

2025 HOUSE POLITICAL SUBDIVISIONS

HB 1165

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1165
1/17/2025

Relating to election notices and municipal voter registration.
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9:00 a.m. Representative Fegley opened the hearing.

Members Present: Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Hatlestad, Klemin, Motschenbacher, Ostlie, Toman, Hager

Members Absent: Chairman Longmuir, Representatives Davis, Heilman, Warrey

Discussion Topics:

- Election administration code uniformity
- Election ballot printing process
- Filing of ballots
- Medora residency and voter registration

9:01 a.m. Representative Scott Louser, North Dakota District 5, introduced the bill.

9:06 a.m. Erika White, North Dakota State Election Director, testified in favor and provided testimony #29682

9:31 p.m. Stephanie Engebretson, Deputy Director and Attorney at North Dakota League of Cities, testified in opposition.

9:42 a.m. Michael Howe, North Dakota Secretary of State, answered committee questions.

9:51 p.m. Representative Fegley closed the hearing.

Wyatt Armstrong, Committee Clerk

HOUSE POLITICAL SUBDIVISIONS
REPRESENTATIVE DONALD LONGMUIR, CHAIRMAN

TESTIMONY PRESENTED BY
ERIKA WHITE, STATE ELECTION DIRECTOR

Chairman Longmuir 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 HB1165. 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.

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.

SECTION 4: 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. We do have a proposed amendment for Section 4 included at the end of our testimony for the committee's consideration. The amendment would strike the language beginning on page 3, lines 18 and 19, "for election operations or administration" in the suggested language. This amendment seeks to simplify the language and ensure that other vendor supported services such as printing, programming, and mailing services are not part of the proposed language here.

SECTION 5: 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 6: 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 7: 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 8 and SECTION 9: 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.

SECTION 10: 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.

SECTION 11: 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.

Chairman Longmuir and members of the committee this concludes my testimony. I hope you will support the changes proposed in HB1165 and I'm happy to address any questions you may have.

PROPOSED AMENDMENT TO SENATE BILL NO. 1165

Page 3, line 18, strike “for”

Page 3, line 19, strike “election operations or administration”

Proposed amendment as applied to Subsection 2 of SECTION 4. AMENDMENT

2. The state or any political subdivision of this state may not use a private entity ~~for election operations or administration~~ to administer an election.

SECTION 7.

11	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
Continue voting other side →		
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.	_____ Initials
Typ:01 Seq:0001 Spl:01		

SECTION 8 & 9.

RETURN SERVICE REQUESTED

Official Ballot

OFFICIAL ELECTION MAIL

OFFICIAL ABSENTEE BALLOT (NO WATERMARK) - FIRST CLASS MAIL

How to Return Your Ballot

Why wait? Return your ballot before election day.

Return your ballot to person to the County Auditor by Election Day. Covered postage is included.

Seal your ballot with your attached Ballot

NO

Return Envelope Official Ballot

OFFICIAL ELECTION MAIL

OFFICIAL ABSENTEE BALLOT (NO WATERMARK) - FIRST CLASS MAIL

Voter Signature

Date: 20

Witness to the Mark

Witness's Name

PLATE LABEL HERE

VOTER AFFIDAVIT

Under penalty of possible criminal prosecution for making a false statement, I declare that I am a U.S. citizen and a North Dakota resident. This ballot is my only ballot for 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

Postage Required, Seal Envelope • Do not seal without proper postage

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1165
1/23/2025

Relating to election notices and municipal voter registration.
--

9:00 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Discussion Topics:

- Printer vs printing vendor
- Committee action

9:05 a.m. Representative Klemin Moved to Amend and strike the word "for" on page 3 line 18 and striking the words "election operations or administrations" on page 3 line 19.

9:05 a.m. Representative Jonas seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

9:06 a.m. Motion passed 13-0-0.

9:07 a.m. Representative Hager Moved to further amend page 4 line 5 and change "printer" to "designate a printing vendor."

9:07 a.m. Representative Motschenbacher seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y

Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

Motion passed 13-0-0.

9:10 a.m. Representative Klemin moved a Do Pass as Amended.

9:10 a.m. Representative Hatlestad seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	N
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

9:13 a.m. Motion Passed 12-1-0.

Representative Ostlie will carry the bill.

9:14 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

January 23, 2025

RJ 1/23/25
1 of 6

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 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,
4 subsection 4 of section 16.1-07-08, and subsection 3 of section 16.1-12-02.2 of the North
5 Dakota Century Code, relating to election practices and administration; and to repeal sections
6 16.1-07-30 and 40-21-10 of the North Dakota Century Code, relating to election notices and
7 municipal voter registration.

8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

9 **SECTION 1. AMENDMENT.** Section 4.1-20-16 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **4.1-20-16. Nominating petitions - Petitions required - Final filing date.**

12 1. Any individual running for the office of supervisor shall present to the county auditor of
13 the county in which the district lies a petition giving that individual's name and mailing
14 address and the title and term of the office, and containing the signatures of not less
15 than twenty-five nor more than three hundred qualified electors of the district. When a
16 district lies in more than one county, the petition must be filed with the county auditor
17 of the county where the candidate resides, and that county auditor shall certify to the
18 county auditors of the other counties in which the district lies the name and mailing
19 address of the candidate filing such petition. ~~At the same time, the county auditor, or~~
20 ~~auditors in the case of multicounty districts, also shall certify to the secretary of state~~

1 the name and mailing address of each individual filing a nominating petition according
2 to this section.

3 2. An individual may not participate directly or indirectly in the nomination for more than
4 one individual for each office to be filled. The final filing date for nominating petitions is
5 no later than four p.m. sixty-four days before the day of the election.

6 3. Upon receipt of the petition or the certification as provided in this section, the county
7 auditor shall place, without fee, the name of the candidate so nominated on the
8 no-party ballot at the ensuing general election.

9 **SECTION 2. AMENDMENT.** Subsection 1 of section 4.1-20-18 of the North Dakota Century
10 Code is amended and reenacted as follows:

11 1. At each general election, one district supervisor must be elected for a term of six
12 years, or until the successor is duly elected and qualified, to each expiring or vacant
13 term. The county auditor of the county or counties in which the district lies shall ~~return~~
14 ~~to the secretary of state before four p.m. on the tenth day following any general~~
15 ~~election a certified abstract of the votes cast in the county at the election for each~~
16 ~~candidate for district supervisor. The secretary of state shall canvass the returns and~~
17 ~~issue certificates of election under chapter 16.1-15~~ canvass the returns and issue
18 certificates of election under chapter 16.1-15. When a district lies in more than one
19 county, the county auditor of the county in which the candidate resides shall issue the
20 certificate of election.

21 **SECTION 3. AMENDMENT.** Section 16.1-01-00.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-01-00.1. Definitions.**

24 ~~For purposes of~~ As used in this title, unless the context otherwise requires, "candidate"
25 means:

26 1. "Candidate" means:

27 a. An individual holding public office;

28 ~~2.~~ b. An individual who publicly has declared that individual's candidacy for nomination
29 for election or election to public office or has filed or accepted a nomination for
30 public office;

- 1 ~~3.~~ c. An individual who has formed a campaign or other committee for that individual's
2 candidacy for public office;
3 ~~4.~~ d. An individual who has circulated a nominating petition to have that individual's
4 name placed on the ballot; and
5 ~~5.~~ e. An individual who, in any manner, has solicited or received a contribution for that
6 individual's candidacy for public office, whether before or after the election for
7 that office.

8 2. "Complete residential address" means the description of an individual's physical
9 residence, which includes a house or unit number, street, city, state, zip code, general
10 delivery, or rural route address.

11 **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 for
21 election operations or administration to administer an election.
22 3. An individual who knowingly violates subsection 1 is guilty of a class A misdemeanor.

23 **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

1 as prescribed in this chapter, the inspector shall place the oath or affidavit before the
2 state's attorney of the county.

3 **SECTION 6. AMENDMENT.** Section 16.1-06-02 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **16.1-06-02. Ballots prepared by county auditor or local official - Penalty.**

6 For a local election, the ballots must be printed and distributed under the direction of the
7 auditor or clerk of the local subdivision. For all other elections, the secretary of state shall
8 prescribe a ~~printer and ballots~~printing vendor. Ballots must be printed and distributed under the
9 direction of the county auditor, subject to the supervision and approval of the secretary of state
10 as to the legal sufficiency of the form, style, wording, and contents of the ballots. If an auditor or
11 clerk of a local subdivision, a county auditor, or the secretary of state causes or approves the
12 printing of a ballot listing an individual as a candidate when the official knows or should know
13 the individual does not meet the qualifications, or has not satisfied the requirements to be a
14 candidate, the official is guilty of an infraction.

15 **SECTION 7. AMENDMENT.** Subdivision g of subsection 1 of section 16.1-06-04 of the
16 North Dakota Century Code is amended and reenacted as follows:

17 g. Provide text boxes at the bottom of the first side of the ballot. The text box at the
18 bottom of the first column is to contain the words "Official Ballot, the name of the
19 county, the name or number of the precinct, and the date of the election". The
20 text box is to contain the words "All ballots, other than those used to vote
21 absentee, must first be initialed by appropriate election officials in order to be
22 counted". The text box at the bottom of the third column is to contain the word
23 "initials"phrase "election official initials" preceded by a blank line where the judge
24 or inspector shall initial the ballot.

25 **SECTION 8. AMENDMENT.** Section 16.1-07-07 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **16.1-07-07. Delivering application form for ballot.**

28 The officers specified in section 16.1-07-05, upon request, shall provide an application form
29 for an absent voter's ballot to the voter or may deliver the application form to the voter upon a
30 personal application made at the officer's office. The officers ~~may~~ also may make available or
31 distribute the applications, prescribed by the secretary of state, to the public without any specific

request being made for the applications. For every primary, general, special statewide, district, or county election, the county auditor shall mail the applications in an envelope prescribed by the secretary of state.

SECTION 9. AMENDMENT. Subsection 4 of section 16.1-07-08 of the North Dakota Century Code is amended and reenacted as follows:

4. For every primary, general, special statewide, district, or county election, the county auditor shall use the outgoing, return, and secrecy envelopes prescribed by the secretary of state. If there is more than one ballot to be voted by an elector of the precinct and the voting system will be unable to tabulate one or more of the ballots, one of each kind must be included and a secrecy envelope and a return envelope must be enclosed with the ballot or ballots. The front of the return envelope must bear the official title and post-office address of the officer supplying the voter with the ballot and upon the other side a printed voter's affidavit in substantially the following form:

Precinct _____

Name _____

Residential Address _____

City _____ ND Zip Code _____

Under penalty of possible criminal prosecution for making a false statement, I swear that I reside at the residential address provided above, that I have resided in my precinct for at least thirty days next preceding the election, and this is the only ballot I will cast in this election.

Applicant's Signature _____

Date _____

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

SECTION 10. AMENDMENT. Subsection 3 of section 16.1-12-02.2 of the North Dakota Century Code is amended and reenacted as follows:

3. An individual who intends to be a write-in candidate for any legislative district office shall file a certificate of write-in candidacy with the secretary of state. The certificate

- 1 must contain the name, address, and signature of the candidate. Certificates must be
- 2 filed by four p.m. on the ~~fourth~~twenty-first day before the election.
- 3 **SECTION 11. REPEAL.** Sections 16.1-07-30 and 40-21-10 of the North Dakota Century
- 4 Code are repealed.

**REPORT OF STANDING COMMITTEE
HB 1165**

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **AMENDMENTS** ([25.0536.02001](#)) and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1165 was placed on the Sixth order on the calendar.

2025 SENATE STATE AND LOCAL GOVERNMENT

HB 1165

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1165
3/21/2025

Relating to election practices and administration; and to election notices and municipal voter registration.
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9:40 a.m. Chair Roers called the hearing to order.

Discussion Topics:

- Petitions required
- Defines residential address
- Uniform election laws
- ND election officials

9:40 a.m. Representative Louser, District #5, introduced the bill.

9:46 a.m. Erika White, State Election Director ND State Secretary of State, testified in favor and submitted testimony #43403.

10:06 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

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 an 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
NOVEMBER 5, 2024

OFFICIAL ABSENTEE BALLOT (WATERMARK - FIELD - CLASS MAIL)

How to Return Your Ballot
Mail your ballot to the County Auditor by Election Day. Cover postmark is required.
Return your ballot to person to the County Auditor by Election Day.
Drop in the day before Election on day.

Official Ballot
Why wait? Return your ballot before election day.

Return Envelope
Official Ballot

OFFICIAL ELECTION MAIL
NOVEMBER 5, 2024

OFFICIAL ABSENTEE BALLOT (WATERMARK - FIELD - CLASS MAIL)

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.
Voter Signature _____
Date: _____ 20____
Witness to the Ballot _____
Voter's Name _____
Instructions: Seal your ballot in this envelope • Fill out and sign this affidavit • Mail or deliver to County Auditor
PLACE LABEL HERE

Sixty-ninth
Legislative Assembly
of North Dakota

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 ballotsprinting 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

ballot listing an individual as a candidate when the official knows or should know the individual does not meet the qualifications, or has not satisfied the requirements to be a candidate, the official is guilty of an infraction.

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

North Dakota Century Code is amended and reenacted as follows:

- g. Provide text boxes at the bottom of the first side of the ballot. The text box at the bottom of the first column is to contain the words "Official Ballot, the name of the county, the name or number of the precinct, and the date of the election". The text box is to contain the words "All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted". The text box at the bottom of the third column is to contain the ~~word~~ "initials" phrase "election official initials" preceded by a blank line where the judge or inspector shall initial the ballot.

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

amended and reenacted as follows:

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

The officers specified in section 16.1-07-05, upon request, shall provide an application form for an absent voter's ballot to the voter or may deliver the application form to the voter upon a personal application made at the officer's office. The officers ~~may~~ also may make available or distribute the applications, prescribed by the secretary of state, to the public without any specific request being made for the applications. For every primary, general, special statewide, district, or county election, the county auditor shall mail the applications in an envelope prescribed by the secretary of state.

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

Century Code is amended and reenacted as follows:

4. For every primary, general, special statewide, district, or county election, the county auditor shall use the outgoing, return, and secrecy envelopes prescribed by the secretary of state. If there is more than one ballot to be voted by an elector of the precinct and the voting system will be unable to tabulate one or more of the ballots, one of each kind must be included and a secrecy envelope and a return envelope must be enclosed with the ballot or ballots. The front of the return envelope must bear

the official title and post-office address of the officer supplying the voter with the ballot
and upon the other side a printed voter's affidavit in substantially the following form:

Precinct _____

Name _____

Residential Address _____

City _____ ND Zip Code _____

Under penalty of possible criminal prosecution for making a false
statement, I swear that I reside at the residential address provided
above, that I have resided in my precinct for at least thirty days
next preceding the election, and this is the only ballot I will cast
in this election.

Applicant's Signature _____

Date _____

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

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 14~~. 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.

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.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HB 1165
3/21/2025

Relating to election practices and administration; and to election notices and municipal voter registration.

10:37 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Lee and Walen.

Members Absent: Senator Braunberger

Discussion Topics:

- Committee Action

10:37 a.m. Senator Castaneda moved Amendment LC #25.0536.03001.

10:37 a.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	AB
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 5-0-1

10:40 a.m. Senator Walen moved Do Pass as amended.

10:40 a.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	AB
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 5-0-1

Senator Barta will carry the bill.

10:41 a.m. Chair Roers closed the hearing.

Senate State and Local Government Committee
HB 1165
3/21/2025
Page 2

Susan Helbling, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VC 3/21/25
1 of 7

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~~ section 16.1-01-00.1 and subsection 1 of section 16.1-01-09, section 16.1-01-15.1,
3 subsection 3 of section 16.1-05-01, section 16.1-06-02, subdivision g of subsection 1 of section
4 16.1-06-04, section 16.1-07-07, subsection 4 of section 16.1-07-08, ~~and~~ subsection 3 of section
5 16.1-12-02.2. and subsection 2 of 16.1-13-05 of the North Dakota Century Code, relating to
6 election practices and administration; and to repeal sections 16.1-07-30 and 40-21-10 of the
7 North Dakota Century Code, relating to election notices and municipal voter registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

9 **SECTION 1. AMENDMENT.** Section 4.1-20-16 of the North Dakota Century Code is
10 amended and reenacted as follows:

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

- 12 1. Any individual running for the office of supervisor shall present to the county auditor of
13 the county in which the district lies a petition giving that individual's name and mailing
14 address and the title and term of the office, and containing the signatures of not less
15 than twenty-five nor more than three hundred qualified electors of the district. When a
16 district lies in more than one county, the petition must be filed with the county auditor
17 of the county where the candidate resides, and that county auditor shall certify to the
18 county auditors of the other counties in which the district lies the name and mailing
19 address of the candidate filing such petition. ~~At the same time, the county auditor, or~~
20 ~~auditors in the case of multicounty districts, also shall certify to the secretary of state~~

Sixty-ninth
Legislative Assembly

1 ~~the name and mailing address of each individual filing a nominating petition according~~
2 ~~to this section.~~

3 2. An individual may not participate directly or indirectly in the nomination for more than
4 one individual for each office to be filled. The final filing date for nominating petitions is
5 no later than four p.m. sixty-four days before the day of the election.

6 3. Upon receipt of the petition or the certification as provided in this section, the county
7 auditor shall place, without fee, the name of the candidate so nominated on the
8 no-party ballot at the ensuing general election.

9 **SECTION 2. AMENDMENT.** Subsection 1 of section 4.1-20-18 of the North Dakota Century
10 Code is amended and reenacted as follows:

11 1. At each general election, one district supervisor must be elected for a term of six
12 years, or until the successor is duly elected and qualified, to each expiring or vacant
13 term. The county auditor of the county or counties in which the district lies shall ~~return~~
14 ~~to the secretary of state before four p.m. on the tenth day following any general~~
15 ~~election a certified abstract of the votes cast in the county at the election for each~~
16 ~~candidate for district supervisor. The secretary of state shall canvass the returns and~~
17 ~~issue certificates of election under chapter 16.1-15~~ canvass the returns and issue
18 certificates of election under chapter 16.1-15. When a district lies in more than one
19 county, the county auditor of the county in which the candidate resides shall issue the
20 certificate of election.

21 **SECTION 3. AMENDMENT.** Section 16.1-01-00.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-01-00.1. Definitions.**

24 ~~For purposes of~~ As used in this title, unless the context otherwise requires, "candidate"
25 means:

26 1. "Candidate" means:

27 a. An individual holding public office;

28 2. b. An individual who publicly has declared that individual's candidacy for nomination
29 for election or election to public office or has filed or accepted a nomination for
30 public office;

3. c. An individual who has formed a campaign or other committee for that individual's candidacy for public office;
4. d. An individual who has circulated a nominating petition to have that individual's name placed on the ballot; and
5. e. An individual who, in any manner, has solicited or received a contribution for that individual's candidacy for public office, whether before or after the election for that office.

2. "Complete residential address" means the description of an individual's physical residence, which includes a house or unit number, street, city, state, zip code, general delivery, or rural route address.

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

1. 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. The statement must be called the "petition title" and placed immediately before the full text of the measure. The petition packet, including the approved statement and affidavits from the sponsoring committee members,

must be submitted for final review by the secretary of state within fifteen business days, excluding Saturdays, before the petition can be approved to circulate for the collection of signatures. Petition packets and affidavits not received within fifteen business days are considered withdrawn.

SECTION 5. AMENDMENT. Section 16.1-01-15.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The state and political subdivisions may not solicit, accept, or use any grants or donations from private persons for elections operations or administration except:
 - a. The use of privately owned facilities for polling places;
 - b. Food for poll workers; and
 - c. Other nonmonetary donations that are not used to prepare, process, mark, collect, or tabulate ballots or votes.
2. The state or any political subdivision of this state may not use a private entity to administer an election.
3. An individual who knowingly violates subsection 1 is guilty of a class A misdemeanor.

SECTION 6. AMENDMENT. Subsection 3 of section 16.1-05-01 of the North Dakota Century Code is amended and reenacted as follows:

3. If at any time before or during an election, it appears to ~~an election inspector, by the affidavit of two or more qualified electors of the preeinct, or preeincts for a multipreeinct polling place,~~ a county auditor that any election judge is disqualified under this chapter, the auditor shall order the election inspector ~~shall~~ remove that judge at once and ~~shall~~ fill the vacancy by appointing a qualified individual of the same political party as that of the judge removed. If the disqualified judge had taken the oath of office as prescribed in this chapter, the inspector shall place the oath or affidavit before the state's attorney of the county.

SECTION 7. AMENDMENT. Section 16.1-06-02 of the North Dakota Century Code is amended and reenacted as follows:

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

For a local election, the ballots must be printed and distributed under the direction of the auditor or clerk of the local subdivision. For all other elections, the secretary of state shall

1 prescribe a ballotsprinting vendor. Ballots must be printed and distributed under the direction of
2 the county auditor, subject to the supervision and approval of the secretary of state as to the
3 legal sufficiency of the form, style, wording, and contents of the ballots. If an auditor or clerk of a
4 local subdivision, a county auditor, or the secretary of state causes or approves the printing of a
5 ballot listing an individual as a candidate when the official knows or should know the individual
6 does not meet the qualifications, or has not satisfied the requirements to be a candidate, the
7 official is guilty of an infraction.

8 **SECTION 8. AMENDMENT.** Subdivision g of subsection 1 of section 16.1-06-04 of the
9 North Dakota Century Code is amended and reenacted as follows:

- 10 g. Provide text boxes at the bottom of the first side of the ballot. The text box at the
11 bottom of the first column is to contain the words "Official Ballot, the name of the
12 county, the name or number of the precinct, and the date of the election". The
13 text box is to contain the words "All ballots, other than those used to vote
14 absentee, must first be initialed by appropriate election officials in order to be
15 counted". The text box at the bottom of the third column is to contain the ~~word~~
16 "initials"phrase "election official initials" preceded by a blank line where the judge
17 or inspector shall initial the ballot.

18 **SECTION 9. AMENDMENT.** Section 16.1-07-07 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **16.1-07-07. Delivering application form for ballot.**

21 The officers specified in section 16.1-07-05, upon request, shall provide an application form
22 for an absent voter's ballot to the voter or may deliver the application form to the voter upon a
23 personal application made at the officer's office. The officers ~~may~~ also may make available or
24 distribute the applications, prescribed by the secretary of state, to the public without any specific
25 request being made for the applications. For every primary, general, special statewide, district,
26 or county election, the county auditor shall mail the applications in an envelope prescribed by
27 the secretary of state.

28 **SECTION 10. AMENDMENT.** Subsection 4 of section 16.1-07-08 of the North Dakota
29 Century Code is amended and reenacted as follows:

- 30 4. For every primary, general, special statewide, district, or county election, the county
31 auditor shall use the outgoing, return, and secrecy envelopes prescribed by the

secretary of state. If there is more than one ballot to be voted by an elector of the precinct and the voting system will be unable to tabulate one or more of the ballots, one of each kind must be included and a secrecy envelope and a return envelope must be enclosed with the ballot or ballots. The front of the return envelope must bear the official title and post-office address of the officer supplying the voter with the ballot and upon the other side a printed voter's affidavit in substantially the following form:

Precinct _____

Name _____

Residential Address _____

City _____ ND Zip Code _____

Under penalty of possible criminal prosecution for making a false statement, I swear that I reside at the residential address provided above, that I have resided in my precinct for at least thirty days next preceding the election, and this is the only ballot I will cast in this election.

Applicant's Signature _____

Date _____

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

SECTION 11. AMENDMENT. Subsection 3 of section 16.1-12-02.2 of the North Dakota Century Code is amended and reenacted as follows:

3. An individual who intends to be a write-in candidate for any legislative district office shall file a certificate of write-in candidacy with the secretary of state. The certificate must contain the name, address, and signature of the candidate. Certificates must be filed by four p.m. on the ~~fourth~~twenty-first day before the election.

SECTION 12. 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

1 as ordered and arranged by the county auditor must conform in all respects to the
2 form prescribed by the secretary of state for the sample general election ballot. The
3 county auditor shall publish the sample ballot in all forms appropriate for the method or
4 methods of voting in the county. Candidates from each legislative district within the
5 boundaries of the county must be listed in a separate box or category within the
6 sample ballot by legislative district number to enable the voters in each legislative
7 district to ascertain the legislative candidates in their specific district. Sample ballots
8 used for publication purposes must be arranged ~~using the rotation of the ballot in the~~
9 ~~precinct in the county that cast the highest total vote for governor at the last general~~
10 ~~election at which the office of governor was filled~~ in accordance with section
11 16.1-11-27. The notice must include a statement in substantially the following format:
12 The arrangement of candidate names appearing on ballots in your precinct may vary
13 from the published sample ballots, depending upon the precinct and legislative district
14 in which you reside.

15 **SECTION 13. REPEAL.** Sections 16.1-07-30 and 40-21-10 of the North Dakota Century
16 Code are repealed.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1165**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.0536.03001](#)) and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1165 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HB 1165
4/10/2025

Relating to election practices and administration; and to election notices and municipal voter registration.

9:03 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Eligible voters
- Candidate definition
- Approved statement
- Ballot deadlines

9:04 a.m. Senator Walen moved to reconsider HB 1165.

9:04 a.m. Senator Castaneda seconded the motion.

9:04 a.m. Voice Vote - Motion Passed

9:05 a.m. Chair Roers introduced proposed amendment testimony #44887.

9:10 a.m. Erika White, Election Director ND Secretary of State's Office, answered questions from the committee.

9:20 a.m. Senator Walen moved Amendment LC #25.0536.03003.

9:20 a.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	N
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 5-1-0

9:22 a.m. Senator Lee moved Do Pass as amended.

9:22 a.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	N
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 5-1-0

Senator Barta will carry the bill.

9:25 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VC 4/10/25
1 of 10

ENGROSSED HOUSE BILL NO. 1165

Introduced by

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

Senators Boehm, Castaneda, Paulson, Roers, Hogue

In place of the amendments (25.0536.03001) adopted by the Senate, Engrossed House Bill No. 1165 is amended by amendment (25.0536.03003) as follows:

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~~ section 16.1-01-00.1 and, subsection 1 of section 16.1-01-09, section 16.1-01-15.1,
3 subsection 3 of section 16.1-05-01, section 16.1-06-02, subdivision g of subsection 1 of section
4 16.1-06-04, section 16.1-07-07, subsection 4 of section 16.1-07-08, section 16.1-07-09,
5 subsection 3 of section 16.1-07-21, section 16.1-07-24, subsection 2 of section 16.1-07-26,
6 sections 16.1-11-27 and 16.1-11.1-04, subsection 1 of section 16.1-11.1-07, subsection 3 of
7 section 16.1-12-02.2, and subsection 2 of section 16.1-13-05 of the North Dakota Century
8 Code, relating to absentee ballots, election practices and administration; and to repeal sections
9 16.1-07-30 and 40-21-10 of the North Dakota Century Code, relating to election notices and
10 municipal voter registration.

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

12 **SECTION 1. AMENDMENT.** Section 4.1-20-16 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **4.1-20-16. Nominating petitions - Petitions required - Final filing date.**

15 1. Any individual running for the office of supervisor shall present to the county auditor of
16 the county in which the district lies a petition giving that individual's name and mailing
17 address and the title and term of the office, and containing the signatures of not less
18 than twenty-five nor more than three hundred qualified electors of the district. When a
19 district lies in more than one county, the petition must be filed with the county auditor
20 of the county where the candidate resides, and that county auditor shall certify to the

1 county auditors of the other counties in which the district lies the name and mailing
2 address of the candidate filing such petition. ~~At the same time, the county auditor, or~~
3 ~~auditors in the case of multicounty districts, also shall certify to the secretary of state~~
4 ~~the name and mailing address of each individual filing a nominating petition according~~
5 ~~to this section.~~

6 2. An individual may not participate directly or indirectly in the nomination for more than
7 one individual for each office to be filled. The final filing date for nominating petitions is
8 no later than four p.m. sixty-four days before the day of the election.

9 3. Upon receipt of the petition or the certification as provided in this section, the county
10 auditor shall place, without fee, the name of the candidate so nominated on the
11 no-party ballot at the ensuing general election.

12 **SECTION 2. AMENDMENT.** Subsection 1 of section 4.1-20-18 of the North Dakota Century
13 Code is amended and reenacted as follows:

14 1. At each general election, one district supervisor must be elected for a term of six
15 years, or until the successor is duly elected and qualified, to each expiring or vacant
16 term. The county auditor of the county or counties in which the district lies shall ~~return~~
17 ~~to the secretary of state before four p.m. on the tenth day following any general~~
18 ~~election a certified abstract of the votes cast in the county at the election for each~~
19 ~~candidate for district supervisor. The secretary of state shall canvass the returns and~~
20 ~~issue certificates of election under chapter 16.1-15~~ canvass the returns and issue
21 certificates of election under chapter 16.1-15. When a district lies in more than one
22 county, the county auditor of the county in which the candidate resides shall issue the
23 certificate of election.

24 **SECTION 3. AMENDMENT.** Section 16.1-01-00.1 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **16.1-01-00.1. Definitions.**

27 ~~For purposes of~~ As used in this title, unless the context otherwise requires, "candidate"
28 means:

29 1. "Candidate" means:

30 a. An individual holding public office;

- 1 2- b. An individual who publicly has declared that individual's candidacy for nomination
2 for election or election to public office or has filed or accepted a nomination for
3 public office;
- 4 3- c. An individual who has formed a campaign or other committee for that individual's
5 candidacy for public office;
- 6 4- d. An individual who has circulated a nominating petition to have that individual's
7 name placed on the ballot; and
- 8 5- e. An individual who, in any manner, has solicited or received a contribution for that
9 individual's candidacy for public office, whether before or after the election for
10 that office.

11 2. "Complete residential address" means the description of an individual's physical
12 residence, which includes a house or unit number, street, city, state, zip code, general
13 delivery, or rural route address.

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

- 16 1. a. A request of the secretary of state for approval of a petition to initiate or refer a
17 measure may be presented over the signatures of the sponsoring committee on
18 individual signature forms that have been notarized. The secretary of state shall
19 prepare a signature form that includes provisions for identification of the
20 measure; the printed name, signature, and address of the committee member;
21 and notarization of the signature. The filed signature forms must be originals.
- 22 b. Upon receipt of a petition to initiate or refer a measure, the secretary of state
23 shall draft a short and concise statement that fairly represents the measure. The
24 statement must be submitted to the attorney general for approval or disapproval.
25 ~~An approved statement must be affixed to the petition before it is circulated for~~
26 ~~signatures, must be called the "petition title", and must be placed immediately~~
27 ~~before the full text of the measure.~~
- 28 c. The secretary of state and the attorney general shall complete their review of a
29 petition in not less than five, nor more than seven, business days, excluding
30 Saturdays.

d. An approved statement must be affixed to the petition by the sponsoring committee. The statement must be called the "petition title" and placed immediately before the full text of the measure. The petition packet, including the approved statement and affidavits from the sponsoring committee members, must be submitted for final review by the secretary of state within fifteen business days, excluding Saturdays, before the petition can be approved to circulate for the collection of signatures. Petition packets and affidavits not received within fifteen business days are considered withdrawn.

SECTION 5. AMENDMENT. Section 16.1-01-15.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The state and political subdivisions may not solicit, accept, or use any grants or donations from private persons for elections operations or administration except:
 - a. The use of privately owned facilities for polling places;
 - b. Food for poll workers; and
 - c. Other nonmonetary donations that are not used to prepare, process, mark, collect, or tabulate ballots or votes.
2. The state or any political subdivision of this state may not use a private entity to administer an election.
3. An individual who knowingly violates subsection 1 is guilty of a class A misdemeanor.

SECTION 6. AMENDMENT. Subsection 3 of section 16.1-05-01 of the North Dakota Century Code is amended and reenacted as follows:

3. If at any time before or during an election, it appears to an ~~election inspector, by the affidavit of two or more qualified electors of the precinct, or precincts for a multiprecinct polling place,~~ a county auditor that any election judge is disqualified under this chapter, the auditor shall order the election inspector ~~shall~~ to remove that judge at once and ~~shall~~ fill the vacancy by appointing a qualified individual of the same political party as that of the judge removed. If the disqualified judge had taken the oath of office as prescribed in this chapter, the inspector shall place the oath or affidavit before the state's attorney of the county.

1 **SECTION 7. 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 ballotsprinting 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. 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. 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. 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.** Section 16.1-07-09 of the North Dakota Century Code is amended and
27 reenacted as follows:

28 **16.1-07-09. Canvassing of mailed absent voter's ballot received late.**

29 1. In congressional, state, county, city, or school district elections, ~~if an envelope~~
30 ~~postmarked or otherwise officially marked by the United States postal service or other~~
31 ~~mail delivery system before the date of election and containing an~~ absent voter's ballot

1 must be received by the officer before the close of polls on election day. An absent
2 voter's ballot ~~is received by the officer after election day, the ballot must be tallied~~
3 by after the close of polls on election day must be forwarded to the canvassing board
4 of the county, the governing body of the city, or the school board of the school district,
5 as the case may be, at the time the returns are canvassed. ~~Any envelope without a~~
6 ~~postmark or other official marking by the United States postal service or other mail~~
7 ~~delivery system or with an illegible postmark or other official marking and containing~~
8 ~~an absentee voter's ballot must be received by mail by the proper officer prior to the~~
9 ~~meeting of the~~

10 2. Before forwarding a ballot to the canvassing board under this section, the officer
11 forwarding the ballot shall print the date and time of receipt on the envelope. An
12 absent voter may personally deliver the absent voter's ballot to the appropriate
13 officer's office at any time before ~~five p.m.~~ the close of polls on ~~the day before the~~
14 election day. Any envelope containing an absent voter's ballot ~~with a postmark or~~
15 ~~official date stamp on~~ received after the ~~day of~~ close of polls on election ~~or~~
16 ~~thereafter~~ day may not be tallied with the ballots timely submitted for the election.
17 ~~Before forwarding any ballot to a canvassing board pursuant to this section, the officer~~
18 ~~forwarding the ballot shall print the date of receipt on the envelope.~~ Upon receipt, the
19 canvassing board shall determine that the elector was qualified to vote in that precinct,
20 that the elector did not previously vote in that precinct on the date of the election, and
21 that the signatures on the absentee ballot application and the voter's affidavit were
22 signed by the same individual before allowing the ballot to be tallied.

23 **SECTION 12. AMENDMENT.** Subsection 3 of section 16.1-07-21 of the North Dakota
24 Century Code is amended and reenacted as follows:

25 3. A covered voter may use the declaration accompanying the federal write-in absentee
26 ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act
27 [42 U.S.C. 1973ff-2] as an application for a military-overseas ballot simultaneously
28 with the submission of the federal write-in absentee ballot, if the declaration is
29 received by the appropriate election official by ~~midnight on the day before the~~ close of
30 polls on election day.

SECTION 13. AMENDMENT. Section 16.1-07-24 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-24. Timely casting of ballot.

To be valid, a military-overseas ballot must be submitted for mailing or other authorized means of delivery not later than ~~11:59 p.m. on the day before the~~ close of polls on election day at the place where the voter completes the ballot. A military-overseas ballot must be received by the appropriate election official before the canvassing board meeting.

SECTION 14. AMENDMENT. Subsection 2 of section 16.1-07-26 of the North Dakota Century Code is amended and reenacted as follows:

2. If, at the time of completing a military-overseas ballot and balloting materials, the voter has affirmed under penalty of perjury under section 16.1-07-27 that the ballot was timely submitted, the ballot may not be rejected on the basis that it ~~has a late postmark, an unreadable postmark, or no postmark~~ was received by the officer after the close of polls on election day.

SECTION 15. 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 ~~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 and~~ ordered according to the precincts with the greatest ~~voting age~~ eligible voter 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

1 ballot for an office is listed in each position order on an equal number of precinct
2 ballots spread across the county. There must be a different alternation sequence for
3 each of the following, based on the geographical area by which the office is filled:

- 4 a. Offices to be filled by the electors of the state, the entire county, or any district
5 which includes the entire county.
6 b. Offices to be filled by the electors of districts smaller than the county, with a
7 different rotation for each of those districts.

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

10 **SECTION 16. AMENDMENT.** Section 16.1-11.1-04 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **16.1-11.1-04. Voting by electors.**

13 Upon receipt of a mail ballot, an elector shall mark it, sign the return identification envelope,
14 and comply with the instructions provided with the ballot. The elector may return the completed
15 ballot to the county auditor by mail or, ~~before five p.m. on the day before~~by the close of polls on
16 election day, to any other place of deposit designated by the auditor. The elector may not deliver
17 the completed ballot to an election board at a polling location. If the elector returns the ballot by
18 mail, the elector shall provide the postage, and the ballot must be ~~postmarked no later than the~~
19 ~~day before~~received by the officer by the close of polls on election day.

20 **SECTION 17. AMENDMENT.** Subsection 1 of section 16.1-11.1-07 of the North Dakota
21 Century Code is amended and reenacted as follows:

- 22 1. The ballot is returned in the return identification envelope ~~with a postmark or official~~
23 ~~date stamp of at least the day before~~by the close of polls on election ~~and received~~
24 ~~prior to the meeting of the canvassing board~~day;

25 **SECTION 18. AMENDMENT.** Subsection 3 of section 16.1-12-02.2 of the North Dakota
26 Century Code is amended and reenacted as follows:

- 27 3. An individual who intends to be a write-in candidate for any legislative district office
28 shall file a certificate of write-in candidacy with the secretary of state. The certificate
29 must contain the name, address, and signature of the candidate. Certificates must be
30 filed by four p.m. on the ~~fourth~~twenty-first day before the election.

1 **SECTION 19. AMENDMENT.** Subsection 2 of section 16.1-13-05 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 2. The county auditor shall publish a copy of the sample ballot of the general election
4 once each week for two consecutive weeks before the election in the official county
5 newspaper. If no newspaper is published in the county, the publication must be in a
6 newspaper published in an adjoining county in the state. The form of the sample ballot
7 as ordered and arranged by the county auditor must conform in all respects to the
8 form prescribed by the secretary of state for the sample general election ballot. The
9 county auditor shall publish the sample ballot in all forms appropriate for the method or
10 methods of voting in the county. Candidates from each legislative district within the
11 boundaries of the county must be listed in a separate box or category within the
12 sample ballot by legislative district number to enable the voters in each legislative
13 district to ascertain the legislative candidates in their specific district. Sample ballots
14 used for publication purposes must be arranged ~~using the rotation of the ballot in the~~
15 ~~precinct in the county that cast the highest total vote for governor at the last general~~
16 ~~election at which the office of governor was filled~~ in accordance with section
17 16.1-11-27. The notice must include a statement in substantially the following format:
18 The arrangement of candidate names appearing on ballots in your precinct may vary
19 from the published sample ballots, depending upon the precinct and legislative district
20 in which you reside.

21 **SECTION 20. REPEAL.** Sections 16.1-07-30 and 40-21-10 of the North Dakota Century
22 Code are repealed.

**REPORT OF STANDING COMMITTEE
ENGROSSED AND AMENDED HB 1165**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.0536.03003](#)) and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1165, as amended, was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.0536.03003
Title.

Prepared by the Legislative Council
staff for Senator Roers
April 8, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

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

In place of the amendments (25.0536.03001) adopted by the Senate, Engrossed House Bill No. 1165 is amended by amendment (25.0536.03003) as follows:

A BILL for an Act to amend and reenact section 4.1-20-16, subsection 1 of section 4.1-20-18, ~~sections~~section 16.1-01-00.1 ~~and~~, subsection 1 of section 16.1-01-09, section 16.1-01-15.1, subsection 3 of section 16.1-05-01, section 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 16.1-07-09, subsection 3 of section 16.1-07-21, section 16.1-07-24, subsection 2 of section 16.1-07-26, sections 16.1-11-27 and 16.1-11.1-04, subsection 1 of section 16.1-11.1-07, subsection 3 of section 16.1-12-02.2, and subsection 2 of section 16.1-13-05 of the North Dakota Century Code, relating to absentee ballots, election practices and administration; and to repeal sections 16.1-07-30 and 40-21-10 of the North Dakota Century Code, relating to election notices and municipal voter registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-20-16 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Any individual running for the office of supervisor shall present to the county auditor of the county in which the district lies a petition giving that individual's name and mailing address and the title and term of the office, and containing the signatures of not less than twenty-five nor more than three hundred qualified electors of the district. When a district lies in more than one county, the petition must be filed with the county auditor of the county where the candidate resides, and that county auditor shall certify to the

county auditors of the other counties in which the district lies the name and mailing address of the candidate filing such petition. ~~At the same time, the county auditor, or auditors in the case of multicounty districts, also shall certify to the secretary of state the name and mailing address of each individual filing a nominating petition according to this section.~~

2. An individual may not participate directly or indirectly in the nomination for more than one individual for each office to be filled. The final filing date for nominating petitions is no later than four p.m. sixty-four days before the day of the election.

3. Upon receipt of the petition or the certification as provided in this section, the county auditor shall place, without fee, the name of the candidate so nominated on the no-party ballot at the ensuing general election.

SECTION 2. AMENDMENT. Subsection 1 of section 4.1-20-18 of the North Dakota Century Code is amended and reenacted as follows:

1. At each general election, one district supervisor must be elected for a term of six years, or until the successor is duly elected and qualified, to each expiring or vacant term. The county auditor of the county or counties in which the district lies shall ~~return to the secretary of state before four p.m. on the tenth day following any general election a certified abstract of the votes cast in the county at the election for each candidate for district supervisor. The secretary of state shall canvass the returns and issue certificates of election under chapter 16.1-15~~ canvass the returns and issue certificates of election under chapter 16.1-15. When a district lies in more than one county, the county auditor of the county in which the candidate resides shall issue the certificate of election.

SECTION 3. AMENDMENT. Section 16.1-01-00.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-00.1. Definitions.

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

1. "Candidate" means:

a. An individual holding public office;

2. b. An individual who publicly has declared that individual's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
3. c. An individual who has formed a campaign or other committee for that individual's candidacy for public office;
4. d. An individual who has circulated a nominating petition to have that individual's name placed on the ballot; and
5. e. An individual who, in any manner, has solicited or received a contribution for that individual's candidacy for public office, whether before or after the election for that office.

2. "Complete residential address" means the description of an individual's physical residence, which includes a house or unit number, street, city, state, zip code, general delivery, or rural route address.

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

1. 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. The statement must be called the "petition title" and placed immediately before the full text of the measure. The petition packet, including the approved statement and affidavits from the sponsoring committee members, must be submitted for final review by the secretary of state within fifteen business days, excluding Saturdays, before the petition can be approved to circulate for the collection of signatures. Petition packets and affidavits not received within fifteen business days are considered withdrawn.

SECTION 5. AMENDMENT. Section 16.1-01-15.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. The state and political subdivisions may not solicit, accept, or use any grants or donations from private persons for elections operations or administration except:
 - a. The use of privately owned facilities for polling places;
 - b. Food for poll workers; and
 - c. Other nonmonetary donations that are not used to prepare, process, mark, collect, or tabulate ballots or votes.
2. The state or any political subdivision of this state may not use a private entity to administer an election.
3. An individual who knowingly violates subsection 1 is guilty of a class A misdemeanor.

SECTION 6. AMENDMENT. Subsection 3 of section 16.1-05-01 of the North Dakota Century Code is amended and reenacted as follows:

3. If at any time before or during an election, it appears to ~~an election inspector, by the affidavit of two or more qualified electors of the precinct, or precincts for a multiprecinct polling place,~~ a county auditor that any election judge is disqualified under this chapter, the auditor shall order the election inspector ~~shall~~ to remove that judge at once and ~~shall~~ fill the vacancy by appointing a qualified individual of the same political party as that of the judge removed. If the disqualified judge had taken the oath of office as prescribed in this chapter, the inspector shall place the oath or affidavit before the state's attorney of the county.

1 **SECTION 7. 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 ballotsprinting 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. 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. 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. 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.** Section 16.1-07-09 of the North Dakota Century Code is amended and
27 reenacted as follows:

28 **16.1-07-09. Canvassing of mailed absent voter's ballot received late.**

29 1. In congressional, state, county, city, or school district elections, ~~if an envelope~~
30 ~~postmarked or otherwise officially marked by the United States postal service or other~~
31 ~~mail delivery system before the date of election and~~ containing an absent voter's ballot

1 must be received by the officer before the close of polls on election day. An absent
2 voter's ballot ~~is received by the officer after election day, the ballot must be tallied~~
3 ~~by~~after the close of polls on election day must be forwarded to the canvassing board
4 of the county, the governing body of the city, or the school board of the school district,
5 as the case may be, at the time the returns are canvassed. ~~Any envelope without a~~
6 ~~postmark or other official marking by the United States postal service or other mail~~
7 ~~delivery system or with an illegible postmark or other official marking and containing~~
8 ~~an absentee voter's ballot must be received by mail by the proper officer prior to the~~
9 ~~meeting of the~~

10 2. Before forwarding a ballot to the canvassing board under this section, the officer

11 forwarding the ballot shall print the date and time of receipt on the envelope. An

12 absent voter may personally deliver the absent voter's ballot to the appropriate
13 officer's office at any time before ~~five p.m.~~the close of polls on ~~the day before the~~
14 election day. Any envelope containing an absent voter's ballot ~~with a postmark or~~
15 ~~official date stamp on~~received after the ~~day of~~close of polls on election ~~or~~
16 ~~thereafter~~day may not be tallied with the ballots timely submitted for the election.

17 ~~Before forwarding any ballot to a canvassing board pursuant to this section, the officer~~
18 ~~forwarding the ballot shall print the date of receipt on the envelope.~~ Upon receipt, the
19 canvassing board shall determine that the elector was qualified to vote in that precinct,
20 that the elector did not previously vote in that precinct on the date of the election, and
21 that the signatures on the absentee ballot application and the voter's affidavit were
22 signed by the same individual before allowing the ballot to be tallied.

23 **SECTION 12. AMENDMENT.** Subsection 3 of section 16.1-07-21 of the North Dakota
24 Century Code is amended and reenacted as follows:

25 3. A covered voter may use the declaration accompanying the federal write-in absentee
26 ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act
27 [42 U.S.C. 1973ff-2] as an application for a military-overseas ballot simultaneously
28 with the submission of the federal write-in absentee ballot, if the declaration is
29 received by the appropriate election official by ~~midnight on the day before the~~ close of
30 polls on election day.

SECTION 13. AMENDMENT. Section 16.1-07-24 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-24. Timely casting of ballot.

To be valid, a military-overseas ballot must be submitted for mailing or other authorized means of delivery not later than ~~11:59 p.m. on the day before~~ the close of polls on election day at the place where the voter completes the ballot. A military-overseas ballot must be received by the appropriate election official before the canvassing board meeting.

SECTION 14. AMENDMENT. Subsection 2 of section 16.1-07-26 of the North Dakota Century Code is amended and reenacted as follows:

2. If, at the time of completing a military-overseas ballot and balloting materials, the voter has affirmed under penalty of perjury under section 16.1-07-27 that the ballot was timely submitted, the ballot may not be rejected on the basis that it ~~has a late postmark, an unreadable postmark, or no postmark~~ was received by the officer after the close of polls on election day.

SECTION 15. 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 ~~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~~ and ordered according to the precincts with the greatest ~~voting age~~ eligible voter 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 16. AMENDMENT. Section 16.1-11.1-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-04. Voting by electors.

Upon receipt of a mail ballot, an elector shall mark it, sign the return identification envelope, and comply with the instructions provided with the ballot. The elector may return the completed ballot to the county auditor by mail or, ~~before five p.m. on the day before~~by the close of polls on election day, to any other place of deposit designated by the auditor. The elector may not deliver the completed ballot to an election board at a polling location. If the elector returns the ballot by mail, the elector shall provide the postage, and the ballot must be ~~postmarked no later than the day before~~received by the officer by the close of polls on election day.

SECTION 17. AMENDMENT. Subsection 1 of section 16.1-11.1-07 of the North Dakota Century Code is amended and reenacted as follows:

1. The ballot is returned in the return identification envelope ~~with a postmark or official date stamp of at least the day before~~by the close of polls on election ~~and received prior to the meeting of the canvassing board~~day;

SECTION 18. AMENDMENT. Subsection 3 of section 16.1-12-02.2 of the North Dakota Century Code is amended and reenacted as follows:

3. An individual who intends to be a write-in candidate for any legislative district office shall file a certificate of write-in candidacy with the secretary of state. The certificate must contain the name, address, and signature of the candidate. Certificates must be filed by four p.m. on the ~~fourth~~twenty-first day before the election.

1 **SECTION 19. AMENDMENT.** Subsection 2 of section 16.1-13-05 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 2. The county auditor shall publish a copy of the sample ballot of the general election
4 once each week for two consecutive weeks before the election in the official county
5 newspaper. If no newspaper is published in the county, the publication must be in a
6 newspaper published in an adjoining county in the state. The form of the sample ballot
7 as ordered and arranged by the county auditor must conform in all respects to the
8 form prescribed by the secretary of state for the sample general election ballot. The
9 county auditor shall publish the sample ballot in all forms appropriate for the method or
10 methods of voting in the county. Candidates from each legislative district within the
11 boundaries of the county must be listed in a separate box or category within the
12 sample ballot by legislative district number to enable the voters in each legislative
13 district to ascertain the legislative candidates in their specific district. Sample ballots
14 used for publication purposes must be arranged ~~using the rotation of the ballot in the~~
15 ~~precinct in the county that cast the highest total vote for governor at the last general~~
16 ~~election at which the office of governor was filled~~in accordance with section
17 16.1-11-27. The notice must include a statement in substantially the following format:
18 The arrangement of candidate names appearing on ballots in your precinct may vary
19 from the published sample ballots, depending upon the precinct and legislative district
20 in which you reside.

21 **SECTION 20. REPEAL.** Sections 16.1-07-30 and 40-21-10 of the North Dakota Century
22 Code are repealed.