

**FIRST ENGROSSMENT
with Senate Amendments
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.

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- 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.