

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2372

2001 SENATE JUDICIARY

SB 2372

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2372

Senate Judiciary Committee

Conference Committee

Hearing Date February 12th, 2001

Tape Number	Side A	Side B	Meter #
1		x	34-55.5
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2372: A BILL FOR AN ACT TO AMEND AND REENACT A NEW SUBSECTION TO SECTION 16.1-07-08 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO ABSENT VOTER'S BALLOTS; AND TO AMEND AND REENACT SECTION 16.1-07-04 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO THE DISTRIBUTION OF ABSENT VOTER'S BALLOTS.

Senator Dever, representing district 32. The bill concerns itself with absentee ballots. Was asked to support this bill.

Cory Fong, from the secretary of state's office. (testimony attached)

Senator Watne, regarding section 1, officers authorized to distribute absent voter's ballots under this chapter shall ensure all ballots used as absent voter's ballots are secure at all times and accessible only to those persons under the officer's supervision for distribution. Are those just at the colleges?

Cory Fong, no, they are done are local schools.

Page 2

Senate Judiciary Committee

Bill/Resolution Number SB 2372

Hearing Date February 12th, 2001

Senator Watne, that is the actual ballot themselves.

Senator Bercler, are there complaints your responding to?

Cory Fong, yes down in a school district. The ballots were not being properly secure. The individual did not allow voters to vote in private.

Senator Bercler, why change?

Cory Fong, because there is so many absentee voting, we need more security.

Senator Traynor, what happens if that security is violated?

Cory Fong, there are penalties regarding that.

Senator Traynor closed the hearing on SB 2372.

**SENATOR WATNE MOTIONED TO DO PASS, SECONDED BY SENATOR
TRENBEATH. VOTE INDICATED 5 YEAS, 2 NAYS AND 0 ABSENT AND NOT
VOTING. SENATOR DEVER VOLUNTEERED TO CARRY THE BILL.**

33.0 - 35.8
TAPE 2 Side A-

Date: 2/12/01
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2372

Senate Judiciary Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Watne Seconded By Trenbeath

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.		X
Watne, D. Vice Chairman	X		Nelson, C.		X
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Dever

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

REPORT OF STANDING COMMITTEE (410)
February 12, 2001 4:49 p.m.

Module No: SR-25-3136
Carrier: Dever
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2372: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS
(5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2372 was placed on the
Eleventh order on the calendar.

2001 HOUSE POLITICAL SUBDIVISIONS
SB 2372

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2372

House Political Subdivisions Committee

Conference Committee

Hearing Date 3-8-01

Tape Number	Side A	Side B	Meter #
1		xx	540--1700
Committee Clerk Signature <i>Ann Deen</i>			

Minutes: Chair Froseth opened the hearing on SB2372 relating to the distribution of absent voter's ballots.

Cory Fong, Sec. State Office : here in support of SB2372. (SEE ATTACHED TESTIMONY)

Chair Froseth : Has there been a problem?

Cory : We had an incident in a school board election in SW North Dakota. The business manager got the absentee ballots out of control. We wanted to make sure that voters have as much secrecy as possible when voting absentee, also. We drafted this bill.

Rep. Grosz : (899) Because of the nature of the absentee, they can't be secured at all times. Aren't we opening up the liability for voting officials?

Cory : We mean in their offices. That's when we want them secure. We want to make sure that only the ones who are authorized to distribute the ballots are the only one who do. Not neighboring offices, etc.

Chair Froseth : Old people ask for help filling out absentee ballots. I was wondering if the Sec. of State has ever thought about how this is probably misused often?

Cory : Yes, we did. We also thought about what to do with the wide distribution of absentee ballot applications. We were confined to how that could be restricted. Political parties distribute. We thought about putting something else on this bill. We didn't want to restrict candidates from taking applications for absentee ballots with them as they go door-to-door. To your concern about individuals getting help. There are instructions in statute that allow people to receive assistance and have been on the books for some time. Only certain persons can help. A person's employer can't, or a union agent, nor a candidate can help.

Rep. Delmore : This statute would apply for absentee ballots that are mailed.

Cory : Yes.

Rep. Ekstrom : During the last election people call and ask me who they should vote for. Was this a violation for me to do?

Cory : Everyone in this room has probably had these types of questions. It's different if they have a ballot in front of them. You are O.K.

Sen. Dever, Dist. 32 : sponsor and support this bill. If we were to have a Florida in ND, the Sec. of State would be held accountable. I have a great deal of respect for the office and what they do. These ballots are important and so is this bill.

Chair Froseth : We have seen several bills come forward because of what happened in Florida.

Chair Froseth : The hearing on SB2372 is closed.

Rep. Maragos : I move a DO PASS. Rep. Herbel : I second.

VOTE: 13 YES and 0 NO with 2 absent. PASSED. Rep. Disrud will carry the bill.

Date: 3/8/01
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 5A 2377

House POLITICAL SUBDIVISIONS Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Maragos Seconded By Rep. Herbel

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓		Rep. Wayne W. Tieman	✓	
Vice-Chair Dale C. Severson	✓				
Rep. Lois Delmore	✓				
Rep. Rachael Disrud	✓				
Rep. Bruce Eckre	✓				
Rep. Mary Ekstrom	✓				
Rep. April Fairfield	AB				
Rep. Michael Grosz	✓				
Rep. Jane Gunter	✓				
Rep. Gil Herbel	✓				
Rep. Nancy Johnson	AB				
Rep. William E. Kretschmar	✓				
Rep. Carol A. Niemeier	✓				
Rep. Andrew G. Maragos	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Rep. Disrud

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

REPORT OF STANDING COMMITTEE (410)
March 8, 2001 11:15 a.m.

Module No: HR-40-5107
Carrier: Disrud
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2372: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2372 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE (410)
March 14, 2001 9:40 a.m.

Module No: HR-44-5542
Carrier: Disrud
Insert LC: . Title: .

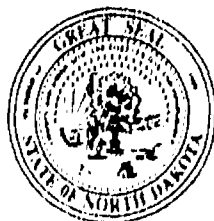
REPORT OF STANDING COMMITTEE

SB 2372: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2372 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2372

ALVIN A. JAEGER
SECRETARY OF STATE



PHONE (701) 328 2900
FAX (701) 328 2902

HOME PAGE: <http://www.state.nd.us/soc>

E-MAIL: sov@state.nd.us

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

February 12, 2001

TO: Senator Jack Traynor & Members of the Senate Judiciary Committee
FR: Cory Fong, Secretary of State's Office
RE: **HB 2372 - Distribution of Absentee Ballots**

Absentee voting has grown increasingly popular during the past two election cycles. This increase can primarily be attributed to changes made to the laws governing absentee voting that have made the process less restrictive and cumbersome. The changing lifestyle of our voters has also contributed to the increase in absentee voting along with recent promotion by the state's political parties and other interests groups of its ease and convenience.

However, this increase in absentee voting has raised concerns about the security and integrity of the process. This is especially true as it pertains to the handling and distribution of absent voter's ballots by responsible election officials along with the instructions provided to early absentee voters.

Senate Bill 2372 is intended to strengthen and clarify the responsibilities of election officials who are charged with the responsibility of handling and distributing absentee ballots and ensure that all absentee voters are provided instructions for voting absentee and are made aware of their right to vote in secret.

Section 1

Section 1 specifies in statute that officers authorized by Chapter 16.1-07 (Secretary of State, County Auditors, City Auditors, School Business Managers) to distribute absent voter's ballots shall take measures to ensure all ballots used as absent voter's ballots are secure at all times and accessible only to those persons authorized to distribute absent voter's ballots.

Section 2

Section 2 requires each person requesting an absent voter's ballot to be provided with a set of voting instructions, as set forth by the Secretary of State, sufficient to describe the process for voting an absent voter's ballot.

Section 2 also requires these instructions to include a statement that electors are entitled to complete absent voter's ballots in secrecy.

For these reasons, I encourage a do pass on HB 2372.



NORTH DAKOTA SENATE



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

COMMITTEES
Judiciary
Vice Chairman
Political Subdivisions

Senator Darlene Watne
District 5
520 28th Avenue SW
Minot, ND 58701-7065

Chairman Traynor and Members of the Senate Judiciary:

Have you ever noticed Realtors' ads or business cards with letters behind their names? You will see CRS, GRI, RMM, and others. These indicate passage of intensive courses, classes, in real estate knowledge. We are under continuing education programs to keep these certifications.

CRS is a Certified Residential Specialist, GRI is a Graduate of the Real Estate Institute, RMM is a Real Estate Marketing Master.

I hold these three designations. In every one of these classes I was taught by the experts that when parties negotiate a lease on a property, which is usually for a year, at the end of that lease it automatically keeps going on a month-to-month basis unless one of the parties steps in and gives a 30 day notice of a change. That notice could be a notice that the renter is moving out, it could be that the owner evicts. Any other changes to that lease would have to be negotiated by the parties. If you read the present law in this bill, this seems a logical interpretation.

However, we are having some courts, particularly in the Fargo area, interpret this differently, and this is giving some problems to Realtors and property managers.

Therefore the underlined portion of this bill is simply stating what the law already is, to further fortify the law, so the courts will all interpret our law in the same way. This bill is simply clarifying, and as I say "fortifying" the present law. I urge a DO PASS.

Respectfully,

Darlene Watne
Senator Fifth District

