

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1397
(Representatives Hatlestad, N. Johnson, Klemin)
(Senators Cook, Nelson)

AN ACT to amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to election offenses; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-12. Election offenses - Penalty.

1. It is unlawful for ~~a person~~ an individual or organization to:
 4. a. Fraudulently alter another ~~person's~~ individual's ballot or substitute one ballot for another or to otherwise defraud a voter of that voter's vote.
 2. b. Obstruct a qualified elector on the way to a polling place.
 3. c. Vote or offer to vote more than once in any election.
 4. d. Knowingly vote in the wrong election precinct or district.
 5. e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
 6. f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified person to vote.
 7. g. Knowingly vote when not qualified to do so.
 8. h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
 9. ~~Sign a name other than that person's own name to an initiative, referendum, recall, or any other election petition.~~
 10. i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or circulate such a petition when unqualified to do so.
 11. j. Pay or offer to pay any ~~person~~ individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file their intent to remunerate prior to submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a preelection report by ~~persons~~ individuals or organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1. Any signature obtained in violation of this subdivision is void and may not be counted.

12. k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.
13. l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
14. m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the same to be false, or willfully deface, destroy, or conceal any statement or certificate entrusted to the ~~person's~~individual's or organization's care.
15. n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law.
 - o. Sign a name other than that individual's own name to an initiative, referendum, recall, or any other election petition.
2. a. A violation of ~~subsections 1~~subdivisions a through 4~~1~~ of subsection 1 is a class A misdemeanor. ~~Any signature obtained in violation of subsection 11 is void and may not be counted.~~
 - b. A violation of subdivision m of subsection 1 is a class C felony.
 - c. A violation of subdivision n of subsection 4~~5~~ occurring after an election but before the final canvass, or during an election, is a class C felony, and in other cases is a class A misdemeanor.
 - d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an individual signs one or two names other than the individual's own name to a petition and is a class C felony if an individual signs more than two names other than the individual's own name to a petition.
 - e. An organization, as defined in section 12.1-03-04, that violates this section is subject to the organizational fines in section 12.1-32-01.1. The court in which the conviction is entered shall notify the secretary of state of the conviction and shall order the secretary of state to revoke the certificate of authority of any convicted organization or limited liability company. The organization may not reapply to the secretary of state for authorization to do business under any name for one year upon conviction of a class A misdemeanor and for five years upon conviction of a class C felony under this section.
 - f. An individual who is a member of an organization may be convicted of a violation as an accomplice under section 12.1-03-01.
3. Every act which by this chapter is made criminal when committed with reference to the election of a candidate is equally criminal when committed with reference to the determination of a question submitted to qualified electors to be decided by votes cast at an election.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1397.

House Vote: Yeas 89 Nays 4 Absent 1

Senate Vote: Yeas 40 Nays 7 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State