

**SENATE BILL NO. 2307**

Introduced by

Senators Meyer, K. Roers

Representatives Beadle, Grueneich, C. Johnson, Sanford

1 A BILL for an Act to create and enact a new section to chapter 16.1-02 of the North Dakota  
2 Century Code, relating to use of voter lists; and to amend and reenact section 16.1-01-03,  
3 subsection 2 of section 16.1-01-09, subsection 2 of section 16.1-01-09.1, and sections  
4 16.1-02-12 and 16.1-16-01 of the North Dakota Century Code, relating to hours of polling  
5 places, requirements for petition signatures, information in the central voter file, and election  
6 recounts.

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

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

10 **16.1-01-03. Opening and closing of the polls.**

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



[The full text of the measure must be inserted here.]

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota thirty days, and you are a United States citizen. All signers also shall ~~also~~ legibly print their name, complete residential address ~~or rural route or general delivery address~~, and the date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

QUALIFIED ELECTORS

		Signed			
Month,	Name of	Printed	Residential Address or	City	
Day,	Qualified	Name of	Complete Rural Route	State,	
Year	Elector	Qualified	<del>or General Delivery</del>	Zip Code	
		Elector	Address		
1.	_____				
2.	_____				
3.	_____				
4.	_____				
5.	_____				
6.	_____				
7.	_____				
8.	_____				

The number of signature lines on each page of a printed petition may vary if necessary to accommodate other required textual matter. In this section for referral petitions "full text of the measure" means the bill as passed by the legislative assembly excluding the session and sponsor identification. In this section for initiative petitions "full text of the measure" means an enacting clause which must be: "BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA" and the body of the bill. If the measure amends the law, all new statutory material must be underscored and all statutory material to be deleted must be overstruck by dashes. When repealing portions of the law, the measure

1 must contain a repealer clause and, in brackets, the text of the law being  
2 repealed.

3 **SECTION 3. AMENDMENT.** Subsection 2 of section 16.1-01-09.1 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5 2. An individual may not sign a recall petition circulated pursuant to article III of the  
6 Constitution of North Dakota or section 44-08-21 unless the individual is a qualified  
7 elector. An individual may not sign a petition more than once, and each signer also  
8 shall also legibly print the signer's name, complete residential, ~~rural route, or general~~  
9 ~~delivery~~ address, and the date of signing on the petition. Every qualified elector  
10 signing a petition must do so in the presence of the individual circulating the petition. A  
11 petition must be in substantially the following form:

12 **RECALL PETITION**

13 We, the undersigned, being qualified electors request that

14 \_\_\_\_\_(name of the individual being  
15 recalled) the \_\_\_\_\_(office of individual being recalled) be  
16 recalled for the reason or reasons of \_\_\_\_\_.

17 **RECALL SPONSORING COMMITTEE**

18 The following are the names and addresses of the qualified electors of the state  
19 of North Dakota and the political subdivision who, as the sponsoring committee  
20 for the petitioners, represent and act for the petitioners in accordance with law:

21 Complete Residential;  
22 ~~Rural Route,~~  
23 ~~or General~~

24 Name Delivery Address

- 25 1. \_\_\_\_\_(Chairperson) \_\_\_\_\_  
26 2. \_\_\_\_\_  
27 3. \_\_\_\_\_  
28 4. \_\_\_\_\_  
29 5. \_\_\_\_\_

30 **INSTRUCTIONS TO PETITION SIGNERS**



- 1        5. A status designation showing ~~whether of~~ the individual's ~~ability~~eligibility to vote in a  
2            precinct has ~~been inactivated as a result of death or because the individual is no~~  
3            ~~longer a resident of the precinct according to section 16.1-01-04.~~
- 4        6. The county, legislative district, city or township, school district, county commissioner  
5            district, if applicable, precinct name, and precinct number in which the individual  
6            resides.
- 7        7. Beginning in 2008, four years of an individual's voting history, if applicable.
- 8        8. Date of birth.
- 9        9. The individual's driver's license or nondriver identification card number issued by the  
10           department of transportation, or the unique identifier from an official form of  
11           identification issued by a tribal government to a tribal member residing in this state.
- 12      10. Any other information requested of and obtained from the individual deemed  
13           necessary by the secretary of state for the proper administration of the central voter  
14           file.

15        **SECTION 5.** A new section to chapter 16.1-02 of the North Dakota Century Code is created  
16 and enacted as follows:

17        **Voter lists and reports - Availability for voter list maintenance.**

18        The secretary of state may generate a voter list or a report generated from the central voter  
19 file to be transmitted to other states, or a consortium of states, for maintaining the integrity of  
20 elections.

21        **SECTION 6. AMENDMENT.** Section 16.1-16-01 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23        **16.1-16-01. Election recounts.**

24        A recount of any primary, special, or general election for nomination or election to a  
25 congressional, state, district, legislative, county, or city office, or for the approval or disapproval  
26 of any measure, question, or bond issue submitted to the qualified electors of this state or one  
27 of its political subdivisions must be conducted according to guidelines established by the  
28 secretary of state and as follows:

- 29      1. A recount must be conducted when:
  - 30      a. Any individual failed to be nominated by the individual's party or to a no-party  
31            office in a primary election by one percent or less of the highest vote cast for a

- 1 candidate seeking nomination from the political party for the office sought or for a  
2 candidate for the no-party office sought.
- 3 b. Any individual failed to be elected in a general or special election by one-half of  
4 one percent or less of the highest vote cast for a candidate for that office.
- 5 c. A question, measure, or bond issue submitted to the qualified electors has been  
6 decided by a margin not exceeding one-fourth of one percent of the total vote  
7 cast for and against the question at any election.
- 8 2. A demand for a recount may be made by any of the following:
- 9 a. Any individual who failed to be nominated by the individual's party or to a  
10 no-party office in a primary election by more than one percent and less than two  
11 percent of the highest vote cast for a candidate seeking nomination from the  
12 political party for the office sought or for a candidate for the no-party office  
13 sought.
- 14 b. Any individual who failed to be elected in a general or special election by more  
15 than one-half of one percent and less than two percent of the highest vote cast  
16 for a candidate for that office.
- 17 3. A demand for a recount must be made within three days after the canvass of the votes  
18 by the county canvassing board in the case of county elections and city elections that  
19 are combined with the county and by the state canvassing board in the case of  
20 presidential, congressional, state, judicial district, multicounty district, or legislative  
21 elections. The demand must be in writing, must recite one of the conditions in  
22 subsection 2 as a basis for the recount, must contain a bond in an amount previously  
23 established by the auditor or auditors doing the recount sufficient to pay the cost of the  
24 recount, and must be filed with:
- 25 a. The secretary of state when the recount is for a congressional, state, district, or  
26 legislative office.
- 27 b. The county auditor when the recount is for a county office or city office when a  
28 city election is combined with the county.
- 29 4. Within four days after the canvass of the votes by the state canvassing board in the  
30 case of presidential, congressional, state, judicial district, multicounty district, or  
31 legislative elections, the secretary of state shall notify all the county auditors to

1           conduct recounts as required by subsection 1 and, when a timely recount demand is  
2           received and it is in proper form, as required by subsection 2. The secretary of state  
3           shall fix the date or dates of the recounts of legislative contests to be held within seven  
4           days after giving notice to the affected auditors that recounts must be conducted. The  
5           secretary of state shall fix the date or dates of the recounts of statewide races to be  
6           held within fourteen days after giving notice to the auditors that recounts must be  
7           conducted. Within four days after the canvass of votes by the county canvassing  
8           board or other political subdivision canvassing board, the county auditor or other  
9           political subdivision election official shall fix the date for recounts limited to the county,  
10          those cities within the county which combined the election with the county, or other  
11          political subdivision. The date must be within eight days after the canvass. In all  
12          recount proceedings, the county auditor or other election official, as appropriate, shall  
13          send notice of the date, place, and time of the recount to all candidates and petitioners  
14          involved by certified mail.

- 15          5. For recounts conducted by counties of federal, state, district, and county offices,  
16          measures, and questions, the county auditor must conduct the recount and may  
17          employ up to ~~fourteen~~ qualified electors of the county to assist in the recount. The  
18          county auditor shall review all ~~paper and electronic voting system~~ properly cast ballots  
19          and associated records, ~~whether the ballots were counted at the precinct or the county~~  
20          ~~canvass, and all absentee ballots cast pursuant to section 16.1-07-09 to determine~~  
21          ~~which ballots were cast and counted according to the law, including that the ballots~~  
22          ~~were properly initialed and that the initials found on the ballots are verified as those of~~  
23          ~~the precinct election board members.~~ The county auditor shall check the precinct  
24          count and the count of the county canvassing board. If the county auditor is a  
25          candidate involved in the recount, the county auditor is disqualified from acting  
26          thereon, and the county recorder shall perform the duties required of the county  
27          auditor by this section. For recounts conducted by political subdivisions other than  
28          counties of local offices, measures, and questions, the election officer in a political  
29          subdivision shall administer a recount in the same manner as is required under this  
30          subsection for counties with respect to political subdivision offices, ballot measures,  
31          questions, or bond issues.

- 1           6.   a.   The individuals entitled to participate at the recount are:
- 2                   (1)   Each candidate involved in the recount, either personally or by a
- 3                               representative.
- 4                   (2)   A qualified elector favoring each side of a question if the recount involves a
- 5                               question or proposition submitted to a vote of the electorate.
- 6           b.   The individuals allowed to participate may challenge the acceptance or exclusion
- 7                   of any ballot. The individual challenging a ballot must state the reason for the
- 8                               challenge based upon the law, and the county auditor or other political
- 9                               subdivision election official shall count the challenged ballot as the auditor or
- 10                              election official determines proper and then shall set the ballot aside with a
- 11                              notation that it was challenged and how it was counted.
- 12       7.   At the conclusion of the recount, the county auditor or other election official shall
- 13           submit all challenged ballots to the recount board for decision. Except for political
- 14           subdivision recounts other than counties, the recount board must be composed of the
- 15           state's attorney of the county, the chairman of the board of county commissioners, and
- 16           the county recorder. Unless otherwise specified by law, for a political subdivision other
- 17           than a county, the governing body of the political subdivision shall appoint the recount
- 18           board. An individual may not serve on the recount board if the individual has anything
- 19           of value bet or wagered on the result of the election, is a candidate for the office being
- 20           recounted, or is the husband, wife, father, mother, father-in-law, mother-in-law, son,
- 21           daughter, son-in-law, daughter-in-law, brother, or sister, whether by birth or marriage,
- 22           of the whole or the half-blood, of any candidate involved in the recount. If any of the
- 23           members of the recount board are disqualified or cannot serve for any other reason,
- 24           the members of the board of county commissioners or other political subdivision
- 25           governing body who would be qualified to serve on the board shall appoint
- 26           disinterested qualified electors of the county or other political subdivision to serve as
- 27           alternates. The recount board shall review all challenged ballots and on majority vote
- 28           shall decide how those ballots are counted. ~~The recount board is authorized to initial~~
- 29           ~~all absentee ballots cast under section 16.1-07-09 that were not considered or counted~~
- 30           ~~at the various precincts in the county for the reasons provided in sections 16.1-07-11~~
- 31           ~~and 16.1-07-12 or by the county canvassing boards as provided in section 16.1-15-19.~~

1           The decision of the recount board is final, subject to the right to contest the election as  
2           provided in this chapter. If during the recount a recess is called, the county auditor or  
3           other political subdivision election official shall take appropriate steps to safeguard the  
4           ballots.

5           8. The county auditor or other election official shall certify the results of the recount ~~no~~  
6           ~~later than three days~~immediately after the recount. The recount result is the official  
7           result of the election in the county or other political subdivision. The county auditor or  
8           other election official shall prepare a corrected abstract of the votes. In a recount  
9           limited to the county, city, or other political subdivision, if the corrected abstract shows  
10          no change in the outcome of the election, no further action may be taken. If the  
11          corrected abstract changes the outcome of the election, the county auditor or other  
12          election official shall issue certificates of nomination or election accordingly and shall  
13          certify the new result of a question submitted to the qualified electors. In the case of a  
14          city election that is combined with a county election, the county auditor shall certify the  
15          new results of the election to the city auditor who is responsible for issuing new  
16          certificates of election if applicable.

17          9. In presidential, congressional, statewide, judicial district, multicounty district, or  
18          legislative recounts, the county auditor, ~~no later than three days~~immediately after the  
19          recount, shall ~~send by certified mail a certified copy of~~submit electronically the  
20          corrected abstract to the secretary of state according to the instructions provided by  
21          the secretary of state. The secretary of state immediately shall assemble the state  
22          canvassing board, who shall canvass the corrected abstracts and certify the election  
23          results. The secretary of state shall issue certificates of election or nomination or  
24          record the approval or disapproval of a question submitted to the qualified electors  
25          accordingly.

26          10. The expenses incurred in a recount of a county election must be paid by the county on  
27          a warrant by the county auditor. The expenses incurred in a recount of a political  
28          subdivision other than a county election must be paid by that political subdivision. The  
29          expenses incurred in a recount of a city election must be paid by the city on a warrant  
30          by the city auditor. The expenses incurred in a recount of a presidential,  
31          congressional, state, judicial district, multicounty district, or legislative election must be

- 1           paid by the state from the general fund upon approval by the secretary of state of a  
2           statement of expenses received from the county auditors. The expenses incurred in a  
3           recount demanded under subsection 2 of section 16.1-16-01 must be paid by the  
4           secretary of state or county auditor from the bond submitted by the individual  
5           requesting the recount.
- 6       11.   This section also applies to city elections that are not combined with the county except  
7           the city auditor, to the extent applicable, shall perform the duties of the county auditor.