

SENATE BILL NO. 2233

Introduced by

Senator Dever

Representative L. Meier

1 A BILL for an Act to amend and reenact subsection 7 of section 16.1-06-04, sections
2 16.1-06-10.1 and 16.1-06-11, subsection 2 of section 16.1-06-17, and sections 16.1-06-18,
3 16.1-06-19, 16.1-06-20, 16.1-06-21, 16.1-06-22, and 16.1-06-23 of the North Dakota Century
4 Code, relating to election ballots and voting systems.

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

6 **SECTION 1. AMENDMENT.** Subsection 7 of section 16.1-06-04 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 7. Provide two text boxes in the bottom right-hand corner of the ~~party~~ ballot. The first
9 text box is to contain the words "All ballots, other than those used to vote
10 absentee, must first be initialed by appropriate election officials in order to be
11 counted." The second text box is to contain the words "Official Ballot", the name of
12 the county, the name or number of the precinct ~~or the word "precinct" preceding a~~
13 ~~blank line upon which the judge or the inspector shall write the name or number of~~
14 ~~the precinct~~, the date of the election, and the word "initials" preceding a blank line
15 where the judge or inspector shall initial the ballot.

16 All ballots, other than Official Ballot
17 those used to vote absentee, _____ County
18 must first be initialed by _____ Precinct
19 appropriate election officials (Date of the Election)
20 in order to be counted Initials _____

21 **SECTION 2. AMENDMENT.** Section 16.1-06-10.1 of the North Dakota Century Code
22 is amended and reenacted as follows:

23 **16.1-06-10.1. Electronic counting machines authorized - Sharing of machines.**

24 The use of electronic counting machines is authorized in any election precinct upon finding and

1 declaration by resolution of the city ~~or township~~ governing body, and also of the board of county
2 commissioners of the county in which the election precinct is located, that the use is advisable
3 or necessary in that precinct. Thereafter, electronic counting machines may be procured, on a
4 temporary or permanent basis, under terms and conditions, including assumption and division
5 of cost of acquisition and maintenance by the city ~~or township~~ and county, agreed upon by the
6 respective governing bodies, provided the machines being procured have been certified for
7 procurement and use in the state by the secretary of state according to section 16.1-06-26.
8 Two or more counties may enter an agreement concerning the shared use and transport
9 between counties of electronic counting machines and apportioning of expenses. Any
10 electronic counting machine used in an election must be so constructed that when properly
11 operated it registers or records correctly and accurately every vote cast.

12 **SECTION 3. AMENDMENT.** Section 16.1-06-11 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **16.1-06-11. Electronic voting systems authorized.** The use of electronic voting
15 systems in accordance with the provisions of this chapter is hereby authorized in any election
16 precinct upon finding and declaration by resolution of the city ~~or township~~ governing body, and
17 also of the board of county commissioners of the county in which such election precinct is
18 located, that such use is advisable or necessary in that precinct. Thereafter, a system or
19 systems may be procured, on a temporary or permanent basis, under terms and conditions,
20 including assumption and division of cost of acquisition and maintenance by the city ~~or~~
21 ~~township~~ and county, agreed upon by the respective governing bodies, provided the system or
22 systems being procured have been approved and certified for procurement and use in the state
23 by the secretary of state according to section 16.1-06-26. The system or systems may then be
24 used in any state, county, city, or district election in that precinct or other voting area of which
25 that precinct is a part.

26 **SECTION 4. AMENDMENT.** Subsection 2 of section 16.1-06-17 of the North Dakota
27 Century Code is amended and reenacted as follows:

28 2. ~~Four~~ One facsimile ~~diagrams~~ diagram of the entire face of the electronic voting
29 system device as it will appear on election day.

30 **SECTION 5. AMENDMENT.** Section 16.1-06-18 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **16.1-06-18. Delivery of ballots.** ~~At the precinct election officials' training sessions~~
2 ~~provided for in section 16.1-05-03, the county~~ County auditors shall deliver, or cause to be
3 delivered, by mail or other reliable method, to the inspector of elections in each precinct the
4 official ballots, if available. The ballots must be delivered in sealed packages marked plainly ~~on~~
5 ~~the outside designating the number of ballots enclosed and~~ with the precinct for which the
6 ballots are intended. The county auditor also shall deliver or cause to be delivered a suitable
7 seal, ~~which has the name of the county inscribed thereon,~~ for the purpose of sealing the
8 wrapper containing the ballots as provided in section 16.1-15-08.

9 **SECTION 6. AMENDMENT.** Section 16.1-06-19 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **16.1-06-19. Instructions, advertisements, maps, and ballots posted in polling**
12 **places.** Each county auditor shall have ~~cards~~ posters printed, in large type, containing full
13 instructions to electors on obtaining and voting ballots and a copy of section 16.1-01-12, any
14 federal laws regarding prohibitions on acts of fraud and misrepresentations, and general
15 information on voting rights under applicable federal and state laws, including instructions on
16 how to contact the appropriate officials if these rights are alleged to have been violated. The
17 county auditor shall furnish ~~ten~~ at least one such ~~cards~~ poster to the election inspector in each
18 election ~~precinct~~ polling place who, before the opening of the polls, shall conspicuously post at
19 least one of the ~~cards in each booth or compartment provided for the preparation of ballots and~~
20 ~~at least one of the cards~~ posters in the polling place. ~~Three of the official ballots without the~~
21 ~~initials of an election board member thereon must be posted conspicuously in the polling place~~
22 ~~on the morning of the election.~~ The county auditor, at the time of delivering the ballots to the
23 inspector of elections in each ~~precinct~~ polling place, shall deliver at least five copies of the
24 newspaper publication or other copy of the complete text of any constitutional amendment or
25 initiated or referred measure to such inspector of elections. One of the newspaper publications
26 or copies must be posted conspicuously in the polling place on the morning of the election.
27 Each county auditor shall furnish the election inspector in each ~~precinct~~ polling place with four
28 copies of a map showing the election precinct's boundaries and information regarding the date
29 of the election and the hours during which polling places will be open. The inspector shall,
30 before the opening of the polls, post the maps and information regarding the date of the election

1 and the hours during which polling places will be open at the entry to and in other conspicuous
2 places around the polling place.

3 **SECTION 7. AMENDMENT.** Section 16.1-06-20 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **16.1-06-20. Election inspector and judges to display material and provide**
6 **instruction.** In addition to other duties provided by law, the election inspector shall ~~post in a~~
7 ~~conspicuous manner at the voting place the two facsimile diagrams of the voting devices used~~
8 ~~to vote with electronic voting systems and three copies of the official ballot used with electronic~~
9 ~~voting systems.~~ The election inspector and judges shall provide adequate instruction on the
10 use of the electronic voting device to each voter before the voter enters the voting booth.

11 **SECTION 8. AMENDMENT.** Section 16.1-06-21 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **16.1-06-21. Pollbooks delivered by county auditor - Contents - Inspector of**
14 **elections to deliver.** The county auditor shall see that ~~two copies of the new~~ one paper or
15 electronic pollbook ~~are~~ is delivered to the election inspector in each election precinct or polling
16 place in the county. ~~The following information must be provided to the inspector and may be~~
17 ~~contained in each new pollbook:~~

- 18 1. ~~A copy of the law prescribing the qualifications of electors.~~
19 2. ~~A copy of the provisions of this title relating to the duties of inspectors, judges, and~~
20 ~~clerks of election.~~
21 3. ~~A statement of the penalties imposed for offenses against the election laws.~~
22 4. ~~Blanks for all entries required to be made in the pollbook or a preprinted listing of~~
23 ~~previous voters and blanks for the entry of new voters.~~

24 The election inspector shall deliver the ~~pollbooks~~ pollbook, or cause the ~~pollbooks~~
25 pollbook to be delivered, to the clerks of election in the inspector's ~~precinct~~ polling place on
26 election day before the opening of the polls.

27 **SECTION 9. AMENDMENT.** Section 16.1-06-22 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **16.1-06-22. County to provide ballot boxes.** The board of county commissioners, at
30 the expense of the county, shall provide suitable ballot boxes for each election ~~precinct~~ polling
31 place in the county.

1 **SECTION 10. AMENDMENT.** Section 16.1-06-23 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **16.1-06-23. Secretary of state to send instructions ~~and envelopes~~ to county**
4 **auditor to make returns.** The secretary of state shall send instructions for generating reports
5 ~~and envelopes,~~ for all returns of votes required to be made to the secretary of state's office, ~~to~~
6 ~~each county auditor with such printed directions on the envelope as the secretary of state~~
7 ~~deems necessary for the guidance of election officers in making returns according to law. The~~
8 ~~expense of furnishing such instructions and envelopes must be paid by the state.~~