

**2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1312**

# 2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee  
Pioneer Room, State Capitol

HB 1312  
1/28/2021

Relating to limiting the governor's authority regarding elections, eliminating early mail ballot elections and in person voting and limiting voters eligible to cast absentee ballots; relating to early voting precincts and mail ballot elections; and to provide a penalty

**Chairman Kasper** opened the hearing at 3:14 p.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

## Discussion Topics:

- Voting difficulty
- Election day return
- Hand counted ballots

**Rep. Hoverson** introduced and testified in favor.

**Mike Blessum, District 5, Minot**, testified in favor, #3949.

**Gaylynn Becker, Bismarck**, testified in favor, #3919.

**Jim Silrum, Deputy Secretary of State**, testified in opposition, #3800.

**Kevin Ford, ITD**, testified in opposition.

**Donnell Preskey, ND County Auditors Association**, testified in opposition, #3936.

**Additional written testimony:** #4117, #4107, #3760, #3244, #3190, #2321

**Chairman Kasper** closed the hearing at 4:18 p.m.

*Carmen Hart, Committee Clerk*

**HB 1312 Testimony**  
**Mike Blessum – District 5 - Minot**  
**ND House Government and Veterans Affairs Committee**

Mr. Chairman and members of the committee, my name is Mike Blessum from District 5 in Minot. I'm before you today to testify in favor of HB 1312. I'd like to thank Representative Hoverson for sponsoring this important legislation intended to restore the confidence lost in our election processes.

A November 13, 2016 Washington Post – ABC News poll showed that 33% of Democrats believed that the 2016 election was not won legitimately by President Trump. A December 7, 2020 Rasmussen Reports poll showed that 47% of respondents believed that it was likely that votes were stolen from President Trump, including 17% of Democrats and 28% of independents. We appear to have reached a point where confidence in an election result depends in large part on whether your preferred candidate won.

Whether you believe the fraud claims or not, the fact that nearly half the country believes it occurred should be of concern to all of us. I don't believe that ND has many of the issues that were seen in other states, but now is the time to evaluate our processes to ensure that the residents of the state and the country have full confidence in our elections.

There are three primary goals I hope are achieved by this bill:

1. Ensure that the Governor, Secretary of State, and county officials have no authority to alter election law under emergency declarations or any other means.
2. Return the sanctity of election day by removing early voting and mail in voting. Electors should vote in person at a polling place on election day or by absentee ballot for an approved reason.
3. Remove electronic voting and counting from the century code to ensure transparency.

I would like to address what I believe will be the main objections to the changes outlined in this bill.

**Removing the authority for changes to election laws could result in major voting issues in a disaster situation.** As we saw in the June primary, current law allows unilateral adjustments to election statutes via executive order. In fact, we saw this occur in multiple ways in several states during the Nov. 3 election based on the COVID emergency – with changes to deadlines and absentee voting rules by non-legislative means. In most cases, these changes occurred after mail in voting had already started.

The Secretary of State's office and the North Dakota Association of Counties raised objections to HB 1171 - another bill that seeks to limit the governor's election authority in an emergency situation. The general position of both was that someone had to have the authority to make the necessary changes to election law to ensure access to vote. I choose to trust the collective wisdom of legislative management working together with the executive branch office holders and the counties to solve any problem that may occur. Limiting the executive branch's authority would mean that the legislature would have the responsibility to step in where needed to fix an issue should there be an emergency situation. This is the optimal situation as the legislature would craft the needed changes and have them signed by the governor. Everyone is accountable.

**Tighter controls on voting will disenfranchise voters – including those most vulnerable.** While I believe that we should always be concerned with anything that some believe may decrease participation in elections, we risk disenfranchising the entire electorate when the people have no confidence in the processes.

Absentee ballots are an important part of our election process to ensure that every eligible elector has the opportunity to cast their ballot. The absentee ballot rules proposed in the bill are what I believe are the least restrictive of any state that requires a reason. The vast majority of vulnerable electors would have options under the absentee ballot rules. If there is a category that the committee believes should be added or the criteria in other ways adjusted, I would generally support that.

The 2005 Commission on Federal Election Reform co-chaired by former President Jimmy Carter and former Secretary of State James Baker concluded that while popular, mail in and early voting do not increase participation. The commission found that voting by mail is likely to increase the risks of fraud and contested elections. Early voting has similar issues plus the additional factor of allowing a significant number of electors to cast their ballots before they have all of the information about the candidates.

We all want every legal elector to have the opportunity to vote and every legal ballot counted. Tightening these controls will help restore transparency to the system and confidence to the electorate.

**Returning to hand counted ballots will place too large a burden on our counties.** My only answer to this is that it is worth it. The people of the state and the country deserve free, fair, transparent elections. We need to give that back to them.

Submitting a ballot into a literal black box with the hope that it gets counted and counted correctly is no longer acceptable to me and I believe to many across the state and country. We all saw the images of election officials in other states working alone in corners of rooms feeding and refeeding ballots. We have no idea why that was done or what exactly was going on. That is just one example of breakdowns that can occur at so many points in these processes.

There is a reason why a hand count is the last, definitive step in a contested election. We have all agreed that is the only way that we can ensure that ballots are counted accurately and in a transparent manner. We owe that transparency to every race on every ballot.

Election officials in Canada felt so strongly about reassuring their citizens about the security of their processes that they sent out a tweet on Nov. 12 stating that they do not use voting machines or electronic tabulators. Elections Canada counted nearly 18 million paper ballots by hand in their most recent national election in 2019. North Dakota can surely count the roughly 365,000 ballots cast.

Elections Canada  @ElectionsCan\_E · Nov 12, 2020

#DYK? 🗳️

We don't use voting machines or electronic tabulators at the federal level in Canada. Ballots are marked by hand. Also, they are counted by hand in front of scrutineers. For more information, visit: [elections.ca/content.aspx?s.....](https://www.elections.ca/content.aspx?s.....)

#cdnpoli



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To summarize – we are at a tipping point when it comes to confidence in our election systems. Taken as a whole, I believe the changes outlined in this bill will go a long way toward restoring that confidence and cooling the tensions. Mr. Chairman and members of the committee, thank you for the opportunity to participate in this process. This concludes my testimony and I am happy to stand for any questions.

## House Government and Veterans Affairs Committee

### HB 1312

By Dr. Gaylynn Becker

January 28, 2021

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Chairman Kasper and Members of the Government and Veterans Affairs Committee:

I am Gaylynn Becker of Bismarck, ND. I'm representing myself. I am here to testify in support of House Bill 1312.

I support the specific delineation related to various types of voting and election issues and for specifying that "... the governor may not suspend, amend, or revoke any statute related to the right to vote or conducting elections."

I also hope that you consider adding to the bill that "no court or elected office holder, or any official or person may not suspend, amend, or revoke any statute related to the right to vote or conducting elections."

This bill is needed so that in North Dakota our elections will not be hijacked by the various types of widespread election fraud allegations that occurred in other states in the November 2020 elections.

I also recommend as soon this bill is passed by the state legislature and signed into law that it become effective immediately!

I ask that you pass HB 1312.

God bless you.

ALVIN A. JAEGER  
SECRETARY OF STATE

HOME PAGE [www.nd.gov/sos](http://www.nd.gov/sos)



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

January 28, 2021

TO: Chairman Kasper and Members of the House Government and Veterans Affairs Committee  
 FR: Jim Silrum, Deputy Secretary of State on behalf of Secretary of State Al Jaeger  
 RE: HB 1312 – Excuse needed to vote absentee, limitation of executive orders by the Governor, and elimination of the early voting option and voting by mail as a form of election administration

With a few exceptions, this bill only allows voters to cast a ballot at a polling place on election day.

It eliminates no excuse absentee voting adopted by the 1997 Legislative Assembly 24 years ago.

A voter would be required to declare one of the 15 allowable excuses that would be listed in NDCC § 16.1-07-01 as to why he or she will be absent from their precinct on election day.

It mandates the Secretary of State adopt rules for counties to follow to ensure that voters requesting an absentee ballot will indeed be absent from their precinct on election day.

It prohibits Executive Orders to modify any election even during an emergency.

It eliminates mail ballot elections, a county choice for over 27 years and chosen by the County Commissions of 30 to 35 counties each election cycle over the past decade.

It would eliminate early voting, which has been a choice for County Commissions since 2003.

On behalf of the Secretary of State and his election team who believe this bill creates significant hardships and obstacles for voters and will disenfranchise tens of thousands of voters every election, I request the committee give this bill a **DO NOT PASS** recommendation.

Testimony Prepared for the  
**House GVA**

January 28<sup>th</sup>, 2021

By: Donnell Preskey, NDACo



**RE: Opposition to HB 1312**

Chair Kasper and committee members, I'm Donnell Preskey with the North Dakota Association of Counties. One of my roles at NDACo, is serving as the executive director for the county auditors association. We stand in opposition to HB 1312.

This bill reverses what we as a state has made great strides in accomplishing and that is to provide a means for every qualified elector to vote on election day.

This bill will absolutely restrict our citizens access to the election process and disenfranchise voters.

It dramatically limits the ability for counties to provide vote by mail elections; where applications are sent to all eligible voters and at least one polling location is open on election day.

It also eliminates early voting, which ten of our counties provided to voters in their county in 2020.

As you can see by the chart included in this testimony. There is a significant amount of citizens who prefer to vote prior to election day.

I urge this committee to give HB 1312 a Do Not Pass recommendation.

Election	Total Ballots	Ballots Cast Prior to Election Day (%)
2020 General	364,251	273,105 (75%)
2020 Primary	160,114	160,114 (100%)
2018 General	330,598	157,231 (48%)
2018 Primary	115,226	115,226 (40%)
2016 General	349,945	134,803 (38%)
2016 Primary	139,957	49,829 (36%)

**Testimony SB 1312**  
**House Government and Veterans Affairs Committee**  
January 28, 2021

Mr. Chairman and members of the House Government and Veterans Affairs Committee, my name is Don Morrison. I live in Bismarck and I am a volunteer for North Dakota Voters First, which is a non-partisan, grassroots North Dakota group working to strengthen our democracy, help make our elections and public policy more open, ethical, and accountable to the people of our state.

We want to raise concerns about the provisions of this bill that will make it more difficult for the citizens of North Dakota to vote. Voting should not be difficult. Our nation has long believed in and promoted to the world that everyone's voice and vote should be counted. This bill goes in the opposite direction by putting up barriers and removing early in-person voting, which would make voting more difficult.

Thank you for the opportunity to provide testimony on SB 1312.

We recommend that the House Government and Veterans Affairs Committee give SB 1312 a Do Not Pass.

Testimony HB 1312  
January 28, 2021  
Karen K. Ehrens

Chair Kasper and Members of the Government and Veterans Affairs Committee:

Good day. I am Karen Ehrens, a resident of Bismarck and member of the League of Women Voters. Voting by mail or “absentee” ballot works for North Dakotans as demonstrated by 2020 election results, which were certified by the state canvassing board. The ability to conduct elections by mail was proven safe and secure in 2020 and in previous years.

As an election worker in Burleigh County in 2020, I asked hundreds of people the 3 following questions to determine eligibility:

- Are you a citizen of the United States?
- Are you at least 18 years of age?
- Have you lived at your current address for at least 30 days?

These questions, along with voter identification, are current voter requirements for North Dakota, and they work.

HB 1312 attempts to set up additional subjective and arbitrary “requirements” for voting. There are 15 provisions for electors set out in this bill. It is nearly inconceivable that city and county auditors will have the time and staff to make determinations for every individual who requests an absentee ballot on who is “qualified” to vote in this manner. And then for the election clerks and board members, when opening ballots submitted through the mail, again determine if the voter has met an added subjective and arbitrary voter “qualification”?

What does it contribute to the fair and democratic process to add additional questions, such as these, to determine if a voter is “qualified” to vote in a certain manner?

- Are you an individual with a physical disability?
- Are you someone who chooses not to vote on a Saturday?
- Were you admitted to the hospital within four days before election day?
- Do you have a relative who died or had a funeral within 3 days before election day?

These proposed changes to the Century Code will obstruct voting rights and keep eligible voters from exercising their right to vote. I call on you to vote “no” on this bill and end this attempt to suppress votes.

Karen Ehrens  
Bismarck, ND 58501

House Bill - 1312

Thank you for the chance to address the members of the House Government and Veteran Affairs Committee. I am writing in opposition to HB 1312.

Under this bill, I would no longer be eligible to vote by absentee ballot. As a parent of small children, the absentee ballot has been important to casting my ballot and assure I have a chance to vote. I don't have to worry about heading to the polls and a child getting sick or looking for childcare.

My friends, who also have small children, have used the absentee ballot to fully research candidates without having to track down a sample ballot online. It reminds them that an election, especially a primary, is upcoming and to submit a ballot. These friends would also not be eligible to vote by absentee under the qualifications list.

Lastly, it sounds like a nightmare for the Secretary of State to track who would be eligible and who would not be eligible and it would use up time and resources in our government.

I urge the committee to give a Do Not Pass report for this bill or remove the eligibility list. The list of requirements makes it more challenging for me and others to submit a ballot.

Thank you for your time.

Whitney Oxendahl

## Bill 1312

Please do not pass HB 1312. This bill makes it harder to vote. As a ND resident, I feel it should be our goal to promote voting and encourage as many citizens as possible to participate in selecting our representatives. Early voting allows people to participate when it is convenient and allows voting on election day to go smoother with shorter lines. I love the mail in ballot as it permits me to see the items on the ballot and to make a more informed decision in my voting. For measures and candidates, I am not familiar with, it allows me to research the issues and make a choice that I feel comfortable with. We should promote voting for all citizens of the state. I appreciate the ease of voting and hope you DO NOT pass HB 1312.

Mary Niehaus  
2438 Lilac Lane  
Fargo, ND 58102

Dear Members of the Government and Veterans Affairs committee,

I am writing to urge a Do Not Pass recommendation on HB 1312. My main concern is that this bill makes it more difficult to vote. Voting should be as easy as possible to reach as many ND residents as possible and I believe HB 1312 makes it more difficult. Having options of early voting and voting by mail helps to reach more ND residents and makes it easier for residents to vote, depending on their lifestyle and personality. I am especially thankful for the ability to vote by mail in recent years. I feel I am better able to complete the process of voting by having the ballot in front of me at the computer while I research the measures. I enjoy the voting process more, and feel like I am making better informed decisions. In the past when I reach the polls, at times there have been measures that I didn't even know were on the ballot. Again, having the ballot in front of me would help me make a decision for my vote on that measure that I missed versus choosing not to vote on it because I wasn't making an informed decision.

Again, please DO NOT pass HB 1312. It is a backwards step in the voting process.

Sincerely,

Mary Niehaus

Brian Glaeske  
403 11th AVE S  
Fargo, ND 58103

Dear Members of the Government and Veterans Affairs committee,

I am writing to urge a Do Not Pass recommendation on HB 1312. There are several sections of this bill that I find problematic. My chief concern is that this bill makes it more difficult to vote in a way that is convenient to the voters of the state. At the end of the day this bill feels like a blatant attempt at voter suppression and should not be passed. Voting should be as easy as possible to ensure all can access the democratic process. The only constraints that should be put in place is verification that people do not vote twice. I believe that the current laws provide for that.

The new constraints on voting by absentee ballot seem ridiculous. Voting in person does not make voting more secure. If that was the case then paying taxes by mail should also be outlawed. Maybe this law should provide that if you pay income tax in the State of North Dakota, a ballot is automatically sent to you.

Further, the fact that this bill takes away the Governor's ability to act without the legislature problematic in an emergency situation. As evidenced by the current crisis, the great North Dakota legislature decided not to call a special session and thus has shown itself unable to respond quickly to changing events.

More and more, I feel like the legislatures of the state of North Dakota are completely out of touch with the reality of the world and would like to force some set of rules that are complexity antithetical to the residents of the state.

I will also further say, that if such voter restrictions becomes law, I will work on a referral to not only nullify the effect of this bill, but I will also make it a crime for any legislator to make it harder for people to vote. Such a referred measure would also contain a requirement to develop a secure mobile voting method using mobile phones, and the web, making voting easier than ever for the residents of the State of North Dakota.

Again, I am writing to urge that this commit recommend that this bill is Do Not Pass.

Sincerely,



Brian Glaeske

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1312  
2/5/2021

Relating to limiting the governor's authority regarding elections; relating to eliminating early mail ballot elections and in-person voting and limiting voters eligible to cast absentee ballots; relating to early voting precincts and mail ballot elections; and to provide a penalty

**Chairman Kasper** opened the committee work meeting at 10:31 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

### Discussion Topics:

- Elimination of voluntary absentee voting
- Hand counted ballots

**Rep. P. Anderson** moved **Do Not Pass**. **Rep. Ostlie** seconded the motion.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	Y
Representative Jeff A. Hoverson	N
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	N
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauer	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Greg Stemen	Y
Representative Steve Vetter	Y

House Government and Veterans Affairs Committee  
HB 1312  
2/5/2021  
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**Motion passes.** 12-2-0. **Rep. Vetter** is the carrier.

**Chairman Kasper** closed the meeting at 10:39 p.m.

*Carmen Hart, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1312: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1312 was placed on the Eleventh order on the calendar.