

HOUSE BILL NO. 1452

Introduced by

Representatives Horter, Grande, Klein

Senator Klein

1 A BILL for an Act to amend and reenact section 16.1-02-02, subsection 1 of section 16.1-02-03,
2 subsection 5 of section 16.1-02-05, and sections 16.1-02-07, 16.1-02-10, 16.1-02-12, and
3 16.1-02-13 of the North Dakota Century Code, relating to the central voter file; and to repeal
4 section 16.1-02-08 of the North Dakota Century Code, relating to the central voter file.

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

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

8 **16.1-02-02. Costs of creating and maintaining a central voter file.** The creation of
9 the central voter file and its maintenance through June 30, ~~2009~~ 2011, must be paid for with
10 funds from the state's election fund, provided the election fund contains adequate funding to
11 create and maintain the central voter file. The creation of the central voter file and its
12 maintenance through June 30, ~~2009~~ 2011, may not be paid for from funds in the secretary of
13 state's budget, the state's general fund, or from county funds. Beginning July 1, ~~2009~~ 2011, the
14 offices required to perform the functions and duties of this chapter shall bear the costs incurred
15 in performing those duties and the secretary of state shall pay the costs of operating and
16 maintaining the central voter file.

17 **SECTION 2. AMENDMENT.** Subsection 1 of section 16.1-02-03 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 1. Not later than the primary election in ~~2006~~ 2008, the secretary of state shall
20 establish the central voter file in cooperation with the department of transportation
21 and county auditors.

22 **SECTION 3. AMENDMENT.** Subsection 5 of section 16.1-02-05 of the North Dakota
23 Century Code is amended and reenacted as follows:

1 5. Within ninety days after an election, the county auditor shall send the notice
2 provided for under subsection 3 to ~~each individual who was~~ at least ten percent of
3 the individuals who were challenged on election day according to section
4 16.1-05-06. If a notice is returned as not deliverable, the county auditor shall
5 attempt to determine the reason for the return. A county auditor who does not
6 receive or obtain satisfactory proof of an individual's eligibility to vote shall
7 immediately notify the state's attorney to conduct an investigation of the individual's
8 eligibility to vote in that election.

9 **SECTION 4. AMENDMENT.** Section 16.1-02-07 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **16.1-02-07. Reporting ~~individuals placed under guardianship and changes of~~**
12 **names - Changes to records in the central voter file.**

13 ~~1. The state court administrator shall provide for the regular reporting to the secretary~~
14 ~~of state the name, address, date of birth, and county of residence, if available, of~~
15 ~~each individual eighteen years of age or older who has been placed under a~~
16 ~~guardianship and as a result has been deprived of the legal right to vote since the~~
17 ~~last report. Within thirty days after receiving a report, the secretary of state shall~~
18 ~~designate each individual included in the report as "ineligible" in the central voter~~
19 ~~file. The secretary of state shall prepare and distribute a list of individuals~~
20 ~~designated as "ineligible" to each county auditor.~~

21 ~~2. The state court administrator shall provide for the regular reporting to the secretary~~
22 ~~of state the name, address, and date of birth, if available, of each individual~~
23 ~~eighteen years of age or older whose legal right to vote has been restored by the~~
24 ~~court since the last report. Within thirty days after receiving a report, the secretary~~
25 ~~of state shall remove the "ineligible" designation of the individual in the central~~
26 ~~voter file. The secretary of state shall prepare and distribute a list of those~~
27 ~~individuals to each county auditor.~~

28 ~~3.~~ The state court administrator shall provide for the regular reporting to the secretary
29 of state the name, address, date of birth, and county of residence, if available, of
30 each individual eighteen years of age or older whose name was changed by
31 divorce or any order or decree of the court since the last report. Within sixty days

1 after receiving the report, the secretary of state shall make the name changes in
2 the central voter file and notify by mail each individual whose name was changed
3 that the individual's name has been changed accordingly in the central voter file.
4 The secretary of state shall prepare and distribute a list of those individuals to each
5 county auditor.

6 **SECTION 5. AMENDMENT.** Section 16.1-02-10 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **16.1-02-10. Posting voting history - Failure to vote - Individuals designated**
9 **inactive.** Within ninety days after each election, each county auditor shall post the voting
10 history for each individual who voted in the election. After the close of the ~~2008~~ 2010 calendar
11 year, the secretary of state shall determine if any individual has not voted during the preceding
12 four years and shall change the status of each such individual to "inactive" in the central voter
13 file. The secretary of state shall prepare a report to each county auditor which contains the
14 name of each individual who has been designated as "inactive" in the central voter file.
15 Although not counted in an election, a late absentee ballot from an individual may not be used
16 to designate an individual as "inactive" in the central voter file.

17 **SECTION 6. AMENDMENT.** Section 16.1-02-12 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **16.1-02-12. Information contained and maintained in the central voter file.** The
20 central voter file must contain the following information for each individual included in the file:

- 21 1. The complete name of the individual.
- 22 2. The complete residential address of the individual.
- 23 3. The complete mailing address of the individual, if different from the individual's
24 residential address.
- 25 4. The unique identifier generated and assigned to the individual.
- 26 5. A designation showing whether the individual's ability to vote in a precinct has
27 been inactivated as a result of death, ~~incarceration, or because of a change in~~
28 ~~guardianship status,~~ or because the individual is no longer a resident of the
29 precinct according to section 16.1-01-04.
- 30 6. ~~A designation showing whether the individual must be challenged according to~~
31 ~~section 16.1-05-06.~~

1 ~~7.~~ The county, legislative district, city or township, school district, county
2 commissioner district, if applicable, precinct name, and precinct number in which
3 the individual resides.

4 ~~8.~~ 7. Beginning in 2008, four years of an individual's voting history, if applicable.

5 ~~9.~~ 8. Any other information requested of and obtained from the individual deemed
6 necessary by the secretary of state for the proper administration of the central
7 voter file.

8 **SECTION 7. AMENDMENT.** Section 16.1-02-13 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-02-13. Information contained in pollbooks generated from the central voter**

11 **file.** The county auditor shall generate a pollbook for each precinct in the county from the
12 central voter file by the ~~fifteenth~~ day before an election. With the exception of the unique
13 identifier, which is an exempt record, the precinct pollbooks are open records under section
14 44-04-18. Between the fifteenth day before the election and the day of the election, no changes
15 or updates to records of individuals contained in the central voter file or a pollbook generated
16 from the central voter file may be made, other than changes related to the status of an
17 individual voting early or an individual requesting and returning an absent voter's ballot. The
18 secretary of state shall prescribe procedures for generating pollbooks and for transporting the
19 pollbooks to the election judges for use on election day. Pollbooks generated from the central
20 voter file must contain the following information for each individual contained therein:

- 21 1. The complete name of the individual.
- 22 2. The complete residential address of the individual.
- 23 3. The complete mailing address of the individual, if different from the individual's
24 residential address.
- 25 4. The unique identifier generated and assigned to the individual.
- 26 5. ~~A designation showing whether the individual must be challenged according to~~
27 ~~section 16.1-05-06.~~

28 ~~6.~~ The county, legislative district, city or township, school district, county
29 commissioner district, if applicable, precinct name, and precinct number in which
30 the individual resides.

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- 1 ~~7.~~ 6. Any other information requested of and obtained from the individual deemed
2 necessary by the secretary of state for the proper administration of the pollbook.
3 **SECTION 8. REPEAL.** Section 16.1-02-08 of the North Dakota Century Code is
4 repealed.