

2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1446

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1446
2/7/2024

Relating to party organization endorsements and certificates of endorsement.
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8:30 a.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Members absent: Representative Christy

Discussion Topics:

- Political processes

8:33 a.m. Representative Nathe, District 30, introduced the bill and submitted testimony, #36187.

8:48 a.m. Robert Harmes, North Dakota Lawer, testified in opposition and submitted testimony, #36163.

8:56 a.m. Ed Schafer, former North Dakota Governor, testified in opposition and submitted testimony, #36185.

9:07 a.m. John Trandem, NDGOP Vice Chair, testified in opposition and submitted testimony, #36175.

9:12 a.m. Sandra Sanford, NDGOP Chair, testified in opposition and submitted testimony, #36176.

9:21 a.m. Doug Sharbono, District 11 Republicans Chair, testified in opposition and submitted testimony, #36182.

9:25 a.m. Charles Tuttle, Minot Citizen, testified in opposition.

9:28 a.m. Dustin Amundson, District 30 Citizen, testified in opposition.

9:30 a.m. Micheal Howe, North Dakota Secretary of State, provided neutral testimony.

Additional written testimony:

Lanny Kenner, Private Citizen, submitted testimony in opposition, #36122.

Lee Duckworth, Private Citizen, submitted testimony in opposition, #34473.

Josey Milbrandt, Private Citizen, submitted testimony in opposition, #34741.

Matthew Evans, Private Citizen, submitted testimony in opposition, #34905.

Jocelyn Backman, Private Citizen, submitted testimony in opposition, #35308.

Matthew Simon, Private Citizen, submitted testimony in opposition, #35330.

Doug Pearson, Private Citizen, submitted testimony in opposition, #35680.

Andrew Borneman, Private Citizen, submitted testimony in opposition, #35685.

Lisa Klein, District 8 Republicans Secretary, submitted testimony in opposition, #36080.

Amy Olson, District 27 Republicans Chairman, submitted testimony in opposition, #36092.

Melissa Paulik, Private Citizen, submitted testimony in opposition, #36093.

Rob Muntz, Private Citizen, submitted testimony in opposition, #36102.

Travis Zabloutney, NDGOP Member, submitted testimony in opposition, #36112.

Matthew Kosak, Private Citizen, submitted testimony in opposition, #36116.

9:33 a.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk

DO NOT PASS Testimony for HB 1446

February 4, 2025

From Everett Duckworth, citizen of West Fargo, ND

1536 8th ST E

Dear chairman and members of the house government and veterans affairs.

I believe this bill will make the endorsements a free for all, completely removing the District residents from the voting process and replacing it with big business and lobbyist.

Thanks for your consideration !

Dear Members of the House Government and Veterans Affairs Committee,

I am writing to express strong opposition to House Bill 1446, which seeks to amend and reenact various sections of the North Dakota Century Code relating to the placement of candidates' names on the primary election ballot and the repeal of certain sections related to party organization endorsements and certificates of endorsement.

This bill undermines the autonomy of political parties by imposing restrictive measures on how they can endorse and nominate candidates. Political parties play a crucial role in our democratic process by vetting and endorsing candidates who align with their values and policies. Limiting their ability to do so weakens the party system and diminishes the quality of candidates presented to voters.

By repealing sections related to party organization endorsements, this bill restricts the choices available to voters. Endorsements provide valuable information to voters about which candidates have the support and confidence of their party. Removing this mechanism reduces transparency and makes it more difficult for voters to make informed decisions at the ballot box.

House Bill 1446 erodes fundamental democratic principles by centralizing control over the nomination process and reducing the influence of grassroots party members. Democracy thrives when there is broad participation and diverse representation. This bill moves us in the opposite direction by concentrating power and limiting the voices of ordinary citizens.

In conclusion, House Bill 1446 poses significant threats to the integrity of our democratic process, the autonomy of political parties, and the rights of voters. I urge a DO NOT PASS on this bill and instead support measures that enhance transparency, inclusivity, and fairness in our electoral system.

Thank you for your consideration

Sincerely,

Josey Milbradt

I oppose this bill.

The purpose of this bill is to destroy grass roots involvement in the political process, and to destroy political parties.

It dramatically increasts the costs of becoming a political candidate in several ways.

Firstly, it directly increases the costs for a candidate to appear on a ballot.

Secondly, it removes the thrust of party support from behind a candidate.

Finally, it transforms the election process to favor the candidate who can independently raise and spend the largest amount of money.

It also intends to make political parties irrelevant, which will be a tremendous disservice to voters.

Political parties are voluntary associations of like minded individuals. A political party can be thought of as a "brand", or something like an ingredients label on a food package. A political party endorsement communicates, "If you vote for this party's candidate, this is what you can expect". Each political party has a vested interest in building and maintaining the reputation of their brand.

The volunteers of the party do the difficult work of identifying and vetting great candidates who will represent that party's brand well, and rally the support of the party members to help propel that candidate to electoral victory.

The majority of voters expect that when a candidate carries a party's brand next to their name on the ballot, that that candidate has been vetted by the keepers and owners of that brand, which is the party, not the individual candidate.

This bill would change all that. It completely removes the relevancy and involvement of political parties in shaping, curating, and furthering their own brands, and deciding which candidates should carry their brand to the voters. The intent of this bill is to enable trademark infringement on election day; to perpetuate a fraud upon the voters of North Dakota.

This bill does not increase participation or transparency in the political process. It will not make elections cheaper or more fair.

Anyone who wishes to appear on a ballot today can already do so, as an independent candidate. As an aside, I would support making it even easier for independent candidates to appear on ballots, to give voters more choices. But that's not what this bill does. What this bill attempts to do is to make it so that wealthy candidates can lie about who they are by falsely using another party's brand.

There is no other situation in law or culture where we allow someone to falsely represent themselves as the leader or spokesperson of an organization that didn't choose them. In fact, for many professions, pretending to be a representative of an organization that didn't authorize you is a crime. Lying about being a police officer is a crime called "impersonating an officer". Pretending to be a veteran is a crime, and we have laws like the Stolen Valor Act to punish the cowards who do this. Pretending to be a lawyer is a crime, and real lawyers display their law credentials in their offices. Pretending to be a doctor is a crime, and real doctors display their medical credentials in their offices.

This bill wants a different set of rules for wealthy politicians.

The government has rightly said that most people and most professions should not lie to the public about who they are. Let's extend that to our politicians too. I hope the committee will agree that lying is not in the public interest, and will recommend a "DO NOT PASS" on this bill.

DO NOT PASS Testimony for HB 1446

Government and Veterans Affairs Committee,

I have been a lifelong citizen of North Dakota and am writing my testimony for your consideration for a **DO NOT PASS** of HB 1446 relating to party organization endorsements and certificates of endorsement. The bill is extremely difficult to fully understand but the way the system works with endorsements works as it should. Grassroots people are an important part to the endorsing process, and this bill would take that away from We the People the way the Constitution was intended.

Thank you for your time.

West Fargo resident

Jocelyn J. Backman

February 5, 2025

House Government and Veterans Affairs Committee
HB 1446

Chairman Schauer and Committee members:

Let the record reflect my **opposition** to House Bill 1446 ("HB 1446"), as introduced by Representatives Nathe, D. Anderson, Berg, Bosch, Longmuir, Nelson, Porter, Swiontek and Senators Bekkedahl, Devel, Roers, and Cleary.

The notion of eliminating political party endorsements to usher in more independence of, and objective decision making from, candidates for political office makes for a popular talking point. HB 1446 not only would accomplish neither of these objectives, it would permanently entrench a monied political class and disenfranchise and engaged citizenry.

Political parties are voluntary associations of electors coming together to advance collectively held values by nominating, and holding accountable, representatives. This is vital to the self-governance creed that underpins our representative republic. Moving solely to a petition driven, primary candidacy, with a significantly higher bar for the number of petitioners, will have numerous, negative consequences such as:

- Absolves the candidate of accountability to elected representatives of the populace
- Creates an environment in which financial access to mass media is a necessity for electability
- Ensures a financial windfall to these same media outlets, and by proxy, gives a relative few disproportionate representation
- Fosters an environment in which political positions are purchased
- Effectively eliminates the viability of grassroots, interpersonal politicking
- Moves North Dakota dangerously down the path away from a representative republic towards the mob-rule inevitability of a true democracy

We cannot expect to have an educated populace actively engaged in self-governance if we reduce the role of the citizen solely to that of a periodic voter. It leads to apathy, which provides a breeding ground for dictatorial governance. Those involved in local party politics tend to be the most informed and engaged members of the electorate. HB 1446 disenfranchises the very types of citizens who take self-governance the most seriously.

I strongly request a "**Do NOT pass**" recommendation from the House Government and Veterans Affairs Committee.

Respectfully,

Matthew S. Simon

House Government and Veteran Affairs Committee

I oppose HB1446, you are taking away the voice of we the people who you represent. This bill is unconstitutional and shouldn't be given any consideration.

Thankyou for your time

Doug Pearson

House Bill 1446

Testimony in Opposition

Mr. Chairman and Members of the Government and Veterans Affairs Committee,

My name is Andrew Bornemann, I am a lifelong resident of North Dakota, and have been involved in politics for most of my life. I am writing to you to respectfully request a Do Not Pass recommendation from this committee.

House Bill 1446 would effectively remove the rights of a political party to select it's own candidate, along with significantly raising the number of petition signatures required to run for a statewide office.

Not only would this be detrimental to political parties in this state and discourage political involvement by everyday citizens, I believe it would also be an infringement on political party's first ammendment rights to freedom of association. Having looked into several US Supreme Court Cases, it seems that the Supreme Court has already held a similar position.

From *California Democratic Party v. Bill Jones, California Secretary of State*, : (see footnote 1)

"The Court has recognized that the First Amendment protects "the freedom to join together in furtherance of common political beliefs," Tashjian, supra, at 214—215, which "necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only," La Follette, 450 U.S., at 122. That is to say, a corollary of the right to associate is the right not to associate. " 'Freedom of association would prove an empty guarantee if associations could not limit control over their decisions to those who share the interests and persuasions that underlie the association's being.' " Id., at 122, n. 22 (quoting L. Tribe, American Constitutional Law 791 (1978)). See also Roberts v. United States Jaycees, 468 U.S. 609, 623 (1984).

In no area is the political association's right to exclude more important than in the process of selecting its nominee. That process often determines the party's positions on the most significant public policy issues of the day, and even when those positions are predetermined it is the nominee who becomes the party's ambassador to the general electorate in winning it over to the party's views.

Unsurprisingly, our cases vigorously affirm the special place the First Amendment reserves for, and the special protection it accords, the process by which a political party "select[s] a standard bearer who best represents the party's ideologies and preferences." Eu, supra, at 224 (internal quotation marks omitted). The moment of choosing the party's nominee, we have said, is "the crucial juncture at which the appeal to common principles may be translated into concerted action, and hence to political power in the community." Tashjian, 479 U.S., at 216; see also id., at 235—236 (Scalia, J., dissenting) ("The ability of the members of the Republican Party to select their own candidate ... unquestionably implicates an associational freedom"); Timmons, 520 U.S., at 359 ("[T]he New Party, and not someone else, has the right to select the New Party's standard bearer" (internal quotation marks omitted)); id., at 371 (Stevens, J., dissenting) ("The members of a recognized political party unquestionably have a constitutional right to select their nominees for public office")."

In a state with open primaries, it is a completely untenable position to hold that removing a party's ability to place a candidate on the primary election ballot is not removing their ability to select a candidate. Along with the fact that current state law allows any person to run as a candidate of any party, under their own choice and with no prior affiliation or approval from the party which they chose to represent, it is an easy argument to make that a political party's right not to associate is already compromised.

In *March Fong Eu, Secretary of State of California v. San Francisco Democratic Central Committee*, the Court held that a ban on a political party issuing primary endorsements was unconstitutional: (footnote 2)

“The ban on primary endorsements in §§ 11702 and 29430 violates the First and Fourteenth Amendments. By preventing a party’s governing body from stating whether a candidate adheres to the party’s tenets or whether party officials believe that the candidate is qualified for the position sought, the ban directly hampers the party’s ability to spread its message and hamstrings voters seeking to inform themselves about the candidates and issues, and thereby burdens the core right to free political speech of the party and its members. The ban also infringes a party’s protected freedom of association rights to identify the people who constitute the association and to select a standard-bearer who best represents the party’s ideology and preferences, by preventing the party from promoting candidates at the crucial primary election juncture. Moreover, the ban does not serve a compelling governmental interest. The State has not adequately explained how the ban advances its claimed interest in a stable political system or what makes California so peculiar that it is virtually the only State to determine that such a ban is necessary.”

While the opposition will likely argue that an open primary election will result in a more popular candidate bearing the party name in the general election, and thus being in the better interest of the party, the argument of the state protecting a party from itself has been struck down by the US Supreme Court on multiple occasions, including again in *California Secretary of State v. San Francisco Democratic Central Committee*:

“The explanation that the State’s compelling interest in stable government embraces a similar interest in party stability is untenable, since a State may enact laws to prevent disruption of political parties from without but not from within. The claim that a party that issues primary endorsements risks intraparty friction which may endanger its general election prospects is insufficient, since the goal of protecting the party against itself would not justify a State’s substituting its judgment for that of the party. The State’s claim that the ban is necessary to protect primary voters from confusion and undue influence must be viewed with skepticism, since the ban restricts the flow of information to the citizenry without any evidence of the existence of fraud or corruption that would justify such a restriction. Pp. 222-229.”

...

“It is no answer to argue, as does the State, that a party that issues primary endorsements risks intraparty friction which may endanger the party’s general election prospects. Presumably a party will be motivated by self-interest and not engage in acts or speech that run counter to its political success. However, even if a ban on endorsements saves a political party from pursuing self-destructive acts, that would not justify a State substituting its judgment for that of the party.”

In the interests of preserving the first ammendment rights of political parties, and the rights of the citizens of this state, and to prevent costly litigation which this bill would assuredly cause, and which the State would almost as assuredly lose, I urge this committee to vote for a "Do Not Pass" recommendation on HB 1446.

Sincerely,

Andrew Bornemann,

Kintyre, ND.

Footnotes:

1. (*California Democratic Party v. Bill Jones, Secretary of State of California*, (99-401) 530 U.S. 567 June 26th, 2000.)

2.

489 U.S. 214
109 S.Ct. 1013

103 L.Ed.2d 271

March Fong EU, Secretary of State of California, et al., Appellants
v.
SAN FRANCISCO COUNTY DEMOCRATIC CENTRAL COMMITTEE, et al.

No. 87-1269.

Argued Dec. 5, 1988.

Decided Feb. 22, 1989.

House Government and Veterans Affairs Committee HB 1446

Chairman Schauer and Committee members:

Let the record reflect my opposition to House Bill 1446 ("HB 1446"). I am writing to you as a resident of ND, currently in district 8. This is where I really got involved in our local government and have served on the executive committee for the past 6 years because I was able to join our district meeting, learned more about how to get involved, and did so. This bill is removing the district residents from the voting process, or grassroot movements and replacing it with money, businesses, and lobbyists.

This bill restricts the choices available to voters. By knowing who was endorsed by the people in the district, it would provide the most valuable information to voters. This relays which candidates have the support, trust, and confidence of their party. Removing this step will reduce transparency, discourage political involvement by the everyday citizens, which makes it more difficult for voters to make informed decisions. I believe taking away this process would be removing our districts right to select its own candidate for a political party.

I completely agree with other testimony in opposition and will restate this as my thoughts exactly... "Grassroots people are an important part to the endorsing process, and this bill would take that away from We the People the way the Constitution was intended." Along with "HB 1446 disenfranchises the very types of citizens who take self-governance the most seriously." I am a perfect example of this.

I strongly request a Do NOT pass recommendation

Thank you for your consideration

Sincerely & respectfully,

Lisa Klein

Recommend Do Not Pass On HB 1446 - Amy Olson (Chair and Member of District 27 Republicans)

As a citizen who wants to be civically engaged, this bill would disenfranchise me and many others who seek to be involved in the political process. It removes the ability for a district political party to endorse a candidate and moves the process exclusively to the general public in a state where there is no voter registration or party affiliation necessary to vote in the primary. The vetting of candidates by the party is completely eliminated and therefore the party affiliation is meaningless. With the increased signature requirement it also favors candidates who can hire people to gather signatures which makes politics exclusively a rich man's game.

I urge you to recommend Do Not Pass on HB1446 to protect the right of citizens to put forward a candidate through the party endorsement process. Thank you!

Sincerely,
Amy Olson
Chair and Member of District 27 Republicans

Dear Legislators,

I am writing to recommend a Do Not Pass on HB 1446. Removing the endorsement process from districts is problematic on many levels:

- Validating signatures is a time-intensive process. If every candidate needs 2,000 signatures, that's a lot of overhead.
- The work required to get on the ballot will eliminate any last-minute candidates, leaving holes in many districts. (A problem compounded by term limits!)
- It removes the vetting process that is done by the districts.
- It removes the opportunity for party members to get to know candidates during the endorsement process.
- Party members who endorse candidates make the voter's job easier. If we remove the process, voters are asked to do more work getting to know candidates.
- Election junk mail will increase beyond its already abysmal rates as candidates try to gain name recognition.
- New candidates will have even less of a chance. The district endorsement process at least gives them a shot at winning against well-recognized names.

I could go on, but that's plenty for now. At the end of the day, there are no doubt problems with the endorsement process as conducted in many districts. However, removing endorsements is not the way to address the issues.

Sincerely,

Melissa Paulik

Do Not Pass Testimony for HB 1446

of Rob Muntz, North Dakota Citizen

February 6, 2025

Chairman Schauer, Vice Chairman Satrom, and Members of the Government & Veterans Affairs Committee

I am writing today to strongly urge a Do Not Pass for HB 1446.

The idea of removing the opportunity for the electorate to participate in the endorsing of a candidate in their legislative district or at the state convention will lead to voter disenfranchisement and the destruction of district and state political parties.

This not only infringes on First Amendment Rights but almost certainly hands the race to those with the deepest pockets.

Doubling the number of required signatures for a statewide candidate places an undue & unnecessary financial burden on campaigns.

There is no widespread outcry to eliminate the endorsing process in North Dakota.

Please vote for a Do Not Pass recommendation for HB 1446.

Rob Muntz
6624 27th St S
Fargo, ND

House Government and Veterans Affairs Committee**Testimony of Travis R Zablotney HB1446****February 6, 2025**

Chairman Schauer and members of the Government and Veterans Affairs Committee:

I ask you to recommend a do not pass on HB1446. I am Travis Zablotney resident of Minot, Chairman of District 5 NDGOP and Regional Chairman and member of the Executive Committee of the NDGOP. This is my personal testimony.

Thorough and compelling written testimony has been provided to you from the likes of Andrew Bornemann, Josie Milbradt, Matt Evans and Matt Simon and others. In addition, in-person testimony from Sandi Sanford NDGOP Chairwoman and John Trandem NDGOP First Vice-Chair has also been provided. I simply want to make known my support for their testimonies and my complete opposition to HB1446 as a member of the NDGOP.

The group of sponsors of this bill simply have an axe to grind as all things did not work out for them politically and exactly how they would have expected in their districts or at the NDGOP State Convention. The grassroots district committee members or convention delegates did not fully support them in their political endeavors. Sour grapes they claim!

As a result of these "sour grapes" they would rather attempt to destroy the party than to accept the results of a District Candidate Nomination Convention or the NDGOP State Convention. They would rather see the Republican brand co-opted by those who can simply 'claim' to be Republicans on the primary ballot rather than carry the endorsement of the District Committee or State Party delegates.

I STRONGLY URGE A DO NOT PASS ON HB1446

Respectfully,

Travis Zablotney

Minot, ND

701-721-2188

Dear Committee members,

I'm writing to express strong opposition to House Bill 1446, which proposes changes to the North Dakota Century Code regarding primary election ballot placements and the repeal of certain party endorsement sections. This bill undermines political parties by restricting their ability to endorse and nominate candidates who align with their values, thus weakening the party system and diminishing candidate quality. It also limits voter choice and transparency by repealing endorsement-related sections, making informed voting more difficult. By centralizing control and reducing local party members' influence, this bill threatens fundamental democratic principles. Therefore, I urge a DO NOT PASS and support measures that enhance transparency, inclusivity, and fairness in our electoral system. Thank you for your consideration.

Thanks you for considering,

Matt Kosak

District 27

Lanny Kenner
District 7

Good morning chairman Schauer and committee members.

I am speaking in opposition to house bill 1446 and request a
DO NOT PASS.

Sometimes traditions should be changed but in this case our tradition of going to the Republican State convention and endorsing candidates should not be changed.

We, as a party, have been doing just that for at least one hundred years.
Our Republican party was founded on conservative values and I have been proud to consider myself a conservative Republican.

For some time now our party has been losing those great conservative values. Some don't want to be held to a higher standard of conservative values and would rather be in the club of Big spenders with taxpayers money. It seems to me many of these so-called conservatives don't think they should have to even be endorsed by the Conservative Republican party anymore. They just want to skip the convention and go straight to the primary with a bunch of money and get elected that way.

By doing so it seems they don't feel like they have to be held to the higher conservative values of the old Republican party which is really a sad thing to see happening right before my eyes

I want my party to get back to the the good old conservative values they once had. Attend all the district conventions to see what the people really want and then go to the State convention and see if you can get endorsed! What a concept that would be!

For the future of conservatism and our Republican party please VOTE NO on House Bill 1446.
Thank you.

February 7, 2025

Government and Veterans Affairs Committee
North Dakota House of Representatives
State Capitol, Bismarck, ND

Re: HB 1446 (eliminating political party endorsements)

Chairman Schauer and Committee Members,

My name is Robert Harms. I've been a lawyer for 40 years, have been involved in ND politics since 1986, have attended dozens of conventions, have served as treasurer, and chairman of the Republican Party. I am concerned that HB 1446 will dismantle our political process, and hurt our state's culture, public policy and our long-term wellbeing. I OPPOSE HB 1446.

My former boss, Ed Schafer would always say "solve the problem---solve the problem". We often address symptoms, but don't solve the problem (for lack of understanding, courage, or political will). What problem generated HB 1446?

The bill is the result of political discord and animosity at endorsing conventions in the Republican Party. We see gamesmanship, rule changes, lock-outs, refusal to admit party members whose dues weren't paid on time etc. I'll give you some actual examples:

1. 2024 NDGOP convention delegates "spoiled" ballots intentionally (twice) disrupting the endorsement process (and 2000 attendees). The most popular candidate then withdrew and won the primary.
2. 10 years ago, when I was Chairman, a District refused to follow ND law, NDGOP bylaws and even their own bylaws in running their endorsing convention. A new candidate (favored by the District Chair) then ousted an incumbent legislator.
3. Recently a candidate in my district asked for the bylaws; they were not provided; he couldn't seek the party endorsement because he hadn't given notice as required by the bylaws! Another candidate was endorsed and then elected.

We've had district chairman tell legislators to not attend endorsing conventions. North Dakota people won't attend district meetings because of the toxicity that permeates many them. These shenanigans produced HB 1446. But, it doesn't solve the problem.

My concerns about HB 1446:

1. The **erosion of our political processes and political parties** so less people will participate in state and district political activities. We will have less adherence to and teaching of core values. State and district parties will have little purpose/value.
2. The **primary election will be a free-for-all**, without a party endorsement, dominated by the wealthy. Political campaigns will continue to devolve and center on negative advertising, flooding our mailboxes with nasty mailers, and such rather

than debate ideas and policies for the people of North Dakota. Those who spend will be those who win (not always the best outcome). The primary doesn't always produce the best result. Recall 80% of North Dakota voters stayed home in 2024! (And we approved an unconstitutional age restriction on congressional candidates).

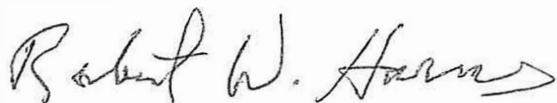
3. **Loss of political education:** political thought and analysis, the principles that evolve through the social functions of the districts are important to an orderly society. The district organizations teach and foster political discourse. We learn about our government through political engagement which is foundational to the functioning of our state and country. All of this will be lost with HB 1446.

Dismantling our state parties and processes hurts all of us. We should create structures and processes and policies that ENCOURAGE political engagement, and opportunity. We are supposed to believe in free speech and debate, and assembly and participation and the competition of ideas that will produce more well-informed citizens and a stronger, more vibrant society in North Dakota. HB 1446 will run counter to all of that by thrusting us into a free-for-all primary election without any party endorsement to assist the voter.

We DO have a problem in our political endorsement process. Here is what would be more helpful in addressing the gamesmanship I described earlier. Please ask the Legislative Council to develop the following points as a hog-house amendment to HB 1446.

- **Bylaws-----require uniform bylaws developed by each state party**
- **All bylaws to be published on state party website, available to anyone**
- **Districts may add to bylaws but cannot conflict with state party bylaws**
- **Meetings for reorganization and endorsing conventions:**
 - **Require 30 days notice be published on the state party website**
- **Repeal 16.1-03-07(4) which says essentially: *The state party may not include any requirementfor the organization of district committees nor..... impose any requirement regarding district party organization....* (This district "autonomy" is part of the problem).**

Mr. Chairman, members of the Committee, I urge you to OPPOSE HB1446, but ask you to FIX the problems we have in our political process. The above proposal will reduce the discord and encourage ND people to engage again in this process that is vital to our state's well being. I ask you to amend the bill as outlined above. Thank you.



Robert W. Harms
Williston, ND

House Bill 1446

Testimony in Opposition, John Trandem NDGOP 1st Vice Chair, Rules Committee Chair, Legislative Committee Chair

Mr. Chairman and Members of the Government and Veterans Affairs Committee,

Over the past 30 years NDGOP has endorsed 93 candidates who went on to win the general election. Over that time there has been one candidate (Doug Burgum) who competed for the endorsement, lost, and went on to win the primary and general election. There has also been one candidate (Julie Fedorchak) who competed, withdrew, and went on to win the primary and general election. In each of those cases, the eventual winner outspent their opponents by a range of 7-500 to 1, racking up millions of dollars spent in the primary alone. The narrative that the delegates 'don't get it right' is specious at best as all factors are not equal. Endorsing conventions are the great equalizer where every candidate, regardless of financial wherewithal or name recognition, has an opportunity to compete in the arena of ideas. Delegates are not impressed or swayed by big spending, they want to hear the vision of the candidate and vote based on that vision paired with the ideological proclivities of the person asking for their vote. In the two examples above, the candidates used magnificent marketing campaigns to woo the voters while spending millions of dollars attacking other members of their own party, which not only hurts the party, but helps the opposing party who needn't do their own opposition research. It is also of note that no Republican incumbent has failed to receive the endorsement of the NDGOP at the Endorsing Convention, and that includes Governor Burgum.

We saw two primary battles in the most recent election cycle (Governor and Congress) and watched about \$10,000,000 vanish into the ether during the primary campaign. Was there a better use of that money than to spend it on an inter-party fight? That \$10,000,000 could likely fund down-ticket races for a decade or more, but instead it's been absorbed by the political industrial complex. Additionally, we saw a candidate vie for the Republican nomination who, just two years earlier saw the Democrat party literally abandon their endorsed candidate to support. Cara Mund, the literal darling of the Democrats in 2022 drew nearly 20% of the vote in the 2024 primary election under the Republican banner. You may say, 20% is inconsequential, but when you consider that it was a 5-way race, we could have been a few votes away from making a member of the opposing party the standard-bearer for our own. This is what we get when we abandon our party process in favor of a model direct-democracy with absolutely no qualifying criteria to participate in the opposing party's nomination.

Back to the numbers, which don't lie; NDGOP endorsed winning candidates in 98% of Statewide races and didn't endorse the winning candidate 2% of the time. I don't know a world, particularly politics, where a 98% margin of 'getting it right' is insufficient; in fact, it's astounding! Before we throw the baby out with the bathwater and default to a process in which everyone is a Republican, and likewise, nobody is a Republican, let's look at the history of success within our party and build on that model by restoring it to one which honors and values its processes, its platform, and its members!

Statewide candidates Endorsed by the NDGOP who sought but did not receive the Republican Endorsement and went on to defeat the endorsed candidate in the primary and win the general election:

Doug Burgum
Julie Fedorchak

Candidates Endorsed by the NDGOP who won endorsement and went on to win in primary and general election:

1992: Ed Schafer, Rosemarie Myrdal, Al Jaeger, Leo Reinbold, Bob Peterson,

1994: Susan Wefald,

1996: Ed Schafer, Rosemarie Myrdal, Rick Clayburgh, Al Jaeger, Bob Peterson, Susan Wefald

1998: Leo Reinbold

2000: John Hoeven, Jack Dalrymple, Bob Peterson, Al Jaeger, Jim Poolman, Wayne Stenehjem, Tony Clark, Rick Clayburgh

2002: Susan Wefald

2004: John Hoeven, Jack Dalrymple, Al Jaeger, Wayne Stenehjem, Rick Clayburgh, Bob Peterson, Jim Poolman, Kevin Cramer, Kelly Schmidt,

2006: Wayne Stenehjem, Cory Fong, Tony Clark, Al Jaeger

2008: John Hoeven, Jack Dalrymple, Adam Hamm, Brian Kalk, Kelly Schmidt, Bob Peterson,

2010: John Hoeven, Rick Berg, Wayne Stenehjem, Doug Goehring, Al Jaeger, Kevin Cramer, Cory Fong

2012: Jack Dalrymple, Drew Wrigley, Kevin Cramer, Bob Peterson, Kelly Schmidt, Adam Hamm, Randy Christmann

2014: Kevin Cramer, Al Jaeger, Brian Kalk, Julie Fedorchak, Wayne Stenehjem, Ryan Rauschenberger, Doug Goehring,

2016: John Hoeven, Josh Gallion, Jon Godfread, Julie Fedorchak, Kelly Schmidt, Kevin Cramer,

2018: Brian Kroshus, Ryan Rauschenberger, Jon Godfread, Doug Goehring, John Hoeven, Wayne Stenehjem, Kelly Armstrong, Kevin Cramer, Randy Christmann

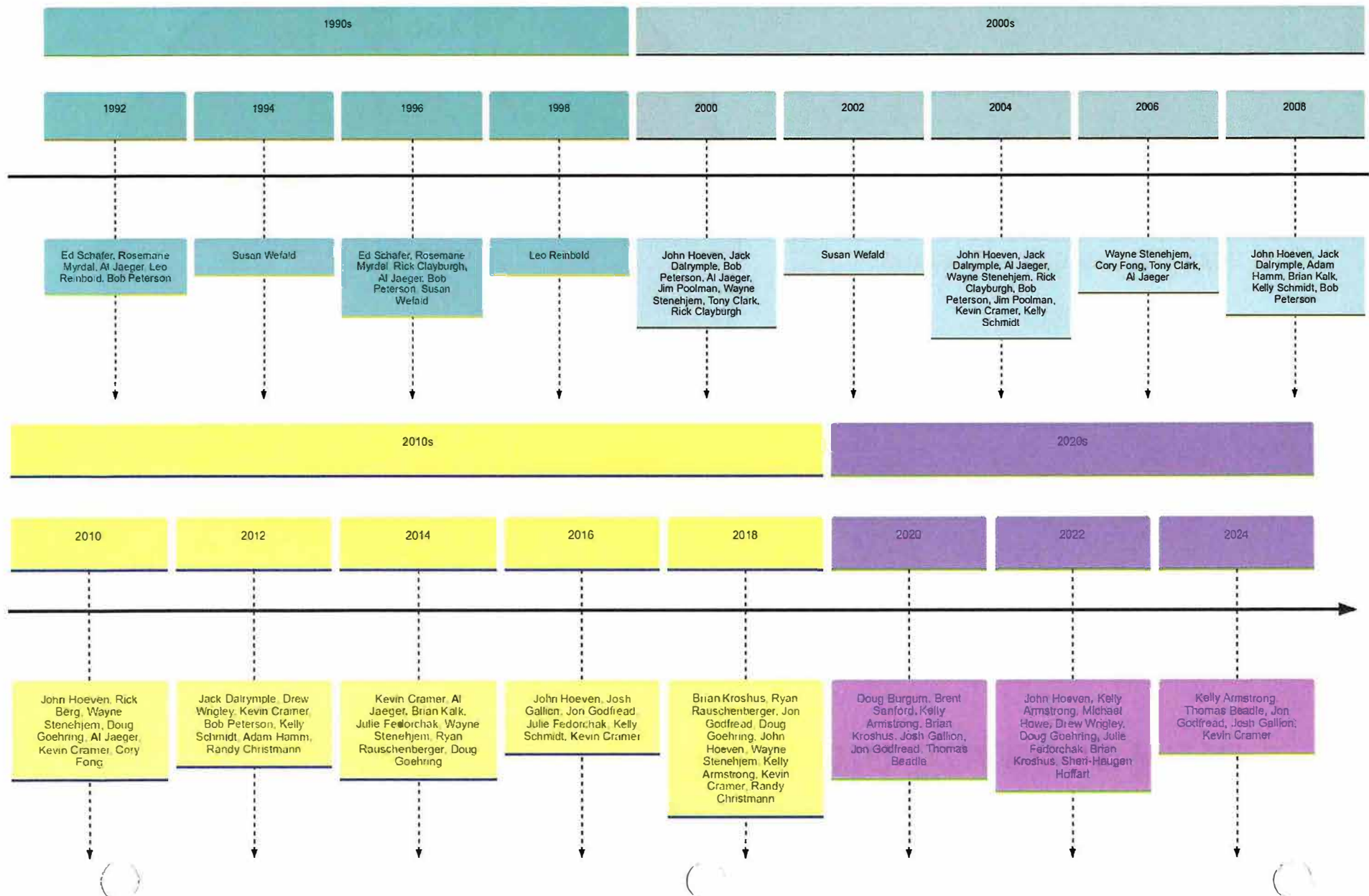
2020: Doug Burgum, Brent Sanford, Kelly Armstrong, Brian Kroshus, Josh Gallion, Jon Godfread, Thomas Beadle

2022: John Hoeven, Kelly Armstrong, Michael Howe, Drew Wrigley, Doug Goehring, Julie Fedorchak, Brian Kroshus, Sheri-Haugen Hoffart,

2024: Kelly Armstrong, Michelle Strinden, Thomas Beadle, Jon Godfread, Josh Gallion, Kevin Cramer

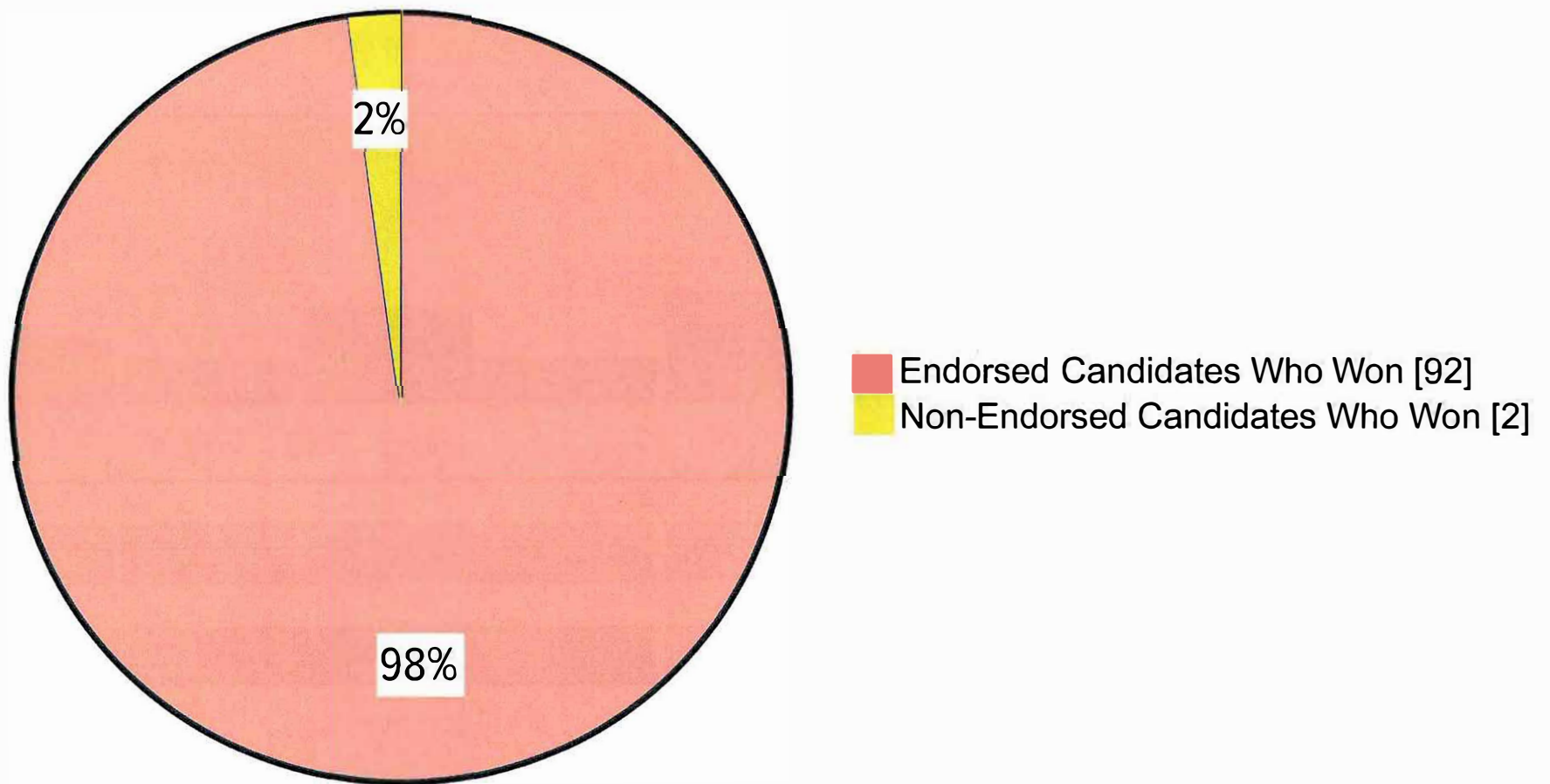
North Dakota Republican Party Candidates Who Won

1992-2004



NDGOP Endorsed Candidate Success Rate

1992-2024





Do Not Pass Testimony on HB 1446

Sandra Sanford, Chairwoman
NDGOP

Chairman Schauer & Members of the House Government and Veterans Affairs Committee.

My name is Sandra Sanford, Chairwoman of the North Dakota Republican Party. I am here on behalf of the Republican Party and its membership.

The North Dakota Republican Party was established in 1889—the same year as statehood. Our endorsement process served the People of North Dakota as a cornerstone of our democratic process for over 100 years.

Political parties exist to put forward candidates who support their party's platform and values by way of the endorsement process. Of course, you all know this as all of you were part of the endorsement process in your own districts.

House Bill 1446 would remove the party's right to place our candidate of choice on the ballot. Instead, it would require all candidates to seek ballot access by collecting signatures.

Today, all ND candidates currently have two methods to get on the ballot.

1. A candidate can seek party endorsement for ballot access, OR
2. a candidate can collect petition signatures.

House Bill 1446 maintains one path to the ballot while eliminating the path that most Republicans and ALL Democrats used to reach the voters last election. This bill compromises the rights of the public to free association and undermines the rights of political parties to choose their own candidates.

The NDGOP facilitates opportunities to get to know candidates and a competitive, democratic process to endorse them. This function serves to vet candidates under the scrutiny of a group.

Without party vetting, the party is just a name. Less-informed petition signers will advance candidates who they might be meeting for the very first time. Voters will have no meaningful assurance whether a candidate is Republican or Democratic.

Judicial precedent has repeatedly upheld state parties' rights to choose their own candidates. This bill is sure to invite litigation.

Killing party-led ballot access would favor candidates with more time, money, or name recognition while discouraging political newcomers. It also unfairly burdens rural candidates.

With our first round of term limits looming, this chamber cannot afford to experiment with sweeping changes that undermine our most treasured civic institutions. It also makes the process for party-backed candidates unnecessarily difficult and removes any ability for parties to ensure their nominees align with their principles.

HB 1446 is a big-government overreach that weakens the People's right to freely associate. Our nation's founders assured us the right to organize and influence our government. After 225 years, why would Republicans in North Dakota work to undermine this democratic function and limit our methods to get on the ballot?

To conclude, our endorsement process isn't broken. Candidates can already reach the ballot by petition.

Not every Republican will favor every candidate we endorse, but the public has enjoyed this right since our State's founding. Taking it away now would make our elections less democratic.

**Do Not Pass Testimony
of Doug Sharbono, NDGOP District 11 Chair
on HB1446
in the Sixty-ninth Legislative Assembly of North Dakota**

Dear Chairman Schauer and members of the House Government and Veteran Affairs Committee,

I am testifying as a NDGOP District 11 Chair on behalf of the people that elected me and believe HB1446 is detrimental legislation. This legislation radically changes the methodology in which legislative candidates are placed onto the ballot.

No longer will districts be able to meet and endorse candidates to place onto the ballot. This bill will require the sole method of being placed onto the ballot to be by petition. This will not serve the people well.

This bill if passed will promote vast sweeping change to the mechanics of the parties. When I asked key members of the party if the sponsors had been in contact with them to review the bill beforehand, they indicated no outreach had been made as is customary for a bill of this magnitude. I object not just on the merits of this bill, but also the process of the sponsors not communicating with other key members beforehand.

The current legislative endorsing process is a very grassroots process where governance is gained by assembly and agreeance of the members of the party within the district boundaries. **ALL** the members of the district party are leaders. To even walk through a set of meeting doors, they are with varying degrees politically knowledgeable about the issues and party, even though they may not all agree on all things. They are leaders of their friend group, their family, their church, and/or their business. They bring this leadership experience to the district meetings and provide and endorse the candidates they think are best. This grassroots level is the power of the people and is a bottom-up method of securing governance. It is a healthy means of governance.

With HB1446, the traditional governance of the people through the time-tested process of an endorsing convention is removed and instead power is limited to candidates placed onto the ballot by petition. The petition process is not an easy effort, and I have respect for those who achieve candidacy by petition. They usually need lots of help in circulating petitions. This can be either paid or volunteer help. A candidate connected to top political money will have the best chance of success with funding to secure the help in gathering the necessary

petitions. This process will limit the amount of legislative candidates in the state. It arguably could leave vacancies in legislative elections, at which point an appointed representative from the current power structure would appoint more power to themselves. This type of governance model moves away from a representative republic and towards a dictatorship, which hopefully is benevolent to the people.

Please give HB1446 a DO NOT PASS.

Thank you,

Doug Sharbono
1708 9th St S
Fargo, ND 58103

Government and Veterans Affairs Committee
HB 1446
7 February 2025

Ed Schafer

Chairman Schauer,
Committee members,

My name is Ed Schafer, a North Dakota citizen residing in Fargo and a member of District 46. I come in strong opposition to House Bill 1446 today and appreciate you allowing me time in front of your committee.

I was nominated for Governor in the North Dakota Republican Party's convention having emerged from a field of three candidates on the second ballot. My eventual opponent was not awarded his party's nomination and chose to gather the required signatures and run in the primary against the nominated candidate. He won the primary vote. I was deemed to have no chance to win because the Democratic Party had controlled the state house for 40 years. I was not opposed in the primary and went on to win the general election in 1992.

As the new Schafer administration entered the political arena, we applied Republican principles and values to the governance of our state. I mention this because it is amazing how one election can change the face of the culture and values of the community. Since that election day in 1992 Republicans have earned the trust of the electorate and have risen to be the dominant political philosophy we see today. We need to continue to use that party strength if we are going to earn the trust for Republican leaders.

So, I am very familiar with the nominating and primary process which illuminates my concern about the proposed legislation this committee is contemplating here today.

HB 1446 seeks to eliminate the political party nomination process by no longer advancing a party nominated person to the primary election. This will, in effect, cause office seekers to see no advantage in pursuing a party nomination.

You will hear testimony from the sponsors of this proposed legislation that this doesn't change anything, and the party can still have a convention and endorse candidates. Sure; to what end? In the situation proposed in the bill before you, what would be gained by asking the party for an endorsement? Since one would have to gather signatures to get on the ballot anyway, why seek a nomination from a political party? I know I would not, and believe others would pursue meeting the requirements and just go directly to the primary to seek voter approval.

Those requirements DO NOT contain any alignment with a political party's philosophy, values or goals. If a certain political party has an electoral advantage, one can simply declare party nomenclature and be elected without the obligation to adhere to a set of directional principles.

Do you see the problem? An elected candidate is there only for oneself with no responsibility to political philosophy or values. The primary election becomes one for the wealthy, the elite and the chosen few. No longer will someone be able to rise up from main street to carry party values and philosophy to the performance of an elected office. No longer will a political party be able to convince voters that their values will be carried to office by an endorsed candidate.

Money and special interests will rule the day.

You might also hear testimony from a former Governor, bill sponsors and deep pocket folks and from Chicago, DC and right here in Bismarck that 44 other states use this proposed process. You know, it is in the best interests of those who want to take away the voice of the people and control the election process through big money and overwhelming media presence to pass this legislation.

What these people will NOT tell you is if you ask the political party folks in those 44 states what they think about this whole deal, you will hear they hate their politicians. There is no foundation, no values, no loyalty to principles in their representatives. The voters send candidates to office only to be disappointed as those elected are not representing the people but beholden to big money and power. Why do you think our country carries a 34 Trillion dollar debt?

In 12 ½ years, North Dakota's political party's values and governing philosophy will be irrelevant. Money and special interest groups will be in command..

I understand the motivation of this proposed legislation's sponsors. They are made up of people who have had hassles of one kind or another with the nominating process. They are angry and disappointed and insulted. And, I would be too. However, HB 1446 is not the way to correct the fractures in the process today. It is the party that needs to correct the dishonesty and inappropriate behavior that has entered into the nominating process. I believe it can.

Government should not be dictating how a private organization presents its candidates' values and character to the public.

Since everyone is turning to artificial intelligence these days, I thought I'd check to see what the answer to this problem is. The diodes and electrons came back with the pros and cons of the proposed legislation. It's final comment was: "Don't burn down the house to get rid of a rat!"

Mr. Chairman and members of the committee, thank you for your time today. Please consider a no vote on House Bill 1446! Thank you.

From: Richard, Dustin <drichard@ndlegis.gov>
Sent: Wednesday, December 18, 2024 7:54 AM
To: Nathe, Mike R. <mrnathe@ndlegis.gov>
Subject: Ballot Access - Primary Elections

Good morning, Representative Nathe -

Thank you for your patience on this research request regarding primary ballot access through party endorsements. As requested, I reached out to NCSL and received the following:

I was able to identify 6 states that provide pre-primary endorsements as an option:

Colorado: Colo. Rev. Stat. § 1-4-702

Connecticut: Conn. Gen. Stat. §§ 9-382, 9-416

New Mexico (Only for statewide offices and US House): N.M. Stat. Ann. § 1-8-21.1

New York (Only for statewide offices): N.Y. Election Law § 6-104

North Dakota: N.D. Cent. Code §§ 16.1-11-06, 16.1-03-14

Utah: Utah Code Ann. § 20A-9-407

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1446
2/21/2025

Relating to party organization endorsements and certificates of endorsement.
--

9:01 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Grindberg, Karls, McLeod, Rohr, Steiner, VanWinkle, Vetter, Wolff

Members absent: Representatives Brown, Schneider

Discussion Topics:

- Committee action
- Proposed amendments relating to appointment of candidates

9:04 a.m. Representative Nathe, District 30, introduced amendments LC#25.0267.02002, #45235.

9:23 a.m. Vice-Chairman Satrom moved to adopt the proposed amendment #45235.

9:23 a.m. Representative Karls seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Collette Brown	AB
Representative Karen Grindberg	Y
Representative Karen Karls	Y
Representative Carrie McLeod	N
Representative Karen Rohr	N
Representative Mary Schneider	AB
Representative Vicky Steiner	N
Representative Lori VanWinkle	N
Representative Steve Vetter	N
Representative Christina Wolff	N

9:29 a.m. Motion failed 5-6-2.

9:29 a.m. Chairman Schauer closed the meeting.

Jackson Toman, Committee Clerk

25.0267.02002
Title.

Prepared by the Legislative Council
staff for Representative Nathe
February 13, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1446

Introduced by

Representatives Nathe, D. Anderson, Berg, Bosch, Longmuir, Nelson, Porter, Swiontek
Senators Bekkedahl, Dever, Roers, Cleary

1 A BILL for an Act to amend and reenact sections 16.1-03-14 and 16.1-03-21, subsection 1 of
2 section 16.1-08.1-02.3, subsection 1 of section 16.1-08.1-02.4, and sections 16.1-09-02,
3 16.1-11-06, 16.1-11-10, 16.1-11-11, 16.1-11-12, 16.1-11-18, 16.1-11-30, and 16.1-11-39,
4 subsection 1 of section 16.1-12-02, and sections 16.1-12-09 and 16.1-13-08.1, of the North
5 Dakota Century Code, relating to placing the name of a candidate on the primary election ballot;
6 and to repeal sections 16.1-11-05.1 and 16.1-11-09 of the North Dakota Century Code, relating
7 to party organization endorsements and certificates of endorsement.

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

9 **SECTION 1. AMENDMENT.** Section 16.1-03-14 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **16.1-03-14. State party convention.**

12 1. The party state committee shall set the place and time of the state party convention to
13 be held in each general election year. Subject to party rules and bylaws, the state
14 party convention may:

15 a. Nominate the legal number of elector nominees and alternate elector nominees
16 for its party for the offices of presidential electors. The nominees must be
17 qualified electors of this state.

18 b. Elect the required number of delegates and alternates to the national party
19 convention.

20 c. ~~Endorse candidates 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 shall issue certificates of endorsement as provided in section 16.1-11-06 or~~
4 ~~certificates of election.~~ The names of the qualified electors nominated for presidential
5 electors the party wishes to place on the general election ballot must be certified by
6 the chairman and secretary of the convention to the secretary of state by four p.m. on
7 the sixty-fourth day before the general election to be placed upon the general election
8 ballot as provided in section 16.1-06-07.1.

9 **SECTION 2. AMENDMENT.** Section 16.1-03-21 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **16.1-03-21. Organizations allowed to nominate statewide and legislative candidates.**

12 A political organization may not ~~endorse candidates or~~ have candidates petition for
13 president, vice president, Congress, statewide office, or legislative office as set forth in
14 chapter 16.1-11, unless the organization:

- 15 1. Organized according to all requirements of this chapter;
16 2. Had printed on the ballot at the last preceding general election the names of a set of
17 presidential electors pledged to the election of the party's candidate for president and
18 vice president, a candidate for governor, a candidate for attorney general, or a
19 candidate for secretary of state and those candidates for presidential electors,
20 governor, attorney general, or secretary of state received at least five percent of the
21 total vote cast for presidential electors, the office of governor, attorney general, or
22 secretary of state within this state at that election and organized according to all
23 requirements of this chapter; or
24 3. Filed a petition with the secretary of state signed by the number of electors required
25 under section 16.1-11-30 to ~~qualify to endorse candidates or to~~ have candidates
26 petition to be included on the primary election ballot in a consolidated column or on a
27 special election ballot.
28 4. A candidate for Congress, statewide office, or legislative office endorsed according to
29 a party's bylaws may appear on a primary election ballot only through a nominating
30 petition under section 16.1-11-06.

1 5. Notwithstanding subsection 4, if a state party entitled to ballot access under
2 16.1-11-30 fails to be represented by an individual through a nominating petition for a
3 statewide elected office seventy-one days before the primary election, the state party
4 may appoint an individual to represent the party for that office under bylaws adopted
5 by the state party. Upon appointment, the state party shall issue a notification of
6 appointment to the appointee, which must contain the appointee's name, mailing
7 address, and telephone number. The appointee shall file the notification of
8 appointment with the secretary of state within the time prescribed under section
9 16.1-11-10.

10 **SECTION 3. AMENDMENT.** Subsection 1 of section 16.1-08.1-02.3 of the North Dakota
11 Century Code is amended and reenacted as follows:

- 12 1. Prior to the thirty-first day before a primary, general, or special election, a candidate or
13 candidate committee formed on behalf of the candidate, a multicandidate political
14 committee, or a political party other than a statewide political party soliciting or
15 accepting contributions shall file a campaign disclosure statement that includes all
16 contributions received from January first through the fortieth day before the election. A
17 candidate whose name is not on the ballot and who is not seeking election through
18 write-in votes, the candidate's candidate committee, and a political party that has not
19 endorsed or nominated any candidate in the election is not required to file a statement
20 under this subsection. The statement may be submitted for filing beginning on the
21 thirty-ninth day before the election. The statement must include:
 - 22 a. For each aggregated contribution from a contributor which totals in excess of two
23 hundred dollars received during the reporting period:
 - 24 (1) The name and mailing address of the contributor;
 - 25 (2) The total amount of the contribution; and
 - 26 (3) The date the last contributed amount was received;
 - 27 b. The total of all aggregated contributions from contributors which total in excess of
28 two hundred dollars during the reporting period;
 - 29 c. The total of all contributions received from contributors that contributed two
30 hundred dollars or less each during the reporting period; and

- 1 d. For a statewide candidate, a candidate committee formed on behalf of a
2 statewide candidate, and a statewide multicandidate committee, the balance of
3 the campaign fund on the fortieth day before the election and the balance of the
4 campaign fund on January first.

5 **SECTION 4. AMENDMENT.** Subsection 1 of section 16.1-08.1-02.4 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 1. Prior to the thirty-first day before a primary, general, or special election, a statewide
8 political party or a political committee not required to file statements under section
9 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a campaign
10 disclosure statement that includes all contributions received and expenditures made
11 from January first through the fortieth day before the election. A political party that has
12 not ~~endorsed or~~ nominated a candidate in an election is not required to file a
13 statement under this subsection. A statement required to be filed under this subsection
14 may be submitted for filing beginning on the thirty-ninth day before the election. The
15 statement must include:
- 16 a. For each aggregated contribution from a contributor which totals in excess of two
17 hundred dollars received during the reporting period:
- 18 (1) The name and mailing address of the contributor;
19 (2) The total amount of the contribution; and
20 (3) The date the last contributed amount was received;
- 21 b. The total of all aggregated contributions from contributors which total in excess of
22 two hundred dollars during the reporting period;
- 23 c. The total of all contributions received from contributors that contributed two
24 hundred dollars or less each during the reporting period;
- 25 d. For each recipient of an expenditure from campaign funds in excess of two
26 hundred dollars in the aggregate:
- 27 (1) The name and mailing address of the recipient;
28 (2) The total amount of the expenditure made to the recipient; and
29 (3) The date the last expended amount was made to the recipient;
- 30 e. The aggregate total of all expenditures from campaign funds in excess of two
31 hundred dollars;

- 1 f. The aggregate total of all expenditures from campaign funds of two hundred
2 dollars or less; and
3 g. The balance of the campaign fund on the fortieth day before the election and
4 balance of the campaign fund on January first.

5 **SECTION 5. AMENDMENT.** Section 16.1-09-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-09-02. Statement of interests to be filed.**

- 8 1. Every candidate for elective office shall sign and file the statement of interests as
9 required by this chapter. In a year when a president and vice president of the United
10 States are to be chosen, presidential and vice presidential candidates shall file with
11 the secretary of state either a statement of interests as required by this chapter or a
12 copy of the personal disclosure statement that is required by the federal election
13 commission. Candidates for elective office who are required to file such statements
14 shall do so with the filing officer for that election at the time of filing a certificate of
15 nomination, ~~a certificate of endorsement~~, a petition of nomination, or a certificate of
16 write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate.
17 2. An individual who has filed a statement as the result of candidacy in a primary election
18 need not refile before running in the following general election. A write-in candidate
19 who is not required to file a certificate of write-in candidacy shall file the statement of
20 interests after the candidate's election at the time of filing the required oath of office.
21 Every individual who is appointed by the governor to a state agency, board, bureau,
22 commission, department, or occupational or professional licensing board shall file a
23 statement of interests as required by this chapter with the secretary of state
24 simultaneously with announcement of the appointment.
25 3. A filing officer may not include a candidate's name on the ballot if an error is
26 discovered on the statement and the candidate is unable to or refuses to make the
27 necessary correction before the sixty-fourth day before the election.

28 **SECTION 6. AMENDMENT.** Section 16.1-11-06 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **16.1-11-06. State candidate's nominating petition ~~or political party certificate of~~**
2 **endorsement required to get name on ballot - Contents - Filing.**

3 1. Every candidate for United States senator, United States representative, a
4 statestatewide office, including the office of state senator or state representative, and
5 judges of the supreme and district courts shall present a nominating petition to the
6 secretary of state; between the first date ~~candidates~~ a candidate may begin circulating
7 a nominating petitions according to petition under this chapter and before four p.m. of
8 the sixty-fourth day before any primary election; ~~either:~~

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

14 **b-2.** The nominating petition containing the following must include:

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

20 (2)b. The name of the party the candidate represents if the petition is for an office
21 under party designation.

22 (3)c. The signatures and printed names of qualified electors, the number of which
23 must be determined as follows:

24 (a) (1) If the office is a statewide office under a party or no-party designation, the
25 ~~signatures of three percent of the total vote cast for the candidates of the~~
26 ~~party with which the candidate affiliates for the same position at the last~~
27 ~~general election. However, no more than three hundred~~ candidate must
28 collect at least two thousand signatures ~~may be required.~~

29 (b) (2) If there was no candidate of a party for a position at the preceding general
30 election, at least three hundred signatures.

1 (e) (3) If the office is under the no-party designation but is not a statewide office, at
2 least three hundred signatures.

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

6 (4)d. The mailing address and the date of signing for each signer.

7 2.3. If the nominating petition ~~or certificate of endorsement~~ is for the office of governor and
8 lieutenant governor, the nominating petition ~~or certificate~~ must contain the names and
9 other information required of candidates for both offices.

10 3.4. A nominating petition ~~or certificate of endorsement~~ may be filed electronically, through
11 the mail, or by personal delivery. However, the nominating petition ~~or certificate~~ must
12 be complete and in the possession of the secretary of state before four p.m. of the
13 sixty-fourth day before the primary election.

14 **SECTION 7. AMENDMENT.** Section 16.1-11-10 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **16.1-11-10. Applicant's name placed upon ballot - Affidavit to accompany petition.**

17 1. Upon receipt by the secretary of state of the petition ~~or certificate of endorsement~~
18 ~~provided for in~~ under section 16.1-11-06, or a notification of appointment under section
19 16.1-03-21, accompanied by the following affidavit, the secretary of state shall place
20 the applicant's name upon the primary election ballot in the columns of the applicant's
21 party as provided or within the no-party office for which the applicant desires
22 nomination.

23 2. Upon receipt by the county auditor of the petition provided for in section 16.1-11-11
24 accompanied by the following affidavit, the county auditor shall place the applicant's
25 name upon the primary election ballot within the no-party office for which the applicant
26 desires nomination. The affidavit may be filed electronically, through the mail, or by
27 personal delivery. However, the affidavit must be in the possession of the appropriate
28 filing officer before four p.m. on the sixty-fourth day before the primary election. If the
29 affidavit is filed electronically, the candidate shall retain the original copy.

30 3. The affidavit must be substantially as follows:

31 State of North Dakota)

Sixty-ninth
Legislative Assembly

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

13 _____
14 Ballot name requested

15 _____
16 Candidate's signature

17 Subscribed and sworn to before me on _____, _____.
18 _____

19 Notary Public

20 NOTARY SEAL

My Commission Expires _____

21 **SECTION 8. AMENDMENT.** Section 16.1-11-11 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-11-11. County candidates' petitions - Filing - Contents.**

24 Every candidate for a county office shall present a petition to the county auditor of the
25 county in which the candidate resides between the first date candidates may begin circulating
26 nominating petitions according to this chapter and four p.m. of the sixty-fourth day before any
27 primary election. The petition ~~or certificate of endorsement~~ may be filed electronically, through
28 the mail, or by personal delivery. However, the petition ~~or certificate of endorsement~~ must be
29 complete and in the possession of the county auditor before four p.m. on the sixty-fourth day
30 before the primary election. A petition under this section must include the following:

- 1 1. The candidate's name, post-office address, nongovernment issued electronic mail
2 address, and telephone number, the title of the office to which the candidate aspires,
3 the appropriate district number if applicable, and whether the petition is intended for
4 nomination for an unexpired term of office if applicable.
- 5 2. The printed names and signatures of qualified electors, the number of which must be
6 determined as follows:
 - 7 a. If the office is a county office, the signatures of not less than two percent of the
8 total vote cast for the office at the most recent general election at which the office
9 was voted upon.
 - 10 b. If the office is a county office and multiple candidates were elected to the office at
11 the preceding general election at which the office was voted upon, the signatures
12 of not less than two percent of the votes cast for all candidates divided by the
13 number of candidates that were to be elected to that office.
 - 14 c. If the office is a county office and no candidate was elected or no votes were cast
15 for the office at any general election, the number of signers equal to at least
16 two percent of the total average vote cast for the offices of sheriff and county
17 auditor at the most recent general election at which those officers were elected in
18 the petitioner's county. This average must be determined by dividing by two the
19 total vote cast for those offices.
 - 20 d. In no case may more than three hundred signatures be required.
- 21 3. The residential address, mailing address (if different from residential address), and
22 date of signing for each signer. A post office box does not qualify as a residential
23 address. In areas of the state where street addresses are not available, a description
24 of where the residential address is located must be used.

25 **SECTION 9. AMENDMENT.** Section 16.1-11-12 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **16.1-11-12. Applicant's name placed on ballot.**

- 28 1. Upon receipt of the petition ~~or certificate of endorsement~~ provided for in section
29 16.1-11-06, accompanied by an affidavit as provided in section 16.1-11-10, the
30 secretary of state shall place the name of the applicant on the primary election ballot in

- 1 the party or appropriate section if the documentation meets all applicable
2 requirements.
- 3 2. Upon receipt of the petition ~~or certificate of endorsement~~ provided for in section
4 16.1-11-11, accompanied by an affidavit as provided in section 16.1-11-10, the county
5 auditor shall place the name of the applicant on the appropriate section of the no-party
6 primary election ballot if the documentation meets all applicable requirements.
- 7 3. A candidate whose name was placed on the ballot under this section may have the
8 candidate's name removed from the ballot by submitting a written request to the
9 appropriate filing officer within forty-eight hours after the filing deadline under sections
10 16.1-11-06 and 16.1-11-11.

11 **SECTION 10. AMENDMENT.** Section 16.1-11-18 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **16.1-11-18. Filling vacancy occurring in ~~endorsement or~~ nomination by petition for**
14 **party office.**

15 ~~1. If a vacancy occurs in any party certificate of endorsement at the primary election for any~~
16 ~~state or legislative district office, the proper state or district executive committee of the political~~
17 ~~party may fill the vacancy by filing another certificate of endorsement with the secretary of state~~
18 ~~as provided in section 16.1-11-06.~~

19 ~~2. If no party endorsement has been made by certificate and a vacancy occurs in a slate of~~
20 ~~candidates seeking party nomination by petition at the primary election, the proper state or~~
21 ~~district executive committee may fill the vacancy by filing a certificate of endorsement with the~~
22 ~~secretary of state may be filled by petition as provided in section 16.1-11-06.~~

23 ~~3. If party endorsements by certificate have been made for any state or district office and~~
24 ~~a vacancy occurs in the slate of individuals seeking nomination at the primary election~~
25 ~~because of the unavailability of the individual who is seeking nomination by petition,~~
26 ~~that vacancy may not be filled except by petition.~~

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

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

1 **16.1-11-30. Separate section on primary election ballot required for each political**
2 **party.**

3 1. Any party that had printed on the ballot at the last preceding presidential election the
4 names of a set of presidential electors pledged to the election of the party's candidates
5 for president and vice president or a candidate for governor and those candidates for
6 presidential electors or governor received at least five percent of the total vote cast for
7 presidential electors or the office of governor within this state at that election; any party
8 that had printed on the ballot at the last preceding nonpresidential election a candidate
9 for attorney general or secretary of state, and the candidate received at least five
10 percent of the total vote cast for the office the candidate was seeking at the election;
11 or any party that has organized according to all the requirements of chapter 16.1-03
12 must be provided with a separate section on primary election ballots.

13 2. Any other political organization is entitled to ~~endorse candidates or~~ have candidates
14 petition to be included on the primary ballot in a separate section of the consolidated
15 primary election ballot, if a petition signed by at least seven thousand qualified electors
16 of this state is filed with the secretary of state before four p.m. of the sixty-fourth day
17 before a primary or special election, naming the political organization, stating the
18 platform principles of the party, and requesting the names of its candidates to be
19 included on the state's primary ballot in a separate section. Political organizations that
20 are granted ballot access under this section are allowed ballot access only for those
21 offices for which the organization has identified candidates. Regardless of the means
22 by which the petition is delivered, the original must be in the possession of the
23 secretary of state before four p.m. on the sixty-fourth day prior to a primary or special
24 election. Candidates of that party are entitled to the same rights and privileges as
25 those of other parties. Petitions circulated according to this section must be filed with
26 the secretary of state in accordance with section 1-01-50.

27 3. A political organization that had printed on the ballot at the last preceding presidential
28 election the names of a set of presidential electors pledged to the election of the
29 party's candidates for president and vice president or a candidate for governor and
30 those candidates for presidential electors or governor received at least five percent of
31 the total vote cast for presidential electors or the office of governor within this state at

1 that election, and any political organization that has printed on the ballot at the last
2 preceding nonpresidential election a candidate for attorney general or secretary of
3 state, and the candidate received at least five percent of the total vote cast for the
4 office the candidate was seeking at the election are entitled to organize according to
5 the requirements of chapter 16.1-03.

6 **SECTION 12. AMENDMENT.** Section 16.1-11-39 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **16.1-11-39. Individuals nominated in accordance with provisions of chapter eligible**
9 **as candidates in general election.**

- 10 1. All individuals nominated in accordance with this chapter are eligible as candidates to
11 be voted for at the ensuing general election, except as provided in this section.
- 12 2. Upon receipt of the documents filed by each candidate, the filing officer immediately
13 shall complete a thorough review of the documents and notify the candidate of any
14 necessary corrections that must be made before four p.m. on the sixty-fourth day
15 before the primary election. The filing officer may not place a candidate's name on the
16 primary election ballot if the filed documents are insufficient and remain uncorrected.
- 17 3. If the filing officer discovers, after four p.m. on the sixty-fourth day before the primary
18 election, an insufficiency in the ~~certificate of endorsement or~~ petition or affidavit of
19 candidacy filed by a candidate, the candidate may not be deemed nominated until the
20 insufficiency is corrected. Upon discovery of the insufficiency, the filing officer
21 immediately shall notify the candidate in writing of the necessary corrections. The
22 candidate shall file the necessary corrections as soon as practicable, but not later than
23 four p.m. on the sixty-fourth day before the general election.

24 **SECTION 13. AMENDMENT.** Subsection 1 of section 16.1-12-02 of the North Dakota
25 Century Code is amended and reenacted as follows:

- 26 1. Except as provided in subsection 3, if the nomination is for an office to be filled by the
27 qualified electors of the entire state, there must be no fewer than ~~one thousand two~~
28 thousand signatures.

29 **SECTION 14. AMENDMENT.** Section 16.1-12-09 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **16.1-12-09. Filling vacancy existing on no-party ballot - Petition required - Time of**
2 **filing.**

- 3 1. Whenever a vacancy exists on a no-party ballot for a state office or for judge of a
4 district court, the vacancy may be filled by filing with the secretary of state, before
5 four p.m. on the sixty-fourth day, a written petition as provided in section 16.1-11-06,
6 stating that the petitioner desires to become a candidate for election to the office for
7 which a vacancy exists. The petition for the nomination of any individual to fill the
8 vacancy must be signed by qualified electors equal in number to at least two percent
9 of the total vote cast for the office of governor in the state or district, at the most recent
10 general election at which the office of governor was voted upon, but in no case may
11 more than three hundred signatures be required.
- 12 2. Whenever a vacancy exists on a no-party ballot in a county or district within a county,
13 the vacancy may be filled by filing with the county auditor before four p.m. of the sixty-
14 fourth day a written petition as provided in section 16.1-11-11, stating the petitioner
15 desires to become a candidate for election to the office for which a vacancy exists.
16 The petition for the nomination of any individual to fill the vacancy must be signed by
17 qualified electors equal in number to at least thirty percent of the total vote cast for the
18 office of governor at the most recent general election in the county or district at which
19 the office of governor was voted upon, but in no case may more than three hundred
20 signatures be required.
- 21 3. A vacancy in the no-party ballot must be deemed to exist when:
- 22 a. A candidate nominated at the primary election dies, resigns, or otherwise
23 becomes disqualified to have the candidate's name printed on the ballot at the
24 general election.
- 25 b. No candidates were nominated at the primary election because the office did not
26 yet exist.
- 27 c. The timing of the vacancy in an office makes it impossible to have the office
28 placed on the ballot.
- 29 4. The petition ~~or certificate of endorsement~~ may be filed electronically, through the mail,
30 or by personal delivery, and must be complete and in the possession of the filing
31 officer before four p.m. on the sixty-fourth day before the general or special election.

1 **SECTION 15. AMENDMENT.** Section 16.1-13-08.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **16.1-13-08.1. Special election to fill a vacancy in the United States House of**
4 **Representatives due to a catastrophic circumstance.**

5 If a vacancy occurs in the office of representative in Congress due to a catastrophic
6 circumstance in which one hundred or more representatives across the United States are no
7 longer able to serve and the next regular or special election is more than seventy-five days in
8 the future, the governor shall immediately issue a writ of election calling a special election to fill
9 the vacancy. The date of the election shall be forty-nine days from the date of the proclamation
10 and the following deadlines shall apply:

- 11 1. Certificate of endorsement as described in ~~section 16.1-11-09~~ subsection 6, affidavits
12 of candidacy described in section 16.1-11-10, and statements of interest described in
13 section 16.1-09-03 for those candidates nominated by political parties currently
14 established in the state shall be filed with the secretary of state by four p.m. on the
15 fortieth day before the election.
- 16 2. If the election occurs in an election year, the precincts previously established by the
17 county shall be utilized.
- 18 3. If the election occurs in a year without a scheduled election, the board of county
19 commissioners must establish the precinct boundaries by the fortieth day before the
20 election.
- 21 4. The secretary of state shall certify to the county auditors the names of the candidates
22 for the election on the thirty-ninth day before the election.
- 23 5. Absentee ballots shall be made available to qualified electors by the thirtieth day
24 before the election.
- 25 6. A certificate of endorsement filed with the secretary of state as provided in this section
26 must be in substantially the following form:

27 CERTIFICATE OF ENDORSEMENT

28 I, _____, do certify that I am the state (district) chairman of the
29 _____ political party of the _____ legislative district (if appropriate) of
30 the state of North Dakota and that _____ (insert name of endorsee), residing at
31 _____, whose nongovernment-issued electronic mail address is _____.

Sixty-ninth
Legislative Assembly

1 was duly endorsed for nomination to the office of _____ on the
2 _____ day of _____, by the _____ political party of the
3 _____ legislative district (if appropriate), duly convened and organized in
4 accordance with the bylaws of the _____ political party and the laws of this
5 state, and do hereby request _____ name be printed upon the ballot as a
6 candidate for nomination to the office of _____ at the forthcoming primary
7 election to be held on _____ of this year.

8 Dated this _____ day of _____.

9 _____
10 (signature of state or district chairman)

11 **SECTION 16. REPEAL.** Sections 16.1-11-05.1 and 16.1-11-09 of the North Dakota Century
12 Code are repealed.

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1446
2/21/2025

Relating to party organization endorsements and certificates of endorsement.
--

10:50 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Discussion Topics:

- Committee action

10:51 a.m. Representative Schneider moved to amend the bill relating to appointment of candidates, LC 25.0267.02003.

10:52 a.m. Representative Bahl seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Karen Grindberg	Y
Representative Karen Karls	Y
Representative Carrie McLeod	Y
Representative Karen Rohr	N
Representative Mary Schneider	Y
Representative Vicky Steiner	N
Representative Lori VanWinkle	N
Representative Steve Vetter	N
Representative Christina Wolff	N

10:52 a.m. Motion passed 8-5-0.

11:01 a.m. Representative Bahl moved a Do Not Pass as amended.

11:01 a.m. Representative Vetter seconded the motion.

Representatives	Vote
Representative Austen Schauer	N
Representative Bernie Satrom	N
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Karen Grindberg	Y
Representative Karen Karls	N

Representative Carrie McLeod	Y
Representative Karen Rohr	Y
Representative Mary Schneider	N
Representative Vicky Steiner	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y
Representative Christina Wolff	Y

11:02 a.m. Motion passed 9-4-0.

Representative Vetter will carry the bill.

11:02 a.m. Chairman Schauer closed the meeting.

Jackson Toman, Committee Clerk

86 2/21/25
1615

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1446

Introduced by

Representatives Nathe, D. Anderson, Berg, Bosch, Longmuir, Nelson, Porter, Swiontek
Senators Bekkedahl, Dever, Roers, Cleary

1 A BILL for an Act to amend and reenact sections 16.1-03-14 and 16.1-03-21, subsection 1 of
2 section 16.1-08.1-02.3, subsection 1 of section 16.1-08.1-02.4, and sections 16.1-09-02,
3 16.1-11-06, 16.1-11-10, 16.1-11-11, 16.1-11-12, 16.1-11-18, 16.1-11-30, and 16.1-11-39,
4 subsection 1 of section 16.1-12-02, and sections 16.1-12-09 and 16.1-13-08.1, of the North
5 Dakota Century Code, relating to placing the name of a candidate on the primary election ballot;
6 and to repeal sections 16.1-11-05.1 ~~and~~ 16.1-11-09, and 16.1-11-36 of the North Dakota
7 Century Code, relating to party organization endorsements ~~and~~ certificates of endorsement,
8 and the minimum vote required at a primary election for nomination.

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

10 **SECTION 1. AMENDMENT.** Section 16.1-03-14 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **16.1-03-14. State party convention.**

- 13 1. The party state committee shall set the place and time of the state party convention to
14 be held in each general election year. Subject to party rules and bylaws, the state
15 party convention may:
- 16 a. Nominate the legal number of elector nominees and alternate elector nominees
17 for its party for the offices of presidential electors. The nominees must be
18 qualified electors of this state.
- 19 b. Elect the required number of delegates and alternates to the national party
20 convention.

- 1 e. ~~Endorse candidates as provided under subsection 2.~~
- 2 2. ~~The candidate or candidates for endorsement or election must be declared endorsed~~
3 ~~or elected under the rules of the party, and the chairman and secretary of the~~
4 ~~convention shall issue certificates of endorsement as provided in section 16.1-11-06 or~~
5 ~~certificates of election.~~ The names of the qualified electors nominated for presidential
6 electors the party wishes to place on the general election ballot must be certified by
7 the chairman and secretary of the convention to the secretary of state by four p.m. on
8 the sixty-fourth day before the general election to be placed upon the general election
9 ballot as provided in section 16.1-06-07.1.

10 **SECTION 2. AMENDMENT.** Section 16.1-03-21 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **16.1-03-21. Organizations allowed to nominate statewide and legislative candidates.**

13 A political organization may not ~~endorse candidates or~~ have candidates petition for
14 president, vice president, Congress, statewide office, or legislative office as set forth in
15 chapter 16.1-11, unless the organization:

- 16 1. Organized according to all requirements of this chapter;
- 17 2. Had printed on the ballot at the last preceding general election the names of a set of
18 presidential electors pledged to the election of the party's candidate for president and
19 vice president, a candidate for governor, a candidate for attorney general, or a
20 candidate for secretary of state and those candidates for presidential electors,
21 governor, attorney general, or secretary of state received at least five percent of the
22 total vote cast for presidential electors, the office of governor, attorney general, or
23 secretary of state within this state at that election and organized according to all
24 requirements of this chapter; or
- 25 3. Filed a petition with the secretary of state signed by the number of electors required
26 under section 16.1-11-30 to ~~qualify to endorse candidates or to~~ have candidates
27 petition to be included on the primary election ballot in a consolidated column or on a
28 special election ballot.
- 29 4. A candidate for Congress, statewide office, or legislative office endorsed according to
30 a party's bylaws may appear on a primary election ballot only through a nominating
31 petition under section 16.1-11-06.

5. Notwithstanding subsection 4, if a state party entitled to ballot access under 16.1-11-30 fails to be represented by an individual through a nominating petition for a statewide elected office seventy-one days before the primary election, the state party may appoint an individual to represent the party for that office under bylaws adopted by the state party. Upon appointment, the state party shall issue a notification of appointment to the appointee, which must contain the appointee's name, mailing address, and telephone number. The appointee shall file the notification of appointment with the secretary of state within the time prescribed under section 16.1-11-10.

SECTION 3. AMENDMENT. Subsection 1 of section 16.1-08.1-02.3 of the North Dakota Century Code is amended and reenacted as follows:

1. Prior to the thirty-first day before a primary, general, or special election, a candidate or candidate committee formed on behalf of the candidate, a multicandidate political committee, or a political party other than a statewide political party soliciting or accepting contributions shall file a campaign disclosure statement that includes all contributions received from January first through the fortieth day before the election. A candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a political party that has not ~~endorsed or~~ nominated any candidate in the election is not required to file a statement under this subsection. The statement may be submitted for filing beginning on the thirty-ninth day before the election. The statement must include:
 - a. For each aggregated contribution from a contributor which totals in excess of two hundred dollars received during the reporting period:
 - (1) The name and mailing address of the contributor;
 - (2) The total amount of the contribution; and
 - (3) The date the last contributed amount was received;
 - b. The total of all aggregated contributions from contributors which total in excess of two hundred dollars during the reporting period;
 - c. The total of all contributions received from contributors that contributed two hundred dollars or less each during the reporting period; and

- 1 d. For a statewide candidate, a candidate committee formed on behalf of a
2 statewide candidate, and a statewide multicandidate committee, the balance of
3 the campaign fund on the fortieth day before the election and the balance of the
4 campaign fund on January first.

5 **SECTION 4. AMENDMENT.** Subsection 1 of section 16.1-08.1-02.4 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 1. Prior to the thirty-first day before a primary, general, or special election, a statewide
8 political party or a political committee not required to file statements under section
9 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a campaign
10 disclosure statement that includes all contributions received and expenditures made
11 from January first through the fortieth day before the election. A political party that has
12 not ~~endorsed or~~ nominated a candidate in an election is not required to file a
13 statement under this subsection. A statement required to be filed under this subsection
14 may be submitted for filing beginning on the thirty-ninth day before the election. The
15 statement must include:
- 16 a. For each aggregated contribution from a contributor which totals in excess of two
17 hundred dollars received during the reporting period:
- 18 (1) The name and mailing address of the contributor;
- 19 (2) The total amount of the contribution; and
- 20 (3) The date the last contributed amount was received;
- 21 b. The total of all aggregated contributions from contributors which total in excess of
22 two hundred dollars during the reporting period;
- 23 c. The total of all contributions received from contributors that contributed two
24 hundred dollars or less each during the reporting period;
- 25 d. For each recipient of an expenditure from campaign funds in excess of two
26 hundred dollars in the aggregate:
- 27 (1) The name and mailing address of the recipient;
- 28 (2) The total amount of the expenditure made to the recipient; and
- 29 (3) The date the last expended amount was made to the recipient;
- 30 e. The aggregate total of all expenditures from campaign funds in excess of two
31 hundred dollars;

1 f. The aggregate total of all expenditures from campaign funds of two hundred
2 dollars or less; and

3 g. The balance of the campaign fund on the fortieth day before the election and
4 balance of the campaign fund on January first.

5 **SECTION 5. AMENDMENT.** Section 16.1-09-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-09-02. Statement of interests to be filed.**

- 8 1. Every candidate for elective office shall sign and file the statement of interests as
9 required by this chapter. In a year when a president and vice president of the United
10 States are to be chosen, presidential and vice presidential candidates shall file with
11 the secretary of state either a statement of interests as required by this chapter or a
12 copy of the personal disclosure statement that is required by the federal election
13 commission. Candidates for elective office who are required to file such statements
14 shall do so with the filing officer for that election at the time of filing a certificate of
15 nomination, ~~a certificate of endorsement~~, a petition of nomination, or a certificate of
16 write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate.
- 17 2. An individual who has filed a statement as the result of candidacy in a primary election
18 need not refile before running in the following general election. A write-in candidate
19 who is not required to file a certificate of write-in candidacy shall file the statement of
20 interests after the candidate's election at the time of filing the required oath of office.
21 Every individual who is appointed by the governor to a state agency, board, bureau,
22 commission, department, or occupational or professional licensing board shall file a
23 statement of interests as required by this chapter with the secretary of state
24 simultaneously with announcement of the appointment.
- 25 3. A filing officer may not include a candidate's name on the ballot if an error is
26 discovered on the statement and the candidate is unable to or refuses to make the
27 necessary correction before the sixty-fourth day before the election.

28 **SECTION 6. AMENDMENT.** Section 16.1-11-06 of the North Dakota Century Code is
29 amended and reenacted as follows:

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

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

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

b. 2. The nominating petition containing the following must include:

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

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

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

(a) (1) If the office is a statewide office under a party or no-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 candidate must
collect at least two thousand signatures may be required.

(b) (2) If there was no candidate of a party for a position at the preceding general
election, at least three hundred signatures.

1 (e) (3) If the office is under the no-party designation but is not a statewide office, at
2 least three hundred signatures.

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

6 (4)d. The mailing address and the date of signing for each signer.

7 2-3. If the nominating petition ~~or certificate of endorsement~~ is for the office of governor and
8 lieutenant governor, the nominating petition ~~or certificate~~ must contain the names and
9 other information required of candidates for both offices.

10 3-4. A nominating petition ~~or certificate of endorsement~~ may be filed electronically, through
11 the mail, or by personal delivery. However, the nominating petition ~~or certificate~~ must
12 be complete and in the possession of the secretary of state before four p.m. of the
13 sixty-fourth day before the primary election.

14 **SECTION 7. AMENDMENT.** Section 16.1-11-10 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **16.1-11-10. Applicant's name placed upon ballot - Affidavit to accompany petition.**

17 1. Upon receipt by the secretary of state of the petition ~~or certificate of endorsement~~
18 ~~provided for in~~ under section 16.1-11-06, or a notification of appointment under section
19 16.1-03-21, accompanied by the following affidavit, the secretary of state shall place
20 the applicant's name upon the primary election ballot in the columns of the applicant's
21 party as provided or within the no-party office for which the applicant desires
22 nomination.

23 2. Upon receipt by the county auditor of the petition provided for in section 16.1-11-11
24 accompanied by the following affidavit, the county auditor shall place the applicant's
25 name upon the primary election ballot within the no-party office for which the applicant
26 desires nomination. The affidavit may be filed electronically, through the mail, or by
27 personal delivery. However, the affidavit must be in the possession of the appropriate
28 filing officer before four p.m. on the sixty-fourth day before the primary election. If the
29 affidavit is filed electronically, the candidate shall retain the original copy.

30 3. The affidavit must be substantially as follows:

31 State of North Dakota)

1) ss.

2 County of _____)

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

13 _____
14 Ballot name requested

15 _____
16 Candidate's signature

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

18 _____
19 Notary Public

20 NOTARY SEAL My Commission Expires _____

21 **SECTION 8. AMENDMENT.** Section 16.1-11-11 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-11-11. County candidates' petitions - Filing - Contents.**

24 Every candidate for a county office shall present a petition to the county auditor of the
25 county in which the candidate resides between the first date candidates may begin circulating
26 nominating petitions according to this chapter and four p.m. of the sixty-fourth day before any
27 primary election. The petition ~~or certificate of endorsement~~ may be filed electronically, through
28 the mail, or by personal delivery. However, the petition ~~or certificate of endorsement~~ must be
29 complete and in the possession of the county auditor before four p.m. on the sixty-fourth day
30 before the primary election. A petition under this section must include the following:

- 1 1. The candidate's name, post-office address, nongovernment issued electronic mail
2 address, and telephone number, the title of the office to which the candidate aspires,
3 the appropriate district number if applicable, and whether the petition is intended for
4 nomination for an unexpired term of office if applicable.
- 5 2. The printed names and signatures of qualified electors, the number of which must be
6 determined as follows:
 - 7 a. If the office is a county office, the signatures of not less than two percent of the
8 total vote cast for the office at the most recent general election at which the office
9 was voted upon.
 - 10 b. If the office is a county office and multiple candidates were elected to the office at
11 the preceding general election at which the office was voted upon, the signatures
12 of not less than two percent of the votes cast for all candidates divided by the
13 number of candidates that were to be elected to that office.
 - 14 c. If the office is a county office and no candidate was elected or no votes were cast
15 for the office at any general election, the number of signers equal to at least
16 two percent of the total average vote cast for the offices of sheriff and county
17 auditor at the most recent general election at which those officers were elected in
18 the petitioner's county. This average must be determined by dividing by two the
19 total vote cast for those offices.
 - 20 d. In no case may more than three hundred signatures be required.
- 21 3. The residential address, mailing address (if different from residential address), and
22 date of signing for each signer. A post office box does not qualify as a residential
23 address. In areas of the state where street addresses are not available, a description
24 of where the residential address is located must be used.

25 **SECTION 9. AMENDMENT.** Section 16.1-11-12 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **16.1-11-12. Applicant's name placed on ballot.**

- 28 1. Upon receipt of the petition ~~or certificate of endorsement~~ provided for in section
29 16.1-11-06, accompanied by an affidavit as provided in section 16.1-11-10, the
30 secretary of state shall place the name of the applicant on the primary election ballot in

1 the party or appropriate section if the documentation meets all applicable
2 requirements.

3 2. Upon receipt of the petition ~~or certificate of endorsement~~ provided for in section
4 16.1-11-11, accompanied by an affidavit as provided in section 16.1-11-10, the county
5 auditor shall place the name of the applicant on the appropriate section of the no-party
6 primary election ballot if the documentation meets all applicable requirements.

7 3. A candidate whose name was placed on the ballot under this section may have the
8 candidate's name removed from the ballot by submitting a written request to the
9 appropriate filing officer within forty-eight hours after the filing deadline under sections
10 16.1-11-06 and 16.1-11-11.

11 **SECTION 10. AMENDMENT.** Section 16.1-11-18 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **16.1-11-18. Filling vacancy occurring in endorsement ~~or nomination~~ by petition for**
14 **party office.**

15 ~~1. If a vacancy occurs in any party certificate of endorsement at the primary election for~~
16 ~~any state or legislative district office, the proper state or district executive committee of~~
17 ~~the political party may fill the vacancy by filing another certificate of endorsement with~~
18 ~~the secretary of state as provided in section 16.1-11-06.~~

19 ~~2. If no party endorsement has been made by certificate and a vacancy occurs in a slate~~
20 ~~of candidates seeking party nomination by petition at the primary election, the proper~~
21 ~~state or district executive committee may fill the vacancy by filing a certificate of~~
22 ~~endorsement with the secretary of state~~ may be filled by petition ~~as provided in section~~
23 ~~16.1-11-06.~~

24 ~~3. If party endorsements by certificate have been made for any state or district office and~~
25 ~~a vacancy occurs in the slate of individuals seeking nomination at the primary election~~
26 ~~because of the unavailability of the individual who is seeking nomination by petition,~~
27 ~~that vacancy may not be filled except by petition.~~

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

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

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

1. Any party that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within this state at that election; any party that had printed on the ballot at the last preceding nonpresidential election a candidate for attorney general or secretary of state, and the candidate received at least five percent of the total vote cast for the office the candidate was seeking at the election; or any party that has organized according to all the requirements of chapter 16.1-03 must be provided with a separate section on primary election ballots.

2. Any other political organization is entitled to ~~endorse candidates or~~ have candidates petition to be included on the primary ballot in a separate section of the consolidated primary election ballot, if a petition signed by at least seven thousand qualified electors of this state is filed with the secretary of state before four p.m. of the sixty-fourth day before a primary or special election, naming the political organization, stating the platform principles of the party, and requesting the names of its candidates to be included on the state's primary ballot in a separate section. Political organizations that are granted ballot access under this section are allowed ballot access only for those offices for which the organization has identified candidates. Regardless of the means by which the petition is delivered, the original must be in the possession of the secretary of state before four p.m. on the sixty-fourth day prior to a primary or special election. Candidates of that party are entitled to the same rights and privileges as those of other parties. Petitions circulated according to this section must be filed with the secretary of state in accordance with section 1-01-50.

3. A political organization that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within this state at

that election, and any political organization that has printed on the ballot at the last preceding nonpresidential election a candidate for attorney general or secretary of state, and the candidate received at least five percent of the total vote cast for the office the candidate was seeking at the election are entitled to organize according to the requirements of chapter 16.1-03.

SECTION 12. AMENDMENT. Section 16.1-11-39 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-39. Individuals nominated in accordance with provisions of chapter eligible as candidates in general election.

1. All individuals nominated in accordance with this chapter are eligible as candidates to be voted for at the ensuing general election, except as provided in this section.
2. Upon receipt of the documents filed by each candidate, the filing officer immediately shall complete a thorough review of the documents and notify the candidate of any necessary corrections that must be made before four p.m. on the sixty-fourth day before the primary election. The filing officer may not place a candidate's name on the primary election ballot if the filed documents are insufficient and remain uncorrected.
3. If the filing officer discovers, after four p.m. on the sixty-fourth day before the primary election, an insufficiency in the ~~certificate of endorsement or~~ petition or affidavit of candidacy filed by a candidate, the candidate may not be deemed nominated until the insufficiency is corrected. Upon discovery of the insufficiency, the filing officer immediately shall notify the candidate in writing of the necessary corrections. The candidate shall file the necessary corrections as soon as practicable, but not later than four p.m. on the sixty-fourth day before the general election.

SECTION 13. AMENDMENT. Subsection 1 of section 16.1-12-02 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as provided in subsection 3, if the nomination is for an office to be filled by the qualified electors of the entire state, there must be no fewer than ~~one thousand~~ two thousand signatures.

SECTION 14. AMENDMENT. Section 16.1-12-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-09. Filling vacancy existing on no-party ballot - Petition required - Time of filing.

1. Whenever a vacancy exists on a no-party ballot for a state office or for judge of a district court, the vacancy may be filled by filing with the secretary of state, before four p.m. on the sixty-fourth day, a written petition as provided in section 16.1-11-06, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. The petition for the nomination of any individual to fill the vacancy must be signed by qualified electors equal in number to at least two percent of the total vote cast for the office of governor in the state or district, at the most recent general election at which the office of governor was voted upon, but in no case may more than three hundred signatures be required.
2. Whenever a vacancy exists on a no-party ballot in a county or district within a county, the vacancy may be filled by filing with the county auditor before four p.m. of the sixty-fourth day a written petition as provided in section 16.1-11-11, stating the petitioner desires to become a candidate for election to the office for which a vacancy exists. The petition for the nomination of any individual to fill the vacancy must be signed by qualified electors equal in number to at least thirty percent of the total vote cast for the office of governor at the most recent general election in the county or district at which the office of governor was voted upon, but in no case may more than three hundred signatures be required.
3. A vacancy in the no-party ballot must be deemed to exist when:
 - a. A candidate nominated at the primary election dies, resigns, or otherwise becomes disqualified to have the candidate's name printed on the ballot at the general election.
 - b. No candidates were nominated at the primary election because the office did not yet exist.
 - c. The timing of the vacancy in an office makes it impossible to have the office placed on the ballot.
4. The petition ~~or certificate of endorsement~~ may be filed electronically, through the mail, or by personal delivery, and must be complete and in the possession of the filing officer before four p.m. on the sixty-fourth day before the general or special election.

1 **SECTION 15. AMENDMENT.** Section 16.1-13-08.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **16.1-13-08.1. Special election to fill a vacancy in the United States House of**
4 **Representatives due to a catastrophic circumstance.**

5 If a vacancy occurs in the office of representative in Congress due to a catastrophic
6 circumstance in which one hundred or more representatives across the United States are no
7 longer able to serve and the next regular or special election is more than seventy-five days in
8 the future, the governor shall immediately issue a writ of election calling a special election to fill
9 the vacancy. The date of the election shall be forty-nine days from the date of the proclamation
10 and the following deadlines shall apply:

- 11 1. Certificate of endorsement as described in ~~section 16.1-11-09~~subsection 6, affidavits
12 of candidacy described in section 16.1-11-10, and statements of interest described in
13 section 16.1-09-03 for those candidates nominated by political parties currently
14 established in the state shall be filed with the secretary of state by four p.m. on the
15 fortieth day before the election.
- 16 2. If the election occurs in an election year, the precincts previously established by the
17 county shall be utilized.
- 18 3. If the election occurs in a year without a scheduled election, the board of county
19 commissioners must establish the precinct boundaries by the fortieth day before the
20 election.
- 21 4. The secretary of state shall certify to the county auditors the names of the candidates
22 for the election on the thirty-ninth day before the election.
- 23 5. Absentee ballots shall be made available to qualified electors by the thirtieth day
24 before the election.
- 25 6. A certificate of endorsement filed with the secretary of state as provided in this section
26 must be in substantially the following form:

27 CERTIFICATE OF ENDORSEMENT

28 I, _____, do certify that I am the state (district) chairman of the
29 _____ political party of the _____ legislative district (if appropriate) of
30 the state of North Dakota and that _____ (insert name of endorsee), residing at
31 _____, whose nongovernment-issued electronic mail address is _____.

1 was duly endorsed for nomination to the office of on the
2 day of , by the political party of the
3 legislative district (if appropriate), duly convened and organized in
4 accordance with the bylaws of the political party and the laws of this
5 state, and do hereby request name be printed upon the ballot as a
6 candidate for nomination to the office of at the forthcoming primary
7 election to be held on of this year.

8 Dated this day of .

9 _____

10 (signature of state or district chairman)

11 **SECTION 16. REPEAL.** Sections 16.1-11-05.1 ~~and~~, 16.1-11-09, and 16.1-11-36 of the
12 North Dakota Century Code are repealed.

**REPORT OF STANDING COMMITTEE
HB 1446**

Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **AMENDMENTS** ([25.0267.02003](#)) and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1446 was placed on the Sixth order on the calendar.