

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1189**

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 casting ballots; and to amend and reenact sections 16.1-15-02 and  
3 16.1-15-06 of the North Dakota Century Code, relating to the canvass report requirements.

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

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

7 **16.1-15-02. Board of election to generate canvass reports - Location - Public may**  
8 **attend.**

9 *After*

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

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

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

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

7 **Voter casting ballot after time frame for generating report of vote totals.**

8 A voter may take up to thirty minutes to mark and cast the ballot after receiving the ballot  
9 from the election judge. After the polls close, the election board shall generate the report of the  
10 vote totals not later than thirty minutes after the last elector in line at the closing time received a  
11 ballot. An elector remaining in the polling place after the thirty minutes have expired who has  
12 not completed marking the ballot must be offered the choice of casting the ballot as marked or  
13 continuing to mark the ballot. If the elector chooses to continue marking the ballot, the ballot  
14 selections must be excluded from the report of the vote totals generated by the election board  
15 but must be forwarded by the election board to the canvassing board and added to the final  
16 tally. The secretary of state shall develop uniform, mandatory procedures for election boards to  
17 ensure the secrecy of each elector's ballot.

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

20 **16.1-15-06. Canvass report and pollbooks sent to county auditor - Compensation for**  
21 **making returns.**

22 Immediately following

- 23 1. Following the canvass, except in cases of emergency or inclement weather, the  
24 inspector of elections, or one of the judges appointed by the inspector of elections,  
25 personally shall deliver the signed canvass report provided for in section 16.1-15-04 to  
26 the county auditor within three hours after the official closing time of the polling place.  
27 The report, carefully sealed under cover, accompanied by the pollbook provided for in  
28 sections 16.1-02-13 and 16.1-06-21 with the oaths of the inspector and poll clerks  
29 affixed thereto, must be delivered properly to the county auditor.
- 30 2. The individual making the return is entitled to receive compensation therefor in  
31 accordance with section 16.1-05-05. The compensation and mileage must be paid out

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- 1 of the county treasury on a warrant of the county auditor and is full compensation for
- 2 returning all used or voided ballots to the proper official.