

Sixty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2271

Introduced by

Senators Erbele, Dever, Kreun

Representatives D. Johnson, Trottier

1 A BILL for an Act to create and enact section 16.1-14-29 of the North Dakota Century Code,  
2 relating to withholding vote totals for presidential elections; to amend and reenact sections  
3 16.1-14-01 and 16.1-14-27 of the North Dakota Century Code, relating to procedures for  
4 canvassing and counting votes for presidential electors; to provide a penalty; and to provide a  
5 contingent effective date.

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

7 **SECTION 1. AMENDMENT.** Section 16.1-14-01 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **16.1-14-01. Canvassing votes for presidential electors - Tie vote.**

10 The state canvassing board in examining and making a statement of the votes for, and in  
11 determining and certifying the persons chosen as, presidential electors shall proceed in the  
12 manner prescribed in this title for the canvass of votes for state officers, except as provided in  
13 section 16.1-14-29. The secretary of state ~~likewise also~~ shall file and record ~~such~~ the statement  
14 and determination. In canvassing the returns for presidential electors, the group of electors  
15 having the greatest ~~number~~ percentage of votes is to be declared elected. If two or more groups  
16 of electors are found to have an equal and the greatest ~~number~~ percentage of votes, the election  
17 of one group must be determined by a drawing of names, with the governor drawing the names  
18 in the presence of the other members of the state canvassing board.

19 **SECTION 2. AMENDMENT.** Section 16.1-14-27 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **16.1-14-27. Application of other statutes.**

22 Except as provided in sections 16.1-14-18 through 16.1-14-27 and section 16.1-14-29, the  
23 provisions of law relating to absent voters' ballots apply also to the casting and counting of

1 ballots of new residents, the furnishing of election supplies, ballots, canvassing of ballots, and  
2 making proper returns of the results of the election.

3 **SECTION 3.** Section 16.1-14-29 of the North Dakota Century Code is created and enacted  
4 as follows:

5 **16.1-14-29. Vote totals - Presidential elections.**

6 Unless a recount has been requested under chapter 16.1-16 or a contest is initiated under  
7 this chapter, a public officer, employee, or contractor of this state or of a political subdivision of  
8 this state may not release to the public the number of votes cast in the general election for the  
9 office of the president of the United States until after the times set by law for the meetings and  
10 votes of the presidential electors in all states. After the votes for presidential electors are  
11 canvassed, the secretary of state may release the percentage of statewide votes cast for each  
12 set of presidential electors to the nearest hundredth of a percentage point, a list of presidential  
13 candidates in order of increasing or decreasing percentage of the vote received by presidential  
14 electors selected by the candidates, and the presidential candidate whose electors received the  
15 highest percentage of votes.

16 **SECTION 4. CONTINGENT EFFECTIVE DATE.** This Act becomes effective upon  
17 certification by the secretary of state to the legislative council of the adoption and enactment of  
18 substantially the same form of the national popular vote interstate compact has been adopted  
19 and enacted by a number of states cumulatively possessing a majority of the electoral college  
20 votes.