

FIRST ENGROSSMENT

ENGROSSED 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, 16.1-11-09, and 16.1-11-36 of the North Dakota Century
7 Code, relating to party organization endorsements, certificates of endorsement, and the
8 minimum vote required at a primary election for nomination.

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

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

12 **16.1-03-14. State party convention.**

- 13 1. The party state committee shall set the place and time of the state party convention to
14 be held in each general election year. Subject to party rules and bylaws, the state
15 party convention may:
- 16 a. Nominate the legal number of elector nominees and alternate elector nominees
17 for its party for the offices of presidential electors. The nominees must be
18 qualified electors of this state.
 - 19 b. Elect the required number of delegates and alternates to the national party
20 convention.
 - 21 ~~c. Endorse candidates as provided under subsection 2.~~

1 2. ~~The candidate or candidates for endorsement or election must be declared endorsed-~~
2 ~~or elected under the rules of the party, and the chairman and secretary of the~~
3 ~~convention shall issue certificates of endorsement as provided in section 16.1-11-06 or~~
4 ~~certificates of election.~~ The names of the qualified electors nominated for presidential
5 electors the party wishes to place on the general election ballot must be certified by
6 the chairman and secretary of the convention to the secretary of state by four p.m. on
7 the sixty-fourth day before the general election to be placed upon the general election
8 ballot as provided in section 16.1-06-07.1.

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

11 **16.1-03-21. Organizations allowed to nominate statewide and legislative candidates.**

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

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

1 5. Notwithstanding subsection 4, if a state party entitled to ballot access under
2 16.1-11-30 fails to be represented by an individual through a nominating petition for a
3 statewide elected office seventy-one days before the primary election, the state party
4 may appoint an individual to represent the party for that office under bylaws adopted
5 by the state party. Upon appointment, the state party shall issue a notification of
6 appointment to the appointee, which must contain the appointee's name, mailing
7 address, and telephone number. The appointee shall file the notification of
8 appointment with the secretary of state within the time prescribed under section
9 16.1-11-10.

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

- 12 1. Prior to the thirty-first day before a primary, general, or special election, a candidate or
13 candidate committee formed on behalf of the candidate, a multicandidate political
14 committee, or a political party other than a statewide political party soliciting or
15 accepting contributions shall file a campaign disclosure statement that includes all
16 contributions received from January first through the fortieth day before the election. A
17 candidate whose name is not on the ballot and who is not seeking election through
18 write-in votes, the candidate's candidate committee, and a political party that has not
19 ~~endorsed or~~ nominated any candidate in the election is not required to file a statement
20 under this subsection. The statement may be submitted for filing beginning on the
21 thirty-ninth day before the election. The statement must include:
- 22 a. For each aggregated contribution from a contributor which totals in excess of two
23 hundred dollars received during the reporting period:
 - 24 (1) The name and mailing address of the contributor;
 - 25 (2) The total amount of the contribution; and
 - 26 (3) The date the last contributed amount was received;
 - 27 b. The total of all aggregated contributions from contributors which total in excess of
28 two hundred dollars during the reporting period;
 - 29 c. The total of all contributions received from contributors that contributed two
30 hundred dollars or less each during the reporting period; and

- 1 d. For a statewide candidate, a candidate committee formed on behalf of a
2 statewide candidate, and a statewide multicandidate committee, the balance of
3 the campaign fund on the fortieth day before the election and the balance of the
4 campaign fund on January first.

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

- 7 1. Prior to the thirty-first day before a primary, general, or special election, a statewide
8 political party or a political committee not required to file statements under section
9 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a campaign
10 disclosure statement that includes all contributions received and expenditures made
11 from January first through the fortieth day before the election. A political party that has
12 not endorsed or nominated a candidate in an election is not required to file a
13 statement under this subsection. A statement required to be filed under this subsection
14 may be submitted for filing beginning on the thirty-ninth day before the election. The
15 statement must include:
- 16 a. For each aggregated contribution from a contributor which totals in excess of two
17 hundred dollars received during the reporting period:
- 18 (1) The name and mailing address of the contributor;
19 (2) The total amount of the contribution; and
20 (3) The date the last contributed amount was received;
- 21 b. The total of all aggregated contributions from contributors which total in excess of
22 two hundred dollars during the reporting period;
- 23 c. The total of all contributions received from contributors that contributed two
24 hundred dollars or less each during the reporting period;
- 25 d. For each recipient of an expenditure from campaign funds in excess of two
26 hundred dollars in the aggregate:
- 27 (1) The name and mailing address of the recipient;
28 (2) The total amount of the expenditure made to the recipient; and
29 (3) The date the last expended amount was made to the recipient;
- 30 e. The aggregate total of all expenditures from campaign funds in excess of two
31 hundred dollars;

- 1 f. The aggregate total of all expenditures from campaign funds of two hundred
2 dollars or less; and
3 g. The balance of the campaign fund on the fortieth day before the election and
4 balance of the campaign fund on January first.

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

7 **16.1-09-02. Statement of interests to be filed.**

- 8 1. Every candidate for elective office shall sign and file the statement of interests as
9 required by this chapter. In a year when a president and vice president of the United
10 States are to be chosen, presidential and vice presidential candidates shall file with
11 the secretary of state either a statement of interests as required by this chapter or a
12 copy of the personal disclosure statement that is required by the federal election
13 commission. Candidates for elective office who are required to file such statements
14 shall do so with the filing officer for that election at the time of filing a certificate of
15 nomination, ~~a certificate of endorsement~~, a petition of nomination, or a certificate of
16 write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate.
17 2. An individual who has filed a statement as the result of candidacy in a primary election
18 need not refile before running in the following general election. A write-in candidate
19 who is not required to file a certificate of write-in candidacy shall file the statement of
20 interests after the candidate's election at the time of filing the required oath of office.
21 Every individual who is appointed by the governor to a state agency, board, bureau,
22 commission, department, or occupational or professional licensing board shall file a
23 statement of interests as required by this chapter with the secretary of state
24 simultaneously with announcement of the appointment.
25 3. A filing officer may not include a candidate's name on the ballot if an error is
26 discovered on the statement and the candidate is unable to or refuses to make the
27 necessary correction before the sixty-fourth day before the election.

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

1 **16.1-11-06. State candidate's nominating petition or ~~political party certificate of~~**
2 **~~endorsement~~ required to get name on ballot - Contents - Filing.**

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

9 a. ~~The certificate of endorsement signed by the state or district chairman of any~~
10 ~~legally recognized political party containing the candidate's name, post office~~
11 ~~address, nongovernment issued electronic mail address, and telephone number,~~
12 ~~the title of the office to which the candidate aspires, and the party which the~~
13 ~~candidate represents; or~~

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

15 (1)a. The candidate's name, post-office address, nongovernment issued electronic
16 mail address, and telephone number, and the title of the office to which the
17 candidate aspires, the appropriate district judgeship number if applicable, and
18 whether the petition is intended for nomination for an unexpired term of office if
19 applicable.

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

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

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

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

1 _____) ss.

2 County of _____)

3 I, _____, being sworn, say that I reside at _____, in the city
4 of _____, in the county of _____ of North Dakota; and zip code of
5 _____; that I am a candidate for nomination to the office of _____
6 to be chosen at the primary election to be held on _____, _____, and I request
7 that my name be printed upon the primary election ballot as provided by law, as a
8 candidate of the _____ party for said office. I am requesting that my name be
9 listed on the ballot as I have identified my ballot name below. I understand that nicknames
10 are allowed as part of my ballot name, but titles and campaign slogans are not permissible.
11 I have reviewed the requirements to hold office and I certify that I am qualified to serve if
12 elected.

13 _____
14 Ballot name requested
15 _____

16 Candidate's signature
17 _____
18 _____

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

19 Notary Public
20 NOTARY SEAL My Commission Expires _____

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

23 **16.1-11-11. County candidates' petitions - Filing - Contents.**

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

- 1 1. The candidate's name, post-office address, nongovernment issued electronic mail
2 address, and telephone number, the title of the office to which the candidate aspires,
3 the appropriate district number if applicable, and whether the petition is intended for
4 nomination for an unexpired term of office if applicable.
- 5 2. The printed names and signatures of qualified electors, the number of which must be
6 determined as follows:
 - 7 a. If the office is a county office, the signatures of not less than two percent of the
8 total vote cast for the office at the most recent general election at which the office
9 was voted upon.
 - 10 b. If the office is a county office and multiple candidates were elected to the office at
11 the preceding general election at which the office was voted upon, the signatures
12 of not less than two percent of the votes cast for all candidates divided by the
13 number of candidates that were to be elected to that office.
 - 14 c. If the office is a county office and no candidate was elected or no votes were cast
15 for the office at any general election, the number of signers equal to at least
16 two percent of the total average vote cast for the offices of sheriff and county
17 auditor at the most recent general election at which those officers were elected in
18 the petitioner's county. This average must be determined by dividing by two the
19 total vote cast for those offices.
 - 20 d. In no case may more than three hundred signatures be required.
- 21 3. The residential address, mailing address (if different from residential address), and
22 date of signing for each signer. A post office box does not qualify as a residential
23 address. In areas of the state where street addresses are not available, a description
24 of where the residential address is located must be used.

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

27 **16.1-11-12. Applicant's name placed on ballot.**

- 28 1. Upon receipt of the petition ~~or certificate of endorsement~~ provided for in section
29 16.1-11-06, accompanied by an affidavit as provided in section 16.1-11-10, the
30 secretary of state shall place the name of the applicant on the primary election ballot in

1 the party or appropriate section if the documentation meets all applicable
2 requirements.

3 2. Upon receipt of the petition ~~or certificate of endorsement~~ provided for in section
4 16.1-11-11, accompanied by an affidavit as provided in section 16.1-11-10, the county
5 auditor shall place the name of the applicant on the appropriate section of the no-party
6 primary election ballot if the documentation meets all applicable requirements.

7 3. A candidate whose name was placed on the ballot under this section may have the
8 candidate's name removed from the ballot by submitting a written request to the
9 appropriate filing officer within forty-eight hours after the filing deadline under sections
10 16.1-11-06 and 16.1-11-11.

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

13 **16.1-11-18. Filling vacancy occurring in endorsement or nomination by petition for**
14 **party office.**

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

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

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

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

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

1 **16.1-11-30. Separate section on primary election ballot required for each political**
2 **party.**

3 1. Any party that had printed on the ballot at the last preceding presidential election the
4 names of a set of presidential electors pledged to the election of the party's candidates
5 for president and vice president or a candidate for governor and those candidates for
6 presidential electors or governor received at least five percent of the total vote cast for
7 presidential electors or the office of governor within this state at that election; any party
8 that had printed on the ballot at the last preceding nonpresidential election a candidate
9 for attorney general or secretary of state, and the candidate received at least five
10 percent of the total vote cast for the office the candidate was seeking at the election;
11 or any party that has organized according to all the requirements of chapter 16.1-03
12 must be provided with a separate section on primary election ballots.

13 2. Any other political organization is entitled to ~~endorse candidates or~~ have candidates
14 petition to be included on the primary ballot in a separate section of the consolidated
15 primary election ballot, if a petition signed by at least seven thousand qualified electors
16 of this state is filed with the secretary of state before four p.m. of the sixty-fourth day
17 before a primary or special election, naming the political organization, stating the
18 platform principles of the party, and requesting the names of its candidates to be
19 included on the state's primary ballot in a separate section. Political organizations that
20 are granted ballot access under this section are allowed ballot access only for those
21 offices for which the organization has identified candidates. Regardless of the means
22 by which the petition is delivered, the original must be in the possession of the
23 secretary of state before four p.m. on the sixty-fourth day prior to a primary or special
24 election. Candidates of that party are entitled to the same rights and privileges as
25 those of other parties. Petitions circulated according to this section must be filed with
26 the secretary of state in accordance with section 1-01-50.

27 3. A political organization that had printed on the ballot at the last preceding presidential
28 election the names of a set of presidential electors pledged to the election of the
29 party's candidates for president and vice president or a candidate for governor and
30 those candidates for presidential electors or governor received at least five percent of
31 the total vote cast for presidential electors or the office of governor within this state at

1 that election, and any political organization that has printed on the ballot at the last
2 preceding nonpresidential election a candidate for attorney general or secretary of
3 state, and the candidate received at least five percent of the total vote cast for the
4 office the candidate was seeking at the election are entitled to organize according to
5 the requirements of chapter 16.1-03.

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

8 **16.1-11-39. Individuals nominated in accordance with provisions of chapter eligible**
9 **as candidates in general election.**

- 10 1. All individuals nominated in accordance with this chapter are eligible as candidates to
11 be voted for at the ensuing general election, except as provided in this section.
- 12 2. Upon receipt of the documents filed by each candidate, the filing officer immediately
13 shall complete a thorough review of the documents and notify the candidate of any
14 necessary corrections that must be made before four p.m. on the sixty-fourth day
15 before the primary election. The filing officer may not place a candidate's name on the
16 primary election ballot if the filed documents are insufficient and remain uncorrected.
- 17 3. If the filing officer discovers, after four p.m. on the sixty-fourth day before the primary
18 election, an insufficiency in the ~~certificate of endorsement or~~ petition or affidavit of
19 candidacy filed by a candidate, the candidate may not be deemed nominated until the
20 insufficiency is corrected. Upon discovery of the insufficiency, the filing officer
21 immediately shall notify the candidate in writing of the necessary corrections. The
22 candidate shall file the necessary corrections as soon as practicable, but not later than
23 four p.m. on the sixty-fourth day before the general election.

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

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

29 **SECTION 14. 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 1. Whenever a vacancy exists on a no-party ballot for a state office or for judge of a
4 district court, the vacancy may be filled by filing with the secretary of state, before
5 four p.m. on the sixty-fourth day, a written petition as provided in section 16.1-11-06,
6 stating that the petitioner desires to become a candidate for election to the office for
7 which a vacancy exists. The petition for the nomination of any individual to fill the
8 vacancy must be signed by qualified electors equal in number to at least two percent
9 of the total vote cast for the office of governor in the state or district, at the most recent
10 general election at which the office of governor was voted upon, but in no case may
11 more than three hundred signatures be required.
- 12 2. Whenever a vacancy exists on a no-party ballot in a county or district within a county,
13 the vacancy may be filled by filing with the county auditor before four p.m. of the sixty-
14 fourth day a written petition as provided in section 16.1-11-11, stating the petitioner
15 desires to become a candidate for election to the office for which a vacancy exists.
16 The petition for the nomination of any individual to fill the vacancy must be signed by
17 qualified electors equal in number to at least thirty percent of the total vote cast for the
18 office of governor at the most recent general election in the county or district at which
19 the office of governor was voted upon, but in no case may more than three hundred
20 signatures be required.
- 21 3. A vacancy in the no-party ballot must be deemed to exist when:
- 22 a. A candidate nominated at the primary election dies, resigns, or otherwise
23 becomes disqualified to have the candidate's name printed on the ballot at the
24 general election.
- 25 b. No candidates were nominated at the primary election because the office did not
26 yet exist.
- 27 c. The timing of the vacancy in an office makes it impossible to have the office
28 placed on the ballot.
- 29 4. The petition ~~or certificate of endorsement~~ may be filed electronically, through the mail,
30 or by personal delivery, and must be complete and in the possession of the filing
31 officer before four p.m. on the sixty-fourth day before the general or special election.

