

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2121

Introduced by

Judiciary Committee

(At the request of the Secretary of State)

1 A BILL for an Act to create and enact two new sections to chapter 16.1-11 of the North Dakota
2 Century Code, relating to requirements for conducting a presidential preference contest and a
3 presidential caucus; to amend and reenact section 16.1-11-02 and subdivision v of
4 subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to the time for
5 holding presidential preference contests and the adoption of rules by the secretary of state; to
6 provide an effective date; and to provide an expiration date.

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

8 **SECTION 1. AMENDMENT.** Section 16.1-11-02 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-11-02. Presidential preference contest - Time for holding.** In a presidential
11 election year after 2003, there must be conducted a presidential preference contest on the last
12 Tuesday in February of that year. The presidential preference contest may be used only to
13 instruct delegates to a national political convention and may not further the electoral process for
14 any other purpose. No other election or vote on a measure of any kind may be held in
15 conjunction with the presidential preference contest.

16 **SECTION 2.** A new section to chapter 16.1-11 of the North Dakota Century Code is
17 created and enacted as follows:

18 **Presidential preference contest - Rules.** Notwithstanding any other provision of law,
19 the secretary of state shall adopt rules relating to the presidential preference contest, including
20 rules providing for the reduction of poll workers, the reduction of poll hours, the reduction of
21 precincts, the arrangement of the names of candidates on the official ballot, the publication of
22 the sample ballot, and open voting within cities or counties.

23 **SECTION 3.** A new section to chapter 16.1-11 of the North Dakota Century Code is
24 created and enacted as follows:

- 1 **2000 presidential caucus.**
- 2 1. On one designated day between the last Tuesday in February and the first
- 3 Tuesday in March in the year 2000, every political party entitled to a separate
- 4 column under section 16.1-11-30 may conduct a presidential preference caucus. If
- 5 employed by a political party, the results of a presidential preference caucus must
- 6 be used to instruct delegates to a national political convention.
- 7 2. A presidential preference caucus must be conducted in the manner provided in
- 8 chapter 16.1-03 with the exception that a political party is not required to hold
- 9 individual caucuses in every election precinct throughout a district. Only those
- 10 persons who either voted or affiliated with the party at the last general election or
- 11 intend to vote or affiliate with the party at the next general election may participate
- 12 and vote at the presidential preference caucus.
- 13 3. Unless specifically forbidden by national party rules, the delegates selected by
- 14 political parties at a presidential preference caucus are bound to cast their first
- 15 ballots at the party national convention in such a manner that each candidate at
- 16 the party's presidential preference caucus receives a proportion of the total votes
- 17 cast by the delegates equal to the proportion received by that candidate of the total
- 18 votes cast for all candidates for president of that party at the caucus. If party rules
- 19 do not allow apportionment of a delegate and such an apportionment appears
- 20 necessary because no candidate received more than five-tenths of a delegate, in
- 21 computing the number of delegates to which a candidate is entitled on the first
- 22 ballot that delegate must be assigned to the candidate receiving the highest
- 23 number of votes in the contest. If a candidate withdraws before the first ballot
- 24 voting begins, delegates obligated to vote for that candidate on the first ballot are
- 25 released from that obligation.
- 26 4. A presidential preference contest, as provided for in chapter 16.1-11, may not be
- 27 conducted in the year 2000 nor is a political party entitled to conduct a presidential
- 28 preference contest in the year 2000. A political party must notify the secretary of
- 29 state before August 1, 1999, if the political party will conduct a presidential
- 30 preference caucus in the year 2000 according to this section.

1 **SECTION 4. AMENDMENT.** Subdivision v of subsection 2 of section 28-32-01 of the
2 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3 v. The secretary of state with respect to rules adopted for the presidential
4 preference contest under section ~~16.1-11-02.2~~ 2 of this Act.

5 **SECTION 5. EFFECTIVE DATE.** Sections 2 and 4 of this Act become effective on
6 January 1, 2003.

7 **SECTION 6. EXPIRATION DATE.** Section 3 of this Act is effective through April 1,
8 2000, and after that date is ineffective.