

HOUSE BILL NO. 1431

Introduced by

Representatives Herbel, Devlin

Senator Lyson

1 A BILL for an Act to amend and reenact sections 16.1-04-03 and 16.1-05-01 and subdivision a
2 of subsection 1 of section 16.1-05-02 of the North Dakota Century Code, relating to precincts,
3 polling places, and election officers.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-04-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-04-03. Time limitations.** The authority granted by this chapter must be exercised
8 by the respective governing bodies no later than December thirty-first of the year immediately
9 preceding an election cycle and no later than seventy days before an a special election. If
10 legislative reapportionment occurs, the authority granted by this chapter must be exercised, as
11 it relates to the establishment or reestablishment of voting precincts that may be required
12 because of any change in legislative districts, within thirty-five days after the effective date of
13 the reapportionment.

14 **SECTION 2. AMENDMENT.** Section 16.1-05-01 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **16.1-05-01. Election officers.** At each primary, general, and special statewide or
17 legislative district election, and at county elections, each polling place must have an election
18 board in attendance. The election board must consist of an election inspector and at least two
19 election judges. Counties utilizing polling places containing more than one precinct may
20 choose to use one election board to supervise all precincts even if the precincts are within
21 different legislative districts so long as each district chairman of each qualified political party is
22 given the opportunity to have representation on the election board if desired.

23 1. The election inspector must be selected in the following manner:

- 1 a. In all precincts established by the governing body of an incorporated city
2 pursuant to chapter 16.1-04, the governing body shall appoint the election
3 inspectors for those precincts and fill all vacancies occurring in those offices.
4 b. In all other precincts, the county auditor, with the approval of the majority of
5 the board of county commissioners, shall appoint the election inspectors and
6 fill all vacancies occurring in those offices. The selection must be made on
7 the basis of the inspector's knowledge of the election procedure.
8 c. The election inspector shall serve until a successor is named. If an inspector
9 fails to appear for any training session without excuse, the office is deemed
10 vacant and the auditor shall appoint an individual to fill the vacancy.

11 Except in the case of special elections, all appointments required to be made under
12 this section must be made at least twenty-one days preceding an election.

- 13 2. The election judges and poll clerks for each ~~precinct~~ polling place must be
14 appointed in writing by the district chairs representing the two parties that cast the
15 largest number of votes in the state at the last general election. In ~~voting precincts~~
16 ~~or districts~~ polling places in which over one thousand votes are cast in any
17 election, the county auditor may request each district party chair to appoint an
18 additional election judge. In ~~voting precincts or districts~~ polling places in which
19 over three hundred votes are cast in any election, each district party chair may
20 appoint additional poll clerks as determined by the county auditor. The district
21 party chair shall notify the county auditor of the counties in which the precincts are
22 located of the appointment of the election judges and poll clerks at least
23 twenty-one days before the primary, general, or special election. If this notice is
24 not received within the time specified in this section, the county auditor shall
25 appoint the judges and poll clerks. If the county auditor has exhausted all
26 practicable means to select judges and clerks from within the ~~voting precinct~~
27 boundaries of the precincts within the polling place and vacancies still remain, the
28 county auditor may select election judges and clerks who reside outside of the
29 voting precinct but who reside within the ~~precinct's~~ polling place's legislative ~~district~~
30 districts. If vacancies still remain, the county auditor may select election judges
31 and clerks who reside outside of the legislative ~~district~~ districts but who reside

1 within the county. If at any time before or during an election, it shall be made to
2 appear to an election inspector, by the affidavit of two or more qualified electors of
3 the precinct, that any election judge or poll clerk is disqualified under this chapter,
4 the inspector shall remove that judge or clerk at once and shall fill the vacancy by
5 appointing a qualified person of the same political party as that of the judge or clerk
6 removed. If the disqualified judge or clerk had taken the oath of office as
7 prescribed in this chapter, the inspector shall place the oath or affidavit before the
8 state's attorney of the county.

9 **SECTION 3. AMENDMENT.** Subdivision a of subsection 1 of section 16.1-05-02 of the
10 North Dakota Century Code is amended and reenacted as follows:

11 1. a. Except as provided in subdivisions b and d, every member of the election
12 board and each poll clerk must be a qualified elector of ~~the~~ a precinct within
13 the polling place boundaries in which the person is assigned to work and must
14 be eligible to vote at the polling place to which the person is assigned unless
15 the county auditor has exhausted all means to appoint election judges and
16 clerks from within the voting precinct under subsection 2 of section
17 16.1-05-01.