

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2190

Introduced by

Senators St. Aubyn, Robinson, B. Stenehjem

Representatives Fairfield, R. Kelsch, Nottestad

1 A BILL for an Act to amend and reenact subsection 2 of section 16.1-05-01 and subsection 1 of
2 section 16.1-05-02 of the North Dakota Century Code, relating to the appointment of election
3 judges and clerks.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 16.1-05-01 of the 1995
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 2. The election judges and poll clerks for each precinct must be appointed by the
8 district ~~chairmen~~ chairs representing the two parties that cast the largest number of
9 votes in the state at the last general election. Each election judge and poll clerk
10 must be given a certificate of appointment signed by the ~~chairman~~ chair of the
11 district committee of the judge's party. In voting precincts or districts in which over
12 one thousand votes are cast in any election, the county auditor may request each
13 district party ~~chairman~~ chair to appoint an additional election judge. In voting
14 precincts or districts in which over three hundred votes are cast in any election the
15 district party ~~chairmen~~ chair may each appoint additional poll clerks as determined
16 by the county auditor. The district party ~~chairman~~ chair shall notify the county
17 auditor of the counties in which the precincts are located of the appointment of the
18 election judges and poll clerks at least twenty-one days before the primary,
19 general, or special election. If this notice is not received within the time specified in
20 this section, the county auditor shall appoint the judges and poll clerks. If the
21 county auditor has exhausted all practicable means to select judges and clerks
22 from within the voting precinct and vacancies still remain, the county auditor may
23 select election judges and clerks who reside outside of the voting precinct but who
24 reside within the precinct's legislative district. If vacancies still remain, the county

1 auditor may select election judges and clerks who reside outside of the legislative
2 district but who reside within the county. If at any time before or during an election,
3 it shall be made to appear to an election inspector, by the affidavit of two or more
4 qualified electors of the precinct, that any election judge or poll clerk is disqualified
5 under this chapter, the inspector shall remove that judge or clerk at once and shall
6 fill the vacancy by appointing a qualified person of the same political party as that
7 of the judge or clerk removed. If the disqualified judge or clerk had taken the oath
8 of office as prescribed in this chapter, the inspector shall place the oath or affidavit
9 before the state's attorney of the county.

10 **SECTION 2. AMENDMENT.** Subsection 1 of section 16.1-05-02 of the 1995
11 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 12 1. Every member of the election board and each poll clerk must be a qualified elector
13 of the precinct in which the person is assigned to work and must be eligible to vote
14 at the polling place to which the person is assigned unless the county auditor has
15 exhausted all means to appoint election judges and clerks from within the voting
16 precinct under subsection 2 of section 16.1-05-01.