

HOUSE BILL NO. 1047

Introduced by

Legislative Council

(Judiciary Committee)

1 A BILL for an Act to amend and reenact section 16.1-05-06 of the North Dakota Century Code,
2 relating to challenging the right of a person to vote.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-05-06 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **16.1-05-06. Challenging right of person to vote - Affidavit Identification or**
7 **affidavit required - Penalty for false swearing - Optional poll checkers.**

- 8 1. One poll challenger appointed by the district chairman of each political party
9 represented on the election board is entitled to be in attendance at each polling
10 place. Individual poll challengers may be replaced at any time during the hours of
11 voting, but no more than one poll challenger from each political party is entitled to
12 be in attendance at each polling place at any one time.
- 13 2. The members of the election board and poll challengers may challenge the right of
14 anyone to vote whom they know or have reason to believe is not a qualified
15 elector. Members of the election board or poll challengers may challenge a voter if
16 they know or have reason to believe any of the following:
- 17 a. The person offering to vote does not meet the age or citizenship
18 requirements.
- 19 b. The person offering to vote has never voted in the precinct before and fails to
20 provide reasonable evidence of residency in the precinct.
- 21 c. Except as provided in section 16.1-01-05, the person offering to vote
22 physically resides outside of the precinct.
- 23 d. The person offering to vote does not meet the residency requirements
24 provided in section 16.1-01-05.

- 1 3. A poll challenger or election board member may request that the person offering to
2 vote provide an appropriate form of identification to address any of the voting
3 eligibility concerns listed in subsection 2. If ~~any person offering to vote is~~
4 ~~challenged by a~~ the identification provided does not adequately address the voter
5 eligibility concerns of the poll challenger or ~~by a member of the~~ election board
6 member, the challenged person, ~~unless the challenge is withdrawn, shall stand~~
7 ~~aside and~~ may not vote unless the challenged person executes an affidavit,
8 acknowledged before the election inspector, that the challenged person is a legally
9 qualified elector of the precinct.
- 10 4. The affidavit must include:
- 11 a. The name and present address of the affiant and the address of the affiant at
12 the time the affiant last voted.
- 13 b. The previous last name of the affiant if it was different when the affiant last
14 voted.
- 15 c. A recitation of the qualifications for voting as set forth in section 16.1-01-04
16 and the rules for determining residence.
- 17 d. Notice of the penalty for making a false affidavit and that the county auditor
18 may verify the affidavit.
- 19 e. A place for the affiant to sign and swear to the affiant's qualifications as a
20 voter.
- 21 5. Written notice of the penalty for making a false affidavit and that the county auditor
22 may verify the affidavits must also be prominently displayed at the polling place in
23 a form prescribed by the secretary of state. Any person who falsely swears in
24 order to vote is guilty of a class A misdemeanor and must be punished pursuant to
25 chapter 16.1-01.
- 26 6. The county auditor shall verify randomly at least ten percent of the affidavits signed
27 in the county and shall report all known or suspected violations to the state's
28 attorney for investigation and possible prosecution.
- 29 7. In addition to the poll challenger, not more than two poll checkers appointed by the
30 district chairman of each political party represented on the election board may be in
31 attendance at each polling place, provided such poll checkers do not interfere with

- 1 the election process or with the members of the election board in the performance
2 of their duties. The poll challengers and poll checkers must be qualified electors of
3 the district in which they are assigned.
4 8. No poll challenger or checker may be a member of the election board.