

2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1373

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1373
1/28/2021

Relating to early voting dates

Vice Chair B. Koppelman opened the hearing on 8:57 AM.

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:

- Changing early voting dates from 15 to 7 days

Rep. Kasper introduced and testified in favor.

Jim Silrum, Deputy Secretary of State, testified in favor

Donnell Preskey, Public Relations, ND Association of Counties, testified in favor but would like more than 7 days.

Rep. Louser: Moved amendment that would change “seven to nine business” on line 1.

Seconded by **Rep. Schauer**.

Voice Vote: Motion carried.

Rep. Steiner moved a Do Pass as amended #21.0577.01001. Seconded by **Rep. Rohr**.

Roll Call Vote:

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	N
Representative Jeff A. Hoverson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	A
Representative Mitch Ostlie	Y
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 carried. 11-2-1.

Rep. Vetter: Carrier.

Additional written testimony: #3754, #3247

Chairman Kasper closed the hearing at 9:30 AM.

Carmen Hart, Committee Clerk by Donna Whetham

21.0577.01001
Title.02000

Adopted by the Government and Veterans
Affairs Committee

January 28, 2021

qf
1/28/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1373

Page 1, line 6, replace "seven" with "nine business"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1373: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1373 was placed
on the Sixth order on the calendar.

Page 1, line 6, replace "seven" with "nine business"

Renumber accordingly

House Bill - 1373

Thank you for the chance to address the members of the House Government and Veteran Affairs Committee. I am writing in opposition to HB 1373. Shortening the early voting window does not assist people in getting out to vote, it limits it.

I have used early voting in the past, and now with small children, having this flexible window and the ability to vote by absentee has made it easier for me - and other parents I know - to cast a ballot. I hope the committee will give a Do Not Pass report for this bill. The bill does not benefit the voters of North Dakota.

Thank you for your time.

Whitney Oxendahl

Bill 1373

Please do not pass HB 1373. This bill makes it harder to vote. We should promote the exercise of our constitutional duty of voting and facilitate this through as many methods as possible. Many people have difficult work and home schedules and allowing more time for voting will encourage a greater participation by all of our citizens. Please DO NOT pass HB 1373.

2021 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1373

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Room JW216, State Capitol

HB 1373
3/4/2021

A BILL relating to early voting dates.

Chair Vedaa opened the hearing at 2:45 PM with Sen Vedaa, Meyer, Elkin, K Roers, Weber, Wobbema, and Marcellais present.

Discussion Topics:

- Rescheduling

Don Morrison - ND Voters First - via Zoom testified opposed #7403

Donnell Preskey - ND Association of Counties testified neutral

Bill sponsor could not attend – hearing is rescheduled.

Additional written testimony:

Brian Glaeske, Fargo - opposed #7049

Adjourned at 2:52 PM

Pam Dever, Committee Clerk

Testimony HB 1373
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.

Americans pride ourselves about our right to vote. We need to make sure every citizen has access to voting so that our elections have the necessary integrity and the participation of all Americans.

Early voting for 15 days before an election is currently the law in North Dakota. We think decreasing the time for early voting by a few days is unnecessary. Coupled with a trend of reducing polling locations, this bill is one of several this session that attempts to backtrack on the promise of encouraging voter participation.

North Dakota Voters First asks the committee to recommend a DO NOT PASS on HB 1373. Thank you for the opportunity to provide our thoughts to you today.

Brian Glaeske
403 11th AVE S
Fargo, ND 58103

Dear Members of the Senate Government and Veterans Affairs committee,

I am writing to urge a Do Not Pass recommendation on HB 1373. It really seems like this is an unnecessary change to the voting laws in this state.

I struggle with why the people who wrote this bill want to make it harder to vote. Do they only think that rogue elements make use of early voting? No they don't. Early voting is needed to be convenient and to make voting more accessible to more people. Democracy is better when more people vote.

Again, I am writing to urge that this committee recommend a Do Not Pass on HB 1373.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Glaeske', with a long horizontal line extending to the right.

Brian Glaeske

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Room JW216, State Capitol

HB 1373
3/19/2021
9:30 AM

Relating to early voting dates.
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Chair Vedaa opened the hearing at 9:30 AM with Sen Vedaa, Meyer, Elkin, K Roers, Weber, Wobbema, and Marcellais present.

Discussion Topics:

- Business days
- Poll worker availability
- Counties affected

Rep Kasper, Dist 46 – introduced the bill

Erika White – Burleigh County Auditor's Office – testified opposed

Nicole Donaghy – Ex Dir ND Native Vote – testified opposed #10101

Carol Two Eagles – testified opposed

Additional written testimony:

Adjourned at 9:45 AM

Pam Dever, Committee Clerk

Statement of Nicole Donaghy Regarding H.B. 1373
Executive Director of North Dakota Native Vote
March 19, 2021
Senate Government and Veterans Affairs Committee

Mr. Chairman and members of the Senate Government and Veterans Affairs Committee, my name is Nicole Donaghy, I am an enrolled citizen of Standing Rock Sioux Tribe, and I am the Executive Director of North Dakota Native Vote. I am testifying today in opposition to H.B. 1373.

North Dakota Native Vote is a non-profit, non-partisan grassroots organization that initially formed in response to the 2018 US Supreme Court decision to uphold the voter identification law that had the potential to disenfranchise over 5,000 Native American voters in North Dakota. Our mission is to create and affect policy to promote equitable representation for the Native people of North Dakota. We do this by fostering sustainable positive social change in our communities through community organizing, mobilization, leadership development, and policy advocacy.

Native American voters in North Dakota use early voting. Early voting helps to account for the numerous barriers Native voters face in participating in elections. It increases the opportunities for voting for Native Americans who often have difficulty getting to their polling place on Election Day. As shown in the litigation over the voter ID bill, in *Brakebill v. Jaeger*, many Native Americans do not have residential addresses. This also means that Native Americans have less access to mail and therefore cannot easily vote by mail. Instead, Native Americans rely on in-person voting. But Native Americans also have to travel to their polling places and many do not have transportation. Native Americans rely on early voting to arrange rides and get to the polls. Early voting fosters participation and increases turnout by Native voters. Reducing the number of early voting days by nearly half will make it harder for Native Americans to vote. Also, when the number of days in which citizens can vote is reduced, it results in more voters voting on Election Day, which can result in longer lines at the polls on Election Day.

We are further concerned that the restriction on early voting in H.B. 1373 might cause it to be invalidated by a court. For example, in *North Carolina State Conference of NAACP v. McCrory*, the court found that discriminatory intent motivated the enactment of a law that reduced the number of early voting days, when it was examined in the context of the state's racial discrimination in voting, the sequence of events leading up to passage of the law, the legislative history, and the law's disproportionate impact on minorities. 831 F.3d 204 (4th Cir. 2016). Unfortunately, North Dakota has had a troubled history of laws that disenfranchise Native Americans. Coupled with the other bills that have been introduced this session that would also restrict access for Native voters – HB 1289, HB 1312, and SB 2160 – introduction of this bill suggests discriminatory intent like that found in *McCrory*.

As I have done before, I again implore you to begin crafting laws that take into account the hardships faced by Native communities. Ignoring those hardships to the detriment of Native voters is unconstitutional and fails the obligations each of you have to serve all of your constituents fairly and equitably.

We strongly oppose adoption of H.B. 1373.

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2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Room JW216, State Capitol

HB 1373
3/19/2021
11:15 AM

Relating to early voting dates.
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Chair Veda called to order at 11:15 AM with Sen Vedaa, Meyer, Elkin, K Roers, Weber, Wobbema, and Marcellais present.

Discussion Topics:

- Committee Work

Hold to vote next week

Adjourned at 11:18 AM

Pam Dever, Committee Clerk

2021 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Room JW216, State Capitol

HB 1373
3/25/2021

Relating to early voting dates.
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Chair Vedaa called to order at 11:06 AM with Sen Vedaa, Meyer, Elkin, K Roers, Weber, Wobbema, and Marcellais present.

Discussion Topics:

- Committee Work

Sen Marcellais moved a **Do Not Pass**

Sen K Roers seconded

Roll Call Vote: 5 -- YES 2 -- NO -0-ab Motion Passed

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

Sen Marcellais will carry the bill

Adjourned at 11:09 AM

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1373, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1373 was placed on the Fourteenth order on the calendar.