

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1238

Introduced by

Representatives Kasper, B. Koppelman, Lefor, Louser, Pollert, Rohr, D. Ruby, Steiner

Senators Meyer, Myrdal

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

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

4 **SECTION 1. AMENDMENT.** Section 16.1-04-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **16.1-04-02. Polling places - Duties and responsibilities of the board of county**  
7 **commissioners or the governing body of the city.**

8 The board of county commissioners of each county:

9 1. Shall designate one or more polling places for each precinct. However, the polling  
10 places for ~~precincts~~ a precinct that includes territory located within the boundaries of  
11 any incorporated city must be designated, and altered if required, by the governing  
12 body of the city.

13 a. Each incorporated city that has a population of over one thousand must have at  
14 least one polling place within the city open on the day of a statewide election,  
15 unless the city is included in a county with a vote center compliant with  
16 subsection 3 of section 16.1-04-02 which is open on the day of the election.  
17 b. Each legislative district must have at least one polling place within the district  
18 open on the day of a statewide election. In any legislative district that comprises  
19 more than one county, at least one polling place within the district in each county  
20 must be open on the day of a statewide election. However, if a legislative district  
21 is included, in whole or in part, in a county with a vote center compliant with  
22 subsection 3 of section 16.1-04-02 which is open on the day of the election, the  
23 legislative district is not required to have a polling place open within the district on  
24 the day of the election.

- 1           c. Polling places may not be designated later than the sixty-fourth day before an  
2           election.
- 3           2. Shall provide that all polling places are accessible to the elderly and the physically  
4           disabled.
- 5           3. May utilize vote centers that contain all of the precincts in a county so that any  
6           qualified elector of the county may choose to cast a ballot in that polling place.  
7           Qualified electors may vote early at early voting precincts, by absentee ballot, at a  
8           polling place of their residential precinct, or at a county vote center. Vote center polling  
9           places must serve as a designated polling place for at least one precinct in the county  
10          in addition to serving as the site where any county voter may cast a ballot.
- 11          4. May change the location of a polling place previously established by the board by the  
12          sixty-fourth day immediately preceding an election when there is good and sufficient  
13          reason. When a polling place is changed under this provision, the name and location  
14          of the new polling place must be prominently posted on or near the main entrance of  
15          the prior polling place on the date of the first election held following the change.

16          **SECTION 2. AMENDMENT.** Section 16.1-11.1-01 of the North Dakota Century Code is  
17          amended and reenacted as follows:

18          **16.1-11.1-01. Counties may conduct mail ballot elections - Polling places - Records.**

- 19          1. The board of county commissioners of a county may conduct an election by mail  
20          ballot. The mail ballot election must include city elections administered by the county  
21          auditor and may include any other election administered by the county auditor  
22          pursuant to an agreement with the governing body of a political subdivision within the  
23          county. The board and the governing body of a city shall designate one or more, in  
24          accordance with section 16.1-04-02, polling places in the county to be open on the day  
25          of the election for voting in the usual manner. The county auditor shall place a notice  
26          at all polling places in the county used at the last statewide election which states the  
27          location of the polling places open for the election. The county auditor shall keep a  
28          record of each mail ballot provided to qualified electors and provide to the election  
29          board at each polling place open on the day of the election a list of every person who  
30          applied for a mail ballot.

Sixty-seventh  
Legislative Assembly

- 1           2.   The board of county commissioners of a county may conduct an election partially by
- 2                   mail ballot. If the board of county commissioners chooses to conduct an election
- 3                   partially by mail ballot, the commission may use mail ballots for any precinct in which
- 4                   fewer than four hundred votes were cast for the office of governor at the last general
- 5                   election at which that office was on the ballot.