Sixty-third Legislative Assembly of North Dakota

## **SENATE BILL NO. 2318**

Introduced by

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Senators Unruh, Cook, Dever, Heckaman

Representatives Heller, Rohr

- 1 A BILL for an Act to amend and reenact sections 16.1-11-06, 16.1-11-10, 16.1-11-11, and
- 2 16.1-11-16, subsection 5 of section 16.1-11-18, section 16.1-12-02.1, subsection 4 of section
- 3 16.1-12-02.2, subsection 2 of section 16.1-12-04, sections 16.1-12-06 and 44-05-04 of the
- 4 North Dakota Century Code, relating to candidate filing papers; and to repeal section 16.1-11-13
- 5 of the North Dakota Century Code, relating to legislative candidate filings.

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

- **SECTION 1. AMENDMENT.** Section 16.1-11-06 of the North Dakota Century Code is amended and reenacted as follows:
- 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, including 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.

nominati

1		(2)	The	name of the party the candidate represents if the petition is for an office
2			unde	er party designation.
3		(3)	The	signatures of qualified electors, the number of which must be
4			dete	rmined as follows:
5			(a)	If the office is under party designation, the signatures of three percent
6				of the total vote cast for the candidates of the party with which the
7				candidate affiliates for the same position at the last general election.
8				However, no more than three hundred signatures may be required.
9			(b)	If there was no candidate of a party for a position at the preceding
10				general election, at least three hundred signatures.
11			(c)	If the office is under the no-party designation, at least three hundred
12				signatures.
13			<u>(d)</u>	If the office is a legislative office, the signatures of at least one percent
14				of the total resident population of the legislative district as determined
15				by the most recent federal decennial census.
16		(4)	The	mailing address and the date of signing for each signer.
17	2.	If the pet	ition o	r certificate of endorsement is for the office of governor <del>or</del> end lieutenant
18		governoi	the p	petition or certificate must contain the names and other information
19		required	of car	ndidates for both those offices. If the petition or certificate of
20		endorse	ment is	s mailed, it must be in the possession of the secretary of state before
21		four p.m.	of the	e sixtieth day before the primary election.
22	SEC	CTION 2.	MEN	<b>DMENT.</b> Section 16.1-11-10 of the North Dakota Century Code is
23	amende	d and ree	nacted	l as follows:
24	16.1	I-11-10. A	pplica	nt's name placed upon ballot - Affidavit to accompany petition.
25	Upo	n receipt l	by the	secretary of state of the petition or certificate of endorsement provided
26	for in se	ction 16.1	-11-06	accompanied by the following affidavit, the secretary of state shall
27	place th	e applican	ıt's nar	me upon the primary election ballot in the columns of the applicant's
28	party as	hereinafte	er prov	rided. The affidavit must be substantially as follows:
29	9	State of No	orth Da	akota )
30				) ss.
31	(	County of		)

1	I,, being sv	vorn, say that I reside <u>at</u>	<u> </u>				
2	of, in the county of and state of North Dakota; and zip						
3	code of; that	I am a candidate for nomination to th	e office of				
4	to be chosen at the	he primary election to be held on	,				
5	, and I request that my name be printed upon the primary election ballot as provided						
6	by law, as a candidate of the party for said office. I am requesting that my						
7	name be listed on the ballot as I have identified my ballot name below. I understand that						
8	nicknames are allowed as part of my ballot name, but titles and campaign slogans are not						
9	permissible. I have reviewed the requirements to hold office and I certify that I am qualified						
10	to serve if elected.						
11							
12		Ballot name requ	uested				
13							
14		Candidate's sign	ature				
15	Subscribed and sworn to before	ore me on,					
16							
17	Notary Public						
18	NOTARY SEAL	My Commission Expires					
19		on 16.1-11-11 of the North Dakota Ce	entury Code is amended and				
20	reenacted as follows:						
21	16.1-11-11. County and legislative district candidates' petitions - Filing - Contents.						
22	Every candidate for a county or legislative district office shall present, between the first date						
23	candidates may begin circulating nominating petitions according to this chapter and before four						
24	p.m. of the sixtieth day before any primary election, to the county auditor of the county in which						
25	the candidate resides either:						
26	1. A certificate of endorsement	signed by the district chairman of any	/ legally recognized				
27	political party containing the candidate's name, post-office address, and telephone-						
28	number, the title of the office to which the candidate aspires, and the party that the						
29	candidate represents; or						
30	<ol> <li>A, a petition containing the fo</li> </ol>	ollowing:					

1	a.1. The candidate's name, post-office address, and telephone number, the title of
2	the office to which the candidate aspires, the appropriate district number if applicable,
3	and whether the petition is intended for nomination for an unexpired term of office if
4	applicable.
5	b.2. The name of the party the candidate represents, only if it is a petition for an
6	office that is under party designation.
7	e. The signatures of qualified electors, the number of which must be determined as
8	follows:
9	(1)a. If the office is a county office, the signatures of not less than two percent
0	and not more than five percent of the total vote cast for the office at the most
11	recent general election at which the office was voted upon.
2	(2)b. If the office is a county office and multiple candidates were elected to the
3	office at the preceding general election at which the office was voted upon, the
4	signatures of not less than two percent and not more than five percent of the
5	votes cast for all candidates divided by the number of candidates that were to be
16	elected to that office.
7	(3)c. If the office is a county office and no candidate was elected or no votes
8	were cast for the office at any general election, the number of signers equal to
9	the percentage as provided in paragraph 1 applied to the total average vote cast
20	for the offices of sheriff and county auditor at the most recent general election at
21	which those officers were elected in the petitioner's county. This average must be
22	determined by dividing by two the total vote cast for those offices.
23	(4)d. If the office is a legislative office, the signatures of at least one percent of
24	the total resident population of the legislative district as determined by the most-
25	recent federal decennial census.
26	(5) In no case may more than three hundred signatures be required.
27	d-3. The <u>residential address</u> , mailing address ( <u>if different from residential address</u> ),
28	and date of signing for each signer. A post office box does not qualify as a residential
29	address. In those areas of the state where street addresses are not available, a
30	description of where the residential address is located shall be used.

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

## 16.1-11-16. Form of nominating petitions.

- 1. Each nominating petition circulated by candidates for any state, district, county, or other political subdivision office must include or have attached the following information, which must be made available to each signer at the time of signing:
  - a. The candidate's name, address, and telephone number and the title of the office to which the candidate aspires, including the appropriate district number if applicable, or whether the petition is intended for an unexpired term of office if applicable.
  - b. The name of the party the candidate represents if the petition is for an office under party designation.
  - c. The date of the election at which the candidate is seeking nomination or election.
- 2. Only qualified electors of the state, district, county, or other political subdivision, as the case may be, may sign nominating petitions. In addition to signing the person's name, petition signers shall include the following information:
  - a. The date of signing.
  - b. Their complete Complete residential address, rural route, or general delivery. A post office box does not qualify as a residential address. In those areas of the state where street addresses are not available, a description of where the residential address is located shall be used.
  - c. Either the North Dakota city or its corresponding zip code Complete mailing address if different from residential address.
- 3. Incomplete signatures or accompanying information of petition signers which do not meet the requirements of this section invalidate such signatures. The use of ditto marks to indicate that the information contained on the previous signature line carries over does not invalidate a signature. Signatures that are not accompanied by a complete date are not invalid if the signatures are preceded and followed by a signature that is accompanied by a complete date.

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- SECTION 5. AMENDMENT. Subsection 5 of section 16.1-11-18 of the North Dakota
   Century Code is amended and reenacted as follows:
  - 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 newnominee's county of residence secretary of state. The chairman and secretary of the committee shall make and file with the county auditor of the new nominee's county of residence 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 the certificate is filed, the county auditor of the new nominee's county of residencesecretary of state shall certify the new nomination to the various county 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.

**SECTION 6. AMENDMENT.** Section 16.1-12-02.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-02.1. Applicant's name placed upon ballot - Affidavit to accompany petition.

Upon receipt by the secretary of state of the certificate of nomination provided for in section 16.1-12-02 accompanied by the following affidavit, the secretary of state shall place the applicant's name upon the general election ballot. The affidavit must be substantially as follows:

26	State of North D	akota )	
27		) ss.	
28	County of	)	
29	l,	, being sworn, say that I reside at _	, in the city of
30		, in the county of	_, state of North Dakota; and
31	zin code of	that I am a candidate for nomina	ation to the office of

1	to be chosen at the general election to be held on,							
2	, and I request that my name be printed upon the general election ballot as <u>provided</u>							
3	by law, as a candidate of party for said office. I am requesting that my name							
4	be listed on the ballot as I have identified my ballot name below. I understand that							
5	nicknames are allowed as part of my ballot name, but titles and campaign slogans are not							
6	permissible. I have reviewed the requirements to hold office and I certify that I am qualified							
7	to serve if elected.							
8								
9	Ballot name requested							
10	Date							
11	Candidate's signature							
12	Subscribed and sworn to before me on,							
13								
14	Notary Public							
15	NOTARY SEAL My Commission Expires							
16	SECTION 7. AMENDMENT. Subsection 4 of section 16.1-12-02.2 of the North Dakota Century Code i							
17	amended and reenacted as follows:							
18	4. An individual who intends to be a write-in candidate for any legislative district office							
19	shall file a certificate of write-in candidacy with the election officer with whom the							
20	candidate would otherwise file to have the candidate's name placed on the							
21	ballotsecretary of state. The certificate must contain the name, address, and signature							
22	of the candidate. Certificates must be filed by four p.m. on the fourth day before the							
23	election. When the candidate files a certificate, the candidate also shall file the							
24	contribution statement provided for under section 16.1-08.1-02 complete through the							
25	day of the filing of the certificate.							
26	SECTION 8. AMENDMENT. Subsection 2 of section 16.1-12-04 of the North Dakota							
27	Century Code is amended and reenacted as follows:							
28	2. Certificates of nomination for nominees for county offices and legislative offices must							
29	be filed with the county auditor of the county in which the candidate resides. The							
30	county auditor shall certify the names and addresses of legislative candidates filing							
31	certificates of nomination according to this chapter to the secretary of state. When a							

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1 legislative district is composed of more than one county, the county auditor shall certify 2 to the county auditors of the other counties comprising the legislative district the 3 names and addresses of the candidates filing certificates of nomination. 4 **SECTION 9. AMENDMENT.** Section 16.1-12-06 of the North Dakota Century Code is 5 amended and reenacted as follows: 6 16.1-12-06. Person nominated by more than one party - Column in which name 7 placed. 8 When one person has been nominated for the same office by more than one body of 9 electors qualified to make nominations for public office, the nominee shall file with the proper-10 officer designated in this chapter, onsecretary of state or before the last day fixed by law for 11 filing certificates of nomination for the office, a signed statement designating the column on the 12 official ballot in which the nominee desires the nominee's name to appear. The column so 13 designated must be the column allotted to one of the bodies of electors by whom the person 14 was nominated. In the absence of a timely written designation as provided by this section, the 15 appropriate officersecretary of state shall place the person's name in the column allotted to the 16 body of electors from which was first received notice of the person's nomination. 17 SECTION 10. AMENDMENT. Section 44-05-04 of the North Dakota Century Code is 18 amended and reenacted as follows: 19 44-05-04. Place of filing oath of office. 20 Unless otherwise provided by law, any civil or public officer required by section 44-01-05 or 21 any other provision of law to take an oath of office must file the original oath as follows: 22 If a state official or member of a state board, with the secretary of state. 23 2. If a county official or member of a county board, with the county auditor. 24 3. If a city official or member of a city board, with the city auditor. 25 4. If a member of a district or political subdivision that is larger than a county, with the 26 secretary of state.

**SECTION 11. REPEAL.** Section 16.1-11-13 of the North Dakota Century Code is repealed.