

HOUSE BILL NO. 1405

Introduced by

Representative Hoverson

1 A BILL for an Act to amend and reenact sections 16.1-02-13, 16.1-04-02, 16.1-06-21, and
2 16.1-07-09 of the North Dakota Century Code, relating to vote centers, pollbooks, and absentee
3 votes.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-02-13 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-02-13. Information contained in pollbooks generated from the central voter file -**
8 **Electronic pollbooks offline on election day.**

9 The county auditor shall generate a pollbook for each precinct in the county from the central
10 voter file by the day before an election. With the exception of a record designated "secured
11 active" and the voter's birth date and driver's license or nondriver identification card number
12 issued by the department of transportation, which are exempt records, the precinct pollbooks
13 are open records under section 44-04-18. When providing access to or a copy of a pollbook, the
14 election official administering the election shall redact from the pollbook any voter records
15 designated as secured active along with the voter's date of birth and identification numbers
16 listed on the paper pollbook used in an election. If an electronic pollbook is used, the election
17 official, upon request for a copy of the pollbook, shall generate a list including the allowable
18 information detailed in this section for the individuals who voted in the election. The list provided
19 from an electronic pollbook may be requested by precinct or county. The secretary of state shall
20 prescribe procedures for generating pollbooks and for transporting the pollbooks to the poll
21 clerks for use on election day. ~~Electronic pollbooks may have a secure connection from the~~
22 ~~polling place to the data maintained in the central voter file~~ must be downloaded to all computers
23 or machines used by poll clerks the day before the election. On election day, the electronic
24 pollbooks must be disconnected from all internet or cell networks to ensure the integrity of the

1 election. Any qualified voter casting a ballot on election day must be added to the pollbooks
2 after the polling place has closed. The electronic pollbook may be reconnected to an internet or
3 cellular network only after all ballots cast are counted. The number of qualified electors that cast
4 a ballot according to the electronic pollbook must match the total number of ballots counted by
5 the voting system. Each pollbook generated from the central voter file must contain the
6 following information for each individual contained in the pollbook:

- 7 1. The complete legal name of the individual.
- 8 2. The complete residential address of the individual.
- 9 3. The complete mailing address of the individual, if different from the individual's
10 residential address.
- 11 4. The unique identifier generated and assigned to the individual.
- 12 5. The county, legislative district, city or township, school district, county commissioner
13 district, if applicable, precinct name, and precinct number in which the individual
14 resides. A ballot-style code identifying this information may be used in place of the
15 information required by this subsection.
- 16 6. Any other information requested of and obtained from the individual deemed
17 necessary by the secretary of state ~~for the proper administration of the pollbook.~~

18 **SECTION 2. AMENDMENT.** Section 16.1-04-02 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **16.1-04-02. Polling places - Duties and responsibilities of the board of county**
21 **commissioners or the governing body of the city.**

22 The board of county commissioners of each county:

- 23 1. Shall designate one or more polling places for each precinct. However, the polling
24 places for precincts located within the boundaries of any incorporated city must be
25 designated, and altered if required, by the governing body of the city. Polling places
26 may not be designated later than the sixty-fourth day before an election. A qualified
27 elector may vote at only one precinct-based polling place or a vote center within a
28 county.
- 29 2. Shall provide that all polling places are accessible to the elderly and the physically
30 disabled.

1 3. May utilize one or more vote centers that contain ~~all of the~~ no more than five precincts
2 in a county per vote center so that any qualified elector of the county residing in a
3 corresponding precinct may choose to cast a ballot in that polling place. If a precinct is
4 included in a vote center, there may not be any other polling place for that precinct.

5 Qualified electors may vote early at early voting precincts, by absentee ballot, at a
6 polling place of their residential precinct, or at a county vote center. ~~Vote center polling~~
7 ~~places must serve as a designated polling place for at least one precinct in the county~~
8 ~~in addition to serving as the site where any county voter may cast a ballot.~~

9 4. May change the location of a polling place previously established by the sixty-fourth
10 day immediately preceding an election when there is good and sufficient reason.

11 When a polling place is changed under this provision, the name and location of the
12 new polling place must be prominently posted on or near the main entrance of the
13 prior polling place on the date of the first election held following the change.

14 **SECTION 3. AMENDMENT.** Section 16.1-06-21 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **16.1-06-21. Pollbooks delivered by county auditor - Contents - Inspector of elections**
17 **to deliver.**

18 The county auditor shall see that one paper or electronic pollbook is delivered to the
19 election inspector in each election precinct or polling place in the county.

20 The election inspector shall deliver the pollbook, or cause the pollbook to be delivered, to
21 the clerks of election in the inspector's polling place on election day before the opening of the
22 polls. All pollbooks must be locked and kept secure until the polling location is open to voters on
23 election day. An electronic pollbook may not be connected to an internet or cellular network on
24 the day of an election.

25 **SECTION 4. AMENDMENT.** Section 16.1-07-09 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **16.1-07-09. Canvassing of mailed absent voter's ballot received late.**

28 1. In congressional, state, county, city, or school district elections, if an envelope
29 postmarked or otherwise officially marked by the United States postal service or other
30 mail delivery system six days before the date of election and containing an absent
31 voter's ballot is received by the officer ~~after~~ by election day, the ballot must be tallied by

1 the canvassing board of the county, the governing body of the city, or the school board
2 of the school district,~~as the case may be,~~ at the time the returns are canvassed.

3 2. In congressional, state, county, city, or school district elections, if an envelope
4 containing a ballot is postmarked or otherwise officially marked by the United States
5 postal service or other mail delivery system between five days before the election and
6 the election day, the ballot must be set aside and counted during the meeting of the
7 canvassing board.

8 3. Any envelope without a postmark or other official marking by the United States postal
9 service or other mail delivery system or with an illegible postmark or other official
10 marking and containing an absentee voter's ballot must be received by mail by the
11 proper officer prior to the meeting of the canvassing board. An absent voter may
12 personally deliver the absent voter's ballot to the appropriate officer's office at any time
13 before five p.m. on the day before the election. Any envelope containing an absent
14 voter's ballot with a postmark or official date stamp on the day of election or thereafter
15 may not be tallied with the ballots timely submitted for the election.

16 4. Before forwarding any ballot to a canvassing board pursuant to this section, the officer
17 forwarding the ballot shall print the date of receipt on the envelope. Upon receipt, the
18 canvassing board shall determine that the elector was qualified to vote in that precinct,
19 that the elector did not previously vote in that precinct on the date of the election, and
20 that the signatures on the absentee ballot application and the voter's affidavit were
21 signed by the same individual before allowing the ballot to be tallied.