

January 23, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1165

Introduced by

Representatives Louser, Rohr, D. Ruby, Satrom, Schauer, Vetter, Lefor

Senators Boehm, Castaneda, Paulson, Roers, Hogue

1 A BILL for an Act to amend and reenact section 4.1-20-16, subsection 1 of section 4.1-20-18,  
2 sections 16.1-01-00.1 and 16.1-01-15.1, subsection 3 of section 16.1-05-01, section  
3 16.1-06-02, subdivision g of subsection 1 of section 16.1-06-04, section 16.1-07-07,  
4 subsection 4 of section 16.1-07-08, and subsection 3 of section 16.1-12-02.2 of the North  
5 Dakota Century Code, relating to election practices and administration; and to repeal sections  
6 16.1-07-30 and 40-21-10 of the North Dakota Century Code, relating to election notices and  
7 municipal voter registration.

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

9 **SECTION 1. AMENDMENT.** Section 4.1-20-16 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **4.1-20-16. Nominating petitions - Petitions required - Final filing date.**

12 1. Any individual running for the office of supervisor shall present to the county auditor of  
13 the county in which the district lies a petition giving that individual's name and mailing  
14 address and the title and term of the office, and containing the signatures of not less  
15 than twenty-five nor more than three hundred qualified electors of the district. When a  
16 district lies in more than one county, the petition must be filed with the county auditor  
17 of the county where the candidate resides, and that county auditor shall certify to the  
18 county auditors of the other counties in which the district lies the name and mailing  
19 address of the candidate filing such petition. ~~At the same time, the county auditor, or~~  
20 ~~auditors in the case of multicounty districts, also shall certify to the secretary of state~~

1           ~~the name and mailing address of each individual filing a nominating petition according~~  
2           ~~to this section.~~

3           2. An individual may not participate directly or indirectly in the nomination for more than  
4           one individual for each office to be filled. The final filing date for nominating petitions is  
5           no later than four p.m. sixty-four days before the day of the election.

6           3. Upon receipt of the petition or the certification as provided in this section, the county  
7           auditor shall place, without fee, the name of the candidate so nominated on the  
8           no-party ballot at the ensuing general election.

9           **SECTION 2. AMENDMENT.** Subsection 1 of section 4.1-20-18 of the North Dakota Century  
10          Code is amended and reenacted as follows:

11          1. At each general election, one district supervisor must be elected for a term of six  
12          years, or until the successor is duly elected and qualified, to each expiring or vacant  
13          term. The county auditor of the county or counties in which the district lies shall ~~return~~  
14          ~~to the secretary of state before four p.m. on the tenth day following any general~~  
15          ~~election a certified abstract of the votes cast in the county at the election for each~~  
16          ~~candidate for district supervisor. The secretary of state shall canvass the returns and~~  
17          ~~issue certificates of election under chapter 16.1-15~~canvass the returns and issue  
18          certificates of election under chapter 16.1-15. When a district lies in more than one  
19          county, the county auditor of the county in which the candidate resides shall issue the  
20          certificate of election.

21          **SECTION 3. AMENDMENT.** Section 16.1-01-00.1 of the North Dakota Century Code is  
22          amended and reenacted as follows:

23          **16.1-01-00.1. Definitions.**

24          ~~For purposes of~~As used in this title, unless the context otherwise requires, "~~candidate~~"  
25          means:

- 26          1. "Candidate" means:  
27                a. An individual holding public office;  
28          2. b. An individual who publicly has declared that individual's candidacy for nomination  
29                for election or election to public office or has filed or accepted a nomination for  
30                public office;



1 as prescribed in this chapter, the inspector shall place the oath or affidavit before the  
2 state's attorney of the county.

3 **SECTION 6. AMENDMENT.** Section 16.1-06-02 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **16.1-06-02. Ballots prepared by county auditor or local official - Penalty.**

6 For a local election, the ballots must be printed and distributed under the direction of the  
7 auditor or clerk of the local subdivision. For all other elections, the secretary of state shall  
8 ~~prescribe a printer and ballots printing vendor.~~ Ballots must be printed and distributed under the  
9 direction of the county auditor, subject to the supervision and approval of the secretary of state  
10 as to the legal sufficiency of the form, style, wording, and contents of the ballots. If an auditor or  
11 clerk of a local subdivision, a county auditor, or the secretary of state causes or approves the  
12 printing of a ballot listing an individual as a candidate when the official knows or should know  
13 the individual does not meet the qualifications, or has not satisfied the requirements to be a  
14 candidate, the official is guilty of an infraction.

15 **SECTION 7. AMENDMENT.** Subdivision g of subsection 1 of section 16.1-06-04 of the  
16 North Dakota Century Code is amended and reenacted as follows:

17 g. Provide text boxes at the bottom of the first side of the ballot. The text box at the  
18 bottom of the first column is to contain the words "Official Ballot, the name of the  
19 county, the name or number of the precinct, and the date of the election". The  
20 text box is to contain the words "All ballots, other than those used to vote  
21 absentee, must first be initialed by appropriate election officials in order to be  
22 counted". The text box at the bottom of the third column is to contain the word-  
23 ~~"initials"~~ phrase "election official initials" preceded by a blank line where the judge  
24 or inspector shall initial the ballot.

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

27 **16.1-07-07. Delivering application form for ballot.**

28 The officers specified in section 16.1-07-05, upon request, shall provide an application form  
29 for an absent voter's ballot to the voter or may deliver the application form to the voter upon a  
30 personal application made at the officer's office. The officers ~~may~~ also may make available or  
31 distribute the applications, prescribed by the secretary of state, to the public without any specific

1 request being made for the applications. For every primary, general, special statewide, district,  
2 or county election, the county auditor shall mail the applications in an envelope prescribed by  
3 the secretary of state.

4 **SECTION 9. AMENDMENT.** Subsection 4 of section 16.1-07-08 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 4. For every primary, general, special statewide, district, or county election, the county  
7 auditor shall use the outgoing, return, and secrecy envelopes prescribed by the  
8 secretary of state. If there is more than one ballot to be voted by an elector of the  
9 precinct and the voting system will be unable to tabulate one or more of the ballots,  
10 one of each kind must be included and a secrecy envelope and a return envelope  
11 must be enclosed with the ballot or ballots. The front of the return envelope must bear  
12 the official title and post-office address of the officer supplying the voter with the ballot  
13 and upon the other side a printed voter's affidavit in substantially the following form:

14 Precinct \_\_\_\_\_

15 Name \_\_\_\_\_

16 Residential Address \_\_\_\_\_

17 City \_\_\_\_\_ ND Zip Code \_\_\_\_\_

18 Under penalty of possible criminal prosecution for making a false  
19 statement, I swear that I reside at the residential address provided  
20 above, that I have resided in my precinct for at least thirty days  
21 next preceding the election, and this is the only ballot I will cast  
22 in this election.

23 Applicant's Signature \_\_\_\_\_

24 Date \_\_\_\_\_

25 The signature on this affidavit will be compared to the signature on the  
26 affidavit included in the application for the absentee ballot.

27 **SECTION 10. AMENDMENT.** Subsection 3 of section 16.1-12-02.2 of the North Dakota  
28 Century Code is amended and reenacted as follows:

29 3. An individual who intends to be a write-in candidate for any legislative district office  
30 shall file a certificate of write-in candidacy with the secretary of state. The certificate

1            must contain the name, address, and signature of the candidate. Certificates must be  
2            filed by four p.m. on the ~~fourth~~twenty-first day before the election.

3            **SECTION 11. REPEAL.** Sections 16.1-07-30 and 40-21-10 of the North Dakota Century  
4            Code are repealed.