

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1576

Introduced by

Representatives Carlson, Boehning, Koppelman, Thoreson

Senator Hogue

1 A BILL for an Act to amend and reenact section 16.1-05-06, subdivision a of subsection 2 of
2 section 16.1-07-15, and section 16.1-11.1-01 of the North Dakota Century Code, relating to the
3 canvassing of ballots of voters whose eligibility to vote has been challenged, early voting
4 precincts, and mail ballot elections.

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

6 **SECTION 1. AMENDMENT.** Section 16.1-05-06 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **16.1-05-06. Challenging right of person to vote - Identification or affidavit**
9 **required - Penalty for false swearing - Optional poll checkers.**

- 10 1. One poll challenger appointed by the district chairman of each political party
11 represented on the election board is entitled to be in attendance at each polling
12 place. Individual poll challengers may be replaced at any time during the hours of
13 voting, but no more than one poll challenger from each political party is entitled to
14 be in attendance at each polling place at any one time.
- 15 2. Any member of the election board may challenge the right of an individual to vote if
16 the election board member has knowledge or has reason to believe the individual
17 is not a qualified elector. A poll challenger may request members of the election
18 board to challenge the right of an individual to vote if the poll challenger has
19 knowledge or has reason to believe the individual is not a qualified elector of the
20 precinct. A challenge may be based upon any one of the following:
 - 21 a. The individual offering to vote does not meet the age or citizenship
22 requirements.
 - 23 b. The individual offering to vote has never voted in the precinct before, the
24 name of the individual offering to vote does not appear in the pollbook

- 1 generated from the central voter file, and the individual fails to provide
2 reasonable evidence of residency in the precinct.
- 3 c. Except as provided in section 16.1-01-05, the individual offering to vote
4 physically resides outside of the precinct.
- 5 d. The individual offering to vote does not meet the residency requirements
6 provided in section 16.1-01-04.
- 7 e. The individual offering to vote fails or refuses to provide an appropriate form
8 of identification as requested under subsection 3.
- 9 3. If after an election board member has requested that the individual offering to vote
10 provide an appropriate form of identification to address any of the voting eligibility
11 concerns listed in subsection 2 and the identification is not provided or does not
12 adequately confirm the eligibility of the challenged individual, the challenged
13 individual may not vote unless the challenged individual executes an affidavit,
14 acknowledged before the election inspector, that the challenged individual is a
15 legally qualified elector of the precinct.
- 16 4. The affidavit must include:
- 17 a. The name, present address, and any contact telephone number of the affiant
18 and the address of the affiant at the time the affiant last voted.
- 19 b. The previous last name of the affiant if it was different when the affiant last
20 voted.
- 21 c. A recitation of the qualifications for voting as set forth in section 16.1-01-04
22 and the rules for determining residence.
- 23 d. Notice of the penalty for making a false affidavit and that the county auditor
24 may verify the affidavit.
- 25 e. A place for the affiant to sign and swear to the affiant's qualifications as a
26 voter.
- 27 f. A statement that informs the affiant that the affiant may ensure that the
28 affiant's ballot will be counted if the affiant delivers proof of the affiant's
29 eligibility to vote to the county auditor within three days.
- 30 5. Written notice of the penalty for making a false affidavit and that the county auditor
31 shall verify the affidavits must also be prominently displayed at the polling place in

a form prescribed by the secretary of state. An individual who falsely swears in order to vote is guilty of a class A misdemeanor and must be punished pursuant to chapter 16.1-01.

6. The election inspector shall place the ballot of an individual who executes an affidavit under this section in a secure envelope designed by the secretary of state to protect the secrecy of the ballot. Each election inspector shall deliver to the county auditor a list of the names of all individuals who executed an affidavit under this section and each ballot cast by those individuals. The county auditor shall attempt to verify the address of each affiant within three days after the election. The county auditor shall forward the ballot of each affiant whose address has been verified to the county canvassing board for canvassing and forward the remaining ballots to the county canvassing board marked as "rejected as not an elector".

7. In addition to the poll challenger, not more than two poll checkers appointed by the district chairman of each political party represented on the election board may be in attendance at each polling place, provided the poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties. The poll challengers and poll checkers must be qualified electors of the district in which they are assigned.

~~7.~~ 8. No poll challenger or checker may be a member of the election board.

~~8.~~ 9. The district chairman shall notify the county auditor of each county contained in the legislative district before the third day before the day of the election of the names of individuals whom the district chairman has appointed to serve as poll challengers and poll checkers in the precincts in the legislative district.

SECTION 2. AMENDMENT. Subdivision a of subsection 2 of section 16.1-07-15 of the North Dakota Century Code is amended and reenacted as follows:

a. Early voting must be authorized during the ~~fifteen~~ seven days immediately before the day of the election. The county auditor shall designate the business days and times during which the early voting election precinct will be open and publish notice of the dates and times in the official county newspaper once each week for three consecutive weeks immediately before the day of the election.

1 **SECTION 3. AMENDMENT.** Section 16.1-11.1-01 of the North Dakota Century Code
2 is amended and reenacted as follows:

3 **16.1-11.1-01. Counties may conduct mail ballot elections - Polling places -**

4 **Records.** The qualified electors of a county having a population of fewer than fifteen thousand
5 may petition the board of county commissioners to request that elections be held in the county
6 by mail ballot. Upon receipt of a petition signed by at least ten percent of the qualified electors
7 of the county as determined by the vote cast for the office of governor at the last general
8 election, the board of county commissioners shall place on the ballot at the next primary or
9 general election the question of whether mail ballots may be used in the county. If approved by
10 over fifty percent of the qualified electors voting on the question, the board of county
11 commissioners of a county may conduct an any subsequent election by mail ballot. The A mail
12 ballot election must include city elections administered by the county auditor and may include
13 any other election administered by the county auditor pursuant to an agreement with the
14 governing body of a political subdivision within the county. The board shall designate at least
15 one polling place in the county to be open on the day of the election for voting in the usual
16 manner. The county auditor shall place a notice at all polling places in the county used at the
17 last statewide election which states the location of the polling places open for the election. The
18 county auditor shall keep a record of each mail ballot provided to qualified electors and provide
19 to the election board at each polling place open on the day of the election a list of every person
20 who applied for a mail ballot.