

HOUSE BILL NO. 1189

Introduced by

Representatives Louser, Fisher, Kasper, B. Koppelman, Rohr, D. Ruby, Schauer

Senators Burckhard, Meyer, Vedaa

1 A BILL for an Act to create and enact a new section to chapter 16.1-15 of the North Dakota
2 Century Code, relating to provisional ballots; and to amend and reenact sections 16.1-15-02
3 and 16.1-15-06 of the North Dakota Century Code, relating to the canvass report requirements.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-15-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-15-02. Board of election to generate canvass reports - Location - Public may**
8 **attend.**

9 After

10 1. Within ~~ninety minutes~~ **three hours** after the ~~polls are closed~~ official closing time of the
11 polling place, the inspector of elections and the judges immediately shall ~~immediately~~
12 generate the canvass report from the electronic voting system and deliver the report to
13 the county auditor in the time frame provided in section 16.1-15-06. The ballots
14 counted by the machine must be equal in number with the names on the poll clerks'
15 lists. If the numbers are not equal, the pollbooks are to be rechecked to find the
16 discrepancy. The canvass ~~shall~~ must continue without adjournment until completed and
17 must be open to the public.

18 2. Except in unusual and compelling circumstances, the canvass ~~shall~~ must occur at the
19 polling place. If good and substantial reasons exist for the removal of the ballots and
20 election records to another location for canvass, the other location must be in the
21 same precinct and the removal must be approved by the election board. In no case
22 may the ballots be removed to another location ~~prior to~~ before generating the canvass
23 report after the ballot boxes have been opened. Upon approval of a change of location
24 by the election board as provided in this section, the approximate time and location of

1 the canvass must be ~~prominently~~ posted prominently on the main entrance to the
2 polling place, the ballots and records must be moved in the presence of the election
3 board, and the canvass as provided in this chapter must proceed immediately upon
4 arrival at the alternate location.

5 **SECTION 2.** A new section to chapter 16.1-15 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Voter casting ballot after time frame for generating and delivering canvass report -**
8 **Provisional ballot.**

9 A qualified elector who receives a ballot but has not completed the ballot in time for the poll
10 workers to generate and deliver the canvass report in the time frame provided in this chapter
11 may complete and submit the ballot as a provisional ballot. The ballot must be marked as a
12 provisional ballot and be separated and held apart from other ballots. The secretary of state
13 may prescribe procedures to facilitate the casting, secrecy, and counting of provisional ballots
14 under this section.

15 **SECTION 3. AMENDMENT.** Section 16.1-15-06 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **16.1-15-06. Canvass report and pollbooks sent to county auditor - Compensation for**
18 **making returns.**

19 Immediately following

20 1. Following the canvass, except in cases of emergency or inclement weather, the
21 inspector of elections, or one of the judges appointed by the inspector of elections,
22 personally shall deliver the signed canvass report provided for in section 16.1-15-04 to
23 the county auditor ~~within ninety minutes~~ three hours after the official closing time of the
24 polling place. The report, carefully sealed under cover, accompanied by the pollbook
25 provided for in sections 16.1-02-13 and 16.1-06-21 with the oaths of the inspector and
26 poll clerks affixed thereto, must be delivered properly to the county auditor.

27 2. The individual making the return is entitled to receive compensation ~~therefor~~ in
28 accordance with section 16.1-05-05. The compensation and mileage must be paid out
29 of the county treasury on a warrant of the county auditor and is full compensation for
30 returning all used or voided ballots to the proper official.