

**2019 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1420**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1420  
1/31/2019  
31957

- Subcommittee  
 Conference Committee

Committee Clerk Carmen Hart by Marjorie Conley

### Explanation or reason for introduction of bill/resolution:

Relating to application for absentee ballots

### Minutes:

Attachment 1

**Chairman Kasper** opened the hearing on HB 1420.

**Rep. Josh Boschee** appeared in support. (:51-2:15) Attachment 1

**Rep. Laning:** Reading this my understanding is if you apply absentee in a general election and ask to be extended, it still expires before the next general election?

**Rep. Boschee:** Yes, my understanding that each general election is a reset. Vote by mail counties themselves do not mail out ballot applications until 50 days prior to the election.

**Rep. Karls:** On this form isn't there already an option that you can vote in the primary and be sent your general election ballot?

**Rep. Boschee:** Yes, for the elections that happen in that year.

**Rep. P. Anderson:** Do you think more and more are starting to vote by mail or vote by phone? Do you think they will be voting less by absentee?

**Rep. Boschee:** We saw within this last election an increased turnout than most expected voting in the midterm election. A lot of that was driven by the vote by mail process or early vote. Our auditors are seeing more people participate.

**Rep. P. Anderson:** Do think your bill will have more voters voting?

**Rep. Boschee:** That is one of the hopes.

**Rep. C. Johnson:** When somebody applies for the application and it's March 1<sup>st</sup>, in an odd number of year, now this is 15 months away from the election, does the county auditors send out reminders to these people or is that going to increase their

workload?

**Rep. Boschee:** Auditors will be able to send out vote by mail applications up to 50 days prior to election. You can't cast that ballot until 40 days. Before each election, the auditors and their staff will be stuffing envelopes to process through their center mailed out to people to fill out their applications. That is mailing number one, then the citizen mails it back with their own stamp or drops it off or they can use an online process as well, and at that 40 day mark auditors will start mailing back the ballot to the citizens that have applied.

**Chairman Kasper:** What happens if a person changes addresses?

**Rep. Boschee:** Look to the auditors to facilitate that. Election mail is not forwarded.

**Chairman Kasper:** Theoretically, a person who has moved could have moved from a location where people are friends or relations to him are still living and therefore not notified the mail to forward it.

**Rep. Boschee:** That is one of the scenarios that how voters help people interact with our society and how transient we have become.

**Chairman Kasper:** Did you work with the Secretary of State's Office on your bill?

**Rep. Boschee:** I reached out to the county auditors.

Opposition

**Jim Silrum, Deputy Director, Secretary of State,** appeared in opposition. Military and overseas differing deadlines would be an issue. Line 10 official receiving. Right now a voter can choose all elections that occur within the calendar year. That is important because of the fact that there are also school elections that are often run separate from the state elections. There are sometimes city elections and special elections that sometimes happen outside of the framework, so therefore this would require those voters who want to go to the school elections and city elections depending on separate applications. Currently our practice is that when a voter selects all elections for this coming year, the instruction is that the county auditors must supply a copy of the application to the school business manager or the city auditor.

**Chairman Kasper:** Is this a current application not a new proposed one?

**Mr. Silrum:** This is the current one.

**Chairman Kasper:** Hearing the testimony, can you envision how this would have to change if at all?

**Mr. Silrum:** Some of the instructions would have to be changed and some of the options for which they would be able select. All elections would have to be removed. You would have to have a companion bill to this or add an amendment to the section that addresses the requirements that go into the application.

**Chairman Kasper:** Has your office received complaints in the past about not enough time for absentee ballots or would like to have more time?

**Mr. Silrum:** I think what we see the most is that even in the situation that we have now, where you can apply for all elections for the coming year, we hear a number of times where a voter is at that location for the primary election in June but before the general election they have changed their address, and so we have had to create procedures by which we can accommodate them.

**Chairman Kasper:** When people change their addresses would it be possible to have two absentee ballots. Could you see that as a possibility?

**Mr. Silrum:** They change their address with DOT. If they do not change their address with the DOT, then yes that would be a possibility.

**Donelle Presky, County Auditors' Association,** appeared in opposition. Auditors feel the current system is working just fine. They are concerned with extending the time line 9 more months and discussed a number of different issues that could come to be because of the longer period of time. For those reasons we would oppose this.

**Rep. Laning:** I am hearing that your auditors feel that this would not lighten their load as far as the pressure at election time?

**Donelle Presky:** This extra length of time would likely create more problems than the hustle and bustle that they feel. When they get those applications in it is a very busy time for them.

**Rep. Karls:** Where do we store these for 9 months?

**Donelle Presky:** Entered in electronically to send the ballot to them when appropriate.

Closed the hearing on HB 1420

**Rep. Laning:** Made a motion for a DO NOT PASS

Motion seconded by **Rep. Rohr.**

**Rep. Schneider:** Resist because of the opportunity to vote.

Roll Call Vote Yes 10 No 2 Absent 2

**Rep. Hoverson** will be the Carrier.

Date: 1-31-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1420**

House Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Laning Seconded By Rep. Rohr

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Pamela Anderson		X
Vice Chair Vicky Steiner	X		Rep. Mary Schneider		X
Rep. Jeff Hoverson	X				
Rep. Craig Johnson	X				
Rep. Daniel Johnston	X				
Rep. Karen Karls	X				
Rep. Ben Koppelman	A				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Karen Rohr	X				
Rep. Austen Schauer	A				
Rep. Steve Vetter	X				

Total (Yes) 10 No 2

Absent 2

Floor Assignment Rep. Hoverson

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

**REPORT OF STANDING COMMITTEE**

**HB 1420: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING).  
HB 1420 was placed on the Eleventh order on the calendar.

**2019 TESTIMONY**

**HB 1420**



# North Dakota House of Representatives

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Representative  
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Minority Leader

#1  
HB 1420  
1-31-19

January 31, 2019

Good Afternoon Chairman Kasper and members of the House Government and Veterans Affairs Committee. For the record, my name is Josh Boschee and I represent District 44 in the House of Representatives.

HB 1420 was introduced as an idea to assist. As we have seen vote by mail continue to increase in popularity throughout the state, demands on county auditors and their staff continue to increase. In visiting with some auditors during the last election cycle, they mentioned how overwhelming it was to receive so many applications for absentee ballots on a daily basis, primarily driven by political parties and advocacy organizations encouraging voters to vote by mail.

The current application for an absentee ballot, which is used as part of the vote by mail process, only allows for a voter to apply for ballots for elections within the calendar year. The purpose of this change in statute is to allow time for the Secretary of State and county auditors to update the Central Voter File after the preceding election, then allow voters to apply up to twenty months before the next election.

The idea behind this is to reduce the amount of workload that falls upon county auditors and their staff in the 40 days preceding each election. Additionally, it will likely save counties money as voters may complete applications for absentee ballots prior to receiving a mailing from the auditor, therefor not requiring auditors to mail out as many applications.

Thank you, Mr. Chairman. I will stand for any questions at this time.

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**ABSENTEE/MAIL BALLOT APPLICATION**  
SECRETARY OF STATE  
SFN 51468 (08-2015)

**For Office Use Only**  
**Precinct Part**

For reference, see North Dakota Century Code, Chapter 16.1-07.

Application must be for at least one of the following elections:

<input type="checkbox"/> June (Primary) Election	<b>OR</b>	<input type="checkbox"/> All Statewide Elections (only check if ballot delivery address will be the same for all elections)	<input type="checkbox"/> City Election
<input type="checkbox"/> November (General) Election		<input type="checkbox"/> School Election	<input type="checkbox"/> Special Election

**Applicant Information: (ALL FIELDS REQUIRED)**

Voter's Name	Date of Birth	Daytime Telephone Number
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North Dakota ID Type Used: (check one)

<input type="checkbox"/> Driver's License	<input type="checkbox"/> Non-driver's ID	<input type="checkbox"/> Long Term Care Certificate (include with application)	<input type="checkbox"/> Tribal ID
<input type="checkbox"/> Passport or Military ID (only for voters outside the United States)			<input type="checkbox"/> Applicant Without ID*

**ID Number (required only if driver's license, non-driver's ID, tribal ID, passport or military ID is selected above)**

Residential Address	City	State	ZIP Code
Ballot Delivery Address (if different from residential address)	City	State	ZIP Code

I do solemnly affirm that I have resided or will reside in the precinct, where my residential voting address is located, for at least thirty days next preceding the election and will be a qualified elector of the precinct.

<b>Signature (required)</b>	Date
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**Applicant Unable to Sign:**

If the applicant is unable to sign the applicant's name, the applicant shall mark  or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the "X" or using the signature stamp below the "X" or signature and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

<input type="checkbox"/>  <b>Voter's Mark</b>	Printed Name of Person Making Mark or Voter's Signature Stamp  Signature of "Witness to the Mark"
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**\*Applicant Without ID:**

If the applicant does not possess or cannot secure an approved form of identification due to a disability with which the individual lives and which prevents the individual from traveling to obtain, another qualified elector of the state may attest that the applicant is a qualified elector of that precinct by signing below and providing his or her approved North Dakota identification number. **NOTE:** A qualified elector may not attest the qualifications of more than four applicants in an election.

Printed Name of Attester	Driver's / Non-driver's / Tribal ID Number
Signature of Attester	Date
Daytime Telephone Number	

**Active Military and Overseas Voter:**

Check **ONE** (if applicable):

Citizen living outside of the United States

Uniformed service or family member living away from the voter's residence, yet **within** the United States

Uniformed service or family member living away from the voter's residence, yet **outside** the United States

If one of the check boxes above applies to you, please indicate your preferred ballot delivery method:

Mail     Email (provide email address): \_\_\_\_\_     Fax (provide fax number): \_\_\_\_\_

**Mail or Submit to the Auditor of Your County of Residence or Appropriate Election Officer**