

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1250

Introduced by

Representatives Schmidt, Boucher, Gulleason, Solberg

Senators Every, Nelson

1 A BILL for an Act to create and enact a new subsection to section 16.1-11-18 of the North
2 Dakota Century Code, relating to filling a vacancy in a nomination for a party office; and to
3 amend and reenact section 16.1-13-10 of the North Dakota Century Code, relating to filling a
4 vacancy in a legislative office.

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

6 **SECTION 1.** A new subsection to section 16.1-11-18 of the North Dakota Century
7 Code is created and enacted as follows:

8 A vacancy in a nomination after a primary election may not be filled under
9 subsection 4 or 5 unless the individual nominated:
10 a. Dies;
11 b. Would be unable to serve, if elected, as a result of a debilitating illness;
12 c. Ceases to be a resident of the state or an individual nominated for legislative
13 office will not be a resident of the legislative district at the time of the election;
14 or
15 d. Ceases to be qualified to serve, if elected, as otherwise provided by law.

16 **SECTION 2. AMENDMENT.** Section 16.1-13-10 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **16.1-13-10. Vacancy existing in office of member of legislative assembly.**

19 1. If a vacancy in the office of a member of the legislative assembly occurs, the
20 county auditor of the county in which the former member resides or resided shall
21 notify the chairman of the legislative council of the vacancy. The county auditor
22 need not notify the chairman of the legislative council of the resignation of a
23 member of the legislative assembly when the resignation was made under section
24 44-02-02. Upon receiving notification of a vacancy, the chairman of the legislative

1 council shall notify the district committee of the political party that the former
2 member represented in the district in which the vacancy exists. The district
3 committee shall hold a meeting within twenty-one days after receiving the
4 notification and select an individual to fill the vacancy. If the former member was
5 elected as an independent candidate or if the district committee does not make an
6 appointment within twenty-one days after receiving the notice from the chairman of
7 the legislative council, the chairman of the legislative council shall appoint a
8 resident of the district to fill the vacancy. If eight hundred twenty-eight days or
9 more remain until the expiration of the term of office for that office, the individual
10 appointed to fill the vacancy shall serve until a successor is elected at the next
11 general election to serve for the remainder of the term of office for that office.

12 2. A district committee or the chairman of the legislative council making an
13 appointment under this section shall notify the secretary of state of the
14 appointment. Upon notification of an appointment, the secretary of state shall
15 issue the individual appointed a certificate of appointment and oath of office to
16 complete and file with the secretary of state.