SENIATE BILL NO. 2142
(Senators K. Roers, Marcellais, Vedaa)
(Representatives P. Anderson, Louser, Meier)

AN ACT to amend and reenact section 16.1-07-12 of the North Dakota Century Code, relating to processing absentee ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-07-12 of the North Dakota Century Code is amended and reenacted as follows:


1. At any time beginning on the day three business days before election day and the closing of the polls ending when the polls close on election day, the election clerks and board members of the relevant polling place first shall compare the signature on the application for an absent voter's ballot with the signature on the voter's affidavit provided for in section 16.1-07-08 to ensure the signatures correspond. If the applicant is then a duly qualified elector of the precinct and has not voted at the election, the election clerk or board member shall open the absent voter's envelope in a manner as not to destroy the affidavit thereon on the envelope. They The election clerk or board member shall take out the secrecy envelope with the ballot or ballots contained therein inside without unfolding the ballot, or permitting the ballot to be opened or examined, and indicate in the pollbook of the election that the elector has voted. The election board members not participating in the comparing of signatures and entering voters into the pollbook shall remove the ballot or ballots from the secrecy envelope, unfold and initial the same ballot, and deposit the ballot in the proper ballot box for tabulation. The votes from these cast the ballots may not be tallied and the tabulation reports may not be generated until the polls have closed on election day.

2. If the affidavit on the outer envelope of a returned absentee ballot is found to be insufficient, or that the signatures on the application and affidavit do not correspond, or that the applicant is not a duly qualified elector of the precinct, the vote may not be allowed, and without opening the absent voter's envelope, the election inspector or election judge shall mark across the face thereof the ballot "rejected as defective" or "rejected as not an elector", as the case may be. The ballots rejected under this subsection then are then turned over to the county canvassing board for final determination of eligibility. The subsequent death of an absentee voter after having voted by absentee ballot does not constitute grounds for rejecting the ballot.
This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2142.

Senate Vote:  Yeas 47  Nays 0  Absent 0
House Vote:  Yeas 84  Nays 9  Absent 1

Secretary of the Senate

Received by the Governor at _______ M. on ________________________________ , 2021.

Approved at _______ M. on ________________________________ , 2021.

Governor

Filed in this office this ___________ day of ________________________________ , 2021,

at _______ o’clock _______ M.

Secretary of State