

HOUSE BILL NO. 1314

Introduced by

Representatives Kasper, Koppelman, Louser, Rohr, D. Ruby, M. Ruby, Steiner

Senator Paulson

1 A BILL for an Act to amend and reenact sections 16.1-07-05, 16.1-07-09, and 16.1-11.1-04,
2 relating to the prohibition of drop boxes as lawful places of deposit for absent voters' ballots and
3 mail ballots.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-07-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-07-05. Time for applying for ballot - Emergency situations - Sufficient time for**
8 **application and ballot return.**

- 9 1. At any time in an election year, any qualified elector may apply to the county auditor,
10 the auditor or clerk of the city, or the business manager of the school district, as the
11 case may be, by personal delivery, facsimile, electronic mail or otherwise, for an
12 official ballot to be voted at that election. A voter may obtain an application form
13 approved by the secretary of state, for an absent voter's ballot for a general, special,
14 primary, county, city, or school election from the secretary of state, a county or city
15 auditor, a candidate, a political party, or a political committee. The application form
16 must provide the applicant the ability to indicate which elections in the calendar year
17 the applicant wishes to vote by absentee ballot.
- 18 2. No auditor or clerk may issue ballots for absentee voters on the day of the election
19 except to individuals prevented from voting in person on the day of the election due to
20 an emergency. An individual requesting an absentee ballot on the day of the election
21 due to an emergency must do so through an agent as set forth in this chapter. An
22 agent may represent only one individual. The absentee ballot must be returned to the
23 county auditor's office by four p.m. on the day of the election. If the county auditor or
24 appropriate election officer designates or implements the use of a drop box in an

1 election specified in this title, the drop box must be secured and under the control of
2 the local election official at all times. All ballots deposited in a drop box must be
3 collected by the election official no less than once per day. Ballots may not be
4 deposited in the drop box after five p.m. on the day before an election.

5 3. A completed application must be submitted to the appropriate election official in a
6 timely manner so as to allow the applicant to receive, complete, and mail the absent
7 voter's ballot before the day of the election.

8 **SECTION 2. AMENDMENT.** Section 16.1-07-09 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-07-09. Canvassing of mailed absent voter's ballot received late.**

11 In congressional, state, county, city, or school district elections, if an envelope postmarked
12 or otherwise officially marked by the United States postal service or other mail delivery system
13 before the date of election and containing an absent voter's ballot is received by the officer after
14 election day, the ballot must be tallied by the canvassing board of the county, the governing
15 body of the city, or the school board of the school district, as the case may be, at the time the
16 returns are canvassed. Any envelope without a postmark or other official marking by the United
17 States postal service or other mail delivery system or with an illegible postmark or other official
18 marking and containing an absentee voter's ballot must be received by mail by the proper
19 officer prior to the meeting of the canvassing board. An absent voter may personally deliver the
20 absent voter's ballot to the appropriate officer's office at any time before five p.m. on the day
21 before the election. If the county auditor or appropriate election officer designates or implements
22 the use of a drop box in an election specified under this title, the drop box must be secured and
23 under the control of the local election official at all times. All ballots deposited in a drop box must
24 be collected by the election official no less than once per day. Ballots may not be deposited in
25 the drop box after five p.m. on the day before an election. Any envelope containing an absent
26 voter's ballot with a postmark or official date stamp on the day of election or thereafter may not
27 be tallied with the ballots timely submitted for the election. Before forwarding any ballot to a
28 canvassing board pursuant to this section, the officer forwarding the ballot shall print the date of
29 receipt on the envelope. Upon receipt, the canvassing board shall determine that the elector
30 was qualified to vote in that precinct, that the elector did not previously vote in that precinct on

1 the date of the election, and that the signatures on the absentee ballot application and the
2 voter's affidavit were signed by the same individual before allowing the ballot to be tallied.

3 **SECTION 3. AMENDMENT.** Section 16.1-11.1-04 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **16.1-11.1-04. Voting by electors.**

6 Upon receipt of a mail ballot, an elector shall mark it, sign the return identification envelope,
7 and comply with the instructions provided with the ballot. The elector may return the completed
8 ballot to the county auditor by mail or, before five p.m. on the day before the election, to any
9 other place of deposit designated by the auditor. If the county auditor or appropriate election
10 officer designates or implements the use of a drop box in an election specified under this title,
11 the drop box must be secured and under the control of the local election official at all times. All
12 ballots deposited in a drop box must be collected by the election official no less than once per
13 day. Ballots may not be deposited in the drop box after five p.m. on the day before an election.
14 If the elector returns the ballot by mail, the elector shall provide the postage, and the ballot must
15 be postmarked no later than the day before the election.