

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

SENATE BILL NO. 2233  
(Senator Dever)  
(Representative L. Meier)

AN ACT to amend and reenact subsection 7 of section 16.1-06-04, sections 16.1-06-10.1 and 16.1-06-11, subsection 2 of section 16.1-06-17, and sections 16.1-06-18, 16.1-06-19, 16.1-06-20, 16.1-06-21, 16.1-06-22, and 16.1-06-23 of the North Dakota Century Code, relating to election ballots and voting systems.

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

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

7. Provide two text boxes in the bottom right-hand corner of the ~~party~~ ballot. The first text box is to contain the words "All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted." The second text box is to contain the words "Official Ballot", the name of the county, the name or number of the precinct ~~or the word "precinct" preceding a blank line upon which the judge or the inspector shall write the name or number of the precinct,~~ the date of the election, and the word "initials" preceding a blank line where the judge or inspector shall initial the ballot.

All ballots, other than	Official Ballot
those used to vote absentee,	_____ County
must first be initialed by	_____ Precinct
appropriate election officials	(Date of the Election)
in order to be counted	Initials _____

**SECTION 2. AMENDMENT.** Section 16.1-06-10.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-10.1. Electronic counting machines authorized - Sharing of machines.** The use of electronic counting machines is authorized in any election precinct upon finding and declaration by resolution of the city ~~or township~~ governing body, and also of the board of county commissioners of the county in which the election precinct is located, that the use is advisable or necessary in that precinct. Thereafter, electronic counting machines may be procured, on a temporary or permanent basis, under terms and conditions, including assumption and division of cost of acquisition and maintenance by the city ~~or township~~ and county, agreed upon by the respective governing bodies, provided the machines being procured have been certified for procurement and use in the state by the secretary of state according to section 16.1-06-26. Two or more counties may enter an agreement concerning the shared use and transport between counties of electronic counting machines and apportioning of expenses. Any electronic counting machine used in an election must be so constructed that when properly operated it registers or records correctly and accurately every vote cast.

**SECTION 3. AMENDMENT.** Section 16.1-06-11 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-11. Electronic voting systems authorized.** The use of electronic voting systems in accordance with the provisions of this chapter is hereby authorized in any election precinct upon finding and declaration by resolution of the city ~~or township~~ governing body, and also of the board of county commissioners of the county in which such election precinct is located, that such use is advisable or necessary in that precinct. Thereafter, a system or systems may be procured, on a temporary or permanent basis, under terms and conditions, including assumption and division of cost of acquisition

and maintenance by the city ~~or township~~ and county, agreed upon by the respective governing bodies, provided the system or systems being procured have been approved and certified for procurement and use in the state by the secretary of state according to section 16.1-06-26. The system or systems may then be used in any state, county, city, or district election in that precinct or other voting area of which that precinct is a part.

**SECTION 4. AMENDMENT.** Subsection 2 of section 16.1-06-17 of the North Dakota Century Code is amended and reenacted as follows:

2. ~~Four~~ One facsimile ~~diagrams~~ diagram of the entire face of the electronic voting system device as it will appear on election day.

**SECTION 5. AMENDMENT.** Section 16.1-06-18 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-18. Delivery of ballots.** ~~At the precinct election officials' training sessions provided for in section 16.1-05-03, the county~~ County auditors shall deliver, or cause to be delivered, by mail or other reliable method, to the inspector of elections in each precinct the official ballots, if available. The ballots must be delivered in sealed packages marked plainly ~~on the outside designating the number of ballots enclosed and~~ with the precinct for which the ballots are intended. The county auditor also shall deliver or cause to be delivered a suitable seal, ~~which has the name of the county inscribed thereon,~~ for the purpose of sealing the wrapper containing the ballots as provided in section 16.1-15-08.

**SECTION 6. AMENDMENT.** Section 16.1-06-19 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-19. Instructions, advertisements, maps, and ballots posted in polling places.** Each county auditor shall have ~~cards~~ posters printed, in large type, containing full instructions to electors on obtaining and voting ballots and a copy of section 16.1-01-12, any federal laws regarding prohibitions on acts of fraud and misrepresentations, and general information on voting rights under applicable federal and state laws, including instructions on how to contact the appropriate officials if these rights are alleged to have been violated. The county auditor shall furnish ~~ten~~ at least one such ~~cards~~ poster to the election inspector in each election ~~precinct~~ polling place who, before the opening of the polls, shall conspicuously post at least one ~~of the cards in each booth or compartment provided for the preparation of ballots and at least one of the cards poster~~ in the polling place. ~~Three of the official ballots without the initials of an election board member thereon must be posted conspicuously in the polling place on the morning of the election.~~ The county auditor, at the time of delivering the ballots to the inspector of elections in each ~~precinct~~ polling place, shall deliver at least five copies of the newspaper publication or other copy of the complete text of any constitutional amendment or initiated or referred measure to such inspector of elections. One of the newspaper publications or copies must be posted conspicuously in the polling place on the morning of the election. Each county auditor shall furnish the election inspector in each ~~precinct~~ polling place with four copies of a map showing the election precinct's boundaries and information regarding the date of the election and the hours during which polling places will be open. The inspector shall, before the opening of the polls, post the maps and information regarding the date of the election and the hours during which polling places will be open at the entry to and in other conspicuous places around the polling place.

**SECTION 7. AMENDMENT.** Section 16.1-06-20 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-20. Election inspector and judges to display material and provide instruction.** In addition to other duties provided by law, the election inspector ~~shall post in a conspicuous manner at the voting place the two facsimile diagrams of the voting devices used to vote with electronic voting systems and three copies of the official ballot used with electronic voting systems.~~ The election ~~inspector~~ and judges shall provide adequate instruction on the use of the electronic voting device to each voter before the voter enters the voting booth.

**SECTION 8. AMENDMENT.** Section 16.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-21. Pollbooks delivered by county auditor - Contents - Inspector of elections to deliver.** The county auditor shall see that ~~two copies of the new~~ one paper or electronic pollbook ~~are is~~ delivered to the election inspector in each election precinct or polling place in the county. ~~The following information must be provided to the inspector and may be contained in each new pollbook:~~

- ~~1. A copy of the law prescribing the qualifications of electors.~~
- ~~2. A copy of the provisions of this title relating to the duties of inspectors, judges, and clerks of election.~~
- ~~3. A statement of the penalties imposed for offenses against the election laws.~~
- ~~4. Blanks for all entries required to be made in the pollbook or a preprinted listing of previous voters and blanks for the entry of new voters.~~

The election inspector shall deliver the ~~pollbooks~~ pollbook, or cause the ~~pollbooks~~ pollbook to be delivered, to the clerks of election in the inspector's ~~precinct~~ polling place on election day before the opening of the polls.

**SECTION 9. AMENDMENT.** Section 16.1-06-22 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-22. County to provide ballot boxes.** The board of county commissioners, at the expense of the county, shall provide suitable ballot boxes for each election ~~precinct~~ polling place in the county.

**SECTION 10. AMENDMENT.** Section 16.1-06-23 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-23. Secretary of state to send instructions and envelopes to county auditor to make returns.** The secretary of state shall send instructions for generating reports ~~and envelopes~~, for all returns of votes required to be made to the secretary of state's office, ~~to each county auditor with such printed directions on the envelope as the secretary of state deems necessary for the guidance of election officers in making returns according to law. The expense of furnishing such instructions and envelopes must be paid by the state.~~

\_\_\_\_\_  
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. 2233.

Senate Vote:    Yeas    46        Nays    0        Absent    1

House Vote:    Yeas    71        Nays    20       Absent    3

\_\_\_\_\_  
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