

FIRST ENGROSSMENT

ENGROSSED 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 sign a certificate
15 of endorsement and forward the certificate of endorsement to the state committee of
16 the party making the endorsement.
- 17 3. Upon receiving the certificate of endorsement, the state party chairman may not sign
18 and forward the certificate of endorsement to the secretary of state for placement on
19 the primary election ballot under section 16.1-11-10 for at least seven days following
20 the receipt of the certificate.
- 21 4. Any individual claiming the endorsing caucus was not conducted in the manner
22 prescribed under subsection 1 may file a complaint with the inquiry committee. The

1 individual shall file the complaint within seven days of the state committee receiving
2 the certificate of endorsement. Upon receipt of a complaint, the inquiry committee shall
3 review the complaint. If the inquiry committee determines the complaint is without
4 merit, the inquiry committee shall dismiss the complaint and the state party chairman
5 shall sign the certificate of endorsement. Upon signing the certificate of endorsement,
6 the state party chairman shall forward the certificate of endorsement to the secretary
7 of state to place the endorsed candidate's name on the primary election ballot.

8 5. If the inquiry committee reasonably believes the endorsing caucus violated the
9 applicable organization's internal rules, bylaws, or any provision of law, the inquiry
10 committee shall investigate the complaint and notify the secretary of state of the
11 investigation. If the inquiry committee investigates the complaint, the secretary of state
12 may not place the candidate's name on the ballot until the investigation is complete.
13 The inquiry committee shall complete the investigation within seven days of receiving
14 a complaint.

15 6. Upon completing the investigation under subsection 5, the inquiry committee shall
16 issue a written determination outlining the findings of the investigation. Following the
17 investigation, if the inquiry committee determines the district organization complied
18 with the internal rules, bylaws, or applicable state law relating to the endorsing caucus,
19 the state party chairman shall sign the certificate of endorsement and forward the
20 signed certificate to the secretary of state for placement on the primary election ballot.
21 If the inquiry committee determines the district organization failed to comply with the
22 internal rules, bylaws, or applicable state law relating to the endorsing caucus, the
23 inquiry committee shall notify the district organization and the secretary of state the
24 certificate of endorsement is void and the district organization shall hold the district
25 caucus at a later date.

26 7. If the subsequent caucus cannot be held before any applicable candidate filing
27 deadlines, any candidate seeking placement on a primary election ballot may circulate
28 a nominating petition as described under section 16.1-11-06. If a valid certificate of
29 endorsement issued under this section is not filed with the secretary of state by four
30 p.m. of the sixty-fourth day before any primary election, the certificate is void.

1 8. As used in this section, "inquiry committee" means the state committee of the party
2 making an endorsement in a legislative race or a committee created under the state
3 committee's bylaws to receive and investigate complaints filed under this section.

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

6 **16.1-11-06. State candidate's petition or political party certificate of endorsement**
7 **required to get name on ballot - Contents - Filing.**

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

13 a. The certificate of endorsement signed by the ~~state or district~~appropriate chairman
14 of any legally recognized political party containing the candidate's name,
15 post-office address, nongovernment issued electronic mail address, and
16 telephone number, the title of the office to which the candidate aspires, and the
17 party which the candidate represents; or

18 b. ~~The~~Subject to subsection 4, the nominating petition containing the following:

19 (1) The candidate's name, post-office address, nongovernment issued
20 electronic mail address, and telephone number, and the title of the office to
21 which the candidate aspires, the appropriate district judgeship number if
22 applicable, and whether the petition is intended for nomination for an
23 unexpired term of office if applicable.

24 (2) The name of the party the candidate represents if the petition is for an office
25 under party designation.

26 (3) The signatures and printed names of qualified electors, the number of which
27 must be determined as follows:

28 (a) If the office is under party designation, the signatures of three percent
29 of the total vote cast for the candidates of the party with which the
30 candidate affiliates for the same position at the last general election.
31 However, no more than three hundred signatures may be required.

- 1 (b) If there was no candidate of a party for a position at the preceding
2 general election, at least three hundred signatures.
- 3 (c) If the office is under the no-party designation, at least three hundred
4 signatures.
- 5 (d) If the office is a legislative office, the signatures of at least one percent
6 of the total resident population of the legislative district as determined
7 by the most recent federal decennial census.
- 8 (4) The mailing address and the date of signing for each signer.
- 9 2. If the petition or certificate of endorsement is for the office of governor and lieutenant
10 governor, the petition or certificate must contain the names and other information
11 required of candidates for both offices.
- 12 3. A petition or certificate of endorsement may be filed electronically, through the mail, or
13 by personal delivery. However, the petition or certificate must be complete and in the
14 possession of the secretary of state before four p.m. of the sixty-fourth day before the
15 primary election.
- 16 4. Notwithstanding any other provision of law, if a political party issues certificates of
17 endorsement under this chapter, no other candidate seeking the same office may
18 appear on the primary election ballot as a representative of the same party issuing the
19 certificates of endorsement. If a candidate submits a nominating petition under a party
20 affiliation and that party has issued a certificate of endorsement for the same office the
21 secretary of state shall notify the petitioning candidate of the candidate's ineligibility to
22 appear on the primary election ballot under the desired party affiliation.
- 23 5. A certificate of endorsement issued to a candidate for the legislative assembly must
24 be:
- 25 a. Signed by the district party chairman;
26 b. Signed by the state party chairman; and
27 c. In a substantially similar form as the certificate of endorsement provided under
28 section 16.1-11-09.
- 29 6. This section does not preclude a candidate who failed to receive a certificate of
30 endorsement under this chapter from appearing on the general election or special
31 election ballot as an independent candidate under section 16.1-12-02.

1
2
3
4
5

Candidate's signature

Subscribed and sworn to before me on _____, _____.

Notary Public

NOTARY SEAL

My Commission Expires _____