

HOUSE BILL NO. 1182

Introduced by

Representatives Louser, Kasper, Kempenich, B. Koppelman, Lefor, Nathe, D. Ruby, Schauer
Senators O. Larsen, Meyer, Vedaa

1 A BILL for an Act to amend and reenact sections 15.1-09-08 and 16.1-11-08, subsection 1 of
2 section 16.1-11-11, subsection 1 of section 16.1-11-16, and sections 16.1-11-19, 16.1-11-24,
3 and 40-21-08 of the North Dakota Century Code, relating to permitting party designations for
4 candidates for county and local elections; and to repeal section 40-21-06 of the North Dakota
5 Century Code, relating to party designations for candidates for municipal offices.

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

7 **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15.1-09-08. School district elections - Candidate filings.**

10 An individual seeking election to the board of a school district shall prepare and sign a
11 document stating the individual's name and the position for which ~~that~~the individual is a
12 candidate. If the individual wishes to have a political party designated on the ballot next to the
13 individual's name, the individual shall identify the political party on the document. A candidate
14 shall also shall file a statement of interests as required by section 16.1-09-02. Whether or not
15 the election is held in conjunction with a statewide election, these documents must be filed with
16 the school district business manager, or mailed to and in the possession of the business
17 manager, by four p.m. of the sixty-fourth day before the election.

18 **SECTION 2. AMENDMENT.** Section 16.1-11-08 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **16.1-11-08. Reference to party affiliation in petition and affidavit prohibited for certain**
21 **offices.**

22 ~~No reference~~Reference may not be made to a party ballot or to the party affiliation of a
23 candidate in a petition and affidavit filed by or on behalf of a candidate for nomination in the

1 primary election to ~~an elective county office~~, the office of judge of the supreme court, judge of
2 the district court, or superintendent of public instruction.

3 **SECTION 3. AMENDMENT.** Subsection 1 of section 16.1-11-11 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 1. The candidate's name, post-office address, and telephone number, the title of the
6 office to which the candidate aspires, the appropriate district number if applicable, ~~and~~
7 whether the petition is intended for nomination for an unexpired term of office if
8 applicable, and, if the individual wishes to have a political party designated on the
9 ballot next to the individual's name, the name of the political party.

10 **SECTION 4. AMENDMENT.** Subsection 1 of section 16.1-11-16 of the North Dakota
11 Century Code is amended and reenacted as follows:

- 12 1. Each nominating petition circulated by candidates for any state, district, county, or
13 other political subdivision office must include or have attached the following
14 information, which must be made available to each signer at the time of signing:
- 15 a. The candidate's name, address, and telephone number and the title of the office
16 to which the candidate aspires, including the appropriate district number if
17 applicable, or whether the petition is intended for an unexpired term of office if
18 applicable.
- 19 b. The name of the party the candidate represents if the petition is for an office
20 under party designation, or, if the petition is for an office that does not require
21 party designation, the name of the party the candidate wishes to appear next to
22 the candidate's name on the ballot.
- 23 c. The date of the election at which the candidate is seeking nomination or election.

24 **SECTION 5. AMENDMENT.** Section 16.1-11-19 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **16.1-11-19. Filling vacancy existing on state no-party ballot or county or district**
27 **ballot - Petition required - Time of filing.**

28 1. If a vacancy exists on a no-party ballot for a state office or for judge of a district court,
29 the vacancy may be filled by filing with the secretary of state, before four p.m. on the
30 sixty-fourth day ~~prior to~~before the primary election, a written petition as provided in
31 section 16.1-11-06, stating ~~that~~ the petitioner desires to become a candidate for

1 nomination to the office for which a vacancy exists. If the petition is mailed, ~~it~~the
2 petition must be in the possession of the secretary of state before four p.m. on the
3 sixty-fourth day prior to the primary election. The petition for the nomination of ~~any~~
4 ~~person~~an individual to fill the vacancy must be signed by qualified electors equal in
5 number to at least two percent of the total vote cast for governor at the most recent
6 general election in the state or district at which the office of governor was voted upon,
7 but in no case may more than three hundred signatures be required.

8 2. If a vacancy exists on a ~~no-party~~ ballot in a county or district within a county, the
9 vacancy may be filled by filing with the county auditor, before four p.m. of the sixty-
10 fourth day ~~prior to~~before the primary election, a written petition as provided in section
11 16.1-11-11, stating ~~that~~ the petitioner desires to become a candidate for nomination to
12 the office for which a vacancy exists. If the petition is mailed, ~~it~~the petition must be in
13 the possession of the county auditor before four p.m. on the sixty-fourth day ~~prior-~~
14 ~~to~~before the primary election. The petition for the nomination of ~~any person~~an
15 individual to fill the vacancy must be signed by qualified electors as provided in
16 subdivision c of subsection 2 of section 16.1-11-11. A

17 3. ~~For purposes of this section, a vacancy in the no-party~~on a ballot must be deemed to
18 ~~exist when~~exists if a candidate who was qualified by filing a petition pursuant to
19 section 16.1-11-06 or 16.1-11-11 dies, resigns, or otherwise becomes disqualified to
20 have the candidate's name printed on the ballot.

21 **SECTION 6. AMENDMENT.** Section 16.1-11-24 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-11-24. No-party primary ballot - Contents.**

24 There must be a separate ballot entitled "no-party primary ballot" at all primary elections
25 ~~which must be entitled "no-party primary ballot" on which candidates for nomination to the offices~~
26 included in section 16.1-11-08 are listed. The names of aspirants for nomination to each office
27 included in section 16.1-11-08 must be arranged on the no-party primary ballot in separate
28 groups in their order. The separate ballot may be on the same paper or electronic ballot, but the
29 list of offices and candidates must be entitled "no-party primary ballot" in a manner to indicate
30 clearly the separation of the no-party list of offices and candidates from the party list of offices
31 and candidates. The names of all candidates for ~~any of the offices mentioned~~an office included

1 in section 16.1-11-08 must be placed on the ballot without party designation. Immediately under
2 the name of each office must be placed the language: "Vote for no more than _____
3 name (or names)." The number inserted must be the number to be elected to the office at the
4 next succeeding general election.

5 **SECTION 7. AMENDMENT.** Section 40-21-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **40-21-08. Ballots in municipalities - Arrangement.**

8 The auditor of the city shall place ~~only~~ the names and, if applicable, party designations of
9 the ~~persons~~individuals nominated upon the ballot. The auditor shall arrange the offices upon the
10 ballot in the order in which ~~they~~the offices are named in the statutes. The auditor shall
11 determine the arrangement of the names of the candidates upon the ballot by conducting a
12 drawing immediately after the candidate filing deadline on the sixty-fourth day before the
13 election. The city auditor shall set the date, time, and location for conducting the drawing and
14 shall give advance notice of the drawing to the candidates involved.

15 **SECTION 8. REPEAL.** Section 40-21-06 of the North Dakota Century Code is repealed.