

2023 SENATE STATE AND LOCAL GOVERNMENT

SB 2386

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2386
2/2/2023

Relating to poll books, voter lists, reports generated from the central voter file, and reports submitted to the county auditor.
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10:30 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Wireless technology
- Security environment
- Poll pad manipulation

10:30 AM Sen Magrum, Dist 8, bill sponsor testified in support with amendment #19015.

10:33 AM Derrick Bulawa, BEK communications, testified in support #18785.

10:55 AM Albert Krueger, Butt, ND testified in support with no written testimony.

10:59 AM Lydia Gessele, Wells County Election Judge, testified in support 18414.

11:20 AM Tomi Collins, BEK Communication, testified in support. #19024.

11:44 AM Tana Walker, testified in support via ZOOM. #18746

11:48 AM Vicki Laraway, Bismarck, ND testified in support with no written testimony.

11:50 AM Sharon Mauldine, Jamestown, ND testified in support with no written testimony.

Additional written testimony:

Rae Portra, Trenton, ND in support #18750

Ann Hoggarth, Buchanan, ND in support #18734

Layne Opstedal, Rollette, ND in support #18713

Albert Krueger, Butte, ND in support #19022

Brian Nybakken, Sec of State Office in opposition #19116

Shirley A. Murray, Sheridan County Auditor in opposition #19777

11:55 AM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2386
2/2/2023

Relating to poll books, voter lists, reports generated from the central voter file, and reports submitted to the county auditor.
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2:54 PM Chair Roers reopened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Wireless technology
- Hostile environment
- Security level

2:55 PM Michael Coachman, testified with no written testimony.

3:00 PM Erika White, Burleigh Co Election Manager, testified in opposition #18631

3:21 PM Brian Nybakken, Sec of State Election Division, testified in opposition with no written testimony.

3:27 PM Craig Felchle, ND Information Technology Chief, answered a question.

3:31 PM Donnelle Presky, ND Association of Counties, testified in opposition. No written testimony.

3:32 PM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2386
2/2/2023

Relating to pool books, voter list, reports generated from the central voter file; reports submitted to county auditor.

3:40 PM Chair Roers opened the demonstration. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunbergeer.

Discussion Topics:

- Express vote demonstration
- DS200 scanner demonstration

Erica Johnsrud, McKenzie County Auditor, provided information.

Erika White, Burleigh County Election Manager, provided information.

Brian Newby, Sec of State – Election Division, provided information.

4:50 PM Chair Roers closed the demonstration meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2386
2/9/2023

Relating to poll books, voter lists, reports generated from the central voter file, and reports submitted to the county auditor.
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10:39AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Pole books
- Fiscal Note
- Bill Action

10:41AM Senator Cleary moved a Do Not Pass.

10:41AM Senator Barta seconded the motion.

10:42AM Roll call vote:

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

Motion carried 6-0-0.

Senator Cleary will carry the bill.

10:42AM Chair Roers closed the meeting.

Carie Winings, Chief Clerk

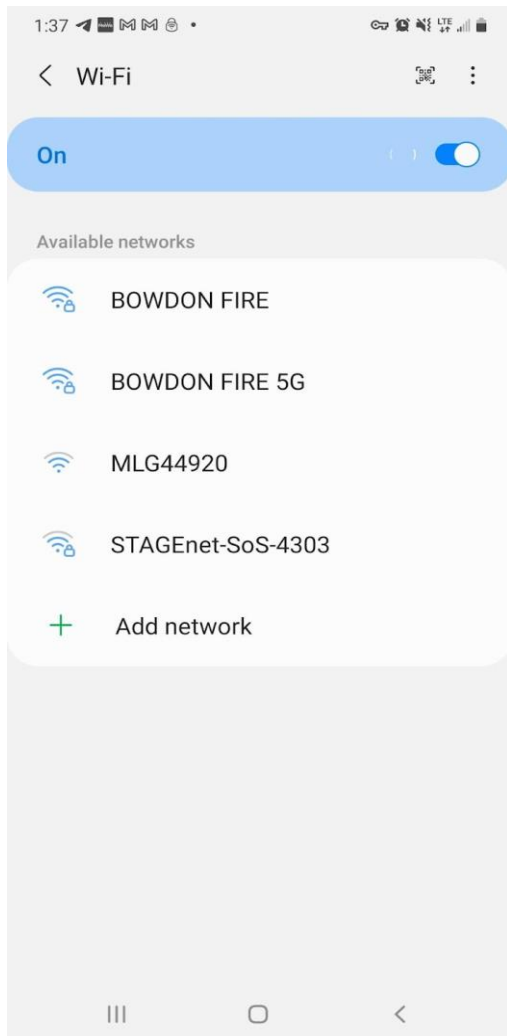
REPORT OF STANDING COMMITTEE

SB 2386: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2386 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

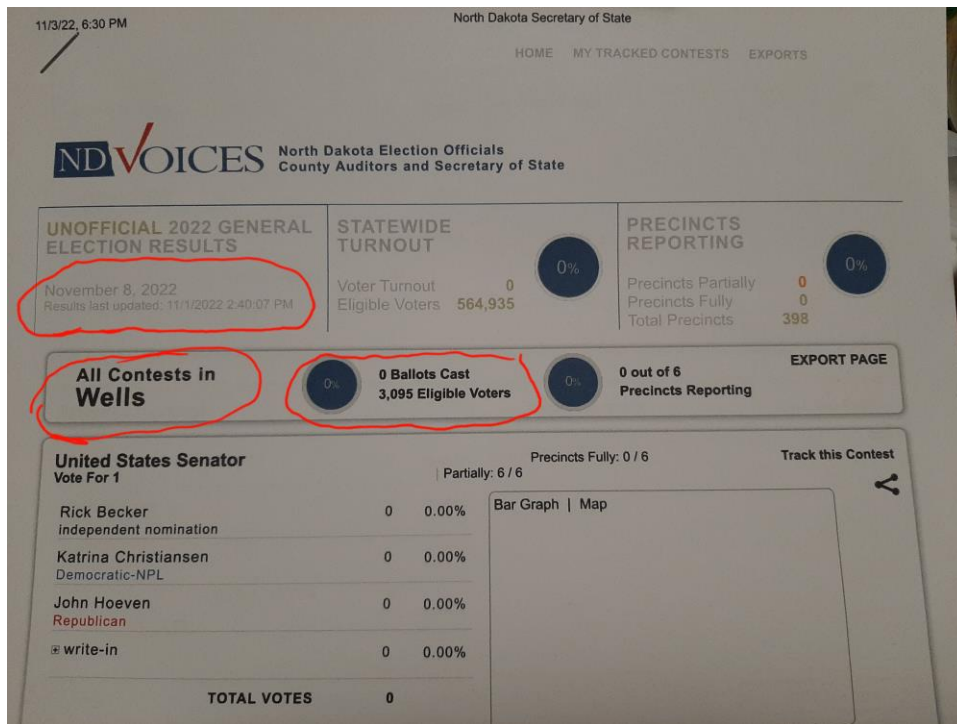
TESTIMONY

SB 2386

I was told by my county auditor that there were no modems in the DS200 that could connect, but at the meet and greet they held at Pizza Ranch in Harvey with our District 14 legislatures Mr. Jon O. Nelson told us all they did have modems. When I arrived at the voting place for the November election, I had turned on my wifi and it was not visible outside the building but was as soon as I was inside the building. STAGEnet-SoS-4303



Also I was watching our poll pads and the number of eligible voters started at 3095 and jumped to 3792 and kept going up a little and then down. When I noticed the jump in numbers I mentioned it to the other poll workers, but no one batted an eye. This was going on throughout the day after the huge jump. It would go up a little drop a few times and then go up some more. By the end of the night the poll pads had 3789 as the total for eligible voters. The number of eligible voters is only 3095 which is what the state had listed as well.



We also noted that the clock on the DS200 was 10 minutes faster than the actual time on our phones and the poll pads. We decided as election workers at the poll site in Bowdon to wait till the time was the same as our phones before we shut down that evening or we would have closed the election out 10 minutes earlier than it should have.

We did not have a working express vote because there was an issue, but ES&S people were in the state and the auditor called one to drop in and look at the machine. The issue was the paper the state sent was too long by 2 inches I believe it was. The ES&S guy just happened to have the shorter paper. They make people believe the express voter is mainly there for impaired voters who would find it easier, but we are told by our auditor to try and get as many people as possible to vote on them.

The issue with the paper on the express vote machines would have been caught had the state sent both ballots' styles like they were supposed to during the tests run to check machines before voting day. Then again, I would assume that our county auditor would have been able to mention the fact that they did not get them when he had to call the day of testing because the DS450 was not working properly. He had to call the state and ask them how to fix an error that was coming up. The DS450 was not counting all the ballots that were run through and he needed to start everything over again to make sure the totals came out the way the states total said they should. The state sends the same amount of each precinct's ballots to be tested, all under 50 ballots per precinct.

I called the SOS's office and talked with them after I attended the ballot testing done on the machines and she said that each county would be running the regular paper ballots and the ballots used on the express voting machine. We did not. I was also told that the judges were supposed to get a copy of the vote tabulation at the end of the day of voting so I asked for it after the November election but did not get one during the June election.

Let's speak to the June election at Bowdon, North Dakota in Wells County now. We had issues with people's ID's not reading properly. They were allowed to vote with a set aside ballot, but all 3 of our people came up and non-citizens of the United States. One person was born in the US and has lived in North Dakota for 19 years, another person had become an American citizen in April of 2022 and the other person had moved back to North Dakota and had been living in our county for more than a year. Our voting place was also one of many in the state that had an ES&S official in charge of starting our day and ending our day with the machines. He had our keys to the DS200 and the USB drive for the machine. When we had done our pre-election training, we had been told by the auditor that the election inspector would haul the tally sheet off the DS200 at the end of voting day back to the courthouse as well as the paper ballots in the lock box and the USB drive. This did not happen, the election inspector did haul the paper ballots back to the courthouse, but the county auditor told her to hand over the USB drive and the DS200 tally sheet to the ES&S official and he would drive them over to Fessenden, to the courthouse.

The precinct numbers are also deceiving because it says we have 6 precincts, but only 3 are open as voting places and all open precincts have ballots for all 6 precincts in our county. I was informed that this was happening in many, if not all, counties in our state. I was also told that precincts that show up for a county but have no polling place are called ghost precincts and in that case Wells County then had 3 ghost precincts.

These matters I have listed above were brought before the Wells County Commissioners as well.

Written Testimony for the
Senate State and Local Government
February 2, 2023
Erika White, Burleigh County Election Manager



RE: OPPOSITION for SB 2386

Greetings, Chair Roers, and members of the Committee. My name is Erika White and I am the Election Manager in the Burleigh County Auditor/Treasurer's office. I'm submitting testimony in opposition of SB 2386.

This bill relates to the use of paper pollbooks during an election. It also eliminates the use of the electronic pollbooks which are a vital tool in our elections to ensure voters are casting only one ballot for that election.

Information in the electronic pollbook originates from the Central Voter File. This includes voter data such as name, address, date of birth, drivers license number, and if they have voted in the current election. The electronic pollbooks notify election workers if the voter is in the wrong polling location and tie each voter record to the ballot style the voter should receive at the polling location.

Electronic pollbooks are the only piece of the election system that are connected to the internet. I want to stress that tabulators and ExpressVotes are in no way connected to the internet. Electronic pollbook information is transmitted through secure VPN to and from the Central Voter File every 2 minutes.

When a voter is checked-in at a polling location either on Election Day or during early vote, within 4 minutes, every electronic pollbook within the State of North Dakota is notified that the voter has voted. This is an extremely beneficial process to ensure that each voter in North Dakota is only casting one ballot in each election.

In addition to information being captured and transmitted on Election Day and during early vote, as absentee or vote by mail ballots are returned to the Auditor's office, the office checks-in the voter's ballot and that information is also transmitted to the electronic pollbook. This way, the electronic pollbook knows that the voter has returned an absentee ballot and has voted.

It's also important to note that the electronic pollbook is an excellent tool because it is more up to date than a paper pollbook. Paper pollbooks must be printed at least a week before Election Day and captures a moment in time. So, as voters update addresses with the North Dakota Department of Transportation, as voters are returning absentee ballots or voting early, the

paper pollbook is not capturing those updates. This would make it easier for individuals to cause mischief and vote twice in an election.

In 2018, Burleigh County used a combination of electronic pollbooks and paper pollbooks in the Primary and General Elections. We found that check-in times were faster, election workers made less errors, and balancing voters checked-in to number of ballots cast was more accurate and efficient with the electronic pollbook. Paper pollbooks are difficult for election workers to manage. For example, in District 32, the paper pollbook is 1,176 pages and a Burleigh County, county-wide paper pollbook is 6,156 pages.

Increased voter wait times are also seen when utilizing paper pollbooks and create a bottleneck at check-in. I've included line optimization modeling, created by Massachusetts Institute of Technology, in Exhibit A of this testimony. This line optimization tool assists election officials in determining the amount of resources needed at polling locations with a goal to decrease voter wait times.

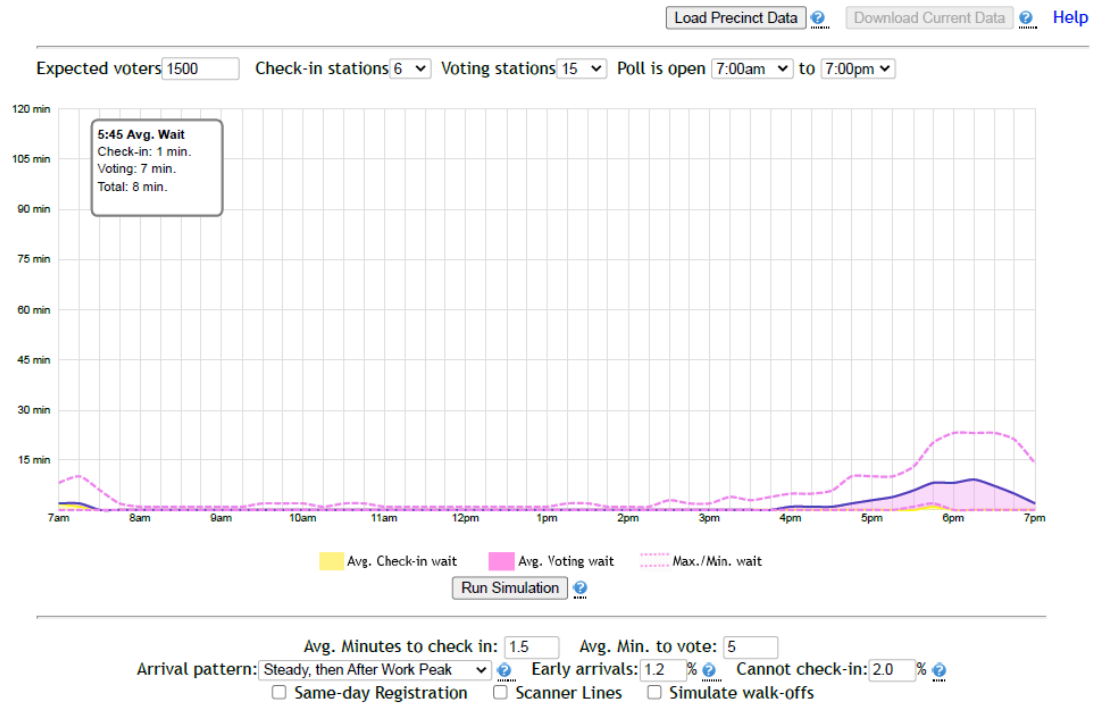
Average check-in time using electronic pollbooks is 1.5 minutes and each election worker is assigned an electronic pollbook. Conversely, using paper pollbooks increases check-in time to 3 minutes and election workers work in pairs to help streamline the check-in process. The models in Exhibit A reflect the same number of voters, voting booths, and polling hours but show significant increased voter wait times using the paper pollbook. It would be a disservice to the voters of our state to rollback the clock and use the paper pollbook.

Auditors and election workers strive to ensure that we're upholding the practice of one voter, one vote while continuing to best serve the voter. This bill would open the door to allowing voter fraud in our elections and severely diminish the security and integrity that we proudly uphold.

Thank you for your time and I urge a DO NOT PASS on SB 2386.

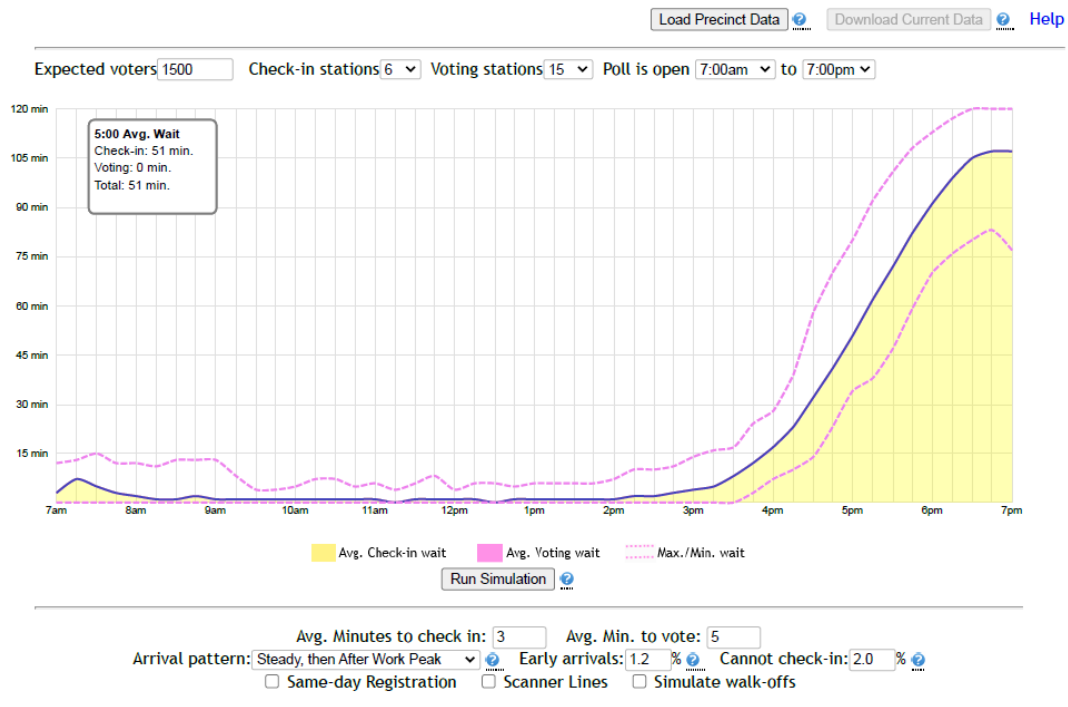
Exhibit A

Line Optimization



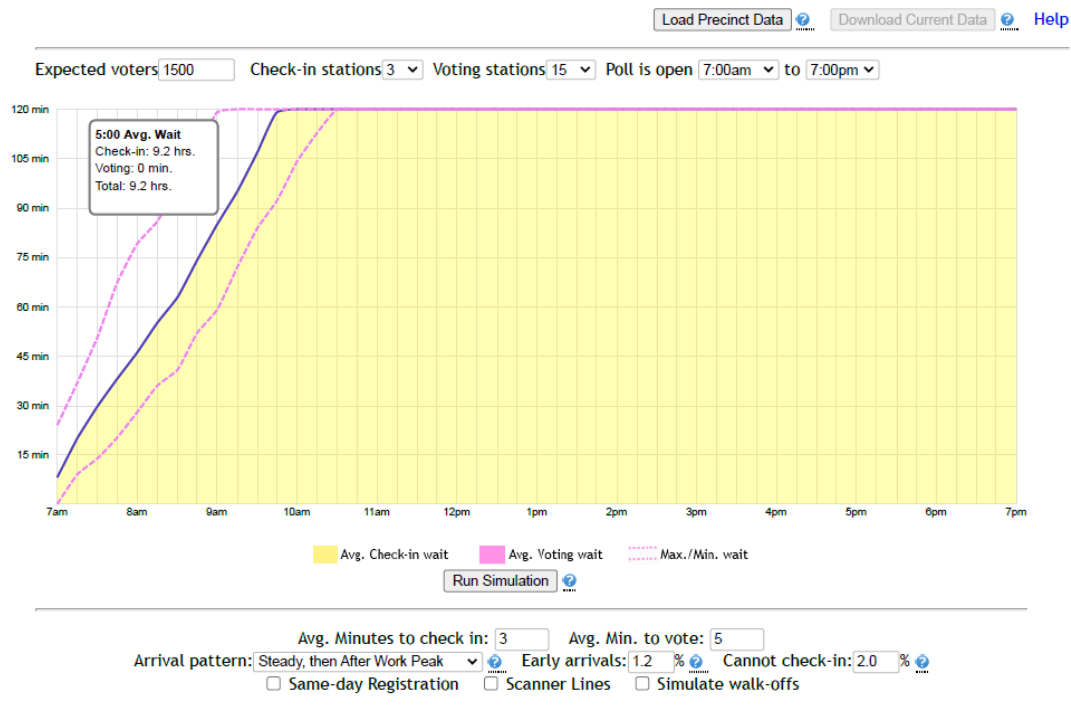
The model above reflects voter wait time using 6 electronic pollbooks (6 election workers) with a maximum wait time of 20 minutes.

Line Optimization



The model above reflects voter wait time using 6 check-in stations with paper pollbooks (12 election workers) with a maximum wait time of 120 minutes beginning at 6:15pm.

Line Optimization



The model above reflects voter wait time using 3 check-in stations with paper pollbooks (6 election workers) with a maximum wait time of 120 minutes beginning at 9:45am.

Feb.1st,2023

I'm writing in favor of passing bill # 2386 with paper backups. We need transparent, free and fair elections. We the people should be able to have someone be able to look into the records if need to be. With no paper back up how does a person check our election if there are issues?

Thanks,

Layne Opstedal

Dear Legislators,

Please DO PASS SB 2386.

Thank you.

Ann Hoggarth
701-630-9240

Senate State and Local Government

RE: SB 2386 Testimony: For

Dear Chairman Roers & committee members,

I am writing in support of SB 2386 and thereby, asking for a Do Pass on this bill.

* My son has not been a North Dakota resident in a decade.

* He did NOT request a North Dakota absentee ballot.

*He was sent TWO North Dakota absentee ballots, both Primary and General.

This IS an **actual ballot** and NOT an absentee application. I am on the canvassing board for my county and know the difference.

I asked my county auditor about this, she said this is not possible. We looked both at the actual returned absentee applications and also my son's file online. No record of request was found. Why is it people who have moved out of state are not removed from the data base. Worse yet why are the auditors not able to delete DEAD people from the the data base? I submit to you, this was clearly not "human error."

As a devoted citizen of North Dakota, this brings into question the integrity of the voting system within our wonderful state. Our governmental system was designed to have checks and balances. It is clear that the balances are not equal. I believe, Passing SB 2386 , is a vital step to placing proper checks and balance on the voting process within North Dakota.

As the testimonies are brought together, the picture becomes clear. Voting in North Dakota needs attention. I'm so grateful that you are here today to bear witness to the cry of your State and citizens to bring proper checks and balances to the voting system. Let us take action together to ensure every valid vote is verified, secure, and counted.

I support a DO Pass recommendation on SB 2386.

Very Sincerely,

Tana Walker

Anamoose, ND

District 14

Tanamt.2011@gmail.com

****PLEASE SEE PICTURES BELOW OF Ballot****

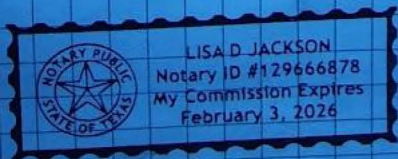
To whom it may concern,
I, Riley Walker, did not request a
North Dakota absentee ballot. I have
a Montana drivers licence issued 1-23-2019
SO could not legally vote in North Dakota
for many years. I gave Tana Walker
permission to check the contents of the envelope
in question. I believe, I should have never
received this ballot.
Riley Walker

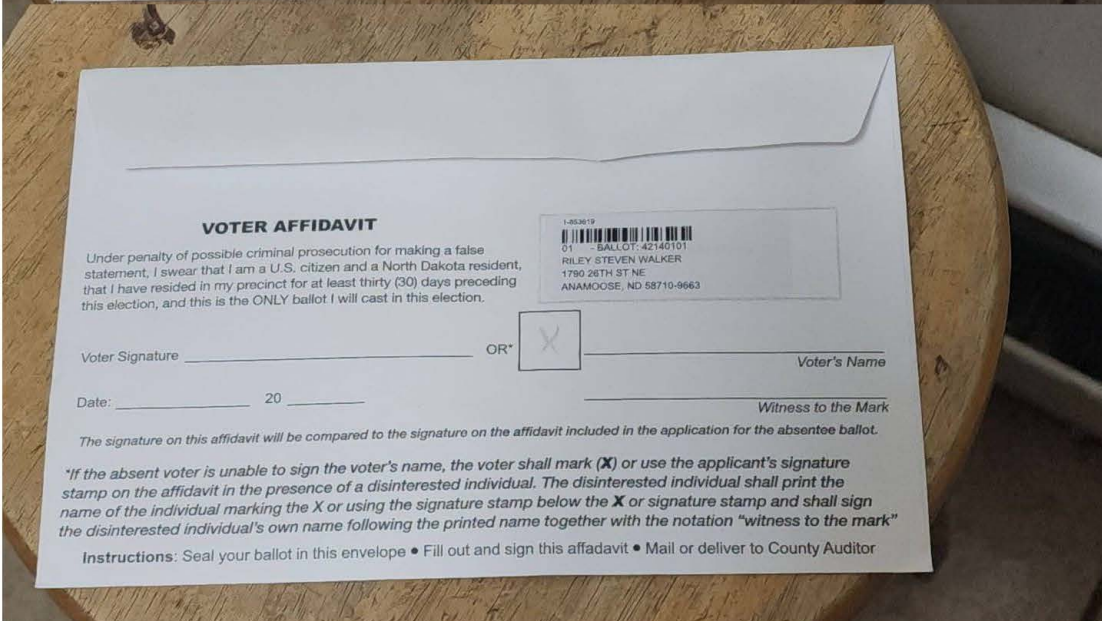
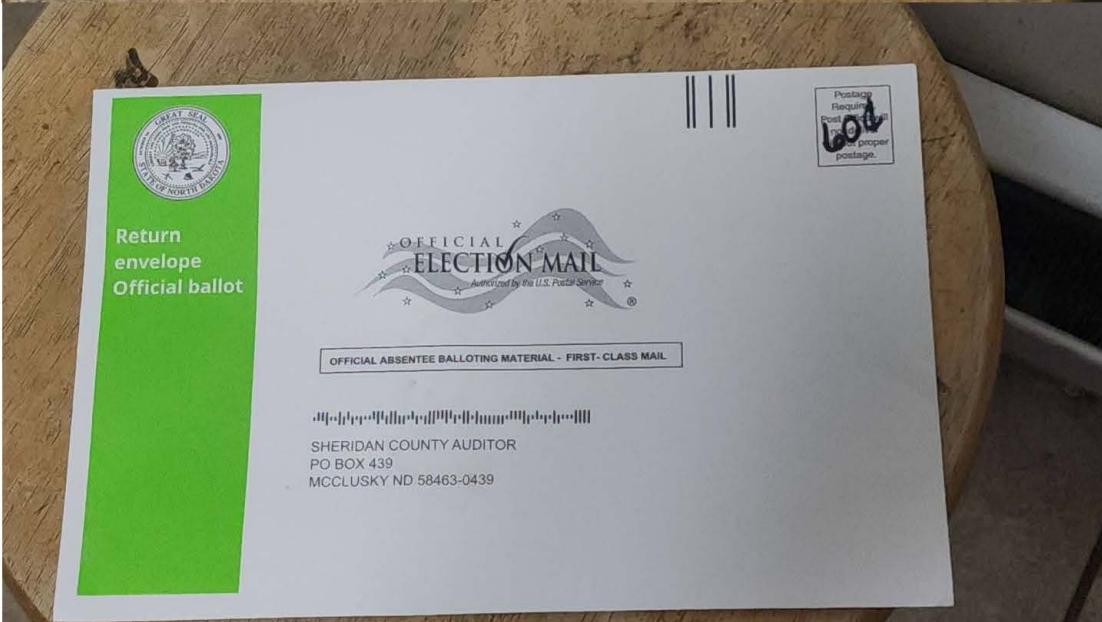
SUBSCRIBED AND SWORN TO BEFORE ME

THIS 26 DAY OF January, 2025

BY Riley Walker

[Signature]
NOTARY PUBLIC





GENERAL ELECTION BALLOT NOVEMBER 8, 2022

To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate.

To vote for a person whose name is not printed on the ballot, you must darken the oval (●) next to the blank line provided and write that person's name on the blank line.

NO-PARTY BALLOT

To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate.

To vote for a person whose name is not printed on the ballot, you must darken the oval (●) next to the blank line provided and write that person's name on the blank line.

PARTY BALLOT

United States Senator
Vote for no more than ONE name

- John Hoeven
Republican Party
- Katrina Christensen
Democratic-NPL Party
- Rick Becker
Independent Constitution
-

Representative in Congress
Vote for no more than ONE name

- Cara Mund
Democratic-NPL Party
- Kelly Armstrong
Republican Party
-

Secretary of State
Vote for no more than ONE name

- Charles Tuttle
Independent Constitution
- Jeffrey Powell
Democratic-NPL Party
- Michael Howe
Republican Party
-

Attorney General
Vote for no more than ONE name

- Timothy Charles (Tim) Lamb
Democratic-NPL Party
- Drew Wrigley
Republican Party
-

Agriculture Commissioner
Vote for no more than ONE name

- Doug Goehring
Republican Party
- Fintan L. Doolley
Democratic-NPL Party
-

Public Service Commissioner
Vote for no more than ONE name

- Melanie Moniz
Democratic-NPL Party
- Julie Fedorchak
Republican Party
-

Public Service Commissioner
Unexpired 4-Year Term

- Vote for no more than ONE name
- Sheri Haugen-Hoffart
Republican Party
 - Trygve Hammer
Democratic-NPL Party
 -

Tax Commissioner
Vote for no more than ONE name

- Brian Kroshus
Republican Party
-

Justice of the Supreme Court
Vote for no more than ONE name

- Daniel J. Crothers
-

Judge of the District Court
No. 2
South Central Judicial District
Vote for no more than ONE name

- Douglas A. Bahr
-

Judge of the District Court
No. 5
South Central Judicial District
Vote for no more than ONE name

- Cynthia M. Feland
-

Judge of the District Court
No. 6
South Central Judicial District
Unexpired 4-Year Term
Vote for no more than ONE name

- Bobbi Weiler
-

Judge of the District Court
No. 10
South Central Judicial District
Unexpired 4-Year Term
Vote for no more than ONE name

- Pamela Nesvig
-

Continue voting other side →

Official Ballot
SHERIDAN COUNTY
42140101
November 8, 2022

All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted.

Initials

Typ:01 Ser:0001 Rpt:01

NO-PARTY BALLOT

MEASURES BALLOT

COUNTY MEASURE No. 1

To vote for the candidate of your choice you must darken the oval (●) next to the name of that candidate.

Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure.

Sheridan County currently levies a total of 22 mills for road levies. Current levying authority beyond 10 mills will be expiring and a majority vote is required to continue to levy 22 mills on County Road. Should the Sheridan County Board of County Commissioners have the authority to levy up to 22 mills in the County Road Fund, per NDCC Chapter 57-15-06.7(5)?

To vote for a person whose name is not printed on the ballot, you must darken the oval (●) next to the blank line provided and write that person's name on the blank line.

Initiated Constitutional Measure No. 1
This initiated measure would add a new article to the North Dakota Constitution. Under the measure, an individual could not serve as a state legislator for a total of more than eight years in either the North Dakota House of Representatives or the North Dakota Senate, separately. It also would prohibit an individual from being elected as Governor more than twice. Service as a member of the legislature or election to the office of governor before the effective date of this measure would not count towards an individual's eight-year or two-election limit. An individual would not be allowed to serve a full or remaining term as a member of the legislature if serving the term would cause the individual to serve a total of more than eight years in that particular house. Any amendment to this article could not be proposed by the legislature, but only by citizen initiative. The article would become effective on January 1, 2023 if approved by the voters. If the measure conflicts with any other provision of the constitution, the measure states it would prevail over the other constitutional provision.

- Yes - Means you approve the measure as summarized above.
- No - Means you reject the measure as summarized above.

County Commissioner District 1
Vote for no more than ONE name

Shannon Dieterle

County Commissioner District 3
Vote for no more than ONE name

Sandra Felchle

County Auditor
Vote for no more than ONE name

Shirley A. Murray

County State's Attorney
Vote for no more than ONE name

Ladd Erickson

County Recorder
Vote for no more than ONE name

Kathleen C Mindt

County Treasurer
Vote for no more than ONE name

Lynnette Fox

County Sheriff
Vote for no more than ONE name

Trent Nasar

Supervisor, Soil Conservation District
Sheridan County Soil Conservation District
Vote for no more than ONE name

Kevin Bender

County Official Newspaper
Vote for no more than ONE name

The McClusky Gazette

The estimated fiscal impact of this measure is \$0 per biennium.

- Yes - means you approve the measure summarized above.
- No - means you reject the measure summarized above.

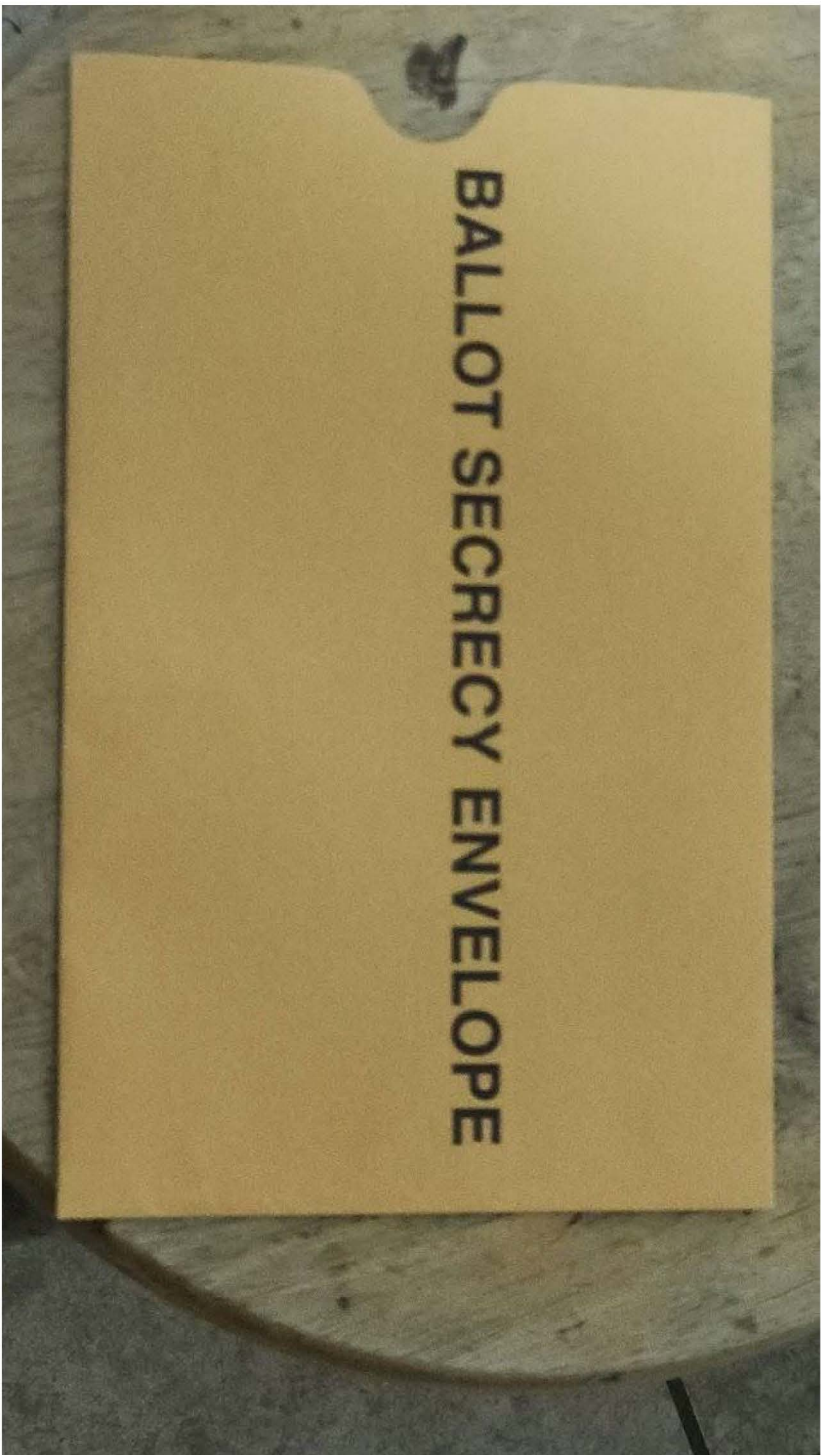
Initiated Statutory Measure No. 2

This initiated measure would create a new chapter of the North Dakota Century Code. It would legalize the production, processing, and sale of cannabis and the possession and use of various forms of cannabis by individuals who are 21 years of age or older, within limitations as to location, direct a state entity to regulate and register businesses that produce or dispense cannabis for use by individuals aged 21 years or older, and the businesses' agents, permit an individual aged 21 years or older to possess a limited amount of cannabis product, provide protections, limitations, penalties, and employer rights relating to use of cannabis products, and specify that fees are to be appropriated for administration of the chapter.

The estimated fiscal impact of this measure beginning in 2023 through the 2025-2027 Biennium is Revenue of \$3,145,000 and Expenses of \$4,985,000.

- Yes - means you approve the measure summarized above.
- No - means you reject the measure summarized above.

VOTE BOTH SIDES



State & Local Government Committee,

My name is Rae Portra, I live in District 23 and am writing in strong support of SB 2386.

In Section 1, I was troubled after looking through [KNOWiNK's](#), the company North Dakota uses for [electronic poll books](#), website and seeing so [many vulnerabilities](#) in the equipment that has taken over elections. [Verified Voting](#) has looked into every piece of electronic equipment used in our elections here in North Dakota. Electronic Poll Books are known [election security holes](#) and have received a [vote of no confidence](#) in many states. To secure the vote of every North Dakotan, we need a record of our elections, paper poll books are much, harder to manipulate, they can't be hacked and there is a record to look back at should the need arise.

In Section 2, I whole-heartedly agree that every qualified elector has a right to see every voter report and list. These are The People's elections and according to [Article 14](#) of the ND Constitution it is a Right protected by the 1st Amendment.

I also like how Section 3 reiterates that a paper poll book shall be provided to each poll clerk and Section 4 simply lays out how to verify a voter and what to do if a name is not on the list. Section 5 adds more security by ensuring the poll books remain locked until polls open on Election Day. I was curious as to how that would work for early voting, but that is covered in Section 6. Finally, Section 7 covers our Right, as laid out in Article 14 of the ND Constitution, as electors, to have access to our canvassing reports.

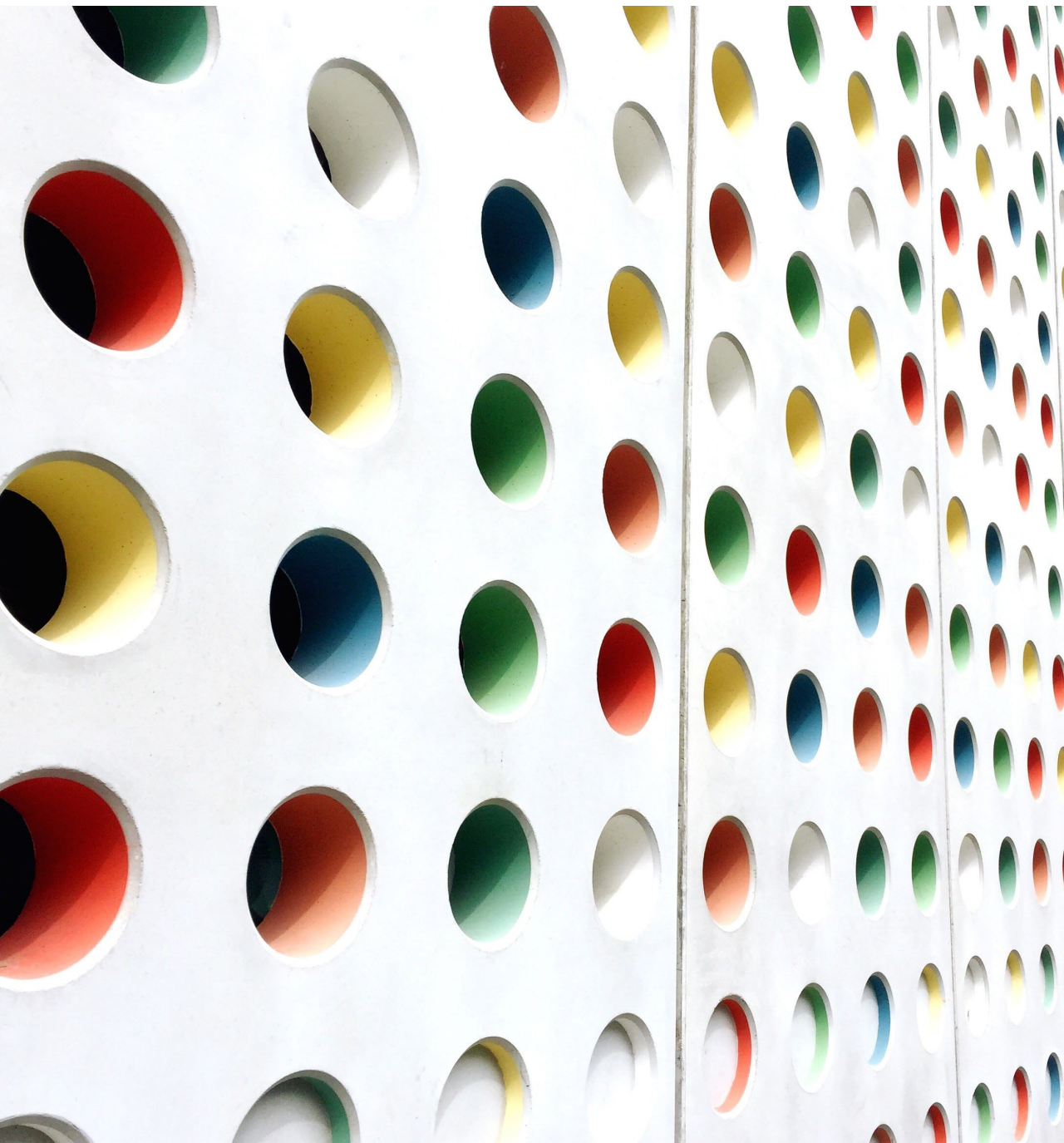
Everyone says, we've got nothing to worry about, our elections are fine. Yet no one wants to show us any receipts and when we try to do FOIA requests we are ignored completely, denied access, told those records don't exist, or are charged exorbitant amounts of money. If we try to volunteer, we are told they have more than enough help and still close our local in-person polling place. I know of several people who didn't get to vote because our town didn't have a polling location on election day. In Williston, I stood in line for 2 hrs, an hour of which was outside in the wind and 10 degree temps. I have a bad foot and I was barely able to make it through the line. There were no hand rails for support, no benches to sit on for the elderly and voters with mobility issues, like myself who had terrible and painful edema for several days after.

SB 2386 is a step in the right direction. I urge a Do Pass vote on this bill to start giving The People our elections back.

Thank you for your time and consideration.

Sincerely,

Rae Portra



In Support of SB 2386

DERRICK BULAWA

Background

Derrick F. Bulawa

CEO BEK Communications

38 years experience in computers systems & communications systems

Broadcast an election program called “Tomi Time, Election Hotline”, with a notable personality Tomi Collins.

Looking to see if the market would provide feedback on their election experience

I participated in the evaluation of some of the feedback from both voters and candidates.

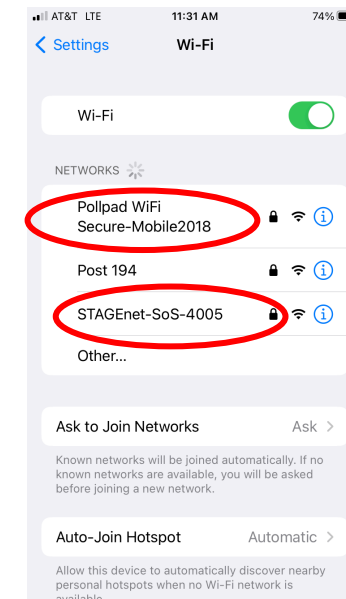
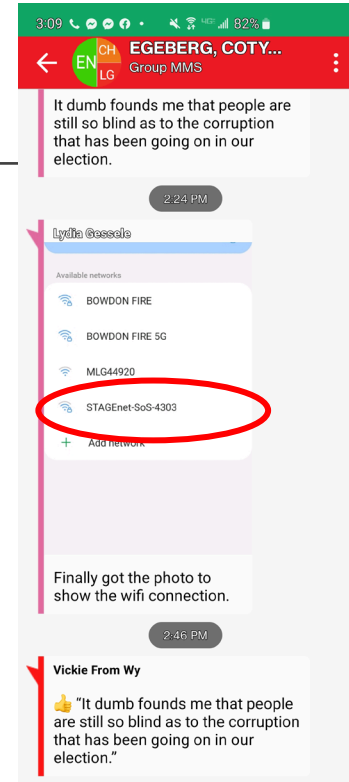
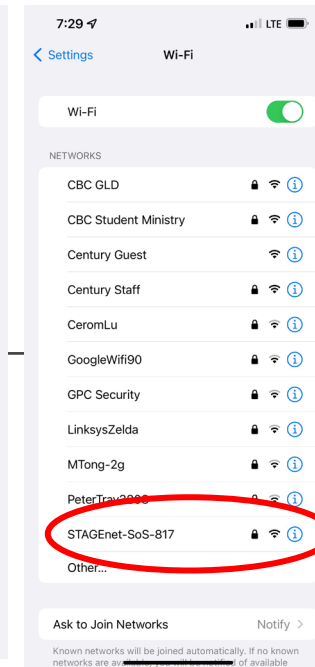
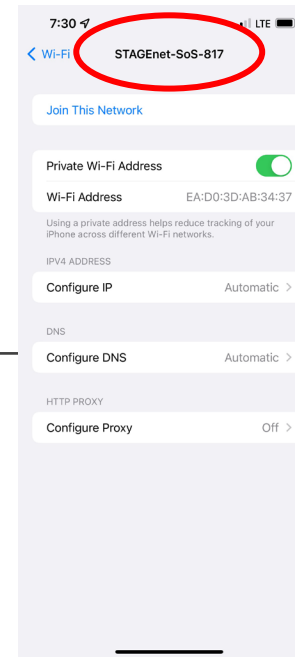
Election Feedback Process

Program:

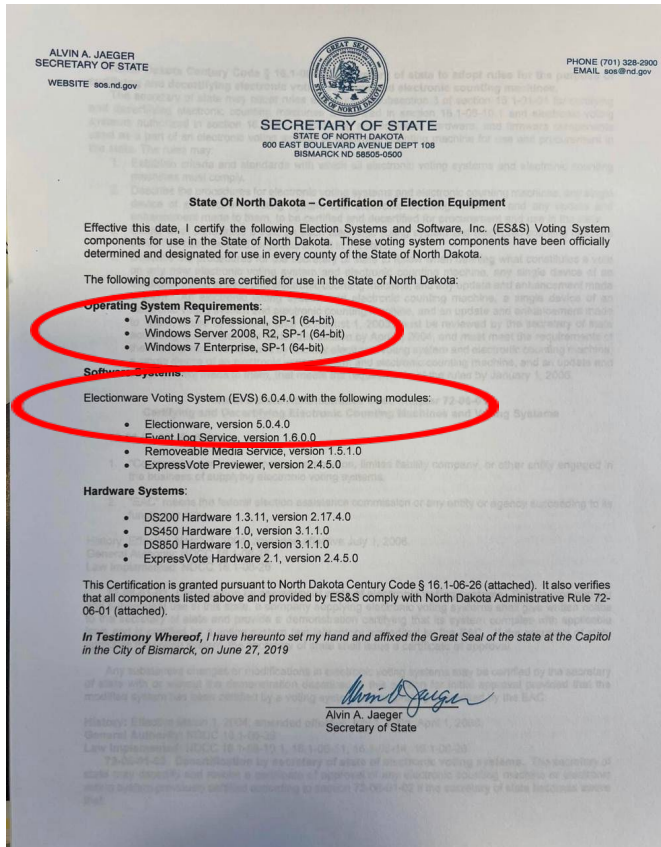
- Aired a 10-minute segment 2 to 3 times per day, soliciting feedback during the election
- Provided both an email and voicemailbox to receive comments from the public
- The comments were reviewed, called back for clarification and/or verification
- Then select comments were aired the next day, to find common points of feedback
- Three Broad categories of feedback will be reviewed today relating to Bill SB 2386

Connectivity and Security

- Viewers screen shots of WIFI access points (SSID)
- STAGEnet-sos-xxx
- Pollpad WIFI Secure-Mobilexxxx
- WIFI access to any network creates a hostile environment
- Poll pad has internet access
- DS 200 Tabulators is architected for internet access via WIFI, LTE, USB & Ethernet, per ES&S Docs.
 - I do not know the DS 200 configuration in ND



Connectivity and Security



- Poll Pad has both WIFI and Cellular Access
- DS200 is Windows 7 released in 2009
 - Is architected for both Wi-Fi and Cellular Access, Per ES&S
 - Windows 7 does not meet today's Cyber Security Standards
- A business running windows 7 today is uninsurable for Cyber Security Risk.

4.1 SYSTEMS

The following is a summary of the systems that support the voting process.

4.1.1 CENTRAL VOTER FILE (CVF)

The CVF is software developed, specifically, for administering elections in ND. The CVF is an electronic record of ND Voters. It is continually updated with data from the Department of Transportation and ND Vital Records. Any citizen issued an ND driver's license or a non-driver's ID is automatically recorded in the CVF with a name, address, and date of birth. The CVF is a part of ND's overall Election Management System (EMS).

4.1.2 ND VOTING INFORMATION AND CENTRAL ELECTION SYSTEM (ND VOICES)

ND VOICES is the EMS that maintains voter record integrity among the County Auditors and the SoS. It facilitates CVF records and ballot building for elections. Citizens can also interact with ND VOICES via a portal at <https://vip.sos.nd.gov> for voting information.

4.1.3 POLLPADS

PollPads are tablet computers with poll check-in software developed by KNOWiNK¹. Before a poll worker will provide a ballot, a voter must present a qualifying ID for the PollPad to scan. The PollPad locates the voter's record in the CVF. If the poll worker can verify the validity of the voter's settlement, the poll worker will provide an appropriate ballot based on the voter's precinct. The PollPads are networked on a dedicated cellular VPN using Cradlepoint² technology.



¹ KNOWiNK is an election technology company based out of Saint Louis, MO.
² Cradlepoint is a company headquartered in Boise, ID that develops routers, gateways and software for Wireless Wide Area Network (WWAN) edge networking. These devices connect to the PollPad through Wi-Fi and sync to ND VOICES through private cellular networks.

Connectivity and Security Conclusion

- It is reasonable to believe that the DS 200 and the Poll Pad do not meet today's security standards ?
- The Federal Election Commission has not established standards or oversight for Poll pads.
- The public seems skeptical about the security of the North Dakota voting technology.

- A significant physical audit of the DS 200 should be done.
- The Committee should consider mandating a paper ballot, paper pollbook, hand count system
- Sections 1,3,4,5 address these concerns

Obstruction of Open Records Requests

Viewer provided feedback

Obstruction of Open Records Requests – from viewers

From: Newby, Brian <bnewby@nd.gov>

Sent: Sunday, June 26, 2022 11:33 AM

To: Didier, Beth <bddidier@barnescounty.us>; Schlittenhard, Linda M. <lschlitt@nd.gov>; Maloney, Pam L. <pmaloney@nd.gov>; Lamb, Marcia D. <mdlamb@nd.gov>; Wigen, Jenny L. <jwigen@nd.gov>; Schmidt, Jeri G. <jschmidt@nd.gov>; Nelson, Debbie <debbie.nelson@gfcounty.org>; Faller, Krista <kfaller@nd.gov>; Erickson, Bonnie S. <bs Erickson@nd.gov>; Jensen, Jeanie S. <jsjensen@nd.gov>; Gellner, Lisa M. <lgellner@nd.gov>; Sheppard, Wanda <wsheppard@nd.gov>; Jastrzebski, Gayle M. <gjastrze@nd.gov>; Dolezal, Tracey K. <tracey.dolezal@dunncountynd.org>; Williams, Patty <pawilliams@nd.gov>; Ohlhauser, Marlys A. <mohlhauser@nd.gov>; Sperry, Tamra L. <tsperry@nd.gov>; Schoenhard, Jean <jschoenhard@nd.gov>; Larson, Samantha M. <samantha.larson@griggscountynd.gov>; Rhone, Dawn R. <dawn.rhone@mortonnd.org>; Fischer, Brenda K. <bkfischer@nd.gov>; Carpenter, Darlene K. <dcarpenter@nd.gov>; Ketterling, Gina L. <gketterl@nd.gov>; Johnsrud, Erica <ejohnsrud@co.mckenzie.nd.us>; Christopherson, Kandy K. <kchristo@nd.gov>; Gentzkow, Nicole <ngentzkow@nd.gov>; Pollman, LeAnn M. <lpollman@nd.gov>; McCloud, Valerie J. <vmccloud@nd.gov>; Murray, Shirley A. <smurray@nd.gov>; Buzalsky, Lorrie <lbuzalsky@nd.gov>; Wigen, Emily M. <ewigen@nd.gov>; Morlock, Joni M. <jmmorlock@nd.gov>; Haugen, Glenda M. <gglenda.haugen@co.trail.nd.us>; Molde, Kris K. <kmolde@nd.gov>; Meier, Sara E. <sarmeier@nd.gov>; Foss, Lori A. <lfoss@nd.gov>; Knutson, Beth A. <bknutson@nd.gov>; White, Erika M. <erwhite@nd.gov>; Czapiewski, Amy <ajczapiewski@nd.gov>; Lorenz, Janet <janet.lorenz@dunncountynd.org>; Laib, Tracy <tlaib@nd.gov>; Richardson, Sondra <sorichardson@nd.gov>; Tetrault, Jayne M. <jtetrault@nd.gov>; jason.blowers@wardnd.com <jason.blowers@wardnd.com>; Scherr, Jodi L. <jscherr@nd.gov>; Josh Smaage <jsmaage@stutsmancounty.gov>; Nelson, Linda <linelson@nd.gov>; Oland, Joan M. <joland@co.richland.nd.us>; Schumacher, Mindy <mischumacher@bowmancountynd.gov>; lori.morgan@gfcounty.org <lori.morgan@gfcounty.org>; Mindt, Julie <jmindt@barnescounty.us>; Silrum, Jim <jsilrum@nd.gov>; Menzies, Dawn L. <dmenzies@nd.gov>; Delval, Mary K. <mdelval@co.richland.nd.us>; Lapp, Colleen <clapp@nd.gov>; marisa.haman@wardnd.com <marisa.haman@wardnd.com>; colleen.morstad@gfcounty.org <colleen.morstad@gfcounty.org>; Olsen, Mechelle M. <molsen@co.richland.nd.us>; Oberlander, Kayla L. <kloberlander@nd.gov>; Thomsen, Michelle <mthomsen@co.mckenzie.nd.us>; Weidner, Darin D. <darinw@co.williams.nd.us>; Guderjahn, Terri L. <tguderjahn@nd.gov>; Andrew, Rebecca <randrew@nd.gov>; misty.hester@wardnd.com <misty.hester@wardnd.com>; Heintz, Renae <rheintz@nd.gov>; Bullinger, Sondra R. <sbullinger@nd.gov>; Winhold, Pamela K. <pwinhold@starkcountynd.gov>; brendaj@co.williams.nd.us <brendaj@co.williams.nd.us>; Eckroth, Belinda K. <belinda.ekroth@mortonnd.org>; Hildebrand, Alicia <hildebranda@casscountynd.gov>; Lunde, Renee L. <rlunde@nd.gov>; Marshall, Lori <lmarshall@barnescounty.us>; Swenson, Sharon <sswenson@nd.gov>; Jackson, Trudy K. <trujackson@nd.gov>; Krance, Kathy J. <kathy.krance@mortonnd.org>; Keller, Britney L. <brkeller@nd.gov>; Anderson, Karla M. <km Anderson@nd.gov>; sallyr@co.williams.nd.us <sallyr@co.williams.nd.us>; Roberts, Nicole <nroberts@starkcountynd.gov>; Jensen, Donna L. <djensen@casscountynd.gov>; Knudson, Tessa M. <tmknudson@nd.gov>; Caya, Brandi M. <bcaya@nd.gov>; Bosch, Gwyn L. <gbosch@nd.gov>; Genter, Corey <cgenter@stutsmancounty.gov>; Alonge, Jessica <jalonge@stutsmancounty.gov>; McLean, Emily <emclean@stutsmancounty.gov>; Hovey, Heather J. <heather.hovey@co.trail.nd.us>; Mecham, Tami D. <tdmecham@nd.gov>; Maier, Christina L. <cmaier@nd.gov>; Walker, Sarah <sarah.walker@wardnd.com>; Roundy, Ellen <eroundy@nd.gov>; McGilvrey, Maureen <mmgilvrey@stutsmancounty.gov>; Magnuson, Debbie <dmagnuson@barnescounty.us>; Linz, Jason <jlinz@stutsmancounty.gov>; sally.whittingham@dunncountynd.org <sally.whittingham@dunncountynd.org>; Deschamp, Emily R. <emily.deschamp@co.bottineau.nd.us>; Wallace, Madison L. <madison.wallace@griggscountynd.gov>; Zimmerman, Joan R. <joanzimmerman@nd.gov>; Gabert, Amber <agabert@nd.gov>; Risk, Cindy D. <crisk@casscountynd.gov>; McDougall, Tara L. <tmcdougall@nd.gov>; Vetter, Laurie <lavetter@nd.gov>; Schuh, Lori A. <lschuh@nd.gov>; Grosche, Tiffany <tiffany.grosche@co.ward.nd.us>; Ellingson, Nancy <nellingson@nd.gov>; Warath, Nikki <nikki.warath@co.ward.nd.us>; sandy.newcomb@mortonnd.org <sandy.newcomb@mortonnd.org>; Ivey, Bernadette <bivey@nd.gov>; Buckhouse, DeAnn <buckhoused@casscountynd.gov>; Heinle, Sarah <heinles@casscountynd.gov>; Volk, Leann <lvolk@nd.gov>; Ward, Robyn <rward@nd.gov>; Hallaway, Cari J. <challaway@nd.gov>; Frank, Kim R. <kfrank@nd.gov>; Walz, Alice <walzA@casscountynd.gov>; Anderson, Kathy <kaanders@nd.gov>; Emter, Renae J. <remitter@nd.gov>; Woodley, Carrie <cwoodley@bowmancountynd.gov>; Vietmeier, Alan R. <avietmeier@nd.gov>; Guzman, Amber <amber.guzman@gfcounty.org>; pekadir@co.mckenzie.nd.us <pekadir@co.mckenzie.nd.us>; deanna.abernathy@co.bottineau.nd.us <deanna.abernathy@co.bottineau.nd.us>; Oland, Joan M. <joland@co.richland.nd.us>; Larson, Shannon R. <slarson@stutsmancounty.gov>; Smithberg, Kim J. <ksmithberg@nd.gov>; karif@co.williams.nd.us <karif@co.williams.nd.us>; Szudera, Cassie <caszudera@nd.gov>; Migler, Karen <kmigler@nd.gov>; vnelson@barnescounty.us <vnelson@barnescounty.us>; hford@co.mckenzie.nd.us <hford@co.mckenzie.nd.us>; shellie.smette@gfcounty.org <shellie.smette@gfcounty.org>; jana.sogge@gfcounty.org <jana.sogge@gfcounty.org>; colin.kennedy@gfcounty.org <colin.kennedy@gfcounty.org>; Oliver, Lee A. <loliver@nd.gov>; Baumgartner, Ofelia <obaumgartner@nd.gov>; Nybakken, Brian <bnbakken@nd.gov>; Jaeger, Al A. <ajaeger@nd.gov>; Newby, Jessica J. <jnewby@nd.gov>; Preskey, Donnell <donnell.preskey@ndaco.org>; Carlson, Claudette <clacarlson@nd.gov>; Weed, Shelly A. <sweed@nd.gov>; Oland, Joan M. <joland@co.richland.nd.us>; Buchwitz, Erin P. <ebuchwitz@nd.gov>; Pappa, Stephanie <stephp@co.mountrail.nd.us>; Halmrast, Sharon <shalmrast@nd.gov>; whitney.walsh@gfcounty.org <whitney.walsh@gfcounty.org>; Hintz, Judith M. <jhintz@nd.gov>; Brenda Johnson <brendaj@co.williams.nd.us>; Innis, Beth M. <bethi@co.williams.nd.us>; Hamlin, Jan J. <jhamlin@nd.gov>; Deschamp, Subject: Saturday Freedom of Information Act Request

Good morning, everyone.

Our office has seen an email from a citizen in North Dakota to an auditor, sent Saturday morning, related to a Freedom of Information Act request. We are presuming that all counties have received this same email.

As we have discussed, the Freedom of Information Act is a federal law, but it is conceptually similar to state open records laws. While we think you should discuss all requests with your State's Attorney, our advice is to treat any "Freedom of Information" request as an Open Records Act request, pursuant to NDCC.

The NDCC intends to make many records available upon request, although the key word in this explanation is "records." Your county may assess a cost to recover and produce any records, and many records related to elections are exempt from release because they involve Critical Infrastructure or Security.

In the case of the email sent Saturday, the person asks for files created and reports produced from November 2020.

The starting point on this would be, do you have these reports (as in already produced, not could you make them...)? Presumably, the answer to that is no. If that's the case, it's a simple, short response, that you do not have any responsive records. As always, though, discuss that with your State's Attorney.

If you do have the reports already prepared, the answer likely is different, and please call Brian Newby to discuss.

However, the request also suggests something alarming, that the citizen could provide a USB drive with all the data for this and any future things....the ElectionWare computer is air-gapped. Under no circumstances ever should any USB drive be inserted into the ElectionWare computer that isn't a blue ESS drive or the one-time use drives we send.

Thank you,

Brian D. Newby, CERA
State Election Director | North Dakota Secretary of State
600 E Boulevard Ave | Dept 108
Bismarck, ND 58505-0500
Desk: 701.328.3721
bnewby@nd.gov | sos.nd.gov

The starting point on this would be, do you have these reports (as in already produced, not could you make them...)? Presumably, the answer to that is no.

Obstruction of Open Records Requests – from viewers

- There is currently no statute that mandates a timely response on open records requests for election data.
- One candidate has made open records requests to all 53 counties only receiving valid data from 17.
- Section 7 of this bill addresses this issue.

ARTICLE XIV ETHICS COMMISSION

Section 1.

1. The people of North Dakota need information to choose candidates for office, vote on ballot measures, and ensure that their representatives are accountable. This transparency must be sufficient to enable the people to make informed decisions and give proper weight to different speakers and messages. The people therefore have the right to know in a timely manner the source, quantity, timing, and nature of resources used to influence any statewide election, election for the legislative assembly, statewide ballot-issue election, and state government action. This right is essential to the rights of free speech, assembly, and petition guaranteed by the First Amendment to the Constitution of the United States and shall be construed broadly.
2. The legislative assembly shall implement and enforce this section by enacting, no more than three years after the effective date of this article, laws that require prompt, electronically accessible, plainly comprehensible, public disclosure of the ultimate and true source of funds spent in any medium, in an amount greater than two hundred dollars, adjusted for inflation, to influence any statewide election, election for the legislative assembly, statewide ballot-issue election, or to lobby or otherwise influence state government action. The legislative assembly shall have an ongoing duty to revise these laws as necessary to promote the purposes of this section in light of changes in technology and political practices. The legislative assembly shall vest by law one or more entities with authority to implement, interpret, and enforce this section and legislation enacted thereunder. If the laws or rules enacted or an implementation, interpretation, or enforcement action taken under this section fail to fully vindicate the rights provided in this section, a resident taxpayer may bring suit in the courts of this state to enforce such rights.

Validation of Who Voted Records

Candidate provided information

Validation of Who Voted Records

- Open records request to Burleigh County yielded two Pollbook files on two different dates, post election certification
- File provided on November 28th listed 35,747 voter records
- File provided on December 13th listed 35,648 voter records
- There is no way to reconcile the two files, or determine which one is correct

- Section 9 & 10 of the Bill with Paper Ballots would give the public a remedy.

Conclusion – Public Concerns

- ❑ Connectivity and Security
- ❑ Obstruction of Open Records
- ❑ Validation of Who Voted Records

- ❑ SB 2386 provides practical and usable tools

I recommend a Do Pass on SB2386

23.1057.01001

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2386

Introduced by

Senator Magrum

1 A BILL for an Act to create and enact a new section to chapter 16.1-16 of the North Dakota
2 Century Code, relating to special audits of election results; and to amend and reenact sections
3 16.1-02-13 and 16.1-02-15, subsection 3 of section 16.1-05-04, subsection 2 of section
4 16.1-05-07, section 16.1-06-21, subsection 2 of section 16.1-07-15, ~~and~~ sections 16.1-11-33
5 and 16.1-15-04, subsection 5 of section 16.1-15-09, and section 16.1-15-13 of the North Dakota
6 Century Code, relating to pollbooks, defective ballots, ballot retention, voter lists, reports
7 generated from the central voter file, and reports submitted to the county auditor.

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

9 **SECTION 1. AMENDMENT.** Section 16.1-02-13 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **16.1-02-13. Information contained in pollbooks generated from the central voter file -**
12 **Electronic pollbooks prohibited.**

13 The county auditor shall generate a pollbook for each precinct in the county from the central
14 voter file by the day before an election. With the exception of a record designated "secured
15 active" and the voter's birth date and driver's license or nondriver identification card number
16 issued by the department of transportation, which are exempt records, the precinct pollbooks
17 are open records under section 44-04-18. When providing ~~access to or~~ a copy of a pollbook, the
18 election official administering the election shall redact from the pollbook any voter records
19 designated as secured active along with the voter's date of birth and identification numbers
20 listed on the paper pollbook used in an election. ~~If an~~An electronic pollbook ~~is~~may not be used,
21 ~~the election official, upon request for a copy of the pollbook, shall generate a list including the~~
22 ~~allowable information detailed in this section for the individuals who voted in the election. The~~
23 ~~list provided from an electronic pollbook may be requested by precinct or county. The secretary~~
24 of state shall prescribe procedures for generating pollbooks and for transporting the pollbooks

1 to the poll clerks for use on election day. ~~Electronic pollbooks may have a secure connection~~
2 ~~from the polling place to the data maintained in the central voter file to ensure the integrity of the~~
3 ~~election.~~ Each pollbook generated from the central voter file must contain the following
4 information for each individual contained in the pollbook:

- 5 1. The complete legal name of the individual.
- 6 2. The complete residential address of the individual.
- 7 3. The complete mailing address of the individual, if different from the individual's
8 residential address.
- 9 4. The unique identifier generated and assigned to the individual.
- 10 5. The county, legislative district, city or township, school district, county commissioner
11 district, if applicable, precinct name, and precinct number in which the individual
12 resides. A ballot-style code identifying this information may be used in place of the
13 information required by this subsection.
- 14 6. Any other information requested of and obtained from the individual deemed
15 necessary by the secretary of state ~~for the proper administration of the pollbook.~~

16 **SECTION 2. AMENDMENT.** Section 16.1-02-15 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **16.1-02-15. Voter lists and reports ~~may be made available for election-related~~**
19 **~~purposes - Available upon request - Funds received.~~**

- 20 1. ~~Except as otherwise provided by law for the information identified in subsection 2, a~~
21 ~~voter list or a report generated from the central voter file may~~must ~~be made available,~~
22 ~~upon request, to a candidate, political party, or a political committee for~~
23 ~~election-related purposes. Any information obtained by a candidate, political party, or~~
24 ~~political committee for election-related purposes from a list or report generated from~~
25 ~~the central voter file may not be sold or distributed for a purpose that is not~~
26 ~~election-related. Except for, or qualified elector.~~
- 27 2. The information identified in the central voter file under subsections 1, 2, 3, 4, 5, 6, 7,
28 and 108 and 9 of section 16.1-02-12, which is an exempt record and may not be made
29 available to a candidate, political party, or political committee for election-related
30 purposes, information in the central voter file is an exempt record, or qualified elector.
31 An individual's record that is designated as "secured active" is an exempt record and

1 is not available to any candidate, political party, or political committee, or qualified
2 elector for any purpose.

3 3. The secretary of state shall furnish a voter list or report within seven days of receiving
4 a written request and upon payment of a fifty dollar processing fee. The secretary of
5 state shall waive the processing fee upon proof of indigence. Any funds received by
6 the secretary of state to pay the cost of producing a report or list of voters contained in
7 the central voter file must be deposited in the secretary of state's general services
8 operating fund.

9 **SECTION 3. AMENDMENT.** Subsection 3 of section 16.1-05-04 of the North Dakota
10 Century Code is amended and reenacted as follows:

11 3. The election inspector shall provide a paper copy of the pollbook generated from the
12 central voter file and assign the poll clerks to perform the function of maintaining the
13 pollbook. The designated poll clerks shall maintain the pollbook. The pollbook must
14 contain the name and address of each individual voting at the precinct and must be
15 arranged in the form and manner prescribed by the secretary of state.

16 **SECTION 4. AMENDMENT.** Subsection 2 of section 16.1-05-07 of the North Dakota
17 Century Code is amended and reenacted as follows:

- 18 2. a. When verifying an individual's eligibility or when ~~entering~~comparing the name of
19 an individual ~~into~~with the pollbook, poll clerks shall request, correct, and update
20 any incorrect or incomplete information, on a paper form created by the secretary
21 of state, about an individual required to be included in the pollbook generated
22 from the central voter file.
- 23 b. If the individual's name is contained in the pollbook generated from the central
24 voter file, the poll clerks shall verify the individual's residential address and
25 mailing address.
- 26 c. If the individual's name is not contained in the pollbook generated from the
27 central voter file but the individual is determined eligible to vote, the poll clerks
28 shall record the individual's name in the pollbook. The poll clerks shall request
29 and obtain any additional information for the individual required to be included in
30 the pollbook and the central voter file.

1 **SECTION 5. AMENDMENT.** Section 16.1-06-21 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **16.1-06-21. Pollbooks delivered by county auditor - Contents - Inspector of elections**
4 **to deliver.**

- 5 1. The county auditor shall ~~see that one~~ensure two paper ~~or electronic pollbook~~
6 ~~is~~pollbooks are delivered to the election inspector in each election precinct or polling
7 place in the county.
- 8 2. The election inspector shall deliver the ~~pollbook~~pollbooks, or cause the
9 ~~pollbook~~pollbooks to be delivered, to the clerks of election in the inspector's polling
10 place on election day before the opening of the polls. All pollbooks must be locked and
11 kept secure until the polling location is open to voters on election day.

12 **SECTION 6. AMENDMENT.** Subsection 2 of section 16.1-07-15 of the North Dakota
13 Century Code is amended and reenacted as follows:

- 14 2. If the board of county commissioners establishes an early voting precinct according to
15 this section,~~the following provisions apply:~~
- 16 a. Early voting must be authorized during the fifteen days immediately before the
17 day of the election. The county auditor shall designate the business days and
18 times during which the early voting election precinct will be open and publish
19 notice of the early voting center locations, dates, and times in the official county
20 newspaper once each week for three consecutive weeks immediately before the
21 day of the election.
- 22 b. The county auditor shall appoint the early voting precinct election board for each
23 early voting polling place that consists of one independent representative to act
24 as the inspector and an equal number of representatives from each political party
25 represented on an election board in the county, as set out in section 16.1-05-01,
26 to act as judges. Each official of the board shall take the oath required by section
27 16.1-05-02 and must be compensated as provided in section 16.1-05-05.
- 28 c. The county auditor, with the consent of the board of county commissioners, shall
29 designate each early voting polling place in a public facility, accessible to the
30 elderly and the physically disabled as provided in section 16.1-04-02. With
31 respect to polling places at early voting precincts, "election day" as used in

- 1 sections 16.1-10-03 and 16.1-10-06.2 includes any time an early voting precinct
2 polling place is open.
- 3 d. At the close of each day of early voting, the inspector, along with a judge from
4 each political party represented on the board, shall secure all election-related
5 materials, including:
- 6 (1) The pollbooks ~~and access to any electronically maintained pollbooks.~~
7 (2) The ballot boxes containing voted ballots.
8 (3) Any void, spoiled, and unvoted ballots.
- 9 e. Ballot boxes containing ballots cast at an early voting polling place may not be
10 opened until the day of the election except as may be necessary to clear a ballot
11 jam or to move voted ballots to a separate locked ballot box in order to make
12 room for additional ballots.
- 13 f. Each early voting polling place may be closed, as provided in chapter 16.1-15, at
14 the end of the last day designated for early voting in the county. Results from the
15 early voting precinct may be counted, canvassed, or released under chapter
16 16.1-15 as soon as any precinct within the county, city, or legislative district
17 closes its polls on the day of the election. The county auditor shall designate a
18 location for the closing, counting, and canvassing process under chapter 16.1-15,
19 which location must be open to any person for the purpose of observing.
- 20 g. The early voting precinct election board shall comply with the requirements of
21 chapters 16.1-05, 16.1-06, 16.1-11, 16.1-11.1, 16.1-13, and 16.1-15, as
22 applicable.

23 **SECTION 7. AMENDMENT.** Section 16.1-11-33 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **16.1-11-33. Judges of election to run report of primary election - Contents.**

26 The judges of a primary election in each polling place shall run a separate report for each
27 political party or principle requesting the report, containing the names of all individuals voted for
28 at the primary election, the number of votes cast for each candidate, and for what office. The
29 report must be approved and signed by the election inspector and election judges and must be
30 filed with the returns in the office of the county auditor. ~~The~~ A report listing the name and
31 residential address of each individual who voted must be made available, at no cost to any

1 qualified elector, upon request, ~~to any qualified elector, at no cost~~ within twenty-four hours of
2 generation of the report.

3 **SECTION 8. AMENDMENT.** Section 16.1-15-04 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **16.1-15-04. Canvass report prepared by election board for county auditor.**

- 6 1. The election board shall generate at least one canvass report from the electronic
7 voting system. The ballots may not be sealed, nor may the canvass report be signed,
8 by the election board or poll clerk until the counts in the poll clerks' books and in the
9 canvass report shows the same totals for ballots cast.
- 10 2. In the case of the absentee ballot precinct as authorized in section 16.1-07-12.1, early
11 voting precincts as authorized in section 16.1-07-15, and mail ballot precinct as
12 authorized in section 16.1-11.1-06, if the work of the election board is completed ~~prior-~~
13 ~~to~~before close of the polls on election day, the election board shall create and sign a
14 statement consisting of a reconciliation of the number of voters recorded in the
15 pollbook and the number of ballots processed through the tabulators. The voting
16 system must be secured in a manner prescribed by the county auditor that will protect
17 the system and ballots from tampering. ~~Prior to~~Before generating the canvass report
18 from one of these three types of precincts, an election judge representing each
19 political party, or two election judges in the case of an election that does not include a
20 political party contest, shall verify that the system and ballots remain secure and the
21 statement created by the election board is still accurate.
- 22 3. A report listing the name and the residential address of each individual who voted
23 must be made available at no cost to any qualified elector, upon request, ~~to any-~~
24 ~~qualified elector, at no cost~~ within twenty-four hours of generation of the report.

25 **SECTION 9. AMENDMENT.** Subsection 5 of section 16.1-15-09 of the North Dakota
26 Century Code is amended and reenacted as follows:

- 27 5. If any ballot is damaged or defective so the ballot cannot be counted properly by the
28 voting system, ~~a true duplicate copy must be made by~~ election officials of opposed
29 interests ~~and substituted for the damaged or~~shall hand count the defective ballot. All
30 ~~duplicate~~hand-counted defective ballots must be labeled ~~duplicate~~hand-counted
31 defective clearly, must bear a serial number that must be recorded on the damaged or

1 defective ballot, and must be wrapped and delivered with other ballots to the county
2 recorder.

3 **SECTION 10. AMENDMENT.** Section 16.1-15-13 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **16.1-15-13. County recorder to keep ballots - Exception - Use of ballots as evidence.**

6 Immediately upon receiving the ballots as provided in section 16.1-15-08, the county
7 recorder shall give a receipt to the election judges and shall place the ballots in boxes that are
8 securely locked. The boxes must be placed in a fireproof vault and must be kept securely for
9 ~~forty-five~~one hundred twenty days if the ballots do not contain federal offices and twenty-two
10 months if the ballots contain federal offices. The ballots may not be opened nor inspected,
11 except upon court order in a contested election, when it is necessary to produce them at a trial
12 for any offense committed at an election, or to permit election officials to complete their duties.
13 Either forty-five days or twenty-two months after the election dependent upon the retention
14 schedule outlined in this section, upon determination by the county recorder that no contest is
15 pending, the ballots must be destroyed. If any contest of the election of any officer voted for at
16 the election or a prosecution under the provisions of this title is pending at the expiration of the
17 time, the ballots may not be destroyed until the contest or prosecution is finally determined. The
18 ballots returned to the county recorder as provided in this section must be received in evidence
19 without introducing further foundation.

20 **SECTION 11.** A new section to chapter 16.1-16 of the North Dakota Century Code is
21 created and enacted as follows:

22 **Special audit - Petition.**

23 1. Notwithstanding any other provision of law, a special audit must be conducted within
24 one hundred twenty days of the certification of the corresponding election results if a
25 petition requesting a special audit is submitted by twenty-five percent of qualified
26 electors residing in:

27 a. A city regarding a city election;

28 b. A county regarding a county election;

29 c. A legislative district regarding a legislative election; or

30 d. The state regarding a statewide election.

- 1 2. The special audit must take place on a weekend, or multiple weekends, within thirty
2 days of the submission of the petition. All ballots subject to the special audit must be
3 counted by hand by an equal number of representatives from the two political parties
4 that cast the highest vote for governor at the last general election at which a governor
5 was elected. The county auditor shall oversee special audits for city, legislative, or
6 county elections. The state auditor shall oversee special audits for statewide races.
7 The representatives counting ballots must be chosen by a publicly held lottery in which
8 the paper applications are put into a container and randomly selected by the:
9 a. State chairman of each political party in each statewide race;
10 b. District chairman of each political party if a legislative race;
11 c. County auditor for each countywide race; or
12 d. Mayor of a city for each citywide race.
13 3. All costs and expenses of the special audit must be paid in full by the entity conducting
14 the special audit.
15 4. The results of the special audit must be made available to the public, in paper or
16 electronic format, within seven days from the completion date of the special audit.

SB2386 DO PASS

Albert D. Krueger
2320 5th Ave NE
Butte, ND 58723
Testimony in support of SB2386

Dear Chair and Committee

I drove to McClusky, ND for the June 2020 primary and voted in the County Auditors office with an Absentee Ballot.

I have looked at a list of voters names that Riley Kuntz received from the Sheridan County's Auditor and then e-mailed to me. After reviewing the list my name was not on the list.

Elmer Knodel has requested a voter list from the County Auditor many times and never received a voter list.

My cousins wife, Dorothy Krueger's name was not on that list either. She said she voted in Mc Clusky at a polling place.

I saw a ballot that was mailed to Dorothy Dikoff-Simon for her husband, Norbert Simon, who was deceased for 13 years and never lived in ND but did live in SD. Dorothy did not order that ballot. Dorothy is a former secretary of the ND GOP.

Many voters have told me they would like the mail out ballots stopped and have voter list access according to sec.2 of SB2386.

WE WOULD WANT A DO PASS ON THIS BILL.

Albert D. Krueger

SB 2368 DO PASS - PER ARTICLE XIV SECTION ONE OF ND CONSTITUTION

TOMI L. COLLINS
MANDAN, ND

Dear Madam Chair and Honorable Committee

I respectfully and heartfully remind the committee that our Elections belong to the people, not PACS, Candidates, Auditors, the SoS or this legislature, it belongs to us "the people". Currently some portions of the NDCC are in direct violation to this truth as expressed in our US Constitution and in our ND Constitution. This Bill was thoughtfully crafted to give the rightful authority and "transparency" back to the people of North Dakota.

ARTICLE XIV ETHICS COMMISSION

1. The people of North Dakota need information to choose candidates for office, vote on ballot measures, and ensure that their representatives are accountable. This transparency must be sufficient to enable the people to make informed decisions and give proper weight to different speakers and messages. The people therefore have the right to know in a timely manner the source, quantity, timing, and nature of resources used to influence any statewide election, election for the legislative assembly, statewide ballot-issue election, and state government action. This right is essential to the rights of free speech, assembly, and petition guaranteed by the First Amendment to the Constitution of the United States and shall be construed broadly.

Sections 1, 3, 4, 5, 6

1. To adhere to our ND Constitution "Transparency must be sufficient" I argue that when you remove paper back-up, as we have with the poll pads, we no longer have transparency. There is no way for the people to verify an Electronic Poll Book. We currently have many irregularities in the 2022 election.
 - We have testimony that multiple people voted but their names are not listed on the E-Pollbook records for their county. This info was obtained after only a few folks reviewed the one Sheridan county e-pollbook (who voted list). (See Albert Kreuger Testimony)
 - The **KnowInk** E-Pollbook system crash in Burleigh County.

See source document: Email from **Burleigh County Auditor, Erica White to the County Commissioners** "...without a way to bypass the error and check voters in at the polling location". The problem was fixed about 20 minutes after the polls were open according to press releases ... But not without some voters being affected. According to Burleigh County Auditor, Erica White

- Report from ND state employee, Barb called in to report the issue. See transcript of phone call recorded November 8, 2022: See transcript below.

“Hi Tomi. This is Barb. I went to vote this morning at the Hillside Aquatic Center, and I got there about 7:15 and thinking I’d be in and out in 5 minutes so I could get to work at my normal 7:30 time. And the line was out the door, and it didn’t seem to be moving. And, as I got up a little closer, the poll worker was explaining that their poll books were all saying that we were at the Civic Center, not at Hillside Aquatic Center. They had been working on it since, I mean, early, before they even opened and they still hadn’t fixed it by the time I was there at 7:15. Many, many people left the line. The poll worker did encourage people to go to the Civic Center, but if people were on their way to work, they were not going to have time to go to the Civic Center to vote. About 7:45, I was able to finally vote. I’m not exactly sure what time they remedied everything. They did say it appeared to be city-wide, and they were waiting for the vendor of the voting machines to reprogram something or fix something in their poll books so that it would say that we were at the Hillside Aquatic Center rather than the Civic Center. So, just wanted to make you aware. I did get to vote. I voted on paper, and I hope everything turns out OK. Thanks so much. Bye-bye.

- You see from Derrick Bulawa’s testimony we have 2 different e-pollbook records of who voted, in Burleigh County the same county that had the pollbook crash. The two Burleigh County e-pollbook reports of who voted in the 2022 General Election received on two different dates and verified by Burleigh County Auditor, Erika White, have different numbers of voters (99 difference in voters). Which report is correct? We cannot ever truly say because there is no paper back up to verify which one is true and accurate or if either are. election that cannot be verified.

2. Section 2

Currently the active voter list which is considered a “restricted record”. It is only available to PACS and Candidates the people are currently sequestered from this list. Currently there is over a \$2000 charge for this ready report that is an email attachment. This is a gross overcharge. It also brings up the issues of disenfranchisement of a certain class of candidates. An indigent candidate currently could not obtain this list to start their campaign. Sequestering the people of North Dakota from this list prevents the people of North Dakota from “, and ensure that their representatives are accountable and transparency must be sufficient” Currently the transparency the people need to assure they are holding the SoS and those in charge of this list accountable is not being given to them and I argue this is unconstitutional. According to experts, this (among other issues) puts North Dakota’s elections in the category of the absolute “least transparent elections” in the United States. The fact that the people have been sequestered from this list for so long shows. It is an outdated list and has not been managed as required by NDCC. I believe this is largely due to the fact it is hidden from the people of ND. They have a right to canvas their neighborhoods to insure the people on that list are actually living in their neighborhoods.

- People who have been long deceased got Ballots (See Albert Kreuger Testimony)

- Ballot received Riley Walker in Montana, who did not request a Ballot and has not live in ND for over 10 years and he does not have an ND drivers license.

3. Section 7 and 8

Records must be made available in a timely manner. See Obstruction from Cass County in obtaining the Who Voted Documents

4. Sections 10 and 11

We need to give the trust and authority back to the people. This section empowers residents of their local communities and entire state to petition their government for access to the election records which is currently extremely difficult to ever audit. However the bar is set high enough for it to be a consensus my multiple citizens, 25% all knowing they would acquire the cost. The right to petition one's government is a First Amendment right that our ND Constitution says should be concentrated broadly. If a community or 25% of a state wants a public hand-count and audit of THEIR election it should be available to them. This also will act as a deterrent to fraud and abuse.

"This right is essential to the rights of free speech, assembly, and petition guaranteed by the First Amendment to the Constitution of the United States and shall be construed broadly."

5. Amendment suggestions that I do not see 1.1-15-09 #5

No one should fill out a ballot for somebody without their permission, hand count those. (Judge Elmer testified to overvotes being re cast on ne ballots. Mali-in fraud, machines reject and then someone fills out a new one.

SECTION 6. AMENDMENT.

b. The county auditor shall appoint the early voting precinct election board for each early voting polling place that consists of one independent representative to act as the inspector and an equal number of representatives from each political party represented on an election board in the county, as set out in section 16.1-05-01, to act as judges.

I am not sure on this but 50 year election Judge Elmer Kenodal said he used to be able to pick his workers through the local party in districts used to pick the Judges. He said "That right was taken from me" Shouldn't the judges be picked by the area party not the Auditor to promote balance in powers and keep the election in the hands of the people?

6. **Important part missing is in this Bill section: (the reports must be available to the public "when ready or within 24 hour of "official canvas report" . This is so important in the event the results need to be contested. If the law is not followed (as often happens) there needs to be a remedy for the time to contest.**

Proposed Remedy: In the event the info is not provided within 24 hours after it is requested once the official canvass is complete the **14 day time limit should be tolled (aka -stopped) until the request is fulfilled.**

Current NDCC - 16.1-16-04. Time for commencement of action.

1. *Except as provided in subsection 2, an action to contest an election must be commenced and the complaint must be filed in the district court of the contestee's county of residence within five days after final certification of a recount by the appropriate canvassing board or within **fourteen days after the final certification by the appropriate canvassing board if no recount is to be conducted.***
2. *If the grounds for the action are the illegal payment of money or other valuable thing subsequent to the filing of any statement of expenses required by this title or if the contestee does not or cannot meet the qualifications to hold the office as required by law, the action may be commenced at any time. If the grounds for the action are the failure of a contestee to satisfy the requirements for having the contestee's name listed on the ballot as a candidate, the action may be commenced within thirty days of the date the contestant knows or should know of the failure.*
3. *The contestee shall serve and file an answer within fourteen days after service of the contest summons and complaint.*

16.1-16-05. Grounds for election contest.

An election contest may be commenced for any of the following causes:

1. *The contestee does not or cannot meet the qualifications to hold the office as required by law.*
2. ***The existence of illegal votes or erroneous or fraudulent voting, count, canvass, or recount of votes.***
3. *The contestee was listed as a candidate on the ballot despite failing to meet the requirements to be listed on the ballot.*

White, Erika M.

From: White, Erika M.
Sent: Wednesday, November 9, 2022 6:06 PM
To: Bitner, Brian; Peluso, Jim; Matthews, Becky; Armstrong, Mark; Kathleen Jones
Cc: Vetter, Leo; Caya, Brandi M.
Subject: Election Day Update

Commissioners,

I wanted to provide some information to the 20 minute delay that we experienced at the opening of polls yesterday. I apologize this explanation didn't come sooner but the voters and polling locations took priority yesterday.

The delay occurred with the Poll Pads which are used to check voters into the polling locations. In no way was this delay related to the tabulation of ballots or the equipment used to tabulate ballots.

Poll Pads are updated and tested extensively prior to the election to ensure all information is correct and the Poll Pad is functioning properly. We completed this update and test on the Poll Pads prior to Election Day and at that time the Poll Pads were correct and functioning properly. We received information from our vendor that the Poll Pads at the Event Center needed an additional update after early vote closed on Monday. That additional update and test was completed. However, when this update occurred for this one location, it unknowingly changed configurations on our tested Poll Pads that were already deployed to polling locations.

On election morning when the polling locations opened, the affected Poll Pads were stating voters were in the wrong location, directing voters to the Event Center, without a way to bypass the error and check the voters in at the polling location. The vendor was able to rectify the problem rather quickly but not without some voters being affected.

The situation was extremely unfortunate and unacceptable. Our office takes pride in the testing and processes we have in place to ensure voters have a positive experience at the polling location while maintaining election security and accuracy. I'm currently working with the state and our vendor (who has taken responsibility for this issue) to ensure this doesn't happen in the future, not only for our county, but statewide.

I plan on being included on the agenda for the November 21st meeting to provide an election update. I'll be able to answer any additional questions you have at that time.

On a positive note, after this issue was rectified, we had a smooth Election Day. I'd say overall it was a success.

Thanks,
Erika

To Whom it may concern,
I, Riley Walker, did not request a
North Dakota absentee ballot. I have
a Montana drivers Licency issued 1-23-2019
SO could not legally vote in North Dakota
for many years. I Gave Tana Walker
Permission to check the contents of the envelope
in Question. I believe, I should have never
received this ballot.

Riley Walker

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 26 DAY OF January, 2025

BY Riley Walker

[Signature]

NOTARY PUBLIC



LISA D JACKSON
Notary ID #129666878
My Commission Expires
February 3, 2026

12/5/2022

To Whom it May Concern:

My name is Tomi Collins. I am a concerned citizen of the State of North Dakota and a Minister of the gospel of Christ Jesus. I work with multiple national organizations to advocate for honesty and justice, and righteousness by promoting transparency, accountability, and integrity in government, politics, and the law. After receiving numerous substantiated reports from North Dakota citizens, I have become deeply concerned about the integrity of multiple State government agencies. I have been hosting the 2022 Election Hotline at Bek News, which has received a large number of reports of election irregularities, obstruction, and possibly actionable fraud from the citizen voters of North Dakota.

As a result, I encouraged two statewide candidates to request official copies of the pollbook record or records of all votes cast for both the North Dakota 2022 primary election and the North Dakota 2022 general election. Based on the substantial number of irregularities reported it was, and is, essential that this information be immediately provided so the data can be analyzed to verify the accuracy of the election process. It is my understanding in both cases the information was requested, but the requests have either gone unanswered; or the information was provided in a delayed manner, so as to impede the review; or in many cases the information that was provided was in PDFs, which were manipulated rendering them unusable and worthless. As is stands, fully usable copies of all pollbook records still have not been provided. Without the requested information, it is impossible to determine whether the citizen reports are grounds for an election contest under Section 16.1-16-05 (2), N.D.C.C. As you know, time is of the essence due to the limited timeframe for a challenge. *See* § 16.1-16-04, N.D.C.C.

Section 12.1-11-06, N.D.C.C., states that any public servant who knowingly refuses to perform any duty imposed upon him by law is guilty of a class A misdemeanor. If tampering of any public records occur the offense can be a class C felony. *See* § 12.1-11-05, N.D.C.C. I mention this because the PDF records received, were reviewed by technical experts who verified many of the documents were purposefully manipulated to prevent them from being properly sorted or electronically analyzed making them unusable for the purpose of auditing the reported election results. There were a few, which I am happy to report, that came in that were able to be converted to a spreadsheet or were presented in a spreadsheet format. All of this is being documented and forwarded to various attorneys and experts who are reviewing the citizen reports and the obstruction tactics for further action.

I trust that the pollbooks will be immediately produced in a spreadsheet format. There is no doubt this information is public record and obtainable. Such requests are to be "construed broadly" according to the North Dakota Constitution, Article XIV, Section 1.1, which states:

*The people of North Dakota need information to choose candidates for office, vote on ballot measures, and ensure that their representatives are accountable. This transparency must be sufficient to enable the people to make informed decisions and give proper weight to different speakers and messages. The people therefore have the right to know in a **timely manner** the source, quantity, timing, and nature of resources used to influence any*

statewide election, election for the legislative assembly, statewide ballot-issue election, and state government action. This right is essential to the rights of free speech, assembly, and petition guaranteed by the First Amendment to the Constitution of the United States and shall be construed broadly.

In many counties, these two former candidates for statewide office were denied their constitutional rights.

Therefore, to remedy this situation, I am requesting the following from each county:

1. The “official” copy of the entire pollbook, that is the totality of who voted in your county for both the 2022 primary election and the 2022 general election within twenty-four (24) hours of this request. Again, **TIME IS OF THE ESSENCE**. I am requesting it in a non-manipulated standard Excel or CSV format, by each precinct. It should be in alphabetical order by last name, with all public record information included, labeled as (“your county’s name”) general pollbook and (“your county’s name”) primary pollbook." The primary election information should be separate from the primary election information, of course.
2. Separately, I am also requesting a copy of the list/technical data which was sent (including all emails) to confirm that a citizen who submitted a mail-in ballot or used an absentee ballot was excluded to vote on the day of election. This information was gathered by each auditor, and I request that the list be provided. This would include the list of all mail-in or absentee voters. I am requesting any and all data regarding this information.
3. I want to know when and where the mail-in/absentee ballots were counted in each county. Were both the envelopes and the ballots scanned the night before the election or just one or the other? What piece of equipment was used for the ballots and which for the envelopes. I want the names and contact information, as well as party affiliation of all Inspectors, Judges, and other workers or vendor representatives. Exactly, how was this information relayed; if multiple times please note. For example, “thumb drives downloaded to....., thumb drives given to ES&S employee, uploaded via secure VPN etc.” Please be as specific as possible.
4. I also want to know whether there were any ballots recreated and considered “damaged.” If so, how many. If you do not have an exact number, please provide an approximate number, for example, 0-5, 5-10, 10-20, 20-30, 30-40, 50-100 100 or more. You may note this is an approximate number, but I have a right to know this information. Also, who were the people who did the recreation of the ballots. Please include their names and contact information. I have been advised by legal counsel I have a right as a citizen to know who presided over the election and who the election officials and/or vendors were. If you elect to withhold this information, please cite your legal authority in detail. Also, if a candidate is privy to this information, please explain in detail.
5. I am also requesting the names and contact information for all Judges, Inspectors, and Pollworkers for your county for both the primary election and general election. Please list the

names and contact information, the election they worked and the location, for each individual. If multiple locations were worked, please indicate.


6. Please indicate if anyone in your office was instructed to alter, save in a particulate PDF format, or any other format, any documents requested by the public. If so, please state who was instructed and which format they were instructed to use. Also, please state by whom each individual was instructed to do so and in what venue or venues this instruction was given. Please provide copies of all emails, memos, or any other written form of communication received on how to give or relay public requests or FOYA requests. Please provide this information from January 1, 2020, to present. Please search all emails for such requests or instructions.
7. Please disclose who prepared the pollbook records for candidates Mr. Tuttle and Mr. Kunz. If not yet released, who is preparing this information for each candidate. What protocol are you using when any request(s) come in? Be specific.
8. Please disclose how many public record requests you have received requesting voter lists, including but not limited to, pollbooks lists, voting lists, and eligible voter lists. Please include all information with regard to these requests, including all contact information, such as the name of requestor. Also, please provide the information that was provided and when the request was fulfilled, or if it was denied please explain why. If this information is denied, or not available, please cite your authority for denying such request.

I anticipate and appreciate your prompt attention in expending this request. Due to the previous delays to the mentioned candidates in receiving the requested information, your promptness in fulfilling this request is critical. Please send all replies and requests for information to Tomi@Bektel.com.

Sincerely,

/s/ Tomi Collins

Tomi Collins
Tomi@Bektel.com

From: {SMB}-Cass County Election Election@casscountynd.gov 
Subject: RE: ORR 2022-17
Date: December 28, 2022 at 2:41 PM
To: Tomi Collins tomi@tomicollins.com



Ms Collins,

Our States Attorney have finalized the review of the list of absentee voters requested at item 2.

Please find it attached. Addresses have been redacted to ensure no inadvertent breach of NDCC 44-04-18.3.

Regards,

From: {SMB}-Cass County Election
Sent: Thursday, December 8, 2022 4:14 PM
Subject: ORR 2022-17

Ms Collins,

We have almost finalized reviewing our records & resource requirements and provide the following as an interim response / status advice (numbers below refer to your items #s).

1. The 2022 General & Primary Election PollBooks are attached.
2. Under review at this time.
3. Absentee Board Poll Workers attached. Please note that the 'P' annotation for Judges indicates a Judge recruited by the County to fill vacancies in staffing needs due to shortfalls in nominations from the District Party organizations.
4. We do not have respondent records.
5. Poll Workers at the Vote Centers are attached for the 2022 General & Primary Elections. Please note we do not track party affiliation of Inspectors and Clerks.
6. We do not have respondent records.
7. We do not have respondent records.
8. Details of the subject ORR submitted are attached.

Please also find attached the ND Attorney Generals guide on Open Records for your information.

Regards,



Elections

211 9th St S
Fargo, ND 58103
T 701.241.5600
www.casscountynd.gov

**Cass County
Election Team**

211 9th St S
Fargo, ND 58103
T 701.241.5600
www.casscountynd.gov

AbsenteeBallots
_Voter...-17.xlsx



Tomi Collins <tomcollins@lemfootline.com>

Lists

Nathan Martin <nathanmartin25@gmail.com>
 To: Tomi Collins <tomcollins@lemfootline.com>

Wed, Dec 28, 2022 at 8:00 PM

My Filters Reorder attributes

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<input type="checkbox"/>	jjhamlin@nd.gov							Jan Hamlin	06-12-2022	05-12-2022
<input type="checkbox"/>	jadschmidt@nd.gov							Jaden Schmidt	06-12-2022	05-12-2022
<input type="checkbox"/>	eroundy@nd.gov							Ellen Roundy	07-12-2022	05-12-2022
<input type="checkbox"/>	dstutlien@nd.gov							Dan Stutlien	06-12-2022	05-12-2022
<input type="checkbox"/>	dcauditor@nd.gov							Wanda Sheppard	06-12-2022	05-12-2022

<input type="checkbox"/>	aeagle@nd.gov					Angela Eagle	06-12-2022	05-12-2022
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<input type="checkbox"/>	sarmeier@nd.gov						06-12-2022	06-11-2022
<input type="checkbox"/>	samantha.larson@griggscountynd.gov						08-12-2022	06-11-2022
<input type="checkbox"/>	pmaloney@nd.gov						06-12-2022	06-11-2022
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<input type="checkbox"/>	ngentzkow@nd.gov						06-12-2022	06-11-2022
<input type="checkbox"/>	mohlhauser@nd.gov						06-12-2022	06-11-2022
<input type="checkbox"/>	mischumacher@bowmancountynd.gov						28-12-2022	06-11-2022
<input type="checkbox"/>	mdlamb@nd.gov						06-12-2022	06-11-2022
<input type="checkbox"/>	marisa.haman@wardnd.com						18-12-2022	06-11-2022
<input type="checkbox"/>	lschlitt@nd.gov						06-12-2022	06-11-2022
<input type="checkbox"/>	lpollman@nd.gov						14-12-2022	06-11-2022
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<input type="checkbox"/>	kmolde@nd.gov						06-12-2022	06-11-2022
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<input type="checkbox"/>	jerschmidt@nd.gov						07-12-2022	06-11-2022
<input type="checkbox"/>	glenda.haugen@co.trail.nd.us						12-12-2022	06-11-2022
<input type="checkbox"/>	gketterl@nd.gov						06-12-2022	06-11-2022
<input type="checkbox"/>	gjastze@nd.gov						06-12-2022	06-11-2022
<input type="checkbox"/>	ewigen@nd.gov						06-12-2022	06-11-2022
<input type="checkbox"/>	dcarpenter@nd.gov						06-12-2022	06-11-2022
<input type="checkbox"/>	dawn.rhone@mortonnd.org						20-12-2022	06-11-2022
<input type="checkbox"/>	bserickson@nd.gov						06-12-2022	06-11-2022



Send Confirmation to: tomcollins@nd.gov

Lists

Nathan Martin <nathanmartin25@gmail.com>
To: Tomi Collins <tomi@tomicollins.com>

Wed, Dec 28, 2022 at 8:00 PM

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<input type="checkbox"/>	sbnd1993@gmail.com								06-12-2022	06-12-2022
<input type="checkbox"/>	mmckliben@leader.com								08-12-2022	06-12-2022
<input type="checkbox"/>	petitionrights@gmail.com								07-12-2022	06-12-2022
<input type="checkbox"/>	naahm@casecountynd.gov								07-12-2022	06-12-2022
<input type="checkbox"/>	smelberg@nd.gov							Samantha Melberg	08-12-2022	05-12-2022
<input type="checkbox"/>	levettor@nd.gov							Leo Vetter	06-12-2022	05-12-2022
<input type="checkbox"/>	krichard@starkcountynd.gov							Karen Richard	08-12-2022	05-12-2022
<input type="checkbox"/>	kmigler@nd.gov							Karen Migler	08-12-2022	05-12-2022
<input type="checkbox"/>	jhamlin@nd.gov							Jan Hamlin	06-12-2022	05-12-2022
<input type="checkbox"/>	jadschmidt@nd.gov							Jaden Schmidt	06-12-2022	05-12-2022
<input type="checkbox"/>	eroundy@nd.gov							Ellen Roundy	07-12-2022	05-12-2022
<input type="checkbox"/>	dstullian@nd.gov							Dan Stullian	06-12-2022	05-12-2022
<input type="checkbox"/>	dcaudillor@nd.gov							Wanda Sheppard	06-12-2022	05-12-2022

January 2, 2022

Cass County Elections Team
211 9th St. South
Fargo, ND 58103

RE: Open Records Request

Dear Cass County Elections Team:

As you are aware on December 6, 2022, Ms. Collins sent a request for numerous disclosures related to the 2022 General and Primary Elections. I understand that statewide candidate Mr. Charles Tuttle also made a similar request. Neither has received full disclosure obstructing their constitutional rights to the requested records.

Ms. Collins, among other information, specifically requested the following:

1. The "official" copy of the entire pollbook, that is the totality of who voted in your county for both the 2022 primary election and the 2022 general election within twenty-four (24) hours of this request. Again, **TIME IS OF THE ESSENCE**. I am requesting it in a non-manipulated standard Excel or CSV format, by each precinct. It should be in alphabetical order by last name, with all public record information included, labeled as ("your county's name") general pollbook and ("your county's name") primary pollbook." The primary election information should be separate from the primary election information, of course.

However, in response Ms. Collins was not provided the requested unredacted copies of the Cass County pollbooks but instead received the manipulated prepared Secretary of State Office or system pollbooks. Her request was clear and could not have been misconstrued. It is also my understanding there has been some mention of distinction between e-pollbook verses the word pollbook to further deny Ms. Collins her requests. To be clear, Ms. Collins is **requesting the unredacted Cass County e-pollbooks or the complete county record of who voted in the Cass County 2022 primary election and 2022 general election in a standard Excel format.** She is not interested in reviewing the redacted pollbooks you produced for the Secretary of State. The requested documents are public records that must be immediately produced by Cass County.

Also, it is my understanding Ms. Collins also requested disclosure of all information regarding all citizens who submitted mail-in or absentee ballots. In response, Ms. Collins was provided a redacted response. This is not acceptable. Please immediately provide full disclosure, as requested, of all unredacted mail-in or absentee ballots received by Cass County.

I understand that you are claiming your States Attorney has reviewed this issue and authorized redacted lists to ensure no breach pursuant to N.D.C.C., Section 44-04-18.3. I have also reviewed Section 44-04-18.3(1), which states, the home address of a prosecutor, supreme court justice, district court judge, judicial referee, juvenile court director or probation officer, an employee of a law enforcement agency, employee of a state or local correctional facility, and an employee of

the department of corrections and rehabilitation are confidential. However, there is an exception, under subsection 5, of the Statute, which states:

A home address of an individual in subsection 1 which is included in a geographic information system, a property title record, or tax parcel data is confidential only if an individual in subsection 1 or the individual's employer submits a written request to the custodian of the records. The request will remain confidential for the remainder of a calendar year and must be renewed annually.

Thus, unless you have proof of a written request for confidentiality, by any of above listed protected individuals, there is absolutely no basis to redact any of the addresses. Even if you have proof of a written request for confidentiality, it is not a basis to redact all of the public records. Your reliance on Section 44-04-18.3 to redact all records is erroneous. If, however, you intend to still redact any requested records based on the cited statute, please produce a copy of the written request for confidentiality.

Further, Ms. Collins, requested the following information.

5. I am also requesting the names and contact information for all Judges, Inspectors, and Poll-workers for your county for both the primary election and general election. **Please list the names and contact information, the election they worked and the location, for each individual.** If multiple locations were worked, please indicate.

Your response to the request was inadequate and incomplete. Please supplement your response with the name, contact information, and election information, for each individual. Again, this information should be unredacted and in electronic format so easily produced.

Ms. Collins also requested whether anyone in your office was instructed to save any documents in a particulate format. See below 6. This would include such documents as "pollbooks" and "e-pollbooks" among other material.

6. Please indicate if anyone in your office was instructed to alter, save in a particulate PDF format, or any other format, any documents requested by the public. If so, please state who was instructed and which format they were instructed to use. Also, please state by whom each individual was instructed to do so and in what venue or venues this instruction was given. Please provide copies of all emails, memos, or any other written form of communication received on how to give or relay public requests or FOYA requests. Please provide this information from January 1, 2020, to present. Please search all emails for such requests or instructions.

You however, responded, "We do not have respondent records." Ms. Collins is again requesting that you review and timely respond to her question No. 6. When you respond, please focus on whether you were **instructed by anyone including any State or County employees to prepare create, generate, or report pollbooks, e-pollbooks, or any other documents in a particular way.** Ms. Collins has been advised you did in fact receive instruction from the Secretary of State's Office in regard to the pollbooks. This time your response should be truthful and candid.

Also, producing this information should not be overly burdensome as it should be available in an email format.

Finally, we are aware that you have submitted an outrageous invoice to Mr. Tuttle claiming it would take 915.66 hours for locating records he requested @ \$25/hr. (after the 1st hour) for a fee of \$22,891.66. This appears to nothing more than an attempt to dissuade and impede Mr. Tuttle from proceeding with his request.

N.D.C.C. Section 44-04-18, addresses "Access to public records - Electronically stored information" and states, "Upon request for a copy of specific public records, any entity subject to subsection 1, shall furnish the requester one copy of the public records requested." Section 44-04-18 (3), states in relevant part:

An electronic copy of a record must be provided upon request at no cost, other than costs allowed in subsection 2, except if the nature or volume of the public records requested to be accessed or provided requires extensive use of information technology resources, the agency may charge no more than the actual cost incurred for the extensive use of information technology resources incurred by the public entity. "Extensive" is defined as a request for copies of electronic records which take more than one hour of information technology resources to produce.

N.D.C.C. Section 44-04-17.1, defines "Information technology resources" to include data processing hardware and software or technology support services necessary to facilitate a response to a request for electronic records. The roll of the technology support services is to facilitate the requested archived or stored electronic data, not to analyze each record for content, as you claim.

The records requested herein by Ms. Collins should take no more than an hour or two at most to produce by your IT support services. In order of urgency, Ms. Collins requests that the unredacted Cass County e-pollbooks for the 2022 general election be immediately produced, first and foremost. These are needed immediately. As to the other requests, if you anticipate more time, please provide an itemized statement detailing the anticipated technology resources, as they relate to each specific request. We do not anticipate receiving an inflated billing statement like Mr. Tuttle.

Ms. Collins fully expects she will finally receive full disclosure of the requested records you are required to provide. To be clear her requests include the unredacted Cass County e-pollbooks for the 2022 primary and the 2022 general election, as well as unredacted absentee and mail-in voter information. Section 12.1-11-06, N.D.C.C., states that any public servant who knowingly refuses to perform any duty imposed upon him by law is guilty of a class A misdemeanor. If tampering of any public records occur the offense can be a class C felony. *See* § 12.1-11-05, N.D.C.C. If Ms. Collins requests are again met with clear obstruction, she will not hesitate to pursue all legal options and remedies available to her.

Sincerely,

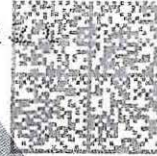


SHERIDAN COUNTY AUDITOR
PO BOX 439
MCCLUSKY ND 58463-0439

RETURN SERVICE REQUESTED

BILLINGS MT 591

13 OCT 2022 PM



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$ 000.81⁰⁰
0004708666 OCT 04 2022
MAILED FROM ZIP CODE 58463



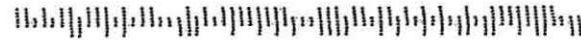
Official ballot

OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST-CLASS MAIL

RILEY WALKER
834 ASH CREEK RD
TERRY MT 59349-8601

Return to
Sender
Not at
this address
WTF

593498601 H077



BALLOT SECRECY ENVELOPE

INSTRUCTIONS TO VOTE BY MAIL

YOU ARE ENTITLED TO COMPLETE YOUR ABSENTEE VOTER'S BALLOT IN SECRECY.

YOU ARE ENTITLED A SECOND-CHANCE TO VOTE – Should you make a mistake while voting, you have the right to return your spoiled ballot to the County Auditor and receive a new one. Contact your Auditor for more information. (N.D.C.C. § 16.1-13-32)

IN THE JUNE ELECTION, CROSS-OVER VOTING IS NOT ALLOWED. When voting a party ballot in the June election, you must vote along party (e.g. Republican, Democratic/NPL) lines. If you split your vote, your ballot won't be counted for those races.

This does not apply to non-partisan races or measures. (N.D.C.C. § 16.1-11-22 (4))

1. Vote – Be sure to blacken each oval completely using a blue or black pen. Do not make an X or other mark.

To write in a name you must blacken the oval and write the name on the line provided.

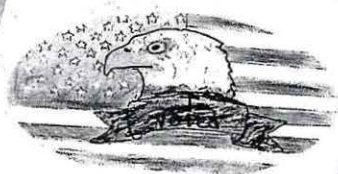
2. After voting, fold your ballot to conceal your vote. Place your folded, voted ballot in the secrecy envelope or sleeve provided, and then place the secrecy envelope or sleeve in the self-addressed return envelope provided and seal.

3. Complete and sign the voter's affidavit found on the back-side of the return envelope.

4. Affix the proper postage before mailing – extra postage is required.

Ballots must be postmarked no later than the day before the election.

NOV 7 ..



SEACHANGE NDSE20



Return
envelope
Official ballot



OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST-CLASS MAIL



SHERIDAN COUNTY AUDITOR
PO BOX 439
MCCLUSKY ND 58463-0439



Postage
Required.
Post Office will
not deliver
without proper
postage.

GENERAL ELECTION BALLOT
NOVEMBER 8, 2022

To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate.

Public Service Commissioner
Unexpired 4-Year Term
Vote for no more than ONE name

- Sheri Haugen-Hoffart
Republican Party
○ Trygve Hammer
Democratic-NPL Party

NO-PARTY BALLOT

To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate.

To vote for a person whose name is not printed on the ballot, you must darken the oval (●) next to the blank line provided and write that person's name on the blank line.

PARTY BALLOT

United States Senator
Vote for no more than ONE name

- John Hoeven
Republican Party
○ Katrina Christiansen
Democratic-NPL Party
○ Rick Becker
Independent nomination

Tax Commissioner
Vote for no more than ONE name

- Brian Kroshus
Republican Party

Justice of the Supreme Court
Vote for no more than ONE name

- Daniel J Crothers

Representative in Congress
Vote for no more than ONE name

- Cara Mund
Independent nomination
○ Kelly Armstrong
Republican Party

Judge of the District Court
No. 2
South Central Judicial District
Vote for no more than ONE name

- Douglas A Bahr

Secretary of State
Vote for no more than ONE name

- Charles Tuttle
Independent nomination
○ Jeffrey Powell
Democratic-NPL Party
○ Michael Howe
Republican Party

Judge of the District Court
No. 5
South Central Judicial District
Vote for no more than ONE name

- Cynthia M Feland

Attorney General
Vote for no more than ONE name

- Timothy Charles (Tim) Lamb
Democratic-NPL Party
○ Drew Wrigley
Republican Party

Judge of the District Court
No. 6
South Central Judicial District
Unexpired 4-Year Term
Vote for no more than ONE name

- Bobbi Weiler

Agriculture Commissioner
Vote for no more than ONE name

- Doug Goehring
Republican Party
○ Fintan L Dooley
Democratic-NPL Party

Judge of the District Court
No. 10
South Central Judicial District
Unexpired 4-Year Term
Vote for no more than ONE name

- Pamela Nesvig

Public Service Commissioner
Vote for no more than ONE name

- Melanie Moniz
Democratic-NPL Party
○ Julie Fedorchak
Republican Party

Continue voting other side →

Official Ballot
SHERIDAN COUNTY
42140101
November 8, 2022

All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted.

Initials

STATE OF NORTH DAKOTA	SHERIDAN COUNTY	No School Elections
NO-PARTY BALLOT	MEASURES BALLOT	COUNTY MEASURE No. 1
To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate.	Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure.	Sheridan County currently levies a total of 22 mills for road levies. Current levying authority beyond 10 mills will be expiring and a majority vote is required to continue to levy 22 mills for County Road. Should the Sheridan County Board of County Commissioners have the authority to levy up to 22 mills in the County Road Fund, per NDCC Chapter 57-15-06.7(5)?
To vote for a person whose name is not printed on the ballot, you must darken the oval (●) next to the blank line provided and write that person's name on the blank line.	Initiated Constitutional Measure No. 1	<input type="radio"/> Yes – Means you approve the measure as summarized above.
County Commissioner District 1 Vote for no more than ONE name	This initiated measure would add a new article to the North Dakota Constitution. Under the measure, an individual could not serve as a state legislator for a total of more than eight years in either the North Dakota House of Representatives or the North Dakota Senate, separately. It also would prohibit an individual from being elected as Governor more than twice. Service as a member of the legislature or election to the office of governor before the effective date of this measure would not count towards an individual's eight-year or two-election limit. An individual would not be allowed to serve a full or remaining term as a member of the legislature if serving the term would cause the individual to serve a total of more than eight years in that particular house. Any amendment to this article could not be proposed by the legislature, but only by citizen initiative. The article would become effective on January 1, 2023 if approved by the voters. If the measure conflicts with any other provision of the constitution, the measure states it would prevail over the other constitutional provision.	<input type="radio"/> No – Means you reject the measure as summarized above.
<input type="radio"/> Shannon Dieterle		
<input type="radio"/>		
County Commissioner District 3 Vote for no more than ONE name		
<input type="radio"/> Sandra Felchle		
<input type="radio"/>		
County Auditor Vote for no more than ONE name		
<input type="radio"/> Shirley A. Murray		
<input type="radio"/>		
County State's Attorney Vote for no more than ONE name	The estimated fiscal impact of this measure is \$0 per biennium.	
<input type="radio"/> Ladd Erickson	<input type="radio"/> Yes – means you approve the measure summarized above.	
<input type="radio"/>	<input type="radio"/> No – means you reject the measure summarized above.	
County Recorder Vote for no more than ONE name		
<input type="radio"/> Kathleen C Mindt		
<input type="radio"/>		
County Treasurer Vote for no more than ONE name	Initiated Statutory Measure No. 2	
<input type="radio"/> Lynnette Fox	This initiated measure would create a new chapter of the North Dakota Century Code. It would legalize the production, processing, and sale of cannabis and the possession and use of various forms of cannabis by individuals who are 21 years of age or older, within limitations as to location; direct a state entity to regulate and register businesses that produce or dispense cannabis for use by individuals aged 21 years or older, and the businesses' agents; permit an individual aged 21 years or older to possess a limited amount of cannabis product; provide protections, limitations, penalties, and employer rights relating to use of cannabis products; and specify that fees are to be appropriated for administration of the chapter.	
<input type="radio"/>		
County Sheriff Vote for no more than ONE name		
<input type="radio"/> Trent Naser		
<input type="radio"/>		
Supervisor, Soil Conservation District Sheridan County Soil Conservation District Vote for no more than ONE name	The estimated fiscal impact of this measure beginning in 2023 through the 2025-2027 Biennium is Revenue of \$3,145,000 and Expenses of \$4,985,000.	
<input type="radio"/> Kevin Bender	<input type="radio"/> Yes – means you approve the measure summarized above.	
<input type="radio"/>	<input type="radio"/> No – means you reject the measure summarized above.	
County Official Newspaper Vote for no more than ONE name		
<input type="radio"/> The McClusky Gazette		
<input type="radio"/>		
42140101	No School Elections	Typ:01 Seq:0001 Spl:01

MICHAEL C. HOWE
SECRETARY OF STATE

WEBSITE sos.nd.gov



PHONE (701) 328-2900
E-MAIL sos@nd.gov

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

**SENATE STATE & LOCAL
SENATOR KRISTIN ROERS, CHAIR**

**SENATE BILL 2386
FEBRUARY 2, 2023**

TESTIMONY PRESENTED BY

BRIAN NYBAKKEN, SECRETARY OF STATE

Chairman Roers and members of the committee, for the record, Brian Nybakken with the elections division of the Secretary of State.

I am here in opposition to Senate Bill 2386 which seeks to specifically do two things: 1) eliminate the use of electronic poll books, and 2) allow all voters the ability to request a list of all who voted at the polls at no cost.

Just like our office, we know the sponsor does not want fraud in elections, however the elimination of electronic pollbooks as stated in this bill takes us back to a system where the opportunity for fraud is much greater. In 2019, the legislative assembly provided funding to invest in electronic pollbooks for security in North Dakota elections. In fact, Senate Bill 2002 passed 47-0 in the Senate, 84-6 in the House.

Electronic pollbooks have a secure internet connection over the state's virtual private network, allowing syncing between devices to ensure voter security – meaning a "checked-in" voter is instantly checked-in across all devices within two minutes so they cannot attempt to vote at any other polling location. This is done during early voting, which can begin two weeks before election day, and on election day. The potential that voters may have cast a ballot by mail and at the polls, or voters who may try to vote in two locations is prevented by electronic pollbook use. The return to paper only pollbooks would, quite simply, make North Dakota elections less secure.

Access to voter lists is currently limited under North Dakota Open Records laws, within the election code in 16.01-02-13. Candidates, political parties, and political committees are allowed to request a list and are restricted from using that information in any purpose that is not election-related. Giving the general voting public access to this data at no cost creates many privacy issues. The chance that this data may be sold or used for direct marketing or used to harm specific individuals is a very real possibility. North Dakotan's want their information protected, and under the current law it is. This simply provides too much access for uses that are unknown.

Madam Chairman, members of the committee, I urge you to give this bill a do not pass.

Sheridan County Auditor's Office

Shirley A. Murray

P.O. BOX 439

215 2nd Str. East

McCLUSKY, N.D. 58463-0439

Email: smurray@nd.gov

County Website: www.co.sheridan.nd.us

COMMISSIONERS:

Shannon Dieterle, 1st Dist. Kief, ND
 Roddy Schilling, 2nd Dist., Mercer, ND
 Sandra Felchle, 3rd Dist., Denhoff, ND

PHONE NO.

701-363-2205

FAX NO.

701-363-2953

Senate State & Local Government Committee

Prepared February 7, 2023

By: Shirley A. Murray, Sheridan County Auditor

RE: Opposition to Senate Bills 2308, 2316, & 2386

Chairperson Roers and committee members. I am Shirley A. Murray, Sheridan County Auditor. I am in opposition of SB Bills 2308, 2316, & 2386

For SB2308 doing away with mail ballots, Sheridan County opposes. Sheridan County is a small rural County in the center of the ND made up of around 834 active voters and has done the mail ballot process since 2012. It has been a great process for Sheridan County, we still have one open polling place in McClusky. The public likes the convenience of the mail ballot. We have around 70% of the public that uses the mail ballot process in Sheridan County every election year. It is also hard to find poll workers to hire so with one open polling place I can find at least 5-7 people to work.

For SB 2316 doing away with electronic scanners, Sheridan County opposes. The ES&S equipment is secure and tested prior to every election. The ballot scanner is not connected to the internet so no tampering can be done. If we did have equipment to scan the ballots most election board would be overnight counting. The election board already have a long 12-16 hr. the way it is and would make mistakes counting the ballots. I am so thankful that Erica Johnsrud, McKenzie County Auditor and Erika White, Burleigh County Election Manager did a equipment demo for you last week to see how the equipment works well. The key is to test everything prior to election day to have a smooth election.

For SB 2386 to go back to paper poll books, Sheridan County opposes. The poll pads and central voter count have been very useful in tracking if a voter were to vote twice. The poll pads do not count any votes, however; the poll pad count for the day plus mail ballots already registered need to come out with the same total of ballots that are ran through the ballot scanner. So it is all accountable.

Please give a DO NOT PASS recommendation on SB 2308, 2316 & 2386