

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2369

That the House recede from its amendments as printed on pages 1242-1248 of the Senate Journal and pages 1285-1291 of the House Journal and that Reengrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to"

Page 1, line 1, after "sections" insert "16.1-03-01, 16.1-03-02, 16.1-03-03, 16.1-03-05, 16.1-03-07, 16.1-03-08, 16.1-03-11, 16.1-03-14, 16.1-03-17, 16.1-04-01,"

Page 1, line 2, after "to" insert "political party organization, voting precincts, and"

Page 1, line 2, remove "and"

Page 1, line 3, replace "eligibility for minor political parties" with "; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization"

Page 1, after line 4, insert:

**"SECTION 1.** 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:

1. Organized according to all requirements of this chapter;
2. Had printed on the ballot at the last preceding general election the names of a set of presidential electors pledged to the election of the party's candidate for president and vice president, a candidate for governor, a candidate for attorney general, or a candidate for secretary of state and those candidates for presidential electors, governor, attorney general, or secretary of state received at least five percent of the total vote cast for presidential electors, the office of governor, attorney general, or secretary of state within this state at that election and organized according to all requirements of this chapter; or
3. Filed a petition with the secretary of state signed by the number of electors required under section 16.1-11-30 to qualify to endorse candidates or to have candidates petition to be included on the primary election ballot in a consolidated column or on a special election ballot.

**SECTION 2. 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. Each legislative district party shall organize in conformance with the state legislative district boundaries as established by the legislative assembly and as set forth under chapter 54-03.
2. 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 16.1-03-03.
- 2-3. The legislative district chairman of each party shall issue the call set the date and time for the precinct caucus at least twenty days before the time set for holding the caucus and the. If there is not a district chairman in a legislative district, the state party executive committee may issue the call for the precinct caucus. The call must contain the following:
  - a. Name of party.
  - b. Precinct Legislative district and 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 individuals as may be provided by state law and district party rules bylaws.
  - g. The name of the district chairman or, if there is not a district chairman, the member of the state party executive committee issuing the call.
- 3-4. The district chairman or, if there is not a district chairman, the state party executive committee 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 23. The district chairman may include the information required by this section for all precincts in the district may be included in one notice for publishing purposes.

**SECTION 3. 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 individuals who are qualified electors pursuant to under section 16.1-01-04 may vote or be elected as committeemen or officers at the precinct caucus.
2. Only those persons individuals who either voted or affiliated with the party at the last general election or intend to vote or affiliate with the party and vote with the party at the next general election may vote at the precinct caucus.

3. In case the right of a ~~person~~ individual to participate at the caucus is challenged, the question of the ~~person's~~ individual's right to participate must be decided by a vote of the whole caucus. A ~~person~~ individual so challenged may not vote on the question of the ~~person's~~ individual's right to participate in the caucus, and a two-thirds vote of the whole caucus is required to exclude a ~~person~~ individual from participation.
4. ~~No person~~ An individual may not vote or participate at more than one precinct caucus in any one year.

**SECTION 4. 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~~ A political organization is entitled to elect a precinct committeeman at its precinct caucus unless if:
  - a. The organization nominated and had printed on the ballot at the last preceding general 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, attorney general, or secretary of state; and
  - b. The candidates provided for in subdivision a received at least five percent of the total vote cast for presidential electors or for governor, attorney general, or secretary of state within this state at that election.
- ~~3-2.~~ Each political party in each voting precinct of this state, otherwise qualifying under subsection ~~2~~1, is entitled to elect one precinct committeeman for each two hundred fifty votes, or majority of a fraction thereof, cast for the party's presidential electors, governor, attorney general, or secretary of state in the precinct in the last general election. Each precinct is entitled to at least one precinct committeeman for each party which qualifies under subsection ~~2~~1. Each precinct committeeman must be an elector of the precinct in which the committeeman resides and must be elected for a two-year term.
3. If a political organization desires to organize under this chapter but has not qualified as provided in subsection 1, the organization may elect one precinct committeeman for each precinct in the district.

**SECTION 5. AMENDMENT.** Section 16.1-03-05 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-05. Vacancies in office of precinct committeeman - Filling.**

A vacancy in the office of precinct committeeman, which occurs after the organization of the district committee, ~~must~~ may be filled by appointment from the

precinct by the district executive committee of the party. ~~Notice of the appointment must be given to the county auditor.~~

**SECTION 6. 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.**

1. 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~~Any incumbent members of the legislative assembly from the party, the precinct committeemen of a party, selected as provided by this chapter, ~~with~~and any other persons ~~individual~~ 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.~~
  
2. ~~The district committee shall organize by:~~
  - a. ~~Selecting a chairman, vice chairman, secretary, and treasurer chosen by precinct committeemen and the party's incumbent members of the legislative assembly from the district shall select the officers of the district committee. The officers selected, as provided by the district party bylaws, need not be precinct committeemen; however, all the officers must be voting members of the district committee. The district committee shall forward to the state committee the name and contact information of the district committee chairman.~~
  - b. ~~Adopting rules and modes of procedure not in conflict with law.~~
  - c. ~~Filling any vacancies in the office of precinct committeeman pursuant to section 16.1-03-05.~~
  - d. ~~Selecting~~The district committee may appoint an executive committee consisting of five or more persons ~~chosen from the district committee. The chairman, vice chairman, treasurer, and secretary of the district committee must be members and the officers of the executive committee consistent with the bylaws of the district committee. That party's nominees for and members of the legislative assembly may also be~~shall serve as members of the executive committee.
  
- 2.3. ~~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 occurs first~~vacancy may be filled as provided by the district party bylaws.
  
4. The bylaws of the state committee or state party may not include any requirement providing directives or procedures for the method of the organization of district committees nor may the state committee or state party take any action or impose any requirement regarding district party organization which is not consistent with this chapter.

**SECTION 7. AMENDMENT.** Section 16.1-03-08 of 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 and any ~~person~~individual provided for in the bylaws of the state committee.

**SECTION 8. 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, secretary, and treasurer~~officers as provided for by the state committee bylaws and by adopting rules and modes of procedure, including rules and procedures regarding the selection of state convention delegates. ~~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.~~ Within thirty days following the state committee's organization, the newly elected chairman shall notify the secretary of state of the names of the party officers selected. ~~These officers, with 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 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 9. AMENDMENT.** Section 16.1-03-14 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-14. ~~When state party convention held and duties of state~~State party convention.**

- ~~1. The state party conventions must be held in each presidential election year at a place and time designated by the party state committee~~ shall set the place and time of the state party convention to be held in each general election year. ~~The state party convention provided for in this chapter shall~~Subject to party rules and bylaws, the state party convention may:
  - ~~1. a.~~ a. Nominate the legal number of ~~candidates~~qualified electors for its party for the offices of presidential electors.
  - ~~2. b.~~ b. Elect the required number of delegates and alternates to the national party convention ~~as provided by the party's bylaws or national party rules.~~
  - ~~3. Conduct other business as shall come before the convention.~~

c. Endorse candidates as provided under subsection 2.

2. The candidate or candidates for endorsement or election must be declared endorsed or elected pursuant to under the rules of the party involved, and the chairman and secretary of the convention shall issue certificates of endorsement as provided in section 16.1-11-06 or certificates of election. The names of the ~~candidates~~ qualified electors 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 in section 16.1-06-07.1.

**SECTION 10. AMENDMENT.** Section 16.1-03-17 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-17. Political party reorganization after apportionment ~~redistricting~~.**

If apportionment ~~redistricting~~ of the legislative assembly becomes effective after the organization of political parties as provided in this chapter and before the primary or the general election, the ~~secretary of state shall establish a timetable for the~~ reorganization of the parties as rapidly as possible before the ensuing election. ~~When the timetable is established, the secretary of state shall notify all the county auditors of the timetable and of the details of the legislative apportionment as it affects each county. The secretary of state or county auditor may not require reorganization of precincts in which boundaries are unchanged after apportionment by the board of county commissioners or the governing body of the city pursuant to chapter 16.1-04. Each county auditor shall publish a notice in the official county newspaper containing:~~

1. ~~A statement that legislative apportionment has occurred.~~
2. ~~A description and a map of the new legislative districts and the precincts as established by the governing bodies of the counties and cities in the county, pursuant to section 16.1-04-01.~~
3. ~~The date, time, and places of the precinct caucuses and district committee meetings determined by the secretary of state and the county auditor to be necessary according to the new districts and precincts established.~~

~~The political parties, in the newly established precincts and districts, shall then proceed to reorganize as closely as possible in conformance with this chapter and in conformance with the timetable established by the secretary of state to assure compliance with primary election filing deadlines.~~

**SECTION 11. AMENDMENT.** Section 16.1-04-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-04-01. Precincts - Duties and responsibilities of the board of county commissioners or the governing body of the city.**

1. The board of county commissioners of each county:
  - a. Shall divide the county into precincts and establish the precinct boundaries, except that within the boundaries of any incorporated city, the governing body of the city shall divide the city into precincts and

establish their boundaries pursuant to title 40. Any number of townships or parts of townships may be joined into a single precinct provided that no precinct may encompass more than one legislative district.

2. b. May alter the number and size of precincts within the county by combining or dividing precincts. However, the governing body of any incorporated city has the authority to alter the number and size of precincts located within its boundaries. The board of county commissioners may relinquish the jurisdiction provided under ~~subsection 1~~subdivision a over all or any portion of a township or townships under its jurisdiction to a city for the purpose of establishing a voting precinct if a majority of the governing body of the city agrees to assume such jurisdiction. The governing body of a city, by majority vote, may return jurisdiction granted herein to the county and the county shall accept that jurisdiction.

2. When establishing precincts under subsection 1, a board of county commissioners, in cooperation with the county auditor, or a city governing body shall consult with and seek input regarding the size, number, and proposed boundaries of the precincts from representatives of the political parties organized within the county. Upon the request of the district chairman of a political party, a board of county commissioners, in consultation with the county auditor, or the governing body of a city shall consider proposals to change precinct boundaries."

Page 6, after line 10, insert:

**"SECTION 16. REPEAL.** Sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code are repealed."

Renumber accordingly