

2009-2011

**POLITICAL PARTY ORGANIZATION
AND RELATED STATUTES**

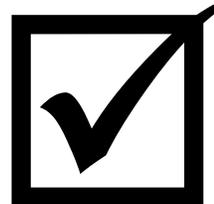
North Dakota



**✓otes
2010**



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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 Division, 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 and the names and addresses of the party's district chairmen. 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 or the party's district chairmen.

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)

- (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 Elections Division section of 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 Division by phone at (701) 328-4146 or (800)352-0867, via email to soselect@nd.gov or in writing to Secretary of State, Elections Division, 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.