

**FIRST ENGROSSMENT**

**ENGROSSED HOUSE BILL NO. 1165**

Introduced by

Representatives Louser, Rohr, D. Ruby, Satrom, Schauer, Vetter, Lefor

Senators Boehm, Castaneda, Paulson, Roers, Hogue

1 A BILL for an Act to amend and reenact section 4.1-20-16, subsection 1 of section 4.1-20-18,  
2 sections 16.1-01-00.1 and 16.1-01-15.1, subsection 3 of section 16.1-05-01, section  
3 16.1-06-02, subdivision g of subsection 1 of section 16.1-06-04, section 16.1-07-07,  
4 subsection 4 of section 16.1-07-08, and subsection 3 of section 16.1-12-02.2 of the North  
5 Dakota Century Code, relating to election practices and administration; and to repeal sections  
6 16.1-07-30 and 40-21-10 of the North Dakota Century Code, relating to election notices and  
7 municipal voter registration.

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

9 **SECTION 1. AMENDMENT.** Section 4.1-20-16 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **4.1-20-16. Nominating petitions - Petitions required - Final filing date.**

12 1. Any individual running for the office of supervisor shall present to the county auditor of  
13 the county in which the district lies a petition giving that individual's name and mailing  
14 address and the title and term of the office, and containing the signatures of not less  
15 than twenty-five nor more than three hundred qualified electors of the district. When a  
16 district lies in more than one county, the petition must be filed with the county auditor  
17 of the county where the candidate resides, and that county auditor shall certify to the  
18 county auditors of the other counties in which the district lies the name and mailing  
19 address of the candidate filing such petition. ~~At the same time, the county auditor, or~~  
20 ~~auditors in the case of multicounty districts, also shall certify to the secretary of state~~  
21 ~~the name and mailing address of each individual filing a nominating petition according~~  
22 ~~to this section.~~

1       2. An individual may not participate directly or indirectly in the nomination for more than  
2           one individual for each office to be filled. The final filing date for nominating petitions is  
3           no later than four p.m. sixty-four days before the day of the election.

4       3. Upon receipt of the petition or the certification as provided in this section, the county  
5           auditor shall place, without fee, the name of the candidate so nominated on the  
6           no-party ballot at the ensuing general election.

7       **SECTION 2. AMENDMENT.** Subsection 1 of section 4.1-20-18 of the North Dakota Century  
8       Code is amended and reenacted as follows:

9       1. At each general election, one district supervisor must be elected for a term of six  
10           years, or until the successor is duly elected and qualified, to each expiring or vacant  
11           term. The county auditor of the county or counties in which the district lies shall ~~return~~  
12           ~~to the secretary of state before four p.m. on the tenth day following any general~~  
13           ~~election a certified abstract of the votes cast in the county at the election for each~~  
14           ~~candidate for district supervisor. The secretary of state shall canvass the returns and~~  
15           ~~issue certificates of election under chapter 16.1-15~~ canvass the returns and issue  
16           certificates of election under chapter 16.1-15. When a district lies in more than one  
17           county, the county auditor of the county in which the candidate resides shall issue the  
18           certificate of election.

19       **SECTION 3. AMENDMENT.** Section 16.1-01-00.1 of the North Dakota Century Code is  
20       amended and reenacted as follows:

21       **16.1-01-00.1. Definitions.**

22       ~~For purposes of~~ As used in this title, unless the context otherwise requires, "candidate"  
23       means:

24       1. "Candidate" means:

25           a. An individual holding public office;

26           2. b. An individual who publicly has declared that individual's candidacy for nomination  
27           for election or election to public office or has filed or accepted a nomination for  
28           public office;

29           3. c. An individual who has formed a campaign or other committee for that individual's  
30           candidacy for public office;

- 1       4. d. An individual who has circulated a nominating petition to have that individual's  
2             name placed on the ballot; and
- 3       5. e. An individual who, in any manner, has solicited or received a contribution for that  
4             individual's candidacy for public office, whether before or after the election for  
5             that office.
- 6       2. "Complete residential address" means the description of an individual's physical  
7             residence, which includes a house or unit number, street, city, state, zip code, general  
8             delivery, or rural route address.

9       **SECTION 4. AMENDMENT.** Section 16.1-01-15.1 of the North Dakota Century Code is  
10    amended and reenacted as follows:

11       **16.1-01-15.1. Use of nonpublic funds prohibited - Penalty.**

- 12       1. The state and political subdivisions may not solicit, accept, or use any grants or  
13             donations from private persons for elections operations or administration except:
- 14             a. The use of privately owned facilities for polling places;
- 15             b. Food for poll workers; and
- 16             c. Other nonmonetary donations that are not used to prepare, process, mark,  
17             collect, or tabulate ballots or votes.
- 18       2. The state or any political subdivision of this state may not use a private entity to  
19             administer an election.
- 20       3. An individual who knowingly violates subsection 1 is guilty of a class A misdemeanor.

21       **SECTION 5. AMENDMENT.** Subsection 3 of section 16.1-05-01 of the North Dakota  
22    Century Code is amended and reenacted as follows:

- 23       3. If at any time before or during an election, it appears to ~~an election inspector, by the~~  
24             ~~affidavit of two or more qualified electors of the precinct, or precincts for a~~  
25             ~~multiprecinct polling place,~~a county auditor that any election judge is disqualified under  
26             this chapter, the auditor shall order the election inspector shall to remove that judge at  
27             once and ~~shall~~ fill the vacancy by appointing a qualified individual of the same political  
28             party as that of the judge removed. If the disqualified judge had taken the oath of office  
29             as prescribed in this chapter, the inspector shall place the oath or affidavit before the  
30             state's attorney of the county.

1       **SECTION 6. AMENDMENT.** Section 16.1-06-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **16.1-06-02. Ballots prepared by county auditor or local official - Penalty.**

4       For a local election, the ballots must be printed and distributed under the direction of the  
5 auditor or clerk of the local subdivision. For all other elections, the secretary of state shall  
6 prescribe a ballotsprinting vendor. Ballots must be printed and distributed under the direction of  
7 the county auditor, subject to the supervision and approval of the secretary of state as to the  
8 legal sufficiency of the form, style, wording, and contents of the ballots. If an auditor or clerk of a  
9 local subdivision, a county auditor, or the secretary of state causes or approves the printing of a  
10 ballot listing an individual as a candidate when the official knows or should know the individual  
11 does not meet the qualifications, or has not satisfied the requirements to be a candidate, the  
12 official is guilty of an infraction.

13       **SECTION 7. AMENDMENT.** Subdivision g of subsection 1 of section 16.1-06-04 of the  
14 North Dakota Century Code is amended and reenacted as follows:

15           g. Provide text boxes at the bottom of the first side of the ballot. The text box at the  
16 bottom of the first column is to contain the words "Official Ballot, the name of the  
17 county, the name or number of the precinct, and the date of the election". The  
18 text box is to contain the words "All ballots, other than those used to vote  
19 absentee, must first be initialed by appropriate election officials in order to be  
20 counted". The text box at the bottom of the third column is to contain the ~~word~~  
21 ~~"initials"~~phrase "election official initials" preceded by a blank line where the judge  
22 or inspector shall initial the ballot.

23       **SECTION 8. AMENDMENT.** Section 16.1-07-07 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25       **16.1-07-07. Delivering application form for ballot.**

26       The officers specified in section 16.1-07-05, upon request, shall provide an application form  
27 for an absent voter's ballot to the voter or may deliver the application form to the voter upon a  
28 personal application made at the officer's office. The officers ~~may~~ also may make available or  
29 distribute the applications, prescribed by the secretary of state, to the public without any specific  
30 request being made for the applications. For every primary, general, special statewide, district,

1 or county election, the county auditor shall mail the applications in an envelope prescribed by  
2 the secretary of state.

3 **SECTION 9. AMENDMENT.** Subsection 4 of section 16.1-07-08 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5 4. For every primary, general, special statewide, district, or county election, the county  
6 auditor shall use the outgoing, return, and secrecy envelopes prescribed by the  
7 secretary of state. If there is more than one ballot to be voted by an elector of the  
8 precinct and the voting system will be unable to tabulate one or more of the ballots,  
9 one of each kind must be included and a secrecy envelope and a return envelope  
10 must be enclosed with the ballot or ballots. The front of the return envelope must bear  
11 the official title and post-office address of the officer supplying the voter with the ballot  
12 and upon the other side a printed voter's affidavit in substantially the following form:

13 Precinct \_\_\_\_\_

14 Name \_\_\_\_\_

15 Residential Address \_\_\_\_\_

16 City \_\_\_\_\_ ND Zip Code \_\_\_\_\_

17 Under penalty of possible criminal prosecution for making a false  
18 statement, I swear that I reside at the residential address provided  
19 above, that I have resided in my precinct for at least thirty days  
20 next preceding the election, and this is the only ballot I will cast  
21 in this election.

22 Applicant's Signature \_\_\_\_\_

23 Date \_\_\_\_\_

24 The signature on this affidavit will be compared to the signature on the  
25 affidavit included in the application for the absentee ballot.

26 **SECTION 10. AMENDMENT.** Subsection 3 of section 16.1-12-02.2 of the North Dakota  
27 Century Code is amended and reenacted as follows:

28 3. An individual who intends to be a write-in candidate for any legislative district office  
29 shall file a certificate of write-in candidacy with the secretary of state. The certificate  
30 must contain the name, address, and signature of the candidate. Certificates must be  
31 filed by four p.m. on the ~~fourth~~twenty-first day before the election.

- 1       **SECTION 11. REPEAL.** Sections 16.1-07-30 and 40-21-10 of the North Dakota Century
- 2       Code are repealed.