

**HOUSE BILL NO. 1375**

Introduced by

Representatives Louser, Bellew, Blum, Dockter, Kasper, B. Koppelman, Nathe, Owens

Senators Kannianen, Meyer, Unruh

1 A BILL for an Act to amend and reenact sections 16.1-11-08, 16.1-11-19, 16.1-11-24,  
2 16.1-12-09, 40-21-07, and 40-21-08 of the North Dakota Century Code, relating to references to  
3 party affiliation in elections; and to repeal section 40-21-06 of the North Dakota Century Code,  
4 relating to references to party affiliation in petitions of candidates for city elective offices.

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

6 **SECTION 1. AMENDMENT.** Section 16.1-11-08 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **16.1-11-08. Reference to party affiliation in petition and affidavit prohibited for certain**  
9 **offices.**

10 No reference may be made to a party ballot or to the party affiliation of a candidate in a  
11 petition and affidavit filed by or on behalf of a candidate for nomination in the primary election to  
12 ~~an elective county office~~, the office of judge of the supreme court, judge of the district court, or  
13 superintendent of public instruction.

14 **SECTION 2. AMENDMENT.** Section 16.1-11-19 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **16.1-11-19. Filling vacancy existing on no-party ballot - Petition required - Time of**  
17 **filing.**

18 If a vacancy exists on a no-party ballot for a state office or for judge of a district court, the  
19 vacancy may be filled by filing with the secretary of state, before four p.m. on the sixty-fourth  
20 day prior to the primary election, a written petition as provided in section 16.1-11-06, stating ~~that~~  
21 the petitioner desires to become a candidate for nomination to the office for which a vacancy  
22 exists. If the petition is mailed, it must be in the possession of the secretary of state before  
23 four p.m. on the sixty-fourth day prior to the primary election. The petition for the nomination of  
24 any ~~person~~individual to fill the vacancy must be signed by qualified electors equal in number to

1 at least two percent of the total vote cast for governor at the most recent general election in the  
2 state or district at which the office of governor was voted upon, but in no case may more than  
3 three hundred signatures be required.

4 If a vacancy exists on a no-party ballot ~~in a county or district within a county~~ for any other  
5 office, the vacancy may be filled by filing with the county auditor, before four p.m. of the sixty-  
6 fourth day prior to the primary election, a written petition as provided in section 16.1-11-11,  
7 stating ~~that~~ the petitioner desires to become a candidate for nomination to the office for which a  
8 vacancy exists. If the petition is mailed, it must be in the possession of the county auditor before  
9 four p.m. on the sixty-fourth day prior to the primary election. The petition for the nomination of  
10 any ~~person~~ individual to fill the vacancy must be signed by qualified electors as provided in  
11 subdivision c of subsection 2 of section 16.1-11-11. A vacancy in the no-party ballot must be  
12 deemed to exist when a candidate who was qualified by filing a petition pursuant to section  
13 16.1-11-06 or 16.1-11-11 dies, resigns, or otherwise becomes disqualified to have the  
14 candidate's name printed on the ballot.

15 **SECTION 3. AMENDMENT.** Section 16.1-11-24 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **16.1-11-24. No-party primary ballot - Contents.**

18 There must be a separate ballot at all primary elections which must be entitled "no-party  
19 primary ballot". The names of aspirants for nomination to each office must be arranged on the  
20 no-party primary ballot in separate groups in their order. The separate ballot may be on the  
21 same paper or electronic ballot, but the list of offices and candidates must be entitled "no-party  
22 primary ballot" in a manner to indicate clearly the separation of the no-party list of offices and  
23 candidates from the party list of offices and candidates. The names of all candidates for any of  
24 the offices mentioned in section 16.1-11-08 and any other office specifically designated by law  
25 must be placed on the ballot without party designation. Immediately under the name of each  
26 office must be placed the language: "Vote for no more than \_\_\_\_\_ name (or names)."  
27 The number inserted must be the number to be elected to the office at the next succeeding  
28 general election.

29 **SECTION 4. AMENDMENT.** Section 16.1-12-09 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **16.1-12-09. Filling vacancy existing on no-party ballot - Petition required - Time of**  
2 **filing.**

3           Whenever a vacancy exists on a no-party ballot for a state office or for judge of a district  
4 court, ~~such~~the vacancy may be filled by filing with the secretary of state, before four p.m. on the  
5 sixty-fourth day, a written petition as provided in section 16.1-11-06, stating ~~that~~ the petitioner  
6 desires to become a candidate for election to the office for which a vacancy exists. If the petition  
7 is mailed, it must be in the physical possession of the secretary of state before four p.m. on the  
8 sixty-fourth day prior to the general election. The petition for the nomination of any  
9 ~~person~~individual to fill ~~such~~the vacancy must be signed by qualified electors equal in number to  
10 at least two percent of the total vote cast for the office of governor in the state or district, at the  
11 most recent general election at which the office of governor was voted upon, but in no case may  
12 more than three hundred signatures be required.

13           Whenever a vacancy exists on a no-party ballot ~~in a county or district within a county~~for any  
14 other office, the vacancy may be filled by filing with the county auditor before four p.m. of the  
15 sixty-fourth day a written petition as provided in section 16.1-11-11, stating ~~that~~ the petitioner  
16 desires to become a candidate for election to the office for which a vacancy exists. If ~~such~~the  
17 petition is mailed or otherwise delivered, it must be in the possession of the county auditor  
18 before four p.m. on the sixty-fourth day prior to the general election. The petition for the  
19 nomination of any ~~person~~individual to fill the vacancy must be signed by qualified electors equal  
20 in number to at least thirty percent of the total vote cast for the office of governor at the most  
21 recent general election in the county or district at which the office of governor was voted upon,  
22 but in no case may more than three hundred signatures be required.

23           A vacancy in the no-party ballot must be deemed to exist when:

- 24           1. A candidate nominated at the primary election dies, resigns, or otherwise becomes  
25           disqualified to have the candidate's name printed on the ballot at the general election.  
26           2. No candidates were nominated at the primary election because the office did not yet  
27           exist.  
28           3. The timing of the vacancy in an office makes it impossible to have it placed on the  
29           primary ballot.

30           **SECTION 5. AMENDMENT.** Section 40-21-07 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **40-21-07. Petition for nomination of elective official in cities - Signatures required -**  
2 **Withdrawal of petition - Contents.**

3           A candidate for any public office in an incorporated city may be nominated by filing with the  
4 city auditor, before four p.m. on the sixty-fourth day before the holding of the election, a petition  
5 signed by not less than ten percent of the number of qualified electors who voted for that office  
6 in the last city election. A candidate shall also file a statement of interests as required by section  
7 16.1-09-02. If multiple candidates were elected to the office at the preceding city election at  
8 which the office was voted upon, the number of signatures must equal at least ten percent of  
9 the total votes cast for all candidates divided by the number of candidates that were to be  
10 elected to that office at that election. Qualified electors who sign a petition must reside within  
11 the ward or precinct in and for which that officer is to be elected, if the election is by wards, or  
12 within the corporate limits of the city, if the officer is elected at large. In cities operating under  
13 the commission system of government the required petition may be signed by the qualified  
14 electors at large residing within the city. If a petition is mailed, it must be in the possession of the  
15 city auditor before four p.m. on the sixty-fourth day before the holding of the election. However,  
16 no more than three hundred signatures may be required and the signatures may be on separate  
17 sheets of paper. Petitions must meet the specifications of nominating petitions pursuant to  
18 section 16.1-11-16. Petitions for candidates also must identify the party designated by the  
19 candidate as being the party to which the individual belongs, or, if the candidate chooses,  
20 identify the candidate as "independent". If a city election is not combined with a state or county  
21 election according to section 40-21-02, a candidate may be nominated by filing the required  
22 petition with the city auditor before four p.m. on the sixty-fourth day before the holding of the  
23 election. A candidate may withdraw the candidate's nominating petition at any time before the  
24 applicable deadlines for filing nominating petitions provided for in this section. Nominating  
25 petitions required by this section may not be circulated or signed prior to January first preceding  
26 the election. Any signatures to a nominating petition obtained before that date may not be  
27 counted. A nominating petition for a special election may not be circulated or signed more than  
28 thirty days before the time when a petition for a special election must be filed. A candidate for  
29 city council may run for either the office of mayor or council member but not both in the same  
30 election. A candidate for the city commission may run for either the office of city commissioner

1 or the office of president of the board of city commissioners but not both in the same election. A  
2 candidate may run for only one office in a city at any given election.

3 **SECTION 6. AMENDMENT.** Section 40-21-08 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **40-21-08. Ballots in municipalities - Arrangement.**

6 The auditor of the city shall place only the names of the ~~persons~~individuals nominated upon  
7 the ballot. Next to each name of a nominated individual, the auditor of the city shall place the  
8 name of the party designated by the individual as being the party to which the individual  
9 belongs, or, if the individual chooses, the word "independent". The auditor shall arrange the  
10 offices upon the ballot in the order in which ~~they~~the offices are named in the statutes. The  
11 auditor shall determine the arrangement of the names of the candidates upon the ballot by  
12 conducting a drawing immediately after the candidate filing deadline on the sixty-fourth day  
13 before the election. The city auditor shall set the date, time, and location for conducting the  
14 drawing and shall give advance notice of the drawing to the candidates involved.

15 **SECTION 7. REPEAL.** Section 40-21-06 of the North Dakota Century Code is repealed.