

SENATE BILL NO. 2232

Introduced by

Senators Oehlke, Dever, Triplett

Representative L. Meier

1 A BILL for an Act to amend and reenact sections 16.1-07-03 and 16.1-07-04, subsection 3 of
2 section 16.1-07-05, subsections 1 and 2 of section 16.1-07-06, subsections 4 and 5 of section
3 16.1-07-08.1, section 16.1-07-09, and subdivision c of subsection 2 of section 16.1-07-15 of the
4 North Dakota Century Code, relating to absentee voting.

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

6 **SECTION 1. AMENDMENT.** Section 16.1-07-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **16.1-07-03. Preparation and printing of ballots.** For all general, primary, or special
9 state elections, for all other special elections held at the same time as a general or primary
10 election, for all county elections, and for all city and school elections official ballots must be
11 prepared within the time limits provided in section 16.1-07-04. ~~In the case of special elections~~
12 ~~wherein the election is called less than forty or twenty days, as the case may be, before the~~
13 ~~election day, or where certification of candidates does not take place before the forty day or~~
14 ~~twenty day limitations, the ballots for the use of absentee voters must be made available as~~
15 ~~soon as possible.~~ Only official ballots may be used as absentee ballots and no indication may
16 be noted on such ballots that they are used by absentee voters except that the return envelope
17 must be marked "ballot of absentee voter". The county auditor, at the same time other
18 absentee ballots are prepared, shall prepare, and have printed and available, ballots for use by
19 overseas citizens qualified to vote in this state pursuant to section 16.1-07-01.

20 **SECTION 2. AMENDMENT.** Section 16.1-07-04 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **16.1-07-04. When ballots furnished proper officials.** The county auditor, or any
23 other officer required by law to prepare any general, special, or primary state election ballots or
24 any county election ballots, shall prepare, have printed, and deliver to the county auditor at

1 least forty days before the holding of any general, special, or primary state election a sufficient
2 number of absent voter ballots for the use of all voters likely to require such ballots for that
3 election. In city or school elections, the auditor or clerk of the city, the business manager of the
4 school district, or any other officer required by law to prepare city or school election ballots shall
5 prepare and have printed and available for distribution to the public at least ~~twenty~~ forty days
6 before the holding of any city or school election a sufficient number of absent voter ballots for
7 the use of all voters likely to require such ballots for that election. Officers authorized to
8 distribute absent voter's ballots under this chapter shall ensure all ballots used as absent voter's
9 ballots are secure at all times and accessible only to those persons under the officer's
10 supervision for distribution.

11 **SECTION 3. AMENDMENT.** Subsection 3 of section 16.1-07-05 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 3. Spouses, children, or other dependents of active duty uniformed service members
14 ~~of the United States armed forces or merchant marine~~ who are qualified electors
15 and stationed ~~as a family outside the United States~~ at a location other than that
16 individual's voting residential address are granted the same absentee voting rights
17 as the individual's spouse, parent, or guardian has under subsection 2.

18 **SECTION 4. AMENDMENT.** Subsections 1 and 2 of section 16.1-07-06 of the North
19 Dakota Century Code are amended and reenacted as follows:

20 1. Application for an absent voter's ballot must be made on a form, prescribed by the
21 secretary of state, to be furnished by the proper officer of the county, city, or school
22 district in which the applicant is an elector, on any form, approved by the secretary
23 of state, or any blank containing the following information:
24 a. The applicant's name.
25 b. The applicant's current or most recent North Dakota residential address.
26 c. The applicant's mailing address.
27 d. The applicant's current home telephone number.
28 e. The election for which the ballot is being requested.
29 f. The date of the request.
30 g. An affirmation that the applicant has resided, or will reside, in the precinct for
31 at least thirty days next preceding the election.

- 1 h. The applicant's signature.
- 2 i. A space for the voter to include the voter's precinct or voting location, if
- 3 known.
- 4 j. The applicant's birth year.
- 5 If the applicant is unable to sign the applicant's name, the applicant shall mark (X)
- 6 on the application in the presence of a disinterested person. The disinterested
- 7 person shall print the name of the person marking the X below the X and shall sign
- 8 the disinterested person's own name following the printed name together with the
- 9 notation "witness to the mark".
- 10 2. The application for a qualified elector serving on active duty as a uniformed service
- 11 member ~~of the United States armed forces, merchant marine,~~ or a family member
- 12 who is a qualified elector and stationed ~~outside the United States together with the~~
- 13 ~~individual's spouse, parent, or guardian~~ at a location other than that individual's
- 14 voting residential address must include the following additional information if the
- 15 voter desires to vote by facsimile or electronic mail:
- 16 a. Facsimile telephone number; or
- 17 b. Electronic mail address.

18 **SECTION 5. AMENDMENT.** Subsections 4 and 5 of section 16.1-07-08.1 of the North

19 Dakota Century Code are amended and reenacted as follows:

- 20 4. If the voter is temporarily residing outside the United States or is a uniformed
- 21 service member ~~of the United States armed forces, merchant marine,~~ or a family
- 22 member and a qualified elector stationed at a location other than that individual's
- 23 voting residential address, the voter may use the federal write-in absentee ballot in
- 24 general, special, and primary elections for local, state, or federal offices or
- 25 measures.
- 26 5. If the voter is residing outside the United States, or is a uniformed service member
- 27 ~~of the United States armed forces, merchant marine,~~ or a family member, and a
- 28 qualified elector stationed ~~outside the United States~~ at a location other than that
- 29 individual's voting residential address, the voter may use the federal write-in
- 30 absentee ballot transmission envelope as an absentee ballot application
- 31 simultaneously with the submission of the federal write-in absentee ballot if the

1 voter is otherwise eligible to vote absentee in the jurisdiction where the request is
2 submitted.

3 **SECTION 6. AMENDMENT.** Section 16.1-07-09 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **16.1-07-09. Canvassing of mailed absent voters' ballots received late.** In the case
6 of congressional, state, county, city, or school district elections, if an envelope postmarked or
7 otherwise officially marked by the United States postal service or other mail delivery system
8 before the date of election and containing an absent voter's ballot is received by the officer too
9 late to be forwarded to the proper voting precinct in time to be tabulated, the ballot must be
10 tallied by the canvassing board of the county, the governing body of the city, or the school
11 board of the school district, as the case may be, at the time the returns are canvassed. Any
12 envelope without a postmark or other official marking by the United States postal service or
13 other mail delivery system or with an illegible postmark or other official marking and containing
14 an absentee voter's ballot must be received by mail by the proper officer within two days after
15 the election to be canvassed and counted. An absent voter may personally deliver the absent
16 voter's ballot to the appropriate officer's office at any time before five p.m. on the day before the
17 election. Before forwarding any ballot to a canvassing board pursuant to this section, the officer
18 forwarding the ballot shall print the date of receipt on the envelope. Upon receipt, the
19 canvassing board shall ~~first~~ determine that the elector was qualified to vote in that precinct ~~and~~,
20 that the elector did not previously vote in that precinct on the date of the election, or that the
21 signatures on the absentee ballot application and the voter's affidavit were not signed by the
22 same person, as was previously determined by the precinct election board, before allowing the
23 ballot to be tallied.

24 **SECTION 7. AMENDMENT.** Subdivision c of subsection 2 of section 16.1-07-15 of the
25 North Dakota Century Code is amended and reenacted as follows:

26 c. The county auditor, with the consent of the board of county commissioners,
27 shall designate a space in a ~~government-controlled~~ public facility, accessible
28 to the elderly and the physically disabled as provided in section 16.1-04-02, to
29 locate the early voting precinct.