population of cities has decreased, with fewer votes to count.

COST ANALYSIS

- 2000 CENSUS: 2,308**
- 5. ELIGIBLE VOTERS: 1,420**
- 6. 2006 PRIMARY VOTER TURNOUT:
399 (28% VOTERS)**
- 7. 2006 PRIMARY COST PER VOTE:
\$18.69**
- 8. 2006 GENERAL VOTER TURNOUT
906 (64% VOTERS)**
- 9. 2006 GENERAL COST PER VOTE:
\$8.23**
- 10. MAIL BALLOT ELECTIONS WOULD
HOPEFULLY INCREASE VOTER
TURNOUT AND PROVIDE AN
APPROXIMATE \$2,000 SAVINGS PER
ELECTION, REDUCING THE COST PER
VOTE, PASSING THE SAVINGS BACK
TO THE RESIDENTS AND TAXPAYERS.**

**LADIES AND GENTLEMEN—FOR
THESE REASONS, WE RESPECTFULLY
REQUEST THAT YOU SUPPORT SB
2230 TO ALLOW MAIL BALLOT
ELECTIONS.**

