FIRST ENGROSSMENT

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1375

Introduced by

Representatives Louser, Bellew, Blum, Dockter, Kasper, B. Koppelman, Nathe, Owens

Senators Kannianen, Meyer, Unruh

1   A BILL for an Act to amend and reenact sections 15.1-09-08, 15.1-09-11, 16.1-11-08,

2   16.1-11-19, 16.1-11-24, 16.1-12-09, 40-21-06, 40-21-07, and 40-21-08 of the North Dakota

3   Century Code, relating to references to party affiliation in elections.

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

5   **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is

6   amended and reenacted as follows:

7   **15.1-09-08. School district elections - Candidate filings.**

8   An individual seeking election to the board of a school district shall prepare and sign a

9   document stating the individual's name and; the position for which that individual is a candidate;

10   and the party designated by the individual as being the party to which the individual belongs, or,

11   if the individual chooses, identifying the individual as "no party". A candidate shall also file a

12   statement of interests as required by section 16.1-09-02. Whether or not the election is held in

13   conjunction with a statewide election, these documents must be filed with the school district

14   business manager, or mailed to and in the possession of the business manager, by four p.m. of

15   the sixty-fourth day before the election.

16   **SECTION 2. AMENDMENT.** Section 15.1-09-11 of the North Dakota Century Code is

17   amended and reenacted as follows:

18   **15.1-09-11. School district elections - Preparation of ballots.**

19   1.   At least forty days before the election, the business manager shall prepare and cause

20   to be printed, or otherwise uniformly reproduced, an official ballot containing the

21   names of all individuals who have indicated their intent to be candidates by meeting

22   the provisions of section 15.1-09-08. Next to or underneath each candidate's name,

23   the ballot must include the name of the designated party or "no party" as selected by

1   the candidate under section 15.1-09-08. The business manager shall notify the

2   candidates as to the time and place of the drawing for position on the ballot.

3   2.   The ballot must ~~be nonpartisan in form and~~ include:

4   a.   The words "official ballot" at the top;

5   b.   The name of the school district;

6   c.   The date of the election;

7   d.   The number of persons to be elected to each office; and

8   e.   Below the list of candidates for each office, blank spaces in which names not

9   printed on the ballot may be written.

10   **SECTION 3. AMENDMENT.** Section 16.1-11-08 of the North Dakota Century Code is

11   amended and reenacted as follows:

12   **16.1-11-08. Reference to party affiliation in petition and affidavit prohibited for certain**

13   **offices.**

14   No reference may be made to a party ballot or to the party affiliation of a candidate in a

15   petition and affidavit filed by or on behalf of a candidate for nomination in the primary election to

16   ~~an elective county office,~~ the office of judge of the supreme court, judge of the district court, ~~or~~

17   superintendent of public instruction, or an elective county office other than county

18   commissioner, state's attorney, and sheriff.

19   **SECTION 4. AMENDMENT.** Section 16.1-11-19 of the North Dakota Century Code is

20   amended and reenacted as follows:

21   **16.1-11-19. Filling vacancy existing on no-party ballot - Petition required - Time of**

22   **filing.**

23   If a vacancy exists on a no-party ballot for a state office or for judge of a district court, the

24   vacancy may be filled by filing with the secretary of state, before four p.m. on the sixty-fourth

25   day prior to the primary election, a written petition as provided in section 16.1-11-06, stating ~~that~~

26   the petitioner desires to become a candidate for nomination to the office for which a vacancy

27   exists. If the petition is mailed, it must be in the possession of the secretary of state before

28   four p.m. on the sixty-fourth day prior to the primary election. The petition for the nomination of

29   any ~~person~~individual to fill the vacancy must be signed by qualified electors equal in number to

30   at least two percent of the total vote cast for governor at the most recent general election in the

1   state or district at which the office of governor was voted upon, but in no case may more than

2   three hundred signatures be required.

3   If a vacancy exists on a no-party ballot ~~in a county or district within a county~~for any other

4   office, the vacancy may be filled by filing with the county auditor, before four p.m. of the sixty-

5   fourth day prior to the primary election, a written petition as provided in section 16.1-11-11,

6   stating ~~that~~ the petitioner desires to become a candidate for nomination to the office for which a

7   vacancy exists. If the petition is mailed, it must be in the possession of the county auditor before

8   four p.m. on the sixty-fourth day prior to the primary election. The petition for the nomination of

9   any ~~person~~individual to fill the vacancy must be signed by qualified electors as provided in

10 subdivision c of subsection 2 of section 16.1-11-11. A vacancy in the no-party ballot must be

11 deemed to exist when a candidate who was qualified by filing a petition pursuant to section

12 16.1-11-06 or 16.1-11-11 dies, resigns, or otherwise becomes disqualified to have the

13 candidate's name printed on the ballot.

14   **SECTION 5. AMENDMENT.** Section 16.1-11-24 of the North Dakota Century Code is

15 amended and reenacted as follows:

16   **16.1-11-24. No-party primary ballot - Contents.**

17   There must be a separate ballot at all primary elections which must be entitled "no-party

18 primary ballot". The names of aspirants for nomination to each office must be arranged on the

19 no-party primary ballot in separate groups in their order. The separate ballot may be on the

20 same paper or electronic ballot, but the list of offices and candidates must be entitled "no-party

21 primary ballot" in a manner to indicate clearly the separation of the no-party list of offices and

22 candidates from the party list of offices and candidates. The names of all candidates for any of

23 the offices ~~mentioned~~identified as no-party candidates in section 16.1-11-08 and any other

24 office specifically designated by law as a no-party office must be placed on the ballot without

25 party designation. Immediately under the name of each office must be placed the language:

26 "Vote for no more than _____ name (or names)." The number inserted must be the

27 number to be elected to the office at the next succeeding general election.

28   **SECTION 6. AMENDMENT.** Section 16.1-12-09 of the North Dakota Century Code is

29 amended and reenacted as follows:

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

2   **filing.**

3   Whenever a vacancy exists on a no-party ballot for a state office or for judge of a district

4   court, ~~such~~the vacancy may be filled by filing with the secretary of state, before four p.m. on the

5   sixty-fourth day, a written petition as provided in section 16.1-11-06, stating ~~that~~ the petitioner

6   desires to become a candidate for election to the office for which a vacancy exists. If the petition

7   is mailed, it must be in the physical possession of the secretary of state before four p.m. on the

8   sixty-fourth day prior to the general election. The petition for the nomination of any

9   ~~person~~individual to fill ~~such~~the vacancy must be signed by qualified electors equal in number to

10   at least two percent of the total vote cast for the office of governor in the state or district, at the

11   most recent general election at which the office of governor was voted upon, but in no case may

12   more than three hundred signatures be required.

13   Whenever a vacancy exists on a no-party ballot ~~in a county or district within a county~~for any

14   other office, the vacancy may be filled by filing with the county auditor before four p.m. of the

15   sixty-fourth day a written petition as provided in section 16.1-11-11, stating ~~that~~ the petitioner

16   desires to become a candidate for election to the office for which a vacancy exists. If ~~such~~the

17   petition is mailed or otherwise delivered, it must be in the possession of the county auditor

18   before four p.m. on the sixty-fourth day prior to the general election. The petition for the

19   nomination of any ~~person~~individual to fill the vacancy must be signed by qualified electors equal

20   in number to at least thirty percent of the total vote cast for the office of governor at the most

21   recent general election in the county or district at which the office of governor was voted upon,

22   but in no case may more than three hundred signatures be required.

23   A vacancy in the no-party ballot must be deemed to exist when:

24   1.   A candidate nominated at the primary election dies, resigns, or otherwise becomes

25   disqualified to have the candidate's name printed on the ballot at the general election.

26   2.   No candidates were nominated at the primary election because the office did not yet

27   exist.

28   3.   The timing of the vacancy in an office makes it impossible to have it placed on the

29   primary ballot.

30   **SECTION 7. AMENDMENT.** Section 40-21-06 of the North Dakota Century Code is

31   amended and reenacted as follows:

1   **40-21-06. Reference to party ballot or affiliation in petition of candidate for municipal**

2   **office prohibited.**

3   No reference may be made to a party ballot nor to the party affiliation of a candidate in a

4   petition to be filed by or in behalf of a candidate for nomination to a public office in any

5   incorporated city in this state, except as required by section 40-21-07.

6   **SECTION 8. AMENDMENT.** Section 40-21-07 of the North Dakota Century Code is

7   amended and reenacted as follows:

8   **40-21-07. Petition for nomination of elective official in cities - Signatures required -**

9   **Withdrawal of petition - Contents.**

10   A candidate for any public office in an incorporated city may be nominated by filing with the

11   city auditor, before four p.m. on the sixty-fourth day before the holding of the election, a petition

12   signed by not less than ten percent of the number of qualified electors who voted for that office

13   in the last city election. A candidate shall also file a statement of interests as required by section

14   16.1-09-02. If multiple candidates were elected to the office at the preceding city election at

15   which the office was voted upon, the number of signatures must equal at least ten percent of

16   the total votes cast for all candidates divided by the number of candidates that were to be

17   elected to that office at that election. Qualified electors who sign a petition must reside within

18   the ward or precinct in and for which that officer is to be elected, if the election is by wards, or

19   within the corporate limits of the city, if the officer is elected at large. In cities operating under

20   the commission system of government the required petition may be signed by the qualified

21   electors at large residing within the city. If a petition is mailed, it must be in the possession of the

22   city auditor before four p.m. on the sixty-fourth day before the holding of the election. However,

23   no more than three hundred signatures may be required and the signatures may be on separate

24   sheets of paper. Petitions must meet the specifications of nominating petitions pursuant to

25   section 16.1-11-16. Petitions for candidates for city council member, city commissioner, mayor,

26   or park board member also must identify the party designated by the candidate as being the

27   party to which the individual belongs, or, if the candidate chooses, identify the candidate as "no

28   party". However, a candidate who is a federal government employee does not need to

29   designate a party affiliation. If a city election is not combined with a state or county election

30   according to section 40-21-02, a candidate may be nominated by filing the required petition with

31   the city auditor before four p.m. on the sixty-fourth day before the holding of the election. A

1 candidate may withdraw the candidate's nominating petition at any time before the applicable

2 deadlines for filing nominating petitions provided for in this section. Nominating petitions

3 required by this section may not be circulated or signed prior to January first preceding the

4 election. Any signatures to a nominating petition obtained before that date may not be counted.

5 A nominating petition for a special election may not be circulated or signed more than thirty

6 days before the time when a petition for a special election must be filed. A candidate for city

7 council may run for either the office of mayor or council member but not both in the same

8 election. A candidate for the city commission may run for either the office of city commissioner

9 or the office of president of the board of city commissioners but not both in the same election. A

10 candidate may run for only one office in a city at any given election.

11 **SECTION 9. AMENDMENT.** Section 40-21-08 of the North Dakota Century Code is

12 amended and reenacted as follows:

13 **40-21-08. Ballots in municipalities - Arrangement.**

14 The auditor of the city shall place only the names of the ~~persons~~individuals nominated upon

15 the ballot. Next to each name of a nominated individual for an office for which a party

16 designation or no-party designation is required under section 40-21-07, the auditor of the city

17 shall place the name of the party designated by the individual as being the party to which the

18 individual belongs, or, if the individual chooses, the phrase "no party". However, a candidate

19 who is a federal government employee does not need to designate a party affiliation. The

20 auditor shall arrange the offices upon the ballot in the order in which ~~they~~the offices are named

21 in the statutes. The auditor shall determine the arrangement of the names of the candidates

22 upon the ballot by conducting a drawing immediately after the candidate filing deadline on the

23 sixty-fourth day before the election. The city auditor shall set the date, time, and location for

24 conducting the drawing and shall give advance notice of the drawing to the candidates involved.