

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

SELF ADVOCACY SOLUTIONS N.D.,
LEAGUE OF WOMEN VOTERS OF
NORTH DAKOTA, MARIA FALLON
ROMO,

Plaintiffs,

v.

ALVIN JAEGER, in his official capacity as
Secretary of State, DEBBIE NELSON, in her
official capacity as County Auditor of Grand
Forks County,

Defendants.

Case No. 3:20-cv-00071

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Plaintiffs Self Advocacy Solutions N.D., League of Women Voters of North Dakota, and Maria Fallon Romo ("Plaintiffs") respectfully move this Court for a preliminary injunction as set out in the accompanying Brief in Support of Plaintiffs' Motion for Preliminary Injunction. Fed. R. Civ. P. 65(a); Local Rule 7.1(B). Plaintiffs seek relief from North Dakota's signature match verification process, which requires election officials to reject an absentee or mail ballot upon determining that the signature on the voter's ballot and the signature on the voter's ballot application do not correspond. Under this procedure, voters whose ballots are questioned for an alleged signature match issue are not provided any notice or any opportunity to fix the issue before votes are finally canvassed.

Hundreds of North Dakotans, including Plaintiff Romo in 2018, have been silently disenfranchised by this error-prone signature match process. Without this Court's intervention, many more voters, including Plaintiffs and their members, will be at heightened risk of

disenfranchisement in the upcoming all-mail election on June 9, 2020, in violation of their right to vote and right to due process under the First and Fourteenth Amendments to the U.S. Constitution.

WHEREFORE, Plaintiffs respectfully request that the Court grant their Motion and issue a preliminary injunction enjoining Defendants from implementing any signature match requirement that does not include a constitutionally adequate notice and cure requirement, including N.D.C.C. §§ 16.1-07-09, 12; 16.1-15-19, as applied to any absentee or mail ballots in the June 9, 2020 election and all subsequent elections that take place during the pendency of this suit; and ordering Defendant Jaeger to issue instructions to all local election officials responsible for processing absentee and mail ballots requiring them to take affirmative steps to contact voters whose ballots are impaired by signature issues to inform them of the impairment and provide those voters a meaningful opportunity to contest and cure signature issues in time to have their ballots counted in the election.

Dated: May 11, 2020

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on May 11, 2020, I caused a copy of the foregoing Motion and the accompanying Memorandum and Exhibits, to be served upon counsel for Defendants by e-mail at the following addresses:

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**PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION FOR PRELIMINARY
INJUNCTION**

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INTRODUCTION

“[I]t is self-evident that a legal voter is injured unless he is not only permitted to vote, but to have his vote counted as cast.” *Walker v. United States*, 93 F.2d 383, 387 (8th Cir. 1937) (citing *United States v. Mosley*, 238 U.S. 383, 386 (1915)). And yet, every election, using an inherently unreliable signature verification process, North Dakota rejects and does not count eligible voters’ validly cast mail-in ballots because of benign issues with their penmanship. Under this system, untrained officials verify ballots by comparing the signature provided on a voter’s ballot application to the one on their ballot envelope to determine if the two “correspond.” If they do not, the ballot is rejected. Affected voters are never informed their ballots are impaired or given an opportunity to fix the issue and have their ballots counted.

This system is unconstitutional. Not only does it arbitrarily disenfranchise voters based on the unreviewable, error-prone determinations of evaluators who lack meaningful training or guidance in signature examination, it disproportionately disenfranchises certain populations of voters who are both more likely to rely on absentee voting to access the ballot and less able to produce consistent signatures because of their age, disability, or underlying health conditions.

Plaintiff Maria Romo—a lifelong voter who lives with multiple sclerosis that affects her fine motor skills—had her validly cast ballot thrown away in 2018 because officials erroneously believed the signatures did not match. Plaintiff Romo is one of hundreds of voters who have been silently disenfranchised by this system, and the problem only promises to grow. Because of COVID-19, North Dakotan voters *must* rely on absentee voting in order to exercise their fundamental right to vote in upcoming elections. Their ballots *will* be reviewed under this flawed system, and eligible voters *will* be disenfranchised. At a time when the pandemic threatens not only the health of our citizens, but the health of our democracy, ensuring voters can have confidence in elections is of paramount importance.

North Dakota has, at its fingertips, the tools it needs to end these erroneous rejections by giving voters notice and an opportunity to cure ballot issues before they are disenfranchised. Unless the Court intervenes to require the State provide these constitutionally necessary safeguards in time for the June 9, 2020 all-mail elections, Plaintiffs and all North Dakota voters who cast ballots will be at significant risk of being deprived of their right to vote and right to due process under the First and Fourteenth Amendments to the United States Constitution.

FACTUAL BACKGROUND

I. North Dakota’s Absentee Voting Procedures and Signature Match Law

Absentee voting is a central part of North Dakota’s democratic process. In 2018, nearly thirty percent of all North Dakotans cast their ballots absentee. Ex. 1 (EAVS Data).

Any eligible North Dakota voter may request an absentee ballot. N.D.C.C. §§ 16.1-07-01, 05. Applicants provide their name, residential and mailing address, phone number, date of birth, and an ID number. *Id.* § 16.1-07-06. Applicants must then sign their applications, unless unable to do so, in which case they may place a mark on the application and have an attester sign and witness their application. *Id.* If their application is accepted, voters receive their absentee ballots, along with a return envelope, secrecy envelope, and instructions in the mail. *Id.* § 16.1-07-08.

To return their completed absentee ballots, voters must seal their marked ballots inside the secrecy envelope and then place both inside the return envelope. *Id.* Then, they must fill out a “voter affidavit” on the inner envelope with their name, precinct, residential address, and signature. *Id.* Absentee ballots must be postmarked by the day before Election Day and received before the county canvassing board meets on the sixth day after Election Day. *Id.* §§ 16.1-07-09, 16.1-15-17.

All absentee ballots undergo signature match verification before they can be counted. For ballots received before the close of polls on Election Day, the relevant precinct officials “compare the signature on the application for an absent voter’s ballot with the signature on the voter’s

affidavit . . . to ensure the signatures correspond.” *Id.* § 16.1-07-12. Ballots with allegedly mismatched signatures are marked as rejected and sent to the canvassing board for a “final determination.” *Id.* §§ 16.1-07-12, 16.1-15-19. Ballots timely received *after* the close of polls are sent directly to the county canvassing board to assess and determine whether “the signatures on the absentee ballot application and the voter’s affidavit were signed by the same person before allowing the ballot to be tallied.” *Id.* § 16.1-07-09.

Neither the precinct officials nor county canvassing board members are required to receive training in signature verification. *See id.* §§ 16.1-05-02, 03. Nor does state law provide any further guidance or standards to determine whether signatures “correspond” or “were signed by the same person.” Defendant Jaeger’s North Dakota Election Officials’ Manual provides this single sentence of instruction on this topic: “Compare the signature on the application for the absentee ballot with the signature on the back of the absentee ballot envelope (the voter’s affidavit) to ensure the signatures match.” Ex. 2 at 12 (2020 Election Officials’ Manual). County training materials likewise provide the same unbounded instructions. *See* Ex. 3 (Compiled county training materials).

There is also significant variation in how canvassing boards that review ballots flagged for mismatched signatures by precinct officials ultimately determine whether those ballots are to be rejected. In 2018, for example, at least four counties rejected every one of the ballots that were deemed to have mismatched signatures at the polling place. Exs. 4-7 (McKenzie, McLean, Traill, and Kidder canvassing board minutes). In Dickey County in 2018, the canvassing board rejected two ballots flagged for signature mismatches outright but for another considered the voter’s “situation and history” during the evaluation, including the fact that the voter was “a long-term care resident that had signed the application in June.” Ex. 8 (Dickey canvassing board minutes). In Pembina County in 2018, the canvassing board rejected ballots signed by voters where the

application had been signed by an attester pursuant to N.D.C.C. § 16.1-07-06(2). Ex. 23 (Pembina County canvassing list).

If a county canvassing board concludes that there is any issue with a voter's signatures, the ballot is rejected and the vote is not counted. N.D.C.C. § 16.1-07-12. Their determination is final.

Voters whose ballots are ultimately rejected due to a signature mismatch are *never* notified. *See, e.g.*, Ex. 9 (Mar. 25, 2019 Email from Barnes County Auditor) (Q: "[A]re the voters whose signatures are questioned as not matching contacted about the issue before the board decides to reject their ballot?" A: "No. The canvassing board members make a determination by looking at the signatures. They do not contact the voter."). Nor are they given an opportunity to confirm their signature and ensure their ballot is counted. Indeed, voters are never even notified about the possibility their ballot *could* be rejected because of a signature issue. Nothing in the text of voters' absentee ballot applications, voter affidavits, or the Secretary of State's instructions about absentee voting informs voters of the State's signature matching policy. *See* Ex. 10 (Absentee ballot application); Ex. 11 (Voter affidavit); Ex. 12 (Secretary of State absentee voting instructions).

II. The Error-Prone Nature of Signature Match Verification in North Dakota

Signature match verification is an inherently unreliable means of verifying absentee ballots. Countless factors can influence the appearance of any given signature, including age, physical and mental condition, disability, medication, accidents, and natural differences in a person's stance. Ex. 13 (Mohammed Decl.) ¶ 35. A person's signature may also vary based on writing conditions at the time of signing, *e.g.*, whether the person is in a moving vehicle or a stationary table, type of writing instrument, and whether the document was signed on a paper or electronic screen. *Id.* Some people also use alternative signature styles. *Id.* ¶ 43. Moreover, signature variance is more extreme and commonplace in certain populations, including young and

elderly signers, signers with disabilities, and signers with less formal education or who learned a non-Latin-based script as their first language. *Id.* ¶¶ 24, 28, 36-38.

While handwriting comparison is difficult under the best of circumstances, even certified Forensic Document Examiners (“FDEs”), who have undergone between two and three years of training and testing in handwriting analysis, would be likely to make erroneous determinations under North Dakota’s signature verification process. *Id.* ¶¶ 23, 32, 38, 42, 46-49. FDEs usually require multiple signature samples—according to one recommendation, a minimum of ten—to make signature determinations. *Id.* ¶¶ 26, 26 n.4. If the signer is elderly or has an underlying health condition, more samples may be required. *Id.* ¶ 26. North Dakota also does not give examiners the time or equipment FDEs would need to do the comparison. *Id.*

But North Dakota’s policy does not rely on trained FDEs; instead, it relies on untrained evaluators who are equipped with no standards or training to guide their analyses. Individuals without training are “highly likely” to make mistakes when comparing signatures, and the mistakes they make are more likely to be determinations that authentic signatures are inauthentic than the reverse. *Id.* ¶ 28. One study showed that lay people made this mistake in 26.1% of cases, while FDEs did so in only 7.05% of cases—in other words, lay evaluators are 3.5 times more likely than FDEs to reject a ballot based on an erroneous signature comparison. *Id.* ¶ 30.

III. The Disenfranchising Impact of North Dakota’s Signature Match Law

Hundreds of ballots are rejected for signature impairments every election. According to data from the Election Administration and Voting Survey (“EAVS”)—a biennial study conducted by the Election Assistance Commission—North Dakota rejected 334 ballots for alleged signature mismatches in 2018, accounting for over sixty percent of all rejected absentee ballots. Ex. 1 (EAVS Data). The rates of rejection also vary greatly from county to county. While many counties reported no or few signature-based ballot rejections in 2018, Morton County and Nelson County

respectively rejected 1.14% and 1.74% of absentee ballots for alleged signature mismatches. *Id.* These ballot rejections could impact the outcome of elections in North Dakota, where elections can often be decided by only a handful of votes.²

Plaintiff Maria Romo cast a valid absentee ballot in 2018 that was erroneously rejected under North Dakota's signature verification regime. Ex. 14 (Romo Decl.) ¶ 6; Ex. 25 (Grand Forks District 25 rejected ballots). Ms. Romo has multiple sclerosis that impairs her handwriting and fine motor skills. *Id.* ¶ 5. Because of this chronic condition—which she has been living with for decades—Ms. Romo has strength issues in her fingers, must write with a special large width pen, and cannot produce a neat or consistent signature. *Id.* The same year, Defendants also rejected the validly cast ballot of Kourtney Culver, a former North Dakota resident who was attending school out of state at the time. Ex. 15 (Culver Decl.) ¶ 5; Ex. 25 (Grand Forks District 17 rejected ballots). Until this year, neither Ms. Romo nor Ms. Culver knew that their ballots would be subjected to a signature matching process or that their ballots had been rejected for signature issues. Ex. 14 ¶¶ 4, 6; Ex. 15 ¶ 5. After their ballots were rejected, neither were given an opportunity to cure the issue and have their votes counted. Ex. 14 ¶ 7; Ex. 15 ¶¶ 5-6.

Plaintiff Self Advocacy Solutions N.D. (SAS) is an organization by and for people with disabilities, whose members are at particular risk of disenfranchisement because of the signature match law. Ex. 16 (Marx Decl.) ¶ 7; Ex. 13 (Mohammed Decl.) ¶¶ 41-42. SAS members depend on absentee voting to participate in elections, but many members have difficulty signing their name and their signatures lack visual consistency across time. Ex. 16 ¶ 9. Plaintiff League of Women

² For example, in 2018, four North Dakota elections were determined by fewer than 50 votes. *See* ND Voices, *Official 2018 General Election Results*, Legislative District Results (Dec. 11, 2019), <https://results.sos.nd.gov/resultsSW.aspx?text=Race&type=LG&map=DIST> (showing elections in Senate District 25 being decided by 21 votes and House District 43 by 35 votes and county commissioner races in Rolette and Grand Forks being decided by 31 and 49 votes respectively).

Voters of North Dakota (LWVND) also believes that its members, including elderly individuals and individuals with physical disabilities or medical conditions that make writing difficult, are at risk of being disenfranchised by allegedly mismatched signatures. Ex. 17 (Lynch Decl.) ¶ 6.

IV. The Impact of COVID-19 on North Dakota's Elections

Before COVID-19, absentee voting was a voting option that any North Dakotans could opt to use if they desired (and many did).³ Now, it is the only means by which most voters can participate. On March 26, 2020, in an effort to keep North Dakota voters safe during the pandemic, Governor Burgum issued an executive order authorizing counties to conduct their upcoming elections solely by mail, suspending the state's ordinary requirement that counties maintain at least one in-person polling location. Ex. 18 (Exec. Order 2020-13 ("EO")). He also ordered the Secretary of State to send every voter in the state's Central Voter File a mail ballot. *Id.* All 53 counties have followed the Governor's lead and authorized mail-only elections for the June 9, 2020 statewide elections. Ex. 19 (ND Health announcement); Ex. 24 (Grand Forks announcement).

The Governor's executive order will be in effect "for the duration of the declared emergency," but there is no indication when this emergency will be over. Ex. 18 (EO). Even as North Dakota transitions back to life post-emergency, it will do so incrementally. Ex. 20 (Article on incremental opening). And recent outbreaks in Grand Forks and elsewhere serve as a reminder that the pandemic is far from over. Ex. 21 (Article on Grand Forks outbreak). Social distancing precautions will continue to be important, especially for those who are most vulnerable to COVID-19. Ex. 22 (CDC guidance). Vote by mail, then, will remain a central feature of North Dakota elections—if not the only means of voting—in 2020 and potentially beyond.

³ Even prior to COVID-19, North Dakota law authorized counties to conduct elections by mail with very limited in-person polling locations. N.D.C.C. § 16.1-11.1-01.

LEGAL STANDARD

In determining whether to grant a preliminary injunction, the court considers four factors: “(1) the likelihood of success on the merits; (2) the presence or risk of irreparable harm; (3) the balancing of the harms of granting or denying an injunction; and (4) the public’s interest.” *CDI Energy Servs. v. W. River Pumps, Inc.*, 567 F.3d 398, 401-02 (8th Cir. 2009).

ARGUMENT

I. Plaintiffs are likely to succeed on the merits of their claims.

A. Plaintiffs are likely to succeed on their procedural due process claim.

Plaintiffs are likely to succeed on the merits of their procedural due process claim. The Due Process Clause guarantees that no state may “deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV, § 1. In evaluating a procedural due process claim, courts “engage in a two-part analysis . . . asking, first, whether the plaintiffs have a protected interest at stake, and if so, what process is due.” *Bliek v. Palmer*, 102 F.3d 1472, 1475 (8th Cir. 1997). To determine what process is due, courts balance three factors: (1) “the private interest that will be affected by the official action,” (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards,” and (3) “the Government’s interest, including the function involved and the fiscal and agency burdens that the additional or substitute procedural requirement would entail.” *Id.* at 1476-77 (quoting *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)).

North Dakota’s signature verification process plainly fails this test. North Dakota uses an inherently unreliable signature match procedure to verify absentee ballots that disenfranchises eligible voters without providing *any* notice or opportunity to cure ballot impairments.

Courts have uniformly struck down signature match laws—like North Dakota’s—that fail to provide voters these constitutionally necessary safeguards. *See Martin v. Kemp*, 341 F. Supp.

3d 1326 (N.D. Ga. 2018), *appeal dismissed sub nom. Martin v. Sec'y of State of Georgia*, No. 18-14503-GG, 2018 WL 7139247 (11th Cir. Dec. 11, 2018); *Saucedo v. Gardner*, 335 F. Supp. 3d 202, 206, 222 (D.N.H. 2018); *Fla. Democratic Party v. Detzner*, No. 4:16cv607-MW/CAS, 2016 WL 6090943 (N.D. Fla. Oct. 16, 2016); *Zessar v. Helander*, No. 05 C 1917, 2006 WL 642646 (N.D. Ill. Mar. 13, 2006); *see also La Follette v. Padilla*, No. CPF-17-515931, 2018 WL 3953766, at *1 (Cal. Super. Ct. Mar. 5, 2018); *League of United Latin Am. Citizens of Iowa v. Pate*, No. CVCV056403, (Iowa Dist. Ct. July 24, 2018), *aff'd in the relevant part by League of United Latin Am. Citizens of Iowa v. Pate*, No. 18-1276, 2018 WL 3946147 (Iowa Aug. 10, 2018).

In *Saucedo*, for example, the court invalidated New Hampshire's signature match law (functionally identical to the law at issue here) because it did not require officials to provide voters with any notice or opportunity to cure before rejecting mismatched-signature ballots. 335 F. Supp. 3d at 206, 222. The court found the "fundamentally flawed" signature match process created an unacceptable risk of erroneous deprivation of the right to vote. *Id.* at 206, 217. As is the case here, New Hampshire provided local officials no training in signature verification; the state's laws and guidance offered no "functional standards" for signature comparison; and the law provided no means of reviewing election officials' assessments, leaving the decisions "irremediable." *Id.* at 206, 217-18. Finally, the court concluded that it "would not entail significant . . . burdens" for the state to provide voters with notice, by phone or otherwise, and an opportunity to cure. *Id.* at 221.

This Court should do the same. North Dakotans have a protected interest at stake, nothing less than the fundamental right to vote. And the Due Process Clause mandates that if the State uses "fundamentally flawed" signature match determinations to reject voters' absentee ballots, then it must provide voters adequate notice and a meaningful opportunity to cure.

1. Plaintiffs have a constitutionally protected interest in the right to vote.

There is no question that Plaintiffs have a protected interest in their fundamental right to vote. *See Wesberry v. Sanders*, 376 U.S. 1, 17 (1964) (“No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.”); *see also Cook v. Randolph Cty.*, 573 F.3d 1143, 1152 (11th Cir. 2009) (noting that “[t]he Constitution guarantees procedural . . . due process when” the right to vote is at stake); *Barefoot v. City of Wilmington*, 306 F.3d 113, 124 n.5 (4th Cir. 2002). This protection extends to absentee voting, both as a statutorily created right, *see Wilkinson v. Austin*, 545 U.S. 209, 221 (2005), and as a constitutional right, *O’Brien v. Skinner*, 414 U.S. 524, 530 (1974). This is especially true where vote by mail is effectively the *only* means of voting, as will be the case in the upcoming June 9 elections. Ex. 19. The State cannot deny voters this essential and often *only* available means of exercising their right to vote. *See Bush v. Gore*, 531 U.S. 98, 104 (2000); *Martin*, 341 F. Supp. 3d at 1338; *Saucedo*, 335 F. Supp. 3d at 217.

2. The Due Process Clause requires North Dakota to provide notice and an opportunity to cure questioned absentee ballot signatures.

Under the Due Process Clause, North Dakota must provide voters whose signatures are questioned notice and an opportunity to cure. *At minimum*, due process requires adequate notice and the “opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950); *Coleman v. Watt*, 40 F.3d 255, 260 (8th Cir. 1994) (quoting *Mathews*, 424 U.S. at 333). North Dakota’s signature verification policy—which provides *no* notice and *no* opportunity to cure—plainly fails this test.

In this context, because no procedure could possibly cure an erroneous deprivation after the election has concluded, the *only* meaningful time a voter could be given notice or an opportunity to cure is before their ballot is ultimately rejected. *See Winegar v. Des Moines Indep.*

Cnty. Sch. Dist., 20 F.3d 895, 901 (8th Cir. 1994) (“An assessment of the adequacy of predeprivation procedures depends on the availability of meaningful postdeprivation procedures.”) (citing *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985)); *United States v. James Daniel Good Real Prop.*, 510 U.S. 43, 53 (1993) (noting “exceptions to the general rule requiring predeprivation notice and hearing” cannot be “tolerate[d]” except in “extraordinary situations”).

“Adequate notice,” then, requires the state take *affirmative steps* to contact voters whose ballots are impaired by signature issues to inform them of the impairment before the election ends. *See Saucedo*, 335 F. Supp. 3d at 218 (publishing lists of affected voters online post hoc provides insufficient notice); *see also Raetzel v. Parks/Bellemont Absentee Election Bd.*, 762 F. Supp. 1354 (D. Ariz. 1990). Similarly, a “meaningful opportunity to be heard” requires the state provide voters with a means of contesting or “curing” signature mismatches in time to have their ballots count. *See also Detzner*, 2016 WL 6090943, at *2.

Far from meeting this constitutional minimum, Defendants fail to provide *any* process whatsoever. Nothing in state election law requires officials notify voters of ballot impairments, and nothing provides voters an opportunity to fix the issue before votes are finally canvassed. Voters never even receive pre-election warning that their ballots may be rejected for mismatched signatures.⁴ *See supra* Factual Background I. North Dakota’s standardless signature match process fails the notice and opportunity cure prerequisites of due process.

3. North Dakota’s signature verification policy also fails the *Mathews* test.

Where a challenged policy provides *no* notice or opportunity to respond, a violation of Due Process is established and a court need not engage in the *Mathews* test, which is designed to

⁴ This is a significant departure from the Secretary’s “Voter Bill of Rights,” which prominently states that “North Dakota residents have the right to . . . an explanation if your . . . identity is in question.” N.D. Sec’y of State, *Voter Bill of Rights*, <https://vip.sos.nd.gov/pdfs/Portals/Voter%20Bill%20of%20Rights.pdf> (last visited May 8, 2020).

ferret out whether particular challenged procedures are sufficiently robust. But an analysis of the *Mathews* factors only underscores the constitutional violation here.

i. The private interest in the fundamental right to vote, and in voting by absentee ballot to effectuate that right, is paramount.

The first *Mathews* factor weighs heavily in Plaintiffs’ favor. The court first considers the “nature and weight of the private interest affected by the challenged official action.” *Coleman*, 40 F.3d at 260. Plaintiffs’ interest—and that of all North Dakotans—in having their validly cast ballots counted is of the utmost importance. *See supra* Part I.A.1. While absentee ballots have long served as an important means for North Dakotans to exercise their fundamental right to vote, now, because of COVID-19, mail ballots will play an essential role in North Dakota elections. As discussed *supra*, in at least the June 9 elections, all voters will *have* to cast absentee ballots. And for Ms. Romo and other North Dakotan voters with disabilities, as well as elderly voters and those with chronic health conditions who face heightened risks from COVID-19, absentee ballots will be necessary to participate safely in democracy, even beyond the June 9 election. *See supra* Factual Background IV. North Dakotans’ interest in exercising their fundamental right to vote therefore depends on the proper counting of absentee ballots. This factor thus weighs heavily in favor of adequate notice and meaningful opportunity to cure. *See Saucedo*, 335 F. Supp. 3d at 217.

ii. The risk of erroneous deprivation based on inherently unreliable signature match determinations is significant, and notice and cure procedures would greatly ameliorate this risk.

The next factor—“the risk of an erroneous deprivation” and “the probable value” of additional procedures—also weighs in favor of a notice and cure process. *Mathews*, 424 U.S. at 335.

North Dakota’s signature match laws create a significant risk of erroneous deprivation because signature comparison is an *inherently* error-prone means of verifying absentee ballots,

especially when undertaken by evaluators who lack any relevant expertise, guidance, training, or standards. As discussed above, an array of factors may cause a single person’s signature to vary from one signing to the next, including benign changes in the signer’s writing implement, writing surface, stance, and level of concentration. Ex. 13 (Mohammed Decl.) ¶ 31, 35 (identifying twenty of the most common reasons why an individual might appear to show signature variations.). And—for reasons *entirely* outside of signers’ control—certain groups, including Plaintiffs and their members, are especially prone to inconsistency in their signatures. *Id.* ¶ 24, 28, 37, 38 (noting people can be susceptible to signature variance because of age, health, or disability); Ex. 14 (Romo Decl.); Ex. 16 (Marx Decl.); Ex. 17 (Lynch Decl.); *Saucedo*, 335 F. Supp. 3d at 206.

Deciding whether signatures exhibit one of these benign “variations” of a single signer or a true “difference” between multiple signers is “one of the most difficult determinations in signature examinations,” even for a trained and certified Forensic Document Examiner (FDE). Ex. 13 (Mohammed Decl.) ¶¶ 24, 30, 32, 34 (citing a study finding lay persons to be *3 1/2 times* more likely than an FDE to claim that a perfectly authentic signature is inauthentic).

And yet, North Dakota leaves this work for untrained officials, who must make these determinations quickly, without proper equipment, and based only on two exemplars. Worse, the State provides no meaningful training or standards to aid them in this work beyond the unhelpful command to “[c]ompare the signatures . . . to ensure the signatures match.” Ex. 2 (2020 Election Officials’ Manual); N.D.C.C. §§ 16.1-05-02, 03. Far from adhering to any uniform guidance, some county canvassing boards make their “final determinations” based on the “situation and history” of the voter, which in practice leaves the fate of absentee voters’ ballots to the whims and personal knowledge of canvassing board officials. *Id.* § 16.1-07-12; Ex. 8 (Dickey County canvassing board

minutes). Meanwhile, in other counties the “final determination” appears to be little more than a rubber stamp. *See* Exs. 4-7 (McKenzie, McLean, Traill, and Kidder canvassing board minutes).

Hundreds of absentee ballots are rejected without voters’ knowledge under this inherently unreliable, standardless process. *See supra* Factual Background III. Thus, “the natural variations in a person’s handwriting—many of which are unintentional or uncontrollable, like mental or physical condition—when combined with the absence of functional standards, training, review, and oversight, create a tangible risk of erroneous deprivation.” *Saucedo*, 335 F. Supp. 3d at 219.

Meanwhile, the probable value of notice and cure procedures here is high. *See Martin*, 341 F. Supp. 3d at 1339. Pre-deprivation notice and opportunity to cure ensure election officials will not rely on solely their own unreliable signatures determinations, but instead can hear directly from the most authoritative sources on the question: voters themselves. *Saucedo*, 335 F. Supp. 3d at 219. Both Plaintiff Romo and Ms. Culver testified they would have taken any required steps to verify their signatures for election officials to ensure that their votes were counted. Ex. 14 (Romo Dec.) ¶ 7; Ex. 15 (Culver Dec.) ¶ 6. The value of these procedural safeguards is undoubtedly great and would “serve[] to protect the fundamental right to vote.” *Zessar*, 2006 WL 642646, at *9.

iii. Notice and cure procedures advance state interests and would require little administrative effort.

The final *Mathews* factor also weighs in favor of providing adequate notice and meaningful opportunity to cure before rejecting voters’ ballots. The State has a substantial interest in *both* counting valid ballots and excluding invalid ballots, but the current signature match system does not serve those twin interests; providing notice and an opportunity to cure would.

As the Eleventh Circuit explained in a recent case considering a signature matching requirement similar to the one at issue here, “protecting public confidence in elections is deeply important—indeed, critical—to democracy” and “public knowledge that legitimate votes were not

counted due to no fault of the voters—and with no reasonable notice to the voters that their votes would not be counted and no opportunity to correct that situation—would be harmful to the public’s perception of the election’s legitimacy.” *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1327 (11th Cir. 2019). Thus, North Dakota’s signature verification regime is, in fact, *antithetical* to its legitimate interest in “safeguarding voter confidence.” *Brakebill v. Jaeger*, 932 F.3d 671, 678 (8th Cir. 2019) (citing *Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 189 (2008)); *see also Saucedo*, 335 F. Supp. 3d at 220-21 (finding notice and opportunity to cure advances state’s interest in election integrity); *Detzner*, 2016 WL 6090943, at *7; *Martin*, 341 F. Supp. 3d at 1340.

And implementing a notice and cure procedure for absentee voters would not impose any significant fiscal or administrative burden on the state. North Dakota and local election officials already maintain records, including in the Central Voter File, on voters’ ballot applications, and elsewhere, that contain voters’ contact information. *See, e.g.*, N.D.C.C. § 16.1-02-12; Ex. 10 (Absentee ballot application). Also, county canvassing boards do not meet until six days after the election, which provides sufficient time for election officials to give voters notice and an opportunity to cure. N.D.C.C. § 16.1-15-17.

Further, providing notice and opportunity to cure would not be entirely out of the ordinary. *Id.* § 16.1-07-17 (explaining notice procedures for military and overseas voters); *id.* § 16.1-15-08 (providing opportunity to cure for voters who vote “set-aside ballots” at the polls because they were unable to verify their identity with a state-required ID). Thus, North Dakota election officials have shown they can provide some voters an opportunity to fix issues with their ballots before the meeting of the canvassing board. Given the availability of existing systems as models, the fiscal

and administrative burden is slight, especially when stacked up against the harm done by the erroneous disenfranchisement of hundreds of North Dakotans.

In sum, insofar as Defendants require election officials to make unreliable signature match determinations, the Due Process Clause demands that they provide voters notice of a potential signature match issue and an opportunity to resolve it to avoid erroneous deprivation of their right to vote. Plaintiffs are thus likely to succeed on the merits of their procedural due process claim.

B. Plaintiffs are likely to succeed on their claim that North Dakota’s signature match law unduly burdens the fundamental right to vote.

Plaintiffs are likely to succeed on their undue burden claim as well. When determining whether a challenged election law unconstitutionally burdens the right to vote, courts apply the *Anderson-Burdick* standard, weighing “‘the character and magnitude of the asserted injury . . .’ against ‘the precise interests put forward by the State as justifications for the burden . . .’ taking into consideration the extent to which those interests make it necessary to burden the plaintiff’s rights.” *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 788-89 (1983)). Under this standard, the rigorousness of a court’s review depends on the severity of the burden the challenged law imposes. When a law “imposes only ‘reasonable, nondiscriminatory restrictions’ . . . ‘the State’s important regulatory interests are generally sufficient to justify’ the restrictions,” but laws that impose severe burdens on voters’ First and Fourteenth Amendment rights are subject to strict scrutiny. *Id.*; see also *Initiative & Referendum Inst. v. Jaeger*, 241 F.3d 614, 616 (8th Cir. 2001).

1. North Dakota’s use of an error-prone signature match system severely burdens Plaintiffs’ right to vote.

North Dakota’s signature matching procedures severely burden Plaintiffs’ right to vote. Every election, North Dakota’s error-prone signature match law summarily discounts eligible voters’ validly cast ballots and completely deprives these voters of their right to vote. This system

bears “[t]he hallmark of a severe burden”—“exclusion or virtual exclusion from the ballot.” *Libertarian Party of Kentucky v. Grimes*, 835 F.3d 570, 574 (6th Cir. 2016).

Every voter is at risk of having their ballot arbitrarily rejected based on a benign signature issue under North Dakota’s unreliable system. *United States v. State of S.D.*, 636 F.2d 241, 243 (8th Cir. 1980) (holding the “right to vote may not be burdened by arbitrary restrictions”). Worse, there is nothing voters can do to safeguard their ballot from such erroneous rejections. The magnitude of this already severe burden multiplies with respect to Plaintiffs and other voters like them whose age and underlying health conditions make it impossible for them to produce a consistent signature. Ex. 14 (Romo Decl.); Ex. 16 (Marx Decl.); Ex. 17 (Lynch Decl.). These voters not only are disproportionately likely to have their ballots rejected for signature issues, they are also more likely to require absentee voting to access the franchise. Ex. 16 (Marx Decl.) ¶ 8 (noting that in-person voting can often be inaccessible to voters whose disabilities make appearing at a polling place, waiting in line, and voting on a voting machine difficult). Indeed, Plaintiff Romo did not just have her right to vote in the 2018 election severely *burdened*, but rather outright *denied*.

To determine the burden on voters, the Court may also consider the availability of alternative means of accessing the ballot. *See Republican Party of Arkansas v. Faulkner Cty., Ark.*, 49 F.3d 1289, 1294 (8th Cir. 1995) (“[A]n alternative means of [ballot] access must be provided absent a sufficiently strong state interest”). Elderly voters and voters with disabilities depend on absentee voting to access the franchise. Through the duration of the COVID-19 emergency, all North Dakota voters will as well.

Plaintiff Romo and the members of Plaintiffs SAS and LWVND are eligible voters who follow the rules. They overcome any obstacles posed by age, health conditions, or public health emergencies to cast valid, signed ballots and exercise their fundamental rights to vote. The State’s

continued use of an unreliable signature match procedure—one that provides voters with no notice or opportunity to cure—risks that their votes will not be counted. Such a system is unconstitutional.

2. North Dakota’s interest in maintaining its signature match procedures does not outweigh the severe burden it places on Plaintiffs’ right to vote.

North Dakota’s flawed signature verification process does not serve any plausible state interest in election integrity, nor does it justify the burden placed on Plaintiffs and their members. Rather, by arbitrarily rejecting eligible voters’ validly cast ballots, it threatens to undermine the legitimacy of elections and public confidence in North Dakota’s democratic process. *See Lee*, 915 F.3d at 1327. As discussed previously, providing voters with notice and an opportunity to cure not only furthers the State’s interests in promoting public confidence and protecting the integrity of its elections, these procedural safeguards could be implemented at no significant cost to the State. *See supra* Part I.A.3.iii. To the extent the State has any legitimate interest in maintaining its error-prone signature verification process without any due process procedures, that interest is outweighed by the significant burden Plaintiffs face of being silently, arbitrarily, and without recourse deprived of their basic, fundamental right to vote.

II. Absent a preliminary injunction, Plaintiffs are at imminent risk of irreparable harm.

North Dakota’s signature matching process has caused and will continue to cause irreparable harm absent a preliminary injunction. These claims concern nothing less than the fundamental right to vote. Once the election has passed, the right to vote is lost permanently and the harm cannot be fully redressed. *Fish v. Kobach*, 840 F.3d 710, 752 (10th Cir. 2016); *see also Elrod v. Burns*, 427 U.S. 347, 373-74 (1976) (“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”).

If this Court does not grant preliminary injunctive relief, Plaintiffs will suffer imminent, irreparable harm. Plaintiff and Plaintiff members intend to vote in North Dakota’s June 9, 2020

statewide and local elections. Because of COVID-19, these voters have no choice but to cast their ballots by mail, meaning their ballots *will* be subjected to North Dakota’s unreliable signature verification process. There is no doubt, too, that validly cast ballots *will be rejected* by this system. Plaintiff Romo has already been erroneously deprived of her right to vote by this flawed process once, in 2018. She should not be forced to take the same risk yet again.

Plaintiff Romo and members of Plaintiffs SAS and L WVND are at particular risk of being further disenfranchised by North Dakota’s error-prone signature match procedure. Because Plaintiff Romo suffers from a chronic health condition that impairs her handwriting, she is in no better position to produce a “matching” signature today than she was in 2018. Plaintiffs SAS and L WVND similarly have members whose age and underlying health conditions make producing a consistent signature impossible. If the State erroneously finds these voters’ signatures do not “correspond” under current law they face certain disenfranchisement unless this Court intervenes.

In sum, the fact that Plaintiffs face immanent, irreparable harm weighs in favor of granting preliminary injunctive relief. *Kirkeby v. Furness*, 52 F.3d 772, 775 (8th Cir. 1995).

III. The balance of harms and public interest weigh heavily in Plaintiffs’ favor.

The balance of harms and public interest weigh in favor of granting a preliminary injunction. While the usual inquiry on a motion for preliminary injunction “calls for assessing the harm to the opposing party and weighing the public interest,” “[t]hese factors merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).

Issuing relief will ensure that when eligible North Dakota voters cast valid ballots on June 9 and beyond, either their ballots will be counted as cast or the State will notify them of a ballot impairment and give them an opportunity to fix the issue so their votes can count. This relief supports the public interest in protecting the fundamental right to vote. And, as this Circuit has affirmed, “it is always in the public interest to protect constitutional rights.” *Phelps-Roper v.*

Nixon, 509 F.3d 480, 485 (8th Cir. 2007), *modified on reh’g*, 545 F.3d 685 (8th Cir. 2008); *see also Iowa Right to Life Comm., Inc. v. Williams*, 187 F.3d 963, 970 (8th Cir. 1999) (“[T]he public interest favors protecting core First Amendment freedoms.”). Indeed, Defendant Jaeger has stated publicly that voters have a right to be informed if their identity is questioned. *See supra* n.4. The public interest is served by Defendants following their own “Voter Bill of Rights.”

Defendants will suffer no harm if relief is granted here. As discussed above, the State has an affirmative interest in protecting voters’ confidence in the integrity of elections. *Eu v. San Francisco Cty. Democratic Cent. Comm.*, 489 U.S. 214, 231 (1989). Further, any administrative harms incurred by Defendants pale in comparison to the injury suffered by Plaintiffs. Defendants have the information they need to provide voters with notice when there is a signature issue impairing a voter’s ballot. Implementing a system for notice and opportunity to cure would require few additional resources from the State, a cost well worth the value of protecting the integrity of North Dakota’s elections and safeguarding Plaintiffs’ most precious fundamental right.

CONCLUSION

For these reasons, Plaintiffs’ Motion for a Preliminary Injunction should be granted.

Dated: May 11, 2020

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

SELF ADVOCACY SOLUTIONS N.D.,
LEAGUE OF WOMEN VOTERS OF
NORTH DAKOTA, MARIA FALLON
ROMO,

Plaintiffs,

v.

ALVIN JAEGER, in his official capacity as
Secretary of State, DEBBIE NELSON, in her
official capacity as County Auditor of Grand
Forks County,

Defendants.

Case No. 3:20-cv-00071

DECLARATION OF MARK P. GABER

I, Mark P. Gaber, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am Director of Trial Litigation at the Campaign Legal Center (“CLC”) and counsel for plaintiffs in this case. I am over 18 years of age, and the testimony set forth in this Declaration is based on first-hand knowledge, about which I could and would testify competently in open court if called upon to do so. This Declaration is submitted in support of Plaintiffs’ Motion for a Preliminary Injunction.

2. On February 7, 2019, CLC submitted public records requests to, *inter alia*, North Dakota’s county auditors seeking documents related to the November 2018 election, including documents related to rejected absentee ballots.

3. Attached as Exhibits 3, 4, 5, 6, 7, 8, 11, 23, and 25 to Plaintiffs’ Motion for a Preliminary Injunction are documents I received from various North Dakota auditors in response to CLC’s public records request. Exhibit 25 was produced by the Grand Forks County Auditor.

4. Attached as Exhibit 9 is an e-mail exchange I had with Barnes County Auditor Beth Didier.

Executed on May 11, 2019 at Washington, District of Columbia.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Mark P. Gaber

Mark P. Gaber

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

SELF ADVOCACY SOLUTIONS N.D.,
LEAGUE OF WOMEN VOTERS OF
NORTH DAKOTA, MARIA FALLON
ROMO,

Plaintiffs,

v.

ALVIN JAEGER, in his official capacity as
Secretary of State, DEBBIE NELSON, in her
official capacity as County Auditor of Grand
Forks County,

Defendants.

Case No. 3:20-cv-00071

DECLARATION OF ASEEM B. MULJI

I, Aseem Mulji, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a Legal Fellow at the Campaign Legal Center (CLC), counsel to Plaintiffs in this action. I have been employed at CLC since September 2019. I am over 18 years of age, and the testimony set forth in this Declaration is based on first-hand knowledge, about which I could and would testify competently in open court if called upon to do so. This Declaration is submitted in support of Plaintiffs' Motion for a Preliminary Injunction

2. As part of the Election Administration and Voting Survey (EAVS), the Election Assistance Commission (EAC) collects and publishes data on North Dakota elections, including statewide and county-by-county estimates of vote totals, mail ballots returned, and mail ballots rejected for various reasons, including signature match issues, among other data. My colleague, Dana Paikowsky, who is employed as a Legal Fellow at CLC, retrieved the publicly accessible EAVS data for North Dakota's 2018 election from <https://www.eac.gov/research-and->

[data/datasets-codebooks-and-surveys](#), and compiled this data in Table 1 attached as Exhibit 1 to Plaintiffs' Motion for Preliminary Injunction.

3. North Dakota Secretary of State Alvin Jaeger ("Defendant Jaeger") published a 2020 Election Officials' Manual (Manual) providing instructions to election officials in conducting elections in North Dakota after July 31, 2019. On May 11, 2020, I retrieved the Manual from <https://vip.sos.nd.gov/pdfs/Portals/2020%20Election%20Officials%20Manual.pdf>. A true and correct copy of the 2020 Election Officials' Manual is attached as Exhibit 2 to Plaintiffs' Motion for Preliminary Injunction.

4. On May 11, 2020, I retrieved the North Dakota Absentee/Mail Ballot Application from <https://www.nd.gov/eforms/Doc/sfn51468.pdf>, of which a true and correct copy is attached as Exhibit 10 to Plaintiffs' Motion for Preliminary Injunction.

5. On May 11, 2020, I retrieved Defendant Jaeger's instructions to North Dakota residents choosing to vote absentee or by mail from <https://vip.sos.nd.gov/pdfs/Portals/Voting-MailBallotAbsentee.pdf>, of which a true and correct copy is attached as Exhibit 12 to Plaintiffs' Motion for Preliminary Injunction.

6. On March 26, 2020, North Dakota Governor Doug Burgum issued Executive Order 2020-13 (the "EO") authorizing all counties to conduct upcoming elections solely by mail suspending the ordinary requirement that counties conducting mail ballot elections provide at least one in-person polling location. On May 11, 2020, I retrieved the EO from <https://www.governor.nd.gov/sites/www/files/documents/executive-orders/Executive%20Order%202020-13%20Elections.pdf>. A true and correct copy of the EO is attached as Exhibit 18 to Plaintiffs' Motion for Preliminary Injunction.

7. On April 23, 2020, the North Dakota Department of Health released a notice that County Commissions in all 53 of North Dakota's counties had authorized mail-ballot elections pursuant to the EO. On May 11, 2020, I retrieved that notice from <https://www.health.nd.gov/news/north-dakotans-receive-ballots-mail-june-election>. A true and correct copy of that notice is attached as Exhibit 19 to Plaintiffs' Motion for Preliminary Injunction.

8. Grand Forks County Auditor announced that the county will hold a mail-ballot election on June 9, 2020 pursuant to the EO. I retrieved the announcement from <http://gfcounty.nd.gov/sites/default/files/pdf/June%209%202020%20Primary%20Election.pdf>. A true and correct copy of the announcement is attached as Exhibit 24 to Plaintiffs' Motion for Preliminary Injunction.

9. On April 30, 2020, the Bismarck Tribune published an article describing Governor Doug Burgum's actions to incrementally open North Dakota businesses after weeks of closure due to COVID-19, maintaining strict protocols for operation. On May 11, 2020, I retrieved this article from <https://www.health.nd.gov/news/north-dakotans-receive-ballots-mail-june-election>. A true and correct copy of the article is attached as Exhibit 20 to Plaintiffs' Motion for Preliminary Injunction.

10. In a May 3, 2020 article, the Twin Cities Pioneer Press reported a widespread outbreak in a wind turbine plant in Grand Forks, North Dakota. I retrieved this article from <https://www.twincities.com/2020/05/03/grand-forks-outbreak-has-other-north-dakota-plants-on-alert/>. A true and correct copy of the article is attached as Exhibit 21 to Plaintiffs' Motion for Preliminary Injunction.

11. The Center for Disease Control (CDC) publishes guidance for the public regarding COVID-19 on its website at [cdc.gov/coronavirus](https://www.cdc.gov/coronavirus), including a fact sheet for people who are at higher risk for severe illness, which I retrieved on May 11, 2020 from <https://www.cdc.gov/coronavirus/2019-ncov/downloads/COVID19-What-You-Can-Do-High-Risk.pdf>. A true and correct copy of this fact sheet is attached as Exhibit 22 to Plaintiffs' Motion for Preliminary Injunction.

Executed on May 11, 2019 at Washington, District of Columbia.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Aseem B. Mulji
Aseem B. Mulji

EXHIBIT 1

TABLE 1¹

2018 Election Administration and Voting Survey (EAVS) Data								
County	Vote Total Across State	By-mail Ballots Returned	By-mail Ballots Rejected	By-mail Rejected: Signature Mismatch	Percent Voted By-mail Ballots	Rate of Rejection: By-mail Ballots	Rate of Rejection: Signature Mismatch	Percent of Rejections for Signature Mismatch
ADAMS	1185	646	5	3	54.5%	0.8%	0.5%	60.0%
BARNES	5117	3053	23	12	59.7%	0.8%	0.4%	52.2%
BENSON	2294	1182	2	0	51.5%	0.2%	0.0%	0.0%
BILLINGS	569	300	0	0	52.7%	0.0%	0.0%	0.0%
BOTTINEAU	3316	1811	0	0	54.6%	0.0%	0.0%	0.0%
BOWMAN	1677	295	0	0	17.6%	0.0%	0.0%	0.0%
BURKE	985	662	0	0	67.2%	0.0%	0.0%	0.0%
BURLEIGH	46824	9953	82	51	21.3%	0.8%	0.5%	62.2%
CASS	78196	9858	20	18	12.6%	0.2%	0.2%	90.0%
CAVALIER	2005	1244	0	0	62.0%	0.0%	0.0%	0.0%
DICKEY	2197	520	7	3	23.7%	1.3%	0.6%	42.9%
DIVIDE	1223	334	0	0	27.3%	0.0%	0.0%	0.0%
DUNN	2057	1383	0	0	67.2%	0.0%	0.0%	0.0%
EDDY	1261	723	0	0	57.3%	0.0%	0.0%	0.0%
EMMONS	1859	766	0	0	41.2%	0.0%	0.0%	0.0%
FOSTER	1684	721	0	0	42.8%	0.0%	0.0%	0.0%
GOLDEN VALLEY	899	258	0	0	28.7%	0.0%	0.0%	0.0%
GRAND FORKS	28231	5236	23	21	18.5%	0.4%	0.4%	91.3%
GRANT	1293	937	4	1	72.5%	0.4%	0.1%	25.0%
GRIGGS	1281	713	0	0	55.7%	0.0%	0.0%	0.0%
HETTINGER	1287	605	4	3	47.0%	0.7%	0.5%	75.0%
KIDDER	1305	805	8	7	61.7%	1.0%	0.9%	87.5%
LAMOURE	2082	1187	6	1	57.0%	0.5%	0.1%	16.7%
LOGAN	1012	653	0	0	64.5%	0.0%	0.0%	0.0%
MCHENRY	2603	2171	16	10	83.4%	0.7%	0.5%	62.5%
MCINTOSH	1505	916	3	3	60.9%	0.3%	0.3%	100.0%

¹ The following table compiles data on North Dakota's elections collected by the Election Assistance Commission for the 2018 Election Administration and Voting Survey (EAVS). This data is publicly available and accessible here: <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys>

2018 Election Administration and Voting Survey (EAVS) Data - continued								
County	Vote Total Across State	By-mail Ballots Returned	By-mail Ballots Rejected	By-mail Rejected: Signature Mismatch	Percent Voted By- mail Ballots	Rate of Rejection: By-mail Ballots	Rate of Rejection: Signature Mismatch	Percent of Rejections for Signature Mismatch
MCKENZIE	4246	1670	27	10	39.3%	1.6%	0.6%	37.0%
MCLEAN	5106	3016	24	19	59.1%	0.8%	0.6%	79.2%
MERCER	3096	2894	4	0	93.5%	0.1%	0.0%	0.0%
MORTON	15105	2973	57	34	19.7%	1.9%	1.1%	59.6%
MOUNTRAIL	3852	669	0	0	17.4%	0.0%	0.0%	0.0%
NELSON	1666	1261	25	22	75.7%	2.0%	1.7%	88.0%
OLIVER	985	318	0	0	32.3%	0.0%	0.0%	0.0%
PEMBINA	2988	2184	20	16	73.1%	0.9%	0.7%	80.0%
PIERCE	1934	1272	2	2	65.8%	0.2%	0.2%	100.0%
RAMSEY	5135	2824	0	0	55.0%	0.0%	0.0%	0.0%
RANSOM	2346	1284	0	0	54.7%	0.0%	0.0%	0.0%
RENVILLE	1221	798	0	0	65.4%	0.0%	0.0%	0.0%
RICHLAND	7380	1591	0	0	21.6%	0.0%	0.0%	0.0%
ROLETTE	5114	620	6	0	12.1%	1.0%	0.0%	0.0%
SARGENT	2031	1359	10	10	66.9%	0.7%	0.7%	100.0%
SHERIDAN	816	495	0	0	60.7%	0.0%	0.0%	0.0%
SIOUX	1456	378	0	0	26.0%	0.0%	0.0%	0.0%
SLOPE	386	98	0	0	25.4%	0.0%	0.0%	0.0%
STARK	12350	3165	41	20	25.6%	1.3%	0.6%	48.8%
STEELE	972	628	2	1	64.6%	0.3%	0.2%	50.0%
STUTSMAN	9820	1347	9	4	13.7%	0.7%	0.3%	44.4%
TOWNER	1142	513	0	0	44.9%	0.0%	0.0%	0.0%
TRAILL	3782	2032	15	11	53.7%	0.7%	0.5%	73.3%
WALSH	4610	3392	0	0	73.6%	0.0%	0.0%	0.0%
WARD	24408	6026	77	24	24.7%	1.3%	0.4%	31.2%
WELLS	2523	1637	0	0	64.9%	0.0%	0.0%	0.0%
WILLIAMS	11533	4749	32	28	41.2%	0.7%	0.6%	87.5%
STATE TOTALS	329950	96125	554	334	29.1%	0.6%	0.3%	60.3%

EXHIBIT 2

2020


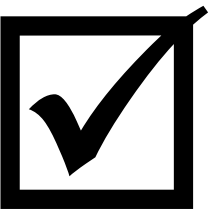
**ELECTION OFFICIALS’
MANUAL**

Revised April 2020

North Dakota



**✓otes
2020**

	<p>SECRETARY OF STATE</p> <p>Alvin A Jaeger State of North Dakota 600 E Boulevard Ave Dept 108 Bismarck ND 58505-0500</p> <p>ELECTIONS UNIT (701) 328-4146 soselect@nd.gov Vote.ND.Gov</p>	
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Alternate formats for persons with disabilities are available upon request.

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FOREWORD

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 2020 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 after July 31, 2019.

CONTACT

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This website contains election publications, connections to other helpful election websites, and state election forms, which can be completed online 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 chairperson 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 pollbook, verify voters' identification, update incorrect pollbook 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 chairperson to appoint an additional election judge. ([NDCC § 16.1-05-01](#))

Part-Time Inspectors, Judges, and Clerks: The county auditor may appoint part-time inspectors, judges, and clerks to allow for sufficient coverage at each polling place to satisfy the requirements of those positions. At least one inspector and two judges from the election board must be present on the premises of the polling place during the time the polls are open to prevent the occurrence of fraud, deceit, or other irregularity in the conduct of the election. ([NDCC § 16.1-05-01](#) and [16.1-05-04](#))

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 the student meets 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 county auditor stating the hours during which the student will serve as a poll clerk. A student excused from school attendance in this manner 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 for that election as provided in [NDCC § 16.1-05-05](#). ([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 election boards who attend the training sessions provided before primary and general elections must be paid at least 25% more than the state minimum wage during the time spent in the performance of their election duties. Members of the election board and poll clerks who attend a training session within the six months prior to a special election must be paid at least 25% more than the state minimum wage during the time spent in the performance of their election duties in addition to necessary mileage and expenses. ([NDCC §§ 16.1-05-03](#) and [16.1-05-05](#))

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 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 or clerk. ([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 pollbook. ([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 Pollbooks to Clerks: The election inspector shall deliver the pollbooks 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](#))

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 or 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 [NDCC § 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](#))

Post Precinct Maps: Four copies of a map showing the election precinct boundaries must be posted prior to the opening of the polls; one at the entry to the polling place and the remaining three in other conspicuous places around the polling place. ([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](#))

Post Diagram of Electronic Voting System and Ballots: 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 - Voter ID

Poll Clerks to Maintain the Pollbooks: A complete residential address for voting purposes may include a street, rural route 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.

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;
- ☐ Is able to meet the identification requirements specified in sections [16.1-01-04.1](#) and [16.1-07-06](#); 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 § 16.1-01-04.2](#). (See following subsection 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 § 16.1-01-04.2](#)

- ☐ Every qualified elector may have only one residence, shown by an actual fixed permanent dwelling, establishment, or any other abode to which the individual returns when not called elsewhere for labor or other special or temporary purposes.
- ☐ The street address verified by the individual as provided in section [16.1-01-04.1](#) when requesting a ballot to vote must be the address of residence for the individual.
- ☐ An individual retains a residence in this state until another has been gained.
- ☐ The acts of residing at a new address for thirty days and updating the ID to be used for voting with that address constitute a change in the individual's voting residence.

Voter Identification and Pollbooks ([NDCC § 16.1-01-04.1](#))

Voters Obtaining Ballots (Quick Definition) Individuals may receive, vote, and cast an election ballot by showing an approved form of identification with name, residential address, and date of birth to the poll clerks.

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 the individual's name, residential address (a PO Box number is not acceptable), and date of birth.

- b. **Acceptable forms of identification at the polls include a valid North Dakota:**
- ☐ Current driver's license or non-driver's identification card.
 - ☐ Tribal government issued form of identification. *
 - ☐ Long-term care certificate (provided by ND facility).
- c. **Supplemental documentation:** If an individual's valid form of identification does not include all the information required 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, local, or tribal government (including those issued by BIA for a tribe located in North Dakota, any other tribal agency or entity, or any other document that sets forth the tribal member's name, date of birth, and current North Dakota residential address);
 4. A paycheck; or
 5. A document issued by a federal, state, local, or tribal government (including those issued by BIA for a tribe located in North Dakota, any other tribal agency or entity, or any other document that sets forth the tribal member's name, date of birth, and current North Dakota residential address).
- d. **Voters without valid ID:** If the person's identification does not verify his or her qualifications, or the individual is not able to show a valid form of identification, but he or she asserts qualifications as an elector in the precinct, the individual may mark a ballot that must be securely set aside in a sealed envelope. (See Page 10)
- e. **Intent of ID Requirement:** The purpose for this requirement is not to deter people from voting, but to ensure that the voter is:
1. Old enough to vote,
 2. A U.S. citizen, **and**
 3. A resident of the precinct in which he or she desires to vote.

Qualified electors have the right to know that the votes are being cast by only those voters qualified to do so.

- f. **Directing Individuals to Correct Precincts:** The county auditor shall provide each election board with 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 an individual to his or her correct polling place if the individual's current identification proves that he or she is in the wrong polling place.

*Tribal ID may be an official form of identification issued by a tribal government; the Bureau of Indian Affairs; any other tribal agency or entity, or any other document, letter, writing, enrollment card, or other form of tribal identification issued by a tribal authority

Section 4 – Election Worker Responsibilities After Polls Open

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 shall ask for the individual's name and identification. (See pages 7-8 for acceptable forms of identification.)
3. If an individual's valid form of identification does not include the North Dakota residential address or date of birth, or the North Dakota residential address is not current, the individual may supplement the identification with a current utility bill; a current bank statement; a check or a document issued by a federal, state, local, or tribal government (including those issued by BIA for a tribe located in North Dakota, any other tribal agency or entity, or any other document that sets forth the tribal member's name, date of birth, and current North Dakota residential address); or a paycheck. After the poll clerk verifies the individual's qualifications and the pollbooks are checked or updated, an election judge shall give the voter an initialed ballot within a secrecy sleeve. (Make sure to update all incorrect information contained in the pollbook.)
 - a. If the name does not agree with the preprinted pollbook due to a name change, the poll clerk shall correct the pollbook if the individual is still a resident of the precinct.
 - b. If the individual has inadvertently come to the wrong precinct, the poll clerk is to direct the individual to the correct precinct using the precinct finder or map provided by the county auditor for just such purpose.
4. If the identification provided does not verify his or her qualifications, or the individual is not able to show a valid form of identification, but he or she asserts qualifications as an elector in the precinct, the individual may mark a ballot that must be securely set aside in a sealed envelope. (See page 10)
5. Ballot in hand, the voter is to move to an open poll booth and mark his or her votes in secret.
 - a. The poll worker should make the voter aware of the ExpressVote ballot-marking device since every voter is welcome to use it.
 - b. It is important to allow any voter to use the ExpressVote 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, a voter shall insert his or her 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 the voter that the portion of his or her ballot marked with a conflict 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. Throughout Election Day, there must be at least one election inspector and two election judges from the election board in the polling place to prevent fraud and to maintain order; however, split shifts for election board members and poll clerks are allowed.

Set Aside Ballot Process

If an individual's identification does not verify his or her qualifications, or an individual is not able to show a valid form of identification but asserts qualifications as an elector in the precinct, he or she may mark a ballot that must be securely set aside in a sealed envelope.

1. **Clerk's Station:** The clerk shall:
 - a. Confirm that the address provided by the individual is located in a precinct assigned to the polling place.
 - b. Give the individual the set aside outer and secrecy envelopes and instruct him or her to complete the applicable portions of the outer envelope. The individual may be asked to step aside until finished.
 - c. Review the outer envelope for completeness and accuracy.
 - d. Complete the "Issuing Election Official Use Only" portion of the envelope, but do not enter the individual into the pollbook.
 - e. Return the envelopes to the individual and send them to the judge's station.
2. **Judge's Station:** The judges shall:
 - a. Issue the individual an appropriate ballot without initialing the ballot.
 - b. Issue the individual a notice containing information on how, when, and where the individual may verify his or her identification.
 - c. Inform the individual that after marking the ballot he or she is to:
 - i. Place the ballot into the secrecy envelope,
 - ii. Return to the judge's station where the judges verify that the ballot is in the secrecy envelope
 - iii. Seal the secrecy envelope in the outer envelope,
 - iv. Return the sealed envelope to the judges, and
 - v. Be reminded that the ballot will be counted by the canvassing board upon timely verification of the individual's identification, per the information on the notice.
 - d. Securely store the envelopes containing set aside ballots in a manner that is accessible in case the voter returns to the polling place with identification verification.
3. **Voter Returns While Polling Place is Still Open:** If an individual who has marked a set aside ballot returns to the polling place with valid identification, a clerk or the inspector will usher the individual to the judge's station and notify the judges that the individual has returned to verify their identification. The judges retrieve the set aside ballot and ensure that the information on the identification matches that which the individual provided on the outer envelope. If it does, the judge completes the "Verifying Election Official" portion of the outer envelope and instructs the voter to sign the "Voter Signature Upon Verification" portion. The voter is informed that the ballot will be counted by the canvassing board, and the judge returns the ballot to the secure storage.

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, the individual's identification number, and the complete residential address of each person voting at the precinct. A complete residential address for voting purposes includes a street 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 pollbook, which must be a part of the records and filed with other election returns. ([NDCC § 16.1-11-32](#), [NDCC § 16.1-05-04](#) and [NDCC § 16.1-02-13](#))

Pollbook Correction: If the voter's residential or mailing address within the precinct has changed, the poll clerk shall record the appropriate changes, if the voter's name is found in the voter database.

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 [NDCC § 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 the voter's party ballot to be rejected. ([NDCC § 16.1-11-22](#))

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 in marking the voter's ballot, except for the voter's employer, officer or agent of the voter's union, a candidate running in that election, or relative of the candidate. ([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 his or her 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 Cast 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, a poll worker, standing at a discrete distance from the voter, shall ask the voter if he or she desires help in either having the ballot returned to the voter to mark his or her 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 the voter has marked it even though it is incorrect. If the voter chooses to cast the incorrectly marked ballot, the judge must first inform

the voter 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](#))

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](#))

Processing Absentee Ballots

Opening the Absentee Ballots: At any time beginning on the day before Election Day and the closing of polls on Election Day, the election clerks and board members of the relevant polling place shall do the following:

1. Compare the signature on the application for the absentee ballot with the signature on the back of the absentee ballot envelope (the voter's affidavit) to ensure the signatures match.
2. If the applicant is a qualified elector of the precinct and has not voted in the election, the election worker shall open the absent voter's envelope in such a manner as not to destroy the affidavit printed on the envelope. The election worker shall take out the secrecy envelope with the ballot(s) without unfolding or permitting the ballots to be opened or examined and indicate in the pollbook that the elector has voted.
3. Election workers not participating in the comparing of signatures and entering voters into the pollbook shall remove the ballot(s) from the secrecy envelope, unfold and initial the same, and deposit for tabulation.

If the affidavit on the outer envelope of a returned absentee ballot is found to be insufficient, the signatures on the application and affidavit do not match, or the applicant is not a qualified elector of the precinct, the vote may not be allowed. 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 death of an absentee voter after having voted by absentee ballot does not constitute grounds for rejecting such ballot.

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 Too Late to be Counted: 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](#))

Section 5 – 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 pollpad 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 moved 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 [NDCC § 16.1-15-02](#), 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 [NDCC Chapter 16.1-15](#) must proceed immediately upon arrival at the alternate location.

Manner of Canvassing Write-in Votes: ([NDCC § 16.1-15-01.1](#))

- ❑ After the polls have closed, the ballot tabulator (DS200) used in every polling location will generate a printout containing images of the contests for which the oval next to the write-in line is darkened.
- ❑ The DS200 will also capture a PDF image of each ballot cast. These images will be saved onto the encrypted USB election media flash drive along with the votes cast in each contest. This flash drive must be delivered to the county auditor who will upload the contents saved on it into the election results aggregating software resident on the hardened and non-networked computer only used for that purpose. All write-in votes will be given to each legitimate write-in candidate via the adjudication process within the software by a staff member of the county auditor for all contests meeting the criteria established in NDCC § 16.1-15-01.1.
- ❑ The county canvassing board will complete the review and approve canvass of the votes for the write-in candidates in those races for which the write-in votes constitute more than ten 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.
- ❑ 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 if these votes were not canvassed by the polling place election board on election night. (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 which 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](#))

Canvass Report Prepared: The election board shall generate at least one canvass report from the electronic voting system. The ballots may not be sealed, nor may the canvass report be signed, by the election board or poll clerk until the counts in the poll clerks' book and in the canvass report show the same totals for ballots cast. Section 5 of this manual describes the procedures for closing of special precincts known as early voting, absentee, and vote by mail. ([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, the votes were canvassed as provided in NDCC Chapter 16.1-15 and 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.
- ❑ Set aside ballots must be secured in a separate wrapper and must be marked "set aside."
- ❑ Void ballots must be secured in a separate wrapper and must be marked "void." Void ballots are sample 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, set aside, 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 Pollbooks 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 the signed canvass report provided for in [NDCC § 16.1-15-04](#) to the county auditor. The report, carefully sealed under cover, accompanied by the pollbook provided for in [NDCC §§ 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 6 – Special Precincts (Early Voting, Absentee, Vote By Mail)

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 sixty-fourth 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 paragraph #1 above, 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 [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 [NDCC §§ 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 pollbook and access to any electronically maintained pollbook.
 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 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.

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 paragraph #1 above, 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 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 board shall comply with the requirements of the applicable sections of [NDCC Chapter 16.1-15](#). See Processing Absentee Ballots on page 12 of this manual.
 - ❑ If the work of the election board is completed prior to the close of the polls on election day in an absentee ballot, early voting, or a mail ballot precinct, the election board shall create and sign a statement consisting of a reconciliation of the number of voters recorded in the pollbook and the number of ballots processed through the tabulators. The voting system shall then be secured in a manner prescribed by the county auditor that will protect the system and ballots from tampering. Prior to generating the canvass reports from one of these 3 types of precincts, an election judge representing each political party, or 2 election judges in the case of an election that does not include a political party contest, shall verify that the system and ballots remain secure and the statement created by the election board is still accurate. [NDCC § 16.1-15-04](#)

Section 7 – Frequently Asked Questions and Answers

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

Answer: If the individual asserts qualifications as an elector in the precinct, they may be issued a set aside ballot. The set aside ballot will be tabulated by the canvassing board after the individual returns to the appropriate election official in a timely manner (see page 10).

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

Answer: If the ExpressVote 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 the voter's choices for the contests, and depositing the voter's ballot into the ballot scanner if the voter is unable to perform this function on his or her own or if the voter would rather not complete this part of the voting process. A voter may also choose to have a friend or relative assist the voter in reading, marking, and/or casting his or her ballot so long as this person is not 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: Inform the voter that he or she is free to write the name of anyone the voter so desires as a write-in candidate, but that some contests may require specific forms to be filed by the candidate in order for write-in votes be counted on the candidate's 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 am 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 a person is disrupting the polling location?

Answer: If the person is causing a serious disruption (your judgment is needed here) and the person 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 if we notice some posters hanging in the polling place on Election Day for a candidate?

Answer: Remove any candidate posters in the polling place prior to the opening of the polls.

7. What time will the auditor bring lunch?

Answer: The county auditor will set the policy for lunch.

8. 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 his or her absentee ballot and allow the voter to vote a new ballot at the precinct. You must remember to make a note of this for the county auditor's records.

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

Answer: Restroom breaks are allowed.

Section 8 – Prohibitions, Crimes, and Election Offenses

Service of Civil Process on Election Day: During 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 and open for voting. ([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 an election official or an election observer, in any primary, special, or general election. No person may injure, intimidate, or interfere with another person to prevent that person 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 an election official or an election observer, 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 or 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 by the two bullet points above; **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 his or her vote.
- ❑ Obstruct a qualified voter on the way to a polling place.
- ❑ 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.
- ❑ 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 or 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 individual may buy, sell, give, or provide any political badge, button, or any insignia within a polling place or within 100 feet from the entrance to the room containing the polling place while it is open for voting. No such political badge, button, or insignia may be worn within that same area while a polling place is open for voting. ([NDCC § 16.1-10-03](#))

No Electioneering Within Boundary of an Open Polling Place: No person may in any manner try to induce or persuade any voter from voting for or against any candidate, candidates, or ticket of any political party or organization, or any measure within a polling place or within one hundred feet from the entrance to the room containing a polling place while it is open for voting. Bumper stickers or other moveable signs containing a political message that are not readily removable from vehicles are allowed within the restricted area only for as long as it takes the operator of the vehicle to complete the act of voting ([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. ([NDCC § 16.1-10-06.1](#))

No Sale or Distribution at Polling Place: Solicitation is not allowed in a polling place or within one hundred feet of any entrance leading into a polling place while it is open for voting. ([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 9 – Voters With Disabilities

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

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 his or her first name unless you know the voter personally and know he or she prefers this address.
2. Do not underestimate people with disabilities. A disability DOES NOT equal lessened intellectual 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 voter with a disability may be accompanied by, and receive assistance from, another person of his or her 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. Do not insist – take “no” for an answer if that is the voter’s wish.
7. Do not 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.

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 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.

Voters with Speech or Hearing Impairments

1. A voter who cannot speak can give his or her name and address simply by providing identification to the pollbook officer. The officer will read the name and address aloud, and the voter can provide physical confirmation (such as nodding his or 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.

Voters with Visual Impairment

1. Identify yourself and state that you are an election official as soon as you come in contact with a voter who has a visual impairment. Greet the individual by letting the person know who and

where you are. When offering walking assistance, allow the person to take your arm and tell him or her when you are approaching inclines or steps, or turning right or left.

2. If guiding a voter, offer your arm to the voter, rather than taking the voter's arm.
3. If a 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 voter know when you leave his or her presence.

Checklists for Election Day

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.

After the Polls Open

- ☐ Clerks keep and correct a poll list as voters approach to vote.
- ☐ Ask each voter to show valid identification.
- ☐ Ask each voter if they are a United States citizen and whether they have resided in the precinct for at least thirty days.
- ☐ Direct voters to correct polling location if in wrong place.
- ☐ Provide instruction and assistance to voters, including information about the ExpressVote.
- ☐ 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.
- ☐ Do not allow ballots out of the polling place before polls close.
- ☐ Allow voters standing in line at closing time to vote.

After the Polls Close

- ☐ Run canvass reports of the votes from the ballot tabulator.
 - ☐ Compare ballots counted by the optical scanner with pollpads.
 - ☐ 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.
 - ☐ In primary elections, copies of the reports must be given to each political party.
 - ☐ Election board shall take oath at conclusion of canvass.
 - ☐ Wrap and return ballots to county recorder as instructed.
 - ☐ Reports, pollbooks, oaths, and other required materials delivered to the county auditor.
-

NOTES

EXHIBIT 3

McKenzie County Training Presentation

ELECTION DAY DUTIES

ND General Election Absentee Precinct November 6, 2018

AUDITOR'S OFFICE

444-3616 Ext. 3

Erica Johnsrud

McKenzie County Auditor/Treasurer

Cell: 701-580-2753

Team Members: Michelle Thomsen,

Dawn Tschetter

Debbie Johnston, & Cindy Glover

ELECTION BOARD

- Qualifications:
 - **Qualified elector**
 - U.S. Citizen
 - 18 years old
 - ND Resident; **AND**
 - Has resided in the precinct at least 30 days prior to the election at which he/she is voting.
 - **Not a candidate**
 - **Not a relative of a candidate**
 - Spouse, child, brother or sister, by blood or marriage

Duties Prior to Election Day

- Read the Election Officials Manual
- Attend Election Training
- Contact Erica with any questions or concerns you may have

Duties on Election Day

- Arrive at polls at least an hour early
- Open supplies and check against inventory sheet in the supply envelope
- **Take Oaths at front of Poll Book**
- Open & count ballots (2 people count each stack & verify with each other)
- Record number of ballots on Statement of Ballots sheet in Poll Book

Oaths

STATE OF NORTH DAKOTA
COUNTY OF MCKENZIE

At the _____ Election held on _____ in _____, the following oath was taken by the Inspector, Judges and Clerks of election:

I, _____, do solemnly swear (or affirm) that I will perform the duties of Inspector of Election according to law and to the best of my ability; that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same.

I, _____, do solemnly swear (or affirm) that I will perform the duties of Judge of Election according to law and to the best of my ability; that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same.

I, _____, do solemnly swear (or affirm) that I will perform the duties of Clerk of Election according to law and to the best of my ability; that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same.

I, _____, do solemnly swear (or affirm) that I will perform the duties of Clerk of Election according to law and to the best of my ability; that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same.

I, _____, do solemnly swear (or affirm) that I will perform the duties of Clerk of Election according to law and to the best of my ability; that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same.

I hereby certify that the above oath was administered by me to _____

_____, Judges and Clerks of Election, and subscribed by them in my presence previous to opening the polls.

I hereby certify that the above oath was administered by me to _____
Inspector of Election, and subscribed by him/her in my presence previous to opening the polls.

NOTE - In case there shall be no officer authorized to administer an oath present at opening of polls, the Inspector and Judges of Election are empowered to administer the oaths to each other and to the Clerks of Election.

Statement of Ballots Received and Returned

STATEMENT OF BALLOTS RECEIVED AND RETURNED

____ Polling Location - General Election, November 6, 2018

From Auditor	Consolidated Ballots	Four Bears 01.1	Mandaree 02.1	Yellowstone 3.1	Sioux 4.1	Alexander 5.1	Amegard 6.1	Bennie Pierre 7.1	Rhoades 8.1	Idealschäfer 9.1	Watford City 11.1	Blue Buttes 12.1
From Auditor	Additional											
Total Received												

Returned	Ballots Cast											
Returned	Ballots Spoiled											
Returned	Ballots Voided											
Returned	Ballots Unused											
Total Returned												

(Total Received and Total Returned must be the same)

STATE OF NORTH DAKOTA
COUNTY OF MCKENZIE

We hereby certify that the above is a correct statement of Ballots received and returned for the General Election held on this 6th day of November 2018.

____ Inspector

____ Judge

____ Judge

Prepare M100 Ballot Scanner

- Refer to handout – **Model M100 Election Day Checklist** (extra in supply box)
- **Check that ballot boxes are empty**
- **Place stickers over both left & right side ballot boxes**
- **DO NOT TEAR OFF THE TAPE THAT PRINTS**
(verify info for accuracy & zeros)

ABSENTEE BALLOTS

Judges/Inspector

- Compare signatures on application & return envelope.
- Verify that voter is a qualified elector
- Open absent voter's white envelope.
- Remove manila secrecy envelope & set aside.
- Place application inside of the absent voter's envelope.
- Keep ballots separate by precinct so that you have an accurate count for the ballot statement.
- Once all absent voter ballots have been opened – initial the ballot
- Count the *Number of Ballots by Precinct* and record the number of ballots on Statement of Ballots in Poll Book by precinct.

Do not include unopened absentee ballot in your ballot count.

00 - BALLOT Identifier
ERICA DAWN JOHNSRUD
2312 120TH AVE NW
WATFORD CITY ND 58224-6766

☐ **Autism (Primary) Education**
Bluebonnet (Classroom) Materials

Of course, we're not alone in this. The fact is, we're all in this together. And we're all in this together.

☐ Very satisfied
☐ Satisfied
☐ Dissatisfied
☐ Very dissatisfied

Erica Johnson

CO/IN

2N-573-0467/

☒ Driver's License ☐ Non-driver's ID

☐ Long Term Care Certificate (includes both regulations)

☐ Virtual ID
$$T_{\text{eff}} = T_0 + 0.35T_0$$

2512 100th Ave NY

Woburn City

54657
ADP

Signature (required)

10/1/00

Applicant Unable to Sign

11

the creation of a streamlined regulatory system. The administration estimates that 100,000 jobs will be created along with the new "21st-century" regulatory and court system, the administration believes.

1

☐ Votor's Mark

Signatures of Veterans in the Library

Applicant Without ID

with animals the individual then, knowing it alone, either gratified itself or not, as proposed by Spinoza, and possibly by it the approach from the state the individual of more than the individual, in an animal.

Journal of Management Education 37(1)

Figure 1

1000

1

☐ **Change Voting Division of the Award System**

1

☐ Different levels of family involvement being used from the victim's residence (i.e. within the U.S.)

☐ Yes ☐ No ☐ Don't know

1000

Mail or Submit to the Attention of Your County of Residence or Appropriate Election Officer

VOTER AFFIDAVIT

[illegible]

Date: 05/15

...the word "name" the order should be made.

Send your limited edition

...the microscope • **Put Out and**

the first time.

possible for students

Use Election Officer

9

Absentee Application & Envelope Voter Affidavit

ABSENTEE BALLOTS (cont.)

- Reject Ballots if:
 - Not a qualified elector
 - Signatures don't match
- Write reason for rejecting on envelope
- DO NOT OPEN
- Do not include in ballot count

ABSENTEE BALLOTS (cont.)

- **Clerks:** Verify name and address in poll book
 - Write “AB” (Absentee Ballot) if not already printed on report
 - Clerk initials voter record in Poll Book.
- **Judges/Inspector:** Initial ballot(s) and Scan each ballot.
 - **Scanner Error = Cross Over or Over Vote**
Press “COUNT AS MARKED” button
 - **Scanner Error = Blank Ballot**
Press “RETURN BALLOT” button
Examine ballot and either fill in ovals if marked with “X” or with the another judge create a “Duplicate 1” ballot, labeling original ballot as “Original 1” at the top of the ballot. Scan the duplicate ballot pages and place the original ballot pages in the “Spoiled” ballot envelope.
- **UOCAVA ballots need to be duplicated at each precinct**
 - **UOCAVA = Uniformed and Overseas Citizens Absentee Voting Affidavit**
 - **Keep voter’s vote confidential**

- Election Equipment Issues

[illegible]

Front

GENERAL ELECTION BALLOT
NOVEMBER 6, 2018

<p>Signature _____ (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>	<p>Party of the Candidate _____ (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>	<p>County of the Candidate _____ (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>
<p>Official Ballot (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>	<p>Official Ballot (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>	<p>Official Ballot (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>

Official Ballot
 (Print Name)
 (Print Address)
 (Print City)
 (Print State)
 (Print Zip)

Back

GENERAL ELECTION, NOVEMBER 6, 2018

<p>Signature _____ (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>	<p>County of the Candidate _____ (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>	<p>County of the Candidate _____ (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>
<p>Official Ballot (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>	<p>Official Ballot (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>	<p>Official Ballot (Print Name) (Print Address) (Print City) (Print State) (Print Zip)</p>

Official Ballot
 (Print Name)
 (Print Address)
 (Print City)
 (Print State)
 (Print Zip)

INSPECTOR OR JUDGES - Initial the ballot(s) at bottom right corner

DUTIES AFTER THE POLLS CLOSE

- Polls close at 7:00 pm – cannot process any results until 7:00 pm
 - All ballots can be fed into the scanner at any time before 7:00 pm
 - Results tapes cannot be run until 7:00 pm
- Check for any absentee ballots left to process

BALLOT COUNTS - VOTED

- **VOTED BALLOTS – Left Side of Ballot Box**
- Remove ballots from left side of ballot box
- Sort by precinct
- Count ALL ballots & note how many pages of each precinct you counted

BALLOT COUNTS (continued)

- **VOTED BALLOTS – Right Side of Ballot Box**

Contains Ballots With WRITE-INS

- Remove ballots with Write-ins from right side of ballot box
- Sort by precinct & count
- Add the number pages from right bin (write-ins) to the number from the left side of the ballot box noted on a note pad
- **Set aside Write-in ballots for Tabulation**

BALLOT COUNTS (VOTED)

- VOTED BALLOTS
- Total number of pages from both Left & Right Sides of Ballot Box added together should match the number of voters on the M100 display and in the Poll Book
- **You MUST resolve any differences before proceeding to the next step.**

Judge: _____

WRITE-IN VOTES

- **WRITE IN VOTES** Required to be Talled
 - Count all eligible candidates for county races
 - Do not count for any state or judicial races except certified write in candidates:
 - Representative in Congress: DuWayne Hendrickson
 - Ag Commissioner: Roland Riemers
- Tally Write-in Votes only for **VALID CANDIDATES**
 - Qualified voters
 - Not fictional characters
 - Qualified for the office, if required

Election held on

(Count Votes Thus: 1111)

[illegible]

WRITE-IN VOTES (continued)

[illegible]

- Certify the write ins on the Official Canvass
 - Be sure to sign the certificate
- If no write ins, please so state and sign the certificate

END OF DAY / WRAP UP

- Wrap voted and counted ballots
 - Include those with write ins
- Complete the ballot statement
 - Be sure that the numbers all balance
 - Sign as indicated
- Finish wrapping and sealing the various types of ballots
- Time to double check forms
 - Oaths of Office
 - Statement of Ballots Received and Returned
 - Poll Book Certificate
 - Official Canvass of Write ins
 - **Double check all yellow forms for complete signatures**

ELECTION WAGES

- Temporary Employees
- Complete W4 and I-9 form
- Checks ready Friday, November 16

Pay for this Election:

- Polling places less than 50 miles from Watford City
• **Inspector \$275 Clerks & Judges \$225**
(Watford City & Absentee Polling Locations)
- Polling places more than 50 miles from Watford City
• **Inspector \$350 Clerks & Judges \$275**
(Mandaree & Cartwright Polling Locations)

****This includes \$50 for attending election training which will be deducted if worker does not attend.**

IMPORTANT REMINDERS

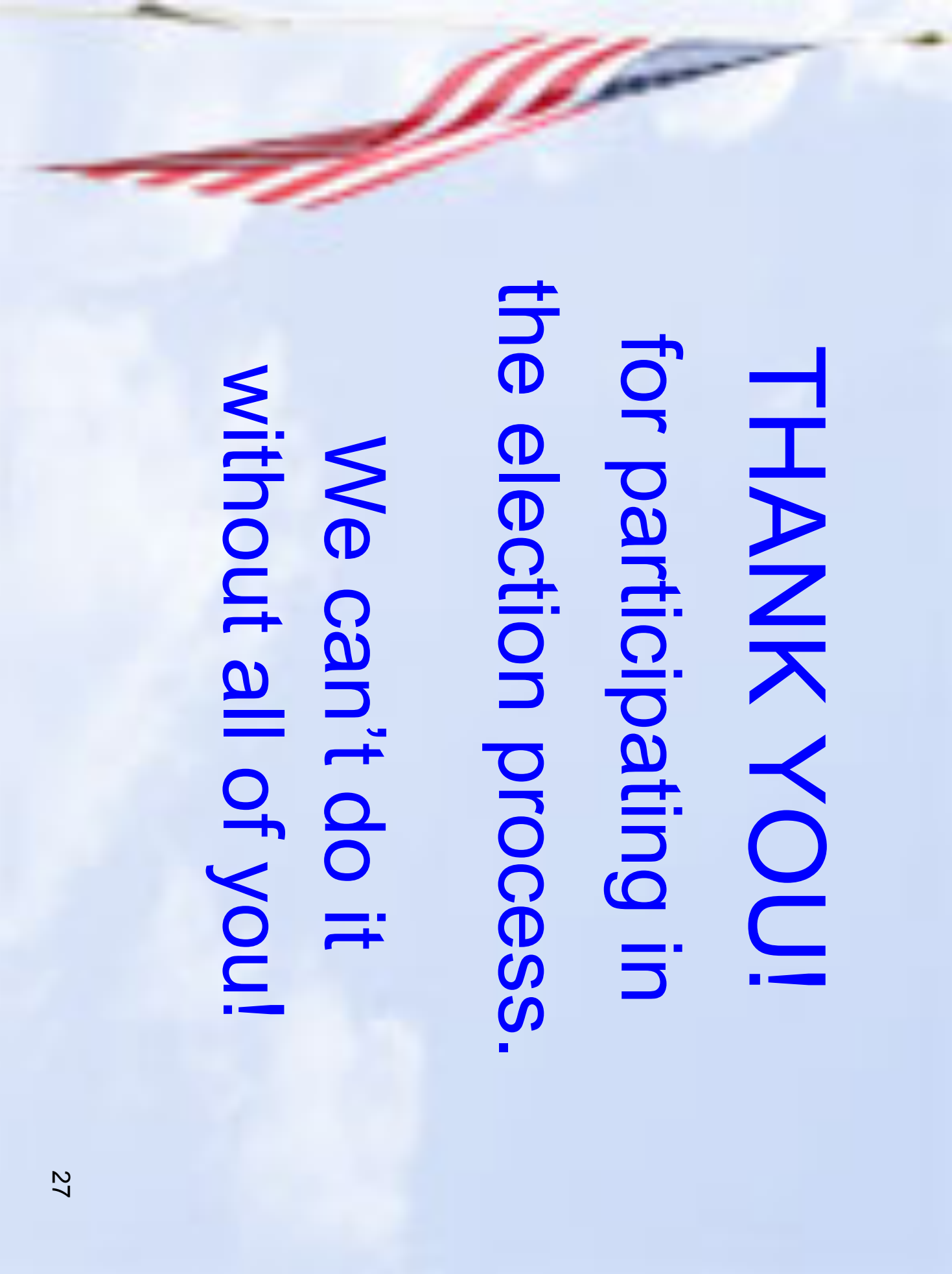
- Ballot must be initialed by inspector or one of the judges
- Sign Oaths of Office
- Inspect ballot box and seal it before processing ballots

ELECTION WORKER DO'S

- Compare ballot totals to poll book numbers
- Return all materials to the County Auditor
- Report suspected violations to the Auditor or the State's Attorney
- Ask if you have questions or concerns

ELECTION WORKER DON'TS

- Don't wear campaign buttons or badges or clothing
- Don't leave the polling place while working as an election official
- Don't allow anyone to interfere with the voting process
- Don't accept absentee ballots from anyone except the County Auditor or her agent

An American flag is shown waving in the sky, with the red and white stripes and the blue field with stars visible. The flag is positioned in the upper right corner of the slide, with the stripes flowing towards the left.

THANK YOU!
for participating in
the election process.

We can't do it
without all of you!

Mercer County Guidance

ELECTION BOARD DUTIES

General Election November 6, 2018

Duties Prior to Election Day

- 1) Read Tan handbook.
- 2) **INSPECTORS**—Check supply bag to ensure that all necessary supplies have been provided and call the County Auditor to have precinct doors unlocked at the time you plan to arrive.

Duties on Election Day

- 1) Get correct time (your cell phone) and set precinct clock to this time.
- 2) Arrive at polls at least 45 minutes before the polls open.
- 3) Set up registration table and chairs - Assemble voting booths.
- 4) **Turn on M100 Scanner – follow M100 check list for OPENING the POLLS**
sign zero total report and leave in scanner.
- 5) Open supplies
 - a) Take Oaths and sign (inside poll books)
 - b) Post 3 sample ballots, post 5 analysis\complete text of measures, and post 4 precinct maps.
 - c) Voting instructions and election offenses shall be posted, also post red "stop" sign.
 - d) Remove ballots from ballot box, count and record number on ballot certification sheet provided. Please note that the number written on the plastic wrap surrounding the ballots will likely not be correct - so please count each stack.
- 6) **MAKE SURE BALLOT BOX IS EMPTY** (both Judges to witness), then lock all openings (**see M100 checklist**). It must be locked the entire day, except to settle ballots.
- 7) Declare that the polls are open at appointed time.
- 8) As voters enter:
 - a) Greet the voter by asking for name and **I.D.**
 - b) Record their names in both poll books, and announce name aloud.
INK ONLY
 - c) **INITIAL THE BALLOT - RED INK**
 - d) Place ballot in secrecy sleeve and give to voter. Hand the voter an ink pen provided for use marking his\her ballot.
 - e) Instruct voter on voting procedure. **INFORM VOTER THAT THEY CANNOT SPLIT (cross-over) PARTIES**, if they do so that portion of ballot will be voided.
****PRIMARY ELECTION ONLY****
 - f) Inform voter that if the ballot is not initialed by an election official, it will be invalidated; to protect their right to vote, the voter should

observe the initialing.

- g) Direct voter to available booth.
- h) After completing the ballot, **the voter** should put the ballot in scanner.
- i) If the ballot has an error – crossover vote, over vote, or blank ballot – the scanner will beep and hold the ballot.
- j) The voter, or Inspector or Judge if providing assistance, should read the message on the display screen. The scanner gives the voter two options:
 - Accept – which allows the ballot to be scanned as is.
 - Reject – Allows the voter to get their ballot back to make the necessary correction.
- k) The Inspector or Judge if providing assistance, should tell the voter what will happen with either the accept or reject option and then allow the voter to push the button they desire.
- l) If the voter wants the ballot accepted as cast, the following happens:
 - Crossover – the entire 'party' ballot is ignored.
 - Over-vote – the race or races that have over-votes are ignored.
- m) If the voter rejects the ballot, the following happens:
After pushing the reject button, the Inspector or Judge should stand back to ensure the secrecy of the ballot if providing assistance.
The voter retrieves the ballot and makes corrections. Any correction will involve getting a new ballot. The 'rejected' ballot then becomes 'spoiled'.

Remember an elector has 3 tries to correct the ballot.

9) When polls close:

- a) Voters in line at close of polls must be allowed to vote.

Begin Ballot Certification Process.

- b) Count, wrap, and seal any VOID ballots. Record the number of void ballots on the VOID BALLOT STICKER, and stick on the wrapper. Also record number of void ballots on the ballot certification sheet (voided by election board).
- c) Count, wrap, and seal any SPOILED ballots. Record the number of spoiled ballots on the SPOILED BALLOT STICKER, and stick on wrapper. Also record the number of spoiled ballots on the ballot certification sheet (voter mistake).

REMEMBER ONLY A VOTER CAN SPOIL A BALLOT, AND ONLY THE ELECTION BOARD CAN VOID A BALLOT.

- d) Count, wrap, and seal all UNVOTED BALLOTS separately. Record the number of unvoted ballots on the UNVOTED BALLOT STICKER, and

stick on wrapper. Also record the number of unvoted ballots on the ballot certification sheet. Address the unvoted ballots to the County Auditor using a pen – also indicate the precinct name and number and the date of election. Be sure to identify these packages as UNVOTED BALLOTS.

e) **Follow M100 check list for CLOSING the POLLS.**

Sign both copies of final report and leave in the scanner.
Open the ballot box and remove the voted ballots. The number of voted ballots is shown on the scanner and printed report.
Segregate all WRITE-IN VOTES. Count and tally the write-in votes. Wrap and seal all voted ballots. Record the number of voted ballots on the Ballot Certification sheet. If during this counting process you find **ballots that are not initialed, place them on top of the pile and advise the auditor so that they can be removed from the count.**

f) At this point, be sure that the number of ballots returned (spoiled, voided, voted, and unvoted) equals the number of ballots received from the Auditor. Also, be sure that the number of voters listed in the poll book is equal to the number of voted ballots found in the ballot box.

g) Remove all maps and posters from the precinct. Take down voting machines. Place all supplies in supply box and return to Auditor's Office. **RETURN TAN BOOKS IN SUPPLY BOX.**

h) Inspectors and Judges deliver the **PCMCIA Card**, wrapped ballots in the locked ballot box, and supplies to the Auditor's Office. Be sure the Election cost bills are completed and turned in before leaving.

*CALL AUDITORS OFFICE IF IT WILL TAKE YOU LONGER THAN 11:00PM TO
FINISH BALLOT COUNTING AND CLEANUP AFTER THE POLLS CLOSE*

VOTE-BY-MAIL BALLOTS – Vote-by-mail ballots may be in your ballot box, given to the Inspector prior to the election, or delivered on Election Day. Count all vote-by-mail ballots furnished to your precinct and enter the number on your Ballot Certification Form. The Judges shall then compare the signatures on the application with the signature on the outside of the envelope containing the vote-by-mail ballot. If all is found proper, the Clerks shall enter the name in the poll books, the Judges will open the envelope, remove the ballot, INITIAL the ballot as all other ballots, BACK FOLD the ballot, and deposit it in the ballot box. In handling vote-by-mail ballots, be sure not to view the way in which the ballot is voted.

If the signatures do not correspond, or if the applicant is not a duly qualified voter of the precinct, a member of the election board will, without opening the ballot, mark "rejected as defective" or "rejected as not a voter" on the ballot and place it in the envelope provided for void ballots. Those vote-by-mail ballots, for other reasons that are not valid, should be returned to the Auditor for forwarding to the Canvassing Board. **ONLY ACCEPT VOTE-BY-MAIL BALLOTS FROM THE AUDITOR OR HER REPRESENTATIVE (deputy sheriff).**

EMERGENCY NUMBERS:

COUNTY AUDITOR	745-3292
STATES ATTORNEY	745-3518
SHERIFF	745-3333

Rate of pay: \$13.00 per hour

Mileage will be paid at a rate of \$.55/mile.

***** REMEMBER TO INITIAL ALL BALLOTS, including VOTE-BY-MAIL

ELECTION WORKERS DO'S and DON'TS

DO'S:

Sign oaths of office (inside poll books)

Post election material--i.e., voting instructions, sample ballots, precinct maps, analysis, etc.

Inspect ballot box before voters start voting.

Open polls on time.

Greet the voter by asking for name and I.D.

No one is allowed to vote without an acceptable form of ID

Enter voters name in poll books.

Initial the ballot in front of voter.

Inspector and judges instruct voters on voting procedures if they appear confused.

Both judges should assist handicapped voters when necessary or allow person to select their own assistance.

After opening the vote-by-mail ballots, initial ballot, and then enter names into poll books.

If O.K., then place in ballot box.

Check ballot for initials before putting into ballot box.

Close polls on time - those in line at the time should be allowed to vote.

Compare ballot totals to poll books.

Return ballots, supplies and materials to County Auditor.

Report suspected violations to the States Attorney.

DON'TS:

Don't allow any campaign buttons or badges at polls.

Don't allow any campaigning at polls.

Don't allow ballots to leave the polling place.

Don't allow more than one voter in a booth except those legally allowed to be there.

Don't leave premises while working as an election official.

Don't allow anyone to interfere at polling place.

Don't accept vote-by-mail ballots from anyone except the County Auditor or her representative.

Don't allow vote-by-mail voters to vote in person.

Don't discuss issues or candidates when assisting a voter (Judges).

Cavalier County Guidance

Vote By Mail Process

DAY 1

1. **ALL** – Sign Oath of Office and review processes
2. **JUDGES** - Compare signatures between the absentee ballot and the application submitted.
 - ☐ Signatures match – envelope is opened by **Judge**
 - ❖ **JUDGE** – place secrecy envelope containing ballot in tub
 1. Keep count of ballots using batches of 100
 2. Try to confirm ballot is enclosed through touch and/or weight of secrecy envelope
 - ☐ Signatures DON'T match – Ballot is placed in separate envelope by **Inspector** to be reviewed at Canvassing.
 - ☐ Judge gives voter envelope to **Clerk**
3. **CLERK** - mark voter name in pollbook with number sticker and place voter envelope in alphabetical order in tub.
4. **ALL** – Once all voter envelopes are opened, verify the number of secrecy envelopes/ballots match the number of voters marked in pollbook.

DAY 1 COMPLETE!

DAY 2

1. **ALL** - Begin opening secrecy envelopes and placing ballots in stacks of 100.
2. **AUDITOR'S OFFICE** will bring in any additional ballots that have arrived by mail.
 - ☐ See Process of **DAY 1**
3. Once ALL ballots have been separated and stacked, **INSPECTOR** will verify the number in pollbook matches the number of ballots
4. Voting machine is brought in
 - ☐ **INSPECTOR** – check all compartments to ensure they are empty
 - ☐ Open polls and ensure all totals are zero
 - ☐ Tape is signed by **Judges** and **Inspector**.
5. **INSPECTOR** and **JUDGES** – feed ballots into the machine
 - ☐ Verify number on machine after each stack of 100 ballots is entered
 - ☐ Accept all ballots with cross-over votes, blank ballots, over-votes, etc...
 - ☐ Place ballots that will not feed aside until all other ballots are entered
 - ❖ **CLERK** will duplicate all damaged ballots on new ballots and SPOIL originals
 - ✓ Place SPOILED ballots in marked envelope
 - ❖ **INSPECTOR** and **JUDGES** will feed new ballots into machine
6. When all ballots have been entered, **JUDGES** will compare numbers from pollbook and machine.
7. Once all totals are confirmed, **INSPECTOR** will close polls
 - ☐ Tape is signed again by **Judges** and **Inspector** ** (3 times)
 - ☐ Seal tape & election card in marked envelope
5. **CLERKS** – Tally all write-in votes in back of pollbooks.
 - ☐ Note the specific race and document all write-in candidates
6. **JUDGES** - Place ballots in separate tubs
 - ☐ Ballots with WRITE-IN's
 - ☐ Ballots WITHOUT WRITE-IN's
7. **INSPECTOR** – Mark tubs with appropriate documentation, sign, and seal with tape.
8. **ALL** – Complete Election Cost voucher
 - ☐ Individual Worker's Info
 - ❖ Name & Address
 - ❖ Total hours worked (*including training hours*)
 - ❖ Mileage (*if applicable*) for training dates only
 - ☐ Total Vote by Mail Votes Cast
 - ☐ **ALL** sign voucher

DAY 2 COMPLETE!

EXHIBIT 4

**McKenzie County Canvassing Board
November 13, 2018**

The McKenzie County Canvassing Board convened in the Commission Room of the McKenzie County Courthouse on November 13, 2018, beginning at 2:00 p.m. with the following members present: Jeff Shaffer; County Recorder Ann Johnsrud; County Auditor/Treasurer Erica Johnsrud; County Board of Commissioners Chairman Doug Nordby; and State's Attorney Chas Neff.

Roll call was taken and oaths were given.

Recorder A. Johnsrud nominated Shaffer to be the Chairman. Auditor E. Johnsrud seconded the motion. All voting aye, motion carried.

Chairman Shaffer nominated Erica Johnsrud to be the Canvass Board Recorder. Recorder A. Johnsrud seconded the motion. All voting aye, motion carried.

Ballot Certification Sheets from the Voter Center certifications were reviewed as correct.

Thirteen ballots with issues at the central count absentee precinct were brought to the Canvass Board. The Canvass Board rejected all 13 ballots for signatures not matching, unsigned applications, or unsigned ballots.

Thirty-two set aside ballots were brought before the Board. Four set aside ballots were Auditor Office employee verified after the election. These four ballots were opened and ballots were ran through the tabulator.

Twenty-seven ballots received after Election Day with eligible postmarks of November 5th or earlier were brought before the Board. These were reviewed by the Canvass Board and the decision was made to process twenty-six ballots, with one ballot from Ideal/Schafer deemed not matching signatures.

Auditor Johnsrud processed the absentee ballots through the tabulator. The Canvass Board certified and signed off on the 30 total ballots ran through the tabulator (4 set aside and 26 absentee received after Election Day).

Recorder A. Johnsrud moved to accept the election results as presented by Auditor Johnsrud. Nordby seconded. All voting aye, motion carried.

Auditor E. Johnsrud moved to adjourn. Nordby seconded. All voting aye, motion carried.

There being no further business, the meeting was adjourned at 2:46 p.m.

Respectfully submitted,

Erica Johnsrud
McKenzie County Auditor/Treasurer

EXHIBIT 5

McLean County Canvass Board Proceedings Tuesday, November 13, 2018

The McLean County Canvass Board convened at 9:02 A.M. in the Commission Room of the McLean County Courthouse. Members present were: Doug Krebsbach, Commissioner, standing in for Commission Chairperson Barry Soydam who was unable to attend; Mike Kidd, District 8 Republican Representative; Pandora Hummel, District 8 Democratic-NPL Representative; Beth A Knutson, County Recorder; Leslie D Korgel, McLean County Auditor; and Lori A Foss, Chief Deputy Auditor.

The first item of business was the administration of oaths to all members of the Canvass Board.

The next item of business was the comparison of vote totals from ES&S Election Reporting Manager generated reports to official abstract reports. There were no changes needed.

There were 52 valid, but late, absentee ballots received as of this morning. The board checked the postmark dates and compared for signature matching between envelopes and applications. Six (6) were declared void due to signatures not matching.

There were numerous void ballots received as of this morning including the six declared void by the canvass board acting on the absentees in today's meeting and 13 voids that were presented from the Absentee Board.

Moved by Knutson, seconded by Kidd, to concur with the Absentee Board on 13 of 13 of their voids. All present voted aye.

Moved by Krebsbach, seconded by Knutson, to direct the Recorder to store five Set Aside ballots returned by the Vote Centers that were not verified before today's canvassing. All present voted aye.

The board ordered the void ballots delivered to the County Recorder for storage. The board then ordered the 46 accepted absentees to be run through the M-100 election counter and results be added to the official abstracts.

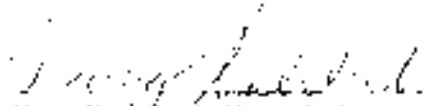
The next item of business was the comparison of vote totals from the M-100 generated totals tape to the ES&S Election Reporting Manager (ERM) generated reports and then from the ERM generated reports to the official abstract reports. There were no changes needed.

The board then tabulated write-in votes for the South McLean Soil Conservation District Supervisor, West McLean Soil Conservation District Supervisor, Representative in Congress, and Agriculture Commissioner.

Foss read the minutes for approval.

Moved by Knutson, seconded by Krebsbach, to approve the minutes as read. All voted aye.

There being no further business, the canvass board adjourned at 6:40 p.m.


Doug Krebsbach, Commissioner

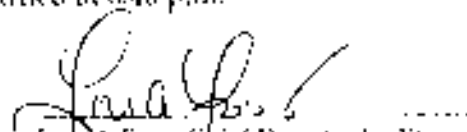

Lori A Foss, Chief Deputy Auditor

EXHIBIT 6

2018 General Election
Canvassing Board Minutes
November 13, 2018 ~ 10:00 AM

The Traill County Canvassing Board came to order on November 13, 2017 at 10:00 a.m. for the purpose of canvassing the votes of the General Election held on November 6, 2018. Present were Kayla Knudson, Acting Democratic-NPL Chairperson; Arnie Osland, Acting Republican Chairperson; Larry Young, County Commission Chairman; Debra Hankel, Deputy County Recorder; Glenda Haugen, County Auditor and Heather Hovey, Deputy Auditor.

On motion of Osland, seconded by Knudson and carried to appoint Larry Young Chairman of the Canvassing Board.

On motion of Osland, seconded by Knudson and carried to accept the thirty-seven (37) ballots received **in the Auditor's Office with the correct postmark** date of November 5th or earlier and signatures matching the applications.

On motion of Knudson, seconded by Osland and carried to reject four (4) ballots received in the **Auditor's Office with a postmark dated November 6th or later.**

On motion of Osland, seconded by Knudson and carried to reject eleven (11) ballots received in the **Auditor's Office because the signatures on the ballots did not match the applications. The ballots were** also rejected by the Vote-By-Mail Board.

On motion of Osland, seconded by Knudson and carried to accept the sixteen (16) Set-A-Side ballots that **have been verified by the voting precinct Inspectors and/or by the Auditor's office before the deadline** of 10:00 a.m. today.

On motion of Osland, seconded by Knudson and carried to reject the six (6) Set-A-Side ballots that have not been verified.

Total ballots cast in the 2018 General Election were 3784
Total ballots cast using the Vote-By-Mail (Absentee) were 2041
Total ballots cast in-person at the polls were 1743

On motion of Knudson, seconded by Osland and carried to adjourn the meeting at 11:16 a.m.

Respectfully submitted by:

Glenda Haugen, Traill County Auditor

EXHIBIT 7

2018 General Election
Kidder County Canvassing Board
November 13, 2018

The Kidder County Canvassing Board met with the following present: Jean Schoenhard, County Auditor; Angela Haverkamp, Deputy County Recorder; Dan P. Mittleider, Kidder County Commissioner; Shirley Brusven, Republican Party Representative; Karen Ziesch, Democratic Party Representative.

County Auditor called the meeting to order

Election Oath of Office were signed. Election Equipment was inspected. Tapes were signed.

The board reviewed the Walk in precinct and Absentee precinct oaths.

Absentee Ballots: Seven (7) Absentee ballot were reviewed, Seven (7) were rejected for signatures. Mittleider made the motion to reject the 7 Absentee Ballots for signatures, seconded by Ziesch, all in favor, aye, motion carried.

Late Mail in Ballot: Two (2) ballots were received by mail. They were inspected. One postmarked November 6th, one postmarked November 5th. Haverkamp made the motion to reject the ballot postmarked November 6, 2018 and accept the ballot postmarked November 5, 2018, seconded by Brusven, all in favor, aye, motion carried.

Set Aside Ballots: Eight (8) Set Aside ballots were reviewed. Haverkamp made the motion to reject seven (7) Set Aside ballots because of no supporting documentation for residential address and accept one (1) Set Aside ballot because it had supporting documentation, seconded by Mittleider, all in favor, aye, motion carried.

Accepted Ballots were entered into the poll books and M100 machine.

Board compared write ins. Poll Closed, reports signed.

Abstract of ballots cast was discussed

Ziesch made the motion to accept the Abstract of Votes for ballots cast for County Auditor, seconded by Shirley, roll call Ziesch aye, Brusven aye, Mittleider aye, Haverkamp aye, Schoenhard abstain, motion carried.

Brusven made the motion to accept the Abstract of Votes for ballots cast for the 2018 General Election remaining offices, seconded by Haverkamp, roll call Ziesch aye, Brusven aye, Mittleider aye, Haverkamp aye, Schoenhard aye, motion carried.

Mittleider made the motion to adjourn the 2018 General Election Canvassing Board meeting, seconded by Ziesch, all in favor, aye, motion carried.

Jean Schoenhard,
Kidder County Auditor

Ballots Packaged.

799 Absentee
504 Walk In (Election Day)
2 Canvassing
Total ballots 1305

2 voted ballots accepted
1 Mail ballot postmarked November 5, 2018 Kylin Schnabel Ballot number 1-340351
1 Set Aside ballot with supporting documentation – Beth Ann Johnson 303 Mitchell Ave,
Steele, ND

7 ballots to Canvassing from Absentee Board
All rejected for signatures

1-324010	Tappen
1-324601	Steele
1-305751	Dawson
1-305767	Steele
1-305573	Dawson
1-322176	Steele
1-305385	Steele

2 Absentee Ballots in the mail

1 postmarked November 5, 2018	Received November 7, 2018	1-340351
1 postmarked November 6, 2018	Received November 8, 2018	1-361627

8 Set Aside Ballots received from Ambulance Building Election Day
Rejected 7
Accepted 1

EXHIBIT 8

General Canvass Board Meeting
November 13, 2018

Chairman Joel Hamar called the meeting to order at 11:00 am. Present were Mary Schmitz, Faye Lonski, Mark Wagner, Daryl Wall, Auditor Wanda Sheppard, Recorder Deb Anderson, States Attorney Jeff Glynn, and Chairman Joel Hamar. Also present was Deputy Auditor Stormy Bertsch. The Pledge of Allegiance was recited. Oaths of office were completed.

Recorder Anderson reported that she had received 20 questioned absentee ballots from the polling locations. Auditor Sheppard presented 5 absentee ballots received in the mail after the election. Two of the envelopes were postmarked November 5th, which is acceptable by law, one did not have a cancellation date on the envelope and two were postmarked after November 5th. Sheppard also presented 6 set aside ballots from the precincts from election day.

Sheppard presented the absentee ballot received without a postmark on November 8th. The ballot had been sent out to Massachusetts to be voted by the Dickey County resident. After the signature was reviewed, Wagner made a motion to accept the ballot, as it was received before the Canvass Board meeting. Lonski seconded. Motion carried.

Sheppard presented a set aside ballot from the Oakes precinct that had been verified. The ballot was for an Ellendale resident that stated at the Oakes precinct that they could not get to Ellendale to vote. Wagener made a motion to accept the ballot. Wall seconded. After discussion, there was a roll call vote. At the advice of the States Attorney, the law states that you are to vote in the precinct that you live in. All parties feel that the rules should be followed. All parties voting no, Lonski nay, Schmitz nay, Wagner nay, Wall nay, Anderson nay, Glynn nay, Hamar nay. The ballot was not approved.

Sheppard presented 3 set aside ballots that were never verified at the polling place or the Auditor's office. Lonski motioned to reject the 3 set aside ballots, as they had not been verified. Roll call vote with all voting yes.

Sheppard presented 3 set aside ballots that had been verified at the polling places. Wagner made a motion to accept the 3 set asides, since they were verified. Faye seconded. Roll call vote with all yes

After signatures were reviewed, Wagner made a motion to accept the two absentee ballots received before Canvass Board that were post marked November 5th. Lonski seconded. Motion carried. Envelopes were opened, initialed, and fed into the M100 ballot box for the votes to be counted. The ballot box was opened to review for any write-ins, which there was one. The write-in was recorded on the tally sheet.

The precinct bag returned for Canvass Board for Ellendale was opened, which had 5 ballots included. Three ballots were returned to the Canvass Board by the Election Boards because of issues feeding the ballots in the M100. Sheppard refeed the ballots at the Canvass Board, of which two had to be tallied by hand as the machine still would not take. Two absentee ballot envelopes were also in the envelope because there were no signatures on the ballot envelope. Wagner made a motion to reject the two unsigned ballots, as there is no signature to compare. Lonski seconded. Roll call with all yes. Motion carried.

Anderson opened the precinct bag for Fullerton. There was one ballot with a questionable signature and two ballots that are filled in with blue ink instead of black ink. A motion was made by Wagner to not accept the ballot because of the discrepancy in signature and to feed the two with blue ink though the machine to see if it will read those ballots. If it does not, they will be hand tallied. Lonski seconded. Motion carried. The blue ink was read and therefore not hand tallied.

Anderson opened the precinct bag for Oakes. There are 12 total ballots and absentee ballots in question in the bag. Two ballots were for the wrong precinct. The ballots are the same across all precincts. Lonski made a motion to accept the two ballots and vote them in the M100. Wagner seconded. Motion carried.

One ballot was in question as to the intent of the voter. The M100 did not read the ballot, as it appeared there were two votes cast for the same office. After reviewing the ballot by the Board, Wagner made a motion to accept the ballot and vote the one measure as yes, as the oval was darkened more than the no. This ballot would have to be hand tallied. Wall seconded. Motion carried.

The other ballots in the Oakes bag were for 1) signature discrepancies; 2) signature missing; 3) long-term care resident signature; and 4) address discrepancies.

Sheppard stated on the address discrepancies were on a form that was sent out by one of the political parties. The person was a resident of Dickey County at either office. The ballot was sent to the address in Voices. These three ballots were approved and fed into the M100. There were two ballots that the signatures did not match and were rejected by the Canvass Board. There were two signatures that after discussing the situation and history of the voter, the signatures were accepted. There were two ballots that the signatures were rejected.

One signature was a long-term care resident that had signed on the application in June. Because of that, the length of time and age of voter, the ballot was accepted. This ballot was rejected when fed into the M100, because of voting for two people on the one race. Voter intent was not obvious so the ballot was counted as is.

Total ballots counted were 21 and those rejected or not counted were 11.

The front page of the Abstract of Votes was signed by all members of the Board. The Abstract does not include the hand-tallied but will include them when downloaded to the state. The tally sheets will be included with the signed Abstract of Votes.

Wall made a motion to adjourn the meeting at 12:45.

EXHIBIT 9

⏮ Reply all ⏹ Delete ⏴ Junk Block ...

RE: [EXTERNAL] RE: 2/7/19 records request

① You forwarded this message on Mon 3/25/2019 4:59 PM

BD

Beth Didier <bdidier@barnescounty.us>

Mon 3/25/2019 4:58 PM

Mark Gaber ☹

👍 ↶ ↷ ➡ ...

No. The canvassing board members make a determination by looking at the signatures. They do not contact the voter.

From: Mark Gaber <MGaber@campaignlegalcenter.org>

Sent: Monday, March 25, 2019 3:47 PM

To: Beth Didier <bdidier@barnescounty.us>

Subject: [EXTERNAL] RE: 2/7/19 records request

Thank you, Beth. I have a follow up question on the canvassing board minutes: are the voters whose signatures are questioned as not matching contacted about the issue before the board decides to reject their ballot?

I appreciate your responses!

Thanks,
Mark

From: Beth Didier <bdidier@barnescounty.us>

Sent: Monday, March 25, 2019 4:26 PM

To: Mark Gaber <MGaber@campaignlegalcenter.org>

Subject: 2/7/19 records request

This is in response to your open records request of February 7, 2019, which we received on 2/11/2019.

1. It is our understanding that the North Dakota Association of Counties will be responding to request #1.
2. Re: rejected absentee ballot applications – Our election records are locked up in sealed containers in the Recorder's vault; therefore, we don't have access to them.
3. Re: rejected absentee ballots – Our election records are locked up in sealed containers in the Recorder's vault; therefore, we don't have access to them. However, the minutes of our Canvassing Board Meeting record which ballots were accepted and which were rejected, and are attached.
4. Re: set-aside ballots – Our election records are locked up in sealed containers in the Recorder's vault; therefore, we don't have access to them. However, the minutes of our Canvassing Board Meeting document the actions taken on set-aside ballots, and are attached.
5. Re: IDs or supplemental IDs – We don't keep records of IDs provided by voters.
6. Re: Precinct lines – Precinct maps are attached. Please note that voting locations have changed (we only have one in-person voting location for ALL precincts at the Barnes County Courthouse on Election Day), but the precinct lines have not changed.
7. Voter ID Law educational materials - Voters Guide, ID requirements, and Election Worker Training PowerPoint are attached.
8. Set aside ballot educational materials - Election Worker Training PowerPoint are attached.

EXHIBIT 10

**ABSENTEE/MAIL BALLOT APPLICATION**SECRETARY OF STATE
SFN 51468 (08-2015)**For Office Use Only****Precinct Part**

For reference, see North Dakota Century Code, Chapter 16.1-07.

Application must be for at least one of the following elections:

☐ June (Primary) Election☐ November (General) Election**OR**☐ All Statewide Elections
(only check if ballot delivery
address will be the same for
all elections)☐ City Election☐ School Election☐ Special Election**Applicant Information: (ALL FIELDS REQUIRED)**

Voter's Name	Date of Birth	Daytime Telephone Number
--------------	---------------	--------------------------

North Dakota ID Type Used: (check one)

☐ Driver's License☐ Non-driver's ID☐ Long Term Care Certificate
(include with application)☐ Tribal ID☐ Passport or Military ID (only for voters outside the United States)☐ Applicant Without ID***ID Number (required only if driver's license, non-driver's ID, tribal ID, passport or military ID is selected above)**

Residential Address	City	State	ZIP Code
Ballot Delivery Address (if different from residential address)	City	State	ZIP Code

I do solemnly affirm that I have resided or will reside in the precinct, where my residential voting address is located, for at least thirty days next preceding the election and will be a qualified elector of the precinct.

Signature (required)

Date

Applicant Unable to Sign:If the applicant is unable to sign the applicant's name, the applicant shall mark ☒ or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the "X" or using the signature stamp below the "X" or signature and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

<div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> Voter's Mark	Printed Name of Person Making Mark or Voter's Signature Stamp
	Signature of "Witness to the Mark"

***Applicant Without ID:**If the applicant does not possess or cannot secure an approved form of identification due to a disability with which the individual lives and which prevents the individual from traveling to obtain, another qualified elector of the state may attest that the applicant is a qualified elector of that precinct by signing below and providing his or her approved North Dakota identification number. **NOTE:** A qualified elector may not attest the qualifications of more than four applicants in an election.

Printed Name of Attester	Driver's / Non-driver's / Tribal ID Number	
Signature of Attester	Date	Daytime Telephone Number

Active Military and Overseas Voter:Check **ONE** (if applicable):☐ Citizen living outside of the United States☐ Uniformed service or family member living away from the voter's residence, yet **within** the United States☐ Uniformed service or family member living away from the voter's residence, yet **outside** the United States

If one of the check boxes above applies to you, please indicate your preferred ballot delivery method:

☐ Mail ☐ Email (provide email address): _____ ☐ Fax (provide fax number): _____**Mail or Submit to Burleigh County Auditor, PO Box 5518, Bismarck ND 58506**

EXHIBIT 11

VOTER AFFIDAVIT

Under penalty of possible criminal prosecution for making a false statement, I swear that I am a U.S. citizen, a NJ resident and have resided in my precinct for thirty (30) days preceding this election, and this is the ONLY ballot I will cast in this election.

Voter Signature _____

OR

_____
Voter's Name

Date: _____

20 _____

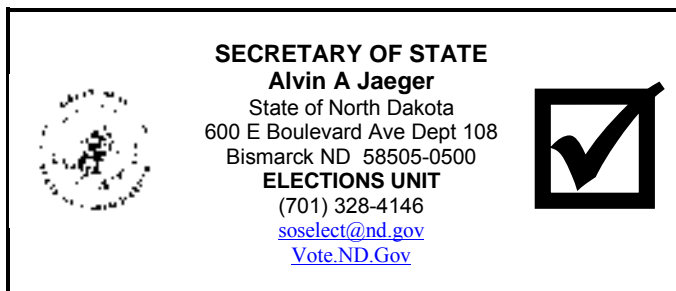
Witness to the Mark

"If the absent voter is unable to sign the voter's name, the voter shall mark (X) or use the applicant's signature stamp on the affidavit in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark."

Instructions: Seal your ballot in this envelope • Fill out and sign this affidavit • Mail or deliver to County Auditor

NDRE

EXHIBIT 12



North Dakota Residents Choosing to Vote Absentee or by Mail

In North Dakota, voting is made easy through absentee and mail ballots. Please use the following information to make your voice heard through voting.

Al Jaeger
North Dakota Secretary of State
The State's Chief Election Official

☒ Voter Qualifications

North Dakota does not have voter registration. However, in order to vote in North Dakota, a voter must be:

- A citizen of the United States;
- Eighteen years or older on the day of election;
- A resident of North Dakota; and
- A resident who has resided in the precinct at least thirty days immediately preceding any election; and
- Able to provide a valid form of identification such as a North Dakota driver's license, nondriver ID, or tribal ID that includes your current residential address and date of birth; or you complete a [Voter's Affidavit](#) on which you attest to your qualifications as a voter. If an individual's valid form of identification does not include all the information required in 16.1-01-04.1(2) of the North Dakota Century Code, or the information is not current, the identification must be supplemented by presenting any of the documents as outlined in section 16.1-01-04.1(3)(b) of the North Dakota Century Code

☒ Residence for voting – Rules for determining

To determine residence for voting, the conditions from the North Dakota Century Code Section 16.1-01-04.2 must be met.

- Every qualified elector may have only one residence, shown by an actual fixed permanent dwelling, establishment, or any other abode to which the individual returns when not called elsewhere for labor or other special or temporary purposes.
- The street address verified by the individual as provided in section 16.1 - 01 - 04.1 when requesting a ballot to vote must be the address of residence for the individual.
- An individual retains a residence in this state until another has been gained.
- The acts of residing at a new address for thirty days and verifying that address as provided under section 16.1 - 01 - 04.1 constitute a change in the individual's voting residence.

☒ Voting Absentee or by Mail

All eligible North Dakotans have the option to request a ballot before the day of an election in a process known as absentee voting. You do not need to provide a reason for why you are requesting an absentee; however, you will be required to complete an application and sign an affidavit. You may submit an application anytime during the calendar year of an election; however, ballots are not available until the fortieth day before an election. Your application may be mailed, faxed, or personally delivered to your county auditor's office.

Revised July 2019

You may live in a county using mail ballot elections (at least one polling place must be open on Election Day). In such counties a mail ballot application is required to be sent to every active voter between the 50th and 40th day before the election. The application is also to be printed in the County Official Newspaper for two consecutive weeks. Furthermore, applications may be requested from the auditor's office or accessed online.

Whether you vote absentee or by mail ballot your return envelope **must** be postmarked no later than the day before the election. If you are unable to meet this deadline then you will have to go to your appropriate polling place on Election Day to cast your ballot.

☒ Application

Applications for absentee ballots may be submitted anytime within the calendar year of an election. The simplest method to apply is to electronically fill out and print the absentee application for submittal by clicking here [Absentee Ballot Application Wizard](#). Additionally, election officials of the county, city, or school district will furnish absentee ballot applications to qualified electors upon request.

The application will request the following information from each voter desiring to vote absentee:

- voter's name;
- voter's current or most recent ND residential address;
- voter's mailing address;
- voter's current contact telephone number;
- the election for which the ballot is being requested;
- the date of the request;
- the voter's affirmation of residence in the precinct for at least thirty days immediately prior to the election;
- voter's signature;
- the voter's status as a citizen living outside the United States, a uniformed service member living away from the voter's North Dakota residence, or a family member of the uniformed service member living away from the voter's North Dakota residence;
- voter's birth date and year;
- The identification number from one of the applicant's valid forms of identification, a copy of the applicant's long-term care certificate, and, if necessary, a copy of the applicant's supplemental identification under section 16.1-01-04.1.
- voter's fax number (if voting materials are to be sent using this manner of transmission)
- voter's email address (if voting materials are to be sent using this manner of transmission)

Absentee ballot applications are to be delivered to the appropriate election official by mail, in person, by fax or as a scanned attachment to an email. Uniformed service members stationed away from home and citizens living outside the United States may also receive and return voted ballots by fax or electronic means according to North Dakota law. For more information, please read the information for [Military Voters](#) and for [Overseas Voters](#).

According to North Dakota law, absentee ballots are to be made available by the 40th day before the election. Returned absentee ballots must have an official postmark or date stamp on the envelope, email, or fax by the day before the election.

☒ ND Absentee Ballot Application

[Absentee Ballot Application Wizard](#)

☒ ND County Auditors

[North Dakota Local Election Officials](#)

EXHIBIT 13

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

SELF ADVOCACY SOLUTIONS N.D.,
LEAGUE OF WOMEN VOTERS OF
NORTH DAKOTA, MARIA FALLON
ROMO,

Plaintiffs,

v.

ALVIN JAEGER, in his official capacity as
Secretary of State, DEBBIE NELSON, in her
official capacity as County Auditor of Grand
Forks County,

Defendants.

**DECLARATION OF DR. LINTON A.
MOHAMMED**

Case No. 3:20-cv-00071

DECLARATION OF DR. LINTON A. MOHAMMED

I, Linton A. Mohammed, declare as follows:

1. I am a Forensic Document Examiner (“FDE”), certified by the American Board of Forensic Document Examiners. I have been engaged in this matter on behalf of Plaintiffs to opine on the reliability of the procedures and techniques of the North Dakota signature verification process for absentee ballot applications and absentee ballot envelopes (voter’s affidavit) as set forth in North Dakota elections laws and guidance.

I. QUALIFICATIONS

2. I am a U.S.-certified and internationally recognized FDE, and the focus of my research and professional experience is on handwriting and signature identification and the scientific approach to analyzing questioned signatures. I am, and since 1998 continuously have been, certified by the American Board of Forensic Document Examiners (ABFDE), the certifying board

for FDEs in North America. I am also certified in document examination by the Chartered Society of Forensic Sciences (United Kingdom). I specialize in the forensic science of analyzing genuine, disguised, and simulated signatures.

3. I co-founded and I am currently the principal at Forensic Science Consultants, Inc., where I conduct forensic document examination casework and research on handwriting and signature examination as well as other forensic document examination (e.g., document alterations, obliterations, indented impressions, or pages added or removed). I am also an adjunct professor at Oklahoma State University, where I teach graduate courses on the scientific examination of questioned documents.

4. During and prior to my time with Forensic Science Consultants, Inc., and for nearly fourteen years, I worked as Forensic Document Examiner and Senior Document Examiner for the San Diego Sheriff's Department Regional Crime Laboratory. There, I conducted examinations of signatures and handwriting for cases investigated by San Diego County agencies as well as by local police, state, and federal agencies. I also served as Technical Lead of the Questioned Documents Section of the Regional Crime Laboratory, trained investigators and attorneys, provided expert testimony, conducted research, and produced the Questioned Documents Section Quality Manuals. Prior to that, I worked internationally as an FDE at the Laboratory of the Government Chemist (England), the Caribbean Institute of Forensic Investigations Ltd. (West Indies), and the Trinidad and Tobago Forensic Science Center (West Indies). In those roles, I conducted forensic document examinations and testified in criminal and civil cases for multiple police forces and other government agencies.

5. I am a Fellow of the Questioned Documents Section of the American Academy of Forensic Sciences ("AAFS"), a Fellow and diplomate of the Chartered Society of Forensic

Sciences, and a member of the Canadian Society of Forensic Science. I served as the Chair of the AAFS Questioned Documents Section from 2016 to 2018. I am an appointed member and Chair of the Academy Standards Board, which was formed by the AAFS to develop documentary standards for the forensic sciences. I served as a member of the National Institute of Standards and Technology's Expert Working Group on Human Factors in Handwriting Examination, the National Institute of Standards and Technology Organization of Scientific Area Committees' Physics/Pattern Interpretation Scientific Area Committee, and the Scientific Working Group on Documents. I have previously served as President, Vice President, Treasurer, and Director of the American Society of Questioned Document Examiners ("ASQDE").

6. I am the editor of the Journal of the American Society of Questioned Document Examiners. I served on the editorial review board of the Journal of Forensic Sciences from 2005-2020, and I serve on the editorial review board of Forensic Science and Technology. I am a guest reviewer for the following journals: Forensic Science International, Science & Justice, Australian Journal of Forensic Science, Egyptian Journal of Forensic Sciences, and IEEE Transactions on Cybernetics.

7. I have published sixteen peer-reviewed articles on signature and handwriting examination, and forensic document examination. Many of my articles focus on the analysis of genuine, disguised, and forged signatures, and handwriting examination. I have also given numerous presentations and workshops on signature and document examination worldwide, including the United States, Australia, Brazil, Canada, China, Latvia, Poland, Saudi Arabia, Scotland, and Turkey.

8. In 2019, I authored a book titled *Forensic Examination of Signatures*, which describes and discusses state of the art techniques and research in signature examination.¹ I co-authored a book in 2012 titled *The Neuroscience of Handwriting: Applications for Forensic Document Examination*, which integrates research in the fields of motor control, neuroscience, kinematics, and robotics to evaluate questioned signatures and handwriting.² The book sets forth, among other things, the scientific fundamentals of motor control as relevant to handwriting; the impact of age, disease, and medication on handwriting; and a quantitative approach to signature authentication, including kinematic and laboratory analyses of genuine versus disguised versus forged signatures.

9. In 2012, I received the American Board of Forensic Document Examiners' New Horizon Award "In Recognition of His Exceptional Contributions in Scientific Research for the Advancement of Forensic Document Examination." In 2019, I received the American Academy of Forensic Sciences Questioned Documents Section Ordway Hilton Award "In Recognition of Outstanding Contributions to Forensic Document Examination."

10. I have testified as an expert witness in court and depositions more than 150 times on issues of signature, handwriting, and document examination in both civil and criminal cases, including cases in the United States, England, Trinidad & Tobago, and St. Vincent.

11. I received a Ph.D. from La Trobe University in Melbourne, Australia in human biosciences, where I wrote my thesis on signature identification: "Elucidating static and dynamic features to discriminate between signature disguise and signature forgery behavior." Prior to that, I received my undergraduate degree in science at the University of West Indies; underwent a two-year training program in document examination at the Trinidad and Tobago Forensic Science

¹ Mohammed, L. (2019). *Forensic Examination of Signatures*. San Diego: Elsevier.

² Caligiuri, M.P., & Mohammed, L.A. (2012). *The Neuroscience of Handwriting: Applications for Forensic Document Examination*. Boca Raton: CRC Press/Taylor & Francis Group.

Center; and received a master's degree in forensic sciences at National University in San Diego, California.

12. My *curriculum vitae* is attached as Exhibit A. I am being compensated at a rate of \$400.00 per hour. My compensation in this matter is not in any way contingent on the content of my opinion or the outcome of this matter.

II. BACKGROUND

13. For this Declaration, I reviewed the State of North Dakota statute N.D.C.C. §16.1-07-01 *et seq.*, the 2018 North Dakota Election Officers' Manual, and relevant academic literature.

14. Based on my review of the cited State of North Dakota statutes and the Election Officers' manual, the election clerks and board members must compare "the signature on the application for an absent voter's ballot with the signature on the voter's affidavit . . . to ensure the signatures correspond." N.D.C.C. §16.1-07-12. No guidance is given as to what is meant by "correspond."

15. "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 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." N.D.C.C. §16.1-07-12. No guidance is given as to what is meant by "insufficient."

16. Rejected absentee ballots are to be handed over to the county canvassing board for final determination of acceptance or rejection. N.D.C.C. § 16.1-07-12. No details of the canvassing board's qualifications, training, or experience in the examination of signatures is provided.

17. Based on these statutes the election officials and canvassing board are being asked to conduct an examination and comparison of one signature (application) with another (ballot envelope).

18. Based on my understanding, North Dakota election officials are lay individuals, meaning they are not required to have any training, certification, or experience in document examination or signature comparison.

19. Based on my understanding, there are no further written statewide standards or procedures to guide election officials in evaluating whether the signature on the absentee ballot application matches the signature on the back of the absentee ballot envelope (the voter's affidavit).

20. Furthermore, there is no indication that the voter is notified in case of a signature mismatch or provided with an opportunity for a cure.

III. SUMMARY OF CONCLUSIONS

21. The North Dakota signature match procedures do not set forth sufficient standards for determining reasonably whether a signature on a ballot return envelope matches the voter signature displayed in the voter's file, which results in errors. Based on my review of the election statutes, North Dakota also does not require election officials to have any training in signature examination and does not require that election officials be provided equipment for effective document examination and signature comparison, such as proper light sources and microscopes.

22. Based on my experience and my review of the academic literature, it is my opinion that in these circumstances, North Dakota election officials are likely to make erroneous signature-comparison determinations.

23. Determining whether a signature is genuine is a difficult task for even a trained FDE, as signatures are written in different styles with varying levels of readability and variability. Laypersons, such as North Dakota election officials, have a significantly higher rate of error in determining whether signatures are genuine. Laypersons are also more likely to wrongly determine that authentic signatures are *not* genuine than to make the opposite error. In other words, North Dakota election officials are significantly more likely than trained examiners to make an incorrect signature-comparison determination and are particularly likely to incorrectly decide that the signatures are *not* signed by the same person.

24. The high rate of error among laypersons generally results from the inability to distinguish between normal “variations” in one individual’s signatures as opposed to “differences” resulting from multiple signers. An individual’s signatures may vary for myriad reasons, including age, health, native language, and writing conditions. Laypersons lack the tools and training to properly account for signature variation, which leads to erroneous mismatch determinations that are particularly pronounced in populations with greater signature variability, such as the elderly, disabled, individuals suffering from poor health, young voters (ages 18 to 21), and non-native English speakers.³

25. These signature-determination errors are further compounded for North Dakota election officials with diminished eyesight or “form blindness” (a type of impairment in visual perception defined below)—both of which impact an individual’s ability to make accurate handwriting authenticity determinations. While FDEs are screened for these traits, North Dakota

³ See Hilton, O. (1969). Consideration of the writer’s health in identifying signatures and detecting forgery. *Journal of Forensic Sciences*, Vol. 14, No. 2, pp. 157-166.

law and guidance regarding signature comparison do not require election officials to undergo such screening.

26. Based on my review of the relevant statutes and guidance, North Dakota does not require election officials to compare the signature on the ballot return envelope to other signatures available on file beyond the absentee ballot application, or spend any minimum threshold of time in comparing signatures. These omissions are likely to lead to additional errors. At a minimum, multiple signature samples are required for an accurate signature determination to account for an individual's signature variability, given proper examination conditions.⁴ For writers who are elderly or have poor health, a larger number of signature samples may be required to determine their range of variation. Yet North Dakota does not require election officials to compare the voter's signature on the return envelope to more than one sample. Further, because a minimum of two hours is required to accurately compare signatures, election officials with insufficient time to evaluate the signature on the ballot return envelope are likely to make additional errors. Based on my review of North Dakota laws and guidance, election officials are not allotted the required minimum amount of time to review voters' signatures.

27. In sum, it is my opinion that North Dakota's current signature matching rules and procedures, which allow individuals without adequate training—and without guidance—to reject the signature on the back of the absentee ballot envelope (the voter's affidavit), will result in a significant number of erroneous rejections. In other words, North Dakota election officials are likely to reject properly cast ballots, signed by the voter to whom the ballot belongs, because of their incorrect determination that the signature on the absentee ballot envelope is not genuine.

⁴ Hilton, O. (1965). A further look at writing standards. *The Journal of Criminal Law, Criminology and Police Science*, Vol. 56, No. 3, p. 383 (recommending a minimum of ten signature samples for accurate signature comparison determinations).

IV. ANALYSIS AND OPINIONS

A. North Dakota Election Officials are likely to make erroneous signature comparison determinations.

28. Individuals untrained in signature examination, like North Dakota election officials, are highly likely to make mistakes when comparing signatures, particularly by erroneously rejecting signatures as inauthentic or non-matching when they are in fact written by the same individual. These rejections are considered “Type II” errors, and laypersons are more likely than FDEs to make such errors for several reasons. First, untrained election officials cannot reliably determine whether signatures are written by different individuals or whether the signatures are written by one person but exhibit natural variations. Second, untrained reviewers do not account for the many reasons for naturally varying signatures, causing them to erroneously reject authentic signatures. This is particularly true for writers who have less formal education, learned English as a second language, elderly, disabled, young, or have adverse health conditions. Third, untrained elections officials also fail to account for the different signature styles and features, leading to erroneous rejections. Lastly, North Dakota election officials are not tested for form blindness, a condition that impacts their ability to accurately review signatures.

B. Untrained laypersons are more likely than FDEs to erroneously determine authentic signatures are inauthentic.

29. There are two types of errors in signature examination. Type I errors occur when a non-genuine signature is deemed to be genuine, and a Type II error occurs when a genuine signature is concluded to be non-genuine. A Type II error is considered among FDEs as being more egregious than a Type I error for signature verification and would mean in North Dakota’s mail voting system that a genuine signature is rejected as non-genuine, and the voter’s ballot would not be counted.

30. Compared to FDEs, laypersons have higher Type II error rates. In a 2001 study reviewing the error rates of FDEs and laypersons in comparing six genuine signatures with six non-genuine signatures, laypersons made Type II errors in 26.1% of cases while trained signature FDEs made such errors in 7.05% of cases.⁵ That means that laypersons are more than 3 ½ times more likely to declare an authentic signature non-genuine—which, in the case of signatures on ballot return envelopes, would mean that election officials would reject more than 3 ½ times the number of ballots than FDEs. It should be noted that for this study, six specimen signatures were used. If, as in North Dakota elections, only one genuine signature is used for comparison, it is highly likely that the error rate for both experts and laypersons would increase significantly.

C. North Dakota election officials cannot determine reliably whether signatures are written by different individuals, or by one individual exhibiting natural variation.

31. Determining whether signatures are made by the same or different individuals requires a reviewer to discern whether a feature or combination of features in signatures are “differences” or “variations.” Signatures are the product of a motor program developed in the brain after practice, and then executed with neuro-muscular coordination. Many factors can influence an individual’s motor program and neuro-muscular coordination. These factors cause variations in each person’s signature.⁶ Variations are deviations of personal, subconscious characteristics normally demonstrated in the habits of each writer. Individuals may have narrow, moderate, or wide ranges of natural variation. A writer’s range of variation can be determined when an adequate amount of specimen signatures is examined. A significant “difference” is a characteristic that is structurally

⁵ Kam M., Gummadidala K., Fielding G., Conn R. (2001). Signature Authentication by Forensic Document Examiners, *Journal of Forensic Science*, 46(4):884-888.

⁶ Mohammed, L. (2019). *Forensic Examination of Signatures*. San Diego: Elsevier.

divergent between handwritten items, is outside the range of variation of the writer, and that cannot be reasonably explained.⁷

32. In the field of signature examination, unexplainable “*differences*” between signatures suggest that different individuals wrote the signatures, whereas “*variations*” between signatures mean that one individual wrote the signatures. Determining whether signature features are “differences” or “variations” is one of the most difficult determinations in signature examinations, even for experienced FDEs.

33. Some writers may have a very wide range of variation. Figure 1 illustrates four signatures of one writer (redacted) that exhibit wide variation, and if compared in pairs, may easily be mistaken as signatures written by different individuals.

⁷ SWGDOC Standard for the Examination of Handwritten Items, available at <https://www.swgdoc.org/documents/SWGDOC%20Standard%20for%20Examination%20of%20Handwritten%20Items.pdf>.



Figure 1 *Four signatures of one individual exhibiting a wide range of variation*

34. To reliably make such a judgment requires, at a minimum:

- Extensive training with different types of signatures: Becoming an FDE requires at least two, and typically three, years of full-time training with an experienced examiner, with at least eighteen months of training in the examination of signatures and handwriting. FDEs learn the science of signature examination, gain experience in casework, and are tested for proficiency.

- Adequate magnification and lighting equipment.
- Excellent eyesight.
- Adequate contemporaneous specimen signatures
- Adequate time: Insufficient time examining signatures is conducive to making errors. For example, one study found that FDEs spent more time looking at the questioned and known signatures than laypersons, and their evaluations were more accurate.⁸

Without these elements, North Dakota election officials are likely to mistake legitimate and expected “variations” between one individual’s signatures for “differences” in signatures between two individuals, and conclude incorrectly that someone other than the registered voter signed the ballot return envelope.

D. Untrained reviewers erroneously reject authentic signatures because they do not account for the many reasons for naturally varying signatures.

35. Further, an individual’s signatures may vary for myriad reasons, and to properly determine whether signatures are written by the same individual, one must consider the various reasons why features of the same individual’s signatures may visually appear different. To do so, reviewers must possess an adequate number of sample signatures to demonstrate the writer’s range of variation. In one of the leading textbooks on handwriting examination, authors Roy Huber & A.M. Headrick identified twenty common reasons why individuals’ signatures may appear to show variations:

⁸ Merlino, M., Freeman, T., Dahir, V., Springer, V., et al. (Jan. 2015). *Validity, Reliability, Accuracy, and Bias in Forensic Signature Identification*. Department of Justice Grant 2010-DN-BX-K271, Document 248565, <https://www.ncjrs.gov/pdffiles1/nij/grants/248565.pdf>.

- Adequacy of standards (or samples)—inadequate standards in terms of quantity and contemporaneousness will not be representative of the writer’s range of variation. Variations may therefore be interpreted as differences.
- Accidental occurrences—i.e., these are one-off variations that will not appear in the specimen signatures.⁹ Misinterpretation may lead to a decision of difference versus variation.
- Alternative styles—i.e., some writers have alternate signature styles. This may not be represented in the specimens.
- Ambidexterity.
- Carelessness or negligence.
- Changes in the health condition of writer.
- Changes in the physical condition of writer—e.g., fractures, fatigue, or weakness may alter features of an individual’s signature.
- Changes in the mental condition or state of the writer.
- Concentration on the act of writing.
- Disguise or deliberate change.
- Drugs or alcohol.
- Influence of medications.
- Intentional change for later denial.
- Nervous tension.

⁹ A specimen signature is a signature that is known to have been written by a person. It is not disputed. Typical specimens are Driver’s Licenses and Identification Cards.

- Natural variations—i.e., inherent variation as a result of differences in neuro-muscular coordination.
- Writing conditions—e.g., the individual’s place or circumstances, such as in a moving vehicle or at a stationary table.
- Writing instrument—e.g., a pen versus a stylus.
- Writing position—e.g., the individual’s stance.
- Writing surface—e.g., paper versus electronic screen.
- Writing under stress.

Examiners must consider each of these reasons in determining whether a feature is “difference” created by different writers or whether the feature is simply a “variation” from the same writer. It is very unlikely that North Dakota election officials will have the knowledge, training, and experience to properly account for these factors. And the signature matching statutes and rules do not require election officials to consider adequate samples, as would be necessary for even an expert to distinguish a “difference” from a “variation.”

36. Studies have shown that illiterate writers, writers for whom English is a second language, elderly writers, disabled writers, and writers with health conditions tend to have less pen control than most other writers, and therefore would have a greater range of variation in their signatures.¹⁰ And the increased variation in the signatures of these groups only compounds

¹⁰ See, e.g., Hilton, O. (1969). Consideration of the writer’s health in identifying signatures and detecting forgery. *Journal of Forensic Sciences*, Vol. 14, No. 2, pp. 157-166; Hilton, O. (1965). *A further look at writing standards*. *Journal of Criminal Law, Criminology, and Police Science*, Vol. 56, No. 3, pp.383; Hilton, O. (1956). Influence of serious illness on handwriting identification, *Postgraduate Medicine*, Vol. 19, No. 2.

laypersons' tendencies to err on the side of incorrectly finding authentic signatures to be non-genuine.

37. Since signatures are developed as a motor program in the brain, the signatures of writers for whom English is a second language are more likely to exhibit wide ranges of variation, as these writers will have to discard their former learned motor program and develop a new one for their new signature style.¹¹ For instance, a writer who first learned to write in a non-Latin-based script, such as Chinese, will naturally show more variation when signing a document in English than a native writer. Likewise, where the writer's native language is written right to left, such as Urdu, the writer's signature may also be more likely to show variations in letter slanting. Cherokee is a Native American tribe that has its own syllabary¹². Signatures written by individuals who learned to write using the Cherokee syllabary may appear different to an untrained eye. Qualified, experienced experts in the area of signature verification would know of and account for these factors in evaluating signatures. North Dakota election officials, even if put through a short training session, are unlikely to be able to accurately account for these differences, particularly in an expedient time frame or when only one or a few specimen signatures are available for comparison.

38. Furthermore, young voters (ages 18 to 25) are not likely to have fully developed signatures. According to one study, "the development and progress of one's handwriting passes through four stages in the course of a lifetime: (1) the formative stage, (2) the impressionable or

¹¹ Mohammed, *supra* note 1 at pp. 5-1.

¹² Encyclopedia Britannica, *Cherokee Syllabary*, <https://www.britannica.com/topic/Cherokee-syllabary>.

adolescent stage, (3) the mature stage, and (4) the stage of degeneration.”¹³ The signatures of young voters will fall between stages 2 and 3. The U.S. Postal Service has reported that “writer[s] achieve[] graphic maturity by the 20th birthday.”¹⁴ Handwriting was developed as a means of communication, whereas signatures are developed as a means of identification.¹⁵ Signatures tend to be more personalized and can therefore be considered as an over-developed form of handwriting. It follows that young writers today will not have developed signatures until later in life. This is exacerbated as young writers will presumably need to sign less often due to the increased use of personal identification numbers (“PINs”) and other non-handwritten forms of identification. Their signature development can reasonably be expected to take longer than for previous generations. This will lead to an increased range of variation in a young writer’s signature. The handwriting of adolescents can cause difficulties even for trained FDEs. Comparisons by untrained individuals of young voters’ signatures on the ballot return envelopes will exacerbate the potential for error in rejecting their ballots.¹⁶

¹³ Huber, R.A. & Headrick, A.M. (1999). *Handwriting Identification: Facts and Fundamentals*. Boca Raton, FL: CRC Press.

¹⁴ Bureau of the Chief Postal Inspector (1966), *20th Century Handwriting Systems and Their Importance to the Document Analyst*.

¹⁵ Plamondon, R., Srihari, S. (2000). *Online and off-line handwriting recognition: a comprehensive survey*. IEEE Transactions on Pattern Analysis and Machine Intelligence Volume: 22, Issue:1, Jan; Srihari S.N., Srinivasan H., Chen S., Beal M.J. (2008). *Machine Learning for Signature Verification*. In: Marinai S., Fujisawa H. (eds) Machine Learning in Document Analysis and Recognition. Studies in Computational Intelligence, vol 90. Springer, Berlin, Heidelberg, p. 389.

¹⁶ Cusack, C.T & Hargett, J.W. (1989). A Comparison Study of the Handwriting of Adolescents. *Forensic Science International*, 42(3):239-248.

E. North Dakota officials may fail to account for increase variation in signatures of writers with disabilities.

39. Signatures are executed by means of neuromuscular coordination. A motor program developed in the brain signals the muscles to produce handwriting movements. Any disability, illness, or drug that affects neuromuscular coordination will influence the production of signatures. Various diseases that affect motor neurons and neurological pathways can affect the appearance of signatures of the afflicted individual.

40. Multiple Sclerosis (MS) occurs in 1 of 500 people worldwide with 70% of patients exhibiting symptoms between the ages of 21 to 40. The disease manifests itself in females 2 to 3 times more than in males. A characteristic of writers with MS is tremor or shakiness.¹⁷ Neurological damage from MS is reflected in handwriting and it is estimated that 75% of MS patients exhibit tremor in their handwriting.¹⁸ Diseases such as Parkinson's and Alzheimer's with Lewy Bodies also affect signatures. The writer tends to write much smaller (micrographia), and his tendency may change depending on medication. Individuals who have lost their dominant hand, and must learn to write with their other hand will also exhibit wide variation in their handwriting. An example of such individuals are veterans who have been injured in war. The longer a person writes with a non-dominant hand will result in improvement of the quality of handwriting. However, it will likely never appear completely normal and natural.¹⁹

41. It is highly likely that writers with disabilities will exhibit a wider range of variation in their signatures than might normally be seen in the signatures of a healthy, skilled writer. This increased variation will not only present a challenge to a trained FDE, but will present an impossible task to a layperson who has to compare one signature on a ballot with one signature on an application for a ballot, and make a determination of authenticity.

42. In North Dakota, the ballot signature is compared with one reference signature. For voters with disabilities the lack of an adequate number of standards will exacerbate the error rate. Evaluations of signatures executed by ill writers requires the evaluator to have wide experience with different types of signatures and accurate knowledge of the physical conditions of individuals as this relates to handwriting.²⁰

¹⁷ Caliguiri, M., Mohammed, L. (2012). The Neuroscience of Handwriting: Applications for Forensic Document Examination. CRC Press: San Diego. Pp. 62-63.

¹⁸ Wellingham-Jones, P. (1991). Characteristics of handwriting of subjects with Multiple Sclerosis. *Perceptual and Motor Skills*, 73, 867-879.

¹⁹ Lanners, B. (2018). A New-Dominant Hand: Training the Non-Dominant Hand to Perform the Complex Task of Handwriting. *Journal of the American Society of Questioned Document Examiners*, Volume 21, Number 2, pp. 13-28.

²⁰ Hilton, O. (1969). Considerations of the writer's health in identifying signatures and detecting forgery. *Journal of Forensic Sciences*, Vol. 14, No2, 2, pp. 157-166.

F. North Dakota elections officials also fail to account for the different signature styles and features, leading to erroneous rejections.

43. One of the reasons that accurate signature comparison determinations prove difficult, even for a trained FDE, is that signatures are written in three different styles²¹ as illustrated in Figure 2:

- Text-based: Nearly all the letters can be interpreted.



- Mixed: More than two, but not all, letters can be interpreted.



- Stylized: No letters can be interpreted.



Figure 2 *Examples of three signatures styles*

These signature styles exhibit significantly different characteristics that impact the signature-matching analysis, and by extension, the determination of whether signatures are genuine. For example, kinematic features of signatures, such as size, velocity, changes of acceleration, and pen pressure are important in determining whether a signature is genuine. Yet these kinematic features

²¹ Mohammed, L., Found, B., Rogers, D. (2008). Frequency of signature styles in San Diego County. *Journal of the American Society of Questioned Document Examiners*, Vol. 11, No. 1.

vary between the same individual's signatures, with the degree of variations often dependent on the signature style. The kinematic features of stylized signatures, for example, vary more significantly than the kinematic features of text-based signatures. And the less legible a signature becomes, the more the election official depends on their pattern recognition ability. Thus, signature styles can have an impact on the determination of genuineness or non-genuineness. Unfamiliarity with the different signature styles may impact a reviewer's ability to determine whether two signatures come from the same person, and would likely cause a lay person to decide that the compared signatures exhibit "differences" when the changes in features are simply "variations."

44. To determine whether signatures are made by the same individual, a reviewer should focus on holistic features of signatures, such as alignment, slant, pen lifts, rhythm, the size of writing, the slope or slant of the letters, or other characteristics that are diagnostic of the process used to create signatures. These features are subtle, and a writer is usually unaware of the features, as they are excited by the writer's subconscious motor program. These subtle features provide significant evidence of genuineness because they occur in natural handwriting. Lay persons, however, often focus instead on more eye-catching features in evaluating signatures. For example, an eye-tracking study on signature examination found that "lay participants focused to a greater extent on individual features such as arches, eyelets, hooks, shoulders, connections, troughs, or other individual features" that catch the eye, and "appear[ed] less likely to use holistic features."²² But focusing on these eye-catching features is problematic because these are the types of features that a simulator will try to capture. Properly utilizing the subtle, holistic features of signatures to determine genuineness, however, requires both training and adequate time for review.

²² Merlino, *supra* note 13.

G. North Dakota election officials are not tested for form blindness, increasing the risk of erroneous signature match determinations.

45. A laypersons' ability to make consistently correct determinations as to the genuineness of a signature may also be impacted by a condition known as "form blindness," which impairs "the ability to see minute differences in angles, forms, and sizes."²³ Most ophthalmologists agree that form perception is not an eye problem but rather a translational problem. That is, "it is a perceptual inability to distinguish the small differences between shapes, colors, and patterns."²⁴ Therefore, in most cases, form blindness goes undetected, but diminishes a reviewer's ability to make accurate determinations of a signature's genuineness.²⁵ And while FDEs must pass a form blindness test before being trained in handwriting identification, North Dakota requires no such test for election officials. There is thus a risk that some election officials have form blindness and are particularly prone to making erroneous signature determinations.

H. Even trained FDEs are likely to make erroneous signature comparison determinations under North Dakota's signature matching procedures.

46. Even for trained FDEs, North Dakota's signature matching process would be prone to erroneous determinations due to the limited number of comparison signatures and the lack of proper equipment.

²³ Bertram, D. (2009). Univ. of S. Miss. *Form Blindness Testing: Assessing the Ability to Perform Latent Print Examination by Traditional Versus Nontraditional* Students Dissertations. 996, p. 33; Byrd, J. & Bertram, D. (2003). Form-Blindness. *Journal of Forensic Identification*, 53(3):315-341.

²⁴ Moody, Meredith G., "Form-Blindness and Its Implications: A Verification Study" (2016); Honors Theses; Paper 388.

²⁵ *Id.*, p. 32.

47. Normally, FDEs require multiple specimen signatures for comparison with a questioned signature, and often more if issues such as age or illness are involved. These specimens are required to adequately determine the range of variation of the writer and properly account for the reasons for variation within an individual's signatures discussed above. Indeed, nobody signs the same way twice: no two complex, skillfully written, genuine signatures of one writer have ever been found to be exactly alike, but such a statement should be understood to be true speaking microscopically, and not as the carpenter measures.²⁶ Inadequate standards, or failure to use adequate specimens fully representing the range of variation in a writer's signature, is a well-known source of error.²⁷

48. Features observed in the questioned signature(s) may not be observed in the inadequate specimens. This may lead to an erroneous interpretation of a feature as a difference (two writers) not a variation (one writer). Because North Dakota election officials are only required to compare the signature on the ballot return envelope with one reference signature, they cannot distinguish accurately between features, variations, or differences. Furthermore, in some instances, North Dakota election officials may need to compare a voter's original "wet-ink" signature on the ballot return envelope with the voter's digitized signature in the Central Voter File. Comparing a digitized signature with an original "wet-ink" signature has many inherent limitations, some of which are caused by the resolution of the digitized signature, whether the digitized signature is being viewed on a monitor or as a printed item, and the writing instruments used for each signature. If the monitor's resolution is low, or if the digitized signature is a poor copy of the original signature to begin with, this would make it very difficult for an untrained examiner to assess the line quality of the signature. Striations made by ballpoint pens may appear to be gaps in the writing line, and may be interpreted mistakenly as evidence of simulation or forgery.

49. Finally, as discussed above, North Dakota does not require election officials to use or be provided with proper equipment, such as magnification and lighting equipment. “[T]he microscope is the instrument which makes it possible to see physical evidence directly that otherwise may be invisible. . . .”²⁸ Without this type of equipment, even a well-trained eye may make errors in a signature authenticity determination.

V. CONCLUSION

50. For the reasons stated herein, it is my professional opinion that North Dakota election officials are likely to make erroneous signature match determinations. In particular, North Dakota election officials are significantly more likely to erroneously conclude that authentic signatures are *not* genuine than they are to make the opposite error—to accept inauthentic signatures as genuine. These erroneous determinations result from the inherent difficulty in making reliable signature authenticity determinations, particularly where, as here, the reviewer lacks training, is provided with an insufficient number of comparison signatures, and does not have access to proper equipment. The use of a one signature as the sole reference sample for comparison with one ballot signature will most likely exacerbate the error rate. In this context, North Dakota’s signature matching procedures are all but guaranteed to result in the erroneous rejection of properly cast ballots.

* * *

²⁶ Osborn, A. (1910). *Questioned Documents*. The Lawyers’ Publishing Co.: Rochester, NY, p. 281.

²⁷ Huber, R.A. & Headrick, A.M. (1999). *Handwriting Identification: Facts and Fundamentals*. Boca Raton, FL: CRC Press.

²⁸ Osborn, A. S. (1929). *Questioned Documents*. 2nd. Ed. Boyd Printing Company, Albany, N.Y., USA.

Executed on May 8, 2020 at San Bruno, California

I declare under penalty of perjury the foregoing is true and correct.


Linton Mohammed/Ph.D., D-ABFDE

EXHIBIT 14

DECLARATION OF MARIA FALLON ROMO

I, Maria Fallon Romo, declare as follows:

1. I am over 18 years of age and competent to testify.
2. I have lived and voted in Grand Forks, North Dakota for about 30 years. Voting is very important to me. I have been an active voter since I turned 18. I try to vote in every election that I can, including state and local elections. I plan to vote in North Dakota's upcoming June state and local elections and the November presidential election.
3. I have been living with multiple sclerosis ("MS") for most of my adult life. As a result of my MS, I have difficulty standing and walking for long periods of time. I sometimes have to walk with a cane. Before the 2018 election, I received a mailer that encouraged me to vote absentee to avoid lines at the polls. I decided to vote absentee because I thought it would make voting easier and more convenient for me.
4. I filled out, signed, and submitted my absentee ballot request form on October 11, 2018. After I received my ballot in the mail, I filled it out according to the instructions, signed it, and submitted it to be counted on October 16, 2018. When I voted, I was unaware that the signature I provided on my absentee ballot request form would be compared to the one I provided on my ballot envelope to determine the validity of my ballot.
5. Because of my condition, writing neatly and clearly can be difficult for me. I often lose feeling in my fingers, have hand strength issues, and experience limited sensation and pressure in my fingers and hands. These issues are worse in my right hand, which is the hand I use to write with. Even before I was diagnosed MS in 1997, I experienced neurological symptoms that impacted my fingers and fine motor skills. I have been living with this issue for decades. Over the last five years, my condition has deteriorated, and my handwriting has gotten significantly worse. In order for my handwriting to be legible, I have to write with a special large width pen. My doctors

have told me over the years to expect this because difficulty writing and changes in handwriting are common side effects of MS.

6. I believed my ballot had been counted until recently. I now understand that my ballot was rejected because of an issue with my signature. This rejection was in error. I have had a chance to inspect both the ballot request form and voter affidavit and can confirm that the signatures on both documents belong to me. Ex. A (the absentee ballot application and voter affidavit Ms. Romo examined and confirmed she submitted in 2018).

7. I was shocked to learn that my ballot had been rejected. I expected that the State would have informed me that my signature would be used for comparison and notified me if there was an issue with my ballot. Since finding out about policy, I have called my friends and neighbors to warn them to ensure this does not happen to anyone else. If I had known there was an issue with the signature on my ballot and been given an opportunity to remedy it, I would have taken whatever steps were available to me to correct the error and have my vote counted. I am very disappointed that my vote was not counted in the 2018 elections.

8. After finding out that my absentee ballot was rejected because of a signature issue, I am very hesitant to cast another ballot by mail for fear of being disenfranchised again. But I also recognize that doing so will be necessary because of COVID-19. If I vote in the June primary—as I plan to—I will be forced to cast another mail-in ballot because the county, at the urging of the Governor, has set an all-mail election to mitigate the harm of COVID-19.

9. Even if there are in-person opportunities to vote in November, I worry about my safety. Like many people in the United States, my husband and I are taking steps to avoid contracting or spreading COVID-19, including by minimizing contact with other people. I am a special education para educator, and over the last several weeks I have had to work with my students remotely. I do

not leave my house, except to go for walks in our neighborhood. My husband and I have groceries delivered to our door rather than risk going to the store.

10. In more than 30 years of voting, 2018 was the first and only election in which I cast an absentee ballot. I enjoyed the process and found it made voting far easier for me and my family. If I could be confident that my vote would count, I would prefer to cast my ballot by mail in the future.

Executed on April 17, 2020 at Grand Forks, North Dakota
I declare under penalty of perjury the foregoing is true and
correct.



Maria Fallon Rome

EXHIBIT 15

DECLARATION OF KOURTNEY KAREN CULVER

I, Kourtney Karen Culver, declare as follows:

1. I am over 18 years of age and competent to testify.
2. I was born and raised in Grand Forks, North Dakota. I started voting in North Dakota as soon as I could when turned 18. Between 2014 and 2019, I attended school out of state, but I maintained a permanent residence at my parents' home and continued to vote in Grand Forks, North Dakota. After I graduated in 2019, I accepted a position as an art teacher at Shakopee High School in Minneapolis, Minnesota and updated my voter registration to become a Minnesota voter.
3. I vote in every election that I can. I believe that voting is important, especially for young people like myself, because we are voting on the issues that impact the world we are growing into.
4. I was still attending school out of state during the November 6, 2018 general election, so I needed to vote absentee. In mid-October, I submitted my absentee ballot request form, as I did in every election that occurred while I was in school. That year, I used my computer to fill out the absentee ballot request paperwork and provided a digital signature. I received my absentee ballot in the mail, filled it out by hand, and returned it to be counted on October 29, 2018.
5. I did not know that my vote was not counted until I received a call from the Campaign Legal Center ("CLC") on April 14, 2020 informing me that North Dakota rejected my ballot after determining that the signature on my absentee ballot application did not "match" the one I provided on my absentee ballot. This finding was in error. I have had an opportunity to examine both my ballot application and voter affidavit, and I can confirm that both signatures

belong to me.¹ I was surprised to learn that my vote was not counted. Before I received that call, I had no reason to suspect there was any issue with my signature or my ballot. I have submitted both digital and hand-marked signatures in previous elections, and I would have expected election officials to inform me if there was a problem.

6. If I had known there was an issue with the signature on my ballot and been given an opportunity to remedy it, I would have taken whatever steps were available to me to correct the error and have my vote counted. I am very disappointed that my vote was not counted in the 2018 elections.

Executed on April __, 2020 at Minneapolis, Minnesota.

I declare under penalty of perjury the foregoing is true and correct.

Kourtney Karen Culver

¹ Appendix A.

EXHIBIT 16

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

SELF ADVOCACY SOLUTIONS N.D.,
LEAGUE OF WOMEN VOTERS OF
NORTH DAKOTA, MARIA FALLON
ROMO,

Plaintiffs,

v.

ALVIN JAEGER, in his official capacity as
Secretary of State, DEBBIE NELSON, in her
official capacity as County Auditor of Grand
Forks County,

Defendants.

**DECLARATION OF ALLAN LEE MARX
JUNIOR**

Case No. 3:20-cv-00071

DECLARATION OF ALLAN (“A.J.”) LEE MARX JUNIOR

Pursuant to 28 U.S.C. § 1746, I, A.J. Marx, declare as follows:

1. I am the President of Self Advocacy Solutions N.D. (“SAS”), a nonprofit organization located in Grand Forks, North Dakota. I have been involved at SAS since 2013. In my role as President, I oversee SAS’s board of director activities, including outreach and advocacy efforts, serve as a spokesman, engage with our membership and outside stakeholders, and manage day-to-day organizational activities. I have also served as a Self -Advocacy trainer and led Self Advocacy workshops on education, accessibility issues, including on the issue of voting.

2. SAS was founded in 2003. It is a nonprofit, nonpartisan organization dedicated to protecting the civil and human rights of people with disabilities.

3. SAS is a part of the self-advocacy movement, which is built on the core belief that people with disabilities are their own best advocates. SAS works to ensure that its members and all people with disabilities are afforded the opportunity to speak up and be heard to demand respect, fair opportunities, and equal rights. SAS works to advance its mission by empowering and elevating the voices of people with disabilities, including by ensuring that people with disabilities have a voice in the political process and can exercise their right to vote.

4. SAS is an organization run by and for people with disabilities. SAS follows the motto of “nothing about us without us.” Its membership is comprised of North Dakotans from across the state who are living with a variety of physical, developmental and intellectual disabilities, including down syndrome, cerebral palsy, traumatic brain injury, spina bifida, Prader-Willi syndrome, visual disabilities, and more. SAS welcomes people with all disabilities, but staying true to the birth of the Self-Advocacy movement, most of the people who participate are people with intellectual and developmental disabilities. Members play a crucial role in the planning and execution of SAS’s activities. They serve on SAS’s board and in positions at all levels in the organization, including as trainers and regional team leaders.

5. Promoting the interests of people with disabilities in politics, elections, and voting has been a key component of SAS’s work since its founding. SAS and its members regularly engage in voter education and policy advocacy, including by providing testimony on multiple bills that threaten to impact the lives of people with disabilities, speaking in state, national, and international forums on disability rights issues, and holding outreach and educational trainings across North Dakota.

6. SAS also does work specifically on the issue of the accessibility of the franchise. For example, in 2012, SAS held 24 trainings in 12 communities across the state that engaged with

more than 654 people to ensure voters with disabilities could exercise their right to vote in North Dakota. In those trainings, we taught people how to use the auto mark and we encouraged people to vote by mail and explained how the process worked, including by walking them through how to fill out an absentee ballot form, mark a ballot, and return it to be counted. We have since held trainings like this in some form before every major election. In 2014, we trained 410 people on the voting process, we also reviewed voting by mail. We regularly encourage SAS's members to vote by absentee ballot and provide them with assistance voting.

7. I believe many SAS members are at particular risk of being deprived of their right to vote because of signatures that election official deem to not "correspond."

8. Voting in-person can be difficult for our members and all voters with disabilities. For example, voters with disabilities often struggle to find accessible transportation to get to polling sites, feel anxiety about the prospect of needing additional assistance and having lines form behind them, contend with voting sites that are technically accessible but still not easy to use, and do not always know that they can ask for help when it comes to reading the ballot or how to work the auto mark voting machine.

9. Many of our members elect to vote absentee because it alleviates these concerns. However, because of their disabilities, many SAS members' signatures lack can visual consistency across time. For many, their disabilities do not render them "unable" to sign their names, but their disabilities affect the consistency of the appearance of their signatures.

10. If voters whose signatures do not "match" are not provided with notice or any opportunity to fix signature issues or otherwise verify their absentee ballots, our membership who cannot produce consistent signatures will always be at greater risk of being disenfranchised when they vote by mail.

Executed on May 10, 2020 at Grand Forks, North Dakota.

I declare under penalty of perjury the foregoing is true and correct.

Allan Lee Marx, Jr.

Allan Lee Marx, Jr.

EXHIBIT 17

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

SELF ADVOCACY SOLUTIONS N.D.,
LEAGUE OF WOMEN VOTERS OF
NORTH DAKOTA, MARIA FALLON
ROMO,

Plaintiffs,

v.

ALVIN JAEGER, in his official capacity as
Secretary of State, DEBBIE NELSON, in her
official capacity as County Auditor of Grand
Forks County,

Defendants.

**DECLARATION OF JAN RENAE
LYNCH**

Case No. 3:20-cv-00071

DECLARATION OF JAN RENAE LYNCH

Pursuant to 28 U.S.C. § 1746, I, Jan Renae Lynch, declare as follows:

1. I am the President of the League of Women Voters of North Dakota ("LWVND"), a nonpartisan, nonprofit organization located in Fargo, North Dakota. I have been a member of the LWVND for three years, and I became President of the state chapter 5 months ago. In that role, I coordinate activities with local chapters, work on growing membership across the state, and support specific LWVND projects.

2. The LWVND was founded in North Dakota at the time of women's suffrage, although it has been active in its current iteration since the 1960s.

3. The LWVND has members across North Dakota who work out of two local chapters, one serving the greater Fargo region and another serving Bismarck-Mandan. The LWVND is

entirely volunteer run, and its members serve in every position in the organization. LWVND operates using a consensus-based governance model, and all members take part in the process of determining organizational policies and priorities.

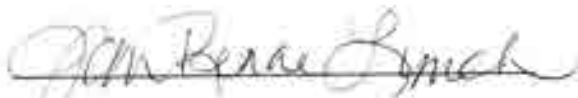
4. As laid out by our mission statement, our work is dedicated to encouraging informed and active participation in government, working to increase understanding of major public policy issues, and influencing public policy through education and advocacy. As part of that work, LWVND educates its members and the public about how to vote by absentee ballot at monthly meetings, online, and during programming on community access channels.

5. I believe one barrier we face in our work is that many voters feel like their participation does not matter or their votes do not count. I believe that if more people knew that the signature matching process rejects people's ballots without informing them or giving them an opportunity to fix the issue, these voters would lose faith in the system, which would make our work even harder.

6. Also, many of our members are older and some have physical disabilities or medical conditions that make writing difficult. I believe these members are at increased risk of being disenfranchised by a signature issue.

Executed on May 10, 2020 at Bismarck North Dakota.

I declare under penalty of perjury the foregoing is true and correct.



Jan Renae Lynch

EXHIBIT 18



Governor Doug Burgum



EXECUTIVE ORDER 2020-13

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, a state of emergency was declared by Governor Doug Burgum on March 13, 2020, in response to the public health crisis resulting from COVID-19; Executive Order 2020-03 activated the State Emergency Operations Plan (SEOP), implementing appropriate response and recovery actions and future mitigation measures; and,

WHEREAS, with the guidance and assistance of the State Health Officer and the Director of Emergency Operations, the State is actively responding to this crisis; significant efforts have been made by all state agencies and offices, as well as North Dakota citizens, to exercise preventative measures to control the spread of COVID-19, including working from home, frequent handwashing, social distancing and limiting group gatherings to no more than 10 people; and,

WHEREAS, 33 of North Dakota's 53 county commissions have authorized mail ballot elections, enabling voters in each of these counties to exercise their fundamental right to vote as well as practicing mitigating measures such as social distancing; and,

WHEREAS, in the interest of public health and safety and in support of the COVID-19 public health crisis and the declared state of emergency in North Dakota, it is essential to suspend the operation of certain election laws, so the right to vote in North Dakota can be exercised by all eligible citizens; and,

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code 37-17.1, hereby orders the following:

- 1 To maintain the mitigating measures recommended by federal and state health officers, including the exercise of social distancing and eliminating any group gathering of more than 10 people, all county commission boards in North Dakota's 53 counties are **strongly encouraged** to take the following actions:
 - a. Approve and authorize voting by mail ballot ("absentee ballot") under Section 16.1-11.1-01, North Dakota Century Code (NDCC) for the June 2020 election;
 - b. Identify and establish secure mail ballot drop box locations in the county, accessible from the date ballots are mailed to voters before the election, through election day, to enable citizens to drop off completed ballots; the option of returning ballots by mail would continue to be an option for voters.

Executive Order 2020-13

Page 2

2. The following provisions of this Executive Order apply to those counties that have approved and authorized voting by mail ballot under NDCC § 16.1-11.1-01:
 - a. The requirement under NDCC § 16.1-11.1-01(1), that each county identify one polling location to be open on election day is hereby suspended.
 - b. The requirement under NDCC § 16.1-04-02, that each county establish polling places no later than the 64th day before the election is hereby suspended.
 - c. The requirement under NDCC § 16.1-07-12 that requires county election boards to open and process mail ballots on the day before and the day of the election is hereby suspended, to allow county election boards to open and process mail ballots no earlier than the fifth business day before the election. Tabulation of processed ballots may not be done until 7 p.m. on election day.
3. In furtherance of this Order, the Secretary of State, as our Chief Election Officer will take the following steps:
 - a. Send mail ballot application forms, instructions, and a return envelope to the individuals listed in the state's Central Voter File via U.S. Mail.
 - b. Pay costs for preparation and sending the mail ballot applications via U.S. Mail to individuals listed in the State's central voter file and all costs for return of the completed applications.
4. In furtherance of this Order, the county commission boards and the county auditors will take the following steps:
 - a. Continue to cover the costs for printing ballots and material mailed to voters when the county receives the completed mail ballot applications.
 - b. Provide at least one assistive ballot marking device (ExpressVote) in the county courthouse (or other accessible location in the county) during normal hours of operation, for the period of time beginning forty days prior to the election through election day.

This order is issued upon the following bases and for the following reasons:

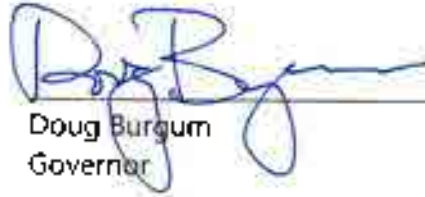
1. The Governor is vested with the executive authority pursuant to Article V, Section 1, of the North Dakota Constitution.
2. The Governor is vested with statutory authority to issue executive orders, to minimize or avert the effects of a disaster or emergency pursuant to N.D.C.C. Chapter 37-17.1.
3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.

This order is in effect immediately and shall remain in effect for the duration of the declared emergency, unless a specific expiration date is indicated.

Executive Order 2020-13

Page 3

Executed at Bismarck, North Dakota, this 26th day of March, 2020.



Doug Burgum
Governor

ATTEST:



Secretary of State

EXHIBIT 19



(<https://www.health.nd.gov/>)

Home (/) / News (/news)

/ NORTH DAKOTANS TO RECEIVE BALLOTS BY MAIL FOR JUNE ELECTION

NORTH DAKOTANS TO RECEIVE BALLOTS BY MAIL FOR JUNE ELECTION

<< All News (<https://www.health.nd.gov/news>)

Thursday, April 23, 2020 - 03:31pm

Categories: *Coronavirus*

North Dakota voters will be receiving their ballots by mail for the June 9th primary election. County commissions in all of the 53 counties have authorized Vote by Mail for the election as a measure to reduce the public's risk of exposure to COVID-19.

Governor Doug Burgum signed Executive Order 2020-13 on March 26, 2020 strongly encouraging counties to use Vote by Mail for the June 9, 2020 election. The executive order suspends the requirement for counties to have at least one physical polling location. In response, every county has decided to administer the primary election by Vote by Mail only. Reservation counties have worked with tribal governments in their county to secure agreements to support Vote by Mail. This means no polling locations will be open for the primary election and all ballots will be issued through the mail.

All eligible voters will be receiving an application in the mail from the North Dakota Secretary of State's Office. If you do not receive an application by May 11th, contact your county auditor. The voter will complete their application and mail it to the county auditor using a postage-paid envelope. Once the auditor's office receives the application and verifies the information is filled in correctly and has been signed, a ballot will be sent.

Voters can return their ballots by mail to the county auditor's office or deposit the ballot at a secure mail ballot drop box location. Each county will have a secure ballot drop box; contact the county auditor regarding the location. Voted ballots need to be returned by mail by June 8th or at the secure drop box by 4 p.m. on June 9th, primary election day.

An ExpressVote assistive voting device will be available for voters needing assistance with their ballot. Contact your county auditor to make an appointment, as most county courthouse have restricted public access.

Feedback (+) (/form/feedback)

Attached are several Vote by Mail graphics developed by the Auditors Association that will be shared by counties on social media along with on the North Dakota Association of Counties Facebook page. We welcome your use of these in your publications as a tool to help educate voters. Also attached is a picture of a secure ballot drop box for your reference.

<< All News (<https://www.health.nd.gov/news>)

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(<https://www.twitter.com/NDDOH>)



(<https://www.youtube.com/channel/UC0KCh7fTBftoWOg3kwG5RA>)

Feedback (+) ([/form/feedback](#))

EXHIBIT 20

https://bismarcktribune.com/news/local/health/north-dakotans-urged-to-be-responsible-respectful-as-businesses-reopen/article_37a22305-94ba-5407-92d3-7ab3907b91ea.html

North Dakotans urged to be responsible, respectful as businesses reopen

From the North Dakota coronavirus news roundup of the week: April 26-May 2 series

BLAKE NICHOLSON and AMY R. SISK Bismarck Tribune
Apr 30, 2020



Agriculture Commissioner Doug Goehring, right, answers questions Thursday relating to ethanol and how important the industry is to North Dakota. At left is Gov. Doug Burgum.

Tom Stromme

Gov. Doug Burgum on Thursday urged North Dakotans to be responsible and respectful as bars, restaurants and other businesses reopen on Friday -- what the governor called "a milestone day."

Food and drink businesses, fitness centers, and personal care services such as hair salons are reopening after being severely restricted or shut down for 1 1/2 months by the state to help stop the spread of the coronavirus. They'll be operating under new standards developed by the state and industry groups.

“I know people are excited about things like getting into a restaurant tomorrow, or getting their hair cut tomorrow, seeing their favorite personal care individual that they may have been seeing for years,” Burgum said. But he added: “Whether you’re heading into a bar or a restaurant, a personal care business, again, we want you to be really super-respectful of the people working in those environments.”

The new operating protocols will limit the number of people businesses can host and in some instances what they can offer. For example, blackjack and dance floors will be shut down in bars. Restaurants will have preportioned salad bars, spread-out tables, and no self-service condiments. There will be limited use of saunas, hot tubs and steam rooms in fitness centers, and locker rooms and showers will be closed except for restroom use.

“It’s important again for customers to educate themselves ... and respect those business owners that are trying to get reopened under these still difficult conditions,” Burgum said.

The governor said that while the coronavirus “is not leaving with the turn of the calendar,” he's hopeful that the beginning of May marks the end of a dark period in state history.

"Hopefully ... many of you in your lifetime will never see a time frame again where we're facing a pandemic that required statewide mandated closures," he said. "So hopefully we're closing a historic era that, while it was dramatic, it was also relatively brief in the greater scheme of things."

The new operating protocols for so-called "high contact" businesses are one of eight components of the state's "ND Smart Restart" plan to fully reopen the economy. Seven of the components had been met by Wednesday, and state officials on Thursday announced satisfying the eighth -- protecting the most vulnerable people in society, including the elderly, homeless and people in jails.

Officials earlier this month unveiled the state's Vulnerable Population Protection Plan with several components, including identifying and isolating positive cases, utilizing "rapid response" teams to keep positive cases in facilities from becoming outbreaks, minimizing staff movement across facilities and ramping up testing of care workers. Visitation also has been restricted at long-term care facilities across the state.

State Human Services Executive Director Chris Jones on Thursday announced additional steps aimed at supporting stable housing during the coronavirus crisis. They include federal funding for housing counseling and homeless prevention, emergency help with rent and home heating costs, and emergency shelters around the state.

Ethanol loan program

The North Dakota Industrial Commission approved a loan program Thursday to help the state's ethanol industry during the pandemic.

The Ethanol Recovery Program, administered by the Bank of North Dakota, will issue ethanol producers loans up to \$15 million. The state has five ethanol production facilities, and, like others across the country, they have struggled as demand has dropped amid the pandemic.

“It’s going to further the cause in helping the industry just make it a little bit further until we can get out of this,” said Agriculture Commissioner Doug Goehring, who sits on the Industrial Commission.

He said the Hankinson plant in southeastern North Dakota has temporarily stopped producing ethanol. Others are running at a reduced capacity.

Goehring called the state's ethanol production “one of the largest value-added sectors in North Dakota,” helping farmers who sell corn to make the fuel, as well as the livestock industry, which uses production byproducts for feed. Ethanol production supports about 10,000 jobs in North Dakota.

The North Dakota Ethanol Producers Association issued a statement praising the loan program.

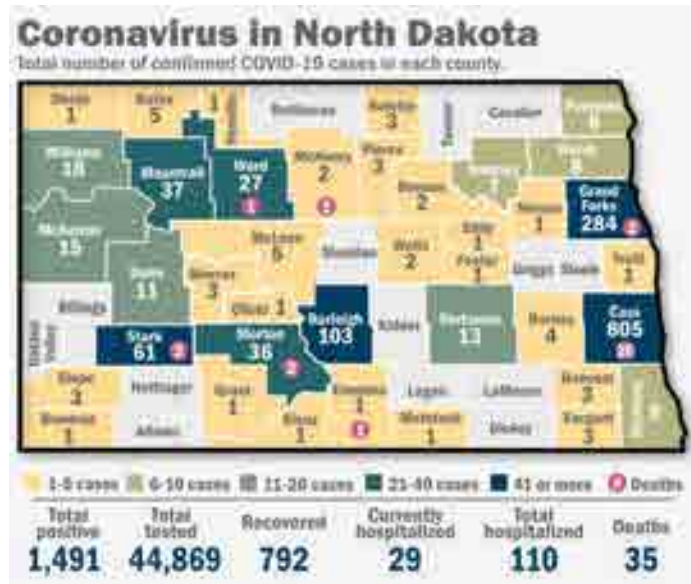
"As biofuel plants across the country close, this program will offer significant support toward sustaining North Dakota's ethanol plants during this crisis," President Gerald Bachmeier said.

New cases

Cases of COVID-19 continue to rise in eastern North Dakota population centers, with nearly 30 new coronavirus cases confirmed in Cass County and Grand Forks County, the state Department of Health reported Thursday.

There were 34 new cases statewide confirmed Wednesday, raising the total to 1,067. There were 21 more recoveries from the previous day, so active cases rose from 577 to 590.

Cass County again had the bulk of the new cases, with 21. The county that's home to Fargo has a state-high 513 cases, followed by Grand Forks County with 258, including seven new ones. Burleigh County, home to Bismarck, had an additional case, raising its total to 77. Stark County, home to Dickinson, had three new cases, raising its total to 49. Pembina County in northeastern North Dakota had two new cases.



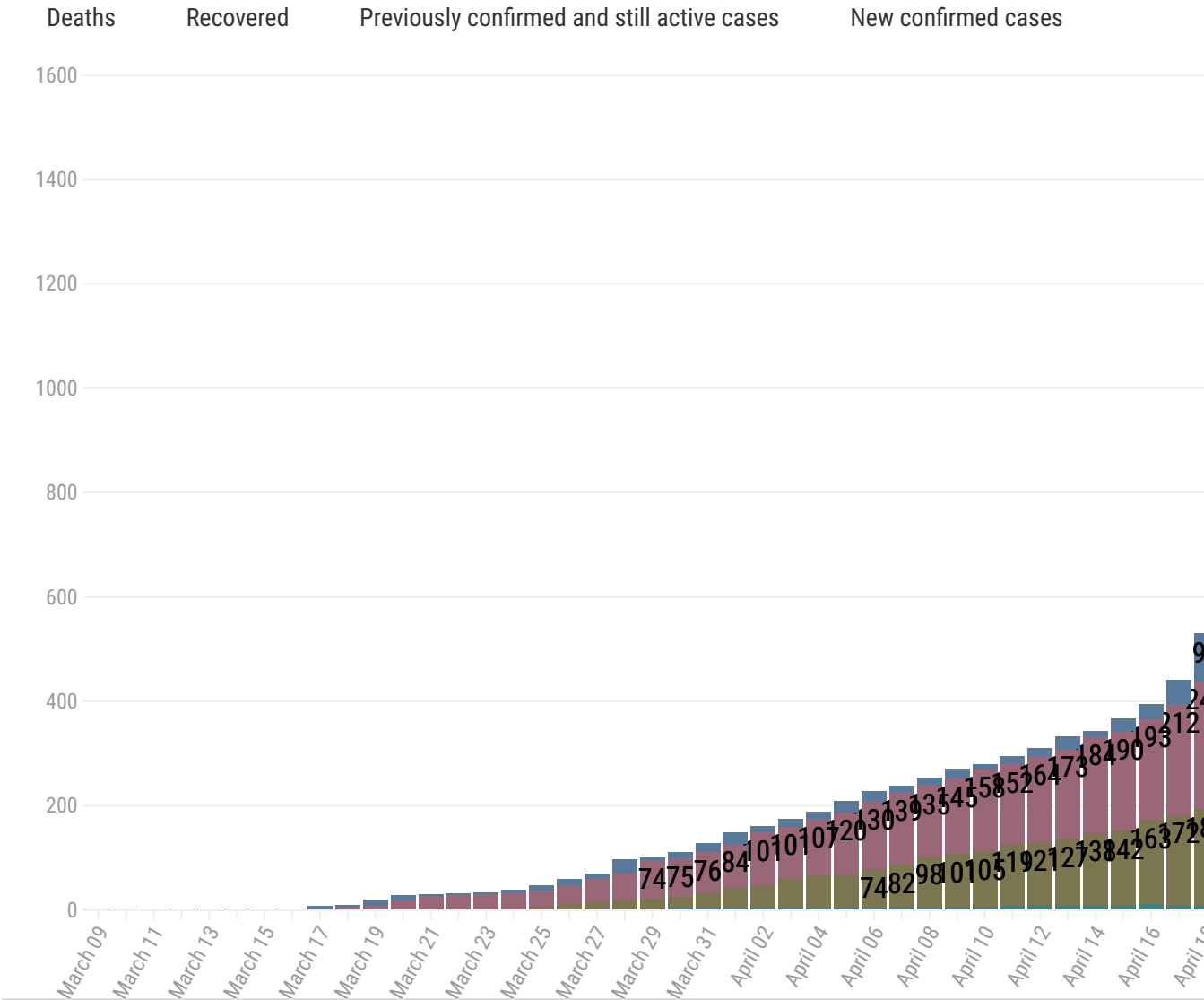
A total of 85 people have been hospitalized due to COVID-19; 30 remained so, up two from the previous day. There were no confirmed coronavirus-related deaths for the third consecutive day. Nineteen North Dakotans have died from COVID-19.

State and private labs have tested 27,460 people for COVID-19, with 26,393 being negative. There were

1,924 tests conducted Tuesday. The state's goal is to work toward 4,000 tests per day in May and 6,000 daily in June.

North Dakota COVID-19 total cases breakdown

Based on the day on which the numbers were released.



The Bismarck Tribune

 A Flourish chart

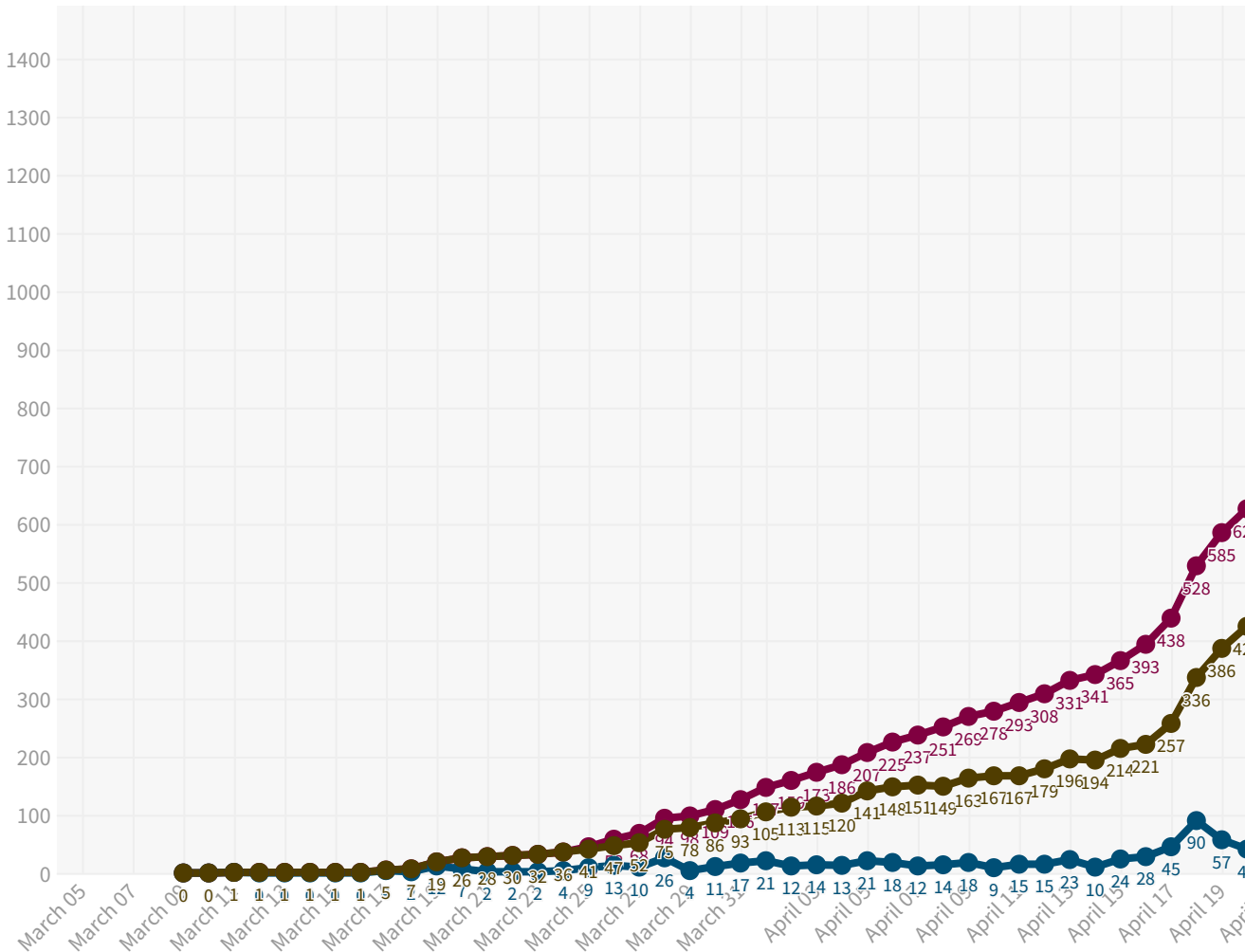
North Dakota coronavirus cases

Based on the day the numbers were released.

Total confirmed COVID-19 cases

Daily confirmed COVID-19 cases

Currently active COVID-19 cases



The Bismarck Tribune

A Flourish chart

IN THIS SERIES

North Dakota coronavirus news roundup of the week: April 26-May 2

Mar 12, 2020

North Dakota coronavirus news

May 1, 2020

North Dakota schools to continue distance education; Saturday testing planned at Bismarck Event Center

May 1, 2020

North Dakota cafes, other businesses reopen under new rules

15 updates

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Most Popular

Mandan nursing home has 9 more COVID-19 cases; separate lawsuit against state broadened

May 5, 2020



Mandan nursing home has 9 more COVID-19 cases; separate lawsuit against state broadened

May 5, 2020



Analysis: Governor's orders may have overstepped authority

Updated May 5, 2020



COVID-19 delays Wishek couple's quest to expand family via IVF

May 10, 2020



North Dakota reports 27 new coronavirus cases; hospitalizations drop by 5

19 hrs ago



State looks to relieve backlog of 5,000 coronavirus tests; 34 more cases reported in North Dakota

Updated May 5, 2020



Deaths from COVID-19 in greater Fargo-Moorhead area up to 42

Updated May 9, 2020



6 new COVID-19 deaths reported in North Dakota; graduation guidance outlined

May 6, 2020



2 more COVID-19 deaths reported in North Dakota, raising state total to 33

May 8, 2020



Mass COVID-19 testing in Bismarck yields few positives; cases mount in Bismarck-Mandan nursing homes

May 7, 2020



EXHIBIT 21

NEWS > NATIONAL & WORLD

Grand Forks outbreak has other North Dakota plants on alert



The coronavirus has not stopped production at a Marvin window and door manufacturing plant in north Fargo, N.D., shown on Thursday, April 30, 2020. Marvin officials say they have added extra safety precautions to help protect about 6,000 employees at all their plants, including 1,700 in the Fargo area. The company has instituted a liberal leave policy during the crisis and have promised job security to those who stay home. (AP Photo/Dave Kolpack)

By **DAVE KOLPACK** | Associated Press

May 3, 2020 at 9:54 p.m.

FARGO, N.D. — A widespread outbreak of the coronavirus that has shuttered a wind turbine plant in northeastern North Dakota and initiated a massive contact tracing effort has led many of the state's largest manufacturers to review and relay their safety measures.

No company wants to be the next LM Wind Power.

“All it takes is to see something like that happen in a neighboring business or a business similar to yours and everyone gets a lot more fastidious with control measures,” said Dr. Paul Carson, a public health and infectious disease specialist at North Dakota State University, referring to the spread at the Grand Forks plant.

Officials with two of the state’s largest plants, window and door maker Marvin and agriculture and construction components producer John Deere Electronic Solutions, say there are new rules of the road. And they’re doing more than the standard protocol of proper hygiene, high-tech protective gear, social distancing and stickers that say, “IF YOU CAN READ THIS YOU ARE TOO CLOSE.”



The John Deere Electronic Solutions plant in Fargo, N.D., shown on Thursday, April 30, 2020, employs about 750 people and has remained open during the COVID-19 epidemic. A company spokeswoman says “one of the most impactful steps” they’ve taken is to assure employees they will be paid if they have symptoms of the virus, don’t feel well or believe they could have been exposed. The company offers products and services for agriculture, construction, forestry and turf care. (AP Photo/Dave Kolpack)

Hallways, entrances, and exits are strictly one-way. Other changes have included temperature checks, unique equipment like “no touch” door openers, liberal leave policies and pay provisions, and an added emphasis on communication between management and workers.

“The stakes are too high right now,” said Paul Marvin, CEO of Marvin, a century-old Warroad, Minn.-based company with 6,000 employees in eight states, including 1,300 in the Fargo area. “We want to make people feel comfortable and build trust. It costs you a little money in the short term, but it pays dividends in the long run.”

The John Deere Electronic Solutions plant in Fargo employs about 750 people. A company spokeswoman said “one of the most impactful steps” they’ve taken is to assure employees that they will be paid if they have symptoms of the virus, don’t feel well or believe they could have been exposed.

Marvin employees receive paid leave if they are sick and unpaid leave with health benefits if they just don’t feel comfortable going to work. Paul Marvin said employees don’t have to “prove how sick they are” with notes from their doctors. And their jobs will be waiting for them when they return.

North Dakota Gov. Doug Burgum has held up a Canada-based potato processing business as the gold standard for protecting employees from the coronavirus, stating that Cavendish Farms plants in North Dakota and elsewhere have not recorded a single COVID-19 case among thousands of workers. The company employs 250 people at its Jamestown plant.

“It has been a family-owned business for decades, taking care of their people,” Burgum said. “They have a culture of safety that has been long established. It’s easy for them to take it up another level.”

Cavendish Farms spokeswoman Mary Keith said the numerous safeguards include infrared cameras to monitor the temperatures of people entering buildings and hundreds of signs in multiple languages placed throughout the plants to make employees aware of social distancing and other guidelines. The company purchased 2,700 plexiglass face shields for all of its operations and has added floor-to-ceiling barriers made of plexiglass or wood, she said.

“We feel that what we did very well is we reacted early and we reacted fast to the risk and escalated our measures,” Keith said, adding that workers awaiting testing or treatment for COVID-19 receive 10 paid days with health benefits.

Meanwhile, the number of infected workers at LM Wind Power stands at about 150 at the Grand Forks plant that employs about 900 people. State and local health officials are undertaking a vigorous contact tracing effort, recruiting dozens of people to help find other COVID-19 cases related to the plant.

Some LM employees have complained publicly about what they believed to be a lack of safety precautions, which the company has denied. Officials with the Department of Labor and Human Rights have not received any complaints from LM employees, according to Burgum spokesman Mike Nowatzki.

Scott Weislow, Marvin's director of enterprise risk management, said Marvin had a pandemic blueprint in its library after dealing with the Avian flu and that gave them a head start, he said.

"I think we're going to see an evolution in business; not just us but everybody," Weislow said. "Working from home will be more acceptable. Some of these social distancing measures are probably going to stick around, and you're going to see other measures like voice-activated lights and voice-activated door openers."

Carson said when it comes to the coronavirus, even the most stringent measures may not be enough to dodge "the luck of the draw." It only takes one infected person who's not showing symptoms to start the spread, he said.

Tags: [Coronavirus](#) [North Dakota](#)



Dave Kolpack

As you comment, please be respectful of other commenters and other viewpoints. Our goal with article comments is to provide a space for civil, informative and constructive conversations. We reserve the right to remove any comment we deem to be defamatory, rude, insulting to others, hateful, off-topic or reckless to the community. See our full terms of use [here](#).

VIEW COMMENTS

EXHIBIT 22

What You Can do if You are at Higher Risk of Severe Illness from COVID-19

Are You at Higher Risk for Severe Illness?



Based on what we know now, those at high-risk for severe illness from COVID-19 are:

- People aged 65 years and older
- People who live in a nursing home or long-term care facility

People of all ages with underlying medical conditions, particularly if not well controlled, including:

- People with chronic lung disease or moderate to severe asthma
- People who have serious heart conditions
- People who are immunocompromised
 - Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications.
- People with severe obesity (body mass index [BMI] of 40 or higher)
- People with diabetes
- People with chronic kidney disease undergoing dialysis
- People with liver disease

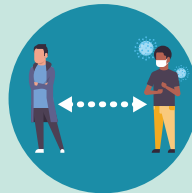
Here's What You Can do to Help Protect Yourself



Stay home if possible.



Wash your hands often.



Avoid close contact (6 feet, which is about two arm lengths) with people who are sick.



Clean and disinfect frequently touched surfaces.



Cover your mouth and nose with a cloth face cover when around others.



Cover coughs and sneezes.

Call your healthcare professional if you are sick.

For more information on steps you can take to protect yourself, see CDC's [How to Protect Yourself](https://www.cdc.gov/coronavirus/2019-ncov/protect-yourself.html)



cdc.gov/coronavirus

EXHIBIT 23

CANVASSING BOARD BALLOTS

ID #

Precinct #

✓ 1 Travis David Larson		6
2 Wallace Lafferty		2
3 Gary Ronald Kemnitz		3
4 Douglas Jason Simundson		2
✓ 5 Aaron Lee Martinez		5
✓ 6 I Maxine Wilson		4
7 Bradley Roy Westman		4
8 Lisa Gaye Wells		1
9 Thomas Jared Johnson		2
✓ 10 Virginia A Wagner		2
✓ 11 Arthur Wagner		2
12 Helen Marie Volk-Schill		2
13 Angelle Vanoploo		1
14 Melissa Dawn Tipton-Hilliard		1
✓ 15 Donald George Heuchert		3
16 Norman Charles Thompson		3
✓ 17 Odin Earl Swanson		3
18 Jason Stevenson		4
✓ 19 Timothy Joel Gudmundson		3
✓ 20 William Louis Grandy Jr		5
21 Laverne Sommer		4
✓ 22 Rodger J Goulet		2
23 Eugene R Solberg		2
24 Michael Lewis Smith		2
25 Robert H Gasink		2
26 Jeremy Brent Sigfusson		3
27 Jeremy Christopher Seng		4
28 Timothy Michael Schroeder		4
29 Ashley Ann Schroeder		4
✓ 30 Loren Duane Estad		3
31 Richard Dean Reimer		2
32 Glen Robert Ralston		4
33 Michael Roy Cull		2
34 Randall Lynn Corrick		6
35 Mary L Copeland-Johnson		5
✓ 36 Selmer Meredith Clark		4
✓ 37 Thomas Jay Otto		3
38 Pamela Jane Christenson		6
39 Allison Elida Olimb		3
40 Jon Hubert Brusseau		6
41 Brian Christopher Morrison		4
42 Ronald Bordeniuk		1
43 Tammi Lou Misson		1
44 Matthew John Misson		1
45 Robert Duane Melaas		2

17 total rejected ballots
 1 rejected due to having a
 swap stakes entry instead
 of ballot - Election Board

✓ 16 rejected due to
 signatures

* application signed
 by tester - ballot
 signed by voter

37 accepted

36 from Election Board
 1 from mail

#3

46 Brian Harvey Benoit		2
47 Justin Kyle Bennett		2
48 Terry Lynn Mattson		5
49 Zachary Cain Lorenzen		6
✓ 50 Joanna Lorenzen		6
✓ 51 Ross Alfred Lambert		6
✓ 52 Andrew Todd Gilbertson		1
53 Austin Deppa	6	mail

EXHIBIT 24

June 9, 2020 Primary Election

Grand Forks County voters will receive an application in the mail from the ND Secretary of State's office to apply for an absentee ballot. The applications will be mailed around April 21, 2020. To receive an absentee ballot, the application must be completed and returned to the Grand Forks County Auditor's Office.

Once the Auditor's Office receives the application and verifies all the information is filled in correctly and has been signed, a ballot will be sent.

The voter will then vote the ballot at their convenience and return the voted ballot to the County Auditor's Office through the mail anytime up until June 8th, or at the secure ballot drop off box until 4:00pm on June 9th, Election Day.

The secure ballot drop off box is located in the parking ramp on the east side of the County Office Building at 151 S 4th St. You would enter from east side of building on 3rd Street, follow the loop around and enter the parking ramp and you will then see the secure ballot drop box.

There will NOT be an open polling place on Election Day due to COVID-19 pandemic. Governor Burgum issued Executive Order 2020-13 strongly encouraging counties to conduct the election by mail.

Voters who need assistance to complete their ballot, can make an appointment by calling the Auditor's Office to use an assistance device, to vote their ballot.

If you have any questions or concerns about this process, please do not hesitate to call the Grand Forks County Auditor's Office at (701)780-8200. Thank you!

Debbie Nelson, Grand Forks County Auditor

EXHIBIT 25

District 17 - Absentees rejected by the Canvassing Board - November 13, 2018

Name	Reason
Cory Blayne Aaker	signatures don't match
Brian James Capouch	signatures don't match
Daniel Staver	signatures don't match
Donald V Raaum	signatures don't match
Gerald Dean Flom	signatures don't match
Kourtney Karen Culver	signatures don't match
Laura Jacqueline Polowitz	no signature on app
Lee Michael Lynner	signatures don't match
Mana Romo	signatures don't match
Michelle Lynn Garske	signatures don't match
Nicholas Hastings Geiger	signatures don't match
Rachel Catherine Trenne	signatures don't match
Rene Fredstrom	signatures don't match
Robbie Allen Johnson	signatures don't match
Robert Wood Frasier	signatures don't match
Sam W Robertson	signatures don't match
Shawn Verdean Peterson	signatures don't match
Stephanie Leigh Knutsvig	signatures don't match
Rebekah Ann Noyes	postmarked 11/6
Kann Leigh Becker	postmarked 11/6
Felicia Grissom	postmarked 11/6
Connor Lee Hanson	postmarked 11/6
Genevieve Harvey	postmarked 11/6

Total

23