

**HOUSE BILL NO. 1181**

Introduced by

Representatives Streyle, Brabandt, Dockter, Louser, Owens, Rohr, Schmidt

Senators Casper, Holmberg, Laffen, Unruh

1 A BILL ~~for an Act to amend and reenact section 16.1-13-08.1 of the North Dakota Century~~  
 2 ~~Code, relating to filling vacancies in the office of United States senator and the office of~~  
 3 ~~representative in Congress; and to repeal section 16.1-13-08 of the North Dakota Century~~  
 4 ~~Code, relating to filling vacancies in the office of United States senator.~~ for an Act to amend and  
 5 reenact section 16.1-13-08 of the North Dakota Century Code, relating to filling vacancies in the  
 6 office of United States senator.

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

8 ~~SECTION 1. AMENDMENT.~~ Section 16.1-13-08.1 of the North Dakota Century Code is  
 9 amended and reenacted as follows:

10 ~~16.1-13-08.1. Special election to fill a vacancy in the United States Senate and House~~  
 11 ~~of Representatives due to a catastrophic circumstance.~~

12 ~~1.~~ If a vacancy occurs in the office of United States senator or the office of representative  
 13 in Congress due to a catastrophic circumstance in which one hundred or more  
 14 representatives across the United States are no longer able to serve from this state  
 15 and the next regular or special election is more than seventy-five days in the future,  
 16 the governor shall immediately shall issue a writ of election calling a special election to  
 17 fill the vacancy. The date of the election shall must be forty-ninesixty days from the  
 18 date of the proclamation and the following deadlines shall apply:

19 ~~1.~~ Certificate;

20 ~~2.~~ A certificate of endorsement as described in section 16.1-11-09, affidavitsan affidavit of  
 21 candidacy described in section 16.1-11-10, and statementsa statement of  
 22 interestinterests described in section 16.1-09-03 for those candidatesany candidate  
 23 nominated by a political partiesparty currently established in the state shall must be

1 filed with the secretary of state by four p.m. on the fortieth~~fiftieth~~ day before the  
2 election.

3 ~~2.3.~~ If the election occurs in an election year, the precincts previously established by the  
4 county shall~~must~~ be utilized.

5 ~~3.4.~~ If the election occurs in a year without a scheduled election, the board of county  
6 commissioners must~~shall~~ establish the precinct boundaries by the fortieth~~fiftieth~~ day  
7 before the election.

8 ~~4.5.~~ The secretary of state shall certify to the county auditors the names of the candidates  
9 for the election on the thirty ninth~~forty ninth~~ day before the election.

10 ~~5.6.~~ Absentee ballots shall~~must~~ be made available to qualified electors by the  
11 thirtieth~~forty fifth~~ day before the election.

12 ~~SECTION 2. REPEAL.~~ Section 16.1-13-08 of the North Dakota Century Code is repealed.

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

15 **16.1-13-08. Filling vacancy in office of United States senator.**

16 When a vacancy occurs in the office of United States senator from this state, the governor  
17 shall ~~issue a writ of~~ call a special election to be held within ninety-five days to fill the vacancy ~~at~~  
18 ~~the next statewide primary or general election, whichever occurs first, and that occurs at least~~  
19 ~~ninety days after the vacancy. However, if the next primary or general election at which the~~  
20 ~~vacancy could be filled occurs in the year immediately preceding the expiration of the term, then~~  
21 ~~no election may be held. The governor, by appointment, may fill the vacancy temporarily, but~~  
22 ~~any person so appointed shall serve only until the vacancy is filled by election or until the term~~  
23 ~~expires if no election can be held. If the vacancy occurs within ninety-five days of the expiration~~  
24 of the term of office for that office, no election may be held to fill the vacancy.