

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1292

Introduced by

Representatives Kasper, Boehning, Kempenich, L. Meier, Thoreson, Weiler

1 A BILL for an Act to amend and reenact sections 16.1-01-03, 16.1-04-02, and 16.1-11.1-01 of
2 the North Dakota Century Code, relating to polling places.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-01-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-01-03. Opening and closing of the polls.**

7 The polls at all primary, general, and special elections must be opened at nine a.m. or at
8 such earlier hour, but not earlier than seven a.m., ~~that~~which may be designated for any precinct
9 by resolution of the governing body of the city or county ~~in which such precinct is located except~~
10 ~~that in precincts in which seventy five or fewer votes were cast in the last general election, the~~
11 ~~governing body may direct that the polls be opened at twelve noon. They.~~ The polls must
12 remain open continuously until seven p.m. or such later hour, not later than nine p.m., as may
13 be designated for a precinct by resolution of the governing body of the city or county ~~in which~~
14 ~~the precinct is located.~~ All polls within a county must open and close at the same time. All
15 electors standing in line to vote at the time the polls are set to close must be allowed to vote,
16 but electors arriving after closing time may not be allowed to vote. The election officers present
17 are responsible for determining who arrived in time to vote, and ~~they~~the election officers shall
18 establish appropriate procedures for making that determination. All determinations required to
19 be made ~~pursuant to~~under this section relating to polling hours must be made, and the county
20 auditor notified of ~~them~~the determinations, no later than thirty days ~~prior to~~before an election.

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

1 **16.1-04-02. Voting places - Duties and responsibilities of the board of county**
2 **commissioners or the governing body of the city.**

3 The board of county commissioners of each county:

- 4 1. Shall designate a voting place for each precinct and may alter the voting places when
5 there is a good and sufficient reason. However, ~~the voting places for precincts-~~
6 ~~located~~any precinct that includes territory within the boundaries of any incorporated
7 city, the voting place must be designated, and altered if required, by the governing
8 body of the city. Each incorporated city that has a population of over one thousand
9 must have at least one voting place within the city open on the day of a statewide
10 election.
- 11 2. Shall provide that all voting places are accessible to the elderly and the physically
12 disabled.
- 13 3. May utilize vote centers that contain all of the precincts in a county so that any
14 qualified elector of the county may choose to cast a ballot in that polling location.
15 Qualified electors may vote early at early voting precincts, by absentee ballot, at the
16 polling location of their residential precinct, or at a county vote center. Vote center
17 polling places must serve as the designated polling place for at least one precinct in
18 the county in addition to serving as the site where any county voter may cast a ballot.
19 An individual voting or attempting to vote more than once in any single election is
20 guilty of a class A misdemeanor.

21 **SECTION 3. AMENDMENT.** Section 16.1-11.1-01 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-11.1-01. Counties may conduct mail ballot elections - Polling places - Records.**

24 The board of county commissioners of a county may conduct an election by mail ballot. The
25 mail ballot election must include city elections administered by the county auditor and may
26 include any other election administered by the county auditor pursuant to an agreement with the
27 governing body of a political subdivision within the county. The board and the governing body of
28 a city shall designate one or more, as provided under section 16.1-04-02, polling places in the
29 county to be open on the day of the election for voting in the usual manner. The county auditor
30 shall place a notice at all polling places in the county used at the last statewide election which
31 states the location of the polling places open for the election. The county auditor shall keep a

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- 1 record of each mail ballot provided to qualified electors and provide to the election board at
- 2 each polling place open on the day of the election a list of every person who applied for a mail
- 3 ballot.