

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 15.1-09-08, 15.1-09-11, 16.1-11-08,
2 16.1-11-19, 16.1-11-24, 16.1-12-09, 40-21-06, 40-21-07, and 40-21-08 of the North Dakota
3 Century Code, relating to references to party affiliation in elections; ~~and to repeal section~~
4 ~~40-21-06 of the North Dakota Century Code, relating to references to party affiliation in petitions~~
5 ~~of candidates for city elective offices.~~

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

7 **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-09-08. School district elections - Candidate filings.**

10 An individual seeking election to the board of a school district shall prepare and sign a
11 document stating the individual's name ~~and~~; the position for which that individual is a candidate;
12 and the party designated by the individual as being the party to which the individual belongs, or,
13 if the individual chooses, identifying the individual as "no party". A candidate shall also file a
14 statement of interests as required by section 16.1-09-02. Whether or not the election is held in
15 conjunction with a statewide election, these documents must be filed with the school district
16 business manager, or mailed to and in the possession of the business manager, by four p.m. of
17 the sixty-fourth day before the election.

18 **SECTION 2. AMENDMENT.** Section 15.1-09-11 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15.1-09-11. School district elections - Preparation of ballots.**

- 21 1. At least forty days before the election, the business manager shall prepare and cause
22 to be printed, or otherwise uniformly reproduced, an official ballot containing the
23 names of all individuals who have indicated their intent to be candidates by meeting
24 the provisions of section 15.1-09-08. Next to or underneath each candidate's name,

1 the ballot must include the name of the designated party or "no party" as selected by
2 the candidate under section 15.1-09-08. The business manager shall notify the
3 candidates as to the time and place of the drawing for position on the ballot.

4 2. The ballot must ~~be nonpartisan in form and~~ include:

- 5 a. The words "official ballot" at the top;
6 b. The name of the school district;
7 c. The date of the election;
8 d. The number of persons to be elected to each office; and
9 e. Below the list of candidates for each office, blank spaces in which names not
10 printed on the ballot may be written.

11 **SECTION 3. AMENDMENT.** Section 16.1-11-08 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **16.1-11-08. Reference to party affiliation in petition and affidavit prohibited for certain**
14 **offices.**

15 No reference may be made to a party ballot or to the party affiliation of a candidate in a
16 petition and affidavit filed by or on behalf of a candidate for nomination in the primary election to
17 ~~an elective county office,~~ the office of judge of the supreme court, judge of the district court, ~~or~~
18 superintendent of public instruction, or an elective county office other than county
19 commissioner, state's attorney, and sheriff.

20 **SECTION 4. AMENDMENT.** Section 16.1-11-19 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **16.1-11-19. Filling vacancy existing on no-party ballot - Petition required - Time of**
23 **filing.**

24 If a vacancy exists on a no-party ballot for a state office or for judge of a district court, the
25 vacancy may be filled by filing with the secretary of state, before four p.m. on the sixty-fourth
26 day prior to the primary election, a written petition as provided in section 16.1-11-06, stating that
27 the petitioner desires to become a candidate for nomination to the office for which a vacancy
28 exists. If the petition is mailed, it must be in the possession of the secretary of state before
29 four p.m. on the sixty-fourth day prior to the primary election. The petition for the nomination of
30 any ~~person~~ individual to fill the vacancy must be signed by qualified electors equal in number to
31 at least two percent of the total vote cast for governor at the most recent general election in the

1 state or district at which the office of governor was voted upon, but in no case may more than
2 three hundred signatures be required.

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

14 **SECTION 5. AMENDMENT.** Section 16.1-11-24 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **16.1-11-24. No-party primary ballot - Contents.**

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

28 **SECTION 6. AMENDMENT.** Section 16.1-12-09 of the North Dakota Century Code is
29 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 7. AMENDMENT.** Section 40-21-06 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **40-21-06. Reference to party ballot or affiliation in petition of candidate for municipal**
2 **office prohibited.**

3 No reference may be made to a party ballot nor to the party affiliation of a candidate in a
4 petition to be filed by or in behalf of a candidate for nomination to a public office in any
5 incorporated city in this state, except as required by section 40-21-07.

6 **SECTION 8. AMENDMENT.** Section 40-21-07 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **40-21-07. Petition for nomination of elective official in cities - Signatures required -**
9 **Withdrawal of petition - Contents.**

10 A candidate for any public office in an incorporated city may be nominated by filing with the
11 city auditor, before four p.m. on the sixty-fourth day before the holding of the election, a petition
12 signed by not less than ten percent of the number of qualified electors who voted for that office
13 in the last city election. A candidate shall also file a statement of interests as required by section
14 16.1-09-02. If multiple candidates were elected to the office at the preceding city election at
15 which the office was voted upon, the number of signatures must equal at least ten percent of
16 the total votes cast for all candidates divided by the number of candidates that were to be
17 elected to that office at that election. Qualified electors who sign a petition must reside within
18 the ward or precinct in and for which that officer is to be elected, if the election is by wards, or
19 within the corporate limits of the city, if the officer is elected at large. In cities operating under
20 the commission system of government the required petition may be signed by the qualified
21 electors at large residing within the city. If a petition is mailed, it must be in the possession of the
22 city auditor before four p.m. on the sixty-fourth day before the holding of the election. However,
23 no more than three hundred signatures may be required and the signatures may be on separate
24 sheets of paper. Petitions must meet the specifications of nominating petitions pursuant to
25 section 16.1-11-16. Petitions for candidates for city council member, city commissioner, mayor,
26 or park board member also must identify the party designated by the candidate as being the
27 party to which the individual belongs, or, if the candidate chooses, identify the candidate as
28 "~~independent~~no party". However, a candidate who is a federal government employee does not
29 need to designate a party affiliation. If a city election is not combined with a state or county
30 election according to section 40-21-02, a candidate may be nominated by filing the required
31 petition with the city auditor before four p.m. on the sixty-fourth day before the holding of the

1 election. A candidate may withdraw the candidate's nominating petition at any time before the
2 applicable deadlines for filing nominating petitions provided for in this section. Nominating
3 petitions required by this section may not be circulated or signed prior to January first preceding
4 the election. Any signatures to a nominating petition obtained before that date may not be
5 counted. A nominating petition for a special election may not be circulated or signed more than
6 thirty days before the time when a petition for a special election must be filed. A candidate for
7 city council may run for either the office of mayor or council member but not both in the same
8 election. A candidate for the city commission may run for either the office of city commissioner
9 or the office of president of the board of city commissioners but not both in the same election. A
10 candidate may run for only one office in a city at any given election.

11 **SECTION 9. AMENDMENT.** Section 40-21-08 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **40-21-08. Ballots in municipalities - Arrangement.**

14 The auditor of the city shall place only the names of the persons ~~persons~~ individuals nominated upon
15 the ballot. Next to each name of a nominated individual for an office for which a party
16 designation or no-party designation is required under section 40-21-07, the auditor of the city
17 shall place the name of the party designated by the individual as being the party to which the
18 individual belongs, or, if the individual chooses, the word "independent" phrase "no party".
19 However, a candidate who is a federal government employee does not need to designate a
20 party affiliation. The auditor shall arrange the offices upon the ballot in the order in which
21 ~~they~~ the offices are named in the statutes. The auditor shall determine the arrangement of the
22 names of the candidates upon the ballot by conducting a drawing immediately after the
23 candidate filing deadline on the sixty-fourth day before the election. The city auditor shall set the
24 date, time, and location for conducting the drawing and shall give advance notice of the drawing
25 to the candidates involved.

26 ~~—SECTION 7. REPEAL. Section 40-21-06 of the North Dakota Century Code is repealed.~~