

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2093

Introduced by

Judiciary Committee

(At the request of the Secretary of State)

1 A BILL for an Act to amend and reenact section 16.1-11-21, subsection 1 of section 16.1-11-27,
2 and section 16.1-13-05 of the North Dakota Century Code, relating to the publication of sample
3 ballots and the names of candidates on sample ballots being arranged alphabetically.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 16.1-11-21 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-11-21. County auditor to publish sample primary election ballot and notice of**
8 **time and place of election.** The county auditor shall publish in the official county newspaper,
9 and if no newspaper is published in the county then in a newspaper published in an adjoining
10 county in the state, the following:

11 1. A copy of the sample ballot of the primary election, as arranged by order and
12 direction of the county auditor. The form of the sample ballot must conform in all
13 respects to the form prescribed for the sample primary ballot by the secretary of
14 state. The county auditor shall publish the sample ballot in all forms appropriate for
15 the method or methods of voting in the county. Sample ballots with inverted
16 columns must be printed ~~twice in each issue of the newspaper and~~ in such manner
17 as to assure that the column of each political party is displayed once ~~in each issue~~
18 in an upright position in one of the two required publications preceding the election.
19 Absent voters' ballots may not be considered in determining which form of voting is
20 used. Candidates from each legislative district which falls within the boundaries of
21 the county must be listed in a separate box or category within the sample ballot by
22 legislative district number to enable the voters in each legislative district to
23 ascertain the legislative candidates in their specific district. Sample ballots used

for publication purposes must be arranged using the rotation of the largest precinct
in the county.

2. The date of the primary election.

3. The hours during which the polls will be open.

4. The statement that the primary election balloting will be held in the regular polling
place in each precinct.

The notice must be published in the official county newspaper once each week for two
consecutive weeks prior to the primary election and include a statement in substantially the
following format:

Ballots in your precinct are subject to change from the published sample ballot,
depending upon the legislative district.

SECTION 2. AMENDMENT. Subsection 1 of section 16.1-11-27 of the North Dakota
Century Code is amended and reenacted as follows:

1. ~~On sample ballots, the names of candidates for each office must be arranged
alphabetically according to surnames~~ Sample ballots used for publication purposes
must be arranged using the rotation of the largest precinct in the county.

SECTION 3. AMENDMENT. Section 16.1-13-05 of the North Dakota Century Code is
amended and reenacted as follows:

16.1-13-05. Notice of election - Contents - Publication with sample ballot. Notice
of all general elections must be published by the county auditor in the official county newspaper
at the same time as, and as a part of, the publication of the sample ballot preceding ~~such~~ the
election. The notice must be substantially as follows:

Notice is hereby given that on Tuesday, the _____ day of November,
19____, at the polling places in the various precincts in the county of
_____, an election will be held for the election of state, district, and
county officers, which election will be opened at _____ a.m. and will continue
open until _____ p.m. of that day with the following exceptions:

Dated this _____ day of _____, 19_____

Signed _____

County Auditor

The county auditor shall publish a copy of the sample ballot of the general election once each week for two consecutive weeks prior to the election in the official county newspaper. If no newspaper is published in the county, the publication must be in a newspaper published in an adjoining county in the state. The form of the sample ballot as ordered and arranged by the county auditor must conform in all respects to the form prescribed by the secretary of state for the sample general election ballot. The county auditor shall publish the sample ballot in all forms appropriate for the method or methods of voting in the county. Absentee voter ballots may not be considered in determining which form of voting is used. Candidates from each legislative district which falls within the boundaries of the county must be listed in a separate box or category within the sample ballot by legislative district number to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. Sample ballots used for publication purposes must be arranged using the rotation of the largest precinct in the county. The notice must include a statement in substantially the following format:

Ballots in your precinct are subject to change from the published sample ballot, depending upon the legislative district.