

MEANINGFUL ELECTION OBSERVATION



NORTH DAKOTA
SECRETARY  OF STATE





ELECTION OBSERVERS

- ▶ Election observers **may not interfere** with any voter preparing to cast a vote or prevent elected officials from performing their official duties.
- ▶ Election observers **may not cause any disturbances or obstruct voters or election officials** on their way to or at polling locations.
- ▶ Election observers may not wear any campaign materials advocating for or against a candidate or position on the ballot.
- ▶ Polling locations will designate a space for election observers that does not infringe on voter privacy.
- ▶ Election observers must be allowed access to all stages of the election process. Any person who does not appear on the ballot, may be an election observer.
- ▶ Election observers may not touch or handle any election equipment or official documentation.

To learn more
about these laws,
use the QR codes.



**ND CENTURY
CODE
16.1-05-09**



**ND CENTURY
CODE
16.1-01-12**

EXPECTATIONS FOR MEANINGFUL OBSERVATION

OBSERVERS

Observers can expect:

- A safe and secure environment
- Practical information to understand what they are observing
- Opportunities to observe all relevant activities within the limitations set by law
- Reasonable proximity to confirm process compliance
- A main point of contact at the polling location to whom they can ask and receive answers to relevant questions
- Respectful treatment from other observers and election workers

Observers should:

- Support a safe and secure environment
- Act in good faith toward the process as administered
- Accept the legal limitations of observation
- Observe without obstruction or disruption of operations

OFFICIALS

Election officials can expect:

- Safety and security when conducting election activities
- Good faith from observers toward the process as administered
- Respect for the legal limitations of observation
- A work environment free from obstruction or disruption
- Respectful treatment from observers

Election officials should provide:

- A safe and secure environment
- Practical information so observers understand what they are observing
- Comprehensive observation within the limitations set by law
- Opportunities to confirm adherence to processes
- A main point of contact who can ask and answer relevant questions
- A respectful environment for observation

ELECTRONIC POLL BOOKS

In North Dakota, PollPads or electronic poll books are used rather than printed paper poll books or rosters. Observers may have questions about this technology. While observers should not touch any equipment at a polling location or in an election office for security reasons, they can learn a lot by watching.

What is an electronic poll book?

PollPads or electronic poll books are iPads with information about eligible voters. Poll workers use them to check in voters at the polling place. The PollPad will have the following information for each voter:

- Name
- Residential Address
- Precinct
- Voter Status
- Which ballot style the voter should get
- Whether the voter has already voted in this election
- Whether the voter has returned an absentee or mail ballot

Election workers are trained to search for a voter using the person's driver's license or name. If the voter is found in the PollPad, the election worker asks the voter confirming questions such as residential address to confirm that the correct record has been located. If the record indicates that the voter has not already voted, then the election worker will ask a series of questions: Are you over the age of 18, are you a U.S. citizen, and have you lived at this address at least 30 days. The election worker will issue the voter a receipt so the voter can obtain the appropriate ballot.

If the voter is not found in the Poll Pad, election workers will add them, provided the voter has proper identification and meets the residency requirements outlined in North Dakota law.

Are electronic poll books connected to the internet or to voting equipment?

PollPads are networked to each other at the polling place and to a central database, through a secure, encrypted Virtual Private Network (VPN), which provides greater security than a typical home or office network. VPN access requires a secure internet connection through a password protected hotspot managed by North Dakota Information Technology. This network can be seen by devices like a cell phone in the polling place, but cannot be accessed due to the security parameters the network has in place.

PollPads are only used for one purpose – to check voters in at a polling location. No other applications are allowed on the PollPad, and election workers are not able to surf the internet. The connection for the PollPad is to ensure all polling locations know a voter has checked-in within minutes across North Dakota, ensuring that One Person = One Vote. Other polling location devices – ballot tabulators or touchscreen voting machines – are never connected to the internet and contains no components for such connection.

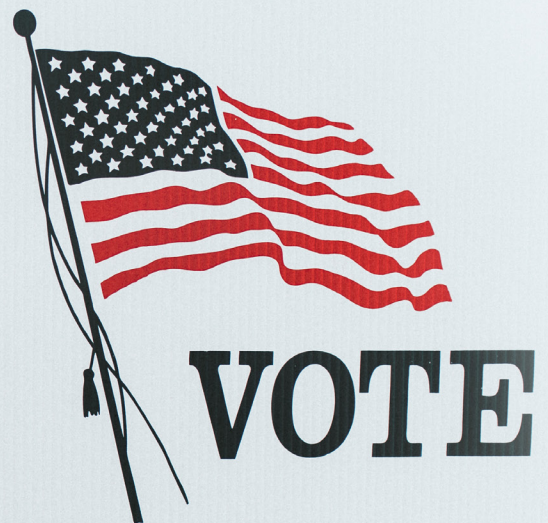
How secure are electronic poll books?

PollPads are connected to a secure network for a limited purpose. Through this network they send live “check-in” data back to the statewide central voter file. This prevents voters from being able to vote in multiple voting locations statewide. North Dakota Information Technology professionals monitor network activity. This ensures that One Person = One Vote and prevents double voting.

PollPads are managed in a closed secure network with the Office of the Secretary of State Elections Division. This allows election staff to monitor polling locations for potential problems such as battery life on the PollPad or long lines.

What if a voter disagrees with the information in the electronic poll book?

Occasionally, a voter may inform the election worker that their information is incorrect when they are found on the PollPad. For example, the voter's residential address may be incorrect, or the record may indicate that the voter already voted. In such circumstances, the election worker will issue the voter a set-aside ballot. The voter then works with the county auditor to resolve the issue.





VOTING EQUIPMENT

Many observers want to learn more about the machines used to tabulate and record votes. While observers should not touch any voting equipment for security reasons, they can learn a lot by watching.

The same voting equipment is used across North Dakota. The equipment used for assistive ballot marking and tabulation of ballots is not connected to the internet and has no components for such a connection.

- ExpressVote is the assistive ballot marking device that allows voters to mark a paper ballot via touchscreen.
- DS200 is the polling location ballot tabulator that processes both traditional paper ballots and ExpressVote ballot cards.

How can observers know that voting equipment is accurate?

Counties publicly test the accuracy of their voting equipment before each election. This process is called logic and accuracy (L&A) testing. L&A testing is a collection of pre-election procedures that ensure that the voting equipment and ballots to be used in an upcoming election can properly collect votes and tabulate and report accurate results.

Any member of the public may attend the public L&A test. This test occurs before Election Day. Contact your county auditor to find out when the public test is occurring in your county.

What should observers expect during the public L&A testing?

The county auditor will explain the process for conducting L&A testing. Before testing, a group of test ballots – known as a test deck – is created, with a predetermined outcome of how many votes each candidate will receive. At the test, they turn on the equipment, verify the memory is clear, and run the test deck of ballots through the scanner. When finished, they will have the machine print a report of the results from the test ballots. If the system is working correctly, its results will match the expected results for the test ballots. Each scanner is tested to ensure 100% accuracy.

L&A testing can also help identify other areas for improvements, such as flaws in the printed timing marks on ballots or issues that might cause ballots to jam in the machine.

How can observers be sure that voting equipment is physically secure?

Machines are secured with locks and tamper-evident seals. Locks protect equipment from an unauthorized person accessing memory cards slots or controls inside the machine. Seals are uniquely numbered and recorded to ensure no tampering has occurred and cannot be replaced once broken. Any broken seal would alert election officials that someone has accessed or tried to access the equipment. Election workers verify and document the unique seal numbers prior to opening the polls.

What if a machine malfunctions?

There are times when a piece of voting equipment may malfunction, but this is not cause for worry. These issues are typically the result of a fixable issue, like a ballot jamming a machine or a power outage. Election workers are trained to deal with these situations and resolve them quickly. More complex issues require the assistance of repair technicians, which are located throughout the state during the election. Until it is fixed, election workers may ask voters to drop their ballots into an auxiliary ballot box. Election workers will feed them into the machine once it is working properly or use another working ballot tabulator.

What is an election observers role on Election Day?

Observers may begin watching processes before the polls open while election workers set up. Observers may ask the election workers to print a “zero report” from the tabulator. This will show that no votes have previously been recorded or saved to the machine's memory device.

Once voting begins, observers may observe the process of conducting the election from a designated area for observers in the polling location. Observers are expected to respect the rules about where they may sit or stand. Observers must also give voters space and privacy, especially as they insert their ballots into the voting equipment. Observers may not touch any voting equipment or official documentation.

May observers stay after the polls close?

Observers can witness the poll closing and reporting procedures. They may even have more freedom to move around the polling location and monitor activities once polls close. However, you should always ask the lead election worker before entering new locations. Observers are not allowed to touch voting equipment or ballots, even after the polls are closed.

Election workers will close the polls after the last voter has cast his or her ballot. If any ballots from the auxiliary bin have not been processed, election workers will feed them through the voting equipment at this time. Observers may also watch as the election officials conduct other processes for reporting results and closing the polling location.

How does results reporting work?

Once the polls have closed and results have been printed, the election inspector and judges transport memory devices and printed reports to the county auditor. Observers may continue to observe as election workers tabulate and report results. Remember, all results are unofficial until they are certified at the County Canvass Board.



ABSENTEE AND VOTE BY MAIL

The Board of County Commissioners designates their county as a vote by mail county or absentee county. The only difference between the two is the way a voter receives their absentee/mail ballot application. In vote by mail counties, the county auditor automatically sends each qualified elector an absentee/mail ballot application. In absentee counties, the voter must take the initiative to request an absentee/mail ballot application from their county auditor.

Observers may want to know that absentee/mail ballots were submitted by the qualified voters who requested them. Observers may not be able to watch the entire absentee/mail ballot validation process for any given election. However, observers can learn more about the many security measures that election offices use to ensure that only validly requested and submitted absentee/mail ballots count toward an election result.

How are absentee/mail ballots validated?

The most common method of absentee/mail ballot validation is signature verification. Voters must sign their absentee/mail ballot envelopes, and their signatures are compared against the signature on their absentee/mail ballot application. A ballot is counted only if the signature on the absentee/mail envelope matches the signature from the absentee/mail ballot application.

Voters are only issued an absentee/mail ballot after they submit an absentee/mail ballot application to the county auditor requesting a ballot. Some counties are absentee counties, meaning the voter must request an application, and some counties are vote by mail, meaning the county mails applications to qualified voters. All voters must supply verifying information to receive an absentee/mail ballot.

The voter must supply personally identifying information, such as a driver's license number and their date of birth on their absentee/mail ballot application. If the information is not provided or the information is incorrect, the voter does not receive an absentee/mail ballot.

A fully completed affidavit. The voter affirms their identity under penalty and perjury and swears they are a qualified elector on the absentee/mail ballot return envelope.

What observers need to know about absentee/mail ballots and how they are processed?

Whether a county is a vote by mail county or absentee/mail county, county auditors follow strict procedures to ensure the security of all ballots include a chain of custody and strong physical security.

The state's central voter file tracks every voter who is mailed an absentee/mail ballot and whether that voter has returned their ballot.

Voters who complete their ballots return them in an absentee/mail ballot return envelope with a signed affidavit. When the county auditor receives an absentee/mail ballot, they check to ensure it is from the qualified elector who requested the ballot. They then check the voter into the state's central voter file to mark the voter has having voted a ballot, preventing the voter from voting again at a polling location and ensuring that One Person = One Vote

Can I watch as absentee/mail ballots are validated?

Observers are allowed to watch as the absentee/mail precinct board verifies and validates absentee/mail ballots.

Observers may not see computer screens or documents that contain private information about a voter. Additionally, observers may not handle or touch ballots or equipment used for tabulating absentee/mail ballots.

What happens to accepted absentee/mail ballot packets?

All voters whose absentee/mail ballot packets have been accepted through verification of personal identifying information and signatures receive credit for having voted. Accepted absentee/mail ballot packets are then stored in a secure location until the meeting of the absentee/mail precinct board where those accepted ballots are verified once more and the absentee/mail ballot is processed and tabulated.

What happens to questionable absentee/mail ballot packets?

When the county auditor or absentee/mail precinct board question the validity of a returned absentee/mail ballot packet, the county auditor places the absentee/mail ballot packet "under review" in the state's central voter file. Then, the county auditor reaches out to the voter to provide options to cure their ballot. The voter can then provide written correspondence via letter or email or make a personal visit to the county auditor with proper identification to cure their absentee/mail ballot packet.

Absentee/mail ballots "under review" are forwarded to the Canvass Board for proper inclusion in or exclusion from the vote totals. The proper inclusion or exclusion is determined by the voter curing their absentee/mail ballot packet.

What if someone submits a fraudulent absentee/mail ballot?

There are many safeguards that ensure only the absentee/mail ballot requested and returned by the voter are tabulated.

Absentee/mail ballots are only sent to voters who request one. Upon receipt of a voted absentee/mail ballot, the county auditor verifies the signature on the absentee/mail ballot envelope to the signature on the absentee/mail ballot application. The county auditor then checks-in the voter who returned the the absentee/mail ballot as having voted in the central voter file, ensuring that One Person = One Vote.

Counties will only count ONE ballot from each voter. Only official absentee/mail ballots returned by a voter who requested it is counted toward the election results. Election staff can quickly distinguish an authentic official absentee/mail ballot from a fraudulent one. Official absentee/mail ballots are printed on special paper, have several signifying markings, and must be returned in the appropriate absentee/mail ballot return envelope that counties provide with any properly requested ballot.

In the extremely rare event that a fraudulent absentee/mail ballot is returned to the county auditor, the ballot will be flagged as fraudulent and forwarded to the county state's attorney for review and potential prosecution for committing voter fraud.

What can observers expect to see during the meeting of the absentee/mail board?

When the absentee/mail precinct board meets, the bipartisan board verifies the absentee/mail ballots they process are accounted for by comparing a roster of accepted absentee/mail ballots provided by the county matches the absentee/mail ballots provided for processing. The absentee/mail precinct board then compares the signature on the absentee/mail ballot application to the affidavit on the absentee/mail ballot return envelope to ensure the signatures match.

Then, the bipartisan board opens the absentee/mail ballot packet and disassembles the packet. Each component – the absentee/mail ballot return envelope, the secrecy sleeve, and the absentee/mail ballot – are placed in separate stacks. This is done by a board of trained election workers prior to the tabulating of ballots to ensure the anonymity of voter's ballots.

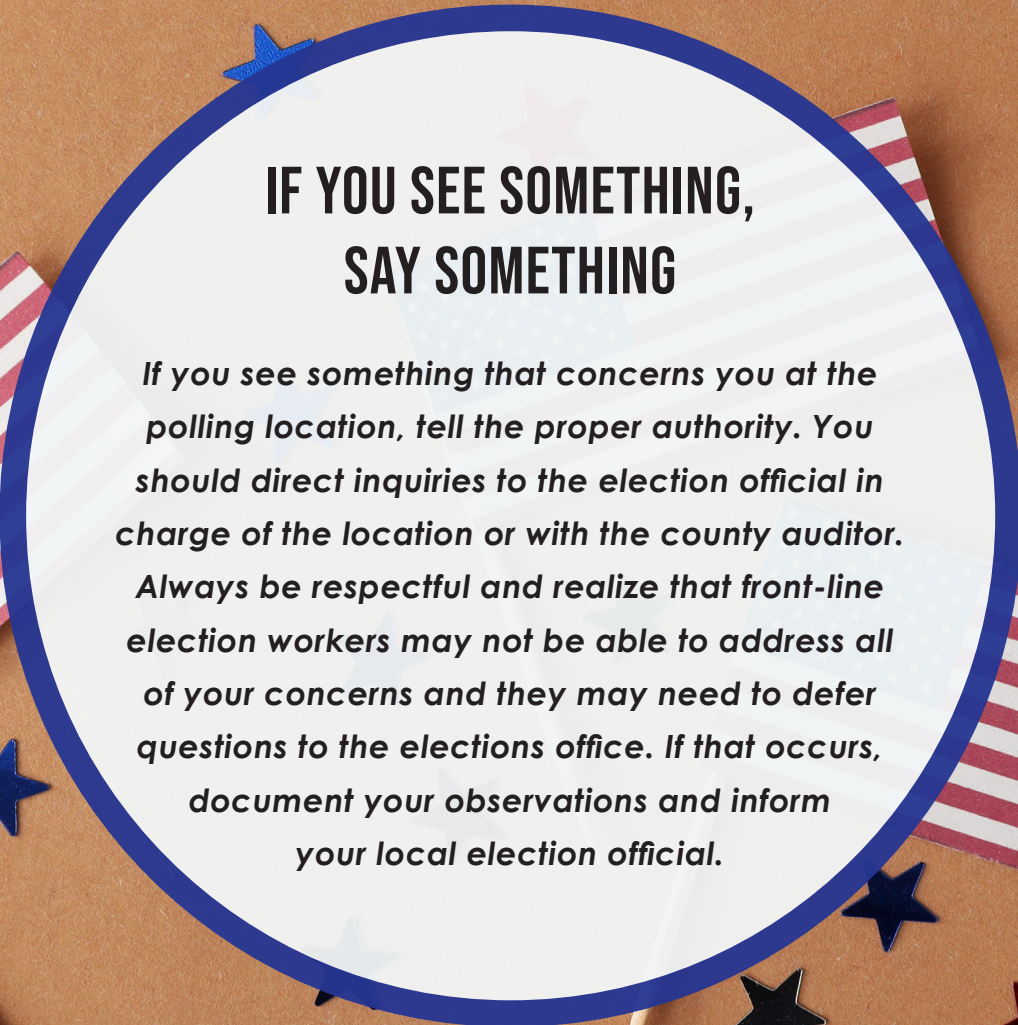
Ballots are then initialed by the absentee/mail precinct board and are prepared for tabulation by the DS450 high-capacity ballot tabulator. Absentee/mail ballot applications are kept inside the absentee/mail ballot return envelope for proper documentation and retention.

What happens if a ballot is damaged?

If an absentee/mail ballot has been torn or damaged so it cannot be scanned, a bipartisan team of trained election officials will duplicate the ballot using procedures required by state law.

What if I still have concerns?

The state's election systems and processes are carefully designed to prevent voter fraud and to ensure that One Person = One Vote. The information in this guide highlights a few of the many safeguards that protect absentee/mail ballots. For more information on absentee/mail ballot processes, reach out to your local election office to learn more about the security and processes in place in your county.



IF YOU SEE SOMETHING, SAY SOMETHING

If you see something that concerns you at the polling location, tell the proper authority. You should direct inquiries to the election official in charge of the location or with the county auditor. Always be respectful and realize that front-line election workers may not be able to address all of your concerns and they may need to defer questions to the elections office. If that occurs, document your observations and inform your local election official.

RECONCILIATION

Reconciliation is a set of routine procedures used by poll workers and election officials to ensure accuracy and completeness in conducting elections. Examples include comparing the number of voters at a polling place to the number of ballots issued.

Why is reconciliation important?

A single polling place can serve hundreds or even thousands of voters. Long hours, complex processes, unique transaction types and the demands of working with the public can all lead to human clerical errors.

Reconciliation helps poll workers find and correct inevitable human errors. It demonstrates that steps are taken to manage transactions correctly and helps establish that no ballots were added to or removed from the official count.

If a discrepancy occurs between the voter count and the ballot count, it could indicate a simple human clerical error. Reconciliation helps make sure nothing goes missing and that these types of errors are accounted for and explained.

What happens during reconciliation?

Reconciliation can happen throughout the day, as well as after the polls close. Poll workers compare the number of voters checked-in at the polling location to the number of ballots issued and tabulated on the voting equipment. Election officials and boards compare poll worker reports to system reports and source materials. Officials review every polling place for accuracy and completeness and make sure every voter and ballot has been accounted for. If there is a discrepancy, they may call upon poll workers and/or the county auditor for assistance.



What parts of reconciliation can observers see?

Election observers are not allowed to touch or handle voting equipment or ballots but can observe processes and request to view reports generated by poll workers.

Before the polls open:

- All ballot tabulators should have “zero counts” displayed either on screen or printed on receipt paper. This indicates all the ballot tabulator has no recorded votes.
- Paper ballots should be properly accounted for.
- Poll workers are required to open and inspect each ballot tabulator ballot box before voting begins to confirm it is empty.
- Electronic poll books should display a zero count of voters checked-in.

Throughout the day:

- You may witness voters checking in at the polling location.
- You may observe poll workers issuing ballots and directing voters throughout the polling place.
- You may witness the ballot tabulator counter to make sure it has advanced by one after a voter casts their ballot.

After the polls close:

- Poll workers will close down each ballot tabulator and document the total number of ballots cast on each device.
- Poll workers will remove all ballots from the ballot tabulator, verify the ballot tabulator ballot box is empty, and secure the ballots to be returned to the county.
- You may verify the total number of voters who were checked in on the PollPad
- You may observe poll workers as they complete any ballot reconciliation documents detailing the number of ballots issued, spoiled and unvoted.

What sort of discrepancies are typical and how are they resolved?

In some instances, a voter may leave without casting their ballot, which can create discrepancies between a checked-in voter and ballot voted. More significant discrepancies can occur if a polling location received a different number of ballots than what was recorded on documentation from the county, or poll workers did not complete all closing processes correctly.

Accounting errors discovered on Election Night can be reconciled before the official results certification that occurs at the County Canvass Board. Each election, officials are able to reconcile most discrepancies by meticulously reviewing reports, logs, receipts, PollPad entries, and ballots. In the rare case that discrepancies cannot be resolved, state election officials are informed to help document any issues.



ELECTION RESULTS

Election observers often want to know where and how to monitor election results after the polls close. Observers can follow unofficial results from polling locations to the county auditor office and track them online at vote.nd.gov. Results are unofficial until the meeting of the Canvass Board when results become official

How can observers get local election results?

Election results start at in-person polling locations, where voters use paper ballots to cast their votes. Ballot tabulators keep the vote totals secret until the polls close. Election results aren't available right after the polls close because election workers are still completing reconciliation paperwork.

When all the ballots have been processed, election workers print the unofficial results for the polling place. This process is generally open to the public, and citizens have the right to be there to hear and see the precinct results.

All North Dakota counties have a central location where they process absentee/mail ballots. The public has a right to observe there too.

How can observers track results from the polling location to the county?

Unofficial election results are transferred from each polling place to the election official such as the county auditor, city auditor, or school business manager. There are many protections in place to ensure the security of the unofficial results while they are in transit.

Teams of election workers transport ballot containers, memory devices and other election records to the local election office. They use security seals and chain-of-custody logs to ensure the integrity of the results along the way.

The county, city or school office should be open to the public on Election Night. Observers interested in spending Election Night at the local election office should call ahead to verify hours and what kinds of information will be available.

Where can observers get unofficial state election results?

North Dakota has a system in place for counties to report unofficial election results.

Unofficial results are available on vote.nd.gov and are available as counties report results to the State.

What about the results reported by the media?

Unofficial election results from polling places and counties may not always match numbers reported by local and national media outlets on Election Night. News organizations have their own methods of collecting unofficial results, and sometimes they are faster than the government sources of results. Please note the news media also makes mistakes, and their numbers may change as results come in. That doesn't necessarily mean there's a problem with the county or state's reporting system.

On Election Night, news organizations and TV networks will often “declare” winners, but those declarations are not official or final. They are only the news organization's opinion or prediction of which candidate will have the most votes once results become official later.

How do unofficial results become official?

Unofficial results from Election Night become official after an election goes through a process known as canvassing, which is open to the public. Once the board of canvassers has double-checked all its numbers, it will certify the results. The county will then file those official results with the state, which will do its own canvass of county results before certifying the numbers and declaring the winners.

CANVASS

Many observers want to know more about how unofficial election results become official. Post-election canvass meetings to compile and certify the results are open to the public. The Canvass Board meets the thirteenth day following Election Day.

What should I expect during a canvass meeting?

Canvass Board meetings are largely administrative. Canvass Boards review and approve paperwork, act on mail ballots postmarked prior to Election Day but arriving after, and certify the results of the election and report those results to the Office of the Secretary of State.

Canvass Boards:

- Verify there were not more ballots than voters
- Review and approve paperwork
- Act upon late arriving absentee/mail ballots
- Review set-aside ballots
- Certify write-in votes
- Certify results of the election to the Office of the Secretary of State

The Canvass Board does not remove ballots from the results or change any election outcomes. Rather, they review the materials presented to them to verify their accuracy, act upon ballots to be included in the results, and then prepare an official count for the state.

What are canvass reports and how are they generated?

Canvass reports typically show the total number of votes cast and how many votes each candidate received. There are usually reports for each office (president, senator, etc.) and each measure. Canvass reports usually show the number of votes per precinct.

Election officials create canvass reports from several sources and documents, including official results reports from the voting system and poll worker reports from the polling location. The canvass board mostly reviews and discusses the reports. The canvass board itself does not create new reports.

For example, poll workers and staff will have already performed a reconciliation of ballots and voters and will present their findings to the canvass board. The board will review the reconciliation forms, but they will not themselves perform a second reconciliation.

Should I worry if there are discrepancies?

In most cases, no. Election officials look for and investigate any discrepancies before the canvass board meets. The Canvass Board's job is to review and fix any errors before certifying the election results, so observers may witness them discussing minor discrepancies.

For example, if a polling place had one more ballot than voters, the board can review a poll worker's incident report explaining what caused the discrepancy and decide whether further investigation is required.

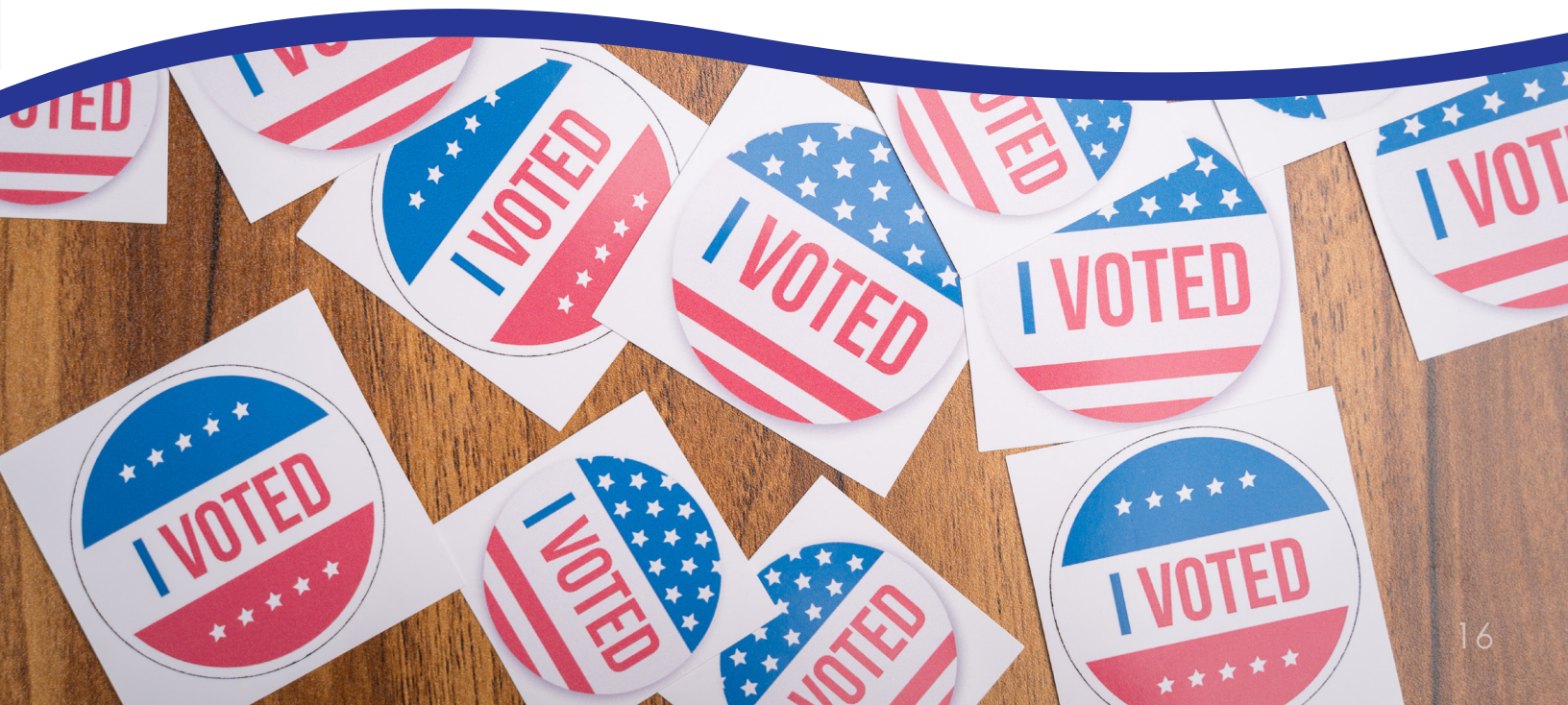
Major discrepancies are rare. If there is one between the ballots counted and the voter turnout, the election official should have thoroughly investigated the issue prior to the canvassing board. The canvass board will review those findings and may take appropriate action.

Election officials view the canvass process as an opportunity to learn and improve processes for the next election. They will often modify poll worker training or update procedures based on canvass findings.

As an observer, how do I know that the canvass process is unbiased and accurate?

The canvass is designed to ensure accurate results and public confidence in those results through openness and bipartisanship. The Canvass Board is composed of citizen appointees representing both major political parties. Meetings are open to the public.

Observers can ensure the accuracy of the canvass by attending those meetings. If there are deficiencies, the board may investigate and report them in their certification. In some instances, they may call on staff or poll workers to explain why a deficiency occurred.





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