

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1424

Introduced by

Representative Koppelman

1 A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota
2 Century Code, relating to the issuance of a certificate of endorsement by a district party; and to
3 amend and reenact sections 16.1-11-06 and 16.1-11-10 of the North Dakota Century Code,
4 relating to certificates of endorsement and the secretary of state's duty to place a candidate's
5 name on a primary election ballot.

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

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

9 **District endorsements - Complaint and investigation procedure.**

- 10 1. Any political party of a district organization authorized to endorse a candidate under
11 section 16.1-03-21 may hold an endorsing caucus to place a candidate on the primary
12 election ballot. The district organization shall conduct the caucus according to its
13 internal rules and bylaws.
- 14 2. After completion of the endorsing caucus, the district chairman shall ~~issue~~sign a
15 certificate of endorsement ~~to the endorsed candidate, and the candidate shall file and~~
16 ~~forward~~ the certificate of endorsement ~~as provided under section 16.1-11-06 to the~~
17 state committee of the party making the endorsement.
- 18 3. Upon receiving the certificate of endorsement, the ~~state party chairman may not sign~~
19 ~~and forward the certificate of endorsement to the~~ secretary of state ~~may not place the~~

~~endorsed candidate~~for placement on the primary election ballot under section 16.1-11-10 for at least seven days following the receipt of the certificate.

4. Any individual claiming the endorsing caucus was not conducted in the manner prescribed under subsection 1 may file a complaint with the ~~secretary of state~~ ~~within inquiry committee~~. The individual shall file the complaint within seven days of the ~~issuance of the~~state committee receiving the certificate of endorsement. Upon receipt of a complaint, the ~~secretary of state~~inquiry committee shall review the complaint. If the ~~secretary of state~~inquiry committee determines the complaint is without merit, the ~~secretary of state~~inquiry committee shall dismiss the complaint and the state party chairman shall sign the certificate of endorsement. Upon signing the certificate of endorsement, the state party chairman shall forward the certificate of endorsement to the secretary of state to place the endorsed candidate's name ~~in~~on the primary election ballot.

5. If the ~~secretary of state~~inquiry committee reasonably believes the endorsing caucus violated the applicable ~~district~~ organization's internal rules, bylaws, or any provision of law, the ~~secretary of state~~inquiry committee shall ~~forward the complaint to the attorney general to~~ investigate the complaint and notify the secretary of state of the investigation. If the ~~secretary of state forwards~~inquiry committee investigates the complaint ~~to the attorney general~~, the secretary of state may not place the candidate's name on the ballot until the investigation is complete. The ~~attorney general~~inquiry committee shall complete the investigation within seven days of receiving a complaint ~~from the secretary of state~~.

5.6. Upon completing the investigation under subsection 4.5, the ~~attorney general~~inquiry committee shall issue a written determination outlining the ~~attorney general's~~ findings of the investigation. ~~If~~Following the investigation, if the ~~attorney general~~inquiry committee determines the district organization complied with the internal rules, bylaws, or applicable state law relating to the endorsing caucus, the ~~attorney general~~state party chairman shall ~~notify~~sign the certificate of endorsement and forward the signed certificate to the the secretary of state ~~that the certificate of endorsement is valid for~~ placement on the primary election ballot. If the ~~attorney general~~inquiry committee determines the district organization failed to comply with the internal rules, bylaws, or

1 applicable state law relating to the endorsing caucus, the ~~attorney general~~inquiry
2 committee shall notify the district organization and the secretary of state the certificate
3 of endorsement is void and the district organization shall hold the district caucus ~~must~~
4 ~~be held~~ at a later date.

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

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

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

15 **16.1-11-06. State candidate's petition or political party certificate of endorsement**
16 **required to get name on ballot - Contents - Filing.**

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

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

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

28 (1) The candidate's name, post-office address, nongovernment issued
29 electronic mail address, and telephone number, and the title of the office to
30 which the candidate aspires, the appropriate district judgeship number if

1 applicable, and whether the petition is intended for nomination for an
2 unexpired term of office if applicable.

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

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

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

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

13 (c) If the office is under the no-party designation, at least three hundred
14 signatures.

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

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

19 2. If the petition or certificate of endorsement is for the office of governor and lieutenant
20 governor, the petition or certificate must contain the names and other information
21 required of candidates for both offices.

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

26 4. Notwithstanding any other provision of law, if a political party issues certificates of
27 endorsement under this chapter, no other candidate seeking the same office may
28 appear on the primary election ballot as a representative of the same party issuing the
29 certificates of endorsement. If a candidate submits a nominating petition under a party
30 affiliation and that party has issued a certificate of endorsement for the same office the

secretary of state shall notify the petitioning candidate of the candidate's ineligibility to appear on the primary election ballot under the desired party affiliation.

5. A certificate of endorsement issued to a candidate for the legislative assembly must be:

a. Signed by the district party chairman;

b. Signed by the state party chairman; and

c. In a substantially similar form as the certificate of endorsement provided under section 16.1-11-09.

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

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

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

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

State of North Dakota)

) SS.

County of _____)

I, _____, being sworn, say that I reside at _____, in the city of _____, in the county of _____ of North Dakota; and zip code of _____.

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

9 _____
10 Ballot name requested

11 _____
12 Candidate's signature

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

14 _____
15 Notary Public

16 NOTARY SEAL My Commission Expires _____