

**FIRST ENGROSSMENT
with Senate Amendments**

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 section 16.1-01-00.1, subsection 1 of section 16.1-01-09, section 16.1-01-15.1, subsection 3 of
3 section 16.1-05-01, section 16.1-06-02, subdivision g of subsection 1 of section 16.1-06-04,
4 section 16.1-07-07, subsection 4 of section 16.1-07-08, subsection 3 of section 16.1-12-02.2,
5 and subsection 2 of 16.1-13-05 of the North Dakota Century Code, relating to election practices
6 and administration; and to repeal sections 16.1-07-30 and 40-21-10 of the North Dakota
7 Century Code, relating to election notices and 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.** Subsection 1 of section 16.1-01-09 of the North Dakota
10 Century Code is amended and reenacted as follows:

- 11 1. a. A request of the secretary of state for approval of a petition to initiate or refer a
12 measure may be presented over the signatures of the sponsoring committee on
13 individual signature forms that have been notarized. The secretary of state shall
14 prepare a signature form that includes provisions for identification of the
15 measure; the printed name, signature, and address of the committee member;
16 and notarization of the signature. The filed signature forms must be originals.
- 17 b. Upon receipt of a petition to initiate or refer a measure, the secretary of state
18 shall draft a short and concise statement that fairly represents the measure. The
19 statement must be submitted to the attorney general for approval or disapproval.
20 ~~An approved statement must be affixed to the petition before it is circulated for~~
21 ~~signatures, must be called the "petition title", and must be placed immediately~~
22 ~~before the full text of the measure.~~
- 23 c. The secretary of state and the attorney general shall complete their review of a
24 petition in not less than five, nor more than seven, business days, excluding
25 Saturdays.
- 26 d. An approved statement must be affixed to the petition by the sponsoring
27 committee. The statement must be called the "petition title" and placed
28 immediately before the full text of the measure. The petition packet, including the
29 approved statement and affidavits from the sponsoring committee members,
30 must be submitted for final review by the secretary of state within fifteen business
31 days, excluding Saturdays, before the petition can be approved to circulate for

1 the collection of signatures. Petition packets and affidavits not received within
2 fifteen business days are considered withdrawn.

3 **SECTION 5. AMENDMENT.** Section 16.1-01-15.1 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **16.1-01-15.1. Use of nonpublic funds prohibited - Penalty.**

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

15 **SECTION 6. AMENDMENT.** Subsection 3 of section 16.1-05-01 of the North Dakota
16 Century Code is amended and reenacted as follows:

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

25 **SECTION 7. AMENDMENT.** Section 16.1-06-02 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **16.1-06-02. Ballots prepared by county auditor or local official - Penalty.**

28 For a local election, the ballots must be printed and distributed under the direction of the
29 auditor or clerk of the local subdivision. For all other elections, the secretary of state shall
30 prescribe a ballotsprinting vendor. Ballots must be printed and distributed under the direction of
31 the county auditor, subject to the supervision and approval of the secretary of state as to the

1 legal sufficiency of the form, style, wording, and contents of the ballots. If an auditor or clerk of a
2 local subdivision, a county auditor, or the secretary of state causes or approves the printing of a
3 ballot listing an individual as a candidate when the official knows or should know the individual
4 does not meet the qualifications, or has not satisfied the requirements to be a candidate, the
5 official is guilty of an infraction.

6 **SECTION 8. AMENDMENT.** Subdivision g of subsection 1 of section 16.1-06-04 of the
7 North Dakota Century Code is amended and reenacted as follows:

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

16 **SECTION 9. AMENDMENT.** Section 16.1-07-07 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **16.1-07-07. Delivering application form for ballot.**

19 The officers specified in section 16.1-07-05, upon request, shall provide an application form
20 for an absent voter's ballot to the voter or may deliver the application form to the voter upon a
21 personal application made at the officer's office. The officers ~~may~~ also may make available or
22 distribute the applications, prescribed by the secretary of state, to the public without any specific
23 request being made for the applications. For every primary, general, special statewide, district,
24 or county election, the county auditor shall mail the applications in an envelope prescribed by
25 the secretary of state.

26 **SECTION 10. AMENDMENT.** Subsection 4 of section 16.1-07-08 of the North Dakota
27 Century Code is amended and reenacted as follows:

28 4. For every primary, general, special statewide, district, or county election, the county
29 auditor shall use the outgoing, return, and secrecy envelopes prescribed by the
30 secretary of state. If there is more than one ballot to be voted by an elector of the
31 precinct and the voting system will be unable to tabulate one or more of the ballots,

1 one of each kind must be included and a secrecy envelope and a return envelope
2 must be enclosed with the ballot or ballots. The front of the return envelope must bear
3 the official title and post-office address of the officer supplying the voter with the ballot
4 and upon the other side a printed voter's affidavit in substantially the following form:

5 Precinct _____

6 Name _____

7 Residential Address _____

8 City _____ ND Zip Code _____

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

14 Applicant's Signature _____

15 Date _____

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

18 **SECTION 11. AMENDMENT.** Subsection 3 of section 16.1-12-02.2 of the North Dakota
19 Century Code is amended and reenacted as follows:

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

24 **SECTION 12. AMENDMENT.** Subsection 2 of section 16.1-13-05 of the North Dakota
25 Century Code is amended and reenacted as follows:

- 26 2. The county auditor shall publish a copy of the sample ballot of the general election
27 once each week for two consecutive weeks before the election in the official county
28 newspaper. If no newspaper is published in the county, the publication must be in a
29 newspaper published in an adjoining county in the state. The form of the sample ballot
30 as ordered and arranged by the county auditor must conform in all respects to the
31 form prescribed by the secretary of state for the sample general election ballot. The

1 county auditor shall publish the sample ballot in all forms appropriate for the method or
2 methods of voting in the county. Candidates from each legislative district within the
3 boundaries of the county must be listed in a separate box or category within the
4 sample ballot by legislative district number to enable the voters in each legislative
5 district to ascertain the legislative candidates in their specific district. Sample ballots
6 used for publication purposes must be arranged ~~using the rotation of the ballot in the~~
7 ~~precinct in the county that cast the highest total vote for governor at the last general~~
8 ~~election at which the office of governor was filled~~ in accordance with section
9 16.1-11-27. The notice must include a statement in substantially the following format:
10 The arrangement of candidate names appearing on ballots in your precinct may vary
11 from the published sample ballots, depending upon the precinct and legislative district
12 in which you reside.

13 **SECTION 13. REPEAL.** Sections 16.1-07-30 and 40-21-10 of the North Dakota Century
14 Code are repealed.