

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1059

Introduced by

Representatives Roers Jones, Pyle, Schreiber-Beck

Senators Meyer, K. Roers

1 A BILL for an Act to amend and reenact section 16.1-05-01 and subsection 4 of section
2 16.1-05-04 of the North Dakota Century Code, relating to part-time appointment of election
3 workers and required presence at polling places.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-05-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-05-01. Election officers.**

8 At each primary, general, and special statewide or legislative district election, and at county
9 elections, each polling place must have an election board in attendance. The election board
10 must consist of an election inspector and at least two election judges. Counties utilizing polling
11 places containing more than one precinct may choose to use one election board to supervise all
12 precincts even if the precincts are within different legislative districts so long as each district
13 chairman of each qualified political party is given the opportunity to have representation on the
14 election board if desired. Appointing part-time election inspectors, judges, and poll clerks is
15 permitted if there is sufficient coverage at each polling place to satisfy the requirements of
16 subsection 4 of section 16.1-15-04.

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

- 18 a. Except as provided in subdivision b, in all precincts established by the governing
19 body of an incorporated city pursuant to chapter 16.1-04, the governing body
20 shall appoint the election inspectors for those precincts and fill all vacancies
21 occurring in those offices.
- 22 b. In all multiprecinct polling places containing both rural and city precincts, the
23 county auditor, with the approval of the majority of the board of county
24 commissioners, shall appoint the election inspectors and fill all vacancies

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1 occurring in those offices. The selection must be made on the basis of the
2 inspector's knowledge of the election procedure.

- 3 c. The election inspector shall serve until a successor is named. If an inspector fails
4 to appear for any training session without excuse, the office is deemed vacant
5 and the auditor shall appoint an individual to fill the vacancy.
6 d. All appointments required to be made under this section must be made at least
7 forty days preceding an election.

8 2. The election judges must be appointed in the following manner:

- 9 a. Except as provided in subdivision b:

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

26 b. For special elections involving only no-party offices, the election official
27 responsible for the administration of the election, with the approval of the majority
28 of the members of the applicable governing body, shall appoint the election
29 judges for each polling place.

30 3. If at any time before or during an election, it appears to an election inspector, by the
31 affidavit of two or more qualified electors of the precinct, or precincts for a

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1 multiprecinct polling place, that any election judge is disqualified under this chapter,
2 the inspector shall remove that judge at once and shall fill the vacancy by appointing a
3 qualified individual of the same political party as that of the judge removed. If the
4 disqualified judge had taken the oath of office as prescribed in this chapter, the
5 inspector shall place the oath or affidavit before the state's attorney of the county.

6 4. The election official responsible for the administration of the election, with the approval
7 of the majority of the members of the applicable governing body, shall appoint the poll
8 clerks for each polling place. ~~However, no fewer than~~At least two poll clerks must be
9 appointed for each polling place. Poll clerks must be appointed based on their
10 knowledge of election matters, attention to detail, and ~~on~~ any necessary technical
11 knowledge.

12 **SECTION 2. AMENDMENT.** Subsection 4 of section 16.1-05-04 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 4. ~~Each member of the~~At least one election inspector and two election judges from the
15 ~~election board shall remain~~must be present on the premises of the polling place during
16 the time the polls are open to prevent the occurrence of fraud, deceit, or other
17 irregularity in the conduct of the election.