

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2368

Introduced by

Senators G. Nelson, Mathern

Representatives Dorso, Boucher

1 A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota
2 Century Code, relating to political party organization; to amend and reenact sections
3 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,
4 16.1-03-12, 16.1-03-14, and 16.1-11-30 of the North Dakota Century Code, relating to political
5 party organization; and to repeal sections 16.1-03-04, 16.1-03-06, 16.1-03-09, 16.1-03-10,
6 16.1-03-13, 16.1-03-16, and 16.1-03-18, relating to political party organization.

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

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

10 **16.1-03-01. Precinct caucus to elect precinct ~~committeemen~~ committee persons -**

11 **Time and manner of holding - Caucus call - Notice.**

12 1. On or before May fifteenth following the last preceding general election, a party
13 caucus must be held by every election precinct at a site within or reasonably close
14 to the precinct in the manner provided in sections 16.1-03-01 through ~~16.1-03-04~~
15 16.1-03-03.

16 2. The legislative district ~~chairman~~ chair of each party shall issue the call for the
17 precinct caucus at least twenty days before the time set for holding the caucus and
18 the call must contain the following:

- 19 a. Name of party.
- 20 b. Precinct number or name.
- 21 c. Date of caucus.
- 22 d. Place of caucus.
- 23 e. Hours of caucus.

f. A statement of the business to be conducted, including the election of precinct ~~committeemen~~ committee persons and such other persons as may be provided by state law and party rules.

g. The name of the district ~~chairman~~ chair issuing the call.

3. The district ~~chairman~~ chair 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~~ chair 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~~ committee persons 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~~ committee persons.

1. Each precinct caucus shall elect a ~~chairman~~ chair, ~~committeemen~~ committee person 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 organization, political or otherwise, is entitled to elect a precinct ~~committeeman~~ committee person 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~~ committee person 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~~ committee person for each party which qualifies under subsection 2. Each precinct ~~committeeman~~ committee person must be an elector of ~~his~~ the precinct in which the committee person 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 chair shall notify the county auditor of those precinct committee persons elected.

SECTION 4. 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~~ committee person -

Filling. A vacancy in the office of precinct ~~committeeman~~ committee person, which occurs after the organization of the district committee, must 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.

1 **SECTION 5. AMENDMENT.** Section 16.1-03-07 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **16.1-03-07. Meeting of district committee - Organization.** In every odd-numbered
4 year, the district committee of each party shall meet within fifteen days after the precinct caucus
5 provided for in section 16.1-03-01. The day, hour, and site must be set by the existing district
6 committee ~~chairman~~ chair. The precinct committee persons of a party, selected as provided by
7 this chapter, with any other persons provided for by the district committee's bylaws and as the
8 district committee designates, constitute the district committee of the party. The district
9 committee of a party must be organized to coincide with the geographical boundary lines of
10 state legislative districts. Each member of any committee provided for in this chapter must be a
11 qualified elector and must retain the office the member was elected to until a successor is
12 chosen. The district committee shall organize by:

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

28 The newly elected ~~chairman~~ chair shall notify the ~~county auditor~~ secretary of state of the names
29 of the party officers selected. The secretary of state shall certify the names of the party officers
30 to the county auditors. If the office of ~~chairman~~ chair becomes vacant, the vice ~~chairman~~ chair
31 shall hold the office until the next regular election for the office or until a new ~~chairman~~ chair 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 6. 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~~ chair 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 7. 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~~ chair, ~~vice chairman, vice chairwoman, if provided for in the rules of the party~~ chair, secretary, and treasurer and by adopting rules and modes of procedure. 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 chair 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 chair becomes vacant, the vice chair holds the office until the next regular election for the office or until a new chair 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 chair and a party district ~~chairman~~ chair, must be filled upon a majority vote of the state committee. The chair 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 8. 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~~ chair, the district committee of each state ~~senatorial~~ legislative district shall meet at a place designated by the ~~chairman~~ chair 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~~ committee persons 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. The election of delegates to the state convention must be provided by the state's 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 9. 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 to the national party convention and a like number of alternates.

4- 3. Conduct other business as shall come before the convention.

The candidate or candidates for nomination or election must be declared nominated or elected pursuant to the rules of the party involved, and the ~~chairman~~ chair and secretary of the convention shall issue certificates of nomination or election as provided in section 16.1-11-06.

~~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~~ chair 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 10. 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. An organization, political or otherwise, may not nominate candidates 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 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~~ organization, political or otherwise, is entitled to nominate
candidates 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
organization, political or otherwise, 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.

An organization, political or otherwise, which 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.