

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2368  
(Senators G. Nelson, Mathern)  
(Representatives Dorso, Boucher)

AN ACT to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, 16.1-03-07, 16.1-03-08, 16.1-03-11, 16.1-03-12, 16.1-03-14, 16.1-11-03, and 16.1-11-30 of the North Dakota Century Code, relating to political party organization; and to repeal sections 16.1-03-04, 16.1-03-06, 16.1-03-09, 16.1-03-10, 16.1-03-13, 16.1-03-16, and 16.1-03-18, relating to political party organization.

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

**SECTION 1. AMENDMENT.** Section 16.1-03-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-01. Precinct caucus to elect precinct committeemen - Time and manner of holding - Caucus call - Notice.**

1. On or before May fifteenth following the last preceding general election, a party caucus must be held by every election precinct at a site within or reasonably close to the precinct in the manner provided in sections 16.1-03-01 through ~~16.1-03-04~~ 16.1-03-03.
2. The legislative district chairman of each party shall issue the call for the precinct caucus at least twenty days before the time set for holding the caucus and the call must contain the following:
  - a. Name of party.
  - b. Precinct number or name.
  - c. Date of caucus.
  - d. Place of caucus.
  - e. Hours of caucus.
  - f. A statement of the business to be conducted, including the election of precinct committeemen and such other persons as may be provided by state law and party rules.
  - g. The name of the district chairman issuing the call.
3. The district chairman shall provide ten days published notice in the official newspaper in circulation within each precinct in the district. The notices must contain that information set forth in subsection 2. The district chairman may include the information required by this section for all precincts in the district in one notice for publishing purposes.

**SECTION 2. AMENDMENT.** Section 16.1-03-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-02. Who may participate in and vote at caucus.**

1. Only those persons who are qualified electors pursuant to section 16.1-01-04 may vote or be elected as committeemen or officers at the precinct caucus.

2. Only those persons who either voted or affiliated with the party at the last general election or intend to vote or affiliate with the party at the next general election may vote at the precinct caucus.
3. In case the right of a person to participate at the caucus is challenged, the question of ~~his~~ the person's right to participate must be decided by a vote of the whole caucus. A person so challenged may not vote on the question of ~~his~~ the person's right to participate in the caucus, and a two-thirds vote of the whole caucus is required to exclude a person from participation.
4. No person may vote or participate at more than one precinct caucus in any one year.

**SECTION 3. AMENDMENT.** Section 16.1-03-03 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-03. Caucus business and elections - Political parties entitled to elect committeemen.**

1. Each precinct caucus shall elect a chairman, committeemen as provided in subsection 3, and other officers as may be provided by party rules. The caucus may also discuss party policies, candidates, and any other business as prescribed by party rules.
2. No political organization, ~~political or otherwise~~, is entitled to elect a precinct committeeman at its precinct caucus unless:
  - a. The organization nominated and had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor; and
  - b. The candidates provided for in subdivision a received at least five percent of the total vote cast for presidential electors or governor within this state at that election.
3. Each political party in each voting precinct of this state, otherwise qualifying under subsection 2, is entitled to elect one precinct committeeman for each two hundred fifty votes, or major fraction thereof, cast for the party's presidential electors in the precinct in the last presidential election. Each precinct is entitled to at least one precinct committeeman for each party which qualifies under subsection 2. Each precinct committeeman must be an elector of ~~his~~ the precinct in which the committeeman resides and must be elected for a two-year term.
4. ~~All questions concerning the manner in which a caucus is conducted or called that are not covered by state law must be governed by Robert's Rules of Order (revised) unless otherwise governed by party rules.~~ The caucus chairman shall notify the county auditor of those precinct committeemen elected.

**SECTION 4. AMENDMENT.** Section 16.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-07. Meeting of district committee - Organization.** In every odd-numbered year, the district committee of each party shall meet within fifteen days after the precinct caucus provided for in section 16.1-03-01. The day, hour, and site must be set by the existing district committee chairman. The precinct committeemen of a party, selected as provided by this chapter, with any other persons provided for by the district committee's bylaws and as the district committee designates, constitute the district committee of the party. The district committee of a party must be organized to coincide with the geographical boundary lines of state legislative districts. Each member of any committee provided for in this chapter must be a qualified elector and must retain the office the member was elected to until a successor is chosen. The district committee shall organize by:

1. Selecting a chairman, vice chairman, ~~vice chairwoman~~, secretary, and treasurer chosen by the district committee. The officers selected need not be precinct committeemen; however, all the officers must be voting members of the district committee.
2. Adopting rules and modes of procedure not in conflict with law.
3. Filling any vacancies in the office of precinct committeeman pursuant to section 16.1-03-05.
4. Selecting an executive committee consisting of from five to eighteen persons chosen from the district committee. The chairman, vice chairman, ~~vice chairwoman~~, treasurer, and secretary of the district committee must be members and the officers of the executive committee. That party's nominees for and members of the legislative assembly ~~must~~ may also be members of the executive committee. The five to eighteen person membership limitation includes the officers of the executive committee and that party's nominees for and members of the legislative assembly.

The newly elected chairman shall notify the ~~county auditor~~ secretary of state of the names of the party officers selected. The secretary of state shall certify the names of the party officers to the county auditors. If the office of chairman becomes vacant, the vice chairman shall hold the office until the next regular election for the office or until a new chairman is selected by the district committee for the balance of the term, whichever ~~first~~ occurs first. The secretary of state must be notified of any changes in membership of the district's committee officers by the district committee and must notify the county auditors of any changes.

**SECTION 5. AMENDMENT.** Section 16.1-03-08 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-08. State committee - Membership.** The state committee of each party consists of the chairman of each of the district committees of the party, ~~the national committeeman and national committeewoman of the party,~~ and any person provided for in the bylaws of the state committee.

**SECTION 6. AMENDMENT.** Section 16.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-11. State committee - Meetings - Organization - Vacancies.** The state committee shall meet on or before July first of each odd-numbered year. The committee shall organize by selecting a chairman, vice chairman, ~~vice chairwoman~~, ~~if provided for in the rules of the party,~~ secretary, and treasurer and by adopting rules and modes of procedure. The party's bylaws must be filed with the secretary of state. The officers elected need not be members of the committee, but they shall become voting members of the committee after their election. The newly elected chairman shall notify the secretary of state of the names of the party officers selected. These officers, together with the national committeeman, national committeewoman, a representative of state elected officials who are members of that party, the party's majority or minority leaders in the house of representatives and senate and four district chairmen to be selected by the state committee any other persons provided for by the party's bylaws and as the state committee designates, constitute the executive committee of the state committee. If a vacancy occurs in the office of committee treasurer, the committee chairman may appoint a person to serve as acting treasurer. The vacancy must be permanently filled for the balance of the term by a majority vote of the state committee at the first committee meeting following the occurrence of the vacancy. If the office of chairman becomes vacant, the vice chairman holds the office until the next regular election for the office or until a new chairman is selected by the state committee for the balance of the term, whichever occurs first. A vacancy in an office of the state committee, other than chairman and a party district chairman, must be filled upon a majority vote of the state committee. The chairman of the state committee may temporarily fill any vacancy existing on the state committee until the state committee convenes to fill the vacancy. The secretary of state must be notified of any changes in membership of the state's committee officers.

**SECTION 7. AMENDMENT.** Section 16.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-12. Meeting of district committee to elect delegates to state party convention - Optional precinct caucus - Proxies.** ~~Prior to the second Monday in June sixtieth day before the primary election in each presidential election year and upon the call of the chairman, the district committee of each state senatorial legislative district shall meet at a place designated by the chairman to elect delegates to a state party convention to be held as provided in this chapter. If the bylaws of the state senatorial legislative district so provide, precinct committeemen may call a precinct caucus prior to the district meeting to elect additional delegates to attend the district meeting. Unless the rules of the state party provide otherwise, one delegate to the state convention must be elected for each three hundred votes, or major fraction thereof, cast in the district at the last preceding presidential election for the candidates for presidential electors of the party, but every district is entitled to at least one delegate. Delegates to the state convention must be elected as provided by the state party's bylaws. Delegates to the state convention must be electors of their district. If any delegate is unable to attend the convention, that delegate shall designate in writing an alternate from the list of alternates selected at the district convention to attend and represent and act for that delegate.~~

**SECTION 8. AMENDMENT.** Section 16.1-03-14 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-14. Duties When state party convention held and duties of state party convention.** The state party conventions must be held in each presidential election year at a place and time designated by the party state committee. The state party convention provided for in this chapter shall:

1. Nominate the legal number of candidates for its party for the offices of presidential electors.
2. ~~Elect a national committeeman and a national committeewoman.~~
3. ~~Elect the required number of delegates and alternates to the national party convention and a like number of alternates as provided by the party's bylaws or national party rules.~~
4. 3. Conduct other business as shall come before the convention.

~~The candidate or candidates for nomination endorsement or election must be declared nominated endorsed or elected pursuant to the rules of the party involved, and the chairman and secretary of the convention shall issue certificates of nomination or election endorsement as provided in section 16.1-11-06 or certificates of election. If any delegate to the national convention is unable to attend that convention, he shall designate, in writing, one of the alternates to attend and represent and act for him. The names of the candidates nominated for presidential electors with the surname of the presidential candidate the party wishes to place on the general election ballot must be certified by the chairman and secretary of the convention to the secretary of state by four p.m. on the sixtieth day before the general election to be placed upon the general election ballot as provided by law in section 16.1-06-07.1.~~

**SECTION 9.** A new section to chapter 16.1-03 of the North Dakota Century Code is created and enacted as follows:

**Organizations allowed to nominate statewide and legislative candidates.** A political organization may not endorse candidates or have candidates petition for president, vice president, congress, statewide office, or legislative office as set forth in chapter 16.1-11, unless the organization, political or otherwise:

1. Had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidate for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within this state at that election;
2. Organized according to all requirements of this chapter; or
3. Filed a petition with the secretary of state as set forth in section 16.1-11-30.

**SECTION 10. AMENDMENT.** Section 16.1-11-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-03. Political parties authorized to conduct presidential preference contest.** Every political party entitled to a separate column under section 16.1-11-30 is entitled to conduct a presidential preference contest. A political party subject to ~~subsection 4 of~~ section 16.1-11-30 shall meet the requirements of ~~subsection 4 of~~ section 16.1-11-30 by filing the petition with the secretary of state before four p.m. of the sixtieth day before the presidential preference contest.

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

**16.1-11-30. Separate column on primary election ballot required for each political party.** ~~The following political parties must be provided with separate columns on primary election ballots:~~

- ~~1. The republican party.~~
- ~~2. The democrat party.~~
3. Any party which cast five percent of the total votes cast for governor at the last general election that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within this state at that election or has organized according to all the requirements of chapter 16.1-03 must be provided with a separate column on primary election ballots.
4. Any other party political organization is entitled to endorse candidates or have candidates petition to be included on the primary ballot in a consolidated column, if a petition signed by at least seven thousand qualified electors of this state is filed with the secretary of state before four p.m. of the sixtieth day prior to a primary election, asking that a column be provided for such party, naming it the political organization, and stating the platform principles thereof, and requesting the names of its candidates to be included on the state's primary ballot in a consolidated column. If such petition is mailed it must be in the possession of the secretary of state before four p.m. on the sixtieth day prior to a primary election. Candidates of such party are entitled to the same rights and privileges as those of other parties.

A political organization that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within this state at that election are entitled to organize according to the requirements of chapter 16.1-03.

Columns must be arranged so that any column is in an inverted position when the adjacent column or columns are in an upright position. Within the consolidated column, the group of candidates for each organization must be inverted from the next group appearing in that column.

**SECTION 12. REPEAL.** Sections 16.1-03-04, 16.1-03-06, 16.1-03-09, 16.1-03-10, 16.1-03-13, 16.1-03-16, and 16.1-03-18 of the North Dakota Century Code are repealed.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2368.

Senate Vote:      Yeas    46          Nays    0          Absent    3

House Vote:      Yeas    93          Nays    0          Absent    4

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1997,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State