

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2318

Introduced by

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, and 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:**

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

9 **16.1-11-06. State candidate's petition or political party certificate of endorsement**
10 **required to get name on ballot - Contents - Filing.**

- 11 1. Every candidate for United States senator, United States representative, a state office
12 except, including the office of state senator or state representative, and judges of the
13 supreme and district courts shall present to the secretary of state, between the first
14 date candidates may begin circulating nominating petitions according to this chapter
15 and before four p.m. of the sixtieth day before any primary election, either:
- 16 a. The certificate of endorsement signed by the state chairman of any legally
17 recognized political party containing the candidate's name, post-office address,
18 and telephone number, the title of the office to which the candidate aspires, and
19 the party which the candidate represents; or
- 20 b. The nominating petition containing the following:
- 21 (1) The candidate's name, post-office address, and telephone number, and the
22 title of the office to which the candidate aspires, the appropriate district
23 judgeship number if applicable, and whether the petition is intended for
24 nomination for an unexpired term of office if applicable.

- 1 (2) The name of the party the candidate represents if the petition is for an office
2 under party designation.
- 3 (3) The signatures of qualified electors, the number of which must be
4 determined 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 (d) 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 petition or certificate of endorsement is for the office of governor ~~or~~ and lieutenant
18 governor, the petition or certificate must contain the names and other information
19 required of candidates for both those offices. If the petition or certificate of
20 endorsement is mailed, it must be in the possession of the secretary of state before
21 four p.m. of the sixtieth day before the primary election.

22 **SECTION 2. AMENDMENT.** Section 16.1-11-10 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **16.1-11-10. Applicant's name placed upon ballot - Affidavit to accompany petition.**

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

29 State of North Dakota)
30) ss.
31 County of _____)

1 I, _____, being sworn, say that I reside at _____, in the city
2 of _____, in the county of _____ and state of North Dakota; and zip
3 code of _____; that I am a candidate for nomination to the office of
4 _____ to be chosen at the 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 requested

13 _____
14 Candidate's signature

15 Subscribed and sworn to before me on _____, _____.

16 _____
17 Notary Public

18 NOTARY SEAL My Commission Expires _____

19 **SECTION 3. AMENDMENT.** Section 16.1-11-11 of the North Dakota Century 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 2. A petition containing the following:

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
10 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.

12 (2)b. If the office is a county office and multiple candidates were elected to the
13 office at the preceding general election at which the office was voted upon, the
14 signatures of not less than two percent and not more than five percent of the
15 votes cast for all candidates divided by the number of candidates that were to be
16 elected to that office.

17 (3)c. If the office is a county office and no candidate was elected or no votes
18 were cast for the office at any general election, the number of signers equal to
19 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 residential address, mailing address (if different from residential address),~~
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.~~

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

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

5 **16.1-11-16. Form of nominating petitions.**

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

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 provided
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 is
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 ~~ballot~~ secretary 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~~

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, on~~secretary 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 officer~~secretary 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 1. 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.

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