

2023 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1192

2023 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1192
1/20/2023

Relating to electronic voting systems, electronic voting devices, absentee voting, and canvassing boards.

Meeting called to order by **Chairmen Schauer at 10:58 AM**

Chairmen Austen Schauer, Vice Chairmen Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider. All present.

Discussion Topics:

- Extended Counting Days
- Clean Up Bill

Representative Louser- Testifies in favor.

Brian Newby, Elections Director for the Sectary of State- Testifies in favor. (Testimony #14585)

Representative Schauer Closes the hearing for HB 1192 at 11:17 AM

Phillip Jacobs, Committee Clerk by Risa Berube

2023 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1192
1/27/2023

Relating to electronic voting systems, electronic voting devices, absentee voting, and canvassing boards.

Meeting called to order by **Chairmen Schauer at 8:54 AM**

Chairmen Austen Schauer, Vice Chairmen Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider. All present.

Discussion Topics:

- Committee work
- Amendments

Representative Louser- moved to amend HB 1192 (#23.0684.01001) (#21184).

Representative Vetter- Seconded.

Roll Call Vote:

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Steve Vetter	Y

Motion carries 13-0-0.

Rep. Vetter moved a do pass as amended on HB 1192.

Seconded by Rep. Bahl.

Roll Call Vote:

Representatives	Vote
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Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Steve Vetter	Y

Motion carries 13-0-0.

Carried by Rep. Louser.

Representative Schauer adjourned the meeting at 8:59 AM.

Phillip Jacobs, Committee Clerk

JA 1-27-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1192

Page 1, line 3, after "sections" insert "16.1-11.1-06, 16.1-14-04,"

Page 1, line 5, after the comma insert "meeting of presidential electors,"

Page 3, after line 22, insert:

"SECTION 7. AMENDMENT. Section 16.1-11.1-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-06. Canvass of votes - Mail ballot precinct.

The county auditor shall appoint a mail ballot precinct election board for the purpose of counting mail ballots in the same manner as prescribed in section 16.1-07-12.1. The board may begin scanning the ballots at any time beginning ~~on the day~~ three business days before election day and the closing of the polls on election day. Results from the mail ballot precinct may be counted, canvassed, or released under chapter 16.1-15 as soon as any precinct within the county, city, or legislative district closes its polls on the day of the election. The county auditor shall designate a location for the closing, counting, and canvassing process under chapter 16.1-15, which location must be open to any person for the purpose of observing. The board shall comply with the requirements of sections 16.1-15-04 through 16.1-15-12 as applicable. A county conducting a mail ballot election constitutes one voting area, and ballots need not be sorted according to precinct or ward unless necessary for the administration of the election.

SECTION 8. AMENDMENT. Section 16.1-14-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-04. Meeting of presidential electors.

Presidential electors shall meet at one p.m. in the office of the governor in the state capitol on the first ~~Monday~~ Tuesday after the second Wednesday in December next following their appointments by election for the purpose of casting their ballots as members of the electoral college. The secretary of state shall notify the electors of the date of the meeting."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1192: Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1192 was placed on the Sixth order on the calendar.

Page 1, line 3, after "sections" insert "16.1-11.1-06, 16.1-14-04,"

Page 1, line 5, after the comma insert "meeting of presidential electors,"

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Renumber accordingly

2023 SENATE STATE AND LOCAL GOVERNMENT

HB 1192

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1192
3/16/2023

Relating to electronic voting systems, electronic voting devices, absentee voting, meeting of presidential electors, and canvassing boards.

11:12 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Cleanup bill
- All paper system

Rep Louser, Dist 5, bill sponsor testified in support with no written testimony.

Brian Newby, Sec of State Office, testified neutral #25626.

11:19 AM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1192
3/16/2023

Relating to electronic voting systems, electronic voting devices, absentee voting, meeting of presidential electors, and canvassing boards.

1:53 PM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Committee action

Sen Braunberger moved a DO PASS.

Sen Lee seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Braunberger will carry the bill.

1:57 PM Chair Roers adjourned the meeting.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1192, as engrossed: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1192 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1192

MICHAEL C. HOWE
SECRETARY OF STATE

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BISMARCK ND 58505-0500

HOUSE GOV'T & VETERANS AFFAIRS COMMITTEE
REP. AUSTEN SCHAUER, CHAIRMAN

HOUSE BILL NO. 1192
JANUARY 20, 2023

TESTIMONY PRESENTED BY

BRIAN NEWBY, SECRETARY OF STATE

Chairman Schauer and members of the committee, I am Brian Newby, Elections Director for the Office of Secretary of State, and I'm here in support of House Bill 1192. This bill corrects a few items that were missed in a clean-up effort in this part of statute in the 2021 Session (HB 1253).

There are two specific areas this bill seeks to address:

- 1) It seeks to remove the word "electronic" in reference to voting systems. A voting system appropriately references the entire system used in conducting elections, which can include both electronic devices – such as pollbooks, Express Vote machine, or ballot scanner – as well as non-electronic devices – such as paper ballots. This bill removes the word "electronic" when it precedes "voting system" in this statute.
- 2) Two references to dates were missed in NDCC 12.1-15-22 and 16.1-15-25. The time frame for certified abstracts of votes must be to the Secretary of State's office prior to "thirteenth" day after the primary and general election. The statute currently references the "eighth" day and this seeks to correct that.

There were also a couple additional clean-up items that didn't make it into this bill draft and so we are also requesting your support for a proposed amendment attached to this testimony, again correcting dates.

This concludes my testimony and I'm happy to stand fora any questions you may have.

Page 3, after line 22, insert:

SECTION 7. AMENDMENT. Section 16.1-11.1-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-06. Canvass of votes - Mail ballot precinct.

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Presidential electors shall meet at one p.m. in the office of the governor in the state capitol on the ~~first Monday~~ after the first Tuesday after the second Wednesday in December next following their appointments by election for the purpose of casting their ballots as members of the electoral college. The secretary of state shall notify the electors of the date of the meeting.

Renumber accordingly

23.0684.01001
Title.

Prepared by the Legislative Council staff for
Representative Louser
January 26, 2023

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Renumber accordingly

MICHAEL C. HOWE
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SENATE STATE & LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTIN ROERS, CHAIR

HOUSE BILL NO. 1192
MARCH 16, 2023

TESTIMONY PRESENTED BY

BRIAN NEWBY, SECRETARY OF STATE

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There are three specific areas this bill seeks to address:

- 1) It seeks to remove the word "electronic" in reference to voting systems. A voting system appropriately references the entire system used in conducting elections, which can include both electronic devices – such as pollbooks, Express Vote machine, or ballot scanner – as well as non-electronic devices – such as paper ballots. This bill removes the word "electronic" when it precedes "voting system" in this statute.
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- 3) It also changes the date that the presidential electors meet to be consistent with the new federal law.

This concludes my testimony and I'm happy to stand for any questions you may have.