

HOUSE BILL NO. 1431

Introduced by

Representatives Hendrix, D. Ruby

1 A BILL for an Act to amend and reenact sections 16.1-03-01, 16.1-03-07, 16.1-03-11,
2 16.1-03-14, and 16.1-03-22 of the North Dakota Century Code, relating to political
3 organizations; and to repeal sections 16.1-03-03, 16.1-03-05, 16.1-03-08, and 16.1-03-17 of the
4 North Dakota Century Code, relating to district parties and district committees.

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

6 **SECTION 1. AMENDMENT.** Section 16.1-03-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **16.1-03-01. Party caucus - Time and manner of holding - Caucus call - Notice.**

- 9 1. Each legislative district party shall organize in conformance with the state legislative
10 district boundaries as established by the legislative assembly and as set forth under
11 chapter 54-03.
- 12 2. On or before May fifteenth following the last preceding general election and after
13 redistricting of the legislative assembly becomes effective, a party caucus must be
14 held by every legislative district party. ~~The legislative district party may organize the~~
15 ~~caucus by precinct or on an at-large basis for the entire district.~~
- 16 3. The legislative district chairman of each party shall set the date and time for the party
17 caucus. If there is not a ~~duly elected~~ district chairman in a legislative district, the state
18 ~~party executive~~ committee may issue the call for the caucus. The call must contain the
19 following:
- 20 a. Name of party.
- 21 b. Legislative district number.
- 22 c. Date of caucus.
- 23 d. Place of caucus.
- 24 e. Hours of caucus.

- 1 f. A statement of the business to be conducted, including participation requirements
2 established by state party and district bylaws or rules.
- 3 g. The name of the district chairman or, if there is not a ~~duly elected~~ district
4 chairman, the ~~member~~name and contact information of the state party executive
5 committee issuing the call.
- 6 4. The district chairman or, if there is not a ~~duly elected~~ district chairman, the state party
7 executive committee shall provide ten days' published notice in the official newspaper
8 in circulation in the district. The notices must contain ~~that~~the information set forth
9 ~~in~~provided under subsection 3.
- 10 5. Within thirty days of the effective date of a redistricting of the legislative assembly, the
11 state committee shall issue a call of a party caucus if:
- 12 a. A district does not share any geographical area with the same numbered district
13 before the most recent redistricting; or
- 14 b. A district with new geographic area has a population within the new geographic
15 area more than twenty-five percent of the district's total population as determined
16 in the most recent federal decennial census.

17 **SECTION 2. AMENDMENT.** Section 16.1-03-07 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **16.1-03-07. ~~Meeting of district~~District committee - Organization.**

- 20 1. ~~If a legislative district chooses to organize by precinct in every odd-numbered year, the~~
21 ~~district committee of each party shall meet within fifteen days after the caucus~~
22 ~~provided for in section 16.1-03-01. The day, hour, and site must be set by the existing~~
23 ~~district committee chairman. Any incumbent members of the legislative assembly from~~
24 ~~the party and any other individual provided for by the district committee's bylaws~~
25 ~~constitute the district committee of the party. The~~At each party caucus, the district
26 committee of a party must be organized to coincide with the geographical boundary
27 lines of state legislative districts. Each member of any committee provided for in this
28 chapter must be a qualified elector.
- 29 2. The district committee shall select the officers of the district committee and forward to
30 the state committee the name and contact information of the district committee
31 chairman. The district committee ~~may appoint an executive committee consistent with~~

1 ~~the bylaws of the district committee. That party's nominees for and members of the~~
2 ~~legislative assembly shall serve as members of the executive committees~~shall adopt
3 ~~bylaws or rules which may not conflict with bylaws or rules of the state party or this~~
4 ~~chapter.~~

5 3. If the office of chairman becomes vacant, the vacancy may be filled as provided by the
6 district party bylaws.

7 4. The bylaws of the state committee or state party may not include any requirement
8 providing directives or procedures for the method of the organization of district
9 committees ~~nor may the state committee or state party take any action or impose any~~
10 ~~requirement regarding district party organization unless a district lacks a district~~
11 ~~committee that is able to carry out the responsibilities under this chapter. A state party~~
12 ~~may not take any action that is inconsistent with this chapter.~~

13 5. After redistricting of the legislative assembly becomes effective, the ~~state party chair~~
14 ~~may appoint a temporary district party organization chair in any newly established~~
15 ~~district or a district that lacks a district committee able to carry out the responsibilities~~
16 ~~of this chapter. The temporary district party organization chair shall organize the~~
17 ~~district political party as closely as possible in conformance with this chapter to assure~~
18 ~~compliance with primary election filing deadlines.~~

19 **SECTION 3. AMENDMENT.** Section 16.1-03-11 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **16.1-03-11. State committee - Meetings - Organization.**

22 On or before July first of each odd-numbered year, a political party shall organize a state
23 ~~committee by electing officers as provided for by its bylaws or rules.~~ The state committee shall
24 ~~meet on or before July first of each odd-numbered year. The committee shall organize by~~
25 ~~selecting officers as provided for by party consists of the chairman of district committees of the~~
26 ~~party and any individual provided for under the state committee party bylaws and by adopting~~
27 ~~rules and modes of procedure, including rules and procedures regarding the selection of state~~
28 ~~convention delegates or rules. Within thirty days following the state committee's organization,~~
29 ~~the newly elected chairman shall notify the secretary of state of the names of the party officers~~
30 ~~selected~~Within thirty days, the newly elected state chairman shall notify the secretary of state of
31 ~~the names of the party officers elected.~~

1 **SECTION 4. AMENDMENT.** Section 16.1-03-14 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **16.1-03-14. State party convention.**

4 1. The state party state-committee chairman shall set the place and time of the state party
5 convention to be held in each general election year. Subject to party rules and bylaws,
6 the state party convention may:

7 a. Adopt rules to govern a convention held under this section.

8 b. Nominate the legal number of elector nominees and alternate elector nominees
9 for its party for the offices of presidential electors. The nominees must be
10 qualified electors of this state.

11 ~~b.c.~~ Elect the required number of delegates and alternates to the national party
12 convention.

13 ~~e.d.~~ Endorse candidates as provided under subsection 2.

14 2. The candidate or candidates for endorsement or election must be declared endorsed
15 or elected under the rules of the party, and the chairman and secretary of the
16 convention shall issue certificates of endorsement as provided in section 16.1-11-06 or
17 certificates of election. The names of the qualified electors nominated for presidential
18 electors the party wishes to place on the general election ballot must be certified by
19 the chairman and secretary of the convention to the secretary of state by four p.m. on
20 the sixty-fourth day before the general election to be placed upon the general election
21 ballot as provided in section 16.1-06-07.1.

22 **SECTION 5. AMENDMENT.** Section 16.1-03-22 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **16.1-03-22. Liability of officers and members.**

25 1. ~~Officers and executive committee members of a political party organization~~ are immune
26 from civil liability for any act or omission relating to their service or function as an
27 ~~officer or executive committee member~~, unless the act or omission constitutes gross or
28 willful negligence or gross or willful misconduct.

29 2. Members of a political organization are neither obligated to pay, nor liable upon, any
30 political organization obligation.

- 1 **SECTION 6. REPEAL.** Sections 16.1-03-03, 16.1-03-05, 16.1-03-08, and 16.1-03-17 of the
- 2 North Dakota Century Code are repealed.