

**HOUSE BILL NO. 1289**

Introduced by

Representatives Magrum, Christensen, Jones, Kasper

1 A BILL for an Act to amend and reenact subsection 7 of section 4.1-20-02, subsection 1 of  
2 section 16.1-01-04, subsection 4 of section 16.1-01-04.2, subsection 2 of section 16.1-01-09,  
3 subsection 2 of section 16.1-01-09.1, subdivision b of subsection 1 of section 16.1-05-02,  
4 subdivision g of subsection 1 of section 16.1-07-06, and sections 16.1-14-18 and 16.1-14-20 of  
5 the North Dakota Century Code, relating to increasing the residency requirement to become a  
6 qualified elector to one year.

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

8 **SECTION 1. AMENDMENT.** Subsection 7 of section 4.1-20-02 of the North Dakota Century  
9 Code is amended and reenacted as follows:

10 7. "Qualified elector" means an individual who is at least eighteen years old, is a citizen  
11 of the United States, has resided in this state for at least one year, and has resided in  
12 the precinct ~~thirtyninety~~ days next preceding the election.

13 **SECTION 2. AMENDMENT.** Subsection 1 of section 16.1-01-04 of the North Dakota  
14 Century Code is amended and reenacted as follows:

15 1. To qualify as an elector of this state, an individual must be:  
16 a. A citizen of the United States;  
17 b. Eighteen years or older; and  
18 c. A resident of this state for at least one year who has resided in the precinct at  
19 least ~~thirtyninety~~ days immediately preceding any election.

20 **SECTION 3. AMENDMENT.** Subsection 4 of section 16.1-01-04.2 of the North Dakota  
21 Century Code is amended and reenacted as follows:

22 4. ~~The~~For individuals changing residence from one residence in this state to another  
23 residence in this state, the acts of residing at a new address for thirtyninety days and

1 verifying that address as provided under section 16.1-01-04.1 constitute a change in  
2 the individual's voting residence.

3 5. For individuals changing residence from a residence outside this state to a residence  
4 in this state, the acts of residing in this state for one year and verifying residence in  
5 this state through documents included under section 16.1-01-04.1 constitute a change  
6 in the individual's state of residence.

7 **SECTION 4. AMENDMENT.** Subsection 2 of section 16.1-01-09 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 2. An individual may not sign any initiative or referendum petition circulated pursuant to  
10 article III of the Constitution of North Dakota unless the individual is a qualified elector.  
11 An individual may not sign any petition more than once, and each signer shall also  
12 legibly print the signer's name, complete residential address or rural route or general  
13 delivery address, and the date of signing on the petition. Every qualified elector  
14 signing a petition shall do so in the presence of the individual circulating the petition. A  
15 referendum or initiative petition must be on a form prescribed by the secretary of state  
16 containing the following information:

17 REFERENCE [INITIATIVE] PETITION  
18 TO THE SECRETARY OF STATE,  
19 STATE OF NORTH DAKOTA

20 We, the undersigned, being qualified electors request [House (Senate) Bill  
21 \_\_\_\_\_ passed by the \_\_\_\_\_ Legislative Assembly] [the following  
22 initiated law] be placed on the ballot as provided by law.

23 SPONSORING COMMITTEE

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

27	Name	Address
28	_____ (Chairperson)	_____
29	_____	_____

30 PETITION TITLE

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

3 FULL TEXT OF THE MEASURE

4 IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING  
5 ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS  
6 BEING DELETED. IF MATERIAL IS NOT UNDERSCORED OR OVERSTRUCK,  
7 THE MATERIAL IS EXISTING LAW THAT IS NOT BEING CHANGED.

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

9 INSTRUCTIONS TO PETITION SIGNERS

10 You are being asked to sign a petition. You must be a qualified elector. This  
11 means you are eighteen years old, you have lived in North Dakota ~~thirty days~~one  
12 year, and you are a United States citizen. All signers ~~shall~~ also legibly shall print  
13 their name, complete residential address or rural route or general delivery  
14 address, and the date of signing on the petition. Every qualified elector signing a  
15 petition must do so in the presence of the individual circulating the petition.

16 QUALIFIED ELECTORS

17 Signed

18	Month,	Name of	Printed	Residential Address or	City
19	Day,	Qualified	Name of	Complete Rural Route	State,
20	Year	Elector	Qualified	or General Delivery	Zip Code
21			Elector	Address	

- 22 1. \_\_\_\_\_
- 23 2. \_\_\_\_\_
- 24 3. \_\_\_\_\_
- 25 4. \_\_\_\_\_
- 26 5. \_\_\_\_\_
- 27 6. \_\_\_\_\_
- 28 7. \_\_\_\_\_
- 29 8. \_\_\_\_\_

30 The number of signature lines on each page of a printed petition may vary if  
31 necessary to accommodate other required textual matter. In this section for

1 referral petitions "full text of the measure" means the bill as passed by the  
2 legislative assembly excluding the session and sponsor identification. In this  
3 section for initiative petitions "full text of the measure" means an enacting clause  
4 which must be: "BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH  
5 DAKOTA" and the body of the bill. If the measure amends the law, all new  
6 statutory material must be underscored and all statutory material to be deleted  
7 must be overstruck by dashes. When repealing portions of the law, the measure  
8 must contain a repealer clause and, in brackets, the text of the law being  
9 repealed.

10 **SECTION 5. AMENDMENT.** Subsection 2 of section 16.1-01-09.1 of the North Dakota  
11 Century Code is amended and reenacted as follows:

12 2. An individual may not sign a recall petition circulated pursuant to article III of the  
13 Constitution of North Dakota or section 44-08-21 unless the individual is a qualified  
14 elector. An individual may not sign a petition more than once, and each signer shall  
15 also legibly print the signer's name, complete residential, rural route, or general  
16 delivery address, and the date of signing on the petition. Every qualified elector  
17 signing a petition must do so in the presence of the individual circulating the petition. A  
18 petition must be in substantially the following form:

19 **RECALL PETITION**

20 We, the undersigned, being qualified electors request that

21 \_\_\_\_\_(name of the individual being  
22 recalled) the \_\_\_\_\_(office of individual being recalled) be  
23 recalled for the reason or reasons of\_\_\_\_\_.

24 **RECALL SPONSORING COMMITTEE**

25 The following are the names and addresses of the qualified electors of the state  
26 of North Dakota and the political subdivision who, as the sponsoring committee  
27 for the petitioners, represent and act for the petitioners in accordance with law:

28 Complete Residential,  
29 Rural Route,  
30 or General

31 Name

Delivery Address

- 1            1. \_\_\_\_\_(Chairperson) \_\_\_\_\_
- 2            2. \_\_\_\_\_
- 3            3. \_\_\_\_\_
- 4            4. \_\_\_\_\_
- 5            5. \_\_\_\_\_

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota for ~~thirty-~~days one year, and you are a United States citizen. All signers ~~shall~~ also legibly shall print their name, complete residential, rural route, or general delivery address, and date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

QUALIFIED ELECTORS

	Signed	Printed	Complete Residential,		
Month,	Name of	Name of	Rural Route,	City	
Day,	Qualified	Qualified	or General	State,	
Year	Elector	Elector	Delivery Address	Zip Code	

- 18           1. \_\_\_\_\_
- 19           2. \_\_\_\_\_
- 20           3. \_\_\_\_\_
- 21           4. \_\_\_\_\_
- 22           5. \_\_\_\_\_
- 23           6. \_\_\_\_\_
- 24           7. \_\_\_\_\_
- 25           8. \_\_\_\_\_

The number of signature lines on each page of a printed petition may vary if necessary to accommodate other required textual matter.

**SECTION 6. AMENDMENT.** Subdivision b of subsection 1 of section 16.1-05-02 of the North Dakota Century Code is amended and reenacted as follows:

1           b. A student enrolled in a high school or college in this state who has attained the  
2           age of sixteen is eligible to be appointed as a poll clerk if the student possesses  
3           the following qualifications:

4           (1) Is a United States citizen or will be a citizen at the time of the election at  
5           which the student will be serving as a member of an election board;

6           (2) ~~Is~~Has been a resident of this state for at least one year and has resided in  
7           the precinct at least ~~thirty~~ninety days before the election; and

8           (3) Is a student in good standing attending a secondary or higher education  
9           institution.

10           **SECTION 7. AMENDMENT.** Subdivision g of subsection 1 of section 16.1-07-06 of the  
11 North Dakota Century Code is amended and reenacted as follows:

12           g. An affirmation that the applicant has resided, or will reside, in this state for at  
13           least one year and has resided, or will reside, in the precinct for at least  
14           ~~thirty~~ninety days next preceding the election and will be a qualified elector of the  
15           precinct.

16           **SECTION 8. AMENDMENT.** Section 16.1-14-18 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18           **16.1-14-18. Eligibility of new residents to vote.**

19           Each citizen of the United States who, immediately ~~prior to~~before the citizen's removal to  
20 this state, was a citizen of another state and who has been a resident of the state for less than  
21 one year and a resident of the precinct for less than ~~thirty~~ninety days ~~prior to~~ before a  
22 presidential election, is entitled to vote for presidential electors at that election, but for no other  
23 offices, if:

24           1. The citizen otherwise possesses the substantive qualifications to vote in this state,  
25           except requirement of residence; and

26           2. The citizen complies with the provisions of sections 16.1-14-18 through 16.1-14-28.

27           **SECTION 9. AMENDMENT.** Section 16.1-14-20 of the North Dakota Century Code is  
28 amended and reenacted as follows:

1 **16.1-14-20. Application for presidential ballot by new residents.**

2 A person desiring to qualify to vote for presidential electors is not required to register but,  
3 not less than ten days in advance of the election, shall make an application in the form of an  
4 affidavit executed in duplicate in the presence of the county auditor substantially as follows:

5 State of North Dakota )

6 ) ss.

7 County of \_\_\_\_\_ )

8 I, \_\_\_\_\_, do solemnly swear that:

- 9 1. I am a citizen of the United States.
- 10 2. Before becoming a resident of this state, I resided at \_\_\_\_\_ street, in the (town)  
11 (township) (city) of \_\_\_\_\_, county of \_\_\_\_\_ in the state of \_\_\_\_\_.
- 12 3. On the day of the next presidential election, I shall be at least eighteen years of age. I  
13 have been a resident of this state since \_\_\_\_\_, \_\_\_\_, now residing at  
14 \_\_\_\_\_ street, in the (town) (township) (city) of \_\_\_\_\_, county of  
15 \_\_\_\_\_ in the state of North Dakota.
- 16 4. I have resided in North Dakota for less than one year and have resided in \_\_\_\_\_  
17 precinct for less than ~~thirty~~ninety days. I believe I am entitled under the laws of this  
18 state to vote at the presidential election to be held on November \_\_\_\_\_, \_\_\_\_.
- 19 5. I apply for a presidential election ballot. I have not voted and will not vote otherwise  
20 than by this ballot at that election.

21 Signed \_\_\_\_\_

22 (Applicant)

23 \_\_\_\_\_

24 (Applicant's telephone number)

25 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

26 Signed \_\_\_\_\_

27 (Title and name of officer  
28 authorized to administer oaths)