

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2369
(Senators Dever, Schaible)

AN ACT to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, 16.1-03-05, 16.1-03-07, 16.1-03-08, 16.1-03-11, 16.1-03-14, 16.1-03-17, 16.1-04-01, 16.1-06-04, 16.1-11-22, 16.1-11-30, and 16.1-12-02 of the North Dakota Century Code, relating to political party organization, voting precincts, and primary election ballot access; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Organizations allowed to nominate statewide and legislative candidates.

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

1. Organized according to all requirements of this chapter;
2. Had printed on the ballot at the last preceding general election the names of a set of presidential electors pledged to the election of the party's candidate for president and vice president, a candidate for governor, a candidate for attorney general, or a candidate for secretary of state and those candidates for presidential electors, governor, attorney general, or secretary of state received at least five percent of the total vote cast for presidential electors, the office of governor, attorney general, or secretary of state within this state at that election and organized according to all requirements of this chapter; or
3. Filed a petition with the secretary of state signed by the number of electors required under section 16.1-11-30 to qualify to endorse candidates or to have candidates petition to be included on the primary election ballot in a consolidated column or on a special election ballot.

SECTION 2. AMENDMENT. Section 16.1-03-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-01. Precinct caucus to elect precinct committeemen - Time and manner of holding - Caucus call - Notice.

1. Each legislative district party shall organize in conformance with the state legislative district boundaries as established by the legislative assembly and as set forth under chapter 54-03.
2. On or before May fifteenth following the last preceding general election, a party caucus must be held by every election precinct at a site within or reasonably close to the precinct in the manner provided in sections 16.1-03-01 through 16.1-03-03.
- 2.3. The legislative district chairman of each party shall issue the call set the date and time for the precinct caucus at least twenty days before the time set for holding the caucus and the. If there is not a district chairman in a legislative district, the state party executive committee may issue the call for the precinct caucus. The call must contain the following:

- a. Name of party.
- b. ~~Precinct~~Legislative district and precinct number or name.
- c. Date of caucus.
- d. Place of caucus.
- e. Hours of caucus.
- f. A statement of the business to be conducted, including the election of precinct committeemen and such other ~~persons~~individuals as may be provided by state law and ~~district party rules~~bylaws.
- g. The name of the district chairman or, if there is not a district chairman, the member of the state party executive committee issuing the call.

~~3.4.~~ The district chairman or, if there is not a district chairman, the state party executive committee shall provide ten days' published notice in the official newspaper in circulation within each precinct in the district. The notices must contain that information set forth in subsection 23. ~~The district chairman may include the information required by this section for all precincts in the district may be included~~ in one notice for publishing purposes.

SECTION 3. AMENDMENT. Section 16.1-03-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-02. Who may participate in and vote at caucus.

1. Only those ~~persons~~individuals who are qualified electors ~~pursuant to~~under section 16.1-01-04 may vote or be elected as committeemen or officers at the precinct caucus.
2. Only those ~~persons~~individuals who either voted or affiliated with the party at the last general election or intend to vote or affiliate with the party and vote with the party at the next general election may vote at the precinct caucus.
3. In case the right of a ~~person~~an individual to participate at the caucus is challenged, the question of the ~~person's~~individual's right to participate must be decided by a vote of the whole caucus. ~~A person~~An individual so challenged may not vote on the question of the ~~person's~~individual's right to participate in the caucus, and a two-thirds vote of the whole caucus is required to exclude a ~~person~~an individual from participation.
4. ~~No person~~An individual may not vote or participate at more than one precinct caucus in any one year.

SECTION 4. AMENDMENT. Section 16.1-03-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-03. ~~Caucus business and elections~~– Political parties entitled to elect committeemen.

1. ~~Each precinct caucus shall elect a chairman, committeemen as provided in subsection 3, and other officers as may be provided by party rules. The caucus may also discuss party policies, candidates, and any other business as prescribed by party rules.~~
2. ~~No~~A political organization is entitled to elect a precinct committeeman at its precinct caucus unless~~if~~:
 - a. The organization nominated and had printed on the ballot at the last preceding general 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, attorney general, or secretary of state; and

- b. The candidates provided for in subdivision a received at least five percent of the total vote cast for presidential electors or for governor, attorney general, or secretary of state within this state at that election.

3-2. Each political party in each voting precinct of this state, otherwise qualifying under subsection 21, is entitled to elect one precinct committeeman for each two hundred fifty votes, or majority of a fraction thereof, cast for the party's presidential electors, governor, attorney general, or secretary of state in the precinct in the last general election. Each precinct is entitled to at least one precinct committeeman for each party which qualifies under subsection 21. Each precinct committeeman must be an elector of the precinct in which the committeeman resides and must be elected for a two-year term.

3. If a political organization desires to organize under this chapter but has not qualified as provided in subsection 1, the organization may elect one precinct committeeman for each precinct in the district.

SECTION 5. AMENDMENT. Section 16.1-03-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-05. Vacancies in office of precinct committeeman - Filling.

A vacancy in the office of precinct committeeman, which occurs after the organization of the district committee, must be filled by appointment from the precinct by the district executive committee of the party. ~~Notice of the appointment must be given to the county auditor.~~

SECTION 6. AMENDMENT. Section 16.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-07. Meeting of district committee - Organization.

1. In every odd-numbered year, the district committee of each party shall meet within fifteen days after the precinct caucus provided for in section 16.1-03-01. The day, hour, and site must be set by the existing district committee chairman. TheAny incumbent members of the legislative assembly from the party, the precinct committeemen of a party, selected as provided by this chapter, withand any other personsindividual provided for by the district committee's bylaws and as the district committee designates, constitute the district committee of the party. The district committee of a party must be organized to coincide with the geographical boundary lines of state legislative districts. Each member of any committee provided for in this chapter must be a qualified elector and ~~must retain the office the member was elected to until a successor is chosen.~~
2. ~~The district committee shall organize by:~~
 - a. ~~Selecting a chairman, vice chairman, secretary, and treasurer chosen byprecinct committeemen and the party's incumbent members of the legislative assembly from the district shall select the officers of the district committee. The officers selected, as provided by the district party bylaws, need not be precinct committeemen; however, all the officers must be voting members of the district committee. The district committee shall forward to the state committee the name and contact information of the district committee chairman.~~
 - b. ~~Adopting rules and modes of procedure not in conflict with law.~~
 - e. ~~Filling any vacancies in the office of precinct committeeman pursuant to section 16.1-03-05.~~

d. ~~Selecting~~The district committee may appoint an executive committee consisting of five or more persons chosen from the district committee. The chairman, vice chairman, treasurer, and secretary of the district committee must be members and the officers of the executive committeeconsistent with the bylaws of the district committee. That party's nominees for and members of the legislative assembly may also ~~be~~shall serve as members of the executive committee.

~~2.3.~~ If the office of chairman becomes vacant, the vice chairman shall hold the office until the next regular election for the office or until a new chairman is selected by the district committee for the balance of the term, whichever occurs first~~vacancy may be filled as provided by the district party bylaws.~~

4. The bylaws of the state committee or state party may not include any requirement providing directives or procedures for the method of the organization of district committees nor may the state committee or state party take any action or impose any requirement regarding district party organization which is not consistent with this chapter.

SECTION 7. AMENDMENT. Section 16.1-03-08 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-08. State committee - Membership.

The state committee of each party consists of the chairman of each of the district committees of the party and any ~~person~~individual provided for in the bylaws of the state committee.

SECTION 8. AMENDMENT. Section 16.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-11. State committee - Meetings - Organization -~~Vacancies.~~

The state committee shall meet on or before July first of each odd-numbered year. The committee shall organize by selecting a chairman, vice chairman, secretary, and treasurer~~officers as provided for by the state committee bylaws~~ and by adopting rules and modes of procedure, including rules and procedures regarding the selection of state convention delegates. The party's bylaws must be filed with the secretary of state. The officers elected need not be members of the committee, but they shall become voting members of the committee after their election. Within thirty days following the state committee's organization, the newly elected chairman shall notify the secretary of state of the names of the party officers selected. These officers, with any other persons provided for by the party's bylaws and as the state committee designates, constitute the executive committee of the state committee. If the office of chairman becomes vacant, the vice chairman holds the office until the next regular election for the office or until a new chairman is selected by the state committee for the balance of the term, whichever occurs first. A vacancy in an office of the state committee, other than chairman and a party district chairman, must be filled upon a majority vote of the state committee. The chairman of the state committee may temporarily fill any vacancy existing on the state committee until the state committee convenes to fill the vacancy. The secretary of state must be notified of any changes in membership of the state's committee officers.

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

16.1-03-14. ~~When state party convention held and duties of state~~State party convention.

1. The state party conventions must be held in each presidential election year at a place and time designated by the party state committee shall set the place and time of the state party convention to be held in each general election year. The state party convention provided for in this chapter shall~~Subject to party rules and bylaws, the state party convention may:~~

4.
 - a. Nominate the legal number of ~~candidates~~qualified electors for its party for the offices of presidential electors.
 - b. Elect the required number of delegates and alternates to the national party convention as ~~provided by the party's bylaws or national party rules.~~
3. ~~Conduct other business as shall come before the convention.~~
 - c. Endorse candidates as provided under subsection 2.
2. The candidate or candidates for endorsement or election must be declared endorsed or elected pursuant to ~~under~~ the rules of the party involved, and the chairman and secretary of the convention shall issue certificates of endorsement as provided in section 16.1-11-06 or certificates of election. The names of the ~~candidates~~qualified electors nominated for presidential electors ~~with the surname of the presidential candidate the party wishes to place on the general election ballot must be certified by the chairman and secretary of the convention to the secretary of state by four p.m. on the sixtieth day before the general election to be placed upon the general election ballot as provided in section 16.1-06-07.1.~~

SECTION 10. AMENDMENT. Section 16.1-03-17 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-17. Political party reorganization after ~~apportionment~~redistricting.

If ~~apportionment~~redistricting of the legislative assembly becomes effective after the organization of political parties as provided in this chapter and before the primary or the general election, the ~~secretary of state shall establish a timetable for the reorganization of the parties as rapidly as possible before the ensuing election. When the timetable is established, the secretary of state shall notify all the county auditors of the timetable and of the details of the legislative apportionment as it affects each county. The secretary of state or county auditor may not require reorganization of precincts in which boundaries are unchanged after apportionment by the board of county commissioners or the governing body of the city pursuant to chapter 16.1-04. Each county auditor shall publish a notice in the official county newspaper containing:~~

1. ~~A statement that legislative apportionment has occurred.~~
2. ~~A description and a map of the new legislative districts and the precincts as established by the governing bodies of the counties and cities in the county, pursuant to section 16.1-04-01.~~
3. ~~The date, time, and places of the precinct caucuses and district committee meetings determined by the secretary of state and the county auditor to be necessary according to the new districts and precincts established.~~

The political parties, in the newly established precincts and districts, shall then proceed to reorganize as closely as possible in conformance with this chapter ~~and in conformance with the timetable established by the secretary of state~~to assure compliance with primary election filing deadlines.

SECTION 11. AMENDMENT. Section 16.1-04-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-04-01. Precincts - Duties and responsibilities of the board of county commissioners or the governing body of the city.

1. The board of county commissioners of each county:
4.
 - a. Shall divide the county into precincts and establish the precinct boundaries, except that within the boundaries of any incorporated city, the governing body of the city shall divide the city into precincts and establish their boundaries pursuant to title 40. Any number of

townships or parts of townships may be joined into a single precinct provided that no precinct may encompass more than one legislative district.

2. b. May alter the number and size of precincts within the county by combining or dividing precincts. However, the governing body of any incorporated city has the authority to alter the number and size of precincts located within its boundaries. The board of county commissioners may relinquish the jurisdiction provided under ~~subsection 1~~ subdivision a over all or any portion of a township or townships under its jurisdiction to a city for the purpose of establishing a voting precinct if a majority of the governing body of the city agrees to assume such jurisdiction. The governing body of a city, by majority vote, may return jurisdiction granted herein to the county and the county shall accept that jurisdiction.
2. When establishing precincts under subsection 1, a board of county commissioners, in cooperation with the county auditor, or a city governing body shall consult with and seek input regarding the size, number, and proposed boundaries of the precincts from representatives of the political parties organized within the county. Upon the request of the district chairman of a political party, a board of county commissioners, in consultation with the county auditor, or the governing body of a city shall consider proposals to change precinct boundaries.

SECTION 12. AMENDMENT. Section 16.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-04. Form and quality of ballots generally.

All official ballots prepared under this title must:

1. Be printed on uniform quality and color of paper in an ink color suitable to make the ballot clearly legible and compatible with the electronic voting system requirements necessary to tabulate the votes.
2. Be of sufficient length to contain the names of all candidates to be voted for at that election.
3. Have the language "Vote for no more than _____ name (or names)" placed immediately under the name of each office.
4. Have printed thereon "To vote for the candidate of your choice, you must darken the oval ~~opposite~~ next to the name of the ~~that~~ candidate. To vote for a person whose name is not printed on the ballot, you must darken the oval next to the blank line provided and write that person's name in ~~on~~ the blank space provided for that purpose and darken the oval opposite the space ~~provided~~ line."
5. Leave sufficient space for each office to write a name, or names, as the case may be, in lieu of those printed on the ballot.
6. Immediately preceding and on the same line as the name of each candidate must be printed an oval in which the voter is to mark the voter's choice by darkening the oval next to the name of the candidate chosen.
7. Provide ~~two text boxes in~~ at the bottom right-hand corner of the first side of the ballot. The first text box at the bottom of the first column is to contain the words "All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted ~~Official Ballot, the name of the county, the name or number of the precinct, and the date of the election."~~ Official Ballot, the name of the county, the name or number of the precinct, and the date of the election." ~~The second text box is to contain the words "Official Ballot~~ All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted", the name of the county, the name or number of the precinct, the date of the election, and. The text box at the bottom of the third column is to contain the word "initials" preceding ~~preceded by~~ a blank line where the judge or inspector shall initial the ballot.

All ballots, other than	Official Ballot
those used to vote absentee,	_____ County
must first be initialed by	_____ Precinct
appropriate election officials	(Date of the Election)
in order to be counted	Initials _____

Any precinct that uses an electronic counting machine may require the use of a particular writing instrument to mark the ballot so the ballots may be properly counted.

The ballot must contain the names of all candidates, the contents of measures as required by section 16.1-06-09, and the statements of questions to be submitted to the voters. The ballot must be arranged in a manner and form approximating as far as possible the requirements of this section.

SECTION 13. AMENDMENT. Section 16.1-11-22 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-22. Primary election ballot - Form - Voters to vote for candidates of only one political party.

At the primary election there may be only one ballot for all parties or principles. The ballot must be in the following form:

1. The ballot must be entitled the "consolidated primary election ballot".
2. Each political party or principle having candidates at the primary election must have a separate column on the ballot.
3. At the head of each column must be printed the name of the political party or principle which it represents.
4. In each column below Spanning the columns containing the political party ballot and prior to the party names or principle titles must be printed: "You In a Political Party Primary Election, you may only vote for the candidates of only one political party at the primary election. This ballot contains the number of political parties or principles and a description of where the political parties or principles are to be found in the columns below. If you cast votes vote in more than one party column and vote for candidates of more than one political party political party's section, your political party ballot Political Party Ballot will be rejected; however, all votes on the No Party and Measure Ballots will still be counted."
5. Immediately below the warning against voting for candidates of more than one political party must be printed: "To vote for the candidate of your choice, you must darken the oval opposite next to the name of the that candidate. To vote for a person whose name is not printed on the ballot, you must darken the oval next to the blank line provided and write that person's name in the blank space provided for that purpose and darken the oval opposite the space provided line."
6. The offices specified in section 16.1-11-26 must be arranged in each column section with the name of each office in the center of each political party column section at the head of the names of all the aspirants for the office.
7. Immediately under the name of each office must be printed: "Vote for no more than _____ name (or names)."

8. Immediately preceding and on the same line as the name of each aspirant must be printed an oval in which the voter is to mark the voter's choice by darkening the oval next to the name of the candidate chosen.
9. The political party or principle which cast the largest vote for governor at the most recent primary election at which the office of governor was voted upon must have the ~~left-hand column~~first section, and the political party or principle casting the next largest vote must have the ~~next column~~second section, and so on.

The judges and the inspector of elections shall inform each elector at the primary, before voting, that if the voter votes for candidates of more than one political party the voter's political party ballot will be rejected.

SECTION 14. AMENDMENT. Section 16.1-11-30 of the North Dakota Century Code is amended and reenacted as follows:

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

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 ~~column~~section on primary election ballots.

Any other political organization is entitled to endorse candidates or have candidates petition to be included on the primary ballot in a ~~consolidated column or on a special~~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 sixtieth 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 ~~consolidated column. If~~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 mailed, ~~it~~delivered, the original must be in the possession of the secretary of state before four p.m. on the sixtieth 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.

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 15. AMENDMENT. Section 16.1-12-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-02. Certificates of nomination by petition - Form and contents.

Certificates of nomination for nominees for an office to be filled at a general or special election, except for an office appearing on the no-party ballot, may be made as provided by this section. Except for nominees for president of the United States, names of nominees so nominated must appear on the ballot as independent nominations. The names of nominees for president of the United States may appear on the ballot with a designation, not to exceed five words, that names the organization or political party to which the presidential candidate affiliates. The designation may not falsely indicate an affiliation with or the support of any political party organized in accordance with this title or include any substantive word or phrase that is profane or that is already included in or resembles the name of a political party entitled to a separate column under section 16.1-11-30. Except for candidates for the office of president of the United States, each certificate of nomination by petition must meet the specifications for nominating petitions set forth in section 16.1-11-16. A political party or organization desiring to submit to the secretary of state the name of a qualified candidate for the office of the president of the United States may begin gathering the signatures for the certificate of nomination on the first day of January of a presidential election year and shall submit the petition to the secretary of state before four p.m. on the sixtieth day before the general election. The signatures on the petition must be in the following number:

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 signatures.
2. If the nomination is for an office to be filled by the qualified electors of a district less than the entire state, the number of signatures must be at least two percent of the resident population of the district as determined by the most recent federal decennial census, but in no case may more than three hundred signatures be required.
3. If the nomination is for the office of president, there must be no fewer than four thousand signatures and the petition must contain the names of the presidential and vice presidential candidates along with the names of the North Dakota presidential electors selected from the qualified electors of North Dakota.
4. If the petition is for the office of governor or lieutenant governor, it must contain the names and other required information of candidates for both those offices.

SECTION 16. REPEAL. Sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code are repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2369.

Senate Vote: Yeas 42 Nays 4 Absent 1

House Vote: Yeas 85 Nays 6 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,
at _____ o'clock _____ M.

Secretary of State