

**HOUSE BILL NO. 1075**

Introduced by

Representatives Hanson, Beadle, B. Koppelman, Hunskor

Senators Heckaman, Krebsbach

1 A BILL for an Act to create and enact a new section to chapter 16.1-11 of the North Dakota  
2 Century Code, relating to filing of petitions or certificates of endorsement by legislative  
3 candidates; and to amend and reenact sections 16.1-11-06 and 16.1-11-11, subsection 5 of  
4 section 16.1-11-18, subsection 4 of section 16.1-12-02.2, subsection 2 of section 16.1-12-04,  
5 and section 16.1-12-06 of the North Dakota Century Code, relating to filing of petitions or  
6 certificates of endorsement by legislative candidates.

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

8 **SECTION 1. AMENDMENT.** Section 16.1-11-06 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **16.1-11-06. State candidate's petition or political party certificate of endorsement**  
11 **required to get name on ballot - Contents - Filing.**

- 12 1. Every candidate for United States senator, United States representative, a state office,  
13 ~~including~~ except the office of state senator or state representative, and judges of the  
14 supreme and district courts shall present to the secretary of state, between the first  
15 date candidates may begin circulating nominating petitions according to this chapter  
16 and before four p.m. of the sixty-fourth day before any primary election, either:
- 17 a. The certificate of endorsement signed by the state chairman of any legally  
18 recognized political party containing the candidate's name, post-office address,  
19 and telephone number, the title of the office to which the candidate aspires, and  
20 the party which the candidate represents; or
- 21 b. The nominating petition containing the following:
- 22 (1) The candidate's name, post-office address, and telephone number, and the  
23 title of the office to which the candidate aspires, the appropriate district

- 1 judgeship number if applicable, and whether the petition is intended for  
2 nomination for an unexpired term of office if applicable.
- 3 (2) The name of the party the candidate represents if the petition is for an office  
4 under party designation.
- 5 (3) The signatures of qualified electors, the number of which must be  
6 determined as follows:
- 7 (a) If the office is under party designation, the signatures of three percent  
8 of the total vote cast for the candidates of the party with which the  
9 candidate affiliates for the same position at the last general election.  
10 However, no more than three hundred signatures may be required.
- 11 (b) If there was no candidate of a party for a position at the preceding  
12 general election, at least three hundred signatures.
- 13 (c) If the office is under the no-party designation, at least three hundred  
14 signatures.
- 15 ~~(d) If the office is a legislative office, the signatures of at least one percent~~  
16 ~~of the total resident population of the legislative district as determined~~  
17 ~~by the most recent federal decennial census.~~
- 18 (4) The mailing address and the date of signing for each signer.
- 19 2. If the petition or certificate of endorsement is for the office of governor and lieutenant  
20 governor, the petition or certificate must contain the names and other information  
21 required of candidates for both those offices. If the petition or certificate of  
22 endorsement is mailed, it must be in the possession of the secretary of state before  
23 four p.m. of the sixty-fourth day before the primary election.

24 **SECTION 2. AMENDMENT.** Section 16.1-11-11 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **16.1-11-11. County and legislative district candidates' petitions - Filing - Contents.**

27 Every candidate for a county or legislative district office shall present, between the first date  
28 candidates may begin circulating nominating petitions according to this chapter and before  
29 four p.m. of the sixty-fourth day before any primary election, to the county auditor of the county  
30 in which the candidate resides, ~~a petition containing the following~~ either:

- 1 1. A certificate of endorsement signed by the district chairman of any legally recognized  
2 political party which contains the candidate's name, post-office address, and  
3 telephone number, the title of the office to which the candidate aspires, and the party  
4 that the candidate represents; or
- 5 2. A petition containing the following:
  - 6 a. The candidate's name, post-office address, and telephone number, the title of the  
7 office to which the candidate aspires, the appropriate district number if applicable,  
8 and whether the petition is intended for nomination for an unexpired term of office  
9 if applicable.
  - 10 b. The name of the party the candidate represents if it is a petition for an office that  
11 is under party designation.
- 12 2. c. The signatures of qualified electors, the number of which must be determined as  
13 follows:
  - 14 a. (1) If the office is a county office, the signatures of not less than two percent  
15 and not more than five percent of the total vote cast for the office at the  
16 most recent general election at which the office was voted upon.
  - 17 b. (2) If the office is a county office and multiple candidates were elected to the  
18 office at the preceding general election at which the office was voted upon,  
19 the signatures of not less than two percent and not more than five percent  
20 of the votes cast for all candidates divided by the number of candidates that  
21 were to be elected to that office.
  - 22 e. (3) If the office is a county office and no candidate was elected or no votes  
23 were cast for the office at any general election, the number of signers equal  
24 to the percentage as provided in paragraph 1 applied to the total average  
25 vote cast for the offices of sheriff and county auditor at the most recent  
26 general election at which those officers were elected in the petitioner's  
27 county. This average must be determined by dividing by two the total vote  
28 cast for those offices.
  - 29 d. (4) If the office is a legislative office, the signatures of a least one percent of the  
30 total resident population of the legislative district as determined by the most  
31 recent federal decennial census.

1           (5) In no case may more than three hundred signatures be required.

2       3. d. The residential address, mailing address (if different from residential address),  
3           and date of signing for each signer. A post office box does not qualify as a  
4           residential address. In those areas of the state where street addresses are not  
5           available, a description of where the residential address is located shall be used.  
6 If the petition or certificate of endorsement is mailed, it must be in the possession of the county  
7 auditor before four p.m. on the sixty-fourth day before the primary election.

8       **SECTION 3. AMENDMENT.** Subsection 5 of section 16.1-11-18 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10       5. If a vacancy occurs in a slate of legislative candidates after the candidates have been  
11       nominated at the primary election, the proper district executive committee may fill the  
12       vacancy by filing a certificate of nomination with the ~~secretary of state~~county auditor of  
13       the new nominee's county of residence. The chairman and secretary of the committee  
14       shall make and file with the ~~secretary of state~~county auditor of the new nominee's  
15       county of residence a certificate setting forth the cause of the vacancy, the name of  
16       the ~~person~~individual for whom the new nominee is to be substituted, the fact that the  
17       committee was authorized to fill vacancies, and any further information as may be  
18       required to be given in an original certificate of nomination. When the certificate is  
19       filed, the ~~secretary of state~~county auditor of the new nominee's county of residence  
20       shall certify the new nomination to the various county auditors affected by the change  
21       and to the secretary of state by forwarding to them the name of the ~~person~~individual  
22       who has been nominated to fill the vacancy in place of the original nominee. The  
23       certification must include the name and address of the new nominee, the office the  
24       new nominee is nominated for, the party or political principle the new nominee  
25       represents, and the name of the ~~person~~individual for whom the new nominee is  
26       substituting. Failure to publish the name of a new nominee does not invalidate the  
27       election.

28       **SECTION 4.** A new section to chapter 16.1-11 of the North Dakota Century Code is created  
29 and enacted as follows:

1        **Filing petition or certificate of endorsement when legislative district composed of**  
2 **more than one county - Certificate of county auditor.**

3        When a legislative district is composed of more than one county, the certificate of  
4 endorsement or the petition provided for in section 16.1-11-11 must be filed with the county  
5 auditor of the county in which the candidate resides, and that county auditor shall certify to the  
6 county auditors of the other counties comprising the legislative district the names and  
7 addresses of the candidates filing the petitions or certificates. At the same time, the county  
8 auditor shall certify to the secretary of state the names and addresses of all legislative  
9 candidates nominated in the county under this chapter.

10        **SECTION 5. AMENDMENT.** Subsection 4 of section 16.1-12-02.2 of the North Dakota  
11 Century Code is amended and reenacted as follows:

12        4. An individual who intends to be a write-in candidate for any legislative district office  
13 shall file a certificate of write-in candidacy with the secretary of state election officer  
14 with whom the candidate would otherwise file to have the candidate's name placed on  
15 the ballot. The certificate must contain the name, address, and signature of the  
16 candidate. Certificates must be filed by four p.m. on the fourth day before the election.  
17 When the candidate files a certificate, the candidate also shall file the contribution  
18 statement provided for under section 16.1-08.1-02 complete through the day of the  
19 filing of the certificate.

20        **SECTION 6. AMENDMENT.** Subsection 2 of section 16.1-12-04 of the North Dakota  
21 Century Code is amended and reenacted as follows:

22        2. Certificates of nomination for nominees for county and legislative offices must be filed  
23 with the county auditor of the county in which the candidate resides. The county  
24 auditor shall certify the names and addresses of legislative candidates filing  
25 certificates of nomination under this chapter to the secretary of state. When a  
26 legislative district is composed of more than one county, the county auditor shall certify  
27 to the county auditors of the other counties comprising the legislative district the  
28 names and addresses of the candidates filing certificates of nomination.

29        **SECTION 7. AMENDMENT.** Section 16.1-12-06 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **16.1-12-06. PersonIndividual nominated by more than one party - Column in which**  
2 **name placed.**

3           When one ~~person~~individual has been nominated for the same office by more than one body  
4 of electors qualified to make nominations for public office, the nominee shall file with the  
5 ~~secretary of state~~proper officer designated in this chapter or before the last day fixed by law for  
6 filing certificates of nomination for the office, a signed statement designating the column on the  
7 official ballot in which the nominee desires the nominee's name to appear. The column so  
8 designated must be the column allotted to one of the bodies of electors by whom the  
9 ~~person~~individual was nominated. In the absence of a timely written designation as provided by  
10 this section, the ~~secretary of state~~appropriate officer shall place the ~~person's~~individual's name in  
11 the column allotted to the body of electors from which was first received notice of the  
12 ~~person's~~individual's nomination.