

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1275

Introduced by

Representatives Kasper, Beadle, Grande, Heller, Monson, Owens, Rohr, Streyle, Thoreson
Senators Dever, Flakoll, Wardner

1 A BILL for an Act to create and enact a new section to chapter 16.1-05 of the North Dakota
2 Century Code, relating to the appointment of poll checkers; to amend and reenact sections
3 16.1-02-05, 16.1-05-04, 16.1-05-07, and 16.1-10-06.1 of the North Dakota Century Code,
4 relating to verification of eligibility of voters; to repeal sections 16.1-05-06 and 58-04-09 of the
5 North Dakota Century Code, relating to challenging the right to vote; and to provide a penalty.

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

7 **SECTION 1. AMENDMENT.** Section 16.1-02-05 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-02-05. Entry of new voters into the central voter file - Query of the central voter**
10 **file for double voting - Challenges-- Postelection verification.**

- 11 1. Within forty-five days following an election, the county auditor shall enter the name
12 and required information of each individual who voted at the last election who is not
13 already contained in the central voter file and update any required information
14 requested and obtained at the last election for any individual contained in the central
15 voter file.
- 16 2. The secretary of state, with the assistance of the county auditors, within eighty-five
17 days following an election, shall query the central voter file to determine if any
18 individual voted more than once during the preceding election. The secretary of state
19 shall immediately notify the county auditor and state's attorney in each affected county
20 for further investigation.
- 21 3. Upon return of any nonforwardable mail from an election official, the county auditor
22 shall ascertain the name and address of that individual. If the individual is no longer at
23 the address recorded in the central voter file, the county auditor shall transfer the voter
24 to the correct precinct in the central voter file or notify the county of the voter's new

1 residence so the voter record can be transferred to the correct county. If a notice
2 mailed at least sixty days after the return of the first nonforwardable mail is also
3 returned by the postal service, the county auditor shall designate the individual as
4 "inactive" in the central voter file.

5 ~~4. Within forty-five days after an election, the county auditor shall send a notice to each~~
6 ~~individual who was challenged on election day according to section 16.1-05-06. If a~~
7 ~~notice is returned as not deliverable, the county auditor shall attempt to determine the~~
8 ~~reason for the return. A county auditor who does not receive or obtain satisfactory~~
9 ~~proof of an individual's eligibility to vote shall notify immediately the state's attorney to~~
10 ~~conduct an investigation of the individual's eligibility to vote in that election.~~

11 **SECTION 2. AMENDMENT.** Section 16.1-05-04 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **16.1-05-04. Duties of the members of the election board during polling hours.**

14 1. The election inspector shall supervise the conduct of the election to ensure all election
15 officials are properly performing their duties at the polling place. The election inspector
16 shall assign duties so as to equally and fairly include both parties represented on the
17 election board.

18 2. The election inspector shall assign ministerial duties to poll clerks, who shall carry out
19 the ministerial duties assigned by the election inspector.

20 3. The election inspector shall assign the poll clerks to perform the function of
21 maintaining the pollbook. The designated poll clerks shall maintain the pollbook. The
22 pollbook must contain the name and address of each individual voting at the precinct
23 and must be arranged in the form and manner prescribed by the secretary of state.

24 ~~4. The members of the election board shall challenge the right of anyone to vote whom~~
25 ~~they know or have reason to believe is not a qualified elector by requiring the elector~~
26 ~~to complete and sign a voter's affidavit.~~

27 ~~5.~~ Each member of the election board shall remain on the premises of the polling place
28 during the time the polls are open to prevent the occurrence of fraud, deceit, or other
29 irregularity in the conduct of the election.

30 ~~6.5.~~ All members of the election board shall distribute ballots and other election materials
31 to electors. An election judge from each party represented on the election board shall

1 give any assistance requested by electors in marking ballots or operating electronic
2 voting system devices.

3 ~~7.6.~~ Each member of the election board shall maintain order in the polling place.

4 **SECTION 3. AMENDMENT.** Section 16.1-05-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-05-07. Poll clerks to check identification and verify eligibility - Poll clerks to**
7 **request, correct, and update incorrect information contained in the pollbook.**

8 1. Before ~~delivering~~a member of the election board delivers a ballot to an individual
9 according to section 16.1-13-22, the poll clerks shall request the individual to show
10 identification, which includes the individual's residential address and date of birth.

11 ~~The~~An approved form of identification may include~~includes:~~

- 12 a. An official form of identification issued by the state;
13 b. An official form of identification issued by a tribal government;
14 c. A form of identification prescribed by the secretary of state; or
15 d. A combination of any of the forms of identification under subdivisions a through c.

16 2. ~~If an individual offering to vote does not have or refuses to show an appropriate form~~
17 ~~of identification, the individual may be allowed to vote without being challenged~~
18 ~~according to section 16.1-05-06 if the individual provides to the election board the~~
19 ~~individual's date of birth and if a member of the election board or a clerk knows the~~
20 ~~individual and can personally vouch that the individual is a qualified elector of the~~
21 ~~precinct.~~

22 3. ~~If an individual offering to vote does not meet either of the options set forth in~~
23 ~~subsection 1 or 2, the election board shall challenge the individual's right to vote and~~
24 ~~the individual may not vote unless the individual executes a voter's affidavit, as~~
25 ~~provided in section 16.1-05-06.~~

26 4. a. When verifying an individual's eligibility or when entering the name of an
27 individual into the pollbook, poll clerks shall request, correct, and update any
28 incorrect or incomplete information about an individual required to be included in
29 the pollbook generated from the central voter file.

- 1 b. If the individual's name is contained in the pollbook generated from the central
2 voter file, the poll clerks shall verify the individual's residential address and
3 mailing address, if different from the individual's residential address.
- 4 c. If the individual's name is not contained in the pollbook generated from the
5 central voter file but the individual is determined eligible to vote, the poll clerks
6 shall record the individual's name in the pollbook. The poll clerks shall request
7 and obtain any additional information for the individual required to be included in
8 the pollbook.
- 9 ~~5.3.~~ Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct
10 to the proper precinct and voting location.

11 **SECTION 4.** A new section to chapter 16.1-05 of the North Dakota Century Code is created
12 and enacted as follows:

13 **Poll checkers.**

14 The district chairman of each political party represented on the election board may appoint
15 up to three poll checkers to a polling place. A poll checker may not interfere with the election
16 process or with the members of the election board in the performance of the member's duties. A
17 poll checker may not be a member of the election board. The district chairman shall notify the
18 county auditor of each county contained in the legislative district one day before the day of the
19 election of the name of any individual the district chairman has appointed to serve as a poll
20 checker in the legislative district.

21 **SECTION 5. AMENDMENT.** Section 16.1-10-06.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-10-06.1. Paying for certain election-related activities prohibited.**

24 ~~No~~

25 ~~1.~~ 1. A person may not pay another person any individual for:

26 ~~1.~~ a. Any loss or damage due to attendance at the polls;

27 ~~2.~~ b. Registering;

28 ~~3.~~ c. The expense of transportation to or from the polls; or

29 ~~4.~~ d. Personal services to be performed on the day of a caucus, primary election, or
30 any election which tend in any way, directly or indirectly, to affect the result of
31 such caucus or election.

1 The provisions of this

2 2. This section does not apply to the hiring of a person an individual whose sole duty it
3 is to act as a challenger duties are to observe the polls and to watch the count of
4 official ballots.

5 **SECTION 6. REPEAL.** Sections 16.1-05-06 and 58-04-09 of the North Dakota Century
6 Code are repealed.