

**2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1360**

# 2021 HOUSE STANDING COMMITTEE MINUTES

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

HB 1360  
1/29/2021

Relating to making scanned images of ballots available to the public and duplicating vote tallies; relating to elimination of electronic voting and requiring paper ballots; relating to electronic voting; and to provide a penalty

**Chairman Kasper** opened the hearing at 8:00 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:

- Verification of the integrity of elections
- Fiscal impact

**Rep. Hoverson** introduced and testified in favor.

**Dustin Amundson, Bismarck**, testified in favor, #4190.

**Jim Silrum, Deputy Secretary of State**, testified in opposition, #3803.

**Charles Tuttle, Minot**, testified neutral.

**Additional written testimony:** #4208

**Chairman Kasper** closed the hearing at 8:36 a.m.

*Carmen Hart, Committee Clerk*

Hi. My name is Dustin Amundson and I live here in Bismarck. Thank you for your time and attention.

Our republic is a representative form of government that relies on fair elections. We the people need to have trust in this system in order for it to work properly. If our trust is lost we risk a complete breakdown of society. I mean.....who wants to participate in a rigged system. I have listened to people in other states testify in front of their own legislature and claim that they had actually witnessed voter fraud. I have read articles from reliable, neutral sources that described how systems were cheated. In 2016 it was democrats who claimed the republicans rigged the election for Trump. In 2020, it was republicans claiming democrats rigged the elections for Biden.

I am not claiming that our elections were rigged, or that there is wide spread voter fraud in North Dakota, or any voter fraud for that matter. I really have no idea if our last election was rigged or if it was fair. This actually bothers me. It bothers me because there is no mechanism in place for me to be able to verify the integrity of our elections. After I feed my ballot into the machine I am completely blind to the rest of the process. We need checks and balances added to our system to maintain the integrity of our elections so that confidence in our system remains. HB 1360 aims to do just that. It aims to add checks and balances to the system.

I know there are at least 11 bills this session dealing with securing elections. I have not read them all, but I did read some of them. I think what makes 1360 stand apart is that it will give the people of North Dakota the ability to verify our votes ourselves. We can actually check our votes to ensure that they were processed correctly. Now...I like you guys and think you all have integrity, however, you guys are literally the product of our elections. I think it is bad policy to put the product of elections in charge of ensuring the elections are fair. If the goal is to ensure confidence, we the people must be empowered.

Now I want to discuss the intentions behind HB 1360. The spirit of HB 1360 can be found in sections 9, 10 and 11.

Summary below:

HB 1360 requires all ballots to be numbered consecutively.

It requires each ballot be scanned electronically.

It requires images of each scanned ballot be uploaded onto the Secretary of State website and be made searchable using the before mentioned required consecutive ballot numbers.

It requires the SOS website be equipped with image reading technology capable of vote-tallying.

It would require a process be created that allows for ballots that were cast by qualified electors and rejected for frivolous reasons to be counted.

Here is how the process would look. I would go into the polling station, prove my identity and receive my ballot. I would record my ballot number in a manner I choose and would fill in my ovals. I would then feed my ballot into the electronic vote counting machine. The electronic vote counting machine would do everything it normally does, as well as create an image of both sides of the ballot and send them to the SOS website where it would be inserted into a database that is searchable by ballot number. It would also be read by image reading software and added to an ongoing tally.

The following day I could go to the SOS website, type in my ballot number and view the image of my ballot to ensure that it made it to the SOS website correctly. If my ballot was rejected, instead of seeing my ballot I would see a message stating the ballot was rejected and directing me to contact the Secretary of State's office for more information. (If my ballot was rejected because I tried to cheat, I

doubt I would follow up with the SOS office). If my ballot was rejected by mistake, I could prove my identity to the SOS office and they could add my ballot to the website.

This bill does not attempt to change our existing system. It adds a few checks and balances to our existing system. The numbered ballots would prevent unauthorized people from printing unofficial ballots. Ballots would be numbered consecutively and there could only be one of each. The votes would be tallied twice, once by the electronic vote counting machines and once by the image reading software. The tallies should match or at least be within the margin of error. Most importantly, it allows the North Dakotan people to verify that their vote made it to the SOS website unmolested.

Thank you for your time and consideration. I ask that you give HB 1360 a Do Pass recommendation.

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

January 29, 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 1360 – Independent audit of election results before certification

This bill amends 18 sections of the North Dakota Century Code (NDCC), adds three sections to the NDCC that will cost millions to accomplish, and repeals nine sections of the NDCC.

In many of the amended sections, the suggested amendments only change “voting system” to “counting system.” As you saw in HB 1253 that was heard in your committee yesterday, the proper terminology is voting system and efforts are suggested to ensure that the NDCC has the proper terminology when referring to the hardware, firmware, and software that are the components of a voting system.

**Section 9** on page 7 adds a new section to the NDCC that would require all ballots used in an election to be able to be scanned so they can be read by the voting system purchased by the state in 2019. In the interests of transparency, this is a change in law that would impact all cities and school districts. It would prohibit these jurisdictions from running smaller elections in which the votes are counted by hand rather than a voting system.

**Section 10** on page 7 would require the Secretary of State to implement a system by which a voter can search for the ballot he or she cast in an election. This would be done by numbering each ballot consecutively so the voter could search for it later. It is impossible to number ballots consecutively because voters across the state are receiving, marking, and casting ballots all at the same time. However, even if the ballots only needed to be numbered, creating this search tool would require the Secretary of State to attach the number of the ballot cast by the voter in the electronic pollbook, which would then allow the state to know how each voter voted. Under federal and state laws, secrecy of the ballot is sacred.

**Section 10** also requires this same ballot searching system to provide a notice to a voter when the voter's ballot was rejected in the election. The only time a ballot is rejected is with absentee or mail ballot elections when the signature on the application does not match with the signature on the return envelope containing the voter's marked ballot. In Section 37 as well as other sections of HB 1253, the law is being updated to ensure that an absent or mail ballot voter is contacted if the signatures do not match.

**Section 11** on pages 7 and 8 requires the Secretary of State to purchase and implement what would essentially be a separate voting system that would be used to audit the results determined by the first voting system. The voting system purchased in 2019 had a \$9 million price tag, but since no voting system in existence was built to accomplish what is required in Section 11, the one purchased would need to be customized to make it work according to the requirements. We estimate that this system with enhancements would cost not less than \$15 million.

On behalf of the Secretary of State and his election team, we request the committee vote for a Do Not Pass recommendation.

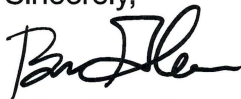
Brian Glaeske  
403 11th AVE S  
Fargo, ND 58103

Dear Members of the Government and Veterans Affairs committee,

I am writing to urge a Do Pass recommendation on HB 1360.

This bill is provides a great and secure method for a voter to be able to verify if their ballot was correctly counted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Glaeske', written in a cursive style.

Brian Glaeske

# 2021 HOUSE STANDING COMMITTEE MINUTES

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

HB 1360  
2/5/2021

Relating to making scanned images of ballots available to the public and duplicating vote tallies; relating to elimination of electronic voting and requiring paper ballots; relating to electronic voting; and to provide a penalty

**Chairman Kasper** opened the committee work meeting at 10:39 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:

- Numbered ballots

**Rep. Schauer** moved **Do Not Pass**. **Rep. Schneider** seconded the motion.

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

**Motion passes.** 12-2-0. **Rep. Schauer** is the carrier.



House Government and Veterans Affairs Committee

HB 1360

2/5/2021

Page 2

**Chairman Kasper** closed the meeting at 10:49 a.m.

*Carmen Hart, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1360: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1360 was placed on the Eleventh order on the calendar.