

**Sixtieth Legislative Assembly of North Dakota  
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2230  
(Senators Oehlke, Dever)  
(Representative L. Meier)

AN ACT to amend and reenact sections 16.1-11.1-01, 16.1-11.1-02, 16.1-11.1-03, 16.1-11.1-04, and 16.1-11.1-06 of the North Dakota Century Code, relating to mail ballot elections.

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

**SECTION 1. AMENDMENT.** Section 16.1-11.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11.1-01. Counties may conduct mail ballot elections - Polling places - Records.** The board of county commissioners of a county may conduct a ~~primary~~ an election by mail ballot. The mail ballot election must include city elections administered by the county auditor and may include any other election administered by the county auditor pursuant to an agreement with the governing body of a political subdivision within the county. The board shall designate at least one polling place in the county to be open on the day of the election for voting in the usual manner. The county auditor shall place a notice at all polling places in the county used at the last statewide election which states the location of the polling places open for the ~~primary~~ election. The county auditor shall keep a record of each mail ballot provided to qualified electors and provide to the election board at each polling place open on the day of the election a list of every person who applied for a mail ballot.

**SECTION 2. AMENDMENT.** Section 16.1-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11.1-02. Application for mail ballots.** The county auditor shall mail an application form for a mail ballot to each person listed in the ~~pollbooks of~~ central voter file for the county ~~from the last regular statewide election~~ on one date no sooner than the forty-fifth day before the election and no later than the thirtieth day before the election. The county auditor, for two consecutive weeks after the date on which the mail ballot applications are mailed, shall publish in the official newspaper of the county an application form for a mail ballot and a notice that additional mail ballot applications may be obtained from the election official. The application form for a mail ballot must be in substantially the following form:

I, \_\_\_\_\_, am or will be a qualified elector and to my best  
(please print name)

knowledge and belief am or will be entitled to vote at the ~~primary~~ election. I apply for an official mail ballot to be voted by me at that election. I understand that it is a criminal offense to knowingly vote when not qualified to do so.

I have or will have resided at the below address for at least thirty days before the election. My telephone number is \_\_\_\_\_.

Dated \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_, North Dakota \_\_\_\_\_  
(City) (Zip Code)

**SECTION 3. AMENDMENT.** Section 16.1-11.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11.1-03. Mail ballot distribution.** The county auditor shall mail an official mail ballot with a return identification envelope and instructions sufficient to describe the voting process to each qualified elector who returns a properly completed application form to the auditor by five p.m. on the fourth day before the election. The voting instructions must contain a statement informing the elector that the elector is entitled to complete the mail ballot in secrecy. The auditor shall mail the ballot by first-class mail, addressed to the address of the elector completing and returning a mail ballot application, and placed in an envelope that is prominently marked "Do Not Forward". The return identification envelope must contain the following form:

I, \_\_\_\_\_, under penalty of possible criminal prosecution for  
(please print name)

making a false statement, certify that I am or will be a qualified elector for the ~~primary~~ election and have not and will not vote more than one ballot in this election. I also understand that failure to complete the information below will invalidate my ballot.

\_\_\_\_\_  
(Signature of Voter)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_, North Dakota

(City)

\_\_\_\_\_  
(Zip Code)

**SECTION 4. 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 ~~six~~ five p.m. on the day ~~of~~ before the election, to any other place of deposit designated by the auditor. 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 the election.

**SECTION 5. AMENDMENT.** Section 16.1-11.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11.1-06. Canvass of votes - Special election board.** The county auditor shall appoint a special election board for the purpose of counting mail ballots. The board may ~~not~~ begin ~~counting~~ scanning the ballots ~~until six p.m. after the polls open~~ until the closing time of the polls but may not total the results until the closing time of the polls. A county conducting a mail ballot election constitutes one voting area, and ballots need not be sorted according to precinct or ward unless necessary for the administration of the election.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2230.

Senate Vote:    Yeas    32        Nays    14        Absent    1

House Vote:    Yeas    65        Nays    25        Absent    4

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2007.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2007.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2007,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State