

Introduced by

Representatives Louser, Fisher, Kasper, B. Koppelman, Rohr, D. Ruby, Schauer

Senators Burckhard, Meyer, Vedaa

1 A BILL for an Act to create and enact a new section to chapter 16.1-15 of the North Dakota  
2 Century Code, relating to ~~provisional~~casting ballots; and to amend and reenact sections  
3 16.1-15-02 and 16.1-15-06 of the North Dakota Century Code, relating to the canvass report  
4 requirements.

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

6 **SECTION 1. AMENDMENT.** Section 16.1-15-02 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **16.1-15-02. Board of election to generate canvass reports - Location - Public may**  
9 **attend.**

10 **After**

11 1. Within three hours after the polls are closed official closing time of the polling place, the  
12 inspector of elections and the judges immediately shall immediately generate the  
13 canvass report from the electronic voting system and deliver the report to the county  
14 auditor in the time frame provided in section 16.1-15-06. The ballots counted by the  
15 machine must be equal in number with the names on the poll clerks' lists. If the  
16 numbers are not equal, the pollbooks are to be rechecked to find the discrepancy. The  
17 canvass shall must continue without adjournment until completed and must be open to  
18 the public.

19 2. Except in unusual and compelling circumstances, the canvass shall must occur at the  
20 polling place. If good and substantial reasons exist for the removal of the ballots and  
21 election records to another location for canvass, the other location must be in the  
22 same precinct and the removal must be approved by the election board. In no case  
23 may the ballots be removed to another location ~~prior to~~before generating the canvass  
24 report after the ballot boxes have been opened. Upon approval of a change of location

1 by the election board as provided in this section, the approximate time and location of  
2 the canvass must be ~~prominently~~ prominently posted on the main entrance to the  
3 polling place, the ballots and records must be moved in the presence of the election  
4 board, and the canvass as provided in this chapter must proceed immediately upon  
5 arrival at the alternate location.

6 **SECTION 2.** A new section to chapter 16.1-15 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Voter casting ballot after time frame for generating ~~and delivering canvass report --~~**  
9 **Provisional ballot report of vote totals.**

10 ~~A qualified elector who receives a ballot but has not completed the ballot in time for the poll~~  
11 ~~workers to generate and deliver the canvass report in the time frame provided in this chapter~~  
12 ~~may complete and submit the ballot as a provisional ballot. The ballot must be marked as a~~  
13 ~~provisional ballot and be separated and held apart from other ballots. The secretary of state~~  
14 ~~may prescribe procedures to facilitate the casting, secrecy, and counting of provisional ballots~~  
15 ~~under this section.~~ A voter may take up to thirty minutes to mark and cast the ballot after  
16 receiving the ballot from the election judge. After the polls close, the election board shall  
17 generate the report of the vote totals not later than thirty minutes after the last elector in line at  
18 the closing time received a ballot. An elector remaining in the polling place after the thirty  
19 minutes have expired who has not completed marking the ballot must be offered the choice of  
20 casting the ballot as marked or continuing to mark the ballot. If the elector chooses to continue  
21 marking the ballot, the ballot selections must be excluded from the report of the vote totals  
22 generated by the election board but must be forwarded by the election board to the canvassing  
23 board and added to the final tally. The secretary of state shall develop uniform, mandatory  
24 procedures for election boards to ensure the secrecy of each elector's ballot.

25 **SECTION 3. AMENDMENT.** Section 16.1-15-06 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **16.1-15-06. Canvass report and pollbooks sent to county auditor - Compensation for**  
28 **making returns.**

29 Immediately following

30 1. Following the canvass, except in cases of emergency or inclement weather, the  
31 inspector of elections, or one of the judges appointed by the inspector of elections,

1 personally shall deliver the signed canvass report provided for in section 16.1-15-04 to  
2 the county auditor within three hours after the official closing time of the polling place.  
3 The report, carefully sealed under cover, accompanied by the pollbook provided for in  
4 sections 16.1-02-13 and 16.1-06-21 with the oaths of the inspector and poll clerks  
5 affixed ~~thereto~~, must be delivered properly to the county auditor.

6 2. The individual making the return is entitled to receive compensation ~~therefor~~ in  
7 accordance with section 16.1-05-05. The compensation and mileage must be paid out  
8 of the county treasury on a warrant of the county auditor and is full compensation for  
9 returning all used or voided ballots to the proper official.