NORTH Dakota | Governor Doug Burgum

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EXECUTIVE ORDER 2020-19

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, all North Dakota public school districts must hold annual elections between April 1 and June 30, to fill vacancies on the governing school boards; under North Dakota Century Code (NDCC) § 15.1-09-13, district school boards must designate at least one precinct and one polling place for each precinct; and,

WHEREAS, school districts are required to make absentee ballots available for any school district election; voting by absentee ballot enables eligible voters in North Dakota to exercise their fundamental right to vote, while practicing public health mitigating measures to control the spread of COVID-19 by community contact; and,

WHEREAS, in the interest of public health and safety and to support the preventative measures identified by the federal and state health officials, Executive Order 2020-13 suspended the operation of certain state elections laws defined under NDCC Chapter 16.1, to enable North Dakota counties an opportunity to authorize voting by absentee ballot for the June 2020 election; and,

WHEREAS, in a continuing effort to protect public health and safety and support preventative measures strongly recommended to mitigate the spread of COVID-19 during this declared state of emergency in North Dakota, it is essential to suspend the operation of statutes governing school district elections, so the right to vote can be safely exercised by all eligible citizens.

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 limiting group gathering to 10 people, all public school boards in North Dakota are **strongly encouraged** to take the following actions:
   a. Approve and authorize all votes in the 2020 annual election be cast by absentee ballot, as defined under NDCC §15.1-09-18;
   b. Identify and establish secure absentee ballot drop box locations in the district, in places located as conveniently as possible for voters in the precinct, accessible from the date absentee ballots are mailed out to district voters, through the date of the election. The absentee ballot drop box will allow district voters to return their ballot either by deposit into a secure drop box, or by mail.

2. The following provisions of this Executive Order apply to all public school boards that have approved and authorized all votes in the 2020 annual election be cast by absentee ballot:
   a. The requirement under NDCC §15.1-09-12 for school districts to establish hours of operation for polling locations on the date of the election, is hereby suspended.
   b. The requirement under NDCC §15.1-09-13, that school districts designate at least one precinct location and one polling place per precinct, at least thirty-five days before the date of election, is hereby suspended.
   c. The requirement under NDCC §15.1-09-14 that any school board appointed election judges count and canvas the votes for each office upon closing of the polls is hereby suspended, to allow election judges to open and process absentee ballots on the day before and the day of the election. Tabulation of the ballots may not be done until 7 p.m. on election day.

This order is based upon the following authority and issued 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 or until revoked.

Executed at Bismarck, North Dakota, this 2nd day of April, 2020.

Doug Burgum
Governor

ATTEST:

Secretary of State