

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1230**

Introduced by

Representatives Nathe, Bosch, Boschee, Dockter, Hagert, Heinert, Lefor, Stemen

Senators Hogue, Meyer, Patten

1 A BILL for an Act to amend and reenact section 16.1-01-12 of the North Dakota Century Code,
2 relating to fraudulent signatures on an initiated petition; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-01-12. Election offenses - Penalty.**

7 1. It is unlawful for an individual, measure committee as described in section
8 16.1-08.1-01, or other organization to:

- 9 a. Fraudulently alter another individual's ballot, substitute one ballot for another, or
10 otherwise defraud a voter of that voter's vote.
- 11 b. Obstruct a qualified elector on the way to a polling place.
- 12 c. Vote more than once in any election.
- 13 d. Knowingly vote in the wrong election precinct or district.
- 14 e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
- 15 f. Knowingly exclude a qualified elector from voting or knowingly allow an
16 unqualified individual to vote.
- 17 g. Knowingly vote when not qualified to do so.
- 18 h. Sign an initiative, referendum, recall, or any other election petition when not
19 qualified to do so.
- 20 i. Circulate an initiative, referendum, recall, or any other election petition not in its
21 entirety or when unqualified to do so.
- 22 j. Pay or offer to pay any individual, measure committee, or other organization, or
23 receive payment or agree to receive payment, on a basis related to the number
24 of signatures obtained for circulating an initiative, referendum, or recall petition.

1 This subsection does not prohibit the payment of salary and expenses for
2 circulation of the petition on a basis not related to the number of signatures
3 obtained, as long as the circulators file the intent to remunerate before submitting
4 the petitions and, in the case of initiative and referendum petitions, fully disclose
5 all contributions received pursuant to chapter 16.1-08.1 to the secretary of state
6 upon submission of the petitions. The disclosure of contributions received under
7 this section does not affect the requirement to file a pre-election report by
8 individuals or organizations soliciting or accepting contributions for the purpose of
9 aiding or opposing the circulation or passage of a statewide initiative or
10 referendum petition or measure placed upon a statewide ballot by action of the
11 legislative assembly under chapter 16.1-08.1. Any signature obtained in violation
12 of this subdivision is void and may not be counted.

- 13 k. Willfully fail to perform any duty of an election officer after having accepted the
14 responsibility of being an election officer by taking the oath as prescribed in this
15 title.
- 16 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
- 17 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any
18 false return of an election, knowing the canvass or return to be false; or willfully
19 deface, destroy, or conceal any statement or certificate entrusted to the
20 individual's or organization's care.
- 21 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as
22 provided by law, or negatively impact the confidentiality, integrity, or availability of
23 any system used for voting.
- 24 o. Sign a name other than that individual's own name to an initiative, referendum,
25 recall, or any other election petition.
- 26 p. Willfully submit an initiative or referendum petition that contains one or more
27 fraudulent signatures.
- 28 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A
29 misdemeanor.
- 30 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
- 31 c. A violation of subdivision n of subsection 1 is a class C felony.

- 1 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an
2 individual signs one or two names other than the individual's own name to a
3 petition and is a class C felony if an individual signs more than two names other
4 than the individual's own name to a petition.
- 5 e. An organization, as defined in section 12.1-03-04, that violates this section is
6 subject to the organizational fines in section 12.1-32-01.1. The court in which the
7 conviction is entered shall notify the secretary of state of the conviction and shall
8 order the secretary of state to revoke the certificate of authority of any convicted
9 organization or limited liability company. The organization may not reapply to the
10 secretary of state for authorization to do business under any name for one year
11 upon conviction of a class A misdemeanor and for five years upon conviction of a
12 class C felony under this section, except an organization operating a signature
13 gathering business, or similar enterprise, that violates subdivision p of
14 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and
15 may not reapply to the secretary of state for authorization to do business under
16 any name for five years following the entry of judgment.
- 17 f. A violation of subdivision p of subsection 1 by any member of a measure
18 committee, including an initiative or referendum sponsoring committee or an
19 agent acting on behalf of, or in conjunction with a measure committee for the
20 purpose of collecting signatures for a petition under this chapter is subject to a
21 civil penalty of not more than three thousand dollars. The civil penalty may be
22 recovered in an action brought in the district court of Burleigh County by the
23 attorney general.
- 24 g. An individual who is a member of an organization may be convicted of a violation
25 as an accomplice under section 12.1-03-01.
- 26 3. Every act this chapter makes criminal when committed with reference to the election of
27 a candidate is equally criminal when committed with reference to the determination of
28 a question submitted to qualified electors to be decided by votes cast at an election.