

**SENATE BILL NO. 2227**

Introduced by

Senators Solberg, W. Stenehjem, Grindberg, O'Connell

Representatives Brandenburg, Byerly, Huether

1 A BILL for an Act to amend and reenact section 16.1-13-10 of the North Dakota Century Code,  
2 relating to filling a vacancy in a legislative office; and to repeal section 16.1-13-11 of the North  
3 Dakota Century Code, relating to the duty of the governor when a vacancy occurs in the  
4 legislative assembly.

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

6 **SECTION 1. AMENDMENT.** Section 16.1-13-10 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **16.1-13-10. Vacancy existing in office of member of legislative assembly –~~Special~~**  
9 **~~election to fill.~~** Whenever a vacancy in the office of a member of the legislative assembly  
10 occurs, the county auditor of the county in which ~~such~~ the former member resides or resided  
11 shall notify the governor of the vacancy. The county auditor need not notify the governor of the  
12 resignation of a member of the legislative assembly when the resignation was made ~~pursuant~~  
13 ~~to~~ under section 44-02-02. Upon receiving ~~such~~ notification of a vacancy, the governor, ~~if there~~  
14 ~~is a session of the legislative assembly between the time such vacancy occurs and the time of~~  
15 ~~the holding of the next general election, shall issue a writ of election directed to the auditor of~~  
16 ~~each affected county commanding the auditor to notify the several boards of election in the~~  
17 ~~county or district in which the vacancy exists to hold a special election to fill such vacancy at a~~  
18 ~~time designated by the governor. If there is no session of the legislative assembly between the~~  
19 ~~time such vacancy occurs and the time of the holding of the next general election, the special~~  
20 ~~election must be held at the same time as the general election. If the term of office of the~~  
21 ~~member whose office is vacated expires prior to the next session of the legislative assembly, no~~  
22 ~~election shall be held to fill such vacancy~~ shall notify the executive committee of the district  
23 committee of the political party that the former member represented in the district in which the  
24 vacancy exists. The executive committee shall hold a meeting within forty-eight hours after

1 receiving the notification and select a person to fill the vacancy until the expiration of the term of  
2 office for that office. If the former member was elected as an independent candidate or if the  
3 executive committee does not make an appointment within four days after receiving the notice  
4 from the governor, the governor shall appoint a resident of the district to serve for the remainder  
5 of the term of office.

6           **SECTION 2. REPEAL.** Section 16.1-13-11 of the North Dakota Century Code is  
7 repealed.