

**2021 HOUSE POLITICAL SUBDIVISIONS**

**HB 1189**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Room JW327B, State Capitol

HB 1189  
2/11/2021

<b>Relating to provisional ballots; relating to the canvass report requirements</b>
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**Chairman Dockter: (10:00):** Opened the hearing.

Representatives	
Representative Jason Dockter	P
Representative Brandy Pyle	P
Representative Mary Adams	P
Representative Claire Cory	P
Representative Sebastian Ertelt	P
Representative Clayton Fegley	A
Representative Patrick Hatlestad	P
Representative Mary Johnson	P
Representative Lawrence R. Klemin	P
Representative Donald Longmuir	P
Representative Dave Nehring	P
Representative Marvin E. Nelson	P
Representative Luke Simons	A
Representative Nathan Toman	P

**Discussion Topics:**

- Canvass report delivery time
- Time frames for electors ballot

**Rep. Louser:** Introduced the bill. Testimony # 6372,6373.

**Donnell Preskey, North Dakota Association of Counties:** In opposition, testimony #6347.

**Erica Johnsrud, Auditor/Treasurer for McKenzie County:** In opposition, testimony #6341.

**Additional written testimony:**

**Kevin Herrmann #6337.**

**Chairman Dockter: (10:35).** Closes the hearing.

*Carmen Hickle, Committee Clerk*

21.0365.01001

Sixty-seventh  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1189**

Introduced by

Representatives Louser, Fisher, Kasper, B. Koppelman, Rohr, D. Ruby, Schauer

Senators Burckhard, Meyer, Vedaa

- 1 A BILL for an Act to create and enact a new section to chapter 16.1-15 of the North Dakota  
2 Century Code, relating to provisional ballots; and to amend and reenact sections 16.1-15-02  
3 and 16.1-15-06 of the North Dakota Century Code, relating to the canvass report requirements.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-15-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **16.1-15-02. Board of election to generate canvass reports - Location - Public may**  
8 **attend.**

9 **After**

- 10 1. Within ninety minutes after the polls are closed official closing time of the polling place,  
11 the inspector of elections and the judges immediately shall immediately generate the  
12 canvass report from the electronic voting system and deliver the report to the county  
13 auditor in the time frame provided in section 16.1-15-06. The ballots counted by the  
14 machine must be equal in number with the names on the poll clerks' lists. If the  
15 numbers are not equal, the pollbooks are to be rechecked to find the discrepancy. The  
16 canvass ~~shall~~must continue without adjournment until completed and must be open to  
17 the public.
- 18 2. Except in unusual and compelling circumstances, the canvass shallmust occur at the  
19 polling place. If good and substantial reasons exist for the removal of the ballots and  
20 election records to another location for canvass, the other location must be in the  
21 same precinct and the removal must be approved by the election board. In no case  
22 may the ballots be removed to another location prior to before generating the canvass  
23 report after the ballot boxes have been opened. Upon approval of a change of location  
24 by the election board as provided in this section, the approximate time and location of

the canvass must be ~~prominently~~ prominently posted on the main entrance to the polling place, the ballots and records must be moved in the presence of the election board, and the canvass as provided in this chapter must proceed immediately upon arrival at the alternate location.

**SECTION 2.** A new section to chapter 16.1-15 of the North Dakota Century Code is created and enacted as follows:

~~**Voter casting ballot after time frame for generating and delivering canvass report --**~~

~~**Provisional ballot.**~~

~~A qualified elector who receives a ballot but has not completed the ballot in time for the poll workers to generate and deliver the canvass report in the time frame provided in this chapter may complete and submit the ballot as a provisional ballot. The ballot must be marked as a provisional ballot and be separated and held apart from other ballots. The secretary of state may prescribe procedures to facilitate the casting, secrecy, and counting of provisional ballots under this section.~~

**Closing of polls.**

After the polls close, the election board shall generate the report of the vote totals not later than thirty minutes after the last elector in line at the closing time received a ballot. An elector remaining in the polling place after the thirty minutes have expired who has not completed marking the ballot must be offered the choice of casting the ballot as marked or continuing to mark the ballot. If the elector chooses to continue marking the ballot, the elector's ballot selections must be excluded from the report of the vote totals generated by the election board but must be forwarded by the election board to the canvassing board and added to the final tally. The secretary of state shall develop uniform, mandatory procedures for election boards to ensure the secrecy of each elector's ballot.

**SECTION 3. AMENDMENT.** Section 16.1-15-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-06. Canvass report and pollbooks sent to county auditor - Compensation for making returns.**

Immediately following

1. Following the canvass, except in cases of emergency or inclement weather, the inspector of elections, or one of the judges appointed by the inspector of elections,

- 1 personally shall deliver the signed canvass report provided for in section 16.1-15-04 to  
2 the county auditor within ninety minutes after the official closing time of the polling  
3 place. The report, carefully sealed under cover, accompanied by the pollbook provided  
4 for in sections 16.1-02-13 and 16.1-06-21 with the oaths of the inspector and poll  
5 clerks affixed ~~thereto~~, must be delivered properly to the county auditor.
- 6 2. The individual making the return is entitled to receive compensation ~~therefor~~ in  
7 accordance with section 16.1-05-05. The compensation and mileage must be paid out  
8 of the county treasury on a warrant of the county auditor and is full compensation for  
9 returning all used or voided ballots to the proper official.

21.0365.01001  
Title.

Prepared by the Legislative Council staff for  
Representative Louser  
February 9, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1189

Page 2, replace lines 7 through 14 with:

**"Closing of polls.**

After the polls close, the election board shall generate the report of the vote totals not later than thirty minutes after the last elector in line at the closing time received a ballot. An elector remaining in the polling place after the thirty minutes have expired who has not completed marking the ballot must be offered the choice of casting the ballot as marked or continuing to mark the ballot. If the elector chooses to continue marking the ballot, the elector's ballot selections must be excluded from the report of the vote totals generated by the election board but must be forwarded by the election board to the canvassing board and added to the final tally. The secretary of state shall develop uniform, mandatory procedures for election boards to ensure the secrecy of each elector's ballot."

Renumber accordingly

Testimony Prepared for the  
**House Political Subs**

February 11, 2021

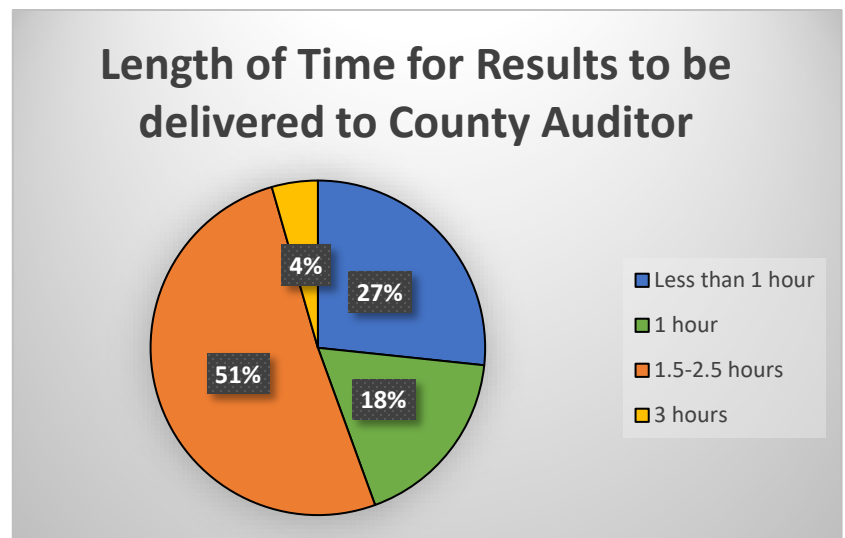
By: Donnell Preskey, NDACo



**RE: Opposition to HB 1189 – Time limit to deliver results from polling location**

Mr. Chairman and Committee members, I'm Donnell Preskey with the North Dakota Association of Counties. One of my roles at NDACo is serving as the executive director for the North Dakota County Auditors Association. Our county auditors stand in opposition to HB 1189.

We queried the auditors regarding the length of time for all the results to be delivered to the County Auditor during the General Election in 2020. 45 of our counties responded and their responses are indicative of why we stand in opposition to this bill. Under HB 1189 - 55% of the counties would be in violation as in those 25 counties it took 90 minutes or more to return the results to the auditor on election night.



Just look at the vast coverage area of some of our counties and you can understand how travel time is a large part of the reason why in some counties it can take up to 3 hours to get results turned in. McLean County for example, has a polling location 60 miles away from the courthouse. Benson, Billings and Hettinger counties also have polling locations 45-55 minutes away from the courthouses.

Aside from the travel time, the 90 minutes is problematic due to the process followed to close a poll. It's not as simple as pulling a memory card from a machine and shutting it off. Election workers follow several steps to closing a poll.

## **Ballot Certification**

After the polls close, the inspector and judges verify the total number in the DS200 equals the amount of voters checked-in on the Poll Pads. They print the total results report and sign-off certifying the totals. They also verify the number of voted ballots, unvoted ballots, void ballots, spoiled ballots, and set-aside ballots equal the number sent to the location. This information is entered on a ballot certification sheet that is delivered to the County Auditor.

## **Closing Polls – Tabulators**

The official action to “close the polls” is taken when the inspector and or judge using a special key close the polls, print the total results report and access the election USB from the tabulator. The inspector and judges transport the ballots along with an envelope containing the results USB, seal from the tabulator (code is indicated on the certification sheet), and the total results report to the county auditor.

Before the election workers can leave, they also need to pack up the election site. By doing the following:

1. Shut down and pack up Express Vote (voting assistance device)
2. Lock up tabulators
3. Tear down voting booths
4. Remove election related signs
5. Pack up other materials (sample ballots, pens, instructions, tape)

It’s also very important to remember that most of these workers are paid volunteers who have stepped up in their community to serve as election workers. Adding a time limit will only exasperate the level of stress with closing the polls at the end of a 13 hour day.

Mr. Chairman committee members, closing a poll is an important part of the process to ensure the integrity of our election. It is not a process that should be rushed.



Written Testimony for the  
**House Political Subdivisions**

February 11, 2021

Erica Johnsrud, McKenzie County Auditor/Treasurer



**RE: OPPOSITION for HB 1189**

Good morning, Chairman Dockter, and members of the Committee. My name is Erica Johnsrud and I am the Auditor/Treasurer for McKenzie County. I stand before you today in opposition to HB1189 which limits the time poll workers have at the end of Election Night to return the results to the county auditor to just 90 minutes.

McKenzie County, the largest county geographically in North Dakota, became a Vote By Mail County in 2018. On Election Day we have three vote centers open across McKenzie County, one in the west, one in the county seat, and one to the east on Tribal land. Each of these polling locations are roughly a 45-minute drive to the courthouse located in Watford City, assuming perfect weather and road conditions. This leaves a mere 45 minutes for election workers to complete all of the tasks required after the polls close before having to leave to “race the results to the courthouse.”

In the November 2020 all three polling location inspectors and judges arrived at the courthouse within 15 minutes or so of one another, with all arriving around 9pm, which is 2 hours after the close of the polls. All of these election workers would be in violation of the law as proposed in HB1189 and one of these polling locations is just 3 blocks from the courthouse steps. This particular vote center also sees the highest voter turnout on election day and also has more than two times the number of election workers meaning there are more hands to complete the work, but that the work is still extensive.

By the time the polls close on Election Night, poll workers have been present at the polling location for at least 11 hours with still some very important work before them. The following is a short list of the tasks that must be completed before poll workers are able to leave for the evening: verification that the number of voters checked in on the poll pads equals the number of ballots cast in the DS200, removal of all posted materials from the site, shutting down and packing up of the ExpressVotes and poll pads, ballot certification to verify the number of ballots received and present at the beginning of the

day totals the number of ballots cast, voided, spoiled, and unvoted at the end of the day, printing and signing of the reports from the tabulator – a process which alone can take 30-45 minutes, wrapping and packing of all ballots, shutting down the DS200, removal of the USB totals stick, and then finally the trip to the county auditor's office.

Members of the committee, I ask that you put yourself in the shoes of the poll worker, having worked all day taking the time needed to make sure every eligible voter in line at the time the polls close has the opportunity to vote, now having to rush to complete all end of the day tasks plus having to provide the results to the county auditor within 90 minutes – and in the chaos that ensues to pack up all of the supplies that must be returned to the county auditor that night, forgets to grab one of the most important items – the USB results stick – and now having to drive the 45 minutes back to the polling location, find someone to unlock the building, grab the stick, and drive another 45 minutes back to the county courthouse. These results are now an additional, and unnecessary, 2 hours delayed, simply because the poll workers were rushed to complete their end of the day work – and likely later than if the poll workers had simply been able to take the time needed. You may think this scenario is unlikely to occur, but I can attest that it has in fact happened in McKenzie County's past.

We all want to know the results of the Election as soon as possible, but the priority for the receipt of election results should not be fastest is best, but rather that the correct and most accurate is best, and to allow poll workers to complete their work in the time needed to do it right and complete the first time.

Thank you for your time today and I urge a DO NOT PASS recommendation on HB 1189.

## Written testimony for House Bill 1189

Chairman Dockter and Political Subdivisions Committee Members

My name is Kevin Herrmann from Beulah, ND. I am a lifelong citizen of North Dakota. I am representing myself.

I am oppose to House Bill 1189. Section 1 and 3 of House Bill 1189 is a problem with making the inspector of elections and the judges to immediately deliver a canvass report to county auditor within ninety minutes after official closing time of the polling place. If Representative Louser and the co-sponsors of House Bill 1189 would have actually did there civic duty of working an election before getting elected as a legislator, then they would realize the process of total ballots of the electronic voting machine has to match with the election clerks total voters list which at very minor times has not happen.

I work as an election judge in the past for Mercer County. I did experience where the total ballots from electronic ballot machine did not match one of the two clerks voters list. We had to put every ballot through the electronic machine one by one which the outcome of total ballots was the same as before. It took about 5 hours for one of the clerks to find that she did not check mark the voter who actually voted, this was with mail in ballots. Supermajority of voters in Mercer County do mail in ballots.

If this bill passes as it, then what will happen to the election workers if there is problem and cannot give the election report to the county auditor within ninety minutes after poll close.

Every election worker works hard to make sure there is no mistakes but Representative Louser and co-sponsors of House Bill 1189 think otherwise.

Please give House Bill 1189 a DO NOT PASS recommendation.

I wish this bill committee hearing would have been on my day off.

Kevin Herrmann  
300 Fair St. SW  
Beulah, ND 58523  
701-873-4163

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Room JW327B, State Capitol

HB 1189  
2/18/2021

Relating to the canvass report requirements
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**Chairman Dockter: (9:33).** Opened for committee work.

Representatives	
Representative Jason Dockter	P
Representative Brandy Pyle	P
Representative Mary Adams	P
Representative Claire Cory	A
Representative Sebastian Ertelt	P
Representative Clayton Fegley	P
Representative Patrick Hatlestad	P
Representative Mary Johnson	P
Representative Lawrence R. Klemin	P
Representative Donald Longmuir	P
Representative Dave Nehring	P
Representative Marvin E. Nelson	A
Representative Luke Simons	P
Representative Nathan Toman	P

### Discussion Topics:

- Poll workers time limits
- Closing of polls

**Rep. Ertelt:** Made a motion and discussed amendment 21.0365.01002. Testimony #6928.

**Vice Chairman Pyle:** Second the motion.

Voice vote carried.

**Rep. Nehring:** Made a do pass as amended motion.

**Vice Chairman Pyle:** Second the motion.

Representatives	Vote
Representative Jason Dockter	Y
Representative Brandy Pyle	Y

Representative Mary Adams	N
Representative Claire Cory	A
Representative Sebastian Ertelt	Y
Representative Clayton Fegley	Y
Representative Patrick Hatlestad	Y
Representative Mary Johnson	N
Representative Lawrence R. Klemin	Y
Representative Donald Longmuir	Y
Representative Dave Nehring	Y
Representative Marvin E. Nelson	A
Representative Luke Simons	Y
Representative Nathan Toman	Y

10-2-2 carried.

**Rep. Ertelt:** Will carry the bill.

**Chairman Dockter: (9:39).** Closed the committee work.

*Carmen Hickle, Committee Clerk*

  
2/18/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1189

Page 1, line 10, replace "ninety minutes" with "three hours"

Page 2, line 23, replace "ninety minutes" with "three hours"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1189: Political Subdivisions Committee (Rep. Dockter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1189 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "ninety minutes" with "three hours"

Page 2, line 23, replace "ninety minutes" with "three hours"

Renumber accordingly

21.0365.01002  
Title.

Prepared by the Legislative Council staff for  
Representative Ertelt  
February 17, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1189

Page 1, line 10, replace "ninety minutes" with "three hours"

Page 2, line 23, replace "ninety minutes" with "three hours"

Renumber accordingly



**2021 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1189**

# 2021 SENATE STANDING COMMITTEE MINUTES

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

HB 1189  
3/11/2021  
3:10 PM

<b>Relating to provisional ballots; relating to the canvass report requirements.</b>
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**Chair Vedaa** opened the hearing at 3:10 PM with Sen Vedaa, Meyer, Elkin, K Roers, Weber, Wobbema, and Marcellais present.

### Discussion Topics:

- Judges and Inspectors travel time
- Time limits to pack up voting equipment
- Following closing steps exactly

**Rep Louser – Dist 5** - introduced the bill

**Donnell Preskey – ND Association of Counties** - testified opposed #8870

**Erica Johnsrud – McKenzie County Auditor** - testified opposed #8679

**Jim Silrum – Deputy Sec. of State** – testified neutral #8774

### Additional written testimony:

**Mitchell Sanderson – opposed #8065**

Adjourned at 3:36 PM

*Pam Dever, Committee Clerk*

Testimony Prepared for the  
**Senate GVA**

March 11, 2021

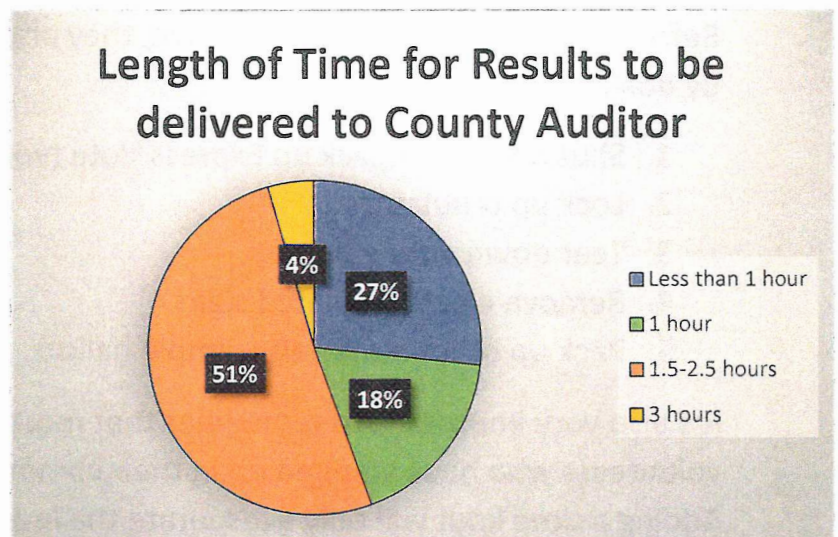
By: Donnell Preskey, NDACo



**RE: Opposition to HB 1189 – Time limit to deliver results from polling location**

Mr. Chairman and Committee members, I'm Donnell Preskey with the North Dakota Association of Counties. One of my roles at NDACo is serving as the executive director for the North Dakota County Auditors Association. Our county auditors stand in opposition to HB 1189.

We queried the auditors regarding the length of time for all the results to be delivered to the County Auditor during the General Election in 2020. 45 of the 53 counties responded to the survey. Their responses are indicative of why we stand in opposition to this bill.



Just look at the vast coverage area of some of our counties and you can understand how travel time is a large part of the reason why in some counties it can take up to 3 hours to get results turned in. McLean County for example, has a polling location 60 miles away from the courthouse. Benson, Billings and Hettinger counties also have polling locations 45-55 minutes away from the courthouses.

Aside from the travel time, a time limit is problematic due to the process followed to close a poll. It's not as simple as pulling a memory card from a machine and shutting it off. Election workers follow several steps to closing a poll.

**Ballot Certification**

After the polls close, the inspector and judges verify the total number in the DS200 equals the amount of voters checked-in on the Poll Pads. They print the

total results report and sign-off certifying the totals. They also verify the number of voted ballots, unvoted ballots, void ballots, spoiled ballots, and set-aside ballots equal the number sent to the location. This information is entered on a ballot certification sheet that is delivered to the County Auditor.

### **Closing Polls – Tabulators**

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Before the election workers can leave, they also need to pack up the election site. By doing the following:

1. Shut down and pack up Express Vote (voting assistance device)
2. Lock up tabulators
3. Tear down voting booths
4. Remove election related signs
5. Pack up other materials (sample ballots, pens, instructions, tape)

It's also very important to remember that most of these workers are paid volunteers who have stepped up in their community to serve as election workers. Adding a time limit will only exasperate the level of stress with closing the polls at the end of a 13-hour day.

Mr. Chairman committee members, closing a poll is an important part of the process to ensure the integrity of our election. It is not a process that should be rushed.



Written Testimony for the  
**Senate Government and Veterans Affairs**  
March 11, 2021  
Erica Johnsrud, McKenzie County Auditor/Treasurer

**RE: OPPOSITION for HB 1189**

Good afternoon, Chairman Vedaa, and members of the Committee. My name is Erica Johnsrud and I am the Auditor/Treasurer for McKenzie County. I stand before you today in opposition to HB 1189 which, as amended, limits the time poll workers have at the end of Election Night to return the results to the county auditor to just 3 hours.

Originally this bill was introduced with a 90 minute deadline to return the results to the county auditor and was amended to adjust that time limit to 3 hours. Members of the Committee, this time limit is still very concerning. While this new 3 hour limit may work for the smaller land area counties it does not work for the larger ones.

McKenzie County, the largest county geographically in North Dakota, became a Vote By Mail County in 2018. On Election Day we have three vote centers open across McKenzie County, one in the west, one in the county seat and population center, and one to the east on Tribal land. Each of these polling locations are roughly a 45-minute drive to the courthouse located in Watford City, assuming perfect weather and road conditions and no road construction. Prior to becoming a Vote By Mail County we had two polling locations that were even farther away – an hour or more by drive time.

In November 2020 all three polling location inspectors and judges arrived at the courthouse within 15 minutes or so of one another, with all arriving around 9pm, which is 2 hours after the close of the polls. While none of these election workers would be in violation of the law as proposed in the amended HB 1189, I just want to point out that one of these polling locations is just 3 blocks from the courthouse steps. This particular vote center also sees the highest voter turnout on election day and also has more than two times the number of election workers meaning there are more hands to complete the work, but that the work is still extensive.

By the time the polls close on Election Night, poll workers have been present at the polling location for at least 11 hours with still some very important work before them. The following is a short list of the tasks that must be completed before poll workers are able to leave for the evening: verification that the number of voters checked in on the poll pads equals the number of ballots cast in the DS200, removal of all posted materials from the site, shutting down and packing up of the ExpressVotes and poll pads, ballot certification to verify the number of ballots received and present at the beginning of the day totals the number of ballots cast, voided, spoiled, and unvoted at the end of the day, printing and signing of the reports from the tabulator – a process which alone can take 30-45 minutes, wrapping and packing of all ballots, shutting down the DS200, removal of the USB totals stick, and then finally the trip to the county auditor's office.

Members of the Committee, I ask that you put yourself in the shoes of the poll worker, having worked all day taking the time needed to make sure every eligible voter in line at the time the polls close has the opportunity to vote, now having to rush to complete all end of the day tasks plus having to provide the results to the county auditor within 3 hours – and in the chaos that ensues to pack up all of the supplies that must be returned to the county auditor that night, forgets to grab one of the most important items – the USB results stick – and now having to drive the 45 minutes back to the polling location, find someone to unlock the building, grab the stick, and drive another 45 minutes back to the county courthouse. These results are now an additional, and unnecessary, 2 hours delayed, simply because the poll workers were rushed to complete their end of the day work – and likely later than if the poll workers had simply been able to take the time needed. You may think this scenario is unlikely to occur, but I can attest that it has in fact happened in McKenzie County's recent past.

This bill also adds some additional confusion to what point in time this 3 hour clock starts ticking. As stated currently in this bill it is 3 hours after the "official closing time of the polling location." Current law allows for any voter in line by the official closing time of the polling location be allowed to cast a ballot. Other legislation being proposed this Session sets a time limit of 30 minutes for the last voter in line to cast their ballot for Election Night tabulation which we support and will assist with voters unnecessarily delaying election result reporting. In McKenzie County the official closing time of our polls is 7pm. There is a possibility that a line of voters would be present at 7pm. For example let's say it takes until 7:30 to issue the last voter in line a ballot – that voter

would now have 30 minutes to vote that ballot. We are now one hour into the ticking clock time and our election workers cannot begin most of their end of the night work until that final voter's time limit concludes. I hope this illustrates the additional stress this places on our election workers having to determine exactly when this 3 hour clock begins – is it 7pm or is it 30 minutes after the last voter receives a ballot? Either way, it should not be the burden of our election works to worry about this ticking clock at all or to race the results to the courthouse at the end of a long day.

We all want to know the results of the Election as soon as possible, but the priority for the receipt of election results should not be fastest is best, but rather that the correct and most accurate is best, and to allow poll workers to complete their work in the time needed to do it right and complete the first time. Please do not place a time limit on our election workers, without whom elections cannot succeed.

Thank you for your time today and I urge a DO NOT PASS recommendation on HB 1189.

ALVIN A. JAEGER  
SECRETARY OF STATE

HOME PAGE [www.nd.gov/sos](http://www.nd.gov/sos)



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

March 11, 2021

TO: Chairman Vedaa and Members of the Senate Government and Veterans Affairs Committee  
FR: Jim Silrum, Deputy Secretary of State on behalf of Secretary of State Al Jaeger  
RE: HB 1189 – Closing of the election polls

**PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1189**

Page 1, line 1, remove “create and enact a new section to chapter 16.1-15 of the North Dakota”

Page 1, line 2, remove “Century Code, relating to provisional ballots; and to”

Page 2, lines 5 through 14, remove **Section 2**

Renumber accordingly

The proposed amendment above is the preferred amendment because the proper wording for what should be done with voters who take more than the time allowed at the close of the polls is being added to chapters 01 and 13 of Title 16.1 in HB 1253. It does not need to be repeated in this bill, which would add it to a third chapter in Title 16.1. In [HB 1253](#), please confirm this in Section 4 on page 3, lines 18-26 and Section 83 on page 64, lines 12-20.

**OR**

**PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1189**

Page 1, line 2, replace “provisional ballots” with “closing of the polls”

Page 2, lines 7 and 8, replace underlined text with “Closing of the polls.”

Page 2, lines 9 through 14, replace underlined text with “After the polls close, the election board may generate the report of the vote totals not later than thirty minutes after the last elector in line at the closing time received a ballot. An elector remaining in the polling place after the thirty minutes have expired who has not completed marking the ballot must be offered the choice of casting the ballot as marked or continuing to mark the ballot. If the elector chooses to continue marking the ballot, the ballot selections must be excluded from the report of the vote totals generated by the election board but must be forwarded by the election board to the canvassing board and added to the final tally. The secretary of state shall develop uniform, mandatory procedures for election boards to ensure the secrecy of each elector's ballot.”

Renumber accordingly

If the Committee desires to keep Section 2 of the bill, the wording above would be the most appropriate language.



**Senator,**

**I do not understand the need for this bill.**

I do not understand the need to change the word from shall to must. This is a legal term!

Employers must let employees off to vote and most can vote before or after their shift.

There is early voting, and we should NEVER allow any votes to be counted after the state deadline when polls close!

We must also add into state law that all ballots have a barcode or QR code on them so they cannot be copied.

No mail in ballot can be counted without a copy of the persons ID.

We must add into state law that all ballots are open public record, and the public can view them.

We must add into state law that all ballot boxes are always monitored by video and the ones counting them are videoed at all times including opening of any ballot boxes.

We must add into state law that all digital images of ballots that are taken by the ballot machine are uploaded on each counties website as they are processed.

We need election integrity at all levels to ensure our vote does count,

**Mr. Mitchell S. Sanderson**

# 2021 SENATE STANDING COMMITTEE MINUTES

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

HB 1189  
3/18/2021

<b>Relating to the canvass report requirements.</b>
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**Chair Vedaa** called to order at 11:34 AM with Sen Vedaa, Meyer, Elkin, K Roers, Weber, Wobbema, and Marcellais present.

**Discussion Topics:**

- Committee Work
- Amendment 21.0365.02001

**Sen Weber** moved a **Do Not Pass**

**Sen Wobbema** seconded

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

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

**Sen K Roers** moved to reconsider and **Sen Meyer** seconded.

**Sen Roers** moved amendment 21.0365.02001

**Sen Wobbema** seconded

**Voice Vote Taken – Motion Passed**

**Sen Weber** moved a **Do Not Pass as amended**

**Sen Wobbema** seconded

**Roll Call Vote: 4 -- YES 3 -- NO -0-ab Motion Passed**

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

**Sen Weber will carry the bill**

Adjourned at 11:50 AM

*Pam Dever, Committee Clerk*

March 5, 2021

SR  
318  
1581

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1189

Page 1, line 2, replace "provisional" with "casting"

Page 2, line 7, remove "**and delivering canvass report -** "

Page 2, line 8, replace "**Provisional ballot**" with "**report of vote totals**"

Page 2, replace lines 9 through 14 with "A voter may take up to thirty minutes to mark and cast the ballot after receiving the ballot from the election judge. After the polls close, the election board shall generate the report of the vote totals not later than thirty minutes after the last elector in line at the closing time received a ballot. An elector remaining in the polling place after the thirty minutes have expired who has not completed marking the ballot must be offered the choice of casting the ballot as marked or continuing to mark the ballot. If the elector chooses to continue marking the ballot, the ballot selections must be excluded from the report of the vote totals generated by the election board but must be forwarded by the election board to the canvassing board and added to the final tally. The secretary of state shall develop uniform, mandatory procedures for election boards to ensure the secrecy of each elector's ballot."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1189, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1189 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "provisional" with "casting"

Page 2, line 7, remove "**and delivering canvass report -** "

Page 2, line 8, replace "**Provisional ballot**" with "**report of vote totals**"

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Renumber accordingly