

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2094

Introduced by

Judiciary Committee

(At the request of the Secretary of State)

1 A BILL for an Act to amend and reenact sections 16.1-01-07 and 16.1-06-09 of the North
2 Dakota Century Code, relating to publication of ballot measure analyses and printing and
3 depositing of measure ballots.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-01-07 of the 1995 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **16.1-01-07. Constitutional amendments and other questions to be advertised -**
8 **Notification by secretary of state - Manner of publishing.** Whenever a proposed
9 constitutional amendment or other question is to be submitted to the people of the state for
10 popular vote, the secretary of state shall, not less than fifty-five days before the election, certify
11 the amendment or other question to each county auditor and each auditor shall cause notice
12 thereof to be included in the notice required by section 16.1-13-05. Questions to be submitted
13 to the people of a particular county must be advertised in the same manner.

14 The secretary of state shall, at the same time the secretary of state certifies notice to the
15 county auditors of the submission of a constitutional amendment or other question, certify the
16 ballot form for such questions. The ballot form must conform to the provisions of section
17 16.1-06-09 and must be used by all county auditors in preparing ballots for submission to the
18 electorate of each county and in the preparation of sample ballots. Sample ballots must
19 conform in form and style to samples of such ballots contained in the legal publications
20 handbook prepared under subsection 5 of section 46-01-02. Any requirements in this title that
21 a sample ballot be published will be met by the publication of either the paper ballot or the ballot
22 as it will appear to persons using a voting machine, depending upon the method of voting used
23 in the area involved. Absentee voter ballots may not be considered in determining which
24 method of voting is used in an area. If both paper ballots and voting machines are used in an

1 area, both forms must be published as sample ballots to meet publication and notice
2 requirements. ~~At the same time as~~ For two consecutive weeks before the sample ballot is
3 published, an analysis of any constitutional amendment, initiated measure, or referred measure,
4 written by the secretary of state after consultation with the attorney general, must be published
5 in columns to enable the electors to become familiar with the effect of the proposed
6 constitutional amendment or initiated or referred measure, ~~in addition to the sample ballot listing~~
7 ~~ballot titles.~~

8 **SECTION 2. AMENDMENT.** Section 16.1-06-09 of the 1995 Supplement to the North
9 Dakota Century Code is amended and reenacted as follows:

10 **16.1-06-09. Constitutional amendments and initiated and referred measures -**
11 ~~Placed on separate ballot-~~ **Manner of stating question - Explanation of effect of vote -**
12 **Order of listing.** Constitutional amendments or measures, initiated measures, and referred
13 measures, duly certified to the county auditor by the secretary of state, or any other question or
14 measure to be voted on, except the election of public officers at any primary, general, or special
15 election including officers subject to a recall petition, ~~must be printed on a separate ballot and~~
16 ~~must be deposited in a box separate from that provided to receive the ballots for public officers.~~
17 ~~A constitutional amendment, initiated or referred measure, or other question must, unless~~
18 otherwise determined by the secretary of state, be stated in full in a legible manner on the
19 paper ballot or the ballot card when using an electronic voting system purchased after June 30,
20 1985, and the ballot label when using an electronic voting system purchased before July 1,
21 1985. If the secretary of state concludes the amendment or measure is too long to make it
22 practical to print in full, the secretary of state in consultation with the attorney general shall
23 cause to be printed a short, concise summary, which must fairly represent the substance of the
24 constitutional amendment, initiated, or referred measure. After the foregoing statement, the
25 secretary of state shall cause to be printed another short, concise statement of the effect of an
26 affirmative or negative vote on the constitutional amendment, initiated, or referred measure.
27 This explanatory statement must be drafted by the secretary of state in consultation with the
28 attorney general. The words "Yes" and "No" must be printed on the ballot at the close of the
29 statement regarding the effect of an affirmative or negative vote, in separate lines with a square
30 formed of black lines after each statement in which the voter may indicate by a cross or other

1 mark how the voter desires to vote on the question. Where two or more amendments or
2 questions are to be voted on, they must be printed on the same ballot.

3 The measures to be submitted to the electors must be grouped and classified as
4 constitutional measures, initiated statutes, or referred statutes and must be placed within such
5 groups or classifications by the secretary of state in the order received, for the purpose of
6 placing them on the ballot. Measures submitted by the legislative assembly must be placed first
7 on the ballot within their classification in the order approved by the legislative assembly.
8 Constitutional measures shall be placed first on the ballot, initiated statutes second, and
9 referred statutes third. After all the measures have been placed within the appropriate group or
10 classification, all measures must be numbered consecutively, without regard to the various
11 groups or classifications.