

We have determined (NDGOP attorneys) that these organizational requirements (NDGOP as an organization under 16.1-03) are only required to obtain ballot access and do not make the NDGOP an organization formed under state statute under the Uniform Act (which is what we are requesting). In other words, the NDGOP is not a creature of North Dakota statute, as it applies to a corporation, LLC, partnership, etc., it merely complies with the organizational scheme provided in NDCC ch. 16.1-03 so that its candidates can be placed on the election ballot. Thus, even though the NDGOP organizes itself consistent with NDCC ch. 16.1-03, it would still qualify as an unincorporated nonprofit association under the Uniform Act. The Uniform Act can be amended to make clear that political parties are not organizations formed under North Dakota statute and qualify as unincorporated nonprofit associations under the Uniform Act.

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The NDGOP is asking to create and enact a new section of Chapter 16.1-03 of the NDCC relating to liability of officers and executive committee members of a political organization. This is the same protection that is afforded "C" Corporations in the incorporation process. Incorporating or accepting the Uniform Law Commission into law in the state of ND will afford non-incorporated entities this same protection.

Thank you.

Perrie Schafer  
NDGOP State Chair

