

HOUSE BILL NO. 1380

Introduced by

Representatives L. Meier, Haas, Weiler

Senator Dever

1 A BILL for an Act to amend and reenact sections 16.1-01-02.2 and 16.1-01-03, subsection 4 of
2 section 16.1-01-04, section 16.1-01-05.1, and subsections 1 and 2 of section 16.1-01-09 of the
3 North Dakota Century Code, relating to general procedures for elections.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-01-02.2 of the North Dakota Century Code
6 is amended and reenacted as follows:

7 **16.1-01-02.2. Special election - Special procedures.** Notwithstanding any other
8 provision of law, the governor may call a special election to be held in ~~thirty to fifty~~ ninety days
9 after the call if a special session of the legislative assembly has been held, any of the
10 ninety-day period for the submission of a referendum petition to the secretary of state with
11 respect to any measure enacted during the special session occurs during a regular legislative
12 session, and a referendum petition has been submitted to refer a measure or part of a measure
13 enacted during the special session. Notwithstanding any other provision of law, the governor
14 may call a special election to be held in ~~thirty to fifty~~ ninety days after the call if a referendum
15 petition has been submitted to refer a measure or part of a measure that establishes a
16 legislative redistricting plan.

17 ~~The secretary of state shall reduce all the deadlines, including those necessary for filing,~~
18 ~~appointments, and election material preparation, to ensure that the election is held as allowed~~
19 ~~by this section. If time constraints make it impossible for a county auditor to comply with the~~
20 ~~publication requirements of section 16.1-13-05, the sample ballot and election notice may be~~
21 ~~published only once. The provisions of chapter 46-02 concerning competitive bidding and of~~
22 ~~subsection 2 of section 16.1-01-01 and subsection 2 of section 16.1-05-03 with respect to~~
23 ~~election training sessions do not apply to this election.~~

1 **SECTION 2. AMENDMENT.** Section 16.1-01-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **16.1-01-03. Opening and closing of the polls.** The polls at all primary, general, and
4 special elections must ~~be opened~~ open at ~~nine~~ seven a.m. ~~or at such earlier hour, but not~~
5 ~~earlier than seven a.m., that may be designated~~ for any precinct designated by resolution of the
6 governing body of the city or county in which such precinct is located except that in precincts in
7 which seventy-five or fewer votes were cast in the last general election, the governing body
8 may direct that the polls ~~be opened~~ open at twelve noon. They must remain open continuously
9 until seven p.m. ~~or such later hour, not later than nine p.m., as may be designated for a precinct~~
10 ~~by resolution of the governing body of the city or county in which the precinct is located.~~ All
11 electors standing in line to vote at the time the polls are set to close must be allowed to vote,
12 but electors arriving after closing time may not be allowed to vote. The election officers present
13 are responsible for determining who arrived in time to vote, and they shall establish appropriate
14 procedures for making that determination. All determinations required to be made pursuant to
15 this section relating to polling hours must be made, and the county auditor notified of them, no
16 later than thirty days prior to an election.

17 **SECTION 3. AMENDMENT.** Subsection 4 of section 16.1-01-04 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 4. Pursuant to section 2 of article II of the Constitution of North Dakota, voting by
20 individuals convicted and sentenced for ~~treason or a~~ felony must be limited
21 according to chapter 12.1-33.

22 **SECTION 4. AMENDMENT.** Section 16.1-01-05.1 of the North Dakota Century Code
23 is amended and reenacted as follows:

24 **16.1-01-05.1. Voter lists - Addition or transfer of names.** ~~In a county in which the~~
25 ~~county auditor prepares a list of the persons who voted at a prior election and provides the list~~
26 ~~to voting precincts on election day, the county auditor, with the approval of the secretary of~~
27 ~~state, may~~ Through the use of the central voter file provided for in chapter 16.1-02, the
28 secretary of state shall establish a procedure by which a ~~person~~ county auditor may transfer
29 ~~that a~~ person's name from the voter list of one precinct to the voter list of another precinct in the
30 ~~county~~ state if that person establishes a new residence, and by which a person who establishes
31 residence in the ~~county~~ state may have that person's name placed on the voter list in the

1 appropriate precinct. The procedure provided for in this section may not be used to require the
2 registration of electors.

3 **SECTION 5. AMENDMENT.** Subsections 1 and 2 of section 16.1-01-09 of the North
4 Dakota Century Code are amended and reenacted as follows:

- 5 1. a. A request of the secretary of state for approval of a petition to initiate or refer
6 a measure may be presented over the signatures of the sponsoring
7 committee on individual signature forms that have been notarized. The
8 secretary of state shall prepare a signature form that includes provisions for
9 identification of the measure; the printed name, signature, and address of the
10 committee member; and notarization of the signature. The filed signature
11 forms must be originals.
- 12 b. Upon receipt of a petition to initiate or refer a measure, the secretary of state
13 shall draft a short and concise statement that fairly represents the measure.
14 The statement must be submitted to the attorney general for approval or
15 disapproval. An approved statement must be affixed to the petition before it is
16 circulated for signatures, must be called the "ballot title", and must be placed
17 immediately before the full text of the measure.
- 18 c. The secretary of state and the attorney general shall complete their review of
19 a petition in not less than five, nor more than seven, business days, excluding
20 Saturdays.
- 21 2. No person may sign any initiative or referendum petition circulated pursuant to
22 article III of the Constitution of North Dakota unless the person is a qualified
23 elector. No person may sign any petition more than once, and each signer shall
24 add the signer's complete residential address or rural route or general delivery
25 address and the date of signing. Every qualified elector signing a petition shall do
26 so in the presence of the person circulating the petition. A referendum or initiative
27 petition must be ~~in substantially the following~~ on a form prescribed by the secretary
28 of state containing the following information:

29 REFERENCE [INITIATIVE] PETITION
30 TO THE SECRETARY OF STATE,
31 STATE OF NORTH DAKOTA

1 We, the undersigned, being qualified electors request [House (Senate) Bill
2 _____ passed by the _____ Legislative Assembly] [the following
3 initiated law] be placed on the ballot as provided by law.

4 SPONSORING COMMITTEE

5 The following are the names and addresses of the qualified electors of the
6 state of North Dakota who, as the sponsoring committee for the petitioners,
7 represent and act for the petitioners in accordance with law:

| 8 | Name | Address |
|----|------------------|---------|
| 9 | _____ (Chairman) | _____ |
| 10 | _____ | _____ |

11 BALLOT TITLE

12 (To be drafted by the secretary of state, approved by the attorney general,
13 and attached to the petition before circulation.)

14 FULL TEXT OF THE MEASURE

15 IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING
16 ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS
17 BEING DELETED. IF NO MATERIAL IS UNDERSCORED OR
18 OVERSTRUCK, THE MEASURE CONTAINS ALL NEW MATERIAL WHICH
19 IS BEING ADDED.

20 [The full text of the measure must be inserted here.]

21 INSTRUCTIONS TO PETITION SIGNERS

22 You are being asked to sign a petition. You must be a qualified elector. This
23 means you are eighteen years old, you have lived in North Dakota thirty days,
24 and you are a United States citizen. All signers must add their complete
25 residential address or rural route or general delivery address and the date of
26 signing. Every qualified elector signing a petition must do so in the presence
27 of the person circulating the petition.

28 QUALIFIED ELECTORS

| 29 | Month, | Name of | Residential Address or | |
|----|--------|-----------|------------------------|-------|
| 30 | Day, | Qualified | Complete Rural Route | City, |
| 31 | Year | Elector | or General Delivery | State |

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The number of signature lines on each page of a printed petition may vary if necessary to accommodate other required textual matter. In this section for referral petitions "full text of the measure" means the bill as passed by the legislative assembly excluding the session and sponsor identification. In this section for initiative petitions "full text of the measure" means an enacting clause which must be: "BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA" and the body of the bill. If the measure amends the law, all new statutory material must be underscored and all statutory material to be deleted must be overstruck by dashes. When repealing portions of the law, the measure must contain a repealer clause and, in brackets, the text of the law being repealed.