SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTIN ROERS, CHAIR

TESTIMONY PRESENTED BY
ERIKA WHITE, STATE ELECTION DIRECTOR

Chair Roers and members of the committee, I'm Erika White and I serve as the state election director for the Office of the Secretary of State. I am here in support of HB 1165. This bill provides technical clean-up language and seeks to create uniform practices in code related to the administration of elections. We believe North Dakota should have uniform election laws at all government levels and many of the proposed pieces of this bill seek to do just that.

I'd like to give you a quick overview of the bill's sections, and also bring forth proposed amendments related to:

1) Providing a timeline for the process of final petition format review and approval for circulation, and

2) Changes we are requesting in code related to the development of our election management system and how ballot rotations are determined.

I've provided a Christmas tree version of engrossed HB 1165 with the proposed amendments along with my testimony to use as a reference as I walk you through a summary of the bill.

OVERVIEW OF BILL SECTIONS

SECTION 1 AND SECTION 2: These sections relate to election practices for soil conservation districts.
Section 1 deals with nominating petitions for individuals seeking office in soil conservation districts. Current statute requires county auditors to certify nominating petitions for soil conservation districts to the secretary of state. Please note, county auditors are not required to certify any other county office's nominating petitions to this office. The changes in this section would eliminate this requirement.

Section 2 is the continuation of the above section adjustment and simply strikes language also requiring the secretary of state to certify the election of the soil conservation districts. Again, we believe this to be a step that can easily be handled by county election boards and removes an unnecessary step for auditors.

SECTION 3: This section seeks to define what is meant by "complete residential address" in the Elections Chapter – 16.1. The terminology "complete residential address or rural route or general delivery address" is used in NDCC 16.1-01-09 and relates to what is captured on petitions for initiated or referred measures. This section seeks to simply define that complete residential address includes a street, general delivery or rural route address, including any relevant house or apartment number, city, state, zip code. Incomplete signatures or accompanying information of petition signers which does not meet the requirements of this section invalidates the applicable signature. This helps define what is meant by complete residential address for petition sponsors and matches our current review practices for petition review.

PROPOSED AMENDMENT – SECTION 4: The proposed amendment in this section is to codify current practices in the petition approval process in NDCC 16.1-01-09, but also to put a timeline on petition approval for circulation related to the sponsoring committee. Currently, if a petition title is approved by the secretary of state and attorney general, that title language is sent back to the sponsoring committee chairman to be incorporated into the petition packet. However, if our office doesn't receive a completed packet with the petition title, full text of the measure, signature sheets and corrected affidavits for the sponsoring committee members, there currently isn't a close out to the process defined in law. A petition that is not sent back for final review is simply kept by our office in an open state and a sponsoring committee could come back at any time for review and approval of their petition packet for circulation at an undetermined time in the future.

Every other step of the petition approval process has a timeline associated with it, from the drafting and approval of the title to the circulation of approved packets. We simply think there should be a close-out for the petition process timeline if there is no response from a sponsoring committee within a reasonable amount of time, which based on our proposed amendment is 15 business days, or three weeks. Currently, correspondence with sponsoring committee chairs is taking place by email, so information is received in a timely manner.

SECTION 4. AMENDMENT. Subsection 1 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-09. Initiative or referendum petitions - Signature - Form - Circulation.

a. A request of the secretary of state for approval of a petition to initiate or refer a measure may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The secretary of state shall prepare a signature form that includes provisions for identification of the measure; the printed name, signature, and address of the committee member; and notarization of the signature. The filed signature forms must be originals.

b. Upon receipt of a petition to initiate or refer a measure, the secretary of state shall draft a short and concise statement that fairly represents the measure. The statement must be submitted to the attorney general for approval or disapproval. ~~An approved statement must be affixed to the petition before it is circulated for signatures, must be called the "petition title", and must be placed immediately before the full text of the measure.~~

c. The secretary of state and the attorney general shall complete their review of a petition in not less than five, nor more than seven, business days, excluding Saturdays.

d. An approved statement must be affixed to the petition by the sponsoring committee, must be called the "petition title", and must be placed immediately before the full text of the measure. The petition packet with approved statement and sponsoring committee member affidavits must be submitted for final review by the secretary of state within fifteen business days, excluding Saturdays, before it is approved to circulate for signatures. Petition packets and affidavits not received for final review on or before the fifteenth business day, excluding Saturdays, will be considered withdrawn.

SECTION 5: In 2024, the question came to this office on whether a city could contract with a third-party to conduct an election. This office believes that only North Dakota election officials should be conducting elections. This section seeks to prohibit both the state and political subdivisions from contracting with a third-party to administer an election.

SECTION 6: In recent elections, individuals appointed as election judges have presented challenges to the proper administration of the election. This section seeks to amend NDCC 16.1-05-01 which provides for removal of an

election judge but only through an affidavit signed by two or more electors of the precinct. The changes proposed seek to give county auditors the ability to address misconduct issues without the burden of affidavits as they are the individuals responsible for election administration at the county level.

SECTION 7: This section seeks to update NDCC 16.1-06-02 to create uniformity in the printing of statewide ballots. The proposed language seeks to ensure that all counties must use a printer as directed by the secretary of state for printing ballots for use in statewide elections.

SECTION 8: This section seeks to add descriptive language to the area where judges initial the ballot under NDCC 16.1-06-04, which includes instructions for ballot layout. Code currently allows for the word "initials" above a box in the bottom right on ballot for election judges. This however creates confusion for some voters who initial in this box which is meant for election judges. The proposed change seeks to clarify this language by adding "election official initials" to this same area to provide better clarity for voters.

SECTION 9 and SECTION 10: These sections address uniformity in statewide election practices. Language additions in these two sections allow for the secretary of state to designate an absentee mailing, outgoing, return, and secrecy envelope style. Currently, many counties use the envelope forms provided by this office, however that is not consistent statewide. We believe this uniformity is important in helping voters better understand what to expect in election processes, as well as giving the U.S. Postal Service a uniform design to watch for related to election mail.

PROPOSED AMENDMENT – SECTION 11: This is one of two proposed amendments related to a change in statute we are requesting due to the build out of our new election management system. Our current system uses a complicated algorithm based on the requirements in two areas of North Dakota Century Code related to candidate ballot rotation. This complex formula is hard to understand and creates a number of programming difficulties. We are asking for your support of these amendments to help create a more understandable and better system for ballot rotation.

This rotation of the order in which candidates appear is predicated by votes cast in precincts during the last general election in which the governor was elected. This becomes as issue as precincts boundaries change and then don't match those in the last gubernatorial election, or on redistricting years it is a much greater challenge. The two amendments we are presenting in this area seek to provide a more streamlined approach that will be easier to understand and manage in the new election management system.

In Section 11, we are simply striking the language in NDCC 16.1-13-05 related to ballot rotation being tied to years in which the governor is elected, and then directing this rotation to the section in code which deals arrangement of names for the rotation instruction.

SECTION 11. AMENDMENT. Subsection 2 of section 16.1-13-05 of the North Dakota Century Code is amended and reenacted as follows:

2. The county auditor shall publish a copy of the sample ballot of the general election once each week for two consecutive weeks before the election in the official county newspaper. If no newspaper is published in the county, the publication must be in a newspaper published in an adjoining county in the state. The form of the sample ballot as ordered and arranged by the county auditor must conform in all respects to the form prescribed by the secretary of state for the sample general election ballot. The county auditor shall publish the sample ballot in all forms appropriate for the method or methods of voting in the county. Candidates from each legislative district within the boundaries of the county must be listed in a separate box or category within the sample ballot by legislative district number to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. Sample ballots used for publication purposes must be arranged according to section 16.1-11-27. ~~using the rotation of the ballot in the precinct in the county that cast the highest total vote for governor at the last general election at which the office of governor was filled.~~ The notice must 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 12: This section seeks to create consistency in the timing for write-in candidate filings. Currently, legislative candidates may file their certificate of write-in candidacy four days prior to election day. With the ability for counties to start early voting fifteen days prior to election day this simply is no longer appropriate timing. We are requesting that legislative candidates be moved to match the filing requirement of 21 days before election day that is in code for other write-in candidates.

PROPOSED AMENDMENT – SECTION 13: This is the second amendments related to ballot rotation. This section amends 16.1-11-27 removing the complicated rotation language related to precincts and voting age and replaces it with a simple rotation based on precincts with the greatest eligible voter population. This rotation will ensure the same logic is applied to all precincts in North Dakota.

SECTION 13 AMENDMENT. Section 16.1-11-27 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-27. Arrangement of names on ballots.

Sample ballots used for publication purposes must be arranged using the rotation of the ballot in the precinct and ordered according to the precincts with the greatest eligible voter population to the least. ~~in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled. In the event that this determination is no longer possible due to changes in precinct boundaries, the precincts are to be ordered according to the precincts with the greatest voting age population to the least. This information is to be provided by the North Dakota state data center or based on the best available data as determined by the county auditor.~~ On the official ballot used at the election, including electronic voting system ballots, the names of candidates beside or under headings designating each office to be voted for must be alternated in the following manner:

1. The ballot must first be arranged with all the names for each office on the ballot in an order determined by lot by the county auditor and prepared by the county auditor for all state, district, and county offices. The position of names that require alternating under the provisions of this section must be alternated by an algorithm approved by the secretary of state designed to ensure to the extent possible that each name on the ballot for an office is listed in each position order on an equal number of precinct ballots spread across the county. There must be a different alternation sequence for each of the following, based on the geographical area by which the office is filled:
   a. Offices to be filled by the electors of the state, the entire county, or any district which includes the entire county.
   b. Offices to be filled by the electors of districts smaller than the county, with a different rotation for each of those districts.

2. Although the names are to be alternated within the offices on the ballot, the name order for an office is to be the same for all ballots within a precinct.

SECTION 14: This section seeks to repeal NDCC 16.1-07-30 which is an outdated piece of code that requires the secretary of state to publish notice to county auditors letting them know candidate lists are available. This was a requirement needed before the implementation of a shared election management system in election administration. Counties are now able to access this information in the election management system maintained by our office and the public can access it on our website as candidate filings are processed. Currently, we are simply sending county auditors an email with a link reminding them of the candidate lists can be found in the system to meet this requirement.

This section seeks to repeal NDCC 40-21-10 which allows for a city to register voters. We believe North Dakota should have uniform election laws at all government levels. The ability for a city to register voters simply isn't needed with state's voter identification laws.

Chair Roers and members of the committee this concludes my testimony. I ask for your support of HB 1165 with the proposed amendments. I'll stand for any questions.

SECTION 7.

STATE OF NORTH DAKOTA | WARD COUNTY

GENERAL ELECTION BALLOT
NOVEMBER 5, 2024

To vote for the candidate of your choice, you must darken the oval (●) next to the name of that candidate.

State Representative
District 38
Vote for no more than TWO names

NO-PARTY BALLOT
To vote for the candidate of your choice, you must darken the oval (●) next to

Official Ballot
WARD COUNTY
November 5, 2024

All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted.

Continue voting other side ➔

_____ Initials

Typ:01 Seq:0001 Spl:01

SECTION 8 & 9.

RETURN SERVICE REQUESTED

Official Ballot

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

OFFICIAL ABSENTEE BALLOTING MATERIAL – FIRST-CLASS MAIL

NDCK

Return your ballot in-person to the County Auditor by 5:00pm the day before Election Day.

Mail your ballot so it is postmarked before Election Day. Correct postage is required.

How to Return Your Ballot

Why wait? Return your ballot before election day.

Official Ballot

Return Envelope Official Ballot

Postage Required, Post Office will not deliver without proper postage.

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

OFFICIAL ABSENTEE BALLOTING MATERIAL – FIRST-CLASS MAIL

"If the absent voter is unable to sign the voter's name, the voter shall mark (X) or use the applicant's signature stamp on the affidavit in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation " witness to the mark".

The signature on this affidavit will be compared to the signature on the affidavit included in the application for the absentee ballot.

Witness to the Mark

_____

Voter's Name

_____

Date: _____ 20 ____

Voter Signature _____ -OR-

X

PLACE LABEL HERE

VOTER AFFIDAVIT

Under penalty of possible criminal prosecution for making a false statement, I swear that I am a U.S. citizen and a North Dakota resident; that I have resided in my precinct for at least thirty (30) days preceding this election, and this is the ONLY ballot I will cast in this election.

Instructions: Seal your ballot in this envelope • Fill out and sign this affidavit • Mail or deliver to County Auditor

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1165

Introduced by

Representatives Louser, Rohr, D. Ruby, Satrom, Schauer, Vetter, Lefor

Senators Boehm, Castaneda, Paulson, Roers, Hogue

1 A BILL for an Act to amend and reenact section 4.1-20-16, subsection 1 of section 4.1-20-18,

2 sections 16.1-01-00.1, subsection 1 of section 16.1-01-09, and~~and~~ 16.1-01-15.1, subsection 3 of
   section 16.1-05-01, section

3 16.1-06-02, subdivision g of subsection 1 of section 16.1-06-04, section 16.1-07-07, subsection 4
   of section 16.1-07-08, section 16.1-11-27, ~~and~~ subsection 2 of 16.1-13-05 subsection 3 of section
   16.1-12-02.2 of the North

4 Dakota Century Code, relating to election practices and administration; and to repeal sections

5 16.1-07-30 and 40-21-10 of the North Dakota Century Code, relating to election notices and

6 municipal voter registration.

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

8   **SECTION 1. AMENDMENT.** Section 4.1-20-16 of the North Dakota Century Code is

9 amended and reenacted as follows:

10   **4.1-20-16. Nominating petitions - Petitions required - Final filing date.**

11   1.   Any individual running for the office of supervisor shall present to the county auditor of

12   the county in which the district lies a petition giving that individual's name and mailing

13   address and the title and term of the office, and containing the signatures of not less

14   than twenty-five nor more than three hundred qualified electors of the district. When a

15   district lies in more than one county, the petition must be filed with the county auditor

16   of the county where the candidate resides, and that county auditor shall certify to the

17   county auditors of the other counties in which the district lies the name and mailing

18   address of the candidate filing such petition. ~~At the same time, the county auditor, or~~

19   ~~auditors in the case of multicounty districts, also shall certify to the secretary of state~~

20   ~~the name and mailing address of each individual filing a nominating petition according~~

21   ~~to this section.~~

1   2.   An individual may not participate directly or indirectly in the nomination for more than

2   one individual for each office to be filled. The final filing date for nominating petitions is

3   no later than four p.m. sixty-four days before the day of the election.

4   3.   Upon receipt of the petition or the certification as provided in this section, the county

5   auditor shall place, without fee, the name of the candidate so nominated on the

6   no-party ballot at the ensuing general election.

7   **SECTION 2. AMENDMENT.** Subsection 1 of section 4.1-20-18 of the North Dakota Century

8   Code is amended and reenacted as follows:

9   1.   At each general election, one district supervisor must be elected for a term of six

10   years, or until the successor is duly elected and qualified, to each expiring or vacant

11   term. The county auditor of the county or counties in which the district lies shall ~~return~~

12   ~~to the secretary of state before four p.m. on the tenth day following any general~~

13   ~~election a certified abstract of the votes cast in the county at the election for each~~

14   ~~candidate for district supervisor. The secretary of state shall canvass the returns and~~

15   ~~issue certificates of election under chapter 16.1-15~~canvass the returns and issue

16   certificates of election under chapter 16.1-15. When a district lies in more than one

17   county, the county auditor of the county in which the candidate resides shall issue the

18   certificate of election.

19   **SECTION 3. AMENDMENT.** Section 16.1-01-00.1 of the North Dakota Century Code is

20   amended and reenacted as follows:

21   **16.1-01-00.1. Definitions.**

22   ~~For purposes of~~As used in this title, unless the context otherwise requires, ~~"candidate"~~

23   ~~means~~:

24   1.   "Candidate" means:

25   a.   An individual holding public office;

26   ~~2.~~   b.   An individual who publicly has declared that individual's candidacy for nomination

27   for election or election to public office or has filed or accepted a nomination for

28   public office;

29   ~~3.~~   c.   An individual who has formed a campaign or other committee for that individual's

30   candidacy for public office;

1   4.   d.   An individual who has circulated a nominating petition to have that individual's

2   name placed on the ballot; and

3   ~~5.~~   e.   An individual who, in any manner, has solicited or received a contribution for that

4   individual's candidacy for public office, whether before or after the election for

5   that office.

6   2.   "Complete residential address" means the description of an individual's physical

7   residence, which includes a house or unit number, street, city, state, zip code, general

8   delivery, or rural route address.

9   **SECTION 4. AMENDMENT.** Subsection 1 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

10   **16.1-01-09. Initiative or referendum petitions - Signature - Form - Circulation.**

      a.   A request of the secretary of state for approval of a petition to initiate or refer a measure may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The secretary of state shall prepare a signature form that includes provisions for identification of the measure; the printed name, signature, and address of the committee member; and notarization of the signature. The filed signature forms must be originals.

      b.   Upon receipt of a petition to initiate or refer a measure, the secretary of state shall draft a short and concise statement that fairly represents the measure. The statement must be submitted to the attorney general for approval or disapproval. ~~An approved statement must be affixed to the petition before it is circulated for signatures, must be called the "petition title", and must be placed immediately before the full text of the measure.~~

      c.   The secretary of state and the attorney general shall complete their review of a petition in not less than five, nor more than seven, business days, excluding Saturdays.

      d.   An approved statement must be affixed to the petition by the sponsoring committee, must be called the "petition title", and must be placed immediately before the full text of the measure. The petition packet with approved statement and sponsoring committee member affidavits must be submitted for final review by the secretary of state within fifteen business days, excluding Saturdays, before it is approved to circulate for signatures. Petition packets and affidavits not received for final review on or before the fifteenth business day, excluding Saturdays, will be considered withdrawn.

11   **SECTION 5.**~~SECTION 4.~~ **AMENDMENT.** Section 16.1-01-15.1 of the North Dakota Century
       Code is

12   amended and reenacted as follows:

13   **16.1-01-15.1. Use of nonpublic funds prohibited - Penalty.**

14   1.   The state and political subdivisions may not solicit, accept, or use any grants or

15   donations from private persons for elections operations or administration except:

16   a.   The use of privately owned facilities for polling places;

17   b.   Food for poll workers; and

18   c.   Other nonmonetary donations that are not used to prepare, process, mark,

19   collect, or tabulate ballots or votes.

20   2.   The state or any political subdivision of this state may not use a private entity to

21   administer an election.

22   3.   An individual who knowingly violates subsection 1 is guilty of a class A misdemeanor.

23   **SECTION 6.**~~SECTION 5.~~ **AMENDMENT.** Subsection 3 of section 16.1-05-01 of the North
       Dakota

24   Century Code is amended and reenacted as follows:

25   3.   If at any time before or during an election, it appears to ~~an election inspector, by the~~

26   ~~affidavit of two or more qualified electors of the precinct, or precincts for a~~

27   ~~multiprecinct polling place,~~a county auditor that any election judge is disqualified under

28   this chapter, the auditor shall order the election inspector ~~shall~~to remove that judge at

29   once and ~~shall~~ fill the vacancy by appointing a qualified individual of the same political

30   party as that of the judge removed. If the disqualified judge had taken the oath of office

31   as prescribed in this chapter, the inspector shall place the oath or affidavit before the

32   state's attorney of the county.

1   **SECTION 7.**~~SECTION 6.~~ **AMENDMENT.** Section 16.1-06-02 of the North Dakota Century
       Code is

2   amended and reenacted as follows:

3   **16.1-06-02. Ballots prepared by county auditor or local official - Penalty.**

4   For a local election, the ballots must be printed and distributed under the direction of the

5   auditor or clerk of the local subdivision. For all other elections, the secretary of state shall

6   prescribe a ~~ballots~~printing vendor. Ballots must be printed and distributed under the direction of

7   the county auditor, subject to the supervision and approval of the secretary of state as to the

8   legal sufficiency of the form, style, wording, and contents of the ballots. If an auditor or clerk of a

9   local subdivision, a county auditor, or the secretary of state causes or approves the printing of a

10   ballot listing an individual as a candidate when the official knows or should know the individual

11   does not meet the qualifications, or has not satisfied the requirements to be a candidate, the

12   official is guilty of an infraction.

13   **SECTION 8.** ~~SECTION 7.~~ **AMENDMENT.** Subdivision g of subsection 1 of section 16.1-06-04 of the

14   North Dakota Century Code is amended and reenacted as follows:

15   g.   Provide text boxes at the bottom of the first side of the ballot. The text box at the

16   bottom of the first column is to contain the words "Official Ballot, the name of the

17   county, the name or number of the precinct, and the date of the election". The

18   text box is to contain the words "All ballots, other than those used to vote

19   absentee, must first be initialed by appropriate election officials in order to be

20   counted". The text box at the bottom of the third column is to contain the ~~word~~

21   ~~"initials"~~ phrase "election official initials" preceded by a blank line where the judge

22   or inspector shall initial the ballot.

23   **SECTION 9.** ~~SECTION 8.~~ **AMENDMENT.** Section 16.1-07-07 of the North Dakota Century Code is

24   amended and reenacted as follows:

25   **16.1-07-07. Delivering application form for ballot.**

26   The officers specified in section 16.1-07-05, upon request, shall provide an application form

27   for an absent voter's ballot to the voter or may deliver the application form to the voter upon a

28   personal application made at the officer's office. The officers ~~may~~ also may make available or

29   distribute the applications, prescribed by the secretary of state, to the public without any specific

30   request being made for the applications. For every primary, general, special statewide, district,

1   or county election, the county auditor shall mail the applications in an envelope prescribed by

2   the secretary of state.

3   **SECTION 10.** ~~SECTION 9.~~ **AMENDMENT.** Subsection 4 of section 16.1-07-08 of the North Dakota

4   Century Code is amended and reenacted as follows:

5   4.   For every primary, general, special statewide, district, or county election, the county

6   auditor shall use the outgoing, return, and secrecy envelopes prescribed by the

7   secretary of state. If there is more than one ballot to be voted by an elector of the

8   precinct and the voting system will be unable to tabulate one or more of the ballots,

9   one of each kind must be included and a secrecy envelope and a return envelope

10   must be enclosed with the ballot or ballots. The front of the return envelope must bear

11   the official title and post-office address of the officer supplying the voter with the ballot

12   and upon the other side a printed voter's affidavit in substantially the following form:

13   Precinct _____

14   Name _____

15   Residential Address _____

16   City _____ND Zip Code _____

17   Under penalty of possible criminal prosecution for making a false

18   statement, I swear that I reside at the residential address provided

19   above, that I have resided in my precinct for at least thirty days

20   next preceding the election, and this is the only ballot I will cast

21   in this election.

22   Applicant's Signature _____

23   Date _____

24   The signature on this affidavit will be compared to the signature on the

25   affidavit included in the application for the absentee ballot.

26

SECTION 11. AMENDMENT. Subsection 2 of section 16.1-13-05 of the North Dakota Century Code is amended and reenacted as follows:

2. The county auditor shall publish a copy of the sample ballot of the general election once each week for two consecutive weeks before the election in the official county newspaper. If no newspaper is published in the county, the publication must be in a newspaper published in an adjoining county in the state. The form of the sample ballot as ordered and arranged by the county auditor must conform in all respects to the form prescribed by the secretary of state for the sample general election ballot. The county auditor shall publish the sample ballot in all forms appropriate for the method or methods of voting in the county. Candidates from each legislative district within the boundaries of the county must be listed in a separate box or category within the sample ballot by legislative district number to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. Sample ballots used for publication purposes must be arranged according to section 16.1-11-27. using the rotation of the ballot in the precinct in the county that cast the highest total vote for governor at the last general election at which the office of governor was filled. The notice must 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

27   **SECTION 12** ~~SECTION 11~~. **AMENDMENT.** Subsection 3 of section 16.1-12-02.2 of the North
Dakota

28   Century Code is amended and reenacted as follows:

29   3.   An individual who intends to be a write-in candidate for any legislative district office

30   shall file a certificate of write-in candidacy with the secretary of state. The certificate

31   must contain the name, address, and signature of the candidate. Certificates must be

32   filed by four p.m. on the ~~fourth~~twenty-first day before the election.

33

SECTION 13. AMENDMENT. Section 16.1-11-27 of the North Dakota

34 Century Code is amended and reenacted as follows:

35

16.1-11-27. Arrangement of names on ballots.

Sample ballots used for publication purposes must be arranged using the rotation of the ballot in the precinct and ordered according to the precincts with the greatest eligible voter population to the least. ~~in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled. In the event that this determination is no longer possible due to changes in precinct boundaries, the precincts are to be ordered according to the precincts with the greatest voting age population to the least. This information is to be provided by the North Dakota state data center or based on the best available data as determined by the county auditor.~~ On the official ballot used at the election, including electronic voting system ballots, the names of candidates beside or under headings designating each office to be voted for must be alternated in the following manner:

1. The ballot must first be arranged with all the names for each office on the ballot in an order determined by lot by the county auditor and prepared by the county auditor for all state, district, and county offices. The position of names that require alternating under the provisions of this section must be alternated by an algorithm approved by the secretary of state designed to ensure to the extent possible that each name on the ballot for an office is listed in each position order on an equal number of precinct ballots spread across the county. There must be a different alternation sequence for each of the following, based on the geographical area by which the office is filled:

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

    b. Offices to be filled by the electors of districts smaller than the county, with a different rotation for each of those districts.

2. Although the names are to be alternated within the offices on the ballot, the name order for an office is to be the same for all ballots within a precinct.

1 **SECTION 14** ~~SECTION 11~~. **REPEAL.** Sections 16.1-07-30 and 40-21-10 of the North Dakota

2 Century Code are repealed.