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Sixtieth
Legislative Assembly   HOUSE BILL NO. 1373
of North Dakota

Introduced by

    Representatives Keiser, Haas

    Senators Dever, Krebsbach

1   A BILL for an Act to amend and reenact subsection 4 of section 16.1-06-05, and sections

2   16.1-06-14, 16.1-11-27, and 16.1-13-05 of the North Dakota Century Code, relating to the

3   arrangement of names on the ballot.

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

5   **SECTION 1. AMENDMENT.** Subsection 4 of section 16.1-06-05 of the North Dakota

6   Century Code is amended and reenacted as follows:

7   4.   The names of candidates under the designation of each office must be ~~alternated~~

8   arranged in the printing of the official ballot in ~~the same~~ a similar manner as is

9   provided for the primary election ballot.

10   **SECTION 2. AMENDMENT.** Section 16.1-06-14 of the North Dakota Century Code is

11   amended and reenacted as follows:

12   **16.1-06-14. Requirements for electronic voting systems.** Any electronic voting

13   system used in an election in this state must:

14   1.   Provide facilities for voting for nominated candidates, for persons not in

15   nomination, and upon questions or measures submitted to the voters.

16   2.   Permit each voter to vote for as many persons for any office as the voter is entitled

17   to vote for, and must allow each voter to vote in primary elections for candidates for

18   nomination by the political party of the voter's choice, but it must preclude each

19   voter from voting for more persons for any office than the voter is entitled to vote

20   for, from voting more than once for the same candidate or upon the same measure

21   or question submitted to the voters, or voting the ballot of more than one political

22   party in any primary election.

23   3.   Permit each voter, insofar as is possible, by the replacement of spoiled ballots, to

24   change the voter's vote for any candidate, or upon any measure or question

1   submitted to the voters, up to the time the voter begins the final operation to

2   register the voter's vote.

3   4.   Permit and require voting in absolute secrecy, and must be so constructed and

4   controlled that no person can see or know for whom any other elector has voted or

5   is voting, except a voter whom the person has assisted or is assisting in voting, as

6   prescribed by law, and that no person may see or know the number of votes

7   registered for any candidate or tamper with any mechanism.

8   5.   Be provided with a procedure by the use of which, immediately after the polls are

9   closed, all voting is absolutely prevented.

10   6.   Be so constructed that when properly operated it shall register or record correctly

11   and accurately every vote cast.

12   7.   Be so constructed that a voter may readily learn the method of operating it.

13   8.   Permit voting by ballot or by entering directly into a computer or other electronic

14   device by means of a touchscreen or other data entry device.

15   9.   Permit voting for presidential electors by making only one mark.

16   10.   Permit write-in voting and absentee voting.

17   11. ~~Permit the rotation of names of candidates on ballots as required by this title.~~

18   ~~12.~~ In the case of electronic systems procured after August 1, 2003, be capable of

19   notifying a voter that the voter has overvoted, undervoted, and in the case of a

20   primary election, cross-party voted before the voter casts a ballot.

21 ~~13.~~ <u>12.</u> In the case of direct-recording electronic voting systems, capable of preventing a

22   voter from overvoting and cross-party voting before the voter casts a ballot.

23 ~~14.~~ <u>13.</u> In the case of direct-recording electronic voting systems, be capable of producing

24   in random order a paper copy of each ballot cast on the system.

25 ~~15.~~ <u>14.</u> Ensure that any direct-recording electronic voting system procured or used in the

26   state may not transmit uncounted votes or ballots through the internet.

27 ~~16.~~ <u>15.</u> Fulfill the criteria and standards established by the secretary of state according to

28   section 16.1-06-26.

29   **SECTION 3. AMENDMENT.** Section 16.1-11-27 of the North Dakota Century Code is

30 amended and reenacted as follows:

1   **16.1-11-27. Arrangement of names on ballots.** ~~Sample ballots used for publication~~

2   ~~purposes must be arranged using the rotation of the ballot in the precinct in the county which~~

3   ~~cast the highest total vote for governor at the last general election at which the office of~~

4   ~~governor was filled. In the event that this determination is no longer possible due to changes in~~

5   ~~precinct boundaries, the precincts are to be ordered according to the precincts with the greatest~~

6   ~~voting age population to the least. This information is to be provided by the North Dakota state~~

7   ~~data center or based on the best available data as determined by the county auditor. On the~~

8   ~~official ballot used at the election, including electronic voting system ballots, the names of~~

9   ~~candidates beside or under headings designating each office to be voted for must be alternated~~

10   ~~in the following manner:~~

11   ~~1.~~ ~~The ballot must first be arranged with all the names for each office on the ballot in~~

12   ~~an order determined by lot by the county auditor and prepared by the county~~

13   ~~auditor for all state, district, and county offices. The position of names that require~~

14   ~~alternating under the provisions of this section must be alternated by an algorithm~~

15   ~~approved by the secretary of state designed to ensure to the extent possible that~~

16   ~~each name on the ballot for an office is listed in each position order on an equal~~

17   ~~number of precinct ballots spread across the county. There must be a different~~

18   ~~alternation sequence for each of the following, based on the geographical area by~~

19   ~~which the office is filled:~~

20   ~~a.~~ ~~Offices to be filled by the electors of the state, the entire county, or any district~~

21   ~~which includes the entire county.~~

22   ~~b.~~ ~~Offices to be filled by the electors of districts smaller than the county, with a~~

23   ~~different rotation for each of those districts.~~

24   ~~2.~~ ~~Although the names are to be alternated within the offices on the ballot, the name~~

25   ~~order for an office is to be the same for all ballots within a precinct.~~ The secretary

26   of state shall determine the order of the candidate names on the ballot by a

27   drawing of names for all federal, statewide, judicial, legislative, and multicounty

28   offices. The county auditor, city auditor, and school business manager shall

29   determine the order of the candidate names on the ballot for their respective

30   jurisdictions by a drawing of names.

1   **SECTION 4. AMENDMENT.** Section 16.1-13-05 of the North Dakota Century Code is

2 amended and reenacted as follows:

3   **16.1-13-05. Notice of election - Contents - Publication with sample ballot.** Notice

4 of all general elections must be published by the county auditor in the official county newspaper

5 at the same time as, and as a part of, the publication of the sample ballot preceding the

6 election. The notice must be substantially as follows:

7   Notice is given that on Tuesday, November _____, ____, at the polling places in the

8   various precincts in the county of _____, an election will be held for the

9   election of state, district, and county officers, which election will be opened at

10   _____ a.m. and will continue open until _____ p.m. of that day with the following

11   exceptions:

12   _____

13   _____

14   Dated _____, _____

15   Signed _____

16   County Auditor

17 The county auditor shall publish a copy of the sample ballot of the general election once each

18 week for two consecutive weeks before the election in the official county newspaper. If no

19 newspaper is published in the county, the publication must be in a newspaper published in an

20 adjoining county in the state. The form of the sample ballot as ordered and arranged by the

21 county auditor must conform in all respects to the form prescribed by the secretary of state for

22 the sample general election ballot. The county auditor shall publish the sample ballot in all

23 forms appropriate for the method or methods of voting in the county. Absentee voter ballots

24 may not be considered in determining which form of voting is used. Candidates from each

25 legislative district which falls within the boundaries of the county must be listed in a separate

26 box or category within the sample ballot by legislative district number to enable the voters in

27 each legislative district to ascertain the legislative candidates in their specific district. ~~Sample~~

28 ~~ballots used for publication purposes must be arranged using the rotation of the ballot in the~~

29 ~~precinct in the county which cast the highest total vote for governor at the last general election~~

30 ~~at which the office of governor was filled. The notice must include a statement in substantially~~

31 ~~the following format:~~

1   ~~The arrangement of candidate names appearing on ballots in your precinct may~~

2   ~~vary from the published sample ballots, depending upon the precinct and~~

3   ~~legislative district in which you reside.~~