

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2261

Introduced by

Senators Myrdal, Clemens, Veda

Representatives Kasper, B. Koppelman, K. Koppelman

1 A BILL for an Act to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03,
2 and 16.1-03-07 of the North Dakota Century Code, relating to the organization of political
3 parties and caucuses within legislative districts; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-03-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-03-01. PrecinctParty caucus to elect precinct committeemen - Time and manner**
8 **of 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~~ legislative district party at a site within
14 or reasonably close to the precinct in the manner provided in sections 16.1-03-01
15 through 16.1-03-03. The legislative district party may organize the caucus by precinct
16 or on an at-large basis for the entire district.
- 17 3. The legislative district chairman of each party shall set the date and time for the
18 precinctparty caucus. If there is not a duly-elected district chairman in a legislative
19 district, the state party executive committee may issue the call for the precinct caucus.
20 The call must contain the following:
- 21 a. Name of party.
- 22 b. Legislative district ~~and precinct number or name.~~
- 23 c. Date of caucus.
- 24 d. Place of caucus.

- 1 e. Hours of caucus.
- 2 f. A statement of the business to be conducted, ~~including the election of precinct~~
- 3 ~~committeemen and such other individuals as may be provided by state law and~~
- 4 ~~district party bylaws.~~
- 5 g. The name of the district chairman or, if there is not a duly-elected district
- 6 chairman, the member of the state party executive committee issuing the call.
- 7 4. The district chairman or, if there is not a duly-elected district chairman, the state party
- 8 executive committee shall provide ten days' published notice in the official newspaper
- 9 in circulation ~~within each precinct~~ in the district. The notices must contain that
- 10 information set forth in subsection 3. ~~The information required by this section for all~~
- 11 ~~precincts in the district may be included in one notice for publishing purposes.~~

12 **SECTION 2. AMENDMENT.** Section 16.1-03-02 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **16.1-03-02. Who may participate in and vote at caucus.**

- 15 1. Only those individuals who are qualified electors under section 16.1-01-04 may vote or
- 16 be elected as ~~committeemen or~~ officers at the precinct party caucus.
- 17 2. ~~In case the right of an individual to participate at the caucus is challenged, the~~
- 18 ~~question of the individual's right to participate must be decided by a vote of the whole~~
- 19 ~~caucus. An individual so challenged may not vote on the question of the individual's~~
- 20 ~~right to participate in the caucus, and a two-thirds vote of the whole caucus is required~~
- 21 ~~to exclude an individual from participation.~~
- 22 3.2. An individual may not vote or participate at more than one precinct caucus in any one
- 23 year.

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

26 **16.1-03-03. Political parties entitled to may elect committeemen.**

- 27 1. A political organization is ~~entitled to elect a precinct committeeman at its precinct~~
- 28 ~~caucus if:~~
- 29 a. ~~The organization nominated and had printed on the ballot at the last preceding~~
- 30 ~~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 2. ~~Each~~ If a political party chooses to organize by precinct, the party in each voting
7 precinct of this state, ~~otherwise qualifying under subsection 1,~~ is entitled to elect one
8 precinct committeeman for each two hundred fifty votes, or majority of a fraction
9 thereof, cast for the party's presidential electors, governor, attorney general, or
10 secretary of state in the precinct in the last general election. ~~Each precinct is entitled to~~
11 ~~at least one precinct committeeman for each party which qualifies under subsection 1.~~
12 Each precinct committeeman must be an elector of the precinct in which the
13 committeeman resides and must be elected for a two-year 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 4. AMENDMENT.** Section 16.1-03-07 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **16.1-03-07. Meeting of district committee - Organization.**

20 1. ~~¶~~ If a legislative district chooses to organize by precinct in every odd-numbered year,
21 the district committee of each party shall meet within fifteen days after the precinct
22 caucus provided for in section 16.1-03-01. The day, hour, and site must be set by the
23 existing district committee chairman. Any incumbent members of the legislative
24 assembly from the party, ~~the precinct committeemen of a party, selected as provided~~
25 ~~by this chapter,~~ and any other individual provided for by the district committee's bylaws
26 constitute the district committee of the party. The district committee of a party must be
27 organized to coincide with the geographical boundary lines of state legislative districts.
28 Each member of any committee provided for in this chapter must be a qualified
29 elector.

30 2. ~~The precinct committeemen and the party's incumbent members of the legislative~~
31 ~~assembly from the district shall select the officers of the district committee. The officers~~

1 ~~selected, as provided by the district party bylaws, need not be precinct committeemen;~~
2 ~~however, all the officers must be voting members of the district committee.~~ The district
3 committee shall select the officers of the district committee and forward to the state
4 committee the name and contact information of the district committee chairman. The
5 district committee may appoint an executive committee consistent with the bylaws of
6 the district committee. That party's nominees for and members of the legislative
7 assembly shall serve as members of the executive committee.

8 3. If the office of chairman becomes vacant, the vacancy may be filled as provided by the
9 district party bylaws.

10 4. The bylaws of the state committee or state party may not include any requirement
11 providing directives or procedures for the method of the organization of district
12 committees nor may the state committee or state party take any action or impose any
13 requirement regarding district party organization ~~which is not consistent~~unless a
14 district lacks a district committee that is able to carry out the responsibilities under this
15 chapter. A state party may not take any action that is inconsistent with this chapter.

16 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.