

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2369

Introduced by

Senators Dever, Schaible

1 A BILL for an Act to amend and reenact sections 16.1-06-04, 16.1-11-22, 16.1-11-30, and
2 16.1-12-02 of the North Dakota Century Code, relating to primary election ballot access and
3 eligibility for minor political parties.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-06-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-06-04. Form and quality of ballots generally.**

8 All official ballots prepared under this title must:

- 9 1. Be printed on uniform quality and color of paper in an ink color suitable to make the
10 ballot clearly legible and compatible with the electronic voting system requirements
11 necessary to tabulate the votes.
- 12 2. Be of sufficient length to contain the names of all candidates to be voted for at that
13 election.
- 14 3. Have the language "Vote for no more than _____ name (or names)" placed
15 immediately under the name of each office.
- 16 4. Have printed thereon "To vote for the candidate of your choice, you must darken the
17 oval ~~opposite~~next to the name of ~~the~~that candidate. To vote for a person whose name
18 is not printed on the ballot, you must darken the oval next to the blank line provided
19 and write that person's name ~~in~~on the blank space ~~provided for that purpose and~~
20 ~~darken the oval opposite the space provided~~line."
- 21 5. Leave sufficient space for each office to write a name, or names, as the case may be,
22 in lieu of those printed on the ballot.

1 6. Immediately preceding and on the same line as the name of each candidate must be
2 printed an oval in which the voter is to mark the voter's choice by darkening the oval
3 next to the name of the candidate chosen.

4 7. Provide ~~two~~ text boxes ~~in~~at the bottom ~~right-hand corner~~ of the first side of the ballot.
5 The ~~first~~ text box at the bottom of the first column is to contain the words "~~All ballots,~~
6 ~~other than those used to vote absentee, must first be initialed by appropriate election~~
7 ~~officials in order to be counted~~Official Ballot, the name of the county, the name or
8 number of the precinct, and the date of the election." The ~~second~~ text box is to contain
9 the words "~~Official Ballot~~All ballots, other than those used to vote absentee, must first
10 be initialed by appropriate election officials in order to be counted", ~~the name of the~~
11 ~~county, the name or number of the precinct, the date of the election, and.~~ The text box
12 at the bottom of the third column is to contain the word "initials" ~~preceeding~~preceded by
13 a blank line where the judge or inspector shall initial the ballot.

All ballots, other than	Official Ballot
those used to vote absentee,	_____ County
must first be initialed by	_____ Precinct
appropriate election officials	(Date of the Election)
in order to be counted	Initials _____

19 Any precinct that uses an electronic counting machine may require the use of a particular
20 writing instrument to mark the ballot so the ballots may be properly counted.

21 The ballot must contain the names of all candidates, the contents of measures as required
22 by section 16.1-06-09, and the statements of questions to be submitted to the voters. The ballot
23 must be arranged in a manner and form approximating as far as possible the requirements of
24 this section.

25 **SECTION 2. AMENDMENT.** Section 16.1-11-22 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **16.1-11-22. Primary election ballot - Form - Voters to vote for candidates of only one**
28 **political party.**

29 At the primary election there may be only one ballot for all parties or principles. The ballot
30 must be in the following form:

- 31 1. The ballot must be entitled the "consolidated primary election ballot".

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

1 The judges and the inspector of elections shall inform each elector at the primary, before voting,
2 that if the voter votes for candidates of more than one political party the voter's political party
3 ballot will be rejected.

4 **SECTION 3. AMENDMENT.** Section 16.1-11-30 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-11-30. Separate columnsection on primary election ballot required for each**
7 **political party.**

8 Any party that had printed on the ballot at the last preceding presidential election the names
9 of a set of presidential electors pledged to the election of the party's candidates for president
10 and vice president or a candidate for governor and those candidates for presidential electors or
11 governor received at least five percent of the total vote cast for presidential electors or the office
12 of governor within this state at that election; any party that had printed on the ballot at the last
13 preceding nonpresidential election a candidate for attorney general or secretary of state, and
14 the candidate received at least five percent of the total vote cast for the office the candidate was
15 seeking at the election; or any party that has organized according to all the requirements of
16 chapter 16.1-03 must be provided with a separate ~~column~~section on primary election ballots.

17 Any other political organization is entitled to endorse candidates or have candidates petition
18 to be included on the primary ballot in a ~~consolidated column or on a special~~separate section of
19 the consolidated primary election ballot, if a petition signed by at least seven thousand qualified
20 electors of this state is filed with the secretary of state before four p.m. of the sixtieth day before
21 a primary or special election, naming the political organization, stating the platform principles of
22 the party, and requesting the names of its candidates to be included on the state's primary ballot
23 in a ~~consolidated column. If~~separate section. Political organizations that are granted ballot
24 access under this section are allowed ballot access only for those offices for which the
25 organization has identified candidates. Regardless of the means by which the petition is mailed,
26 it delivered, the original must be in the possession of the secretary of state before four p.m. on
27 the sixtieth day prior to a primary or special election. Candidates of that party are entitled to the
28 same rights and privileges as those of other parties. Petitions circulated according to this
29 section must be filed with the secretary of state in accordance with section 1-01-50.

30 A political organization that had printed on the ballot at the last preceding presidential
31 election the names of a set of presidential electors pledged to the election of the party's

1 candidates for president and vice president or a candidate for governor and those candidates
2 for presidential electors or governor received at least five percent of the total vote cast for
3 presidential electors or the office of governor within this state at that election, and any political
4 organization that has printed on the ballot at the last preceding nonpresidential election a
5 candidate for attorney general or secretary of state, and the candidate received at least five
6 percent of the total vote cast for the office the candidate was seeking at the election are entitled
7 to organize according to the requirements of chapter ~~16.1-03~~16.1-03.1.

8 **SECTION 4. AMENDMENT.** Section 16.1-12-02 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-12-02. Certificates of nomination by petition - Form and contents.**

11 Certificates of nomination for nominees for an office to be filled at a general or special
12 election, except for an office appearing on the no-party ballot, may be made as provided by this
13 section. Except for nominees for president of the United States, names of nominees so
14 nominated must appear on the ballot as independent nominations. The names of nominees for
15 president of the United States may appear on the ballot with a designation, not to exceed five
16 words, that names the organization or political party to which the presidential candidate
17 affiliates. The designation may not falsely indicate an affiliation with or the support of any
18 political party organized in accordance with this title or include any substantive word or phrase
19 that is profane or that is already included in or resembles the name of a political party entitled to
20 a separate column under section 16.1-11-30. Except for candidates for the office of president of
21 the United States, each certificate of nomination by petition must meet the specifications for
22 nominating petitions set forth in section 16.1-11-16. A political party or organization desiring to
23 submit to the secretary of state the name of a qualified candidate for the office of the president
24 of the United States may begin gathering the signatures for the certificate of nomination on the
25 first day of January of a presidential election year and shall submit the petition to the secretary
26 of state before four p.m. on the sixtieth day before the general election. The signatures on the
27 petition must be in the following number:

- 28 1. Except as provided in subsection 3, if the nomination is for an office to be filled by the
29 qualified electors of the entire state, there must be no fewer than one thousand
30 signatures.

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- 1 2. If the nomination is for an office to be filled by the qualified electors of a district less
2 than the entire state, the number of signatures must be at least two percent of the
3 resident population of the district as determined by the most recent federal decennial
4 census, but in no case may more than three hundred signatures be required.
- 5 3. If the nomination is for the office of president, there must be no fewer than four
6 thousand signatures and the petition must contain the names of the presidential and
7 vice presidential candidates along with the names of the North Dakota presidential
8 electors selected from the qualified electors of North Dakota.
- 9 4. If the petition is for the office of governor or lieutenant governor, it must contain the
10 names and other required information of candidates for both those offices.