

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Wolf

1 A BILL for an Act to amend and reenact section 16.1-07-05 of the North Dakota Century Code,
2 relating to absent voter's ballots.

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

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

6 **16.1-07-05. Time for applying for ballot - Applications and voting for uniformed**
7 **citizens and for citizens living outside the United States - Emergency situations -**
8 **Sufficient time for application and ballot return.**

9 1. At any time in an election year, any qualified elector may apply to the county
10 auditor, the auditor or clerk of the city, or the business manager of the school
11 district, as the case may be, by facsimile or otherwise, for an official ballot to be
12 voted at that election. A voter may obtain an application form for an absent voter's
13 ballot for a general, special, primary, or county election from either the county
14 auditor or a city auditor. The application form must include a space for the
15 applicant to indicate whether the application is for all statewide elections in the
16 calendar year or only for the election that is immediately after the date of the
17 application.

18 2. A qualified elector may apply to the county auditor, the auditor or clerk of the city,
19 or the business manager of the school district, as the case may be, for status as an
20 ongoing absentee voter. The election officer receiving an application for an
21 ongoing absentee voter's ballot shall provide an absent voter's ballot to a qualified
22 applicant for each ensuing election for which the voter is entitled to vote. The
23 voter's status as an ongoing absentee voter must be terminated upon:

24 a. The written request of the voter;

- b. The death or disqualification of the voter;
- c. The return of an ongoing absentee ballot as undeliverable; or
- d. The designation of the individual as "inactive" in the central voter file.

3. An applicant who is a qualified elector and on active duty as a member of the United States armed forces or the United States merchant marine may receive an absentee ballot by mail, facsimile, or electronic mail. In the event that returning the voted ballot by mail is not practicable, qualified electors meeting the stated criteria of this subsection may return a voted ballot and other required documents to the county auditor by means of facsimile transmission or electronic mail. To return a voted ballot and other required documents by electronic mail, the eligible voter must have access to the technology to scan the documents, save the documents in a secure format approved by the secretary of state, and return the documents as an electronic mail attachment directly to the electronic mail address assigned by the auditor, clerk, or business manager for that purpose prior to midnight in the voter's county of residence on the day before the election. The secretary of state shall develop written guidelines relating to security measures for voted ballots returned by electronic mail.

~~3.~~ 4. Spouses, children, or other dependents of active duty uniformed service members who are qualified electors and stationed at a location other than that individual's voting residential address are granted the same absentee voting rights as the individual's spouse, parent, or guardian has under subsection 2.

4. 5. An applicant who is a qualified elector living outside the United States may receive an absentee ballot by mail, facsimile, or electronic mail. If returning the voted ballot by mail is not practicable, a qualified elector may return a voted ballot and other required documents to the county auditor by means of facsimile transmission or electronic mail. The elector must have access to the technology to scan the documents, save the documents in a secure format approved by the secretary of state, and return the documents as an electronic mail attachment directly to the electronic mail address assigned by the auditor, clerk, or business manager for that purpose before midnight in the voter's county of residence on the day before the

1 election. The secretary of state shall develop written guidelines relating to security
2 measures for voted ballots returned by electronic mail.

3 ~~5.~~ 6. No auditor or clerk may issue ballots for absentee voters on the day of the election
4 except to persons prevented from voting in person on the day of the election due to
5 an emergency. A person requesting an absentee ballot on the day of the election
6 due to an emergency must do so through an agent as set forth in this chapter. An
7 agent may represent only one person. The absentee ballot must be returned to the
8 county auditor's office by four p.m. on the day of the election.

9 ~~6.~~ 7. A completed application must be submitted to the appropriate election official in a
10 timely manner so as to allow the applicant to receive, complete, and mail the
11 absent voter's ballot before the day of the election.