

HOUSE BILL NO. 1299

Introduced by

Representatives Mock, Kaldor

1 A BILL for an Act to create and enact a new section to chapter 16.1-11 of the North Dakota
2 Century Code, relating to voting in the primary election; and to amend and reenact sections
3 16.1-06-14 and 16.1-11-22 of the North Dakota Century Code, relating to voting in the primary
4 election.

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

6 **SECTION 1. AMENDMENT.** Section 16.1-06-14 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **16.1-06-14. Requirements for electronic voting systems.**

9 Any electronic voting system used in an election in this state must:

- 10 1. Provide facilities for voting for nominated candidates, for ~~persons~~individuals not in
11 nomination, and upon questions or measures submitted to the voters.
- 12 2. Permit each voter to vote for as many ~~persons~~individuals for any office as the voter is
13 entitled to vote for; and ~~must allow each voter to vote in primary elections for~~
14 ~~candidates for nomination by the political party of the voter's choice, but it must~~
15 ~~preclude each voter from voting for more persons~~individuals for any office than the
16 voter is entitled to vote for; or from voting more than once for the same candidate or
17 upon the same measure or question submitted to the voters; ~~or voting the ballot of~~
18 ~~more than one political party in any primary election.~~
- 19 3. Permit each voter, insofar as is possible, by the replacement of spoiled ballots, to
20 change the voter's vote for any candidate, or upon any measure or question submitted
21 to the voters, up to the time the voter begins the final operation to register the voter's
22 vote.
- 23 4. Permit and require voting in absolute secrecy, and must be so constructed and
24 controlled that no ~~person~~individual can see or know for whom any other elector has

- 1 voted or is voting, except a voter whom the ~~person~~individual has assisted or is
- 2 assisting in voting, as prescribed by law, and that no ~~person~~individual may see or
- 3 know the number of votes registered for any candidate or tamper with any mechanism.
- 4 5. Be provided with a procedure by the use of which, immediately after the polls are
- 5 closed, all voting is absolutely prevented.
- 6 6. Be so constructed that when properly operated it ~~shall~~must register or record correctly
- 7 and accurately every vote cast.
- 8 7. Be so constructed that a voter may readily learn the method of operating it.
- 9 8. Permit voting by ballot or by entering directly into a computer or other electronic device
- 10 by means of a touchscreen or other data entry device.
- 11 9. Permit voting for presidential electors by making only one mark.
- 12 10. Permit write-in voting and absentee voting.
- 13 11. Permit the rotation of names of candidates on ballots as required by this title.
- 14 12. In the case of electronic systems procured after August 1, 2003, be capable of
- 15 notifying a voter that the voter has overvoted; or undervoted; ~~and in the case of a~~
- 16 ~~primary election, cross party voted before the voter casts a ballot.~~
- 17 13. In the case of direct-recording electronic voting systems, be capable of preventing a
- 18 voter from overvoting ~~and cross party voting before the voter casts a ballot.~~
- 19 14. In the case of direct-recording electronic voting systems, be capable of producing in
- 20 random order a paper copy of each ballot cast on the system.
- 21 15. Ensure that any direct-recording electronic voting system procured or used in the state
- 22 may not transmit uncounted votes or ballots through the internet.
- 23 16. Fulfill the criteria and standards established by the secretary of state according to
- 24 section 16.1-06-26.

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 **party.**

- 29 1. At the primary election there may be only one ballot for all parties or principles. The
- 30 ballot must be in the following form:
- 31 ~~4. The ballot must be entitled the "consolidated primary election ballot".~~

1 **SECTION 3.** A new section to chapter 16.1-11 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Primary election ballot - Voting for candidates from multiple parties allowed -**

4 **Exception.**

5 On any primary election ballot, a voter may vote for candidates from any party on the party
6 ballot, but may vote for candidates from only one party for any one office. Voting for candidates
7 from more than one party for one office invalidates the voter's vote for that office.