

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2235

Introduced by

Senators Dever, Potter, Triplett

Representative L. Meier

1 A BILL for an Act to amend and reenact section 16.1-06-15 of the North Dakota Century Code,
2 relating to the security of the voting system programming and random testing of voting systems
3 after an election.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-06-15 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-06-15. Mandatory testing of electronic voting systems before each election**
8 **and before after tabulation of ballots.**

- 9 1. All electronic voting systems used in this state must be tested to ascertain whether
10 the automatic tabulating equipment will accurately count the votes cast for all
11 offices and measures. The testing must be conducted prior to each election at
12 which the system will be used. The testing must be done by the county auditor or
13 county auditor's designee, and after each test, the testing materials and any
14 preaudited ballots used during the test must be sealed and retained in the same
15 manner as election materials after an election.
- 16 2. The test of an electronic voting system employing paper ballots must be conducted
17 by processing a preaudited group of ballots on which are recorded a
18 predetermined number of valid votes for each candidate and measure and must
19 include for each office one or more ballots which have votes in excess of the
20 number allowed by law in order to test the ability of the automatic tabulating
21 equipment to reject such votes. During the test a different number of valid votes
22 must be assigned to each candidate for an office and for and against each
23 measure. If an error is detected, the cause of it must be ascertained and

- 1 corrected, and an errorless count must be secured and filed as provided in this
2 section.
- 3 3. The test must be conducted at least one week before the election. One week
4 before the test is conducted, the county auditor must send the district chairman of
5 each political party having a candidate on the ballot a notice of the test. The notice
6 must state the time, place, and date of the test or tests and that the district
7 chairman or district chairman's designee may attend.
- 8 4. At the conclusion of the test, the programming for each electronic voting device
9 must be sealed within the device with a unique numbered seal that must be verified
10 by the election inspector before the opening of the polls to make sure the
11 programming has not been removed from the device.
- 12 5. After each election, the secretary of state shall order a random testing of the voting
13 system programming for one precinct in each county of the state according to logic
14 and accuracy testing procedures detailed in subsection 2 and as may be further
15 defined by the secretary of state in writing. This test is to be conducted before the
16 meeting of the county canvassing board.