Sixty-seventh Legislative Assembly of North Dakota

Introduced by

Representatives Magrum, Christensen, Jones, Kasper

A BILL for an Act to amend and reenact subsection 7 of section 4.1-20-02, subsection 1 of section 16.1-01-04, subsection 4 of section 16.1-01-04.2, subsection 2 of section 16.1-01-09, subsection 2 of section 16.1-01-09.1, subdivision b of subsection 1 of section 16.1-05-02, subdivision g of subsection 1 of section 16.1-07-06, and sections 16.1-14-18 and 16.1-14-20 of the North Dakota Century Code, relating to increasing the residency requirement to become a qualified elector to one year.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 7 of section 4.1-20-02 of the North Dakota Century Code is amended and reenacted as follows:

7. "Qualified elector" means an individual who is at least eighteen years old, is a citizen of the United States, has resided in this state for at least one year, and has resided in the precinct thirty-ninety days next preceding the election.

SECTION 2. AMENDMENT. Subsection 1 of section 16.1-01-04 of the North Dakota Century Code is amended and reenacted as follows:

1. To qualify as an elector of this state, an individual must be:
   a. A citizen of the United States;
   b. Eighteen years or older; and
   c. A resident of this state for at least one year who has resided in the precinct at least thirty-ninety days immediately preceding any election.

SECTION 3. AMENDMENT. Subsection 4 of section 16.1-01-04.2 of the North Dakota Century Code is amended and reenacted as follows:

4. The For individuals changing residence from one residence in this state to another residence in this state, the acts of residing at a new address for thirty-ninety days and
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verifying that address as provided under section 16.1-01-04.1 constitute a change in
the individual's voting residence.

5. For individuals changing residence from a residence outside this state to a residence
in this state, the acts of residing in this state for one year and verifying residence in
this state through documents included under section 16.1-01-04.1 constitute a change
in the individual's state of residence.

SECTION 4. AMENDMENT. Subsection 2 of section 16.1-01-09 of the North Dakota
Century Code is amended and reenacted as follows:

2. An individual may not sign any initiative or referendum petition circulated pursuant to
article III of the Constitution of North Dakota unless the individual is a qualified elector.
An individual may not sign any petition more than once, and each signer shall also
legibly print the signer's 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 shall do so in the presence of the individual circulating the petition. A
referendum or initiative petition must be on a form prescribed by the secretary of state
containing the following information:

REFERENDUM [INITIATIVE] PETITION

TO THE SECRETARY OF STATE,

STATE OF NORTH DAKOTA

We, the undersigned, being qualified electors request [House (Senate) Bill
__________ passed by the __________ Legislative Assembly] [the following
initiated law] be placed on the ballot as provided by law.

SPONSORING COMMITTEE

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

Name                  Address
______________________ (Chairperson) _______________________
______________________                             _______________________

PETITION TITLE
IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING
ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS
BEING DELETED. IF MATERIAL IS NOT UNDERSCORED OR OVERSTRUCK,
THE MATERIAL IS EXISTING LAW THAT IS NOT BEING CHANGED.

[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 one
year, and you are a United States citizen. All signers shall also legibly shall 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

<table>
<thead>
<tr>
<th>Signed</th>
<th>Residential Address or City</th>
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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
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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
must contain a repealer clause and, in brackets, the text of the law being
repealed.

SECTION 5. AMENDMENT. Subsection 2 of section 16.1-01-09.1 of the North Dakota
Century Code is amended and reenacted as follows:

2. An individual may not sign a recall petition circulated pursuant to article III of the
Constitution of North Dakota or section 44-08-21 unless the individual is a qualified
elector. An individual may not sign a petition more than once, and each signer shall
also legibly print the signer’s name, complete residential, 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. A
petition must be in substantially the following form:

RECALL PETITION

We, the undersigned, being qualified electors request that
_______________________________(name of the individual being
recalled) the___________________(office of individual being recalled) be
recalled for the reason or reasons of______________________________.

RECALL SPONSORING COMMITTEE

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

Complete Residential,
Rural Route,
or General
Name Delivery Address
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 for thirty-one years, and you are a United States citizen. All signers shall also legibly print their name, complete residential, rural route, or general delivery address, and 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

Printed

Complete Residential,

Month, Name of Name of Rural Route, City

Day, Qualified Qualified or General State,

Year Elector Elector Delivery Address Zip Code

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.

SECTION 6. AMENDMENT. Subdivision b of subsection 1 of section 16.1-05-02 of the North Dakota Century Code is amended and reenacted as follows:
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b. A student enrolled in a high school or college in this state who has attained the
   age of sixteen is eligible to be appointed as a poll clerk if the student possesses
   the following qualifications:

   (1) Is a United States citizen or will be a citizen at the time of the election at
       which the student will be serving as a member of an election board;

   (2) Is a United States citizen or will be a citizen at the time of the election at
       which the student will be serving as a member of an election board;

   (3) Is a student in good standing attending a secondary or higher education
       institution.

SECTION 7. AMENDMENT. Subdivision g of subsection 1 of section 16.1-07-06 of the
North Dakota Century Code is amended and reenacted as follows:

   g. An affirmation that the applicant has resided, or will reside, in this state for at
      least one year and has resided, or will reside, in the precinct for at least
      thirty-nine days next preceding the election and will be a qualified elector of the
      precinct.

SECTION 8. AMENDMENT. Section 16.1-14-18 of the North Dakota Century Code is
amended and reenacted as follows:

   16.1-14-18. Eligibility of new residents to vote.

   Each citizen of the United States who, immediately prior to the citizen's removal to
this state, was a citizen of another state and who has been a resident of the state for less than
one year and a resident of the precinct for less than thirty-nine days prior to a
presidential election, is entitled to vote for presidential electors at that election, but for no other
offices, if:

   1. The citizen otherwise possesses the substantive qualifications to vote in this state,
      except requirement of residence; and


SECTION 9. AMENDMENT. Section 16.1-14-20 of the North Dakota Century Code is
amended and reenacted as follows:

A person desiring to qualify to vote for presidential electors is not required to register but, not less than ten days in advance of the election, shall make an application in the form of an affidavit executed in duplicate in the presence of the county auditor substantially as follows:

State of North Dakota )
 ) ss.
County of _________ )

I, __________, do solemnly swear that:

1. I am a citizen of the United States.
2. Before becoming a resident of this state, I resided at __________ street, in the (town) (township) (city) of __________, county of __________ in the state of __________.
3. On the day of the next presidential election, I shall be at least eighteen years of age. I have been a resident of this state since __________, ___, now residing at __________ street, in the (town) (township) (city) of __________, county of __________ in the state of North Dakota.
4. I have resided in North Dakota for less than one year and have resided in __________ precinct for less than ninety days. I believe I am entitled under the laws of this state to vote at the presidential election to be held on November __________, ___.
5. I apply for a presidential election ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed ____________________________________

(Applicant)

________________________________________

(Applicant's telephone number)

Subscribed and sworn to before me this __________ day of __________, ___.

Signed ____________________________________

(Title and name of officer authorized to administer oaths)