

SENATE BILL NO. 2158

Introduced by

Senators Watne, Schobinger

1 A BILL for an Act to amend and reenact sections 16.1-11-18 and 16.1-12-08 of the North
2 Dakota Century Code, relating to filling election candidate vacancies.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-11-18 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-11-18. Party committees to fill vacancy occurring in nomination for party**
7 **office.**

- 8 1. If a vacancy occurs in any party certificate of endorsement at the primary election
9 for any state or legislative district office, the proper state or district executive
10 committee of the political party may fill the vacancy by filing another certificate of
11 endorsement with the proper officer as provided in sections 16.1-11-06 and
12 16.1-11-11.
- 13 2. If no party endorsement has been made by certificate and a vacancy occurs in a
14 slate of candidates seeking party nomination by petition at the primary election, the
15 proper state or district executive committee may fill the vacancy by filing a
16 certificate of endorsement with the proper officer as provided in sections
17 16.1-11-06 and 16.1-11-11.
- 18 3. If party endorsements by certificate have been made for any state or district office
19 and a vacancy occurs in the slate of persons seeking nomination at the primary
20 election because of the unavailability of the person who is seeking nomination by
21 petition, that vacancy may not be filled except by petition.
- 22 4. If a vacancy occurs in a slate of statewide candidates after the candidates have
23 been nominated at the primary election, the proper state ~~or district~~ executive
24 committee may fill any vacancy by filing a certificate of nomination with the

1 secretary of state. The chairman and secretary of the committee shall make and
2 file with the secretary of state ~~the a~~ certificate setting forth the cause of the
3 vacancy, the name of the person for whom the new nominee is to be substituted,
4 the fact that the committee was authorized to fill vacancies, and any further
5 information as may be required to be given in an original certificate of nomination.
6 When such a certificate is filed, the secretary of state, ~~in certifying~~ shall certify the
7 new nomination to the various auditors, shall insert and the name of the person
8 who has been nominated to fill the vacancy in place of the original nominee to the
9 various auditors. If the secretary of state already has forwarded ~~his~~ the certificate,
10 ~~he the secretary of state~~ forthwith shall certify to the ~~auditor of the proper county or~~
11 ~~counties~~ auditors the name and ~~post office~~ address of the ~~person nominated to fill~~
12 ~~a vacancy~~ new nominee, the office ~~he the new nominee~~ is nominated for, the party
13 or political principle ~~he the new nominee~~ represents, and the name of the person
14 for whom the new nominee is ~~substituted~~ substituting. Failure to publish the name
15 of a ~~person substituted~~ new nominee does not invalidate the election.

- 16 5. If a vacancy occurs in a slate of legislative candidates after the candidates have
17 been nominated at the primary election, the proper district executive committee
18 may fill the vacancy by filing a certificate of nomination with the county auditor of
19 the new nominee's county of residence. The chairman and secretary of the
20 committee shall make and file with the county auditor of the new nominee's county
21 of residence a certificate setting forth the cause of the vacancy, the name of the
22 person for whom the new nominee is to be substituted, the fact that the committee
23 was authorized to fill vacancies, and any further information as may be required to
24 be given in an original certificate of nomination. When the certificate is filed, the
25 county auditor of the new nominee's county of residence shall certify the new
26 nomination to the various auditors affected by the change and to the secretary of
27 state by forwarding to them the name of the person who has been nominated to fill
28 the vacancy in place of the original nominee. The certification must include the
29 name and address of the new nominee, the office the new nominee is nominated
30 for, the party or political principle the new nominee represents, and the name of the

1 person for whom the new nominee is substituting. Failure to publish the name of a
2 new nominee does not invalidate the election.

3 With the exception of vacancies filled pursuant to section 16.1-12-08, vacancies to be filled
4 according to the provisions of ~~subsection 1, 2, or 3 of~~ this section may be filled not later than
5 ~~fifty-six~~ sixty days prior to the election, ~~and vacancies to be filled according to the provisions of~~
6 ~~subsection 4 may be filled not later than fifty-five days prior to the election.~~

7 **SECTION 2. AMENDMENT.** Section 16.1-12-08 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-12-08. Vacancy occurring on ballot before election day but after ballots are**
10 **printed - Stickers used.** If a vacancy occurs before four p.m. on the eighteenth day before the
11 election day and after the ~~printing of the ballots~~ sixtieth day before the election, and any person
12 is nominated before four p.m. on the eighteenth day before the election according to the
13 provisions of ~~this title~~ subsections 4 and 5 of section 16.1-11-18 to fill the vacancy, the officer
14 whose duty it is to have the ballots printed and distributed shall have printed on a requisite
15 number of stickers the name of the substitute candidate and no other name. Stickers must be
16 printed on the same color paper as the ballots to which they will be affixed. The officer shall
17 send the stickers by a reliable method to the judges of election in the various precincts affected
18 by the vacancy. The judges of election whose duty it is to distribute the ballots shall affix the
19 stickers in the proper place on each ballot before it is given to the elector and shall cross out or
20 otherwise obliterate the name of the original nominee causing the vacancy.

21 A vacancy under this section must be deemed to exist when a candidate nominated at
22 the primary election dies or otherwise becomes disqualified to have the candidate's name
23 printed on the ballot at the general election.