

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2290
(Senators Andrist, Lee, O'Connell)
(Representatives Boehm, S. Kelsh)

AN ACT to amend and reenact sections 16.1-11-21, 16.1-11-22, and 16.1-11-30 of the North Dakota Century Code, relating to the form of the primary election ballot; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

SECTION 2. AMENDMENT. Section 16.1-11-22 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-11-22. Primary election ballot - Form - Voters to vote for candidates of only one party. At the primary election there may be only one ballot for all parties or principles. The ballot must be in the following form:

1. The ballot must be entitled the "consolidated primary election ballot", ~~and the title must be printed at both ends of the ballot so there is an upright title no matter which way the ballot is held.~~
2. Each party or principle having candidates at the primary election must have a separate column on the ballot; the columns must be separated by a solid six-point rule.

3. At the head of each column must be printed the name of the political party or principle which it represents.
4. In each column below the party or principle title must be printed: "You may vote for the candidates of only one party at the primary election. If you cast votes in more than one party column and vote for candidates of more than one party, your ballot will be rejected."
5. Immediately below the warning against voting for candidates of more than one party must be printed: "Put a crossmark (X) opposite the name of the candidate for whom you wish to vote. To vote for a person whose name is not printed on the ballot write or paste that person's name in the blank space provided for that purpose."
6. The offices specified in section 16.1-11-26 must be arranged in each column with the name of each office in the center of each party column at the head of the names of the aspirants for the office.
7. Immediately under the name of each office must be printed: "Vote for no more than _____ name (or names)."
8. At the side of the name of each aspirant and in a column must be printed a square or other figure for making a crossmark or other mark. No squares or other figures may be printed at the head of the ballot.
9. The political party or principle which cast the largest vote for governor at the most recent primary election at which the office of governor was voted upon must have the left-hand column, and the party or principle casting the next largest vote must have the next column, and so on.

The judges and the inspector of elections shall inform each elector at the primary, before voting, that if the voter votes for candidates of more than one party the voter's ballot will be rejected.

SECTION 3. AMENDMENT. Section 16.1-11-30 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-30. Separate column on primary election ballot required for each political party.

The following political parties must be provided with separate columns on primary election ballots:

1. The republican party.
2. The democrat party.
3. Any party ~~which~~ that cast five percent of the total votes cast for governor at the last general election.
4. Any other party, if a petition signed by at least seven thousand qualified electors of this state is filed with the secretary of state before four p.m. of the sixtieth day ~~prior to~~ before a primary election, asking that a column be provided for ~~such~~ that party, naming it, and stating the platform principles ~~thereof~~ of the party. If ~~such~~ the petition is mailed it must be in the possession of the secretary of state before four p.m. on the sixtieth day. Candidates of ~~such~~ that party are entitled to the same rights and privileges as those of other parties.

~~Columns must be arranged so that any column is in an inverted position when the adjacent column or columns are in an upright position.~~

SECTION 4. LEGISLATIVE INTENT. It is the intent of the fifty-fifth legislative assembly that the secretary of state determine, by county, the number and percentage of party ballots that were void because a voter had voted in more than one party column at the 1998 primary election.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2290.

Senate Vote: Yeas 44 Nays 3 Absent 2

House Vote: Yeas 60 Nays 36 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State