

SENATE BILL NO. 2252

Introduced by

Senator Walen

Representatives Henderson, Kasper, Koppelman

1 A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota
2 Century Code, relating to a district endorsing caucus or convention; and to amend and reenact
3 sections 16.1-03-11, 16.1-03-14, 16.1-11-01, 16.1-12-10, and 16.1-13-04 of the North Dakota
4 Century Code, relating to state party conventions and endorsing caucuses or conventions for
5 primary and general elections.

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

7 **SECTION 1.** A new section to chapter 16.1-03 of the North Dakota Century Code is created
8 and enacted as follows:

9 **District endorsing caucus or convention - Notice to secretary of state - When held -**
10 **How selected.**

11 1. Between July first and December first of each odd-numbered year, the district
12 committee of a district party in each legislative district shall vote to decide whether to
13 hold an endorsing caucus or convention as described under this section or participate
14 in a primary election under chapter 16.1-11 to nominate legislative candidates. If a
15 majority of the district committee chooses to participate in a primary election, a primary
16 election must be held under chapter 16.1-11. If the district committee chooses to hold
17 an endorsing caucus or convention, the district party of the legislative district shall hold
18 a caucus election or convention by May first of each-even numbered year to endorse
19 legislative candidates to appear as the party's nominees at the general election. Within
20 ten days of deciding whether to hold an endorsing caucus or convention or participate
21 in the primary election, the district committee shall notify the secretary of state of the
22 decision made under this subsection. The decision made under this subsection is final
23 and may not be changed at a later date. If the district committee fails to decide or

- 1 timely notify the secretary of the state as required under this subsection, a primary
2 election must be held under chapter 16.1-11.
- 3 2. If an endorsing caucus or convention is held, a qualified elector under section
4 16.1-01-04 may vote or be nominated as a legislative candidate at the caucus or
5 convention. If the right of an individual to participate at the caucus or convention is
6 challenged, the question of the individual's right to participate must be decided by a
7 vote of the whole caucus or convention. An individual subject to the challenge may not
8 vote on the question of the individual's right to participate in the caucus or convention,
9 and a two-thirds vote of the whole caucus or individuals participating in the convention
10 is required to exclude an individual from participation.
- 11 3. The candidate receiving the highest number of votes at the endorsing caucus or
12 convention is the endorsed nominee for the office sought by that candidate. Upon
13 nomination, the chairman shall issue a certificate of endorsement to each nominee as
14 provided under section 16.1-11-06. Upon receiving the certificate of endorsement, an
15 affidavit of candidacy described in section 16.1-11-10, and a statement of interest
16 described in section 16.1-09-03 by four p.m. on the fortieth day before the general
17 election, the secretary of state shall place the nominees on the general election ballot.
18 This section does not preclude a candidate who failed to receive the caucus or
19 convention endorsement under this section from appearing on the general election
20 ballot as an independent candidate as provided under section 16.1-12-02.
- 21 4. If an endorsing caucus or convention is scheduled to occur within the same year as
22 the redistricting of the legislative assembly, the secretary of state shall determine the
23 date of the endorsing caucus or convention during that calendar year.

24 **SECTION 2. AMENDMENT.** Section 16.1-03-11 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **16.1-03-11. State committee - Meetings - Organization - Decision to hold endorsing**
27 **caucus or convention or participate in primary election - Notice to secretary of state.**

- 28 1. The state committee shall meet on or before July first of each odd-numbered year. The
29 committee shall organize by selecting officers as provided for by the state committee
30 bylaws and by adopting rules and modes of procedure, including rules and procedures
31 regarding the selection of state convention delegates. Within thirty days following the

1 state committee's organization, the newly elected chairman shall notify the secretary
2 of state of the names of the party officers selected.

3 2. Between July first and December first of each odd-numbered year, the state
4 committee of a state party shall vote to decide whether to hold an endorsing caucus or
5 convention as described under section 16.1-03-14 or participate in the primary election
6 under chapter 16.1-11 to nominate partisan statewide candidates. If a majority of the
7 state committee chooses to participate in a primary election, a primary election must
8 be held under chapter 16.1-11. If the state committee chooses to hold an endorsing
9 caucus or convention, the state party shall hold a caucus election or convention by
10 May first of each-even numbered year to endorse partisan statewide candidates to
11 appear as the party's nominees at the general election as provided under section
12 16.1-03-14. Within ten days of deciding whether to hold an endorsing caucus or
13 convention or participate in the primary, the state committee shall notify the secretary
14 of state of the decision made under this subsection. The decision made under this
15 subsection is final and may not be changed at a later date. If the state committee fails
16 to decide or timely notify the secretary of the state as required under this subsection, a
17 primary election must be held under chapter 16.1-11.

18 **SECTION 3. AMENDMENT.** Section 16.1-03-14 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **16.1-03-14. State party convention - Endorsing caucus or convention.**

- 21 1. The party state committee shall ~~set the place and time of~~ hold the state party
22 convention ~~to be held in each general election by~~ May first of each even-numbered
23 year. Subject to party rules and bylaws, the state party convention ~~may~~ shall:
24 a. Nominate the legal number of elector nominees and alternate elector nominees
25 for its party for the offices of presidential electors. The nominees must be
26 qualified electors of this state.;
- 27 b. Elect the required number of delegates and alternates to the national party
28 convention.;
- 29 c. Endorse candidates to appear on the primary election ballot as provided under
30 section 16.1-03-11 or on the general election ballot as provided under
31 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.~~ If authorized under section 16.1-03-11, the state party shall hold an
4 endorsing caucus or convention to endorse all partisan statewide candidates to
5 appear as the party's nominees at the general election at the state party convention.
6 Only delegates selected under the state party rules and bylaws may vote to endorse a
7 partisan statewide candidate. The candidate receiving the highest number of votes for
8 each office is the endorsed nominee for that office.
- 9 3. Upon nomination under this section, the state party chairman and secretary of the
10 convention shall issue certificates a certificate of endorsement as provided in section
11 16.1-11-06 or certificates of election to each nominee. Upon receiving the certificate of
12 endorsement, an affidavit of candidacy described in section 16.1-11-10, and a
13 statement of interest described in section 16.1-09-03 by four p.m. on the fortieth day
14 before the election, the secretary of state shall place the nominees on the general
15 election ballot. This section does not preclude a candidate who failed to receive the
16 caucus or convention endorsement under this section from appearing on the general
17 election ballot as an independent candidate as provided under section 16.1-12-02.
- 18 4. The names of the qualified electors nominated for presidential electors the party
19 wishes to place on the general election ballot must be certified by the chairman and
20 secretary of the convention to the secretary of state by four p.m. on the sixty-fourth
21 day before the general election to be placed upon the general election ballot as
22 provided in section 16.1-06-07.1.

23 **SECTION 4. AMENDMENT.** Section 16.1-11-01 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **16.1-11-01. Primary election - When held - Nomination of candidates - Nomination for**
26 **special elections.**

- 27 1. On the second Tuesday in June of every general election year, a primary election must
28 be held for the nomination of candidates for the following offices in the years of their
29 regular election: United States senators, member of the United States house of
30 representatives, members of the legislative assembly, elected ~~state~~ statewide officials,
31 judges of the supreme court and district court, county officers, and county

1 commissioners. In special elections the nominations for the officers enumerated in this
2 section must be made as provided in this title.

3 2. Notwithstanding subsection 1, a primary election only may be held for members of the
4 legislative assembly and partisan statewide officials if authorized under section 1 of
5 this Act and section 16.1-03-11.

6 **SECTION 5. AMENDMENT.** Section 16.1-12-10 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **16.1-12-10. Party committee to fill vacancy occurring after nomination for party office.**

9 1. If a vacancy occurs in a slate of statewide candidates after the candidates have been
10 nominated at the primary election, under section 1 of this Act or section 16.1-03-11,
11 the state executive committee of the party that submitted the slate of statewide
12 candidates may fill the vacancy by filing a certificate of nomination with the secretary
13 of state. The chairman and secretary of the committee shall make and file with the
14 secretary of state a certificate setting forth the cause of the vacancy, the name of the
15 individual for whom the new nominee is to be substituted, the fact the committee was
16 authorized to fill vacancies, and any other information required to be provided in an
17 original certificate of nomination. When the certificate of nomination to fill a vacancy is
18 filed, the secretary of state shall certify the new nomination and the name of the
19 individual who has been nominated to fill the vacancy in place of the original nominee
20 to the various county auditors. If the secretary of state already has forwarded the
21 certificate, the secretary of state shall certify to the county auditors the name and
22 address of the new nominee, the office the new nominee is nominated for, the party or
23 political principle the new nominee represents, and the name of the individual for
24 whom the new nominee is substituting, as soon as possible. Failure to publish the
25 name of a new nominee does not invalidate the election.

26 2. If a vacancy occurs in a slate of legislative candidates after the candidates have been
27 nominated at the primary election, under section 1 of this Act or section 16.1-03-11,
28 the executive committee of the district in which the vacancy occurs and of the party
29 that submitted the slate of legislative candidates may fill the vacancy by filing a
30 certificate of nomination with the secretary of state. The chairman and secretary of the
31 committee shall make and file with the secretary of state a certificate setting forth the

1 cause of the vacancy, the name of the individual for whom the new nominee is to be
2 substituted, the fact the committee was authorized to fill vacancies, and any other
3 information required to be provided in an original certificate of nomination. When the
4 certificate of nomination to fill a vacancy is filed, the secretary of state shall certify the
5 new nomination to the various county auditors affected by the change by forwarding to
6 the auditors the name of the individual who has been nominated to fill the vacancy in
7 place of the original nominee, as soon as possible. The certification must include the
8 name and address of the new nominee, the office the new nominee is nominated for,
9 the party or political principle the new nominee represents, and the name of the
10 individual for whom the new nominee is substituting. Failure to publish the name of a
11 new nominee does not invalidate the election.

12 3. A vacancy in a nomination following a primary election, under section 1 of this Act or
13 section 16.1-03-11, may not be filled according to subsection 1 or 2 unless the
14 nominated candidate:

- 15 a. Dies;
- 16 b. Would be unable to serve, if elected, as a result of a debilitating illness;
- 17 c. Ceases to be a resident of the state;
- 18 d. Is nominated to be a member of the legislative assembly and, at the time of the
19 election, will not be a resident of the legislative district to be represented; or
- 20 e. Ceases to be qualified to serve, if elected, as otherwise provided by law.

21 4. Vacancies to be filled according to this section may be filled not later than the
22 sixty-fourth day before the election.

23 **SECTION 6. AMENDMENT.** Section 16.1-13-04 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **16.1-13-04. Candidates' names placed on official general election ballot.**

26 The names of all candidates of each political party or principle or no-party designation, who
27 are shown to have been nominated for the several offices in accordance with section 1 of this
28 Act, section 16.1-03-11, and the certificates of nomination filed in the secretary of state's office,
29 must be placed by the secretary of state on the official ballot to be voted for at the next general
30 election.