

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2232
(Senators Oehlke, Dever, Triplett)
(Representative L. Meier)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

16.1-07-04. When ballots furnished proper officials. The county auditor, or any other officer required by law to prepare any general, special, or primary state election ballots or any county election ballots, shall prepare, have printed, and deliver to the county auditor at least forty days before the holding of any general, special, or primary state election a sufficient number of absent voter ballots for the use of all voters likely to require such ballots for that election. In city or school elections, the auditor or clerk of the city, the business manager of the school district, or any other officer required by law to prepare city or school election ballots shall prepare and have printed and available for distribution to the public at least ~~twenty~~ forty days before the holding of any city or school election a sufficient number of absent voter ballots for the use of all voters likely to require such ballots for that election. Officers authorized to distribute absent voter's ballots under this chapter shall ensure all ballots used as absent voter's ballots are secure at all times and accessible only to those persons under the officer's supervision for distribution.

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

3. Spouses, children, or other dependents of active duty uniformed service members ~~of the United States armed forces or merchant marine~~ who are qualified electors and stationed as a family outside the United States 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.

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

1. Application for an absent voter's ballot must be made on a form, prescribed by the secretary of state, to be furnished by the proper officer of the county, city, or school district in which the applicant is an elector, on any form, approved by the secretary of state, or any blank containing the following information:
 - a. The applicant's name.
 - b. The applicant's current or most recent North Dakota residential address.
 - c. The applicant's mailing address.
 - d. The applicant's current ~~home~~ telephone number.
 - e. The election for which the ballot is being requested.
 - f. The date of the request.
 - g. An affirmation that the applicant has resided, or will reside, in the precinct for at least thirty days next preceding the election.
 - h. The applicant's signature.
 - i. A space for the voter to include the voter's precinct or voting location, if known.
 - j. The applicant's birth date and year.
 - k. The applicant's motor vehicle operator's license or nondriver identification number, if available.

If the applicant is unable to sign the applicant's name, the applicant shall mark (X) on the application in the presence of a disinterested person. The disinterested person shall print the name of the person marking the X below the X and shall sign the disinterested person's own name following the printed name together with the notation "witness to the mark".

2. The application for a qualified elector serving on active duty as a uniformed service member of the United States armed forces, merchant marine, or a family member who is a qualified elector and stationed outside the United States together with the individual's spouse, parent, or guardian at a location other than that individual's voting residential address must include the following additional information if the voter desires to vote by facsimile or electronic mail:
 - a. Facsimile telephone number; or
 - b. Electronic mail address.

SECTION 5. AMENDMENT. Subsections 4 and 5 of section 16.1-07-08.1 of the North Dakota Century Code are amended and reenacted as follows:

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

federal write-in absentee ballot if the voter is otherwise eligible to vote absentee in the jurisdiction where the request is submitted.

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

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

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

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2232.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 93 Nays 0 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,
at _____ o'clock _____ M.

Secretary of State