Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1181

Introduced by
Representatives Streyle, Brabandt, Dockter, Louser, Owens, Rohr, Schmidt
Senators Casper, Holmberg, Laffen, Unruh

A BILL for an Act to amend and reenact section 16.1-13-08.1 of the North Dakota Century Code, relating to filling vacancies in the office of United States senator and the office of representative in Congress; and to repeal section 16.1-13-08 of the North Dakota Century Code, relating to filling vacancies in the office of United States senator.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

1. Certificate of endorsement as described in section 16.1-11-09, affidavits of candidacy described in section 16.1-11-10, and statements of interest described in section 16.1-09-03 for those candidates any candidate nominated by a political party currently established in the state shall must be.
Sixty-fourth Legislative Assembly

filed with the secretary of state by four p.m. on the fortieth/fiftieth day before the election.

—2.3— If the election occurs in an election year, the precincts previously established by the county shall/must be utilized.

—3.4— If the election occurs in a year without a scheduled election, the board of county commissioners must/shall establish the precinct boundaries by the fortieth/fiftieth day before the election.

—4.5— The secretary of state shall certify to the county auditors the names of the candidates for the election on the thirty-ninth/forty-ninth day before the election.

—5.6— Absentee ballots shall/must be made available to qualified electors by the thirtieth/forty-fifth day before the election.

SECTION 2. REPEAL. Section 16.1-13-08 of the North Dakota Century Code is repealed.

SECTION 1. AMENDMENT. Section 16.1-13-08 of the North Dakota Century Code is amended and reenacted as follows:


When a vacancy occurs in the office of United States senator from this state, the governor shall issue a writ of call a special election to be held within ninety-five days to fill the vacancy at the next statewide primary or general election, whichever occurs first, and that occurs at least ninety days after the vacancy. However, if the next primary or general election at which the vacancy could be filled occurs in the year immediately preceding the expiration of the term, then no election may be held. The governor, by appointment, may fill the vacancy temporarily, but any person so appointed shall serve only until the vacancy is filled by election or until the term expires if no election can be held. If the vacancy occurs within ninety-five days of the expiration of the term of office for that office, no election may be held to fill the vacancy.