

February 18, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1253

Page 1, line 8, after "sections" insert "16.1-06-02,"

Page 1, line 15, remove "16.1-13-10,"

Page 1, line 20, after the fifth comma insert "16.1-16-04, 16.1-16-05,"

Page 1, line 23, after "administration" insert "and the removal of obsolete language"

Page 2, line 9, remove "an"

Page 2, line 10, remove "individual who seeks nomination for election or election to public office, and includes"

Page 3, line 18, replace "may" with "shall"

Page 5, line 21, replace "question" with "factual dispute"

Page 16, after line 16, insert:

"SECTION 23. AMENDMENT. Section 16.1-06-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-02. Ballots prepared by county auditor or local official - Penalty.

For a local election, the ballots must be printed and distributed under the direction of the auditor or clerk of the local subdivision. For all other elections, ballots must be printed and distributed under the direction of the county auditor, subject to the supervision and approval of the secretary of state as to the legal sufficiency of the form, style, wording, and contents of the ballots. If an auditor or clerk of a local subdivision, a county auditor, or the secretary of state causes or approves the printing of a ballot listing an individual as a candidate when the official knows or should know the individual does not meet the qualifications, or has not satisfied the requirements to be a candidate, the official is guilty of an infraction."

Page 27, line 13, after "3." insert "Any voter who is blind, visually impaired, or print disabled and wishes to cast an absentee ballot may mark the electronic ballot by electronic means. The voter then shall deposit the ballot electronically on the secure server that is used by covered voters as defined in section 16.1-07-18. Upon system notification that a ballot has been left by a qualified voter, an election official shall print the ballot, place the ballot in a secrecy envelope, attach the absent voter's application for the ballot, and securely store the enveloped ballot and the application with all the other absentee ballots. When the absentee ballot election board meets to process and count absentee ballots, the ballot from the covered voter must be transferred onto a paper ballot and tabulated with all the other valid absent voters' ballots."

4."

Page 27, line 30, replace "4." with "5."

Page 28, line 5, replace "5." with "6."

Page 28, line 10, replace "6." with "7."

Page 28, line 17, replace "7." with "8."

Page 59, remove lines 25 through 31

Page 60, remove lines 1 through 31

Page 61, remove lines 1 through 10

Page 64, line 30, replace "may" with "shall"

Page 74, line 13, after "~~thereto~~" insert "to"

Page 80, after line 15, insert:

"SECTION 105. AMENDMENT. Section 16.1-16-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-16-04. Time for commencement of action.

Any

1. Except as provided in subsection 2, an action to contest an election must be commenced and the complaint must be filed in the district court of the contestee's county of residence within five days after final certification of a recount by the appropriate canvassing board or within fourteen days after the final certification by the appropriate canvassing board if no recount is to be conducted. ~~However, if~~
2. If the grounds for the action are the illegal payment of money or other valuable thing subsequent to the filing of any statement of expenses required by this title or if the contestee does not or cannot meet the qualifications to hold the office as required by law, the action may be commenced at any time. If the grounds for the action are the failure of a contestee to satisfy the requirements for having the contestee's name listed on the ballot as a candidate, the action may be commenced within thirty days of the date the contestant knows or should know of the failure.
3. The contestee shall serve and file an answer within fourteen days after service of the contest summons and complaint.

SECTION 106. AMENDMENT. Section 16.1-16-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-16-05. Grounds for election contest.

An election contest may be commenced for any of the following causes:

1. ~~If the~~The contestee does not or cannot meet the qualifications to hold the office as required by law.
2. ~~Because~~The existence of illegal votes or erroneous or fraudulent voting, count, canvass, or recount of votes.
3. The contestee was listed as a candidate on the ballot despite failing to meet the requirements to be listed on the ballot."

Renumber accordingly