

April 28, 2021

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1253

That the Senate recede from its amendments as printed on pages 1687-1689 of the House Journal and pages 1393-1395 of the Senate Journal and that Engrossed House Bill No. 1253 be amended as follows:

Page 1, line 4, after "reenact" insert "section 15.1-09-15,"

Page 1, line 4, replace "sections" with "section"

Page 1, line 4, after the second comma insert "subsection 5 of section 16.1-01-04.1, sections"

Page 1, line 6, after the third comma insert "and"

Page 1, line 6, after the fourth comma insert "the new section to chapter 16.1-01 of the North Dakota Century Code, as created by section 1 of House Bill No. 1256, as approved by the sixty-seventh legislative assembly, sections"

Page 1, line 14, after the third comma insert "16.1-11.1-02,"

Page 1, line 18, after the seventh comma insert "16.1-15-17,"

Page 2, after line 6, insert:

**"SECTION 2. AMENDMENT.** Section 15.1-09-15 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-15. School district election - Declaration of winner.**

On the ~~sixth~~sixteenth day after the election, the school board shall meet to canvass all election returns and shall declare the result of an election and, in the case of a tie, within three days from the determination of a winner. However, if the election is held under an agreement with a city or county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the winners declared as set out in the agreement. The individual receiving the highest number of votes for an office must be declared elected. The board shall record the result of the election."

Page 3, after line 30, insert:

**"SECTION 6. AMENDMENT.** Subsection 5 of section 16.1-01-04.1 of the North Dakota Century Code is amended and reenacted as follows:

5. If an individual is not able to show a valid form of identification but asserts qualifications as an elector in the precinct in which the individual desires to vote, the individual may mark a ballot that must be securely set aside in a sealed envelope designed by the secretary of state. After the ballot is set aside, the individual may show a valid form of identification to either a polling place election board member if the individual returns to the polling place before the polls close, or to an employee of the office of the election official responsible for the administration of the election before the meeting of the canvassing board occurring on the ~~sixth~~sixteenth day after the election. Each ballot set aside under this subsection must be presented to

the members of the canvassing board for proper inclusion or exclusion from the tally."

Page 10, after line 26, insert:

**"SECTION 16. AMENDMENT.** Section 1 of House Bill No. 1256, as approved by the sixty-seventh legislative assembly, is amended and reenacted as follows:

**SECTION 1.** A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

**Use of nonpublic funds prohibited - Penalty.**

1. The state and political subdivisions may not solicit, accept, or use any grants or donations from private persons for elections operations or administration except:
  - a. The use of privately owned facilities for polling places;
  - b. Food for poll workers; and
  - c. Other nonmonetary donations that are not used to prepare, process, mark, collect, or tabulate ballots or votes.
2. An individual who knowingly violates subsection 1 is guilty of a class A misdemeanor."

Page 17, line 12, remove "Have printed on the ballot "The word 'endorsed' following or under a candidate's""

Page 17, remove lines 13 through 15

Page 17, line 18, replace "g." with "f."

Page 17, line 22, replace "h." with "g."

Page 25, line 8, after "signature" insert "a notification the signature on this affidavit will be compared to the signature on the affidavit on the envelope in which the absentee ballot must be placed""

Page 27, line 21, replace "voter who is blind, visually impaired, or print disabled" with "qualified elector living with a disability that prevents the elector from reading or marking the ballot without assistance""

Page 27, line 21, after "and" insert "who"

Page 28, after line 17, insert:

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

Page 50, line 23, remove "Immediately following or under the name of a candidate who received a party""

Page 50, remove lines 24 through 28

Page 50, line 29, remove "11."

Page 53, after line 17, insert:

**"SECTION 66. AMENDMENT.** Section 16.1-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11.1-02. Application for mail ballots.**

The county auditor shall mail an application form for a mail ballot to each ~~individual~~active voter listed in the central voter file for the county and each qualified individual eligible to vote in the state for the first time on one date no sooner than the fiftieth day before the election and no later than the fortieth day before the election. The county auditor, for two consecutive weeks after the date on which the mail ballot applications are mailed, shall publish in the official newspaper of the county an application form for a mail ballot and a notice that additional mail ballot applications may be obtained from the election official. The application form for a mail ballot must be in substantially the form provided in section 16.1-07-06."

Page 53, line 28, replace "individual" with "active voter"

Page 53, line 29, after "mail" insert "and each qualified individual eligible to vote in the state for the first time"

Page 64, line 11, remove "A voter may take up to thirty minutes to mark and cast the ballot after"

Page 64, remove lines 12 through 20

Page 66, line 6, overstrike "shall" and insert immediately thereafter "must"

Page 70, after line 17, insert:

**"SECTION 97. AMENDMENT.** Section 16.1-15-17 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-15-17. Time of county canvassing board meeting - Oath required - Reconsideration of canvass.**

On the ~~sixth~~thirteenth day following each election, the county canvassing board shall meet and, after taking the oath of office, shall proceed to open and publicly canvass the returns. After the initial meeting of the board as provided in this section, any two or more members may call a meeting of the board and upon approval of a majority of the members, the board shall recanvass the results of the election or any portion thereof and may correct any previous canvass or certification or both in regard to the election. Any correction of any previous certification of election results as provided in this section must be immediately dispatched to the secretary of state who shall call a meeting of the state canvassing board as provided in section 16.1-15-35 for the purpose of recanvassing and, if necessary, correcting any previous certification of the election results."

Re-number accordingly