

ELECTIONS

CHAPTER 199

HOUSE BILL NO. 1431

(Representatives Louser, Bosch, D. Johnson, Kasper, Klemin, Lefor, Schatz, Schauer,
Wagner)
(Senators Hogue, Vedaa)

AN ACT to amend and reenact section 16.1-01-04.1 and subsection 2 of section 16.1-15-08 of the North Dakota Century Code, relating to proof of citizenship.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-04.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-04.1. Identification verifying eligibility as an elector.

1. A qualified elector shall provide a valid form of identification to the proper election official before receiving a ballot for voting.
2. The identification must provide the following information regarding the elector:
 - a. Legal name;
 - b. Current residential street address in North Dakota; and
 - c. Date of birth.
3. a. A valid form of identification is:
 - (1) A driver's license or nondriver's identification card issued by the North Dakota department of transportation; or
 - (2) An official form of identification issued by a tribal government to a tribal member residing in this state.
- b. If an individual's valid form of identification does not include all the information required under subsection 2 or the information on the identification is not current, the identification must be supplemented by presenting any of the following issued to the individual which provides the missing or outdated information:
 - (1) A current utility bill;
 - (2) A current bank statement;
 - (3) A check issued by a federal, state, or local government;

- (4) A paycheck;
 - (5) A document issued by a federal, state, or local government; or
 - (6) A printed document containing all of the information required by subsection 2 issued by an institution of higher education for an enrolled student residing in the state and containing the institution's letterhead or seal, along with a student photo identification card issued by the institution and containing the student's photograph and legal name.
4. The following forms of identification are valid for the specified individuals living under special circumstances who do not possess a valid form of identification under subsection 3.
 - a. For an individual living in a long-term care facility, a long-term care certificate prescribed by the secretary of state and issued by a long-term care facility in this state;
 - b. For a uniformed service member or immediate family member temporarily stationed away from the individual's residence in this state, or a resident of the state temporarily living outside the country, a current military identification card or passport; and
 - c. For an individual living with a disability that prevents the individual from traveling away from the individual's home, the signature on an absentee or mail ballot application from another qualified elector who, by signing, certifies the applicant is a qualified elector.
 5. If an individual is not able to show a valid form of identification but asserts qualifications as an elector in the precinct in which the individual desires to vote, the individual may mark a ballot that must be securely set aside securely in a sealed envelope designed by the secretary of state. After the ballot is set aside, the individual may show a valid form of identification to either a polling place election board member if the individual returns to the polling place before the polls close, or to an employee of the office of the election official responsible for the administration of the election via print or electronic means before the meeting of the canvassing board occurring on the thirteenth day after the election. Each ballot set aside under this subsection must be presented to the members of the canvassing board for proper inclusion or exclusion from the tally.
 6. If an individual presents a nondriver identification card issued under subsection 2 of section 39-06-03.1 or an operator's license issued under section 39-06-14, and the card or license indicates the individual is a noncitizen, but the individual asserts valid citizenship, the individual may mark a ballot that must be set aside securely in a sealed envelope designed by the secretary of state. After the ballot is set aside, the individual may present a nondriver identification card issued under subsection 2 of section 39-06-03.1 or an operator's license issued under section 39-06-14 that no longer reflects that the individual is a noncitizen, to the election official responsible for the administration of the election via print or electronic means before the meeting of the canvassing board occurring on the thirteenth day after the election. Each ballot set aside under this subsection must be presented to the members of the canvassing board for proper inclusion in or exclusion from the

tally. This section does not affect any associated consent decree or administrative rules adopted related to a consent decree consented to or enacted before August 1, 2023.

7. The secretary of state shall develop uniform procedures for the requirements of ~~subsections~~ subsections 5 and 6 which must be followed by the election official responsible for the administration of the election.

SECTION 2. AMENDMENT. Subsection 2 of section 16.1-15-08 of the North Dakota Century Code is amended and reenacted as follows:

2. Each ballot within a sealed envelope set aside for an individual ~~who was unable to provide a valid form of identification when appearing to vote in the election~~ as outlined in subsections 5 and 6 of section 16.1-01-04.1 must be delivered to the election official responsible for the administration of the election so the envelope containing the ballot is available if the individual for whom the ballot was set aside appears in the official's office to verify the individual's eligibility as an elector. The verified and unverified ballots set aside must be delivered to the members of the canvassing board for proper inclusion in or exclusion from the canvass of votes.

Approved April 6, 2023

Filed April 10, 2023

CHAPTER 200

HOUSE BILL NO. 1324

(Representatives Kasper, Koppelman, Louser, Rohr, D. Ruby, Steiner, Vetter,
Vigesaa)
(Senator Vedaa)

AN ACT to amend and reenact section 16.1-01-10 of the North Dakota Century Code, relating to sufficiency of petitions as determined by the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-10 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-10. Secretary of state to pass upon sufficiency of petitions - Method - Time limit.

1. The secretary of state shall have a reasonable period, not to exceed thirty-five days, in which to pass upon the sufficiency of any petition mentioned in section 16.1-01-09. The secretary of state shall conduct a representative random sampling of the signatures contained in the petitions by the use of questionnaires, postcards, telephone calls, personal interviews, or other accepted information-gathering techniques, or any combinations thereof, ~~to determine the validity of the signatures from which the secretary of state may exercise the secretary's judgment as to the validity of the individual signatures or groupings of signatures and other irregularities in the petition, thereby determining whether those signatures are to be counted as part of the necessary signature amount.~~ Signatures determined by the secretary of state to be invalid may not be counted and ~~if the number of valid signatures received is less than the required number of signatures to place the measure on the ballot, the secretary of state may not allow the measure to be placed on the ballot. When the secretary of state does not approve the measure to be placed on the ballot due to an insufficient petition, the action is presumed to be lawful, unless the presumption is rebutted by clear and convincing evidence that the action of the secretary of state was unlawful. All violations of law discovered by the secretary of state must be reported to the attorney general for prosecution.~~
2. For purposes of this section "clear and convincing evidence" means that degree of proof which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition on which the challenging party has the burden of proof is true.

Approved April 20, 2023

Filed April 21, 2023

CHAPTER 201

SENATE BILL NO. 2292

(Senators K. Roers, Barta)
(Representatives Louser, Satrom, Schauer)

AN ACT to amend and reenact sections 16.1-01-12 and 16.1-05-09 of the North Dakota Century Code, relating to election offenses and election observers; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁹ **SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-12. Election offenses - Penalty.

1. It is unlawful for an individual, measure committee as described in section 16.1-08.1-01, or other organization to:
 - a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
 - b. ~~Obstruct~~Cause a disturbance, breach the peace, or obstruct a qualified elector or a member of the election board on the way to or at a polling place.
 - c. Vote more than once in any election.
 - d. Knowingly vote in the wrong election precinct or district.
 - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
 - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
 - g. Knowingly vote when not qualified to do so.
 - h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
 - i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
 - j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the

¹⁰⁹ Section 16.1-01-12 was also amended by section 1 of House Bill No. 1230, chapter 202.

payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a pre-election report by individuals or organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1. Any signature obtained in violation of this subdivision is void and may not be counted.

- k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.
 - l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
 - m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the canvass or return to be false; or willfully deface, destroy, or conceal any statement or certificate entrusted to the individual's or organization's care.
 - n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law, or negatively impact the confidentiality, integrity, or availability of any system used for voting.
 - o. Sign a name other than that individual's own name to an initiative, referendum, recall, or any other election petition.
2.
 - a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A misdemeanor.
 - b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
 - c. A violation of subdivision n of subsection 1 is a class C felony.
 - d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an individual signs one or two names other than the individual's own name to a petition and is a class C felony if an individual signs more than two names other than the individual's own name to a petition.
 - e. An organization, as defined in section 12.1-03-04, that violates this section is subject to the organizational fines in section 12.1-32-01.1. The court in which the conviction is entered shall notify the secretary of state of the conviction and shall order the secretary of state to revoke the certificate of authority of any convicted organization or limited liability company. The organization may not reapply to the secretary of state for authorization to do business under any name for one year upon conviction of a class A misdemeanor and for five years upon conviction of a class C felony under this section.

- f. An individual who is a member of an organization may be convicted of a violation as an accomplice under section 12.1-03-01.
3. Every act this chapter makes criminal when committed with reference to the election of a candidate is equally criminal when committed with reference to the determination of a question submitted to qualified electors to be decided by votes cast at an election.

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

16.1-05-09. Election observers.

1. Election observers must be allowed uniform and nondiscriminatory access to all stages of the election process, including the certification of election technologies, early voting, absentee voting, voter appeals, vote tabulation, and recounts. Any individual, except a candidate whose name is on a ballot in a voting place where the ballot is used, may be an election observer under this section if the individual informs the election inspector of the individual's intent to serve as an election observer. Each polling place must be arranged in a manner that permits each election observer to be positioned in a location where the election observer can plainly view and hear the occurrences of the polling place, without infringing on voter privacy.
2. An election observer must wear a badge with the name of the individual and the name of ~~the~~any organization the individual is representing. An election observer may not wear any campaign material advocating voting for or against a candidate or for or against any position on a question on the ballot. An election observer may not interfere with any voter in the preparation or casting of the voter's ballot or hinder or prevent the performance of the duties of any election official.

Approved March 22, 2023

Filed March 23, 2023

CHAPTER 202

HOUSE BILL NO. 1230

(Representatives Nathe, Bosch, Boschee, Dockter, Hagert, Heinert, Lefor, Stemen)
(Senators Hogue, Meyer, Patten)

AN ACT to amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to fraudulent signatures on an initiated petition; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹¹⁰ **SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-12. Election offenses - Penalty.

1. It is unlawful for an individual, measure committee as described in section 16.1-08.1-01, or other organization to:
 - a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
 - b. Obstruct a qualified elector on the way to a polling place.
 - c. Vote more than once in any election.
 - d. Knowingly vote in the wrong election precinct or district.
 - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
 - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
 - g. Knowingly vote when not qualified to do so.
 - h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
 - i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
 - j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the

¹¹⁰ Section 16.1-01-12 was also amended by section 1 of Senate Bill No. 2292, chapter 201.

case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a pre-election report by individuals or organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1. Any signature obtained in violation of this subdivision is void and may not be counted.

- k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.
 - l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
 - m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the canvass or return to be false; or willfully deface, destroy, or conceal any statement or certificate entrusted to the individual's or organization's care.
 - n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law, or negatively impact the confidentiality, integrity, or availability of any system used for voting.
 - o. Sign a name other than that individual's own name to an initiative, referendum, recall, or any other election petition.
 - p. Willfully submit an initiative or referendum petition that contains one or more fraudulent signatures.
2.
 - a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A misdemeanor.
 - b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
 - c. A violation of subdivision n of subsection 1 is a class C felony.
 - d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an individual signs one or two names other than the individual's own name to a petition and is a class C felony if an individual signs more than two names other than the individual's own name to a petition.
 - e. An organization, as defined in section 12.1-03-04, that violates this section is subject to the organizational fines in section 12.1-32-01.1. The court in which the conviction is entered shall notify the secretary of state of the conviction and shall order the secretary of state to revoke the certificate of authority of any convicted organization or limited liability company. The organization may not reapply to the secretary of state for authorization to do business under any name for one year upon conviction of a class A misdemeanor and for five years upon conviction of a class C felony under this section, except an organization operating a signature gathering

- business, or similar enterprise, that violates subdivision p of subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and may not reapply to the secretary of state for authorization to do business under any name for five years following the entry of judgment.
- f. A violation of subdivision p of subsection 1 by any member of a measure committee, including an initiative or referendum sponsoring committee or an agent acting on behalf of, or in conjunction with, a measure committee for the purpose of collecting signatures for a petition under this chapter is subject to a civil penalty of not more than three thousand dollars. The civil penalty may be recovered in an action brought in the district court of Burleigh County by the attorney general.
- g. An individual who is a member of an organization may be convicted of a violation as an accomplice under section 12.1-03-01.
3. Every act this chapter makes criminal when committed with reference to the election of a candidate is equally criminal when committed with reference to the determination of a question submitted to qualified electors to be decided by votes cast at an election.

Approved April 18, 2023

Filed April 19, 2023

CHAPTER 203

SENATE BILL NO. 2352

(Senators Hogue, Klein, K. Roers)
(Representatives Bosch, Lefor, Schauer)

AN ACT to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to liability of officers and executive committee members of a political organization.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 16.1-03 of the North Dakota Century Code is created and enacted as follows:

Liability of officers and members.

1. Officers and executive committee members are immune from civil liability for any act or omission relating to their service or function as an officer or executive committee member, unless the act or omission constitutes gross or willful negligence or gross or willful misconduct.
2. Members of a political organization are neither obligated to pay, nor liable upon, any political organization obligation.

Approved March 27, 2023

Filed March 28, 2023

CHAPTER 204

HOUSE BILL NO. 1192

(Representatives Louser, Cory, Karls, Kasper, Satrom, Schauer, Steiner, Vetter)
(Senators Meyer, K. Roers, Vedaa)

AN ACT to amend and reenact subsection 5 of section 16.1-05-04, section 16.1-06-03, subsection 8 of section 16.1-06-14, sections 16.1-06-15 and 16.1-06-20, subsection 1 of section 16.1-07-13.1, and sections 16.1-11.1-06, 16.1-14-04, 16.1-15-02, 16.1-15-22, 16.1-15-25, and 40-21-09 of the North Dakota Century Code, relating to electronic voting systems, electronic voting devices, absentee voting, meeting of presidential electors, and canvassing boards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 16.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

5. All members of the election board shall distribute ballots and other election materials to electors. An election judge from each party represented on the election board shall give any assistance requested by electors in marking ballots or operating electronic voting system devices.

SECTION 2. AMENDMENT. Section 16.1-06-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-03. Official ballots only to be used.

The official ballot prepared by the county auditor or the local auditor or clerk must contain the name of each candidate whose name has been certified to or filed with such auditor or clerk in the manner provided in this title. Ballots other than official ballots prepared by the county auditor or local auditor or clerk may not be cast or counted in any election governed by this title. The list of officers and candidates and the statements of measures and questions to be submitted to the voters must be deemed an official ballot in precincts in which electronic voting systems are used.

SECTION 3. AMENDMENT. Subsection 8 of section 16.1-06-14 of the North Dakota Century Code is amended and reenacted as follows:

8. Permit voting by ballot or by entering directly into a computer or other electronic device by means of a touchscreen or other data entry device.

SECTION 4. AMENDMENT. Section 16.1-06-15 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-15. Mandatory testing of electronic voting systems before each election and after tabulation of ballots.

1. All electronic voting systems used in this state must be tested according to guidelines established by the secretary of state and as follows to ascertain whether the automatic tabulating equipment will accurately count the votes cast for all offices and measures. The testing must be conducted prior to each

election at which the system will be used. The testing must be done by the county auditor or county auditor's designee, and after each test, the testing materials and any preaudited ballots used during the test must be sealed and retained in the same manner as election materials after an election.

2. The test of an ~~electronic~~ voting system employing paper ballots must be conducted by processing a preaudited group of ballots on which are recorded a predetermined number of valid votes for each candidate and measure and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. During the test a different number of valid votes must be assigned to each candidate for an office and for and against each measure. If an error is detected, the cause of it must be ascertained and corrected, and an errorless count must be secured and filed as provided in this section.
3. The test must be conducted at least one week before the election. One week before the test is conducted, the county auditor must send the district chairman of each political party having a candidate on the ballot a notice of the test. The notice must state the time, place, and date of the test or tests and that the district chairman or district chairman's designee may attend.
4. At the conclusion of the test, the programming for each ~~electronic~~ voting device must be sealed within the device with a unique numbered seal that must be verified by the election inspector before the opening of the polls to make sure the programming has not been removed from the device.
5. After each election, the secretary of state shall order a random testing of the voting system programming for one precinct in each county of the state according to logic and accuracy testing procedures detailed in subsection 2 and as may be further defined by the secretary of state in writing. This test is to be conducted before the meeting of the county canvassing board.

SECTION 5. AMENDMENT. Section 16.1-06-20 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-20. Election inspector and judges to display material and provide instruction.

In addition to other duties provided by law, the election inspector and judges shall provide adequate instruction on the use of the ~~electronic~~ voting device to each voter before the voter enters the voting booth.

SECTION 6. AMENDMENT. Subsection 1 of section 16.1-07-13.1 of the North Dakota Century Code is amended and reenacted as follows:

1. If an election official, absentee ballot precinct election board, or the canvassing board has reason to suspect the absent voter's signatures on the application and the affidavit on the returned ballot envelope do not match, the election official shall notify the absent voter the signatures do not appear to match. The notification must include instructions by which the absent voter may confirm the validity of the signatures, a statement that verification is required before the ballot can be counted, the date and time of the canvassing board meeting, and a statement that verification must be completed by the absent voter before close of the meeting of the canvassing board occurring ~~six~~thirteen days after the election.

SECTION 7. AMENDMENT. Section 16.1-11.1-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-06. Canvass of votes - Mail ballot precinct.

The county auditor shall appoint a mail ballot precinct election board for the purpose of counting mail ballots in the same manner as prescribed in section 16.1-07-12.1. The board may begin scanning the ballots at any time beginning ~~on the day~~ ~~three business days~~ before election day and the closing of the polls on election day. Results from the mail ballot precinct may be counted, canvassed, or released under chapter 16.1-15 as soon as any precinct within the county, city, or legislative district closes its polls on the day of the election. The county auditor shall designate a location for the closing, counting, and canvassing process under chapter 16.1-15, which location must be open to any person for the purpose of observing. The board shall comply with the requirements of sections 16.1-15-04 through 16.1-15-12 as applicable. A county conducting a mail ballot election constitutes one voting area, and ballots need not be sorted according to precinct or ward unless necessary for the administration of the election.

SECTION 8. AMENDMENT. Section 16.1-14-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-14-04. Meeting of presidential electors.

Presidential electors shall meet at one p.m. in the office of the governor in the state capitol on the first ~~Monday~~ ~~Tuesday~~ after the second Wednesday in December next following their appointments by election for the purpose of casting their ballots as members of the electoral college. The secretary of state shall notify the electors of the date of the meeting.

SECTION 9. AMENDMENT. Section 16.1-15-02 of the North Dakota Century Code is amended and reenacted as follows:

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

After the polls are closed, the inspector of elections and the judges immediately shall generate the canvass report from the ~~electronic~~ voting system. The ballots counted by the machine must be equal in number with the names on the poll clerks' lists. If the numbers are not equal, the pollbooks are to be rechecked to find the discrepancy. The canvass must continue without adjournment until completed and must be open to the public. Ballots may not be removed to another location before the canvass report is generated after the ballot boxes have been opened. Except in unusual and compelling circumstances, the canvass shall occur at the polling place. If good and substantial reasons exist for the removal of the ballots and election records to another location for canvass, the removal must be approved by the election board. Upon approval of a change of location by the election board as provided in this section, the approximate time and location of the canvass must be prominently posted on the main entrance to the polling place, the ballots and records must be moved in the presence of the election board, and the canvass as provided in this chapter must proceed immediately upon arrival at the alternate location.

SECTION 10. AMENDMENT. Section 16.1-15-22 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-22. County auditor to transmit abstract of votes to secretary of state after primary election.

The county auditor of each county shall provide to the secretary of state the certified abstract detailed in section 16.1-15-21, under separate political designation or principle, or no-party designation, as the case may be, of the total number of votes cast in the auditor's county and the votes cast for every candidate for nomination according to reporting instructions specified by the secretary of state. The abstract must also include the total number of votes cast for initiated or referred measures and constitutional amendments. The certified abstract must be in the possession of the secretary of state before four p.m. on the ~~eight~~thirteenth day after the primary election.

SECTION 11. AMENDMENT. Section 16.1-15-25 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-25. County auditor to forward abstract of votes of general election to secretary of state - Contents - Abstract for presidential electors.

Before four p.m. on the ~~eight~~thirteenth day following any general election, the county auditor of each county shall provide to the secretary of state a certified abstract of the votes cast in the county at the election according to the reporting instructions specified by the secretary of state.

SECTION 12. AMENDMENT. Section 40-21-09 of the North Dakota Century Code is amended and reenacted as follows:

40-21-09. Election districts in council cities - Division and consolidation by ordinance - Ballots to be kept separate by wards.

Each city operating under the council form of government in which council members are elected at large constitutes an election district or voting precinct, and in all other cities each ward constitutes an election district or voting precinct. Whenever the number of electors in any two or more contiguous wards does not exceed one hundred as determined by the number of votes cast at the last city election, the council, by ordinance, may consolidate those two or more wards into one precinct for voting purposes. In any city containing less than four hundred electors as determined by the number of votes cast at the last city election, the council, by ordinance, may consolidate all the wards of the city into one precinct for voting purposes. An ordinance dividing or consolidating wards must be passed and takes effect before the time of giving notice of the election. Wards and precincts established under this section constitute election districts for all state, county, and city elections. In city elections, separate ballot boxes and pollbooks must be provided and kept for each precinct. The terms "wards", "precincts", and "election districts" have the same meaning except where two or more wards are consolidated into one precinct for voting purposes or where one ward is divided into more than one precinct for voting purposes. This section does not prohibit the use of one building as the election polling place for more than one ward or the installation of ~~electronic~~ voting systems from separate wards in one building.

Approved March 27, 2023

Filed March 28, 2023

CHAPTER 205

SENATE BILL NO. 2163

(Senators Dever, Magrum)
(Representatives Dobervich, Karls, Klemin, Meier)

AN ACT to amend and reenact section 16.1-06-09 of the North Dakota Century Code, relating to language on voting ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-06-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-09. Constitutional amendments and initiated and referred measures - Manner of stating question - Fiscal impact statement - Explanation of effect of vote - Order of listing.

1. Constitutional amendments or measures, initiated measures, and referred measures, duly certified to the county auditor by the secretary of state, or any other question or measure to be voted on, except the election of public officers at any primary, general, or special election including officers subject to a recall petition, must, unless otherwise determined by the secretary of state, be stated in full in a legible manner on the ballot. If the secretary of state concludes the amendment or measure is too long to make it practicable to print in full, the secretary of state in consultation with the attorney general shall cause to be printed a concise summary that written in plain, clear, understandable language using words with common, everyday meaning which must fairly represent the substance of the constitutional amendment or initiated or referred measure. After the foregoing statement, the secretary of state shall cause to be printed a statement of the estimated fiscal impact of the constitutional amendment or initiated or referred measure and a concise statement of the effect of an affirmative or negative vote on the constitutional amendment or initiated or referred measure written in plain, clear, understandable language using words with common, everyday meaning. This explanatory statement must be drafted by the secretary of state in consultation with the attorney general. The words "Yes" and "No" must be printed on the ballot at the close of the statement regarding the effect of an affirmative or negative vote, in separate lines with an oval before each statement in which the voter is to indicate how the voter desires to vote on the question by darkening the oval. If two or more amendments or questions are to be voted on, they must be printed on the same ballot.
2. The measures to be submitted to the electors must be grouped and classified as constitutional measures, initiated statutes, or referred statutes and must be placed within such groups or classifications by the secretary of state in the order received, for the purpose of placing them on the ballot. Measures submitted by the legislative assembly must be placed first on the ballot within their classification in the order approved by the legislative assembly. Constitutional measures shall be placed first on the ballot, initiated statutes second, and referred statutes third. After all the measures have been placed

within the appropriate group or classification, all measures must be numbered consecutively, without regard to the various groups or classifications.

Approved March 22, 2023

Filed March 23, 2023

CHAPTER 206

HOUSE BILL NO. 1424

(Representatives Conmy, Boschee, Dakane, Dobervich, Ista, Wagner)
(Senators Hogan, Piepkorn)

AN ACT to amend and reenact subsection 1 of section 16.1-08.1-03.2, subsection 1 of section 16.1-11-06, section 16.1-11-09, subsection 1 of section 16.1-11-11, and subsection 1 of section 16.1-11-16 of the North Dakota Century Code, relating to a candidate's contact information and the form of a nominating petition and a certificate of endorsement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 16.1-08.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

1. A political committee as defined in section 16.1-08.1-01 shall register its name ~~and contact information,~~ mailing address, telephone number, and nongovernment issued electronic mail address, its agent's name ~~and contact information,~~ mailing address, telephone number, and nongovernment issued electronic mail address, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state. A candidate who does not have a candidate committee shall register the candidate's name ~~and contact information and,~~ if, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state. If the candidate has an agent, ~~the candidate also shall register the agent's name and contact information,~~ mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state. The registration required under this section for a candidate or political committee that has not previously registered with the secretary of state must be submitted within fifteen business days of the receipt of any contribution or expenditure made.

SECTION 2. AMENDMENT. Subsection 1 of section 16.1-11-06 of the North Dakota Century Code is amended and reenacted as follows:

1. Every candidate for United States senator, United States representative, a state office, including the office of state senator or state representative, and judges of the supreme and district courts shall present to the secretary of state, between the first date candidates may begin circulating nominating petitions according to this chapter and before four p.m. of the sixty-fourth day before any primary election, either:
 - a. The certificate of endorsement signed by the state or district chairman of any legally recognized political party containing the candidate's name, post-office address, nongovernment issued electronic mail address, and telephone number, the title of the office to which the candidate aspires, and the party which the candidate represents; or
 - b. The nominating petition containing the following:

- (1) The candidate's name, post-office address, nongovernment issued electronic mail address, and telephone number, and the title of the office to which the candidate aspires, the appropriate district judgeship number if applicable, and whether the petition is intended for nomination for an unexpired term of office if applicable.
- (2) The name of the party the candidate represents if the petition is for an office under party designation.
- (3) The signatures and printed names of qualified electors, the number of which must be determined as follows:
 - (a) If the office is under party designation, the signatures of three percent of the total vote cast for the candidates of the party with which the candidate affiliates for the same position at the last general election. However, no more than three hundred signatures may be required.
 - (b) If there was no candidate of a party for a position at the preceding general election, at least three hundred signatures.
 - (c) If the office is under the no-party designation, at least three hundred signatures.
 - (d) If the office is a legislative office, the signatures of at least one percent of the total resident population of the legislative district as determined by the most recent federal decennial census.
- (4) The mailing address and the date of signing for each signer.

SECTION 3. AMENDMENT. Section 16.1-11-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-09. Form of certificate of endorsement.

A certificate of endorsement filed with the proper officer as provided in this chapter must be in substantially the following form:

CERTIFICATE OF ENDORSEMENT

I, _____, do certify that I am the state (district) chairman of the _____ political party of the _____ legislative district (if appropriate) of the state of North Dakota and that _____ (insert name of endorsee), residing at _____, whose nongovernment issued electronic mail address is _____, was duly endorsed for nomination to the office of _____ on the _____ day of _____, by the _____ political party of the _____ legislative district (if appropriate), duly convened and organized in accordance with the bylaws of the _____ political party and the laws of this state, and do hereby request _____ name be printed upon the ballot as a candidate for nomination to the office of _____ at the forthcoming primary election to be held on _____ of this year.

Dated this _____ day of _____.

(signature of state or district chairman)

SECTION 4. AMENDMENT. Subsection 1 of section 16.1-11-11 of the North Dakota Century Code is amended and reenacted as follows:

1. The candidate's name, post-office address, nongovernment issued electronic mail address, and telephone number, the title of the office to which the candidate aspires, the appropriate district number if applicable, and whether the petition is intended for nomination for an unexpired term of office if applicable.

SECTION 5. AMENDMENT. Subsection 1 of section 16.1-11-16 of the North Dakota Century Code is amended and reenacted as follows:

1. Each nominating petition circulated by candidates for any state, district, county, or other political subdivision office must include or have attached the following information, which must be made available to each signer at the time of signing:
 - a. The candidate's name, address, nongovernment issued electronic mail address, and telephone number and the title of the office to which the candidate aspires, including the appropriate district number if applicable, and whether the petition is intended for a full or unexpired term of office.
 - b. The name of the party the candidate represents if the petition is for an office under party designation.
 - c. The date of the election at which the candidate is seeking nomination or election.

Approved April 4, 2023

Filed April 5, 2023