

HOUSE BILL NO. 1309

Introduced by

Representative Glassheim

1 A BILL for an Act to amend and reenact sections 16.1-15-01 and 16.1-15-03 of the North
2 Dakota Century Code, relating to counting of ballots; and to repeal section 16.1-12-06 of the
3 North Dakota Century Code, relating to the nomination for elective office of an individual by
4 more than one political party.

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

6 **SECTION 1. AMENDMENT.** Section 16.1-15-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **16.1-15-01. Ballots void and not counted - Part of ballot may be counted.**

- 9 1. In the canvass of the votes at any election, a ballot is void and may not be counted
10 if:
- 11 a. It is not endorsed with the official stamp and initials as provided in this title; or
12 b. It is impossible to determine the elector's choice from the ballot or parts of a
13 ballot, and in the case of electronic voting systems, based upon the criteria
14 established by the secretary of state for counting votes on each electronic
15 voting system authorized for procurement and use in the state according to
16 section 16.1-06-26.
- 17 2. If a ballot is marked so only a part of the voter's intention can be determined, the
18 election judges shall count such part. If an elector votes for more than the number
19 of persons to be elected to any office, the elector's ballot may be invalidated only
20 insofar as the elector's vote for such office is concerned, and the balance of the
21 elector's ballot, if otherwise proper, may not be invalidated. However, at primary
22 elections only, a party ballot is void if the elector votes for candidates of more than
23 one party.

1 3. If, in the case of a candidate whose name appears on the ballot more than once for
2 the same office, an elector votes for the candidate more than one time, only the
3 first vote may be counted for the candidate.

4 **SECTION 2. AMENDMENT.** Section 16.1-15-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-15-03. Manner of canvassing election.** The canvass provided for in section
7 16.1-15-02 must be conducted in the following manner: as each ballot is counted, the inspector
8 and the election judges shall examine the ballot to ascertain the persons voted for, and either
9 the inspector or one of the judges shall announce the votes disclosed by the ballot, which must
10 be marked in the tally books by two poll clerks of different political parties. Except as provided
11 in subsection 3 of section 16.1-15-01, the total number of votes cast for a candidate whose
12 name appears on the ballot more than once for the same office must be counted in the
13 aggregate. After all of the votes are counted, the election board shall compare the count as
14 disclosed by the poll clerks' books with the total number of ballots cast, and if there are any
15 mistakes in the books kept by the clerks, they must be corrected to conform exactly to the
16 number of ballots cast. As soon as the count is completed, the inspector shall announce
17 publicly the result thereof, specifying the whole number of votes cast for each office and for
18 each candidate, and the number of votes cast for and against each proposition voted upon at
19 the election.

20 **SECTION 3. REPEAL.** Section 16.1-12-06 of the North Dakota Century Code is
21 repealed.