

2023 SENATE STATE AND LOCAL GOVERNMENT

SB 2308

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2308
1/26/2023

Relating to mail ballot elections; relating to mail ballot elections.

2:23 PM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Human error
- Increase costs
- Absentee ballot
- Corruption

Sen Magrum, Dist 8, bill sponsor and testified in support #17476, #17474.

Marvin Lepp, former candidate, testified in support #17455

Tommi Collins, election activist, testified in support. #17397

Travis Zabloutney, Minot, testified in support with no written testimony.

Tana Walker, Anamoose, ND, testified via ZOOM in support #17149

Additional written testimony:

Rebekah Oliver, in support #15039

Ms Gessele, in support #16966

Roy Gabel, in support #17083

Ann Hoggar, in support #17143, #17132

Gail Kollman, in support #17166

Erica Johnsrud, opposed #16962

Donnell Preskey, opposed #16999

Michael Howe, Secretary of State, opposed #17151

Veronica Zitz, opposed #17964

Shirley Murray, opposed #19773

2:45 PM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2308
2/9/2023

Relating to mail ballots elections.

10:29 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Sen Cleary moved a DO NOT PASS.

Sen Estenson seconded.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES – 6 NO – 0 Absent – 0

Sen Estenson will carry the bill.

10:32 AM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2308: State and Local Government Committee (Sen. K. Roers, Chairman)
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB
2308 was placed on the Eleventh order on the calendar. This bill does not affect
workforce development.

TESTIMONY

SB 2308

DO PASS - SB 2308

Members of the Senate State and Local Government Committee,

Please render a DO PASS on Senate Bill 2308. Thank you for your consideration of this important bill, and for your service to North Dakota.

Sincerely,

Rebekah Oliver

District 11



Written Testimony for the
Senate State and Local Government

January 26, 2023

Erica Johnsrud, McKenzie County Auditor/Treasurer

RE: OPPOSITION for SB 2308

Good afternoon, Chairwoman Roers, and members of the Senate State and Local Government Committee. My name is Erica Johnsrud and I serve as the Auditor/Treasurer for McKenzie County. I stand in opposition of SB 2308.

The intent of this bill is to remove mail ballot elections from North Dakota Century Code by repealing NDCC 16.1-11.1, the chapter pertaining to the process for mail ballot elections.

McKenzie County became a vote-by-mail county in 2018, joining 36 other counties who currently administer their elections in this manner. The exact same processes of voter verification, residence verification, and signature verification are followed for voters who vote either by absentee or by mail ballot. The only difference between mail ballot elections and absentee voting is that mail ballot counties are required to send out a ballot application form to each active voter in the county listed in the central voter file and to voters who will be eligible to vote for the first time (i.e. turn 18 years old on or before Election Day). ND Century Code states:

16.1-11.1-08. Election Laws applicable.

When applicable, all election procedures provided in this title must be followed. The only difference between mail ballot voting and absentee voting is, for mail ballot voting, the application for the ballot is mailed to each active voter listed in the central voter file for the county administering an election by mail and each qualified individual eligible to vote in the state for the first time.

I want to stress again the only difference between mail ballots and absentee ballots is that vote-by-mail counties are required to send out an application form, not a ballot, to all active voters and those turning 18 before Election Day. In McKenzie County we send out blank applications along with a letter outlining voting options in McKenzie County. I've attached here to my testimony the application and letter sent out for the November 2022 Election. It is my opinion that the application form and letter mailed to the voter enhances voter knowledge regarding upcoming elections, helps voters early on make a plan for voting in the upcoming Election, and increases voter turnout.

Voters are still required to provide all of the required information on the application form and submit it to the County Auditor for verification and cross-referencing to the Central Voter File before any ballots are sent to voters. No voter is required to vote using this method and all voters continue to have the option to vote in person on Election Day if that is their desire.

Voters across McKenzie County and North Dakota choose to vote by mail or by absentee because it works best for them and that is the choice they make. Voting from home allows voters additional time to review ballots, research candidates, research issues and measures, and mark their selections privately at their convenience. Other voters choose to vote in-person on Election Day, which is an option regardless of the county's designation as vote-by-mail, and required by law.

Eliminating mail ballots but allowing absentee ballots is an internal contradiction, as the processes of verification are identical and indistinguishable from one another and has the potential to limit voter accessibility and notice of upcoming elections.

I urge a **DO NOT PASS** recommendation on SB 2308.



Phone (701) 444-3616x3

McKENZIE COUNTY
201 5th St NW Suite 543, Watford City, ND 58854
County Auditor/Treasurer-Erica Johnsrud



Fax (701) 444-4113

September 19, 2022

RE: GENERAL ELECTION NOVEMBER 8, 2022

Dear McKenzie County Resident,

Enclosed please find an absentee/mail ballot application. If you wish to vote by absentee/mail for the General Election in November, please fill out and return the completed application to the Auditor/Treasurer's Office at the address listed on the top of this letter. If you know of a family member or friend who did not receive an application, and they are a resident of McKenzie County, they may request one from the McKenzie County Auditor/Treasurer's Office or download one from www.vote.nd.gov. Many individuals prefer to vote in the comfort of their own home, with access to information regarding the measures and candidates, without the feeling of being rushed in a busy polling location.

Beginning September 29, 2022, after your completed application is received and verified, the Auditor/Treasurer's Office will mail (to the ballot delivery address stated on the application) an official ballot, a ballot secrecy envelope and a return envelope with a place for your signature and date on the back. When our office receives your sealed ballot in the return envelope, it will be secured with your ballot application. The return envelope must be postmarked or returned in person at the McKenzie County Courthouse **by 5:00 P.M. on November 7th, 2022.** Please note this is the day *prior* to Election Day.

Sealed ballots and applications will be securely transferred to the Mail Ballot/Absentee Election Board. When the Election Board receives the sealed ballots and applications, the Inspector, along with the Judges, will compare the signature on the ballot application with the signature on the return envelope. Once all of the signatures have been verified, the outer return envelope will be opened. All of the ballot secrecy envelopes will then be placed in a bin and shuffled, ensuring the privacy of your vote. Once shuffled, they will be run through the ballot scanner and accepted.

If you choose to forego this option, you will still have the opportunity to vote at any one of the three polling places that will be open on Election Day from 9:00 A.M. to 7:00 P.M. CT. These polling places will be the Cartwright Community Hall, Watford City Civic Center, and Mandaree Community Center. If you wish to vote in person on Election Day, you need not return the ballot application. Please remember to bring a valid North Dakota ID to the polling place of your choice.

Should you have any questions on the process or procedures, please do not hesitate to contact my office at 701-444-3616x3 or email me at ejohnsrud@co.mckenzie.nd.us.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Erica Johnsrud".

Erica Johnsrud

McKenzie County Auditor/Treasurer



ABSENTEE/MAIL BALLOT APPLICATION
SECRETARY OF STATE
 SFN 51468 (02-2022)

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: (check all that apply)

- June (Primary) election City election Special election
 November (General) election School election

Applicant Information: (ALL FIELDS REQUIRED)

Voter's name		Date of birth		Daytime telephone number	
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"/> Passport (only for voters living outside the United States) or military ID**				<input type="checkbox"/> Tribal ID	
				<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 30 days next preceding the election and will be a qualified elector of the precinct.					
Signature (required)					Date

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"/> Voter's Mark	Printed name of person making mark or voter's signature stamp
	Signature of "witness to the mark"

***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 applications 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

(The signature on this affidavit will be compared to the signature on the affidavit on the envelope in which the absentee ballot must be placed.)

I would like to thank you for taking this up and removing mail in ballots. People want to be able to vote in person. Mail in ballots should have never been made an option.

Testimony prepared for:
Senate State and Local Government
Donnell Preskey, NDACo
January 26th, 2023



Re: SB 2308 Eliminating Vote-by-Mail

Chair Roers & Committee members, I'm Donnell Preskey with the North Dakota Association of Counties, in that role at NDACo, I serve as Executive Director for the ND County Auditors Association. The County Auditors are opposed to SB 2308 and urge a Do Not Pass recommendation.

This bill will dramatically impede voter's options in voting prior to election day. The Legislature has provided North Dakota eligible voters with secure options to vote prior to Election Day. Voters in our state have early voting options, they can vote absentee ballots and 37 counties offer vote by mail. Vote by mail counties send applications to every eligible voter in the county. It's important to note that vote by mail counties are still required by law to provide at least one voting location on Election Day.

In the 2022 General Election, 242,526 ballots were cast. 44% of the ballots were voted prior to Election Day. 70,000 voters cast their ballots by absentee and vote by mail, that's 29% of the total ballots. Refining this further, 39,134 or 16% of the total ballots were vote-by-mail ballots. If passed, this bill would eliminate the vote-by-mail option in North Dakota and therefore restrict voter's options.

This bill is unnecessary, please vote no on SB 2308.

1-26-23

I urge a "Do Pass" on this bill

Thank you

Rory Gabel

Valley City, ND

District 24

DO PASS - SB 2308

Members of the Senate State and Local Government Commiee,

Please render a DO PASS on Senate Bill 2308. Thank you for your considerantion of this important bill, and for your service to North Dakota.

Thank you.

Testimony:

On September 19th a letter addressed to anonymous to my address in Buchanan, ND was sent in the mail. The letter came to me. I noticed it was addressed to someone I didnt know and had no plans on opening it. I thought it was a real estate tax document similar to the one I receive however it was from the wrong county auditor, and a county I have never lived in, addressed to my PO Box in another town outside of LaMoure county. As I was going through my mail I was opening letter after letter and accidentally opened this letter. I figured I better look so I can forward to the rightful owner if it was important. When I opened this letter the contents were Absentee/Mail Ballot Application from the Secretary of State SFN 51468 (02-2022) I realize anyone can print these off the state or any county website however this one had the name of the person the letter was sent to with their actual physical address. Another thing I found interesting was that there was a bar code on the mailing label as well as the form that matched ID numbers. The blank forms you fill out dont have these. For clarification:

The envelop has a mailing label with:

Recipient Name
My address
My town, ND
Matching bar code and ID

Whereas the contents have:

Recipient Name
Recipient Physical Address
Recipients town, ND
Matching bar code and ID

I called the Auditors office in LaMoure the auditor was not in so I spoke to one of the deputy auditors and explained the situation. She explained to me that they get their address information from the Department of Motor Vehicles. I tried to clarify since the addresses didnt match and the mailing address on the envelop is not in LaMoure County so why would they be sending this out of their county? She informed me that whoever this letter was mailed to they had their address physical and mailing verified with Motor Vehicle. I said but I live at the mailing address, I am the owner of the home, it has never been rented to anyone and I know the other 2 owners of the home. There are no other residents associated with this address. She insisted it was an issue with Motor Vehicle and she cant explain why the recipient reported that information to Motor Vehicle. I did not leave my name and number with the office in LaMoure county but the same day, after hours the Auditor called me back and was so glad I answered! She was really excited to tell me she figured out what happened and wanted to know if I would mail this letter back to her. I said Ah Hell NO! (sorry I did) and I laughed and informed her that every county in the state of ND needs to be audited as soon as possible and Mail In ballots and voting machines need to be removed from

all elections and hung up.

I called the person the letter belonged to and she was quite surprised about all of this. She told me she used to live in the same town I live in but it was at least 10 years ago and NOT the same address as mine! She had a really nice surprise! She has her CDL and is required by DMV and MV to verify her mailing and physical address every 2 years.

Pretty much debunks the Auditors story. I did not call DMV because they cant give me information on another person.

Please let me know if you need any further clarification. I do have the letter and envelop in my possession.

Thank you.

Ann Hoggarth
701-630-9240

DO PASS - SB 2308

Members of the Senate State and Local Government Commiee,

Please render a DO PASS on Senate Bill 2308. Thank you for your consideraon of this important bill, and for your service to North Dakota.

Sincerely,

Ann Hoggarth
District 29
701-630-9240

I notified the Republican District Chair, Dayne Headland on August 10th 2022 that I and 3 others were interested in working the election on November 8th.

I asked a few more times if he had heard when we were going to be notified. One of the people that was chosen out of the 4 of us got an email from Jessica Alonge, Stutsman County Auditor letting her know when they needed to report for Poll Watching duty.

This person asked me why I was not the email with the other person Jessica had chosen out of the 4 of us.

I called and asked and was told that they didn't need me - they had more than enough people. If they had more than enough people why did the poll workers only get about 15 min breaks for lunch because there was not enough time for a longer break.

They were VERY understaffed on election day in Jamestown for District 12 and 29, with lines all the way to the street the entire time and they turned away 2 volunteers that we know of. How many more were turned away?

I can give you the names and numbers of the 2 poll workers who did work the election if you would like to verify this story with them.

Thank you.

Ann Hoggarth

Senate State and Local Government

RE: SB 2308 Testimony: For

Dear Chairman Roers & committee members,

I am writing in support of SB 2308 and thereby, asking for a Do Pass on this bill. I agree that mail-in ballots need to be abolished and limited absentee ballots monitored carefully in order to secure election integrity in North Dakota.

* My son has not been a North Dakota resident in a decade.

* He did NOT request a North Dakota absentee ballot.

*He received a North Dakota absentee ballot.

This IS an **actual ballot** and NOT an absentee application. I am on the canvassing board for my county and know the difference.

As a devoted citizen of ND, this brings into question the integrity of absentee ballots within our wonderful state. I spoke to my county auditor about this and there is no way this could have happened. I submit to you, this was clearly not "human error."

Yes, this seems insignificant, but let us not be the frog in the boiling kettle.

I urge you to support voter integrity in our great state of North Dakota.

I support a DO Pass recommendation on SB 2308.

Very Sincerely,

Tana Walker

Anamoose, ND

District 14

Tanamt.2011@gmail.com

****PLEASE SEE PICTURE BELOW OF Ballot****

If it does not load with this document I will upload in a separate file



Official ballot

SHERIDAN COUNTY AUDITOR
PO BOX 433
MCCLUSKY ND 58463-0433

RETURN SERVICE REQUESTED



BILLINGS, MT 59101
13 OCT 2022, PM



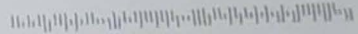
02 1P
\$ 000.81⁰
3064708588 OCT 24 2022
MAILED FROM ZIP CODE 58463

OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST-CLASS MAIL

RILEY WALKER
834 ASH CREEK RD
TERRY MT 59349-8601

Return to
Sender
Not at
this address
WTF

593498601 14077



MICHAEL C. HOWE
SECRETARY OF STATE

WEBSITE sos.nd.gov

PHONE (701) 328-2900
E-MAIL sos@nd.gov



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

SENATE STATE & LOCAL COMMITTEE
SENATOR KRISTIN ROERS, CHAIRMAN

SENATE BILL 2308
JANUARY 26, 2023

TESTIMONY PRESENTED BY

MICHAEL HOWE, SECRETARY OF STATE

Madam Chair and members of the committee. For the record, Michael Howe, North Dakota Secretary of State, and I am here in opposition to Senate Bill 2308 which would remove the option to vote by mail-in ballot for North Dakota’s citizens.

In the last two election cycles, voting by mail was used by more than half of North Dakotans who have the ability to cast their vote by mail. Vote by mail is valuable tool for North Dakotans to ensure their vote counts, especially when they have barriers to making it to the polls on election day. Currently, there are over 30 counties utilizing vote by mail. More than 70,000 North Dakotans considered it a secure way to cast their ballot in the last election, making up nearly 30 percent of those who voted in the November 2022 election.

Quite simply, people in North Dakota like to vote by mail and I urge you not to remove this valuable tool for North Dakota elections by giving Senate Bill 2308 a Do Not Pass.

Please render a DO PASS on Senate Bill 2308. Thank you for your consideration of this important bill to restore voter integrity to our elections in ND.

As a poll worker in Stutsman County there were more people that volunteered this past election that I know of that were not chosen to work the election. The county auditor combined districts at each table to rather than a represented from each party at all tables for each district. We were much understaffed on Election Day with long lines all day long at the Civic Center. I was a judge that handed out 3 different districts at my table.

It was obvious that more people prefer to vote in person on Election Day vs mail in ballots. We were so busy manning 3 districts at our table that I did not get a break until 2:30 in the afternoon. Long enough to eat a sandwich for lunch. Then worked until 8 pm that night without another break.

I also worked the primary when they was only one district at each table with both party's represented at each table. This was manageable to allow poll worker to take breaks and eat a lunch with an actual break time.

I also see there are county auditors are in several cities that are in opposition of this bill, I fell as a citizen of ND that they should not be rendering an opinion on this bill. My question would be "are these auditors elected or selected for their positions".

My other concerns would be the voting machines, they should also not be allowed in our elections and we need to go back to hand counts. Machines can be hacked every easily. Also I also would question the chain of custody from the election site to the court house. Most of the poll workers were dismissed from duty after the tapes were run on the machines. So I am unaware if there was a represented that went with the jump drives to the court house was it just County Employee's.

I don't feel county employees should be running the poll book pads. These should be a volunteer position. I think there are enough intelligent people in ND that can figure them out. I also question the voter rolls as I know of people that got ballots that did not live at the address they were mailed to.

I also received election flyers/campaign literature from our current Senator that were addressed to by deceased husband. Kinda makes me wonder if he voted too.

State and Local Government

Tomi Collins, Mandan, ND
 Testimony in support of SB 2308

Dear Chairman Roers and Committee Members

Voters should not be forced to deal with the problems that massive voting by mail have and will continue to create. FACT: It is easy to copy and print ballots and it is being done in ND.

I recently heard ND SoS Election officials claim, "But you would need key information about a voter" OK Let's look who has had access to that information in ND.

1. Russia Hacked North Dakota and probed our voter registration systems. **VOTER DATA HAS BEEN COMPROMISED AND OPEN TO BAD ACTORS.**

See Source video on ND 2016 Russian Hack <https://www.bek.news/tomitime/2022-11-02/> featuring **J. Alex Halderman**, professor of Computer Science and Engineering at the University of Michigan, where he is also director of the Center for Computer Security & Society. Halderman's research focuses on computer security and privacy, with an emphasis on problems that broadly impact society and public policy.

See source article Bismarck Tribune

https://bismarcktribune.com/news/state-and-regional/feds-russian-hackers-targeted-nd-s-elections-systems/article_396ddc74-b7d5-5866-8688-f398059f0afd.html

Fed's: Russian Hackers Targeted ND's Election Systems

Ryan Johnson Forum News Service Sep 23, 2017

Russian hackers targeted North Dakota's elections systems last year, according to new information disclosed to the state's top elections official Friday.

Secretary of State Al Jaeger confirmed Saturday that his office was called the previous day and notified that North Dakota was among 21 states targeted by hackers last year.

He said his office was alerted Thursday that the U.S. Department of Homeland Security would call elections officials in each state Friday to disclose if they were a target for hacking. Jaeger said his office got

a “very brief” call that said North Dakota was one of the affected states.

Jaeger said the information was “very sketchy” Friday. He said he has requested more details from the DHS.

“We have had discussions with them,” he said. “There’s a lot of things that we still have questions on, so that’s why we’re not commenting until we know more.”

Jaeger said he will comment more today.

Minnesota was also notified that it was targeted. A news release from Secretary of State Steve Simon said the DHS told him Minnesota was among 21 states “targeted by entities acting at the behest of the Russian government leading up to the 2016 election,” though the agency also confirmed there wasn’t a breach or attempt to breach Minnesota’s election system.

According to Simon, the DHS said hackers scanned IP addresses related to the secretary of state’s website to try to find vulnerabilities, but nothing further happened. He said the state’s system previously identified scanning IP addresses and blocked them.

“Scanning from outside entities is commonplace and happens every day, which is why I continue to believe the most serious challenge to the integrity of our election system is the threat of outside forces, including foreign governments, who seek to disrupt and undermine our elections,” Simon said Friday in a written statement.

2. ND SoS Al Jager Certified OUTDATED Windows sever 2008 and Windows 7 IN THE YEAR 2020 to run the ND Elections. 2008 software in 2020??? (Source Document Provide for the record “State of North Dakota -Certification of Election Equipment”

3. **There are significantly more voters listed on our ND Active Voter List than there are citizens over the age of 18 as reported to me personally by Dr Frank. Dr Douglas Frank is the former chair of the math and science department at the Schilling School for Gifted Children in Cincinnati. (I am standing by for the updated stats)**
4. There were clearly problems as we had Negative votes reported in Kidder County. In 2020 (see Kidder Auditors submission to the Kidder County Register of the official Abstract of votes w/ negative votes) **HOW DO YOU GET NEGITIVE VOTES. HOW MANY WERE MORE VOTES ERASED TO GET TO NEGITIVE VOTES?**
5. 2022 resident's report they were getting Ballots they did not order: I have seen a ballot that was sent to MONTANA TO Riley Walker.

Riley has not lived in ND for 10 years. He does not have an ND Drivers License. His mother Tana Walker a resident of Sheridan Co. ND and a poll worker.

Tana reported He received a BALLOT (Not and application) in the mail IN MONTANA for the 2022 Primary. She instructed him to return to sender with a note and ask to be removed form any list.

In the 2022 General Riley AGAIN received a BALLOT (not an application) I have seen this ballot. His mother was very concerned and said do not send it back SEND IT TO ME! I am going to report it.

She went to her county auditor. Concerned about previous reports of shady behavior she recorded the conversation whereas (I heard the county auditor say WE DID NOT SEND THIS TO YOUR SON. So, we see clearly, we have bad actors sending out ballots or at the very least we see the issues that happen when you remove chain of custody.

6. Election Judge Elmer's report when 10 or more Ballots did not go through the scanner machines, they were called defective (and they were not) and new ballots were then filled out on good ND ballot paper and then sent through the machine. In Nd according to NDCC poll workers can fill out new ballots!

NDCC 16.1-15-09. Voting systems - Returns.

1. *Election officers shall generate reports of votes cast and counted by voting systems for all candidates and for any measures or questions as provided by law or rule.*
2. *Within the ability of a tabulation device to accurately do so, all votes must be counted by the machine. After the election results have been accumulated centrally in the county auditor's office, if the number or percentage of write-in votes for an office meet*

the criteria in section 16.1-15-01.1, the county canvassing board shall review and approve the canvass of the votes for the write-in names for that office conducted by the county auditor's office to determine final election results.

3. The county auditor shall designate the public places where absentee and mail ballots must be delivered and counted in the presence of the election inspector and at least two election judges.
4. Each voting system must generate a printed record at the beginning of the system's operation which verifies the tabulating elements for each candidate position and each question and the public counter are all set at zero. The voting system also must be equipped with an element that generates, at the end of the system's operation, a printed record of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate on the ballot, and the total number of votes cast for or against any measure appearing on the ballot. The election inspector and election judges shall certify both printed records.
5. If any ballot is damaged or defective so the ballot cannot be counted properly by the voting system, **a true duplicate copy must be made by election officials of opposed interests and substituted for the damaged or defective ballot.** All duplicate ballots must be labeled duplicate clearly, must bear a serial number that must be recorded on the damaged or defective ballot, and must be wrapped and delivered with other ballots to the county recorder. *(Section 5 in red should be stricken from NDCC. There may be Constitutional implications to filling out a ballot for someone else when they are not handicap or has not requested one does so)*

16.1-15-10. Failure of voting system - Counting by alternate method.

If the voting system fails to operate during the ballot count at any election, the ballots must be counted by an alternate method. (This needs to be clarified)

5. Is it an inside job? Do you know who is running our Election Dept and technology Department. I do and I am appalled. See three articles provided. **BRIAN NEWBY State Election Director, North Dakota Secretary of State** married Jessica White the lady he was cheating on his wife of 30 years with and "A scathing county audit of the Kansas election office found Newby intentionally circumvented oversight by charging expenses to White's government credit card, allowing him to review and approve his own spending. Auditors also said Newby and White made purchases without sufficient business justification and supporting documentation."

Source Link

<https://apnews.com/article/799a7b6e991941c682ebc15c90c89094>

Jessica Newby AKA Jessica White now serves as The Information Security Officer for NORTH DAKOTA INFORMATION TECHNOLOGY (NDIT)

See **LAW and CRIME** article on **Brian Newby** *EAC executive director* **Brian Newby** has reportedly spent the last four years heading the agency blocking election security initiatives at every turn, ...However, according to former employees, Newby is doing everything in his power to prevent the agency from taking tangible steps to prevent similar election interference in 2020. ...On numerous occasions, Newby ordered staffers to cease work on cybersecurity best-practices documents that normally provide federal and state election officials with integral guidance pertaining to proper election procedures. ...Politico spoke with seven different sources in the course of their reporting, all of whom spoke on the condition of anonymity in order to speak freely.

Source Link <https://lawandcrime.com/high-profile/election-official-accused-of-subverting-his-own-agencys-mission/> (Printed Copy provided for the record)

North Dakota has a husband-and-wife team cloaked in scandal running our elections. These two shysters work together with limited oversight.

Was SoS Al Jaegar a technical expert? Is SoS Michael Howe? No, according to them both, they are not, I asked them. **See the problem?**

SoS Jaegar have relied on two extremely shady people to recommend, explain and RUN the election technology.

(Printed Source Documents provided for the record. – 1. Ap Article 2. Jessica White AKA Jessica Newby LinkedIn showing Johnson County employment as Brian Newby's Employee)

6. Dishonest vendor? ES&S the vendor of our new election machines was admonished by the Election Assistance Commission for misleading their customers. "The federal Election Assistance Commission has rebuked the nation's top voting-machine maker over marketing materials that the panel says deceptively implied the company's voting machines are EAC-certified." "ES&S ...assert, falsely, that voting machines the company sells with embedded modems have been sanctioned by the EAC under its testing and certification program."

Source Link <https://www.politico.com/news/2020/08/13/election-voting-machine-misleading-claims-394891> (printed article also provided to be added to the record)

7. Cass County the largest County in North Dakota has hired Murray Nash Retired senior officer of the Australian Naval Officer. A country that took their citizens guns. Why in the world we choose a foreigner naval and intelligence officer to run Cass Counties elections. This man is currently obstructing and refusing to give me the who voted records for Cass County. In fact, I reviewed an email he has also refused to give election records to statewide candidates and in one instance he provided an estimate for over \$20,000 to get election electronic records for the 2020 and 2022 election. If there is nothing to hide why obstruct? (Source LinkedIn provided in paper form to be submitted into the record)

8. North Dakotas New Pollbooks have **no paper back up** and are hooked up to the internet. They are open to outside and/or in-house manipulation and nobody would ever know. See Politico article- "The election security hole everyone ignores Increasing numbers of polling places use electronic devices to check in voters and verify their eligibility. But the devices often create chaos and introduce new vulnerabilities to elections." "The devices often communicate wirelessly with each other and with backend voter registration databases, offering a potential pathway for hackers who get onto that wireless network to delete or alter voter records — to indicate falsely, for example, that someone has already voted. Hackers could further use the wireless connection to breach the backend databases and other systems connected to them." **NORTH DAKOTA'S NEW KNOWINK POLLBOOKS COMMUNICATE WIRELESSLY!** . Source Link

<https://www.politico.com/news/2020/08/31/election-security-hole-406471> (printed article also provided to be added to the record)

9. ND's New Pollbooks are hooked up to the internet. "**INTRODUCTION** This Security Assessment Report (SAR) contains the results of a review of voting processes in the state of North Dakota (ND). The process review took place from 05/16/2022 through 07/31/2022. This assessment focused on possible vulnerabilities or threats related to the voting process only; no technical testing was conducted. The assessment team did not validate technical controls or review technical configuration of any system involved in the voting process." Sadly, the report the ND auditor got is grossly flawed.

Source link

https://www.nd.gov/auditor/sites/www/files/documents/Reports/IT%20Security/ND_Voting_Security_Assessment_2022_Final.pdf (partially printed to be added to the record)

10. The New Election Equipment and Mail-in Ballot system are the same systems used in states like AZ who are experiencing massive irregularities and delays in counts. In the new era the Newby's have promoted North Dakota has now lost our efficient and transparent elections where we had the basic effective ability to reconcile a paper ballot against a paper pollbook. (Source VerifiedVoting.org list of AZ voter equipment that matched ND's, paper copy provided for the record)
11. Compromised Voter Information, Mail in Ballots, and Unmanned Drop Boxes Make North Dakota a target for fraud. We are a rich state and as we can see we have everyone from George Soros, Bill Gates and China wanting a piece of our land and our wealth and resources. It is extremely naïve to believe because we geographically move the same systems causing problems in other states to ND that those same systems and equipment magically become incorruptible. We are currently like frogs in warm water but as the term limits began to expire and this is not corrected we will be dead frogs. If we do not fix this we mine as well layover and allow China to descend on us and allow crazy Bill Gates to kill all of our farting cows. Because the bad actors will no doubt take advantage of the state who now has the "least transparent elections in the union" according to top election officials. Please, ask me as I am assisting with critical bills you will be hearing in hopes to correct.

I provided this article to help you to understand all China has to do is hire this guy to come to ND.

New York Post - Confessions of a voter fraud: I was a master at fixing mail-in ballots [Jon Levine](#) August 29, 2020

A top Democratic operative says voter fraud, especially with mail-in ballots, is no myth. And he knows this because he's been doing it, on a grand scale, for decades.

Mail-in ballots have become the latest flashpoint in the 2020 elections. While President Trump and the GOP warn of widespread manipulation of the absentee vote that will swell with COVID polling restrictions, many Democrats and their media allies have dismissed such concerns as unfounded.

But the political insider, who spoke on condition of anonymity because he fears prosecution, said fraud is more the rule than the exception. His dirty work has taken him through the weeds of municipal and federal elections in Paterson, Atlantic City, Camden, Newark, Hoboken and Hudson County and his fingerprints can be found in local legislative, mayoral and congressional races across the Garden State. Some of the

biggest names and highest office holders in New Jersey have benefited from his tricks, according to campaign records The Post reviewed.

“An election that is swayed by 500 votes, 1,000 votes — it can make a difference,” the tipster said. “It could be enough to flip states.”

The whistleblower — whose identity, rap sheet and long history working as a consultant to various campaigns were confirmed by The Post — says he not only changed ballots himself over the years, but led teams of fraudsters and mentored at least 20 operatives in New Jersey, New York and Pennsylvania — a critical 2020 swing state.

But for political pros, they’re a piece of cake. In New Jersey, for example, it begins with a blank mail-in ballot delivered to a registered voter in a large envelope. Inside the packet is a return envelope, a “certificate of mail in voter” which the voter must sign, and the ballot itself.

That’s when the election-rigger springs into action.

Phony ballots

The ballot has no specific security features — like a stamp or a watermark — so the insider said he would just make his own ballots.

“I just put [the ballot] through the copy machine and it comes out the same way,” the insider said.

Inside jobs

The tipster said sometimes postal employees are in on the scam.

“You have a postman who is a rabid anti-Trump guy and he’s working in Bedminster or some Republican stronghold ... He can take those [filled-out] ballots, and knowing 95% are going to a Republican, he can just throw those in the garbage.”

In some cases, mail carriers were members of his “work crew,” and would sift ballots from the mail and hand them over to the operative.

Nursing homes

Hitting up assisted-living facilities and “helping” the elderly fill out their absentee ballots was a gold mine of votes, the insider said.

“There are nursing homes where the nurse is actually a paid operative. And they go room by room by room to these old people who still want to feel like they’re relevant,” said the whistleblower. “[They] literally fill it out for them.”

The insider pointed to former Jersey City Mayor Gerald McCann, [who was sued in 2007](#) after a razor-thin victory for a local school board seat for allegedly tricking “incompetent ... and ill” residents of nursing homes into casting ballots for him. McCann denied it, though he did admit to assisting some nursing home residents with absentee ballot applications. With mail-in ballots, partisans from both parties hash out and count ballots at the local board of elections — debating which ballots make the cut and which need to be thrown out because of irregularities.

(Source Link See full article) <https://nypost.com/2020/08/29/political-insider-explains-voter-fraud-with-mail-in-ballots/>

12. *The new tabulator Machines in North Dakota are ES&S DS200 and DS450*
Source Link; <https://www.nbcnews.com/news/all/chinese-parts-hidden-ownership-growing-scrutiny-inside-america-s-biggest-n1104516>

The secrecy of ES&S and its competitors has pushed politicians to seek information on security, oversight, finances and ownership.

NBC News examined publicly available online shipping records for ES&S for the past five years and found that many parts, including electronics and tablets, were made in China and the Philippines, raising concerns about technology theft or sabotage.

During the tour, Burt said the overseas facilities are “very secure.” He said the final assembly of voting machines takes place in the U.S.

Chinese manufacturers can be forced to cooperate with requests from Chinese intelligence officials to share any information about the technology and therefore pose a risk for U.S. companies, NBC News analyst Frank Figliuzzi, a former assistant director of the FBI for counterintelligence, said. That could include intellectual property, such as source code, materials or blueprints. There is also the concern of machines shipped with undetected vulnerabilities or backdoors that could allow tampering.

13. President Trumps Tweet. President Trump is passionate about the dangers mail in ballots. In a recent post on his Truth Social he states.

@realDonaldTrump

Jan 6, 2023

All Republican Governors should immediately begin the process of ENDING MAIL IN BALLOTS (which are fraught with corruption, and always will be!) EXCEPT FOR FAR AWAY MILITARY AND PEOPLE WITH A PROVEN ILLNESS, GETTING VOTER I.D. AND SAME DAY VOTING WITH ALL PAPER BALLOTS. This effort should be all out and start immediately. Governors have the power and authority to do this. GET IT DONE, or we will never have honest elections in our Country again!

14. I keep hearing “Those machines in other states are not in North Dakota” Yes they are and in more ways than one. Under the Obama administration the Eric Holder DOJ brought suit against ES&S and as part of a settlement ES&S gave its base software to their “competitors”. (This opens a whole other can of worms where we see the two brothers leading the two top election equipment companies and this is too much information to unpack in this hearing. I will be happy to meet individually to share what I know. Also stay tuned to BEK News as I will be doing a docuseries on the disturbing history of these election machines and the convicted felon Jeffery Dean who was the master mind and reported felon John Elder who is reported to have Dean met in a Washington Prison who I last see listed on an ES&S Mail-in Ballot Patent Source document <https://patents.google.com/patent/US8740058B2/en?inventor=John+Elder&assignee=Elder+John> Have AG Wrigley pull his and Jeffery Deans record from Washington State, True Story friends and I do understand the laws of defamation. I source my statements.)

Competitive Impact Statement (From Case NO. 1-10-00380 JDN Dept of Justice June 2010)

All devices are bound together by a collection of proprietary election management software and firm are, which enables their operation and the communication and reporting of election results.

A proven voting equipment system is an important consideration for many customers because, although certification testing is designed to screen out technical problems, even certified machines have demonstrated security and accuracy problems when deployed in an actual election, which can undermine the integrity of the democratic process.

(Source Link 2010-06-30-United-States-et-al-v-Election-Systems-and-Software-Inc-Case-No-1-10-00380-JDB-Department-of-Justice-Jun-30-2010.pdf)

We must have Paper Pollbooks Paper Ballots, Small precincts and hand counts, with extremely limited absentee ballots. What kind of legacy will this body leave to ND

before the term limits kick in. This is our opportunity to be bold to protect and secure North Dakota for our children, grandchildren, and generations to come. Let's start Now
Please vote yes on SB 2308

#2

ALVIN A. JAEGER
SECRETARY OF STATE

WEBSITE sos.nd.gov



PHONE (701) 328-2900
EMAIL sos@nd.gov

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

State Of North Dakota – Certification of Election Equipment

Effective this date, I certify the following Election Systems and Software, Inc. (ES&S) Voting System components for use in the State of North Dakota. These voting system components have been officially determined and designated for use in every county of the State of North Dakota.

The following components are certified for use in the State of North Dakota:

Operating System Requirements:

- Windows 7 Professional, SP-1 (64-bit)
- Windows Server 2008, R2, SP-1 (64-bit)
- Windows 7 Enterprise, SP-1 (64-bit)

used IN 2020!

Software Systems:

Electionware Voting System (EVS) 6.0.4.0 with the following modules:

- Electionware, version 5.0.4.0
- Event Log Service, version 1.6.0.0
- Removeable Media Service, version 1.5.1.0
- ExpressVote Previewer, version 2.4.5.0

Hardware Systems:

- DS200 Hardware 1.3.11, version 2.17.4.0
- DS450 Hardware 1.0, version 3.1.1.0
- DS850 Hardware 1.0, version 3.1.1.0
- ExpressVote Hardware 2.1, version 2.4.5.0

This Certification is granted pursuant to North Dakota Century Code § 16.1-06-26 (attached). It also verifies that all components listed above and provided by ES&S comply with North Dakota Administrative Rule 72-06-01 (attached).

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the state at the Capitol in the City of Bismarck, on June 27, 2019

A handwritten signature in cursive script, appearing to read "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

Public Notice

See Negative Votes

KIDDER COUNTY ABSTRACT OF VOTES NORTH DAKOTA GENERAL ELECTION - NOVEMBER 03, 2020



Area Church Schedules

STEELE CHURCHES:
St. Francis de Sales Catholic Church - Father Peter Sharpe, 701-475-2333. 1st, 3rd, 5th Sunday, 9:00 a.m. 2nd and 4th Sundays, 11:00 a.m.
Trinity Lutheran Church-Pastor Jacob DeBoer. 475-2490. Sunday Worship, 10:30 a.m.
United Methodist Church - Marvin Winstryng, Pastor. Sunday worship, 9:00 a.m.; Steele Presbyterian - Bol Schoepp, Pastor. Sunday worship 9:30 a.m.

DAWSON CHURCHES:
Dawson Lutheran Church - Pastor Jacob DeBoer. Sunday service, 9:00 a.m. at Dawson City Hall

TAPPEN CHURCHES:
St. Paul's Catholic Church - Father Peter Sharpe. 1st, 4th, 5th Saturday, 5:0 p.m.; 2nd Sunday, 9:00 a.m.; 3rd Sunday, 11:00 a.m.
St. John's Lutheran Church (Wisconsin Synod) - Rev. Gai Juergens. Worship Service, 10:00 a.m. Sunday School and Bible class, 11:0 a.m.; KSJB Radio Broadcast, 7:0 a.m.; Service on Ch. 26 BEK TV, 6:0 p.m. Sundays

Zion United Methodist Church - Pastor Brenda Goodman. Worship service 9:15 a.m.; Sunday School 10:30 a.m.

CRYSTAL SPRINGS CHURCHES:
Faith Evangelical Church - Stephen Stangor, Pastor. Sunday service 9:30 a.m.; Worship service, 10:45 a.m. Wed. night activities (except 1st Wed. month) for all ages. School year, 7 p.m. summer, 8 p.m.

MEDINA CHURCHES:
St. Mary's Catholic - Father Pe Sharpe. 2nd and 3rd Saturday, 5:00 p.m. 4th Sunday, 9:00 a.m.; 1st and 5th Sunday, 11:00 a.m.
Emmanuel United Methodist Church. Pastor Brenda Goodman. Worship service, 10:30 a.m.

DRISCOLL CHURCHES:
Grace Lutheran Church - C. Neuharth, pastor. Worship service 9:30 a.m.; Ruth Circle - 2nd Thurs the month, 2:00 p.m.; Church Communion - 3rd Sunday of the month after church Communion - 1st and 3rd Sundays

TUTTLE CHURCHES:
English Lutheran Church - Pastor Trish DeBoer - Worship service 11:00 a.m.; Communion, 3rd Sunday Festival Days;
Tuttle Methodist Church - Pastor Marvin Winstryng. Worship service 10:30 a.m.

ROBINSON CHURCHES:
Bethany Lutheran Church - Pastor Trish DeBoer - Worship Service 9:30 a.m., third Sunday of month

PETTIBONE CHURCHES:
Malcolm Congregational (L - Rural Pettibone. Joan DeKrey, pastor. Worship service will be at 11:00 through Dec. 22.
Our Saviors Lutheran - 2nd Sundays, 11:00 a.m.; (Woodwort & 3rd Sundays, 11:00 a.m.)

STREETER CHURCHES:
Ebenezer United Methodist Pastor Juwla Nagbe, Worship Service 10:30 a.m., Fellowship, 9:00. S School, 9:15 a.m.

STERLING CHURCHES:
United Methodist - Pastor Sapp. 701-387-4792, 701-955 Worship Service, 8:30 a.m.; Bible Tuesday, 10:00

		Total	Tuttle	Robinson	Pettibone	Steele	Dawson	Tappen
President & Vice-President of the United States	Biden and Harris Democratic-NPL	221	36	26	21	96	13	29
	Jorgensen and Cohen Libertarian	22	2	1	1	12	1	5
	Trump and Pence Republican	1,215	98	79	82	534	148	274
	write-in - scattered	2	0	0	0	0	0	2
Representative in Congress	Kelly Armstrong Republican	1,450	136	106	104	642	162	310
	Steven James Peterson Libertarian	1,217	102	79	81	535	145	275
	Zach Raknerud Democratic-NPL	27	1	1	1	13	5	6
	write-in - scattered	212	32	25	21	95	11	28
State Senator District 14	Jerry Klein Republican	0	0	0	0	0	0	0
	Jenna Vanhorne Democratic-NPL	1,456	135	105	103	643	161	309
	write-in - scattered	1,189	96	71	78	522	140	282
	Total	255	37	32	25	119	15	27
State Representative District 14	Richard Lynne Democratic-NPL	2	1	0	0	1	0	0
	Jon Nelson Republican	1,446	134	103	103	642	155	309
	Mark Nelson Democratic-NPL	196	33	30	19	80	9	25
	write-in - scattered	1,056	78	50	68	461	131	230
Governor and Lt. Governor	Don Nelson Republican	244	35	31	27	110	10	31
	Robin Weisz Republican	1,093	88	66	70	480	134	255
	write-in - scattered	1	0	0	0	1	0	0
	Total	2,592	234	185	184	1,135	287	567
State Auditor	Shelley Lenz and Ben Vig Democratic-NPL	215	32	21	20	98	13	31
	Doug Burgum and Brent Sanford Republican	928	79	68	67	411	99	204
	DuWayne Hendrickson and Joshua Voytek Libertarian	75	4	3	3	35	12	18
	write-in - scattered	224	19	13	15	92	33	52
State Treasurer	Joshua C Gallion Republican	1,442	134	105	105	636	157	305
	Patrick Hart Democratic-NPL	1,148	93	71	75	491	145	273
	write-in - scattered	274	35	31	24	137	14	33
	Total	1,412	128	102	99	628	159	306
State Treasurer	Thomas Beade Republican	1,122	89	71	75	483	145	259
	Mark Haugen Democratic-NPL	292	41	30	24	138	15	44

		Total	Tuttle	Robinson	Pettibone	Steele	Dawson	Tappen
Insurance Commissioner	write-in - scattered	3	0	0	0	1	0	2
	Total	1,417	130	101	99	622	160	305
Public Service Commissioner	Don Godfred Republican	1,286	99	88	91	569	148	291
	Total	1,298	102	90	91	574	148	293
Superintendent of Public Instruction	Casey D Buchmann Democratic-NPL	262	32	29	22	123	15	41
	Total	1,134	92	71	74	498	141	258
Justice of the Supreme Court	Brian Kroschus Republican	1	0	0	1	0	0	0
	Total	1,397	124	100	97	621	156	299
Southeast Judge of the District Court No. 1 Unexpired 4-Year Term	Kirsten Baesler Nonpartisan	698	65	54	60	265	91	163
	Total	670	58	46	35	341	65	125
County Commissioner Kidder	Brandt J Dick Nonpartisan	9	0	0	1	2	0	6
	Total	1,377	123	100	96	608	156	294
County Commissioner Kidder	Don Jay Jensen Nonpartisan	1,238	106	85	84	536	145	282
	Total	5	0	1	0	2	1	1
County Commissioner Kidder	Cherie L Clark Nonpartisan	1,231	104	87	84	530	147	279
	Total	8	0	1	0	5	0	2
County Commissioner Kidder	write-in - scattered	1,238	104	88	84	535	147	281
	Total	329	38	43	66	100	32	50
Supervisor, Soil Conservation District Kidder County Soil Conservation District	Dan P Mitteldeier Nonpartisan	609	50	28	22	289	49	171
	Total	474	38	29	10	233	78	86
Supervisor, Soil Conservation District Kidder County Soil Conservation District	write-in - Scattered Nonpartisan	37	9	1	6	6	6	9
	Total	-30	-9	0	-6	0	-6	-9
Supervisor, Soil Conservation District Kidder County Soil Conservation District	write-in - scattered	1,419	126	101	98	628	159	307
	Total	1,293	110	95	88	561	145	294
Supervisor, Soil Conservation District Kidder County Soil Conservation District	Justin Olson Nonpartisan	11	1	1	1	4	4	4
	Total	0	0	0	0	0	0	0
Supervisor, Soil Conservation District Kidder County Soil Conservation District	write-in - scattered	1,304	111	96	89	565	145	298
	Total	1,264	110	92	88	550	143	281
Constitutional Measure No. 1 Relating to the state board of higher education	write-in - scattered	16	1	1	1	1	1	3
	Total	1,280	110	93	88	561	144	284
Constitutional Measure No. 2 Relating to initiated constitutional amendments.	write-in - scattered	0	0	0	0	0	0	0
	Total	1,280	110	93	88	561	144	284
Constitutional Measure No. 1	Yes	241	13	22	20	102	25	59
	No	1,123	111	79	77	496	126	234
Constitutional Measure No. 2	Yes	1,364	124	101	97	598	151	293
	No	428	31	26	42	190	51	88
Total	Yes	916	92	75	54	398	96	201
	No	1,344	123	101	96	588	147	289

PUBLIC NOTICES

A public notice is information informing citizens of government activities that may affect the citizens' everyday lives. Public notices have been printed in local newspapers, the trusted sources for community information, for more than 200 years.

North Dakota newspapers also post public notices that are printed in newspapers on www.ndpublicnotices.com at no additional charge to units of government.

KIDDER COUNTY ABSTRACT OF BALLOTS CAST NORTH DAKOTA GENERAL ELECTION - NOVEMBER 03, 2020

District	Precinct Name	Ballots Cast
LG14	Tuttle	137
	Robinson	107
	Pettibone	106
	Steele	651
	Dawson	162
	Tappen	314
	Subtotal	1477
Total		1477

5A

[Note: Brian Newby later married Jessica White, who now is Jessica Newby, current Information Security Officer for the NDIT. Brian Newby currently serves as ND Director of Elections.]

AP AP NEWS

AP Exclusive: US elections chief left behind Kansas scandal

By ROXANA HEGEMAN October 17, 2016



WICHITA, Kan. (AP) — When Brian Newby took the helm of a federal election agency, he left behind an unfolding scandal in Kansas where he was having an affair with a woman he promoted in his previous job and used her to skirt oversight of their lavish expenses, prompting a local prosecutor to investigate, according to emails obtained by The Associated Press.

The affair and resulting fallout was revealed in hundreds of emails ordered released after AP sued Johnson County, the Kansas City suburb where Newby was the top election official before leaving to become executive director of the U.S. Election Assistance Commission.

The emails — coupled with hundreds more obtained from the Kansas secretary of state's office through a separate open records request — portray a rogue election official who berated employees and deliberately bypassed supervision. They also document a toxic workplace created by his affair with then Assistant Election Commissioner Jessica White, an apparent violation of county policy on intimate relationships with subordinates.

In a June 2015 exchange from his work email to her personal address, the then-married Newby told White: “You, my little lover, are so wonderful.” In graphic language, Newby also describes a sex act he wishes he was doing with her, “scheming and dreaming with you into the night.”

Newby and White did not respond to numerous phone and email messages seeking comment.

Newby’s penchant for ignoring supervision continued when he took the top federal job in November 2015 at an agency whose mission is to make voting easier. He enraged voting rights advocates when, without public notice or approval from agency commissioners, he tightened voting registration rules in three states. A federal appeals court last month temporarily blocked Newby from changing a federal voter registration form to require residents of Kansas, Alabama and Georgia to show proof of U.S. citizenship, saying it is “difficult to imagine a more clear violation” of federal administrative law.

A scathing county audit of the Kansas election office found Newby intentionally circumvented oversight by charging expenses to White’s government credit card, allowing him to review and approve his own spending. Auditors also said Newby and White made purchases without sufficient business justification and supporting documentation.

Some emails offer a glimpse into an investigation opened by the district attorney’s office. Newby’s Kansas office had drawers full of phones, tablets and other equipment not listed in inventory. Tom Gottschalk, financial crimes investigator for the district attorney, asked in one email for access to the locked office to examine them. The investigator also wanted a list of everything the elections office had discarded as surplus in the last five years.

Kristi Bergeron, spokeswoman for the district attorney’s office, said she did not know the status of that investigation.

In an email touching on his management style, Newby prodded an employee to speed up work on a project by noting he had “terrorized” two other employees. He copied one of those employees on that email, telling the person he was doing so in the event they wanted to commiserate or “share the therapy sessions I undoubtedly caused.”

Newby promoted White to assistant election commissioner in January 2015, emails show.

White at times publicly belittled other employees, often leaving them in tears, and some colleagues feared crossing her because Newby always backed her, said a former employee who spoke to the AP on condition of anonymity because of career concerns. One email sent to the secretary of state's office refers to numerous grievances filed against her with the county's human resources department.

Newby would spend hours alone with her each work day in his closed office or in the warehouse where there is a workout area. They were frequently gone on business trips together, the former employee said.

The evening before the local election in April 2015, a line of poll supervisors waited half an hour for a list from White because no one dared knock on his office door and interrupt the couple, the former employee said.

Johnson County officials met with Kansas Secretary of State Kris Kobach and his staff on April 22, 2015, about "several concerns" dealing with the election office, according to an email from county spokeswoman Sharon Watson. The email does not specify the concerns.

Kobach said through his spokeswoman that he was not aware of Newby's affair at the time he reappointed him to the Kansas job and recommended him for the federal position.

"Mr. Newby was, and remains, one of the most highly regarded election administrators in the United States. He has received national awards for his excellent and innovative work," Kobach told AP in a statement. "It was for that reason that I re-appointed him to the position of Johnson County Election Commissioner in 2014. And it was for that reason that I later recommended him favorably to the EAC when I was asked my opinion."

After auditors presented their findings to county officials in March, Johnson County Commissioner Steve Klika publicly apologized to Newby's replacement for having "to deal with this."

White resigned from the Johnson County election office in January, and is now is a Washington, D.C.-area voter services manager at the Montgomery County Board of Elections in Maryland.

Newby filed for divorce from Lori Newby in March 2015 and a decree last month ended their 30-year marriage.

Elections office staff “collectively gave a sigh of relief” when they learned Newby was leaving, election worker Jenifer Lefort wrote in an email to Kobach. She said his departure would help “restore morale and well-being.”

Others were less restrained. Janette Scobey, the office technology manager, wrote to Kobach, “I just wanted to say thank goodness he is out of here.”

Online link to article

<https://apnews.com/article/799a7b6e991941c682ebc15c90c89094>

#5 B

[Note: Brian Newby currently serves as ND Director of Elections with the ND SoS Office.]



Election Official Accused of Subverting His Own Agency's Mission

JERRY LAMBE Jun 15th, 2019, 4:41 pm



The Election Assistance Commission (EAC), a small but critical federal agency that plays a crucial role in protecting the security of American elections is currently in the grips of a leadership crisis that could potentially have catastrophic consequences according to a Saturday report from Politico. (<https://www.politico.com/story/2019/06/15/federal-election-brian-newby-2020-1365841>)

EAC executive director **Brian Newby** has reportedly spent the last four years heading the agency blocking election security initiatives at every turn, micromanaging agency employees' communications with colleagues at other agencies with that have parallel mandates, and ignoring direct questions and requests from agency staffers. Politico spoke with **seven different sources** in the course of their reporting, all of whom spoke on the condition of anonymity in order to speak freely.

Overall, with an unprecedented nine EAC office directors having left office since Newby's arrival, the report paints a grim picture of a federal agency in utter disarray at a time when its services are essential to preserving America's voting apparatus.

Congress created the EAC in the aftermath of the 2000 presidential election's mismanagement (resulted in the hanging-chad fiasco) with the intention that it serve as a clearinghouse for proper election administration procedures. The agency is led by four politically appointed commissioners who are charged with policy decisions such as approving the Voluntary Voting Systems Guidelines, while the executive director manages the staff and acts as a conduit in presenting their work and findings to the commissions.

Following confirmation of Russian interference in the 2016 election, the significance of the EAC's role in election supervision has taken on unprecedented importance.

However, according to former employees, Newby is doing everything in his power to prevent the agency from taking tangible steps to prevent similar election interference in 2020.

On numerous occasions, Newby ordered staffers to cease work on cybersecurity best-practices documents that normally provide federal and state election officials with integral guidance pertaining to proper election procedures.

"The executive director was not supportive of [cybersecurity guidance] and put [up] roadblocks," whenever possible according to a former federal employee interviewed by Politico. The former employee also said that Newby provided "zero response to direct questions," leaving staffers in the dark about their objectives, but would then reprimand them for whatever it is they were doing. The dynamic led the agency to a stand-still as employees feared that doing certain work would get them into trouble.

A second former employee said that Newby actively prevented agency staff from taking part in any election security events, conferences, panels and training sessions. "It was constant frustration," he added.

Additionally, a voting security researcher who had previously worked with Newby told Politico that the EAC director "doesn't fully understand election security or why it's important."

In one example, the voting security researcher recalled an instance in which he attempted telling Newby Microsoft's plan to develop secure electronic voting technology for use in elections. "He was gobsmacked and kind of suspicious...like, 'why would a large corporation care about stable democracies?'"

A former election official who essentially described Newby as an absentee director when it came to working with other agencies and election administrators summed up his tenure by saying, "If you asked most people, 'Does Brian Newby provide value to you in your job? You would probably get, 'Who's Brian Newby?,'" in response.

When questioned about the allegations in Politico's report, Newby said he couldn't respond to any claims about blocking work on cybersecurity best-practice documents "without knowing what those documents are. He also said he was unaware of any efforts to keep staff from participating in election security events and conferences, but did point out that those complaints may have been the result of some travel restrictions required due to budgetary constraints.

Online Link to Article

<https://lawandcrime.com/high-profile/election-official-accused-of-subverting-his-own-agencys-mission/>

#5C
F3B



Jessica Newby · 2nd

Governance, Risk & Compliance Team Lead at North Dakota Information Technology Department

- North Dakota Information Technology Department (ITD)
- Ottawa University

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Experience



North Dakota Information Technology Department (ITD)

Full-time · 3 yrs

Governance, Risk & Compliance Team Lead

Jul 2022 - Present · 7 mos

Information Security Officer

Feb 2020 - Jul 2022 · 2 yrs 6 mos

Voter Services, Program Evaluation and Compliance Manager

Montgomery County Board of Elections

Feb 2016 - Feb 2020 · 4 yrs 1 mo

Johnson County Election Office

6 yrs

Assistant Election Commissioner

Dec 2014 - Jan 2016 · 1 yr 2 mos

Election Office Administrator

Feb 2010 - Nov 2014 · 4 yrs 10 mos

Education



Ottawa University

Bachelor of Business Administration - BBA, Business Administration and Management

Skills

Legal Compliance

1 endorsement

Strategic Planning

3 endorsements

Business Strategy

2 endorsements

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#SC

F3B

Front and Back



AKA Jessica White

Jessica Newby · 2nd

Governance, Risk & Compliance Team Lead at North Dakota Information Technology Department

- North Dakota Information Technology Department (ITD)
- Ottawa University

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This is information taken from:

https://www.nd.gov/auditor/sites/www/files/documents/Reports/IT%20Security/ND_Voting_Security_Assessment_2022_Final.pdf

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2 INTRODUCTION

This Security Assessment Report (SAR) contains the results of a review of voting processes in the state of North Dakota (ND). The process review took place from 05/16/2022 through 07/31/2022. This assessment focused on possible vulnerabilities or threats related to the voting process only; no technical testing was conducted. The assessment team did not validate technical controls or review technical configuration of any system involved in the voting process.

The objective of this assessment is to evaluate the security of the voting process by interviewing key personnel and stake holders, reviewing technical documentation, and observing representative models of the voting equipment used in the voting process. This report is a review of current processes and is not intended to validate or invalidate the outcome of previous elections.

2.1 PURPOSE

The purpose of this document is to provide the ND State Auditor's office with a risk assessment of the state's voting process based on information provided by the Office of the Secretary of State (SoS) and North Dakota Information Technology (NDIT).

2.2 SCOPE

Over the course of the assessment, the assessment team conducted two remote interview sessions with key SoS and NDIT election staff. The assessment team also reviewed documentation provided, conducted in-person interviews and physical inspection of voting machines located in the state capitol building in Bismarck, ND.

#6

POLITICO

CYBERSECURITY

Election commission orders top voting machine vendor to correct misleading claims

This isn't the first time Election Systems & Software has faced accusations of making fabricated or misleading assertions about its voting machines.



A voter in a voting booth. | Steve Helber/AP Photo

By KIM ZETTER

08/13/2020 05:00 PM EDT

The federal Election Assistance Commission has rebuked the nation's top voting-machine maker over marketing materials that the panel says deceptively implied the company's voting machines are EAC-certified.

The commission admonished Election Systems & Software over promotional literature and statements on its website that appear to assert, falsely, that voting machines the company sells with embedded modems have been sanctioned by the EAC under its testing and certification program. The statements put ES&S in violation of the EAC's testing and certification rules, the commission wrote in a previously unreported [March 20 letter to the company that POLITICO obtained](#), and directed ES&S to revise the literature and notify customers that the systems are not certified.

POLITICO reported earlier this year that the EAC was looking into the matter but hadn't yet determined whether ES&S had violated its rules.

Some state laws require voting machines used in their jurisdictions to be certified by the EAC. That means that if jurisdictions in those states are using the noncertified systems, it could potentially put election officials in violation of their state law.

“The action by the EAC is welcome, but it’s not enough, vendors need to be held accountable for their deceptions and it’s time for Congress to exercise oversight of this industry to protect our democracy,” said Susan Greenhalgh, senior adviser on election security for Free Speech for People, an election integrity group that brought the issue to the EAC’s attention.

The EAC did not respond to a request for comment.

What the dispute is about: The issue involves ES&S’ DS200 precinct-based optical-scan machines, which come in two versions — one of which has an optional modem for transmitting results after an election.

The EAC certified the DS200 version without modem capability in 2009, but it has never certified the modem capability that comes with the second version, although the remaining components in that system are certified. In 2011, ES&S submitted a DS200 system with modem and network capability to the EAC for testing and certification, but after the testing lab created a protocol for evaluating this capability, ES&S withdrew those parts of the system from the testing plan; the remainder of the system was tested and certified without them in 2013.

ES&S markets the DS200 as an EAC-certified system, and in literature for the system it offers the modem capability as an optional feature — without indicating that the EAC has not certified this feature. Any component that is not EAC-certified and is added to an EAC-certified system effectively voids the certification of that system.

Under the EAC’s testing and certification rules, manufacturers can label a system EAC-certified only if the whole system is certified. “The certification of individual components or modifications shall not be independently represented by a Mark of Certification,” the EAC’s certification manual says. The rules also require that a company’s user manuals “warn purchasers that any changes or modifications to the system not tested and certified by the EAC will void the EAC certification of the voting system.”

How this came to light: Lawyers for Free Speech for People and another election integrity group — the National Election Defense Coalition — [sent a letter to the EAC in January](#) pointing out misrepresentations in the ES&S literature, as POLITICO reported at the time. POLITICO subsequently reported that the commission had [opened a probe into the complaints](#), and that [ES&S had updated one of its advertising brochures](#) to remove references to the modem.

In one example the groups cited, marketing literature for the DS200 with an optional add-on modem is stamped with an “EAC certified” logo. And a diagram the company gave Rhode Island election officials in 2015 shows a DS200 system with an embedded modem among components marked as EAC-certified.

A different ES&S document submitted to Rhode Island states that the “modem transmission of results” is not EAC-certified, nor is the back-end server that receives the transmitted results. But the diagram suggests that the DS200 with modem is certified, while the cellular network the votes traverse after they leave the machine and the server receiving them are not certified.

What the commission found: The EAC agreed with the two election integrity groups and sent ES&S a letter in January indicating it was violating the EAC testing and certification program rules.

ES&S responded that it never meant to imply that the modem capability was certified, and said that regardless of what appears in the literature it always makes clear to states that the modem configuration is not EAC-approved. Nonetheless, the company agreed to remove all references to optional modems from its marketing documents.

But in a followup letter from the EAC on March 20, the commission indicated this was an insufficient remedy. It instructed the company to recall all misleading marketing materials already in circulation and to directly notify current and potential customers who received the “misrepresented information” that it had been inaccurate. It gave the company 15 days to do this.

“Failure to comply will result in the EAC publicly announcing that the voting system no longer complies with its original certification, and could include initiating decertification actions and/or suspension of manufacturer registration,” wrote Jerome Lovato, director of the EAC’s testing and certification program.

ES&S agreed to send a letter only to customers who use the DS200 with modems, informing them that the version is not EAC-certified, and to post a note to its customer portal advising the same. It indicated that the coronavirus could delay these efforts, though it would make “commercially reasonable efforts” to do this by April 15.

ES&S told POLITICO it sent a letter via email the first week of April to “all applicable modem customers (89 in total),” and posted a notice on its customer portal.

When asked, ES&S did not identify those 89 customers, saying it could not release specific information about customers without their permission. A spokesperson for the Wisconsin Election Commission, whose state is known to use DS200 machines with modems, told POLITICO it did receive the letter from ES&S in early April. Other jurisdictions known to have purchased DS200 systems with modems and contacted by POLITICO did not respond to inquiries.

Key background: This isn’t the first time ES&S has faced accusations of making fabricated or misleading assertions about its voting machines. In 2018, the company [denied to The New York Times](#) that it had ever installed remote-access software on any of its election management systems. But after being pressed by Sen. Ron Wyden (D-Ore.) about the matter, the company [admitted it had installed the software](#) on systems in at least 300 election jurisdictions. (The company has refused to identify which jurisdictions had the software.)

Election-management systems are critical components that are used to tally official results and in some cases program voting machines before each election. Remote-access software, which ES&S was using to access those systems over the internet or via modem for troubleshooting, exposed those systems to potential hacking by intruders.

Similarly, the company has long insisted, along with its election customers, that none of its voting systems ever connect to the internet. But researchers found what they believed to be more than three dozen ES&S systems connected to the internet, in a [story published last year](#). Company diagrams showing the configuration of modem-enabled DS200 systems clearly depict the modems transmitting election results over the internet to ES&S election-management systems that also are connected to the internet.

Although ES&S has said the modems are secured and would prevent anyone from using them to hack the voting machines, the modem configurations have never undergone a security assessment by an EAC-approved lab to measure those claims.

ES&S told POLITICO it did obtain a security assessment this year from a Canadian-based security firm called Bulletproof Solutions. An ES&S spokesperson said the firm performed a penetration test of the DS200's communication methods for transmitting election results — a penetration test involves attempts to hack or penetrate a system — and said that Bulletproof was “unable to penetrate any of the systems.”

An assessment done by a third-party company, however, is not transparent in the way that assessments done by EAC labs are. The labs follow a published protocol, and their reports are submitted to the EAC. ES&S declined to provide POLITICO with a copy of Bulletproof's security report, saying it's still in draft form and not ready for public release. The company spokesperson said they would have to look into why the company previously withdrew the modem transmission configuration from EAC testing and certification done on the DS200 in 2013.

What's next: ES&S will play a major role in the November election. The company has previously said that more than 33,000 DS200 optical scan machines with modems are in use in 11 states and the District of Columbia but has never identified which jurisdictions this includes beyond D.C.

Online Link to Article:

<https://www.politico.com/news/2020/08/13/election-voting-machine-misleading-claims-394891>

#8

POLITICO

2020 ELECTIONS

The election security hole everyone ignores

Increasing numbers of polling places use electronic devices to check in voters and verify their eligibility. But the devices often create chaos and introduce new vulnerabilities to elections.



A a polling site inspector uses the new E-Poll Book tablet to process a voter. | Beбето Matthews/AP Photo

By KIM ZETTER
08/31/2020 08:03 PM EDT

Growing numbers of elections offices across the U.S. are using electronic devices to sign voters in at the polls — a shift that has occurred with little scrutiny despite a host of security questions and a history of balloting meltdowns.

Problems with the devices, known as electronic pollbooks, caused long lines during this year's presidential primary in Los Angeles County and contributed to chaos and hours-long waits during Georgia's primary in June. They led to past years' snafus in places such as Philadelphia, North Carolina, Indiana and South Dakota.

While tampering with e-pollbooks wouldn't directly change anyone's vote, malfunctions or cyberattacks against the devices could sway the outcome in other ways — for instance by causing delays that prevent people from voting.

Pollbooks, unlike voting machines, do not undergo federal testing and certification and have no uniform standards governing their design or security. There is also no oversight of the handful of vendors who dominate the industry to ensure they keep their own networks secure. Kremlin-linked hackers attempted to breach the network of at least one U.S. e-pollbook provider in 2016, according to a leaked NSA document.

Federal lawmakers such as Sen. Ron Wyden (D-Ore.) have [questioned electronic pollbook makers](#) about the security of their products and networks. E-pollbooks and the companies that make them have gone too long without oversight, Wyden told POLITICO in an email.

“Electronic pollbooks have failed, repeatedly, in elections across the country and are clearly one of the weakest links in our election infrastructure,” he wrote.

Introduced more than a decade ago to replace printed pollbooks, the devices were used by election offices in 36 states in the 2018 elections, according to the [National Conference of State Legislatures](#), which said the number of jurisdictions using them had risen 48 percent since 2016. Jurisdictions using the devices accounted for about half of all registered voters four years ago, according to the National Academy of Sciences. They are especially common in densely populated urban areas.

The Brennan Center for Justice, which has been involved in improving election administration for more than a decade, calls electronic pollbooks an “[overlooked vulnerability](#).”

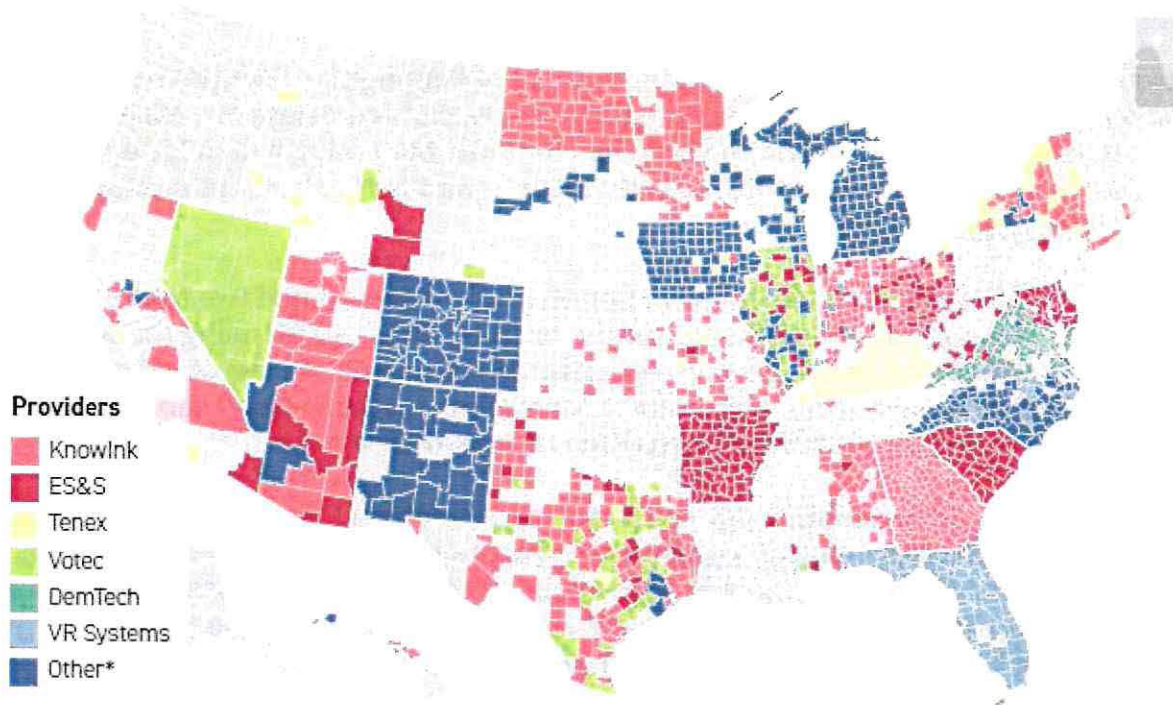
“Anecdotally, when you dig into problems that happen at polling places, more often than not it's the electronic pollbooks rather than the voting machines” that cause issues, said Larry Norden, director of the center's Election Reform Program. “I've spoken with a lot of election officials who are frustrated that there are no [national] standards for pollbooks and no testing.”

Election Systems & Software, one of the top providers of e-pollbooks, told POLITICO it would support a change to this state of affairs.

“[W]e believe Congress should establish standards for mandatory testing for both voter registration and pollbooks for all U.S. election providers,” ES&S spokesperson Katina Granger said in an email.

New election worry: Electronic pollbooks

A small number of vendors dominates the market for devices used to sign in voters at the polls, according to new data from a nonprofit election-integrity group. The devices have contributed to some Election Day breakdowns and don't face federal standards, raising security worries.



*Includes other private vendors as well as pollbook systems developed independently by a state or county government.

Map: Bob King / POLITICO Source: [Verified Voting](#)

E-pollbooks serve multiple purposes: Voters use them to sign in at the polls, and poll workers use them to verify the voters' eligibility to cast ballots. In some jurisdictions, they also tell electronic voting machines which digital ballot to display to the voter.

The devices often communicate wirelessly with each other and with backend voter registration databases, offering a potential pathway for hackers who get onto that wireless network to delete or alter voter records — to indicate falsely, for example, that someone has already voted. Hackers could further use the wireless connection to breach the backend databases and other systems connected to them.

Hackers could also manipulate voting machines via pollbooks in jurisdictions where those devices tell electronic voting machines which ballot to display. A hacker could potentially cause an e-pollbook to embed malicious commands in the voter access card, barcode or QR code that some of those devices use to convey instructions to the voting machines, according to Harri Hursti, a security expert and an organizer of the Voting Machine Hacking Village at the annual Def Con security conference.

Some pollbooks can be remotely locked or disabled by election staff, raising the possibility that a malicious actor could do the same.

‘That’s a system design problem’

Security risks aside, the devices have experienced trouble in multiple elections.

During South Dakota’s June 2018 primary, all 44 of Pennington County’s new electronic pollbooks [crashed](#) and had to be rebooted repeatedly, causing delays in voting. Precincts with paper backups of the voter roll switched to those, but voting halted for up to 90 minutes in more than a dozen precincts that had to wait for backups, prompting some voters to [leave without voting](#).

In 2018’s midterm elections in Johnson County, Ind., voters waited two to three hours when software used to sync pollbooks slowed or froze. Other states using the same model of pollbooks made by ES&S also experienced problems. An investigation found that all ES&S pollbooks around the country were using the same cloud server to sync, providing a single point of failure when demand exceeded capacity.

In August 2019, Philadelphia’s new pollbooks made by [KnowInk](#) — the nation’s leading provider of the devices — [failed to properly connect](#) to printers during a test election, causing concern about using them in a November election. And in Georgia, which also rolled out KnowInk e-pollbooks statewide that year, the devices [experienced issues](#) during their first election that November.

During this year’s Georgia presidential primary, [issues with the KnowInk pollbooks](#) were again among [a cascade of troubles](#) that forced some voters to wait up to eight hours. Democratic Senate candidate Jon Ossoff denounced the plethora of election problems as a “disgrace” and “an affront to the principles of our Constitution.”

Georgia officials blamed the pollbook problems specifically on poll workers’ errors and poor training. But county officials and election integrity groups disagreed.

“Look, if one poll worker makes a mistake, that’s user error,” Eddie Perez of the Open Source Election Technology Institute told The Atlanta Journal-Constitution. “If you have many poll workers unable to operate the system, that’s a system design problem.”

This year presents new challenges for electronic pollbooks. Although more voters than ever are expected to vote from home because of the pandemic, [longstanding problems](#) with timely delivery of mail-in ballots will cause many to cast ballots in-person. With sports stadiums being recruited to [stand in for some traditional polling places](#), the potential for meltdowns is high if election officials and pollbook vendors don’t plan for failures.

Wyden said election officials should ensure that every polling place has a paper backup of the voter roll, so poll workers can check in registered voters even if e-pollbooks fail. “Not fixing this issue is the definition of voter suppression,” he said.

Years of glitches

Electronic pollbooks came into vogue after Congress passed the Help American Vote Act in 2002, two years after Florida's hanging-chad debacle. The law allocated nearly \$4 billion for states to purchase new election equipment and make other upgrades.

Voting machine vendors like Diebold Election Systems and ES&S won lucrative contracts for their voting machines — most of them paperless touchscreen machines — and then persuaded election officials to go paperless with pollbooks, too.

Georgia and Maryland were the first to adopt their use statewide in 2006. Both states were already using Diebold voting machines statewide and purchased the company's ExpressPoll pollbooks as well. But problems arose [during their first use](#) in the September 2006 primary in Maryland. A Johns Hopkins University computer science professor working as an election judge called them a “disaster,” and [described machines failing to sync](#) at his precinct and crashing and rebooting.

They were problematic in Georgia as well. During the presidential primary in 2008, voters waited up to 90 minutes because the pollbooks [kept crashing](#). Diebold quit the election business in 2009, but Georgia didn't replace its Diebold voting machines and pollbooks until this year. It now uses KnowInk pollbooks statewide.

No government agency or election integrity group tracks pollbook incidents, so problems generally come to light only in news coverage. Those stories rarely mention the make or vendor of these systems, making it difficult to track which companies and devices have had recurring problems.

To this end, Verified Voting, a nonprofit organization that has long tracked voting machine usage by jurisdiction, has for the first time begun compiling electronic pollbook usage data and [made it available online](#). Though not yet complete, it shows that about a dozen companies sell electronic pollbook systems, with two vendors dominating the market — KnowInk and ES&S. Some states, such as Colorado and Michigan, developed their own pollbook software, which they use statewide.

KnowInk, based in St. Louis, was founded in 2011 by Scott Leiendecker, a former city election director, and has quietly become the leading provider. Leiendecker said his company's PollPads are used in 29 states, which he declined to identify, plus the District of Columbia. Verified Voting has identified 22 states where jurisdictions use KnowInk e-pollbooks; in those jurisdictions alone, KnowInk accounts for more than 25 percent of all U.S. registered voters.

Second in line is ES&S, founded in Omaha, Neb., under another name in 1974 by [brothers Bob and Tod Urosevich](#). ES&S's ExpressPoll pollbooks are used in at least 17 states, according to Verified Voting.

How pollbooks work

E-pollbooks vary in design and functionality. Most use customized off-the-shelf laptops and tablets with the pollbook vendor's software installed. Some can scan a voter's driver's license or ID card to speed lookup, and, as already noted, some are used to activate voting machines.

Electronic pollbooks offer advantages over paper pollbooks, such as faster voter check-in and the ability to determine the correct polling place for voters who show up at the wrong one. They can process Election Day voter registrations in states that allow those, and provide near-real-time syncing with other pollbooks and databases to prevent people from voting in multiple places.

The devices also let counties replace traditional precincts with large vote centers, so that people can cast ballots at any convenient location rather than be tethered to their neighborhood. Vote centers need a county's entire voter list, not just a neighborhood subset, which makes printed pollbooks impractical for them.

But these advantages fade when the machines fail and poll workers can't verify a voter's registration. The fallback when that happens is to make voters cast provisional ballots, but polling places often fail to stock enough of those. Provisional ballots also require more processing and can't be counted until the voter's eligibility is verified, therefore increasing the risk that they might not be counted before election results have to be certified.

The Brennan Center found that 17 states using e-pollbooks don't require a paper backup of the voter roll at polling places, and 32 states using e-pollbooks don't have contingency plans requiring a minimum number of provisional ballots be available.



FILE - In this Tuesday, March 3, 2020 file photo, voters wait in line to cast their ballots in the California Primary Super Tuesday at a voting center in El Segundo, Calif. California's top election official says Los Angeles County should mail ballots to its 5.5 million registered voters at least 29 days ahead of the November general election to avoid the lengthy delays that plagued polling places in the nation's most populous county on Super Tuesday. (AP Photo/Ringo H.W. Chiu, File) | Ringo H.W. Chiu/AP Photo

When pollbooks fail

The devices generally fail in predictable ways: Crashing or failing to sync are the primary ones. When the problem isn't poor design or software bugs, it's usually poor contingency planning on the part of vendors or officials.

The March 3 meltdown in Los Angeles County, for example, was due mostly to poor planning, according to [a county report obtained by POLITICO](#). The county had 10 days of early voting before Election Day but used only a handful of pollbooks during that period. On the day of the presidential primary, when the remaining pollbooks had to be synced, 10 days of voter data had to update at once, which caused the devices to lock up.

Another type of failure causes even more insidious damage to voters' faith in the system: This occurs when pollbooks indicate falsely that voters are not registered, are in the wrong polling place or have already cast a ballot. The cause is sometimes a software glitch but more often out-of-date voter data that election workers have mistakenly left on pollbooks from a previous election. But these kinds of problems also resemble what would occur if a malicious actor altered individual voter records or replaced the entire database on pollbooks.

In 2010 in Shelby County, Tenn., for example, pollbooks incorrectly indicated that [5,400 voters had already voted](#). The issue disproportionately affected communities of color.

One of the most high-profile failures of this sort occurred during the 2016 presidential election, when pollbooks in Durham, N.C., indicated falsely that some voters weren't registered or had already voted. The incident later raised alarms following revelations that Russian hackers had [targeted the pollbooks' vendor, Florida-based VR Systems](#), and that two days before the election Durham had experienced problems with its VR Systems software and voter database. (VR Systems has denied that its systems were compromised.)

A partial investigation by a contractor hired by the county found that old voter data had been left on some of the pollbooks — attributed to an election staff error — but [a definitive investigation never occurred](#).

Who's watching the vendors?

Although [no federal testing and certification exists for electronic pollbooks](#), [13 states have certification programs](#) to ensure that the devices meet their own functionality and design requirements. But the requirements vary by state, and not all certified systems are tested or undergo a security review.

[KnowInk's Leiendecker would not answer questions about the security of his company's systems](#). "[W]e do not discuss, disclose or divulge any sensitive information involving election security or any specific security initiatives we are engaged in on behalf of our clients," he wrote in an email.

ES&S did not say whether it had ever hired outside experts to conduct an independent security review of its pollbook. “ES&S thoroughly tests our pollbook product for security, and some of our customers do their own security evaluations of the product,” spokesperson Granger wrote in an email.

To address the absence of independent testing, the nonprofit Center for Internet Security [launched a pilot project](#) this year with the federal Election Assistance Commission to develop methods for assessing electronic pollbooks and other election systems that don’t fall under the EAC’s existing testing and certification program.

“This is a very different technology than voting systems,” said Aaron Wilson, senior director of election security at CIS. “It’s often connected to the internet, and the security of these systems is often predicated on the ability to change and update them rapidly to meet the ever-changing security landscape.”

KnowInk and VR Systems have submitted systems for the pilot project. ES&S has not submitted its e-pollbook to the project but plans to submit it to a private security firm, Synack, for examination.

Wilson said CIS will assess each vendors’ internal development processes to verify that they’ve followed security best practices, perform tests to see if their devices can be hacked and assign the pollbook and vendor a series of scores.

“We’re leaving [the conclusions] to the states,” Wilson said.

Ben Hovland, an EAC commissioner since last year, told POLITICO that creating such a centralized program is a no-brainer.

“Why should 50 states have to build 50 different certification programs? That doesn’t make any sense,” he said.

Online Link to Article

<https://www.politico.com/news/2020/08/31/election-security-hole-406471>

#7

Murray Nash

Cass County North Dakota
Fargo-Moorhead

Summary

Retired senior officer of the Royal Australian Navy. Specializing in senior leadership and management positions with a focus on: detailed planning, coordination and task execution; supply and logistics; administration, finance and resource management; compliance and regulatory reporting; project management; strategic analysis and reporting; and human resource management. Performed a rich and diverse range of appointments throughout my career, including active service; various sea-going positions; elite representational positions (including a diplomatic posting to the Embassy of Australia in Washington, DC); career/personnel management; contracting and special projects management; and senior appointments within operational headquarters.

Experience in international business development, tertiary education and local volunteer / community based activities.

Proven leader with superior intelligence, a willingness to accept responsibility, high levels of personal and professional integrity and a can do attitude.

Experience

Cass County
Cass County Government
September 2022 - Present (5 months)
Cass County, North Dakota, United States

Nil
Exploring Opportunities
April 2018 - Present (4 years 10 months)

Sanford Health
Project Manager
July 2017 - April 2018 (10 months)

Contact

www.linkedin.com/in/murraylnash
(LinkedIn)

Top Skills

Military
Security Clearance
Operational Planning

Certifications

Chartered Fellow (FCILT)
PRINCE2 Foundations

Honors-Awards

Commander Joint Logistics
Command - Commendation

Concordia College

Adjunct Professor

January 2015 - May 2015 (5 months)

Moorhead, MN

Adjunct Professor at Offutt School of Business for the Spring 2015 semester. Instructed a course in Global Supply Chain Management, involving course development / enhancement, student assessment, review and academic development.

Royal Australian Navy

Commander (Senior Logistics Officer)

January 1991 - October 2013 (22 years 10 months)

Australia & Global

Performed numerous senior leadership and management positions including: detailed operational planning, coordination and execution; program and project management; operational support, supply and logistics; high level administration, personnel, finance and resource management, and leadership. Performed a rich and diverse range of appointments throughout my career, including active service; various sea-going positions; elite representational positions (including a diplomatic posting to the Embassy of Australia in Washington, DC); career/personnel management; contracting and special projects management; and several positions within operational headquarters.

Invest Victoria, State Government of Victoria, Australia

Manager, Defence & Aerospace Victorian Government Business Office
2008 - 2009 (1 year)

Washington DC Metro area

Identified and developed business and investment opportunities (inbound and outbound) between the United States and Victoria, Australia, with particular regard to the areas of defense and aerospace. Served as the State liaison to several Fortune 500 companies. Developed and maintained commercially productive relationships with both new and old clients. Responsible for identifying business and investment opportunities, and maximizing those opportunities to increase revenue and profitability for the State. Generated new business for the State, both in face-to-face meetings and over the phone. Promoted the State to key industry and business leaders, ensuring that their knowledge was current and appropriate.

Australian Army

Officer Under Training

January 1988 - December 1990 (3 years)

Australian Defence Force Academy

Officer under training and degree studies. Basic military officer training and tertiary education. Primarily in Canberra, ACT region of Australia.

Education

Australian Defence College

Graduate Diploma of Management in Defence Studies · (2005 - 2005)

University of Wollongong

Graduate Certificate in Maritime Studies, International Maritime Policy and Law · (2005 - 2005)

Royal Australian Navy - AQF

Graduate Diploma of Logistics Management, Logistics, Materials, and Supply Chain Management · (2001 - 2001)

Royal Australian Navy - AQF

Graduate Diploma of Resource Management, Finance and Financial Management Services · (2001 - 2001)

University of New South Wales

Bachelor of Arts, History & English (Double Major) · (1988 - 1990)

#10

Information obtained from Verified Voting.org. This is a partial list.

North Dakota is now running the same type of election equipment as Arizona.

At A Glance — Election Day Equipment — Arizona — 2022

<h3>Hand Marked Paper Ballots</h3> <hr/> <div style="text-align: center;"> 100.0%</div> <p>Percentage of registered voters living in jurisdictions using Hand Marked Paper Ballots for most voters</p>	<h3>Ballot Marking Devices (BMDs)</h3> <hr/> <div style="text-align: center;"> 0.0%</div> <p>Percentage of registered voters living in jurisdiction using Ballot Marking Devices for all voters</p>
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Tabulation: Optical Scan

Type of Equipment	Make	Model
Hand-Fed Optical Scanner	Dominion Voting Systems	ImageCast Precinct (/election-system/dominion-cast-precinct/)
Hand-Fed Optical Scanner	Election Systems & Software	DS200 (/election-system/ess-ds200/)
Batch-Fed Optical Scanner	Election Systems & Software	DS450 (/election-system/ess-ds850-ds450/)
Batch-Fed Optical Scanner	Election Systems & Software	DS850 (/election-system/ess-ds850-ds450/)
Batch-Fed Optical Scanner	Unisyn Voting Solutions	OpenElect OVCS (/election-system/unisyn-voting-solutions-open-elect-ovcs/)
Ballot Marking Device	Dominion Voting Systems	ImageCast X BMD (/election-system/dominion-cast-x-bmd/)
Ballot Marking Device	Election Systems & Software	ExpressVote (/election-system/ess-expressvc/)

Ballot Marking Device	Unisyn Voting Solutions	OpenElect FVT (/election-system/unisyn-ope
Electronic Poll Book	Election Systems & Software	ExpressPoll (/election-system/ess-expresspol
Electronic Poll Book	KNOWiNK	Poll Pad (/election-system/knowink-poll-pad.
Electronic Poll Book	Robis	AskED ePollbook (/election-system/robis-ask
Electronic Poll Book	Tenex	Precinct Central (/election-system/tenex-pre

Early Voting Equipment (Including In Person Absentee)

Type of Equipment	Make	Model
Hand-Fed Optical	Dominion Voting Systems	ImageCast Precinct (/election-system/domin

Scanner		
Hand-Fed Optical Scanner	Election Systems & Software	DS200 (/election-system/ess-ds200/)
Batch-Fed Optical Scanner	Election Systems & Software	DS450 (/election-system/ess-ds850-ds450/)
Batch-Fed Optical Scanner	Election Systems & Software	DS850 (/election-system/ess-ds850-ds450/)
Batch-Fed Optical Scanner	Unisyn Voting Solutions	OpenElect OVCS (/election-system/unisyn-v-scan-ovcs/)
Ballot Marking Device	Dominion Voting Systems	ImageCast X BMD (/election-system/dominic
Ballot Marking Device	Election Systems & Software	ExpressVote (/election-system/ess-expressvc

Ballot Marking Device	Unisyn Voting Solutions	OpenElect FVT (/election-system/unisyn-ope
Electronic Poll Book	Election Systems & Software	ExpressPoll (/election-system/ess-expresspol
Electronic Poll Book	KNOWiNK	Poll Pad (/election-system/knowink-poll-pad,
Electronic Poll Book	Robis	AskED ePollbook (/election-system/robis-ask
Electronic Poll Book	Tenex	Precinct Central (/election-system/tenex-pre

#12

Chinese parts, hidden ownership, growing scrutiny: Inside America's biggest maker of voting machines

Scrutiny of the U.S. election system, spurred by Russia's interference in the 2016 election, has put Election Systems & Software in the political spotlight.

Dec. 19, 2019, 5:30 AM CST

By [Ben Popken](#), [Cynthia McFadden](#) and [Kevin Monahan](#)

OMAHA, Neb. — Just off a bustling interstate near the border between Nebraska and Iowa, a 2,800-square-foot American flag flies over the squat office park that is home to Election Systems & Software LLC.

The nondescript name and building match the relative anonymity of the company, more commonly known as ES&S, which has operated in obscurity for years despite its central role in U.S. elections. [Nearly half of all Americans](#) who vote in the 2020 election will use one of its devices.

That's starting to change. A new level of scrutiny of the election system, spurred by Russia's interference in the 2016 election, has put ES&S in the political spotlight. The source of the nation's voting machines has become an urgent issue because of real fears that hackers, whether foreign or domestic, might tamper with the mechanics of the voting system.

That has led to calls for ES&S and its competitors, Denver-based Dominion Voting Systems and Austin, Texas-based Hart Intercivic, to reveal details about their ownership and the origins of the parts, some of which come from China, that make up their machines.

But ES&S still faces questions about the company's supply chain and the identities of its investors, although it has said it is entirely owned by Americans. And the results of its government penetration tests, in which authorized hackers try to break in so vulnerabilities can be identified and fixed, have yet to be revealed.

The secrecy of ES&S and its competitors has pushed politicians to seek information on security, oversight, finances and ownership. This month, a group of Democratic politicians sent the private equity firms that own the major election vendors [a letter asking them to disclose a range of such information](#), including ownership, finances and research investments.

"The voting machine lobby, led by the biggest company, ES&S, believes they are above the law," said Sen. Ron Wyden, D-Ore., a member of the Intelligence Committee who co-signed the letter. "They have not had anybody hold them accountable even on the most basic matters."

ES&S Chief Executive Tom Burt dismissed criticism as inevitable and impossible to answer, but he called for greater oversight of the national election process.

"There are going to be people who have opinions from now until eternity about the security of the equipment, the bias of those companies who are producing the equipment, the bias of the election administrators who are conducting the election," Burt said in an interview. "I can't do anything to affect those people's opinions."

"What the American people need is a system that can be audited, and then those audits have to happen and be demonstrated to the American public," Burt said. "That's what will cut through the noise."

Supply chain questions

ES&S invited NBC News journalists into its headquarters, the first time it has done so for a national news organization. The walls were decorated with images of the Constitution and inspirational messages about quality control. In glass-walled rooms etched with the company's patents, technicians tested machines under tight security.

Burt, a native Nebraskan, has called for federal regulations that would require voting machine companies to address some of the key questions posed to ES&S. In June, he [wrote an op-ed](#) asking Congress for more regulation, which would include requirements for paper backups of individual votes, mandatory post-election audits and more resources for the U.S. Election Assistance Commission to speed improvements.

NBC News examined publicly available online shipping records for ES&S for the past five years and found that many parts, including electronics and tablets, were made in China and the Philippines, raising concerns about technology theft or sabotage.

During the tour, Burt said the overseas facilities are "very secure." He said the final assembly of voting machines takes place in the U.S.

Chinese manufacturers can be forced to cooperate with requests from Chinese intelligence officials to share any information about the technology and therefore pose a risk for U.S. companies, NBC News analyst Frank Figliuzzi, a former assistant director of the FBI for counterintelligence, said. That could include intellectual property, such as source code, materials or blueprints. There is also the concern of machines shipped with undetected vulnerabilities or backdoors that could allow tampering.

[In a letter to NBC News](#), ES&S said it takes “great care” with its foreign supply chain, including conducting risk assessments and making on-site visits to suppliers to make sure that components “are trusted, tested and free of malware.” It said that all of its facilities adhere to international standards, that it manufactures in compliance with all federal guidelines and that it follows cybersecurity best practices.

The company says that its overseas manufacturing site has been successfully audited by the Election Assistance Commission and that the company conducts on-site visits of its suppliers “to ensure that components are trusted, tested and free of malware.”

“Some components (such as surface mount capacitors, resistors, inductors and fixed logic devices) may be sourced from China-based manufacturers,” the letter said, referring to basic circuitry components.

ES&S said it conducts quality assurance tests on the machines.

Ownership questions

Questions about who owns the major voting machine manufacturers have followed the industry for years.

The issue took on greater urgency after the FBI disclosed in July 2018 that a Russian oligarch had [invested in a Maryland election services firm](#). Officials in Maryland and North Carolina have started questioning voting machine makers [about potential foreign ownership](#).

Because it is privately owned, ES&S is not legally obligated to reveal its ownership or any other details about its finances, although Burt did confirm that the company generated about \$100 million in sales last year.

But in response to questions this year from the North Carolina State Board of Elections, ES&S disclosed which investors own more than 5 percent of the company. They include Burt, Chief Financial Officer Tom O’Brien and the Omaha-based private equity firm McCarthy Group, which owns a controlling interest. [The letter identified](#) two passive investors, Nancy McCarthy and Kenneth Stinson, who own stakes of more than 5 percent in McCarthy Group.

ES&S said McCarthy Group’s bylaws prevented it from revealing other individual investors, but it affirmed that they are all U.S. citizens or trusts or corporations owned by Americans. The company offered to pay for an independent auditor to verify that all the investors are Americans. NBC News declined, as citizenship itself wouldn’t answer other potential questions, including political affiliations or other conflicts of interest.

McCarthy Group did not respond to NBC News’ requests for comment.

Testing questions

Virtually no laws govern the cybersecurity aspects of voting machine technologies. But ES&S points to its voluntary efforts to improve voting machine security, most notably a new program with the Energy Department's Idaho National Labs, the same federal facility that tests the power grid and nuclear power generators. ES&S machines underwent eight weeks of vulnerability testing and penetration by government hackers.

Chris Wlaschin, head of systems security for ES&S, said at a Homeland Security cybersecurity summit in Washington in September that the company's machines are not prone to a remote attack over the internet. But he added that someone with enough time and access could make a machine "inoperative or unusable."

Although Wlaschin said the company would release an executive summary of the government testing, the company recently said it has nothing for "external release." It said recommendations from the tests would be incorporated into "future voting system releases."

Wyden said he was concerned by the company's foreign parts supply and was working on legislation to limit it.

"What you have found is particularly important because of the China connection," he said.

Wyden is also eager to see the Idaho National Lab findings.

"They're claiming that the Department of Homeland Security has been working with them. I'm going to ask for this information on the basis of your report within 10 days," he said.

Eddie Perez, global director of technology development for the Open Source Election Technology Institute, a nonprofit election technology research group with which NBC News has partnered since 2016, said the lack of oversight is problematic.

"The way people vote is managed by a couple of entities that people don't know a lot about, and that creates risks for the country," he said.

When it comes down to the essentials, voting machine makers "behave based on the level of regulation they have," Perez said.

"They have to check the boxes," he added. "But once they've done that, they focus on selling their product."

Source Link <https://www.nbcnews.com/news/all/chinese-parts-hidden-ownership-growing-scrutiny-inside-america-s-biggest-n1104516>

TRUTH.

#13



← @realDonaldTrump's post



Donald J. Trump

@realDonaldTrump · Jan 6

All Republican Governors should immediately begin the process of ENDING MAIL IN BALLOTS (which are fraught with corruption, and always will be!) EXCEPT FOR FAR AWAY MILITARY AND PEOPLE WITH A PROVEN ILLNESS, GETTING VOTER I.D. AND SAME DAY VOTING WITH ALL PAPER BALLOTS. This effort should be all out and start immediately. Governors have the power and authority to do this. GET IT DONE, or we will never have honest elections in our Country again!

16.5k ReTruths 57.1k Likes

Jan 06, 2023 at 5:52 PM



One or more posts are unavailable.



Osage/Cherokee

@osagecherokee · Jan 6

Replying to @AnnaOfficialJournalist, @realDonaldTrump, and 2 more

Glad to see you on board Anna!



HBTX8

@HBTX8 · Jan 6

Replying to @osagecherokee, @AnnaOfficialJournalist, and 2 more

Trends

View all

#Wyoming

167 people talking



#BannonTrial

35 people talking



#Faith

746 people talking



#FBIraidTrump

65 people talking



#americathebeautiful

53 people talking



People To Follow

View all



Copy link to Truth

Embed Truth



Mention @realDonaldTrump...



Mute @realDonaldTrump...

Block:

Legal

Block @realDonaldTrump...

Proud:

of America

Report @realDonaldTrump...



1. FARGO CITY AUDITOR CALL RECORDED MAY 6TH 2022

- 2. Phone ringing
- 3.
- 4. Receptionist - Cass county finance
- 5.
- 6. Marvin - umm I was looking for the auditor
- 7.
- 8. Receptionist - umm okay
- 9.
- 10. Marvin - umm my name is marvin marvin lepp, i'm the secretary of state candidate and I have questions on how approval ranked voting worked, umm so i was hoping to speak to somebody about that
- 11.
- 12. Receptionist - okay and candidate for where
- 13.
- 14. Marvin - for secretary of state
- 15.
- 16. Receptionist - okaaay
- 17.
- 18. Marvin - for North Dakota
- 19.
- 20. Receptionist - uhh i wonder if you have to call into bismarck for that
- 21.
- 22. Marvin - no because it's a Fargo only thing
- 23.
- 24. Receptionist - okay, hold on one moment please.
- 25.
- 26. Pause
- 27.
- 28. Receptionist - you are just wondering about what to do
- 29.
- 30. Marvin - i'm wonder how your guy's, how the city of Fargo's approval ranked voting works and according to the fargo website i'm supposed to call your guy's auditor's office so that is why I was calling
- 31.
- 32. Receptionist - okay
- 33.
- 34. Placed on hold
- 35.
- 36. Receptionist - okay so you need to contact the city auditor
- 37.
- 38. Marvin - okay do you have that number handy
- 39.

40. Receptionist - 701-241-1300
- 41.
42. Marvin - 1300 thank you very much
- 43.
44. Receptionist - yup you're welcome bye
- 45.
46. Marvine - bye
- 47.
48. Phone hangs up (time stamp 2:12)
- 49.
50. Marvin to passenger - they didn't want to have anything to do with that did they
- 51.
52. Passenger - nope
- 53.
54. Marvin - like o shii
- 55.
56. Phone answers 2:41 automated system
- 57.
58. Automated system prompts - you have reached the city of fargo's auditors office. Our hours are monday through friday 7:45 am to 4:30 pm. Please listen to the following options. To pay your utility bill please have your nine digit account ready and press one. To pay a parking ticket please have your violation number ready and press two. To speak with a customer service representative or leave us a message press three.
- 59.
60. Beep
- 61.
62. Ringing
- 63.
64. Auditors office (barely audible)
- 65.
66. Marvin - Hi can you hear me?
- 67.
68. Receptionist - yes
- 69.
70. Marvin - Umm my name is Marvin Lepp. I had question regarding umm, im secretary of state candidate.. I had questions of the auditor as to how your guys' ballots are running with the approval ranked voting.
- 71.
72. Receptionist - uhh let me check, hold on just a second
- 73.
74. Placed on hold (time stamp 3:39)
- 75.
76. Marvin to passenger - that would drive me nuts
- 77.

78. Receptionist - okay let me transfer steve hold on just a moment
- 79.
80. Marvin - okay thank you
- 81.
82. receptionist - yup
- 83.
84. Ringing (4:07)
- 85.
86. Steve - city auditors this is steve
- 87.
88. Marvin - Hi steve my name is marvin lepp, how are you today
- 89.
90. Steve - I am good
- 91.
92. Marvin - good, umm i'm one of the secretary of state candidates on the republican party and i had some questions how approved ranked voting worked for Fargo since your the only city in co in the state that does it. Umm with with the primary with having umm multiple candidates for secretary of state did you guys have to do different ballots or how is that set up to run
- 93.
94. Steve - when they get to the two city races the mayor and the commissioners the instructions on the ballot say vote for all the candidates you approve of
- 95.
96. Marvin - well and and i i understand that part of it but like did you guys have to get different software for it to tabulate and calculate that or how do you guys come to your final formula
- 97.
98. Steve - well there is no formula it just adds up all the votes
- 99.
100. Marvin - okay
- 101.
102. Steve - it's not ranked it's not ranked choice
- 103.
104. Marvin - okay so they go through they and it only works for those two sections
- 105.
106. Steve - yes
- 107.
108. Marvin - okay it it sorry it came up last night I was speaking with Michael Howe umm the other the other candidate running and he goes you know thats a really good question he goes i would like to know to because he goes i didn't even think about that. Like we didn't know if you guys had to do a different ballot or if it was just those two particular sections because it is it is such a weird thing to see multiple candidates for one race for statewide or legislative offices umm he was curious how all that worked when it came into the system as well and thats why i'm calling

- 109.
110. Steve - yeah so the people pushed that made sure that umm that there would be no need for umm for new software or reprogramming or anything like that so it just literally counts all of the marks
111. Marvin - okay so
- 112.
113. Steve - you know typically you know if you had two commissioners spots it would say vote for two but when you get to the park board it says vote for three or you get to the school board it says vote for five right
- 114.
115. Marvin - well like mayor you guys have
- 116.
117. Steve - so
- 118.
119. Marvin - nine candidates running eight candidates something like that so
- 120.
121. Steve - yeah six seven something like that for mayor and and like fourteen or fifteen for city commission umm so it thats why it says vote for all that you approve of you could you could vote for all of them or you could vote for one or you could vote for none you know
- 122.
123. Marvin - yeah it just seems seems a little weird if you know what i mean (6:46)
- 124.
125. Steve - oh i do
- 126.
127. Marvin - like i've done a lot of reading on it including the company that was involved and they got a pretty healthy donation after the fact but its like thats it it just strikes me as unusual that fargo was the first one in the entire country that adopted this practice and i understand you guys have gone through a couple different elections cycles with it but you know with the position that I am running for and its come up, its came up as recently as last night because uhh jeffrey powell the democratic candidate thinks that it should be a statewide formula but im not a 100% sold on it as it sits right now you know theres what five five cities in the entire country right now using this method and we're one of them so i figured i would call and ask
- 128.
129. Steve - yeah yeah i think you know they they went through the process to change the home rule charter so they added a section in the home rule charter that talked about how we were going to vote and you know the people approved it so i mean its its.. I think the juries out to see what will happen i know exactly what it stops is vote splitting you know so if you have three republican candidates you know you can only choose two you know for commission or for the mayor you know if you want to vote for a conservative you only have a couple of choices but if you you know but it stops the vote splitting for you know it i i i know exactly what i'm saying so
- 130.

131. Marvin - yeah
- 132.
133. Steve - so anyway
- 134.
135. Marvin -no no and i follow you and i know of the republican candidate but for like me and for what i've been talking to i feel that our office the secretary of states office should be more non-partician than its currently represented because
- 136.
137. Steve - sure
- 138.
139. Marvin - at the end of the day that office is representing the entire states and thats why i want to be educated on this as well umm because it is such a new system that a lot of people have asked me and l've spoke with people of fargo and they've express concerns and as a candidate i would not be doing my due diligence to call and ask questions
- 140.
141. Steve - yeah no i i understand
- 142.
143. Marvin - so
- 144.
145. Steve - i just i wish i wish i knew what the effect is going to be but i dont
- 146.
147. Marvin - yeah it's just
- 148.
149. Steve - yeah know
- 150.
151. Marvin - i'm sure you guys feel a lot of pressure kinda of being a guinea pig on this project too (laugh)
- 152.
153. Steve- you know we really dont have to do much other than making sure the ballot language is what what the home rule charter says it's supposed to be so you know cuz the county runs the election
- 154.
155. Marvin - yeah and they referred me to you guys
- 156.
157. Steve - laughs
- 158.
159. Marvin - yeah everyone kinda went he went that way and im like okay well ill call them next because yeah
- 160.
161. Steve - well you said (9:48) the the democratic ah candidate feels like it should be something statewide and it almost feels like its kind of like one of our candidates for mayor wanted to push having absentee voting yeah know
- 162.

163. Marvin - yeah
- 164.
165. (10:10) Steve - we're not set up for that we're just not set up ive run my absentee precinct many times and you know the may.. All of 2020 that election cycle just about killed me i mean holy crap
- 166.
167. Marvin - well and all the finger pointing that came back to you guys was it was like i saw it I mean you had to be blind not to see the amount of pressure even if you looked at the executive orders that they based it on that 2020-13 just because 33 of the 53 counties were set up by mail wide voting for mail voting they shut down all the polls for the primary which i can't even imagine what your guys days looked like
- 168.
169. Steve - right yeah well we had 30,000 absentee ballots and and you know and the 30,000 absentee ballots in may when it was 100% umm absentee voting and then in the fall because so many people checked send me the ballot there you know again they checked that check mark all elections right
- 170.
171. Marvin - yup
- 172.
173. Steve - and so they got their ballot automatically so we had another 30,000 that voted absentee in the fall you know but but then we also had 80 what we had 86,000 total in the county so you know we had a lot of people that voted in person too but
- 174.
175. Marvin - well and i mean
- 176.
177. Steve - but
- 178.
179. Marvin - just looking at how high the numbers were county by county like 88% ah eligible voters voting 92% eligible voters voting the turn out for the the general election was massive so like the the in person and the absentee thats that takes a toll on a guys office
- 180.
181. Steve - yeah
- 182.
183. Marvin - ah i definitely can feel for you on it
- 184.
185. (12:15) Steve - I mean and most most of the work is on mike well was on mike's office but umm most of the work is done with by the county auditor's office before the elections but counting the ballots you can do you can do about 10,000 in a day and anything more than that you know you have to go into multiple days so you know we started on both case ah counting early umm seems like in the general we started in sep in a on saturday and then ah counted monday took sunday offend counted monday and finished on tuesday so an-anyway
- 186.

187. Marvin - was it like the same like that with the primary to where you guys were cracking and counting early
- 188.
189. Steve - yeah well i think in the primary the Governor said we could start you know the because he kind of waved the like you can only start like three days before i'm not exactly sure what the rule is but but anyway we started on thursday umm but then that was the only thing that we were doing so you know we werent doing any in person so that was a little different because we the we brought all the ballots to a hotel convention center room you know and then we we just spread it out differently kinda and then secured the ballots when we didn't finish you know all that kind of stuff were as for the general election everything was kept at the court house
- 190.
191. Marvin - k
- 192.
193. Steve - so at the end of the night we just brought it all back to the you know to the vault and locked it all up so
- 194.
195. Marvin - umm i have one final question for you since you guys have already been going kinda through this test umm when i was talking with the secretary of states office back in 2020 already uhh one of the election guys umm brought up that by 2024 they want us to be voting by phone uh i find that
- 196.
197. (14:07) Steve - by phone!?
- 198.
199. Marvin - by phone which is all rage in washington right now and i find that very alarming umm cuz im
- 200.
201. Steve - the most secure thing that can have is some kind of paper ballot because you can always track it back
- 202.
203. Marvin - exactly
- 204.
205. Steve - now we're we're doing vote centers here and i don't know what other counties are doing but their awesome you come in and the software now you you know you put in your precinct and it pulls your ballot and you you mark it but on the on the screen right but then it prints out a paper ballot that you run through the machine you do not ever want to get away from paper ballots (14:47)
- 206.
207. Marvin - awesome
- 208.
209. Steve - if
- 210.
211. Marvin - i'm glad you agree with me on that
- 212.

213. Steve - yeah anything anything that's electronic or whatever like that i mean youre just i mean you just who knows whats happening in the cyber world right

214.

215. Marvin - well and

216.

217. Steve - so

218.

219. Marvin - their reasoning was to be able to vote for your precinct no matter where you were at in the state and for me like i don't know about you but wife's called me from her phone number to tell me my extended warranty is about to expire and it wasn't her if you know what i mean so like

220.

221. Steve - yeah

222.

223. Marvin - hearing that they want to go to mobile voting is terrifying to me and and

224.

225. Steve - yeah

226.

227. Marvin - I I love tech I like technology it's amazing umm I have so back ground in it so to hear that they wanted to push for that and the fact that it's such a rage in DC right now it bother's me

228.

229. Steve - It's scary, that that alone is scary

230.

231. Marvin - yeah and so i appreciate your time i know you're coming to the end of the day umm is there a direct line if I ever have more questions that I can contact you at if I have more questions or just call through here and ask for you

232.

233. Steve - no Yes direct is ah 701-241-1301 241-1301

234.

235. Marvin - alright thank you very much you guys have a wonderful weekend im actually going to be out there umm tomorrow and tonight so i'm kind of excited to see spend some time in fargo its been a while

236.

237. Steve - yeah

238.

239. Marvin - so you have

240.

241. Steve - well good luck

242.

243. Marvin - great night sir thank you

244.

245. Steve - alright thank you bye

246.

247. Marvin - bye
- 248.
249. END PHONE CALL 16:20
- 250. CASS COUNTY AUDITOR RECORDED MAY 9TH 2022**
- 251.
252. Receptionist - Afternoon cass county finance
- 253.
254. Marvin - Hi umm could i speak to umm somebody with the election department please
- 255.
256. Receptionist - okay what the what kind of help do you need with that
- 257.
258. Marvin - umm my name is marvin lepp i'm one of the secretary of state candidates on the republican primary and i just had a couple questions and i'm hoping somebody could answer for me
- 259.
260. Receptionist - Okay yeah i think deann would be the best one for you umm let me see if she is in okay yes she is in her office i can i'll transfer you over to her okay
- 261.
262. Marvin - perfect thank you
- 263.
264. Receptionist - okay hold on
- 265.
266. HOLD MUSIC
267. RINGING
- 268.
269. Deann - Cass county this is deann
- 270.
271. Marvin - hi deann umm my name is marvin lepp im one of the secretary of state candidates on the republican primary. I just had umm a few questions for you if that's okay
- 272.
273. Deann - yeah
- 274.
275. Marvin - umm i the reason im calling is ive ive seen you guys are kind of ramping up for ah absentee ballots stuff like that umm and i was just curious like how that whole process goes for you guys because you're such a large county umm do you know kinda like what your average is going to be and and the only reason i ask is i know one of the mayor candidates was really kind of pushing for it in Fargo and it made all sorts of news and after 2020 and the chaos that was attached to that i just figured i would call
- 276.
277. Deann - yeah umm you know it it is they are much more labor intensive umm than obviously those who vote either at their early voting or at the poles umm cuz there have a whole umm separate board we have to deal with applications """" sending out the

ballots umm we do have a system in place to where it is manageable "" may have to add umm you know staff on at certain times umm and a lot of times like in 2020 when it got to be where you know became apparent that it was all vote by mail umm we just knew that there was no way just our staff could handle it umm it is so we brought in some of our past emp past election workers you know people people who have worked the elections before cuz theyre familiar with the requirements you know as far as you know who can and cant vote and and and that type of thing umm and they're familiar with the the you know ballot styles umm so it wasn't quite as much umm training involved as someone coming in brand new whos never been exposed to you know this end of it umm cuz it is quite the process umm but basically when the applications come in umm we process them umm we get the ballot ready to go out we always have umm so if say jerry were to process a stack of application and pull the ballots for those applications then someone else typically would verify those and then do the stuffing and get them ready to mail so we always have two eyes or you know two sets of eyes umm on a ballot before it ever leaves the office umm theres to much to many different numbers involved especially on a primary

278.

279. Marvin - yeah

280.

281. Deann - cuz you've got the city's and the schools so youve got a lot more splits umm

282.

283. Marvin - then you got the Fargo dealing with that approval voting for city commission and mayor and i bet you that takes it's toll too

284.

285. Deann - umm and that hasn't been horrible umm because luckily you know our equipment that we have does the tabulation for that you you know it has that capability and that was one of the things when they were researching going to that that umm you know they needed to considers is that you still have to administer your elections umm you know we need to make sure that our equipment is is able to handle that

286.

287. Marvin - did you have to do like any different programming or software with that or is it just set to tabulate

288.

289. Deann - you know it's the same it's the same software its the same umm you know same company that has always done our programming it's just a matter of how they program it to tabulate on vote

290.

291. Marvin - k

292.

293. Deann - however many as you want versus umm you know vote for two or vote for four or

294.

295. Marvin - yeah

- 296.
297. Deann - what have yous so umm luckily they have umm experts that have know what their doing and umm you know so they can they know exactly what umm what to do on their end so that the tabulation is correct (5:45) and thats one of the things too that we always you know watch for when we do our testing umm as well as is is that it is tabulating correctly
- 298.
299. Marvin - okay no no thats cool like thanks thanks thats pretty awesome umm that primary how bad was that to do i cant even imagine
- 300.
301. Deann - laughing
- 302.
303. Marvin - you had going
- 304.
305. Deann - laughing
- 306.
307. Marvin - like like how many ballots can you process a day that's just nuts (6:15)
- 308.
309. Deann - no and fortunately umm you know we do have a few days umm to process applications and that was part of umm the governor's executive order you know was because you know normally we only have the one day to process or you know our elections judges which represent each party umm to you know basically open umm and verify signatures and then open all those absentee ballots and and umm tabulate them and so it was
- 310.
311. Marvin - so sooo with tabulate tabulating when you say process you guys were actually counting them at that point
- 312.
313. Deann - right basically the way our absentee board works is very similar to umm you know really when you know when voters are are submitting them to the polls umm they're they're scanned into a machine it's just a bigger umm higher speed scanner
- 314.
315. Marvin - k
- 316.
317. Deann - that is used so umm we typically break them up into districts umm and so either two or four umm judges depending on you know how many we are expecting back umm will sit down and pair off so that a democratic judge and a republican judge working together they compare the signatures umm check them off in the poll book if you know we did receive their ballot back and then theyll open those you when they have a good stack check and they'll open those separate the secrecy envelope from the outside envelope so you eliminate the possibility of them being able to tie a vote to a voter and then once they have all those envelopes open then they take the ballots out of the secrecy folders umm they'll initial those and then they" run them through umm the high speed scanner or central count scanner

- 318.
319. Marvin - so about how many do you think you guys were doing a day during that because i mean you had what
- 320.
321. Deann - laughing
- 322.
323. Marvin - 36,000 ballots or something like that it was crazy
- 324.
325. Deann - it was it was crazy and we added umm you know most most elections we add you know maybe two or three staff umm in a general election you say a presidential general we may add three or four tops umm to help us process you know absent and file and mail and that type of thing we had over 12 umm in the office here and we were utilizing every conference room that we could lock (9:26) and secure umm
- 326.
327. Marvin - and that was during the general election
- 328.
329. Deann - that was during that was just for the primary
- 330.
331. Marvin - oh like
- 332.
333. Deann - yeah
- 334.
335. Marvin - i was curious how you guys were handling that just because of like the whole social distancing stuff and everything that washout there
- 336.
337. Deann - yeah
- 338.
339. Marvin - you almost need like a giant area to do that in
- 340.
341. Deann - yeah no and and it was nice you know here because we had several conference rooms (9:52) that they could work in you know and so we could divide we didnt have to have everybody working in one say one area necessarily umm we could have for in this in this room working you know so we were able to do the social distancing umm you know we made the gloves and the and the umm masks and everything available so that the staff that worked here umm you know on a temporary bases
- 342.
343. Marvin - do you remember umm do you remember how early you guys started counting
- 344.
345. Deann - i believe we started processing absentees for the june election we started processing i want to say the thursday or friday before the election (10:48) cuz i think we spent about three or four days umm as a board umm doing nothing but processing and there too we were umm we rented pretty much that whole block umm in the woodland

south complex at the umm Ramada you that whole conference area because then we could have them split up you know social distance umm because it was a huge thing at time

346.

347. Marvin - yeah i

348.

349. Deann - you know

350.

351. Marvin - absolutely i can't even imagine but and and thats why i was like i with this mayor candidate pushing for for umm absentee ballot or mail in ballot or whatever like umm that's gotta be a huge toll and now we don't have an order saying that where you guys can do that umm that counting early and like i can't even imagine what your staff did when they heard that i can i can just see the visible

352.

353. Deann - laughing

354.

355. Marvin - cringe on peoples face you know

356.

357. Deann - well we had several meetings with you know with the city of fargo umm kind of giving them our our stand point umm in that this is some of the cost obviously is going to have to be absorbed by the city umm you know we weren't going to they wanted us to send out the absentee applications we said absolutely not you know umm its a cost that we dont you know we haven't budgeted for and i'm not going to do it for one city and not do it for all

358.

359. Marvin - yeah

360.

361. Deann - i don't fell that you know that umm that's fair so we updated our joint powers agreement just within the last year with uh all the cities and school districts to kind of help umm you know those kind of things out if theres those uhh special requests umm you know that particular candidate is convinced based on the 2020 primary that their turn out was just so much better when they did vote by mail and i really you know i have mixed feelings i don't know that thats a fair judge of voter turn out i think 2020 was a year unlike any other we're just never going to see that again

362.

363. Marvin - god i hope not (laughs)

364.

365. Deann - you know and and so was it due to covid was it due to interest in the city of fargo race was it you know i think a lot of it was people you know everybody got applications in the mail they knew that that was their only opportunity to vote umm but are they going to take the initiative other years so it will be interesting to see what our turn out is like uhh you know we have i know aarp must have sent out applications to all of their members umm because thats the one thing we've been getting back just a ton of you know absentee umm

- 366.
367. Marvin - that's kind of
- 368.
369. Deann - applications from aarp
- 370.
371. Marvin - that's kind of weird that that they that's kind of weird that they can send that stuff out
- 372.
373. Deann - yeah just about anybody really i mean any any candidate any umm you know political party because they are not really pushing for necessarily for umm like aarps umm mailer i don't know if it's pushing anything other than you know exercise your right to vote
- 374.
375. Marvin - yeah no and
- 376.
377. Deann - that kind of thing which i think everyone is getting involved in these days
- 378.
379. Marvin - yeah like we're hosting a huge event out in
- 380.
381. Deann - umm
- 382.
383. Marvin - killdeer here next week a get out and vote event where i've invited candidates from across the state just to come out and meet each other and meet people and like like people want to be involved and
- 384.
385. Deann - yeah
- 386.
387. Marvin - that's kind of cool
- 388.
389. Deann - which is good its nice because you know when i first started fifteen years ago umm we used to joi my my umm i don't know if you ever had the opportunity to meet mike montplesior umm our former finance director county auditor umm but he he used to always joke with me when i first started that it was like planning thirty-eight weddings all for the same day and i said you know the only problem is i said but it sucks when you plan all these parties and nobody shows up (laughs)
- 390.
391. Marvin - yeah absolutely yeah and i saw i saw mike retired last year like he must of just been at the point where he was ready to spend some time with family and grandkids or whatever but
- 392.
393. Deann - Yeah he a unfortunately had experienced some loss in his family too and and so that made a big difference so
- 394.
395. Marvin - oh boy that that's unfortunate to hear

396.
397. Deann - Yeah so i think he realized it was time to enjoy the fruits of labor he'd been here for a long time and so
398.
399. Marvin - yeah
400.
401. Deann - umm but sure different without that wealth of knowledge it around here during an election so
402.
403. Marvin - well i don't i don't think that I have any other questions at the moment if I have anything that comes up is there a direct line i can get a hold of you at or just call the
404.
405. Deann - Yup
406.
407. Marvin - auditor's office
408.
409. Deann - yup you can call me directly 241-5631
410.
411. Marvin - awesome and again thank you so much
412.
413. Deann - and its deann
414.
415. Marvin - yup thank you so much for your time
416.
417. Deann - no problem not a problem
418.
419. Marvin - alright have a good day
420.
421. Deann - have a good day
422.
423. Marvin - mm bye
424.
425. Deann - bye
426.
427. END AUDIO

**428. FOLLOW UP CALL WITH CASS COUNTY AUDITORS (Deann) 10:26 minutes
MAY 17TH, 2022**

429.

430. Ringing

431.

432. Deann - cass county finance this is deann how may i help you

433.

434. Marvin - hey deann it's marvin lepp again how are you

435.

436. Deann - i'm fine what can i do for you

437.

438. Marvin - umm just a couple quick questions umm i was thinking about our conversation that we had had the other day about the primary umm and you had said that you guys had to the ramada umm and you were securing the ballots at the end of the night were what did you guys do for securing those just out of curiosity

439.

440. Deann - the the doors were locked umm the election board and there and all of the ballots everything is locked inside umm the cages overnight

441.

442. Marvin - okay

443.

444. Deann - the pvc cages umm locked with both padlocks and umm large plastic seals numbered seals

445.

446. Marvin - okay no thats

447.

448. Deann - so at night they record you know the seal numbers that they put on them and then they've got to record those then when they take them off the next day to assure that they're the same ones

449.

450. Marvin - umm

451.

452. Deann - everything is locked in the equipment and the equipment is locked in the room

453.

454. Marvin - okay umm and then were they doing the same with like the ballot machines too since you guys were counting

455.

456. Deann - well and they're they're tabulated as people vote but no results are run until election night after polls close but yeah so we just basically they just umm at the end of the night they'll just turn them off and then turn them back on to continue voting in the next day and those are also you know they're they're program card and the umm results card which are one and the same are sealed with a numbered seal in the machine

457.

458. Marvin - okay no and i
- 459.
460. Deann - the machine is locked and then the machines get rolled into the pvc cages and again those are locked and sealed
- 461.
462. Marvin - okay no and i mean it just kind of a weird situation to hear that they were using a hotel umm did they umm how did you guys get the ballots over there then did you do like armored truck or was it just in the back of somebodys car
- 463.
464. Deann - well we use a moving company
- 465.
466. Marvin - used a moving company k
- 467.
468. Deann - yeah we use a moving company we use the same moving company weve used for years ad again all of that stuff is padalocked and sealed we record the seal numbers before they ever leave our custody (2:45 time stamp)
- 469.
470. Marvin - okay
- 471.
472. Deann - umm and then the election workers when they remove that seal then they record so that we know that nobodies you know tampered with the door to the cage umm but everything is you know typically stored in a in a locked room umm you know we make arrangements with whether it be you know the umm the community corner in west acres and umm you know that room is secure umm locks everynight you know whatever so
- 473.
474. Marvin - no and
- 475.
476. Deann - we try to make sure
- 477.
478. Marvin - yeah no it was just it was just kind of a weird situation i guess ive never heard of a hotel being used like that before i was surprised
- 479.
480. Deann - ohh
- 481.
482. Marvin - you guys didnt use like the alera center or something like that where the city has some some stake in it umm so the machines if you were if you were rolling those into the cages at the end of the night they must have like a battery back up in em
- 483.
484. Deann - no we unplug them we shut them off we turn them off they go completely off they're unplugged and rolled into the cage
- 485.
486. Marvin - oh and everything stores on that on those cards
- 487.

488. Deann - right
- 489.
490. Marvin - k
- 491.
492. Deann - yup everything is stored in the internal you know umm hardware and the
and the ahh umm thumb drive so
- 493.
494. Marvin - umm last quick couple questions here umm what did you guys end up with
the absentee ballots in the primary was it 30,000 you think
- 495.
496. Deann - mmmm let me pull it up because i'm not good at guessing
- 497.
498. Marvin - no that's fine
- 499.
500. Deann - uhh let's see 2020... okay yeah according to our official abstract umm there
was 30,069 ballots cast in the 2020 primary
- 501.
502. Marvin - umm and then how about the general cuz it sounds like you guys had a ton
of influx for the general too
- 503.
504. Deann - (laughs) yeah cuz most people umm you know on the application they can
select whether they want for the june the november or both or all statewides umm at
least then you could they've changed that in 2021 but let me see here (5:56) so the 2020
general uhhh let's see absentee ballots cast in the 2020 general was 31,927
- 505.
506. Marvin - and how many people overall for the county voted like in person cuz I know
umm attorney general steneham
- 507.
508. Deann - total ballots cast of the county with everything was 86,897
- 509.
510. Marvin - okay and that was the entire county
- 511.
512. Deann - right
- 513.
514. Marvin - k alright well i think that's it i've been thinking about our conversation the
other day and i'm like i'm just going to call and ask cuz
- 515.
516. Deann - yeah absolutely
- 517.
518. Marvin - i i i hadn't heard of something like that before and it was interesting to me so
i figured i would ask a few more questions so
- 519.
520. Deann - yeah umm you know it became became a little bit more difficult for us when
we couldn't use the schools

- 521.
522. Marvin - yeah
- 523.
524. Deann - and schools really don't make good polling locations especially elementary schools
- 525.
526. Marvin - yeah
- 527.
528. Deann - umm
- 529.
530. Marvin - and i understand
- 531.
532. Deann - you know
- 533.
534. Marvin - it's just just what
- 535.
536. Deann - no only the population that's there during the day but umm they don't build elementary schools with lots of parking because typically it's just teachers
- 537.
538. Marvin - yeah
- 539.
540. Deann - that need parking and so parking becomes and issue space becomes and issue umm you know in june it's not so bad because obviously they don't have school but then in november you've got to separate the two and that once for a fargo school district special election and umm it was kind of ah nightmare they ended up hiring umm you know members of the police force to provide security throughout the day and and it's like you know i'm not so sure i want to go down that road either umm but that is one of the things that we you know definitely were selecting you know using ah fellowship hall at a church or a gymnasium in a school or a hotel umm you know that we keep in mind things can be umm secured overnight
- 541.
542. Marvin - yeah
- 543.
544. Deann - cuz we always deliver even if we don't use that location for early voting we're delivering the equipment the day before and then we're not picking it up until the day after and so you've got to have a way to secure all of that stuff so we take that we take that pretty seriously just to make sure that we know that nothing has been tampered with
- 545.
546. Marvin - no and and the only reason i brought up june is because like everything was shut down there wasn't schools that were functioning
- 547.
548. Deann - soo
- 549.

550. Marvin - like i mean if you
551.
552. Deann - chaos
553.
554. Marvin - weren't and essential worker you weren't going to work if you know what i
mean
555.
556. Deann - well and and june was strictly vote by mail you know so security was easier
obviously cuz everything was self contained here at the court house (9:26) umm but it
was interesting so
557.
558. Marvin - what just one last question like how many ballots you think you processed a
day while you were doing that just a guess
559.
560. Deann - mmmmm you mean as far as when they started opening them and counting
them
561.
562. Marvin - yeah in june
563.
564. Deann - ummm you know they probably got close to umm i don't know maybe 7,000
8,000 each day counted to the the scanners
565.
566. Marvin - alright well that's what i needed to know
567.
568. Deann - alright
569.
570. Marvin - alright thank you
571.
572. Deann - you bet bye-bye
573.
574. Marvin - bye
575.
576. PHONE HANGS UP
577.
578. Marvin - she has a really hard time keeping her
579.
580. End recording
581.

**582. FOLLOW UP CALL WITH STEVE AT THE FARGO CITY AUDITOR'S OFFICE
(15:05) MAY 19TH, 2022**

583. Ringing
- 584.
585. Steve - city auditors this is steve
- 586.
587. Marvin - hey steve it's marvin lepp how are you doing
- 588.
589. Steve - i'm doing well
- 590.
591. Marvin - umm i don't know if you recall we spoke a couple fridays ago i was the i'm the secretary of state candidate that called you asking about the approval voting
- 592.
593. Steve - oh yeah
- 594.
595. Marvin - yeah hey i had a couple follow up questions just because its kind of been weighing on my mind umm you had said in june umm you guys had rented a hotel for doing the counting for the absentee ballots
- 596.
597. Steve - umm in 2020
- 598.
599. Marvin - yes sir
- 600.
601. Steve - and and to be clear it's not me it was the county
- 602.
603. Marvin - yeah yeah yup yup i'm not saying it was you i understand the county's in charge of everything umm
- 604.
605. Steve - right
- 606.
607. Marvin - at the end of the night umm just for my piece of mind what did they do with the machines when they were all done did they leave them plugged in in the convention center did they get locked up
- 608.
609. Steve - they were ah shut down and put in a secure room
- 610.
611. Marvin - into a secure room okay and then the same with the ballots of course
- 612.
613. Steve - yeah i don't recall yeah no there were ah (1:21) many trips brought back to the court house
- 614.
615. Marvin - oh so they were bringing them back to the court house at night
- 616.
617. Steve - yeah right

- 618.
619. Marvin - okay
- 620.
621. Steve - well at least that's what i remember seems like there was a lot of that activity umm but it's been a couple years ago and i'm getting old so
- 622.
623. Marvin - no no and i understand
- 624.
625. Steve - (laughs)
- 626.
627. Marvin - I get it that that whole scenario seemed odd to me that umm they chose to that the county chose to use a hotel versus the plethora of other buildings for counting you know
- 628.
629. Steve - they really didn't have a a lot of options that umm you know they to have that many people that we had you know umm uhh going through the ballots umm so they had they split it up into groups and the first group would umm compare the signatures and find them in the pollbooks and when they got that done they'd pass it over to a group that open the ballots and separated em and then from there then it went over to the counting group that you know counted them and umm marked what district and you know record all that stuff so
- 630.
631. Marvin - yeah but
- 632.
633. Steve - yeah really i mean if you have questions you should probably just call deann she was election coordinator back then and she might have better recollection all though right now i imagine shes up to her eyeballs in this years round
- 634.
635. Marvin - oh yeah i can't i can't imagine because what is it the aarp was sending out letters for people to get their absentee or mail in ballots
- 636.
637. Steve - well we had a we had a sitting commissioner that said we need to send out so we sent out the city sent out 56,000 ballot applications too so you know
- 638.
639. Marvin - fouey and then you have the mayor candidate that wanted it as well so
- 640.
641. Steve - yeah that's the commissioner that wanted the
- 642.
643. Marvin - oh okay
- 644.
645. Steve - to push for that same person
- 646.
647. Marvin - umm so you guys were transporting them back to the court house every night how were they doing that (3:25)

- 648.
649. Steve - well again that's i i im a little fuzzy on all the details umm i was not there to coordinate i was just there to help
- 650.
651. Marvin - yeah and i
- 652.
653. Steve - umm so they loaded them into peoples vehicles and you know hauled them down to the court house (3:44) at least that's that's my recollection of how they how they did you know and again i could be off
- 654.
655. Marvin - no and that's fine I just like i've been thinking about that conversation since we had it and it's like wow like that's that's pretty nuts umm
- 656.
657. Steve - well it was nuts uhh you know you can imagine 30,000 ballots being counted and umm and umm you know everything we were doing was new you know we're trying to figure out how best to do it so
- 658.
659. Marvin - yeah yeah yeah like unprecedented times and all that
- 660.
661. Steve - right right
- 662.
663. Marvin - how's everything going this year pretty good okay?
- 664.
665. Steve - well again umm the county does the you know the does the election runs the election so i haven't really heard from them umm you know so my part is getting the names on the ballots getting it if you know that stuff and i'm kind of just staying out of the way so
- 666.
667. Marvin - yeah yeah i'm sure well that's the only questions i really had so thank you very much umm
- 668.
669. Steve - yeah yeah again i would encourage you to call deann at the county and you know and if you have questions about what was done or why it was done she would be the best person to answer
- 670.
671. Marvin - alright well
- 672.
673. Steve - you you know montplesior is retired so so he's not there as a resource anymore umm so
- 674.
675. Marvin - but you said she was the one that is the election coordinator
- 676.
677. Steve - yeah she's been the counties election coordinator for you know a dozen years i suppose now

678.
679. Marvin - oh so she's been at it for a while umm
680.
681. Steve - yeah and there's some certification or something she and one person from
al's office i think are the only two people in the state with that you know certified election
coordinator certification so i mean she she does know her stuff and you know
682.
683. Marvin - yeah i think it's brian newby maybe one of the brians
684.
685. Steve - yeah i think that's the guy yeah
686.
687. Marvin - yeah alright well thank you very much
688.
689. Steve - how's your campaign going
690.
691. Marvin - oh it's so busy we're all over the state right now umm up to west hope this
last sunday and uh out to killdeer this weekend umm finally got billboards up and running
that was pretty awesome umm but yeah like
692.
693. Steve - and
694.
695. Marvin - were on the go
696.
697. Steve - it's you and one other one other guy on the republican side and then the
democrat and the primary will narrow it down to one right is that right
698.
699. Marvin - correct yup umm
700.
701. Steve - and and then the real campai well the real campaign is to get through this
part i guess but umm
702.
703. Marvin - yeah
704.
705. Steve - then the then the whomever remains standing goes on to November
706.
707. Marvin - yup so it will be me and michael howe umm he's out of casselton west fargo
area uh
708.
709. Steve - okay
710.
711. Marvin - and then once we get past the primary it will be with uh jeffery powell he
works out at mayville state uhh he's the democratic contender uh that's
712.
713. Steve - okay

- 714.
715. Marvin - that's the gentleman that wants approval voting across the state
- 716.
717. Steve - ugh okay (laughs)
- 718.
719. Marvin - yeah
- 720.
721. Steve - no i don't want to vote for him
- 722.
723. Marvin - right? Well you know and as we've been traveling the elections keep coming up like all the other stuff keeps coming up and you know you have one side where like the secretary of state's office is saying everything was run perfect and everything else but you you get out and talk to the people i mean there's so many questions that they just feel like they are being ignored on and you can't help but ignore what's being said and like when i go out that's one of my questions that I ask you know i ask for that show of hands who believes that we have issues whether nationally or locally and everytime i do it 90 percent of the rooms hands goes up and like
- 724.
725. Steve - i think that there were problems nationally i i do feel that our local you know umm again my only experience is dealing with cass county
- 726.
727. Marvin - yeah
- 728.
729. Steve - umm you know there's always there's the chance that somebody could be voting that shouldn't be but you know we always try to afford everybody the opportunity to vote umm but you know when they walk through the line and you say are you a us citizen are you over 18 you know have you lived in you know in your residence for 30 days and if they answer yes and their drivers license matches i mean you've kind of got to you know let them go through and ahh im going to put something on my ballot applications for next time that they umm under penalty of perjury you know i certify that i am and then have those three check lists cuz some of the people that are running for city commission and stuff i don't know have they lived here for you know and well and to be on the ballot they have to live here for six months but are they us citizens? I don't know that (9:03) you know but at least if they'd sign you know that under penalty of perjury that they are then at least i've got that you know
- 730.
731. Marvin - yeah and that gives you guys additional safe guards like
- 732.
733. Steve - right
- 734.
735. Marvin -like that's all there is to it but because i mean with how crazy everything's been like who knows everybody questions it
- 736.
737. Steve - everybody questions everything

738.

739. Marvin - it's constant and and i'm sure you get phone calls from other people instead of just me on stuff like this too where it's like

740.

741. Steve - well and i im almost its kind of cool that we are the only state without voter registration but im almost thinking you know what let's have voter registration the you know whatever it is you know 60 days before if you haven't or you know 6 months or whatever it is if you haven't registered you're not voting you know

742.

743. Marvin - yeah and i mean that was one of the first approaches i looked at when i was looking at all this was voter registration because theres so many states that do it but you have that unique id number but like

744.

745. Steve - right

746.

747. Marvin - my concern comes in is if the system's hacked

748.

749. Steve - mmm

750.

751. Marvin - all that information is out there how people were voting how things were going down now with this current atmosphere of of people upset with the thought of umm the social credit score you think of the implications that would tie to that as well you know

752.

753. Steve - right

754.

755. Marvin - if weren't a good little citizen so like i im not opposed to a registration set up but right now it's only as good as the people holding the keys and the fact the the systems can be breached is an issue with me

756.

757. Steve - sure

758.

759. Marvin - and i i come with a little bit of tech background so like i've looked at all that stuff before i even started speaking about it because that was my 30 second answer you know on the back of your driver's license is barcoded already you scan the license you scan the ballot it's uniquely attached to you so that you can go and look at your ballot later i-mean

760.

761. Steve - right

762.

763. Marvin - and and that i think would give a lot of people peace of mind but again having that data out there could have detrimental umm effects if it would would get breached and

764.

765. Steve - right
- 766.
767. Marvin - and and so that that's where I am and like i i would love to see a system like that where we have that security that peace of mind but it would it's going to take a lot a lot of coding and it's going to take a lot of work to make sure that it is unhackable
- 768.
769. Steve - right
- 770.
771. Marvin - so
- 772.
773. Steve - and i've heard a lotta you know a lotta talk about you know well voting into into like a tablet or something and thats all you have well and i think no matter what you have to have that paper as a back up
- 774.
775. Marvin - yeah absolutely you have to have that paper trail
- 776.
777. Steve - yeah and it's a i mean im excited for this year to see you know cuz cuz this year everybody's going to be voting on a on a machine that you know so it will prevent cross overs cuz you pick which party you want to vote for and then you go down and you vote and then you get to review your ballot and then finally you hit print and then it comes out on the piece of paper you know so i mean thats thats going to be very very nice you know to to stop the cross over you know and and then still you still got that paper ballot that got run through the machine not that thing marking your machine is not voting so
- 778.
779. Marvin - yeah an i thought in the past like if you cross party lines for doing your primary voting like i thought in sixteen or eighteen i remember people being upset because they didn't want to vote for somebody on the primary so they pickedlike an independent or something along those lines and it was spoiling their ballot and they had to vote again so i thought we already had
- 780.
781. Steve - right
- 782.
783. Marvin - that system kind of in place
- 784.
785. Steve - umm
- 786.
787. Marvin - but that was when they had that equipment
- 788.
789. Steve - yeah yeah with the ballot that they had they you know it had both it had all the parties listed so you know you weren't you weren't choosing one party or the other so
- 790.
791. Marvin - ah

- 792.
793. Steve - you know and i dont i guess i understand why we're doing a primary why were just voting on one ticket but umm you know otherwise i don't see really what difference it would make if you did you know and well in this race i want to vote for this person or whatever but
- 794.
795. Marvin - yeah no and i i feel you
- 796.
797. Steve - it is a system we have
- 798.
799. Marvin - well and there's so many so many districts across the state were we have 6 legislators r or six candidates that running for legislature wheather its house or senate because you have endorsed candidates running against unendorsed candidates and umm like it its pretty nuts umm it seems like it's everywherein the state where it's a fight for those republican seats and it's going to go into the primary
- 800.
801. Steve - it is yeah its kind of crazy
- 802.
803. Marvin - and even like city county commission who would have ever expected what 14-15 candidates for for fargo county commission er city commission you know
- 804.
805. Steve - yeah (laughs)
- 806.
807. Marvin - like
- 808.
809. Steve - and you would think out of 15 there would be tow that are worth voting for but (laughs)
- 810.
811. Marvin - well and like bismarck i think it 8 or 9 candidates for the school board running this year and like that's a pretty intense fight there too everybodys
- 812.
813. Steve - well
- 814.
815. Marvin - everybody's up in arms
- 816.
817. Steve - yeah theres a lot of that going on
- 818.
819. Marvin - alright well i'm not going to take any moe of your day here i'm just heading into work so thought
- 820.
821. Steve - alright
- 822.
823. Marvin - thank you so much
- 824.

- 825. Steve - keep fighting the keep fighting the good fight
- 826.
- 827. Marvin - alright thank you
- 828.
- 829. Steve - thank you
- 830.
- 831. Marvin - you have a good day bye
- 832.
- 833. Steve - yeah bye
- 834.
- 835. PHONE HANGS UP
 - a. `

01/26/2013

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1982	G	1,232	272,876	675,000	461,700	No Stats	NA	64	598,335	2.19
1984	P	1,191	99,230	675,000	470,500	2,684	NA	21	612,329	6.17
1984	G	1,193	324,179	675,000	470,500	19,840	NA	69	667,936	2.06
1986	P	1,166	133,465	684,900	464,100	3,353	NA	29	642,904	4.82
1986	G	1,158	295,277	684,900	464,100	6,371	NA	64	631,640	2.14
1987	S	1,121	123,539	684,900	484,100	1,440	NA	26	359,159	2.91
1988	P	1,096	111,263	667,093	483,000	2,934	NA	23	645,948	5.81
1988	G	1,090	309,100	667,093	483,000	23,508	NA	64	676,336	2.19
1989	S	1,034	257,171	667,093	483,000	10,975	NA	53	517,696	2.01
1990	P	975	133,911	638,800	463,415	No Stats	NA	29	640,128	4.78
1990	G	991	240,301	638,800	463,415	No Stats	NA	52	678,340	2.82
1992	P	804	146,867	636,800	463,415	6,810	NA	32	717,090	4.88
1992	G	782	315,199	636,800	463,415	24,369	NA	68	752,128	2.39
1992	S	782	164,165	636,800	461,500	12,986	NA	35	393,988	2.40
1994	P	740	139,961	635,000	463,000	6,771	NA	30	675,862	4.83
1994	G	739	241,255	635,000	463,000	14,857	NA	52	633,877	2.63
1996	PP	53	72,530	641,000	473,000	No Stats	NA	15	202,716	2.79
1996	P	705	123,131	641,000	473,000	5,926	NA	26	951,580	7.73
1996	G	717	271,861	641,000	473,000	17,970	NA	57	685,452	2.52

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1998	G	702	217,584	640,883	475,860	18,263	NA	46	658,785	3.03
2000	P	693	94,306	633,666	473,574	5,102	NA	20	851,473	9.02
2000	G	696	292,249	633,666	473,574	37,632	NA	62	731,220	2.50
2002	P	663	128,519	642,200	481,351	8,194	NA	27	774,285	8.87
2002	G	666	237,224	642,200	481,351	34,816	NA	49	714,212	5.06
2004	P	604	92,209	633,837	487,010	6,019	NA	19	786,146	8.53
2004	G	607	316,049	633,837	487,010	51,116	NA	65	751,160	2.38
2006	P	565	111,325	634,366	495,411	8,702	NA	22	826,998	11.55
2006	G	567	220,479	634,366	495,411	34,073	NA	45	876,318	6.31
2008	P	528	102,886	639,715	496,906	14,846 ¹ 5,966 ²	22	20	1,036,309	17.92
2008	G	528	321,133	639,715	496,906	30,690 ¹ 46,534 ²	21	64	1,024,420	5.55
2010	P	505	102,066	646,844	502,873	20,831 ¹ 4,910 ²	25	20 ⁱ	1,018,814	9.98
2010	G	505	240,876	646,844	502,873	32,812 ¹ 32,603 ²	25	47	924,816	3.84
2012	P	426	175,303	672,591	532,776	27,983 ¹ 12,990 ²	26	33	1,352,114	7.71
2012	G	426	325,862	672,591	532,776	39,772 ¹ 55,800 ²	26	61	1,047,767	3.22
2014	P	427	93,624	723,393	545,020	16,188 ¹ 3,262 ²	26	17	1,174,500	12.59
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2016	G	432	349,945	723,393	570,955	42,753 ¹ 40,890 ²	31	61	1,248,307	3.57
2018	P	424	115,226	755,393	581,641	29,600 ¹ 5,876 ²	35	19	1,138,801	9.88
2018	G	424	330,598	755,393	579,621	53,236 ¹ 43,661 ²	35	57	1,210,056	3.66
2020 ³	P	422	160,114	760,077	581,379	160,114	53	27	1,249,906	7.81
2020	G	422	364,251	760,077	581,379	94,465 ¹ 90,756 ²	42	62	2,091,311	5.74
2022	P	398	106,168	774,948	564,935	28,469 ¹ 12,923 ²	36	19	1,445,996	13.62
2022	G	398	242,526	774,948	564,935	39,134 ¹ 30,929 ²	37	43		

*Population estimates calculated by the North Dakota Census Data Center

¹Mail ballots cast in vote-by-mail counties

²Absentee ballots cast in non-vote-by-mail counties

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2016	G	432	349,945	723,393	570,955	42,753 ¹ 40,890 ²	31	61	1,248,307	3.57
2018	P	424	115,226	755,393	581,641	29,600 ¹ 5,876 ²	35	19	1,138,801	9.88
2018	G	424	330,598	755,393	579,621	53,236 ¹ 43,661 ²	35	57	1,210,056	3.66
2020 ³	P	422	160,114	760,077	581,379	160,114	53	27	1,249,906	7.81
2020	G	422	364,251	760,077	581,379	94,465 ¹ 90,756 ²	42	62	2,091,311	5.74
2022	P	398	106,168	774,948	564,935	28,469 ¹ 12,923 ²	36	19	1,445,996	13.62
2022	G	398	242,526	774,948	564,935	39,134 ¹ 30,929 ²	37	43		

*Population estimates calculated by the North Dakota Census Data Center

¹Mail ballots cast in vote-by-mail counties

²Absentee ballots cast in non-vote-by-mail counties

³Due to Covid-19 Pandemic all ballots were cast by mail this election



PROTECTION & ADVOCACY PROJECT

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Senate State & Local Government Committee

Senate Bill 2308 – January 26, 2023

Veronica Zietz, ND Protection & Advocacy Project

Greetings Chair Roers and members of the Senate State & Local Government Committee. My name is Veronica Zietz and I'm the Executive Director of the North Dakota Protection and Advocacy Project (P&A). P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

The Help American Vote Act (HAVA) was signed into law in 2002 and overhauled federal elections in the United States by establishing minimum voting standards that each state and territory must follow. HAVA also authorized the provision of funds to P&A to ensure full participation in the electoral process for individuals with disabilities (Title II, Subtitle D of the Help America Vote Act of 2002).

Voting is a fundamental right and responsibility for all North Dakotans, including those with disabilities that make up approximately 25% of North Dakota voters. The Americans with Disabilities Act and HAVA require state, local, and federal governments to ensure that voters with disabilities have an equal opportunity to vote. A component of ensuring that opportunity exists for people with disabilities is accessibility. Furthermore, polling places are required to reasonably modify policies, practices, and procedures for people with disabilities. Examples of reasonable modifications include voting from home and mailing in a ballot.

Senate Bill 2308 restricts access to voting options needed by people with disabilities who can't easily make it to a polling site. Many individuals with a disability have mobility impairments, lack access to transportation, don't have support people to provide assistance in getting to the polls, or have limited access to technology-based voting solutions. In these situations, mail ballots are essential to participating in the electoral process. I respectfully request the Committee oppose SB 2308, because it will limit voting rights and voting access for individuals with disabilities. Thank you for your time and consideration.

Veronica Zietz, Executive Director ND Protection & Advocacy Project

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Senate State & Local Government Committee

Prepared February 7, 2023

By: Shirley A. Murray, Sheridan County Auditor

RE: Opposition to Senate Bills 2308, 2316, & 2386

Chairperson Roers and committee members. I am Shirley A. Murray, Sheridan County Auditor. I am in opposition of SB Bills 2308, 2316, & 2386

For SB2308 doing away with mail ballots, Sheridan County opposes. Sheridan County is a small rural County in the center of the ND made up of around 834 active voters and has done the mail ballot process since 2012. It has been a great process for Sheridan County, we still have one open polling place in McClusky. The public likes the convenience of the mail ballot. We have around 70% of the public that uses the mail ballot process in Sheridan County every election year. It is also hard to find poll workers to hire so with one open polling place I can find at least 5-7 people to work.

For SB 2316 doing away with electronic scanners, Sheridan County opposes. The ES&S equipment is secure and tested prior to every election. The ballot scanner is not connected to the internet so no tampering can be done. If we did have equipment to scan the ballots most election board would be overnight counting. The election board already have a long 12-16 hr. the way it is and would make mistakes counting the ballots. I am so thankful that Erica Johnsrud, McKenzie County Auditor and Erika White, Burleigh County Election Manager did a equipment demo for you last week to see how the equipment works well. The key is to test everything prior to election day to have a smooth election.

For SB 2386 to go back to paper poll books, Sheridan County opposes. The poll pads and central voter count have been very useful in tracking if a voter were to vote twice. The poll pads do not count any votes, however; the poll pad count for the day plus mail ballots already registered need to come out with the same total of ballots that are ran through the ballot scanner. So it is all accountable.

Please give a DO NOT PASS recommendation on SB 2308, 2316 & 2386