

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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**  
8 **of time and place of election.** The county auditor shall publish in the official county  
9 newspaper, and if no newspaper is published in the county then in a newspaper published in an  
10 adjoining 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  
15 for 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  
24 for publication purposes must be arranged using the rotation of the ballot in the

precinct in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled.

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:

The arrangement of candidate names appearing on ballots in your precinct may vary from the published sample ballots, depending upon the precinct and legislative district in which you reside.

**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 ballot in the precinct in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled.

**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:

1 \_\_\_\_\_  
2 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_  
3 Signed \_\_\_\_\_

4 County Auditor

5 The county auditor shall publish a copy of the sample ballot of the general election once each  
6 week for two consecutive weeks prior to the election in the official county newspaper. If no  
7 newspaper is published in the county, the publication must be in a newspaper published in an  
8 adjoining county in the state. The form of the sample ballot as ordered and arranged by the  
9 county auditor must conform in all respects to the form prescribed by the secretary of state for  
10 the sample general election ballot. The county auditor shall publish the sample ballot in all  
11 forms appropriate for the method or methods of voting in the county. Absentee voter ballots  
12 may not be considered in determining which form of voting is used. Candidates from each  
13 legislative district which falls within the boundaries of the county must be listed in a separate  
14 box or category within the sample ballot by legislative district number to enable the voters in  
15 each legislative district to ascertain the legislative candidates in their specific district. Sample  
16 ballots used for publication purposes must be arranged using the rotation of the ballot in the  
17 precinct in the county which cast the highest total vote for governor at the last general election  
18 at which the office of governor was filled. The notice must include a statement in substantially  
19 the following format:

20 The arrangement of candidate names appearing on ballots in your precinct may  
21 vary from the published sample ballots, depending upon the precinct and  
22 legislative district in which you reside.