

HOUSE BILL NO. 1417

Introduced by

Representatives Mock, Olson, Simons, Toman

Senators Kannianen, Oban

1 A BILL for an Act to amend subsection 1 of section 16.1-03-03, subsection 2 of section
2 16.1-03-21, subsection 2 of section 16.1-05-03, and sections 16.1-11-30 and 16.1-11-36 of the
3 North Dakota Century Code, relating to primary elections, placement on ballots, nominations of
4 candidates, and political party organization.

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

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

8 1. A political organization is entitled to elect a precinct committeeman at its precinct
9 caucus if:

10 a. The organization nominated and had printed on the ballot at the last preceding
11 general election the names of a set of presidential electors pledged to the
12 election of the party's candidates for president and vice president or a candidate
13 for governor, attorney general, or secretary of state; and

14 b. The candidates provided for in subdivision a received at least ~~five~~two percent of
15 the total vote cast for presidential electors or for governor, attorney general, or
16 secretary of state within this state at that election.

17 **SECTION 2. AMENDMENT.** Subsection 2 of section 16.1-03-21 of the North Dakota
18 Century Code is amended and reenacted as follows:

19 2. Had printed on the ballot at the last preceding general election the names of a set of
20 presidential electors pledged to the election of the party's candidate for president and
21 vice president, a candidate for governor, a candidate for attorney general, or a
22 candidate for secretary of state and those candidates for presidential electors,
23 governor, attorney general, or secretary of state received at least ~~five~~two percent of
24 the total vote cast for presidential electors, the office of governor, attorney general, or

1 secretary of state within this state at that election and organized according to all
2 requirements of this chapter; or

3 **SECTION 3. AMENDMENT.** Subsection 2 of section 16.1-05-03 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 2. Before each primary and general election, each county auditor or the auditor's
6 designated representative shall conduct training sessions on election laws and
7 election procedures for election officials in the county and may conduct training
8 sessions before any special statewide or legislative district election. The session or
9 sessions must be conducted at such place or places throughout the county as the
10 county auditor determines to be necessary. Attendance at the session is mandatory for
11 members of the election board and for poll clerks. The county auditor shall notify the
12 members of the election boards, poll clerks, and the state's attorney of the time and
13 place of the session. The state's attorney shall attend all sessions to give advice on
14 election laws. The county auditor shall invite the district chairman in that county
15 representing any political party casting at least fivetwo percent of the total votes cast
16 for governor at the last election to attend the session at the chairman's own expense.
17 On the date of the course or courses, the county auditor may deliver to all election
18 inspectors at the meeting the official ballots and all other materials as provided in
19 chapter 16.1-06. Except as otherwise provided in this section, each person attending
20 the course or courses must be compensated as provided in section 16.1-05-05.

21 **SECTION 4. AMENDMENT.** Section 16.1-11-30 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-11-30. Separate section on primary election ballot required for each political**
24 **party.**

25 Any party that had printed on the ballot at the last preceding presidential election the names
26 of a set of presidential electors pledged to the election of the party's candidates for president
27 and vice president or a candidate for governor and those candidates for presidential electors or
28 governor received at least fivetwo percent of the total vote cast for presidential electors or the
29 office of governor within this state at that election; any party that had printed on the ballot at the
30 last preceding nonpresidential election a candidate for attorney general or secretary of state,
31 and the candidate received at least fivetwo percent of the total vote cast for the office the

1 candidate was seeking at the election; or any party that has organized according to all the
2 requirements of chapter 16.1-03 must be provided with a separate section on primary election
3 ballots.

4 Any other political organization is entitled to endorse candidates or have candidates petition
5 to be included on the primary ballot in a separate section of the consolidated primary election
6 ballot, if a petition signed by a number of qualified electors equal to at least seven thousand-
7 qualified electors one percent of the total resident population of this state as determined by the
8 most recent federal decennial census is filed with the secretary of state before four p.m. of the
9 sixty-fourth day before a primary or special election, naming the political organization, stating
10 the platform principles of the party, and requesting the names of its candidates to be included
11 on the state's primary ballot in a separate section. Political organizations that are granted ballot
12 access under this section are allowed ballot access only for those offices for which the
13 organization has identified candidates. Regardless of the means by which the petition is
14 delivered, the original must be in the possession of the secretary of state before four p.m. on
15 the sixty-fourth day prior to a primary or special election. Candidates of that party are entitled to
16 the same rights and privileges as those of other parties. Petitions circulated according to this
17 section must be filed with the secretary of state in accordance with section 1-01-50.

18 A political organization that had printed on the ballot at the last preceding presidential
19 election the names of a set of presidential electors pledged to the election of the party's
20 candidates for president and vice president or a candidate for governor and those candidates
21 for presidential electors or governor received at least five percent of the total vote cast for
22 presidential electors or the office of governor within this state at that election, and any political
23 organization that has printed on the ballot at the last preceding nonpresidential election a
24 candidate for attorney general or secretary of state, and the candidate received at least five
25 percent of the total vote cast for the office the candidate was seeking at the election are entitled
26 to organize according to the requirements of chapter 16.1-03.

27 **SECTION 5. AMENDMENT.** Section 16.1-11-36 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **16.1-11-36. ~~Vote required~~Nomination at primary election ~~for nomination.~~**

30 ~~A person may not be deemed nominated as a candidate for any office at any primary~~
31 ~~election unless that person receives a number of votes equal to the number of signatures~~

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1 ~~required, or which would have been required had the person not had the person's name placed~~
2 ~~on the ballot through a certificate of endorsement, on a petition to have a candidate's name for~~
3 ~~that office placed on the primary ballot~~The number of individuals to be nominated as candidates
4 for a party office by a party having a separate column on the primary election ballot must be that
5 number of individuals who receive the highest number of votes and who total the number of
6 available positions for the office if that many individuals are candidates for nomination by that
7 party.