

Introduced by

Representatives Holman, Devlin, J. Nelson, Pollert

Senators Dotzenrod, Erbele, Heckaman

1 A BILL for an Act to amend and reenact subsection 1 of section 16.1-07-08 and sections  
2 16.1-07-09 and 16.1-11.1-03 of the North Dakota Century Code, relating to delivery of absent  
3 voters' ballots and mail ballots and counting of absent voters' ballots.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 16.1-07-08 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 1. ~~Upon~~Except as otherwise required under this chapter for a covered voter as defined in  
8 section 16.1-07-18, upon receipt of an application for an official ballot properly filled  
9 out and duly signed, ~~or as soon thereafter as the official ballot for the precinct in which~~  
10 ~~the applicant resides has been prepared, but no earlier than twenty-one days before~~  
11 the election, the county auditor, city auditor, or business manager of the school district,  
12 as the case may be, shall send to the absent voter by mail, at the expense of the  
13 political subdivision conducting the election, one official ballot, or personally deliver the  
14 ballot to the applicant or the applicant's agent, which agent may not, at that time, be a  
15 candidate for any office to be voted upon by the absent voter. The agent shall sign the  
16 agent's name before receiving the ballot and deposit with the auditor or business  
17 manager of the school district, as the case may be, authorization in writing from the  
18 applicant to receive the ballot or according to requirements set forth for signature by  
19 mark. The auditor or business manager of the school district, as the case may be, may  
20 not provide an absent voter's ballot to a person acting as an agent who cannot provide  
21 a signed, written authorization from an applicant. No person may receive  
22 compensation, including money, goods, or services, for acting as an agent for an  
23 elector, nor may a person act as an agent for more than four electors in any one

1 election. A voter voting by absentee ballot may not require the political subdivision  
2 providing the ballot to bear the expense of the return postage for an absentee ballot.

3 **SECTION 2. AMENDMENT.** Section 16.1-07-09 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **16.1-07-09. Canvassing of mailed absent voter's ballots received late.**

6 In the case of congressional, state, county, city, or school district elections, if an envelope  
7 postmarked or otherwise officially marked by the United States postal service or other mail  
8 delivery system before the date of election and containing an absent voter's ballot is received by  
9 the officer too late to be forwarded to a polling place of the proper voting precinct in time to be  
10 tabulated, the ballot must be tallied by the canvassing board of the county, the governing body  
11 of the city, or the school board of the school district, as the case may be, at the time the returns  
12 are canvassed. Any envelope without a postmark or other official marking by the United States  
13 postal service or other mail delivery system or with an illegible postmark or other official marking  
14 and containing an absentee voter's ballot must be received by mail by the proper officer prior to  
15 the meeting of the canvassing board. An absent voter may personally deliver the absent voter's  
16 ballot to the appropriate officer's office at any time before five p.m. on the day before the  
17 election or to the voter's polling place on the day of the election. A voter delivering the ballot to  
18 the polling place on the day of the election shall provide proof of identification as required under  
19 section 16.1-05-07 and cast the ballot as directed by the election officers. Any envelope  
20 containing an absent voter's ballot with a postmark or official date stamp on the day of election  
21 or thereafter may not be tallied with the ballots timely submitted for the election. Before  
22 forwarding any ballot to a canvassing board pursuant to this section, the officer forwarding the  
23 ballot shall print the date of receipt on the envelope. Upon receipt, the canvassing board shall  
24 determine that the elector was qualified to vote in that precinct, that the elector did not  
25 previously vote in that precinct on the date of the election, and that the signatures on the  
26 absentee ballot application and the voter's affidavit were signed by the same person before  
27 allowing the ballot to be tallied.

28 **SECTION 3. AMENDMENT.** Section 16.1-11.1-03 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1       **16.1-11.1-03. Mail ballot distribution.**

2       ~~The~~Unless otherwise required by law, no earlier than twenty-one days before the election,  
3 the county auditor shall mail an official mail ballot with a return identification envelope, voter's  
4 affidavit, and instructions according to section 16.1-07-08.