

N.D.A.G. Letter to Holmberg (May 30, 1985)

May 30, 1985

Honorable Ray Holmberg
Senator
District 17-18
1701 Riverside Drive
Grand Forks, ND 58201

Dear Senator Holmberg:

Thank you for your letter of April 25, 1985, regarding Senate Bill No. 2067 and whether Grand Forks County would be required to purchase a new punchcard voting system if the county increased the number of election precincts after June 30, 1985.

As stated in your letter, Grand Forks county's punchcard voting system, otherwise known as an electronic voting system, uses a ballot card that does not contain the names of candidates and the questions to be voted upon.

Senate Bill No. 2067 as enacted by the 1985 Legislative Assembly, amended N.D.C.C. § 16.1-06-04 to require that:

In precincts in which electronic voting systems purchased after June 30, 1985, are used, the ballot card must contain the names of all candidates, the contents of measures as required by section 16.1-06-09, and the statements of questions to be submitted to the voters. The ballot card must otherwise be arranged in a manner and form approximating as far as possible the requirements of this section.

Therefore, if Grand Forks County's current electronic voting system were to be replaced after June 30, 1985, by a different electronic voting system, the new voting system's ballot card would have to contain the names of the candidates and the questions to be voted upon.

The answer to the question of whether the county may use its current voting system in precincts created after June 30, 1985, is found in the definition of "electronic voting system." An electronic voting system is composed of a ballot card, ballot envelope, ballot label, voting device, and automatic tabulating equipment. See N.D.C.C. § 16.1-06. However, the essence of an electronic voting system is the automatic tabulating equipment.

The capabilities of the automatic tabulating equipment dictate whether or not the ballot card contains the names of candidates and the questions to be voted upon. In other words, ballot cards, ballot envelopes, ballot labels, and voting devices are all accessories

to the automatic tabulating equipment. Moreover, counties using an electronic voting system usually own only one automatic tabulating device since one device is capable of tabulating the entire county's ballot cards in a relatively short period of time.

In reality, if Grand Forks County were to use its current electronic voting system in election precincts created after June 30, 1985, the county would not be purchasing a new electronic voting system, but merely providing the new precincts with voting equipment accessories. Therefore, it is my opinion that Grand Forks County's current electronic voting system may be used in election precincts created after June 30, 1985.

Sincerely,

Nicholas J. Spaeth

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