

ELECTIONS

CHAPTER 200

HOUSE BILL NO. 1165

(Representatives Louser, Rohr, D. Ruby, Satrom, Schauer, Vetter, Lefor)
(Senators Boehm, Castaneda, Paulson, Roers, Hogue)

AN ACT to amend and reenact section 4.1-20-16, subsection 1 of section 4.1-20-18, section 16.1-01-00.1, subsection 1 of section 16.1-01-09, section 16.1-01-15.1, subsection 3 of section 16.1-05-01, section 16.1-06-02, subdivision g of subsection 1 of section 16.1-06-04, section 16.1-07-07, subsection 4 of section 16.1-07-08, section 16.1-07-09, subsection 3 of section 16.1-07-21, section 16.1-07-24, subsection 2 of section 16.1-07-26, sections 16.1-11-27 and 16.1-11.1-04, subsection 1 of section 16.1-11.1-07, subsection 3 of section 16.1-12-02.2, and subsection 2 of section 16.1-13-05 of the North Dakota Century Code, relating to absentee ballots, election practices and administration; and to repeal sections 16.1-07-30 and 40-21-10 of the North Dakota Century Code, relating to election notices and municipal voter registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. Any individual running for the office of supervisor shall present to the county auditor of the county in which the district lies a petition giving that individual's name and mailing address and the title and term of the office, and containing the signatures of not less than twenty-five nor more than three hundred qualified electors of the district. When a district lies in more than one county, the petition must be filed with the county auditor of the county where the candidate resides, and that county auditor shall certify to the county auditors of the other counties in which the district lies the name and mailing address of the candidate filing such petition. ~~At the same time, the county auditor, or auditors in the case of multicounty districts, also shall certify to the secretary of state the name and mailing address of each individual filing a nominating petition according to this section.~~
2. An individual may not participate directly or indirectly in the nomination for more than one individual for each office to be filled. The final filing date for nominating petitions is no later than four p.m. sixty-four days before the day of the election.
3. Upon receipt of the petition or the certification as provided in this section, the county auditor shall place, without fee, the name of the candidate so nominated on the no-party ballot at the ensuing general election.

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

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

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

16.1-01-00.1. Definitions.

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

1. "Candidate" means:
 - a. An individual holding public office;
 - b. An individual who publicly has declared that individual's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
 - c. An individual who has formed a campaign or other committee for that individual's candidacy for public office;
 - d. An individual who has circulated a nominating petition to have that individual's name placed on the ballot; and
 - e. An individual who, in any manner, has solicited or received a contribution for that individual's candidacy for public office, whether before or after the election for that office.
2. "Complete residential address" means the description of an individual's physical residence, which includes a house or unit number, street, city, state, zip code, general delivery, or rural route address.

SECTION 4. AMENDMENT. Subsection 1 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

1. a. A request of the secretary of state for approval of a petition to initiate or refer a measure may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The secretary of state shall prepare a signature form that includes provisions for identification of the measure; the printed name, signature, and address of the committee member; and notarization of the signature. The filed signature forms must be originals.

- b. Upon receipt of a petition to initiate or refer a measure, the secretary of state shall draft a short and concise statement that fairly represents the measure. The statement must be submitted to the attorney general for approval or disapproval. ~~An approved statement must be affixed to the petition before it is circulated for signatures, must be called the "petition title", and must be placed immediately before the full text of the measure.~~
- c. The secretary of state and the attorney general shall complete their review of a petition in not less than five, nor more than seven, business days, excluding Saturdays.
- d. An approved statement must be affixed to the petition by the sponsoring committee. The statement must be called the "petition title" and placed immediately before the full text of the measure. The petition packet, including the approved statement and affidavits from the sponsoring committee members, must be submitted for final review by the secretary of state within fifteen business days, excluding Saturdays, before the petition can be approved to circulate for the collection of signatures. Petition packets and affidavits not received within fifteen business days are considered withdrawn.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Precinct _____
Name _____
Residential Address _____
City _____ ND Zip Code _____

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

Applicant's Signature _____
Date _____

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

SECTION 11. AMENDMENT. Section 16.1-07-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-09. Canvassing of mailed absent voter's ballot received late.

1. ~~In congressional, state, county, city, or school district elections, if an envelope postmarked or otherwise officially marked by the United States postal service or other mail delivery system before the date of election and containing an absent voter's ballot must be received by the officer before the close of polls on election day. An absent voter's ballot is received by the officer after election day, the ballot must be tallied by after the close of polls on election day must be forwarded to the canvassing board of the county, the governing body of the city, or the school board of the school district, as the case may be, at the time the returns are canvassed. Any envelope without a postmark or other official marking by the United States postal service or other mail delivery system or with an illegible postmark or other official marking and containing an absentee voter's ballot must be received by mail by the proper officer prior to the meeting of the~~
2. Before forwarding a ballot to the canvassing board under this section, the officer forwarding the ballot shall print the date and time of receipt on the envelope. An absent voter may personally deliver the absent voter's ballot to the appropriate officer's office at any time before ~~five p.m. the close of polls on the day before the election day.~~ Any envelope containing an absent voter's ballot ~~with a postmark or official date stamp on received after the day of close of polls on election or thereafter day~~ may not be tallied with the ballots timely submitted for the election. ~~Before forwarding any ballot to a canvassing board pursuant to this section, the officer forwarding the ballot shall print the date of receipt on the envelope.~~ Upon receipt, the canvassing board shall determine that the elector was qualified to vote in that precinct, that the elector did not previously vote in that precinct on the date of the election, and that the signatures on the absentee ballot application and the voter's affidavit were signed by the same individual before allowing the ballot to be tallied.

SECTION 12. AMENDMENT. Subsection 3 of section 16.1-07-21 of the North Dakota Century Code is amended and reenacted as follows:

3. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act [42 U.S.C. 1973ff-2] as an application for a military-overseas ballot simultaneously with the submission of the federal

write-in absentee ballot, if the declaration is received by the appropriate election official by ~~midnight on the day before the~~ close of polls on election day.

SECTION 13. AMENDMENT. Section 16.1-07-24 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-24. Timely casting of ballot.

To be valid, a military-overseas ballot must be submitted for mailing or other authorized means of delivery not later than ~~41:50 p.m. on the day before the~~ close of polls on election day at the place where the voter completes the ballot. A military-overseas ballot must be received by the appropriate election official before the canvassing board meeting.

SECTION 14. AMENDMENT. Subsection 2 of section 16.1-07-26 of the North Dakota Century Code is amended and reenacted as follows:

2. If, at the time of completing a military-overseas ballot and balloting materials, the voter has affirmed under penalty of perjury under section 16.1-07-27 that the ballot was timely submitted, the ballot may not be rejected on the basis that it ~~has a late postmark, an unreadable postmark, or no postmark~~ was received by the officer after the close of polls on election day.

SECTION 15. AMENDMENT. Section 16.1-11-27 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-27. Arrangement of names on ballots.

Sample ballots used for publication purposes must be arranged using the rotation of the ballot in the precinct ~~in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled. In the event that this determination is no longer possible due to changes in precinct boundaries, the precincts are to be and~~ ordered according to the precincts with the greatest ~~voting age~~ voting age eligible voter population to the least. ~~This information is to be provided by the North Dakota state data center or based on the best available data as determined by the county auditor.~~ On the official ballot used at the election, including electronic voting system ballots, the names of candidates beside or under headings designating each office to be voted for must be alternated in the following manner:

1. The ballot must first be arranged with all the names for each office on the ballot in an order determined by lot by the county auditor and prepared by the county auditor for all state, district, and county offices. The position of names that require alternating under the provisions of this section must be alternated by an algorithm approved by the secretary of state designed to ensure to the extent possible that each name on the ballot for an office is listed in each position order on an equal number of precinct ballots spread across the county. There must be a different alternation sequence for each of the following, based on the geographical area by which the office is filled:
 - a. Offices to be filled by the electors of the state, the entire county, or any district which includes the entire county.
 - b. Offices to be filled by the electors of districts smaller than the county, with a different rotation for each of those districts.

2. Although the names are to be alternated within the offices on the ballot, the name order for an office is to be the same for all ballots within a precinct.

SECTION 16. AMENDMENT. Section 16.1-11.1-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-04. Voting by electors.

Upon receipt of a mail ballot, an elector shall mark it, sign the return identification envelope, and comply with the instructions provided with the ballot. The elector may return the completed ballot to the county auditor by mail or, ~~before five p.m. on the day before~~ by the close of polls on election day, to any other place of deposit designated by the auditor. ~~The elector may not deliver the completed ballot to an election board at a polling location.~~ If the elector returns the ballot by mail, the elector shall provide the postage, and the ballot must be ~~postmarked no later than the day before~~ received by the officer by the close of polls on election day.

SECTION 17. AMENDMENT. Subsection 1 of section 16.1-11.1-07 of the North Dakota Century Code is amended and reenacted as follows:

1. The ballot is returned in the return identification envelope ~~with a postmark or official date stamp of at least the day before~~ by the close of polls on election day and ~~received prior to the meeting of the canvassing board day~~;

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

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

SECTION 19. AMENDMENT. Subsection 2 of section 16.1-13-05 of the North Dakota Century Code is amended and reenacted as follows:

2. The county auditor shall publish a copy of the sample ballot of the general election once each week for two consecutive weeks before the election in the official county newspaper. If no newspaper is published in the county, the publication must be in a newspaper published in an adjoining county in the state. The form of the sample ballot as ordered and arranged by the county auditor must conform in all respects to the form prescribed by the secretary of state for the sample general election ballot. The county auditor shall publish the sample ballot in all forms appropriate for the method or methods of voting in the county. Candidates from each legislative district within the boundaries of the county must be listed in a separate box or category within the sample ballot by legislative district number to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. Sample ballots used for publication purposes must be arranged ~~using the rotation of the ballot in the precinct in the county that cast the highest total vote for governor at the last general election at which the office of governor was filled in accordance with section 16.1-11-27.~~ The notice must include a statement in substantially the following format:

The arrangement of candidate names appearing on ballots in your precinct may vary from the published sample ballots, depending upon the precinct and legislative district in which you reside.

SECTION 20. REPEAL. Sections 16.1-07-30 and 40-21-10 of the North Dakota Century Code are repealed.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 201

HOUSE BILL NO. 1297

(Representatives Koppelman, Heilman, Heinert, Kasper, Louser)
(Senators Castaneda, Clemens, Enget, Paulson, Wobbema, Larson)

AN ACT to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to prohibiting approval voting and ranked-choice voting in elections; and to amend and reenact subsection 7 of section 11-09.1-05 and subsection 9 of section 40-05.1-06 of the North Dakota Century Code, relating to home rule powers in counties and cities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷² **SECTION 1. AMENDMENT.** Subsection 7 of section 11-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

7. Provide for all matters pertaining to county elections, except as to qualifications of electors and the limitations provided under section 2 of this Act.

SECTION 2. A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

Approval voting - Ranked-choice voting - Prohibition.

1. For purposes of this section:
 - a. "Approval voting" means a method in which a qualified elector may vote for all candidates the voter approves of in each race for public office, and the candidates receiving the most votes are elected until all necessary seats are filled in each race.
 - b. "Ranked-choice voting" means a method in which a qualified elector may rank candidates in a race for public office in order of preference, and all submitted ballots are tabulated in multiple rounds following the elimination of a candidate until a single candidate attains a majority of votes.
2. Approval voting or ranked-choice voting may not be used in an election held within this state to elect or nominate a candidate to any local, state, or federal elective office.
3. An ordinance enacted or adopted by a county, city, or other political subdivision, including an ordinance enacted or adopted under a home rule charter, which conflicts with this section is void.

⁷³ **SECTION 3. AMENDMENT.** Subsection 9 of section 40-05.1-06 of the North Dakota Century Code is amended and reenacted as follows:

⁷² Section 11-09.1-05 was also amended by section 2 of House Bill No. 1307, chapter 104.

⁷³ Section 40-05.1-06 was also amended by section 4 of House Bill No. 1307, chapter 104.

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9. To provide for all matters pertaining to city elections, except as to qualifications of electors and the limitations provided under section 2 of this Act.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 202

SENATE BILL NO. 2230

(Senators Myrdal, Hogue, Meyer)
(Representatives McLeod, Rohr)

AN ACT to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to the secretary of state's duty to distribute educational and informational materials before an election; to provide an appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

Secretary of state to distribute information to qualified electors regarding ballot measures.

1. For each statewide constitutional measure approved by the legislative assembly, initiated measure, or referendum appearing on the ballot of a special, primary, or general election, the secretary of state shall create and distribute objective and factual educational materials to each individual listed as "active voter" in the central voter file not less than forty-five days before the election at which the question will be voted upon. Materials created under this subsection also must be posted at all voting locations.
2. The materials created and distributed under subsection 1 must contain:
 - a. An objective summary of the measure;
 - b. The anticipated fiscal impact of the measure;
 - c. Whether the measure was approved by the legislative assembly or originated as an initiative or referred petition; and
 - d. An objective analysis of a vote in favor and a vote opposed.

SECTION 2. APPROPRIATION - SECRETARY OF STATE - BALLOT MEASURE EDUCATIONAL MATERIALS - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$600,000, or so much of the sum as may be necessary, to the secretary of state for the purpose of creating and distributing objective and factual educational materials focusing on the accuracy, fairness, and readability of measures placed on a statewide election ballot as provided in section 1 of this Act, for the biennium beginning July 1, 2025, and ending June 30, 2027. The funding in this section is considered a one-time funding item.

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2027, and after that date is ineffective.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 203

HOUSE BILL NO. 1099

(Representative Conmy)

AN ACT to amend and reenact section 16.1-06-07.1 of the North Dakota Century Code, relating to the printing of presidential candidate names on a general election ballot.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-06-07.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-07.1. Arrangement of names on ballot - Presidential electors.

1. In presidential election years the ballot provided for in section 16.1-06-05 must include the designation of the office of president and vice president as the first listing of the continuous listing of the designation of each office to be voted for. The names of presidential electors, presented in one certificate of nomination, must be arranged in a group enclosed in brackets under the designation of the office of president and vice president on the right side of the ballot column.
2. To the left and opposite the center of each group of electors' names must be printed in bold type the ~~surname~~name of the presidential candidate represented and in line with ~~such surname~~the candidate's name must be placed a single oval. A mark within ~~such an~~ oval by the voter must be designated as a vote for all the electors. The appropriate party designation must appear, in smaller type, under the ~~surname~~name of the presidential candidate represented.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 204

SENATE BILL NO. 2175

(Senators Roers, Boehm, Castaneda)
(Representatives Henderson, Hendrix, Satrom)

AN ACT to amend and reenact section 16.1-06-15 of the North Dakota Century Code, relating to conducting and reporting postelection audits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-06-15 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-15. Mandatory testing of voting systems before each election and after tabulation of ballots.

1. All voting systems used in this state must be tested according to guidelines established by the secretary of state and as follows to ascertain whether the automatic tabulating equipment will accurately count the votes cast for all offices and measures. The testing must be conducted ~~prior to~~before each election at which the system will be used. The testing must be done by the county auditor or county auditor's designee, and after each test, the testing materials and any preaudited ballots used during the test must be sealed and retained in the same manner as election materials after an election.
2. The test of a voting system employing paper ballots must be conducted by processing a preaudited group of ballots on which are recorded a predetermined number of valid votes for each candidate and measure and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. During the test a different number of valid votes must be assigned to each candidate for an office and for and against each measure. If an error is detected, the cause of it must be ascertained and corrected, and an errorless count must be secured and filed as provided in this section.
3. The test must be conducted at least one week before the election. One week before the test is conducted, the county auditor must send the district chairman of each political party having a candidate on the ballot a notice of the test. The notice must state the time, place, and date of the test or tests and that the district chairman or district chairman's designee may attend.
4. At the conclusion of the test, the programming for each voting device must be sealed within the device with a unique numbered seal that must be verified by the election inspector before the opening of the polls to make sure the programming has not been removed from the device.
5. After each statewide primary, general, and special election, the secretary of state shall order a random testing of the voting system programming~~postelection audit~~ for one precinct polling location selected randomly in each county of the state ~~according to logic and accuracy testing~~

~~procedures detailed in subsection 2 and as may be further defined by the. The~~ The postelection audit must be commenced on the sixth day following election day and concluded by the eighth day following election day. The county recorder shall deliver to the county auditor the wrapped ballots from the polling location subject to the postelection audit. The secretary of state may further define the procedure for conducting a postelection audit in writing. This test is to be conducted before the meeting of the county canvassing board.

6. The county auditor shall appoint an election board consistent with the procedure under section 16.1-05-01 to conduct the postelection audit. The county auditor shall notice the date, time, and location of the postelection audit. The election board shall review the ballots received under subsection 5 from one federal contest, one statewide contest, one legislative contest if a legislative contest appeared on the ballot, and one county contest. If the election board discovers a discrepancy between the automated tabulating equipment and the results of the postelection audit, the secretary of state may request additional postelection audits within the county, which must serve as the official record used during canvassing.
7. Upon completion of the postelection audit, the election board shall prepare the ballots as specified in section 16.1-15-08 and the county auditor shall deliver the ballots to the county recorder for storage as required under section 16.1-15-13. The election board shall submit the results of the postelection audit to the secretary of state, who shall publish the results.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 205

HOUSE BILL NO. 1469

(Representatives Bosch, Lefor)
(Senator Hogue)

AN ACT to amend and reenact sections 16.1-09-02, 16.1-09-03, and 16.1-09-05 of the North Dakota Century Code, relating to the statement of interests filed with the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-09-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-09-02. Statement of interests to be filed.

1. Every candidate for elective office shall sign and file the statement of interests as required by this chapter. In a year when a president and vice president of the United States are to be chosen, presidential and vice presidential candidates shall file with the secretary of state either a statement of interests as required by this chapter or a copy of the personal disclosure statement that is required by the federal election commission. Candidates for elective office who are required to file ~~such the~~ statements shall ~~do so~~ file the statements with the filing officer for that election at the time of filing a certificate of nomination, a certificate of endorsement, a petition of nomination, or a certificate of write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate.
2. An individual who has filed a statement as the result of candidacy in a primary election need not refile before running in the following general election. A write-in candidate who is not required to file a certificate of write-in candidacy shall file the statement of interests after the candidate's election at the time of filing the required oath of office. Every individual who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment.
3. A filing officer may not include a candidate's name on the ballot if an error is discovered on the statement and the candidate is unable to or refuses to make the necessary correction before the sixty-fourth day before the election.
4. While holding office, an individual required to file the statement of interests under this section, except candidates elected to hold federal office, shall submit an annual statement of interests to the appropriate filing officer by January thirty-first. A filing officer shall collect fees for late filings pursuant to section 16.1-08.1-06.1.

SECTION 2. AMENDMENT. Section 16.1-09-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-09-03. Contents of statement of interests.

The statement of interests required to be filed under this chapter applies to the candidate or appointee and that person's spouse and must include:

1. The name of the business or employer and an identification of the principal source of income, defined in the state income tax return as "principal occupation", of both the candidate or appointee and that person's spouse.
2. The name of each business or trust, not the principal source of income, in which the person making the statement, and that person's spouse, have a financial interest.
3. A list of the associations or institutions with which the person making the statement, and that person's spouse, are closely associated, or for which they serve as a director or officer, and which may be affected by legislative action, in the case of a statement submitted by a legislative candidate, or action by the candidate or appointee in that person's capacity as an officeholder.
4. The identity by name of all business offices, business directorships, and fiduciary relationships the person making the statement, and that person's spouse, have held in the preceding calendar year.
5. A list of political subdivisions and any agency or department of the state to which the person providing the statement, or the person's spouse, sold goods or services of more than five thousand dollars in the preceding calendar year from:
 - a. An employer identified under subsection 1 in which the person or the person's spouse has an ownership interest of ten percent or more; or
 - b. A business or trust identified in subsection 2 in which the person or the person's spouse has an ownership interest of ten percent or more and the business or trust is directly related to the official duties of the office the person is seeking or holding.

SECTION 3. AMENDMENT. Section 16.1-09-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-09-05. Powers and duties of the secretary of state and county and city auditors.

The secretary of state, or the county or city auditor, when appropriate shall:

1. Accept and file any statement submitted pursuant to this chapter.
2. Make statements filed available for public inspection and copying during regular office hours. A reasonable fee may be charged to cover the cost of copying. Proceeds from any fees charged must be deposited in the general fund of the appropriate governmental entity.
3. Publish all statements filed with the secretary of state under this chapter on a website maintained by the secretary of state.
4. Preserve statements filed under this chapter for the term of office to which the person making disclosure is elected or appointed ~~or until a new statement is~~

~~filed and preserve.~~ Preserve statements filed pursuant to ~~under~~ this chapter by ~~these~~ candidates who are not elected or appointed for a period of one year after the date of receipt.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 206

HOUSE BILL NO. 1204

(Representatives Schatz, Dressler, Fisher, Frelich, Meier, Toman)
(Senators Luick, Van Oosting)

AN ACT to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to the publication of false information in political advertisements; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-10-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-10-04. Publication of false information in political advertisements - Penalty.

1. A person is guilty of a class A misdemeanor if ~~that~~the person knowingly, or with reckless disregard for its truth or falsity, publishes ~~any~~any political advertisement or news release ~~that contains any~~containing an assertion, representation, or statement of fact, including information concerning a candidate's prior public record, which is untrue, deceptive, or misleading, ~~whether~~ on behalf of or in opposition to any candidate for public office, initiated measure, referred measure, constitutional amendment, or any other issue, question, or proposal on an election ballot, ~~and whether the publication which~~ is published by radio, television, newspaper, text message, telephone call, pamphlet, folder, display cards, signs, posters, billboard advertisements, websites, electronic transmission, social media, or ~~by~~ any other public means or commercial medium.
2. This section does not apply to a newspaper, television or radio station, or other commercial medium that is not the source of the political advertisement or news release.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 207

HOUSE BILL NO. 1167

(Representatives Warrey, Bahl, Christianson, Christy, Dobervich, Vollmer)
(Senators Meyer, Weber, Sickler)

AN ACT to create and enact a new section to chapter 16.1-10 of the North Dakota Century Code, relating to artificial intelligence disclosure statements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 16.1-10 of the North Dakota Century Code is created and enacted as follows:

Use of artificial intelligence - Disclosure - Exception - Definition.

1. Any action taken for a political purpose, including communication and political advertising in support of or opposition to a candidate, political committee, or a political party, or for the purpose of promoting passage or defeat of initiated or referred measures or petitions, containing images, graphics, videos, audio, text, or other digital content created in whole or in part with the use of artificial intelligence to visually or audibly impersonate a human, prominently must state the following disclaimer: "THIS CONTENT GENERATED BY ARTIFICIAL INTELLIGENCE."
2. This section does not apply to content solely using artificial intelligence for text generation, grammar correction, spelling checks, stylistic editing, or enhancing existing content without creating a new impersonation of human likeness or voice.
3. For purposes of this section, "artificial intelligence" means a machine-based system capable of creating images, graphics, videos, audio, text, and other digital content based on human-defined objectives or data patterns. The term does not include systems that are explicitly programmed with rules or tools solely designed to assist with grammar, spelling, or word suggestions without generating human likeness or voice.

Approved April 10, 2025

Filed April 11, 2025