

HOUSE BILL NO. 1424

Introduced by

Representative 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 the issuance of a certificate of endorsement by a district party; and to
3 amend and reenact sections 16.1-11-06 and 16.1-11-10 of the North Dakota Century Code,
4 relating to certificates of endorsement and the secretary of state's duty to place a candidate's
5 name on a primary election ballot.

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 endorsements - Complaint and investigation procedure.**

- 10 1. Any political party of a district organization authorized to endorse a candidate under
11 section 16.1-03-21 may hold an endorsing caucus to place a candidate on the primary
12 election ballot. The district organization shall conduct the caucus according to its
13 internal rules and bylaws.
- 14 2. After completion of the endorsing caucus, the district chairman shall issue a certificate
15 of endorsement to the endorsed candidate, and the candidate shall file the certificate
16 of endorsement as provided under section 16.1-11-06.
- 17 3. Upon receiving the certificate of endorsement, the secretary of state may not place the
18 endorsed candidate on the primary election ballot under section 16.1-11-10 for at least
19 seven days following the receipt of the certificate.
- 20 4. Any individual claiming the endorsing caucus was not conducted in the manner
21 prescribed under subsection 1 may file a complaint with the secretary of state within
22 seven days of the issuance of the certificate of endorsement. Upon receipt of a
23 complaint, the secretary of state shall review the complaint. If the secretary of state
24 determines the complaint is without merit, the secretary of state shall dismiss the

1 complaint and place the endorsed candidate's name in the primary election ballot. If
2 the secretary of state reasonably believes the endorsing caucus violated the
3 applicable district organization's internal rules, bylaws, or any provision of law, the
4 secretary of state shall forward the complaint to the attorney general to investigate the
5 complaint. If the secretary of state forwards the complaint to the attorney general, the
6 secretary of state may not place the candidate's name on the ballot until the
7 investigation is complete. The attorney general shall complete the investigation within
8 seven days of receiving a complaint from the secretary of state.

9 5. Upon completing the investigation under subsection 4, the attorney general shall issue
10 a written determination outlining the attorney general's findings. If the attorney general
11 determines the district organization complied with the internal rules, bylaws, or
12 applicable state law relating to the endorsing caucus, the attorney general shall notify
13 the secretary of state that the certificate of endorsement is valid. If the attorney
14 general determines the district organization failed to comply with the internal rules,
15 bylaws, or applicable state law relating to the endorsing caucus, the attorney general
16 shall notify the secretary of state the certificate of endorsement is void and the district
17 caucus must be held at a later date. If the subsequent caucus cannot be held before
18 any applicable candidate filing deadlines, any candidate seeking placement on a
19 primary election ballot may circulate a nominating petition as described under section
20 16.1-11-06. If a valid certificate of endorsement issued under this section is not filed
21 with the secretary of state by four p.m. of the sixty-fourth day before any primary
22 election, the certificate is void.

23 **SECTION 2. AMENDMENT.** Section 16.1-11-06 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **16.1-11-06. State candidate's petition or political party certificate of endorsement**
26 **required to get name on ballot - Contents - Filing.**

27 1. Every candidate for United States senator, United States representative, a state office,
28 including the office of state senator or state representative, and judges of the supreme
29 and district courts shall present to the secretary of state, between the first date
30 candidates may begin circulating nominating petitions according to this chapter and
31 before four p.m. of the sixty-fourth day before any primary election, either:

- 1 a. The certificate of endorsement signed by the state or district chairman of any
2 legally recognized political party containing the candidate's name, post-office
3 address, nongovernment issued electronic mail address, and telephone number,
4 the title of the office to which the candidate aspires, and the party which the
5 candidate represents; or
- 6 b. ~~The~~Subject to subsection 4, the nominating petition containing the following:
- 7 (1) The candidate's name, post-office address, nongovernment issued
8 electronic mail address, and telephone number, and the title of the office to
9 which the candidate aspires, the appropriate district judgeship number if
10 applicable, and whether the petition is intended for nomination for an
11 unexpired term of office if applicable.
- 12 (2) The name of the party the candidate represents if the petition is for an office
13 under party designation.
- 14 (3) The signatures and printed names of qualified electors, the number of which
15 must be determined as follows:
- 16 (a) If the office is under party designation, the signatures of three percent
17 of the total vote cast for the candidates of the party with which the
18 candidate affiliates for the same position at the last general election.
19 However, no more than three hundred signatures may be required.
- 20 (b) If there was no candidate of a party for a position at the preceding
21 general election, at least three hundred signatures.
- 22 (c) If the office is under the no-party designation, at least three hundred
23 signatures.
- 24 (d) If the office is a legislative office, the signatures of at least one percent
25 of the total resident population of the legislative district as determined
26 by the most recent federal decennial census.
- 27 (4) The mailing address and the date of signing for each signer.
- 28 2. If the petition or certificate of endorsement is for the office of governor and lieutenant
29 governor, the petition or certificate must contain the names and other information
30 required of candidates for both offices.

1 3. A petition or certificate of endorsement may be filed electronically, through the mail, or
2 by personal delivery. However, the petition or certificate must be complete and in the
3 possession of the secretary of state before four p.m. of the sixty-fourth day before the
4 primary election.

5 4. Notwithstanding any other provision of law, if a political party issues certificates of
6 endorsement under this chapter, no other candidate seeking the same office may
7 appear on the primary election ballot as a representative of the same party issuing the
8 certificates of endorsement. If a candidate submits a nominating petition under a party
9 affiliation and that party has issued a certificate of endorsement for the same office the
10 secretary of state shall notify the petitioning candidate of the candidate's ineligibility to
11 appear on the primary election ballot under the desired party affiliation.

12 5. This section does not preclude a candidate who failed to receive a certificate of
13 endorsement under this chapter from appearing on the general election or special
14 election ballot as an independent candidate under section 16.1-12-02.

15 **SECTION 3. AMENDMENT.** Section 16.1-11-10 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **16.1-11-10. Applicant's name placed upon ballot - Affidavit to accompany petition.**

18 UponSubject to section 1 of this Act, upon receipt by the secretary of state of the petition or
19 certificate of endorsement provided for in section 16.1-11-06 accompanied by the following
20 affidavit, the secretary of state shall place the applicant's name upon the primary election ballot
21 in the columns of the applicant's party as provided or within the no-party office for which the
22 applicant desires nomination. Upon receipt by the county auditor of the petition provided for in
23 section 16.1-11-11 accompanied by the following affidavit, the county auditor shall place the
24 applicant's name upon the primary election ballot within the no-party office for which the
25 applicant desires nomination. The affidavit may be filed electronically, through the mail, or by
26 personal delivery. However, the affidavit must be in the possession of the appropriate filing
27 officer before four p.m. on the sixty-fourth day before the primary election. If the affidavit is filed
28 electronically, the candidate shall retain the original copy. The affidavit must be substantially as
29 follows:

30 State of North Dakota)

31) ss.

Sixty-ninth
Legislative Assembly

1 County of _____)
2 I, _____, being sworn, say that I reside at _____, in the city
3 of _____, in the county of _____ of North Dakota; and zip code of
4 _____; that I am a candidate for nomination to the office of _____
5 to be chosen at the primary election to be held on _____, _____, and I request
6 that my name be printed upon the primary election ballot as provided by law, as a
7 candidate of the _____ party for said office. I am requesting that my name be
8 listed on the ballot as I have identified my ballot name below. I understand that nicknames
9 are allowed as part of my ballot name, but titles and campaign slogans are not permissible.
10 I have reviewed the requirements to hold office and I certify that I am qualified to serve if
11 elected.

12 _____

13 Ballot name requested

14 _____

15 Candidate's signature

16 Subscribed and sworn to before me on _____, _____.

17 _____

18 Notary Public

19 NOTARY SEAL

My Commission Expires _____