

**HOUSE BILL NO. 1396**

Introduced by

Representatives Kasper, Dosch, Ruby, Thoreson

Senators Olafson, Wardner

1 A BILL for an Act to amend and reenact section 16.1-11-27 of the North Dakota Century Code,  
2 relating to arrangement of names on ballots.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-11-27 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **16.1-11-27. Arrangement of names on ballots.**

7 1. Sample ballots used for publication purposes must be arranged using the rotation  
8 of the ballot in the precinct in the county which cast the highest total vote for  
9 governor at the last general election at which the office of governor was filled. In  
10 the event that this determination is no longer possible due to changes in precinct  
11 boundaries, the precincts are to be ordered according to the precincts with the  
12 greatest voting age population to the least. This information is to be provided by  
13 the North Dakota state data center or based on the best available data as  
14 determined by the county auditor. On the official ballot used at the election,  
15 including electronic voting system ballots, the names of candidates beside or under  
16 headings designating each office to be voted for must be alternated ~~in the following~~  
17 ~~manner:~~ as provided in subsection 2.

18 ~~4.~~ 2. The ballot must first be arranged with all the names for each office on the ballot in  
19 an order determined by lot by the county auditor and prepared by the county  
20 auditor for all state, district, and county offices. The position of names that require  
21 alternating under the provisions of this section must be alternated by an algorithm  
22 approved by the secretary of state designed to ensure to the extent possible that  
23 each name on the ballot for an office is listed in each position order on an equal  
24 number of precinct ballots spread across the county. If the number of candidates

- 1            for an office exceeds the number of precincts in the county, the county auditor shall  
2            use a procedure developed by the secretary of state to ensure, as nearly as  
3            possible, that each name on the ballot for the office is listed in each position order  
4            on an equal number of ballots spread across the county. There must be a different  
5            alternation sequence for each of the following, based on the geographical area by  
6            which the office is filled:
- 7            a.    Offices to be filled by the electors of the state, the entire county, or any district  
8                   which includes the entire county.
- 9            b.    Offices to be filled by the electors of districts smaller than the county, with a  
10                   different rotation for each of those districts.
- 11          ~~2.    Although the names are to be alternated within the offices on the ballot, the name~~  
12          ~~order for an office is to be the same for all ballots within a precinct.~~