

2013 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2369

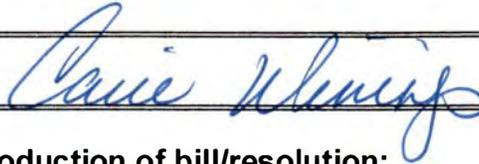
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee Missouri River Room, State Capitol

SB 2369
02/14/2013
Job Number 18963

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act relating to primary election ballot access and eligibility for minor political parties; and relating to political party committee organization.

Minutes:

Chairman Dever: Opened the hearing on SB 2369.

Robert Harms, Treasurer, North Dakota Republican Party: Testified in support of bill and to explain the bill. (4:15) In summary, it takes out of the code the mandatory detailed directions on how the state parties operate and allow that decision to be up to the state parties themselves in their own bylaws, and secondly it maintains the current structure that we have for statewide political organizations. A minimum 5% in presidential elections for petitioning and sets up this third mechanism that if all of us wanted to start our own party we would simply file our bylaws with the Secretary of State, meeting those minimum qualifications and we would have statewide recognition. I have spoken with the leadership in both houses and parties, and there is no opposition to the bill.

(5:30) See Attachment #1 for an amendment to place an emergency clause.

(6:20) Senator Cook: How long has that been a part of state code?

Robert Harms: I believe it has been a couple of decades. I believe in the 80's sometime. Essentially what Jim and I did was we thought it was easier to repeal that chapter and then construct a new chapter rather than try to construct these new provisions.

Senator Cook: The first political event I went to was in 1992 and the first thing I did was look at this chapter. I would argue that what we are doing here is shifting a lot of power from the normal citizen of the state to a political party. I give this to anyone who is interested in getting involved. I would argue that one presidential candidate that definitely motivated a lot of young people understood that section of code better than anyone. I am curious that maybe the way that he was able to utilize the rights given to the people in code caused a little gray hair amongst a lot of us old-timers that have been long established in the party and it is one of the reasons this is being brought forward.

Robert Harms: I was waiting for the question.

Senator Cook: There were a whole lot of citizens in the last election cycle fully understanding that section of code and they knew what camp they were in I welcomed them. They tried to take over our district committees and they had the law on their side. It just forced us to follow along. I don't see any problem with that and I certainly am reluctant to take that tool away from them.

Robert Harms: I would agree with your sentiment with the regard to the activity that occurred during the last presidential election cycle and that activity is the kind of activity that I think SB 2369 is designed to promote. Two things I would offer in response to your comments: number one, the problem that we have with the current code and the structure, is that we have a law in place that says one thing and then we have districts around the state that have a set of bylaws that differ from the code. So we set up this conflict that exists in state law and bylaws and we have a discussion in districts and we have lots of conflicts around the state because of that very activity. We want to clarify that. Number two, the provisions that the Secretary of State and I worked on recognize that robust political activity that we are trying to promote so that if all of us decided to start the green

coffee party because we don't think the Republican or Democrat party are serving the needs of our interests, we would be free to establish that party very easily by simply filing at the Secretary of State a set of bylaws that meet very basic minimum requirements that an organization would include. That would be without dictating to that party what the details of those bylaws would include. We agree with the idea of a robust political party that we should encourage in state law and we think this bill sets the frame to do that and it eliminates this conflict where we have state law saying one thing and bylaws saying another.

Senator Cook: Do you believe that repealing chapter 16.103 and replacing it with this would make it easier or more difficult to create another party?

Robert Harms: I think it will make it easier. As you know I am very involved in other organizations, including the Tea Party, and I have had their members ask me about it, and I told them that they need to do exactly as I have described. My personal attitude is that we should set up our law to allow that kind of robust political engagement by people; not put up impediments, but to make it easier.

Chairman Dever: They can do it in either circumstance?

Robert Harms: Yes.

Chairman Dever: I assume that right now the parties have to file bylaws with the Secretary of State?

Robert Harms: No, there is a third mechanism under the current law, but I am drawing a blank. It is not as easy as simply filing your bylaws with the Secretary of State. Jim can speak to that.

Chairman Dever: Do district party organizations fall under the umbrella of the state party organization or are they separate individual organizations?

Robert Harms: The district parties would fall under the state party under the current law. There will be a discussion, and the parties will be allowed to set those rules on their own. My personal preference would be that they are uniform state wide.

Senator Nelson: The Democrats have a standard set of bylaws that were put in by the state a couple of years back and the districts can either adopt those bylaws or they can accept those bylaws with changes, however, they cannot counter anything that is in the existing bylaw.

Senator Cook: We all know that every district party has to be organized within the next couple of months. That requirement is right here in this code that we are going to repeal. There are requirements here that we have to put a notice out in the newspaper so that everyone knows that we are reorganizing. It starts with caucuses. We have to follow these. We have rewritten our bylaws and we made sure that we stayed within code. This is what is leaving here, so my question is, how do districts reorganize under this new legislation and to what degree do the citizens have the right to come and have their voice heard?

Robert Harms: That would be the direction that I would like to see it go. The parties would craft their own bylaws as to how the districts would reorganize; whether they have caucuses or they don't. That will be part of the internal discussion in each party. The code speaks to how those political parties are reorganized, but they are really speaking to members of a private organization. The public can participate in those organizations, but that is part of the issue we are trying to get to that each of the parties should be able to run their own operations and invite the public to participate rather than having the state law tell those organizations how they must organize.

Chairman Dever: I suspect we are going to spend time on this bill.

Senator Schaible: These views that you are relaying, is that your opinion or is that the official position of the Republican Party.

Robert Harms: The state committee of the Republican Party made the decision to bring this issue to the legislature in December and it was a unanimous vote to take the political parties out of the Century Code.

Senator Cook: It was informed that it was created in 1979.

(20:43) Claus Lembke, Republican District Chairman, District 7: Testified in support of the bill. I do not object to telling us when a deadline is when we have to reorganize. We are ok with deadlines and advertising. Those things I think should remain a mandate of the bill. The way it was written takes it out but it would probably be wise to at least that in.

(21:30) (Explained personal experience of reorganizing and the issues with it) That is a perfect example of our own bylaws. They should be open. We are reviewing our bylaws and we want to avoid people aimlessly getting to be state delegates and then they don't show up. I recommend you take a look at that and support the bill.

(24:07) Chairman Dever: When you refer to your bylaws, are you referring to state party bylaws or your district bylaws?

Claus Lembke: When the precinct committee people elect the officers that is state law.

Chairman Dever: Do I get the feeling from what you have said that maybe there are some things in the state law that we should keep?

Claus Lembke: Yes, the deadlines to reorganize. I think we owe that to the public.

Senator Cook: Right now in code, who can participate and vote at a caucus? Do you have to be a qualified elector? How do you think we should determine who gets to participate in a particular political party?

Claus Lembke: I agree with you that some of these things should be in law to make sure that it is open. One group or another could overrun the other one and that is not fair.

Senator Cook: The question is, what is it?

Chairman Dever: (mentioned a person who stated on Facebook that they were involved in both conventions)

Claus: I was involved in the political process and I went to both district conventions in the early 70's and that is how I choose my side.

Chairman Dever: We know where you ended up and that speaks well of you.

(27:20) Jim Silrum, Deputy Secretary of State: See Attachment #2 for testimony in support.

(32:31) Senator Cook: I agree that state law makes it difficult to start a third party. Where was this legislation drafted and who was involved?

Jim Silrum: I took the first stab at it. Somebody has to. Then what I wrote Secretary Jaeger and Mr. Harms took a look and made recommendations. What is before you now is what we have spent many hours laboring over. It was on strict advice from the Secretary of State that this should not be in any way a Republican initiative; that the Democrat NPL should have their weigh in on this.

(35:15) Chairman Dever: Maybe we need to take a look at some of what is in there.

(36:22) Jim Silrum: I still believe that 16.103 is in major need of help just because of it not being clear to the average citizen. Especially knowing that you have to start at the end and then go back to the beginning and go from there.

Chairman Dever: Generally it is appropriate if it is fair to all parties and normally it is the Democrat and the Republican Party. I don't think anyone wants to prevent anyone in our democratic process from having the ability but at the same time I can imagine what would

happen if someone from a national party, and it was too easy, might present themselves as a candidate and someone else might present themselves as a candidate from the same party because they had not communicated with each other.

Jim Silrum: It was never the intent to remove the general public's ability to form how a political party would be organized; that district parties would organize at the grass roots level. They would have to be from that district and the only thing that it would truly do is give them their own timeline to control their own destinies with their party.

(39:25) Jim Silrum: (Continues on testimony).

(48:55) Chairman Dever: I am curious if there might be a way to accommodate those that register as a write it candidate 4 days in advance. If you are not going to have those slots on the ballot, and the other question is if either of the major parties left a slot blank, would you not include that slot on the ballot?

Jim Silrum: For the major parties, if you see on one of the pages I handed out where the third column is taken up by the Constitution and Libertarian parties, those statutes would only pertain to those political parties that achieve ballot access by circulating petitions and getting the 7000 signatures to have their political party recognized in the state. Any party that organizes according to 16.103.1 or a modification of 03 would be just like the republicans and democratic NPL party and would be granted a full slate of spaces. Minor parties are designated in that way because of how they got their ballot access which is by circulating petitions not by organizing according to the political party organization chapter.

Chairman Dever: I would imagine that their organizing might be on behalf of a candidate as much as on behalf of a party?

Jim Silrum: In most cases, they are doing so for the sake of having their presidential candidate on the ballot. The Constitution party for sure really only wanted their presidential

candidate to be listed on the November general election ballot associated with the Constitution party's name. Under current law what is required is that, and this would change in one of the sections of this bill, a presidential candidate specifically named would be required is to have the candidate circulate petitions to get 4000 signatures to turn into us and then have their presidential candidate listed on the general election ballot under that political party designation. Minor political parties have not taken that option because the circulating of a petition to get 4000 signatures needs to be done even before they know the name of who their nominated candidate would be for president and vice president.

Because our current law states that it has to be the candidate who is named on those petitions that are circulated, the law that would be changed to allow those petitions to be circulated before the name is known, is section 5 of the bill page 6 (reads added language).

(55:00) Please be assured that the vast majority of the remaining sections of the bill would allow us to rearrange the formatting of the ballot according to the examples that I put forward to you. In regards to a write in candidate for an office of one of these minor parties, outside of the office of legislative candidate, they would have to file that certificate of write in candidacy long before anyway which is 20 days, not just the 4 days. It seems to us that minor parties are attempting to gain ballot access for a certain statewide offices and if they want to organize at a district level, they should do so according to 16.103.1 if that is passed or a modification of 03 where that party organizes at the district level much in the same way that the Republican and Democratic NPL parties already do. Take into account that many would say that a primary election for political party offices is really not the place where political parties should find out who their candidates are. If write-ins were allowed for those minor parties for those offices where there were no candidate, Constitution and Libertarian parties are finding out of candidates that they were not even aware of. It seems to us that

the national Supreme Court has given political parties the authority to nominate their own candidates rather than some other way around.

Chairman Dever: Asked Jim Silrum to be available for additional work on the bill. Closed hearing on SB 2369.

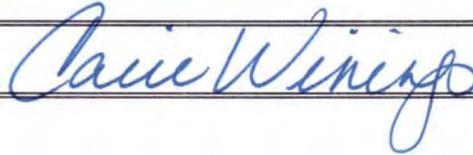
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2369
02/21/2013
Job Number 19361

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Dever: Opened SB 2369 for committee discussion. See Attachment #1 for amendment proposed.

Senator Poolman: Moved Amendments.

Senator Schaible: Seconded.

Chairman Dever: We had thought at one point of turning it into a legislative study but I don't think that is the right place to do it either.

Senator Cook: I hope that these amendments don't resurface in the other chamber.

Chairman Dever: I think if they do, they will in a different form.

Senator Nelson: If we defeated this bill, then we could still talk to each other during the interim to get it fixed: then it would not give them an avenue to talk about it over on the other side.

Chairman Dever: The Deputy Secretary of State told Senator Schaible and I yesterday that sections 2, 3, 4, and 5 are the most important election bill to them in this session.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Senator Schaible: Moved a Do Pass As Amended.

Senator Cook: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 2 nays, 0 absent.

Senator Schaible: Carrier

FISCAL NOTE
Requested by Legislative Council
01/28/2013

Amendment to: SB 2369

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill relates to political party reorganization, primary election ballot access, and eligibility for political parties.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Although the ballot access portion of the bill may result in cost savings to counties, it is impossible to determine.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None

Name: Al Jaeger
Agency: Secretary of State
Telephone: 701-328-2900
Date Prepared: 01/29/2013

FISCAL NOTE
Requested by Legislative Council
01/28/2013

Bill/Resolution No.: SB 2369

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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None

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None

Name: Al Jaeger
Agency: Secretary of State
Telephone: 701-328-2900
Date Prepared: 01/29/2013

13.8257.01003
Title.02000

Adopted by the Government and Veterans
Affairs Committee
February 21, 2013

2/22/13
TD

PROPOSED AMENDMENTS TO SENATE BILL NO. 2369

Page 1, line 1, remove "to create and enact chapter 16.1-03.1 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to political party committee organizations;"

Page 1, line 4, remove "; and to"

Page 1, remove lines 5

Page 1, line 6, remove "committee organization"

Page 1, remove lines 8 through 23

Page 2, remove lines 1 through 15

Page 7, remove line 17

Renumber accordingly

Date: 2/21

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 23109

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Poolman Seconded By Senator Schaible

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry	✓		Senator Richard Marcellais	✓	
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2/21
 Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES

BILL/RESOLUTION NO. 2369

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number: 13.8257.01003 02000

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Senator Schaible Seconded By Senator Cook

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry		✓	Senator Richard Marcellais		✓
Senator Dwight Cook	✓				
Senator Donald Schaible	✓				
Senator Nicole Poolman	✓				

Total (Yes) 5 No 2

Absent 0

Floor Assignment Senator Schaible

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2369: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2369 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact chapter 16.1-03.1 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to political party committee organizations;"

Page 1, line 4, remove "; and to"

Page 1, remove lines 5

Page 1, line 6, remove "committee organization"

Page 1, remove lines 8 through 23

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Page 7, remove line 17

Renumber accordingly

2013 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2369

2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2369
March 14, 2013
Job #19960

Conference Committee



Explanation or reason for introduction of bill/resolution:

A BILL relating to primary election ballot access and eligibility for minor political parties.

Minutes:

Attachment #1, 2, 3, and 4

Chairman Jim Kasper opened the hearing on SB 2369.

00:04 Senator Dever appeared as sponsor of the bill and reviewed what happened in the Senate. Delete entire section 16. Decided organizations that should take place in the next two years.

03:57 Jim Silrum, Deputy Secretary of State, appeared in support. **Attachments 1 through 4 (ballot samples)**. He went over the ballot samples. Objective is to have the ballots fit on one piece of ballot stock.

21:19 Representative Paur: On the Constitution party when you shrink that, you are not allowing someone to write in a candidate for insurance commissioner is there?

Jim Silrum: That is correct. The Constitution party would not be able to identify a candidate for those offices through the write-in process only.

22:36 Representative Paur: There are write-in campaigns. This would eliminate that possibility.

Jim Silrum: There are write-in campaigns that will still be legitimized and still be available for the Republicans and Democratic parties. Not permissible for the other political parties (Minor) that were not previously recognized in ND.

23:58 Representative Paur: California removed a requirement of voting for only one party. Do you have any idea how that played out?

Jim Silrum: I do not know how it worked in California. I do know of a similar situation in Washington State where they now have the top two.

25:48 Representative Louser: In California there was two of the same party running against each other.

26:24 Representative Strinden: If we allow minor parties to do their write-ins, if we didn't change that, would the rest of bill stand without that change?

26:53 Jim Silrum: Absolutely not. Changing instructions wouldn't improve where write-in campaigns are run in Democratic and Republican parties.

29:07 Chairman Kasper: Is it proper knowledge that the first name is running for governor? Is that the way it works under state law?

29:52 Jim Silrum: It is. Those should have included two names for the office of Governor and Lieutenant Governor.

31:43 Chairman Kasper: How do we know Shelly is running for Governor or Lieutenant Governor?

Jim Silrum: I should have put a second designator on there. In every contest the first candidate listed is the Governor candidate and the second one is Lieutenant Governor.

32:19 Chairman Kasper: Is there a GOV behind the name for Governor and LT GOV behind the name for Lieutenant Governor or just assume by the order that's the way it is?

32:30 Jim Silrum: By the order it is determined who it is and there is not a designator that says what office they are running for.

32:53 Chairman Kasper: Your goal is to simplify voting process or save paper?

Jim Silrum: First simplify voting process. Second to improve election administration and save costs.

33:27 Chairman Kasper: Is this the actual size of the ballot?

Jim Silrum: Actual size would be 11x17.

34:16 Robert Harms, Treasurer, Republican Party: appeared in support. Removing the political parties out of the code. Mandate was part of the issue. Private entity essentially being dictated by state law what its internal rules should be was another issue. Precinct caucus to only elect precinct committee members get to vote. We do think Statute 16.103 requires additional attention.

40:10 Representative Karls: We follow this in our District 35. I was not aware that every district did this.

Robert Harms: That is the status across the state. It needs to be clarified. Had district meeting, broke up in precincts, many people were expecting to vote for the district chair but not eligible to vote, only the precinct committee could vote.

42:05 Representative Karls: It's true for people who came for the very first time. I feel we should have this system in place for the districts who want it. Has this been in place since statehood?

42:41 Robert Harms: Put into law in the 1970s.

43:07 Representative Mooney: Do you have examples of rural areas that are having difficulties with this?

Robert Harms: I defer to our chairman.

43:54 Representative Paur: In District 19 we had 11 precincts, now down to 3. Walsh County has one.

44:34 Chairman Kasper: What this legislative body has done has given more power to the county auditors to determine where our precinct lines are and how many we will have in each district. You spent a large amount of time talking about what's not in the bill. What you were talking about is not in the bill correct?

46:24 Robert Harms: Still allow some structure in the law in terms of identifying political party.

47:44 Chairman Kasper: Talked in favor where were they at?

Robert Harms: They were ok with taking the political parties out of the codes. Will take out all the other mandates that the code provided.

48:36 Chairman Kasper: Did you offer amendments in the Senate side if 16.103 was repealed? What it would look like that was presented to the Senate committee?

48:45 Robert Harms: No, wasn't necessary. The bill contained a new chapter that would be 16.1-03.1. It allows them to qualify 5% of the last election petitioning process or filing bylaws.

49:33 Chairman Kasper: How would a district if you repealed the district structure, how would they organize in the bylaws?

50:18 Robert Harms: Draft their own bylaws.

50:52 Chairman Kasper: What is your definition of them? They would draft their own bylaws? Are you saying a state committee would do that? How would they be elected?

51:09 Robert Harms: democratic and Republican parties are already organized.

51:35 Chairman Kasper: Districts will organize according to the state law and anything that is not in conflict with the state party bylaws, and their own district bylaws. Is that how you understand it?

51:54 Robert Harms: Don't remember precisely. Going through process this spring and updating bylaws for the Republican Party.

52:33 Chairman Kasper: So there is a top down approach.

Robert Harms: I would disagree. The power is built from the bottom up not from the top down.

53:47 Chairman Kasper: I agree something needs to be done to clarify what the power is. I do not agree the state party should not be involved in the political party organization.

55:07 Robert Harms: Leadership had no objections to this bill. If the legislature should dictate to private organizations how their structures should be organized, this is the issue.

56:31 Chairman Kasper: We have our hands in many areas.

57:00 Representative Paur: Could you give a brief overview why that section was taken out in the Senate. Do you have any feeling for what the purpose is there?

Robert Harms: They felt the citizens of North Dakota should have some signal from the legislature as to how to participate in the political process.

57:52 Chairman Kasper: I have been working on amendments for SB 2369 for about two and a half weeks. Not sure if I am going to introduce them but would like some eyes on them. Protecting the integrity, authority and power at the district level but clarifying the authority of the state party as well.

59:13 Al Jaeger, Secretary of State: appeared in support. Encourage to give us what we need.

Chairman Kasper: We will get you out of some areas that you don't want to be in.

1:00:19 Al Jaeger: There are things that the Secretary of State and County Auditors are involved in that don't wish to be involved in. Our concern is with what you have now, we really need to have that.

1:00:54 Chairman Kasper: Will talk with Senator Dever.

The hearing was closed.

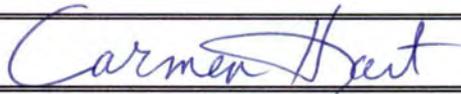
2013 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2369
April 5, 2013
20931

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to primary election ballot access and eligibility for minor political parties.

Minutes:

Attachment 1&2

Chairman Jim Kasper opened the session on SB 2369. **Attachment 1-2** was handed out. This is the 10th amended version. It is not as complicated as it looks. It is amending current state law to clean up some areas that have been outdated for many years and to clarify the distinction between the state parties, new parties that wish to organize in North Dakota and how districts organize in our state. I have been working with Secretary of State Jaeger, John Bjornson, Rep. Boehning, Senator Dever, and Jim Silrum on these amendments.

John Bjornson, Legislative Council, appeared to go over the proposed amendments in detail. **Attachment 1-2**. (1:24-5:02)

Chairman Jim Kasper Let's see if you have any questions going through each section.

John Bjornson (5:14-5:46)

Rep. Steven Zaiser (5:50) We talk about the party. Should we be talking about a party? Aren't we also making this open to other parties?

John Bjornson It is open to any party that wants to organize.

Chairman Jim Kasper The plural is a political organization on Line 13 and went from that point where we are now referring to the specifics but it is part of a which is the plural.

Rep. Steven Zaiser Does it imply that we do have multiple opportunities when we are referring back to...

Chairman Jim Kasper We do.

John Bjornson We always try to use singular in the code, but singular also means plural. (Continued 8:00-16:07) *The audio from Mr. Bjornson was poor until about 13:00.

Rep. Ben Koppelman There might be two or three precincts and they don't hold those all separate. They just come together and have one district meeting. Is this language now saying that if you wanted to do that and at your main district meeting each precinct those numbers could vote on their one committee member from the precinct and you could otherwise do all your business as a district rather than individual precincts and then have ___ electors to your district?

John Bjornson As I understand under the current law and under this, you can have your precinct caucuses and your district committee all at one time in one place, or you can have them at different times, different places. The law states the district committee has to be within 15 days of precinct caucus. It is up to the party how they want to do it.

Rep. Ben Koppelman I will use my district for example. We had three precincts. The three precincts would meet and elect their respective representatives from the precinct. Those representatives would come together and vote on all the district business. Some districts have gone to where the individual precincts at the big meeting would only meet to elect their representatives for the purpose of serving on the board of the district. When it came to adopting the bylaws and electing the district chairman and all those elections, everybody at large that was an elector in the district, regardless of precinct, got to cast a vote. Are either one of those allowed under this language?

John Bjornson Yes. The law is not changing any of that. This proposed amendment would provide additional flexibility through your bylaws to decide how you are going to run your business at the local level. The question came up when working through this what if you are new. This says you get one precinct committee man per precinct in that case. That fills the hole that might have been in the law before. (20:58-21:55)

Rep. Karen Karls My county auditor expressed to me that he liked having the names of those precinct committee men so if he is having trouble finding judges and clerks, he can call them and see if there is anyone they know in their area. That may have been the reason this was instituted and maybe it is not used by other county auditors.

John Bjornson There is nothing that says that the county auditor can't ask them or that they still can't send them to the county auditor, but this would remove the requirement.

Chairman Jim Kasper Also, the district chairman could be called and ask for those names and addresses. It has been a desire for many years by the auditors and the Secretary of State's office that they should not be involved in what the parties do. It is the party's responsibility to do what we do and they don't want to be interfering or be required to do certain things. This bill takes both entities out of the law except for a couple of areas of required notification to the Secretary of State.

John Bjornson (23:26-29:34)

Chairman Jim Kasper Subject to the party rules and bylaws, the state party convention--that is sort of a key addition. We are making it clear that the state party rules and bylaws are going to determine what happens at the state convention, and they have total authority to do that under the amendments.

John Bjornson That is correct. (29:53-30:36)

Rep. Gary Paur Why did we change from shall to may in 5, 6, 7?

John Bjornson Rather state law dictating every detail of what you should do at your convention, I think the desire was to say your rules, your bylaws of the state party will decide what you do at your convention.

Rep. Gary Paur You are giving them the option of not providing for presidential electors, etc.?

Chairman Jim Kasper That is true. They may not wish to do so. There might be a new party starting and they may not wish to do so.

John Bjornson In general, I would think most would want to do that.

Al Jaeger, Secretary of State, seated in the back added a comment. We don't care how they are selected. We just know when we have to have the papers filed for that office.

John Bjornson (32:03-36:08)

Chairman Jim Kasper Our district size average is a little over 14,300 people. There are some county commissioners out there who have established one precinct in the entire district. You have one huge glob of 14,300 people with one precinct. How are we, either one of us as parties, able to identify where our voting base is when our whole district is one precinct? The idea here is to say we have to have a number of precincts in each district so we can determine where our voting strength and weaknesses. In my district we were down to two precincts and we prevailed on the county auditor through the county commissioner to add one more precinct. That still is only three precincts for 14,300.

Rep. Steven Zaiser I concur with your thoughts. One of the concerns I have, though, in Cass County Mr. Montplaisir is having a hard time getting people to work at the elections. If we have more precincts, then we are going to have more election sites.

Chairman Jim Kasper This does not require anything about the voting locations. This is simply how we count the vote. We could still have one voting location for three or four precincts. They could be combined.

Rep. Gail Mooney In Traill County there is only community that has precincts and that is Mayville. It has three or four precincts. Does that mean then our auditor or somebody has to go about the business of establishing precincts throughout the county?

Chairman Jim Kasper Correct. Under this amendment no precinct can have more than 2,500 people, so if the city of Mayville had 3,000 people, you have 11,000 people in the other area of the district. You are going to have to divide that by 2,500, so you are going to have four more precincts.

Rep. Gail Mooney That doesn't mean we have to change our voting procedures as far as the county is concerned, so monetarily we are not stuck with more voting places and that type of thing.

Chairman Jim Kasper Correct, so we can identify where our voters are. It helps both parties.

Rep. Karen Karls My district has five or six precincts and five or six election boards. How does that work in an urban district where there is one or two precincts? Do they now have to hire five or six election boards?

Chairman Jim Kasper This has nothing to do with the voting or the voting locations. You can continue to vote exactly the way you are right now, but when people vote, you are going to identify that they are located in this area and this area by precinct. We will get a better count of where the votes are tallied in the locations that they were voted on.

Vice Chair Randy Boehning This is similar to early voting like in Fargo, where we go to one of the hotels and tell them where you live, get your ballot, and go vote, so you don't have to have another board.

Chairman Jim Kasper That is correct.

Rep. Jason Dockter Our new district, District 7, and we put in our bylaws that we have six precincts. It really does help to know where you vote.

Chairman Jim Kasper John, do you still have the breakdown of the map so if an auditor wishes to see how many people live in what location, that mapping is available?

John Bjornson Yes, we do. In redistricting we get population data from the census bureau broken down to what they call the block level. The block level could be a city block and in some areas it is a sliver of the off ramp on the interstate. Leading up to the census, our office participated in what they called Phase 2 of the census redistricting project. What we did is we worked with the Secretary of State to get information from county auditors to map the existing precincts. They are doing what they call the American Community Survey that can provide auditors information.

Chairman Jim Kasper The census data is based on the last census so we don't have to be concerned with population changes, because we have no way of knowing population changes, and we have to organize the districts based on the census anyway. That also makes it simpler as far as how the precinct lines would be drawn.

John Bjornson Exactly. (43:56-44:33)

Rep. Steven Zaiser Section 12, where if there is a write in ballot, you are required to fill in the oval.

John Bjornson That is part of the original bill. I just deal with the amendments.

Chairman Jim Kasper The effort in these amendments is to simplify and to give the parties more strength and power in their separate area at the state committee level and the district level.

Al Jaeger, Secretary of State, appeared. Wherever the color stops on the pages of the handout, would have been the information that we testified in front of this committee before. Those pages deal with election administration. Because of goals beyond something that happens in the state but actually on the presidential election level, we were forced to put a 4th column on the ballot in the June election for the Constitution Party. There wasn't one candidate at all listed in there. The whole reason for that column was so that they could have their presidential candidate so identified. That one empty column created enormous challenges for the preparation of the ballot and, in some cases, forced counties to go to a two page ballot. Ballot stock is very expensive. The amendment doesn't change existing law in terms of political party organization. It takes the state and the county auditors out of the business completely. This is taking out what we felt was state law dictating to political parties what to do. Back to Rep. Zaiser's earlier question, this applies equally to everyone. Under this law they are all the same. We encourage the first part that was changed. Answering your question, Rep. Koppelman, there is a framework here but basically it is your bylaws and how you do things and it takes the state out of everything completely.

Rep. Bill Amerman A lot of this depends on the bylaws that each party brings forward. If there is a conflict in the bylaws, does it go to a court system? Do you get copies of the bylaws?

Al Jaeger The original bill you received had language in that the bylaws would be filed with our office. This takes this out completely. That is an internal political party challenge. If that doesn't resolve, it is a civil matter.

Rep. Vernon Laning Do we need an effective date?

Al Jaeger August 1.

Rep. Karen Karls It would behoove each district, each party to have bylaws, to update them, and to make sure there are copies of them out there.

Al Jaeger I would agree. Your county auditor, Kevin, knows who to call if he doesn't know the precinct people, and that person should know. I don't know what precinct I live in, but I do know when I give them my ID and they pull up my record, it shows the precinct.

Rep. Steven Zaiser We recently killed a bill that talked about write in ballots because we thought it was going to be too awkward. My concern is that having to fill that oval in puts an undue pressure on the people voting for that person.

Al Jaeger There are basically 300,000 ballots being run through a scanner, and the only way the scanner can detect whether there is a write in vote is if there is something there. The only way it would ever come up is if there was a recount. Then ballots would probably be looked at individually and then they would have to determine voter intent. If you wanted it counted, you need to fill in the oval.

Rep. Steven Zaiser The point is...

Chairman Jim Kasper Having served on an election board, the fact that someone writes a name in without putting a mark in the oval, and there are other names there without a mark in the oval, the election judge has no way of knowing the intent of the person unless there is a mark in the oval.

Rep. Steven Zaiser We talked about these small communities where somebody would at the last minute potentially be precluded from having a write in name on their ballot.

Chairman Jim Kasper This does not pertain to that.

Rep. Steven Zaiser The point is that would have to be manually counted.

Chairman Jim Kasper This does not pertain to that. It just says if you want the election judges to count the ballot if you write in a candidate, you have to darken the oval. Otherwise, it won't be counted.

Al Jaeger I believe there are instructions on the ballot about darkening the oval.

Rep. Gail Mooney We have districts that are predefined for each of our five commissioners. Could a person use each of those districts as the precinct boundary lines type of thing?

Al Jaeger I would suspect that you can. Doesn't your district cross the county line?

Rep. Gail Mooney It does.

Al Jaeger This is just within the county. Traill County can't tell Cass County what they need to do.

Rep. Gail Mooney Each county would just formulate based on what makes sense to them then.

Chairman Jim Kasper Correct.

Rep. Gary Paur If you have a voting precinct covering three townships and you have this 2,500 designation that is met in two townships, can you call them both precincts?

Al Jaeger Keep in mind you are not necessarily going to be voting in each precinct. You are going to have a ballot identified with that precinct. The 2,500 is purely a number thing.

Rep. Gary Paur I realize that, but we are calling that a precinct and then we also have voting precincts.

Al Jaeger They are one and the same. You have a precinct. Our equipment can take ballots for 15-20 precincts in one scanner. You can have one voting location for multiple

precincts. The precinct identifies where the people live. It doesn't identify where the voting takes place.

Rep. Gary Paur I realize all that, but the terminology is the same.

Al Jaeger No, we use polling locations to identify.

Rep. Ben Koppelman moved to adopt the amendments.

Rep. Jason Dockter seconded.

A voice vote was taken. Motion carries.

Rep. Karen Karls moved a Do pass as amended.

Vice Chair Randy Boehning seconded.

Chairman Jim Kasper The intent of my efforts on these amendments are to clarify state law, to make it simpler for all parties to function, and to delineate the duties of the state party and the district organization so that we don't have, at least in the republican side of things, a fight inside that is not really conducive to any of our goals. I am sure our friends in the democrat party would agree.

Rep. Bill Amerman We don't mind if you guys fight.

A roll call vote was taken and resulted in **DO PASS AS AMENDED, 12-1, 1 ABSENT.**
Chairman Jim Kasper is the carrier.

Rep. Jason Dockter Thank you for your hard work, and I like the local control for each district.

Vice Chair Randy Boehning When I started in party politics back in the mid 80s, I was in Rep. Amerman's District 27, which is half of Richland and Ransom County. We had 30 plus precincts, because each township was a precinct. We started consolidating. You should have heard the uproar. It is now bringing back a little more local control here.

FISCAL NOTE
Requested by Legislative Council
01/28/2013

Amendment to: SB 2369

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill relates to political party reorganization, primary election ballot access, and eligibility for political parties.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Although the ballot access portion of the bill may result in cost savings to counties, it is impossible to determine.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None

Name: Al Jaeger

Agency: Secretary of State

Telephone: 701-328-2900

Date Prepared: 01/29/2013

FISCAL NOTE
Requested by Legislative Council
01/28/2013

Bill/Resolution No.: SB 2369

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None

Name: Al Jaeger
Agency: Secretary of State
Telephone: 701-328-2900
Date Prepared: 01/29/2013

Handwritten initials and numbers: "4/2/13" and "JK" with a checkmark.

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2369

Page 1, line 1, after "to" insert "create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to"

Page 1, line 1, after "sections" insert "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,"

Page 1, line 2, after "to" insert "political party organization, voting precincts, and"

Page 1, line 2, remove "and"

Page 1, line 3, replace "eligibility for minor political parties" with "; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization"

Page 1, after line 4, insert:

"**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:

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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.

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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~~ 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~~ 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~~ may be filled by appointment from the

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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. ~~The~~Any incumbent members of the legislative assembly, the precinct committeemen of a party, selected as provided by this chapter, with and any other ~~persons~~individual 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 by precinct committeemen and the 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.~~

 - c. ~~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 committee consistent 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:
 1. a. Nominate the legal number of ~~candidates~~ qualified electors for its party for the offices of presidential electors.
 2. 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.~~

08/1

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. No precinct may have a population of more than two thousand five hundred, as determined by the last federal decennial census."

Page 6, after line 10, insert:

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

Renumber accordingly

Date: 4-5-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2369**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8257.03010

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Koppelman Seconded By Dockter

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper			Rep. Bill Amerman		
Vice Chairman Randy Boehning			Rep. Gail Mooney		
Rep. Jason Dockter			Rep. Marie Strinden		
Rep. Karen Karls			Rep. Steven Zaiser		
Rep. Ben Koppelman			<i>Joint Vote Motion Carries</i>		
Rep. Vernon Laning					
Rep. Scott Louser					
Rep. Gary Paur					
Rep. Karen Rohr					
Rep. Vicky Steiner					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 4-5-13
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2369**

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Karls Seconded By Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Jim Kasper	X		Rep. Bill Amerman	X	
Vice Chairman Randy Boehning	X		Rep. Gail Mooney	X	
Rep. Jason Dockter	X		Rep. Marie Strinden		
Rep. Karen Karls	X		Rep. Steven Zaiser		X
Rep. Ben Koppelman	X				
Rep. Vernon Laning	X				
Rep. Scott Louser	X				
Rep. Gary Paur	X				
Rep. Karen Rohr	X				
Rep. Vicky Steiner	X				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Kasper

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2369, as reengrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2369 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to"

Page 1, line 1, after "sections" insert "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,"

Page 1, line 2, after "to" insert "political party organization, voting precincts, and"

Page 1, line 2, remove "and"

Page 1, line 3, replace "eligibility for minor political parties" with "; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization"

Page 1, after line 4, insert:

"**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~~ may 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. ~~The~~ Any incumbent members of the legislative assembly, the precinct committeemen of a party, selected as provided by this chapter, ~~with~~ and any other ~~persons~~ individual 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 by precinct committeemen and the 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.~~
 - c. ~~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 committee consistent 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 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.
- ~~2. 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:
 - 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.
 - 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. No precinct may have a population of more than two thousand five hundred, as determined by the last federal decennial census."

Page 6, after line 10, insert:

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

Renumber accordingly

2013 CONFERENCE COMMITTEE

SB 2369

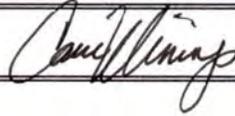
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2369
04/17/2013
Job Number 21202

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Schaible: Opened the hearing on SB 2369.

Representative Kasper: Explained the changes that the House made to the bill by walking through the bill (version 13.8257.03010) and gave the history of it. (See Attachments #1 and #2 for additional information to the bill.)

(16:16) Senator Nelson: You mentioned that the meeting has to be held in the district and in Fargo we all meet at the same place and at the same time. We do all of the stuff together. We have precinct elections prior to district elections. We have the election of offices there. Earlier you said "or a place close to it" and you said we did not have to do it in the district. Now what I heard you say was that this meeting has to be in the district?

Representative Kasper: No. It does not say that and that is not my intent to say that. It just said that it would be held within 15 days of the precinct caucus to elect the district officers, but I did not mean to imply that it had to be in the district. We do the same thing in the Republican Party - we meet in one spot. This took us 10 different amendments to get to this point. (Returned to page 5 line 4)

(26:10) Representative Kasper: Referenced Attachment #2 and talked about precincts and then returned to page 8 of bill.

(28:28) Chairman Schaible: Are there any other quick questions or comments?

Senator Nelson: We had a similar problem to 46 and the issue was when did the district committee exist? Was it, in your district, on the date of the death Senator Fischer or the date of the resignation of Representative Schneider? Because people tried to stack the deck after the case to fill the executive committee so that their person can get in. So, our state bylaws were changed to say that it is the executive committee that exists on the day of the vacancy. I don't see anything in here to say that we cannot do that because you said that we have to have everything that is in here but we can have other things. I think this problem is solved, but I remember what we went through for several weeks because of this rogue group that wanted to take over.

Representative Kasper: I would make one suggestion; I would incorporate the state party bylaws into your district bylaws so that it is clear.

Senator Nelson: They are. The reason we did not concur was because of page 9 line 4. If there is a differentiation between precincts and precincts are only for our working capacity and not as polling places, but I think that needs to be made specifically clear because we have two precincts and it works pretty well. We know that they either live on the north side or the south side. We used to have 7 and they were basically around schools that used to have polling places but they don't anymore. What we need is a few more people working at polling places so that there is not a line at 8 o'clock. In Fargo where do you find places to vote that have adequate parking.

Representative Kasper: This does not interfere at all with the polling places, but it simply will require that there will be a minimum of six precincts in each district so that when you get your election results you will be able to see more detail on where you have some strengths and where you might want to do some work.

Senator Schaible: Adjourned the conference committee.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2369
04/18/2013
Job Number 21254

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Schaible: I believe that when we adjourned last time that Representative Kasper had just finished his walk-through of the bill. Are there any questions that we have from that?

Senator Dever: I believe there was some simple language that was non-controversial for a section of the bill and I wonder if you might want to share that.

Chairman Schaible: I had a question on the mocked up version, page 5, line 30, but if you turn over to page 6, the language is already in there; which is not consistent with this chapter. That is just in there at the end of the sentence instead of the middle. I guess the only other question I had was on page 9, lines 1-5, with the precincts and go over that again.

Representative Kasper: Did you all get the e-mail that I sent out? I went to great length to try and explain the situation there. Just to clarify - are there specific questions or do you want me to go through again the reason or what would you like me to discuss?

Chairman Schaible: I think it was mentioned earlier, I think that the precinct stuff and that level of control was left to the districts before this and I think now we are going to the precincts type realm and it seems to me that even if it is an issue, it is still probably best left in the districts bylaws or their concerns. I am wondering what your thoughts are. We are

doing so much to say that we are separating state control and district control, but yet we are going into this area.

Representative Kasper: On page 9, lines 4-5, that has nothing to do with the districts.

What this is putting in statute is that all of the districts in the state of North Dakota, none of the precincts can be more than 2500 people and the average size of each district in our state is as close to 14,300 people as possible so that would mean with this language in the bill, you would divide 2500 into 14,300 and you would have a minimum of six precincts in each district. In the e-mail that I sent out I did a little research and if I recall, I think there are 21 districts that would be affected in our state because all of the other 26 districts have 6 or more precincts. Of the 21 districts that are affected, 9 are in Cass County. That shows where the majority of the problem is. It appears to me that the Cass County Auditors have made a decision to go with two and three precincts in many cases and I don't think that is good for the political process. They would need to re-draft their precinct lines so that we would have at least 6 precincts in each district all over the state. Not only Cass County. It has nothing to do with polling places and it has nothing to do with where the vote would be held, early voting, or absentee ballots. The county commissioners could decide there is going to be one polling place in a district. This does not touch that. All it says is that the lines in the precinct of the district will have to have a minimum of 6 precincts. A number of precincts have more.

Chairman Schaible: If they want that right now, can't they do that?

Representative Kasper: The state law determines that right now. The district bylaws cannot change the precinct lines. Under current state law, if you go back to Page 8, line 19, it states that the board of county commission of each county shall divide the county into precincts and establish the precinct boundaries. So the districts right now never have

controlled the precincts. The county commissioner has controlled that. We are not taking away the authority of the county commissioners to divide precinct lines. What we are saying is when you divide the precinct lines, no precinct can be larger than 2500 in population and there will be a minimum of 6 precincts in each district.

Senator Nelson: If you wanted to split District 46 into 6 precincts so you can keep track of them - that is what you can do. In my particular district we have two precincts. We don't have 5000 people even voting but yet to split up the whole district into 6 precincts, many of which would not have citizens in them or voters in them and if you wanted them to be able to keep track, it will require different ballots because they would have to be spaced. Where does that precinct go? Our city lines do not match our school districting lines. Our county commission lines don't necessarily match anything either. I don't see the advantage of splitting my district or district 11 into 6 pieces.

Representative Kasper: Let's not confuse the political districts with the school districts, or any other voting bloc. This does not change it.

Senator Nelson: But they will change the elections.

Representative Kasper: The only thing this will change is that when you have a precinct line for a district, the person will be voting in their precinct for their district. The school board elections are generally not held with the primary.

Senator Dever: They are in the primary now.

Representative Kasper: Be that as it may, the district lines, I don't see where you could possibly have no people in your precinct. In the 6 precincts you have 14,300 people in each district; therefore, it would be rather silly to draw a precinct that would have no population in it. In your case Senator Nelson, your district is very compact. Your precinct lines would probably be quite equal.

Chairman Schaible: Other than that section, are there any other items that we are having heartburn over?

Representative Kasper: From our perspective, no. We passed the bill 84 to 8. The House is pretty happy with it.

Senator Dever: I very much appreciate the work that Representative Kasper has done on this bill. Since there is no emergency clause or effective date on this bill now, it does not affect the reorganization this time. If anyone sees anything that they have real heartburn with, we can make adjustments in the next session. This is the one point that does effect the next election. I think we need to somehow resolve this point otherwise I am happy with what has been done. I have 7 precincts in my districts and the only problem would be that they average less than 2500, but some are bigger than others and I am not sure that I would see any real benefit to making those adjustments.

Representative Kasper: Your district would make no adjustments.

Senator Dever: I have precincts that are larger than 2500.

Representative Kasper: Then the auditor would redraw the precinct lines somewhat differently. There is a possibility if you want to consider getting away from the 2500, we could amend the bill to say that each district must have a minimum of 6 precincts. Then you get away totally from the number. I would have no objection to that. The fact of the matter is that you are having some districts with one and two precincts is ridiculous. We are a political entity when we are in politics and when we are in the legislature and we should know where our voting strengths and weaknesses are. The part of the bill that I think is important to the political parties is the part we are discussing right now.

Representative Boehning: I have been around a while and I remember having 30 plus precincts. We knew where the votes were at, we knew where to concentrate ourselves at,

and we knew where to go and where our strengths and weaknesses were. I think it was a lot easier to do campaigning that way. I would not have a problem going with just the six without a population number set. Without having to have 6 voting places - that is not an issue there.

Senator Nelson: Representative Zaiser and I are in the same district and we know where our voting strength is and we have worked the district for years. We know where we need to go two or three times or where we need to go once because they are not going vote. We don't need any lines to tell us where to go. In some cases we did not know where the lines were and we just did our stops. If you work the district, I don't think you need any additional lines.

Representative Kasper: Senator Nelson, with all due respect, your district is your district and you know it well and you have been there a long time. We have 46 other districts in the state that might have that luxury. We have some districts that are 150 miles long. So to suggest that simply because you know your district, we shouldn't have any way for the rest of the districts to know where the vote is, is a little bit disingenuous.

Representative Zaiser: I am not sure what the benefit is going to be because I think even if you are talking about those rural districts, someone who has never run before, they are not going know. They are going to have to cover anything. I guess I am somewhat ambivalent about this personally. I just don't know of the huge benefit. I assume that I want to get my message out to everyone and maybe I get to people but maybe other people don't. That is my objective in each election.

Chairman Schaible: Is there any other discussion today?

Senator Dever: I am curious about the requirement to rotate the names on the ballot, is that in Century Code?

Representative Kasper: It is and it is not in this bill.

Senator Dever: I was wondering if we could go to more precincts and not have to print different ballots.

Senator Schaible: That is not an option.

Representative Kasper: I would offer an amendment on Page 9, lines 4 and 5 - that we would say that no district may have less than 6 precincts within the district.

Rep. Boehning: Seconded.

Senator Schaible: Restated amendment proposed, and asked if there was any other discussion.

Senator Dever: I think that would require the House Recede from its amendments and further amend.

Representative Kasper: I would be happy to change the motion. I want to be absolutely sure that that is the only section of the bill we are receding from.

Senator Nelson: There is one district that has only has one precinct and there is probably a reason for it. I just don't think that we should be telling the county commissioners how many precincts they should have.

Representative Kasper: It is the responsibility of the legislature to determine the policy - particularly in elections. The county commissioners are all over the board. There is no consistency with what we currently have. I can't for the life of me understand why one district would have one precinct. So you have 14,300 people living in one district and you don't know where your votes are.

Representative Zaiser: I think that we need to understand why some of those districts have only one precinct. They probably are very good reasons. I don't know them. I guess

in an idea world, it would be great to have everyone have precincts with precisely 2500 people and six of them, but I don't think we are in an idea world.

Senator Nelson: Do we know where the mail districts are? Maybe that impacts why they only have a few precincts.

Rep. Boehning: With having one precinct in one county and it is Election Day, you are probably going to have to drive a long ways from one side of the county to the other side because you precinct is at the county seat; where you don't have the opportunity to have a smaller precinct that you can go vote somewhere closer as well. I think that is a reason to have 6 precincts for a lot of these larger districts. They have to drive a long ways to go vote.

Senator Dever: I think polling places are being confused with precincts.

Representative Zaiser: I was going to make that point. Representative Kasper is saying that it would not affect the voting. I think it might confuse the voter and the workers.

Representative Kasper: In the early voting in Fargo, we have two early voting polling places for the whole city and that is encompassing 10 districts. So when they walk in you would think there is mass confusion, but they check in and show their ID and poll checks the district they are in and hands them the correct ballot. There is no confusion because you are identified where you precinct is by your ID that you give. It is simply a matter of being in the right polling place and have the right ballot. That has all been automatized and it is relatively simple. The machines are such that you can put ballots in from 30 precincts and they will count them out in the precincts. It is not rocket science anymore.

Chairman Dever: We have a motion on the table.

Senator Dever: There are districts that include multiple counties, and some of them have quite a number in one county, so are we talking about the total number of precincts in the districts in the counties?

Representative Kasper: In current law and the way they operate, you can have two or three counties. All the motion is saying is that in the district you must have at least 6 precincts and it does not dictate anything in regards to the counties. You can have 30 if you want. It does not say that in each county that you have to have 6 precincts - it is in the entire district.

A Roll Call Vote Was Taken: 4 yeas, 2 nays, 0 absent.

Motion Fails due to only one yea on the Senate side.

Chairman Schaible: Adjourned the conference committee to reschedule.

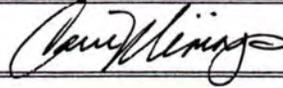
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2369
04/19/2013
Job Number 21331

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Schaible: Open conference committee on SB 2369.

Representative Kasper: I have had a couple of conversations with Jim Silrum and they have certainly given me some additional information that I think might be pertinent to the committee. Maybe we could have him share some information with us.

Jim Silrum, Deputy Secretary of State: I am happy to answer any questions specifically directed to me. Some of the things that I have talked about with Representative Kasper are the fact that there was a discussion in a previous conference committee hearing about the difficulty of how to define the precincts according to population and it is my understanding that Legislative Council does have software that is used for redistricting purposes for establishing the legislative districts during that time. In my subsequent conversations with John Bjornson it would be a possibility for us to have access to that redistricting software that could be used for facilitating the establishments of precincts no matter how many are in a district or in a county. Whatever would be the committee's wishes provided we could have the intent that legislative council and the Secretary of State's office would be encouraged to work together on that. We could facilitate the counties in establishing the precincts according to the sizes mandated by the legislature. Are there any specific questions?

Representative Kasper: I would like it on the record that I would hope that the committee would support the legislative intent that the Secretary of State could be involved with the counties to help them do their job, whatever that job might be, because that is what they do anyways. We would not want them to be any less able to work with the counties on the drafting of precinct lines if that is the way we go. I would hope no one in the committee would object to that thought. Jim, you mentioned to me about the potential for some groundbreaking changes for software and how ballots are going to be designed and counted maybe by the year 2016, which I think that might be important. If you could share that thought process with us.

Jim Silrum: It is no secret that the voting system in the state of North Dakota needs to be replaced and we are suggesting that over the course of these next number of years we reevaluate the software that is needed and come back in the next legislative session with an idea that is agreeable to everyone and ask for funding for that. The possibility that it does exist in current technology are features such as ballot on demand; which through the use of electronic poll books, the voter comes in, is checked in, and immediately upon check in the ballot on demand spits out the exact ballot that would be there for the voter to use. It would eliminate the need for over ordering any ballot stock. It would eliminate a lot of the possibilities of giving out the wrong ballot to the wrong voter in our multi-precinct polling locations. Especially in our early voting location and in large population counties where there may be as many as 100 different ballots that need to be distributed to the voters. That is coming in the future. It is something that we need to look at and it would be facilitated regardless of how many precincts we have in the state.

Representative Kasper: In my exuberance on the amendments I overlooked the importance of the rest of the bill. Can you share the importance of the bill with the Secretary of State's office?

Jim Silrum: The first sections of the bill deal with political party organization and in such a way that it removes a large percentage of the responsibility for the county auditors and the Secretary of State to be involved in the establishing of districts. The last portions of the bill have specifically everything to do with the formation of the ballot; which will eliminate voter confusion and will cause for ballot space to be used far more efficiently so we will reduce the number of two page ballots that are used throughout the state. I cannot speak highly enough about the last sections of the bill and how the bill needs to be saved and it needs to move forward because in my opinion, the last sections of the bill perhaps are some of the most important election administration changes that could be authorized by this particular legislative session.

Senator Dever: I don't know if you have had a chance to work with that software at all and as I understand it, for redistricting, they took the whole state and basically could move lines and then it would indicate the population of the district as it changed, and I am not sure I am right on that. Would it be the same thing for choosing precincts?

Jim Silrum: I worked with John Bjornson when they went through redistricting, and it is time consuming software but not complicate software to use. If we were to have to buy licenses for all 53 counties of the state, it would be incredibly expensive software. In direct answer, the way this works and would work for precincts just as it did for districts, is that a line is moved and then the population data that is associated with the streets and the residents would adjust the population totals much the same way as it did for legislative council doing the district boundaries. That could be very useful no matter how many

precincts there are and that information not only be useful for election purposes but that information is also highly coveted by legislative council as well to know where those precinct boundaries are to be able to add that to their mapping. They have asked us several times if it is possible that we can join them in that effort and perhaps this is an opportunity for us to join them in that effort.

Senator Dever: Are the precinct lines on the current map then or do they have to be drawn in in order then to manipulate?

Jim Silrum: All of them would need to be input initially. Some of the counties had their precinct lines put into that software when they went through the redistricting. After the redistricting, many of the precincts changed so they would all need to be input. What is fortunate is that some counties do have sophisticated GIS software that can export that data and transfer that to the maptitude software and eliminate a lot of the data entry work.

Senator Dever: If we pass this bill, we are setting the number of precincts that will be required in a district, but am I correct in my understanding that it continues to be a county responsibility how they are drawn and that your office would be willing to assist in accomplishing that?

Jim Silrum: You are correct on all regards.

Representative Kasper: I worked on the redistricting committee and I worked with the software and it is complicated when you begin but once you start using it, there were folks who could really make it sing. When you are redrawing the lines, the lines are there but it is also color coded. It does not take long once you play with it for a while. It can tell you down to one person how many people are in an area. It would be very easy to determine the population in each precinct with that software. John Bjornson has negotiated with the software vendor to purchase one set of software - the initial cost is \$3500 and after that the

price drops to \$2200 per license. I recounted my districts that are impacted by the six minimum; it is 20 districts that are impacted, of which 9 are in Cass County, so they could buy one set of software and you would have 11 other sets that you would have to purchase at \$2200. The total cost to cover would be \$25,500 if they each wanted their own set of software. The Secretary of State's office would be there to help and you may not need to purchase that much software. I think you would save that in paper when you do the ballots.

Senator Dever: My district has seven precincts but they would still need to be redrawn because they are not all under 2500 people.

Representative Kasper: That is possible. It would need to be checked and I am sure the Secretary of State's office could assist in that and they may need to purchase the software.

Chairman Schaible: I think that we were all in agreement that all of the other changes other than section 11 were ok with the committee. The other questions that I have are the cost and who is to decide how many precincts we really have?

Representative Kasper: The county commission decides. The only thing that they would have to abide by is the limitation of 2500 people per precinct and as I indicated the cost to the county for the software is \$2000 if they wanted to do it all on their own. I would submit that by saving on not ordering all of those expensive ballots and the ease of the precincts once they are that I do not see much more of a cost.

Senator Dever: If we were to act on this now, it would come to the floor on Monday. Senator Nelson has raised some objections. I am sure that we would have a floor debate and I am not sure where it would go from there. I suspect that any resolution to that particular point would be made on the conference committee report. What we would be doing now is taking it up to the floor and finding out where the votes are. If we want to act on it that way, I am ready to do that, but I am not sure if others are ready.

Representative Kasper: The motion would be that the Senate Accede to the House Amendments correct?

Senator Dever: That is my thought.

Representative Kasper: Which would mean that you would have the bill in front of your chamber and you would have your debate and you would see where the votes go. If the votes don't get there, then we are back down in conference committee. I would sure like to see it tried.

Senator Dever: I would suspect that it would be on that single point. The bill that left the Senate before was everything except the party organization.

Representative Kasper: Are you ready to make a motion?

Senator Dever: Moved the Senate Accede to the House Amendments.

Rep. Kasper: Seconded.

Representative Kasper: The changes in the first part of the bill are very good for the political parties; not only the current ones but new ones that want to get on the ballot and be formed. The changes as far as helping the political parties stay organized, know where their voting strengths and weaknesses are at are important. That is what we are all about. I think the amendment on the top of page 9 that is in question helps us do that. That is a part of the political process that we know our districts and we know our strengths and weaknesses. It is fair and even to both parties. I hope that we would pass the motion.

A Roll Call Vote Was Taken: 4 yeas, 1 nay (Senator Marcellais), and 1 absent (Representative Zaiser).

Motion Carries.

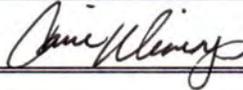
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2369
04/22/2013
Job Number 21402

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Schaible: The conference committee report was rejected and the conference committee was reassigned so that brings us here again. My interpretation of the vote this morning that the sections 1-10 have some merit, section 11 met with plenty of resistance and the sections 12-16 seemed to be acceptable to everyone. Is there discussion on those points?

(3:05) Representative Amerman: Just being put on this committee, you say that this was taken up on the last session of the Senate, was it a big gap on the verification vote or how far apart are we?

Chairman Schaible: The vote was 42 - 5 against the conference committee report. The discussion is what I am basing my interpretation on. I carried my report to the floor that 1 to 10 seemed to be fine, section 11 brought discussion at this conference committee and was the vast majority of our discussion, and that section 12-16 seemed to be acceptable by all parties concerned. I explained the bill and the conference committee that way.

Senator Nelson: The opposition on the floor did not all come from the members of the conference committee. It came from the head of appropriations and from several others who had input from their county commissioners and auditors.

Senator Dever: I know that Representative Kasper had indicated to me earlier that he would like to have a conversation with leadership and it might be best that we reconvene sometime after he has had that opportunity.

Chairman Schaible: I have no problems with meeting again if more time is what is necessary. Is there any other discussion? **Adjourned the meeting.**

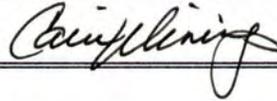
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2369
04/23/2013
Job Number 21428

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Schaible: Reopened the discussion on SB 2369. Are there any suggestions on the possibility of moving forward?

Representative Kasper: See Attachments #1 and #2 for e-mails and map discussed by committee.

(3:50) Representative Kasper: Moved an amendment to amend the maximum number of people in a precinct to 2850 and that would allow a minimum of 5 precincts in a district.

Representative Boehning: Seconded.

Chairman Schaible: I guess the one question that I have is not if we can do it which we know is possible or what the numbers are. Right now the counties can do that if they want to. The biggest question is we as a state should be taking that responsibility away from the counties and deciding the parameters for that. I think that is the response we had from the floor of the Senate. We need to decide whether we as a state should be doing it at all. I don't know if adjusting the numbers is the answer.

Senator Nelson: We also had a discussion about leadership within the districts that currently, for instance, in my district we have 2 precincts. We have the proper number of precinct committee people, as described by law, but they are not spread out over where the

districts are and for a good reason. One of old precincts consists of many college students and one consists of many refugees that do not have citizen status. The active part tends to live in one of the four precincts on the north side and one or two on the south side. So there was a question as to the leadership pool and how that would impact a district.

Representative Kasper: Let me address that. First of all, public policy should not be based on one district which would happen to be your district. Let me state that to begin with, however, there may be other districts that have the same issue. Here is how I would think it could be addressed in the bill that we have before us. Remember we state that the district committee shall elect their executive committee, and we put no restrictions on that whatsoever. Whatever the bylaws of the district say your executive committee will be that is what your executive committee would be. Therefore, if all of your potential precinct committee people lived in 2 of the 5 precincts, your executive committee could consist of any number of people you would like to be on the executive committee and your bylaws could state that the executive committee will be making this and that decision and all other important decisions and be a part of your leadership as you would so desire. Each district's bylaws could be a little different in that respect. You could empower you leaders by your bylaws in your executive committee.

Senator Nelson: Except for the fact that your precinct people are the basis of that. That is what you have to elect first before you can even have a district committee. If we cannot find the number of people to be precinct people, then there is a problem and it is not just my district.

Representative Kasper: Your bylaws could reflect that situation. You would empower your other people on your executive committee to be involved as you would like. The current situation and the current law, without the amendments to SB 2369, because I want

to point out that the amendments to this bill clarified current law, it did not change much of current law at all. It made it easier to read and put it in a different order. We don't change the basic precinct makeup and how the precinct people are elected. You made the argument that you need to know your district, well I would make the argument that you need to go into the other areas of your district where you don't have your precinct committee people and ferret one out. I would venture to say that with your wisdom and your ability to persuade that would not be a very difficult task. I am looking on the overall picture of what the best interest of public policy is. When you see the chart that I have handed out to the committee, where you have precincts numbering from one to twenty-five and all over the map, there is no consistency of precincts. I believe that is because the county auditors make their own decisions in their own county and we have now very inconsistent public policy which I do not think is good for the political parties and not good for the people who are the citizens of each district. Therefore, putting a maximum number of people in a precinct would require that you would have at least a minimum of 5 precincts in all the districts. I also think it is good public policy.

Chairman Schaible: Do you believe that if the county commissioners wanted to create more precincts in their county, that they would have the ability to have their county auditor to do that.

Representative Kasper: Under current law, the county commission determines and they direct the county auditor, so I am sure it would be a give and take between them.

Chairman Schaible: It seems to me if the people of the district want more precincts and they think it is a valid point, they have an avenue to do that. Take any county in the state; if the people put pressure on the county commissioner, I think they have the avenue to do that.

Representative Kasper: It is, but history shows that does not work. Cass County as an example, the Republicans did not like the number of precincts that were drawn and we were told that was tough and that was the way it was going to be. The county commissioners in all the areas across the state have the power to do what they wish, whenever they wish regardless of what the people say. Frankly, a lot of the people have no idea what is going on in this committee. They don't know where their precinct is. They don't know anything about the precinct number other than where they need to go vote. In the spirit of public policy, what is the best public policy? We the legislature are charged to set the public policy and when you look at what is happening in our state with the various county commissioners doing what they have done, I believe this is bad public policy and we need to legislatively correct it because that is the only place that we can.

Senator Dever: I like what your auditor put together. I think it addresses your concerns and I agree with you that we should not set public policy based on one district and I am not sure that we should do it on one county. It appears to me that the real problem here is in Cass County and it seems to me that your county auditor should be able to carry this forward to the whole county and see what it looks like. If Senator Nelson is happy with two precincts, then maybe that is where they should leave it. I agree that we set public policy but public policy is set at different levels. The county sets public policy too. That is what they have done in Cass County. I am not sure that 2850 would work for everyone either. My district is drawn by neighborhoods and a couple of them are larger than others so they may possibly exceed that number. That could require redrawing.

Representative Kasper: We don't know for sure, do we?

Senator Dever: No but why should we need to change that policy if it is appropriate now?

Representative Kasper: I don't believe it is appropriate. There are 20 districts in the state that have a problem, not just the ones in Cass County. I pointed out in my e mails that half of the problem from my perspective isn't Cass County, but there are 11 other districts in the state that have the same problem. I don't believe the public good is being addressed by having that loose end. We set the policy - not the county commissioners. I happen to believe that over the period of time that I have been here in the legislature, we have delegated way too much authority from this legislative body. Home rule, as an example, give tremendous amount of power and authority. As I said on the floor of the House, home rule allows entity that has home rule to be their own mini legislature and to overturn acts of legislature passes. I think that is wrong. We are elected and charged to set public policy for the citizens of North Dakota. This is one area that I think needs to be cleaned up.

Chairman Schaible: Any other discussion on the motion on the table?

None offered.

A Roll Call Vote Was Taken: 4 yeas, 2 nays (Sen. Schaible, Sen. Nelson), 0 absent.

Motion Fails.

Chairman Schaible: One other comment before we adjourn for the day. The only other section that received some comments was on page 5, subsection 4. I take e mails with a grain of salt, but it was brought up to me was under that section, say your bylaws say that you have to have a \$1000 membership or you have to be affiliated with an association to be part of your group, would that constitute as a problem?

Representative Kasper: What bylaws are you talking about?

Chairman Schaible: The district bylaws.

Representative Kasper: They currently in state law are silent on that. There is no restriction and there is no requirement. I am aware of a number of district bylaws in the

state of North Dakota right now on the Republican side who have a requirement to participate in some of their conventions that you must be a member of the district's \$10 club or \$30 club. No place in the state law do I see where that is prohibited. That does not change if we accept the amendment or not. I would think it would be stupid if anyone did that.

Chairman Schaible: I tried to use over the top examples to show where it would create a problem.

Representative Kasper: This does not change the state statute in that way.

Senator Dever: I wonder if there needs to be legwork done. I understand that the biggest concern is in Cass County. The bill with that provision got 5 votes in the Senate and one of them was mine. It seems to me a significant number of Senators from Cass County did not support it. The other thing I am wondering is maybe it would be a useful exercise to ask Mr. Montplaisir to extend his efforts to other districts in Fargo and see what that might look like. That is just a suggestion. We don't need to debate that.

Representative Kasper: I watched to floor debate and frankly there is no champion in the Senate about this bill. It was obvious. So philosophically, the three of you in your remarks were very lukewarm to the area of the 2500. In listening to Senator Holmberg's discussion, I went back and reviewed minutes of the redistricting committee and the minutes of the legislative management committee when they decided to leave out the minimum of 6 precincts per district, and I talked to John Bjornson who was the legislative council person who worked with the redistricting committee and was at the legislative management committee meetings. There was very little at all about why the legislative management left out the 6 precinct requirement in the redistricting bill other than the comment that this is

something that the legislature should act on. That is why I brought the amendment forward the way I did. We are here at the legislature and we are acting on it.

Senator Dever: I don't understand that. If they would have left it in, the legislature would have acted on it as well.

Representative Kasper: And we would have passed it. We were given a bill that was the redistricting bill and no one was going to take one little section out of the bill I don't believe. We can't go back and find out.

Senator Dever: Another point that Senator Holmberg mentioned was that there are a couple of precincts in Grand Forks that legislators wanted to see some adjustment on and they went to the county commission and asked for that. That is the ideal solution to this.

Representative Kasper: I hate to sound like an old record, but I do not agree with you. That is not the ideal solution because what you end up with is what we have; we have a hodge-podge. Every county commission does what they wish and you end up with one precinct up to 25 precincts and I do not think that is good public policy. If we have a minimum of precincts like we are able to see here, we can very easily see that the county auditors can do this very quickly. The lines are there and they are easy to draw. It took him a couple of hours to come up with this map. The idea that the county auditors would be onerous on them is a bogus argument - it's a red herring. The thing about public policy and political parties - we are partisan parties. We are Democrats and Republicans and there are other parties that will be formed. How in God's green earth, if you want to form a political party in a district that only has one precinct and you are trying to figure out where 14,300 people's votes are coming from, how are you going to form? New parties don't have the knowledge base like Senator Nelson has. How can they identify anything? How can we as a political party continue to function as political parties if one district is 14,300

votes? How do we do that? Is that serving the best interest? How do we get more people involved if we don't have various precincts that we can go and organize? There are counties 130 miles long. One precinct for the whole district ... it doesn't make sense. If we don't set the policy, we are going to continue to get what we got. I think that is wrong.

Senator Dever: One little bit of correction. There has to be at least one precinct per county so the district 130 miles long isn't going to have one precinct in it.

Representative Kasper: I stand corrected.

Senator Dever: I meant that as a gentle correction.

Representative Kasper: Well accepted.

Chairman Schaible: We will come back and meet again. Committee Recessed.

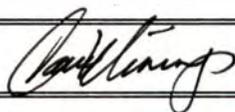
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2369
04/24/2013
Job Number 21469

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Schaible: Reopened the discussion on SB 2369. We left with some discussion yesterday and are there any other comments or suggestions on how to move forward?

Representative Kasper: I have an amendment that I would like to present to the committee for consideration - reads from amendment. (See attachment #1 for proposed amendment on Section 11, page 9, number 2) The limitation of population appears to be a problem and this amendment addresses that so we are giving opportunity for local discretion.

Chairman Schaible: I appreciate the attempt of a compromise and attempt to move forward. I believe we discussed the 5 precinct possibility already, and I understand where you are going with that, but with the conversations that I have had and on the Senate side it seems there is not a lot of support to change the number of precincts to any number. I am wondering if a compromise movement in a change of any number amount is going to have the effect that you are looking for. I think that it is the idea of changing it and taking it out of the local control and making it a requirement when it is something that they can do now by going to the county commissioners and having them decide what number is appropriate for every county and having them do it will not be acceptable. I appreciate the understanding

of trying to work with us, but I think the understanding is that any number or any population in this area might meet with some resistance.

Senator Dever: I got the numbers from John Bjornson for the precincts in my district and they vary from 1327 to 3099 in population, so I understand what Representative Kasper is attempting to do with this, but it would completely redo everything in my district and I do not see where that will be useful to us. District 32 is all in one county so there is no other consideration and I understand that districts that are multiple counties have different populations so the word practicable comes in to play there.

Senator Amerman: In my district there are five counties, but it is parts of the five counties, how does that play out?

Representative Kasper: In district 26 this would not apply because you have 14 precincts. It just dawned on me that we could add an amendment to exclude a district from the provisions of the bill if it has more than 5 or more precincts.

Senator Dever: We would have to change where they vote possibly.

Representative Kasper: Not if we added the additional amendment that I just stated. Again, I will repeat, that this does not have anything to do with where the polling places are located.

Senator Dever: With the amendment you just stated.

Representative Kasper: Even without the amendment.

Senator Dever: We would possibly have to change polling places if the precinct lines are changed.

Representative Kasper: It may depend how the lines are drawn, but it may not.

Senator Dever: There is a reason for the two I am concerned about. There are some pretty obvious boundaries that define those precincts.

Representative Boehning: I am thinking that is a pretty good compromise. I think with the new language presented will give leeway to numbers in the precincts and it will allow those districts with more than 5 precincts to stay as they are. It did not take Cass County very long to redraw the precinct lines and this is something that will be workable. Do we want to make a motion on this?

Representative Kasper: I would rather have a new amendment officially drafted by John Bjornson or a different format that we all agree on before we leave the meeting today.

Chairman Schaible: To have the version that we are going to vote on would be the best way to do it. Like I said, I cannot speak for everyone, but my feel of the place is that it is not so much if it is doable, can we do it, or whether or not it is workable. I get back to the question that I don't think the Senate is going to support a change to the number of precincts in section 11, subsection 2. Every Senator can vote for themselves, but right now I am thinking that they have the flexibility right now to make a change and there are no restrictions on it right now. If you get the county commissioners to agree, you can make any reasonable change or improvement to your district as you see fit. I think that is the way that the Senate looks at it. What works for one district may not be what ideal or what works for others. I appreciate the movement of working toward this, it is just that I think we are at a dividing line of being willing to make that change and I don't think the Senate is willing to accept that change.

Representative Kasper: I think that is a matter of what this committee decides and how committed this committee is to supporting a change. I would venture to say, I know I am not in the Senate, but let me speak on the side of the House, if this committee comes to the floor of the House with an amendment that would be like what I am talking about and we sell it to the House, I don't think we would have any problem passing it. In the same token,

if your committee makes an effort to sell it to the Senate, I think it will pass. I listened to the floor debate and there was no attempt by anyone to sell the concept. I think it was more negative from the get go. I think it is all a matter of perspective. Do each one of us believe that the county commission ought to have the authority to set the minimum/maximum number of precincts in a district or is it the responsibility of the legislature to do so? It is out of hand in a number of counties and Cass County is the biggest perpetrator. How does that serve the people? You have people come together in a precinct and organize. If you have one or two precincts with a large number of people, how do you have any continuity of neighborhood? That is what a political structure in my opinion is about. It is about a neighborhood organizing at the grassroots to be involved in the political process. That is the principle that I have been trying to do here with the minimum number of precincts. It has nothing to do with my person philosophy; it is the philosophy of political structures and the political organization and how we best serve the people of North Dakota. I think the focus has gotten away from that.

Chairman Schaible: I agree with you 100% if the committee was enthusiastic and was willing to accept it - that it might have some merit or bearing on the Senate. Quite frankly, my lukewarm attempt to this is because I am not convinced myself that it is a change that is necessary. I think we did an adequate job of explaining the intent, but you are right, the champion of the bill is not there and the reason is that I am not convinced. It is our job to explain and relay it in an honest fashion. I think that was accomplished. It comes back to the point that I think this can be done locally. I think it is an isolated problem to Cass County. We have hardly heard of anyone else, and the ones we have heard from have been against.

Representative Kasper: What is your district?

Chairman Schaible: 31

Representative Kasper: Part of the reason may be that you have 18 precincts in your district.

Chairman Schaible: I also have 135 miles and go over 4 counties and cover every aspect of different demographics and attitudes there are. To me, I know where my voters are and I know what the people think. It is difficult the variations in my district. Precincts do have some merit, but to me it does not seem to work that I need to have a precinct to know where my voters are.

Representative Boehning: Do you go back and look at your precinct records after a vote to see where the totals are at?

Chairman Schaible: I will use every tool that is out there. As an elected official, and if I am interested in getting re-elected, I will use whatever I can. That is one tool and one aspect. If I am going to look at a precinct number that is over here and just look at that and say that is the only reason that I did or did not get votes - I think there are relatively more reasons than just that.

Rep. Boehning: I wish we had that option in Cass County. If I had 18 precincts in my district, it would be a lot easier to campaign. I would know where my votes are at. We don't have that option. That is a good plus for you. We have 3 precincts in my district and it is hard to pinpoint down. We have large turnover in Fargo from one election to the next. We don't know who these people are and how they vote. Thirty years ago I had no problem finding precinct committee members and we knew where our votes were at. We organized and we had more involvement in the party. We have no involvement in the party because there are no positions for them to have. The organizations are falling apart. Do you have all of your precinct committee members filled?

Chairman Schaible: Absolutely not. A lot of people don't know what precinct they are in if you would ask them. Sometimes they don't know what district they are even in. That is a pretty good example of how a situation in your county is totally different than mine. If enough people in your district think that it warrants a change - that avenue is possible. Whether it is more or less precincts, every county has the availability right now to make it the best that serves them. This restricts it somewhat.

Representative Kasper: You continue to talk about "they have the ability", and you are right, but the problem is that "they" is not the legislature. They are the county commissioners and they will do just about what they want and when they want. If a political organization wants a change, you might have a 2% chance of getting it. Therefore, the focus on this legislative body should be what we should do that is the best for the overall good of what decision we are making. You have the luxury of 18 precincts. A lot of places do not. Does that mean that we should not consider having a minimum number of precincts in a district? I don't think so. What is good for public policy? Not what is good for your district or someone else's district. That is what this is all about.

Senator Dever: In the second sentence of the amendment it states that in any legislative district that comprises more than one county, the boards of county commissioners of the counties within that legislative district shall cooperate to ensure that the legislative district. I am not sure that we can legislate cooperation. I wonder if it be helpful to the House that instead of dictating the number of precincts or population, that we had some language that indicated that the board of county commissioners shall work together with the parties involved in their district in establishing the precinct line? I have a good relationship with my county auditor and if I had a concern about how they were structuring the precincts in my district I think we could sit down and have a conversation about that.

Representative Kasper: You just might have hit on something that might be workable.

That would not offend anyone and would be workable because we would be giving direction as legislative intent that it needs to be done. Depending upon how that amendment would be worded, that might be a compromise that maybe we can come to.

Chairman Schaible: I agree.

Representative Kasper: I would be happy to call John Bjornson and ask him to put together sample language that might fit with what you just said.

Senator Dever: We have two districts here in Bismarck that have each 4 precincts and I know that the legislators and I talked to my district chairs, they are happy with the way that is. I don't know that for the benefit of their organization that we need to make that change. I can appreciate that 2 or 3 precincts makes it difficult, but somehow if we could bring that conversation together it would resolve it.

Representative Kasper: I think we might want to add to reach out that it would be political parties and other interested people. There are citizens who may wish to have a say as well. Maybe we can have a little broader language than the county commissioners.

Senator Dever: As long as we don't lose the accountability of that.

Representative Kasper: I would be happy to try to put something together for that.

Chairman Schaible: Meeting Recessed.

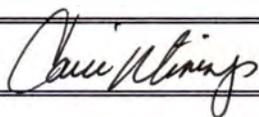
2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2369
04/25/2013
Job Number 21518

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Schaible: Opened SB 2369 for committee discussion.

Representative Kasper: See Attachment #1 for proposed amendment. There is nothing demanding in the amendment and it just simply says to please talk to the political parties if they want to talk to you and ask and they can give you their input.

(1:42) Representative Kasper: Moved the House Recede from House amendments and amend with 13.8257.0316.

Representative Boehning: Seconded.

Chairman Schaible: Do you see this as resolving the issue that you have?

Representative Kasper: Obviously you know how vocally I talked about the bill. I did and still do feel passionate about it, however, in the art of compromise and all of the other important parts of the bill to the Secretary of State's office, I am willing to support the amendment and support the bill if we keep the amendment on and pass the bill out of the committee. I would ask for the Senators to do the same on the floor of the Senate so that they are passionate about how good it is.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent. Motion Carries.

Representative Kasper: Thank you for allowing me to be as much as a champion for the amendment as I was, and if I offended any of you during the discussion, my apologies. I think we have a good bill in front of us.

FISCAL NOTE
Requested by Legislative Council
04/09/2013

Amendment to: SB 2369

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill relates to political party reorganization, primary election ballot access, and eligibility for political parties.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Although the ballot access portion of the bill may result in cost savings to counties, it is impossible to determine.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

None

Name: Al Jaeger
Agency: Secretary of State
Telephone: 701-328-2900
Date Prepared: 04/29/2013

FISCAL NOTE
Requested by Legislative Council
04/09/2013

Amendment to: SB 2369

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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None

Name: Al Jaeger
Agency: Secretary of State
Telephone: 701-328-2900
Date Prepared: 04/29/2013

FISCAL NOTE
Requested by Legislative Council
01/28/2013

Amendment to: SB 2369

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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None

Name: Al Jaeger
Agency: Secretary of State
Telephone: 701-328-2900
Date Prepared: 01/29/2013

FISCAL NOTE
Requested by Legislative Council
01/28/2013

Bill/Resolution No.: SB 2369

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

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	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
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Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

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None

Name: Al Jaeger
Agency: Secretary of State
Telephone: 701-328-2900
Date Prepared: 01/29/2013

JK3
4-25-13
1 of 7

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2369

That the House recede from its amendments as printed on pages 1242-1248 of the Senate Journal and pages 1285-1291 of the House Journal and that Reengrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to"

Page 1, line 1, after "sections" insert "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,"

Page 1, line 2, after "to" insert "political party organization, voting precincts, and"

Page 1, line 2, remove "and"

Page 1, line 3, replace "eligibility for minor political parties" with "; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization"

Page 1, after line 4, insert:

"**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 ~~2~~1, 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 ~~2~~1. 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~~may 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. ~~The~~Any incumbent members of the legislative assembly from the party, the precinct committeemen of a party, selected as provided by this chapter, ~~with~~and any other ~~persons~~individual 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 by precinct 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.~~
 - c. ~~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 committee consistent 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.

5 of 7

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.~~ 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:
- ~~1-~~ a. Nominate the legal number of ~~candidates~~qualified electors for its party for the offices of presidential electors.
- ~~2-~~ 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-~~ 3. ~~Conduct other business as shall come before the convention.~~

6 of 7

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:
 - 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

7 of 7

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."

Page 6, after line 10, insert:

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

Renumber accordingly

Date 4/18

Roll Call Vote # 1

2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2369 as (re) engrossed

Senate GVA Committee

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows
Retain all amendments → take out 2500 and except to leave minimum of 6 precincts
 - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Kasper Seconded by: Rep. Boehning

Senators	4/11	4/18	Yes	No	Representatives	4/11	4/18	Yes	No
Sen. Schaible	✓	✓		✓	Rep. Kasper	✓	✓	✓	
Sen. Dever	✓	✓	✓		Rep. Boehning	✓	✓	✓	
Sen. Nelson	✓	✓		✓	Rep. Zaiser	✓	✓	✓	
Total Senate Vote			1	2	Total Rep. Vote			3	0

Vote Count Yes: 4 No: 2 Absent: _____

Senate Carrier _____ House Carrier _____
** Motion Fails Due to only 1 year on Senate Side*

LC Number _____ of amendment
LC Number _____ of engrossment

Date 4/19

Roll Call Vote # 1

2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2369 as (re) engrossed

Senate GVA Committee

- Action Taken
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows
 - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Dever Seconded by: Kasper

Senators	4/19	Yes	No	Representatives	4/19	Yes	No
<i>Chair</i> Sen. Schaible	✓	✓		Rep. Kasper	✓	✓	
Sen. Dever	✓	✓		Rep. Boehning	✓	✓	
Sen. Nelson	✓		✓	Rep. Zaiser	X	X	
Marcellais							
Total Senate Vote		2	1	Total Rep. Vote		2	

Vote Count Yes: 4 No: 1 *Marcellais* Absent: 1 *Zaiser*

Senate Carrier Sen. Schaible House Carrier Rep. Kasper

LC Number _____ of amendment

LC Number _____ of engrossment

Date 4/22 + 4/23

Roll Call Vote # 1

**2013 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2369 as (re) engrossed

Senate GVA Committee

- Action Taken**
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows
2850 population + 5 precincts
 - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Kasper Seconded by: Boehning

Senators	4/22	4/23	Yes	No	Representatives	4/22	4/23	Yes	No
Sen. Schaible	✓	✓		✓	Rep. Kasper	✓	✓	✓	
Sen. Dever	✓	✓	✓		Rep. Boehning	✓	✓	✓	
Sen. Nelson	✓	✓		✓	Rep. Amerman	✓	✓	✓	
Total Senate Vote			1	2	Total Rep. Vote			3	0

Vote Count Yes: 4 No: 2 Absent: _____

* Motion Fails due to 2 needed from Senate
Senate Carrier _____ House Carrier Senate

LC Number _____ of amendment

LC Number _____ of engrossment

Date 4/24 + 4/25
 Roll Call Vote # 1

**2013 SENATE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. 2369 as (re) engrossed

Senate GVA Committee

- Action Taken**
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows
13. 8257. 03016
 - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Kasper Seconded by: Rep. Boehning

Senators	^{am} 4/24	^{am} 4/24	^{am} 4/25	Yes	No	Representatives	^{am} 4/24	^{am} 4/24	^{am} 4/25	Yes	No
Senator Schaible	✓		✓	✓		Rep. Kasper	✓		✓	✓	
Senator Dever	✓		✓	✓		Rep. Boehning	✓		✓	✓	
Senator Nelson	✓		✓	✓		Rep. Amerman	✓		✓	✓	
Total Senate Vote						Total Rep. Vote					

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Sen. Schaible House Carrier Rep. Kasper

LC Number _____ of amendment

LC Number _____ of engrossment

REPORT OF CONFERENCE COMMITTEE

SB 2369, as reengrossed: Your conference committee (Sens. Schaible, Dever, Marcellais and Reps. Kasper, Boehning, Zaiser) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1242-1248 and place SB 2369 on the Seventh order.

Reengrossed SB 2369 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2369, as reengrossed: Your conference committee (Sens. Schaible, Dever, Nelson and Reps. Kasper, Boehning, Amerman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1242-1248, adopt amendments as follows, and place SB 2369 on the Seventh order:

That the House recede from its amendments as printed on pages 1242-1248 of the Senate Journal and pages 1285-1291 of the House Journal and that Reengrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to"

Page 1, line 1, after "sections" insert "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,"

Page 1, line 2, after "to" insert "political party organization, voting precincts, and"

Page 1, line 2, remove "and"

Page 1, line 3, replace "eligibility for minor political parties" with "; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization"

Page 1, after line 4, insert:

"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 ~~call~~. 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~~may 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. ~~The~~Any incumbent members of the legislative assembly from the party, the precinct committeemen of a party, selected as provided by this chapter, with~~and any other persons individual 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 by precinct 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.~~

 - c. ~~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 committee consistent 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.~~ 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:
- ~~1.~~ 1.
 - ~~a.~~ a. Nominate the legal number of ~~candidates~~qualified electors for its party for the offices of presidential electors.
 - ~~2.~~ 2.
 - ~~b.~~ 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.~~ 3.
 - ~~Conduct other business as shall come before the convention.~~
 - ~~c.~~ c. Endorse candidates as provided under subsection 2.
- ~~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 apportionmentredistricting.

~~If apportionmentredistricting 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:
 - ~~1.~~ 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."

Page 6, after line 10, insert:

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

Renumber accordingly

Reengrossed SB 2369 was placed on the Seventh order of business on the calendar.

2013 TESTIMONY

SB 2369

PROPOSED AMENDMENTS TO SB 2369

February 14, 2013

Add: "This Act is declared to be an emergency".

ALVIN A. JAEGER
SECRETARY OF STATE



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HOME PAGE www.nd.gov/sos

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

February 14, 2013

TO: Sen. Dever, Chairman, and Members of the Senate Government and Veterans' Affairs Committee

FR: Jim Silrum, Deputy Secretary of State, on behalf of Al Jaeger, Secretary of State

RE: SB 2369 – Political Party Organization and Political Party Ballot Access

This bill creates a new chapter that would govern the organization of a political party. It replaces Chapter 16.1-03 (attached) that is repealed by Section 6. The new chapter would require a political party to be organized in at least half of the state's legislative districts and file bylaws with the Secretary of State in order to be considered a statewide party eligible for a column in a primary election.

Sections 2 through 5: These changes are related to the design of the primary election ballot. As part of the testimony, examples are provided as to how a ballot appears under current law and how it would appear with the adoption of this bill.

We request your favorable consideration and a do pass recommendation.

CONSOLIDATED PRIMARY ELECTION BALLOT
PRIMARY ELECTION, JUNE 12, 2012

A STATE OF NORTH DAKOTA	B TEMPLATE COUNTY	C 75000100
REPUBLICAN	DEMOCRATIC-NPL	LIBERTARIAN
ATTENTION! READ BEFORE VOTING You may vote for the candidates of only one party at the primary election. If you cast votes in more than one party column and vote for candidates of more than one party, your party ballot will be rejected.	ATTENTION! READ BEFORE VOTING You may vote for the candidates of only one party at the primary election. If you cast votes in more than one party column and vote for candidates of more than one party, your party ballot will be rejected.	ATTENTION! READ BEFORE VOTING You may vote for the candidates of only one party at the primary election. If you cast votes in more than one party column and vote for candidates of more than one party, your party ballot will be rejected.
To vote for the candidate of your choice, you must darken the oval (<input type="radio"/>) opposite the name of the candidate. To vote for a person whose name is not printed on the ballot, write that person's name in the blank space provided for that purpose and darken the oval (<input type="radio"/>) opposite the space provided.	To vote for the candidate of your choice, you must darken the oval (<input type="radio"/>) opposite the name of the candidate. To vote for a person whose name is not printed on the ballot, write that person's name in the blank space provided for that purpose and darken the oval (<input type="radio"/>) opposite the space provided.	To vote for the candidate of your choice, you must darken the oval (<input type="radio"/>) opposite the name of the candidate. To vote for a person whose name is not printed on the ballot, write that person's name in the blank space provided for that purpose and darken the oval (<input type="radio"/>) opposite the space provided.
United States Senator Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	United States Senator Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	United States Senator Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____
Representative in Congress Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> _____	Representative in Congress Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> _____	Representative in Congress Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____
State Senator District 1 Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	State Senator District 1 Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	State Senator District 1 Vote for no more than ONE name <input type="radio"/> _____
State Representative District 1 Vote for no more than TWO names <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> _____	State Representative District 1 Vote for no more than TWO names <input type="radio"/> Candidate <input type="radio"/> Candidate <input type="radio"/> _____	State Representative District 1 Vote for no more than TWO names <input type="radio"/> _____ <input type="radio"/> _____
Governor and Lt. Governor Vote for no more than ONE set of names <input type="radio"/> Candidate & Candidate <input type="radio"/> _____	Governor and Lt. Governor Vote for no more than ONE set of names <input type="radio"/> Candidate & Candidate <input type="radio"/> _____	Governor and Lt. Governor Vote for no more than ONE set of names <input type="radio"/> _____
State Auditor Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	State Auditor Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	State Auditor Vote for no more than ONE name <input type="radio"/> _____
State Treasurer Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	State Treasurer Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	State Treasurer Vote for no more than ONE name <input type="radio"/> _____
Insurance Commissioner Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	Insurance Commissioner Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	Insurance Commissioner Vote for no more than ONE name <input type="radio"/> _____
Public Service Commissioner Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	Public Service Commissioner Vote for no more than ONE name <input type="radio"/> Candidate <input type="radio"/> _____	Public Service Commissioner Vote for no more than ONE name <input type="radio"/> _____
If you voted in this column, you may not vote in another political party's column.	If you voted in this column, you may not vote in another political party's column.	If you voted in this column, you may not vote in another political party's column.
		VOTE BOTH SIDES
		All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted.
		Official Ballot North Dakota Template County 0001-00 June 8, 2010 Initials _____
A City of Template	B Split Name	C Typ:01 Seq:0001 Spl:01

CONSOLIDATED PRIMARY ELECTION BALLOT
PRIMARY ELECTION, JUNE 12, 2012

A STATE OF NORTH DAKOTA	B GRAND FORKS COUNTY	C Bible Baptist Church
<p>ATTENTION! READ BEFORE VOTING POLITICAL PARTY BALLOT In a Political Party Primary Election, you may only vote for candidates of one political party. This ballot contains two political parties; one in each of the first two columns. If you vote in more than one political party's section, your Political Party Ballot will be rejected; however, all other votes on the No Party and Measures Ballots will still be counted.</p> <p>To vote for the candidate of your choice, you must darken the oval (●) next to the name of the candidate.</p> <p>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 on the blank line.</p>		<p>NO PARTY BALLOT</p> <p>To vote for the candidate of your choice, you must darken the oval (●) next to the name of the candidate.</p> <p>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 on the blank line.</p>
<p>REPUBLICAN</p> <p>United States Senator Vote for no more than ONE name</p> <p><input type="radio"/> Rick Berg <input type="radio"/> Duane Sand</p> <p>Representative in Congress Vote for no more than ONE name</p> <p><input type="radio"/> Brian P Kalk <input type="radio"/> Kevin Cramer</p> <p>State Senator District 18 Vote for no more than ONE name</p> <p><input type="radio"/> David Waterman</p> <p>State Representative District 18 Vote for no more than TWO names</p> <p><input type="radio"/> Dane J Ferguson</p> <p>Governor and Lt. Governor Vote for no more than ONE set of names</p> <p><input type="radio"/> Jack Dalrymple & Drew Wrigley</p> <p>State Auditor Vote for no more than ONE name</p> <p><input type="radio"/> Robert R (Bob) Peterson</p> <p>State Treasurer Vote for no more than ONE name</p> <p><input type="radio"/> Kelly Schmidt</p> <p>Insurance Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> Adam Hamm</p> <p>Public Service Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> Randy Christmann</p>		<p>DEMOCRATIC-NPL</p> <p>United States Senator Vote for no more than ONE name</p> <p><input type="radio"/> Heidi Heitkamp</p> <p>Representative in Congress Vote for no more than ONE name</p> <p><input type="radio"/> Pam Gulleason</p> <p>State Senator District 18 Vote for no more than ONE name</p> <p><input type="radio"/> Connie Triplett</p> <p>State Representative District 18 Vote for no more than TWO names</p> <p><input type="radio"/> Marie Strinden <input type="radio"/> Elliot Glasshelm</p> <p>Governor and Lt. Governor Vote for no more than ONE set of names</p> <p><input type="radio"/> Ryan M Taylor & Ellen Chaffee</p> <p>State Auditor Vote for no more than ONE name</p> <p><input type="radio"/> Scot Kelsh</p> <p>State Treasurer Vote for no more than ONE name</p> <p><input type="radio"/> Ross Mushik</p> <p>Insurance Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> Tom Potter</p> <p>Public Service Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> Brad Crabtree</p>
		<p>Superintendent of Public Instruction Vote for no more than ONE name</p> <p><input type="radio"/> Max Laird <input type="radio"/> Kirsten Baesler <input type="radio"/> Tracy Potter</p> <p>Justice of the Supreme Court Vote for no more than ONE name</p> <p><input type="radio"/> Daniel J Crothers</p> <p>Judge of the District Court Northeast Central Judicial District Judgeship No. 2 Vote for no more than ONE name</p> <p><input type="radio"/> Karen K Braaten</p> <p>County Commissioner Vote for no more than TWO names</p> <p><input type="radio"/> John M Schmisek <input type="radio"/> Cory J Solem <input type="radio"/> Cynthia L Pic</p> <p>Director, Garrison Diversion Conservancy Vote for no more than ONE name</p> <p><input type="radio"/> Kenneth Vein</p>
		<p>Continue voting other side →</p>
<p align="center">NOTICE: You may only vote in one political party's section.</p>		
<p align="center">Official Ballot GRAND FORKS COUNTY 0006-01 June 12, 2012</p>		<p align="center">Initials</p>
A Bible Baptist Church	B GFS	C Typ:01 Seq:0006 Sp:01

PRIMARY ELECTION, JUNE 12, 2012

D STATE OF NORTH DAKOTA	E GRAND FORKS COUNTY	F Bible Baptist Church
MEASURES BALLOT		
<p>This ballot contains four measures. Constitutional Measure No. 1 was approved by the 2011 Legislative Assembly. Constitutional Measures No. 2 and No. 3 were placed on the ballot by initiative petition and Measure No. 4 by a referendum petition. These measures are being submitted to the voters of North Dakota for their approval or rejection. Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure.</p>		
<p>Constitutional Measure No. 1 (House Concurrent Resolution No. 3047, 2011 Session Laws, Chapter 519)</p> <p>This constitutional measure would amend and reenact section 6 of Article IV of the North Dakota Constitution. This measure would prohibit the appointment of a member of the Legislative Assembly to a state office for which the compensation was increased an amount greater than any general legislative process provided to full-time state employees during the member's term of office.</p> <p><input type="radio"/> YES - means you approve the measure as summarized above. <input type="radio"/> NO - means you reject the measure as summarized above.</p>		
<p>Initiated Constitutional Measure No. 2</p> <p>This initiated constitutional measure would amend sections 1, 4, 14, 15, and 16 of Article X of the North Dakota Constitution and repeal sections 5, 6, 7, 9, and 10 of that same article, eliminating property taxes, poll taxes, and storage taxes, effective January 1, 2012. The measure would require the Legislative Assembly to replace lost revenue to cities, counties, townships, school districts, and other political subdivisions with allocations of various state-level taxes and other revenues, without restrictions on how these revenues may be spent by the political subdivisions.</p> <p><input type="radio"/> YES - means you approve the measure as summarized above. <input type="radio"/> NO - means you reject the measure as summarized above.</p>		
<p>Initiated Constitutional Measure No. 3</p> <p>This initiated constitutional measure would add a new section to Article I of the North Dakota Constitution stating, "Government may not burden a person's or religious organization's religious liberty. The right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be burdened unless the government proves it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest. A burden includes indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities."</p> <p><input type="radio"/> YES - means you approve the measure as stated above. <input type="radio"/> NO - means you reject the measure as stated above.</p>		
<p>Referendum Measure No. 4</p> <p>This referendum measure concerns Senate Bill 2370 as passed by the Legislative Assembly in the November 2011 special session (Session Laws, Chapter 580). Senate Bill 2370 repealed section 15-10-46 of the North Dakota Century Code, which required the University of North Dakota to use the Fighting Sioux nickname and logo.</p> <p><input type="radio"/> YES - means you approve Senate Bill 2370, the effect of which would allow the University of North Dakota to discontinue the Fighting Sioux nickname and logo. <input type="radio"/> NO - means you reject Senate Bill 2370, and would require the University of North Dakota to use the Fighting Sioux nickname and logo.</p>		
<p>School District Measure 1</p> <p>Shall Grand Forks Public School District No. 1, County of Grand Forks, State of North Dakota, publish a record of the proceedings of the school board in the official newspaper of the school district for the succeeding two years?</p> <p><input type="radio"/> YES - Means you approve the measure as summarized above. <input type="radio"/> NO - Means you reject the measure as summarized above.</p>		
<p style="text-align: center;">VOTE BOTH SIDES</p>		
Bible Baptist Church	GFS	Typ:01 Seq:0006 Spl:01

School Board Member
Grand Forks School District
Vote for no more than FOUR names

- Jay Smith
- Vicki Ericson
- Eric Burin
- Kelly Hogness
- Roland Riemers
- Margaret Brack
- Cory Solem
- Roger Pohlman
- Eric Lunn

CONSOLIDATED PRIMARY ELECTION BALLOT
PRIMARY ELECTION, JUNE 12, 2012

A STATE OF NORTH DAKOTA B GRAND FORKS COUNTY C Bible Baptist Church

ATTENTION! READ BEFORE VOTING POLITICAL PARTY BALLOT
 In a Political Party Primary Election, you may only vote for candidates of one political party. This ballot contains four political parties: one in each of the first two columns and two in the third column. If you vote in more than one political party's section, your Political Party Ballot will be rejected. However, all other votes on the No Party and Measures Ballots will still be counted.

To vote for the candidate of your choice, you must darken the oval (●) next to the name of the 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 on the blank line.

REPUBLICAN	DEMOCRATIC-NPL	CONSTITUTION
United States Senator Vote for no more than ONE name <input type="radio"/> Rick Berg <input type="radio"/> Duane Sand <input type="radio"/> _____	United States Senator Vote for no more than ONE name <input type="radio"/> Heidi Heltkamp <input type="radio"/> _____	Representative in Congress Vote for no more than ONE name <input type="radio"/> Doug Sunde <input type="radio"/> _____
Representative in Congress Vote for no more than ONE name <input type="radio"/> Brian P Kalk <input type="radio"/> Kevin Cramer <input type="radio"/> _____	Representative in Congress Vote for no more than ONE name <input type="radio"/> Pam Guleson <input type="radio"/> _____	Governor and Lt. Governor Vote for no more than ONE set of names <input type="radio"/> Shelly Angen <input type="radio"/> _____
State Senator District 18 Vote for no more than ONE name <input type="radio"/> David Waterman <input type="radio"/> _____	State Senator District 18 Vote for no more than ONE name <input type="radio"/> Connie Triplett <input type="radio"/> _____	State Auditor Vote for no more than ONE name <input type="radio"/> Bret Anderson <input type="radio"/> _____
State Representative District 18 Vote for no more than TWO names <input type="radio"/> Dane J Ferguson <input type="radio"/> _____	State Representative District 18 Vote for no more than TWO names <input type="radio"/> Marie Strinden <input type="radio"/> Elliot Glassheim <input type="radio"/> _____	LIBERTARIAN Representative in Congress Vote for no more than ONE name <input type="radio"/> Eric Olson <input type="radio"/> _____
Governor and Lt. Governor Vote for no more than ONE set of names <input type="radio"/> Jack Dalrymple & Drew Wrigley <input type="radio"/> _____	Governor and Lt. Governor Vote for no more than ONE set of names <input type="radio"/> Ryan M Taylor & Ellen Chaffee <input type="radio"/> _____	Governor and Lt. Governor Vote for no more than ONE set of names <input type="radio"/> Roland Riemers <input type="radio"/> _____
State Auditor Vote for no more than ONE name <input type="radio"/> Robert R (Bob) Peterson <input type="radio"/> _____	State Auditor Vote for no more than ONE name <input type="radio"/> Scot Kelsh <input type="radio"/> _____	Public Service Commissioner Vote for no more than ONE name <input type="radio"/> Joshua Voytek <input type="radio"/> _____
State Treasurer Vote for no more than ONE name <input type="radio"/> Kelly Schmidt <input type="radio"/> _____	State Treasurer Vote for no more than ONE name <input type="radio"/> Ross Mushik <input type="radio"/> _____	
Insurance Commissioner Vote for no more than ONE name <input type="radio"/> Adam Hamm <input type="radio"/> _____	Insurance Commissioner Vote for no more than ONE name <input type="radio"/> Tom Potter <input type="radio"/> _____	
Public Service Commissioner Vote for no more than ONE name <input type="radio"/> Randy Christmann <input type="radio"/> _____	Public Service Commissioner Vote for no more than ONE name <input type="radio"/> Brad Crabtree <input type="radio"/> _____	

Continue voting other side →

NOTICE: You may only vote in one political party's section.

Official Ballot GRAND FORKS COUNTY 0006-01 June 12, 2012	All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted.	_____ Initials
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PRIMARY ELECTION, JUNE 12, 2012

D STATE OF NORTH DAKOTA	E GRAND FORKS COUNTY	F Bible Baptist Church
NO PARTY BALLOT	School Board Member Grand Forks School District Vote for no more than FOUR names	MEASURES BALLOT
<p>To vote for the candidate of your choice, you must darken the oval (●) next to the name of the candidate.</p> <p>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 on the blank line.</p>	<p><input type="radio"/> Jay Smith</p> <p><input type="radio"/> Vicki Ericson</p> <p><input type="radio"/> Eric Burlin</p> <p><input type="radio"/> Kelly Hogness</p> <p><input type="radio"/> Roland Riemers</p> <p><input type="radio"/> Margaret Brack</p> <p><input type="radio"/> Cory Solem</p> <p><input type="radio"/> Roger Pohlman</p> <p><input type="radio"/> Eric Lunn</p>	<p>This ballot contains four measures. Constitutional Measure No. 1 was approved by the 2011 Legislative Assembly. Constitutional Measures No. 2 and No. 3 were placed on the ballot by Initiative petition and Measure No. 4 by a referendum petition. These measures are being submitted to the voters of North Dakota for their approval or rejection. Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure.</p>
Superintendent of Public Instruction Vote for no more than ONE name		<p>Constitutional Measure No. 1 (House Concurrent Resolution No. 3047, 2011 Session Laws, Chapter 519)</p> <p>This constitutional measure would amend and reenact section 6 of Article IV of the North Dakota Constitution. This measure would prohibit the appointment of a member of the Legislative Assembly to a state office for which the compensation was increased in an amount greater than any general legislative increase provided to full-time state employees during the member's term of office.</p> <p><input type="radio"/> YES - means you approve the measure as summarized above.</p> <p><input type="radio"/> NO - means you reject the measure as summarized above.</p>
<p><input type="radio"/> Max Laird</p> <p><input type="radio"/> Kirsten Baesler</p> <p><input type="radio"/> Tracy Potter</p>		<p>Initiated Constitutional Measure No. 2</p> <p>This initiated constitutional measure would amend sections 1, 4, 14, 15, and 16 of Article X of the North Dakota Constitution and repeal sections 5, 6, 7, 9, and 10 of that same article, eliminating property taxes, poll taxes, and acreage taxes, effective January 1, 2012. The measure would require the Legislative Assembly to replace lost revenue to cities, counties, townships, school districts, and other political subdivisions with allocations of various state-level taxes and other revenues, without restrictions on how these revenues may be spent by the political subdivisions.</p> <p><input type="radio"/> YES - means you approve the measure as summarized above.</p> <p><input type="radio"/> NO - means you reject the measure as summarized above.</p>
Justice of the Supreme Court Vote for no more than ONE name		<p>Initiated Constitutional Measure No. 3</p> <p>This initiated constitutional measure would add a new section to Article I of the North Dakota Constitution stating, "Government may not burden a person's or religious organization's religious liberty. The right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be burdened unless the government proves it has a compelling governmental interest in infringing the specific actor refusal to act and has used the least restrictive means to further that interest. A burden includes indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities."</p> <p><input type="radio"/> YES - means you approve the measure as stated above.</p> <p><input type="radio"/> NO - means you reject the measure as stated above.</p>
<input type="radio"/> Daniel J Crothers		<p>Referendum Measure No. 4</p> <p>This referendum measure concerns Senate Bill 2370 as passed by the Legislative Assembly in the November 2011 special session (Session Laws, Chapter 560). Senate Bill 2370 repealed section 15-10-4.6 of the North Dakota Century Code, which required the University of North Dakota to use the Fighting Sioux nickname and logo.</p> <p><input type="radio"/> YES - means you approve Senate Bill 2370, the effect of which would allow the University of North Dakota to discontinue the Fighting Sioux nickname and logo.</p> <p><input type="radio"/> NO - means you reject Senate Bill 2370, and would require the University of North Dakota to use the Fighting Sioux nickname and logo.</p>
Judge of the District Court Northeast Central Judicial District Judgeship No. 2 Vote for no more than ONE name		<p>School District Measure 1</p> <p>Shall Grand Forks Public School District No. 1, County of Grand Forks, State of North Dakota, publish a record of the proceedings of the school board in the official newspaper of the school district for the succeeding two years?</p> <p><input type="radio"/> YES - Means you approve the measure as summarized above.</p> <p><input type="radio"/> NO - Means you reject the measure as summarized above.</p>
<input type="radio"/> Karen K Braaten		<p>VOTE BOTH SIDES</p>
County Commissioner Vote for no more than TWO names		
<p><input type="radio"/> John M Schmisek</p> <p><input type="radio"/> Cory J Solem</p> <p><input type="radio"/> Cynthia L Pic</p>		
Director, Garrison Diversion Conservancy Vote for no more than ONE name		
<input type="radio"/> Kenneth Vein		
Bible Baptist Church	GFS	Typ:01 Seq:0006 Spt:01

**CHAPTER 16.1-03
PARTY COMMITTEE ORGANIZATION**

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

1. 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. The legislative district chairman of each party shall issue the call for the precinct caucus at least twenty days before the time set for holding the caucus and the call must contain the following:
 - a. Name of party.
 - b. 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 as may be provided by state law and party rules.
 - g. The name of the district chairman issuing the call.
3. The district chairman 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 2. The district chairman may include the information required by this section for all precincts in the district in one notice for publishing purposes.

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

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

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 political organization is entitled to elect a precinct committeeman at its precinct caucus unless:
 - 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. Each political party in each voting precinct of this state, otherwise qualifying under subsection 2, is entitled to elect one precinct committeeman for each two hundred fifty

votes, or 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 2. Each precinct committeeman must be an elector of the precinct in which the committeeman resides and must be elected for a two-year term.

16.1-03-04. Candidates elected at caucus - Tie vote - Canvassing vote.

Repealed by S.L. 1997, ch. 189, § 12.

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.

16.1-03-06. District committee of political party - How constituted.

Repealed by S.L. 1997, ch. 189, § 12.

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. The precinct committeemen of a party, selected as provided by this chapter, with any other persons 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. The district committee shall organize by:
 - a. Selecting a chairman, vice chairman, secretary, and treasurer chosen by the district committee. The officers selected need not be precinct committeemen; however, all the officers must be voting members of the district committee.
 - b. Adopting rules and modes of procedure not in conflict with law.
 - c. Filling any vacancies in the office of precinct committeeman pursuant to section 16.1-03-05.
 - d. Selecting 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 committee. That party's nominees for and members of the legislative assembly may also be members of the executive committee.
2. 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.

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 provided for in the bylaws of the state committee.

16.1-03-09. Proxies permissible - Exception.

Repealed by S.L. 1997, ch. 189, § 12.

16.1-03-10. Member of committee to be qualified elector - Term of member.

Repealed by S.L. 1997, ch. 189, § 12.

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 and by adopting rules and modes of procedure. 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.

16.1-03-12. Meeting of district committee to elect delegates to state party convention - Optional precinct caucus - Proxies.

Prior to the sixtieth day before the primary election in each election year and upon the call of the chairman, the district committee of each state legislative district shall meet at a place designated by the chairman to elect delegates to a state party convention to be held as provided in this chapter. If the bylaws of the state legislative district so provide, precinct committeemen may call a precinct caucus prior to the district meeting to elect additional delegates to attend the district meeting. Delegates to the state convention must be elected as provided by the state party's bylaws. Delegates to the state convention must be electors of their district.

16.1-03-13. When state party convention held.

Repealed by S.L. 1997, ch. 189, § 12.

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

The state party conventions must be held in each presidential election year at a place and time designated by the party state committee. The state party convention provided for in this chapter shall:

1. Nominate the legal number of candidates for its party for the offices of presidential electors.
2. 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.

The candidate or candidates for endorsement or election must be declared endorsed or elected pursuant to 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 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.

16.1-03-15. Expenses of delegates to national conventions.

Repealed by S.L. 1987, ch. 247, § 1.

16.1-03-16. Filling vacancy occurring in office of national committeeman or committeewoman.

Repealed by S.L. 1997, ch. 189, § 12.

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

If apportionment 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.

16.1-03-18. Unfair and corrupt election practices applicable to chapter.

Repealed by S.L. 1997, ch. 189, § 12.

16.1-03-19. 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. 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
2. Organized according to all requirements of this chapter; or
3. Filed a petition with the secretary of state as set forth in section 16.1-11-30.

16.1-03-20. Political parties may conduct presidential preference caucuses.

Repealed by S.L. 2009, ch. 181, § 1.

February 21, 2013

PROPOSED AMENDMENTS TO SENATE BILL NO. 2369

Page 1, line 1, remove "to create and enact chapter 16.1-03.1 of the North Dakota Century Code;"

Page 1, line 2, remove " relating to political party committee organization; "

Page 1, line 4, remove the second "and"

Page 1, line 4, remove the second "to"

Page 1, remove lines 5 and 6

Page 1, remove lines 8 through 23

Page 2, remove lines 1 through 15

Page 7, remove line 17

Renumber accordingly

Attachment 1

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

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E-MAIL sos@nd.gov

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 14, 2013

TO: Rep. Kasper, Chairman, and Members of the House Government and Veterans' Affairs Committee

FR: Jim Silrum, Deputy Secretary of State, on behalf of Al Jaeger, Secretary of State

RE: SB 2369 – Ballot Access for Political Parties

The changes proposed in this bill are related to the design of the ballot used for the primary portion of the June election. As part of this testimony, examples are being provided as to how a ballot appears under current law and how it would appear with the adoption of this bill.

Section 1, page 1, lines 17 through 20: The changes improve the readability of the ballot instructions for the voter.

Section 1, page 2, lines 4 through 18: The changes better utilize the space on the ballot by moving the format of the precinct identification text boxes that are currently located in the bottom right corner.

Section 2, page 3, lines 5 through 13 and lines 16 through 21: The changes allow the placement of the instructions to the voter on the primary election ballot to be moved to a location where it will be seen more easily by the voters. The changes also improve the readability of the instructions for the voter advising him or her that they cannot vote for candidates of more than one political party.

Section 3, page 4, lines 23 through 26: A political party who has gained ballot access for the primary election portion of the ballot for their respective political party through the petition process by securing 7,000 signatures will be allowed to list on the ballot only the offices for which they have identified candidates.

Section 3, page 5, lines 3 through 6: To reconcile state law, as is now the standard for an election held in the presidential election cycle, any political party that received at least five percent of the vote in the non-presidential election for certain offices may organize according to the requirements of chapter 16.1-03.

Section 4, page 5, lines 22 and 23: Under current law, a candidate for the office of president on the general election ballot, which is not associated with a recognized in-state political party that had ballot access in the June election, is allowed to have his or her name on the ballot linked to a national political party. That is, if they secure the signatures of at least 4,000 North Dakota electors on the candidate's nominating petition. However, since the candidate's name is not usually known until closer to the general election, the national political party does not have enough time to secure the necessary signatures. Therefore, this change allows a national political party to circulate petition to secure the necessary signatures and the general election ballot access for a presidential candidate associated with their political party without first having an identified candidate.

Section 4, page 6, lines 6 through 8: The changes clarifies state law regarding the qualification of the presidential electors for presidential candidates that have gained ballot access through the circulation of petitions in that the electors must be qualified North Dakota electors.

We request your favorable consideration and a do pass recommendation.

**CONSOLIDATED PRIMARY ELECTION BALLOT
PRIMARY ELECTION, JUNE 12, 2012**

Attachment 2

STATE OF NORTH DAKOTA	CASS COUNTY	Olivet Lutheran Church
REPUBLICAN	DEMOCRATIC-NPL	CONSTITUTION
ATTENTION! READ BEFORE VOTING <small>You may vote for the candidates of only one political party at the primary election. If you cast votes in more than one party column and vote for candidates of more than one political party, your political party ballot will be rejected.</small>	ATTENTION! READ BEFORE VOTING <small>You may vote for the candidates of only one political party at the primary election. If you cast votes in more than one party column and vote for candidates of more than one political party, your political party ballot will be rejected.</small>	ATTENTION! READ BEFORE VOTING <small>You may vote for the candidates of only one political party at the primary election. If you cast votes in more than one party column and vote for candidates of more than one political party, your political party ballot will be rejected.</small>
<small>To vote for the candidate of your choice, you must darken the oval (●) opposite the name of the candidate. To vote for a person whose name is not printed on the ballot, write that person's name in the blank space provided for that purpose and darken the oval (●) opposite the space provided.</small>	<small>To vote for the candidate of your choice, you must darken the oval (●) opposite the name of the candidate. To vote for a person whose name is not printed on the ballot, write that person's name in the blank space provided for that purpose and darken the oval (●) opposite the space provided.</small>	<small>To vote for the candidate of your choice, you must darken the oval (●) opposite the name of the candidate. To vote for a person whose name is not printed on the ballot, write that person's name in the blank space provided for that purpose and darken the oval (●) opposite the space provided.</small>
United States Senator Vote for no more than ONE name <input type="radio"/> Rick Berg <input type="radio"/> Duane Sand <input type="radio"/> _____	United States Senator Vote for no more than ONE name <input type="radio"/> Heidi Heitkamp <input type="radio"/> _____	United States Senator Vote for no more than ONE name <input type="radio"/> _____
Representative in Congress Vote for no more than ONE name <input type="radio"/> Brian P Kalk <input type="radio"/> Kevin Cramer <input type="radio"/> _____	Representative in Congress Vote for no more than ONE name <input type="radio"/> Pam Guleson <input type="radio"/> _____	Representative in Congress Vote for no more than ONE name <input type="radio"/> _____
Governor and Lt. Governor Vote for no more than ONE set of names <input type="radio"/> Jack Dalrymple & Drew Wrigley <input type="radio"/> _____	Governor and Lt. Governor Vote for no more than ONE set of names <input type="radio"/> Ryan M Taylor & Ellen Chaffee <input type="radio"/> _____	Governor and Lt. Governor Vote for no more than ONE set of names <input type="radio"/> _____
State Auditor Vote for no more than ONE name <input type="radio"/> Robert R (Bob) Peterson <input type="radio"/> _____	State Auditor Vote for no more than ONE name <input type="radio"/> Scot Kelsh <input type="radio"/> _____	State Auditor Vote for no more than ONE name <input type="radio"/> _____
State Treasurer Vote for no more than ONE name <input type="radio"/> Kelly Schmidt <input type="radio"/> _____	State Treasurer Vote for no more than ONE name <input type="radio"/> Ross Mushik <input type="radio"/> _____	State Treasurer Vote for no more than ONE name <input type="radio"/> _____
Insurance Commissioner Vote for no more than ONE name <input type="radio"/> Adam Hamm <input type="radio"/> _____	Insurance Commissioner Vote for no more than ONE name <input type="radio"/> Tom Potter <input type="radio"/> _____	Insurance Commissioner Vote for no more than ONE name <input type="radio"/> _____
Public Service Commissioner Vote for no more than ONE name <input type="radio"/> Randy Christmann <input type="radio"/> _____	Public Service Commissioner Vote for no more than ONE name <input type="radio"/> Brad Crabtree <input type="radio"/> _____	Public Service Commissioner Vote for no more than ONE name <input type="radio"/> _____
<small>If you voted in this column, you may not vote in another political party's column.</small>	<small>If you voted in this column, you may not vote in another political party's column.</small>	<small>If you voted in this column, you may not vote in another political party's column.</small>
VOTE BOTH SIDES		
<small>All ballots, other than those used to vote absentee, must first be initiated by appropriate election officials in order to be counted.</small>		<small>Official Ballot CASS COUNTY 1101-00 June 12, 2012</small>
		Initials _____



PRIMARY ELECTION, JUNE 12, 2012

D STATE OF NORTH DAKOTA	E CASS COUNTY	F Olivet Lutheran Church
<p>LIBERTARIAN</p> <p>ATTENTION! READ BEFORE VOTING</p> <p>You may vote for the candidates of only one political party at the primary election. If you cast votes in more than one party column and vote for candidates of more than one political party, your political party ballot will be rejected.</p> <p>To vote for the candidate of your choice, you must darken the oval (●) opposite the name of the candidate.</p> <p>To vote for a person whose name is not printed on the ballot, write that person's name in the blank space provided for that purpose and darken the oval (●) opposite the space provided.</p>	<p>NO-PARTY BALLOT</p> <p>To vote for the candidate of your choice, you must darken the oval (●) opposite the name of the candidate.</p> <p>To vote for a person whose name is not printed on the ballot, write that person's name in the blank space provided for that purpose and darken the oval (●) opposite the space provided.</p>	<p>Commissioner Fargo Vote for no more than TWO names</p> <p><input type="radio"/> Dave Plepkorn</p> <p><input type="radio"/> Anthony Gehrig</p> <p><input type="radio"/> Melissa Sobolik</p> <p><input type="radio"/> Mike Williams</p>
<p>United States Senator Vote for no more than ONE name</p> <p><input type="radio"/> _____</p>	<p>Superintendent of Public Instruction Vote for no more than ONE name</p> <p><input type="radio"/> Max Laird</p> <p><input type="radio"/> Kirsten Baesler</p> <p><input type="radio"/> Tracy Potter</p> <p><input type="radio"/> _____</p>	<p>Municipal Judge Fargo Vote for no more than ONE name</p> <p><input type="radio"/> Steve Dawson</p> <p><input type="radio"/> _____</p>
<p>Representative in Congress Vote for no more than ONE name</p> <p><input type="radio"/> Eric Olson</p> <p><input type="radio"/> _____</p>	<p>Justice of the Supreme Court Vote for no more than ONE name</p> <p><input type="radio"/> Daniel J Crothers</p> <p><input type="radio"/> _____</p>	<p>Park Board Commissioner Fargo Park Vote for no more than TWO names</p> <p><input type="radio"/> Ryan Bergseth</p> <p><input type="radio"/> Joel Vettel</p> <p><input type="radio"/> Dan Dumas</p> <p><input type="radio"/> Barb Johnson</p> <p><input type="radio"/> _____</p>
<p>Governor and Lt. Governor Vote for no more than ONE set of names</p> <p><input type="radio"/> Roland Riemers</p> <p><input type="radio"/> _____</p>	<p>Judge of the District Court East Central Judicial District Judgeship No. 6 Vote for no more than ONE name</p> <p><input type="radio"/> Lisa Fair McEvers</p> <p><input type="radio"/> _____</p>	<p>School Board Member Fargo School District #1 Vote for no more than FOUR names</p> <p><input type="radio"/> Jordan Franzen</p> <p><input type="radio"/> David Gibb III</p> <p><input type="radio"/> Brandi Malarkey</p> <p><input type="radio"/> Lillian Jones</p> <p><input type="radio"/> Marty Livingood</p> <p><input type="radio"/> John Strand</p> <p><input type="radio"/> Jim Johnson</p> <p><input type="radio"/> Paul Meyers</p> <p><input type="radio"/> J J Gordon</p> <p><input type="radio"/> James "Jim" Ebsen</p> <p><input type="radio"/> Robin Nelson</p> <p><input type="radio"/> _____</p> <p><input type="radio"/> _____</p> <p><input type="radio"/> _____</p>
<p>State Auditor Vote for no more than ONE name</p> <p><input type="radio"/> _____</p>	<p>Judge of the District Court East Central Judicial District Judgeship Number 8 Vote for no more than ONE name</p> <p><input type="radio"/> John C Irby</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 1 Vote for no more than ONE name</p> <p><input type="radio"/> Rocky Schneider</p> <p><input type="radio"/> Chad M Peterson</p> <p><input type="radio"/> Frank Edwin Anderson</p> <p><input type="radio"/> Steven Sprague</p> <p><input type="radio"/> Billy Nustad</p> <p><input type="radio"/> _____</p>
<p>State Treasurer Vote for no more than ONE name</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 3 Vote for no more than ONE name</p> <p><input type="radio"/> Ken Pawluk</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>
<p>Insurance Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>
<p>Public Service Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> Joshua Voytek</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>
<p>Insurance Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>
<p>Public Service Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> Joshua Voytek</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>
<p>Insurance Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>
<p>Public Service Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> Joshua Voytek</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>
<p>Insurance Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>
<p>Public Service Commissioner Vote for no more than ONE name</p> <p><input type="radio"/> Joshua Voytek</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>	<p>County Commissioner District 5 Vote for no more than ONE name</p> <p><input type="radio"/> Marty Johnson</p> <p><input type="radio"/> Craig Hakanson</p> <p><input type="radio"/> Brandy L Pyle</p> <p><input type="radio"/> Mike Bice</p> <p><input type="radio"/> Mark Weston</p> <p><input type="radio"/> Mary Scherling</p> <p><input type="radio"/> Earl Erdmann</p> <p><input type="radio"/> _____</p>
<p>Olivet Lutheran Church</p>	<p>Fargo City/Fargo PSD</p>	<p>Typ:01 Seq:0001 Spl:01</p>
VOTE BOTH SIDES		

CONSOLIDATED PRIMARY ELECTION BALLOT
PRIMARY ELECTION, JUNE 12, 2012

STATE OF NORTH DAKOTA	CASS COUNTY	Olivet Lutheran Church		
MEASURES BALLOT	Referendum Measure No. 4			
<p>This ballot contains four measures. Constitutional Measure No. 1 was approved by the 2011 Legislative Assembly. Constitutional Measures No. 2 and No. 3 were placed on the ballot by initiative petition and Measure No. 4 by a referendum petition. These measures are being submitted to the voters of North Dakota for their approval or rejection. Vote by darkening the oval (●) opposite either the word "YES" or "NO" following the explanation of each measure.</p>	<p>This referendum measure concerns Senate Bill 2370 as passed by the Legislative Assembly in the November 2011 special session (Session Laws, Chapter 580). Senate Bill 2370 repealed section 15-10-46 of the North Dakota Century Code, which required the University of North Dakota to use the Fighting Sioux nickname and logo.</p> <p><input type="radio"/> YES - means you approve Senate Bill 2370, the effect of which would allow the University of North Dakota to discontinue the Fighting Sioux nickname and logo.</p> <p><input type="radio"/> NO - means you reject Senate Bill 2370, and would require the University of North Dakota to use the Fighting Sioux nickname and logo.</p>			
<p>Constitutional Measure No. 1 (House Concurrent Resolution No. 3047, 2011 Session Laws, Chapter 519)</p> <p>This constitutional measure would amend and reenact section 6 of Article IV of the North Dakota Constitution. This measure would prohibit the appointment of a member of the Legislative Assembly to a state office for which the compensation was increased in an amount greater than any general legislative increase provided to full-time state employees during the member's term of office.</p>	<p>City Measure No. 1</p> <p>INFRASTRUCTURE IMPROVEMENTS INCLUDING FLOOD PROTECTION - ONE-HALF PERCENT SALES, GROSS RECEIPTS AND USE TAX PROPOSAL</p> <p>Shall Article 3 of the Home Rule Charter of the City of Fargo be amended to authorize collection of a one-half of one percent (1/2%) municipal sales, gross receipts and use tax to commence January 1, 2013 for a period of twenty (20) years to expire on December 31, 2032, and to be utilized by the City of Fargo for such infrastructure improvements including flood protection as the governing body of the city may select, all as provided in the Notice of Proposed Home Rule Charter Amendment as published in <i>THE FORUM</i> on the 9th day of April, 2012.</p> <p><input type="radio"/> YES - means you approve the measure as summarized above.</p> <p><input type="radio"/> NO - means you reject the measure as summarized above.</p>			
<p>Initiated Constitutional Measure No. 2</p> <p>This initiated constitutional measure would amend sections 1, 4, 14, 15, and 16 of Article X of the North Dakota Constitution and repeal sections 5, 6, 7, 9, and 10 of that same article, eliminating property taxes, poll taxes, and acreage taxes, effective January 1, 2012. The measure would require the Legislative Assembly to replace lost revenue to cities, counties, townships, school districts, and other political subdivisions with allocations of various state-level taxes and other revenues, without restrictions on how these revenues may be spent by the political subdivisions.</p>	<p><input type="radio"/> YES - Means you approve the measure as summarized above.</p> <p><input type="radio"/> NO - Means you reject the measure as summarized above.</p>			
<p>Initiated Constitutional Measure No. 3</p> <p>This initiated constitutional measure would add a new section to Article I of the North Dakota Constitution stating, "Government may not burden a person's or religious organization's religious liberty. The right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be burdened unless the government proves it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest. A burden includes indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities."</p>	<p>City Measure No. 2</p> <p>PUBLICATION OF CITY COMMISSION MINUTES</p> <p>Shall the city publish the minutes of its governing body in the official city newspaper for the next four years?</p> <p><input type="radio"/> YES - Means you approve the measure as summarized above.</p> <p><input type="radio"/> NO - Means you reject the measure as summarized above.</p>			
<p><input type="radio"/> YES - means you approve the measure as stated above.</p> <p><input type="radio"/> NO - means you reject the measure as stated above.</p>	<p>School District Measure No. 1</p> <p>PUBLICATION OF GOVERNING BODY MINUTES</p> <p>Shall the school district publish the minutes of its governing body in the official newspaper of the school district?</p> <p><input type="radio"/> YES - you approve the measure as summarized above.</p> <p><input type="radio"/> NO - you reject the measure as summarized above.</p>			
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 2px;"> All ballots, other than those used to vote absentee, must first be initiated by appropriate election officials in order to be counted. </td> <td style="width:50%; padding: 2px;"> Official Ballot CASS COUNTY 1101-00 June 12, 2012 _____ Initials </td> </tr> </table>		All ballots, other than those used to vote absentee, must first be initiated by appropriate election officials in order to be counted.	Official Ballot CASS COUNTY 1101-00 June 12, 2012 _____ Initials
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Olivet Lutheran Church	Fargo City/Fargo PSD - Page 2	Typ:02 Seq:0001 Sp:01		

**CONSOLIDATED PRIMARY ELECTION BALLOT
PRIMARY ELECTION, JUNE 12, 2012**

Attachment 3

A STATE OF NORTH DAKOTA	B GRAND FORKS COUNTY	C Bible Baptist Church
ATTENTION! READ BEFORE VOTING POLITICAL PARTY BALLOT		
<p>In a Political Party Primary Election, you may only vote for candidates of <u>one</u> political party. This ballot contains four political parties: one in each of the first two columns and two in the third column. If you vote in more than one political party's section, your Political Party Ballot will be rejected; however, all other votes on the No Party and Measures Ballots will still be counted.</p> <p>To vote for the candidate of your choice, you must darken the oval (●) next to the name of the 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 on the blank line.</p>		
REPUBLICAN	DEMOCRATIC-NPL	CONSTITUTION
United States Senator Vote for no more than ONE name	United States Senator Vote for no more than ONE name	Representative in Congress Vote for no more than ONE name
<input type="radio"/> Rick Berg <input type="radio"/> Duane Sand <input type="radio"/> _____	<input type="radio"/> Heidi Heitkamp <input type="radio"/> _____	<input type="radio"/> Doug Sunde <input type="radio"/> _____
Representative in Congress Vote for no more than ONE name	Representative in Congress Vote for no more than ONE name	Governor and Lt. Governor Vote for no more than ONE set of names
<input type="radio"/> Brian P Kalk <input type="radio"/> Kevin Cramer <input type="radio"/> _____	<input type="radio"/> Pam Guleson <input type="radio"/> _____	<input type="radio"/> Shelly Angen <input type="radio"/> _____
State Senator District 18 Vote for no more than ONE name	State Senator District 18 Vote for no more than ONE name	State Auditor Vote for no more than ONE name
<input type="radio"/> David Waterman <input type="radio"/> _____	<input type="radio"/> Connie Triplett <input type="radio"/> _____	<input type="radio"/> Bret Anderson <input type="radio"/> _____
State Representative District 18 Vote for no more than TWO names	State Representative District 18 Vote for no more than TWO names	LIBERTARIAN
<input type="radio"/> Dane J Ferguson <input type="radio"/> _____ <input type="radio"/> _____	<input type="radio"/> Marie Strinden <input type="radio"/> Eliot Glasshelm <input type="radio"/> _____	Representative in Congress Vote for no more than ONE name
Governor and Lt. Governor Vote for no more than ONE set of names	Governor and Lt. Governor Vote for no more than ONE set of names	Governor and Lt. Governor Vote for no more than ONE set of names
<input type="radio"/> Jack Dalrymple & Drew Wrigley <input type="radio"/> _____	<input type="radio"/> Ryan M Taylor & Ellen Chaffee <input type="radio"/> _____	<input type="radio"/> Roland Riemers <input type="radio"/> _____
State Auditor Vote for no more than ONE name	State Auditor Vote for no more than ONE name	Public Service Commissioner Vote for no more than ONE name
<input type="radio"/> Robert R (Bob) Peterson <input type="radio"/> _____	<input type="radio"/> Scot Kesh <input type="radio"/> _____	<input type="radio"/> Joshua Voytek <input type="radio"/> _____
State Treasurer Vote for no more than ONE name	State Treasurer Vote for no more than ONE name	
<input type="radio"/> Kelly Schmidt <input type="radio"/> _____	<input type="radio"/> Ross Mushik <input type="radio"/> _____	
Insurance Commissioner Vote for no more than ONE name	Insurance Commissioner Vote for no more than ONE name	
<input type="radio"/> Adam Hamm <input type="radio"/> _____	<input type="radio"/> Tom Potter <input type="radio"/> _____	
Public Service Commissioner Vote for no more than ONE name	Public Service Commissioner Vote for no more than ONE name	
<input type="radio"/> Randy Christmann <input type="radio"/> _____	<input type="radio"/> Brad Crabtree <input type="radio"/> _____	
Continue voting other side →		
NOTICE: You may only vote in one political party's section.		
Official Ballot GRAND FORKS COUNTY 0006-01 June 12, 2012	All ballots, other than those used to vote absentee, must first be initialed by appropriate election officials in order to be counted.	_____ Initials
A Bible Baptist Church	B GFS	C Typ:01 Seq:0006 Spl:01

PRIMARY ELECTION, JUNE 12, 2012

D STATE OF NORTH DAKOTA	E GRAND FORKS COUNTY	F Bible Baptist Church
NO PARTY BALLOT	School Board Member Grand Forks School District Vote for no more than FOUR names	MEASURES BALLOT
<p>To vote for the candidate of your choice, you must darken the oval (●) next to the name of the candidate.</p> <p>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 on the blank line.</p>	<input type="radio"/> Jay Smith <input type="radio"/> Vicki Ericson <input type="radio"/> Eric Burin <input type="radio"/> Kelly Hogness <input type="radio"/> Roland Riemers <input type="radio"/> Margaret Brack <input type="radio"/> Cory Solem <input type="radio"/> Roger Pohlman <input type="radio"/> Eric Lunn <input type="radio"/> _____ <input type="radio"/> _____ <input type="radio"/> _____ <input type="radio"/> _____	<p>This ballot contains four measures. Constitutional Measure No. 1 was approved by the 2011 Legislative Assembly. Constitutional Measures No. 2 and No. 3 were placed on the ballot by initiative petition and Measure No. 4 by a referendum petition. These measures are being submitted to the voters of North Dakota for their approval or rejection. Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure.</p>
Superintendent of Public Instruction Vote for no more than ONE name		
<input type="radio"/> Max Laird <input type="radio"/> Kirsten Baesler <input type="radio"/> Tracy Potter <input type="radio"/> _____		<p>Constitutional Measure No. 1 (House Concurrent Resolution No. 3047, 2011 Session Laws, Chapter 519)</p> <p>This constitutional measure would amend and reenact section 6 of Article IV of the North Dakota Constitution. This measure would prohibit the appointment of a member of the Legislative Assembly to a state office for which the compensation was increased in an amount greater than any general legislative increase provided to full-time state employees during the member's term of office.</p> <p><input type="radio"/> YES - means you approve the measure as summarized above. <input type="radio"/> NO - means you reject the measure as summarized above.</p>
Justice of the Supreme Court Vote for no more than ONE name		
<input type="radio"/> Daniel J Crothers <input type="radio"/> _____		<p>Initiated Constitutional Measure No. 2</p> <p>This initiated constitutional measure would amend sections 1, 4, 14, 15, and 16 of Article X of the North Dakota Constitution and repeal sections 5, 6, 7, 9, and 10 of that same article, eliminating property taxes, poll taxes, and acreage taxes, effective January 1, 2012. The measure would require the Legislative Assembly to replace lost revenue to cities, counties, townships, school districts, and other political subdivisions with allocations of various state-level taxes and other revenues, without restrictions on how these revenues may be spent by the political subdivisions.</p> <p><input type="radio"/> YES - means you approve the measure as summarized above. <input type="radio"/> NO - means you reject the measure as summarized above.</p>
Judge of the District Court Northeast Central Judicial District Judgeship No. 2 Vote for no more than ONE name		
<input type="radio"/> Karen K Braaten <input type="radio"/> _____		
County Commissioner Vote for no more than TWO names		
<input type="radio"/> John M Schmisek <input type="radio"/> Cory J Solem <input type="radio"/> Cynthia L Pic <input type="radio"/> _____ <input type="radio"/> _____		<p>Initiated Constitutional Measure No. 3</p> <p>This initiated constitutional measure would add a new section to Article I of the North Dakota Constitution stating, "Government may not burden a person's or religious organization's religious liberty. The right to act or refuse to act in a manner motivated by a sincerely held religious belief may not be burdened unless the government proves it has a compelling governmental interest in infringing the specific act or refusal to act and has used the least restrictive means to further that interest. A burden includes indirect burdens such as withholding benefits, assessing penalties, or an exclusion from programs or access to facilities."</p> <p><input type="radio"/> YES - means you approve the measure as stated above. <input type="radio"/> NO - means you reject the measure as stated above.</p>
Director, Garrison Diversion Conservancy Vote for no more than ONE name		
<input type="radio"/> Kenneth Vein <input type="radio"/> _____		<p>Referendum Measure No. 4</p> <p>This referendum measure concerns Senate Bill 2370 as passed by the Legislative Assembly in the November 2011 special session (Session Laws, Chapter 580). Senate Bill 2370 repealed section 15-10-46 of the North Dakota Century Code, which required the University of North Dakota to use the Fighting Sioux nickname and logo.</p> <p><input type="radio"/> YES - means you approve Senate Bill 2370, the effect of which would allow the University of North Dakota to discontinue the Fighting Sioux nickname and logo. <input type="radio"/> NO - means you reject Senate Bill 2370, and would require the University of North Dakota to use the Fighting Sioux nickname and logo.</p>
		<p>School District Measure 1</p> <p>Shall Grand Forks Public School District No. 1, County of Grand Forks, State of North Dakota, publish a record of the proceedings of the school board in the official newspaper of the school district for the succeeding two years?</p> <p><input type="radio"/> YES - Means you approve the measure as summarized above. <input type="radio"/> NO - Means you reject the measure as summarized above.</p>
Bible Baptist Church	GF5	Typ:01 Seq:0006 Spl:01

VOTE BOTH SIDES

**CONSOLIDATED PRIMARY ELECTION BALLOT
PRIMARY ELECTION, JUNE 12, 2012**

Attachment

A STATE OF NORTH DAKOTA	B GRAND FORKS COUNTY	C Bible Baptist Church																				
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D STATE OF NORTH DAKOTA	E GRAND FORKS COUNTY	F Bible Baptist Church
<p>School Board Member Grand Forks School District Vote for no more than FOUR names</p>		<p>MEASURES BALLOT</p>
<p><input type="radio"/> Jay Smith</p> <p><input type="radio"/> Vicki Ericson</p> <p><input type="radio"/> Eric Burin</p> <p><input type="radio"/> Kelly Hogness</p> <p><input type="radio"/> Roland Riemers</p> <p><input type="radio"/> Margaret Brack</p> <p><input type="radio"/> Cory Solem</p> <p><input type="radio"/> Roger Pohlman</p> <p><input type="radio"/> Eric Lunn</p> <p><input type="radio"/></p> <p><input type="radio"/></p> <p><input type="radio"/></p> <p><input type="radio"/></p>		<p>This ballot contains four measures. Constitutional Measure No. 1 was approved by the 2011 Legislative Assembly. Constitutional Measures No. 2 and No. 3 were placed on the ballot by initiative petition and Measure No. 4 by a referendum petition. These measures are being submitted to the voters of North Dakota for their approval or rejection. Vote by darkening the oval (●) next to the word "YES" or "NO" following the explanation of each measure.</p>
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		<p>Referendum Measure No. 4</p> <p>This referendum measure concerns Senate Bill 2370 as passed by the Legislative Assembly at the November 2011 special session (Session Laws, Chapter 580). Senate Bill 2370 repealed section 15-10-46 of the North Dakota Century Code, which required the University of North Dakota to use the Fighting Sioux nickname and logo.</p> <p><input type="radio"/> YES - means you approve Senate Bill 2370, the effect of which would allow the University of North Dakota to discontinue the Fighting Sioux nickname and logo.</p> <p><input type="radio"/> NO - means you reject Senate Bill 2370, and would require the University of North Dakota to use the Fighting Sioux nickname and logo.</p>
		<p>School District Measure 1</p> <p>Shall Grand Forks Public School District No. 1, County of Grand Forks, State of North Dakota, publish a record of the proceedings of the school board in the official newspaper of the school district for the succeeding two years?</p> <p><input type="radio"/> YES - Means you approve the measure as summarized above.</p> <p><input type="radio"/> NO - Means you reject the measure as summarized above.</p>
		<p>VOTE BOTH SIDES</p>
D Bible Baptist Church	E GFS	F Typ:01 Seq:0006 Spl:01

Attachment 1

13.8257.03010

SECOND ENGROSSMENT

Sixty-third
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2369

Introduced by

Senators Dever, Schaible

1 A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota
 2 Century Code relating to political party organization, to amend and reenact sections
 3 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,
 4 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
 5 the North Dakota Century Code, relating to political party organization, voting precincts, and
 6 primary election ballot access and eligibility for minor political parties, and to repeal sections
 7 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party
 8 organization.

9 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

12 Organizations allowed to nominate statewide and legislative candidates.

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

16 1. Organized according to all requirements of this chapter;

17 2. Had printed on the ballot at the last preceding general election the names of a set of
 18 presidential electors pledged to the election of the party's candidate for president and
 19 vice president, a candidate for governor, a candidate for attorney general, or a
 20 candidate for secretary of state and those candidates for presidential electors,
 21 governor, attorney general, or secretary of state received at least five percent of the
 22 total vote cast for presidential electors, the office of governor, attorney general, or
 23 secretary of state within this state at that election and organized according to all
 24 requirements of this chapter; or

1 3. Filed a petition with the secretary of state signed by the number of electors required
2 under section 16.1-11-30 to qualify to endorse candidates or to have candidates
3 petition to be included on the primary election ballot in a consolidated column or on a
4 special election ballot.

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

7 **16.1-03-01. Precinct caucus to elect precinct committeemen - Time and manner of**
8 **holding - Caucus call - Notice.**

9 1. Each legislative district party shall organize in conformance with the state legislative
10 district boundaries as established by the legislative assembly and as set forth under
11 chapter 54-03.

12 2. On or before May fifteenth following the last preceding general election, a party
13 caucus must be held by every election precinct at a site within or reasonably close to
14 the precinct in the manner provided in sections 16.1-03-01 through 16.1-03-03.

15 ~~2-3.~~ The legislative district chairman of each party shall issue the call set the date and time
16 for the precinct caucus at least twenty days before the time set for holding the caucus
17 and the. If there is not a district chairman in a legislative district, the state party
18 executive committee may issue the call for the precinct caucus. The call must contain
19 the following:

20 a. Name of party.

21 b. Precinct Legislative district and precinct number or name.

22 c. Date of caucus.

23 d. Place of caucus.

24 e. Hours of caucus.

25 f. A statement of the business to be conducted, including the election of precinct
26 committeemen and such other persons individuals as may be provided by state
27 law and district party rules bylaws.

28 g. The name of the district chairman or if there is not a district chairman, the
29 member of the state party executive committee issuing the call.

30 ~~3-4.~~ The district chairman or, if there is not a district chairman, the state party executive
31 committee shall provide ten days' published notice in the official newspaper in

1 circulation within each precinct in the district. The notices must contain that information
2 set forth in subsection 23. The district chairman may include the information required
3 by this section for all precincts in the district may be included in one notice for
4 publishing purposes.

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

7 **16.1-03-02. Who may participate in and vote at caucus.**

- 8 1. Only those ~~persons~~individuals who are qualified electors ~~pursuant to~~under section
9 16.1-01-04 may vote or be elected as committeemen or officers at the precinct
10 caucus.
- 11 2. Only those ~~persons~~individuals who either voted or affiliated with the party at the last
12 general election or intend to ~~vote or affiliate with the party~~ and vote with the party at
13 the next general election may vote at the precinct caucus.
- 14 3. In case the right of a ~~person~~an individual to participate at the caucus is challenged, the
15 question of the ~~person's~~individual's right to participate must be decided by a vote of
16 the whole caucus. A ~~person~~An individual so challenged may not vote on the question
17 of the ~~person's~~individual's right to participate in the caucus, and a two-thirds vote of
18 the whole caucus is required to exclude a ~~person~~an individual from participation.
- 19 4. ~~No person~~An individual may not vote or participate at more than one precinct caucus
20 in any one year.

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

23 ~~16.1-03-03. Caucus business and elections~~ **Political parties entitled to elect**
24 **committeemen.**

- 25 1. ~~Each precinct caucus shall elect a chairman, committeemen as provided in subsection~~
26 ~~3, and other officers as may be provided by party rules. The caucus may also discuss~~
27 ~~party policies, candidates, and any other business as prescribed by party rules.~~
- 28 ~~2.~~ ~~No~~A political organization is entitled to elect a precinct committeeman at its precinct
29 caucus unless if:
- 30 a. The organization nominated and had printed on the ballot at the last preceding
31 general election the names of a set of presidential electors pledged to the

1 election of the party's candidates for president and vice president or a candidate
2 for governor, attorney general, or secretary of state; and

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

6 ~~3-2.~~ Each political party in each voting precinct of this state, otherwise qualifying under
7 subsection ~~2~~1, is entitled to elect one precinct committeeman for each two hundred
8 fifty votes, or majority of a fraction thereof, cast for the party's presidential electors,
9 governor, attorney general, or secretary of state in the precinct in the last general
10 election. Each precinct is entitled to at least one precinct committeeman for each party
11 which qualifies under subsection ~~2~~1. Each precinct committeeman must be an elector
12 of the precinct in which the committeeman resides and must be elected for a two-year
13 term.

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

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

19 **16.1-03-05. Vacancies in office of precinct committeeman - Filling.**

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

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

25 **16.1-03-07. Meeting of district committee - Organization.**

26 1. In every odd-numbered year, the district committee of each party shall meet within
27 fifteen days after the precinct caucus provided for in section 16.1-03-01. The day,
28 hour, and site must be set by the existing district committee chairman. ~~The~~Any
29 incumbent members of the legislative assembly, the precinct committeemen of a party,
30 selected as provided by this chapter, with~~and~~ any other persons~~individual~~ provided for
31 by the district committee's bylaws ~~and as the district committee designates~~, constitute

1 the district committee of the party. The district committee of a party must be organized
2 to coincide with the geographical boundary lines of state legislative districts. Each
3 member of any committee provided for in this chapter must be a qualified elector ~~and~~
4 must retain the office the member was elected to until a successor is chosen.

5 ~~2.~~ The district committee shall organize by:

6 ~~a.~~ ~~Selecting a chairman, vice chairman, secretary, and treasurer chosen by precinct~~
7 ~~committeemen and the incumbent members of the legislative assembly from the~~
8 ~~district shall select the officers of the district committee. The officers selected as~~
9 ~~provided by the district party bylaws, need not be precinct committeemen;~~
10 however, all the officers must be voting members of the district committee. ~~The~~
11 ~~district committee shall forward to the state committee the name and contact~~
12 ~~information of the district committee chairman.~~

13 ~~b.~~ ~~Adopting rules and modes of procedure not in conflict with law.~~

14 ~~c.~~ ~~Filling any vacancies in the office of precinct committeeman pursuant to section~~
15 ~~16-1-03-05.~~

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

22 ~~2.3.~~ If the office of chairman becomes vacant, the vice chairman shall hold the office until
23 the next regular election for the office or until a new chairman is selected by the district
24 committee for the balance of the term, whichever occurs first ~~vacancy may be filled as~~
25 ~~provided by the district party bylaws.~~

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

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

3 **16.1-03-08. State committee - Membership.**

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

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

9 **16.1-03-11. State committee - Meetings - Organization—Vacancies.**

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

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

1 **16.1-03-14. When state party convention held and duties of state**
2 **convention.**

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

8 ~~1. a.~~ a. Nominate the legal number of candidates ~~qualified electors~~ for its party for the
9 offices of presidential electors.

10 ~~2. b.~~ b. Elect the required number of delegates and alternates to the national party
11 convention as provided by the party's bylaws or national party rules.

12 ~~3. Conduct other business as shall come before the convention.~~

13 ~~c. Endorse candidates as provided under subsection 2.~~

14 ~~2.~~ The candidate or candidates for endorsement or election must be declared endorsed
15 or elected pursuant to ~~under~~ the rules of the party involved, and the chairman and
16 secretary of the convention shall issue certificates of endorsement as provided in
17 section 16.1-11-06 or certificates of election. The names of the candidates ~~qualified~~
18 ~~electors~~ nominated for presidential electors ~~with the surname of the presidential~~
19 ~~candidate~~ the party wishes to place on the general election ballot must be certified by
20 the chairman and secretary of the convention to the secretary of state by four p.m. on
21 the sixtieth day before the general election to be placed upon the general election
22 ballot as provided in section 16.1-06-07.1.

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

25 **16.1-03-17. Political party reorganization after ~~apportionment~~ redistricting.**

26 If ~~apportionment~~ redistricting of the legislative assembly becomes effective after the
27 organization of political parties as provided in this chapter and before the primary or the general
28 election, the secretary of state shall establish a timetable for the reorganization of the parties as
29 rapidly as possible before the ensuing election. When the timetable is established, the secretary
30 of state shall notify all the county auditors of the timetable and of the details of the legislative
31 apportionment as it affects each county. The secretary of state or county auditor may not

1 ~~require reorganization of precincts in which boundaries are unchanged after apportionment by~~
2 ~~the board of county commissioners or the governing body of the city pursuant to chapter~~
3 ~~16.1-04. Each county auditor shall publish a notice in the official county newspaper containing:~~

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

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

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

17 **16.1-04-01. Precincts - Duties and responsibilities of the board of county**
18 **commissioners or the governing body of the city.**

19 1. The board of county commissioners of each county:

20 ~~1.~~ a. Shall divide the county into precincts and establish the precinct boundaries,
21 except that within the boundaries of any incorporated city, the governing body of
22 the city shall divide the city into precincts and establish their boundaries pursuant
23 to title 40. Any number of townships or parts of townships may be joined into a
24 single precinct provided that no precinct may encompass more than one
25 legislative district.

26 ~~2.~~ b. May alter the number and size of precincts within the county by combining or
27 dividing precincts. However, the governing body of any incorporated city has the
28 authority to alter the number and size of precincts located within its boundaries.
29 The board of county commissioners may relinquish the jurisdiction provided
30 under ~~subsection 1~~ subdivision a over all or any portion of a township or
31 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. No precinct may have a population of more than two thousand five hundred, as determined by the last federal decennial census.~~

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." The ~~second~~ text box is to contain

1 the words "~~Official Ballot~~All ballots, other than those used to vote absentee, must first
2 be initialed by appropriate election officials in order to be counted"; ~~the name of the~~
3 ~~county, the name or number of the precinct, the date of the election, and~~. The text box
4 at the bottom of the third column is to contain the word "initials" ~~preceeding~~preceded by
5 a blank line where the judge or inspector shall initial the ballot.

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

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

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

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

19 **16.1-11-22. Primary election ballot - Form - Voters to vote for candidates of only one**
20 **political party.**

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

- 23 1. The ballot must be entitled the "consolidated primary election ballot".
- 24 2. Each political party or principle having candidates at the primary election must have a
25 separate ~~column~~section on the ballot.
- 26 3. At the head of each column must be printed the name of the political party or principle
27 which it represents.
- 28 4. ~~In each column below~~Spanning the columns containing the political party ballot and
29 prior to the party names or principle ~~the~~titles must be printed: "~~You~~In a Political Party
30 Primary Election, you may only vote for the candidates of ~~only~~ one political party ~~at the~~
31 primary election. This ballot contains the number of political parties or principles and a

1 description of where the political parties or principles are to be found in the columns
2 below. If you ~~cast votes~~ vote in more than one party column and vote for candidates of
3 more than one political party political party's section, your political party ballot Political
4 Party Ballot will be rejected; however, all votes on the No Party and Measure Ballots
5 will still be counted."

6 5. Immediately below the warning against voting for candidates of more than one political
7 party must be printed: "To vote for the candidate of your choice, you must darken the
8 oval ~~opposite~~ next to the name of the ~~that~~ candidate. To vote for a person whose name
9 is not printed on the ballot, you must darken the oval next to the blank line provided
10 and write that person's name in on the blank space provided for that purpose and
11 darken the oval opposite the space provided line."

12 6. The offices specified in section 16.1-11-26 must be arranged in each ~~column~~ section
13 with the name of each office in the center of each political party ~~column~~ section at the
14 head of the names of all the aspirants for the office.

15 7. Immediately under the name of each office must be printed: "Vote for no more than
16 _____ name (or names)."

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

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

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

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

1 **16.1-11-30. ~~Separate column~~Section on primary election ballot required for each**
2 **political party.**

3 Any party that had printed on the ballot at the last preceding presidential election the names
4 of a set of presidential electors pledged to the election of the party's candidates for president
5 and vice president or a candidate for governor and those candidates for presidential electors or
6 governor received at least five percent of the total vote cast for presidential electors or the office
7 of governor within this state at that election; any party that had printed on the ballot at the last
8 preceding nonpresidential election a candidate for attorney general or secretary of state, and
9 the candidate received at least five percent of the total vote cast for the office the candidate was
10 seeking at the election; or any party that has organized according to all the requirements of
11 chapter 16.1-03 must be provided with a separate ~~column~~section on primary election ballots.

12 Any other political organization is entitled to endorse candidates or have candidates petition
13 to be included on the primary ballot in a ~~consolidated column or on a special~~separate section of
14 the consolidated primary election ballot, if a petition signed by at least seven thousand qualified
15 electors of this state is filed with the secretary of state before four p.m. of the sixtieth day before
16 a primary or special election, naming the political organization, stating the platform principles of
17 the party, and requesting the names of its candidates to be included on the state's primary ballot
18 in a ~~consolidated column. If~~separate section. Political organizations that are granted ballot
19 access under this section are allowed ballot access only for those offices for which the
20 organization has identified candidates. Regardless of the means by which the petition is mailed,
21 ~~if delivered, the original~~ must be in the possession of the secretary of state before four p.m. on
22 the sixtieth day prior to a primary or special election. Candidates of that party are entitled to the
23 same rights and privileges as those of other parties. Petitions circulated according to this
24 section must be filed with the secretary of state in accordance with section 1-01-50.

25 A political organization that had printed on the ballot at the last preceding presidential
26 election the names of a set of presidential electors pledged to the election of the party's
27 candidates for president and vice president or a candidate for governor and those candidates
28 for presidential electors or governor received at least five percent of the total vote cast for
29 presidential electors or the office of governor within this state at that election, and any political
30 organization that has printed on the ballot at the last preceding nonpresidential election a
31 candidate for attorney general or secretary of state, and the candidate received at least five

1 percent of the total vote cast for the office the candidate was seeking at the election are entitled
2 to organize according to the requirements of chapter 16.1-03.

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

5 **16.1-12-02. Certificates of nomination by petition - Form and contents.**

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

- 23 1. Except as provided in subsection 3, if the nomination is for an office to be filled by the
24 qualified electors of the entire state, there must be no fewer than one thousand
25 signatures.
- 26 2. If the nomination is for an office to be filled by the qualified electors of a district less
27 than the entire state, the number of signatures must be at least two percent of the
28 resident population of the district as determined by the most recent federal decennial
29 census, but in no case may more than three hundred signatures be required.
- 30 3. If the nomination is for the office of president, there must be no fewer than four
31 thousand signatures and the petition must contain the names of the presidential and

1 vice presidential candidates along with the names of the North Dakota presidential
2 electors selected from the qualified electors of North Dakota.

3 4. If the petition is for the office of governor or lieutenant governor, it must contain the
4 names and other required information of candidates for both those offices.

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

13.8257.03010
 Title.

Prepared by the Legislative Council staff for
 Representative Kasper
 April 2, 2013

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2369

Page 1, line 1, after "to" insert "create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to"

Page 1, line 1, after "sections" insert "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,"

Page 1, line 2, after "to" insert "political party organization, voting precincts, and"

Page 1, line 2, remove "and"

Page 1, line 3, replace "eligibility for minor political parties" with "; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization"

Page 1, after line 4, insert:

"**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 ~~2~~1, 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 ~~2~~1. 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~~may 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. ~~The~~Any incumbent members of the legislative assembly, the precinct committeemen of a party, selected as provided by this chapter, withand any other ~~persons~~individual 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.~~2. The district committee shall organize by:
 - ~~a.~~a. ~~Selecting a chairman, vice chairman, secretary, and treasurer chosen by precinct committeemen and the 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.~~b. ~~Adopting rules and modes of procedure not in conflict with law.~~

 - ~~c.~~c. ~~Filling any vacancies in the office of precinct committeeman pursuant to section 16.1-03-05.~~

 - ~~d.~~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 committee consistent 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.~~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.~~ 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:
- ~~1-~~ a. Nominate the legal number of ~~candidates~~qualified electors for its party for the offices of presidential electors.
- ~~2-~~ 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-~~ 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. No precinct may have a population of more than two thousand five hundred, as determined by the last federal decennial census."

Page 6, after line 10, insert:

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

Renumber accordingly

2011-2013

**POLITICAL PARTY ORGANIZATION
AND RELATED STATUTES**

North Dakota



✓
votes
2012



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Alternate formats for persons with disabilities are available upon request.

FORWARD

This pamphlet is a compilation of laws found in the North Dakota Century Code relating to political party organization in the state of North Dakota. It is a reference source for candidates, political parties, and district political committees. If you have questions regarding this pamphlet, please contact the Elections Division of the Secretary of State's office by calling 701-328-4146, sending an email to soselect@nd.gov, or writing to Secretary of State, Elections Unit, 600 E Boulevard Avenue Dept 108, Bismarck ND 58505-0500.

DISCLAIMER

The following excerpts of North Dakota law are from the North Dakota Century Code (NDCC) and pertain to elections, election procedures, and political party organization. Although every attempt has been made for accuracy, the reprint of these laws does not carry the same authority as the actual NDCC and should not be equated with the official NDCC. This compilation is only intended as a helpful resource and reference for consolidated election and political party organization related laws. For official and legal purposes, the official NDCC should be used.

In addition, the following excerpts of North Dakota law do not contain the material found in the legal notes following the various sections contained in the NDCC. These notes found in the NDCC may contain temporary provisions and effective dates along with the valuable summaries of applicable court rulings.

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NOTES

**NDCC CHAPTER 16.1-03
PARTY COMMITTEE ORGANIZATION**

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

1. 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. The legislative district chairman of each party shall issue the call for the precinct caucus at least twenty days before the time set for holding the caucus and the call must contain the following:
 - a. Name of party.
 - b. 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 as may be provided by state law and party rules.
 - g. The name of the district chairman issuing the call.
3. The district chairman 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 2. The district chairman may include the information required by this section for all precincts in the district in one notice for publishing purposes.

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

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

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 political organization is entitled to elect a precinct committeeman at its precinct caucus unless:
 - 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. Each political party in each voting precinct of this state, otherwise qualifying under subsection 2, is entitled to elect one precinct committeeman for each two hundred fifty votes, or 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 2. Each precinct committeeman must be an elector of the precinct in which the committeeman resides and must be elected for a two-year term.

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.

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. The precinct committeemen of a party, selected as provided by this chapter, with any other persons 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. The district committee shall organize by:
 - a. Selecting a chairman, vice chairman, secretary, and treasurer chosen by the district committee. The officers selected need not be precinct committeemen; however, all the officers must be voting members of the district committee.
 - b. Adopting rules and modes of procedure not in conflict with law.
 - c. Filling any vacancies in the office of precinct committeeman pursuant to section 16.1-03-05.
 - d. Selecting 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 committee. That party's nominees for and members of the legislative assembly may also be members of the executive committee.
2. 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.

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 provided for in the bylaws of the state committee.

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 and by adopting rules and modes of procedure. 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.

16.1-03-12. Meeting of district committee to elect delegates to state party convention - Optional precinct caucus - Proxies. Prior to the sixtieth day before the primary election in each election year and upon the call of the chairman, the district committee of each state legislative district shall meet at a place designated by the chairman to elect delegates to a state party convention to be held as provided in this chapter. If the bylaws of the state legislative district so provide, precinct committeemen may call a precinct caucus prior to the district meeting to elect additional delegates to attend the district meeting. Delegates to the state convention must be elected as provided by the state party's bylaws. Delegates to the state convention must be electors of their district.

16.1-03-14. When state party convention held and duties of state party convention. The state party conventions must be held in each presidential election year at a place and time designated by the party state committee. The state party convention provided for in this chapter shall:

1. Nominate the legal number of candidates for its party for the offices of presidential electors.
2. 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.

The candidate or candidates for endorsement or election must be declared endorsed or elected pursuant to 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 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.

16.1-03-17. Political party reorganization after apportionment. If apportionment 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 in the official county newspaper, a notice 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.

16.1-03-19. 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. 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
2. Organized according to all requirements of this chapter; or
3. Filed a petition with the secretary of state as set forth in section 16.1-11-30.

NDCC CHAPTER 16.1-05
ELECTION OFFICERS
Related Excerpts

16.1-05-01. Election officers. At each primary, general, and special statewide or legislative district election, and at county elections, each polling place must have an election board in attendance. The election board must consist of an election inspector and at least two election judges. Counties utilizing polling places containing more than one precinct may choose to use one election board to supervise all precincts even if the precincts are within different legislative districts so long as each district chairman of each qualified political party is given the opportunity to have representation on the election board if desired.

1. The election inspector must be selected in the following manner:
 - a. Except as provided in subdivision b, in all precincts established by the governing body of an incorporated city pursuant to chapter 16.1-04, the governing body shall appoint the election inspectors for those precincts and fill all vacancies occurring in those offices.
 - b. In all multiprecinct polling locations containing both rural and city precincts, the county auditor, with the approval of the majority of the board of county commissioners, shall appoint the election inspectors and fill all vacancies occurring in those offices. The selection must be made on the basis of the inspector's knowledge of the election procedure.
 - c. The election inspector shall serve until a successor is named. If an inspector fails to appear for any training session without excuse, the office is deemed vacant and the auditor shall appoint an individual to fill the vacancy.

All appointments required to be made under this section must be made at least forty days preceding an election.

2. The election judges must be appointed in the following manner:
 - a. Except as provided in subdivision b:
 - (1) The election judges for each polling place must be appointed in writing by the district chairs representing the two parties that cast the largest number of votes in the state at the last general election. In polling places in which over one thousand votes are cast in any election, the county auditor may request each district chair to appoint an additional election judge.
 - (2) The district party chair shall notify the county auditor of the counties in which the precincts are located of the appointment of the election judges at least forty days before the primary, general, or special election. If this notice is not received within the time specified in this section, the county auditor shall appoint the judges. If the county auditor

has exhausted all practicable means to select judges from within the boundaries of the precincts within the polling place and vacancies still remain, the county auditor may select election judges who reside outside of the voting precinct but who reside within the polling place's legislative districts. If vacancies still remain, the county auditor may select election judges who reside outside of the legislative districts but who reside within the county.

- b. For special elections involving only no-party offices, the election official responsible for the administration of the election with the approval of the majority of the members of the applicable governing body shall appoint the election judges for each polling location.
3. If at any time before or during an election, it appears to an election inspector, by the affidavit of two or more qualified electors of the precinct, that any election judge is disqualified under this chapter, the inspector shall remove that judge at once and shall fill the vacancy by appointing a qualified individual of the same political party as that of the judge removed. If the disqualified judge had taken the oath of office as prescribed in this chapter, the inspector shall place the oath or affidavit before the state's attorney of the county.
4. The election official responsible for the administration of the election, with the approval of the majority of the members of the applicable governing body, shall appoint the poll clerks for each polling place. However, no fewer than two poll clerks must be appointed for each polling place. Poll clerks must be appointed based on their knowledge of election matters, attention to detail, and on any necessary technical knowledge.

16.1-05-06. Challenging right to vote – Identification or Affidavit required – Penalty for false swearing – Optional poll checkers.

1. Three poll challengers appointed by the district chairman of each political party represented on the election board are entitled to be in attendance at each polling place. Individual poll challengers may be replaced at any time during the hours of voting, but no more than three poll challengers from each political party are entitled to be in attendance at each polling place at any one time.
2. Any member of the election board may challenge the right of an individual to vote if the election board member has knowledge or has reason to believe the individual is not a qualified elector. A poll challenger may request members of the election board to challenge the right of an individual to vote if the poll challenger has knowledge or has reason to believe the individual is not a qualified elector of the precinct. A challenge may be based upon any one of the following:
 - a. The individual offering to vote does not meet the age or citizenship requirements.
 - b. The individual offering to vote has never voted in the precinct before, the name of the individual offering to vote does not appear in the pollbook generated from the central voter file, and the individual fails to provide reasonable evidence of residency in the precinct.
 - c. Except as provided in section 16.1-01-05, the individual offering to vote physically resides outside of the precinct.
 - d. The individual offering to vote does not meet the residency requirements provided in section 16.1-01-04.
 - e. The individual offering to vote fails or refuses to provide an appropriate form of identification as requested under subsection 3.
3. If after an election board member has requested that the individual offering to vote provide an appropriate form of identification to address any of the voting eligibility concerns listed in subsection 2 and the identification is not provided or does not adequately confirm the eligibility of the challenged individual, the challenged individual may not vote unless the challenged individual executes an affidavit, acknowledged before an election board member, that the challenged individual is a legally qualified elector of the precinct.
4. The affidavit must include:

- a. The name of the affiant.
 - b. The address of the affiant.
 - c. The birth date of the affiant.
 - d. The contact telephone number of the affiant.
 - e. The address of the affiant at the time the affiant last voted.
 - f. The previous last name of the affiant if it was different when the affiant last voted.
 - g. The identification number and state of any state-issued identification regardless of the state in which the identification was issued, if available.
 - h. A recitation of the qualifications for voting as set forth in section 16.1-01-04 and the rules for determining residence.
 - i. Notice of the penalty for making a false affidavit and that the county auditor is required to verify the affidavit.
 - j. A notice indicating that the affidavit is not an open record, but that information identifying who voted after executing an affidavit is an open record as part of the pollbook, except for any individual listed as secured active in the central voter file under section 16.1-02-13.
 - k. A place for the affiant to sign and swear to the affiant's qualifications as a voter.
5. Written notice of the penalty for making a false affidavit and that the county auditor shall verify the affidavits must be prominently displayed at the polling place in a form prescribed by the secretary of state. An individual who falsely swears in order to vote is guilty of a class A misdemeanor and must be punished pursuant to chapter 16.1-01.
 6. The district chairman of each political party represented on the election board may appoint poll checkers to a polling place, provided the poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties. Poll challengers must be qualified electors of the district in which they are assigned.
 7. No poll challenger or checker may be a member of the election board.
 8. The district chairman shall notify the county auditor of each county contained in the legislative district one day before the day of the election of the names of individuals whom the district chairman has appointed to serve as poll challengers and poll checkers in the precincts in the legislative district.

NDCC CHAPTER 16.1-11
Nominations for Office – Primary Election
 Related Excerpts

16.1-11-05.1. Participation in endorsements for nomination. No person may participate directly or indirectly in the endorsement for nomination of more than one person for each office to be filled, except a person may sign a petition for placement of a candidate's name on the primary ballot:

1. For more than one person for each office for an office not under party designation.
2. For more than one person for each office for an office under party designation only if all the candidates for whom the person signs a petition for an office are running under the same party designation.

Except for persons allowed to seek nomination to more than one office pursuant to section 16.1-12-03, no person may accept endorsement for nomination by certificate or petition to more than one office. No political party is entitled to endorse for nomination by certificate more than one set of nominees.

16.1-11-06. State candidate's petition or political party certificate of endorsement required to get name on ballot - Contents - Filing.

1. Every candidate for United States senator, United States representative, a state office except the office of state senator or state representative, and judges of the supreme and district courts shall present to the secretary of state, between the first date candidates may begin circulating nominating petitions according to this chapter and before four p.m. of the sixtieth day before any primary election, either:

- a. The certificate of endorsement signed by the state chairman of any legally recognized political party containing the candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, and the party which the candidate represents; or
- b. The nominating petition containing the following:
 - (1) The candidate's name, post-office address, and telephone number, and the title of the office to which the candidate aspires, the appropriate district judgeship number if applicable, and whether the petition is intended for nomination for an unexpired term of office if applicable.
 - (2) The name of the party the candidate represents if the petition is for an office under party designation.
 - (3) The signatures of qualified electors, the number of which must be determined as follows:
 - (a) If the office is under party designation, the signatures of three percent of the total vote cast for the candidates of the party with which the candidate affiliates for the same position at the last general election. However, no more than three hundred signatures may be required.
 - (b) If there was no candidate of a party for a position at the preceding general election, at least three hundred signatures.
 - (c) If the office is under the no-party designation, at least three hundred signatures.
 - (4) The mailing address and the date of signing for each signer.

(2) If the petition or certificate of endorsement is for the office of governor or lieutenant governor, the petition or certificate must contain the names and other information required of candidates for both those offices. If the petition or certificate of endorsement is mailed, it must be in the possession of the secretary of state before four p.m. of the sixtieth day before the primary election.

16.1-11-09. Form of certificate of endorsement. A certificate of endorsement filed with the proper officer as provided in this chapter must be in substantially the following form:

CERTIFICATE OF ENDORSEMENT

I, _____, do certify that I am the state (district) chairman of the _____ political party of the _____ legislative district (if appropriate) of the state of North Dakota and that _____ (insert name of endorsee), residing at _____, was duly endorsed for nomination to the office of _____ on the _____ day of _____, by the _____ political party of the _____ legislative district (if appropriate), duly convened and organized in accordance with the bylaws of the _____ political party and the laws of this state, and do hereby request _____ name be printed upon the ballot as a candidate for nomination to the office of _____ at the forthcoming primary election to be held on _____ of this year.

Dated this _____ day of _____.

(signature of state or district chairman)

16.1-11-10. Applicant's name placed upon ballot - Affidavit to accompany petition. Upon receipt by the secretary of state of the petition or certificate of endorsement provided for in section 16.1-11-06 accompanied by the following affidavit, the secretary of state shall place the applicant's name upon the primary election ballot in the columns of the applicant's party as hereinafter provided. The affidavit must be substantially as follows:

State of North Dakota)
) ss.
County of _____)

I, _____, being sworn, say that I reside in the county of _____ and state of North Dakota; that I am a candidate for nomination to the office of _____ to be chosen at the primary election to be held on _____, _____, and I request that my name be printed upon the primary election ballot as provided by law, as a candidate of the _____ party for said office. I am requesting that my name be listed on the ballot as I have identified my ballot name below. I understand that nicknames are allowed as part of my ballot name, but titles and campaign slogans are not permissible. I have reviewed the requirements to hold office and I certify that I am qualified to serve if elected.

Ballot name requested

Candidate's signature

Subscribed and sworn to before me on _____, _____.

Notary Public

NOTARY SEAL

My Commission Expires _____

16.1-11-11. County and legislative district candidates' petitions - Filing - Contents. Every candidate for a county or legislative district office shall present, between the first date candidates may begin circulating nominating petitions according to this chapter and before four p.m. of the sixtieth day before any primary election, to the county auditor of the county in which the candidate resides either:

1. A certificate of endorsement signed by the district chairman of any legally recognized political party containing the candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, and the party that the candidate represents; or
2. A petition containing the following:
 - a. The candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, the appropriate district number if applicable, and whether the petition is intended for nomination for an unexpired term of office if applicable.
 - b. The name of the party the candidate represents, only if it is a petition for an office that is under party designation.
 - c. The signatures of qualified electors, the number of which must be determined as follows:
 - (1) If the office is a county office, the signatures of not less than two percent and not more than five percent of the total vote cast for the office at the most recent general election at which the office was voted upon.
 - (2) If the office is a county office and multiple candidates were elected to the office at the preceding general election at which the office was voted upon, the signatures of not less than two percent and not more than five percent of the votes cast for all candidates divided by the number of candidates that were to be elected to that office.

- (3) If the office is a county office and no candidate was elected or no votes were cast for the office at any general election, the number of signers equal to the percentage as provided in paragraph 1 applied to the total average vote cast for the offices of sheriff and county auditor at the most recent general election at which those officers were elected in the petitioner's county. This average must be determined by dividing by two the total vote cast for those offices.
 - (4) If the office is a legislative office, the signatures of at least one percent of the total resident population of the legislative district as determined by the most recent federal decennial census.
 - (5) In no case may more than three hundred signatures be required.
- d. The mailing address and date of signing for each signer.

If the petition or certificate of endorsement is mailed, it must be in the possession of the county auditor before four p.m. on the sixtieth day before the primary election.

16.1-11-18. Party committees to fill vacancy occurring in nomination for party office.

1. If a vacancy occurs in any party certificate of endorsement at the primary election for any state or legislative district office, the proper state or district executive committee of the political party may fill the vacancy by filing another certificate of endorsement with the proper officer as provided in sections 16.1-11-06 and 16.1-11-11.
2. If no party endorsement has been made by certificate and a vacancy occurs in a slate of candidates seeking party nomination by petition at the primary election, the proper state or district executive committee may fill the vacancy by filing a certificate of endorsement with the proper officer as provided in sections 16.1-11-06 and 16.1-11-11.
3. If party endorsements by certificate have been made for any state or district office and a vacancy occurs in the slate of persons seeking nomination at the primary election because of the unavailability of the person who is seeking nomination by petition, that vacancy may not be filled except by petition.
4. If a vacancy occurs in a slate of statewide candidates after the candidates have been nominated at the primary election, the proper state executive committee may fill any vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state a certificate setting forth the cause of the vacancy, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and any further information as may be required to be given in an original certificate of nomination. When such a certificate is filed, the secretary of state shall certify the new nomination and the name of the person who has been nominated to fill the vacancy in place of the original nominee to the various auditors. If the secretary of state already has forwarded the certificate, the secretary of state forthwith shall certify to the auditors the name and address of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the person for whom the new nominee is substituting. Failure to publish the name of a new nominee does not invalidate the election.
5. If a vacancy occurs in a slate of legislative candidates after the candidates have been nominated at the primary election, the proper district executive committee may fill the vacancy by filing a certificate of nomination with the county auditor of the new nominee's county of residence. The chairman and secretary of the committee shall make and file with the county auditor of the new nominee's county of residence a certificate setting forth the cause of the vacancy, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and any further information as may be required to be given in an original certificate of nomination. When the certificate is filed, the county auditor of the new nominee's county of residence shall certify the new nomination to the various auditors affected by the change and to the secretary of state by forwarding to them the name of the person who has

been nominated to fill the vacancy in place of the original nominee. The certification must include the name and address of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the person for whom the new nominee is substituting. Failure to publish the name of a new nominee does not invalidate the election.

6. A vacancy in a nomination following a primary election may not be filled according to subsections 4 or 5 unless the nominated candidate:
 - a. Dies;
 - b. Would be unable to serve, if elected, as a result of a debilitating illness;
 - c. Ceases to be a resident of the state or an individual nominated for legislative office will not be a resident of the legislative district at the time of the election; or
 - d. Ceases to be qualified to serve, if elected, as otherwise provided by law.

Vacancies to be filled according to the provisions of this section may be filled not later than sixty days prior to the election.

16.1-11-30. Separate column 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 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 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 the petition is mailed, it 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 are entitled to organize according to the requirements of chapter 16.1-03.

NDCC CHAPTER 16.1-13 **General Elections** Related Excerpts

16.1-13-09. Resignation of members of legislative assembly after certificate of election. Any person who receives a certificate of election as a member of the legislative assembly may resign such office although the person may not have entered upon the execution of the duties thereof nor taken the requisite oath of office.

16.1-13-10. Vacancy existing in office of member of legislative assembly.
1. If a vacancy in the office of a member of the legislative assembly occurs, the county auditor of the county in which the former member resides or resided shall notify the chairman of the legislative council of the vacancy. The county auditor need not notify the chairman of the legislative council of the

resignation of a member of the legislative assembly when the resignation was made under section 44-02-02. Upon receiving notification of a vacancy, the chairman of the legislative council shall notify the district committee of the political party that the former member represented in the district in which the vacancy exists. The district committee shall hold a meeting within twenty-one days after receiving the notification and select an individual to fill the vacancy. If the former member was elected as an independent candidate or if the district committee does not make an appointment within twenty-one days after receiving the notice from the chairman of the legislative council, the chairman of the legislative council shall appoint a resident of the district to fill the vacancy. Except as provided in subsection 2, if eight hundred twenty-eight days or more remain until the expiration of the term of office for that office, the individual appointed to fill the vacancy shall serve until a successor is elected at and qualified following the next general election or special election called by the governor according to subsection 2 to serve for the remainder of the term of office for that office.

2. The qualified electors of a legislative district in which a vacancy in the legislative assembly occurs may petition for a special election to be called by the governor to fill the vacancy. The petition must include the signatures of qualified electors equal in number to four percent of the resident population of the legislative district as determined by the last federal decennial census and must be presented to the secretary of state within thirty days following an appointment being made according to subsection 1. If the secretary of state determines the petition contains the required number of signatures of qualified electors of the affected legislative district, the secretary of state shall notify the governor that a special election is required to be called to fill the vacancy. Upon receiving such notice, the governor shall issue a writ of election directed to the county auditor of each affected county commanding the county auditor to hold a special election to fill the vacancy at a time designated by the governor. A special election under this section must conform to the applicable election deadlines found in this title and may be called to coincide with a regularly scheduled primary or general election provided the special election is called by the fifteenth day before the deadline for candidates to file for office before a regularly scheduled primary or general election. A special election under this section may not be scheduled to occur during the time from a general election through eighty days following the adjournment of the next ensuing regular session of the legislative assembly.

3. The secretary of state must be notified of an appointment made by a district committee or the chairman of the legislative council according to this section. Upon notification, the secretary of state shall issue the appointee a certificate of appointment and an oath of office for the appointee to complete and file with the secretary of state.

16.1-13-12. Notice of special election. A notice of a special election and the copy of the sample ballot must be issued and published in substantially the form and manner prescribed by section 16.1-13-05.

16.1-13-13. Canvassing and returning votes cast at elections to fill vacancies. Votes cast at special elections must be canvassed and returned as provided for primary and general elections, and the county auditor within eight days shall forward to the secretary of state the abstracts of the same.

16.1-13-14. Special election to fill vacancies - Party committee to call convention to nominate - Individual nominations. If a special election is called to fill a vacancy in any office for which a party nomination may be made, the proper party committee shall call a convention to make a party nomination for such office, and the precinct committeemen of the district must be duly convened and shall elect the required number of delegates to such convention. Individual nominations for special elections must be made in accordance with the provisions of chapter 16.1-12.

16.1-13-15. Notice of holding convention for special election - Manner of giving. Public notice of such a nominating convention must be given at least six days before the holding of the convention by publication in the official newspaper in the county or counties in which the election will be held. Such nomination must be made by delivering to and leaving with the officer charged with directing the printing of the ballots upon which the name is to be placed, within the time prescribed in this title, a certificate of nomination for each candidate.

16.1-13-16. Basis of representation at convention - How determined. The basis of representation of delegates to a convention, unless otherwise provided by law, must be fixed and determined by the authorized district or state committee of each political party entitled by law to make nominations for office by delegate convention.

16.1-13-17. Certificate of nomination by convention - Contents - Delivery. All nominations made by a convention as provided in this chapter must be certified. The certificates of nomination must be in writing and must contain all of the following:

1. The name of each person nominated, that person's post-office address, and the office for which that person is nominated, the legislative district number if applicable, and whether the certificate is intended for an unexpired term of office.
2. A designation in not more than five words of the party or principle which the convention represents.
3. The signature, post-office address, and verification of the presiding officer and secretary of the convention.

The certificate as prescribed in this section must be delivered by the secretary or president of the convention by registered or certified mail or in person, without charge, to the secretary of state or the county auditor, as the case may be.

16.1-13-18. Two or more organizations filing certificates representing same party - Secretary of state to determine authorized organization - Review of determination. If two or more organizations claiming or purporting to represent the same political party shall file certificates of nomination under the same party designation, or if the certificates indicate that the nominations were made by any person or organization representing the same political party, the secretary of state, within the time prescribed by law for certifying state nominations to the county auditor, shall determine from the best available sources of information which organization filing the certificates is the legally authorized representative of the party. The decision of the secretary of state in determining which organization is the legally authorized representative of the party is subject to review by the district court in a proper action instituted for such purpose.

Political Party Organization Related Forms

Forms are available from the Secretary of State's Fax-on-Demand service at (701) 328-0120 and the Secretary of State's web site at www.nd.gov/sos/electvote/. The Fax-on-Demand service will fax the forms directly to the requestor's fax machine. Additional information and assistance are available by contacting the Elections Unit by phone at (701) 328-4146 or (800)352-0867, via email to soselect@nd.gov or in writing to Secretary of State, Elections Unit, 600 East Boulevard Avenue, Dept. 108, Bismarck, ND 58505-0500.

Petition to Establish a Political Party (SFN 17700): To establish a political party for the purposes of securing space in a consolidated column on a primary election ballot according to North Dakota law, a petition signed by at least 7,000 qualified North Dakota electors must be filed with the Secretary of State. The petition must include:

- The name of the political party
- The platform principles of the political party; and
- A request that the party's candidates are included on the state's primary election ballot in a consolidated column.

Roster of State Political Party Officers (SFN 51435): The Roster of State Political Party Officers (SFN 51435) is to list all officers at the state level. It is to include contact information for the state party headquarters. Any changes in the state party officers must be submitted to the Secretary of State in a timely manner.

Attachment #2

County	Legislative District	# of Precincts w/in each leg. district w/in each county	Number of precincts in each district
Williams		1	4
Burke		2	6
Mountrail		2	3
Williams		2	11
Ward		3	7
McKenzie		4	2
McLean		4	1
Mercer		4	1
Mountrail		4	6
Ward		4	6
Ward		5	3
Bottineau		6	5
McHenry		6	8
Renville		6	5
Burleigh		7	6
Burleigh		8	6
McLean		8	1
Rolette		9	5
Cavalier		10	1
Pembina		10	6
Walsh		10	1
Cass		11	2
Divide		12	4
Stutsman		12	5
Cass		13	3
Benson		14	4
Kidder		14	6
Pierce		14	8
Sheridan		14	1
Wells		14	6
Ramsey		15	4
Towner		15	3
Cass		16	3
Grand Forks		17	5
Grand Forks		18	7
Grand Forks		19	4
Walsh		19	1
Cass		20	1
Grand Forks		20	2
Traill		20	12
Cass		21	2
Cass		22	8
Benson		23	4
Eddy		23	4
Griggs		23	5
Nelson		23	1
Steele		23	5
Barnes		24	15
Cass		24	2
Ransom		24	2
Cass		25	2
Richland		25	10
Dickey		26	2
Ransom		26	2
Richland		26	5
Sargent		26	5
Cass		27	3
Burleigh		28	3
Dickey		28	1
Emmons		28	5
LaMoure		28	1
Logan		28	5
McIntosh		28	6
Foster		29	6
LaMoure		29	3
Stutsman		29	7

Burleigh	30	4	4
Grant	31	4	
Hettinger	31	2	
Morton	31	6	
Sioux	31	6	18
Burleigh	32	7	7
Mercer	33	13	
Morton	33	3	
Oliver	33	7	23
Morton	34	5	5
Burleigh	35	6	6
Dunn	36	3	
Hettinger	36	2	
Morton	36	2	
Stark	36	7	14
Stark	37	1	1
Ward	38	8	8
Adams	39	1	
Billings	39	3	
Bowman	39	4	
Dunn	39	3	
Golden Valley	39	1	
McKenzie	39	10	
Slope	39	3	25
Ward	40	3	3
Cass	41	2	2
Grand Forks	42	4	4
Grand Forks	43	5	5
Cass	44	2	2
Cass	45	3	3
Cass	46	3	3
Burleigh	47	4	4

Kasper, Jim M.

From: Montplaisir, Michael <MontplaisirM@casscountynd.gov>
Sent: Tuesday, April 23, 2013 9:37 AM
To: Kasper, Jim M.; Schaible, Donald G.; Dever, Dick D.; Nelson, Carolyn C.; Boehning, Randy G.; Amerman, Bill D.; Kasper, Jim M.; Carlson, Al H.; Wardner, Rich P.; Klein, Jerry J.; Hogue, David J.; Holmberg, Ray E.; Sitte, Margaret A.; Armstrong, Kelly
Subject: RE: Senate Bill 2369 Conference Committee Report--REPLY FROM REP. JIM KASPER--4/23/13==REPLY FROM REP. JIM KASPER
Attachments: District41.pdf

As a county auditor I have not been briefed on the Secretary of State's plan to basically take over elections, but at any rate the state has not purchased this new wonder system and we have to deal with what we have. The counties don't have the funds to buy all new systems. Here is an example of District 41 redrawn as your proposal suggests, not very perty, the current district is divided into two precincts, north of 32nd Avenue is one precinct and south of 32nd is the other precinct. So yes we have the technology to draw the precinct lines. Representative Carlson, is this along the lines of what you would like done to your district, it is what happens when you try to set population limits or number of precincts as a criteria.

Michael Montplaisir CPA
Cass County Auditor
montplaisirm@casscountynd.gov
701-241-5627

From: Kasper, Jim M. [mailto:jkasper@nd.gov]
Sent: Tuesday, April 23, 2013 7:56 AM
To: Montplaisir, Michael; Schaible, Donald; Dever, Dick; Nelson, Carolyn C.; Boehning, Randy G.; Bill Amerman; Kasper, Jim M.; Carlson, Al H.; Wardner, Rich; Klein, Jerry; Hogue, David; Holmberg, Ray; Sitte, Margaret; Armstrong, Kelly
Subject: FW: Senate Bill 2369 Conference Committee Report--REPLY FROM REP. JIM KASPER--4/23/13==REPLY FROM REP. JIM KASPER

From: Kasper, Jim M.
Sent: Monday, April 22, 2013 6:41 PM
To: Kasper, Jim M.
Subject: RE: Senate Bill 2369 Conference Committee Report--REPLY FROM REP. JIM KASPER--4/23/13==REPLY FROM REP. JIM KASPER

Mr. Montplaisir: (CAPITAL LETTERS FOR EMPHASIS ONLY)

Thank you for the explanation of what Legislation has been proposed in your recent email. I will discuss the points you made in it in this email.

One of the issues that SB 2369 addresses is to simply set forth the population threshold for precincts. SB 2369 has nothing to do with the number of polling places, ballots rotation, etc. In your email, you imply that if a District has a minimum of 6 precincts, you will have trouble finding disability accessible polling places, poll workers, etc. SB 2369

allows the County Auditor to TOTALLY DETERMINE THE NUMBER OF POLLING PLACES--PERIOD. So, your concerns about number of polling places, finding workers, etc. are not legitimate.

LET ME REITERATE---YOU WOULD NOT HAVE TO CHANGE A SINGLE POLLING PLACE THAT CASS COUNTY OR ANY COUNTY CURRENTLY HAS---LOCATION OR NUMBER--IF SB 2369 PASSES. SB 2369 HAS NOTHING WHATSOEVER TO DO WITH THE NUMBER OF POLLING PLACES OR THE LOCATION OF POLLING PLACES.

NOR DOES SB 2369 HAVE ANYTHING WHATSOEVER TO DO WITH ROTATION ON THE BALLOT. Current law determines rotation on the ballot---NOT SB 2369.

Regarding ballot styles and number of ballots. In visiting with Jim Silrum, the Deputy Secretary of State, Jim informs me that the Secretary of State's office will most likely be implementing a whole new computerized voting system in 2016. This software currently exists, so it is not speculation. It will allow a Voter to come to the polling place--present proper identification and have the poll worker/judge enter the Voter information into the computer---AND THE COMPUTER WILL PRINT THE CORRECT BALLOT FOR THE VOTER--CORRECT PRECINCT AND BALLOT ROTATION INCLUDED.

So, in a few years, ALL of your concerns about number of ballots, ballot style and election costs will be addressed when the Secretary of State initiates the new COMPUTERIZED voting system here in North Dakota. What a beautiful thing technology is.

Additionally, the Secretary of State has volunteered to work with and assist any county auditor to update precinct lines if they desire the assistance. The software that we used for re-districting is very much able to determine the amount of population in any area of any district. So, any assistance needed here will be available.

I am thrilled to learn that you are not contemplating going to an all - mail system of voting in Cass County. (Unfortunately, current law allows county commissioners the ability to require that a county go to all mail balloting). Your statement that "we strive to give out voters as much access to the polls as they need" again HAS NOTHING WHATSOEVER TO DO WITH SB 2369. If you are happy with your current method of voting YOU CAN KEEP IT 100%. SB 2369 DOES NOT CHANGE THIS.

What is very interesting to me is that of the 20 Districts in North Dakota who have less than 6 precincts---9 of them -- almost 50%, are in Cass County. It seems that most of the other North Dakota county auditors recognize the value of multiple precincts. It is interesting that you have determined that the following Districts in Cass County have the following number of Precincts:

1. District 11..... 2--- Precincts
2. District 13..... 3 ---Precincts
3. District 16..... 3---Precincts
4. District 21..... 2---Precincts
5. District 22..... 8---Precincts
6. District 27..... 3---Precincts
7. District 41..... 2---Precincts
8. District 44..... 2---Precincts
9. District 45..... 3---Precincts
10. District 46..... 3---Precincts

North Dakota has long been a state that values the voice, participation and rights of the people. This is critically important, at the grass roots level. In order for voters to meet and organize with their neighbors, as part of our political process, we must have local precincts of a similar size to ensure equal representation, state-wide, and to allow for this critical, local involvement. That's what precincts were created for, in the first place, but now in some areas, the precinct populations are so large that any such local organization would be unwieldy if not, effectively, impossible.

Because North Dakota does not have voter registration, a small increase in the number of precincts in a District is a most helpful tool to ALL POLITICAL PARTIES and to facilitate the local involvement of our state's citizens and voters.

A tremendous amount of effort has gone into SB 2369 with a number of Legislators and others involved. It took 10 amended updates to get to the finished amendment. It has had many eyes and suggestions to get to the final version. SB 2369 is a total clean up and language simplification of North Dakota's political party organization and other extremely important amendments that the Secretary of State believes are need. In fact, Jim Silrum stated in conference committee last Friday that he felt SB 2369 is the most important piece of Legislation this session to accomplish the clean up the Secretary of State feels is needed in North Dakota election law.

I will do all I possibly can to see to it that the ND Legislature passes SB 2369 before we adjourn. It would be great if you decided to do so as well.

Rep. Jim Kasper

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13.8257.03012

SECOND ENGROSSMENT

Sixty-third
Legislative Assembly
of North Dakota

REENGROSSED SENATE BILL NO. 2369

Introduced by

Senators Dever, Schaible

1 A BILL for an Act to create and enact a new section to chapter 16.1-03 of the North Dakota
 2 Century Code, relating to political party organization; to amend and reenact sections
 3 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,
 4 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
 5 the North Dakota Century Code, relating to political party organization, voting precincts, and
 6 primary election ballot access ~~and eligibility for minor political parties~~; and to repeal sections
 7 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party
 8 organization.

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

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

12 **Organizations allowed to nominate statewide and legislative candidates.**

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

- 16 1. Organized according to all requirements of this chapter;
- 17 2. Had printed on the ballot at the last preceding general election the names of a set of
 18 presidential electors pledged to the election of the party's candidate for president and
 19 vice president, a candidate for governor, a candidate for attorney general, or a
 20 candidate for secretary of state and those candidates for presidential electors,
 21 governor, attorney general, or secretary of state received at least five percent of the
 22 total vote cast for presidential electors, the office of governor, attorney general, or
 23 secretary of state within this state at that election and organized according to all
 24 requirements of this chapter; or

1 3. Filed a petition with the secretary of state signed by the number of electors required
2 under section 16.1-11-30 to qualify to endorse candidates or to have candidates
3 petition to be included on the primary election ballot in a consolidated column or on a
4 special election ballot.

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

7 **16.1-03-01. Precinct caucus to elect precinct committeemen - Time and manner of**
8 **holding - Caucus call - Notice.**

9 1. Each legislative district party shall organize in conformance with the state legislative
10 district boundaries as established by the legislative assembly and as set forth under
11 chapter 54-03.

12 2. On or before May fifteenth following the last preceding general election, a party
13 caucus must be held by every election precinct at a site within or reasonably close to
14 the precinct in the manner provided in sections 16.1-03-01 through 16.1-03-03.

15 ~~2.3.~~ The legislative district chairman of each party shall ~~issue the call~~ set the date and time
16 for the precinct caucus ~~at least twenty days before the time set for holding the caucus~~
17 ~~and the~~. If there is not a district chairman in a legislative district, the state party
18 executive committee may issue the call for the precinct caucus. The call must contain
19 the following:

20 a. Name of party.

21 b. ~~Precinct~~ legislative district and precinct number or name.

22 c. Date of caucus.

23 d. Place of caucus.

24 e. Hours of caucus.

25 f. A statement of the business to be conducted, including the election of precinct
26 committeemen and such other ~~persons~~ individuals as may be provided by state
27 law and district party ~~rules~~ bylaws.

28 g. The name of the district chairman or, if there is not a district chairman, the
29 member of the state party executive committee issuing the call.

30 ~~3.4.~~ The district chairman or, if there is not a district chairman, the state party executive
31 committee shall provide ten days' published notice in the official newspaper in

1 circulation within each precinct in the district. The notices must contain that information
2 set forth in subsection ~~23~~. The ~~district chairman may include the~~ information required
3 by this section for all precincts in the district may be included in one notice for
4 publishing purposes.

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

7 **16.1-03-02. Who may participate in and vote at caucus.**

- 8 1. Only those ~~persons~~individuals who are qualified electors ~~pursuant to~~under section
9 16.1-01-04 may vote or be elected as committeemen or officers at the precinct
10 caucus.
11 2. Only those ~~persons~~individuals who either voted or affiliated with the party at the last
12 general election or intend to ~~vote or~~ affiliate with the party and vote with the party at
13 the next ~~general~~ election may vote at the precinct caucus.
14 3. In case the right of ~~a person~~an individual to participate at the caucus is challenged, the
15 question of the ~~person's~~individual's right to participate must be decided by a vote of
16 the whole caucus. ~~A person~~An individual so challenged may not vote on the question
17 of the ~~person's~~individual's right to participate in the caucus, and a two-thirds vote of
18 the whole caucus is required to exclude ~~a person~~an individual from participation.
19 4. ~~No person~~An individual may not vote or participate at more than one precinct caucus
20 in any one year.

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

23 **~~16.1-03-03. Caucus business and elections~~ – Political parties entitled to elect**
24 **committeemen.**

- 25 1. ~~Each precinct caucus shall elect a chairman, committeemen as provided in~~
26 ~~subsection 3, and other officers as may be provided by party rules. The caucus may~~
27 ~~also discuss party policies, candidates, and any other business as prescribed by party~~
28 ~~rules.~~
29 ~~2. No~~A political organization is entitled to elect a precinct committeeman at its precinct
30 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.

~~2.2.~~ Each political party in each voting precinct of this state, otherwise qualifying under subsection ~~2~~1, 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 ~~2~~1. 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~~may 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. ~~The~~Any ~~incumbent members of the legislative assembly from the party, the precinct~~

1 committeemen of a party, selected as provided by this chapter, ~~with~~and any other
2 ~~persons~~individual provided for by the district committee's bylaws ~~and as the district~~
3 ~~committee designates~~, constitute the district committee of the party. The district
4 committee of a party must be organized to coincide with the geographical boundary
5 lines of state legislative districts. Each member of any committee provided for in this
6 chapter must be a qualified elector ~~and must retain the office the member was elected~~
7 ~~to until a successor is chosen.~~

8 2. ~~The district committee shall organize by:~~

9 ~~a. Selecting a chairman, vice chairman, secretary, and treasurer chosen by~~precinct
10 ~~committeemen and the party's incumbent members of the legislative assembly~~
11 ~~from the district shall select the officers of the district committee. The officers~~
12 ~~selected, as provided by the district party bylaws, need not be precinct~~
13 ~~committeemen; however, all the officers must be voting members of the district~~
14 ~~committee. The district committee shall forward to the state committee the name~~
15 ~~and contact information of the district committee chairman.~~

16 ~~b. Adopting rules and modes of procedure not in conflict with law.~~

17 ~~c. Filling any vacancies in the office of precinct committeeman pursuant to section~~
18 ~~16.1-03-05.~~

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

25 ~~2.3. If the office of chairman becomes vacant, the vice chairman shall hold the office until~~
26 ~~the next regular election for the office or until a new chairman is selected by the district~~
27 ~~committee for the balance of the term, whichever occurs first~~vacancy may be filled as
28 ~~provided by the district party bylaws.~~

29 4. ~~The bylaws of the state committee or state party may not include any requirement~~
30 ~~providing directives or procedures for the method of the organization of district~~
31 ~~committees nor may the state committee or state party take any action or impose any.~~

1 requirement regarding district party organization which is not consistent with this
2 chapter.

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

5 **16.1-03-08. State committee - Membership.**

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

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

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

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

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

1 **16.1-03-14. ~~When state party convention held and duties of state~~ State party**
2 **convention.**

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

8 ~~1. a.~~ a. Nominate the legal number of ~~candidates~~ qualified electors for its party for the
9 offices of presidential electors.

10 ~~2. b.~~ b. Elect the required number of delegates and alternates to the national party
11 convention ~~as provided by the party's bylaws or national party rules.~~

12 ~~3. Conduct other business as shall come before the convention.~~

13 c. Endorse candidates as provided under subsection 2.

14 2. The candidate or candidates for endorsement or election must be declared endorsed
15 or elected ~~pursuant to~~ under the rules of the party ~~involved~~, and the chairman and
16 secretary of the convention shall issue certificates of endorsement as provided in
17 section 16.1-11-06 or certificates of election. The names of the ~~candidates~~ qualified
18 electors nominated for presidential electors ~~with the surname of the presidential~~
19 ~~candidate~~ the party wishes to place on the general election ballot must be certified by
20 the chairman and secretary of the convention to the secretary of state by four p.m. on
21 the sixtieth day before the general election to be placed upon the general election
22 ballot as provided in section 16.1-06-07.1.

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

25 **16.1-03-17. Political party reorganization after ~~apportionment~~ redistricting.**

26 If ~~apportionment~~ redistricting of the legislative assembly becomes effective after the
27 organization of political parties as provided in this chapter and before the primary or the general
28 election, the ~~secretary of state shall establish a timetable for the reorganization of the parties as~~
29 ~~rapidly as possible before the ensuing election. When the timetable is established, the secretary~~
30 ~~of state shall notify all the county auditors of the timetable and of the details of the legislative~~
31 ~~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:

~~1. 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

1 precinct if a majority of the governing body of the city agrees to assume such
2 jurisdiction. The governing body of a city, by majority vote, may return jurisdiction
3 granted herein to the county and the county shall accept that jurisdiction.

4 2. Notwithstanding any other provision of law, each legislative district must be divided
5 into at least five precincts that are as close to equal in population as is practicable. In
6 any legislative district that comprises more than one county, the boards of county
7 commissioners of the counties within that legislative district shall cooperate to ensure
8 that the legislative district is composed of at least five precincts.

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

11 **16.1-06-04. Form and quality of ballots generally.**

12 All official ballots prepared under this title must:

- 13 1. Be printed on uniform quality and color of paper in an ink color suitable to make the
14 ballot clearly legible and compatible with the electronic voting system requirements
15 necessary to tabulate the votes.
- 16 2. Be of sufficient length to contain the names of all candidates to be voted for at that
17 election.
- 18 3. Have the language "Vote for no more than _____ name (or names)" placed
19 immediately under the name of each office.
- 20 4. Have printed thereon "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 5. Leave sufficient space for each office to write a name, or names, as the case may be,
26 in lieu of those printed on the ballot.
- 27 6. Immediately preceding and on the same line as the name of each candidate must be
28 printed an oval in which the voter is to mark the voter's choice by darkening the oval
29 next to the name of the candidate chosen.
- 30 7. Provide ~~two~~ text boxes ~~in at~~ the bottom ~~right-hand corner~~ of the first side of the ballot.
31 The ~~first~~ text box at the bottom of the first column is to contain the words "All ballots,

1 ~~other than those used to vote absentee, must first be initialed by appropriate election~~
2 ~~officials in order to be counted~~ Official Ballot, the name of the county, the name or
3 number of the precinct, and the date of the election." The ~~second~~ text box is to contain
4 the words "~~Official Ballot~~All ballots, other than those used to vote absentee, must first
5 be initialed by appropriate election officials in order to be counted", ~~the name of the~~
6 ~~county, the name or number of the precinct, the date of the election, and,~~ The text box
7 at the bottom of the third column is to contain the word "initials" ~~preceding~~preceded by
8 a blank line where the judge or inspector shall initial the ballot.

<p>9 All ballots, other than 10 these used to vote absentee, 11 must first be initialed by 12 appropriate election officials 13 in order to be counted</p>	<p>Official Ballot _____ County _____ Precinct (Date of the Election) Initials _____</p>
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14 Any precinct that uses an electronic counting machine may require the use of a particular
15 writing instrument to mark the ballot so the ballots may be properly counted.

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

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

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

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

- 26 1. The ballot must be entitled the "consolidated primary election ballot".
- 27 2. Each political party or principle having candidates at the primary election must have a
28 separate ~~column~~section on the ballot.
- 29 3. At the head of each column must be printed the name of the political party or principle
30 which it represents.

- 1 4. ~~In each column below~~Spanning the columns containing the political party ballot and
2 prior to the party names or principle titles titles must be printed: "YouIn a Political Party
3 Primary Election, you may only vote for the candidates of ~~only~~ one political party ~~at the~~
4 primary election. This ballot contains the number of political parties or principles and a
5 description of where the political parties or principles are to be found in the columns
6 below. If you ~~cast votes~~vote in more than one ~~party column and vote for candidates of~~
7 ~~more than one political party~~political party's section, your political party ballotPolitical
8 Party Ballot will be rejected; however, all votes on the No Party and Measure Ballots
9 will still be counted."
- 10 5. Immediately below the warning against voting for candidates of more than one political
11 party must be printed: "To vote for the candidate of your choice, you must darken the
12 oval ~~opposite~~next to the name of ~~the~~that candidate. To vote for a person whose name
13 is not printed on the ballot, you must darken the oval next to the blank line provided
14 and write that person's name inon the blank ~~space provided for that purpose and~~
15 ~~darken the oval opposite the space provided~~line."
- 16 6. The offices specified in section 16.1-11-26 must be arranged in each ~~column~~section
17 with the name of each office in the center of each political party ~~column~~section at the
18 head of the names of all the aspirants for the office.
- 19 7. Immediately under the name of each office must be printed: "Vote for no more than
20 _____ name (or names)."
- 21 8. Immediately preceding and on the same line as the name of each aspirant must be
22 printed an oval in which the voter is to mark the voter's choice by darkening the oval
23 next to the name of the candidate chosen.
- 24 9. The political party or principle which cast the largest vote for governor at the most
25 recent primary election at which the office of governor was voted upon must have the
26 ~~left hand column~~first section, and the political party or principle casting the next largest
27 vote must have the ~~next column~~second section, and so on.
- 28 The judges and the inspector of elections shall inform each elector at the primary, before voting,
29 that if the voter votes for candidates of more than one political party the voter's political party
30 ballot will be rejected.

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

3 **16.1-11-30. ~~Separate column~~Section on primary election ballot required for each**
4 **political party.**

5 Any party that had printed on the ballot at the last preceding presidential election the names
6 of a set of presidential electors pledged to the election of the party's candidates for president
7 and vice president or a candidate for governor and those candidates for presidential electors or
8 governor received at least five percent of the total vote cast for presidential electors or the office
9 of governor within this state at that election; any party that had printed on the ballot at the last
10 preceding nonpresidential election a candidate for attorney general or secretary of state, and
11 the candidate received at least five percent of the total vote cast for the office the candidate was
12 seeking at the election; or any party that has organized according to all the requirements of
13 chapter 16.1-03 must be provided with a separate ~~column~~section on primary election ballots.

14 Any other political organization is entitled to endorse candidates or have candidates petition
15 to be included on the primary ballot in a ~~consolidated column or on a special~~separate section of
16 the consolidated primary election ballot, if a petition signed by at least seven thousand qualified
17 electors of this state is filed with the secretary of state before four p.m. of the sixtieth day before
18 a primary or special election, naming the political organization, stating the platform principles of
19 the party, and requesting the names of its candidates to be included on the state's primary ballot
20 in a ~~consolidated column. If~~separate section. Political organizations that are granted ballot
21 access under this section are allowed ballot access only for those offices for which the
22 organization has identified candidates. Regardless of the means by which the petition is mailed,
23 it delivered, the original must be in the possession of the secretary of state before four p.m. on
24 the sixtieth day prior to a primary or special election. Candidates of that party are entitled to the
25 same rights and privileges as those of other parties. Petitions circulated according to this
26 section must be filed with the secretary of state in accordance with section 1-01-50.

27 A political organization that had printed on the ballot at the last preceding presidential
28 election the names of a set of presidential electors pledged to the election of the party's
29 candidates for president and vice president or a candidate for governor and those candidates
30 for presidential electors or governor received at least five percent of the total vote cast for
31 presidential electors or the office of governor within this state at that election, and any political

1 organization that has printed on the ballot at the last preceding nonpresidential election a
2 candidate for attorney general or secretary of state, and the candidate received at least five
3 percent of the total vote cast for the office the candidate was seeking at the election are entitled
4 to organize according to the requirements of chapter 16.1-03.

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

7 **16.1-12-02. Certificates of nomination by petition - Form and contents.**

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

- 25 1. Except as provided in subsection 3, if the nomination is for an office to be filled by the
26 qualified electors of the entire state, there must be no fewer than one thousand
27 signatures.
- 28 2. If the nomination is for an office to be filled by the qualified electors of a district less
29 than the entire state, the number of signatures must be at least two percent of the
30 resident population of the district as determined by the most recent federal decennial
31 census, but in no case may more than three hundred signatures be required.

- 1 3. If the nomination is for the office of president, there must be no fewer than four
2 thousand signatures and the petition must contain the names of the presidential and
3 vice presidential candidates along with the names of the North Dakota presidential
4 electors selected from the qualified electors of North Dakota.
- 5 4. If the petition is for the office of governor or lieutenant governor, it must contain the
6 names and other required information of candidates for both those offices.

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

13.8257.03016
Title.

Prepared by the Legislative Council staff for
Representative Kasper
April 24, 2013

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2369

That the House recede from its amendments as printed on pages 1242-1248 of the Senate Journal and pages 1285-1291 of the House Journal and that Reengrossed Senate Bill No. 2369 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to"

Page 1, line 1, after "sections" insert "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,"

Page 1, line 2, after "to" insert "political party organization, voting precincts, and"

Page 1, line 2, remove "and"

Page 1, line 3, replace "eligibility for minor political parties" with "; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization"

Page 1, after line 4, insert:

"**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 2~~1~~, 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 2~~1~~. 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~~may 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. ~~The~~Any incumbent members of the legislative assembly from the party, the precinct committeemen of a party, selected as provided by this chapter, withand any other ~~persons~~individual 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 by precinct 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.~~
 - c. ~~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 committee consistent 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.~~ 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 shallSubject to party rules and bylaws, the state party convention may:
 - ~~4.~~ a. Nominate the legal number of candidatesqualified electors for its party for the offices of presidential electors.
 - ~~2.~~ 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 apportionmentredistricting.

If apportionmentredistricting 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:
 - 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."

Page 6, after line 10, insert:

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

Renumber accordingly