

1999 HOUSE JUDICIARY

HB 1127

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1127

House Judiciary Committee

Conference Committee

Hearing Date January 6, 1999

Tape Number	Side A	Side B	Meter #
1	X		14.7
Committee Clerk Signature <i>Alan Funderberg</i>			

Minutes:

AL JAEGER (SOS) Presented prepared testimony, which is attached.

MICHAEL MONTPLAISIR: (Cass Co. Auditor) Presented prepared testimony, which is attached.

TERRY TRAYNOR (Assoc of Counties) This has the support of all counties.

COMMITTEE ACTION: January 13, 1999

COREY FONG met with the committee and presented suggested amendments.

REP. MEYER moved the adoption of the amendments. Rep Koppelman seconded and the motion passed on a unanimous voice vote.

REP HAWKED moved that the committee recommend a DO PASS AS AMENDED. Rep.

Maragos seconded and the motion passed on a roll call vote with 15 ayes, 0 nays and 0 absent.

Rep. Gunter was assigned to carry the bill on the floor.

FISCAL NOTE

(1 original and 10 copies)

Bill/Resolution No.: HB 1127 Amendment to: _____

Requested by Legislative Council Date of Request: December 29, 1998

- Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

Narrative: It is anticipated that this bill may have either a neutral or decreased financial impact on counties. The intent of the bill is to allow the counting of absentee ballots on election day to be handled in a more timely and efficient manner. The creation of a special absentee ballot precinct will be a county option as provided by the bill. Counties are in the best position to determine whether or not such a precinct will be cost and time effective for their county. By having the option to have such a precinct, it is conceivable that the cost to the county might decrease because: (1) the "regular" precinct election boards will not have to take extra time to handle the counting of absentee ballots; (2) absentee ballots will not have to be transported to the "regular" precincts on election day; (3) the possibility of errors will be decreased.

- State fiscal effect in dollar amounts: No fiscal effect to state.


	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	None	None	None	None	None	None
Expenditures	None	None	None	None	None	None

- What, if any, is the effect of this measure on the budget for your agency or department:

- For rest of 1997-99 biennium: None
(Indicate the portion of this amount included in the 1999-2001 executive budget:)
- For the 1999-2001 biennium: None
(Indicate the portion of this amount included in the 1999-2001 executive budget:)
- For the 2001-03 biennium: None

- County, city, and school district fiscal effect in dollar amounts: No effect for city and school districts because bill does not pertain to them. Potential for savings for County.

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
None	None	None	None	None	None	None	None	None

Signed: 
 Typed Name: Alvin A. Jaeger
 Department: Secretary of State
 Phone Number: 328-2900
 Date Prepared: January 4, 1998

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

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SECRETARY OF STATE

January 8, 1999

TO: Representative DeKrey and Members of the House Judiciary Committee

FR: Cory G. Fong, Elections Director

RE: HB 1127 – Absentee Ballot Precincts - Proposed Amendments

Page 1, line 8, overstrike "or" and insert immediately thereafter "1"

Page 1, line 15, after "." Insert "If the board of county commissioners choose to establish an absentee ballot precinct according to this section, the following provisions apply:"

Page 1, line 16, overstrike "2" and immediately thereafter insert "a"

Page 2, line 3, overstrike "3" and immediately thereafter insert "b"

Page 2, line 4, overstrike "4" and immediately thereafter insert "c"

Page 2, line 9, overstrike "5" and immediately thereafter insert "d"

Re-number accordingly.

Date: 1/13
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1127

House JUDICIARY Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as amended

Motion Made By Hawken Seconded By Maragos

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY	✓		REP. SVEEN	✓	
REP. CLEARY	✓				
REP. DELMORE	✓				
REP. DISRUD	✓				
REP. FAIRFIELD	✓				
REP. GORDER	✓				
REP. GUNTER	✓				
REP. HAWKEN	✓				
REP. KELSH	✓				
REP. KLEMIN	✓				
REP. KOPPELMAN	✓				
REP. MAHONEY	✓				
REP. MARAGOS	✓				
REP. MEYER	✓				

Total (Yes) 15 No 0

Absent 0

Floor Assignment Gunter

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

REPORT OF STANDING COMMITTEE

HB 1127: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike the second "or", after "~~legislative~~" insert an underscored comma, and after "district" insert an underscored comma

Page 1, line 21, after the overstruck period insert "If the board of county commissioners chooses to establish an absentee ballot precinct according to this section, the following provisions apply:

a."

Page 2, line 3, overstrike "3." and insert immediately thereafter "b."

Page 2, line 6, overstrike "4." and insert immediately thereafter "c."

Page 2, line 9, overstrike "5." and insert immediately thereafter "d."

Renumber accordingly

1999 SENATE JUDICIARY

HB 1127

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1127

Senate Judiciary Committee

Conference Committee

Hearing Date March 2, 1999

Tape Number	Side A	Side B	Meter #
1		x	3000 - 3700
Committee Clerk Signature <i>Jackie Follman</i>			

Minutes:

HB1277 relates to absentee ballot precincts.

SENATOR STENEHJEM opened the hearing on HB1277 at 10:55 A.M.

All were present except Senator C. Nelson.

CORY FONG, Secretary of State's Office, testified in support of HB1127. Testimony attached.

SENATOR WATNE asked about the county auditor appointing the committeeman, how does he determine if they are Republican or Democrat.

CORY FONG stated that this is the same process for setting up a resolution board on election night and they go to great pains so they are balanced.

MICHAEL MONTPLAISIR, Cass County Auditor, submitted written testimony in support of HB1127. Testimony attached.

SENATOR STENEHJEM CLOSED the hearing on HB1127.

Page 2

Senate Judiciary Committee

Bill/Resolution Number HB1127

Hearing Date March 2, 1999

SENATOR WATNE made a motion for DO PASS, SENATOR BERCIER seconded. Motion carried. 4 - 0 - 2

SENATOR STENEHJEM asked if this could be put on the Consent Calendar. No objection.

SENATOR BERCIER will carry this bill.

Date: 3-2-99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1127

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass on Consent Calendar

Motion Made By Senator Watne Seconded By Senator Bercier

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor					
Senator Dennis Bercier	X				
Senator Carolynn Nelson					

Total (Yes) 4 No 0

Absent 2

Floor Assignment Senator Bercier

REPORT OF STANDING COMMITTEE (410)
March 2, 1999 12:35 p.m.

Module No: SR-37-3841
Carrier: Bercier
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1127, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1127 was placed on the Tenth order on the calendar.

1999 TESTIMONY

HB 1127



January 5, 1999

Representative Duane DeKrey
Chairman, Judiciary Committee
State Capitol
Bismarck ND 58505

Auditor

Michael Montplaisir, CPA
701-241-5601

RE: House Bill 1127

Treasurer

Charlotte Sandvik
701-241-5611

Dear Representative DeKrey:

Director of Equalization

Frank Klein
701-241-5616

House Bill 1127 is a corrective bill that would allow counties like ours to use the Absentee Ballot Precinct. The current statute allows the absentee ballot precinct only if we set up a separate precinct for each legislative district in the county.


What we are looking for as a result of this legislation is some relief for our election workers on election day without sacrificing the integrity of the election process. In the 1998 General Election, Cass County had eleven precincts with over 1,000 voters; in the 1996 General Election, twenty-two precincts had over 1,000 voters and three of those had over 2,000 voters. The number of voters in the precinct includes both the walk-in voters and absentee voters.

We are trying to make changes in our precinct sizes; however, with rapid growth in Cass County we will always have some very large precincts. One way to provide relief to the election boards is by using the absentee precinct concept. Cass County has not utilized this law in the past because of the number of legislative districts in the county. Some of our precincts have received several hundred absentee ballots in the past and with the relaxing of the rules regarding absentee voting this is sure to grow.

We can ensure the integrity of the voting process with the absentee precinct. Through the use of computer software we are able to keep accurate, up-to-date records on who has applied for an absentee ballot and who has returned their ballot prior to election day. These lists can be made available to the local precinct on election day.

I urge you to support House Bill 1127.

Sincerely,


Michael Montplaisir, CPA
County Auditor

Box 2806
211 Ninth Street South
Fargo, North Dakota 58103

cc: House Judiciary Committee members

FAX 701-241-5728



SECRETARY OF STATE

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

January 6, 1999

TO: Representative DeKrey and Members of the House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: HB 1127 – Absentee Ballot Precincts

During the 1997 Legislative Session, voting in North Dakota was made easier when the absentee voting process was changed to eliminate the need for voters to provide a reason to vote absentee. This change essentially eliminated the requirement that voters be absent from their voting precincts on Election Day in order to vote absentee.

During the 1998 General election, while the total number of voters was down from previous elections, we saw an increase in the overall percentage of voters who took advantage of the absentee voting process. Almost 10% of the votes cast in the 1998 General Election were cast through the absentee voting process. Voting trends indicate that this percentage of absentee voters will likely increase over time which will create more and more absentee ballots for election boards to process on Election Day. As it is now, some election boards in North Dakota's larger precincts have to process nearly 300 absentee ballots on Election Day in addition to those regular ballots cast at the poll.

Under the current law, counties may choose the option of establishing absentee ballot precincts for the purpose of processing absentee ballots. House Bill-1127 is intended to continue giving counties that option. However, the changes offered by House Bill 1127 will make this option more usable for counties and ultimately provide a more efficient and effective method for processing absentee ballots on Election Day.

There are only two significant changes that House Bill 1127 makes to the current law. First, House Bill 1127 will allow a county to establish one absentee ballot precinct to serve the entire county versus each legislative district within the county. Under current law, counties like Cass, Burleigh, Grand Forks, or Ward counties would have to establish too many absentee ballot precincts to make it an efficient or cost effective option to choose.

Second, the method for appointing an election board to oversee a countywide absentee ballot precinct has been changed to coincide with the method for appointing a countywide resolution board that serves on election night. That method relies on the county auditor appointing one independent inspector along with an equal number of representatives from both political parties represented on a county election board to serve as judges.

By having the option to establish one absentee ballot precinct in the county versus multiple, it is conceivable that the cost to the county might decrease and overall efficiency in processing absentee ballots will be enhanced for the following reasons:

1. The "regular" precinct election boards will not have to take extra time to handle the counting of absentee ballots;
2. Absentee ballots will not have to be transported to the "regular" precincts on Election Day;
3. The possibility of errors will be decreased in the absentee ballot counting process; and
4. Consistency will be brought to the absentee ballot counting process.

For these reasons, I encourage your support for House Bill 1127.



March 1, 1999

Auditor

Michael Montplaisir, CPA
701-241-5601

Treasurer

Charlotte Sandvik
701-241-5611

Director of Equalization

Frank Klein
701-241-5616

Senator Wayne Stenehjem
Chairman, Judiciary Committee
State Capitol
Bismarck ND 58505

RE: House Bill 1127

Dear Senator Stenehjem:

House Bill 1127 is a corrective bill that would allow counties like ours to use the Absentee Ballot Precinct. The current statute allows the absentee ballot precinct only if we set up a separate precinct for each legislative district in the county.

We are looking for some relief for our election workers on election day without sacrificing the integrity of the election process. In the 1998 General Election, Cass County had eleven precincts with over 1,000 voters; in the 1996 General Election, twenty-two precincts had over 1,000 voters and three of those had over 2,000 voters. The number of voters in the precinct includes both the walk-in voters and absentee voters.

We are trying to make changes in our precinct sizes; however, with rapid growth in Cass County we will always have some very large precincts. One way to provide relief to the election boards is by using the absentee precinct to process the absentee ballots. Some of our precincts receive several hundred absentee ballots and with the relaxing of the rules regarding absentee voting this is sure to grow. Cass County has not utilized this law in the past due to the requirement of one absentee precinct per legislative district.

We can ensure the integrity of the voting process with the absentee precinct. Through the use of computer software we are able to keep accurate, up-to-date records on who has applied for an absentee ballot and who has returned their ballot prior to election day. These lists can be made available to the local precinct on election day.

I urge you to support House Bill 1127.

Sincerely,


Michael Montplaisir, CPA
County Auditor

Box 2806
211 Ninth Street South
Fargo, North Dakota 58103

FAX 701-241-5728



SECRETARY OF STATE

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

March 2, 1999

TO: Senator Stenehjem and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: **HB 1127 – Absentee Ballot Precincts**

During the 1997 Legislative Session, voting in North Dakota was made easier when the absentee voting process was changed to eliminate the need for voters to provide a reason to vote absentee. This change essentially eliminated the requirement that voters be absent from their voting precincts on Election Day in order to vote absentee.

During the 1998 General election, while the total number of voters was down from previous elections, we saw an increase in the overall percentage of voters who took advantage of the absentee voting process. Eight percent of the votes cast in the 1998 General Election were cast through the absentee voting process. Voting trends indicate that this percentage of absentee voters will likely increase over time which will create more and more absentee ballots for election boards to process on Election Day. As it is now, some election boards in North Dakota's larger precincts have to process nearly 300 absentee ballots on Election Day in addition to those regular ballots cast at the poll.

Under the current law, counties may choose the option of establishing absentee ballot precincts for the purpose of processing absentee ballots. House Bill 1127 is intended to continue giving counties that option. However, the changes offered by House Bill 1127 will make this option more usable for counties and ultimately provide a more efficient and effective method for processing absentee ballots on Election Day.

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