

**2010**

**ELECTION OFFICIALS'  
MANUAL**

November 2009

# North Dakota



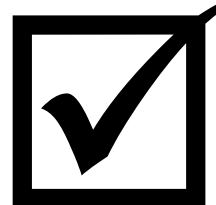
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**2010**



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## FORWARD

According to North Dakota Century Code ([NDCC](#)) § 16.1-05-03 the Secretary of State is required to provide an instruction manual detailing the responsibilities of election officials. This 2010 Election Officials' Manual is intended to fulfill the requirements of the law by providing comprehensive instructions and procedures for election officials to look to for guidance in conducting elections in North Dakota during the year 2010.

## CONTACT

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This web site contains election publications, connections to other helpful election web sites, and state election forms which can be completed on line before printing and signing.

## DISCLAIMER

The following excerpts and summaries of North Dakota law are taken or derived from the NDCC and pertain to elections, election procedures, and the duties and responsibilities assigned to election officials. Although every attempt has been made for accuracy, the reprint, summarizations, or paraphrasing of these laws does not carry the same authority as the actual NDCC and should not be equated with the official NDCC. This compilation is intended as a helpful resource and reference for consolidated election related laws. For official and legal purposes, the official NDCC should be used.

The following excerpts of North Dakota law do not contain the material found in the legal notes following the various sections contained in the NDCC. These notes found in the NDCC may contain temporary provisions and effective dates along with valuable summaries of applicable court rulings.

## Section 1 – Polling Places and Poll Workers

**Polling Places:** Upon a decision by the county commissioners, a county may utilize multiple precinct polling places. The county commissioners may also decide, if it is in the best interest of the county, to use one election board to supervise all or a portion of the precincts voting in the same polling place even if the precincts fall within different legislative districts so long as each district chairman of each qualified political party is given the opportunity to have representation on the election board if desired. (NDCC §§ [16.1-04-02](#) and [16.1-05-01](#))

**Inspectors:** The county auditor, with county commissioners' approval, shall appoint election inspectors except in polling places containing city precincts only established by [NDCC Chapter 16.1-04](#), where the city governing board appoints the inspectors. The inspector selection is to be made on the basis of the inspector's knowledge of the election procedure. Appointments must be made forty days before the election. ([NDCC § 16.1-05-01](#)) Inspectors serve as the polling place supervisor. ([NDCC § 16.1-05-04](#))

**Judges:** The election judges for each precinct or polling place are appointed in writing by the district chairs representing the two political parties that cast the most votes in the state's last general election. For special elections involving only no-party offices, the election official responsible for the administration of the election with the approval of the majority of the members of the applicable governing body shall appoint the election judges for each polling location. ([NDCC § 16.1-05-01](#)) The inspector or judges initial and deliver ballots to the voters and the judges perform other responsibilities assigned by the inspector. ([NDCC § 16.1-13-22](#))

**Composition of the Election Board:** The election board for each precinct or polling place must consist of an inspector and at least two election judges. ([NDCC § 16.1-05-01](#))

**Clerks:** The election official responsible for the administration of the election, with the approval of the majority of the members of the applicable governing body, shall appoint the poll clerks for each polling place. ([NDCC § 16.1-05-01](#)) Clerks manage the poll book, verify voter's identification, update incorrect poll book information, and other ministerial duties assigned by the Inspector. ([NDCC §§ 16.1-05-04 and 16.1-05-07](#))

**County Auditor May Appoint Judges if Forty Day Notice Not Received:** If the district political party chair fails to appoint the judges forty days before the election, the county auditor shall appoint the judges. If the county auditor has exhausted all practicable means to select judges from within the voting precinct and vacancies still remain, the county auditor may select election judges who reside outside of the voting precinct but who reside within the precinct's legislative district. If vacancies still remain, the county auditor may select election judges who reside outside of the legislative district but who reside within the county. ([NDCC § 16.1-05-01](#))

**County Auditor May Request an Additional Judge:** In polling places in which over one thousand votes were cast in any election, the county auditor may request each district political party chairman to appoint an additional election judge. ([NDCC § 16.1-05-01](#))

**Qualifications of Election Board and Poll Clerks:** Inspectors, judges, and clerks must be qualified voters of the polling places in which they are assigned to work unless the county auditor has exhausted all means to appoint election judges from precincts within the polling place according to [NDCC § 16.1-05-01](#). No individual may serve as a member of the election board or as a poll clerk who has anything of value bet or wagered on the result of an election. ([NDCC § 16.1-05-02](#))

**Student Poll Clerks:** A student sixteen years of age or older enrolled in a high school or college in this state is eligible to serve as a poll clerk if meeting the following qualifications:

- ❑ Is a United States citizen or will be a citizen at the time of the election;
- ❑ Is a state resident residing in the precinct at least thirty days before the election; and
- ❑ Is a student in good standing.

A student appointed as a clerk may be excused from school attendance during the hours that the student is serving as a clerk, including training sessions, if the student submits a written request to be absent from school signed by the student's parent or guardian and by the school administrator and a certification from the district party chairman or county auditor stating the hours during which the student will serve. A student excused from school attendance under this subdivision may not be recorded as being absent on any date for which the excuse is operative. No more than two students may serve as clerks in a single precinct.

An individual sixteen years of age or older having graduated from high school or obtained a general education degree from an accredited educational institution is eligible to be appointed as a poll clerk if the individual meets the qualifications stated above. ([NDCC § 16.1-05-02](#))

**Candidates and Relatives Not Allowed on Election Board:** An individual may not serve as a member of the election board or as a poll clerk if the individual is a candidate in the election at which the person is serving, or who is the husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, or sister, whether by birth or marriage, of the whole or the half blood, of any candidate in the election at which the person is serving. ([NDCC § 16.1-05-02](#))

**Removal of Judges or Clerks:** If at any time before or during an election, it appears to an election inspector, by the affidavit of two or more qualified voters of the precinct, that any election judge or clerk is not qualified, the inspector shall remove that judge or clerk at once and fill the vacancy by appointing a qualified individual of the same political party. If the disqualified judge or clerk had taken the oath of office, the inspector shall place the oath or affidavit before the state's attorney of the county. ([NDCC § 16.1-05-01](#))

**Training Sessions for Poll Workers:** Attendance at an election training session conducted by the county auditor is mandatory for members of the election board and for poll clerks.

An election official, at the option of the county auditor, may be excused from attending a third training session on election laws within a twelve-month period. If an election official has attended a training session within six months preceding a special election, the election official must be compensated at the pay appropriate for those having attended a training session, as provided in [NDCC § 16.1-05-05](#), for that election. ([NDCC § 16.1-05-03](#))

**Compensation of Poll Workers:** The county shall pay at least the state minimum wage to the relevant election officials. Members of the election board and poll clerks who attend the training sessions must be paid at least the state minimum wage for the hours in attendance in the session in addition to necessary expenses and mileage. Members of the election board and poll clerks who attend the training session up to six months prior to a special election must be paid at least twenty-five percent more than the state minimum wage during the time spent in the performance of their election duties in addition to necessary mileage and expenses. Members of election boards who attend the training sessions provided by section [16.1-05-03](#) must be paid at least 25% more than the state minimum wage during the time spent in the performance of their election duties. ([NDCC §§ 16.1-05-05 and 16.1-05-03\(3\)](#))

## **Section 2 – Election Worker Responsibilities Before Polls Open**

**Failure of Election Board Member to Appear:** If a member of the election board fails to appear for the opening of the polls, the remainder of the board shall select an individual to serve in the absent individual's place. If a judge or poll clerk fails to appear at the opening of the polls, the remainder of the board shall select an individual of the absent individual's political party if such a person is reasonably available. Any qualified individual without regard to political affiliation may fill the office of inspector. ([NDCC § 16.1-05-02\(5\)](#))

**Failure of Entire Election Board to Appear:** If no members of the election board appear for the opening of the polls, the qualified voters present shall call the county auditor, city auditor, or school business manager, as appropriate, for instructions and then orally elect a board conforming as nearly as possible to the provisions for a regular board. ([NDCC § 16.1-05-02\(5\)](#))

**Oath of Office:** Before assuming the duties, each member of the election board and each poll clerk shall take and subscribe an oath in the following form:

I do solemnly swear (or affirm as the case may be), that I will perform the duties of inspector, judge, or clerk according to law and to the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same.

The oath may be taken before any officer authorized by law to administer oaths (e.g. county auditor, deputy county auditor, county commissioner, notary public). If no such officer is present at the opening of the polls, the inspector or election judges shall administer the oath to each other and to the poll clerks. The individual administering the oath shall cause an entry thereof to be made, subscribed by that individual and prefix it to the poll book. ([NDCC § 16.1-05-02\(3\)](#))

**Inspector to Supervise Conduct of the Election:** The election inspector shall supervise the conduct of the election to ensure all election officials are properly performing their duties at the polling place. The election inspector shall assign duties so as to equally and fairly include both parties represented on the election board. ([NDCC § 16.1-05-04\(1\)](#))

**Inspector to Assign Ministerial Duties to Poll Clerks:** The election inspector shall assign ministerial duties to poll clerks, who shall carry out the ministerial duties assigned by the election inspector. ([NDCC § 16.1-05-04\(2\)](#))

**Inspector to Deliver Poll Books to Clerks:** The election inspector shall deliver the poll books to the clerks in the inspector's precinct or polling location on Election Day prior to the opening of the polls. ([NDCC § 16.1-06-21](#))

**Poll Clerks to Maintain the Poll Books:** A complete residential address for voting purposes may include a street, rural route, or general delivery address, city, and state. The use of a mailing address or Post Office Box number that is not the person's residential address is not considered sufficient for voting purposes.

**Voting Booths or Compartments – Number Required:** The inspector of elections shall provide a sufficient number of voting booths or compartments in the polling place to enable the elector to mark his/her ballot screened from observation. The number of booths or compartments in precincts may not be less than one for each one hundred fifty electors or fraction thereof in the precinct. One electronic voting system device must be provided in each precinct. ([NDCC § 16.1-13-29](#))

**Voting Instructions to be Posted in Each Polling Place:** Cards printed in large type containing full instructions to voters on obtaining and preparing ballots and a copy of section [16.1-01-12](#) (Election Offenses) shall be posted in each polling place. ([NDCC § 16.1-06-19](#))

**Complete Text of Measures to be Posted:** At least five copies of the complete text of any constitutional amendment or initiated or referred measure must be delivered to the inspector by the county auditor at the time of delivering the ballots. One copy must be posted conspicuously in the polling place on the morning of the election. ([NDCC § 16.1-06-19](#))

**Map of Election Precinct to be Posted:** Four copies of a map showing the election precinct's boundaries must be posted at the entry to and in other conspicuous places around the polling place prior to the opening of the polls. ([NDCC § 16.1-06-19](#))

**Date and Time:** The election inspector shall, before the opening of the polls, post information regarding the date of the election and the hours during which polling places will be open. ([NDCC § 16.1-06-19](#))

**Diagram of Electronic Voting System and Ballot to be Posted:** The election inspector shall post in a conspicuous manner at the voting place, one facsimile diagram of the electronic voting device and should post three copies of the official ballot used with electronic voting devices. 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. ([NDCC §§ 16.1-06-17 and 16.1-06-20](#))

**Ensure Ballot Box is Empty:** Before declaring the polls open, the inspector and the election judges shall inspect the ballot box to make sure that it is empty. The ballot box must then be locked. While the polls are open, the ballot box must remain locked except as may be necessary to clear a ballot jam or to move voted ballots to a separate locked ballot box to make room for additional ballots. ([NDCC § 16.1-13-20](#))

**Opening Ballots on Election Day:** Upon arrival at the poll of all election board members, or at the latest, upon the opening of the poll, the inspector of election shall produce the sealed package of official ballots and publicly open them. ([NDCC § 16.1-13-21](#))

**Flag Displayed in or Near Every Polling Location on Election Days:** Federal law states that the United States flag should be displayed in or near every polling location on election days.

## Section 3 – Election Worker Responsibilities After Polls Open

### Section 3A – Voting Procedure

1. As an individual enters the polling location and approaches the poll clerks table, the required maps of the precinct, copies of the voter's bill of rights, voting procedure diagrams and descriptions, copies of election offenses, copies of official ballots, copies of complete text of measures, and diagrams of electronic voting systems posted or displayed in the polling location must be readily available for review by the voter.
2. The poll clerk will ask for the individual's name and identification. (See page 9 for acceptable forms of identification.)
3. If the person's identification verifies their qualifications and the poll books are checked or updated, an election judge will give the voter an initialed ballot within a secrecy sleeve. (Make sure to update all incorrect information contained in the poll book.)
4. Other means for voters to obtain a ballot on Election Day at the polling place:
  - a. If the name doesn't agree with the preprinted poll book due to a name change, the poll clerk will correct the poll book if the individual is still a resident of the precinct.
  - b. If an individual does not show an acceptable form of identification, the individual may vote if a poll worker is willing to verify the voter as a qualified elector of the precinct.
  - c. If the individual cannot produce an acceptable form of identification, but is willing to swear that they are voting in the correct precinct, they may complete a [Voter's Affidavit](#) provided to them by an election judge.
  - d. If the individual has inadvertently come to the wrong precinct, the poll clerk is to direct them to the correct precinct using the precinct finder or map provided by the county auditor for just such purpose.
  - e. If the individual refuses to move to their correct precinct, the poll clerk shall notify an election board member to begin the challenge process and ask the voter to complete and sign the [Voter's Affidavit](#). (See page 10 relating to the challenge process)
5. Ballot in hand, the voter is to move to an open poll booth and mark their votes in secret.
  - a. The poll worker should make the voter aware of the AutoMARK ballot-marking device since every voter is welcome to use it.
  - b. It is important to allow any voter to use the AutoMARK due to the fact some voters may not want to divulge a hidden disability such as illiteracy or dyslexia.
6. Voters shall ask for a new ballot if they fill an unwanted oval by accident.
7. After the ballot is marked, voters shall insert their ballot into the secrecy sleeve, bring it to the optical scan ballot tabulator, and insert the ballot into the machine for tabulation.
8. If the ballot has been marked incorrectly, the machine will identify the problem and give the voter an opportunity for second chance voting. ([NDCC § 16.1-13-23](#))
  - a. The poll worker, standing at a discrete distance, **may** assist the voter (if requested) in either returning the ballot to the voter for second chance voting or in casting the ballot as is – two ballots may be spoiled before the third must be cast as is.
  - b. If the voter chooses to cast the ballot as is, the election judge must tell them that the portion of their ballot incorrectly marked will not be counted.
  - c. If the voter still desires to cast the ballot as is, the voter is to press the "accept" button on the optical scan ballot counter.
9. The ballot is immediately counted by the machine before it is deposited by the machine directly into the locked ballot box below.
10. Ballots containing write-in votes will be automatically separated by the machine to the right side of the ballot box for easier counting of write-in votes after the polls close.
11. Throughout the Election Day, members of the election board shall remain in the polling place to prevent fraud and to maintain order. Clerks, however, may work split shifts.

## Section 3B – Voter Qualifications

**A qualified voter of the state is a person who:** (all must apply)

- ❑ Is a citizen of the United States;
- ❑ Is 18 years of age or older on the day of the election;
- ❑ Is a resident of this state and of the precinct at least thirty days next preceding any election; **and**
- ❑ Is not presently serving a term of actual incarceration as a convicted felon. ([NDCC § 16.1-01-04](#) and [NDCC § 12.1-33-01](#))

**The following rules for voting eligibility also apply:**

- ❑ Every qualified elector of the state may only have one voting residence.
- ❑ A person's voting residence must be determined in accordance with the rules for determining residency as provided in [NDCC § 54-01-26](#). (See following section entitled **Residency Determined**.)
- ❑ According to [Section 2 of Article II of the ND Constitution](#), voting by persons convicted and incarcerated for a felony must be limited according to [NDCC Chapter 12.1-33](#).
- ❑ No person who has been declared mentally incompetent by order of a court (with specific findings on the right to vote) or other authority having jurisdiction, which order has not been rescinded, shall be qualified to vote. ([Section 2 of Article II of the ND Constitution](#), and [NDCC § 30.1-28-04\(3\)](#))

**Residency Determined:** [NDCC § 54-01-26](#)

Every person has in law a residence. Rules involved in determining place of residence include:

- ❑ It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
- ❑ There can only be one residence.
- ❑ A residence cannot be lost until another is gained.
- ❑ A residence can be changed only by the union of act and intent.

## Section 3C – Voter Identification and Poll Books ([NDCC § 16.1-05-07](#))

**Voters Obtaining Ballots (Quick Definitions)** Individuals may utilize any of three separate rights by which they may receive, vote, and cast their ballot for an election.

1. **Voter Identification** – Showing an approved form of identification with residential address (see page 9 for acceptable forms of identification) to the poll clerks (poll clerks are to ask every voter to present their identification);
2. **Poll Worker Verification** – If a voter does not provide identification, a poll worker who knows the person to be a qualified elector of the precinct may, upon receipt of the voter's date of birth, vouch for the person's voting qualifications; (see page 9 for details) **or**
3. **Voter's Affidavit** – If a voter doesn't provide identification and isn't known by any of the election workers to be a qualified elector of the precinct, the voter may complete and sign a [Voter's Affidavit](#) through the challenge process. (See page 10 for more details.)

**Voters Obtaining Ballots (Expanded Definitions)**

1. **Voter Identification:** When a voter appears at the polling location, state law requires the poll clerk to ask the voter to provide identification to verify eligibility.
  - a. **Residential Address:** An acceptable form of identification must include a residential address (a PO Box number is not acceptable), preferably a photograph of the person offering to vote as well as their date of birth (neither of which is mandatory).

b. **Acceptable forms of identification with residential address include:**

- A valid North Dakota issued Driver's License.
- A valid North Dakota issued State Identification Card (non-Driver's License).
- A valid Federally issued identification card.
  - Passport
  - Agency Identification Card
- A valid Tribal Government issued Identification Card (with residential address).
- A valid Student Identification Card (with residential address).
- A valid United States Military Identification Card (with residential address).
- Utility bill dated within 30 days prior to Election Day, with the name and residential address of person offering to vote (PO Box number is not acceptable).
- Change of Address Verification Letter from US Postal Service.

A voter may provide a physical location to their place of residence if an address is not available, e.g. three miles north of town on county road 23.

c. **Intent of ID Requirement:** The purpose for this requirement is not to deter people from voting, but to ensure:

1. The voter is old enough to vote,
2. The voter is a U.S. citizen, **and**
3. The voter is a resident of the precinct in which they are voting.

The residents of every precinct have the right to know that the leadership choices for their own jurisdiction are being made by only those voters qualified to do so.

2. **Poll Worker Verification:** When a person forgets, does not have, or refuses to show proper identification to the poll clerks, an election worker knowing the individual to be a qualified elector of the precinct may, upon receipt of the voter's date of birth, vouch for that individual's right to vote.

a. **Tracking Poll Worker Verification of Voters Without Identification:** The Secretary of State recommends the following standard procedures be followed for all persons who did not have identification, but who were verified as qualified voters within the precinct and allowed to vote. The verifying election worker should write their initials next to the voter's name in the poll book to indicate that the individual was allowed to vote as the result of poll worker verification rather than through providing acceptable identification. A verification form may also be utilized to track these individuals. (See last page for a suggested template for the form.)

b. **Directing Individuals to Correct Precincts:** The county auditor shall provide each election board a precinct map or precinct finder to assist in determining whether an address is located in that precinct and for determining which precinct and polling location to direct an individual who may be attempting to vote in the wrong precinct. ([NDCC § 16.1-05-08](#)) Poll clerks are authorized to direct individuals to their correct precinct if the individual's identification proves that they are in the wrong polling place. If the individual refuses to vote in their correct precinct, the challenge process begins by the clerk informing a member of the election board of the situation.

3. **Voter's Affidavit:** Voters may choose a third option in order to receive, vote, and cast a ballot. The [Voter's Affidavit](#) is a statement in which the voter swears to the fact that they are a qualified elector of the precinct. The form ([SFN 17343](#)) contains a warning to the voter that a voter who falsely swears is guilty of a class A misdemeanor.

## Section 3D – The Voter Challenge Process ([NDCC § 16.1-05-06](#))

### Election Board Members:

1. Any member of the election board may challenge the right of an individual to vote **or** a poll challenger may request members of the election board to challenge a voter if they know or have reason to believe any of the following:
  - The individual offering to vote does not meet the age or citizenship requirements.
  - The individual offering to vote has not previously voted in the precinct, the name of the individual offering to vote does not appear in the poll book, **and** the individual fails to provide reasonable evidence of residency in the precinct.
  - The individual offering to vote physically resides outside of the precinct – except for the voter who has lived in the precinct less than thirty days and is authorized to return to vote in his/her former North Dakota precinct.
  - The individual offering to vote does not meet the residency requirements.
  - The individual offering to vote fails or refuses to provide appropriate identification.
2. If after an election board member requests an appropriate form of identification and the identification is not provided or does not adequately confirm the eligibility of the challenged individual, the challenged individual may not vote unless the challenged individual executes an affidavit, known as a [Voter's Affidavit](#), acknowledged before an election board member, that the challenged individual is a legally qualified elector of the precinct. The [Voter's Affidavit](#) must include:
  - The voter's name, present address, and address at the time the voter last voted.
  - The voter's previous last name if it was different when the voter last voted.
  - The birth date of the voter.
  - The contact telephone number of the voter.
  - The identification number and state of any state-issued identification regardless of the state in which the identification was issued, if available.
  - A notice indicating that information identifying who voted after executing an affidavit is open record.
  - The legal qualifications for voting and the rules for determining residence.
  - A notice of the penalty for making a false affidavit.
  - A notice that the county auditor is required to verify the affidavit.
  - A place for the voter to sign and swear to the voter's qualifications as a voter.
3. Written notice of the penalty for making a false affidavit and that the county auditor will verify the affidavits must also be prominently displayed at the polling place in a form prescribed by the secretary of state. An individual who falsely swears in order to vote is guilty of a class A misdemeanor and must be punished pursuant to [NDCC chap. 16.1-01](#). A class A misdemeanor carries a maximum penalty of one year's imprisonment, a fine of \$2,000, or both. ([NDCC § 16.1-05-06\(5\)](#) and [NDCC § 12.1-32-01\(5\)](#))

**Poll Challengers:** Three poll challengers appointed by the district chairman of each political party represented on the election board are entitled to be in attendance at each polling place. Poll challengers may be replaced at any time during voting hours, but no more than three poll challengers from each political party are entitled to be in attendance at each polling place.

**Poll Checkers:** The district chairman of each political party represented on the election board may appoint poll checkers to a polling place provided such poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties. Poll checkers must be qualified voters of the district in which they are assigned. ([NDCC § 16.1-05-06](#))

## Section 3E – Other Election Worker Duties While Polls are Open

**Poll List Kept by Clerks of Election:** The poll clerks shall keep one list of the names of all persons voting at each election. The list of names must contain the full name, including first and last name, and the complete residential address of each person voting at the precinct. A complete residential address for voting purposes includes a street, rural route, or general delivery address, city, and state. The use of a mailing address or PO Box number is not considered sufficient for voting purposes. Each clerk shall return the poll book, which must be a part of the records and filed with other election returns.

([NDCC § 16.1-11-32](#) and [NDCC § 16.1-05-04](#))

**Poll Book Correction:** If the voter's residential or mailing address within the precinct has changed, the poll clerk will record the appropriate changes, if the voter's name is preprinted.

**Voting by Qualified Voter Moving From One Precinct to Another:** If a qualified elector moves from one precinct to another precinct within this state, the elector is entitled to vote in the precinct from which the elector moved until the elector has established a new residence pursuant to section [16.1-01-04](#). A person must reside in the precinct thirty days immediately prior to any election in order to be eligible to vote within that precinct. ([NDCC § 16.1-01-05](#))

**Delivering Ballot to Elector – Initialing:** An election board member shall deliver ballots to the qualified voters within a secrecy sleeve. The inspector or judge shall inform each voter that if an election official does not initial the ballot it will be invalidated. To protect the voter's right to vote the voter should verify that the ballot has been initialed. Ballots are still considered valid if the judge or inspector initials the ballot outside the space provided for such. ([NDCC § 16.1-13-22](#))

**Secrecy Sleeves Required:** Ballots are to be given to the voters within a secrecy sleeve. ([NDCC § 16.1-13-23](#))

**Warning Voters Not to Split Votes in the Primary Election:** At primary elections, the judge or inspector shall inform **each** elector before voting, that voting for candidates of more than one party will cause their party ballot to be rejected. ([NDCC § 16.1-13-22](#))

**One Person Allowed in Voting Booth – Time Limit in Booth:** Only one person may occupy a voting booth at one time except when receiving lawful assistance. No person shall remain in the booth longer than necessary to vote. ([NDCC § 16.1-13-30](#))

**Assisting Voter in the Voting Booth:** A voter may request and receive the assistance of any person of the voter's choice, other than the voter's employer, officer or agent of the voter's union, a candidate running in that election, or relative of the candidate, in marking the voter's ballot. ([NDCC § 16.1-13-27](#))

**Voter to Receive Assistance of Both Judges:** If the voter requests the assistance of a member of the election board, the voter shall receive the assistance of both election judges in the marking of the voter's ballot. ([NDCC § 16.1-13-27](#))

**Person Assisting Voter May Not Request Voter to Vote in Certain Manner:** Any person chosen to assist a voter may not request the voter to vote for or against any candidate or any issue. ([NDCC § 16.1-13-28](#))

**Voters May Not Divulge Voting Intentions:** No voter, other than one who is unable to mark a ballot, may divulge to anyone within the polling place the name of any candidate for whom the elector intends to vote. ([NDCC § 16.1-13-27](#))

**No Write-in Stickers:** Write-in stickers are not allowed on ballots in North Dakota elections.

**Second Chance Voting:**

1. **Second-Chance Voting Prior to Casting Ballot:** Since ballots are to be marked by the voter with a pen provided by the election board, unwanted choices or marks cannot be erased. Rather than crossing out unwanted choices or attempting to erase them, the voter should ask an election judge for a new ballot to mark their votes. A voter may obtain up to two new ballots for these reasons. Ballots returned to an election judge by an elector must be considered spoiled.
2. **Second-Chance Voting As Voter Attempts to Casts Own Ballot:** After marking the votes on the ballot, the elector shall place the ballot back in the provided secrecy sleeve so it is concealed and so the endorsement of the inspector or election judge may be seen. The elector then shall deposit the ballot in the optical scanning device and wait to determine if the ballot is deposited into the ballot box or if the optical scanning device has indicated a possibility for a second-chance voting condition. If a second-chance voting condition is indicated, an election judge, standing at a discrete distance from the voter, shall ask the voter if they desire help in either having the ballot returned to them to mark their votes on a new ballot (the incorrect ballot is to be returned to the judge to be marked as spoiled) or the voter may choose to cast the ballot as they have marked it even though it is incorrect. If the voter chooses to cast the incorrectly marked ballot, the judge must first inform them that the portion of the ballot that has been marked incorrectly will not be counted. Voters requiring assistance may ask a judge or inspector to cast the ballot provided the ballot is in the secrecy sleeve. ([NDCC § 16.1-06-14\(3\)](#) and [NDCC §§ 16.1-13-23 and 16.1-13-24](#))
3. **Securing New Ballot Upon Spoiling of Others:** A voter spoiling a ballot may obtain others successively, one at a time, not exceeding three in total, upon returning each spoiled ballot. Each paper ballot returned must be spoiled immediately and, together with those not distributed to the voters, must be preserved and secured in sealed packages and returned to the county recorder. ([NDCC § 16.1-13-32](#))

**Removal of Ballot from Polling Place Before Closing:** No person may take a ballot from a polling place before the polls close. ([NDCC § 16.1-13-31](#))

**Voters in Line at Poll Closing:** All voters standing in line to vote at the time the polls close must be allowed to vote. Election officials must establish procedures to determine who arrived in time to vote. ([NDCC § 16.1-01-03](#))

### **Section 3F – Processing Absentee Ballots Delivered to Precincts**

**Absentee Ballots Delivered to Polls:** The county auditor may deliver absentee ballots to the inspector of the precinct in which the absent voter resides. ([NDCC § 16.1-07-11](#))

**Opening the Absentee Ballot:** At any time beginning on the day before Election Day and the closing of the polls on Election Day, the election clerks and board members of the relevant precinct shall open the package containing the absentee ballots and compare the signature on

the application for the absentee ballot with the signature on the statement on the back of the absentee ballot envelope. If the judges find that the statement is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct and has not voted at the election, they shall open the absent voter's envelope in such a manner as not to destroy the statement thereon. If the statement is found to be insufficient, or that the signatures do not correspond, or that the applicant is not then a duly qualified elector of the precinct, the vote may not be allowed, but without opening the absent voter's envelope, the election inspector or election judge shall mark across the face thereof "rejected as defective" or "rejected as not an elector", as the case may be. The subsequent death of an absentee voter after having voted by absentee ballot does not constitute grounds for rejecting such ballot. ([NDCC § 16.1-07-12](#))

**Initialing and Casting the Absentee Ballot:** Upon opening the absentee ballot envelope the judges shall take out the ballot or ballots contained therein without unfolding the ballots, or permitting them to be opened or examined, and after initialing the same as other ballots are initialed, they shall deposit the ballot in the proper ballot box and show in the poll book that the voter has voted. The votes from these cast ballots may not be tallied and the tabulation reports may not be generated until the polls have closed on Election Day. ([NDCC § 16.1-07-12](#))

**Rejected Absentee Ballots:** Rejected absentee ballots are to be handed over to the county canvassing board for final determination of acceptance or rejection. ([NDCC § 16.1-07-12](#))

**Absentee Ballots Sent to Wrong Precinct or Sent Too Late to be Counted:** Any absentee ballot sent to the wrong precinct or any absentee ballot received by the inspector too late to be counted at the precinct must be returned to the county auditor and must be tallied by the county canvassing board. ([NDCC § 16.1-07-11](#))

**Delivery and Processing of Presidential Elector Ballots:** The county auditor shall deliver the ballots for *new residents* to the inspector of elections in the manner prescribed by law for absentee ballots. *New residents* are defined as those individuals who have moved into North Dakota within the thirty day residency requirement prior to a Presidential Election. The ballots from these voters must be processed in the same manner as absentee ballots. The inspector of elections shall record the new resident voter's name with a notation designating the individual as a new resident voting for presidential electors only. ([NDCC § 16.1-14-26](#))

## Section 4 – Election Worker Responsibilities After Polls Close

**Manner of Canvassing the Election:** ([NDCC § 16.1-15-02](#))

- ❑ After the polls are closed, the inspector of elections and the judges shall immediately generate the canvass report from the optical scan voting system.
- ❑ The ballots counted by the optical scan ballot tabulator must be equal in number with the names on the poll clerks' list. If the numbers are not equal, the poll book is to be rechecked to find the discrepancy.
- ❑ The canvass shall continue until completed and must be open to the public.
- ❑ Except under crucial 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 other location must be in the same precinct and the removal must be approved by the election board.
- ❑ In no case may the ballots be removed to another location prior to generating the canvass report after the ballot boxes have been opened. 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.

**Manner of Canvassing Write-in Votes:** ([NDCC § 16.1-12-02.2](#))

- ❑ The optical scan ballot tabulator (M-100) used in every polling location automatically separates the ballots with write-in votes to the right side of the ballot box. It does this by finding any ovals darkened next to a write-in line on the ballot.
- ❑ From the ballots on the right side of the ballot box, canvass the votes for the individual write-in candidates in all races the county auditor instructs the precincts to canvass. (These races are likely to be those for which there are no printed names on the ballot or in which write-in candidates are likely to be nominated or elected.)
- ❑ In all other races, the county canvassing board will complete the canvass of the votes for the write-in candidates in those races for which the write-in votes constitute more than five percent of the votes cast by the voters for the candidate receiving the most votes for that office, except in the case of a primary election where enough votes were cast as write-in votes to qualify a name for the general election ballot. This percentage is to be calculated based on the total number of write-in votes tabulated by the voting equipment in the precincts of the county in which that office was on the ballot.
- ❑ All ballots containing write-in votes must be wrapped and sealed prior to delivery to the county recorder so that these ballots can be delivered by the county recorder to the meeting of the county canvassing board. ([NDCC § 16.1-15-08](#))

**Primary Election Reports:** The judges of a primary election in each precinct shall run a separate report for each political party or principle, containing the names of all persons voted for at the primary election, the number of votes cast for each candidate, and for what office. The report must be subscribed by the election judges and must be filed with the returns in the office of the county auditor. ([NDCC § 16.1-11-33](#))

**Triplicate Reports Prepared:** The election board shall generate at least three canvass reports from the electronic voting system. The ballots may not be sealed, nor may the canvass reports be signed, by the election board or poll clerk until the counts in the poll clerks' book and in the canvass reports all show the same totals for ballots cast. A signed canvass report is to be given to each judge so that the political parties have a record of the votes cast. ([NDCC § 16.1-15-04](#))

**Contents of Duplicate Reports:** ([NDCC § 16.1-15-09](#))

- ❑ Election officers shall generate reports of votes counted on electronic counting machines for all candidates and for any measure in the same manner as provided for other ballots.
- ❑ Optical scan counting systems must generate a printed record at the beginning of its operation which verifies that the tabulating elements for each candidate position and each question and the public counter are all set at zero. The tabulating equipment must also generate a printed record of the total number of ballots tabulated and the total number of votes cast for each candidate and measure on the ballot. The election board must certify both printed records.

**Oath Required Upon Completion of Canvass – Contents:** At the conclusion of the canvass of the votes, each member of the election board shall sign an affidavit to the effect that the ballots have been counted and the votes canvassed as provided in this chapter and that the returns as disclosed by the canvass reports agree with the number of ballots cast and are true and correct of the member's own knowledge. ([NDCC § 16.1-15-05](#))

**Wrapping and Returning Ballots – Void and Spoiled Ballots:** ([NDCC § 16.1-15-08](#))

- ❑ The election board shall place each kind of ballot cast at the election in a suitable wrapper to form a complete wrapper for the ballots.
- ❑ The ballots and wrappers must then be tightly secured at the outer end to completely envelop and hold the ballots together.
- ❑ Void ballots must be secured in a separate wrapper and must be marked "void." Void ballots are ballots that are not endorsed with the initials of an election board member.
- ❑ Ballots that are spoiled must be separately secured and marked "spoiled." Spoiled ballots are those returned by the voter in exchange for another because the voter has made a non-correctable error on the returned ballot.
- ❑ In sealing ballots, the various classes (cast, spoiled, void) must be kept separate.
- ❑ Each wrapper must be endorsed with the names or numbers of the precincts and the date on which the election was held.
- ❑ The wrappers must be sealed securely so the wrappers cannot be opened without an obvious and permanent breaking of the seal.
- ❑ The ballots, together with those found void or spoiled, and the opened envelopes from voted absentee ballots and the unopened envelopes of absentee ballots rejected as defective, must be returned in person to the county recorder.
- ❑ All ballots containing write-in votes must be wrapped and sealed prior to delivery to the county recorder so that these ballots can be delivered by the county recorder to the meeting of the county canvassing board.

**Reports and Poll Books Sent to County Auditor:** Immediately following the canvass, except in cases of emergency or inclement weather, the inspector of elections, or one of the judges appointed by the inspector of elections, personally shall deliver one of the signed canvass reports provided for in section [16.1-15-04](#) to the county auditor. The reports, carefully sealed under cover, accompanied by the poll book provided for in sections [16.1-02-13](#) and [16.1-06-21](#) with the oaths of the inspector and poll clerks affixed thereto, must be delivered properly to the county auditor. ([NDCC § 16.1-15-06](#))

**Voters Casting Ballots After Regular Poll Closings – Provisional Ballots:** An individual who votes after the regular poll closing time in an election in which a federal office appears as a result of a federal or state court order or any other order extending the time established for closing the polls under state law in effect ten days before the date of that election may only vote in that election by casting a provisional ballot. The ballot must be marked as a provisional ballot and must be separated and held apart from other ballots cast by those not affected by the order. The secretary of state shall approve the form of any provisional ballot and may prescribe any procedures the secretary of state determines to be necessary to facilitate the casting, secrecy, and counting of provisional ballots. ([NDCC § 16.1-13-34](#))

## **Section 5 – Special Precincts**

**Absentee Ballot Precinct:** ([NDCC § 16.1-07-12.1](#))

1. For any primary, general, or special statewide, district, or county election, the board of county commissioners may create a special precinct, known as an absentee ballot precinct, for the purpose of counting all absentee ballots cast in an election in that county. The election board of the absentee ballot precinct must be known as the absentee ballot counting board. The county auditor shall supply the board with all necessary election supplies as provided in [NDCC chapter 16.1-06](#).

2. If the board of county commissioners chooses to establish an absentee ballot precinct according to this section, the following provisions apply:
  - The county auditor shall appoint the absentee ballot counting board that consists of one independent representative to act as the inspector and an equal number of representatives from each political party represented on an election board in the county, as set forth in [NDCC § 16.1-05-01](#), to act as judges. Each official of the board shall take the oath required by [NDCC § 16.1-05-02](#) and must be compensated as provided in [NDCC § 16.1-05-05](#).
  - The county auditor shall have the absentee ballots delivered to the inspector of the absentee ballot counting board with the election supplies, or if received later, then prior to the closing of the polls.
  - The absentee ballot counting board shall occupy a location designated by the county auditor, which must be open to any individual for the purpose of observing the counting process.
  - Absentee ballots must be opened and handled as required in [NDCC § 16.1-07-12](#). The absentee ballot counting board may commence counting the absentee ballots at the same time as any precinct within the county, city, or legislative district opens its polls. As soon as all the polls in the county, city, or legislative district close and the count is completed, the inspector shall announce publicly the results. The board shall comply with the requirements of [NDCC §§ 16.1-15-04](#) and [16.1-15-12](#), as applicable.

**Early Voting Precinct:** ([NDCC § 16.1-07-15](#))

1. For any primary, general, or special statewide, district, or county election, the board of county commissioners may, before the sixtieth day before the day of the election, create a special precinct, known as an early voting precinct, to facilitate the conduct of early voting in that county according to [NDCC chapters 16.1-13](#) and [16.1-15](#). At the determination of the county auditor, more than one voting location may be utilized for the purposes of operating the early voting precinct. The election board of the early voting precinct must be known as the early voting precinct election board. The county auditor shall supply the board with all necessary election supplies as provided in [NDCC chapter 16.1-06](#).
2. If the board of county commissioners establishes an early voting precinct according to this section, the following provisions apply:
  - Early voting must be authorized during the fifteen days immediately before the day of the election. The county auditor shall designate the business days and times during which the early voting election precinct will be open and publish notice of the early voting center locations, dates, and times in the official county newspaper once each week for three consecutive weeks immediately before the day of the election.
  - The county auditor shall appoint the early voting precinct election board for each voting location that consists of one independent representative to act as the inspector and an equal number of representatives from each political party represented on an election board in the county, as set out in [NDCC § 16.1-05-01](#), to act as judges. Each official of the board shall take the oath required by [NDCC § 16.1-05-02](#) and must be compensated as provided in section [NDCC § 16.1-05-05](#).
  - The county auditor, with the consent of the board of county commissioners shall designate each early voting location in a public facility, accessible to the elderly and the physically disabled as provided in [NDCC § 16.1-04-02](#). With respect to polling places at early voting precincts, “election day” as used in section 16.1-10-03 and 16.1-10-06.2 includes any time an early voting precinct polling place is open.

- ❑ At the close of each day of early voting, the inspector and judges on the election board shall secure all election related materials, including:
  1. The poll book and access to any electronically maintained poll book.
  2. The ballot boxes containing voted ballots.
  3. Any void, spoiled, and non-voted ballots.
- ❑ Ballot boxes containing ballots cast at an early voting location may not be opened until the day of the election except as may be necessary to clear a ballot jam or to move voted ballots to a separate locked ballot box in order to make room for additional ballots.
- ❑ Each early voting location may be closed, as provided in [NDCC chapter 16.1-15](#), at the end of the last business day designated for early voting in the county. Results from the early voting precinct may be counted, canvassed, or released under [NDCC 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 [NDCC chapter 16.1-15](#), which location must be open to any person for the purpose of observing.
- ❑ The early voting precinct election board shall comply with the requirements of NDCC chapters [16.1-05](#), [16.1-13](#), and [16.1-15](#), as applicable.

## Section 6 – Frequently Asked Questions and Answers

1. What do I do if a voter cannot or will not provide identification?

**Answer:**

- a. If you or another election worker knows the person is a qualified elector of the precinct, the person may vote if you or the other election worker is willing to vouch for the person’s qualification; (see 2a on page 9 for details) **or**
- b. The voter may complete a [Voter’s Affidavit](#) and then be allowed to vote. Be sure to remind the voter to read the affidavit for critical information.

**Note:** If a voter chooses not to complete a [Voter’s Affidavit](#) in the situation listed above, it should be remembered that the voter is making a choice not to vote – no matter what might be said about “being denied the right to vote.”

2. What do I do if a voter asks for help with voting?

**Answer:** If the AutoMARK ballot marking device is not an option the voter chooses to use, then the two election judges from opposite political parties may assist the voter. Assistance is to be limited to reading the ballot to the voter, marking their choices for the contests, and depositing their ballot into the ballot scanner if they are unable to perform this function on their own or if they would rather not complete this part of the voting process. A voter may also choose to have a friend or relative assist them in reading, marking, and/or casting their ballot so long as this person isn’t a candidate on the ballot, a relative of a candidate, the voter’s employer, or the voter’s union representative.

3. What do I do if a voter asks me the names of write-in candidates for an office?

**Answer:** You may tell the voter that they are free to write the name of anyone they so desire as a write-in candidate, but that some contests may require specific forms to be filed by the candidate in order that write-in votes be counted on their behalf and the law does not permit election workers to divulge information about candidates to voters in the polling place. It would be wise to remind the voter to darken the oval next to a write-in candidate.

4. What do I do when I'm running low on ballots?

**Answer:** Call the county auditor, city auditor, or school business manager (whichever is appropriate for the election) as soon as you believe you might run short of ballots.

5. What do I do if person is disrupting the polling location?

**Answer:** If the person is causing a serious disruption (your judgment is needed here) and they will not leave when requested do so, you may call the police and ask for assistance. You may also call the county auditor and ask for assistance.

6. What do I do if someone stops at the precinct and says they're driving through and would like to vote for President?

**Answer:** Whether the person is from North Dakota or another state, you may tell them that they should have voted absentee from their home precinct because it is not permissible for you to allow them to cast their vote, even for president only, in your precinct on the day of the election. If the voter absolutely insists, give the voter a [Voter's Affidavit](#) and tell them that they may be subject to a \$2,000 fine and a year in jail for voting in a precinct other than the precinct of their home.

7. What if we notice some posters hanging in the polling place on Election Day for a candidate or have reports of signs sitting in someone's yard?

**Answer:** Remove any candidate posters in the polling place prior to the opening of the polls. Information about other yard signs in the community should be passed along to the county auditor, their staff members, or to local law enforcement if applicable.

8. What time will the auditor bring lunch?

**Answer:** Unless your auditor specifically tells you that lunch will be provided, you should be prepared to provide your own meals. Since the election board is not allowed to leave the polling place while the polls are open, this means that you need to bring your meals prior to the start of the day or have them delivered by a friend or local restaurant.

9. What do I do if someone brings an absentee ballot and turns it in at the precinct?

**Answer:** The law does not allow you to accept an absentee ballot from a voter on Election Day. However, you may tell the voter that you would be willing to spoil their absentee ballot and allow them to vote a new ballot at the precinct. You must remember to make a note of this for the county auditor's records.

10. What do I do if I need to use the restroom?

**Answer:** Restroom breaks are allowed.

## Section 7 – Prohibitions, Crimes, and Election Offenses

**Service of Civil Process on Election Day:** During the day of any primary, general, or special election held in this state, civil process may not be served on any person entitled to vote at the election within 100 feet from the outermost entrance leading into the building or facility in which a polling place is located. ([NDCC § 1-08-09](#))

**Interference with Elections:** No person may injure, intimidate, or interfere with another person who is or has been voting for any candidate or issue or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher or other election official, in any primary, special, or general election. No person may injure, intimidate, or interfere with another person to prevent them or any other person from voting for any candidate or issue or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher or other election official, in any primary, special, or general election. ([NDCC § 12.1-14-02](#))

**Safeguarding Elections:** No person may:

- ❑ Make or induce any false voter registration;
- ❑ Offer, give, or agree to give anything of pecuniary value, including alcoholic beverages, to another as consideration for the recipient's voting or withholding his/her vote or voting for or against any candidate or issue or for such conduct by another;
- ❑ Solicit, accept, or agree to accept anything of pecuniary value, including alcoholic beverages, as consideration for conduct prohibited under subsections 1 or 2; **or**
- ❑ Otherwise obstruct or interfere with the lawful conduct of an election or registration. ([NDCC § 12.1-14-03](#))

**Election Offenses:** The following election offenses are a crime and are subject to prosecution. It is unlawful for a person to:

- ❑ Fraudulently alter another person's ballot or substitute one ballot for another, or to otherwise defraud a voter of their vote.
- ❑ Obstruct a qualified voter on the way to a polling place.
- ❑ Vote or offer to vote more than once in any election.
- ❑ Knowingly vote in the wrong election precinct or district.
- ❑ Disobey the lawful command of an election officer.
- ❑ Knowingly exclude a qualified voter from voting or knowingly allow an unqualified person to vote. (Persons thought to be unqualified should complete a [Voter's Affidavit](#).)
- ❑ Knowingly vote when not qualified to do so.
- ❑ Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath.
- ❑ Willfully violate any rule adopted by the secretary of state pursuant to the election laws of North Dakota.
- ❑ Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the same to be false, or willfully deface, destroy, or conceal any statement or certificate entrusted to his/her care.
- ❑ Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law. ([NDCC § 16.1-01-12](#))

**Electronic Voting Systems – Violations – Penalty:** Any person who tampers with or injures any electronic voting system or device to be used or being used in any election, or who prevents the correct operation of any such system or device is guilty of a class A misdemeanor. ([NDCC § 16.1-06-25](#))

**Political Badge, Button, or Insignia Prohibited at Election:** No person may, on the day of an election, buy, sell, give, or provide any political badge, button, or any insignia to be worn at or about the polls on that day. No such political badge, button, or insignia may be worn at or about the polls on any election day. ([NDCC § 16.1-10-03](#))

**No Campaigning on Election Day:** No person may in any manner try to induce or persuade any voter from voting for or against any candidate, candidates, political party, organization, or any measure on the day of an election. ([NDCC § 16.1-10-06](#))

**No person may pay another person for:**

- ❑ Any loss or damage due to attendance at the polls;
- ❑ Registering;
- ❑ The expense of transportation to or from the polls; **or**
- ❑ Personal services to be performed on the day of a caucus, primary election, or any election which tend in any way, directly or indirectly, to affect the result of such caucus or election. (This does not apply to persons who are hired as a challenger and to watch the count of official ballots.) ([NDCC § 16.1-10-06.1](#))

**No Sale or Distribution at Polling Place:** No person may approach a person attempting to enter a polling place, or who is in a polling place, for the purpose of selling, soliciting for sale, advertising for sale, or distributing any merchandise, product, literature, or service. This prohibition applies in any polling place or within one hundred feet from any entrance leading into a polling place on Election Day. ([NDCC § 16.1-10-06.2](#))

**Person Assisting Voter May Not Request Voter to Vote in Certain Manner:** Any person chosen to assist a voter may not request the voter to vote for or against any candidate or any issue. ([NDCC § 16.1-13-28](#))

**Only One Person Allowed in Voting Booth – Time Limit in Booth:** Only one person may occupy a voting booth at one time except when receiving lawful assistance. No person shall remain in the booth longer than necessary to vote. ([NDCC § 16.1-13-30](#))

**Removal of Ballot from Polling Place before Closing:** No person may take a ballot from a polling place before the polls close. ([NDCC § 16.1-13-31](#))

## **Section 8 – Voters With Disabilities**

(This is adapted from various sources. Special thanks to the Arlington, VA Election Board)

### **Section 8A – Common-Sense Guidelines That Apply to All Voters**

1. Be courteous and respectful. If you want to address the voter by name, use “Mr.” or “Mrs./Ms.” and the voter’s last name. Do not address a voter by their first name unless you know them personally and know they prefer this address.
2. Do not underestimate people with disabilities. Physical disability DOES NOT equal lessened mental capability.
3. Be considerate of extra time it may take for a person who is disabled or elderly to accomplish tasks.
4. Give unhurried attention to a person who has difficulty speaking.
5. Always speak directly to the voter, and not to a companion, aide, or sign language interpreter. Remember that any disabled voter may be accompanied by, and receive assistance from, another person of their choice in the voting booth, unless the person is

an employer, officer or agent of the elector's union, a candidate running in that election, or a relative of a candidate.

6. Ask before you help. The person may not want assistance. Don't insist – take “no” for an answer if that is the voter's wish.
7. Don't be shy about offering assistance. Your courtesy will be appreciated.
8. If your polling place is in a building with several routes through it, be sure that sufficient signs are in place to direct a person to the most accessible route to the polling location.

### **Section 8B – Voters with Mobility Impairment**

1. Do not push or touch another person's wheelchair or equipment without consent. People using adaptive equipment often consider the equipment their personal space. You might also break or damage a wheelchair or piece equipment if you are not familiar with it.
2. Ask before helping. Grabbing someone's elbow may just throw a person off balance. Allow the disabled person to take your elbow.
3. A person with mobility impairment might lean on a door while opening it. Quickly opening the door might cause the person to fall.
4. Either fasten mats and throw rugs down securely or move them out of the way. A person with mobility impairment could trip.
5. Keep floors dry as possible on rainy or snowy days.
6. Keep the ramps and wheelchair-accessible doors to the polling place unlocked and free of clutter.

### **Section 8C – Voters with Speech or Hearing Impairments**

1. A voter who cannot speak can give his name and address simply by providing identification to the poll book officer. The officer will read the name and address aloud, and the voter can provide physical confirmation (such as nodding his/her head) that the information is correct.
2. Follow the voter's cues to determine whether speaking, gestures, or writing are the most effective means of communication.
3. If speaking, speak calmly, slowly, and directly to the voter. Do not shout. Your facial expressions, gestures, and body movements help in understanding. Face the voter at all times and keep your face in full light (not backlit), if possible.
4. Rephrase, rather than repeat, sentences that the voter does not understand.

### **Section 8D – Voters who are Blind**

1. Identify yourself and state that you are an election official as soon as you come in contact with the blind voter. Greet a person who is visually impaired by letting them know who and where you are. When offering walking assistance, allow the person to take your arm and tell them when you are approaching inclines or steps, or turning right or left.
2. If guiding a blind voter, offer your arm to the voter, rather than taking the voter's arm.
3. If a blind voter has a guide dog, walk on the opposite side of the voter from the dog. Do not pet or otherwise distract a guide dog without permission from the owner. Be aware that service animals that assist persons with disabilities should be allowed into all buildings. Such animals are highly trained and need no special care other than that provided by the owner. Do not interfere with the animal's responsibilities by talking or playing with it.
4. When giving directions to navigate the polling place, be as specific as possible and point out obstacles in the path of travel.
5. Let the blind person know when you leave their presence.

## **Section 9 – Principles and Standards of Conduct for Election Officials**

The following *Principles of Election Officials* and *Standards of Conduct for Election Officials* were developed by the Election Center in association with election officials from political subdivisions across the country. The Election Center is a nationally known organization, headquartered in Sacramento, CA, and Houston, TX, which serves and supports the election community at a variety of levels.

Although these principles and standards have not been officially adopted by or for election officials in North Dakota, they incorporate very important themes and elements that every election official should work toward and to which they should aspire. Therefore, these principles and standards are being included as reminders of the tremendous role North Dakota's election officials play in the election process and the great honor and significance placed upon them.

### **Principles of Election Officials**

- ❑ Freedom is an inherent human right, but it is also fragile and can be lost through neglect or misuse.
- ❑ Freedom requires responsibility.
- ❑ Freedom can best be maintained and nurtured through the democratic process. The success of the democratic process requires fair and open elections that accurately reflect the intent of the electorate.
- ❑ Therefore, it is our unique role as elections officials to serve as the gatekeepers of Democracy.

It is our sacred honor to protect and promote public trust and confidence by our conduct of accurate and fair elections.

As the public's guardians of freedom within a democratic society, we are responsible for the integrity of the process. Our role demands that these principles must be placed above personal or partisan gain.

Nurturing and protecting Democracy is a team effort in the profession of elections administration. Our task requires wisdom, courage and the desire to remain focused on our vision of free and impartial elections despite changes in our society and its laws.

By dedicating adherence to these Principles and Standards of Conduct, we demonstrate our loyalty to freedom, pride in our profession and a commitment to the excellence of the democratic process.

### **Standards of Conduct for Election Officials**

I uphold the Constitution of the United States and the laws, policies and court decisions of federal, state and local jurisdictions;

I commit to excellence and competence by maintaining the highest level of knowledge and expertise in the elections process through continuing education and self-evaluation;

I am accountable for maintaining public confidence in honest and impartial elections that I conduct in a fair, efficient and accurate manner;

I dignify voters by providing equal opportunity to participate in the democratic process;

I am responsible for just and equitable treatment of the general public, elected officials and members of my profession;

I manifest a positive role in community relations by being accessible and receptive to both individuals and groups;

I have the courage and stamina to protect the public's interest from manipulation for personal or partisan gain while respecting the rights of all;

I am flexible and innovative within the framework of the law in carrying out my duties on behalf of the public's interest;

I conduct all fiscal responsibilities with wisdom and integrity, and I am accountable for all funds and resources committed to my charge;

I maintain a productive and efficient operation through a well-managed elections environment;

I endeavor to maintain the highest level of integrity in performing all duties of my profession.

## Checklists for Election Day

### Checklist – Before the Polls Open

- Election board and clerks take and subscribe the oath.
- Inspector assigns duties fairly and equally to both parties on election board.
- Review ballots and materials to make sure they are correct for the polling location.
- Post voting instructions and copy of [NDCC § 16.1-01-12](#) (Election Offenses).
- Post official ballots, copies of the complete text of the measures, map of the precinct boundaries, and diagram of the voting system appropriately in the polls.
- Post the date and hours the polling location will be open on the door.
- Inspector and judges inspect ballot box to make sure it is empty and lock it.
- Open the sealed package of official ballots.
- Perform other duties as the county auditor may prescribe.
- Display the United States Flag.
- Open polls at the designated time.

### Checklist – After the Polls Open

- Inspector and judges must remain on premises during polling hours.
- Clerks keep and correct a poll list as voters approach to vote.
- Ask each voter to show identification.
  - a. Valid identification – Voter may vote.
  - b. No identification – Voter may vote if a poll worker vouches for their qualification. The poll worker must indicate verification in the poll book next to the voter's name.
  - c. No identification – Voter may vote if they complete a [Voter's Affidavit](#).
- Remember, a voter who does not show identification and refuses to complete a [Voter's Affidavit](#) is choosing not to vote – they are not being denied the right to vote.
- Direct voters to correct polling location if in wrong place.
- Provide instruction and assistance to voters including information about the AutoMARK.
- Inspector or judge to distribute ballots to voter within a secrecy sleeve.
- Warn voters to check for initials.
- No write-in stickers allowed.
- Warn voters not to split votes between parties in the primary election.
- Provide additional ballots (up to two) if voter spoils a ballot.
- Cancel spoiled ballots immediately.
- Allow voters to place own ballots in optical scan ballot tabulator.
- Process absentee ballots if delivered to polling location.
- Do not allow ballots out of the polling place before polls close.
- Allow voters standing in line at closing time to vote.

### Checklist – After the Polls Close

- Run at least three canvass reports of the votes from the optical scan ballot tabulator.
- Compare ballots counted by the optical scanner with poll books.
- In optical scan precincts, judges and inspectors shall verify the initial print record is at zero.
- Canvass the write-in votes for those races instructed to the board by the county auditor.
- The election board or all of the poll workers as the case may be sign the generated reports.
- Copies of the reports are given to each political party.
- Election board shall take oath at conclusion of canvass.
- Wrap and return ballots to county recorder as instructed.
- Reports, poll book, oaths, and other required materials delivered to the county auditor.

## Poll Worker Verification for Voter Without Identification

I \_\_\_\_\_ certify that to the best of my knowledge  
(Name of Poll Worker)

\_\_\_\_\_  
(Name of Voter)

\_\_\_\_\_  
(Date of Birth)

has their place of residence within this precinct and is eligible to vote.

According to [NDCC § 54-01-26](#), “place of residence” is defined as follows:

Every person has in law a residence. In determining the place of residence, the following rules must be observed:

- It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
- There can only be one residence.
- A residence cannot be lost until another is gained.
- A residence can be changed only by the union of act and intent.

### NOTES

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