

SENATE BILL NO. 2399

Introduced by

Senators O'Connell, Fiebiger, Krauter, Nelson, Triplett

1 A BILL for an Act to amend and reenact section 16.1-15-13 of the North Dakota Century Code,
2 relating to the examination of ballots.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-15-13 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-15-13. District judge or clerk of district court to keep ballots - Exception -**
7 **Use of ballots as evidence.** Immediately upon receiving the ballots as provided in section
8 16.1-15-08, the district judge or the clerk of district court shall give a receipt to the election
9 judges and shall place the ballots properly arranged in the order of the precinct number in
10 boxes that shall be securely locked. The boxes must be placed in a fireproof vault and must be
11 kept securely for forty-five days if the ballots do not contain federal offices and twenty-two
12 months if the ballots contain federal offices. With the exception of the ballots containing lawful
13 write-in votes that may be counted at the meeting of the county canvassing board, the ballots
14 may not be opened nor inspected, except upon court order in a contested election, when it is
15 necessary to produce them at a trial for any offense committed at an election, or to permit the
16 county auditor or other election officials to complete their duties, including examining paper
17 ballots for voting or counting irregularities. Either forty-five days or twenty-two months after the
18 election dependent upon the retention schedule outlined in this section, upon determination by
19 the district judge or the clerk of district court that no contest is pending, the ballots must be
20 destroyed. If any contest of the election of any officer voted for at the election or a prosecution
21 under the provisions of this title is pending at the expiration of such time, the ballots may not be
22 destroyed until the contest or prosecution is finally determined. The ballots returned to the
23 district judge or clerk of district court as provided in this section must be received in evidence
24 without introducing further foundation.