

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 or  
13 a member of the election board on 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  
25 person~~individual~~, except a candidate whose name is on a ballot in a voting place  
26 where the ballot is used, may be an election observer under this section if the  
27 individual informs the election inspector of the individual's intent to serve as an  
28 election observer. Each polling place must be arranged in a manner that permits each  
29 election observer to be positioned in a location where the election observer can plainly  
30 view and hear the occurrences of the polling place, without infringing on voter privacy.

- 1           2.   An election observer must wear a badge with the name of the individual and the name
- 2           of ~~the~~any organization the individual is representing. An election observer may not
- 3           wear any campaign material advocating voting for or against a candidate or for or
- 4           against any position on a question on the ballot. An election observer may not interfere
- 5           with any voter in the preparation or casting of the voter's ballot or hinder or prevent the
- 6           performance of the duties of any election official.