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ROLL NUMBER

DESCRIPTION

1103

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1103

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1103


House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1/13/05

Tape Number	Side A	Side B	Meter #
1		x	5.3-7.4

Committee Clerk Signature



Minutes: HB 1103 Nominating petitions and certificates of nomination filed by candidates and political parties. 13 members present, 1 absent

Chairman Haas: We will open the hearing on HB 1103.

Jim Silrum, Deputy Secretary of State-For-Testimony Attached

Rep. Meier: Is this conducive to what is happening in other states, also, currently?

Jim: To be honest with you I have not researched what has happened in other states, for our particular situation it is important, however, we had some situations in this last election cycle in which it was unclear as to which office the person was seeking, as they were circulating their petitions and it was even in one case rather obvious that the petition itself was changed as to the judicial district number, so for clarity sake and for the sake of the electors of this state to know, if this person is running for this particular office, that is why we felt this was necessary.

Rep. Klemin: Section 2 and Section 3 a question about terminology hear. Section 2 on line 15 it says appropriate district number and then in Section 3 line 20 the legislative district number. I

guess I am wondering if those two should be consistent or is there a reason for the difference in the terminology?

Jim: In section 2, if you notice on the second page of my handout, I have offered the complete text of the section of law and 16.1-11-11 refers specifically to those, in legislative districts and in the section 3, this is what happens at party offices, so you're probably correct, it could follow the same.

Rep. Klemin: I think the language should be the same, especially in section 2.

Rep. Amerman: What your asking for is already on this form, but our laws or statues don't reflect that?

Jim: That is somewhat correct, the law presently stated, says that the complete office title should be listed, however we have come to note over the course of time that is always followed to the letter, so we have added for clarity sake, on the form, to make it more clear what is intended by the complete office title and in doing that and the experiences that we experienced this last election cycle, we thought it maybe prudent to make the century code a bit more clear.

Chairman Haas: Is there approval process, by the Secretary of State office prior to the time that a petition begins to be circulated?

Jim: No there is not. Not for candidates, it only comes to us after.

Chairman Haas: After the petition is completed, so there is no way that you can check to see what is on the petition, whether or not it complies with the statue. prior to the time they start circulating petitions.

Jim: That is correct and it is also true that, as you well know, your certificates as Representatives candidates are turned into the county auditors office in which you live and then those are forwarded on to us and then we see them quite a bit after the fact.

Chairman Haas: I am not suggesting that we add something that is cumbersome, but if these petitions have been incomplete in the past that raises a question how you can you assure that accurate information is on their prior to the time they began to be circulated. Is this the way you would revise it, is this the revised petition, or is this existing petition now.

Jim: This is the existing petition now.

Chairman Haas: It already has information on unexpired offices on there.

Jim: We do feel that the law presently stated, really does encompass what we are trying to put forward here today. However, for the sake of clarity it seems prudent to specifically outlined in the statues and in the case who actually changed the judicial district number after the petitions were signed or appeared to be such, that person was made aware that, that was completely out of compliance with the law, so in that particular case that person needed to with draw.

Rep. Grande: Secretary , in the clarification from in 11-11 we are dealing with counties and legislative districts and I don' t know if other counties have all the other different districts that we need, do we need to say the appropriate district numbers slash, coma legislative districts.

Secretary of State:Alvin Jaeger: The first two sections deal with a petition that is circulated and in the first case it specifically refers to the situation where you have a judicial candidate and that is where we ran into a problem, is when a person is running for a judgeship, the Supreme Court has identified the judge ship by very specific numbers and so rather then us putting down judgeship, they should put down judgeship one number two, because we had in cass county

particularly thousands of people running for judge ships and a lot of people circulating petitions and people would say, well who are you running against, because they might sign some ones petition if they knew they were running for two rather than one. The section 2, the way it reads and amended, worded the way it is, is because basically we are dealing with legislative district and county and so the wording is, you put this number down, or for some reason the county position happens to have some kind of designation then you would put down the third thing is when it is at convention and since county offices are not partied, convention would imply that political process, so the bill the way it is written, does cover the language correctly, in terms of the three different situations.

Rep. Grande: So you think we are clear, by just saying district number, people are going to understand, whether it is county or legislative. We don't need to clarify it.

Mr. Jaeger: I really don't think it is a thing, if there is a district number it applies, if there isn't a district number it doesn't apply. You could end up having commissioned districts, because Cass County elects at large, but the commissioners come from specific areas, so again if you are circulating petitions, you would circulate petitions within whatever district.

Chairman Haas: Thank you very much. Any more questions? We will close the hearing on HB 1103.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1103

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1/13/05

Tape Number	Side A	Side B	Meter #
1		x	7.1-7.4

Committee Clerk Signature

Minutes: HB 1103 Nominating petitions and certificates of nomination filed by candidates and political parties.

Chairman Haas: Lets go back to HB 1103.

Rep. Klemin: I move a DO PASS on HB 1103.

Chairman Haas: We have a motion by Rep. Klemin, seconded by Rep. Sitte. Is there any discussion on this bill. If not we will have the clerk take the roll.

VOTE: YES 13 NO 0 ABSENT 1 DO PASS ON HB 1103

REP. POTTER WILL CARRY THE BILL.

Date: 1/13/05
Roll Call Vote #: /

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1103

House House Government and Veterans Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass*

Motion Made By - *Rep. Klemin*

Seconded By *Rep. Sitte*

Representatives	Yes	No	Representatives	Yes	No
Chairman C.B. Haas	✓		Rep. Bill Amerman	✓	
Bette B. Grande - Vice Chairman	✓		Rep. Kari Conrad	<i>AB</i>	
Rep. Randy Boehning	✓		Rep. Louise Potter	✓	
Rep. Glen Froseth	✓		Rep. Sally M. Sandvig	✓	
Rep. Pat Galvin	✓				
Rep. Stacey Horter	✓				
Rep. Jim Kasper	✓				
Rep. Lawrence R. Klemin	✓				
Rep. Lisa Meier	✓				
Rep. Margaret Sitte	✓				

Total (Yes) *13* No *0*

Absent *1*

Floor Assignment *Rep. Potter*

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

REPORT OF STANDING COMMITTEE (410)
January 13, 2005 12:58 p.m.

Module No: HR-08-0406
Carrier: Potter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1103: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1103 was placed on the Eleventh order on the calendar.

2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1103

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1103**

Senate Government and Veterans Affairs

Business and Conference Committee

Hearing Date March 10, 2005

Tape Number

1

Side A

x

Side B

Meter #

0-905

Committee Clerk Signature



Chairman Krebsbach opens hearing work on **HB 1103**

Relating to nominating petitions and certificates of nomination filed by candidates and political parties.

Jim Silrum - Deputy Secretary of State - See written testimony.

(meter #315)

Senator Krebsbach - Asked what candidates are included in this petition.

Silrum - Replied many levels of government are affected by this. This would come into play whenever a term is unexpired.

Senator Nelson - Asked if this is the same sheet to fill out it nominated by a district convention for legislative.

Page 2

Senate Government and Veterans Affairs

Bill/Resolution Number **HB 1103**

Hearing Date March 10, 2005

Silrum - Said it is the same form. They are asking in all situations that if you specifically listed the office including the district number and whether it is for an unexpired term.

Senator Nelson - Pointed out she filled out a different form.

Senator Krebsbach - Believed she is right, the one they filled out is a little bit different.

Senator Lee - Pointed out where on this it states who this form is for.

Senator Nelson - Asked if there is still an option to pay \$100 and still get on the ballot.

Silrum - Replied not to his knowledge. You're either on the ballot because you were nominated by the party or circulated petitions or your running a write in campaign.

(meter #560)

Senator Syverson - Asked if this bill would just correct the verbiage in the code.

Silrum - Said this verbiage is just further clarification, for the sake of stating what the candidate is running for.

Senator Krebsbach - Said you would state the office, district and unexpired term.

Closed the hearing on 1103

(meter #850)

Senator Lee made a motion for do pass

Senator Syverson seconded

Senator Syverson will carry

(meter #905)

Date: *5/10*
Roll Call Vote #: *1*

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. *1103*

Senate **Government and Veterans Affairs**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

No Pass

Motion Made By

Senator Lee

Seconded By

Senator Syverson

Senators	Yes	No
Karen K. Krebsbach, Chairman	<i>X</i>	
Richard L. Brown, Vice Chairman	<i>X</i>	
Judy Lee	<i>X</i>	
John O. Syverson	<i>X</i>	

Senators	Yes	No
Carolyn Nelson	<i>X</i>	

Total (Yes) *5* No *0*

Absent *0*

Floor Assignment

Senator Syverson

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

REPORT OF STANDING COMMITTEE (410)
March 10, 2005 12:56 p.m.

Module No: SR-44-4633
Carrier: Syverson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1103: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1103
was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1103

ALVIN A. JAEGER
SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

E-MAIL sos@state.nd.us
HOME PAGE www.state.nd.us/sec



SECRETARY OF STATE

BUSINESS DIVISION
PHONE (701) 328-4284, FAX (701) 328-2992
CENTRAL INDEXING DIVISION
PHONE (701) 328-3662, FAX (701) 328-4214
ELECTIONS DIVISION
PHONE (701) 328-4146, FAX (701) 328-2992
LICENSING DIVISION
PHONE (701) 328-3665, FAX (701) 328-1690
GENERAL INFORMATION (701) 328-2900
TOLL FREE 1-800-352-0867

January 13, 2005

TO: Rep. Haas, Chairman,
and Members of the House Government and Veterans Affairs Committee

FR: Jim Silrum, Deputy Secretary of State

RE: HB 1103 – Nominating Petitions

This bill pertains to candidates, who circulate petitions seeking signatures to have their name placed on ballot and to candidates who are nominated by a convention.

The law already requires a candidate to list on the petition they are circulating the office he or she is seeking. This bill requires the following additional information:

- a. the appropriate district number, if applicable, they are seeking; and
- b. whether they are seeking election to an unexpired term of office.

Section 1 pertains to candidates circulating petitions for a statewide position or for a judgeship of a district court. For example, a candidate for a district judgeship would list the position as "Judgeship # 3, East Central Judicial District." This makes it clear for which position the person is seeking signatures and is particularly important within a Judicial District where more than one Judgeship is on the ballot.

Section 2 pertains to candidates circulating petitions for a legislative or county position. For example, a candidate for a legislative position would list "Representative District 36."

Section 3 pertains to the nominations made by convention and requires the applicable information to be placed on the certificate of nomination.

For your reference and because the bill only contains the text of the specific three subsections being amended, I have attached the text of the entire Century Code sections in which the respective subsections appear.

In addition, I have attached a copy of the Petition/Certificate of Nomination form that is used by the Secretary of State's office.

On behalf of the Secretary of State, I request your favorable consideration for a Do Pass recommendation.

16.1-11-06. State candidate's petition or political party certificate of endorsement required to get name on ballot - Contents - Filing. Every candidate for United States senator, United States representative, a state office except the office of state senator or state representative, and judges of the supreme and district courts shall, between the first date candidates may begin circulating nominating petitions according to this chapter and before four p.m. of the sixtieth day prior to any primary election, present to the secretary of state either:

1. A certificate of endorsement signed by the state chairman of any legally recognized political party containing the candidate's name, post-office address, the title of the office to which the candidate aspires, and the party which the candidate represents; or
2. A petition containing the following:
 - a. ~~The candidate's name, post-office address, and the title of the office to which the candidate aspires~~
 - b. The name of the party the candidate represents if the petition is for an office under party designation.
 - c. The signatures of qualified electors, the number of which must be determined as follows:
 - (1) If the office is under party designation, the signatures of three percent of the total vote cast for the candidates of the party with which the candidate affiliates for the same position at the last general election. However, no more than three hundred signatures may be required.
 - (2) If there was no candidate of a party for a position at the preceding general election, at least three hundred signatures.
 - (3) If the office is under the no-party designation, at least three hundred signatures.
 - d. The mailing address and the date of signing for each signer.

If the petition or certificate of endorsement is for the office of governor or lieutenant governor, it must contain the names and other information required of candidates for both those offices. If the petition or certificate of endorsement is mailed, it must be in the possession of the secretary of state before four p.m. of the sixtieth day prior to the primary election.

16.1-11-11. County and legislative district candidates' petitions - Filing - Contents. Every candidate for a county or legislative district office shall present, between the first date candidates may begin circulating nominating petitions according to this chapter and before four p.m. of the sixtieth day before any primary election, to the county auditor of the county in which the candidate resides either:

1. A certificate of endorsement signed by the district chairman of any legally recognized political party containing the candidate's name, post-office address, the title of the office to which the candidate aspires, and the party that the candidate represents; or
2. A petition containing the following:
 - a. ~~The candidate's name, post-office address, and the title of the office to which the candidate aspires~~
 - b. The name of the party the candidate represents, only if it is a petition for an office that is under party designation.
 - c. The signatures of qualified electors, the number of which must be determined as follows:
 - (1) If the office is a county office, the signatures of not less than two percent and not more than five percent of the total vote cast for the office at the most recent general election at which the office was voted upon.
 - (2) If the office is a county office and multiple candidates were elected to the office at the preceding general election at which the office was voted upon, the signatures of not less than two percent and not more than five percent of the votes cast for all candidates divided by the number of candidates that were to be elected to that office.
 - (3) If the office is a county office and no candidate was elected or no votes were cast for the office at any general election, the number of signers equal to the percentage as provided in paragraph 1 applied to the total average vote cast for the offices of sheriff and county

auditor at the most recent general election at which those officers were elected in the petitioner's county. This average must be determined by dividing by two the total vote cast for those offices.

- (4) If the office is a legislative office, the signatures of at least one percent of the total resident population of the legislative district as determined by the most recent federal decennial census.

- (5) In no case may more than three hundred signatures be required.

- d. The mailing address and date of signing for each signer.

If the petition or certificate of endorsement is mailed, it must be in the possession of the county auditor before four p.m. on the sixtieth day before the primary election.

16.1-13-17. Certificate of nomination by convention - Contents - Delivery. All nominations made by a convention as provided in this chapter must be certified. The certificates of nomination must be in writing and must contain all of the following:

1. ~~The name of each person nominated, that person's post-office address, and the office for which that person is nominated.~~
2. A designation in not more than five words of the party or principle which the convention represents.
3. The signature, post-office address, and verification of the presiding officer and secretary of the convention.

The certificate as prescribed in this section must be delivered by the secretary or president of the convention by registered or certified mail or in person, without charge, to the secretary of state or the county auditor, as the case may be.



**PETITION/CERTIFICATE
OF NOMINATION**
SECRETARY OF STATE
SFN 02704 (04-04)

SEE BOTTOM OF PAGE FOR INSTRUCTIONS

Secretary of State
State of North Dakota
600 E Boulevard Ave Dept 108
Bismarck ND 58505-0500
Telephone 701-328-4146
Toll Free 800-352-0867
Fax 701-328-2992
Web Site: www.state.nd.us/sec

Please print.

The Petition/Certificate of Nomination may be photo-copied to accommodate additional signatures.

Nominating provisions are found in North Dakota Century Code, Sections 16.1-11-06, 16.1-11-07, 16.1-11-11, 16.1-11-15, 16.1-11-16, 16.1-12-02, 16.1-12-02.3 and 40-21-07.

CERTIFICATE OF NOMINATION

We, the undersigned, do hereby certify that we are qualified electors (voters) of _____ and

area affected by petition

hereby petition that the name of _____

candidate name

whose address is _____

be printed on the ballot as a(n) _____

street address or rural route, city, state, zip code

☐ No-party

☐ Democratic-NPL

☐ Republican

☐ Other

☐ Independent candidate*

for the office of _____

to be voted upon at the ☐ city ☐ primary ☐ general or ☐ special election

office candidate is seeking (include legislative, judicial or commission
district number or whether the term of office is unexpired)

to be held on _____

date of election

telephone number of candidate _____

* The No-party designation must be used for all county, judicial, multi-district, and city offices, and the office of Superintendent of Public Instruction. All other candidates must designate Democratic-NPL, Reform, or Republican parties, or Independent.

If the petition is for the office of Governor, complete the following information:

Name of Lt. Governor candidate _____

Address (street address or rural route) _____

City _____

State
ND

Zip Code _____

INSTRUCTIONS FOR PETITION/CERTIFICATE OF NOMINATION

WHEN TO CIRCULATE: Candidates may not begin circulating the Petition/Certificate of Nomination earlier than 90 days before the date the petition is due.

HOW TO CIRCULATE: Each individual Petition/Certificate of Nomination must be circulated with the completed information shown above and must be made available to each signer at the time of signing.

Only qualified electors of the affected area, as the case may be, may sign nominating petitions. In addition to signing the person's name, petition signers shall include: the date of signing; their complete residential address, rural route, or general delivery; and either the name of the North Dakota city or its corresponding zip code.

Incomplete signatures or accompanying information of petition signers that do not meet the requirements of Section 16.1-11-16 invalidate such signatures. The use of ditto marks to indicate that the information contained on the previous signature line carries over does not invalidate a signature. Signatures that are not accompanied by a complete date are not invalid if the signatures are preceded and followed by a signature that is accompanied by a complete and valid date.

WHO FILES: The Petition/Certificate of Nomination shall be filed by all candidates petitioning to have their names placed on the ballot for federal, statewide, judicial district, legislative, county, multi-district, and city offices in North Dakota.

WHEN TO FILE: The Petition/Certificate of Nomination shall be filed not more than 90 days before the date the petition is due or less than 60 days, and before 4 p.m. of the 60th day, prior to any election. If the Petition/Certificate of Nomination is mailed, it must be in the physical possession of the appropriate filing officer before 4 p.m. of the 60th day prior to the election. When the city does not hold their election in conjunction with the county election, the candidate filing deadline reverts back to 33 days before the election.

Federal, statewide, judicial district, legislative, county, and multi-district candidates, must accompany this form with an Affidavit of Candidacy SFN 2703 and Statement of Interests SFN 10172.

WHERE TO FILE: FEDERAL, STATEWIDE, AND JUDICIAL DISTRICT CANDIDATES - File with the Secretary of State

Secretary of State
State of North Dakota
600 E Boulevard Ave Dept 108
Bismarck ND 58505-0500
Fax 701-328-2992

LEGISLATIVE, COUNTY, AND MULTI-DISTRICT CANDIDATES - File with the County Auditor in their county of residence
CITY CANDIDATES - File with the City Auditor

ASSISTANCE: Questions regarding the Petition/Certificate of Nomination may be directed to the Elections Division of the Secretary of State's Office at (701) 328-4146 or (800) 352-0867 or the appropriate filing officer.

NOMINATING PETITION

The Petition/Certificate of Nomination may be photo-copied to accommodate additional signatures.

No.	Date mm/dd/yy	Name of Voter	Complete Residential, Rural Route, or General Delivery Address (P.O. BOX IS NOT ACCEPTABLE)	State	Zip Code
1	/ / 04			ND	
2	/ / 04			ND	
3	/ / 04			ND	
4	/ / 04			ND	
5	/ / 04			ND	
6	/ / 04			ND	
7	/ / 04			ND	
8	/ / 04			ND	
9	/ / 04			ND	
10	/ / 04			ND	
11	/ / 04			ND	
12	/ / 04			ND	
13	/ / 04			ND	
14	/ / 04			ND	
15	/ / 04			ND	
16	/ / 04			ND	
17	/ / 04			ND	
18	/ / 04			ND	
19	/ / 04			ND	
20	/ / 04			ND	
21	/ / 04			ND	
22	/ / 04			ND	
23	/ / 04			ND	
24	/ / 04			ND	
25	/ / 04			ND	
26	/ / 04			ND	
27	/ / 04			ND	
28	/ / 04			ND	
29	/ / 04			ND	
30	/ / 04			ND	

1123
ALVIN A. JAEGER
SECRETARY OF STATE

3 PAGE www.state.nd.us/sec



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SECRETARY OF STATE

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

March 10, 2005

TO: Senator Krebsbach, Chairman,
and Members of the Senate Government and Veterans Affairs Committee

FR: Jim Silrum, Deputy Secretary of State

RE: HB 1103 – Nominating Petitions

This bill pertains to candidates, who circulate petitions seeking signatures to have their name placed on the ballot for a public office and to candidates who are nominated for a public office by a convention.

When a candidate circulates a petition to have his or her name placed on the ballot, the law already requires them to list the office they are seeking on the petition. To specifically identify that office, this bill requires the following additional information:

- a. the appropriate district number they are seeking, if applicable; and
- b. whether they are seeking election to an unexpired term of office.

Section 1 pertains to candidates circulating petitions for a statewide position or for a judgeship of a district court. For example, a candidate for a district judgeship would list the position as "Judgeship # 3, East Central Judicial District." This makes it clear for which position the individual is seeking signatures. It is particularly important within a Judicial District when more than one Judgeship position in that District is on the ballot.

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