

Sixty-third  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1397**

Introduced by

Representatives Hatlestad, N. Johnson, Klemin

Senators Cook, Nelson

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; and to provide a penalty.

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 a ~~person~~ an individual or organization to:

8 ~~1.~~ a. Fraudulently alter another ~~person's~~ individual's ballot or substitute one ballot for  
9 another or to otherwise defraud a voter of that voter's vote.

10 ~~2.~~ b. Obstruct a qualified elector on the way to a polling place.

11 ~~3.~~ c. Vote or offer to vote more than once in any election.

12 ~~4.~~ d. Knowingly vote in the wrong election precinct or district.

13 ~~5.~~ e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.

14 ~~6.~~ f. Knowingly exclude a qualified elector from voting or knowingly allow an  
15 unqualified person to vote.

16 ~~7.~~ g. Knowingly vote when not qualified to do so.

17 ~~8.~~ h. Sign an initiative, referendum, recall, or any other election petition when not  
18 qualified to do so.

19 ~~9.~~ Sign a name other than that person's own name to an initiative, referendum, recall, or  
20 any other election petition.

21 ~~10.~~ i. Circulate an initiative, referendum, recall, or any other election petition not in its  
22 entirety or circulate such a petition when unqualified to do so.

23 ~~11-10.~~ j. Pay or offer to pay any ~~person~~ individual or organization, or receive payment or  
24 agree to receive payment, on a basis related to the number of signatures

1 obtained for circulating an initiative, referendum, or recall petition. This  
2 subsection does not prohibit the payment of salary and expenses for circulation  
3 of the petition on a basis not related to the number of signatures obtained, as  
4 long as the circulators file their intent to remunerate prior to submitting the  
5 petitions and, in the case of initiative and referendum petitions, fully disclose all  
6 contributions received pursuant to chapter 16.1-08.1 to the secretary of state  
7 upon submission of the petitions. The disclosure of contributions received under  
8 this section does not affect the requirement to file a preelection report by  
9 ~~persons~~individuals or organizations soliciting or accepting contributions for the  
10 purpose of aiding or opposing the circulation or passage of a statewide initiative  
11 or referendum petition or measure placed upon a statewide ballot by action of the  
12 legislative assembly under chapter 16.1-08.1. Any signature obtained in violation  
13 of this subdivision is void and may not be counted.

14 ~~12.11.~~ k. Willfully fail to perform any duty of an election officer after having accepted the  
15 responsibility of being an election officer by taking the oath as prescribed in this  
16 title.

17 ~~13.12.~~ l. Willfully violate any rule adopted by the secretary of state pursuant to this title.

18 ~~14.13.~~ m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
19 false return of an election, knowing the same to be false, or willfully deface,  
20 destroy, or conceal any statement or certificate entrusted to the  
21 ~~person's~~individual's or organization's care.

22 ~~15.14.~~ n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
23 provided by law.

24 ~~15.~~ o. Sign a name other than that individual's own name to an initiative, referendum,  
25 recall, or any other election petition.

26 2. a. A violation of ~~subsections 1~~subdivisions a through ~~14~~12 ~~of subsection 1~~ is a  
27 class A misdemeanor. ~~Any signature obtained in violation of subsection 1110 is~~  
28 ~~void and may not be counted.~~

29 b. A violation of subdivision m of subsection 1 is a class C felony.

1 c. A violation of subdivision n of subsection 15~~14~~1 occurring after an election but  
2 before the final canvass, or during an election, is a class C felony, and in other  
3 cases is a class A misdemeanor.

4 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
5 individual signs one or two names other than the individual's own name to a  
6 petition and is a class C felony if an individual signs more than two names other  
7 than the individual's own name to a petition.

8 e. An organization, as defined in section 12.1-03-04, that violates this section is  
9 subject to the organizational fines in section 12.1-32-01.1. ~~An individual who is a~~  
10 ~~member of an organization may be convicted of a violation as an accomplice~~  
11 ~~under section 12.1-03-01.~~ The court in which the conviction is entered shall notify  
12 the secretary of state of the conviction and shall order the secretary of state to  
13 revoke the certificate of authority of any convicted organization or limited liability  
14 company. The organization may not reapply to the secretary of state for  
15 authorization to do business under any name for one year upon conviction of a  
16 class A misdemeanor and for five years upon conviction of a class C felony under  
17 this section. ~~A violation of subsection 13 is a class C felony. A violation of~~  
18 ~~subsection 15 is a class A misdemeanor if an individual signs one or two names~~  
19 ~~other than the individual's own name to a petition and is a class C felony if an~~  
20 ~~individual signs more than two names other than the individual's own name to a~~  
21 ~~petition.~~

22 f. An individual who is a member of an organization may be convicted of a violation  
23 as an accomplice under section 12.1-03-01.

24 3. Every act which by this chapter is made criminal when committed with reference to the  
25 election of a candidate is equally criminal when committed with reference to the  
26 determination of a question submitted to qualified electors to be decided by votes cast  
27 at an election.