

2009 HOUSE JUDICIARY

HB 1471

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1471

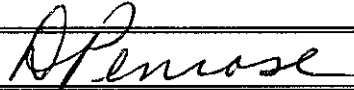
House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/26/09

Recorder Job Number: 7717

Committee Clerk Signature



Minutes:

**Chairman DeKrey:** We will open the hearing on HB 1471.

**Rep. Dwight Wrangham:** Sponsor, explained the bill. Support. This will allow candidates to select the political designation on the ballot with their name. It's not intended to make it mandatory, just to make it permissible for that. Our government runs on a political system right now, on the two party system. We do have a party system and I don't think we should preclude those from running from local office and be identified if they wish. That's the purpose of the bill. It's pretty straightforward. It might need a little work.

**Rep. Delmore:** We have people telling us to get politics out of many aspects of their lives. What advantage would this have to the people of ND.

**Rep. Dwight Wrangham:** I don't think that people are saying that because of the designation idea, because of some of the games that are played in politics. I don't think this will cause any more games to be played, than are being played now. It may even reduce it.

**Rep. Klemin:** Well, you have only talked about party affiliation; but the bill also talks about political principle. So if I were running for office and I wanted to have five words that set out some political principle like "I won't vote for taxes". That's five words. Would that be okay on this.

**Rep. Dwight Wrangham:** I would hope not. I take issue with those words also. I talked to the attorney in Legislative Council about it, and wondered if we needed those words in there, and their answer was, well maybe not but I don't want to change existing language. So this must already be in existing law. Those words must be in there. I wouldn't have any problem with removing those words.

**Chairman DeKrey:** Thank you. Further testimony in support.

**Gary Emineth, Chairman of Republican Party:** Support. There could be some changes to this, but this last election cycle, I have had some requests from potential people that want to be involved with the party, whether it was help with mailing, etc. I had to pass on it, just because I didn't feel it was appropriate. But if someone were willing as a candidate for school board, etc. and would designate as a republican or democrat on the name with the ballot. We would, obviously, have to come up with party rules. It doesn't say how we would get that. The republican name is a brand, the same as the democrat party. We would have to adopt a series of rules within our party to decide how we would give that permission to use the brand. How would we determine who was going to run. We would need to address those concerns in our Rules. At a time when the party is losing their significance and people are identifying themselves more as independent.

**Rep. Zaiser:** As I read the bill, wouldn't this just allow the candidate to put an R or D behind their name or the five words, instead of having an endorsement from one party or another.

**Gary Emineth:** We would want to adopt rules about a candidate using our brand.

**Rep. Delmore:** Is there not an advantage to having some things on the ballot that don't mention party affiliation, either one.

**Gary Emineth:** I would just state again that there is a value for the party to be identified, and we would want to get rules on that.

**Rep. Delmore:** What if we have five candidates as “no more taxes”. The designation of R or D isn’t in there, but what would prevent them from putting the five words behind their name, that may not mean anything.

**Gary Emineth:** I’m not sure that I can answer that.

**Rep. Klemin:** I know in some other states, I’ve seen candidates for some offices that we don’t allow political affiliation here, but in some other states it’s not the same. If somebody runs for sheriff or judge, they are certainly able to use R or D behind their name in those states. Do you have any information about what other states do, in terms of numbers.

**Gary Emineth:** There are states in the south, specifically, that do a lot of candidate recruitment. Texas currently has 2300 offices that they endorse. At the state convention, they will have 15,000-20,000 people attend their convention. My feeling is that if we use this to build the party, it wouldn’t go over very well. In a larger city, we have people declare for an office and if they aren’t known by the community, they might want to use the R or D designation. It has been successful in other states, and I don’t think there is any movement afoot nationally one way or the other to change those that have it.

**Rep. Koppelman:** You raised some interesting points. We’re not talking about endorsement here, in fact, the bill specifically says it is a no-party ballot for some of the offices; but under this bill, they could put the name of a party down. You raise a concern saying that we need to address that in our rules to make sure that we just don’t have someone just slapping the label on and not really being of that party’s philosophy. Are we really talking about endorsement, and if not, would you want something as the party chairman, that would say “with permission”, or something like that; otherwise what would prohibit more than one person putting R or D down, and what’s the result of that. Do you the party sue them for using your brand without your permission. How do we deal with that.

**Gary Emineth:** My problem is we don't have voter registration, so we can't identify the people. I think that is something that came off this last election.

**Rep. Koppelman:** We have a couple of offices right now that are no party ballots, but the party has taken the practice of issuing a letter of support. It's no secret who the party supports. Do you see something like that working?

**Gary Emineth:** I'm not sure exactly how the party would do it. I would have to put a committee together to review it and give us recommendations on how to protect our brand. I don't presume to have all the knowledge to make that determination, other than the fact that they get a letter of support. But I do believe that it would be good for the grass roots to reach out to people. We always are looking for candidates for the legislature. We always look to the school boards, city commissioners, county commissioners, etc. to try and find candidates.

Those that want to step out, it would allow us to recruit and build a stronger party to choose from.

**Chairman DeKrey:** Have you talked to the judges at all. There was a case in MN not too long ago, White vs. MN Republican Party, and I think they ruled it was unconstitutional if somebody wanted to be identified on a ballot by party affiliation, that the state couldn't refuse that from happening. I'm wondering if, constitutionally, we aren't already on shaky ground.

**Rep. Kretschmar:** At the next election, let's say we are going to elect two county commissioners and they are elected at-large. So there could be a bunch of candidates in the primary and it's narrowed down to four for the general election. It would seem to me, in my county at least, they may all want to say republican. How would this work in those situations.

**Gary Emineth:** The advantage of a party system in having local district endorsement convention, the person would seek the endorsement like the legislator does. Sometimes we are begging someone to run to get a name on the ballot. Other times it is very competitive. I

believe that if you create a competitive market, and you had people seeking it out, that is good for the party, that's good for membership, good for crafting policies.

**Rep. Klemin:** Section 2 of this refers to primary elections. What would be the reason we'd want to limit this exception to the primary elections, or am I reading this wrong. Does it also apply to general elections.

**Gary Emineth:** I don't have a copy of the bill in front of me. I thought it included both, the primary and general.

**Rep. Klemin:** On line 18, it says primary election.

**Rep. Griffin:** Do you feel that it would serve public interest and work efficiently to have the designation of R or D.

**Gary Emineth:** It would need to be tested out to see if it would work. Our two party system works really well. Under this model, the people would be allowed to be identified with a political party.

**Chairman DeKrey:** Thank you. Further testimony in support. Testimony in opposition.

**Al Jaeger, Secretary of State:** Opposed (attached). I don't think that the political parties would have any control over what a candidate would use as a party designation. The 5 word designation behind a name is specifically linked to a presidential candidate in the statute. There are some restrictions on it. We're not concerned with the five words, we're just concerned about this particular bill. In doing some background on this matter, in ND law it's no party ballots, so judges are no-party, that's already in law. The Supreme Court did rule on this, in the last part of it, the Supreme Court said, while people can't be identified on the ballot with a political party, it does not prohibit a political party saying that our candidate for the school board is a republican. They made it clear with the MN case back in 1936 to say that party's not prohibited, on a statewide level, examples would be positions that have been no-party

ballots for a long time. Anything below the legislator level, is no-party. If the political parties want to indicate that candidates for a position are republic or democrat, or whatever, they have the right to do that now, except that on the ballot it shouldn't be identified. From the standpoint of election administration, I would really prefer working in a non-partisan way in conducting elections because I feel that in other states where they are identified with a party, it leads to more conflicts, concerns about favoritism, etc.

**Rep. Klemin:** I'm not sure if I'm reading this bill correctly or not, but it seems to apply only to primary elections. Are there parallel provisions relating to general elections.

**Al Jaeger:** I'm not sure about that. The only primary election would involve the county office to be on the ballot. In a county office, you have to go through the primary.

**Rep. Klemin:** If we were to say it's okay to have your party designation on a primary ballot, why couldn't it tell us to do that on a general election ballot.

**Al Jaeger:** I'm not sure how to specifically answer your question. My focus was on that I don't want any part of this.

**Rep. Klemin:** Is there another statute that deals with this on a general election ballot.

**Al Jaeger:** Now that I'm thinking through this a little bit, it might make reference to the fact that on a county office you have to go to the primary and that's maybe why the reference to the primary. Obviously, if you're going to be identified with a party on the primary, you would want to be identified on the general election too. Again, that's the only process for the county that you have to do. The other city and school board elections don't have primary elections in their process. If the committee feels this is something they want to do, it should be carried forward throughout the process to the general election. We just don't feel this is a good idea.

**Rep. Delmore:** Do you think that for some people it might be a deterrent, I think some people run on a no-party ballot, they don't want to identify with a party. Would you concur with that.

**Al Jaeger:** I think that the way I understand the bill, was the candidate would have the option of identified with a political party or not. They wouldn't have to put anything in. It could very well compete in a different vein; especially if poll workers became a part of this process. In some cases, the people might feel that's it's to their benefit to be identified with a political party. Again, all I'm saying is that the Supreme Court said it doesn't inhibit the party to tell you that we have a candidate for city commission and we want to support him/her. That isn't prohibited now.

**Chairman DeKrey:** Thank you. Further testimony in opposition.

**Danette Odenbach, ND Assoc of Counties:** Opposed (attachment).

**Rep. Klemin:** What about the designation of a principle, like on the primary you could say "no more taxes", and on the general you could say "I repeat, no more taxes".

**Danette Odenbach:** I believe whatever you said on the primary ballot follows you on the general ballot.

**Rep. Boehning:** Is there a standard to run for school board, is there something in law that says you have to have so many names on the ballot.

**Danette Odenbach:** School boards and county offices are no party ballots. If somebody wanted to run as an Independent, they would have to meet a certain level of criteria.

**Rep. Boehning:** Would that also be used for the purpose of statements, would that follow that as well.

**Danette Odenbach:** That is for the office of President of US.

**Chairman DeKrey:** Thank you. Further testimony in opposition.



**Bev Nielson:** I am here to testify as a private citizen and a former school board member.

When I ran for school board in Fargo, the last thing on my mind was helping a political parties build their membership. I would hope that wouldn't be the motivation of any candidate for school board. I have colleagues in other states where the school board elections become very political. One effect that you may not have thought about is that it drives up the costs of the campaign, because if we had certain candidates who are receiving financial backing from political parties, others can't compete. We've managed in ND to keep campaigning for school board to be an inexpensive process, because they have enough trouble finding people around the state as it is. I find it interesting that the bill itself says the candidate may put a political party on the ballot, but it sounds to me like it won't be the choice of the candidate. It will be the choice of the political party. That changes the entire meaning of the bill. I would think that it would no longer be up to the candidate to say, it would be up to the political parties who endorse them. As far as writing something political next to your name on the ballot, I find it interesting because a little bit ago we were talking about campaigning around election sites and whether somebody could wear a button. Here you are talking about campaigning on the ballot itself. I wouldn't have wanted to run in any election where I had to put down a political party, and I don't know many school board members that would care to. In school board elections, every community that I'm aware of, has multiple public forums, people talk to the candidates, candidates put out literature, they tell you what they believe in, they tell you what their principles are, we have endorsements of organizations, of unions, of newspapers, etc. Someone who says that they don't know someone at the polls that is running for the school board and just looks to see if there is an R, D or I by that name, and that would influence their vote if they don't know what the person stands for, I just don't think that happens in ND. From

my perspective, from being a school board member and running for elections myself, it wouldn't be something that I would want to have come up against.

**Chairman DeKrey:** Thank you. Further testimony in opposition.

**Jerry Hjelmstad, ND League of Cities:** Opposed. We believe in the non-partisan elections in ND. We don't want the ballots cluttered with that type of information. The language in section 2, puts in city elections and also then in section 3.

**Chairman DeKrey:** Thank you. Further testimony in opposition.

**Michael Montplaisir, Cass County Auditor:** Opposed. I would like to speak about the five words. You used to be able to do that on the ballot and a bill was brought to the Legislature because a constituent was very upset about. The law was then changed.

**Chairman DeKrey:** Thank you. Further testimony in opposition. We will close the hearing on HB 1471.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1471

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/28/09

Recorder Job Number: 7985

Committee Clerk Signature

*D. Penrose*

Minutes:

**Chairman DeKrey:** We will take a look at HB 1471. What are the committee's wishes?

There was a case in Minnesota, and I asked Bill Newman, from the State Bar Association, if he thought this might create a problem in ND because basically that is what changed our judicial elections so much. He said that case did not speak directly to what we're talking about here, but it poses a really interesting question because if anybody brought it up, we'd have to do it. We can do whatever we want on this, there is some Democrat or Republican out there at the school board level or county level, that ever wants to push it, they'll probably win.

**Rep. Delmore:** Why would we want to encourage it by passing this bill; there was much more opposition than there was support for it. I think we should just look at candidates based on merit.

**Rep. Klemin:** I don't like the slogan of 4 words that can be added on, the political principle.

**Rep. Koppelman:** I don't like the bill either, but the flip side of this argument from those that proposed it, that there are some times when you go to the voting booth and you don't know the candidates, and I hear things all the time from the citizens saying, I went in and I saw the candidate's names and didn't know who to vote for. I think that they are saying if you're Democrat or Republican, put that down, and it might give the voters some guidance. If the

person wants to put it on there, it might work for them or against them. But if they want to do it, they have a right to do it.

**Rep. Kingsbury:** Sometimes a candidate doesn't have a party affiliation. We want to encourage people to take some of these offices, and if they are approached by a political party, they can make up their mind at that time what their political values are. I don't agree with the bill. I move a Do Not Pass.

**Rep. Griffin:** Second.

**9 YES 3 NO 1 ABSENT**

**DO NOT PASS**

**CARRIER: Rep. Kingsbury**

Date: 1/28/09  
 Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1471

**HOUSE JUDICIARY COMMITTEE**

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  DP  DNP  DP AS AMEND  DNP AS AMEND

Motion Made By Rep. Kingsbury Seconded By Rep. Griffin

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey		✓	Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning		✓	Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser		
Rep. Kingsbury	✓				
Rep. Koppelman		✓			
Rep. Kretschmar	✓				

Total (Yes) 9 No 3

Absent 1

Floor Carrier: Rep. Kingsbury

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1471: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO NOT PASS**  
(9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1471 was placed on the  
Eleventh order on the calendar.

2009 TESTIMONY

HB 1471

ALVIN A. JAEGER  
SECRETARY OF STATE

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SECRETARY OF STATE  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

January 26, 2009

TO: Rep DeKrey, Chairman, and Members of the House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: HB 1471 – References to Candidate Political Party Affiliation for Election to County, City,  
and School Board positions

As Secretary of State, I oppose the adoption of this bill. While it has ramifications for each of the political subdivisions identified in this bill, I believe, in particular, the adoption of this bill will introduce a partisan political element to the administration of elections. Because all local election officials are identified as no-party ballot positions, this state has not experienced the political insinuations and innuendoes that have occurred in other states where such positions are identified with a political party affiliation.

North Dakota has benefited significantly on both the state and national level by not having a partisan political identity attached to the position of a local election official.



**TESTIMONY TO THE  
HOUSE JUDICIARY COMMITTEE**

Prepared January 26, 2009 by

Danette Odenbach

North Dakota Association of Counties

**REGARDING HOUSE BILL 1471**

Chairman DeKrey and members of the House Judiciary Committee:

The North Dakota Association of Counties (NDACo) submits this testimony in opposition to House Bill 1471.

House Bill 1471 amends the North Dakota Century Code by allowing candidates for school board, city office, or county office to add up to five words identifying their political affiliation or principle behind their name on the ballot.

The counties oppose this change for two primary reasons. First, the authorization for the political affiliation or principle does not include prohibitions, such as those described in 16.1-12-02. There is no regulation of the designated affiliation or text filed by the candidate.

Second, the introduction of political affiliation at the local level is an unnecessary invitation to distrust from citizens. By the very nature of their office, county officials are constantly interacting with the public, and the public's perception of their conduct is paramount to effective governance. The political discussion which takes place at the state level is appropriate as legislators and state officials are elected to make over-arching policy reflective of the majority of the state's citizens. At the local level, policy decisions are made in response to the direct needs of the local citizens. Allowing political agenda, whether real or perceived, to interfere with the effective response of local government would be both damaging and irresponsible.

The North Dakota Association of Counties appreciates and urges a Do Not Pass recommendation on House Bill 1471.

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Clarence Haggard, Plaintiff and Appellant

v.

Ben Meier, North Dakota Secretary of State; Kent Conrad, Candidate for North Dakota Tax Commissioner; Scott Hove, Candidate for North Dakota Tax Commissioner; North Dakota Democratic Party, a political organization; and North Dakota Republican Party, a political organization; Defendants and Appellees

Civil No. 10,850

Appeal from the District Court of Burleigh County, the Honorable Benny A. Graff, Judge.  
AFFIRMED.

Opinion of the Court by VandeWalle, Justice.

Phillip J. Brown (argued), Bismarck, for plaintiff and appellant.

Terry Adkins (appearance), Assistant Attorney General, Bismarck, and Craig E. Sinclair (appearance), Assistant Attorney General, Bismarck, for defendant and appellee Ben Meier.

Kenneth M. Jakes (argued), Bismarck, for defendant and appellee Kent Conrad.

Harold L. Anderson (appearance) and David E. Reich (appearance), of Pearce, Anderson & Durick, Bismarck, for defendants and appellees Democratic Party and Republican Party.

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[368 N.W.2d 540]

**Haggard v. Meier**

Civil No. 10,850

**VandeWalle, Justice.**

The appellant, Clarence Haggard, was an aspirant in the June 1984 primary election for nomination as a candidate to the no-party office of State Tax Commissioner. Haggard's opponents, Kent Conrad and Scott Hove, were nominated in the primary election as candidates for the office in the general election on November 6, 1984. In that election, Conrad was elected State Tax Commissioner, and he currently holds that office.

On July 19, 1984, following the primary election, Haggard filed an action seeking a declaratory judgment and injunctive relief in which he asserted that Conrad, Hove, and the North Dakota Republican and Democratic parties violated certain provisions of North Dakota law governing the election of officers on the no-party ballot. Haggard asserted that those provisions were violated when Conrad and Hove sought, and the political parties adopted, resolutions or endorsements of support and provided other forms of support for the candidates. The district court entered a summary judgment dismissing Haggard's action on the ground that the activities of Conrad, Hove, and the political parties did not violate the no-party laws of this State. We affirm.

On appeal, Haggard asserts that the district court erred in its determination that the activities of Conrad, Hove, and the political parties did not violate the following no-party laws, which provide in relevant part:

"... The tax commissioner shall be elected on a no-party ballot and he shall be nominated and elected in the manner now provided for the nomination and election of the superintendent of public instruction...." Art. V, Sec. 12, N.D. Const.

"16.1-11-08. Reference to party affiliation in petition and affidavit prohibited for certain offices. No reference shall be made to a party ballot or to the party affiliation of a candidate in a petition and affidavit filed by or on behalf of a candidate for nomination in the primary election to an elective county office, the office of judge of the supreme court, judge of the district court, commissioner of labor, superintendent of public instruction, or tax commissioner."

"16.1-11-37. Vote required for nomination on no-party ballot--Partisan nominations prohibited. The number of persons to be nominated as candidates for any one no-party office shall be that number of persons who receive the highest number of votes and who total twice the number of available positions for the office, if that many persons are candidates for nomination. Provided, however, that no person shall be deemed nominated as a candidate for any no-party office at any primary election unless the number of votes received by him equals the number of signatures required to be obtained on a petition to have a candidate's name for the office placed on the primary ballot. No partisan nominations shall be made for any of the offices mentioned in Section 16.1-11-08."

Article V, Sec. 12, N.D. Const., provides that the Tax Commissioner shall be elected on a no-party ballot. It is undisputed that the 1984 primary and general election ballots prepared by the Secretary of State for the office of State Tax Commissioner were designated "no-party" ballot and that the candidates' names were placed on the ballots without any indication of or reference to party affiliation.

Section 16.1-11-08, N.D.C.C., provides that a petition and affidavit filed by a candidate

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[368 N.W.2d 541]

for the office of State Tax Commissioner shall contain no reference to a party ballot or to the party affiliation of a candidate." It is undisputed that the nomination petitions and affidavits filed by Conrad and Hove contained no reference to a party ballot or to the candidates' party affiliation.

Section 16.1-11-37, N.D.C.C., provides that "no partisan nominations" shall be made for the office of State Tax Commissioner. Haggard asserts that the resolutions of support adopted by the respective political parties for Conrad and Hove constituted party endorsements for the office in violation of this provision. Haggard thus reasons that a "resolution of support" is a "party endorsement" which is the same as a "partisan nomination" within the meaning of the above-cited statutes. We disagree.

A candidate for a State office can have his name placed on the ballot for nomination in the primary election by one of two methods: (1) a certificate of endorsement signed by the State chairman of a legally recognized political party, or (2) a petition signed by a requisite number of qualified electors. Section 16.1-11-06, N.D.C.C. However, under our current law, a candidate for nomination to a no-party office such as that of State Tax Commissioner can have his name placed on the ballot only by the second method of filing a petition with the requisite number of

signatures, because Section 16.1-11-37, N.D.C.C., prohibits "partisan nominations" for those offices. Consequently, a person who desires to have his name placed on the primary ballot for nomination to the office of State Tax Commissioner cannot do so by presenting to the Secretary of State a certificate of endorsement by a recognized political party. With regard to no-party offices such a certificate of endorsement has no validity and is of no effect in having a candidate's name placed on the ballot.

It is not disputed in this case that candidates Conrad and Hove had their names placed on the ballot for nomination to the office of State Tax Commissioner by properly presenting to the Secretary of State petitions with the requisite number of signatures by qualified electors. They did not become candidates for nomination to that office by presenting, or attempting to present, to the Secretary of State a certificate of endorsement by a recognized political party.

When the wording of a statute is unambiguous, the letter of it is not to be disregarded under the pretext of pursuing its spirit. Section 1-02-05, N.D.C.C. Where constitutional and statutory provisions are clear and unambiguous, it is improper for the courts to attempt to construe the provisions so as to legislate additional requirements or proscriptions which the words of the provisions do not themselves provide. See Rheume v. State, 339 N.W.2d 90 (N.D. 1983); Hall GMC, Inc. v. Crane Carrier Co., 332 N.W.2d 54 (N.D. 1983).

We conclude that the no-party provisions of North Dakota law to which Haggard has referred are clear and unambiguous in what they require and in what they prohibit. Those provisions require no-party candidates to have their names placed on the ballot through the petition process and not by partisan nominations through the use of political party certificates of endorsement. Those provisions prohibit reference to party affiliation on no-party ballots, nomination petitions, or affidavits. They do not, however, attempt to proscribe the activities of no-party candidates in seeking, or of political parties in providing, resolutions or other forms of support. 1 We conclude, therefore, as did

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[368 N.W.2d 542]

the district court, that the activities of the defendant candidates and political parties did not violate the no-party laws of this State.

Our conclusion in this case is supported by the Minnesota Supreme Court's decision in Moon v. Halverson, 206 Minn. 331, 288 N.W. 579 (1939), in which that court was asked to resolve this issue under similar statutory provisions. The Minnesota nonpartisan election laws provided that candidates for nomination to a no-party office were to be placed on a ballot designated as a "non-partisan primary ballot," that no party designation could be placed on the ballot, and that no candidate filing for nomination on the non-partisan primary ballot would be "permitted or required to State his party affiliation." In determining that those provisions did not prohibit party endorsements or support of non-partisan candidates, the Minnesota Supreme Court stated the following reasoning with which we agree and which is, we believe, applicable to this case:

"We find nothing in the statute which prohibits, under threat of forfeiture, a candidate for a non-partisan office obtaining a party indorsement or supporting other candidates of a particular party. In our democratic system of government, absent constitutional statutory provisions to the contrary, there is nothing wrong in groups or political parties doing their utmost within the scope of propriety to

advance the candidacy of an individual satisfactory to them. The candidate for the non-partisan office is not thereby rendered a party candidate. Rather he is an individual supported by a party and free to encourage support from other sources, political and non-political.

If the legislature intended to accomplish more extensive objectives than the statute before us does, adequate legislation could easily have been enacted." (Emphasis in original.) 288 N.W. at 581.

Having construed the facts in a light most favorable to Haggard, the party against whom summary judgment of dismissal was sought in this case, we conclude that the activities of the defendant candidates and political parties did not violate the no-party laws of this State under Art. V, Sec. 12, N.D. Const., Section 16.1-11-08, N.D.C.C., or Section 16.1-11-37, N.D.C.C., and that the district court did not err in entering a summary judgment of dismissal.

In view of our determination that the alleged activities of the defendant candidates and political parties did not violate North Dakota law, we conclude that it is unnecessary to discuss or resolve other issues raised by the defendant parties on appeal.

Affirmed.

Gerald W. VandeWalle  
Ralph J. Erickstad, C.J.  
H.F. Gierke III  
Herbert L. Meschke  
Beryl J. Levine

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**Footnote:**

1. None of the parties discussed the statements contained in the special concurrence in Snortland v. Crawford, 306 N.W.2d 614, 628 (N.D. 1981). Because the statements were dicta they do not, of course, govern our disposition of this matter.

We further note that these statutory provisions involving the no-party ballot apply to certain other offices, including judicial offices. Insofar as judicial offices are concerned, candidates for those offices are obliged to comply with the Rules of Judicial Conduct adopted by this court. See particularly Rule 7 requiring candidates for judicial office to refrain from political activity inappropriate to the judicial office.