NORTH Dakota | Governor Doug Burgum

Be Legendary.™

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.

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.

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

Doug Burgum
Governor

ATTEST:

Secretary of State