

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2302

Introduced by

Senators Tallackson, Krauter

Representative Huether

1 A BILL for an Act to amend and reenact section 16.1-07-05 of the North Dakota Century Code,  
2 relating to applying for an absentee ballot.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-07-05 of the 1995 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **16.1-07-05. Time for applying for ballot.** At any time in an election year, any  
7 qualified elector ~~expecting to be absent on election day as provided in section 16.1-07-04~~ may  
8 apply to the county auditor, the auditor or clerk of the city, or the business manager of the  
9 school district, as the case may be, by facsimile or otherwise, for an official ballot to be voted at  
10 that election. A voter may obtain an application form for an absent voter's ballot for a general,  
11 special, primary, or county election from either the county auditor or a city auditor. The  
12 application form, for a member of the United States armed forces or the United States  
13 merchant marine or for a qualified elector living outside the United States, must include a space  
14 for the applicant to indicate whether the application is for all statewide elections in the calendar  
15 year or only for the election that is immediately after the date of the application. An applicant  
16 who is a member of the United States armed forces or the United States merchant marine or is  
17 a qualified elector living outside the United States, may apply for and vote by facsimile if  
18 otherwise qualified to apply for and vote by absentee ballot. An auditor, clerk, or business  
19 manager may send and receive facsimile absentee ballot applications and facsimile absentee  
20 ballots to ~~these electors~~ any individual eligible to apply for and vote by facsimile under this  
21 section. No auditor or clerk may issue ballots for absentee voters on the day of the election  
22 except to persons prevented from voting in person on the day of the election due to an  
23 emergency. A person requesting an absentee ballot on the day of the election due to an  
24 emergency must do so through an agent as set forth in this chapter. An agent may represent

- 1 only one person. The absentee ballot must be returned to the county auditor's office by four
- 2 p.m. on the day of the election.