

**2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1238**

# 2021 HOUSE STANDING COMMITTEE MINUTES

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

HB 1238  
1/28/2021

Relating to polling places
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**Vice Chair B. Koppelman** opened the hearing at 8:16 a.m.

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

### Discussion Topics:

- Polling place opportunity for electors

**Rep. Kasper** introduced and testified in favor of HB 1238.

**Donnell Preskey, ND Association of Counties**, testified in favor.

**Jim Silrum, Deputy Secretary of State**, testified neutral, #3784.

**Vice Chair B. Koppelman** closed the hearing at 8:57 a.m.

*Carmen Hart, Committee Clerk*

ALVIN A. JAEGER  
SECRETARY OF STATE

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PHONE (701) 328-2900  
FAX (701) 328-2992

E-MAIL [sos@nd.gov](mailto:sos@nd.gov)

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

January 28, 2021

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

FR: Jim Silrum, Deputy Secretary of State on behalf of Secretary of State Al Jaeger

RE: HB 1238 – Polling places.

**Section 1**, page 1, line 19: To be consistent with terminology used in existing sections of election law, we recommend the committee amend the wording from, "one voting place" to "one polling place." This consistency improves search functionality when looking for similar references throughout the North Dakota Century Code.

Respectfully submitted.

# 2021 HOUSE STANDING COMMITTEE MINUTES

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

HB 1238  
2/4/2021

Relating to polling places
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**Chairman Kasper** opened the committee work meeting at 4:33 p.m.

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

### Discussion Topics:

- Amendment discussion

**Vice Chair B. Koppelman** moved to amend on Page 1 line 19, replace "voting" with "polling"; line 20, remove "However, if a legislative district"; remove lines 21 through 24. **Rep. Stemen** seconded the motion. **Voice vote. Motion carries.**

**Vice Chair B. Koppelman** moved **Do Pass as amended** **Rep. Magrum** seconded the motion.

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

**Motion passes.** 10-3-1. **Rep. Magrum** is the carrier.

**Chairman Kasper** closed the meeting at 4:41 p.m.

*Carmen Hart, Committee Clerk*

February 4, 2021

  
2/4/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1238

Page 1, line 19, replace "voting" with "polling"

Page 1, line 20, remove "However, if a legislative district"

Page 1, remove lines 21 through 24

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1238: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1238 was placed  
on the Sixth order on the calendar.

Page 1, line 19, replace "voting" with "polling"

Page 1, line 20, remove "However, if a legislative district"

Page 1, remove lines 21 through 24

Renumber accordingly

**2021 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1238**



# 2021 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Room JW216, State Capitol

HB 1238  
3/4/2021

<b>Relating to polling places</b>
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**Chair Vedaa** opened the hearing at 10:35 AM with Sen Vedaa, Meyer, Elkin, K Roers, Weber, Wobbema, and Marcellais present.

**Discussion Topics:**

- Vote Center
- Multiple counties effected last elections
- Election equipment
- District boundaries

**Rep Kasper – Dist 46** – Introduced the bill #7433

**Donnell Preskey – ND Association of Counties** – opposed #7369

**Shanda Brost – Mercer County Auditor's office** – opposed #7436

**Don Morrison – ND Voters First** - opposed #7401

**Erika White – Burleigh County Auditor's office** – opposed

**Jim Silrum – Deputy ND Sec of State** – testified neutral

**Additional written testimony:** None

Adjourned at 11:30 AM

*Pam Dever, Committee Clerk*

21.0576.04001  
Title.

Prepared by the Legislative Council staff for  
Representative Kasper  
February 26, 2021

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1238

Page 1, line 17, after the first "district" insert ", including each legislative district comprising more than one county."

Page 1, line 18, remove "In any legislative district that comprises"

Page 1, remove lines 19 and 20

Page 2, line 19, overstrike "The" and insert immediately thereafter "If required by section 16.1-04-02, the"

Page 2, line 19, remove ", in"

Page 2, line 20, remove "accordance with section 16.1-04-02."

Renumber accordingly

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1238

Introduced by

Representatives Kasper, B. Koppelman, Lefor, Louser, Pollert, Rohr, D. Ruby, Steiner

Senators Meyer, Myrdal

1 A BILL for an Act to amend and reenact sections 16.1-04-02 and 16.1-11.1-01 of the North  
2 Dakota Century Code, relating to polling places.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 16.1-04-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **16.1-04-02. Polling places - Duties and responsibilities of the board of county**  
7 **commissioners or the governing body of the city.**

8 The board of county commissioners of each county:

- 9 1. Shall designate one or more polling places for each precinct. However, the polling  
10 places for ~~precincts~~ a precinct that includes territory located within the boundaries of  
11 any incorporated city must be designated, and altered if required, by the governing  
12 body of the city.
- 13 a. Each incorporated city that has a population of over one thousand must have at  
14 least one polling place within the city open on the day of a statewide election,  
15 unless the city is included in a county with a vote center compliant with  
16 subsection 3 of section 16.1-04-02 which is open on the day of the election.
- 17 b. Each legislative district, including each legislative district comprising more than  
18 one county, must have at least one polling place within the district open on the  
19 day of a statewide election. ~~In any legislative district that comprises more than~~  
20 ~~one county, at least one polling place within the district in each county must be~~  
21 ~~open on the day of a statewide election.~~
- 22 c. Polling places may not be designated later than the sixty-fourth day before an  
23 election.

2. Shall provide that all polling places are accessible to the elderly and the physically disabled.
3. May utilize vote centers that contain all of the precincts in a county so that any qualified elector of the county may choose to cast a ballot in that polling place. Qualified electors may vote early at early voting precincts, by absentee ballot, at a polling place of their residential precinct, or at a county vote center. Vote center polling places must serve as a designated polling place for at least one precinct in the county in addition to serving as the site where any county voter may cast a ballot.
4. May change the location of a polling place previously established by the board by the sixty-fourth day immediately preceding an election when there is good and sufficient reason. When a polling place is changed under this provision, the name and location of the new polling place must be prominently posted on or near the main entrance of the prior polling place on the date of the first election held following the change.

**SECTION 2. AMENDMENT.** Section 16.1-11.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11.1-01. Counties may conduct mail ballot elections - Polling places - Records.**

1. The board of county commissioners of a county may conduct an election by mail ballot. The mail ballot election must include city elections administered by the county auditor and may include any other election administered by the county auditor pursuant to an agreement with the governing body of a political subdivision within the county. ~~The~~ Self required by section 16.1-04-02. the board and the governing body of a city shall designate ~~one or more, in accordance with section 16.1-04-02,~~ polling places in the county to be open on the day of the election for voting in the usual manner. The county auditor shall place a notice at all polling places in the county used at the last statewide election which states the location of the polling places open for the election. The county auditor shall keep a record of each mail ballot provided to qualified electors and provide to the election board at each polling place open on the day of the election a list of every person who applied for a mail ballot.
2. The board of county commissioners of a county may conduct an election partially by mail ballot. If the board of county commissioners chooses to conduct an election partially by mail ballot, the commission may use mail ballots for any precinct in which

Sixty-seventh  
Legislative Assembly

- 1 fewer than four hundred votes were cast for the office of governor at the last general
- 2 election at which that office was on the ballot.



Testimony Prepared for the  
**Senate GVA**

March 4, 2021

By: Donnell Preskey, NDACo



**RE: Opposition to HB 1238: Relating to polling locations in Legislative Districts**

Good Morning, Chair Vedaa and committee members, I'm Donnell Preskey representing the North Dakota Association of Counties. In my role at NDACo, I serve as Executive Director for the North Dakota County Auditors Association. The auditors stand in opposition to HB 1238.

As HB 1238 was introduced, it was a fine bill. It sought to clarify that each legislative district was required to have at least one polling location; unless the county it was in had a vote center. County auditors did not oppose this bill – nor did anyone else. However, during committee work the committee amended HB 1238 and it now drastically changes the bill and has severe consequences for counties.

We would urge this committee to give HB 1238 a Do Not Pass recommendation or revert the bill to its original language as it was introduced with exception to the correction made on **page 1, line 19** with using the word polling instead of voting.

Here are our reasons for opposing the language added in **Section 1 b** which will require counties to have a polling location in every legislative district. This removes the rationality county auditors use in choosing sites to utilize for polling locations. Locations will be selected regardless of being suitable polling locations just to meet this new requirement. Can the legislature guarantee that there will be suitable locations in the legislative district to use for an election? What if there is no town in a legislative district in a county? Here are a few examples of how it will change things in some of our rural counties.

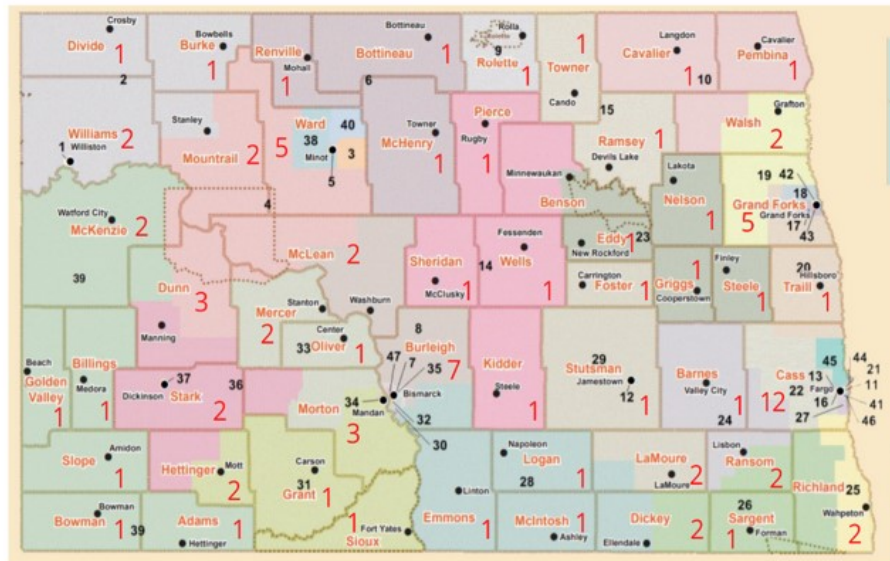
Mercer county has two legislative districts. One encompasses a very small area of the county. So small, it has only 9 voters. What sense does it make to have a polling location open for 9 voters?

Grand Forks County reduced their polling location to one and there are five legislative districts. Dunn county has three legislative districts and utilized 2 polling locations as vote centers. The counties of Mercer, Hettinger, LaMoure, Ransom, Stutsman, and Walsh have 2 legislative districts in their boundary – those counties all used 1 polling location in 2020. This bill would require them to add an additional location and again, not allow them to use their discretion as to where that location should be based on the data for where eligible voters are located.

Supplementing my testimony is a state map of showing the counties and the North Dakota Legislative Districts. The red number indicates how many polling locations this bill would require them to have.

# Legislative Districts by County

Red number indicates the voting places in each county  
if HB 1238 is Approved



Maybe this change was made in response to a decrease in polling locations across the state. There were 100 fewer polling locations in 2020 compared to those in 2018. (116 polling locations in 2020; 215 polling locations in 2018) Mr. Chairman, as you know, we had many challenges in 2020 associated with the COVID-19 pandemic which impacted our elections. Our counties made difficult election decisions while trying to make our elections as accessible as possible. We saw more counties use vote centers allowing anyone in that county to vote at any vote center location. In addition, early voting was offered in more counties than ever before. And 39 counties went vote by mail.

This bill (**Section 2, lines 23-24**) also jeopardizes the current vote by mail practices. Current law requires vote by mail counties to have at least one polling location open on Election Day. However, if this bill passes, a vote by mail county with more than one legislative district will be required to have polling locations equal to the legislative districts and located in those areas.

The bottom line is with HB 1238, we will see voting places in locations where they may not be the most efficient or convenient for voters but are chosen because it is the only option for voting in that legislative district.

These are local decisions. Let us trust our county commissioners and auditors to figure out where polling places should be located. Please give make the requested changes or give HB 1238 a DNP recommendation.

Testimony for the  
Senate GVA Committee  
3/4/21  
Shana L. Brost, Mercer County Auditor

My name is Shana Brost. I am the Auditor and Election Official in Mercer County. I am here to speak in opposition to HB 1238 which will require a polling location in every legislative district.

If passed, this bill will have many unintended consequences for Mercer County. The following examples help illustrate that this requirement is not logical in Mercer County.

At every polling place there is an election board that is comprised of an inspector, two judges—one from each party, and two clerks. With less than a dozen active voters in District 4, it would be very tough to find volunteers to sit on this board.

District 4 is also located in the northwestern part of Mercer County and does not have an incorporated city within the district. Our county would be faced with the difficult issue of finding a location for that polling place.

If HB 1238 passes, Mercer County would also see a fiscal impact. We do not have enough equipment for a third polling location, not to mention the added expenses of election board pay for training, mileage and hours worked. As we see a decrease in our revenues, adding these expenses to the budget would increase the taxes for our constituents.

I am asking you to trust that the Auditors and County Commissioners know what is best for their voters and allow decisions like this to be made at the local level. I ask you give HB 1238 a Do Not Pass recommendation.

Thank you.



**Testimony HB 1238**  
**Senate Government and Veteran Affairs Committee**  
March 4, 2021

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

Every citizen has the right to vote. Our elections should be as open as possible. The goal of policy makers should be to remove as many roadblocks for our citizens to vote as possible.

Counties, districts, and voters face different situations and circumstances. For some voters, mail ballots are a welcome improvement. For other voters, voting by mail is hugely difficult and, therefore, nearby, small, local polling places are the only way that doesn't pose major challenges to overcome.

Our concern with HB 1238 is that rural voters, particularly those on Native American reservations are losing their polling places where they live. Their lack of transportation and US Postal Service make this loss of polling places a major roadblock. This is being compounded during this Legislative Session as the number of days early voting polling places are open may also be cut, so voters would have less time to make other arrangements to vote.

By changing state law to stipulate that a city with over 1,000 people must have at least one polling place open will make it more likely that polling places will not be open in low population rural areas.

For that reason, we would recommend a DO NOT PASS for HB 1238. Thank you for the opportunity to provide input on this bill.

# 2021 SENATE STANDING COMMITTEE MINUTES

**Government and Veterans Affairs Committee**  
Room JW216, State Capitol

HB 1238  
3/5/2021

<b>Relating to polling places.</b>
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**Chair Vedaa** called to order at 9:20 AM with Sen Vedaa, Meyer, Elkin, Weber, Wobbema, and Marcellais present

**Discussion Topics:**

- Committee Work

Senator Meyer will work on an amendment for the bill

**Additional written testimony: none**

Adjourned at 9:28 AM

*Pam Dever, Committee Clerk*

# 2021 SENATE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Room JW216, State Capitol

HB 1238  
3/5/2021  
9:40 AM

<b>Relating to polling places.</b>
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**Chair Vedaa** called to order at 9:40 AM with Sen Vedaa, Meyer, Elkin, K Roers, Weber, Wobbema, and Marcellais present.

**Discussion Topics:**

- Committee Work
- Amendment 21.0576.04002

**Sen Meyer** moved amendment 21.0576.04002

**Sen Wobbema** seconded

**VOICE VOTE WAS TAKEN: Motion Passed**

**Sen Meyer:** I move a **Do Not Pass as amended**

**Sen Elkin:** I second

**Roll Call Vote: 7 -- YES 0 -- NO -0-ab Motion Passed**

Senators	Vote
Senator Shawn Vedaa	Y
Senator Scott Meyer	Y
Senator Jay R. Elkin	Y
Senator Richard Marcellais	Y
Senator Kristin Roers	Y
Senator Mark F. Webber	Y
Senator Michael A. Wobbema	Y

**Sen Meyer will carry the bill.**

Adjourned at 9:44 AM

*Pam Dever, Committee Clerk*

21.0576.04002

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1238

Page 1, line 20, after the underscored period insert "However, if a legislative district is included, in whole or in part, in a county with a vote center compliant with subsection 3 of section 16.1-04-02 which is open on the day of the election, the legislative district is not required to have a polling place open within the district on the day of the election."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1238, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1238 was placed on the Sixth order on the calendar.

Page 1, line 20, after the underscored period insert "However, if a legislative district is included, in whole or in part, in a county with a vote center compliant with subsection 3 of section 16.1-04-02 which is open on the day of the election, the legislative district is not required to have a polling place open within the district on the day of the election."

Renumber accordingly