

Introduced by

Senators Walen, Enget

Representatives Koppelman, Heilman

1 A BILL for an Act to amend and reenact sections 16.1-02-12, 16.1-02-15, 16.1-03-21, and
2 16.1-07-05, subsection 1 of section 16.1-07-06, sections 16.1-11-10, 16.1-11-12, 16.1-11-21,
3 16.1-11-22, 16.1-11-24, 16.1-11-26, 16.1-11-29, and 16.1-11-30, subsection 2 of section
4 16.1-11-39, and sections 16.1-11-40, 16.1-11.1-02, and 16.1-12-02 of the North Dakota Century
5 Code, relating to data stored in the central voter file and primary election ballots.

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

7 **SECTION 1. AMENDMENT.** Section 16.1-02-12 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-02-12. Information contained and maintained in the central voter file.**

10 The central voter file must contain the following information for each individual included in
11 the file:

- 12 1. The complete legal name of the individual.
- 13 2. The complete residential address of the individual.
- 14 3. The complete mailing address of the individual, if different from the individual's
15 residential address.
- 16 4. The unique identifier generated and assigned to the individual.
- 17 5. A status designation of the individual's eligibility to vote in a precinct.
- 18 6. The county, legislative district, city or township, school district, county commissioner
19 district, if applicable, precinct name, and precinct number in which the individual
20 resides.
- 21 7. ~~Beginning in 2008, four~~Six years of an individual's voting history, if applicable,
22 including the political party associated with a ballot furnished to the voter under section
23 16.1-11-22.
- 24 8. Date of birth.

1 9. The individual's driver's license or nondriver identification card number issued by the
2 department of transportation, or the unique identifier from an official form of
3 identification issued by a tribal government to a tribal member residing in this state.

4 10. Any other information requested of and obtained from the individual deemed
5 necessary by the secretary of state for the proper administration of the central voter
6 file.

7 **SECTION 2. AMENDMENT.** Section 16.1-02-15 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-02-15. Voter lists and reports may be made available for election-related**
10 **purposes - Funds received.**

11 1. Except as otherwise provided by law, a voter list or a report generated from the central
12 voter file may be made available to a candidate, political party, or a political committee
13 for election-related purposes. Any information obtained by a candidate, political party,
14 or political committee for election-related purposes from a list or report generated from
15 the central voter file may not be sold or distributed for a purpose that is not
16 election-related. Except for information identified in the central voter file under
17 subsections 1, 2, 3, 4, 5, 6, 7, and 10 of section 16.1-02-12, which may be made
18 available to a candidate, political party, or political committee for election-related
19 purposes, information in the central voter file is an exempt record.

20 2. An individual's record that is designated as "secured active" is an exempt record and
21 is not available to any candidate, political party, or political committee for any purpose,
22 except for information identified under subsections 1, 2, and 7 of section 16.1-02-12.

23 3. Any funds received by the secretary of state to pay the cost of producing a report or
24 list of voters contained in the central voter file must be deposited in the secretary of
25 state's general services operating fund.

26 **SECTION 3. AMENDMENT.** Section 16.1-03-21 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **16.1-03-21. Organizations allowed to nominate statewide and legislative candidates.**

29 A political organization may not endorse candidates or have candidates petition for
30 president, vice president, Congress, statewide office, or legislative office as set forth in
31 chapter 16.1-11, unless the organization:

- 1 1. Organized according to all requirements of this chapter;
- 2 2. Had printed on the ballot at the last preceding general election the names of a set of
- 3 presidential electors pledged to the election of the party's candidate for president and
- 4 vice president, a candidate for governor, a candidate for attorney general, or a
- 5 candidate for secretary of state and those candidates for presidential electors,
- 6 governor, attorney general, or secretary of state received at least five percent of the
- 7 total vote cast for presidential electors, the office of governor, attorney general, or
- 8 secretary of state within this state at that election and organized according to all
- 9 requirements of this chapter; or
- 10 3. Filed a petition with the secretary of state signed by the number of electors required
- 11 under section 16.1-11-30 to qualify to endorse candidates or to have candidates
- 12 petition to be included on ~~the~~ a separate primary election ballot ~~in a consolidated-~~
- 13 ~~column~~ furnished under section 16.1-11-22 or on a special election ballot.

14 **SECTION 4. AMENDMENT.** Section 16.1-07-05 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **16.1-07-05. Time for applying for ballot - Emergency situations - Sufficient time for**
17 **application and ballot return.**

- 18 1. At any time in an election year, any qualified elector may apply to the county auditor,
- 19 the auditor or clerk of the city, or the business manager of the school district, ~~as the~~
- 20 ~~case may be,~~ by personal delivery, facsimile, electronic mail or otherwise, for an
- 21 official ballot to be voted at that election. A voter may obtain an application form
- 22 approved by the secretary of state, for an absent voter's ballot for a general, special,
- 23 primary, county, city, or school election from the secretary of state, a county or city
- 24 auditor, a candidate, a political party, or a political committee. The application form
- 25 must provide the applicant the ability to indicate which elections in the calendar year
- 26 the applicant ~~wishes~~ desires to vote by absentee ballot. If the individual requests a
- 27 primary election ballot issued under section 16.1-11-22, the application form must
- 28 provide the applicant the ability to indicate which primary election ballot the applicant
- 29 desires to vote by absentee ballot.
- 30 2. ~~No~~ An auditor or clerk may not issue ballots for absentee voters on the day of the
- 31 election except to individuals prevented from voting in person on the day of the

1 election due to an emergency. An individual requesting an absentee ballot on the day
2 of the election due to an emergency must do so through an agent as set forth in this
3 chapter. An agent may represent only one individual. The absentee ballot must be
4 returned to the county auditor's office by four p.m. on the day of the election.

5 3. A completed application must be submitted to the appropriate election official in a
6 timely manner so as to allow the applicant to receive, complete, and mail the absent
7 voter's ballot before the day of the election.

8 **SECTION 5. AMENDMENT.** Subsection 1 of section 16.1-07-06 of the North Dakota
9 Century Code is amended and reenacted as follows:

- 10 1. Application for an absent voter's or mail ballot must be made on a form, prescribed by
11 the secretary of state, to be furnished by the proper officer of the county, city, or school
12 district in which the applicant is an elector, or any form, approved by the secretary of
13 state, containing the following:
- 14 a. The applicant's name.
 - 15 b. The applicant's current or most recent North Dakota residential address.
 - 16 c. The applicant's mailing address.
 - 17 d. The applicant's current contact telephone number, if available.
 - 18 e. The election for which the ballot is being requested.
 - 19 f. If applicable, the type of primary election ballot issued under section 16.1-11-22
20 the applicant desires to select.
 - 21 g. The date of the request.
 - 22 ~~g-h.~~ An affirmation that the applicant has resided, or will reside, in the precinct for at
23 least thirty days next preceding the election and will be a qualified elector of the
24 precinct.
 - 25 ~~h-i.~~ The applicant's signature, a notification the signature on this affidavit will be
26 compared to the signature on the affidavit on the envelope in which the absentee
27 ballot must be placed.
 - 28 ~~i-j.~~ The designation of the individual's status as a citizen of this country and resident
29 of this state living outside the United States, a uniformed service member living
30 away from the individual's North Dakota residence, or an immediate family

1 member of the uniformed service member living away from the individual's North
2 Dakota residence.

3 j-k. The applicant's date of birth.

4 k-l. The identification number from one of the applicant's valid forms of identification,
5 a copy of the applicant's long-term care certificate, and, if necessary, a copy of
6 the applicant's supplemental identification under section 16.1-01-04.1.

7 **SECTION 6. AMENDMENT.** Section 16.1-11-10 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-11-10. Applicant's name placed upon ballot - Affidavit to accompany petition.**

10 Upon receipt by the secretary of state of the petition or certificate of endorsement provided
11 for in section 16.1-11-06 accompanied by the following affidavit, the secretary of state shall
12 place the applicant's name upon the appropriate primary election ballot ~~in the columns~~ of the
13 applicant's party as provided or within the no-party office for which the applicant desires
14 nomination. Upon receipt by the county auditor of the petition provided for in section 16.1-11-11
15 accompanied by the following affidavit, the county auditor shall place the applicant's name upon
16 the appropriate primary election ballot within the no-party office for which the applicant desires
17 nomination. The affidavit may be filed electronically, through the mail, or by personal delivery.
18 However, the affidavit must be in the possession of the appropriate filing officer before four p.m.
19 on the sixty-fourth day before the primary election. If the affidavit is filed electronically, the
20 candidate shall retain the original copy. The affidavit must be substantially as follows:

21 State of North Dakota)

22) ss.

23 County of _____)

24 I, _____, being sworn, say that I reside at _____, in the city
25 of _____, in the county of _____ of North Dakota; and zip code of
26 _____; that I am a candidate for nomination to the office of _____
27 to be chosen at the primary election to be held on _____, _____, and I request
28 that my name be printed upon the primary election ballot as provided by law, as a
29 candidate of the _____ party for said office. I am requesting that my name be
30 listed on the ballot as I have identified my ballot name below. I understand that nicknames
31 are allowed as part of my ballot name, but titles and campaign slogans are not permissible.

1 I have reviewed the requirements to hold office and I certify that I am qualified to serve if
2 elected.

3 _____
4 Ballot name requested

5 _____
6 Candidate's signature

7 Subscribed and sworn to before me on _____, _____.
8 _____

9 Notary Public
10 NOTARY SEAL My Commission Expires _____

11 **SECTION 7. AMENDMENT.** Section 16.1-11-12 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **16.1-11-12. Applicant's name placed on primary election ballot.**

- 14 1. Upon receipt of the petition or certificate of endorsement provided for in section
15 16.1-11-06, accompanied by an affidavit as provided in section 16.1-11-10, the
16 secretary of state shall place the name of the applicant on the appropriate primary
17 election ballot ~~in~~for the party or appropriate section if the documentation meets all
18 applicable requirements.
- 19 2. Upon receipt of the petition or certificate of endorsement provided for in section
20 16.1-11-11, accompanied by an affidavit as provided in section 16.1-11-10, the county
21 auditor shall place the name of the applicant on the appropriate section of the no-party
22 primary election ballot if the documentation meets all applicable requirements.
- 23 3. A candidate whose name was placed on the ballot under this section may have the
24 candidate's name removed from the ballot by submitting a written request to the
25 appropriate filing officer within forty-eight hours after the filing deadline under sections
26 16.1-11-06 and 16.1-11-11.

27 **SECTION 8. AMENDMENT.** Section 16.1-11-21 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **16.1-11-21. County auditor to publish sample primary election ballot and notice of**
2 **time and place of election.**

3 The county auditor shall publish, once each week for two consecutive weeks before the
4 primary election, in the official county newspaper, and if ~~no~~ a newspaper is not published in the
5 county ~~then~~, in a newspaper published in an adjoining county in the state, a notice
6 accompanied by a statement substantially the same as: "The arrangement of candidate names
7 on ballots in your precinct may vary from the published sample ballots, depending on the
8 precinct and legislative district in which you reside." The notice must include:

- 9 1. A copy of the sample ~~ballot~~ballots of the primary election, as arranged by order and
10 direction of the county auditor. The form of the sample ballot must conform in all
11 respects to the form prescribed for the sample primary ~~ballot~~ballots by the secretary of
12 state. The county auditor shall publish the sample ~~ballot~~ballots in all forms appropriate
13 for the method or methods of voting in the county. Candidates from each legislative
14 district ~~that falls~~falling within the boundaries of the county must be listed in a separate
15 box or category within the sample ballot by legislative district number to enable the
16 voters in each legislative district to ascertain the legislative candidates in their specific
17 district.
- 18 2. The date of the primary election.
- 19 3. The hours during which the polls will be open.
- 20 4. The name and address for each polling place in the county.

21 **SECTION 9. AMENDMENT.** Section 16.1-11-22 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-11-22. Primary election ballot - Form - Voters to vote for candidates of only one**
24 **political party.**

25 At the primary election there ~~may~~must be ~~only one ballot containing the~~ a separate sections-
26 for all parties or principles ~~ballot for each political party entitled to ballot access under section~~
27 16.1-11-30. Each separate ballot also may contain a no-party election ballot as furnished under
28 section 16.1-11-24 and any city, county, or statewide measure to be voted upon at the primary
29 election. The judges and the inspector of elections shall inform each elector at the primary,
30 before voting, if the voter ~~votes for candidates of more than~~must select one political party ~~the~~
31 ~~voter's political party ballot will be rejected~~of the separate primary election ballots. The judges

1 and the inspector shall furnish the selected ballot to the voter and record which ballot was
2 furnished and the associated political party for inclusion in the central voter file under section
3 16.1-02-12. When the voter is furnished the selected ballot, the voter may not select a different
4 ballot issued under this section. The~~Each~~ separate ballot must be in the following form:

- 5 1. ~~The~~Each ballot must be entitled the "consolidated primary election ballot".
- 6 2. ~~Each~~The political party or principle having candidates at the primary election must
7 have a separate section on the ballot.
- 8 3. At the head of ~~each~~the political party section must be printed the name of the political
9 party or principle which it represents.
- 10 4. ~~Spanning the columns containing the political party ballot sections and before the~~
11 ~~party names or principle titles must be printed: "In a Political Party Primary Election,~~
12 ~~you may only vote for the candidates of one political party. This ballot contains the~~
13 ~~number of political parties or principles and a description of where the political parties~~
14 ~~or principles are to be found in the sections below. If you vote in more than one~~
15 ~~political party's section, your Political Party Ballot will be rejected; however, all votes~~
16 ~~on the No Party and Measure Ballots will still be counted."~~
17 5. ~~Immediately below the warning against voting for candidates of more than one political~~
18 ~~party~~Within the political party section of the ballot must be printed: "To vote for the
19 candidate of your choice, you must darken the oval next to the name of that candidate.
20 To vote for an individual whose name is not printed on the ballot, you must darken the
21 oval next to the blank line provided and write that individual's name on the blank line."
- 22 ~~6-5.~~ The offices specified in section 16.1-11-26 must be arranged in each section with the
23 name of each office in the center of ~~each~~the political party section at the head of the
24 names of all the candidates for the office.
- 25 ~~7-6.~~ Immediately under the name of each office must be printed: "Vote for no more than
26 _____ name (or names)."
- 27 ~~8-7.~~ Immediately preceding and on the same line as the name of each candidate must be
28 printed an oval in which the voter is to mark the voter's choice by darkening the oval
29 next to the name of the candidate chosen.
- 30 9. ~~The political party or principle which cast the largest vote for governor at the most~~
31 ~~recent primary election at which the office of governor was voted upon must have the~~

1 first section, and the political party or principle casting the next largest vote must have
2 the second section, and so on.

3 **SECTION 10. AMENDMENT.** Section 16.1-11-24 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **16.1-11-24. No-party primary ballot - Contents.**

6 There must be a separate ballot at all primary elections which must be entitled "no-party
7 primary ballot". The names of aspirants for nomination to each office must be arranged on the
8 no-party primary ballot in separate groups in their order. The separate ballot may be on the
9 same paper or electronic ballot furnished under section 16.1-11-22, but the list of offices and
10 candidates must be entitled "no-party primary ballot" in a manner to indicate clearly the
11 separation of the no-party list of offices and candidates from the party list of offices and
12 candidates. The names of all candidates for any of the offices mentioned in section 16.1-11-08
13 must be placed on the ballot without party designation. Immediately under the name of each
14 office must be placed the language: "Vote for no more than _____ name (or names)." The
15 number inserted must be the number to be elected to the office at the next succeeding general
16 election.

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

19 **16.1-11-26. Order in which names of offices shall appear on ballot.**

20 ~~The~~Each primary election ballot for party nominations ~~shall~~must contain the following offices
21 in the following order ~~under~~on each party column~~separate primary election ballot~~:

- 22 1. Congressional:
- 23 United States senator
24 representative in Congress
- 25 2. Legislative:
- 26 state senator _____ district
27 state representative _____ district
- 28 3. State offices:
- 29 governor and lieutenant governor
30 secretary of state
31 state auditor

- 1 state treasurer
- 2 attorney general
- 3 insurance commissioner
- 4 agriculture commissioner
- 5 public service commissioner
- 6 tax commissioner

7 **SECTION 12. AMENDMENT.** Section 16.1-11-29 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-11-29. Preparation of ballot.**

10 Unless otherwise provided in this chapter, ~~the~~all primary election ~~ballot~~ballots must be
11 prepared as provided in chapter 16.1-06.

12 **SECTION 13. AMENDMENT.** Section 16.1-11-30 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **16.1-11-30. ~~Separate section on primary election ballot required for each political~~**
15 **party.**

16 1. Any party that had printed on the ballot at the last preceding presidential election the
17 names of a set of presidential electors pledged to the election of the party's candidates
18 for president and vice president or a candidate for governor and those candidates for
19 presidential electors or governor received at least five percent of the total vote cast for
20 presidential electors or the office of governor within this state at that election; any party
21 that had printed on the ballot at the last preceding nonpresidential election a candidate
22 for attorney general or secretary of state, and the candidate received at least five
23 percent of the total vote cast for the office the candidate was seeking at the election;
24 or any party that has organized according to all the requirements of chapter 16.1-03
25 ~~must be provided with~~is entitled to placement on a separate ~~section on~~ primary
26 election ~~ballots~~ballot as described under section 16.1-11-22.

27 2. Any other political organization is entitled to endorse candidates or have candidates
28 petition to be included on ~~the primary ballot in a separate section of the consolidated~~
29 primary election ballot under section 16.1-11-22, if a petition signed by at least seven
30 thousand qualified electors of this state is filed with the secretary of state before
31 four p.m. of the sixty-fourth day before a primary or special election, naming the

1 political organization, stating the platform principles of the party, and requesting the
2 names of its candidates to be included on the state's primary ballot in a separate
3 section. Political organizations that are granted ballot access under this section are
4 allowed ballot access only for those offices for which the organization has identified
5 candidates. Regardless of the means by which the petition is delivered, the original
6 must be in the possession of the secretary of state before four p.m. on the sixty-fourth
7 day prior to a primary or special election. Candidates of that party are entitled to the
8 same rights and privileges as those of other parties. Petitions circulated according to
9 this section must be filed with the secretary of state in accordance with section
10 1-01-50.

11 3. A political organization that had printed on the ballot at the last preceding presidential
12 election the names of a set of presidential electors pledged to the election of the
13 party's candidates for president and vice president or a candidate for governor and
14 those candidates for presidential electors or governor received at least five percent of
15 the total vote cast for presidential electors or the office of governor within this state at
16 that election, and any political organization that has printed on the ballot at the last
17 preceding nonpresidential election a candidate for attorney general or secretary of
18 state, and the candidate received at least five percent of the total vote cast for the
19 office the candidate was seeking at the election are entitled to organize according to
20 the requirements of chapter 16.1-03.

21 **SECTION 14. AMENDMENT.** Subsection 2 of section 16.1-11-39 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 2. Upon receipt of the documents filed by each candidate, the filing officer immediately
24 shall complete a thorough review of the documents and notify the candidate of any
25 necessary corrections that must be made before four p.m. on the sixty-fourth day
26 before the primary election. The filing officer may not place a candidate's name on
27 the primary election ballot if the filed documents are insufficient and remain
28 uncorrected.

29 **SECTION 15. AMENDMENT.** Section 16.1-11-40 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **16.1-11-40. Primary election and ballot governed by general election provisions.**

2 Except as otherwise provided in this chapter, ~~the~~each primary election ballot must be
3 arranged, and the primary election must be provided for, conducted, and the expenses thereof
4 paid as in the case of a general election.

5 **SECTION 16. AMENDMENT.** Section 16.1-11.1-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-11.1-02. Application for mail ballots.**

8 1. The county auditor shall mail an application form for a mail ballot to each active voter
9 listed in the central voter file for the county and each qualified individual eligible to vote
10 in the state for the first time on one date no sooner than the fiftieth day before the
11 election and no later than the fortieth day before the election. For all applications
12 mailed under this section for a primary election ballot issued under section 16.1-11-22,
13 the application form must provide the applicant the ability to indicate which primary
14 election ballot the applicant desires to vote.

15 2. The county auditor, for two consecutive weeks after the date on which the mail ballot
16 applications are mailed, shall publish in the official newspaper of the county an
17 application form for a mail ballot and a notice that additional mail ballot applications
18 may be obtained from the election official. The application form for a mail ballot must
19 be in substantially the form provided in section 16.1-07-06.

20 **SECTION 17. AMENDMENT.** Section 16.1-12-02 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **16.1-12-02. Certificates of nomination by petition - Form and contents.**

23 Certificates of nomination for nominees for an office to be filled at a general or special
24 election, except for an office appearing on the no-party ballot, may be made as provided by this
25 section. Except for nominees for president of the United States, names of nominees so
26 nominated must appear on the ballot as independent nominations. The names of nominees for
27 president of the United States may appear on the ballot with a designation, not to exceed five
28 words, that names the organization or political party to which the presidential candidate
29 affiliates. The designation may not falsely indicate an affiliation with or the support of any
30 political party organized in accordance with this title or include any substantive word or phrase
31 that is profane or that is already included in or resembles the name of a political party entitled to

1 a separate ~~column~~ ballot under section ~~16.1-11-30~~16.1-11-22. Except for candidates for the
2 office of president of the United States, each certificate of nomination by petition must meet the
3 specifications for nominating petitions set forth in section 16.1-11-16. A political party or
4 organization desiring to submit to the secretary of state the name of a qualified candidate for the
5 office of the president of the United States may begin gathering the signatures for the certificate
6 of nomination on the first day of January of a presidential election year and shall submit the
7 petition to the secretary of state before four p.m. on the sixty-fourth day before the general
8 election. The signatures on the petition must be in the following number:

- 9 1. Except as provided in subsection 3, if the nomination is for an office to be filled by the
10 qualified electors of the entire state, there must be no fewer than one thousand
11 signatures.
- 12 2. If the nomination is for an office to be filled by the qualified electors of a district less
13 than the entire state, the number of signatures must be at least two percent of the
14 resident population of the district as determined by the most recent federal decennial
15 census, but in no case may more than three hundred signatures be required.
- 16 3. If the nomination is for the office of president, there must be no fewer than four
17 thousand signatures and the petition must contain the names of the presidential and
18 vice presidential candidates along with the names of the elector nominees and
19 alternate elector nominees for the office of the North Dakota presidential electors. The
20 elector nominees and alternate elector nominees must be qualified electors of North
21 Dakota.
- 22 4. If the petition is for the office of governor or lieutenant governor, it must contain the
23 names and other required information of candidates for both those offices.