

Introduced by

Senator Magrum

1 A BILL for an Act to amend and reenact sections 16.1-02-13 and 16.1-02-15, subsection 3 of  
2 section 16.1-05-04, subsection 2 of section 16.1-05-07, section 16.1-06-21, subsection 2 of  
3 section 16.1-07-15, and sections 16.1-11-33 and 16.1-15-04 of the North Dakota Century Code,  
4 relating to pollbooks, voter lists, reports generated from the central voter file, and reports  
5 submitted to the county auditor.

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

7 **SECTION 1. AMENDMENT.** Section 16.1-02-13 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **16.1-02-13. Information contained in pollbooks generated from the central voter file \_**  
10 **Electronic pollbooks prohibited.**

11 The county auditor shall generate a pollbook for each precinct in the county from the central  
12 voter file by the day before an election. With the exception of a record designated "secured  
13 active" and the voter's birth date and driver's license or nondriver identification card number  
14 issued by the department of transportation, which are exempt records, the precinct pollbooks  
15 are open records under section 44-04-18. When providing access to or a copy of a pollbook, the  
16 election official administering the election shall redact from the pollbook any voter records  
17 designated as secured active along with the voter's date of birth and identification numbers  
18 listed on the paper pollbook used in an election. ~~If an~~An electronic pollbook ~~is~~may not be used,  
19 ~~the election official, upon request for a copy of the pollbook, shall generate a list including the~~  
20 ~~allowable information detailed in this section for the individuals who voted in the election. The~~  
21 ~~list provided from an electronic pollbook may be requested by precinct or county. The secretary~~  
22 ~~of state shall prescribe procedures for generating pollbooks and for transporting the pollbooks~~  
23 ~~to the poll clerks for use on election day. Electronic pollbooks may have a secure connection~~  
24 ~~from the polling place to the data maintained in the central voter file to ensure the integrity of the~~

1 ~~election.~~ Each pollbook generated from the central voter file must contain the following  
2 information for each individual contained in the pollbook:

- 3 1. The complete legal name of the individual.
- 4 2. The complete residential address of the individual.
- 5 3. The complete mailing address of the individual, if different from the individual's  
6 residential address.
- 7 4. The unique identifier generated and assigned to the individual.
- 8 5. The county, legislative district, city or township, school district, county commissioner  
9 district, if applicable, precinct name, and precinct number in which the individual  
10 resides. A ballot-style code identifying this information may be used in place of the  
11 information required by this subsection.
- 12 6. Any other information requested of and obtained from the individual deemed  
13 necessary by the secretary of state for the proper administration of the pollbook.

14 **SECTION 2. AMENDMENT.** Section 16.1-02-15 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **16.1-02-15. Voter lists and reports ~~may be made available for election-related~~**  
17 **~~purposes - Available upon request - Funds received.~~**

- 18 ~~1. Except as otherwise provided by law for the information identified in subsection 2, a~~  
19 ~~voter list or a report generated from the central voter file ~~may~~ must be made available,~~  
20 ~~upon request, to a candidate, political party, or a political committee for~~  
21 ~~election-related purposes. Any information obtained by a candidate, political party, or~~  
22 ~~political committee for election-related purposes from a list or report generated from~~  
23 ~~the central voter file may not be sold or distributed for a purpose that is not~~  
24 ~~election-related. Except for, or qualified elector.~~
- 25 ~~2. The information identified in the central voter file under subsections 1, 2, 3, 4, 5, 6, 7,~~  
26 ~~and 108 and 9 of section 16.1-02-12, which is an exempt record and may not be made~~  
27 ~~available to a candidate, political party, or political committee for election-related~~  
28 ~~purposes, information in the central voter file is an exempt record, or qualified elector.~~  
29 An individual's record that is designated as "secured active" is an exempt record and  
30 is not available to any candidate, political party, or political committee, or qualified  
31 ~~elector~~ for any purpose. Any funds received by the secretary of state to pay the cost of

1           ~~producing a report or list of voters contained in the central voter file must be deposited~~  
2           ~~in the secretary of state's general services operating fund.~~

3           **SECTION 3. AMENDMENT.** Subsection 3 of section 16.1-05-04 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5           3.   The election inspector shall provide a paper copy of the pollbook generated from the  
6           central voter file and assign the poll clerks to perform the function of maintaining the  
7           pollbook. The designated poll clerks shall maintain the pollbook. The pollbook must  
8           contain the name and address of each individual voting at the precinct and must be  
9           arranged in the form and manner prescribed by the secretary of state.

10          **SECTION 4. AMENDMENT.** Subsection 2 of section 16.1-05-07 of the North Dakota  
11 Century Code is amended and reenacted as follows:

- 12          2.   a.   When verifying an individual's eligibility or when ~~entering~~comparing the name of  
13               an individual ~~into~~with the pollbook, poll clerks shall request, correct, and update  
14               any incorrect or incomplete information, on a paper form created by the secretary  
15               of state, about an individual required to be included in the pollbook generated  
16               from the central voter file.
- 17          b.   If the individual's name is contained in the pollbook generated from the central  
18               voter file, the poll clerks shall verify the individual's residential address and  
19               mailing address.
- 20          c.   If the individual's name is not contained in the pollbook generated from the  
21               central voter file but the individual is determined eligible to vote, the poll clerks  
22               shall record the individual's name in the pollbook. The poll clerks shall request  
23               and obtain any additional information for the individual required to be included in  
24               the pollbook and the central voter file.

25          **SECTION 5. AMENDMENT.** Section 16.1-06-21 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27          **16.1-06-21. Pollbooks delivered by county auditor - Contents - Inspector of elections**  
28 **to deliver.**

29          1.   The county auditor shall ~~see that one~~ensure two paper ~~or electronic pollbook~~  
30               ~~is~~pollbooks are delivered to the election inspector in each election precinct or polling  
31               place in the county.

1       2. The election inspector shall deliver the ~~pollbook~~pollbooks, or cause the  
2       ~~pollbook~~pollbooks to be delivered, to the clerks of election in the inspector's polling  
3       place on election day before the opening of the polls. All pollbooks must be locked and  
4       kept secure until the polling location is open to voters on election day.

5       **SECTION 6. AMENDMENT.** Subsection 2 of section 16.1-07-15 of the North Dakota  
6       Century Code is amended and reenacted as follows:

7       2. If the board of county commissioners establishes an early voting precinct according to  
8       this section, ~~the following provisions apply:~~

9       a. Early voting must be authorized during the fifteen days immediately before the  
10       day of the election. The county auditor shall designate the business days and  
11       times during which the early voting election precinct will be open and publish  
12       notice of the early voting center locations, dates, and times in the official county  
13       newspaper once each week for three consecutive weeks immediately before the  
14       day of the election.

15       b. The county auditor shall appoint the early voting precinct election board for each  
16       early voting polling place that consists of one independent representative to act  
17       as the inspector and an equal number of representatives from each political party  
18       represented on an election board in the county, as set out in section 16.1-05-01,  
19       to act as judges. Each official of the board shall take the oath required by section  
20       16.1-05-02 and must be compensated as provided in section 16.1-05-05.

21       c. The county auditor, with the consent of the board of county commissioners, shall  
22       designate each early voting polling place in a public facility, accessible to the  
23       elderly and the physically disabled as provided in section 16.1-04-02. With  
24       respect to polling places at early voting precincts, "election day" as used in  
25       sections 16.1-10-03 and 16.1-10-06.2 includes any time an early voting precinct  
26       polling place is open.

27       d. At the close of each day of early voting, the inspector, along with a judge from  
28       each political party represented on the board, shall secure all election-related  
29       materials, including:

30       (1) The pollbooks ~~and access to any electronically maintained pollbooks.~~

31       (2) The ballot boxes containing voted ballots.

- 1 (3) Any void, spoiled, and unvoted ballots.
- 2 e. Ballot boxes containing ballots cast at an early voting polling place may not be
- 3 opened until the day of the election except as may be necessary to clear a ballot
- 4 jam or to move voted ballots to a separate locked ballot box in order to make
- 5 room for additional ballots.
- 6 f. Each early voting polling place may be closed, as provided in chapter 16.1-15, at
- 7 the end of the last day designated for early voting in the county. Results from the
- 8 early voting precinct may be counted, canvassed, or released under chapter
- 9 16.1-15 as soon as any precinct within the county, city, or legislative district
- 10 closes its polls on the day of the election. The county auditor shall designate a
- 11 location for the closing, counting, and canvassing process under chapter 16.1-15,
- 12 which location must be open to any person for the purpose of observing.
- 13 g. The early voting precinct election board shall comply with the requirements of
- 14 chapters 16.1-05, 16.1-06, 16.1-11, 16.1-11.1, 16.1-13, and 16.1-15, as
- 15 applicable.

16 **SECTION 7. AMENDMENT.** Section 16.1-11-33 of the North Dakota Century Code is

17 amended and reenacted as follows:

18 **16.1-11-33. Judges of election to run report of primary election - Contents.**

19 The judges of a primary election in each polling place shall run a separate report for each

20 political party or principle requesting the report, containing the names of all individuals voted for

21 at the primary election, the number of votes cast for each candidate, and for what office. The

22 report must be approved and signed by the election inspector and election judges and must be

23 filed with the returns in the office of the county auditor. The report must be made available, upon

24 request, to any qualified elector, at no cost.

25 **SECTION 8. AMENDMENT.** Section 16.1-15-04 of the North Dakota Century Code is

26 amended and reenacted as follows:

27 **16.1-15-04. Canvass report prepared by election board for county auditor.**

- 28 1. The election board shall generate at least one canvass report from the electronic
- 29 voting system. The ballots may not be sealed, nor may the canvass report be signed,
- 30 by the election board or poll clerk until the counts in the poll clerks' books and in the
- 31 canvass report shows the same totals for ballots cast.

- 1        2. In the case of the absentee ballot precinct as authorized in section 16.1-07-12.1, early  
2        voting precincts as authorized in section 16.1-07-15, and mail ballot precinct as  
3        authorized in section 16.1-11.1-06, if the work of the election board is completed ~~prior-~~  
4        ~~to~~before close of the polls on election day, the election board shall create and sign a  
5        statement consisting of a reconciliation of the number of voters recorded in the  
6        pollbook and the number of ballots processed through the tabulators. The voting  
7        system must be secured in a manner prescribed by the county auditor that will protect  
8        the system and ballots from tampering. ~~Prior to~~Before generating the canvass report  
9        from one of these three types of precincts, an election judge representing each  
10       political party, or two election judges in the case of an election that does not include a  
11       political party contest, shall verify that the system and ballots remain secure and the  
12       statement created by the election board is still accurate.
- 13       3. A report listing the name of each individual who voted must be made available, upon  
14       request, to any qualified elector, at no cost.