

SENATE BILL NO. 2292

Introduced by

Senators K. Roers, Barta

Representatives Louser, Satrom, Schauer

1 A BILL for an Act to amend and reenact sections 16.1-01-12 and 16.1-05-09 of the North
2 Dakota Century Code, relating to election offenses and election observers; and to provide a
3 penalty.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-01-12. Election offenses - Penalty.**

- 8 1. It is unlawful for an individual, measure committee as described in section
9 16.1-08.1-01, or other organization to:
- 10 a. Fraudulently alter another individual's ballot, substitute one ballot for another, or
11 otherwise defraud a voter of that voter's vote.
 - 12 b. ~~Obstruct~~Cause a disturbance, breach the peace, or obstruct a qualified elector on
13 the way to or at a polling place.
 - 14 c. Vote more than once in any election.
 - 15 d. Knowingly vote in the wrong election precinct or district.
 - 16 e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
 - 17 f. Knowingly exclude a qualified elector from voting or knowingly allow an
18 unqualified individual to vote.
 - 19 g. Knowingly vote when not qualified to do so.
 - 20 h. Sign an initiative, referendum, recall, or any other election petition when not
21 qualified to do so.
 - 22 i. Circulate an initiative, referendum, recall, or any other election petition not in its
23 entirety or when unqualified to do so.

- 1 j. Pay or offer to pay any individual, measure committee, or other organization, or
2 receive payment or agree to receive payment, on a basis related to the number
3 of signatures obtained for circulating an initiative, referendum, or recall petition.
4 This subsection does not prohibit the payment of salary and expenses for
5 circulation of the petition on a basis not related to the number of signatures
6 obtained, as long as the circulators file the intent to remunerate before submitting
7 the petitions and, in the case of initiative and referendum petitions, fully disclose
8 all contributions received pursuant to chapter 16.1-08.1 to the secretary of state
9 upon submission of the petitions. The disclosure of contributions received under
10 this section does not affect the requirement to file a pre-election report by
11 individuals or organizations soliciting or accepting contributions for the purpose of
12 aiding or opposing the circulation or passage of a statewide initiative or
13 referendum petition or measure placed upon a statewide ballot by action of the
14 legislative assembly under chapter 16.1-08.1. Any signature obtained in violation
15 of this subdivision is void and may not be counted.
- 16 k. Willfully fail to perform any duty of an election officer after having accepted the
17 responsibility of being an election officer by taking the oath as prescribed in this
18 title.
- 19 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
- 20 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any
21 false return of an election, knowing the canvass or return to be false; or willfully
22 deface, destroy, or conceal any statement or certificate entrusted to the
23 individual's or organization's care.
- 24 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as
25 provided by law, or negatively impact the confidentiality, integrity, or availability of
26 any system used for voting.
- 27 o. Sign a name other than that individual's own name to an initiative, referendum,
28 recall, or any other election petition.
- 29 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A
30 misdemeanor.
- 31 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.

- 1 c. A violation of subdivision n of subsection 1 is a class C felony.
- 2 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an
3 individual signs one or two names other than the individual's own name to a
4 petition and is a class C felony if an individual signs more than two names other
5 than the individual's own name to a petition.
- 6 e. An organization, as defined in section 12.1-03-04, that violates this section is
7 subject to the organizational fines in section 12.1-32-01.1. The court in which the
8 conviction is entered shall notify the secretary of state of the conviction and shall
9 order the secretary of state to revoke the certificate of authority of any convicted
10 organization or limited liability company. The organization may not reapply to the
11 secretary of state for authorization to do business under any name for one year
12 upon conviction of a class A misdemeanor and for five years upon conviction of a
13 class C felony under this section.
- 14 f. An individual who is a member of an organization may be convicted of a violation
15 as an accomplice under section 12.1-03-01.
- 16 3. Every act this chapter makes criminal when committed with reference to the election of
17 a candidate is equally criminal when committed with reference to the determination of
18 a question submitted to qualified electors to be decided by votes cast at an election.

19 **SECTION 2. AMENDMENT.** Section 16.1-05-09 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **16.1-05-09. Election observers.**

- 22 1. Election observers must be allowed uniform and nondiscriminatory access to all
23 stages of the election process, including the certification of election technologies, early
24 voting, absentee voting, voter appeals, vote tabulation, and recounts. Any person,
25 except a candidate whose name is on a ballot in a voting place where the ballot is
26 used, may be an election observer under this section. Each polling place must be
27 arranged in a manner that permits each election observer to be positioned in a
28 location where the election observer can plainly view and hear the occurrences of the
29 polling place, without infringing on voter privacy.
- 30 2. An election observer must wear a badge with the name of the individual and the name
31 of the organization the individual is representing. An election observer may not wear

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- 1 any campaign material advocating voting for or against a candidate or for or against
- 2 any position on a question on the ballot. An election observer may not interfere with
- 3 any voter in the preparation or casting of the voter's ballot or hinder or prevent the
- 4 performance of the duties of any election official.