

Introduced by

Senator Magrum

Representative Hoverson

1 A BILL for an Act to amend and reenact subdivision c of subsection 4 of section 16.1-01-04.1,  
2 section 16.1-07-06, subdivision g of subsection 2 of section 16.1-07-15, and section 16.1-15-04  
3 of the North Dakota Century Code, relating to mail ballot elections; and to repeal chapter  
4 16.1-11.1 of the North Dakota Century Code, relating to mail ballot elections.

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

6 **SECTION 1. AMENDMENT.** Subdivision c of subsection 4 of section 16.1-01-04.1 of the  
7 North Dakota Century Code is amended and reenacted as follows:

8 c. For an individual living with a disability that prevents the individual from traveling  
9 away from the individual's home, the signature on an absentee ~~or mail~~ ballot  
10 application from another qualified elector who, by signing, certifies the applicant  
11 is a qualified elector.

12 **SECTION 2. AMENDMENT.** Section 16.1-07-06 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **16.1-07-06. Application form.**

15 1. Application for an absent voter's ~~or mail~~ ballot must be made on a form, prescribed by  
16 the secretary of state, to be furnished by the proper officer of the county, city, or school  
17 district in which the applicant is an elector, or any form, approved by the secretary of  
18 state, containing the following:  
19 a. The applicant's name.  
20 b. The applicant's current or most recent North Dakota residential address.  
21 c. The applicant's mailing address.  
22 d. The applicant's current contact telephone number, if available.  
23 e. The election for which the ballot is being requested.  
24 f. The date of the request.

- 1           g. An affirmation that the applicant has resided, or will reside, in the precinct for at  
2           least thirty days next preceding the election and will be a qualified elector of the  
3           precinct.
- 4           h. The applicant's signature, a notification the signature on this affidavit will be  
5           compared to the signature on the affidavit on the envelope in which the absentee  
6           ballot must be placed.
- 7           i. The designation of the individual's status as a citizen of this country and resident  
8           of this state living outside the United States, a uniformed service member living  
9           away from the individual's North Dakota residence, or an immediate family  
10          member of the uniformed service member living away from the individual's North  
11          Dakota residence.
- 12          j. The applicant's date of birth.
- 13          k. The identification number from one of the applicant's valid forms of identification,  
14          a copy of the applicant's long-term care certificate, and, if necessary, a copy of  
15          the applicant's supplemental identification under section 16.1-01-04.1.
- 16      2. If the applicant is unable to sign the applicant's name to the application, the applicant  
17      shall mark (X) or use the applicant's signature stamp on the application in the  
18      presence of a disinterested individual. The disinterested individual shall print the name  
19      of the individual marking the X or using the signature stamp below the X or signature  
20      stamp and shall sign the disinterested individual's own name following the printed  
21      name together with the notation "witness to the mark".
- 22      3. If the applicant does not possess or cannot secure an approved form of identification  
23      as provided for under section 16.1-01-04.1 due to a disability with which the individual  
24      lives and which prevents the individual from traveling to obtain, the application also  
25      must be signed by another qualified elector who, by signing, certifies that the applicant  
26      is a qualified elector. The secretary of state shall prescribe the form of the certification  
27      required under this subsection. An individual may not certify the qualifications of more  
28      than four applicants in an election.
- 29      4. The application must include the following additional information if the individual  
30      desires to access the ballot by electronic means:
  - 31      a. Facsimile telephone number; or

1           b.    Electronic mail address.

2           5.    An incomplete application must be returned to the applicant for completion and  
3           resubmission.

4           6.    Except for the applicant's date of birth, identification card number, and any  
5           supplemental documentation provided under section 16.1-01-04.1, the application is  
6           an open record under section 44-04-18.

7           **SECTION 3. AMENDMENT.** Subdivision g of subsection 2 of section 16.1-07-15 of the  
8           North Dakota Century Code is amended and reenacted as follows:

9           g.    The early voting precinct election board shall comply with the requirements of  
10           chapters 16.1-05, 16.1-06, 16.1-11, ~~16.1-11.1~~, 16.1-13, and 16.1-15, as  
11           applicable.

12           **SECTION 4. AMENDMENT.** Section 16.1-15-04 of the North Dakota Century Code is  
13           amended and reenacted as follows:

14           **16.1-15-04. Canvass report prepared by election board for county auditor.**

15           The election board shall generate at least one canvass report from the electronic voting  
16           system. The ballots may not be sealed, nor may the canvass report be signed, by the election  
17           board or poll clerk until the counts in the poll clerks' books and in the canvass report shows the  
18           same totals for ballots cast.

19           In the case of the absentee ballot precinct as authorized in section 16.1-07-12.1; and early  
20           voting precincts as authorized in section 16.1-07-15; ~~and mail ballot precinct as authorized in~~  
21           ~~section 16.1-11.1-06~~, if the work of the election board is completed prior to close of the polls on  
22           election day, the election board shall create and sign a statement consisting of a reconciliation  
23           of the number of voters recorded in the pollbook and the number of ballots processed through  
24           the tabulators. The voting system must be secured in a manner prescribed by the county auditor  
25           that will protect the system and ballots from tampering. Prior to generating the canvass report  
26           from one of these three types of precincts, an election judge representing each political party, or  
27           two election judges in the case of an election that does not include a political party contest, shall  
28           verify that the system and ballots remain secure and the statement created by the election  
29           board is still accurate.

30           **SECTION 5. REPEAL.** Chapter 16.1-11.1 of the North Dakota Century Code is repealed.