

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.

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