

SENATE BILL NO. 2307

Introduced by

Senators Meyer, K. Roers

Representatives Beadle, Grueneich, C. Johnson, Sanford

1 A BILL for an Act to create and enact a new section to chapter 16.1-02 of the North Dakota
2 Century Code, relating to use of voter lists; and to amend and reenact ~~section~~sections
3 16.1-01-03, ~~subsection 2 of section 16.1-01-09, subsection 2 of section 16.1-01-09.1, and~~
4 ~~sections~~ 16.1-02-12, and 16.1-16-01 of the North Dakota Century Code, relating to hours of
5 polling places, ~~requirements for petition signatures~~, information in the central voter file, and
6 election recounts.

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

8 **SECTION 1. AMENDMENT.** Section 16.1-01-03 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-01-03. Opening and closing of the polls.**

11 The polls at all primary, general, and special elections must be opened at nine a.m. or at
12 such earlier hour, but not earlier than seven a.m., that may be ~~as~~ designated for any precinct by
13 resolution of the governing body of the city or county in which ~~such~~the precinct is located ~~except~~
14 that in precincts in which seventy-five or fewer votes were cast in the last general election, the
15 governing body may direct that the polls be opened at twelve noon. ~~They~~The polls must remain
16 open continuously until seven p.m. or such later hour, not later than nine p.m., as may be
17 designated for a precinct by resolution of the governing body of the city or county in which the
18 precinct is located. All electors standing in line to vote at the time the polls are set to close must
19 be allowed to vote, but electors arriving after closing time may not be allowed to vote. The
20 election officers present are responsible for determining who arrived in time to vote, and ~~they~~the
21 election officers shall establish appropriate procedures for making that determination. All
22 determinations required to be made pursuant to this section relating to polling hours must be
23 made, and the county auditor notified of them, no later than thirty days prior to an election.

1 ~~SECTION 2. AMENDMENT.~~ Subsection 2 of section 16.1-01-09 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 ~~2.~~ An individual may not sign any initiative or referendum petition circulated pursuant to
4 article III of the Constitution of North Dakota unless the individual is a qualified elector.
5 An individual may not sign any petition more than once, and each signer also shall
6 also legibly print the signer's name, complete residential address or rural route or
7 general delivery address, and the date of signing on the petition. Every qualified
8 elector signing a petition shall do so in the presence of the individual circulating the
9 petition. A referendum or initiative petition must be on a form prescribed by the
10 secretary of state containing the following information:

11 REFERENDUM [INITIATIVE] PETITION
12 TO THE SECRETARY OF STATE,
13 STATE OF NORTH DAKOTA

14 _____ We, the undersigned, being qualified electors request [House (Senate) Bill
15 _____ passed by the _____ Legislative Assembly] [the following
16 initiated law] be placed on the ballot as provided by law.

17 SPONSORING COMMITTEE

18 _____ The following are the names and addresses of the qualified electors of the state
19 of North Dakota who, as the sponsoring committee for the petitioners, represent
20 and act for the petitioners in accordance with law:

21 _____ Name _____ Address
22 _____ (Chairperson) _____
23 _____

24 PETITION TITLE

25 _____ (To be drafted by the secretary of state, approved by the attorney general, and
26 attached to the petition before circulation.)

27 FULL TEXT OF THE MEASURE

28 _____ IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING
29 ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS
30 BEING DELETED. IF MATERIAL IS NOT UNDERSCORED OR OVERSTRUCK,
31 THE MATERIAL IS EXISTING LAW THAT IS NOT BEING CHANGED.

1 ~~_____ [The full text of the measure must be inserted here.]~~

2 **INSTRUCTIONS TO PETITION SIGNERS**

3 ~~_____ You are being asked to sign a petition. You must be a qualified elector. This~~
4 ~~means you are eighteen years old, you have lived in North Dakota thirty days,~~
5 ~~and you are a United States citizen. All signers also shall also legibly print their~~
6 ~~name, complete residential address or rural route or general delivery address,~~
7 ~~and the date of signing on the petition. Every qualified elector signing a petition~~
8 ~~must do so in the presence of the individual circulating the petition.~~

9 **QUALIFIED ELECTORS**

10 _____ Signed

11 _____ Month, Name of Printed Residential Address or City

12 _____ Day, Qualified Name of Complete Rural Route State,

13 _____ Year Elector Qualified or General Delivery Zip Code

14 _____ Elector Address

15 _____ 1. _____

16 _____ 2. _____

17 _____ 3. _____

18 _____ 4. _____

19 _____ 5. _____

20 _____ 6. _____

21 _____ 7. _____

22 _____ 8. _____

23 ~~_____ The number of signature lines on each page of a printed petition may vary if~~
24 ~~necessary to accommodate other required textual matter. In this section for~~
25 ~~referral petitions "full text of the measure" means the bill as passed by the~~
26 ~~legislative assembly excluding the session and sponsor identification. In this~~
27 ~~section for initiative petitions "full text of the measure" means an enacting clause~~
28 ~~which must be: "BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH~~
29 ~~DAKOTA" and the body of the bill. If the measure amends the law, all new~~
30 ~~statutory material must be underscored and all statutory material to be deleted~~
31 ~~must be overstruck by dashes. When repealing portions of the law, the measure~~

1 ~~_____ You are being asked to sign a petition. You must be a qualified elector. This~~
2 ~~means you are eighteen years old, you have lived in North Dakota for thirty days,~~
3 ~~and you are a United States citizen. All signers also shall also legibly print their~~
4 ~~name, complete residential, rural route, or general delivery address, and date of~~
5 ~~signing on the petition. Every qualified elector signing a petition must do so in the~~
6 ~~presence of the individual circulating the petition.~~

7 **QUALIFIED ELECTORS**

8 ~~_____ Signed _____ Printed _____ Complete Residential,~~
9 ~~_____ Month, _____ Name of _____ Name of _____ Rural Route, _____ City~~
10 ~~_____ Day, _____ Qualified _____ Qualified _____ or General _____ State,~~
11 ~~_____ Year _____ Elector _____ Elector _____ Delivery Address _____ Zip Code~~

- 12 ~~_____ 1. _____~~
- 13 ~~_____ 2. _____~~
- 14 ~~_____ 3. _____~~
- 15 ~~_____ 4. _____~~
- 16 ~~_____ 5. _____~~
- 17 ~~_____ 6. _____~~
- 18 ~~_____ 7. _____~~
- 19 ~~_____ 8. _____~~

20 ~~_____ The number of signature lines on each page of a printed petition may vary~~
21 ~~if necessary to accommodate other required textual matter.~~

22 **SECTION 2. AMENDMENT.** Section 16.1-02-12 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **16.1-02-12. Information contained and maintained in the central voter file.**

25 The central voter file must contain the following information for each individual included in
26 the file:

- 27 1. The complete legal name of the individual.
- 28 2. The complete residential address of the individual.
- 29 3. The complete mailing address of the individual, if different from the individual's
- 30 residential address.
- 31 4. The unique identifier generated and assigned to the individual.

- 1 5. A status designation showing ~~whether~~of the individual's ~~ability~~eligibility to vote in a
2 precinct has ~~been inactivated as a result of death or because the individual is no~~
3 ~~longer a resident of the precinct according to section 16.1-01-04.~~
- 4 6. The county, legislative district, city or township, school district, county commissioner
5 district, if applicable, precinct name, and precinct number in which the individual
6 resides.
- 7 7. Beginning in 2008, four years of an individual's voting history, if applicable.
- 8 8. Date of birth.
- 9 9. The individual's driver's license or nondriver identification card number issued by the
10 department of transportation, or the unique identifier from an official form of
11 identification issued by a tribal government to a tribal member residing in this state.
- 12 10. Any other information requested of and obtained from the individual deemed
13 necessary by the secretary of state for the proper administration of the central voter
14 file.

15 **SECTION 3.** A new section to chapter 16.1-02 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Voter lists and reports - Availability for voter list maintenance.**

18 The secretary of state may generate a voter list or a report generated from the central voter
19 file to be transmitted to other states, or a consortium of states, for maintaining the integrity of
20 elections.

21 **SECTION 4. AMENDMENT.** Section 16.1-16-01 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-16-01. Election recounts.**

24 A recount of any primary, special, or general election for nomination or election to a
25 congressional, state, district, legislative, county, or city office, or for the approval or disapproval
26 of any measure, question, or bond issue submitted to the qualified electors of this state or one
27 of its political subdivisions must be conducted according to guidelines established by the
28 secretary of state and as follows:

- 29 1. A recount must be conducted when:
 - 30 a. Any individual failed to be nominated by the individual's party or to a no-party
31 office in a primary election by one percent or less of the highest vote cast for a

- 1 candidate seeking nomination from the political party for the office sought or for a
2 candidate for the no-party office sought.
- 3 b. Any individual failed to be elected in a general or special election by one-half of
4 one percent or less of the highest vote cast for a candidate for that office.
- 5 c. A question, measure, or bond issue submitted to the qualified electors has been
6 decided by a margin not exceeding one-fourth of one percent of the total vote
7 cast for and against the question at any election.
- 8 2. A demand for a recount may be made by any of the following:
- 9 a. Any individual who failed to be nominated by the individual's party or to a
10 no-party office in a primary election by more than one percent and less than two
11 percent of the highest vote cast for a candidate seeking nomination from the
12 political party for the office sought or for a candidate for the no-party office
13 sought.
- 14 b. Any individual who failed to be elected in a general or special election by more
15 than one-half of one percent and less than two percent of the highest vote cast
16 for a candidate for that office.
- 17 3. A demand for a recount must be made within three days after the canvass of the votes
18 by the county canvassing board in the case of county elections and city elections that
19 are combined with the county and by the state canvassing board in the case of
20 presidential, congressional, state, judicial district, multicounty district, or legislative
21 elections. The demand must be in writing, must recite one of the conditions in
22 subsection 2 as a basis for the recount, must contain a bond in an amount previously
23 established by the auditor or auditors doing the recount sufficient to pay the cost of the
24 recount, and must be filed with:
- 25 a. The secretary of state when the recount is for a congressional, state, district, or
26 legislative office.
- 27 b. The county auditor when the recount is for a county office or city office when a
28 city election is combined with the county.
- 29 4. Within four days after the canvass of the votes by the state canvassing board in the
30 case of presidential, congressional, state, judicial district, multicounty district, or
31 legislative elections, the secretary of state shall notify all the county auditors to

1 conduct recounts as required by subsection 1 and, when a timely recount demand is
2 received and it is in proper form, as required by subsection 2. The secretary of state
3 shall fix the date or dates of the recounts of legislative contests to be held within seven
4 days after giving notice to the affected auditors that recounts must be conducted. The
5 secretary of state shall fix the date or dates of the recounts of statewide races to be
6 held within fourteen days after giving notice to the auditors that recounts must be
7 conducted. Within four days after the canvass of votes by the county canvassing
8 board or other political subdivision canvassing board, the county auditor or other
9 political subdivision election official shall fix the date for recounts limited to the county,
10 those cities within the county which combined the election with the county, or other
11 political subdivision. The date must be within eight days after the canvass. In all
12 recount proceedings, the county auditor or other election official, as appropriate, shall
13 send notice of the date, place, and time of the recount to all candidates and petitioners
14 involved by certified mail.

- 15 5. For recounts conducted by counties of federal, state, district, and county offices,
16 measures, and questions, the county auditor must conduct the recount and may
17 employ up to ~~fourteen~~ qualified electors of the county to assist in the recount. The
18 county auditor shall review all ~~paper and electronic voting system~~ properly cast ballots
19 and associated records, ~~whether the ballots were counted at the precinct or the county~~
20 ~~canvass, and all absentee ballots cast pursuant to section 16.1-07-09 to determine~~
21 ~~which ballots were cast and counted according to the law, including that the ballots~~
22 ~~were properly initialed and that the initials found on the ballots are verified as those of~~
23 ~~the precinct election board members.~~ The county auditor shall check the precinct
24 count and the count of the county canvassing board. If the county auditor is a
25 candidate involved in the recount, the county auditor is disqualified from acting
26 thereon, and the county recorder shall perform the duties required of the county
27 auditor by this section. For recounts conducted by political subdivisions other than
28 counties of local offices, measures, and questions, the election officer in a political
29 subdivision shall administer a recount in the same manner as is required under this
30 subsection for counties with respect to political subdivision offices, ballot measures,
31 questions, or bond issues.

- 1 6. a. The individuals entitled to participate at the recount are:
- 2 (1) Each candidate involved in the recount, either personally or by a
- 3 representative.
- 4 (2) A qualified elector favoring each side of a question if the recount involves a
- 5 question or proposition submitted to a vote of the electorate.
- 6 b. The individuals allowed to participate may challenge the acceptance or exclusion
- 7 of any ballot. The individual challenging a ballot must state the reason for the
- 8 challenge based upon the law, and the county auditor or other political
- 9 subdivision election official shall count the challenged ballot as the auditor or
- 10 election official determines proper and then shall set the ballot aside with a
- 11 notation that it was challenged and how it was counted.
- 12 7. At the conclusion of the recount, the county auditor or other election official shall
- 13 submit all challenged ballots to the recount board for decision. Except for political
- 14 subdivision recounts other than counties, the recount board must be composed of the
- 15 state's attorney of the county, the chairman of the board of county commissioners, and
- 16 the county recorder. Unless otherwise specified by law, for a political subdivision other
- 17 than a county, the governing body of the political subdivision shall appoint the recount
- 18 board. An individual may not serve on the recount board if the individual has anything
- 19 of value bet or wagered on the result of the election, is a candidate for the office being
- 20 recounted, or is the husband, wife, father, mother, father-in-law, mother-in-law, son,
- 21 daughter, son-in-law, daughter-in-law, brother, or sister, whether by birth or marriage,
- 22 of the whole or the half-blood, of any candidate involved in the recount. If any of the
- 23 members of the recount board are disqualified or cannot serve for any other reason,
- 24 the members of the board of county commissioners or other political subdivision
- 25 governing body who would be qualified to serve on the board shall appoint
- 26 disinterested qualified electors of the county or other political subdivision to serve as
- 27 alternates. The recount board shall review all challenged ballots and on majority vote
- 28 shall decide how those ballots are counted. ~~The recount board is authorized to initial~~
- 29 ~~all absentee ballots cast under section 16.1-07-09 that were not considered or counted~~
- 30 ~~at the various precincts in the county for the reasons provided in sections 16.1-07-11~~
- 31 ~~and 16.1-07-12 or by the county canvassing boards as provided in section 16.1-15-19.~~

1 The decision of the recount board is final, subject to the right to contest the election as
2 provided in this chapter. If during the recount a recess is called, the county auditor or
3 other political subdivision election official shall take appropriate steps to safeguard the
4 ballots.

5 8. The county auditor or other election official shall certify the results of the recount ~~no~~
6 ~~later than three days~~immediately after the recount. The recount result is the official
7 result of the election in the county or other political subdivision. The county auditor or
8 other election official shall prepare a corrected abstract of the votes. In a recount
9 limited to the county, city, or other political subdivision, if the corrected abstract shows
10 no change in the outcome of the election, no further action may be taken. If the
11 corrected abstract changes the outcome of the election, the county auditor or other
12 election official shall issue certificates of nomination or election accordingly and shall
13 certify the new result of a question submitted to the qualified electors. In the case of a
14 city election that is combined with a county election, the county auditor shall certify the
15 new results of the election to the city auditor who is responsible for issuing new
16 certificates of election if applicable.

17 9. In presidential, congressional, statewide, judicial district, multicounty district, or
18 legislative recounts, the county auditor, ~~no later than three days~~immediately after the
19 recount, shall ~~send by certified mail a certified copy of~~submit electronically the
20 corrected abstract to the secretary of state according to the instructions provided by
21 the secretary of state. The secretary of state immediately shall assemble the state
22 canvassing board, who shall canvass the corrected abstracts and certify the election
23 results. The secretary of state shall issue certificates of election or nomination or
24 record the approval or disapproval of a question submitted to the qualified electors
25 accordingly.

26 10. The expenses incurred in a recount of a county election must be paid by the county on
27 a warrant by the county auditor. The expenses incurred in a recount of a political
28 subdivision other than a county election must be paid by that political subdivision. The
29 expenses incurred in a recount of a city election must be paid by the city on a warrant
30 by the city auditor. The expenses incurred in a recount of a presidential,
31 congressional, state, judicial district, multicounty district, or legislative election must be

- 1 paid by the state from the general fund upon approval by the secretary of state of a
2 statement of expenses received from the county auditors. The expenses incurred in a
3 recount demanded under subsection 2 of section 16.1-16-01 must be paid by the
4 secretary of state or county auditor from the bond submitted by the individual
5 requesting the recount.
- 6 11. This section also applies to city elections that are not combined with the county except
7 the city auditor, to the extent applicable, shall perform the duties of the county auditor.