

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1439

Introduced by

Representatives Kempenich, Grande, Kasper, Williams

Senator Wardner

1 A BILL for an Act to amend and reenact section 16.1-13-08 of the North Dakota Century Code,
2 relating to filling a vacancy in the office of United States senator.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-13-08 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-13-08. Filling vacancy in office of United States senator.**

7 1. When a vacancy occurs in the office of United States senator from this state, the
8 governor shall issue a writ of election to fill the vacancy at the next statewide
9 primary or general election, whichever occurs first, and that occurs at least ninety
10 days after the vacancy. However, if the next primary or general election at which
11 the vacancy could be filled occurs in the year immediately preceding the expiration
12 of the term, then no election may be held.

13 2. The governor, ~~by appointment,~~ may appoint an individual to fill the vacancy
14 temporarily, ~~but any person.~~ An appointment to fill a vacancy is subject to
15 confirmation by a majority of the members of a committee consisting of the majority
16 and minority leaders in the senate and the house of representatives and the chief
17 justice. If the committee does not vote to confirm or reject the appointment within
18 fourteen days after the appointment, the appointment is deemed to be confirmed.
19 The committee may reject an appointment only if a majority of the committee
20 determines that the individual appointed is not qualified or fit to serve or if the
21 appointment was made in an arbitrary manner. An individual so appointed shall
22 serve only until the vacancy is filled by election or until the term expires if no
23 election can be held.