

ELECTIONS

CHAPTER 164

HOUSE BILL NO. 1253

(Representatives Louser, Christensen, Kasper, B. Koppelman, Rohr, D. Ruby,
Schauer, Toman)
(Senators Hogue, Meyer, K. Roers, Vedaa)

AN ACT to create and enact a new subdivision to subsection 2 of section 12-60-24, a new section to chapter 16.1-01, sections 16.1-07-13.1 and 16.1-12-10, and a new section to chapter 54-09 of the North Dakota Century Code, relating to election administration; to amend and reenact section 15.1-09-15, subsection 1 of section 16.1-01-01, section 16.1-01-03, subsection 5 of section 16.1-01-04.1, sections 16.1-01-05.1, 16.1-01-06, 16.1-01-07, and 16.1-01-08, subsection 5 of section 16.1-01-09, subsection 7 of section 16.1-01-09.1, sections 16.1-01-12, 16.1-01-16, and 16.1-01-17, the new section to chapter 16.1-01 of the North Dakota Century Code, as created by section 1 of House Bill No. 1256, as approved by the sixty-seventh legislative assembly, sections 16.1-02-01, 16.1-02-02, 16.1-02-05, 16.1-02-06, 16.1-02-07, 16.1-02-10, 16.1-02-11, and 16.1-02-13, subsection 2 of section 16.1-05-01, sections 16.1-06-02, 16.1-06-04, 16.1-06-11, 16.1-06-12, 16.1-06-14, 16.1-06-17, 16.1-06-18, 16.1-06-19, 16.1-06-25, and 16.1-06-26, subsection 1 of section 16.1-07-05, sections 16.1-07-06, 16.1-07-07, 16.1-07-08, 16.1-07-09, and 16.1-07-10, subsection 1 of section 16.1-07-12.1, sections 16.1-07-15, 16.1-08.1-01, 16.1-08.1-03.1, 16.1-10-07, 16.1-11-05.1, 16.1-11-06, 16.1-11-10, 16.1-11-11, 16.1-11-12, 16.1-11-16, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-11-21, 16.1-11-22, 16.1-11-31, 16.1-11-32, 16.1-11-33, 16.1-11-35, 16.1-11-36, 16.1-11-37, 16.1-11-39, 16.1-11.1-02, 16.1-11.1-03, 16.1-11.1-08, 16.1-12-01, 16.1-12-02.1, 16.1-12-03, 16.1-12-06, 16.1-12-07, 16.1-12-09, 16.1-13-05, 16.1-13-09, 16.1-13-14, 16.1-13-17, 16.1-13-18, 16.1-13-19, 16.1-13-23, 16.1-13-25, 16.1-13-27, 16.1-13-28, 16.1-13-29, 16.1-13-30, and 16.1-13-31, subsection 1 of section 16.1-15-01, and sections 16.1-15-01.1, 16.1-15-02, 16.1-15-08, 16.1-15-09, 16.1-15-10, 16.1-15-13, 16.1-15-15, 16.1-15-17, 16.1-15-19, 16.1-15-20, 16.1-15-21, 16.1-15-25, 16.1-15-30, 16.1-15-37, 16.1-15-42, 16.1-15-43, 16.1-15-45, 16.1-15-47, 16.1-16-01, 16.1-16-02, 16.1-16-04, 16.1-16-05, and 16.1-16-07 of the North Dakota Century Code, relating to election administration; to repeal sections 16.1-06-10.1, 16.1-07-11, 16.1-07-13, and 16.1-13-24 of the North Dakota Century Code, relating to election administration and the removal of obsolete language; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁹⁸ **SECTION 1.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The secretary of state for employees with access to personally identifying information of residents or businesses of the state or with access to elections systems that are critical infrastructure under section 44-04-24.

SECTION 2. AMENDMENT. Section 15.1-09-15 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-15. School district election - Declaration of winner.

On the ~~sixth~~^{thirteenth} day after the election, the school board shall meet to canvass all election returns and shall declare the result of an election and, in the case of a tie, within three days from the determination of a winner. However, if the election is held under an agreement with a city or county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the winners declared as set out in the agreement. The individual receiving the highest number of votes for an office must be declared elected. The board shall record the result of the election.

SECTION 3. A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

Definitions.

For purposes of this title, unless the context otherwise requires, "candidate" means:

1. An individual holding public office;
2. An individual who publicly has declared that individual's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
3. An individual who has formed a campaign or other committee for that individual's candidacy for public office;
4. An individual who has circulated a nominating petition to have that individual's name placed on the ballot; and
5. An individual who, in any manner, has solicited or received a contribution for that individual's candidacy for public office, whether before or after the election for that office.

SECTION 4. AMENDMENT. Subsection 1 of section 16.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. The secretary of state ~~must be~~, ex officio, supervisor of elections and may employ additional personnel to administer this title. The secretary of state shall supervise the conduct of elections and in that supervisory capacity has, in

⁹⁸ Section 12-60-24 was also amended by section 1 of House Bill No. 1073, chapter 98, section 2 of House Bill No. 1073, chapter 98, section 18 of House Bill No. 1247, chapter 352 section 1 of Senate Bill No. 2062, chapter 452, section 1 of Senate Bill No. 2110, chapter 218, section 1 of Senate Bill No. 2131, chapter 378, section 1 of Senate Bill No. 2174, chapter 447, section 1 of Senate Bill No. 2187, chapter 323, section 1 of Senate Bill No. 2338, chapter 379.

addition to other powers conferred by law, the power to examine upon the secretary of state's request or the request of any election official, any election ballot or other material, ~~electronic voting system or counting machine~~ authorized by chapter 16.1-06, or device used in connection with any election, for the purpose of determining sufficient compliance with the law and established criteria and standards adopted by the secretary of state according to section 16.1-06-26. The secretary of state, upon determining that any ballot or other material, ~~electronic voting system or counting machine~~, or device is not in sufficient compliance with the law or established criteria and standards, shall direct the proper changes to be made, and in the case of ~~electronic voting systems and counting machines~~, may decertify the ~~electronic voting systems and counting machines~~ according to the rules adopted under section 16.1-06-26.

SECTION 5. AMENDMENT. Section 16.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-03. Opening and closing of the polls.

The polls at all primary, general, and special elections must be opened at nine a.m. or earlier, but not earlier than seven a.m., as designated for any precinct by resolution of the governing body of the city or county in which the precinct is located. The polls must remain open continuously until seven p.m. or ~~such~~ later hour, not later than nine p.m., as may be designated for a precinct by resolution of the governing body of the city or county in which the precinct is located. All electors standing in line to vote at the time the polls are set to close must be allowed to vote, but electors arriving after closing time may not be allowed to vote. A voter may take up to thirty minutes to mark and cast the ballot after receiving the ballot from the election judge. After the polls close, the election board shall generate the report of the vote totals not later than thirty minutes after the last elector in line at the closing time received a ballot. An elector remaining in the polling place after the thirty minutes have expired who has not completed marking the ballot must be offered the choice of casting the ballot as marked or continuing to mark the ballot. If the elector chooses to continue marking the ballot, the ballot selections must be excluded from the report of the vote totals generated by the election board but must be forwarded by the election board to the canvassing board and added to the final tally. The secretary of state shall develop uniform, mandatory procedures for election boards to ensure the secrecy of each elector's ballot. The election officers present are responsible for determining who arrived in time to vote, and the election officers shall establish appropriate procedures for making that determination. All determinations required to be made pursuant to this section relating to polling hours must be made, and the county auditor notified of ~~them~~the determinations, no later than thirty days ~~prior to~~before an election.

⁹⁹ **SECTION 6. AMENDMENT.** Subsection 5 of section 16.1-01-04.1 of the North Dakota Century Code is amended and reenacted as follows:

5. If an individual is not able to show a valid form of identification but asserts qualifications as an elector in the precinct in which the individual desires to vote, the individual may mark a ballot that must be securely set aside in a sealed envelope designed by the secretary of state. After the ballot is set aside, the individual may show a valid form of identification to either a polling place election board member if the individual returns to the polling place before the polls close, or to an employee of the office of the election official

⁹⁹ Section 16.1-01-04.1 was also amended by section 2 of House Bill No. 1447, chapter 165.

responsible for the administration of the election before the meeting of the canvassing board occurring on the ~~sixth~~thirteenth day after the election. Each ballot set aside under this subsection must be presented to the members of the canvassing board for proper inclusion or exclusion from the tally.

SECTION 7. AMENDMENT. Section 16.1-01-05.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-05.1. Voter lists - Addition or transfer of names.

Through the use of the central voter file provided for in chapter 16.1-02, the secretary of state shall establish a procedure by which a county auditor may transfer a ~~person's~~an individual's name from the voter list of one precinct to the voter list of another precinct in the state if ~~that person~~the individual establishes a new residence, and by which a ~~person~~an individual who establishes residence in the state may have ~~that person's~~the individual's name placed on the voter list in the appropriate precinct. The procedure provided for in this section may not be used to require the registration of electors.

SECTION 8. AMENDMENT. Section 16.1-01-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-06. Highest number of votes elects.

Unless otherwise expressly provided by the laws of this state, in all elections for the choice of any officer, the ~~person~~individual receiving the highest number of votes for any office ~~must be~~is deemed to ~~have been~~ elected to that office.

SECTION 9. AMENDMENT. Section 16.1-01-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-07. Constitutional amendments and other questions to be advertised - Notification by secretary of state - Manner of publishing.

~~Whenever~~if a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall, ~~not less than fifty-five days before the election,~~ certify the amendment or other question to each county auditor not less than fifty-five days before the election, and each auditor shall cause notice ~~thereof~~the question to be included in the notice required by section 16.1-13-05. Questions to be submitted to the people of a particular county must be advertised in the same manner.

~~The~~At the same time the secretary of state certifies notice to the county auditors of the submission of a constitutional amendment or other question, the secretary of state shall, ~~at the same time the secretary of state certifies notice to the county auditors of the submission of a constitutional amendment or other question,~~ certify the ballot form for ~~such~~the questions. The ballot form must conform to the provisions of section 16.1-06-09 and must be used by all county auditors ~~in preparing to prepare~~for submission to the electorate of each county and in the preparation of to prepare sample ballots. ~~Any requirements in this title that a sample ballot be published will be met by the~~The publication of either the paper ballot or the ballot as it will appear to ~~persons~~individuals using an ~~electronic~~electronic voting system device, ~~depending upon~~whichever corresponds to the method of voting used in the area involved, will satisfy any requirement in this title for a sample ballot to be published. Absentee voter ballots may not be considered in determining which method of voting is used in an area. If both paper ballots and electronic voting system ballots are used in an area, both forms must be published as sample ballots to meet publication and

~~notice requirements.~~ For two consecutive weeks before the sample ballot is published, an analysis of any constitutional amendment, initiated measure, or referred measure, written by the secretary of state after consultation with the attorney general, must be published in columns to enable the electors to become familiar with the effect of the proposed constitutional amendment or initiated or referred measure.

SECTION 10. AMENDMENT. Section 16.1-01-08 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-08. Correcting errors on ballots - Requiring performance of duty - Correcting or prosecuting wrongful performance.

1. The secretary of state shall ~~thoroughly~~ investigate thoroughly, when the matter comes to the secretary of state's attention, any of the following:
 1. ~~a.~~ Any error or omission ~~which that~~ has occurred or is about to occur in the placing of any name on an official election ballot; however, a factual dispute regarding a candidate's residency may be resolved only by a court order.
 2. ~~b.~~ Any error ~~which that~~ has been or is about to be committed in printing the ballot.
 3. ~~c.~~ Any wrongful act ~~which that~~ has been or is about to be done by any judge or election clerk, county auditor, canvassing board, a canvassing board member, or any other ~~person individual~~ charged with any duty concerning the election.
 4. ~~d.~~ Any neglect of duty which has occurred or is about to occur.
2. If required, the secretary of state shall order the officer or ~~person individual~~ charged with ~~such~~the error, wrong, or neglect to correct the error, desist from the wrongful act, or perform any required duty. The secretary of state may call upon any county auditor for aid in ~~investigation and correction of~~investigating and correcting the problem. The secretary of state shall cause any ~~person individual~~ who violates the secretary of state's order to be prosecuted; if the violation constitutes an offense pursuant to this chapter. If the administrative remedies fail to correct the problem, or if the secretary of state refuses to act, any ~~person individual~~ may petition the supreme court, or the district court of the relevant county ~~whereif~~ the election of a county officer is involved, for an order compelling the correction of the error, wrong, neglect, or act.

SECTION 11. AMENDMENT. Subsection 5 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

5. When signed petitions are delivered to the secretary of state, the chairperson of the sponsoring committee shall submit to the secretary of state an affidavit stating that to the best of that individual's knowledge, the petitions contain at least the required number of signatures. The chairperson also shall submit a complete list of petition circulators which must include each circulator's full name and residential address. The residential address must be in this state and identify the circulator's street address, city, and zip code. Upon submission of the petitions to the secretary of state, the petitions are considered filed and may not be returned to the sponsoring committee for the purpose of continuing the circulation process or resubmitting the petitions at a

later time. An elector's name may not be removed by the elector from a petition that has been submitted to and received by the secretary of state.

SECTION 12. AMENDMENT. Subsection 7 of section 16.1-01-09.1 of the North Dakota Century Code is amended and reenacted as follows:

7. When recall petitions are delivered to the secretary of state or other filing officer with whom a petition for nomination to the office in question is filed, the chairman of the sponsoring committee shall submit to the secretary of state or other filing officer an affidavit stating that to the best of that individual's knowledge, the petitions contain at least the required number of signatures. The chairperson also shall submit a complete list of petition circulators which must include each circulator's full name and residential address. The residential address must be in this state and identify the circulator's street address, city, and zip code. Upon submission of the petitions to the appropriate filing officer, the petitions are considered filed and may not be returned to the chairman of the sponsoring committee for the purpose of continuing the circulation process or resubmitting the petitions at a later time. An elector's name may not be removed by the elector from a recall petition that has been submitted to and received by the appropriate filing officer.

SECTION 13. AMENDMENT. Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-12. Election offenses - Penalty.

1. It is unlawful for an individual, measure committee as described in section 16.1-08.1-01, or other organization to:
 - a. Fraudulently alter another individual's ballot or, substitute one ballot for another, or to otherwise defraud a voter of that voter's vote.
 - b. Obstruct a qualified elector on the way to a polling place.
 - c. Vote more than once in any election.
 - d. Knowingly vote in the wrong election precinct or district.
 - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
 - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified ~~person~~individual to vote.
 - g. Knowingly vote when not qualified to do so.
 - h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
 - i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or ~~circulate such a petition~~ when unqualified to do so.
 - j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the

payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file ~~their~~the intent to remunerate ~~prior to~~before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a pre-election report by individuals or organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1. Any signature obtained in violation of this subdivision is void and may not be counted.

- k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.
 - l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
 - m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the ~~same~~canvass or return to be false; or willfully deface, destroy, or conceal any statement or certificate entrusted to the individual's or organization's care.
 - n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law, or negatively impact the confidentiality, integrity, or availability of any system used for voting.
 - o. Sign a name other than that individual's own name to an initiative, referendum, recall, or any other election petition.
2.
 - a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A misdemeanor.
 - b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
 - c. A violation of subdivision n of subsection 1 ~~occurring after an election but before the final canvass, or during an election;~~ is a class C felony, ~~and in other cases is a class A misdemeanor.~~
 - d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an individual signs one or two names other than the individual's own name to a petition and is a class C felony if an individual signs more than two names other than the individual's own name to a petition.
 - e. An organization, as defined in section 12.1-03-04, that violates this section is subject to the organizational fines in section 12.1-32-01.1. The court in which the conviction is entered shall notify the secretary of state of the conviction and shall order the secretary of state to revoke the certificate of authority of any convicted organization or limited liability company. The organization may not reapply to the secretary of state for authorization to do business under any name for one year upon conviction of a class A

misdemeanor and for five years upon conviction of a class C felony under this section.

- f. An individual who is a member of an organization may be convicted of a violation as an accomplice under section 12.1-03-01.
3. Every act ~~which by this chapter is made~~this chapter makes criminal when committed with reference to the election of a candidate is equally criminal when committed with reference to the determination of a question submitted to qualified electors to be decided by votes cast at an election.

SECTION 14. AMENDMENT. Section 16.1-01-16 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-16. Secretary of state to establish a uniform state-based administrative complaint procedure.

The secretary of state shall establish a uniform state-based administrative complaint procedure to remedy grievances according to section 402 of the Help America Vote Act of 2002 [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 15512]. The complaint procedure must be uniform and nondiscriminatory and address complaints of violations of any provision of title III of the Help America Vote Act of 2002, including a violation that has occurred, is occurring, or is about to occur. A complaint filed under the complaint procedure must be in writing; and notarized, and be signed and sworn by the ~~person~~individual filing the complaint. The secretary of state is ~~authorized to~~may consolidate complaints. At the request of a complainant, the secretary of state shall establish a procedure for providing a review on the record. If the secretary of state determines there is a violation of a provision of title III of the Help America Vote Act of 2002 [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 15481-15502], the secretary of state shall determine and provide an appropriate remedy. If the secretary of state determines ~~that~~ a violation of title III of the Help America Vote Act of 2002 has not occurred, the secretary of state shall dismiss the complaint and publish the results of the review. The secretary of state shall make a final determination with respect to a complaint within ninety days of the date the complaint is filed with the secretary of state, unless the complainant consents to a longer period of time for the secretary of state to make a determination. If the secretary of state fails to meet the ninety-day deadline for determining a complaint, the complaint must be resolved within sixty days under an alternative dispute resolution procedure.

SECTION 15. AMENDMENT. Section 16.1-01-17 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-17. Estimated fiscal impact of an initiated or referred measure.

~~At least ninety days before a statewide election at which~~As soon as practicable after the secretary of state approves an initiated or referred measure ~~will be voted upon for the ballot~~, the legislative council shall coordinate the determination of the estimated fiscal impact of the initiated or referred measure. Upon notification from the secretary of state that signed petitions have been submitted for placement of an initiated or referred measure on the ballot, the legislative management shall hold hearings, receive public testimony, and gather information on the estimated fiscal impact of the measure. Each agency, institution, or department shall provide information requested in the format and time frame prescribed by the legislative council for identifying the estimated fiscal impact of the measure. At least thirty days before the public vote on the measure, the legislative council shall submit a statement of the estimated fiscal impact of the measure to the secretary of state. Upon receipt,

the secretary of state shall include a notice within the analysis required by section 16.1-01-07 specifying where copies of the statement of the estimated fiscal impact can be obtained. Within thirty days of the close of the first complete fiscal year after the effective date of an initiated or referred measure approved by the voters, the agencies, institutions, or departments that provided the estimates of the fiscal impact of the measure to the legislative council under this section shall submit a report to the legislative council on the actual fiscal impact for the first complete fiscal year resulting from provisions of the initiated or referred measure and a comparison to the estimates provided to the legislative council under this section, and the legislative council shall issue a report of the actual fiscal impact of the initiated or referred measure.

¹⁰⁰ **SECTION 16. AMENDMENT.** Section 1 of House Bill No. 1256, as approved by the sixty-seventh legislative assembly, is amended and reenacted as follows:

SECTION 1. A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

Use of nonpublic funds prohibited - Penalty.

1. The state and political subdivisions may not solicit, accept, or use any grants or donations from private persons for elections operations or administration except:
 - a. The use of privately owned facilities for polling places;
 - b. Food for poll workers; and
 - c. Other nonmonetary donations that are not used to prepare, process, mark, collect, or tabulate ballots or votes.
2. An individual who knowingly violates subsection 1 is guilty of a class A misdemeanor.

SECTION 17. AMENDMENT. Section 16.1-02-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-01. Permanent central voter file.

A permanent, centralized electronic database of voters, to be known as the central voter file, is established with the offices of the secretary of state and county auditors linked together by a centralized statewide system. The county auditor is chief custodian of the central voter file records in each county. The secretary of state shall maintain the central voter file and provide training and documentation that users who have been granted access to the system shall follow. The central voter file must be accessible by the secretary of state and all county auditors for purposes of preventing and determining voter fraud, making changes and updates, and generating information, including pollbooks, reports, inquiries, forms, and voter lists.

SECTION 18. AMENDMENT. Section 16.1-02-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-02. Costs of creating and maintaining a central voter file.

¹⁰⁰ Section 16.1-01-15.1 was created by section 1 of House Bill No. 1256, chapter 166.

~~The creation of the central voter file and its maintenance through June 30, 2011, must be paid for with funds from the state's election fund, provided the election fund contains adequate funding to create and maintain the central voter file. The creation of the central voter file and its maintenance through June 30, 2011, may not be paid for from funds in the secretary of state's budget, the state's general fund, or from county funds. Beginning July 1, 2011, the~~The offices required to perform the functions and duties of this chapter shall bear the costs incurred in performing those duties, and the secretary of state shall pay the costs of operating and maintaining the central voter file. As used in this section, costs of maintaining the central voter file mean costs of annual software licenses, ~~hosting costs for the software in the state data center~~hosting, costs of necessary enhancements to the software, ~~database updates,~~ and the costs for implementing the duties and responsibilities of the secretary of state's office relating to the central voter file.

SECTION 19. AMENDMENT. Section 16.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-05. Entry of new voters into the central voter file - Query of the central voter file for double voting - Postelection verification.

1. ~~Within forty-five days~~Before the meeting of the county canvassing board following an election, the county auditor shall enter the name and required information of each individual who voted at the last election who is not already contained in the central voter file and update any required information requested and obtained at the last election for any individual contained in the central voter file.
2. The secretary of state, with the assistance of the county auditors, ~~within eighty-five days following an election~~before the meeting of the state canvassing board, shall query the central voter file to determine if any individual voted more than once during the preceding election. The secretary of state shall immediately notify the county auditor and state's attorney in each affected county for further investigation.
3. Upon return of any nonforwardable mail from an election official, the county auditor shall ascertain the name and address of that individual. If the individual is no longer at the address recorded in the central voter file, the county auditor shall transfer the voter to the correct precinct in the central voter file or notify the county of the voter's new residence so the voter record can be transferred to the correct county. If a notice mailed at least sixty days after the return of the first nonforwardable mail is also returned by the postal service, the county auditor shall designate the individual as "inactive" in the central voter file.

SECTION 20. AMENDMENT. Section 16.1-02-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-06. Reporting deceased individuals and changes of names - Changes to records in the central voter file.

1. The state health officer shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older who has died while maintaining residence in this state since the last report. Within thirty days after receiving a report, the secretary of state shall designate each individual included in the report as "deceased" in the central voter file. ~~The secretary of~~

~~state shall prepare and distribute a list of individuals designated as "deceased" to each county auditor.~~

2. The state health officer shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by marriage since the last report. ~~The secretary of state shall prepare and distribute a list of those individuals to each county auditor.~~
3. After receiving notice of death of an individual who has died outside the county, the county auditor shall designate that individual as "deceased" in the central voter file. Notice must be in the form of a printed obituary or a written statement signed by an individual having knowledge of the death of the individual.

SECTION 21. AMENDMENT. Section 16.1-02-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-07. Reporting changes of names - Changes to records in the central voter file.

The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by divorce or any order or decree of the court since the last report. ~~The secretary of state shall prepare and distribute a list of those individuals to each county auditor.~~ Any individual who has obtained a protection order under section 14-07.1-03 or who is protected by a disorderly conduct restraining order under section 12.1-31.2-01 must be listed in the central voter file with a "secured active" designation. A "secured active" designation means a record maintained as an active voter for pollbook purposes, but otherwise is an exempt record. The state court administrator or the bureau of criminal investigation shall make available upon request of the secretary of state the name of each individual who has obtained such an order.

SECTION 22. AMENDMENT. Section 16.1-02-10 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-10. Posting voting history - Failure to vote - Individuals designated inactive.

~~Within seventy five days after each election~~Before the end of the contest period allowed under section 16.1-16-04, each county auditor shall post the voting history for each individual who voted in the election. After the close of each even-numbered calendar year, the secretary of state shall determine if any individual has not voted during the preceding four years and shall change the status of each such individual to "inactive" in the central voter file. ~~The secretary of state shall prepare a report to each county auditor which contains the name of each individual who has been designated as "inactive" in the central voter file.~~ Although not counted in an election, a late absentee ballot from an individual may not be used to designate an individual as "inactive" in the central voter file.

SECTION 23. AMENDMENT. Section 16.1-02-11 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-11. Secretary of state to may adopt rules for the purpose of maintaining the central voter file.

The secretary of state shall ~~may~~ adopt rules and procedures according to subsection 3 of section 16.1-01-01 for the purpose of ~~implementing~~ to implement this chapter and for ~~updating and maintaining~~ to update and maintain the central voter file. The rules ~~must~~ may:

1. Provide for the establishment and maintenance of a central voter file.
2. Provide for the generation and assignment of a unique identifier to each individual contained in the central voter file.
3. Provide procedures for entering data into the central voter file.
4. Provide for any additional information to be requested of and obtained from an individual which is to be maintained in the central voter file, not already provided by law, but necessary for the proper administration of the central voter file.
5. Provide for the exchange of records maintained by the appropriate state and county agencies and officials for receiving regular reports regarding individuals and records of individuals contained in the central voter file.
6. Allow each county auditor and the secretary of state to add, modify, and delete information from the central voter file to ensure accurate and up-to-date records.
7. Allow each county auditor and the secretary of state to have access to the central voter file for review, search, and inquiry capabilities.
8. Provide security and protection of all information contained in the central voter file and to ensure that unauthorized access and entry is prohibited.
9. Provide a system for each county to identify the precinct to which an individual should be assigned for voting purposes.

SECTION 24. AMENDMENT. Section 16.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-13. Information contained in pollbooks generated from the central voter file.

The county auditor shall generate a pollbook for each precinct in the county from the central voter file by the day before an election. With the exception of a record designated "secured active" and the voter's birth date and driver's license or nondriver identification card number issued by the department of transportation, which are exempt records, the precinct pollbooks are open records under section 44-04-18. When providing access to or a copy of a pollbook, the election official administering the election shall redact from the pollbook any voter records designated as secured active along with the voter's date of birth and identification numbers listed on the paper pollbook used in an election. If an electronic pollbook is used, the election official, upon request for a copy of the pollbook, shall generate a list including the allowable information detailed in this section for the individuals who voted in the election. The list provided from an electronic pollbook may be requested by precinct or county. The secretary of state shall prescribe procedures for generating pollbooks and for transporting the pollbooks to the election judges/poll clerks for use on election day. Pollbooks/Electronic pollbooks may have a secure connection from the polling place to the data maintained in the central voter file to ensure the integrity of the

election. Each pollbook generated from the central voter file must contain the following information for each individual contained ~~therein~~ in the pollbook:

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

SECTION 25. AMENDMENT. Subsection 2 of section 16.1-05-01 of the North Dakota Century Code is amended and reenacted as follows:

2. The election judges must be appointed in the following manner:
 - a. Except as provided in subdivision b:
 - (1) The election judges for each polling place must be appointed in writing by the district chairs representing the two parties that cast the largest number of votes in the state at the last general election. In polling places in which over one thousand votes are cast in any election, the county auditor may request each district party chair to appoint an additional election judge.
 - (2) The district party chair shall notify the county auditor of the counties in which the precincts are located of the appointment of the election judges at least forty days before the primary, general, or special election. If this notice is not received within the time specified in this section, the county auditor shall appoint the judges and provide notice of the appointment to the district party chair. If the county auditor has exhausted all practicable means to select judges from within the boundaries of the precincts within the polling place and vacancies still remain, the county auditor may select election judges who reside outside of the voting precinct but who reside within the polling place's legislative districts. If vacancies still remain, the county auditor may select election judges who reside outside of the legislative districts but who reside within the county.
 - b. For special elections involving only no-party offices, the election official responsible for the administration of the election, with the approval of the majority of the members of the applicable governing body, shall appoint the election judges for each polling place.

SECTION 26. AMENDMENT. Section 16.1-06-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-02. Ballots prepared by county auditor or local official - Penalty.

For a local election, the ballots must be printed and distributed under the direction of the auditor or clerk of the local subdivision. For all other elections, ballots must be printed and distributed under the direction of the county auditor, subject to the supervision and approval of the secretary of state as to the legal sufficiency of the form, style, wording, and contents of the ballots. If an auditor or clerk of a local subdivision, a county auditor, or the secretary of state causes or approves the printing of a ballot listing an individual as a candidate when the official knows or should know the individual does not meet the qualifications, or has not satisfied the requirements to be a candidate, the official is guilty of an infraction.

SECTION 27. AMENDMENT. Section 16.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-04. Form and quality of ballots generally.

1. All official ballots prepared under this title must:
 1. a. Be printed on uniform quality and color of paper in an ink color suitable to make the ballot clearly legible and compatible with the electronic voting system requirements necessary to tabulate the votes.
 2. b. Be of sufficient length to contain the names of all candidates to be voted for at that election.
 3. c. Have the language "Vote for no more than _____ name (or names)" placed immediately under the name of each office.
 4. d. Have printed ~~thereon on the 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."
 5. e. Leave sufficient space for each office to write ~~a name, or names, as the case may be,~~ in lieu of those printed on the ballot.
 6. f. ~~Immediately~~ Have an oval printed preceding and on the same line as the name of each candidate ~~must be printed an oval in which the voter is to darken to mark the voter's choice by darkening the oval next to the name of the candidate chosen.~~
 7. g. Provide text boxes at the bottom of the first side of the ballot. The text box at the bottom of the first column is to contain the words "Official Ballot, the name of the county, the name or number of the precinct, and the date of the election". The text box is to contain the words "All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted". The text box at the bottom of the third column is to contain the word "initials" preceded by a blank line where the judge or inspector shall initial the ballot.

~~Any precinct that uses an electronic counting machine may require the use of a particular writing instrument to mark the ballot so the ballots may be properly counted.~~

2. The ballot 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 must be arranged in a manner and form approximating as far as possible the requirements of this section.

SECTION 28. AMENDMENT. Section 16.1-06-11 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-11. Electronic voting~~Voting~~ systems authorized.

~~The use of electronic voting~~Voting systems may be used in accordance with the provisions of this chapter is hereby authorized in any election precinct upon finding and declaration by resolution of the city governing body, and also of the board of county commissioners of the county in which such election precinct is located, that such use is advisable or necessary in that precinct. Thereafter, a system or Voting systems may be procured, on a temporary or permanent basis, under terms and conditions, including assumption and division of cost of acquisition and maintenance by the city and county, agreed upon by the respective governing bodies, provided the system or systems being procured have been approved and certified for procurement and use in the state by the secretary of state according to section 16.1-06-26. The system or ~~systems~~then may then be used in any state, county, city, or district election in that precinct or other voting area of which that precinct is a part.

SECTION 29. AMENDMENT. Section 16.1-06-12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-12. Definitions.

As used in this title with regard to ~~electronic~~ voting systems:

1. ~~"Automatic tabulating equipment" means an apparatus which automatically tabulates and counts votes recorded on ballots or entered directly into a computer or other electronic device by means of a touchscreen or other data entry device and data processing machines which can be used for counting votes and tabulating results.~~
2. ~~"Ballot" means a handcount paper ballot or for an electronic~~from which the votes for candidates and questions are tabulated by hand or by a voting system includes a tabulating paper ballot, recorded by optical scan reader, containing the names of offices and candidates and the questions to be voted on, which is used in conjunction with the marking device and on which votes may be recorded. For direct recording electronic voting systems, ballot means the ballot display provided by electro-optical devices showing the names and candidates and the questions to be voted on that allows a voter to directly enter choices into electronic storage with the use of a touchscreen or other data entry device. The term includes the digital image of a marked ballot captured by a voting system.
2. ~~"Ballot marking device" means a device for marking ballots with ink or other substance, or any other method for recording votes on ballots such that the votes may be tabulated and counted by tabulation.~~
3. ~~"Counting center" means the location or locations designated by the county auditor for the automatic tabulating and counting of ballots and tabulation of votes from the ballots.~~

4. ~~"Direct-recording electronic voting system~~Digital scan" means a voting system that records votes by means of a ballot display provided by electro-optical devices that allows a voter to directly enter choices into electronic storage with the use of a touchscreen or other data entry device. An alphabetic keyboard may be employed as an entry device to facilitate voting for write-in candidates. A voter's choices are stored in the direct-recording electronic voting system's internal memory devices and added to the choices of all other votersprocedure in which votes cast on a paper ballot are tabulated by examining marks made in voting response locations on the ballot and an image of the ballot is captured and retained.
5. ~~"Electronic voting~~Voting system" means ~~a~~the system, or the combination of electronic voting systems and devices authorized under this chapter, that may employ a marking device in conjunction with ballots or the use of a touchscreen or other data entry device and automatic tabulating equipment for the recording, tabulating, and counting of votes in an election.
6. ~~"Electronic voting system device"~~ means a single unit of an electronic voting system.
7. ~~"Marking device"~~ means a device for marking ballots with ink or other substance, or any other method for recording votes on ballots in a manner that the votes may be tabulated and counted by automatic tabulating equipment.
8. ~~"Optical scan"~~ means a procedure in which votes cast on a paper ballot are tabulated by means of examining marks made in voting response locations on the ballot with an optical reader and devices authorized under this chapter which may employ a ballot marking device with use of a touchscreen or other data entry device to record and count votes in an election.

SECTION 30. AMENDMENT. Section 16.1-06-14 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-14. Requirements for electronic voting systems.

Any electronic voting system used in an election in this state must:

1. Provide facilities for voting for nominated candidates, for persons not in nomination, and upon questions or measures submitted to the voters.
2. Permit each voter to vote for as many persons for any office as the voter is entitled to vote for, and must allow each voter to vote in primary elections for candidates for nomination by the political party of the voter's choice, but ~~it~~the system must preclude each voter from voting for more persons for any office than the voter is entitled to vote for, from voting more than once for the same candidate or upon the same measure or question submitted to the voters, or voting the ballot of more than one political party in any primary election.
3. Permit each voter, insofar as is possible, by the replacement of spoiled ballots, to change the voter's vote for any candidate, or upon any measure or question submitted to the voters, up to the time the voter begins the final operation to register the voter's vote.
4. Permit and require voting in absolute secrecy while voting, and must be so constructed and controlled ~~that~~so no personother individual can see or know for whom ~~any other~~an elector has voted or is voting, except a voter whom the

- ~~person has assisted or is an individual assisting in voting, marking the ballot at the request of the elector as prescribed by law, and that no person may individual is able to see or know the number of votes registered for any candidate or tamper with any mechanism while the polls are open.~~
5. Be provided with a procedure by the use of which, immediately after the polls are closed, all voting is absolutely prevented.
 6. Be so constructed that when properly operated ~~it~~the system shall register or record correctly and accurately every vote cast.
 7. Be so constructed that a voter may readily learn the method of operating ~~it~~the system.
 8. Permit voting by ballot or by entering directly into a computer or other electronic device by means of a touchscreen or other data entry device.
 9. Permit voting for presidential electors by making only one mark.
 10. Permit write-in voting and absentee voting.
 11. Permit the rotation of names of candidates on ballots as required by this title.
 12. ~~In the case of electronic systems procured after August 1, 2003, be capable of notifying a voter that the voter has overvoted, undervoted, and in the case of a primary election, cross-party voted before the voter casts a ballot.~~
 13. ~~In the case of direct-recording electronic voting systems, be capable of preventing a voter from overvoting and cross-party voting before the voter casts a ballot.~~
 14. ~~In the case of direct-recording electronic voting systems, be capable of producing in random order a paper copy of each ballot cast on the system.~~
 15. ~~Ensure that any direct-recording electronic voting system procured or used in the state may not transmit uncounted votes or ballots through the internet.~~
 16. Fulfill the criteria and standards established by the secretary of state according to section 16.1-06-26.

SECTION 31. AMENDMENT. Section 16.1-06-17 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-17. County auditor to provide ballots and other electronic voting system supplies.

At the same time as other election supplies are provided and distributed, the county auditor shall provide ~~to each precinct in the county using an electronic voting system:~~

1. A sufficient number of electronic voting system devices and ballots ~~if the electronic voting system employs ballots.~~
2. One facsimile diagram of the entire face of the electronic voting system ~~device~~devices as ~~it~~the devices will appear ~~on election day~~while the polls are open.

3. Appropriate instruction material for the use of the ~~electronic~~ voting system devices.
4. All other materials required to carry out the election process through the use of ~~electronic~~the voting system~~system~~.

SECTION 32. AMENDMENT. Section 16.1-06-18 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-18. Delivery of ballots.

County auditors shall deliver, or cause to be delivered, by ~~mail or other~~ reliable method, to the inspector of elections in each ~~precinct~~polling place the official ballots, ~~if available~~. The ballots must be delivered in sealed packages marked plainly with the ~~name of the precinct for which the ballots are intended~~. The county auditor also shall deliver or cause to be delivered a suitable seal for ~~the purpose of sealing the wrapper containing the ballots as provided in section 16.1-15-08~~.

SECTION 33. AMENDMENT. Section 16.1-06-19 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-19. Instructions, advertisements, maps, and ballots posted in polling places.

Each county auditor shall have posters printed, in large type, containing full instructions to electors on obtaining and voting ballots and a copy of section 16.1-01-12, any federal laws regarding prohibitions on acts of fraud and misrepresentations, and general information on voting rights under applicable federal and state laws, including instructions on how to contact the appropriate officials if these rights are alleged to have been violated. The county auditor shall furnish at least one such poster to the election inspector in each election polling place who, before the opening of the polls, shall conspicuously post at least one poster in the polling place. The county auditor, at the time of delivering the ballots to the inspector of elections in each polling place, shall deliver at least five copies of the newspaper publication or other copy of the complete text of any constitutional amendment or initiated or referred measure to ~~such~~the inspector of elections. One of the newspaper publications or copies must be posted conspicuously in the polling place on the morning of the election. Each county auditor shall furnish the election inspector in each polling place with four copies of a map showing the election ~~precinct's~~precinct boundaries and information regarding the date of the election and the hours during which polling places will be open. ~~The inspector shall, before~~Before the opening of the polls, the inspector shall post the maps and information regarding the date of the election and the hours during which polling places will be open at the entry to and in other conspicuous places around the polling place.

SECTION 34. AMENDMENT. Section 16.1-06-25 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-25. ~~Electronic voting~~Voting systems - Violations - Penalty.

Any person who violates any of the provisions of this chapter relating to ~~electronic~~ voting systems, who tampers with or injures any ~~electronic~~ voting system or device to be used or being used in any election, or who prevents the correct operation of any such system or device to be used or being used in any election is guilty of a class A ~~misdemeanor~~C felony.

SECTION 35. AMENDMENT. Section 16.1-06-26 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-26. Secretary of state to adopt rules for the purpose of certifying and decertifying electronic voting systems and electronic counting machines.

1. The secretary of state may adopt rules according to subsection 3 of section 16.1-01-01 for certifying and decertifying ~~electronic counting machines~~ authorized in section 16.1-06-10.1 and electronic voting systems authorized in section 16.1-06-11, including any software, hardware, and firmware components used as a part of an ~~electronic voting system or electronic counting machine~~ device for use and procurement in the state. The rules may:
 1. a. Establish criteria and standards with which all electronic voting systems and ~~electronic counting machines~~ must comply.
 2. b. Describe the procedures for ~~electronic voting systems and electronic counting machines~~, any single device of an ~~electronic~~ electronic voting system and ~~electronic counting machine~~, and any update and enhancement made to them, to be certified and decertified for procurement and use in the state.
 3. c. Define what constitutes a vote on each ~~electronic voting system and electronic counting machine~~ which has been certified for procurement in the state.
 4. d. Describe the procedures for the secretary of state to follow when defining what constitutes a vote on any new ~~electronic voting system and electronic counting machine~~, any single device of an ~~electronic~~ electronic voting system and ~~electronic counting machine~~, and any update and enhancement made to them.

An electronic

2. A ~~voting system and electronic counting machine~~, a single device of an ~~electronic~~ electronic voting system and ~~electronic counting machine~~, and an update and enhancement made to them, in use by a county ~~prior to~~ before August 1, 2003, must be reviewed by the secretary of state according to rules adopted under this section by April 1, 2004, and must meet the requirements of the rules, or must be replaced by another ~~electronic voting system and electronic counting machine~~, a single device of an ~~electronic~~ electronic voting system and ~~electronic counting machine~~, and an update and enhancement made to them, that ~~meets~~ meeting the requirements of the rules by January 1, 2006.

SECTION 36. AMENDMENT. Subsection 1 of section 16.1-07-05 of the North Dakota Century Code is amended and reenacted as follows:

1. At any time in an election year, any qualified elector may apply to the county auditor, the auditor or clerk of the city, or the business manager of the school district, as the case may be, by personal delivery, facsimile, electronic mail or otherwise, for an official ballot to be voted at that election. A voter may obtain an application form approved by the secretary of state, for an absent voter's ballot for a general, special, primary, county, city, or school election from the secretary of state, a county or city auditor, a candidate, a political party, or a political committee. The application form must ~~include a space for~~ provide the applicant the ability to indicate ~~whether the application is for all statewide~~ which

elections in the calendar year ~~or only for the election that is immediately after the date of the application~~ the applicant wishes to vote by absentee ballot.

SECTION 37. AMENDMENT. Section 16.1-07-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-06. Application form.

1. Application for an absent voter's or mail ballot must be made on a form, prescribed by the secretary of state, to be furnished by the proper officer of the county, city, or school district in which the applicant is an elector, ~~or any form, approved by the secretary of state, or any blank containing the following:~~
 - a. The applicant's name.
 - b. The applicant's current or most recent North Dakota residential address.
 - c. The applicant's mailing address.
 - d. The applicant's current contact telephone number, if available.
 - e. The election for which the ballot is being requested.
 - f. The date of the request.
 - g. An affirmation that the applicant has resided, or will reside, in the precinct for at least thirty days next preceding the election and will be a qualified elector of the precinct.
 - h. The applicant's signature, a notification the signature on this affidavit will be compared to the signature on the affidavit on the envelope in which the absentee ballot must be placed.
 - i. The designation of the individual's status as a citizen of this country and resident of this state living outside the United States, a uniformed service member living away from the individual's North Dakota residence, or an immediate family member of the uniformed service member living away from the individual's North Dakota residence.
 - j. The applicant's date of birth.
 - k. The identification number from one of the applicant's valid forms of identification, a copy of the applicant's long-term care certificate, and, if necessary, a copy of the applicant's supplemental identification under section 16.1-01-04.1.
2. If the applicant is unable to sign the applicant's name to the application, the applicant shall mark (X) or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark".
3. If the applicant does not possess or cannot secure an approved form of identification as provided for under section 16.1-01-04.1 due to a disability

with which the individual lives and which prevents the individual from traveling to obtain, the application also must be signed by another qualified elector who, by signing, certifies that the applicant is a qualified elector. The secretary of state shall prescribe the form of the certification required under this subsection. An individual may not certify the qualifications of more than four applicants in an election.

4. ~~The application for a uniformed service member or an immediate family member temporarily stationed away from the individual's residence in this state, or a resident of the state temporarily living outside the country must include the following additional information if the individual desires to access the ballot by electronic means:~~
 - a. Facsimile telephone number; or
 - b. Electronic mail address.
5. An incomplete application must be returned to the applicant for completion and resubmission.
6. Except for the applicant's date of birth, identification card number, and any supplemental documentation provided under section 16.1-01-04.1, the application is an open record under section 44-04-18.

SECTION 38. AMENDMENT. Section 16.1-07-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-07. Delivering application form for ballot.

The officers specified in section 16.1-07-05, upon request, shall ~~mail~~ provide an application form for an absent voter's ballot to the voter or may deliver the application form to the voter upon a personal application made at the officer's office. The officers may also make available or distribute the applications, prescribed by the secretary of state, to the public without any specific request being made for the applications.

SECTION 39. AMENDMENT. Section 16.1-07-08 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-08. Delivering ballots - Envelopes accompanying - Affidavit on envelope - Challenging electors voting by absentee ballot - Inability of elector to sign name.

1. Upon receipt of an application for an official ballot properly filled out and duly signed, or as soon ~~thereafter~~ after receipt of the application as the official ballot for the precinct in which the applicant resides has been prepared, the county auditor, city auditor, or business manager of the school district, as the case may be, shall send to the absent voter by mail or secure electronic delivery, if the secretary of state determines the necessary technology is available and according to the choice made by the voter on the application for the ballot, at the expense of the political subdivision conducting the election, one official ballot, or personally deliver the ballot to the applicant or the applicant's agent, which agent may not, at that time, be a candidate for any office to be voted upon by the absent voter. The agent shall sign the agent's name before receiving the ballot and deposit with the auditor or business manager of the school district, as the case may be, authorization in writing from the applicant to receive the ballot or according to requirements set forth for signature by

mark. The auditor or business manager of the school district, as the case may be, may not provide an absent voter's ballot to ~~a person~~ an individual acting as an agent who cannot provide a signed, written authorization from an applicant. ~~No~~ A person may not receive compensation, including money, goods, or services, for acting as an agent for an elector, ~~and a person may a person~~ not act as an agent for more than four electors in any one election. A voter voting by absentee ballot may not require the political subdivision providing the ballot to bear the expense of the return postage for an absentee ballot.

2. With the exception provided in section 16.1-07-24 for secure remote electronic casting of a ballot granted to a covered voter, the absent voter marking the ballot by electronic means shall return the instrument containing the vote selections made by the voter to the assigned polling place where, after being recorded in the pollbook by a poll clerk, the choices listed in the instrument will be converted into the official ballot. Upon confirmation by the voter the vote selections marked by the ballot marking device are correct, the voter shall cast the ballot in the tabulation device.
3. Any qualified elector living with a disability that prevents the elector from reading or marking the ballot without assistance and who wishes to cast an absentee ballot may mark the electronic ballot by electronic means. The voter then shall deposit the ballot electronically on the secure server that is used by covered voters as defined in section 16.1-07-18. Upon system notification that a ballot has been left by a qualified voter, an election official shall print the ballot, place the ballot in a secrecy envelope, attach the absent voter's application for the ballot, and securely store the enveloped ballot and the application with all the other absentee ballots. When the absentee ballot election board meets to process and count absentee ballots, the ballot from the covered voter must be transferred onto a paper ballot and tabulated with all the other valid absent voters' ballots.
4. If there is more than one ballot to be voted by an elector of the precinct and the voting system will be unable to tabulate one or more of the ballots, one of each kind must be included and a secrecy envelope and a return envelope must be enclosed with the ballot or ballots. The front of the return envelope must bear the official title and post-office address of the officer supplying the voter with the ballot and upon the other side a printed voter's affidavit in substantially the following form:

Precinct _____

Name _____

Residential Address _____

City _____ ND Zip Code _____

Under penalty of possible criminal prosecution for making a false statement, I swear that I reside at the residential address provided above, that I have resided in my precinct for at least thirty days next preceding the election, and this is the only ballot I will cast in this election.

Applicant's Signature _____

Date _____

The signature on this affidavit will be compared to the signature on the affidavit included in the application for the absentee ballot.

5. If the absent voter is unable to sign the voter's name on the affidavit required under this section, the voter shall mark (X) or use the applicant's signature stamp on the affidavit in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark".
- 3-6. Each individual requesting an absent voter's ballot under this chapter must be provided a set of instructions, prescribed by the secretary of state, sufficient to describe the process of voting by absent voter's ballot. The voting instructions must contain a statement informing the individual that the individual is entitled to complete the absent voter's ballot in secrecy.
- 4-7. Each individual requesting an absent voter's ballot by mail under this chapter who cannot read the English language or ~~who because of blindness or otherlives with a disability is unable to mark~~preventing the individual from marking the voter's ballot, ~~upon request, may receive, upon request,~~ the assistance of any individual of the voter's choice, other than the voter's employer, an officer or agent of the voter's union, a candidate running in that election, or a relative of a candidate as described in subsection 2 of section 16.1-05-02, in marking the voter's ballot.
8. An election official shall deliver an absentee ballot to a qualified elector only upon receipt of an application meeting the requirements of section 16.1-07-06 from the elector.

SECTION 40. AMENDMENT. Section 16.1-07-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-09. Canvassing of mailed absent voter's ballots received late.

In ~~the case of~~ congressional, state, county, city, or school district elections, if an envelope postmarked or otherwise officially marked by the United States postal service or other mail delivery system before the date of election and containing an absent voter's ballot is received by the officer ~~too late to be forwarded to a polling place of the proper voting precinct in time to be tabulated~~after election day, the ballot must be tallied by the canvassing board of the county, the governing body of the city, or the school board of the school district, as the case may be, at the time the returns are canvassed. Any envelope without a postmark or other official marking by the United States postal service or other mail delivery system or with an illegible postmark or other official marking and containing an absentee voter's ballot must be received by mail by the proper officer prior to the meeting of the canvassing board. An absent voter may personally deliver the absent voter's ballot to the appropriate officer's office at any time before five p.m. on the day before the election. Any envelope containing an absent voter's ballot with a postmark or official date stamp on the day of election or thereafter may not be tallied with the ballots timely submitted for the election. Before forwarding any ballot to a canvassing board pursuant to this section, the officer forwarding the ballot shall print the date of receipt on the envelope. Upon receipt, the canvassing board shall determine that the elector was qualified to vote in that precinct, that the elector did not previously vote in that precinct on the date of the election, and that the signatures on the absentee ballot application and the

voter's affidavit were signed by the same person~~individual~~ before allowing the ballot to be tallied.

SECTION 41. AMENDMENT. Section 16.1-07-10 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-10. Care and custody of ballot - Submitted ballot may not be returned.

Upon receipt of an envelope containing the absent voter's ballot, the proper officer immediately shall attach the application of the absent voter and file the ballot with other absentee ballots from the same precinct. If the election official has reason to suspect the signature on the application was made by a different individual than the individual who signed the affidavit on the return ballot envelope, the election official shall attempt to contact the absent voter as soon as practicable to provide an opportunity to validate the signatures. Contact shall first be attempted by phone if the absent voter provided a phone number on the submitted application. If the election official is unable to speak with the absent voter, the election official shall mail a notice informing the absent voter the absentee ballot has been identified as having a signature mismatch and will be rejected if not verified. After submission to the appropriate election officer, a marked absent voter's ballot may not be returned to the voter for any reason other than to complete any missing information required on the affidavit on the back of the return envelope. Before delivering the absentee ballots to ~~a polling place of the proper~~the absentee ballot precinct, the proper officer shall package the ballots in a manner so the ballots are sealed securely. The package must be endorsed with the name of the proper voting precinct, the name and official title of the officer, and the words "This package contains an absent voter's ballot and must be opened only according to the processing provisions of section 16.1-07-12." The officer shall keep the package safely in the officer's office until ~~it~~the package is delivered by the officer as provided in this chapter.

SECTION 42. AMENDMENT. Subsection 1 of section 16.1-07-12.1 of the North Dakota Century Code is amended and reenacted as follows:

1. For any primary, general, or special statewide, district, or county election, the board of county commissioners ~~may~~shall create a special precinct, known as an absentee ballot precinct, ~~for the purpose of counting to count~~ all absentee ballots cast in an election in that county. The election board of the absentee ballot precinct must be known as the absentee ballot counting board. The county auditor shall supply the board with all necessary election supplies as provided in chapter 16.1-06.

SECTION 43. Section 16.1-07-13.1 of the North Dakota Century Code is created and enacted as follows:

16.1-07-13.1. Signature mismatch - Verification of signatures.

1. If an election official, absentee ballot precinct election board, or the canvassing board has reason to suspect the absent voter's signatures on the application and the affidavit on the returned ballot envelope do not match, the election official shall notify the absent voter the signatures do not appear to match. The notification must include instructions by which the absent voter may confirm the validity of the signatures, a statement that verification is required before the ballot can be counted, the date and time of the canvassing board meeting, and a statement that verification must be completed by the

absent voter before close of the meeting of the canvassing board occurring six days after the election.

2. The absent voter may confirm the validity of the signatures by written communication or personal visit to the office of the election official administering the election. If the voter confirms by written communication, the written communication must include a copy of the identification used when applying for the ballot. If the voter confirms through a personal visit to the election official, the voter must show the identification used when applying for the ballot. The election official shall make a copy of the identification shown, and the copy must be included with the application and ballot when provided to the election board or canvassing board, whichever would be appropriate based on when the voter verified the signatures. The canvassing board shall include in the final tally the ballot from an absent voter who has completed the verification process and was eligible to vote the returned ballot.
3. An individual contacted regarding the mismatch of signatures may deny making the application or returning the ballot. The election official receiving the denial shall turn the application and uncounted ballot over to the county state's attorney for investigation of attempted voter fraud.
4. The election official shall record in the minutes of the county canvassing board the manner and number of attempts made to contact an absent voter for signature verification, the number of ballots included in the tally because the signatures were verified, and the number of ballots ultimately rejected by the canvassing board along with the reasons for the rejections.
5. After the meeting of the canvassing board, the election official shall send a written notice to each absent voter whose ballot was rejected and not counted because of signature mismatch.

SECTION 44. AMENDMENT. Section 16.1-07-15 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-15. Early voting precinct - Election board appointment - Closing and canvassing.

1. For any primary, general, or special statewide, district, or county election, the board of county commissioners may, before the sixty-fourth day before the day of the election, create a special precinct, known as an early voting precinct, to facilitate the conduct of early voting in that county according to ~~chapters 16.1-13 and 16.1-15~~this title. At the determination of the county auditor, more than one polling place may be utilized for the purposes of operating the early voting precinct. The election board of the early voting precinct must be known as the early voting precinct election board. The county auditor shall supply the board with all necessary election supplies as provided in chapter 16.1-06.
2. If the board of county commissioners establishes an early voting precinct according to this section, the following provisions apply:
 - a. Early voting must be authorized during the fifteen days immediately before the day of the election. The county auditor shall designate the business days and times during which the early voting election precinct will be open and publish notice of the early voting center locations, dates, and times in

- the official county newspaper once each week for three consecutive weeks immediately before the day of the election.
- 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. Each official of the board shall take the oath required by section 16.1-05-02 and must be compensated as provided in section 16.1-05-05.
 - c. The county auditor, with the consent of the board of county commissioners, shall designate each early voting polling place in a public facility, accessible to the elderly and the physically disabled as provided in section 16.1-04-02. With respect to polling places at early voting precincts, "election day" as used in sections 16.1-10-03 and 16.1-10-06.2 includes any time an early voting precinct polling place is open.
 - d. At the close of each day of early voting, the inspector, along with a judge from each political party represented on the board, shall secure all election-related materials, including:
 - (1) The pollbooks and access to any electronically maintained pollbooks.
 - (2) The ballot boxes containing voted ballots.
 - (3) Any void, spoiled, and unvoted ballots.
 - e. Ballot boxes containing ballots cast at an early voting polling place may not be opened until the day of the election except as may be necessary to clear a ballot jam or to move voted ballots to a separate locked ballot box in order to make room for additional ballots.
 - f. Each early voting polling place may be closed, as provided in chapter 16.1-15, at the end of the last day designated for early voting in the county. Results from the early voting precinct may be counted, canvassed, or released under chapter 16.1-15 as soon as any precinct within the county, city, or legislative district closes its polls on the day of the election. The county auditor shall designate a location for the closing, counting, and canvassing process under chapter 16.1-15, which location must be open to any person for the purpose of observing.
 - g. The early voting precinct election board shall comply with the requirements of chapters 16.1-05, 16.1-06, 16.1-11, 16.1-11.1, 16.1-13, and 16.1-15, as applicable.

SECTION 45. AMENDMENT. Section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Affiliate" means an organization that controls, is controlled by, or is under common control with another organization. For purposes of this definition, control means the possession, direct or indirect, of the power to direct or

cause the direction of the management and policies of an organization, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise. Control is presumed to exist if an organization, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing fifty percent or more of the voting securities of any other organization.

2. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
3. "Candidate" means an individual who seeks nomination for election or election to public office, and includes:
 - a. An individual holding public office;
 - b. An individual who has publicly declared that individual's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
 - c. An individual who has formed a campaign or other committee for that individual's candidacy for public office;
 - d. An individual who has circulated a nominating petition to have that individual's name placed on the ballot; and
 - e. An individual who has, in any manner, solicited or received a contribution for that individual's candidacy for public office, whether before or after the election for that office.
4. "Conduit" means a person that is not a political party, political committee, or candidate and which receives a contribution of money and transfers the contribution to a candidate, political party, or political committee when the contribution is designated specifically for the candidate, political party, or political committee and the person has no discretion as to the recipient and the amount transferred. The term includes a transactional intermediary, including a credit card company or a money transfer service that pays or transfers money to a candidate on behalf of another person.
- ~~5.4.~~ "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription, loan, advance, deposit of money, or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes. The term includes funds received by a candidate for public office or a political party or committee which are transferred or signed over to that candidate, party, or committee from another candidate, party, or political committee or other source including a conduit. The term "anything of value" includes any good or

service of more than a nominal value. The term "nominal value" means the cost, price, or worth of the good or service is trivial, token, or of no appreciable value. The term "contribution" does not include:

- a. A loan of money from a bank or other lending institution made in the regular course of business.
- b. Time spent by volunteer campaign or political party workers.
- c. Money or anything of value received for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
- d. Money or anything of value received for anything other than a political purpose.
- e. Products or services for which the actual cost or fair market value are reimbursed by a payment of money.
- f. An independent expenditure.
- g. The value of advertising paid by a political party, multicandidate political committee, or caucus which is in support of a candidate.
- h. In-kind contributions from a candidate to the candidate's campaign.

6-5. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code, and for purposes of this chapter "corporations" includes nonprofit corporations. However, if a political committee, the only purpose of which is accepting contributions and making expenditures for a political purpose, incorporates for liability purposes only, the committee is not considered a corporation for the purposes of this chapter.

7-6. "Expenditure" means:

- a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution, disbursement, outlay, or deposit of money or anything of value, except a loan of money from a bank or other lending institution made in the regular course of business, made for a political purpose or for the purpose of influencing the passage or defeat of a measure.
- b. A contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure.
- c. The transfer of funds by a political committee to another political committee.
- d. An independent expenditure.

8-7. "Expenditure categories" means the categories into which expenditures must be grouped for reports under this chapter. The expenditure categories are:

- a. Advertising;
- b. Campaign loan repayment;

- c. Operations;
- d. Travel; and
- e. Miscellaneous.

- ~~9-8.~~ "Independent expenditure" means an expenditure made for a political purpose or for the purpose of influencing the passage or defeat of a measure if the expenditure is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate, committee, or political party.
- ~~10-9.~~ "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
- ~~11-10.~~ "Person" means an individual, partnership, political committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
- ~~12-11.~~ "Personal benefit" means a benefit to the candidate or another person which is not for a political purpose or related to a candidate's responsibilities as a public officeholder, and any other benefit that would convert a contribution to personal income.
- ~~13-12.~~ "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes and includes:
- a. A political action committee not connected to another organization and free to solicit funds from the general public, or derived from a corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or an association that solicits or receives contributions from its employees or members or makes expenditures for political purposes on behalf of its employees or members;
 - b. A candidate committee established to support an individual candidate seeking public office which solicits or receives contributions for political purposes;
 - c. A political organization registered with the federal election commission, which solicits or receives contributions or makes expenditures for political purposes;
 - d. A multicandidate political committee, including a caucus, established to support multiple groups or slates of candidates seeking public office, which solicits or receives contributions for political purposes; and
 - e. A measure committee, including an initiative or referendum sponsoring committee at any stage of its organization, which solicits or receives contributions or makes expenditures for the purpose of aiding or opposing a measure sought to be voted upon by the voters of the state, including any activities undertaken for the purpose of drafting an initiative or referendum petition, seeking approval of the secretary of state for the circulation of a petition, or seeking approval of the submitted petitions.

- 44-13.** "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.
- 45-14.** "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a public office or any position taken in any bona fide news story, commentary, or editorial.
- 46-15.** "Public office" means every office to which an individual can be elected by vote of the people under the laws of this state.
- 47-16.** "Subsidiary" means an affiliate of a corporation under the control of the corporation directly or indirectly through one or more intermediaries.
- 48-17.** "Ultimate and true source" means the person that knowingly contributed over two hundred dollars solely to influence a statewide election or an election for the legislative assembly.

SECTION 46. AMENDMENT. Section 16.1-08.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.1. Special requirements for statements required of persons engaged in activities regarding ballot measures.

1. For each reportable contribution and expenditure under section 16.1-08.1-02.4, the threshold for reporting is one hundred dollars for any person engaged in activities described in subdivision e of subsection ~~4312~~ of section 16.1-08.1-01.
2. For contributions received from any contributor, a person engaged in activities described in subdivision e of subsection ~~4312~~ of section 16.1-08.1-01 shall include the following information regarding each subcontributor that has stated a contribution is for the express purpose of furthering the passage or defeat of a ballot measure in the statements required under section 16.1-08.1-02.4:
 - a. A designation as to whether any person contributed in excess of one hundred dollars of the total contribution;
 - b. The name and mailing address of each subcontributor that contributed in excess of one hundred dollars of the total contribution;
 - c. The contribution amounts of each disclosed subcontributor; and
 - d. The occupation, employer, and address for the employer's principal place of business of each disclosed subcontributor.

3. An initiative and referendum sponsoring committee also shall file a disclosure statement by the date the secretary of state approves the petition for circulation, and shall file an additional statement on the date the petitions containing the required number of signatures are submitted to the secretary of state for review. The statements required under this subsection must be in the same form as the year-end statements under section 16.1-08.1-02.4.
4. A sponsoring committee shall file a statement regarding its intent to compensate circulators before paying for petitions to be circulated.

SECTION 47. AMENDMENT. Section 16.1-10-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-10-07. Candidate guilty of corrupt practice to vacate nomination of office.

If any ~~person~~individual is found guilty of any corrupt practice, the ~~person~~individual must be punished by being deprived of the ~~person's~~individual's government job, or the ~~person's~~individual's nomination or election must be declared void, as the case may be. This section does not remove from office a ~~person~~an individual who is already in office and who has entered upon the discharge of the ~~person's~~individual's duties when ~~such~~the office is subject to the impeachment provisions of the Constitution of North Dakota.

SECTION 48. AMENDMENT. Section 16.1-11-05.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-05.1. Participation in endorsements for nomination.

~~No person~~

1. An individual may not participate directly or indirectly in the endorsement for nomination of more than one ~~person~~individual for each office to be filled, except a ~~person~~an individual may sign a petition for placement of a candidate's name on the primary ballot:
 4. a. For more than one ~~person~~individual for each office for an office not under party designation.
 2. b. For more than one ~~person~~individual for each office for an office under party designation only if all the candidates for whom the ~~person~~individual signs a petition for an office are running under the same party designation.
2. Except for ~~persons~~individuals allowed to seek nomination to more than one office pursuant to section 16.1-12-03, ~~no person~~an individual may not accept endorsement for nomination by certificate or petition to more than one office. ~~No~~A political party is ~~entitled to~~may not endorse for nomination by certificate more than one set of nominees.

SECTION 49. AMENDMENT. Section 16.1-11-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-06. State candidate's petition or political party certificate of endorsement required to get name on ballot - Contents - Filing.

1. Every candidate for United States senator, United States representative, a state office, including the office of state senator or state representative, and

judges of the supreme and district courts shall present to the secretary of state, between the first date candidates may begin circulating nominating petitions according to this chapter and before four p.m. of the sixty-fourth day before any primary election, either:

- a. The certificate of endorsement signed by the state or district chairman of any legally recognized political party containing the candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, and the party which the candidate represents; or
- b. The nominating petition containing the following:
 - (1) The candidate's name, post-office address, and telephone number, and the title of the office to which the candidate aspires, the appropriate district judgeship number if applicable, and whether the petition is intended for nomination for an unexpired term of office if applicable.
 - (2) The name of the party the candidate represents if the petition is for an office under party designation.
 - (3) The signatures and printed names of qualified electors, the number of which must be determined as follows:
 - (a) If the office is under party designation, the signatures of three percent of the total vote cast for the candidates of the party with which the candidate affiliates for the same position at the last general election. However, no more than three hundred signatures may be required.
 - (b) If there was no candidate of a party for a position at the preceding general election, at least three hundred signatures.
 - (c) If the office is under the no-party designation, at least three hundred signatures.
 - (d) If the office is a legislative office, the signatures of at least one percent of the total resident population of the legislative district as determined by the most recent federal decennial census.
 - (4) The mailing address and the date of signing for each signer.
2. If the petition or certificate of endorsement is for the office of governor and lieutenant governor, the petition or certificate must contain the names and other information required of candidates for both ~~those~~ offices. ~~If the~~
3. A petition or certificate of endorsement is mailed, it may be filed electronically, through the mail, or by personal delivery. However, the petition or certificate must be complete and in the possession of the secretary of state before four p.m. of the sixty-fourth day before the primary election.

SECTION 50. AMENDMENT. Section 16.1-11-10 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-10. Applicant's name placed upon ballot - Affidavit to accompany petition.

endorsement may be filed electronically, through the mail, or by personal delivery. However, the petition or certificate of endorsement must be complete and in the possession of the county auditor before four p.m. on the sixty-fourth day before the primary election. A petition under this section must include the following:

1. The candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, the appropriate district number if applicable, and whether the petition is intended for nomination for an unexpired term of office if applicable.
2. The printed names and signatures of qualified electors, the number of which must be determined as follows:
 - a. If the office is a county office, the signatures of not less than two percent of the total vote cast for the office at the most recent general election at which the office was voted upon.
 - b. If the office is a county office and multiple candidates were elected to the office at the preceding general election at which the office was voted upon, the signatures of not less than two percent of the votes cast for all candidates divided by the number of candidates that were to be elected to that office.
 - c. If the office is a county office and no candidate was elected or no votes were cast for the office at any general election, the number of signers equal to ~~the percentage as provided in paragraph 1 applied to~~ at least two percent of the total average vote cast for the offices of sheriff and county auditor at the most recent general election at which those officers were elected in the petitioner's county. This average must be determined by dividing by two the total vote cast for those offices.
 - d. In no case may more than three hundred signatures be required.
3. The residential address, mailing address (if different from residential address), and date of signing for each signer. A post office box does not qualify as a residential address. In these areas of the state where street addresses are not available, a description of where the residential address is located ~~shall~~ must be used.

~~If the petition or certificate of endorsement is mailed, it must be in the possession of the county auditor before four p.m. on the sixty-fourth day before the primary election.~~

SECTION 52. AMENDMENT. Section 16.1-11-12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-12. Applicant's name placed on ballot.

1. Upon receipt of the petition or certificate of endorsement provided for in section 16.1-11-06 ~~by the secretary of state and when,~~ accompanied by an affidavit as provided in section 16.1-11-10, the secretary of state shall place the name of the applicant on the primary election ballot in the party or appropriate section if the documentation meets all applicable requirements.
2. Upon receipt of the petition or certificate of endorsement provided for in section 16.1-11-11 ~~by the county auditor and when,~~ accompanied by an affidavit as provided in section 16.1-11-10, the county auditor shall place the

name of the applicant on the appropriate section of the no-party primary election ballot if the documentation meets all applicable requirements.

3. A candidate whose name was placed on the ballot under this section may have the candidate's name removed from the ballot by submitting a written request to the appropriate filing officer within forty-eight hours after the filing deadline under ~~sections~~sections 16.1-11-06 and 16.1-11-11.

SECTION 53. AMENDMENT. Section 16.1-11-16 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-16. Form of nominating petitions.

1. Each nominating petition circulated by candidates for any state, district, county, or other political subdivision office must include or have attached the following information, which must be made available to each signer at the time of signing:
 - a. The candidate's name, address, and telephone number and the title of the office to which the candidate aspires, including the appropriate district number if applicable, ~~or~~and whether the petition is intended for ~~an~~ a full or unexpired term of office ~~if applicable.~~
 - b. The name of the party the candidate represents if the petition is for an office under party designation.
 - c. The date of the election at which the candidate is seeking nomination or election.
2. Only qualified electors of the state, district, county, or other political subdivision, as the case may be, may sign nominating petitions. In addition to signing and printing the ~~person's individual's~~ name, petition signers shall include the following information:
 - a. The date of signing.
 - b. Complete residential address. A post office box does not qualify as a residential address. In ~~these~~ areas of the state where street addresses are not available, a description of where the residential address is located ~~shall~~must be used.
 - c. Complete mailing address if different from residential address.
3. Incomplete signatures or accompanying information of petition signers which ~~does~~ not meet the requirements of this section ~~invalidate such~~invalidates the applicable signatures. The use of ditto marks to indicate ~~that~~ the information contained on the previous signature line carries over does not invalidate a signature. Signatures that are not accompanied by a complete date are not invalid if the signatures are preceded and followed by a signature that is accompanied by a complete date.

SECTION 54. AMENDMENT. Section 16.1-11-18 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-18. Party committees to fill Filling vacancy occurring in endorsement or nomination by petition for party office.

1. If a vacancy occurs in any party certificate of endorsement at the primary election for any state or legislative district office, the proper state or district executive committee of the political party may fill the vacancy by filing another certificate of endorsement with the ~~proper officer~~secretary of state as provided in sections ~~section~~ 16.1-11-06 and 16.1-11-11.
2. If no party endorsement has been made by certificate and a vacancy occurs in a slate of candidates seeking party nomination by petition at the primary election, the proper state or district executive committee may fill the vacancy by filing a certificate of endorsement with the ~~proper officer~~secretary of state as provided in sections ~~section~~ 16.1-11-06 and 16.1-11-11.
3. If party endorsements by certificate have been made for any state or district office and a vacancy occurs in the slate of persons ~~individuals~~ seeking nomination at the primary election because of the unavailability of the ~~person~~individual who is seeking nomination by petition, that vacancy may not be filled except by petition.
4. ~~If a vacancy occurs in a slate of statewide candidates after the candidates have been nominated at the primary election, the proper state executive committee may fill any vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state a certificate setting forth the cause of the vacancy, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and any further information as may be required to be given in an original certificate of nomination. When such a certificate is filed, the secretary of state shall certify the new nomination and the name of the person who has been nominated to fill the vacancy in place of the original nominee to the various auditors. If the secretary of state already has forwarded the certificate, the secretary of state forthwith shall certify to the auditors the name and address of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the person for whom the new nominee is substituting. Failure to publish the name of a new nominee does not invalidate the election.~~
5. ~~If a vacancy occurs in a slate of legislative candidates after the candidates have been nominated at the primary election, the proper district executive committee may fill the vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state a certificate setting forth the cause of the vacancy, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and any further information as may be required to be given in an original certificate of nomination. When the certificate is filed, the secretary of state shall certify the new nomination to the various county auditors affected by the change by forwarding to them the name of the person who has been nominated to fill the vacancy in place of the original nominee. The certification must include the name and address of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the person for whom the new nominee is substituting. Failure to publish the name of a new nominee does not invalidate the election.~~
6. ~~A vacancy in a nomination following a primary election may not be filled according to subsection 4 or 5 unless the nominated candidate:~~

- a. Dies;
- b. Would be unable to serve, if elected, as a result of a debilitating illness;
- c. Ceases to be a resident of the state or an individual nominated for legislative office will not be a resident of the legislative district at the time of the election; or
- d. Ceases to be qualified to serve, if elected, as otherwise provided by law.

Vacancies to be filled according to the provisions of this section may be filled not later than the sixty-fourth day ~~prior to~~before the election.

SECTION 55. AMENDMENT. Section 16.1-11-19 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-19. Filling vacancy existing on no-party ballot - Petition required - Time of filing.

1. If a vacancy exists on a no-party ballot for a state office or for judge of a district court, the vacancy may be filled by filing with the secretary of state, before four p.m. on the sixty-fourth day ~~prior to~~before the primary election, a written petition as provided in section 16.1-11-06, ~~stating that~~ the petitioner desires to become a candidate for nomination to the office for which a vacancy exists. If the petition is mailed, ~~the~~ the petition must be in the possession of the secretary of state before four p.m. on the sixty-fourth day ~~prior to~~before the primary election. The petition for the nomination of any ~~person~~individual to fill the vacancy must be signed by qualified electors equal in number to at least two percent of the total vote cast for governor at the most recent general election in the state or district at which the office of governor was voted upon, but in no case may more than three hundred signatures be required.
2. If a vacancy exists on a no-party ballot in a county or district within a county, the vacancy may be filled by filing with the county auditor, before four p.m. of the sixty-fourth day ~~prior to~~before the primary election, a written petition as provided in section 16.1-11-11, ~~stating that~~ the petitioner desires to become a candidate for nomination to the office for which a vacancy exists. If the petition is mailed, ~~the~~ the petition must be in the possession of the county auditor before four p.m. on the sixty-fourth day ~~prior to~~before the primary election. The petition for the nomination of any ~~person~~individual to fill the vacancy must be signed by qualified electors as provided in subdivision c of subsection 2 of section 16.1-11-11.
3. A vacancy in the no-party ballot must be deemed to exist when a candidate who was qualified by filing a petition pursuant to section 16.1-11-06 or 16.1-11-11 dies, resigns, or otherwise becomes disqualified to have the candidate's name printed on the ballot.

SECTION 56. AMENDMENT. Section 16.1-11-20 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-20. Certified list of nominees transmitted to county auditor by secretary of state.

At least fifty-five days before any primary election, the secretary of state shall electronically transmit electronically to each county auditor a certified list containing the names of each ~~person~~individual for whom nomination papers have been filed in the secretary of state's office and who are~~is~~ entitled to be voted for at the primary election. A designation of the office for which each is a candidate, and if applicable, the party or principle represented by each must be included.

SECTION 57. AMENDMENT. Section 16.1-11-21 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-21. County auditor to publish sample primary election ballot and notice of time and place of election.

The county auditor shall publish once each week for two consecutive weeks before the primary election, in the official county newspaper, and if no newspaper is published in the county then in a newspaper published in an adjoining county in the state, ~~the following a notice accompanied by a statement substantially the same as:~~ "The arrangement of candidate names on ballots in your precinct may vary from the published sample ballots, depending on the precinct and legislative district in which you reside." The notice must include:

1. A copy of the sample ballot of the primary election, as arranged by order and direction of the county auditor. The form of the sample ballot must conform in all respects to the form prescribed for the sample primary ballot by the secretary of state. The county auditor shall publish the sample ballot in all forms appropriate for the method or methods of voting in the county. ~~Absent voters' ballots may not be considered in determining which form of voting is used.~~ Candidates from each legislative district that falls within the boundaries of the county must be listed in a separate box or category within the sample ballot by legislative district number to enable the voters in each legislative district to ascertain the legislative candidates in their specific district.
2. The date of the primary election.
3. The hours during which the polls will be open.
4. ~~The statement that the primary election balloting will be held in the regular name and address for each polling place in each precinct the county.~~

~~The notice must be published in the official county newspaper once each week for two consecutive weeks before the primary election and include a statement in substantially the following format:~~

~~The arrangement of candidate names appearing on ballots in your precinct may vary from the published sample ballots, depending upon the precinct and legislative district in which you reside.~~

SECTION 58. AMENDMENT. Section 16.1-11-22 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-22. Primary election ballot - Form - Voters to vote for candidates of only one political party.

At the primary election there may be only one ballot containing the separate sections for all parties or principles. The judges and the inspector of elections shall inform each elector at the primary, before voting, if the voter votes for candidates of

~~more than one political party the voter's political party ballot will be rejected.~~ The ballot must be in the following form:

1. The ballot must be entitled the "consolidated primary election ballot".
2. Each political party or principle having candidates at the primary election must have a separate section on the ballot.
3. At the head of each ~~column~~section must be printed the name of the political party or principle which it represents.
4. Spanning the columns containing the political party ballot ~~sections~~ and ~~prior to before~~ the party names or principle titles must be printed: "In a Political Party Primary Election, you may only vote for the candidates of one political party. This ballot contains the number of political parties or principles and a description of where the political parties or principles are to be found in the ~~columns~~sections below. If you vote in more than one political party's section, your Political Party Ballot will be rejected; however, all votes on the No Party and Measure Ballots will still be counted."
5. Immediately below the warning against voting for candidates of more than one political party must be printed: "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~~an individual whose name is not printed on the ballot, you must darken the oval next to the blank line provided and write that ~~person's~~individual's name on the blank line."
6. The offices specified in section 16.1-11-26 must be arranged in each section with the name of each office in the center of each political party section at the head of the names of all the ~~aspirants~~candidates for the office.
7. Immediately under the name of each office must be printed: "Vote for no more than _____ name (or names)."
8. Immediately preceding and on the same line as the name of each ~~aspirant~~candidate must be printed an oval in which the voter is to mark the voter's choice by darkening the oval next to the name of the candidate chosen.
9. The political party or principle which cast the largest vote for governor at the most recent primary election at which the office of governor was voted upon must have the first section, and the political party or principle casting the next largest vote must have the second section, and so on.

~~The judges and the inspector of elections shall inform each elector at the primary, before voting, that if the voter votes for candidates of more than one political party the voter's political party ballot will be rejected.~~

SECTION 59. AMENDMENT. Section 16.1-11-31 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-31. Precinct election reports.

~~Optical scan ballot~~Vote tabulation machines must print reports detailing the election results from the precinct after the close of the polls.

SECTION 60. AMENDMENT. Section 16.1-11-32 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-32. Poll lists kept by clerks of elections.

The clerks of primary elections shall keep either one paper or one electronic list of the names of all persons~~individuals~~ voting at each primary election. The clerks must return the list, which must be a part of the records and filed with other election returns. Only one complete list of voters may be kept whether or not a special election is held simultaneously with the primary election.

SECTION 61. AMENDMENT. Section 16.1-11-33 of the North Dakota Century Code is amended and reenacted as follows:

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

The judges of a primary election in each precinct~~polling place~~ shall run a separate report for each political party or principle requesting the report, containing the names of all persons~~individuals~~ voted for at the primary election, the number of votes cast for each candidate, and for what office. The report must be submitted~~approved and signed~~ by the election inspector and election judges and must be filed with the returns in the office of the county auditor.

SECTION 62. AMENDMENT. Section 16.1-11-35 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-35. Nominations by write-in.

~~The provisions of this title do~~This title does not prevent any elector from writing on the paper ballot, ~~or in the case of direct recording electronic voting system devices, or entering by touchscreen or other data entry device,~~ the name of any person~~individual~~ for whom the elector desires to vote, and ~~such~~the vote must be counted according to the provisions for the counting of write-in votes found in section ~~46.1-12-02-2~~16.1-15-01.1.

SECTION 63. AMENDMENT. Section 16.1-11-36 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-36. Vote required at primary election for nomination.

~~A person~~An individual may not be deemed nominated as a candidate for any office at any primary election unless that person~~individual~~ receives a number of votes at least equal to the number of signatures required, ~~or which would have been required had the person not had the person's name placed on the ballot through a certificate of endorsement,~~ on a petition to have a candidate's name for that office placed on the primary ballot.

SECTION 64. AMENDMENT. Section 16.1-11-37 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-37. Vote required for nomination on no-party ballot - Partisan nominations prohibited.

The number of persons~~individuals~~ to be nominated as candidates for any one no-party office ~~must be that is~~ the number of persons~~individuals~~ who receive the highest number of votes and who total twice the number of available positions for the office if that many persons~~individuals~~ are candidates for nomination. ~~Provided,~~ however, that a person~~However, an individual~~ may not be deemed nominated as a

candidate for any no-party office at any primary election unless the number of votes received by the ~~person~~individual equals is no less than the number of signatures of qualified electors required to be obtained on a petition to have a candidate's name for the office placed on the primary ballot. ~~No partisan~~Partisan nominations may not be made for any of the offices mentioned in section 16.1-11-08.

SECTION 65. AMENDMENT. Section 16.1-11-39 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-39. ~~Persons~~Individuals nominated in accordance with provisions of chapter eligible as candidates in general election.

1. All ~~persons~~individuals nominated in accordance with the ~~provisions of this chapter~~ are eligible as candidates to be voted for at the ensuing general election, except as provided in this section.
2. Upon receipt of the documents filed by each candidate, the filing officer immediately shall complete a thorough review of the documents and notify the candidate of any necessary corrections that must be made before four p.m. on the sixty-fourth day before the primary election. The filing officer may not place a candidate's name on the primary election ballot if the filed documents are insufficient and remain uncorrected.
3. If the filing officer discovers, after four p.m. on the sixty-fourth day before the primary election, an insufficiency in the certificate of endorsement or petition or affidavit of candidacy filed by a candidate, the candidate may not be deemed nominated until the insufficiency is corrected. Upon discovery of the insufficiency, the filing officer immediately shall notify the candidate in writing of the necessary corrections. The candidate shall file the necessary corrections as soon as practicable, but not later than four p.m. on the sixty-fourth day before the general election.

SECTION 66. AMENDMENT. Section 16.1-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-02. Application for mail ballots.

The county auditor shall mail an application form for a mail ballot to each ~~individual~~active voter listed in the central voter file for the county and each qualified individual eligible to vote in the state for the first time on one date no sooner than the fiftieth day before the election and no later than the fortieth day before the election. The county auditor, for two consecutive weeks after the date on which the mail ballot applications are mailed, shall publish in the official newspaper of the county an application form for a mail ballot and a notice that additional mail ballot applications may be obtained from the election official. The application form for a mail ballot must be in substantially the form provided in section 16.1-07-06.

SECTION 67. AMENDMENT. Section 16.1-11.1-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-03. Mail ballot distribution.

The county auditor shall mail to each qualified applicant an official mail ballot with a return identification envelope, voter's affidavit, and instructions according to section 16.1-07-08.

reviewed the requirements to hold office and I certify that I am qualified to serve if elected.

Ballot name requested

Date _____

Candidate's signature

Subscribed and sworn to before me on _____, _____.

Notary Public

NOTARY SEAL My Commission Expires _____

SECTION 71. AMENDMENT. Section 16.1-12-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-03. Certificate of nomination to contain only one name - Person/individual to participate in only one nomination - Exception.

No certificate of nomination provided for by this chapter, except in the case of presidential electors, may contain the name of more than one nominee for each office to be filled. A ~~person~~An individual elected or appointed to an office appearing on the no-party ballot or seeking nomination and election to a no-party office may also seek nomination to legislative office and may serve in the legislative assembly, unless the no-party office is the office of district court judge, or a statewide elective office. Except as may be permitted in this section, no ~~person/individual~~ may participate directly or indirectly in the nomination of more than one ~~person/individual~~ for each office to be filled on the general election ballot, except a ~~person~~an individual may sign a certificate of nomination by petition for more than one ~~person/individual~~ for each office, and no ~~person/individual~~ may accept a nomination to more than one office on the general election ballot. No political party is entitled to more than one set of nominees on the official general election ballot.

SECTION 72. AMENDMENT. Section 16.1-12-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-06. Person/individual nominated by more than one party -~~Column in which name placed.~~

When one ~~person/individual~~ has been nominated for the same office by more than one body of electors qualified to make nominations for public office, the nominee shall file with the secretary of state on or before the last day fixed by law for filing certificates of nomination for the office, a signed statement designating the ~~column on the official ballot in which~~political party the nominee desires the nominee's name to ~~appear~~represent. The ~~column~~political party so designated must be the ~~column~~allotted ~~to~~political party of one of the bodies of electors by whom the ~~person/individual~~ was nominated. In the absence of a timely written designation as provided by this section, the secretary of state shall place the ~~person's~~individual's name in the ~~column~~allotted ~~with the name of the political party of~~ the body of electors from which the ~~individual's nomination was first received notice of the person's nomination~~first.

SECTION 73. AMENDMENT. Section 16.1-12-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-07. If nominee declines - Certificate void.

Any ~~person~~individual intending to decline a nomination shall do so by filing written notice of that intention with the officer with whom the certificate nominating the ~~person~~individual is filed. If the written notice is filed with the appropriate officer within forty-eight hours after four p.m. on the sixty-fourth day before the election, the nomination is void. If written notice is mailed, it must be in the physical possession of the appropriate officer within forty-eight hours after four p.m. on the sixty-fourth day before the election.

SECTION 74. AMENDMENT. Section 16.1-12-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-09. Filling vacancy existing on no-party ballot - Petition required - Time of filing.

1. Whenever a vacancy exists on a no-party ballot for a state office or for judge of a district court, ~~such~~the vacancy may be filled by filing with the secretary of state, before four p.m. on the sixty-fourth day, a written petition as provided in section 16.1-11-06, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. ~~If the petition is mailed, it must be in the physical possession of the secretary of state before four p.m. on the sixty-fourth day prior to the general election.~~ The petition for the nomination of any ~~person~~individual to fill ~~such~~the vacancy must be signed by qualified electors equal in number to at least two percent of the total vote cast for the office of governor in the state or district, at the most recent general election at which the office of governor was voted upon, but in no case may more than three hundred signatures be required.
2. Whenever a vacancy exists on a no-party ballot in a county or district within a county, the vacancy may be filled by filing with the county auditor before four p.m. of the sixty-fourth day a written petition as provided in section 16.1-11-11, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. ~~If such petition is mailed or otherwise delivered, it must be in the possession of the county auditor before four p.m. on the sixty-fourth day prior to the general election.~~ The petition for the nomination of any ~~person~~individual to fill the vacancy must be signed by qualified electors equal in number to at least thirty percent of the total vote cast for the office of governor at the most recent general election in the county or district at which the office of governor was voted upon, but in no case may more than three hundred signatures be required.
3. A vacancy in the no-party ballot must be deemed to exist when:
 1. a. A candidate nominated at the primary election dies, resigns, or otherwise becomes disqualified to have the candidate's name printed on the ballot at the general election.
 2. b. No candidates were nominated at the primary election because the office did not yet exist.
 3. c. The timing of the vacancy in an office makes it impossible to have ~~it~~the office placed on the primary ballot.

4. The petition or certificate of endorsement may be filed electronically, through the mail or by personal delivery, and must be complete and in the possession of the filing officer before four p.m. on the sixty-fourth day before the general or special election.

SECTION 75. Section 16.1-12-10 of the North Dakota Century Code is created and enacted as follows:

16.1-12-10. Party committee to fill vacancy occurring after nomination for party office.

1. If a vacancy occurs in a slate of statewide candidates after the candidates have been nominated at the primary election, the state executive committee of the party that submitted the slate of statewide candidates may fill the vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state a certificate setting forth the cause of the vacancy, the name of the individual for whom the new nominee is to be substituted, the fact the committee was authorized to fill vacancies, and any other information required to be provided in an original certificate of nomination. When the certificate of nomination to fill a vacancy is filed, the secretary of state shall certify the new nomination and the name of the individual who has been nominated to fill the vacancy in place of the original nominee to the various county auditors. If the secretary of state already has forwarded the certificate, the secretary of state shall certify to the county auditors the name and address of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the individual for whom the new nominee is substituting, as soon as possible. Failure to publish the name of a new nominee does not invalidate the election.
2. If a vacancy occurs in a slate of legislative candidates after the candidates have been nominated at the primary election, the executive committee of the district in which the vacancy occurs and of the party that submitted the slate of legislative candidates may fill the vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state a certificate setting forth the cause of the vacancy, the name of the individual for whom the new nominee is to be substituted, the fact the committee was authorized to fill vacancies, and any other information required to be provided in an original certificate of nomination. When the certificate of nomination to fill a vacancy is filed, the secretary of state shall certify the new nomination to the various county auditors affected by the change by forwarding to the auditors the name of the individual who has been nominated to fill the vacancy in place of the original nominee, as soon as possible. The certification must include the name and address of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the individual for whom the new nominee is substituting. Failure to publish the name of a new nominee does not invalidate the election.
3. A vacancy in a nomination following a primary election may not be filled according to subsection 1 or 2 unless the nominated candidate:
 - a. Dies;
 - b. Would be unable to serve, if elected, as a result of a debilitating illness;

- c. Ceases to be a resident of the state;
 - d. Is nominated to be a member of the legislative assembly and, at the time of the election, will not be a resident of the legislative district to be represented; or
 - e. Ceases to be qualified to serve, if elected, as otherwise provided by law.
4. Vacancies to be filled according to this section may be filled not later than the sixty-fourth day before the election.

SECTION 76. AMENDMENT. Section 16.1-13-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-05. Notice of election - Contents - Publication with sample ballot.

1. Notice of all general elections must be published by the county auditor in the official county newspaper at the same time as, and as a part of, the publication of the sample ballot preceding the election. The notice must be substantially as follows:

Notice is given that on Tuesday, November _____, ____, at the polling places in the various precincts in the county of _____, an election will be held for the election of state, district, and county officers, which election will be opened at _____ a.m. and will continue open until _____ p.m. of that day with the following exceptions:

Dated _____, _____

Signed _____

County Auditor

2. The county auditor shall publish a copy of the sample ballot of the general election once each week for two consecutive weeks before the election in the official county newspaper. If no newspaper is published in the county, the publication must be in a newspaper published in an adjoining county in the state. The form of the sample ballot as ordered and arranged by the county auditor must conform in all respects to the form prescribed by the secretary of state for the sample general election ballot. The county auditor shall publish the sample ballot in all forms appropriate for the method or methods of voting in the county. ~~Absentee voter ballots may not be considered in determining which form of voting is used.~~ Candidates from each legislative district ~~which~~ falls within the boundaries of the county must be listed in a separate box or category within the sample ballot by legislative district number to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. Sample ballots used for publication purposes must be arranged using the rotation of the ballot in the precinct in the county ~~which~~ that cast the highest total vote for governor at the last general election at which the office of governor was filled. The notice must include a statement in substantially the following format:

The arrangement of candidate names appearing on ballots in your precinct

may vary from the published sample ballots, depending upon the precinct and legislative district in which you reside.

SECTION 77. AMENDMENT. Section 16.1-13-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-09. Resignation of members of legislative assembly after certificate of election.

Any ~~person~~individual who receives a certificate of election as a member of the legislative assembly may resign ~~such~~the office ~~although the person may not have even if the individual has not~~ entered upon the execution of the duties thereof ~~nor of the office or~~ taken the requisite oath of office.

SECTION 78. AMENDMENT. Section 16.1-13-14 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-14. Special election to fill vacancies - Party committee to call convention to nominate - Individual nominations.

If a special election is called to fill a vacancy in any office for which a party nomination may be made, the proper party committee shall call a convention to make a party nomination for ~~such~~the office, and the ~~precinct committeemen of the district~~ must be duly convened and shall elect the required number of delegates to ~~such~~the convention. Individual nominations for special elections must be made in accordance with the provisions of chapter 16.1-12.

SECTION 79. AMENDMENT. Section 16.1-13-17 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-17. Certificate of nomination by convention - Contents - Delivery.

All nominations made by a convention as provided in this chapter must be certified. The certificate must be delivered by the secretary or president of the convention by registered or certified mail or in person, without charge, to the secretary of state. The certificates of nomination must be in writing and must contain all of the following:

1. The name of each ~~person~~individual nominated, ~~that person's individual's~~ post-office address, telephone number, the office for which ~~that person~~the individual is nominated, the legislative district number if applicable, and whether the certificate is intended for an unexpired or full term of office if applicable.
2. A designation in not more than five words of the party or principle which the convention represents.
3. The signature, post-office address, and verification of the presiding officer and secretary of the convention.

~~The certificate as prescribed in this section must be delivered by the secretary or president of the convention by registered or certified mail or in person, without charge, to the secretary of state or the county auditor, as the case may be.~~

SECTION 80. AMENDMENT. Section 16.1-13-18 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-18. Two or more organizations filing certificates representing same party - Secretary of state to determine authorized organization - Review of determination.

If two or more organizations claiming or purporting to represent the same political party shall file certificates of nomination under the same party designation, or if the certificates indicate that the nominations were made by any ~~person~~individual or organization representing the same political party, the secretary of state, within the time prescribed by law for certifying state nominations to the county auditor, shall determine from the best available sources of information which organization filing the certificates is the legally authorized representative of the party. The decision of the secretary of state in determining which organization is the legally authorized representative of the party is subject to review by the district court in a proper action instituted for such purpose.

SECTION 81. AMENDMENT. Section 16.1-13-19 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-19. Election not to be held in room where alcoholic beverages sold.

~~No election may~~An election may not be held in a room in which alcoholic beverages ~~commonly are being sold while the polls are open or while election board members are completing assigned work.~~

SECTION 82. AMENDMENT. Section 16.1-13-23 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-23. Preparation of ballot by elector - Depositing - Second-chance voting.

Upon receipt of a ballot within the provided secrecy sleeve, the elector, ~~forthwith~~and without leaving the polling place, shall retire alone to one of the voting booths or compartments to prepare the elector's ballot by darkening the oval opposite the name of each individual for whom the elector wishes to vote. In the case of a ballot containing a constitutional amendment, an initiated or referred measure, or any other question to be submitted to a vote of the people, the elector shall darken the oval opposite the word or words expressing the elector's wish. After preparing the ballot, the elector shall place the ballot back in the provided secrecy sleeve so ~~it~~the ballot is concealed and so the ~~endorsement~~initials of the inspector or election judge may be seen. The elector then shall deposit the ballot in the optical scanning device and wait to determine if the ballot is deposited into the ballot box or if the optical scanning device has indicated a possibility for a second-chance voting condition. If a second-chance voting condition is indicated, a voter may spoil and receive up to two additional ballots. The voter's third ballot must be cast as is and may not be returned to the voter even if errors exist causing certain votes not to be counted.

SECTION 83. AMENDMENT. Section 16.1-13-25 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-25. Elector may write name on ballot - Counting.

The provisions of this title do not prevent any elector from writing on the paper ballot; ~~or in the case of direct recording electronic voting system devices, entering by touchscreen or other data entry device, the name of any person~~individual for whom the elector desires to vote, and ~~such~~the vote must be counted according to the provisions for the counting of write-in votes found in section ~~16.1-12-02.2~~16.1-15-01.1.

SECTION 84. AMENDMENT. Section 16.1-13-27 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-27. Assistance to elector - Polling place accessibility.

Any elector may receive the assistance of any ~~person~~individual of the elector's choice, other than the elector's employer, officer or agent of the elector's union, a candidate running in that election, or a relative of a candidate as provided in subsection 2 of section 16.1-05-02, in marking the elector's ballot. If the elector requests the assistance of a member of the election board, ~~however,~~ the elector shall receive the assistance of both election judges in the marking of the elector's ballot. ~~No one~~An individual assisting any elector in marking a ballot under this chapter may not give information regarding the ballot. ~~No~~An elector, other than one who requests assistance, may not divulge to anyone within the polling place the name of any candidate for whom the elector intends to vote, nor ask, nor receive the assistance of any ~~person~~individual within the polling place to mark the elector's ballot. Parking facilities at polling places must be accessible to individuals living with physical disabilities and the elderly ~~and the physically disabled,~~ and must be clearly marked.

SECTION 85. AMENDMENT. Section 16.1-13-28 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-28. Penalty for requesting voter to vote in certain manner.

Any ~~person~~individual chosen to assist a voter who ~~shall request~~requests the ~~assisted~~ voter ~~the person is assisting~~ to vote for or against any person or any issue is guilty of a class B misdemeanor.

SECTION 86. AMENDMENT. Section 16.1-13-29 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-29. Election booths or compartments - Number required - Expense.

The inspector of elections shall provide a sufficient number of voting booths or compartments in the inspector's polling place, which must be designed to enable the elector to mark, or in the case of ~~direct recording electronic voting system~~ballot marking devices, enter by touchscreen or other data entry device, the elector's ballot screened from observation. The number of booths or compartments in precincts may not be less than one for each one hundred fifty electors or fraction thereof of one hundred fifty electors in the precinct~~precincts served by the polling place.~~ The expense of providing the booths or compartments must be paid in the same manner as other election expenses. ~~One electronic voting system~~At least one certified tabulation device and ballot marking device must be provided in each ~~precinct~~polling place.

SECTION 87. AMENDMENT. Section 16.1-13-30 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-30. One ~~person~~individual to occupy booth - Time limit in booth.

~~Not~~No more than one ~~person~~individual may be permitted to occupy any one voting booth or compartment at one time except when providing lawful assistance. A ~~person~~An individual may not remain in or occupy a booth or compartment longer than necessary to prepare the ~~person's~~individual's ballot.

SECTION 88. AMENDMENT. Section 16.1-13-31 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-31. Removal of ballot from polling place before closing of polls - Prohibited.

~~No person~~An individual may not take or remove any ballot from the polling place before the close of the polls.

SECTION 89. AMENDMENT. Subsection 1 of section 16.1-15-01 of the North Dakota Century Code is amended and reenacted as follows:

1. In the canvass of the votes at any election, a ballot is void and may not be counted if:
 - a. It is not endorsed with the initials as provided in this title; or
 - b. It is impossible to determine the elector's choice from the ballot or parts of a ballot, and in the case of ~~electronic~~ voting systems, based upon the criteria established by the secretary of state for ~~counting votes on each electronic voting system authorized for procurement and use in the state according to determining what constitutes a vote under~~ section 16.1-06-26.

SECTION 90. AMENDMENT. Section 16.1-15-01.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-01.1. Counting write-in votes.

1. ~~An election board or~~A canvassing board may not ~~count or~~ be required to ~~report officially~~list in the official abstract of votes:
 - a. The number of write-in votes for an individual required to file a certificate of write-in candidacy under section 16.1-12-02.2 but who has ~~not filed~~failed to file a certificate of candidacy and ~~been~~be certified as a write-in candidate;
 - b. The number of write-in votes for a fictitious person or individual clearly not eligible to qualify for the office for which the vote was cast;
 - c. A statement concerning a candidate under this subsection;
 - d. The number of write-in votes for a candidate for office if the total number of write-in votes cast for the contest constitutes ten percent or less of the votes cast by the voters for the candidate receiving the most votes for the office or political party's nomination of a candidate for the office, except in the case of a primary election in which enough votes were cast as write-in votes to qualify a name for the general election ballot; ~~and or~~
 - e. The number of write-in votes for a candidate receiving fewer than three write-in votes unless the number of votes received qualifies the candidate to be nominated or elected.
2. A write-in vote for a candidate whose name is printed on the ballot will be tallied as a vote for the candidate if the voter has not voted for more candidates than allowed for the contest or voted for the same candidate more than once in that contest.

3. A write-in vote that does not need to be canvassed individually based on the requirements of subsection 1 must be listed on the official canvass report as "scattered write-ins".

SECTION 91. AMENDMENT. Section 16.1-15-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-02. Board of election to generate canvass reports - Location - Public may attend.

After the polls are closed, the inspector of elections and the judges immediately shall ~~immediately~~ generate the canvass report from the electronic voting system. The ballots counted by the machine must be equal in number with the names on the poll clerks' lists. If the numbers are not equal, the pollbooks are to be rechecked to find the discrepancy. The canvass ~~shall~~must continue without adjournment until completed and must be open to the public. Ballots may not be removed to another location before the canvass report is generated after the ballot boxes have been opened. Except in unusual and compelling circumstances, the canvass shall occur at the polling place. If good and substantial reasons exist for the removal of the ballots and election records to another location for canvass, ~~the other location must be in the same precinct and the removal must be approved by the election board. In no case may the ballots be removed to another location prior to generating the canvass report after the ballot boxes have been opened.~~ Upon approval of a change of location by the election board as provided in this section, the approximate time and location of the canvass must be prominently posted on the main entrance to the polling place, the ballots and records must be moved in the presence of the election board, and the canvass as provided in this chapter must proceed immediately upon arrival at the alternate location.

SECTION 92. AMENDMENT. Section 16.1-15-08 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-08. Wrapping and returning of ballots to county recorder - Ballots set aside to election official administering the election.

1. After generating the reports and poll lists provided for in section 16.1-15-06 for delivery to the county auditor, the election board shall ~~cause the ballots containing lawful write-in votes cast at the election to be placed in a suitable wrapper to form a complete wrapper for the ballots. All ballots without write-in votes shall be wrapped in a similar manner~~wrap all ballots. The ballots and wrappers ~~must then be tightly~~ then must be secured tightly at the outer end to completely envelop and hold the ballots together. Ballots that are void must be secured in a separate wrapper and must be marked "void". Ballots that are spoiled must be ~~separately~~ separately secured and marked "spoiled". In sealing ballots, the various classes of ballots must be kept separate. Each wrapper must be endorsed with the names or numbers of the polling places, the precincts served by the polling places, and the date on which the election was held. The wrappers must be sealed securely in a manner prescribed by the county auditor so the wrappers cannot be opened without an obvious and permanent breaking of the seal. The ballots, together with those found void or spoiled, and the opened envelopes from voted absentee ballots and the unopened envelopes of absentee ballots rejected as defective, must be returned in person to the county recorder. At the meeting of the county canvassing board, the county ~~recorder~~auditor shall deliver the report of the ballots containing lawful write-in votes from all the precincts within the county ~~if these votes were not~~ required to be canvassed ~~by the polling place~~

~~election board on election night. Ballots used with any electronic voting system or counted by an electronic counting machine must be sealed and returned as provided in this section according to section 16.1-15-01.1.~~

2. Each ballot within a sealed envelope set aside for an individual who was unable to provide a valid form of identification when appearing to vote in the election must be delivered to the election official responsible for the administration of the election so the envelope containing the ballot is available if the individual for whom the ballot was set aside appears in the official's office to verify the individual's eligibility as an elector. The verified and unverified ballots set aside must be delivered to the members of the canvassing board for proper inclusion in or exclusion from the canvass of votes.

SECTION 93. AMENDMENT. Section 16.1-15-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-09. Electronic voting Voting systems – ~~Electronic counting machines~~ - Returns.

1. Election officers shall generate reports of votes cast ~~upon electronic and counted by~~ voting systems and counted on electronic counting machines for all candidates and for any measures or questions in the same manner as ~~now or hereafter~~ provided by law or rule insofar as such provisions of law or rule are applicable.
2. Within the ability of an ~~electronic counting machine~~ a tabulation device to accurately do so, all votes ~~are to~~ must be counted by the machine. After the election results have been accumulated centrally in the county auditor's office, if the number or percentage of write-in votes for an office meet the criteria established in section ~~16.1-12-02-216.1-15-01.1~~, the county canvassing board shall review and approve the canvass of the votes for the write-in names for that office conducted by the county auditor's office to determine final election results.
3. ~~Votes cast upon a direct-recording electronic voting system must be tabulated from the voter's choices stored in the system's internal memory devices that are added to the choices of all other voters.~~
4. The county auditor shall designate the public place or places where ~~electronic voting system absentee and mail~~ absentee and mail ballots and ~~ballots to be counted on electronic counting machines~~ must be delivered by the election inspector and ~~the two election judges to be~~ and counted in the presence of the election inspector and ~~the at least~~ at least two election judges. The county auditor shall designate the public place or places where votes cast upon ~~direct-recording electronic voting systems are to be counted.~~
- 5-4. ~~All counting centers used for counting votes cast upon electronic voting systems shall have tabulating equipment that has an element that generates~~ Each voting system must generate a printed record at the beginning of ~~its~~ the system's operation which verifies that the tabulating elements for each candidate position and each question and the public counter are all set at zero. The ~~tabulating equipment must~~ voting system also must be equipped with an element that generates ~~a printed record,~~ a printed record at the end of ~~its~~ the system's operation, a printed record of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate on the

ballot, and the total number of votes cast for or against any measure appearing on the ballot. The election inspector and ~~the two~~ election judges ~~must~~shall certify both printed records.

- ~~6.5.~~ If any electronic voting system ballot or a ballot counted by an electronic counting machine is damaged or defective so that ~~it~~the ballot cannot be counted properly counted by the automatic tabulating or electronic counting equipment ~~voting system~~, a true duplicate copy must be made by election officials of opposed interests and substituted for the damaged or defective ballot. All duplicate ballots must be clearly labeled duplicate clearly, must bear a serial number that must be recorded on the damaged or defective ballot, and must be wrapped and delivered with other ballots to the county recorder.

SECTION 94. AMENDMENT. Section 16.1-15-10 of the North Dakota Century Code is amended and reenacted as follows:

~~16.1-15-10. Failure of automatic tabulating or electronic counting equipment voting system - Counting by alternate method.~~

~~If the automatic tabulating or electronic counting equipment used as part of any electronic voting system, any electronic voting system device, or any electronic machine fails to operate during the ballot count at any election, the ballots must be counted by an alternate method.~~

SECTION 95. AMENDMENT. Section 16.1-15-13 of the North Dakota Century Code is amended and reenacted as follows:

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

Immediately upon receiving the ballots as provided in section 16.1-15-08, the county recorder shall give a receipt to the election judges and shall place the ballots properly arranged in the order of the precinct number in boxes that shall ~~bear~~ securely locked. The boxes must be placed in a fireproof vault and must be kept securely for forty-five days if the ballots do not contain federal offices and twenty-two months if the ballots contain federal offices. ~~With the exception of the ballots containing lawful write-in votes that may be counted at the meeting of the county canvassing board, the~~The ballots may not be opened nor inspected, except upon court order in a contested election, when it is necessary to produce them at a trial for any offense committed at an election, or to permit election officials to complete their duties. Either forty-five days or twenty-two months after the election dependent upon the retention schedule outlined in this section, upon determination by the county recorder that no contest is pending, the ballots must be destroyed. If any contest of the election of any officer voted for at the election or a prosecution under the provisions of this title is pending at the expiration of ~~such~~the time, the ballots may not be destroyed until the contest or prosecution is finally determined. The ballots returned to the county recorder as provided in this section must be received in evidence without introducing further foundation.

SECTION 96. AMENDMENT. Section 16.1-15-15 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-15. County canvassing board - Composition.

The county canvassing board must be composed of the county recorder, county auditor, chairman of the board of county commissioners, and a representative of each of the two political parties that received the highest number of votes cast for governor

at the most recent general election at which a governor was elected. An individual who served on an election board during the election may not serve as a political party representative on the canvassing board for that same election. The district chairmen of the political parties from each legislative district within the county shall appoint the respective political party representative. The county canvassing board must be comprised of at least five members, and both political parties must be represented. Each political party from each legislative district within a county may request representation on the canvassing board if there is equal representation from each of the political parties. For any special county election when the county is composed of more than one legislative district and the election does not involve any legislative or statewide office, the county canvassing board must be composed of the county recorder, county auditor, and chairman of the board of county commissioners, and one representative as appointed by the state chairman for each of the two political parties that received the highest number of votes cast for governor at the most recent general election at which a governor was elected.

SECTION 97. AMENDMENT. Section 16.1-15-17 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-17. Time of county canvassing board meeting - Oath required - Reconsideration of canvass.

On the ~~sixth~~thirteenth day following each election, the county canvassing board shall meet and, after taking the oath of office, shall proceed to open and publicly canvass the returns. After the initial meeting of the board as provided in this section, any two or more members may call a meeting of the board and upon approval of a majority of the members, the board shall reconvass the results of the election or any portion thereof and may correct any previous canvass or certification or both in regard to the election. Any correction of any previous certification of election results as provided in this section must be immediately dispatched to the secretary of state who shall call a meeting of the state canvassing board as provided in section 16.1-15-35 for the purpose of reconvassing and, if necessary, correcting any previous certification of the election results.

SECTION 98. AMENDMENT. Section 16.1-15-19 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-19. County canvassing board to disregard technicalities, misspelling, and abbreviations - Ballots set aside - Write-in votes canvassed - Votes from unestablished precincts/polling places disregarded.

In canvassing the election returns, the county canvassing board shall disregard technicalities, misspelling, and the use of initial letters or abbreviations of the name of any candidate for office if it can be ascertained for whom the vote was intended. Under section 16.1-01-04.1, the board shall include in the canvass the votes from any ballot set aside and subsequently verified by the individual who marked the ballot, and review each envelope containing an unverified ballot forwarded to the board from the polling place election officials. The envelopes for all ballots set aside along with the envelopes containing uncounted ballots from unverified individuals must be kept with all other election materials for the required retention period under section 16.1-15-13. Under section ~~16.1-12-02.2~~16.1-15-01.1, the board shall review and approve the canvass report of all qualifying write-in votes. The board may not count votes polled in any place except at established ~~precincts/polling places~~. The county canvassing board is authorized to initial all absentee ballots cast pursuant to section 16.1-07-09 ~~that~~which were not considered or counted by the absentee ballot precinct election boards/board and to make a final determination of eligibility for all

ballots ~~which that~~ were rejected at the various precincts in the county for the reasons provided in sections ~~16.1-07-11~~ 16.1-07-10 and 16.1-07-12.

SECTION 99. AMENDMENT. Section 16.1-15-20 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-20. County canvassing board may subpoena members of election board to correct errors - Failure to obey subpoena is a contempt.

When the returns of the election board officers are made to the county canvassing board, if any provision of law relative to the duties of the election board officers has not been complied with by ~~said the~~ officers and the provision of law is capable of correction by the election board, the county canvassing board may issue its subpoenas to the election board officers of the ~~precinct where~~ polling place in which the defect occurs. The subpoenas must require the election board officers to appear ~~forthwith~~ as soon as possible before the county canvassing board to correct any omission or mistake according to the facts. The amended or corrected returns then must be acted upon by the board. If any election board officer, subpoenaed as provided in this section, neglects or refuses to obey the subpoena, the ~~person~~ individual so neglecting or refusing must be arrested upon a bench warrant issued out of the office of the clerk of the district court in the county where the proceedings occur. The ~~person~~ individual arrested must be brought before the county canvassing board and shall make the necessary correction. A refusal on the part of an election board officer to make a correction must be deemed a contempt of the district court.

SECTION 100. AMENDMENT. Section 16.1-15-21 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-21. Primary election statement prepared by county canvassing board - Contents.

The county canvassing board, upon canvassing the returns of a primary election, shall prepare an abstract signed by the members of the board and filed in the office of the county auditor. A separate abstract of the votes cast must be transmitted to the secretary of state according to reporting instructions specified by the secretary of state. The abstract filed in the office of the county auditor must contain all of the following:

1. The names of all candidates voted for at the primary election with the number of votes received by each and for what office. The abstract must be made separately for each political party or principle.
2. The names of the ~~persons~~ individuals or candidates of each political party or principle who receive the highest number of votes for the respective offices. If more than one ~~person~~ individual is required to be elected to a given office at the next ensuing general election, there must be included in the abstract the names of so many of the candidates of the party receiving the next highest number of votes for that office as there are ~~persons~~ individuals to be elected to the office at said ensuing general election. The abstract must be made separately for each political party.
3. The total number of ballots cast at the primary election.

~~A separate abstract of the votes cast must be transmitted to the secretary of state according to reporting instructions specified by the secretary of state.~~

SECTION 101. AMENDMENT. Section 16.1-15-25 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-25. County auditor to forward abstract of votes of general election to secretary of state - Contents - Abstract for presidential electors.

~~Within eight days and before~~Before four p.m. on the eighth day following any general election, the county auditor of each county shall provide to the secretary of state a certified abstract of the votes cast in the county at the election according to the reporting instructions specified by the secretary of state.

SECTION 102. AMENDMENT. Section 16.1-15-30 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-30. Determining tie vote for legislative assembly.

If the requisite number of ~~persons~~individuals is not elected to the state senate or house of representatives because two or more ~~persons~~individuals have equal and the highest number of votes for one and the same office, a recount must be done pursuant to section 16.1-16-01. If a recount results in a tie vote, ~~the county auditor, if the legislative district in question is within one county, shall notify the secretary of state. The secretary of state shall notify the persons~~individuals with equal and the highest number of votes to appear in the office of the secretary of state at a time fixed by the secretary of state. The time fixed may not be more than five days from the date the tie is determined by ~~the county auditor~~. On the date fixed, the ~~persons~~individuals notified to appear shall publicly decide by a drawing of names which of them must be declared elected, and the secretary of state shall prepare and deliver to the ~~person~~individual elected a certificate of election as provided in this chapter. ~~If the legislative district in question is within the boundaries of more than one county, the county auditor of the county which cast the greater number of votes for the office of governor at the last election at which a governor was elected shall proceed in accordance with this section.~~

SECTION 103. AMENDMENT. Section 16.1-15-37 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-37. Examination of abstracts by state canvassing board - Messenger dispatched to county when error discovered.

After the state canvassing board is formed, ~~it~~the board shall examine the certified abstracts of the county canvassing boards and verify the computed final results as provided in section 16.1-15-33 ~~and if~~if it appears that:

1. ~~Any~~any material mistake has been made in the computation of votes cast for any ~~person~~individual, or
2. ~~The~~the county canvassing board in any county has failed to canvass the votes or any part ~~thereof~~of the votes cast in any precinct in ~~its~~the county, the board may dispatch a messenger to the county auditor of the county, at the expense of the county, with the board's requirement in writing to the county auditor to certify the fact concerning the mistake or the reason why the votes were not canvassed. The county auditor, to whom the requirement is delivered, shall make a true and full answer ~~thereto~~to the board under the county auditor's hand and official seal and shall deliver the answer with all convenient dispatch to the secretary of state.

SECTION 104. AMENDMENT. Section 16.1-15-42 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-42. Certificate of result of general or special election by state canvassing board - Secretary of state to receive.

The statements provided for in section 16.1-15-41 must be certified by the members of the state canvassing board, who shall subscribe their names to the statements. The board then shall determine what persons ~~individuals~~ have been duly elected to the offices and shall prepare and subscribe on each statement a certificate of that determination, and shall deliver the ~~same statement~~ to the secretary of state. The candidate ~~or candidates~~ to be elected for each office receiving the highest number of votes must be duly elected to the office. A ~~person~~ An individual who was entitled to have the ~~person's individual's~~ name appear on the primary election ballot, but whose name was not placed on the primary election ballot, may not be elected to a no-party office as a write-in candidate unless ~~that person~~ the individual receives a number of votes equal to or more than the number of signatures ~~which that~~ would have been required to have ~~that person's~~ the individual's name placed on the primary election ballot.

SECTION 105. AMENDMENT. Section 16.1-15-43 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-43. When special election ordered.

If a certificate of election cannot be issued for a judicial district office or a state office because any two or more persons ~~individuals~~ have equal and the highest number of votes, the governor, by proclamation, shall order a new election.

SECTION 106. AMENDMENT. Section 16.1-15-45 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-45. Form of certificate of election for state officers - Signatures.

A certificate of election must be prepared by the secretary of state for each ~~person~~ individual elected to a state or a district office. The certificate must be signed by the governor and the secretary of state, have the great seal of the state affixed, and be attested by at least one of the other members of the state canvassing board. The certificate, in substance, must be in the following form:

At an election held on _____, ____, _____ was elected to the office of _____ of this state for the term of _____ years from _____, _____, (or, if to fill a vacancy, for the residue of the term ending on _____, ____), and until a successor is duly elected and qualified.

Given at Bismarck on _____, ____.

~~The certificate must be signed by the governor and the secretary of state, and must have the great seal of the state affixed, and must be attested by at least one of the other members of the state canvassing board.~~

SECTION 107. AMENDMENT. Section 16.1-15-47 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-47. Certificate of election to member of Congress - Signing - Delivering.

The certificate of election to a member of Congress must be signed by the governor with the great seal affixed and must be countersigned by the secretary of state. The governor shall cause the certificate to be delivered to the ~~person~~individual elected.

SECTION 108. AMENDMENT. Section 16.1-16-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-16-01. Election recounts.

A recount of any primary, special, or general election for nomination or election to a presidential, congressional, state, judicial district, multicounty district, legislative, county, or city office, or for the approval or disapproval of any measure, question, or bond issue submitted to the qualified electors of this state or one of its political subdivisions must be conducted according to guidelines established by the secretary of state and as follows:

1. A recount must be conducted when:
 - a. Any individual failed to be nominated by the individual's party or to a no-party office in a primary election by one percent or less of the highest vote cast for a candidate seeking nomination from the political party for the office sought or for a candidate for the no-party office sought.
 - b. Any individual failed to be elected in a general or special election by one-half of one percent or less of the highest vote cast for a candidate for that office.
 - c. A question, measure, or bond issue submitted to the qualified electors has been decided by a margin not exceeding one-fourth of one percent of the total vote cast for and against the question at any election.
2. A demand for a recount may be made by any of the following:
 - a. Any individual who failed to be nominated by the individual's party or to a no-party office in a primary election by more than one percent and less than two percent of the highest vote cast for a candidate seeking nomination from the political party for the office sought or for a candidate for the no-party office sought.
 - b. Any individual who failed to be elected in a general or special election by more than one-half of one percent and less than two percent of the highest vote cast for a candidate for that office.
3. A demand for a recount must be made within three days after the canvass of the votes by the county canvassing board in the case of county elections and city elections that are combined with the county and by the state canvassing board in the case of presidential, congressional, state, judicial district, multicounty district, or legislative elections. The demand must be in writing, must recite one of the conditions in subsection 2 as a basis for the recount, must contain a bond in an amount previously established by the auditor or auditors doing the recount sufficient to pay the cost of the recount, and must be filed with:
 - a. The secretary of state when the recount is for a congressional, state, district, or legislative office.

- b. The county auditor when the recount is for a county office or city office when a city election is combined with the county.
4. Within four days after the canvass of the votes by the state canvassing board in the case of presidential, congressional, state, judicial district, multicounty district, or legislative elections, the secretary of state shall notify all the county auditors to conduct recounts as required by subsection 1 and, when a timely recount demand is received and it is in proper form, as required by subsection 2. The secretary of state shall fix the date or dates of the recounts of legislative contests to be held within seven days after giving notice to the affected auditors that recounts must be conducted. The secretary of state shall fix the date or dates of the recounts of statewide races to be held within fourteen days after giving notice to the auditors that recounts must be conducted. Within four days after the canvass of votes by the county canvassing board or other political subdivision canvassing board, the county auditor or other political subdivision election official shall fix the date for recounts limited to the county, those cities within the county which combined the election with the county, or other political subdivision. The date must be within eight days after the canvass. In all recount proceedings, the county auditor or other election official, as appropriate, shall send notice of the date, place, and time of the recount to all candidates and petitioners involved by certified mail.
5. For recounts conducted by counties of federal, state, district, and county offices, measures, and questions, the county auditor must conduct the recount and may employ up to ten qualified electors of the county to assist in the recount. The county auditor shall review all properly cast ballots and associated records. The county auditor shall check the precinct count and the count of the county canvassing board. If the county auditor is a candidate involved in the recount, the county auditor is disqualified from acting thereon, and the county recorder shall perform the duties required of the county auditor by this section. For recounts conducted by political subdivisions other than counties of local offices, measures, and questions, the election officer in a political subdivision shall administer a recount in the same manner as is required under this subsection for counties with respect to political subdivision offices, ballot measures, questions, or bond issues.
6. a. The individuals entitled to participate at the recount are:
 - (1) Each candidate involved in the recount, either personally or by a representative.
 - (2) A qualified elector favoring each side of a question if the recount involves a question or proposition submitted to a vote of the electorate.b. The individuals allowed to participate may challenge the acceptance or exclusion of any ballot. The individual challenging a ballot must state the reason for the challenge based upon the law, and the county auditor or other political subdivision election official shall count the challenged ballot as the auditor or election official determines proper and then shall set the ballot aside with a notation that it was challenged and how it was counted.
7. At the conclusion of the recount, the county auditor or other election official shall submit all challenged ballots to the recount board for decision. Except for political subdivision recounts other than counties, the recount board must be

composed of the state's attorney of the county, the chairman of the board of county commissioners, and the county recorder. Unless otherwise specified by law, for a political subdivision other than a county, the governing body of the political subdivision shall appoint the recount board. An individual may not serve on the recount board if the individual has anything of value bet or wagered on the result of the election, is a candidate for the office being recounted, or is the husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, or sister, whether by birth or marriage, of the whole or the half-blood, of any candidate involved in the recount. If any of the members of the recount board are disqualified or cannot serve for any other reason, the members of the board of county commissioners or other political subdivision governing body who would be qualified to serve on the board shall appoint disinterested qualified electors of the county or other political subdivision to serve as alternates. The recount board shall review all challenged ballots and on majority vote shall decide how those ballots are counted. The decision of the recount board is final, subject to the right to contest the election as provided in this chapter. If during the recount a recess is called, the county auditor or other political subdivision election official shall take appropriate steps to safeguard the ballots.

8. The county auditor or other election official shall certify the results of the recount immediately after the recount. The recount result is the official result of the election in the county or other political subdivision. The county auditor or other election official shall prepare a corrected abstract of the votes. In a recount limited to the county, city, or other political subdivision, if the corrected abstract shows no change in the outcome of the election, no further action may be taken. If the corrected abstract changes the outcome of the election, the county auditor or other election official shall issue certificates of nomination or election accordingly and shall certify the new result of a question submitted to the qualified electors. In the case of a city election that is combined with a county election, the county auditor shall certify the new results of the election to the city auditor who is responsible for issuing new certificates of election if applicable.
9. In presidential, congressional, statewide, judicial district, multicounty district, or legislative recounts, the county auditor, immediately after the recount, shall submit electronically the corrected abstract to the secretary of state according to the instructions provided by the secretary of state. The secretary of state immediately shall assemble the state canvassing board, who shall canvass the corrected abstracts and certify the election results. The secretary of state shall issue certificates of election or nomination or record the approval or disapproval of a question submitted to the qualified electors accordingly.
10. The expenses incurred in a recount of a county election must be paid by the county on a warrant by the county auditor. The expenses incurred in a recount of a political subdivision other than a county election must be paid by that political subdivision. The expenses incurred in a recount of a city election must be paid by the city on a warrant by the city auditor. The expenses incurred in a recount of a presidential, congressional, state, judicial district, multicounty district, or legislative election must be paid by the state from the general fund upon approval by the secretary of state of a statement of expenses received from the county auditors. The expenses incurred in a recount demanded under subsection 2 of section 16.1-16-01 must be paid by the secretary of state or county auditor from the bond submitted by the individual requesting the recount.

11. This section also applies to city elections that are not combined with the county except the city auditor, to the extent applicable, shall perform the duties of the county auditor.

SECTION 109. AMENDMENT. Section 16.1-16-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-16-02. Who may contest election.

A defeated candidate or ten qualified electors may contest the nomination or election of any person or the approval or rejection of any question or proposition submitted to a vote of the electorate, pursuant to ~~chapters 16.1-04, 16.1-05, 16.1-06, 16.1-07, 16.1-08.1, 16.1-09, 16.1-10, and 16.1-11~~ this title. In a county election to change the county seat or to change the boundaries of the county, the complaint must be filed against the board of county commissioners, ~~whewhich~~ whewhich shall appear and defend the contest action.

SECTION 110. AMENDMENT. Section 16.1-16-04 of the North Dakota Century Code is amended and reenacted as follows:

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

Any

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. ~~However, if~~
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.

SECTION 111. AMENDMENT. Section 16.1-16-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-16-05. Grounds for election contest.

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

1. ~~If the~~The contestee does not or cannot meet the qualifications to hold the office as required by law.
2. ~~Because~~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.

SECTION 112. AMENDMENT. Section 16.1-16-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-16-07. Contest involving irregularity of ballots - Preservation of ballots.

Either the contestant or the contestee, within the time provided by this title for the preservation of ballots, may give notice by certified mail to the county recorder of any county where the contestant or the contestee desires the ballots preserved, that an election contest is pending in a designated court. ~~Thereupon, it is the duty of~~ After receipt of the notice, the county recorder shall preserve all the paper ballots and electronic voting system ballots and associated records until the contest has been finally determined or the retention period specified in section 16.1-15-13 has ended, whichever is later.

SECTION 113. A new section to chapter 54-09 of the North Dakota Century Code is created and enacted as follows:

Criminal history record check.

The secretary of state may require any employee who has access to personally identifying information of residents or businesses of the state, or access to election systems that are critical infrastructure under section 44-04-24, to submit to a statewide and nationwide criminal history record check. The criminal history record check must be conducted as provided by section 12-60-24.

SECTION 114. REPEAL. Sections 16.1-06-10.1, 16.1-07-11, 16.1-07-13, and 16.1-13-24 of the North Dakota Century Code are repealed.

Approved April 30, 2021

Filed May 3, 2021

CHAPTER 165

HOUSE BILL NO. 1447

(Representatives Cory, O'Brien, Pyle, Sanford)
(Senators Holmberg, Kreun, Meyer, Sorvaag)

AN ACT to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to higher education student voting documents; and to amend and reenact section 16.1-01-04.1 of the North Dakota Century Code, relating to acceptable forms of identification for purposes of voting.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

Student voting documents.

An institution of higher education under the control of the state board of higher education may issue students enrolled at the institution a printable document containing the institution's letterhead or seal using a self-service process. The document must contain the student's legal name, current residential address in the state, the date the residential address was established, and date of birth. When issuing the document to students, an institution of higher education under the control of the state board of higher education shall provide each student with information regarding voter eligibility requirements.

¹⁰¹ **SECTION 2. AMENDMENT.** Section 16.1-01-04.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-04.1. Identification verifying eligibility as an elector.

1. A qualified elector shall provide a valid form of identification to the proper election official before receiving a ballot for voting.
2. The identification must provide the following information regarding the elector:
 - a. Legal name;
 - b. Current residential street address in North Dakota; and
 - c. Date of birth.
3. a. A valid form of identification is:
 - (1) A driver's license or nondriver's identification card issued by the North Dakota department of transportation; or

¹⁰¹ Section 16.1-01-04.1 was also amended by section 6 of House Bill No. 1253, chapter 164.

-
- (2) An official form of identification issued by a tribal government to a tribal member residing in this state.
 - b. If an individual's valid form of identification does not include all the information required under subsection 2 or the information on the identification is not current, the identification must be supplemented by presenting any of the following issued to the individual which provides the missing or outdated information:
 - (1) A current utility bill;
 - (2) A current bank statement;
 - (3) A check issued by a federal, state, or local government;
 - (4) A paycheck; or
 - (5) A document issued by a federal, state, or local government; or
 - (6) A printed document containing all of the information required by subsection 2 issued by an institution of higher education for an enrolled student residing in the state and containing the institution's letterhead or seal, along with a student photo identification card issued by the institution and containing the student's photograph and legal name.
 4. The following forms of identification are valid for the specified individuals living under special circumstances who do not possess a valid form of identification under subsection 3.
 - a. For an individual living in a long-term care facility, a long-term care certificate prescribed by the secretary of state and issued by a long-term care facility in this state;
 - b. For a uniformed service member or immediate family member temporarily stationed away from the individual's residence in this state, or a resident of the state temporarily living outside the country, a current military identification card or passport; and
 - c. For an individual living with a disability that prevents the individual from traveling away from the individual's home, the signature on an absentee or mail ballot application from another qualified elector who, by signing, certifies the applicant is a qualified elector.
 5. If an individual is not able to show a valid form of identification but asserts qualifications as an elector in the precinct in which the individual desires to vote, the individual may mark a ballot that must be securely set aside in a sealed envelope designed by the secretary of state. After the ballot is set aside, the individual may show a valid form of identification to either a polling place election board member if the individual returns to the polling place before the polls close, or to an employee of the office of the election official responsible for the administration of the election before the meeting of the canvassing board occurring on the sixth day after the election. Each ballot set aside under this subsection must be presented to the members of the canvassing board for proper inclusion or exclusion from the tally.

6. The secretary of state shall develop uniform procedures for the requirements of subsection 5 which must be followed by the election official responsible for the administration of the election.

Approved April 8, 2021

Filed April 9, 2021

CHAPTER 166**HOUSE BILL NO. 1256**

(Representatives Magrum, Christensen, Fegley)
(Senator Heitkamp)

AN ACT to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to a prohibition on using nonpublic funds for elections operations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰² **SECTION 1.** A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

Use of nonpublic funds prohibited.

The state and political subdivisions may not solicit, accept, or use any grants or donations from private persons for elections operations or administration.

Approved April 16, 2021

Filed April 19, 2021

¹⁰² Section 16.1-01-15.1 was amended by section 16 of House Bill No. 1253, chapter 164.

CHAPTER 167

HOUSE BILL NO. 1078

(Judiciary Committee)

(At the request of the Commission on Uniform State Laws)

AN ACT to create and enact sections 16.1-13-35, 16.1-13-36, 16.1-13-37, 16.1-13-38, 16.1-13-39, 16.1-13-40, 16.1-13-41, 16.1-13-42, 16.1-13-43, and 16.1-13-44 and chapter 16.1-14.1 of the North Dakota Century Code, relating to presidential elections and the adoption of the Uniform Faithful Presidential Electors Act; to amend and reenact subsection 1 of section 16.1-03-14 and sections 16.1-06-06, 16.1-12-02, 16.1-14-01, 16.1-14-03, 16.1-14-08, 16.1-14-09, 16.1-14-10, 16.1-14-11, 16.1-14-12, 16.1-14-13, and 16.1-14-14 of the North Dakota Century Code, relating to nominating presidential electors and alternate electors, and presidential electors' roles and procedures; to repeal sections 16.1-14-05, 16.1-14-18, 16.1-14-19, 16.1-14-20, 16.1-14-21, 16.1-14-22, 16.1-14-23, 16.1-14-24, 16.1-14-25, 16.1-14-26, 16.1-14-27, and 16.1-14-28 of the North Dakota Century Code, relating to the filling of a vacancy of a presidential elector and voting of new and former residents at presidential elections; and to provide a contingent effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 16.1-03-14 of the North Dakota Century Code is amended and reenacted as follows:

1. The party state committee shall set the place and time of the state party convention to be held in each general election year. Subject to party rules and bylaws, the state party convention may:
 - a. Nominate the legal number of qualified elector~~selector~~ nominees and alternate elector nominees for its party for the offices of presidential electors. The nominees must be qualified electors of this state.
 - b. Elect the required number of delegates and alternates to the national party convention.
 - c. Endorse candidates as provided under subsection 2.

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

16.1-06-06. General election ballots for persons authorized to vote for presidential electors only - Prepared separately - General law governs.

In addition to the ballots prepared pursuant to section 16.1-06-05, ballots must be prepared containing only the names of duly certified candidates for presidential electors for use by persons authorized to vote for those offices by law. The provisions of this title regarding the preparation, form, arrangement of names, and delivering of ballots must govern in regard to the general election ballot prepared pursuant to this section. The ballots prepared pursuant to this section must be delivered to electors

who qualify only to vote for presidential electors pursuant to sections ~~16.1-14-18~~16.1-13-35 and ~~16.1-14-19~~16.1-13-36.

SECTION 3. AMENDMENT. Section 16.1-12-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-02. Certificates of nomination by petition - Form and contents.

Certificates of nomination for nominees for an office to be filled at a general or special election, except for an office appearing on the no-party ballot, may be made as provided by this section. Except for nominees for president of the United States, names of nominees so nominated must appear on the ballot as independent nominations. The names of nominees for president of the United States may appear on the ballot with a designation, not to exceed five words, that names the organization or political party to which the presidential candidate affiliates. The designation may not falsely indicate an affiliation with or the support of any political party organized in accordance with this title or include any substantive word or phrase that is profane or that is already included in or resembles the name of a political party entitled to a separate column under section 16.1-11-30. Except for candidates for the office of president of the United States, each certificate of nomination by petition must meet the specifications for nominating petitions set forth in section 16.1-11-16. A political party or organization desiring to submit to the secretary of state the name of a qualified candidate for the office of the president of the United States may begin gathering the signatures for the certificate of nomination on the first day of January of a presidential election year and shall submit the petition to the secretary of state before four p.m. on the sixty-fourth day before the general election. The signatures on the petition must be in the following number:

1. Except as provided in subsection 3, if the nomination is for an office to be filled by the qualified electors of the entire state, there must be no fewer than one thousand signatures.
2. If the nomination is for an office to be filled by the qualified electors of a district less than the entire state, the number of signatures must be at least two percent of the resident population of the district as determined by the most recent federal decennial census, but in no case may more than three hundred signatures be required.
3. If the nomination is for the office of president, there must be no fewer than four thousand signatures and the petition must contain the names of the presidential and vice presidential candidates along with the names of the elector nominees and alternate elector nominees for the office of the North Dakota presidential electors selected from the qualified electors of North Dakota. The elector nominees and alternate elector nominees must be qualified electors of North Dakota.
4. If the petition is for the office of governor or lieutenant governor, it must contain the names and other required information of candidates for both those offices.

SECTION 4. Section 16.1-13-35 of the North Dakota Century Code is created and enacted as follows:

16.1-13-35. Eligibility of new residents to vote for presidential electors.

4. I have resided in _____ precinct for less than thirty days. I believe I am entitled under the laws of this state to vote at the presidential election to be held on November _____.
5. I apply for a presidential election ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed _____

(Applicant)

(Applicant's telephone number)

Subscribed and sworn to before me this _____ day of _____.

Signed _____

(Title and name of officer

authorized to administer oaths)

SECTION 7. Section 16.1-13-38 of the North Dakota Century Code is created and enacted as follows:

16.1-13-38. Mailing duplicate application for presidential elector ballot.

The county auditor immediately shall mail a duplicate of the application for a presidential elector ballot to the appropriate official of the state in which the applicant last resided.

SECTION 8. Section 16.1-13-39 of the North Dakota Century Code is created and enacted as follows:

16.1-13-39. Filing and indexing applications for presidential elector ballots from other states.

The county auditor shall file each duplicate application for a presidential elector ballot or other official information received by the county auditor from another state indicating a former resident of this state has applied to vote at a presidential election in another state and shall maintain an alphabetical index of the information for four months after the election.

SECTION 9. Section 16.1-13-40 of the North Dakota Century Code is created and enacted as follows:

16.1-13-40. Delivery of presidential elector ballot to applicant.

If the county auditor is satisfied the application is proper and the applicant is qualified to vote at the presidential election, the county auditor shall deliver a ballot for presidential electors to the applicant no sooner than thirty days nor later than one day before the next presidential election.

SECTION 10. Section 16.1-13-41 of the North Dakota Century Code is created and enacted as follows:

16.1-13-41. Voting by new residents for presidential electors.

1. The applicant, upon receiving the ballot for presidential electors, immediately shall mark the ballot in the presence of the county auditor but in a manner the official cannot know how the ballot is marked. The applicant subsequently shall fold the ballot in the county auditor's presence to conceal the markings and deposit and seal the ballot in an envelope furnished by the county auditor.
2. The voter shall enclose the envelope containing the ballot in a carrier envelope which must be sealed securely. There must be imprinted on the outside of the carrier envelope a statement substantially as follows:

CERTIFICATION OF NEW RESIDENT VOTER

I have qualified as a new resident voter in this state to vote for presidential electors. I have not applied nor do I intend to apply for an absent voter's ballot from the state from which I have relocated. I have not voted and I will not vote otherwise than by this ballot.

Dated _____

Witness _____

County Auditor

(Signature of Voter)

3. The voter shall sign the certification upon the carrier envelope and subsequently shall deliver the sealed carrier envelope to the county auditor who shall keep the carrier envelope in the county auditor's office until delivered by the county auditor to the inspector of elections of the county absentee ballot precinct.

SECTION 11. Section 16.1-13-42 of the North Dakota Century Code is created and enacted as follows:

16.1-13-42. List of applicants requesting presidential elector ballots open for public inspection.

The county auditor shall keep open for public inspection a list of all individuals who have applied to vote for presidential electors as new residents with their names, addresses, and application dates for two years.

SECTION 12. Section 16.1-13-43 of the North Dakota Century Code is created and enacted as follows:

16.1-13-43. Delivery and processing of presidential elector ballots of new residents.

1. The county auditor shall deliver the presidential elector ballots for new residents to the inspector of elections in the manner prescribed by law for absentee ballots. The ballots must be processed in accordance with the law for absentee ballots.
2. The inspector of elections shall record the new resident voter's name with a notation designating the individual as a new resident voting for presidential electors only.

SECTION 13. Section 16.1-13-44 of the North Dakota Century Code is created and enacted as follows:

16.1-13-44. Application of other statutes to presidential elector ballots.

Except as provided in sections 16.1-13-35 through 16.1-13-44, the provisions of law relating to absent voters' ballots apply also to the casting and counting of presidential elector ballots of new residents, the furnishing of election supplies, ballots, canvassing of ballots, and making proper returns of the results of the election.

SECTION 14. AMENDMENT. Section 16.1-13-44 of the North Dakota Century Code, as created by section 13 of this Act, is amended and reenacted as follows:

16.1-13-44. Application of other statutes to presidential elector ballots.

Except as provided in section 16.1-14-29 and sections 16.1-13-35 through 16.1-13-44, the provisions of law relating to absent voters' ballots also apply to the casting and counting of presidential elector ballots of new residents, the furnishing of election supplies, ballots, canvassing of ballots, and making proper returns of the results of the election.

SECTION 15. AMENDMENT. Section 16.1-14-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-01. Canvassing votes for presidential electors - Tie vote.

The state canvassing board, in examining and making a statement of the votes for, and in determining and certifying the ~~persons~~individuals chosen as; presidential electors, shall proceed in the manner prescribed in this title for the canvass of votes for state officers. The secretary of state ~~likewise~~ shall file and record ~~such~~the statement and determination. In canvassing the returns for presidential electors, the group of electors having the greatest number of votes is to be declared elected. If two or more groups of electors are found to have an equal and the greatest number of votes, the election of one group must be determined by a drawing of names, with the governor drawing the names in the presence of the other members of the state canvassing board.

SECTION 16. AMENDMENT. Section 16.1-14-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-03. Proclamation of result by governor - Publishing - Certificate of election.

Within ten days after the state canvassing board completes the canvass of the votes cast for presidential electors, as certified by the auditors of the respective counties, the governor shall declare by proclamation, to be printed in the official county newspaper printed and published at the seat of government, the names of the ~~persons~~individuals who have received the highest number of votes returned for ~~such~~the office of presidential elector. If the election of ~~such persons~~the individuals has not been contested by notice of contest having been filed with the governor within ten days after the date of ~~such~~the proclamation, ~~then such persons must be~~the individuals are deemed elected, and the governor shall transmit a certificate of election to each ~~person so~~ chosen ~~a certificate of election~~individual.

SECTION 17. AMENDMENT. Section 16.1-14-08 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-08. Contestant may apply to board.

A group of electors ~~appearing, by the~~ of a presidential candidate not listed in the proclamation of the governor, ~~to have issued according to section 16.1-14-03 and~~ who received not less than at least one-fifth of the votes cast at an election for presidential electors, as certified by the state canvassing board, may apply to the board provided for in section 16.1-14-07 for a declaration of election as presidential electors.

SECTION 18. AMENDMENT. Section 16.1-14-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-09. Application to state grounds of contest.

The application provided for in section 16.1-14-08 must be made by petition in writing ~~to be and~~ filed in the office of the secretary of state within ten days from the date of the proclamation provided for in section 16.1-14-03. The petition, regardless of its mode of delivery, must be in the possession of the secretary of state before four p.m. on the tenth day as provided in this section, and the secretary of state shall convene the board ~~forthwith for the trial of contests of elections for presidential elections.~~ for the trial of contests of elections for presidential elections. The petition must set forth the names of the ~~persons~~ persons/individuals whose election is contested and the ground for such contest. The petitioner, before any proceedings are had upon the petition, except the convening of the board, shall file a bond to this state in a sum and with ~~such~~ surety as the board shall order, conditioned for the payment of all costs incurred in the prosecution of ~~such~~ the contest in the case the contestants do not prevail.

SECTION 19. AMENDMENT. Section 16.1-14-10 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-10. Notice to ~~persons~~ persons/individuals contested.

Upon the filing of the petition and bond as provided in section 16.1-14-09, the board ~~for the trial of an election contest~~ contests of elections for presidential elections shall order written notice of the petition to be given to the governor and to the ~~persons~~ persons/individuals whose election is contested. Notice ~~must also~~ must be published in a newspaper as the board shall order. ~~Notices provided for~~ A notice required by this section must contain a concise statement of the facts alleged in the petition and a designation of the time and place fixed by the board for the hearing, ~~which.~~ The hearing must be not less than three nor more than fifteen days from the filing of the petition.

SECTION 20. AMENDMENT. Section 16.1-14-11 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-11. Appearance by parties to contest.

At the time fixed for the hearing, the petitioners shall appear and produce their evidence, and the ~~persons~~ persons/individuals whose election is contested may appear and produce evidence in ~~their~~ the individuals' behalf. Any party to the contest proceedings may appear in person or by attorney, and no other person is entitled to be made a party to the proceedings or to be heard personally or by counsel ~~therein.~~ If more than one petition is pending, the board, in its discretion, may order the contests to be heard together.

SECTION 21. AMENDMENT. Section 16.1-14-12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-12. Hearing - How conducted.

The board shall hear the contest and decide all questions of law and fact involved. The burden of proof in each case ~~must be upon~~ is on the petitioners, ~~and the~~. The hearing ~~must be~~ is confined to the grounds stated in the petition, but the board ~~in its discretion~~ may allow the petition to be amended. ~~No ex~~ Ex parte affidavits ~~shall be~~ are ~~not~~ competent evidence at the hearing. ~~A person~~ An individual may not be excused from testifying or from producing papers or documents at the hearing on the grounds ~~that such~~ the testimony will tend to incriminate the ~~person~~ individual, but ~~no person~~ an individual testifying may not be subject to any suit or prosecution, civil or criminal, for any matter or cause in respect to which the ~~person~~ individual is examined or to which the ~~person's~~ individual's testimony relates. The board has the same power to compel the attendance of witnesses as the district courts of this state possess, and nothing contained in this chapter ~~may be held to limit~~ limits the power of the board to make ~~such~~ regulations as to the conduct of the proceedings as ~~it may deem~~ the board deems proper, not inconsistent with the provisions of this chapter. The board has all powers necessary to the complete performance of the duties and authority conferred upon ~~the board~~ by this chapter.

SECTION 22. AMENDMENT. Section 16.1-14-13 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-13. Certification of determination of board.

The board shall determine in each case which of the parties to the proceedings are entitled to the office of elector, and shall cause ~~its~~ the board's determination to be entered of record in a manner and form as ~~it~~ the board shall direct, and shall certify the same to the governor and secretary of state. The certified determination is a final and conclusive ~~that~~ determination the ~~persons stated therein~~ individuals identified in the determination are duly elected. The governor shall transmit to ~~such persons~~ their certificates of election to the individuals, and every ~~such~~ certificate must recite ~~that~~ the certificate is issued pursuant to a determination under ~~the provisions of~~ this chapter.

SECTION 23. AMENDMENT. Section 16.1-14-14 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-14. Failure of petitioners to appear - Effect.

If any petitioners fail to appear and prosecute their petition against the ~~persons~~ individuals who have been made respondents ~~thereto~~, according to the requirements of this chapter and of any rules made by the board, the board shall determine ~~that they~~ the petitioners have failed, and shall cause the determination to be entered of record in ~~such~~ the manner and form as ~~it~~ the board shall direct, and ~~forthwith~~ shall certify the determination to the governor and secretary of state. The determination is a final and conclusive bar to the claim of the petitioners against ~~such~~ the respondents as fully and completely as if the claim had been heard and determined on its merits, and the governor shall issue certificates of election as provided in section 16.1-14-13.

SECTION 24. Chapter 16.1-14.1 of the North Dakota Century Code is created and enacted as follows:

16.1-14.1-01. Definitions.

In this chapter:

1. "Cast" means accepted by the secretary of state in accordance with subsection 2 of section 16.1-14.1-06.
2. "Elector" means an individual selected as a presidential elector under chapter 16.1-14 and this chapter.
3. "President" means president of the United States.
4. "Vice president" means vice president of the United States.

16.1-14.1-02. Designation of state's electors.

For each elector position in this state, a political party contesting the position shall submit to the secretary of state the names of two qualified individuals. One of the individuals must be designated as the elector nominee and the other as the alternate elector nominee. Except as otherwise provided in sections 16.1-14.1-04 through 16.1-14.1-07, this state's electors are the winning elector nominees under the laws of this state.

16.1-14.1-03. Pledge.

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for president and vice president for the nominees for those offices of the party that nominated me." The executed pledge must accompany the submission of the corresponding names to the secretary of state.

16.1-14.1-04. Certification of electors.

In submitting this state's certificate of ascertainment as required by 3 U.S.C. 6, the governor shall certify this state's electors and state in the certificate:

1. The electors shall serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector shall fill the vacancy; and
2. If a substitute elector is appointed to fill a vacancy, the governor shall submit documentation of the vacancy, the method by which the vacancy was filled, and the names on the final list of this state's electors.

16.1-14.1-05. Presiding officer - Elector vacancy.

1. The governor shall preside at the meeting of electors described in section 16.1-14.1-06.
2. The position of an elector not present to vote is vacant. The secretary of state shall appoint an individual as a substitute elector to fill a vacancy as follows:
 - a. If the alternate elector is present to vote, by appointing the alternate elector for the vacant position;
 - b. If the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from among the alternate electors present to vote who were nominated by the same political party;
 - c. If the number of alternate electors present to vote is insufficient to fill any vacant position pursuant to subdivisions a and b, by appointing any

immediately available individual who is qualified to serve as an elector and chosen through nomination by and plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains;

- d. If there is a tie between at least two nominees for substitute elector in a vote conducted under subdivision c, by appointing an elector chosen by lot from among those nominees; or
 - e. If all elector positions are vacant and cannot be filled pursuant to subdivisions a through d, by appointing a single presidential elector, with remaining vacant positions to be filled under subdivision c and, if necessary, subdivision d.
3. To qualify as a substitute elector under subsection 2, an individual who has not executed the pledge required under section 16.1-14.1-03 shall execute the following pledge: "I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual to whose elector position I have succeeded."

16.1-14.1-06. Elector voting.

1. At the time designated for elector voting and after all vacant positions have been filled under section 16.1-14.1-05, the secretary of state shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.
2. Except as otherwise provided by law other than this chapter, each elector shall present both completed ballots to the secretary of state, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under section 16.1-14.1-03 or subsection 3 of section 16.1-14.1-05. Except as otherwise provided by law other than this chapter, the secretary of state may not accept and may not count either an elector's presidential or vice presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.
3. An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under section 16.1-14.1-03 or subsection 3 of section 16.1-14.1-05 vacates the office of elector, creating a vacant position to be filled under section 16.1-14.1-05.
4. The secretary of state shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors, until all of this state's electoral votes have been cast and recorded.

16.1-14.1-07. Elector replacement - Associated certificates.

1. After the vote of this state's electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under 3 U.S.C. 6, the secretary of state immediately shall prepare documentation of the vacancy, the method by

which the vacancy was filled, and the names of the final list of electors and transmit the documentation to the governor for the governor's signature.

2. The governor immediately shall deliver the signed documentation to the secretary of state and a signed duplicate original of the documentation to all individuals entitled to receive this state's certificate of ascertainment, indicating that the signed documentation is to be substituted for the certificate of ascertainment previously submitted.
3. The secretary of state shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The secretary of state shall process and transmit the signed certificate with the signed documentation under 3 U.S.C. 9, 10, and 11.

SECTION 25. REPEAL. Sections 16.1-14-05, 16.1-14-18, 16.1-14-19, 16.1-14-20, 16.1-14-21, 16.1-14-22, 16.1-14-23, 16.1-14-24, 16.1-14-25, 16.1-14-26, 16.1-14-27, and 16.1-14-28 of the North Dakota Century Code are repealed.

SECTION 26. CONTINGENT EFFECTIVE DATE. Section 14 of this Act becomes effective at the time provided in Senate Bill No. 2271 if section 16.1-14-29, as created by Senate Bill No. 2271, is approved by the sixty-seventh legislative assembly.

Approved April 8, 2021

Filed April 9, 2021

CHAPTER 168

SENATE BILL NO. 2142

(Senators K. Roers, Marcellais, Vedaa)
(Representatives P. Anderson, Louser, Meier)

AN ACT to amend and reenact section 16.1-07-12 of the North Dakota Century Code, relating to processing absentee ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-07-12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-12. Opening ballot - Voting or rejecting - Depositing in ballot box - Preserving.

1. At any time beginning ~~on the day~~ three business days before election day and ~~the closing of the polls~~ when the polls close on election day, the election clerks and board members of the relevant polling place first shall compare the signature on the application for an absent voter's ballot with the signature on the voter's affidavit provided for in section 16.1-07-08 to ensure the signatures correspond. If the applicant is then a duly qualified elector of the precinct and has not voted at the election, ~~they~~ an election clerk or board member shall open the absent voter's envelope in a manner as not to destroy the affidavit ~~thereon~~ the envelope. ~~They~~ The election clerk or board member shall take out the secrecy envelope with the ballot ~~or ballots contained therein~~ inside without unfolding the ~~same~~ ballot, or permitting the ~~same~~ ballot to be opened or examined, and indicate in the pollbook of the election ~~that~~ the elector has voted. The election board members not participating in the comparing of signatures and entering voters into the pollbook shall remove the ballot ~~or ballots~~ from the secrecy envelope, unfold and initial the ~~same~~ ballot, and deposit the ballot in the proper ballot box for tabulation. The votes from ~~these cast~~ the ballots may not be tallied and the tabulation reports may not be generated until the polls have closed on election day.
2. If the affidavit on the outer envelope of a returned absentee ballot is found to be insufficient, or ~~that~~ the signatures on the application and affidavit do not correspond, or ~~that~~ the applicant is not then a duly qualified elector of the precinct, the vote may not be allowed, ~~but~~ and without opening the absent voter's envelope, the election inspector or election judge shall mark across the face ~~thereof~~ of the ballot "rejected as defective" or "rejected as not an elector", as the case may be. ~~These rejected~~ The ballots rejected under this subsection then are ~~then~~ turned over to the county canvassing board for final determination of eligibility. The subsequent death of an absentee voter after ~~having voted~~ voting by absentee ballot ~~does not constitute~~ is not grounds for rejecting the ballot.

Approved April 12, 2021

Filed April 13, 2021