

**SENATE BILL NO. 2369**

Introduced by

Senators Dever, Schaible

1 A BILL for an Act to create and enact chapter 16.1-03.1 of the North Dakota Century Code,  
2 relating to political party committee organizations; to amend and reenact sections  
3 16.1-06-04, 16.1-11-22, 16.1-11-30, and 16.1-12-02 of the North Dakota Century Code,  
4 relating to primary election ballot access and eligibility for minor political parties; and to  
5 repeal chapter 16.1-03 of the North Dakota Century Code, relating to political party  
6 committee organization.

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

8 **SECTION 1.** Chapter 16.1-03.1 of the North Dakota Century Code is created and enacted  
9 as follows:

10 **16.1-03.1-01. Organizations allowed to nominate statewide and legislative candidates.**

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

- 14 1. Had printed on the ballot at the last preceding general election the names of a set of  
15 presidential electors pledged to the election of the party's candidate for president and  
16 vice president, a candidate for governor, a candidate for attorney general, or a  
17 candidate for secretary of state and those candidates for presidential electors,  
18 governor, attorney general, or secretary of state received at least five percent of the  
19 total vote cast for presidential electors, the office of governor, attorney general, or  
20 secretary of state within this state at that election; and
- 21 2. Organized according to the requirements of bylaws the organization has filed with the  
22 secretary of state; or
- 23 3. Filed a petition with the secretary of state as set forth in section 16.1-11-30.

1        **16.1-03.1-02. Minimum requirements of bylaws.**

2        Bylaws filed with the secretary of state of a political organization seeking to be recognized  
3 under this chapter must include the following minimum provisions relating to:

- 4        1. Election and removal of officers;
- 5        2. Filling vacancies;
- 6        3. Annual meeting requirements, notices, and procedures;
- 7        4. Procedures for amending bylaws;
- 8        5. Membership requirements, if any; and
- 9        6. Requiring organization of the party in at least a majority of the legislative districts.

10       Upon submission of the bylaws of the political organization and proof, if requested by the  
11 secretary of state, of organizational structure within the minimum number of legislative districts  
12 according to the provisions of this chapter, the secretary of state shall issue a certificate of  
13 recognition to the political organization.

14       Failure to provide proof of organization in at least a majority of the legislative districts shall  
15 result in the loss of recognized status.

16       **SECTION 2. AMENDMENT.** Section 16.1-06-04 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18       **16.1-06-04. Form and quality of ballots generally.**

19       All official ballots prepared under this title must:

- 20       1. Be printed on uniform quality and color of paper in an ink color suitable to make the  
21       ballot clearly legible and compatible with the electronic voting system requirements  
22       necessary to tabulate the votes.
- 23       2. Be of sufficient length to contain the names of all candidates to be voted for at that  
24       election.
- 25       3. Have the language "Vote for no more than \_\_\_\_\_ name (or names)" placed  
26       immediately under the name of each office.
- 27       4. Have printed thereon "To vote for the candidate of your choice, you must darken the  
28       oval ~~opposite~~next to the name of ~~the~~that candidate. To vote for a person whose name  
29       is not printed on the ballot, you must darken the oval next to the blank line provided  
30       and write that person's name in~~on~~ the blank space provided for that purpose and  
31       darken the oval opposite the space provided~~line~~."

1        5. Leave sufficient space for each office to write a name, or names, as the case may be,  
2        in lieu of those printed on the ballot.

3        6. Immediately preceding and on the same line as the name of each candidate must be  
4        printed an oval in which the voter is to mark the voter's choice by darkening the oval  
5        next to the name of the candidate chosen.

6        7. Provide ~~two~~ text boxes ~~in~~at the bottom ~~right-hand corner~~ of the first side of the ballot.  
7        The ~~first~~ text box at the bottom of the first column is to contain the words "~~All ballots,~~  
8        ~~other than those used to vote absentee, must first be initialed by appropriate election~~  
9        ~~officials in order to be counted~~Official Ballot, the name of the county, the name or  
10       number of the precinct, and the date of the election." The ~~second~~ text box is to contain  
11       the words "~~Official Ballot~~All ballots, other than those used to vote absentee, must first  
12       be initialed by appropriate election officials in order to be counted", ~~the name of the~~  
13       ~~county, the name or number of the precinct, the date of the election, and.~~ The text box  
14       at the bottom of the third column is to contain the word "initials" ~~preceeding~~preceded by  
15       a blank line where the judge or inspector shall initial the ballot.

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

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

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

27        **SECTION 3. AMENDMENT.** Section 16.1-11-22 of the North Dakota Century Code is  
28        amended and reenacted as follows:

1           **16.1-11-22. Primary election ballot - Form - Voters to vote for candidates of only one**  
2 **political party.**

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

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

1           8.   Immediately preceding and on the same line as the name of each aspirant must be  
2           printed an oval in which the voter is to mark the voter's choice by darkening the oval  
3           next to the name of the candidate chosen.

4           9.   The political party or principle which cast the largest vote for governor at the most  
5           recent primary election at which the office of governor was voted upon must have the  
6           ~~left hand column~~first section, and the political party or principle casting the next largest  
7           vote must have the ~~next column~~second section, and so on.

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

11           **SECTION 4. AMENDMENT.** Section 16.1-11-30 of the North Dakota Century Code is  
12   amended and reenacted as follows:

13           **16.1-11-30. ~~Separate column~~Section on primary election ballot required for each**  
14   **political party.**

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

24           Any other political organization is entitled to endorse candidates or have candidates petition  
25   to be included on the primary ballot in a ~~consolidated column or on a special~~separate section of  
26   the consolidated primary election ballot, if a petition signed by at least seven thousand qualified  
27   electors of this state is filed with the secretary of state before four p.m. of the sixtieth day before  
28   a primary or special election, naming the political organization, stating the platform principles of  
29   the party, and requesting the names of its candidates to be included on the state's primary ballot  
30   in a ~~consolidated column. If~~separate section. Political organizations that are granted ballot  
31   access under this section are allowed ballot access only for those offices for which the

1 organization has identified candidates. Regardless of the means by which the petition is mailed,  
2 if delivered, the original must be in the possession of the secretary of state before four p.m. on  
3 the sixtieth day prior to a primary or special election. Candidates of that party are entitled to the  
4 same rights and privileges as those of other parties. Petitions circulated according to this  
5 section must be filed with the secretary of state in accordance with section 1-01-50.

6 A political organization that had printed on the ballot at the last preceding presidential  
7 election the names of a set of presidential electors pledged to the election of the party's  
8 candidates for president and vice president or a candidate for governor and those candidates  
9 for presidential electors or governor received at least five percent of the total vote cast for  
10 presidential electors or the office of governor within this state at that election, and any political  
11 organization that has printed on the ballot at the last preceding nonpresidential election a  
12 candidate for attorney general or secretary of state, and the candidate received at least five  
13 percent of the total vote cast for the office the candidate was seeking at the election are entitled  
14 to organize according to the requirements of chapter ~~16.1-03~~16.1-03.1.

15 **SECTION 5. AMENDMENT.** Section 16.1-12-02 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **16.1-12-02. Certificates of nomination by petition - Form and contents.**

18 Certificates of nomination for nominees for an office to be filled at a general or special  
19 election, except for an office appearing on the no-party ballot, may be made as provided by this  
20 section. Except for nominees for president of the United States, names of nominees so  
21 nominated must appear on the ballot as independent nominations. The names of nominees for  
22 president of the United States may appear on the ballot with a designation, not to exceed five  
23 words, that names the organization or political party to which the presidential candidate  
24 affiliates. The designation may not falsely indicate an affiliation with or the support of any  
25 political party organized in accordance with this title or include any substantive word or phrase  
26 that is profane or that is already included in or resembles the name of a political party entitled to  
27 a separate column under section 16.1-11-30. Except for candidates for the office of president of  
28 the United States, each certificate of nomination by petition must meet the specifications for  
29 nominating petitions set forth in section 16.1-11-16. A political party or organization desiring to  
30 submit to the secretary of state the name of a qualified candidate for the office of the president  
31 of the United States may begin gathering the signatures for the certificate of nomination on the

1 first day of January of a presidential election year and shall submit the petition to the secretary  
2 of state before four p.m. on the sixtieth day before the general election. The signatures on the  
3 petition must be in the following number:

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

17 **SECTION 6. REPEAL.** Chapter 16.1-03 of the North Dakota Century Code is repealed.