

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~~  
18 ~~filing, appointments, and election material preparation, to ensure that the election is held as~~  
19 ~~allowed by this section. If time constraints make it impossible for a county auditor to comply~~  
20 ~~with the publication requirements of section 16.1-13-05, the sample ballot and election notice~~  
21 ~~may be published only once. The provisions of chapter 46-02 concerning competitive bidding~~  
22 ~~and of subsection 2 of section 16.1-01-01 and subsection 2 of section 16.1-05-03 with respect~~  
23 ~~to 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~~ eight p.m. ~~or such later hour, not later than nine p.m., as may be designated for a~~  
10 ~~precinct by resolution of the governing body of the city or county in which the precinct is~~  
11 ~~located.~~ All electors standing in line to vote at the time the polls are set to close must be  
12 allowed to vote, but electors arriving after closing time may not be allowed to vote. The election  
13 officers present are responsible for determining who arrived in time to vote, and they shall  
14 establish appropriate procedures for making that determination. All determinations required to  
15 be made pursuant to this section relating to polling hours must be made, and the county auditor  
16 notified of them, no 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  
31 establishes residence in the ~~county~~ state may have that person's name placed on the voter list

1 in the appropriate precinct. The procedure provided for in this section may not be used to  
2 require the 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  
16 is circulated for signatures, must be called the "ballot title", and must be  
17 placed 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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Address

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2. \_\_\_\_\_
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4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_

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.