

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

SENATE BILL NO. 2142
(Senators K. Roers, Marcellais, Vedaa)
(Representatives P. Anderson, Louser, Meier)

AN ACT to amend and reenact section 16.1-07-12 of the North Dakota Century Code, relating to processing absentee ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. At any time beginning ~~on the day~~three business days before election day and ~~the closing of the polls~~ending when the polls close on election day, the election clerks and board members of the relevant polling place first shall compare the signature on the application for an absent voter's ballot with the signature on the voter's affidavit provided for in section 16.1-07-08 to ensure the signatures correspond. If the applicant is then a duly qualified elector of the precinct and has not voted at the election, ~~they~~an election clerk or board member shall open the absent voter's envelope in a manner as not to destroy the affidavit ~~thereon~~on the envelope. ~~They~~The election clerk or board member shall take out the secrecy envelope with the ballot ~~or ballots contained therein~~inside without unfolding the ~~same~~ballot, or permitting the ~~same~~ballot to be opened or examined, and indicate in the pollbook of the election ~~that~~ the elector has voted. The election board members not participating in the comparing of signatures and entering voters into the pollbook shall remove the ballot ~~or ballots~~ from the secrecy envelope, unfold and initial the ~~same~~ballot, and deposit the ballot in the proper ballot box for tabulation. The votes from ~~these cast~~the ballots may not be tallied and the tabulation reports may not be generated until the polls have closed on election day.
2. If the affidavit on the outer envelope of a returned absentee ballot is found to be insufficient, or ~~that~~ the signatures on the application and affidavit do not correspond, or ~~that~~ the applicant is not then a duly qualified elector of the precinct, the vote may not be allowed, ~~but~~and without opening the absent voter's envelope, the election inspector or election judge shall mark across the face ~~thereof~~of the ballot "rejected as defective" or "rejected as not an elector", as the case may be. ~~These rejected~~The ballots rejected under this subsection then are ~~then~~ turned over to the county canvassing board for final determination of eligibility. The subsequent death of an absentee voter after ~~having voted~~voting by absentee ballot ~~does not constitute~~is not grounds for rejecting the ballot.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2142.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 84 Nays 9 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State