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DESCRIPTION

2422

2001 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2422

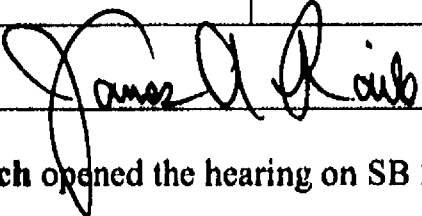
2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2422

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date February 8, 2001

| Tape Number   | Side A | Side B | Meter #   |
|---|--------|--------|-----------|
| 2   | X      |        | 5.0-33.5  |
| 3   | X      |        | 29.4-32.5 |
|   |        |        |           |
| Committee Clerk Signature  |        |        |           |

Minutes: **Chairman Krebsbach** opened the hearing on SB 2422 which relates to references to party affiliation in petitions of candidates for city elective offices. **Senator Gary Nelson** prime sponsor of the bill appeared before the committee to introduce the bill to the committee. He indicated that he would turn the introduction of the bill over to **Curly Haugland**, Chairman of the North Dakota Republican Party. **Curly Haugland**, Chairman of the North Dakota Republican Party took the podium at this time and introduced the bill to the committee members. A copy of his written testimony is attached. **Senator C. Nelson**, indicated that she had a couple of concerns here. She indicated that she comes from a district that whether it had and R or D after it, it wouldn't have made any difference to anybody anyway because they tend to vote very independently. He concern is with these lines 13 to 15 where it says you can add up to 5 words. What kind of control do we have on those 5 words? She can imagine some screwball putting some strange things on ballots and she thinks that takes away from what a ballot is. You need to write something specific or nothing at all as far as she is concerned. She really has a problem

with allowing everybody to make up five words that you pick the principle that they represent. You've got the first amendment right of free speech so we can't control that. **Mr. Haugland** indicated he didn't have any particular disagreement with that. This is language that came back from legislative council. Apparently in response to something that stimulated them to include it. The intention is simply to remove the prohibition that currently prohibits people from identifying with political parties. The issue is a principle thing was probably intended to make it a little more inclusive and perhaps maybe there are people who would like to say, for instance in a school district election, I'm Joe Smith and I want everybody to know that I am opposed to the new building. No new buildings or something like that. **Senator C. Nelson**, you just said what my concern is. If you start politicking on ballots, I have a problem with that. **Senator G. Nelson** indicated to the chairman that he would like to respond to Senator C. Nelson's question/concern. He indicated that he can understand her concern. He thinks that the thinking in the drafting of the bill was to allow other party names that may want to be included on the ballot. How we can make it specific to keep it out of campaigning. He would not disagree with amending the bill to make it more specific to what party does that person represent. **Chairman Krebsbach**, in other words limit it to strictly party affiliation. **Senator G. Nelson** thanked the committee for hearing the bill and indicated he wanted to go on record in support of the bill. Appearing in a neutral position on the bill was **Secretary of State, Al Jaeger**. He indicated that he did not have any prepared comments to hand out but he did have a couple of comments to make. His only purpose here was to talk about logistical and mechanical things with ballots. To begin with he passed out testimony that Kevin Glatt, the Burleigh County Auditor had asked him to pass out. That deals primarily with concerns about the primary election. In the fact that by state law the, with the exception of home rule cities who have specific provisions, all city

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elections have to be held with the June election. What Mr. Gilatt's concern is that in the June election we have specific party ballots and there is a Democrat and a Republican and whatever other parties we have but he thinks this memo is addressed to fact that if all of a sudden people go into the traditional city no party ballot and seek party identifications there might be some confusion about that. That is a logistical thing that he wished to bring up. The second thing that was brought up is what you can enter in. Previous testimony indicated that it could be restricted to just political parties. He indicated he wanted to remind committee members of a law change that was made in 1995 by the legislature. Where there was a little unknown provision in state law that basically said in the cities the candidates could have a statement of no more than twenty words placed on the ballot. Some of these things get in the law and all of a sudden in the 1995 Fargo city election somebody realized that this law is there and used it. There was no way to stop them. The county auditor indicated that the people were not happy with it. Secretary Jaeger indicated that he would raise some questions if the bill didn't amended to where who is going to say that, what authority would he have as the person who certifies the ballot, but on the county level how would the auditor screen something that was verbally inappropriate, even obscene or something like that. You need to be careful with that. We also have a concern related to timelines. By state law all the filing deadlines are fixed two days prior to an election. At the state level on the 55th day he must certify the ballot. On the local election the individual county auditors or the city auditors or whomever is responsible for whatever they have to do have to certify that ballot. We only have a 5 day turn around and then they have 15 days to get that ballot prepared for absentee voting. This already is a very challenging job. Quite frankly most auditors do not meet these 40 days. Most of the challenge is how to arrange the ballot and get it all balanced and each additional sheet that they need is very costly on this scanning equipment.

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2422

Hearing Date February 8, 2001

There were no questions from the committee. Appearing in opposition to the bill was **Alan Erickson**, Renville County commissioner. A copy of his written testimony is attached. **Ron Anderson**, former state representative, appeared in opposition and indicated that this bill is the old nose under the tent. Trying to add party affiliations to the no party ballot is not the way to go. There is no room for the allowance of party affiliations on the no party ballot because then you don't have a no party ballot. **Ken Teubner**, Towner County Commissioner, appeared in opposition to the bill. A copy of his written testimony is attached. **Wayne Sanstead**, State Superintendent of Public Instruction appeared testifying in opposition to the bill. **Connie Sprynczynatk**, North Dakota League of Cities appeared before the committee. She indicated what she likes about this bill is that it is permissive. If it is permissive and somebody decides to do it are others going to feel compelled to do it. The real concern by city people is that they don't have a primary and a general election except for a very few home rule cities. Overall she is opposed to this legislation. There was nothing further at this time. The hearing was closed on SB 2422. SB 2422 was opened for discussion. A motion for Do Not Pass was made by **Senator T. Mathern**, seconded by **Senator Wardner**. Roll Call Vote indicated 6 Yeas, 0 Nays, 0 Absent or Not Voting. **Senator T. Mathern** will carry the bill.

Date: 2/08/01  
Roll Call Vote #:

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2422

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Moved By Sen. T. Mathern Seconded By Sen. Wardner

| Members                       | Yes | No | Senators               | Yes | No |
|-------------------------------|-----|----|------------------------|-----|----|
| Senator Karen Krebsbach, Chr. | ✓   |    | Senator Carolyn Nelson | ✓   |    |
| Senator Dick Dever, Vice-Chr. | ✓   |    | Senator Tim Mathern    | ✓   |    |
| Senator Ralph Kilzer          | ✓   |    |                        |     |    |
| Senator Rich Wardner          | ✓   |    |                        |     |    |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. T. Mathern

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



REPORT OF STANDING COMMITTEE (410)  
February 8, 2001 5:26 p.m.

Module No: SR-23-2809  
Carrier: T. Mathern  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2422: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)**  
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2422 was placed on the Eleventh order on the calendar.

2001 TESTIMONY

SB 2422

SENATE BILL NO. 2422

SENATE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
Thursday, February 8, 2001 10:30 A.M.

Madam Chairman and members of the committee;

Senate Bill 2422 is a bill to amend Section 16.1-11-08 to create EXCEPTIONS to the law that currently prohibits any reference to party affiliation in local elections for county offices and to repeal Section 40-21-06 which prohibits reference to party affiliation in municipal elections.

School district elections are held in the same manner as those for county officials; however, there currently is no prohibition of reference to party affiliation in school board elections. Ballots for school board elections are also arranged in a no party format.

This bill is simply to remove current prohibitions to reference of party affiliation and not a bill to require party affiliation in any way, shape or form.

It does, however, allow candidates who choose to do so to request that the no-party ballot provide for "reference to a designation in not more than five words of the party or principle that the candidate represents."

This bill will offset one of the negative, unintended consequences of the change to four year terms for members of the state house of representatives. The reduction in political activity in legislative districts will result in a decrease of the level of interest in the political process and cause local district organizations to deteriorate.

Some of the potential benefits that may result from the passage of this bill include:

More interest in local elections.

More aggressive campaigns for local office due the availability of party volunteers.

Parties will have a "farm team" system to groom candidates for legislative and statewide office.

More interest in and awareness of local public policy issues.

Greater grassroots participation in the total political process.

I hope this bill will find favor with you and appreciate your thoughtful consideration.

Testimony of Curly Haugland, Chairman, ND Republican Party.

