

SENATE BILL NO. 2142

Introduced by

Senators K. Roers, Marcellais, Veda

Representatives P. Anderson, Louser, Meier

1 A BILL for an Act to amend and reenact section 16.1-07-12 of the North Dakota Century Code,
2 relating to processing absentee ballots.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-07-12 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-07-12. Opening ballot - Voting or rejecting - Depositing in ballot box - Preserving.**

7 1. At any time beginning ~~on the day~~ ~~three~~ ~~calendar~~ ~~business~~ ~~days~~ before election day and
8 ~~the closing of the polls~~ ~~ending when the polls close~~ on election day, the election clerks
9 and board members of the relevant polling place first shall compare the signature on
10 the application for an absent voter's ballot with the signature on the voter's affidavit
11 provided for in section 16.1-07-08 to ensure the signatures correspond. If the applicant
12 is then a duly qualified elector of the precinct and has not voted at the election, ~~they~~ an
13 election clerk or board member shall open the absent voter's envelope in a manner as
14 not to destroy the affidavit ~~thereon~~ on the envelope. ~~They~~ The election clerk or board
15 member shall take out the secrecy envelope with the ballot ~~or ballots contained~~
16 ~~therein~~ inside without unfolding the ~~same~~ ballot, or permitting the ~~same~~ ballot to be
17 opened or examined, and indicate in the pollbook of the election ~~that~~ the elector has
18 voted. The election board members not participating in the comparing of signatures
19 and entering voters into the pollbook shall remove the ballot ~~or ballots~~ from the
20 secrecy envelope, unfold and initial the ~~same~~ ballot, and deposit the ballot in the proper
21 ballot box for tabulation. The votes from ~~these cast~~ the ballots may not be tallied and
22 the tabulation reports may not be generated until the polls have closed on election
23 day.

1 2. If the affidavit on the outer envelope of a returned absentee ballot is found to be
2 insufficient, or ~~that~~ the signatures on the application and affidavit do not correspond, or
3 ~~that~~ the applicant is not then a duly qualified elector of the precinct, the vote may not
4 be allowed, ~~but~~and without opening the absent voter's envelope, the election inspector
5 or election judge shall mark across the face ~~thereof~~of the ballot "rejected as defective"
6 or "rejected as not an elector", as the case may be. ~~These rejected~~The ballots rejected
7 under this subsection then are ~~then~~ turned over to the county canvassing board for
8 final determination of eligibility. The subsequent death of an absentee voter after
9 ~~having voted~~voting by absentee ballot ~~does not constitute~~is not grounds for rejecting
10 the ballot.