



## Q & A from NDACo Webinar 3/27/2020

### Elections

**Q:** Since the Secretary of State is sending ballot applications, does that waive the requirement of the County Auditor to send applications?

**A:** Yes. The executive order requires the Secretary of State to send mail ballot application forms and a return envelope to individuals listed in the state's Central Voter File. The executive order supersedes the requirement.

**Q:** Are counties required to have ballot drop boxes for ballots? What is considered secure mail ballot box location if courthouse is closed to public? Something with express vote where can you have it if courthouse is closed?

**A:** Counties are encouraged to identify and establish secure mail-ballot drop-box locations, according to the executive order. Counties may identify one, more than one, or none after this process. The intent was that there be, however, at least one location for voters to drop off the ballot and not incur postage. County auditors are encouraged to create written chain of custody procedures that will be followed when picking up ballots at 4 p.m. on Election Day and at any other time the ballots are retrieved.

**Q:** What is considered secure mail ballot box location if courthouse is closed to public? Something with express vote where can you have it if courthouse is closed?

**A:** The idea is that there be a place voters can drop off a ballot without paying for postage. The secure ballot box could be as simple as a box on a counter that is secure. The SOS will seek further clarification on this.

**Q:** Will our regularly scheduled commission meeting April 7 soon enough to act on the voting by mail issue?

**A:** Yes, the executive order suspended the requirement for a county to establish polling places no later than the 64<sup>th</sup> day before the election

**Q:** If the courthouse is closed to the public, can the county put the return postage on all mail ballots rather than having a secure ballot box?

**A:** There is nothing prohibiting the county from putting return postage on mail ballots. The secure ballot drop box can be also be available in an open, outside area.

### Human Resources

**Q:** Under Category 5, which allows pay if you are caring for your child due to school closure or daycare closure, does that also allow pay if their daycare is open and they CHOOSE to keep their child at home?

**A:** No. Under the recent Federal Legislation, Mandatory Sick Leave for child care is ONLY when that child care is due to the school or daycare closing because of COVID.

**Q:** Is the WSI Executive Order for all employees, or only for emergency, medical, etc.

**A:** No. The Governor's Executive Order covering COVID cases is only for certain medical and first responders. The first responders category is specifically identified in NDCC 65-01-02(11)(b)(1). Those are

firefighters, peace officers, correctional officer, court officer, law enforcement officer, emergency medical technician or an individual trained and authorized by law or rule to render emergency medical assistance.

**Q:** Does the WSI Coverage for COVID also cover the administrative folks that are assisting that may not be part of law enforcement or first responders?

**A:** No. See 65-01-02(11)(b)(1)

### **General**

**Q:** Whose responsibility is it to close/lock courthouse?

**A:** As the Attorney General has previously stated it is the County Commission that has control of when the Courthouse will be open. <https://attorneygeneral.nd.gov/sites/ag/files/Legal-Opinions/98jone02.pdf>. The sheriff certainly has implied authority when it comes to security of the open courthouse, but the actual closure will be for the commission to decide. Who is in charge of actually doing the closing of the courthouse would be between the commission and the respective departments heads.

**Q:** Can we say to the public, “if interested in meeting, please call (list a phone number)” to connect to the meeting? We have a max of 12 call-ins.

**A:** The Governor’s Executive Order waived the requirement of a physical location, so you can indeed ask the public for their understanding to attend via conference call. If they still refuse, then you may have to help them access the meeting in another manner. My opinion only, but I think a conference call with only 12 attendees may not be sufficient if all the board members and staff are eating up the bandwidth of the call so citizen cannot attend. I think you want to err on the side of more attendees which means you should explore some other public access ideas.

**Q:** How should we handle 3 year tax notices that need to be done in May, requiring paper service by the Sheriff's office? Could it be done by certified mail? (and should we even be foreclosing?)

**A:** The law does indeed require personal service if someone is living on the land. If they are out of State landowners then certified mailing is sufficient. Whether you should still even bother with the process should be left to the local decision makers. However, by not following the timelines laid out in the statute you may invite further litigation.