

**HOUSE BILL NO. 1245**

Introduced by

Representatives Hendrix, Kasper, Toman, Henderson, Hoverson, D. Johnston, Heilman,  
Christianson

Senators Cleary, Magrum, Weston, Cory

1 A BILL for an Act to amend and reenact section 16.1-01-12 of the North Dakota Century Code,  
2 relating to election offenses.

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. Cause a disturbance, breach the peace, or obstruct a qualified elector or a  
12 member of the election board on the way to or at a polling place.
  - 13 c. Vote more than once in any election.
  - 14 d. Knowingly vote in the wrong election precinct or district.
  - 15 e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
  - 16 f. Knowingly exclude a qualified elector from voting or knowingly allow an  
17 unqualified individual to vote.
  - 18 g. Knowingly vote when not qualified to do so.
  - 19 h. Sign an initiative, referendum, recall, or any other election petition when not  
20 qualified to do so.
  - 21 i. Circulate an initiative, referendum, recall, or any other election petition not in its  
22 entirety or when unqualified to do so.

- 1           j. ~~Pay or offer to pay any individual, measure committee, or other organization, or~~  
2           ~~receive payment or agree to receive payment, on a basis related to the number~~  
3           ~~of signatures obtained for circulating an initiative, referendum, or recall petition.~~  
4           ~~This subsection does not prohibit the payment of salary and expenses for~~  
5           ~~circulation of the petition on a basis not related to the number of signatures~~  
6           ~~obtained, as long as the circulators file the intent to remunerate before submitting~~  
7           ~~the petitions and, in the case of initiative and referendum petitions, fully disclose~~  
8           ~~all contributions received pursuant to chapter 16.1-08.1 to the secretary of state~~  
9           ~~upon submission of the petitions. The disclosure of contributions received under~~  
10           ~~this section does not affect the requirement to file a pre-election report by~~  
11           ~~individuals or organizations soliciting or accepting contributions for the purpose of~~  
12           ~~aiding or opposing the circulation or passage of a statewide initiative or~~  
13           ~~referendum petition or measure placed upon a statewide ballot by action of the~~  
14           ~~legislative assembly under chapter 16.1-08.1. Any signature obtained in violation~~  
15           ~~of this subdivision is void and may not be counted.~~
- 16           k. Willfully fail to perform any duty of an election officer after having accepted the  
17           responsibility of being an election officer by taking the oath as prescribed in this  
18           title.
- 19           ~~l.k.~~ Willfully violate any rule adopted by the secretary of state pursuant to this title.
- 20           ~~m.l.~~ Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
21           false return of an election, knowing the canvass or return to be false; or willfully  
22           deface, destroy, or conceal any statement or certificate entrusted to the  
23           individual's or organization's care.
- 24           ~~n.m.~~ Destroy ballots, ballot boxes, election lists, or other election supplies except as  
25           provided by law, or negatively impact the confidentiality, integrity, or availability of  
26           any system used for voting.
- 27           ~~o.n.~~ Sign a name other than that individual's own name to an initiative, referendum,  
28           recall, or any other election petition.
- 29           ~~p.o.~~ Willfully submit an initiative or referendum petition that contains one or more  
30           fraudulent signatures.

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

- 1           3.   Every act this chapter makes criminal when committed with reference to the election of
- 2                   a candidate is equally criminal when committed with reference to the determination of
- 3                   a question submitted to qualified electors to be decided by votes cast at an election.