

HOUSE BILL NO. 1299

Introduced by

Representatives Mock, Kaldor

1 A BILL for an Act to create and enact a new section to chapter 16.1-11 of the North Dakota
2 Century Code, relating to voting in the primary election; and to amend and reenact sections
3 16.1-06-14 and 16.1-11-22 of the North Dakota Century Code, relating to voting in the primary
4 election.

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

6 **SECTION 1. AMENDMENT.** Section 16.1-06-14 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **16.1-06-14. Requirements for electronic voting systems.**

9 Any electronic voting system used in an election in this state must:

- 10 1. Provide facilities for voting for nominated candidates, for ~~persons~~individuals not in
11 nomination, and upon questions or measures submitted to the voters.
- 12 2. Permit each voter to vote for as many ~~persons~~individuals for any office as the voter is
13 entitled to vote for; and must ~~allow each voter to vote in primary elections for~~
14 ~~candidates for nomination by the political party of the voter's choice, but it must~~
15 preclude each voter from voting for more ~~persons~~individuals for any office than the
16 voter is entitled to vote for; or from voting more than once for the same candidate or
17 upon the same measure or question submitted to the voters; ~~or voting the ballot of~~
18 ~~more than one political party in any primary election.~~
- 19 3. Permit each voter, insofar as is possible, by the replacement of spoiled ballots, to
20 change the voter's vote for any candidate, or upon any measure or question submitted
21 to the voters, up to the time the voter begins the final operation to register the voter's
22 vote.
- 23 4. Permit and require voting in absolute secrecy, and must be so constructed and
24 controlled that no ~~person~~individual can see or know for whom any other elector has

- 1 voted or is voting, except a voter whom the ~~person~~individual has assisted or is
- 2 assisting in voting, as prescribed by law, and that no ~~person~~individual may see or
- 3 know the number of votes registered for any candidate or tamper with any mechanism.
- 4 5. Be provided with a procedure by the use of which, immediately after the polls are
- 5 closed, all voting is absolutely prevented.
- 6 6. Be so constructed that when properly operated it ~~shall~~must register or record correctly
- 7 and accurately every vote cast.
- 8 7. Be so constructed that a voter may readily learn the method of operating it.
- 9 8. Permit voting by ballot or by entering directly into a computer or other electronic device
- 10 by means of a touchscreen or other data entry device.
- 11 9. Permit voting for presidential electors by making only one mark.
- 12 10. Permit write-in voting and absentee voting.
- 13 11. Permit the rotation of names of candidates on ballots as required by this title.
- 14 12. In the case of electronic systems procured after August 1, 2003, be capable of
- 15 notifying a voter that the voter has overvoted; or undervoted; ~~and in the case of a~~
- 16 ~~primary election, cross-party voted before the voter casts a ballot.~~
- 17 13. In the case of direct-recording electronic voting systems, be capable of preventing a
- 18 voter from overvoting ~~and cross-party voting before the voter casts a ballot.~~
- 19 14. In the case of direct-recording electronic voting systems, be capable of producing in
- 20 random order a paper copy of each ballot cast on the system.
- 21 15. Ensure that any direct-recording electronic voting system procured or used in the state
- 22 may not transmit uncounted votes or ballots through the internet.
- 23 16. Fulfill the criteria and standards established by the secretary of state according to
- 24 section 16.1-06-26.

25 **SECTION 2. AMENDMENT.** Section 16.1-11-22 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **16.1-11-22. Primary election ballot - Form** ~~–Voters to vote for candidates of only one~~
28 ~~party.~~

- 29 1. At the primary election there may be only one ballot for all parties or principles. The
- 30 ballot must be in the following form:
- 31 ~~4. The ballot must be entitled the "consolidated primary election ballot".~~

- 1 2-a. Each party or principle having candidates at the primary election must have a
2 separate column on the ballot.
- 3 3-b. At the head of each column must be printed the name of the political party or
4 principle which it represents.
- 5 4-c. In each column below the party or principle title must be printed: "You may vote
6 for the ~~candidates of only one~~ candidate from any party at the primary election.
7 ~~If However, you may cast votes in more than only one party column and vote for~~
8 ~~candidates of more than one party, your party ballot will be rejected~~ for any one
9 office."
- 10 5-d. ~~Immediately below the warning against voting for candidates of more than one~~
11 ~~party~~ required by subdivision c must be printed: "To vote for the candidate of your
12 choice, you must darken the oval opposite the name of the candidate. To vote for
13 ~~a person~~ an individual whose name is not printed on the ballot, write that
14 ~~person's~~ individual's name in the blank space provided for that purpose and
15 darken the oval opposite the space provided."
- 16 6-e. The offices specified in section 16.1-11-26 must be arranged in each column with
17 the name of each office in the center of each party column at the head of the
18 names of all the aspirants for the office.
- 19 7-f. Immediately under the name of each office must be printed: "Vote for no more
20 than _____ name (or names)."
- 21 8-g. Immediately preceding and on the same line as the name of each aspirant must
22 be printed an oval in which the voter is to mark the voter's choice by darkening
23 the oval next to the name of the candidate chosen.
- 24 9-h. The political party or principle which cast the largest vote for governor at the most
25 recent primary election at which the office of governor was voted upon must have
26 the left-hand column, and the party or principle casting the next largest vote must
27 have the next column, and so on.
- 28 2. The judges and the inspector of elections shall inform each elector at the primary,
29 before voting, that if the voter votes for candidates of more than one party for any one
30 office, the voter's ~~party ballot~~ votes for that office will be rejected.

1 **SECTION 3.** A new section to chapter 16.1-11 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Primary election ballot - Voting for candidates from multiple parties allowed -**

4 **Exception.**

5 On any primary election ballot, a voter may vote for candidates from any party on the party
6 ballot, but may vote for candidates from only one party for any one office. Voting for candidates
7 from more than one party for one office invalidates the voter's vote for that office.