

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.~~ Absent voters' ballots may not be considered in determining
19 which form of voting is used. Candidates from each legislative district which falls
20 within the boundaries of the county must be listed in a separate box or category
21 within the sample ballot by legislative district number to enable the voters in each
22 legislative district to ascertain the legislative candidates in their specific district.
23 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.

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.