

HOUSE BILL NO. 1446

Introduced by

Representatives Nathe, D. Anderson, Berg, Bosch, Longmuir, Nelson, Porter, Swiontek

Senators Bekkedahl, Dever, Roers, Cleary

1 A BILL for an Act to amend and reenact sections 16.1-03-14 and 16.1-03-21, subsection 1 of
2 section 16.1-08.1-02.3, subsection 1 of section 16.1-08.1-02.4, and sections 16.1-09-02,
3 16.1-11-06, 16.1-11-10, 16.1-11-11, 16.1-11-12, 16.1-11-18, 16.1-11-30, and 16.1-11-39,
4 subsection 1 of section 16.1-12-02, and sections 16.1-12-09 and 16.1-13-08.1, of the North
5 Dakota Century Code, relating to placing the name of a candidate on the primary election ballot;
6 and to repeal sections 16.1-11-05.1 and 16.1-11-09 of the North Dakota Century Code, relating
7 to party organization endorsements and certificates of endorsement.

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

9 **SECTION 1. AMENDMENT.** Section 16.1-03-14 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **16.1-03-14. State party convention.**

- 12 1. The party state committee shall set the place and time of the state party convention to
13 be held in each general election year. Subject to party rules and bylaws, the state
14 party convention may:
- 15 a. Nominate the legal number of elector nominees and alternate elector nominees
16 for its party for the offices of presidential electors. The nominees must be
17 qualified electors of this state.
 - 18 b. Elect the required number of delegates and alternates to the national party
19 convention.
 - 20 ~~e. Endorse candidates as provided under subsection 2.~~
- 21 2. ~~The candidate or candidates for endorsement or election must be declared endorsed-~~
22 ~~or elected under the rules of the party, and the chairman and secretary of the~~
23 ~~convention shall issue certificates of endorsement as provided in section 16.1-11-06 or~~
24 ~~certificates of election.~~ The names of the qualified electors nominated for presidential

1 electors the party wishes to place on the general election ballot must be certified by
2 the chairman and secretary of the convention to the secretary of state by four p.m. on
3 the sixty-fourth day before the general election to be placed upon the general election
4 ballot as provided in section 16.1-06-07.1.

5 **SECTION 2. AMENDMENT.** Section 16.1-03-21 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-03-21. Organizations allowed to nominate statewide and legislative candidates.**

8 A political organization may not ~~endorse candidates or~~ have candidates petition for
9 president, vice president, Congress, statewide office, or legislative office as set forth in
10 chapter 16.1-11, unless the organization:

- 11 1. Organized according to all requirements of this chapter;
- 12 2. Had printed on the ballot at the last preceding general election the names of a set of
13 presidential electors pledged to the election of the party's candidate for president and
14 vice president, a candidate for governor, a candidate for attorney general, or a
15 candidate for secretary of state and those candidates for presidential electors,
16 governor, attorney general, or secretary of state received at least five percent of the
17 total vote cast for presidential electors, the office of governor, attorney general, or
18 secretary of state within this state at that election and organized according to all
19 requirements of this chapter; or
- 20 3. Filed a petition with the secretary of state signed by the number of electors required
21 under section 16.1-11-30 to ~~qualify to endorse candidates or to~~ have candidates
22 petition to be included on the primary election ballot in a consolidated column or on a
23 special election ballot.
- 24 4. A candidate for Congress, statewide office, or legislative office endorsed according to
25 a party's bylaws may appear on a primary election ballot only through a nominating
26 petition under section 16.1-11-06.

27 **SECTION 3. AMENDMENT.** Subsection 1 of section 16.1-08.1-02.3 of the North Dakota
28 Century Code is amended and reenacted as follows:

- 29 1. Prior to the thirty-first day before a primary, general, or special election, a candidate or
30 candidate committee formed on behalf of the candidate, a multicandidate political
31 committee, or a political party other than a statewide political party soliciting or

1 accepting contributions shall file a campaign disclosure statement that includes all
2 contributions received from January first through the fortieth day before the election. A
3 candidate whose name is not on the ballot and who is not seeking election through
4 write-in votes, the candidate's candidate committee, and a political party that has not
5 endorsed or nominated any candidate in the election is not required to file a statement
6 under this subsection. The statement may be submitted for filing beginning on the
7 thirty-ninth day before the election. The statement must include:

- 8 a. For each aggregated contribution from a contributor which totals in excess of two
9 hundred dollars received during the reporting period:
- 10 (1) The name and mailing address of the contributor;
 - 11 (2) The total amount of the contribution; and
 - 12 (3) The date the last contributed amount was received;
- 13 b. The total of all aggregated contributions from contributors which total in excess of
14 two hundred dollars during the reporting period;
- 15 c. The total of all contributions received from contributors that contributed two
16 hundred dollars or less each during the reporting period; and
- 17 d. For a statewide candidate, a candidate committee formed on behalf of a
18 statewide candidate, and a statewide multicandidate committee, the balance of
19 the campaign fund on the fortieth day before the election and the balance of the
20 campaign fund on January first.

21 **SECTION 4. AMENDMENT.** Subsection 1 of section 16.1-08.1-02.4 of the North Dakota
22 Century Code is amended and reenacted as follows:

- 23 1. Prior to the thirty-first day before a primary, general, or special election, a statewide
24 political party or a political committee not required to file statements under section
25 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a campaign
26 disclosure statement that includes all contributions received and expenditures made
27 from January first through the fortieth day before the election. A political party that has
28 not endorsed or nominated a candidate in an election is not required to file a
29 statement under this subsection. A statement required to be filed under this subsection
30 may be submitted for filing beginning on the thirty-ninth day before the election. The
31 statement must include:

- 1 a. For each aggregated contribution from a contributor which totals in excess of two
- 2 hundred dollars received during the reporting period:
- 3 (1) The name and mailing address of the contributor;
- 4 (2) The total amount of the contribution; and
- 5 (3) The date the last contributed amount was received;
- 6 b. The total of all aggregated contributions from contributors which total in excess of
- 7 two hundred dollars during the reporting period;
- 8 c. The total of all contributions received from contributors that contributed two
- 9 hundred dollars or less each during the reporting period;
- 10 d. For each recipient of an expenditure from campaign funds in excess of two
- 11 hundred dollars in the aggregate:
- 12 (1) The name and mailing address of the recipient;
- 13 (2) The total amount of the expenditure made to the recipient; and
- 14 (3) The date the last expended amount was made to the recipient;
- 15 e. The aggregate total of all expenditures from campaign funds in excess of two
- 16 hundred dollars;
- 17 f. The aggregate total of all expenditures from campaign funds of two hundred
- 18 dollars or less; and
- 19 g. The balance of the campaign fund on the fortieth day before the election and
- 20 balance of the campaign fund on January first.

21 **SECTION 5. AMENDMENT.** Section 16.1-09-02 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-09-02. Statement of interests to be filed.**

- 24 1. Every candidate for elective office shall sign and file the statement of interests as
- 25 required by this chapter. In a year when a president and vice president of the United
- 26 States are to be chosen, presidential and vice presidential candidates shall file with
- 27 the secretary of state either a statement of interests as required by this chapter or a
- 28 copy of the personal disclosure statement that is required by the federal election
- 29 commission. Candidates for elective office who are required to file such statements
- 30 shall do so with the filing officer for that election at the time of filing a certificate of

1 nomination, ~~a certificate of endorsement~~, a petition of nomination, or a certificate of
2 write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate.

3 2. An individual who has filed a statement as the result of candidacy in a primary election
4 need not refile before running in the following general election. A write-in candidate
5 who is not required to file a certificate of write-in candidacy shall file the statement of
6 interests after the candidate's election at the time of filing the required oath of office.
7 Every individual who is appointed by the governor to a state agency, board, bureau,
8 commission, department, or occupational or professional licensing board shall file a
9 statement of interests as required by this chapter with the secretary of state
10 simultaneously with announcement of the appointment.

11 3. A filing officer may not include a candidate's name on the ballot if an error is
12 discovered on the statement and the candidate is unable to or refuses to make the
13 necessary correction before the sixty-fourth day before the election.

14 **SECTION 6. AMENDMENT.** Section 16.1-11-06 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **16.1-11-06. State candidate's nominating petition or ~~political party certificate of~~
17 ~~endorsement~~ required to get name on ballot - Contents - Filing.**

18 1. Every candidate for United States senator, United States representative, a
19 ~~state~~statewide office, including the office of state senator or state representative, and
20 judges of the supreme and district courts shall present a nominating petition to the
21 secretary of state; ~~between the first date candidates~~a candidate may begin circulating
22 a nominating petitions according to petition under this chapter and before four p.m. of
23 the sixty-fourth day before any primary election, ~~either:~~

24 a. ~~The certificate of endorsement signed by the state or district chairman of any~~
25 ~~legally recognized political party containing the candidate's name, post-office~~
26 ~~address, nongovernment issued electronic mail address, and telephone number,~~
27 ~~the title of the office to which the candidate aspires, and the party which the~~
28 ~~candidate represents; or~~

29 ~~b.2.~~ The nominating petition containing the following must include:

30 (1)a. The candidate's name, post-office address, nongovernment issued electronic
31 mail address, and telephone number, and the title of the office to which the

1 candidate aspires, the appropriate district judgeship number if applicable, and
2 whether the petition is intended for nomination for an unexpired term of office if
3 applicable.

4 ~~(2)~~b. The name of the party the candidate represents if the petition is for an office
5 under party designation.

6 ~~(3)~~c. The signatures and printed names of qualified electors, the number of which
7 must be determined as follows:

8 ~~(a)~~ (1) If the office is a statewide office under a party or no-party designation, the
9 ~~signatures of three percent of the total vote cast for the candidates of the~~
10 ~~party with which the candidate affiliates for the same position at the last~~
11 ~~general election. However, no more than three hundred~~candidate must
12 collect at least two thousand signatures may be required.

13 ~~(b)~~ (2) If there was no candidate of a party for a position at the preceding general
14 election, at least three hundred signatures.

15 ~~(c)~~ (3) If the office is under the no-party designation but is not a statewide office, at
16 least three hundred signatures.

17 ~~(d)~~ (4) If the office is a legislative office, the signatures of at least one percent of
18 the total resident population of the legislative district as determined by the
19 most recent federal decennial census.

20 ~~(4)~~d. The mailing address and the date of signing for each signer.

21 ~~2.3.~~ If the nominating petition ~~or certificate of endorsement~~ is for the office of governor and
22 lieutenant governor, the nominating petition ~~or certificate~~ must contain the names and
23 other information required of candidates for both offices.

24 ~~3.4.~~ A nominating petition ~~or certificate of endorsement~~ may be filed electronically, through
25 the mail, or by personal delivery. However, the nominating petition ~~or certificate~~ must
26 be complete and in the possession of the secretary of state before four p.m. of the
27 sixty-fourth day before the primary election.

28 **SECTION 7. AMENDMENT.** Section 16.1-11-10 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 Subscribed and sworn to before me on _____, _____.

2 _____

3 Notary Public

4 NOTARY SEAL My Commission Expires _____

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

7 **16.1-11-11. County candidates' petitions - Filing - Contents.**

8 Every candidate for a county office shall present a petition to the county auditor of the
9 county in which the candidate resides between the first date candidates may begin circulating
10 nominating petitions according to this chapter and four p.m. of the sixty-fourth day before any
11 primary election. The petition ~~or certificate of endorsement~~ may be filed electronically, through
12 the mail, or by personal delivery. However, the petition ~~or certificate of endorsement~~ must be
13 complete and in the possession of the county auditor before four p.m. on the sixty-fourth day
14 before the primary election. A petition under this section must include the following:

- 15 1. The candidate's name, post-office address, nongovernment issued electronic mail
16 address, and telephone number, the title of the office to which the candidate aspires,
17 the appropriate district number if applicable, and whether the petition is intended for
18 nomination for an unexpired term of office if applicable.
- 19 2. The printed names and signatures of qualified electors, the number of which must be
20 determined as follows:
 - 21 a. If the office is a county office, the signatures of not less than two percent of the
22 total vote cast for the office at the most recent general election at which the office
23 was voted upon.
 - 24 b. If the office is a county office and multiple candidates were elected to the office at
25 the preceding general election at which the office was voted upon, the signatures
26 of not less than two percent of the votes cast for all candidates divided by the
27 number of candidates that were to be elected to that office.
 - 28 c. If the office is a county office and no candidate was elected or no votes were cast
29 for the office at any general election, the number of signers equal to at least
30 two percent of the total average vote cast for the offices of sheriff and county
31 auditor at the most recent general election at which those officers were elected in

1 the petitioner's county. This average must be determined by dividing by two the
2 total vote cast for those offices.

3 d. In no case may more than three hundred signatures be required.

4 3. The residential address, mailing address (if different from residential address), and
5 date of signing for each signer. A post office box does not qualify as a residential
6 address. In areas of the state where street addresses are not available, a description
7 of where the residential address is located must be used.

8 **SECTION 9. AMENDMENT.** Section 16.1-11-12 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-11-12. Applicant's name placed on ballot.**

11 1. Upon receipt of the petition ~~or certificate of endorsement~~ provided for in section
12 16.1-11-06, accompanied by an affidavit as provided in section 16.1-11-10, the
13 secretary of state shall place the name of the applicant on the primary election ballot in
14 the party or appropriate section if the documentation meets all applicable
15 requirements.

16 2. Upon receipt of the petition ~~or certificate of endorsement~~ provided for in section
17 16.1-11-11, accompanied by an affidavit as provided in section 16.1-11-10, the county
18 auditor shall place the name of the applicant on the appropriate section of the no-party
19 primary election ballot if the documentation meets all applicable requirements.

20 3. A candidate whose name was placed on the ballot under this section may have the
21 candidate's name removed from the ballot by submitting a written request to the
22 appropriate filing officer within forty-eight hours after the filing deadline under sections
23 16.1-11-06 and 16.1-11-11.

24 **SECTION 10. AMENDMENT.** Section 16.1-11-18 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **16.1-11-18. Filling vacancy occurring in endorsement ~~or nomination~~ by petition for**
27 **party office.**

28 ~~1. If a vacancy occurs in any party certificate of endorsement at the primary election for~~
29 ~~any state or legislative district office, the proper state or district executive committee of the~~
30 ~~political party may fill the vacancy by filing another certificate of endorsement with the secretary~~
31 ~~of state as provided in section 16.1-11-06.~~

1 ~~2. If no party endorsement has been made by certificate and a vacancy occurs in a slate of~~
2 candidates seeking party nomination ~~by petition at the primary election, the proper state or~~
3 ~~district executive committee may fill the vacancy by filing a certificate of endorsement with the~~
4 ~~secretary of state~~ may be filled by petition as provided in section 16.1-11-06:

5 ~~3. If party endorsements by certificate have been made for any state or district office and~~
6 ~~a vacancy occurs in the slate of individuals seeking nomination at the primary election~~
7 ~~because of the unavailability of the individual who is seeking nomination by petition,~~
8 ~~that vacancy may not be filled except by petition.~~

9 ~~4. Vacancies to be filled according to the provisions of this section may be filled not later~~
10 ~~than the sixty-fourth day before the election.~~

11 **SECTION 11. AMENDMENT.** Section 16.1-11-30 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **16.1-11-30. Separate section on primary election ballot required for each political**
14 **party.**

15 1. Any party that had printed on the ballot at the last preceding presidential election the
16 names of a set of presidential electors pledged to the election of the party's candidates
17 for president and vice president or a candidate for governor and those candidates for
18 presidential electors or governor received at least five percent of the total vote cast for
19 presidential electors or the office of governor within this state at that election; any party
20 that had printed on the ballot at the last preceding nonpresidential election a candidate
21 for attorney general or secretary of state, and the candidate received at least five
22 percent of the total vote cast for the office the candidate was seeking at the election;
23 or any party that has organized according to all the requirements of chapter 16.1-03
24 must be provided with a separate section on primary election ballots.

25 2. Any other political organization is entitled to ~~endorse candidates or~~ have candidates
26 petition to be included on the primary ballot in a separate section of the consolidated
27 primary election ballot, if a petition signed by at least seven thousand qualified electors
28 of this state is filed with the secretary of state before four p.m. of the sixty-fourth day
29 before a primary or special election, naming the political organization, stating the
30 platform principles of the party, and requesting the names of its candidates to be
31 included on the state's primary ballot in a separate section. Political organizations that

1 are granted ballot access under this section are allowed ballot access only for those
2 offices for which the organization has identified candidates. Regardless of the means
3 by which the petition is delivered, the original must be in the possession of the
4 secretary of state before four p.m. on the sixty-fourth day prior to a primary or special
5 election. Candidates of that party are entitled to the same rights and privileges as
6 those of other parties. Petitions circulated according to this section must be filed with
7 the secretary of state in accordance with section 1-01-50.

8 3. A political organization that had printed on the ballot at the last preceding presidential
9 election the names of a set of presidential electors pledged to the election of the
10 party's candidates for president and vice president or a candidate for governor and
11 those candidates for presidential electors or governor received at least five percent of
12 the total vote cast for presidential electors or the office of governor within this state at
13 that election, and any political organization that has printed on the ballot at the last
14 preceding nonpresidential election a candidate for attorney general or secretary of
15 state, and the candidate received at least five percent of the total vote cast for the
16 office the candidate was seeking at the election are entitled to organize according to
17 the requirements of chapter 16.1-03.

18 **SECTION 12. AMENDMENT.** Section 16.1-11-39 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **16.1-11-39. Individuals nominated in accordance with provisions of chapter eligible**
21 **as candidates in general election.**

- 22 1. All individuals nominated in accordance with this chapter are eligible as candidates to
23 be voted for at the ensuing general election, except as provided in this section.
- 24 2. Upon receipt of the documents filed by each candidate, the filing officer immediately
25 shall complete a thorough review of the documents and notify the candidate of any
26 necessary corrections that must be made before four p.m. on the sixty-fourth day
27 before the primary election. The filing officer may not place a candidate's name on the
28 primary election ballot if the filed documents are insufficient and remain uncorrected.
- 29 3. If the filing officer discovers, after four p.m. on the sixty-fourth day before the primary
30 election, an insufficiency in the ~~certificate of endorsement or~~ petition or affidavit of
31 candidacy filed by a candidate, the candidate may not be deemed nominated until the

1 insufficiency is corrected. Upon discovery of the insufficiency, the filing officer
2 immediately shall notify the candidate in writing of the necessary corrections. The
3 candidate shall file the necessary corrections as soon as practicable, but not later than
4 four p.m. on the sixty-fourth day before the general election.

5 **SECTION 13. AMENDMENT.** Subsection 1 of section 16.1-12-02 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 1. Except as provided in subsection 3, if the nomination is for an office to be filled by the
8 qualified electors of the entire state, there must be no fewer than ~~one thousandtwo~~
9 thousand signatures.

10 **SECTION 14. AMENDMENT.** Section 16.1-12-09 of the North Dakota Century Code is
11 amended and reenacted as follows:

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

14 1. Whenever a vacancy exists on a no-party ballot for a state office or for judge of a
15 district court, the vacancy may be filled by filing with the secretary of state, before
16 four p.m. on the sixty-fourth day, a written petition as provided in section 16.1-11-06,
17 stating that the petitioner desires to become a candidate for election to the office for
18 which a vacancy exists. The petition for the nomination of any individual to fill the
19 vacancy must be signed by qualified electors equal in number to at least two percent
20 of the total vote cast for the office of governor in the state or district, at the most recent
21 general election at which the office of governor was voted upon, but in no case may
22 more than three hundred signatures be required.

23 2. Whenever a vacancy exists on a no-party ballot in a county or district within a county,
24 the vacancy may be filled by filing with the county auditor before four p.m. of the sixty-
25 fourth day a written petition as provided in section 16.1-11-11, stating the petitioner
26 desires to become a candidate for election to the office for which a vacancy exists.
27 The petition for the nomination of any individual to fill the vacancy must be signed by
28 qualified electors equal in number to at least thirty percent of the total vote cast for the
29 office of governor at the most recent general election in the county or district at which
30 the office of governor was voted upon, but in no case may more than three hundred
31 signatures be required.

- 1 3. A vacancy in the no-party ballot must be deemed to exist when:
 - 2 a. A candidate nominated at the primary election dies, resigns, or otherwise
 - 3 becomes disqualified to have the candidate's name printed on the ballot at the
 - 4 general election.
 - 5 b. No candidates were nominated at the primary election because the office did not
 - 6 yet exist.
 - 7 c. The timing of the vacancy in an office makes it impossible to have the office
 - 8 placed on the ballot.
- 9 4. The petition ~~or certificate of endorsement~~ may be filed electronically, through the mail,
- 10 or by personal delivery, and must be complete and in the possession of the filing
- 11 officer before four p.m. on the sixty-fourth day before the general or special election.

12 **SECTION 15. AMENDMENT.** Section 16.1-13-08.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **16.1-13-08.1. Special election to fill a vacancy in the United States House of**
15 **Representatives due to a catastrophic circumstance.**

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

- 22 1. Certificate of endorsement as described in ~~section 16.1-11-09~~subsection 6, affidavits
23 of candidacy described in section 16.1-11-10, and statements of interest described in
24 section 16.1-09-03 for those candidates nominated by political parties currently
25 established in the state shall be filed with the secretary of state by four p.m. on the
26 fortieth day before the election.
- 27 2. If the election occurs in an election year, the precincts previously established by the
28 county shall be utilized.
- 29 3. If the election occurs in a year without a scheduled election, the board of county
30 commissioners must establish the precinct boundaries by the fortieth day before the
31 election.

