

Sixty-ninth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2252**

Introduced by

Senator Walen

Representatives Henderson, Kasper, Koppelman

1 A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota  
2 Century Code, relating to a district endorsing caucus or convention; and to amend and reenact  
3 sections 16.1-03-11, 16.1-03-14, 16.1-11-01, 16.1-12-10, and 16.1-13-04 of the North Dakota  
4 Century Code, relating to state party conventions and endorsing caucuses or conventions for  
5 primary and general elections.

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

7 **SECTION 1.** A new section to chapter 16.1-03 of the North Dakota Century Code is created  
8 and enacted as follows:

9 **District endorsing caucus or convention - Notice to secretary of state - When held -**  
10 **How selected.**

11 1. Between July first and December first of each odd-numbered year, the district  
12 committee of a district party in each legislative district shall vote to decide whether to  
13 hold an endorsing caucus or convention as described under this section or participate  
14 in a primary election under chapter 16.1-11 to nominate legislative candidates. If a  
15 majority of the district committee chooses to participate in a primary election, a primary  
16 election must be held under chapter 16.1-11. If the district committee chooses to hold  
17 an endorsing caucus or convention, the district party of the legislative district shall hold  
18 a caucus election or convention by May first of each-even numbered year to endorse  
19 legislative candidates to appear as the party's nominees at the general election. Within  
20 ten days of deciding whether to hold an endorsing caucus or convention or participate  
21 in the primary election, the district committee shall notify the secretary of state of the  
22 decision made under this subsection. The decision made under this subsection is final  
23 and may not be changed at a later date. If the district committee fails to decide or

1           timely notify the secretary of the state as required under this subsection, a primary  
2           election must be held under chapter 16.1-11.

3           2. If an endorsing caucus or convention is held, a qualified elector under section  
4           16.1-01-04 may vote or be nominated as a legislative candidate at the caucus or  
5           convention. If the right of an individual to participate at the caucus or convention is  
6           challenged, the question of the individual's right to participate must be decided by a  
7           vote of the whole caucus or convention. An individual subject to the challenge may not  
8           vote on the question of the individual's right to participate in the caucus or convention,  
9           and a two-thirds vote of the whole caucus or individuals participating in the convention  
10          is required to exclude an individual from participation.

11          3. The candidate receiving the highest number of votes at the endorsing caucus or  
12          convention is the endorsed nominee for the office sought by that candidate. Upon  
13          nomination, the chairman shall issue a certificate of endorsement to each nominee as  
14          provided under section 16.1-11-06. Upon receiving the certificate of endorsement, an  
15          affidavit of candidacy described in section 16.1-11-10, and a statement of interest  
16          described in section 16.1-09-03 by four p.m. on the fortieth day before the general  
17          election, the secretary of state shall place the nominees on the general election ballot.  
18          This section does not preclude a candidate who failed to receive the caucus or  
19          convention endorsement under this section from appearing on the general election  
20          ballot as an independent candidate as provided under section 16.1-12-02.

21          4. If an endorsing caucus or convention is scheduled to occur within the same year as  
22          the redistricting of the legislative assembly, the secretary of state shall determine the  
23          date of the endorsing caucus or convention during that calendar year.

24          **SECTION 2. AMENDMENT.** Section 16.1-03-11 of the North Dakota Century Code is  
25          amended and reenacted as follows:

26          **16.1-03-11. State committee - Meetings - Organization - Decision to hold endorsing**  
27          **caucus or convention or participate in primary election - Notice to secretary of state.**

28          1. The state committee shall meet on or before July first of each odd-numbered year. The  
29          committee shall organize by selecting officers as provided for by the state committee  
30          bylaws and by adopting rules and modes of procedure, including rules and procedures  
31          regarding the selection of state convention delegates. Within thirty days following the

state committee's organization, the newly elected chairman shall notify the secretary of state of the names of the party officers selected.

2. Between July first and December first of each odd-numbered year, the state committee of a state party shall vote to decide whether to hold an endorsing caucus or convention as described under section 16.1-03-14 or participate in the primary election under chapter 16.1-11 to nominate partisan statewide candidates. If a majority of the state committee chooses to participate in a primary election, a primary election must be held under chapter 16.1-11. If the state committee chooses to hold an endorsing caucus or convention, the state party shall hold a caucus election or convention by May first of each-even numbered year to endorse partisan statewide candidates to appear as the party's nominees at the general election as provided under section 16.1-03-14. Within ten days of deciding whether to hold an endorsing caucus or convention or participate in the primary, the state committee shall notify the secretary of state of the decision made under this subsection. The decision made under this subsection is final and may not be changed at a later date. If the state committee fails to decide or timely notify the secretary of the state as required under this subsection, a primary election must be held under chapter 16.1-11.

**SECTION 3. AMENDMENT.** Section 16.1-03-14 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-14. State party convention - Endorsing caucus or convention.**

1. The party state committee shall ~~set the place and time of~~ hold the state party convention ~~to be held in each general election by~~ May first of each even-numbered year. Subject to party rules and bylaws, the state party convention ~~may~~ shall:
  - a. Nominate the legal number of elector nominees and alternate elector nominees for its party for the offices of presidential electors. The nominees must be qualified electors of this state-;
  - b. Elect the required number of delegates and alternates to the national party convention-; and
  - c. Endorse candidates to appear on the primary election ballot as provided under section 16.1-03-11 or on the general election ballot as provided under subsection 2.

- 1       2.   ~~The candidate or candidates for endorsement or election must be declared endorsed-~~  
2       ~~or elected under the rules of the party, and the chairman and secretary of the~~  
3       ~~convention.~~If authorized under section 16.1-03-11, the state party shall hold an  
4       endorsing caucus or convention to endorse all partisan statewide candidates to  
5       appear as the party's nominees at the general election at the state party convention.  
6       Only delegates selected under the state party rules and bylaws may vote to endorse a  
7       partisan statewide candidate. The candidate receiving the highest number of votes for  
8       each office is the endorsed nominee for that office.
- 9       3.   Upon nomination under this section, the state party chairman and secretary of the  
10       convention shall issue certificatesa certificate of endorsement as provided in section  
11       16.1-11-06 or certificates of electionto each nominee. Upon receiving the certificate of  
12       endorsement, an affidavit of candidacy described in section 16.1-11-10, and a  
13       statement of interest described in section 16.1-09-03 by four p.m. on the fortieth day  
14       before the election, the secretary of state shall place the nominees on the general  
15       election ballot. This section does not preclude a candidate who failed to receive the  
16       caucus or convention endorsement under this section from appearing on the general  
17       election ballot as an independent candidate as provided under section 16.1-12-02.
- 18       4.   The names of the qualified electors nominated for presidential electors the party  
19       wishes to place on the general election ballot must be certified by the chairman and  
20       secretary of the convention to the secretary of state by four p.m. on the sixty-fourth  
21       day before the general election to be placed upon the general election ballot as  
22       provided in section 16.1-06-07.1.

23       **SECTION 4. AMENDMENT.** Section 16.1-11-01 of the North Dakota Century Code is  
24       amended and reenacted as follows:

25       **16.1-11-01. Primary election - When held - Nomination of candidates - Nomination for**  
26       **special elections.**

- 27       1.   On the second Tuesday in June of every general election year, a primary election must  
28       be held for the nomination of candidates for the following offices in the years of their  
29       regular election: United States senators, member of the United States house of  
30       representatives, members of the legislative assembly, elected ~~state~~statewide officials,  
31       judges of the supreme court and district court, county officers, and county

commissioners. In special elections the nominations for the officers enumerated in this section must be made as provided in this title.

2. Notwithstanding subsection 1, a primary election only may be held for members of the legislative assembly and partisan statewide officials if authorized under section 1 of this Act and section 16.1-03-11.

**SECTION 5. AMENDMENT.** Section 16.1-12-10 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-12-10. Party committee to fill vacancy occurring after nomination for party office.**

1. If a vacancy occurs in a slate of statewide candidates after the candidates have been nominated at the primary election, under section 1 of this Act or section 16.1-03-11, the state executive committee of the party that submitted the slate of statewide candidates may fill the vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state a certificate setting forth the cause of the vacancy, the name of the individual for whom the new nominee is to be substituted, the fact the committee was authorized to fill vacancies, and any other information required to be provided in an original certificate of nomination. When the certificate of nomination to fill a vacancy is filed, the secretary of state shall certify the new nomination and the name of the individual who has been nominated to fill the vacancy in place of the original nominee to the various county auditors. If the secretary of state already has forwarded the certificate, the secretary of state shall certify to the county auditors the name and address of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the individual for whom the new nominee is substituting, as soon as possible. Failure to publish the name of a new nominee does not invalidate the election.

2. If a vacancy occurs in a slate of legislative candidates after the candidates have been nominated at the primary election, under section 1 of this Act or section 16.1-03-11, the executive committee of the district in which the vacancy occurs and of the party that submitted the slate of legislative candidates may fill the vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state a certificate setting forth the

cause of the vacancy, the name of the individual for whom the new nominee is to be substituted, the fact the committee was authorized to fill vacancies, and any other information required to be provided in an original certificate of nomination. When the certificate of nomination to fill a vacancy is filed, the secretary of state shall certify the new nomination to the various county auditors affected by the change by forwarding to the auditors the name of the individual who has been nominated to fill the vacancy in place of the original nominee, as soon as possible. The certification must include the name and address of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the individual for whom the new nominee is substituting. Failure to publish the name of a new nominee does not invalidate the election.

3. A vacancy in a nomination following a primary election, under section 1 of this Act or section 16.1-03-11, may not be filled according to subsection 1 or 2 unless the nominated candidate:

- a. Dies;
- b. Would be unable to serve, if elected, as a result of a debilitating illness;
- c. Ceases to be a resident of the state;
- d. Is nominated to be a member of the legislative assembly and, at the time of the election, will not be a resident of the legislative district to be represented; or
- e. Ceases to be qualified to serve, if elected, as otherwise provided by law.

4. Vacancies to be filled according to this section may be filled not later than the sixty-fourth day before the election.

**SECTION 6. AMENDMENT.** Section 16.1-13-04 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-13-04. Candidates' names placed on official general election ballot.**

The names of all candidates of each political party or principle or no-party designation, who are shown to have been nominated for the several offices in accordance with section 1 of this Act, section 16.1-03-11, and the certificates of nomination filed in the secretary of state's office, must be placed by the secretary of state on the official ballot to be voted for at the next general election.