

Introduced by

1 A BILL for an Act to provide for registration of a qualified elector to vote in any statewide  
2 special, primary, or general election; to amend and reenact sections 11-13-16, 15.1-09-22, and  
3 15.1-09-24, subsection 2 of section 16.1-01-01, subsection 3 of section 16.1-05-02,  
4 subsection 3 of section 16.1-05-04, section 16.1-05-06, subsection 2 of section 16.1-06-16,  
5 sections 16.1-06-21, 16.1-07-12, 16.1-11-31, 16.1-11-32, 16.1-11.1-02, 16.1-15-02, 16.1-15-06,  
6 16.1-15-08, 16.1-15-11, 21-03-10, 40-21-09, 40-21-13, and 58-04-09 of the North Dakota  
7 Century Code, relating to elector registers; and to provide a penalty.

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

9 **SECTION 1. AMENDMENT.** Section 11-13-16 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **11-13-16. When county auditor may call special election.** Whenever the board of  
12 county commissioners fails or refuses to call a special election required by any law of this state,  
13 the county auditor may provide for and call ~~such~~ the election upon the petition of a majority of  
14 the qualified electors of the county as determined by the ~~poll list of the last preceding general~~  
15 ~~election~~ elector register.

16 **SECTION 2. AMENDMENT.** Section 15.1-09-22 of the 1999 Supplement to the North  
17 Dakota Century Code is amended and reenacted as follows:

18 **15.1-09-22. School boards - Annual elections - Poll books.**

- 19 1. The board of a school district shall hold an election each year between April first  
20 and June thirtieth to fill all vacancies, including those caused by the expiration of  
21 terms of office.
- 22 2. Upon resolution of the school board, the annual election may be held in  
23 conjunction with the regular election of a city, as required by state law or by the  
24 home rule powers of the city, provided the city is located wholly or partially within

the school district. The school board may agree with the governing body of the city to share election costs and responsibilities, including those associated with election personnel, the printing of election materials, the publishing of legal notices, and the use of ~~poll books~~ elector registers.

3. If a school board holds its election in conjunction with a city, references in this chapter to the date of a school board election mean the date of the applicable city election.

~~4. If a school board holds its election in conjunction with a city and only one set of poll books is used, the set must reference the voter's eligibility to vote in the city election, in the school district election, or both.~~

**SECTION 3. AMENDMENT.** Section 15.1-09-24 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-24. School boards - Sharing of election expenses.** If a school district election is held in conjunction with a primary election, the board of the school district may agree with the governing body of the county or counties in which the district is located to share election costs and responsibilities, including those associated with a canvassing board, election personnel, the printing of election materials, the publishing of legal notices, and the use of ~~poll books~~ elector registers.

**SECTION 4. AMENDMENT.** Subsection 2 of section 16.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

2. In addition to other duties provided elsewhere by law, the secretary of state shall:
  - a. Develop and implement training programs for all election officials in the state.
  - b. Prepare information for voters on voting procedures.
  - c. Publish and distribute to each county a political calendar, a manual on election procedures, and a map of all election districts for state and national office in that county.
  - d. Convene an annual state election conference of county auditors to discuss uniform implementation of state election policies.
  - e. Prescribe the form of all ballots and the form and wording of ballots on state referendum questions, issues, and constitutional amendments.

- f. Investigate nonperformance of duties or violations of election laws by election officers.
- g. Require such reports from county auditors on election matters as ~~deemed the~~ secretary of state determines necessary.
- h. Certify results of statewide elections.
- i. Establish and carry out accounting procedures designed to reflect all election expenditures incurred by the state.
- j. Prepare and publish biennial reports on the conduct and costs of voting in the state, including a tabulation of election returns and such other information and statistics as ~~deemed the~~ secretary of state may determine appropriate.
- k. Establish standards for all election machinery, locations, and supplies, including ~~but not limited to,~~ ballots, wrappers, seals, stamps, ballot boxes, ~~pollbooks~~ elector registers, tally sheets, reports, voting machines, electronic voting systems, and voting places.
- l. Prescribe the order in which each political subdivision will appear on a primary election ballot.

**SECTION 5. Registration of electors.** Every qualified elector must be registered in the election precinct in which that elector resides to be entitled to vote at any statewide special, primary, or general election. A qualified elector may register by mail by submitting a completed registration form to the county auditor at any time except during the thirty days before any statewide special, primary, or general election. Except during the thirty days before a statewide election, a qualified elector may register to vote when applying for or renewing a motor vehicle operator's license, when providing a notice of change of name or address with respect to a motor vehicle operator's license, or when applying for or receiving public assistance. A qualified elector may register in person at the office of the county auditor by completing a registration form at any time except during the thirty days before a statewide special, primary, or general election. If a qualified elector applies to the county auditor for an absentee ballot, the elector may request a registration form and may complete and submit the form with the absentee ballot if the registration form is submitted by mail within thirty days of the election. Upon receipt of a registration form, properly filled out and signed by the applicant, the county

auditor shall register the person as a qualified elector in the elector register. Subject to sections 9 and 10 of this Act, the registration of a qualified elector is permanent.

**SECTION 6. County auditors to supervise qualified elector registration.** The county auditor of each county is responsible for and shall supervise the registration of qualified electors within the county. The county auditor shall maintain a complete elector register of all registered qualified electors within the county by precinct.

**SECTION 7. County auditor may appoint deputy registrars.** The county auditor may appoint deputy registrars for the purpose of assisting with the registration of qualified electors.

**SECTION 8. Forms for registration to be prescribed by secretary of state.** The secretary of state shall prescribe the forms to be used for registration of qualified electors which must include the qualified elector's name, address, date of birth, last place of registration, and any other information the secretary of state determines to be necessary to assure accurate and reliable qualified elector registration. The director of the department of transportation shall cooperate with the secretary of state to develop voter registration forms to be used with motor vehicle operator's license applications and renewals and change of name and address requests. No designation of political party affiliation may be required to be noted or indicated on the registration form. The secretary of state shall also prescribe the forms to be used for deletion of elector registers and the form and type of elector registers to be maintained by the county auditors.

**SECTION 9. Transfer of registration.**

1. When an elector changes residence from one precinct to another within the county, the county auditor, upon application of the elector, shall transfer the elector's registration record to the proper precinct.
2. When an elector changes residence from one county to another county, the county auditor of the county from which the elector moved, upon application of the elector, shall transfer the elector's registration record to the county auditor of the elector's county for transfer to the proper precinct.
3. When a county auditor receives a registration form that indicates that the elector was previously registered in another county, that county auditor shall notify the

1           county auditor of the county in which the elector was previously registered so that  
2           the name of the elector may be removed from the register in that county.

3           4. When the boundaries of a precinct are changed so as to place a registered elector  
4           in a new or different precinct, the county auditor shall transfer the elector's  
5           registration record to the proper precinct and mail the elector a notice of the  
6           change.

7           5. A qualified elector whose name has been changed shall indicate the change at the  
8           precinct on election day by signing an oath on a form supplied by the county  
9           auditor, indicating the change. The inspector of elections or one of the judges of  
10           election appointed by the inspector shall return the oath to the county auditor. The  
11           county auditor shall retain the oath in the records of the auditor.

12           **SECTION 10. Removal of electors from registers.**

13           1. The county auditor shall remove from the elector register the name of any elector:  
14           a. Who is deceased or who is no longer qualified to vote in the precinct where  
15           currently registered. Except for the deletion of the name of a deceased  
16           individual, the county auditor shall notify the elector of the deletion and the  
17           reason therefor within thirty days following the deletion.

18           b. Who requests, in writing, removal from the register.

19           2. The county auditor may not remove a qualified elector's name from the elector  
20           register during the period beginning sixty days before any statewide special,  
21           primary, or general election and ending on the day of election.

22           3. Any qualified elector whose name has been removed in accordance with this  
23           section may again register to vote in accordance with sections 5 and 9.

24           **SECTION 11. Access to registration records - Penalty.** The county auditor shall  
25           permit any person, at all reasonable hours and without any fee, to inspect or make copies of  
26           any registration record. Upon request, the county auditor shall furnish to any person a copy of  
27           the registration records upon payment of the cost of providing the copy. Any person who uses  
28           elector registers, or elector lists compiled therefrom, for any purpose other than election or  
29           partisan political purposes is guilty of a class B misdemeanor.

30           **SECTION 12. AMENDMENT.** Subsection 3 of section 16.1-05-02 of the 1999  
31           Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. ~~Prior to~~ Before assuming their duties, all members of the election board and the poll clerks severally shall take and subscribe an oath in substantially the following form:

I do solemnly swear (or affirm as the case may be), that I will perform the duties of inspector, judge, or clerk (as the case may be) according to law and to the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same.

The oath may be taken before any officer authorized by law to administer oaths, and in case no such officer is present at the opening of the polls, the inspector or election judges shall administer the oath to each other and to the poll clerks. The person administering the oath shall cause an entry thereof to be made and subscribed by that person and prefixed to each ~~pollbook~~ elector register.

**SECTION 13. AMENDMENT.** Subsection 3 of section 16.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

3. The election inspector shall assign the poll clerks, an equal number from each political party represented on the election board, to perform the function of maintaining the ~~pollbooks~~ elector registers. The designated poll clerks shall maintain the ~~pollbooks~~. ~~Each pollbook must contain the name and address of each person voting at the precinct and must be arranged~~ elector registers in the ~~form and~~ manner prescribed by the secretary of state.

**SECTION 14. AMENDMENT.** Section 16.1-05-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**16.1-05-06. Challenging right of person to vote - Affidavit required - Penalty for false swearing - Optional poll checkers.**

1. One poll challenger appointed by the district chairman of each political party represented on the election board is entitled to be in attendance at each polling place. Individual poll challengers may be replaced at any time during the hours of voting, but no more than one poll challenger from each political party is entitled to be in attendance at each polling place at any one time.
2. ~~The members of the election board and poll challengers may challenge the right of anyone to vote whom they know or have reason to believe is not a qualified~~

~~elector. Members of the election board or poll challengers may challenge a voter if they know or have reason to believe any of the following:~~

- ~~a. The person offering to vote does not meet the age or citizenship requirements.~~
- ~~b. The person offering to vote has never voted in the precinct before and fails to provide reasonable evidence of residency in the precinct.~~
- ~~c. Except as provided in section 16.1-01-05, the person offering to vote physically resides outside of the precinct.~~
- ~~d. The person offering to vote does not meet the residency requirements provided in section 16.1-01-05.~~

~~3. If~~ The fact that a person is a registered elector constitutes prima facie evidence of the right to vote and if any person offering to vote is challenged by a poll challenger or by a member of the election board, the challenged person, unless the challenge is withdrawn, shall stand aside and may not vote unless the challenged person executes an affidavit, acknowledged before the election inspector, that the challenged person is a legally qualified elector of the precinct.

~~4.~~ 3. The affidavit must include:

- a. The name and present address of the affiant and the address of the affiant at the time the affiant last voted.
- b. The previous last name of the affiant if it was different when the affiant last voted.
- c. A recitation of the qualifications for voting as set forth in section 16.1-01-04 and the rules for determining residence.
- d. Notice of the penalty for making a false affidavit and that the county auditor may verify the affidavit.
- e. A place for the affiant to sign and swear to the affiant's qualifications as a voter.

~~5.~~ 4. Written notice of the penalty for making a false affidavit and that the county auditor may verify the affidavits must also be prominently displayed at the polling place in a form prescribed by the secretary of state. Any person who falsely swears in

order to vote is guilty of a class A misdemeanor and must be punished pursuant to chapter 16.1-01.

~~6-~~ 5. The county auditor shall verify randomly at least ten percent of the affidavits signed in the county and shall report all known or suspected violations to the state's attorney for investigation and possible prosecution.

~~7-~~ 6. In addition to the poll challenger, not more than two poll checkers appointed by the district chairman of each political party represented on the election board may be in attendance at each polling place, provided such poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties. The poll challengers and poll checkers must be qualified electors of the district in which they are assigned.

~~8-~~ 7. No poll challenger or checker may be a member of the election board.

**SECTION 15. AMENDMENT.** Subsection 2 of section 16.1-06-16 of the North Dakota Century Code is amended and reenacted as follows:

2. Deliver to the inspector in each precinct at least three days but not more than fifteen days before the election the number of ballots, ~~pollbooks~~, blanks for election returns with the proper captions if ballots are to be hand-counted, forms of oaths and certificates, tally sheets necessary to carry out this title, and other election supplies as the county auditor determines necessary.

**SECTION 16. AMENDMENT.** Section 16.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-21. ~~Pollbooks~~ Elector registers delivered by county auditor - Contents - Inspector of elections to deliver.** The county auditor shall see that two copies of the ~~new pollbook~~ new pollbook elector register are delivered to the election inspector in each election precinct in the county. The following information must be provided to the inspector ~~and may be contained in each new pollbook:~~

1. A copy of the law prescribing the qualifications of electors.
2. A copy of the provisions of this title relating to the duties of inspectors, judges, and clerks of election.
3. A statement of the penalties imposed for offenses against the election laws.



4. ~~Blanks for all entries required to be made in the pollbook, or a preprinted listing of  
previous voters and blanks for the entry of new voters.~~

The election inspector shall deliver the ~~pollbooks, or cause the pollbooks to be delivered,~~  
elector registers to the clerks of election in the inspector's precinct on election day before the  
opening of the polls.

**SECTION 17. 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.** At any time between the opening and closing of the polls on election day, the  
election judges of the relevant precinct first shall open the outer envelope and compare the  
signature on ~~such the~~ application for an absent voter's ballot with the signature on the  
statement provided for in section 16.1-07-08. If the judges find that the statement is sufficient  
and that the signatures correspond, and that the applicant is ~~then~~ a duly qualified elector of  
~~such the~~ precinct and has not voted at the election, they shall open the absent voter's envelope  
in such manner as not to destroy the statement thereon. They shall take out the ballot ~~or~~  
~~ballots contained therein~~ without unfolding the ~~same~~ ballot, or permitting the ~~same~~ ballot to be  
opened or examined, and after stamping and initialing or initialing the ~~same~~ ballot as other  
ballots are stamped and initialed or initialed, they shall deposit the ballot in the proper ballot box  
and show in the ~~pollbook~~ elector register of the election that the elector has voted. If the  
statement is found to be insufficient, or that the signatures do not correspond, or that the  
applicant is not ~~then~~ a duly qualified elector of the precinct, the vote may not be allowed, but  
without opening the absent voter's envelope, the election inspector or election judge shall mark  
across the face thereof "rejected as defective" or "rejected as not an elector", as the case may  
be. The subsequent death of an absentee voter after having voted by absentee ballot ~~does is~~  
not ~~constitute~~ grounds for rejecting ~~such the~~ ballot.

**SECTION 18. AMENDMENT.** Section 16.1-11-31 of the North Dakota Century Code is  
amended and reenacted as follows:

**16.1-11-31. Tally books or sheets provided for election precincts - Form and  
contents.** Two tally books or two sets of tally sheets must be provided for each voting precinct  
not using electronic ballot counters. The books or sheets must contain a column for each  
political party or principle having candidates to be voted for at the voting precinct. Two tally

books or two sets of tally sheets for candidates on the no-party ballot must be provided for each voting precinct. The books or sheets must be furnished by the county auditor at the same time and in the same manner as the ~~pollbooks and~~ ballots are furnished. The names of the candidates must be placed on the tally books or sheets in the order in which they appear on the official sample ballot and, as appropriate, must have the proper party or no-party designation at the head thereof.

**SECTION 19. AMENDMENT.** Section 16.1-11-32 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-32. ~~Poll lists~~ Elector registers kept by clerks of elections.** The clerks of primary elections shall ~~keep two lists~~ make a notation of the names of all persons voting at each primary election in the elector registers in the manner prescribed by the secretary of state. Each clerk shall return one ~~list~~ elector register and one tally sheet, which must be a part of the records and filed with other election returns. Only two complete ~~lists of voters~~ elector registers may be kept whether or not a special election is held simultaneously with the primary election.

**SECTION 20. AMENDMENT.** Section 16.1-11.1-02 of the 1999 Supplement to 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 person listed in the ~~pollbooks of the county from the last regular statewide election~~ elector register on one date no sooner than the forty-fifth day before the election and no later than the thirtieth 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 following form:

I, \_\_\_\_\_, am or will be a qualified elector and to my best

(please print name)

knowledge and belief am or will be entitled to vote at the primary election. I apply for an official mail ballot to be voted by me at that election. I understand that it is a criminal offense to knowingly vote when not qualified to do so.

I have or will have resided at the below address for at least thirty days before the election. My phone number is \_\_\_\_\_.

Dated \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_, North Dakota \_\_\_\_\_

(City)

(Zip Code)

**SECTION 21. 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 canvass votes - Location - Public may attend.**

After the polls are closed, the inspector of elections and the judges shall immediately place the stamp and inkpad in the manila wrapper provided by the county auditor and seal it with the seal provided by the county auditor and then they shall open the ballot boxes and count and compare the ballots with the poll clerks' ~~lists~~ notations in the elector registers. If the ballots compare and are equal in number with the notations of names on the poll clerks' ~~lists~~ elector registers, the election board shall proceed immediately to canvass the votes. The canvass ~~shall~~ must continue without adjournment until completed and must be open to the public. Except in unusual and compelling circumstances, the vote canvass ~~shall~~ must 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 for tally 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 22. AMENDMENT.** Section 16.1-15-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-06. Reports and ~~pollbooks~~ elector registers sent to county auditor - Compensation for making returns - County auditor to forward ~~pollbook~~ elector register to clerk of United States district court and to the clerk of the North Dakota district court.**

1 By twelve noon of the day following an election except in cases of emergency or inclement  
2 weather, the inspector of elections, or one of the judges appointed by the inspector of elections,  
3 personally shall deliver the duplicate reports provided for in section 16.1-15-04 to the county  
4 auditor. The reports, carefully sealed under cover, accompanied by both of the ~~pollbooks~~  
5 elector registers provided for in section 16.1-06-21, and the wrapped and sealed stamp and  
6 inkpad, with the oaths of the inspector and poll clerks affixed thereto, must be delivered  
7 properly to the county auditor. The person making the return ~~shall~~ is entitled to receive  
8 compensation ~~therefor~~ in accordance with section 16.1-05-05. However, no compensation and  
9 no mileage may be paid if delivery of the ballots is not made by twelve noon on the day  
10 following the election. The compensation and mileage must be paid out of the county treasury  
11 on a warrant of the county auditor and is full compensation for returning all used or voided  
12 ballots and for delivering the ballot boxes to the proper official. Within thirty days after receipt  
13 thereof following each presidential election, each county auditor shall forward one of the  
14 ~~pollbooks~~ elector registers to the clerk of the United States district court for the district  
15 encompassing that county for the clerk's official use. The county auditor shall request return of  
16 the ~~pollbook~~ elector register thirty days after receipt thereof by the clerk of the United States  
17 district court. The county auditor shall provide the clerk of the North Dakota district court of ~~said~~  
18 that county with a ~~pollbook~~ an elector register to be used by the clerk for jury selection.

19 **SECTION 23. AMENDMENT.** Section 16.1-15-08 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **16.1-15-08. Wrapping and returning of ballots to clerk of the district court.** After  
22 having prepared the reports and ~~poll lists~~ elector registers provided for in section 16.1-15-06 for  
23 delivery to the county auditor, the election board shall cause the ballots of each kind cast at the  
24 election to be placed in a suitable wrapper to form a complete wrapper for the ballots. The  
25 ballots and wrappers must then be tightly secured at the outer end to completely envelop and  
26 hold the ballots together. Ballots that are void must be secured in a separate wrapper and must  
27 be marked "void". Ballots that are spoiled must be separately secured and marked "spoiled".  
28 In sealing ballots, the various classes of ballots must be kept separate. Each wrapper must be  
29 endorsed with the name or number of the precinct and the date on which the election was held.  
30 The wrappers must be sealed securely in a manner prescribed by the secretary of state so the  
31 wrappers cannot be opened without an obvious and permanent breaking of the seal. The

1 ballots, together with those found void or spoiled, and the opened envelopes from voted  
2 absentee ballots and the unopened envelopes of absentee ballots rejected as defective, must  
3 be returned in person to the clerk of the district court. Ballots used with any electronic voting  
4 system or counted by an electronic counting machine must be sealed and returned as provided  
5 in this section.

6 **SECTION 24. AMENDMENT.** Section 16.1-15-11 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **16.1-15-11. Locking and examination of voting machines - Tally of voting**  
9 **machine votes - Certification to district judge or clerk of district court.** Voting machines  
10 must remain locked for ten days next following use at an election and as much longer thereafter  
11 as necessary or advisable because of any existing or probable contest over the results of the  
12 election. They may be opened and all data and figures therein examined upon the order of any  
13 court of competent jurisdiction. A complete record of the tally of votes from each voting  
14 machine must be made by the inspector and the election judges at the time votes are tallied.  
15 This record ~~shall~~ must agree in every respect with the ~~pollbooks~~ elector registers and the  
16 original reports of the total votes cast for each candidate or measure. The record ~~shall~~ must  
17 then be certified by the inspector and the election judges, and one copy ~~shall~~ must be delivered  
18 to the district judge or to the clerk of district court at the same time as the ballots are delivered  
19 to the judge or clerk pursuant to section 16.1-15-08. The records may be opened and all data  
20 and figures therein examined upon the order of any court of competent jurisdiction in the event  
21 of any existing or probable contest over the results of the election.

22 **SECTION 25. AMENDMENT.** Section 21-03-10 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **21-03-10. Initial resolution - How adopted.** The initial resolution may be:

- 25 1. Adopted by a majority vote of the governing body at any regular meeting thereof or  
26 at any special meeting of which notice has been given as required by law, without  
27 any previous action thereon or request therefor by the qualified electors or property  
28 owners.
- 29 2. Proposed by filing a copy thereof in the office of the auditor or secretary of the  
30 municipality, together with a petition signed by qualified electors of the municipality  
31 aggregating in number one-fourth of the number of qualified electors of the

municipality, as shown by the ~~pollbook for the last preceding annual or general~~  
~~election held therein, or if such pollbook was not kept, then as shown by a census~~  
~~of the qualified electors of such municipality verified by the affidavit of one of such~~  
~~petitioners~~ elector register. ~~Such~~ The petition must ask that an election on the  
question of issuing ~~such~~ the bonds be called. Upon the filing of ~~such~~ the proposed  
initial resolution and petition, the governing body shall call ~~such~~ the election in the  
manner specified by section 21-03-11.

**SECTION 26. AMENDMENT.** Section 40-21-09 of the 1999 Supplement to the North  
Dakota Century Code is amended and reenacted as follows:

**40-21-09. Election districts in council cities - Division and consolidation by  
ordinance - Ballots to be kept separate by wards.** Each city operating under the council  
form of government in which council members are elected at large constitutes an election  
district or voting precinct, and in all other cities each ward constitutes an election district or  
voting precinct. Whenever the number of electors in any two or more contiguous wards does  
not exceed one hundred as determined by the number of votes cast at the last city election, the  
council, by ordinance, may consolidate those two or more wards into one precinct for voting  
purposes. In any city containing less than four hundred electors as determined by the number  
of votes cast at the last city election, the council, by ordinance, may consolidate all the wards of  
the city into one precinct for voting purposes. An ordinance dividing or consolidating wards  
must be passed and takes effect before the time of giving notice of the election. Wards and  
precincts established under this section constitute election districts for all state, county, and city  
elections. In city elections, separate ballot boxes and pollbooks or elector registers must be  
provided and kept for each precinct. The terms "wards", "precincts", and "election districts"  
have the same meaning except where two or more wards are consolidated into one precinct for  
voting purposes or where one ward is divided into more than one precinct for voting purposes.  
This section does not prohibit the use of one building as the election polling place for more than  
one ward or the installation of voting machines from separate wards in one building.

**SECTION 27. AMENDMENT.** Section 40-21-13 of the 1999 Supplement to the North  
Dakota Century Code is amended and reenacted as follows:

**40-21-13. Municipal elections to be governed by rules applicable to county  
elections - Absent voting.** The manner of conducting, voting at, keeping poll lists or elector

1 registers, and canvassing votes at municipal elections, recounts, and contests of the results of  
2 the elections is governed, as nearly as possible and except as otherwise provided in this  
3 chapter, by the laws of this state applicable to elections and contests in the case of county  
4 officers. Absent voters' ballots must be available in municipal elections in accordance with  
5 chapter 16.1-07.

6 **SECTION 28. AMENDMENT.** Section 58-04-09 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **58-04-09. Challenge to voter - Duty of judges.** If any person offering to vote at any  
9 election or upon any question arising at a township meeting is challenged as unqualified ~~using~~  
10 ~~the criteria provided in section 16.1-05-06~~, the judges shall proceed in the manner in which  
11 judges at a general election are required to proceed, adapting the affidavit described in section  
12 16.1-05-06 to the circumstances of the township meeting.