

**SENATE BILL NO. 2374**

Introduced by

Senators Dever, Marcellais, Schaible

1 A BILL for an Act to amend and reenact sections 15.1-09-08 and 15.1-09-24, subsection 10 of  
2 section 16.1-01-09.1, sections 16.1-03-12 and 16.1-03-14, subsection 1 of section 16.1-07-15,  
3 sections 16.1-09-02, 16.1-11-06, 16.1-11-11, 16.1-11-11.1, 16.1-11-15, 16.1-11-18, 16.1-11-19,  
4 16.1-11-30, 16.1-12-02, and 16.1-12-02.3, subsection 3 of section 16.1-12-04, sections  
5 16.1-12-07, 16.1-12-09, 27-25-04, 40-21-02, 40-21-07, 40-21-08, and 40-57.3-01.1,  
6 subsection 4 of section 44-08-21, and sections 46-06-03, 61-24-03, 61-24.5-06, and 61-24.5-07  
7 of the North Dakota Century Code, relating to election and recall filing requirements.

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

9 **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **15.1-09-08. School district elections - Candidate filings.**

12 An individual seeking election to the board of a school district shall prepare and sign a  
13 document stating the individual's name and the position for which that individual is a candidate.  
14 A candidate shall also file a statement of interests as required by section 16.1-09-02. ~~If whether~~  
15 or not the election is held in conjunction with a statewide election, these documents must be  
16 filed with the school district business manager, or mailed to and in the possession of the  
17 business manager, by four p.m. of the ~~sixtieth~~seventieth day before the election. ~~If the election~~  
18 ~~is not held in conjunction with a statewide election, the document must be filed with the school-~~  
19 ~~district business manager, or mailed to and in the possession of the business manager, by four~~  
20 ~~p.m. of the sixtieth day before the election.~~

21 **SECTION 2. AMENDMENT.** Section 15.1-09-24 of the North Dakota Century Code is  
22 amended and reenacted as follows:

1       **15.1-09-24. School boards - Sharing of election expenses.**

2       If a school district election is held in conjunction with a primary election, the board of the  
3 school district may agree with the governing body of the county or counties in which the district  
4 is located to share election costs and responsibilities, including those associated with a  
5 canvassing board, election personnel, the printing of election materials, the publishing of legal  
6 notices, and the use of poll books. Each board of a school district that enters into an agreement  
7 with the county must notify the county auditor, in writing, at least ~~fifty-five~~seventy days before  
8 the election of the offices to be filled at the election and any measures to appear on the ballot.

9       **SECTION 3. AMENDMENT.** Subsection 10 of section 16.1-01-09.1 of the North Dakota  
10 Century Code is amended and reenacted as follows:

11       10. A notice of the recall election must be posted in the official newspaper thirty days  
12 before the candidate filing deadline, which is by four p.m. on the ~~sixtieth~~seventieth day  
13 before the election. The official notice must include the necessary information for a  
14 candidate to file and have the candidate's name included on the ballot.

15       **SECTION 4. AMENDMENT.** Section 16.1-03-12 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17       **16.1-03-12. Meeting of district committee to elect delegates to state party convention**  
18 **- Optional precinct caucus - Proxies.**

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

27       **SECTION 5. 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 party convention.**

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

- 5           1.   Nominate the legal number of candidates for its party for the offices of presidential  
6           electors.
- 7           2.   Elect the required number of delegates and alternates to the national party convention  
8           as provided by the party's bylaws or national party rules.
- 9           3.   Conduct other business as shall come before the convention.

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

18           **SECTION 6. AMENDMENT.** Subsection 1 of section 16.1-07-15 of the North Dakota  
19 Century Code is amended and reenacted as follows:

- 20           1.   For any primary, general, or special statewide, district, or county election, the board of  
21           county commissioners may, before the ~~sixtieth~~seventieth day before the day of the  
22           election, create a special precinct, known as an early voting precinct, to facilitate the  
23           conduct of early voting in that county according to chapters 16.1-13 and 16.1-15. At  
24           the determination of the county auditor, more than one voting location may be utilized  
25           for the purposes of operating the early voting precinct. The election board of the early  
26           voting precinct must be known as the early voting precinct election board. The county  
27           auditor shall supply the board with all necessary election supplies as provided in  
28           chapter 16.1-06.

29           **SECTION 7. AMENDMENT.** Section 16.1-09-02 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **16.1-09-02. Statement of interests to be filed.**

2           Every candidate for elective office shall sign and file the statement of interests as required  
3 by this chapter. In a year when a president and vice president of the United States are to be  
4 chosen, presidential and vice presidential candidates shall file with the secretary of state either  
5 a statement of interests as required by this chapter or a copy of the personal disclosure  
6 statement that is required by the federal election commission. Candidates for elective office who  
7 are required to file such statements shall do so with the filing officer for that election at the time  
8 of filing a certificate of nomination, a certificate of endorsement, a petition of nomination, or a  
9 certificate of write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is  
10 appropriate. An individual who has filed a statement as the result of candidacy in a primary  
11 election need not refile before running in the following general election. A write-in candidate who  
12 is not required to file a certificate of write-in candidacy shall file the statement of interests after  
13 the candidate's election at the time of filing the required oath of office. Every individual who is  
14 appointed by the governor to a state agency, board, bureau, commission, department, or  
15 occupational or professional licensing board shall file a statement of interests as required by  
16 this chapter with the secretary of state simultaneously with announcement of the appointment. A  
17 filing officer may not include a candidate's name on the ballot if an error is discovered on the  
18 statement and the candidate is unable to or refuses to make the necessary correction before  
19 the ~~sixtieth~~seventieth day before the election.

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

22           **16.1-11-06. State candidate's petition or political party certificate of endorsement**  
23 **required to get name on ballot - Contents - Filing.**

- 24           1. Every candidate for United States senator, United States representative, a state office  
25 except the office of state senator or state representative, and judges of the supreme  
26 and district courts shall present to the secretary of state, between the first date  
27 candidates may begin circulating nominating petitions according to this chapter and  
28 before four p.m. of the ~~sixtieth~~seventieth day before any primary election, either:
- 29           a. The certificate of endorsement signed by the state chairman of any legally  
30 recognized political party containing the candidate's name, post-office address,

- 1                   and telephone number, the title of the office to which the candidate aspires, and  
2                   the party which the candidate represents; or  
3           b.    The nominating petition containing the following:  
4           (1)   The candidate's name, post-office address, and telephone number, and the  
5                   title of the office to which the candidate aspires, the appropriate district  
6                   judgeship number if applicable, and whether the petition is intended for  
7                   nomination for an unexpired term of office if applicable.  
8           (2)   The name of the party the candidate represents if the petition is for an office  
9                   under party designation.  
10          (3)   The signatures of qualified electors, the number of which must be  
11                   determined as follows:  
12           (a)   If the office is under party designation, the signatures of three percent  
13                   of the total vote cast for the candidates of the party with which the  
14                   candidate affiliates for the same position at the last general election.  
15                   However, no more than three hundred signatures may be required.  
16           (b)   If there was no candidate of a party for a position at the preceding  
17                   general election, at least three hundred signatures.  
18           (c)   If the office is under the no-party designation, at least three hundred  
19                   signatures.  
20          (4)   The mailing address and the date of signing for each signer.  
21    2.    If the petition or certificate of endorsement is for the office of governor or lieutenant  
22           governor, the petition or certificate must contain the names and other information  
23           required of candidates for both those offices. If the petition or certificate of  
24           endorsement is mailed, it must be in the possession of the secretary of state before  
25           four p.m. of the ~~sixtieth~~seventieth day before the primary election.

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

28           **16.1-11-11. County and legislative district candidates' petitions - Filing - Contents.**

29           Every candidate for a county or legislative district office shall present, between the first date  
30    candidates may begin circulating nominating petitions according to this chapter and before four

1 p.m. of the ~~sixtieth~~seventieth day before any primary election, to the county auditor of the  
2 county in which the candidate resides either:

- 3 1. A certificate of endorsement signed by the district chairman of any legally recognized  
4 political party containing the candidate's name, post-office address, and telephone  
5 number, the title of the office to which the candidate aspires, and the party that the  
6 candidate represents; or
- 7 2. A petition containing the following:
  - 8 a. The candidate's name, post-office address, and telephone number, the title of the  
9 office to which the candidate aspires, the appropriate district number if applicable,  
10 and whether the petition is intended for nomination for an unexpired term of office  
11 if applicable.
  - 12 b. The name of the party the candidate represents, only if it is a petition for an office  
13 that is under party designation.
  - 14 c. The signatures of qualified electors, the number of which must be determined as  
15 follows:
    - 16 (1) If the office is a county office, the signatures of not less than two percent  
17 and not more than five percent of the total vote cast for the office at the  
18 most recent general election at which the office was voted upon.
    - 19 (2) If the office is a county office and multiple candidates were elected to the  
20 office at the preceding general election at which the office was voted upon,  
21 the signatures of not less than two percent and not more than five percent  
22 of the votes cast for all candidates divided by the number of candidates that  
23 were to be elected to that office.
    - 24 (3) If the office is a county office and no candidate was elected or no votes  
25 were cast for the office at any general election, the number of signers equal  
26 to the percentage as provided in paragraph 1 applied to the total average  
27 vote cast for the offices of sheriff and county auditor at the most recent  
28 general election at which those officers were elected in the petitioner's  
29 county. This average must be determined by dividing by two the total vote  
30 cast for those offices.

1                   (4) If the office is a legislative office, the signatures of at least one percent of  
2                   the total resident population of the legislative district as determined by the  
3                   most recent federal decennial census.

4                   (5) In no case may more than three hundred signatures be required.

5                   d. The mailing address and date of signing for each signer.

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

8                   **SECTION 10. AMENDMENT.** Section 16.1-11-11.1 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10                   **16.1-11-11.1. Deadline for placing county and city measures on primary, general, or**  
11 **special election ballots.**

12                   Notwithstanding any other provision of law, a county may not submit a measure for  
13 consideration of the voters at a primary, general, or special statewide, district, or county election  
14 after four p.m. on the ~~sixtieth~~seventieth day before the election. A city that has combined its  
15 regular or a special election with a primary, general, or special county election, according to the  
16 provisions set forth in section 40-21-02, may not submit a measure for consideration of the  
17 voters at that election after four p.m. on the ~~sixtieth~~seventieth day before the election.

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

20                   **16.1-11-15. Nominating petition not to be circulated more than ninety days prior to**  
21 **~~filing time~~January first - Special election.**

22                   No nominating petition provided for in sections 16.1-11-06 and 16.1-11-11 may be circulated  
23 or signed ~~more than ninety days previous to the time when any petition must be filed under the~~  
24 ~~provisions of this chapter~~prior to January first preceding the primary election. Any signatures to  
25 a petition secured more than ninety days before that time may not be counted. A nominating  
26 petition for a special election may not be circulated or signed more than thirty days before the  
27 time when a petition for the special election must be filed.

28                   **SECTION 12. AMENDMENT.** Section 16.1-11-18 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1       **16.1-11-18. Party committees to fill vacancy occurring in nomination for party office.**

2       1. If a vacancy occurs in any party certificate of endorsement at the primary election for  
3       any state or legislative district office, the proper state or district executive committee of  
4       the political party may fill the vacancy by filing another certificate of endorsement with  
5       the proper officer as provided in sections 16.1-11-06 and 16.1-11-11.

6       2. If no party endorsement has been made by certificate and a vacancy occurs in a slate  
7       of candidates seeking party nomination by petition at the primary election, the proper  
8       state or district executive committee may fill the vacancy by filing a certificate of  
9       endorsement with the proper officer as provided in sections 16.1-11-06 and  
10      16.1-11-11.

11      3. If party endorsements by certificate have been made for any state or district office and  
12      a vacancy occurs in the slate of persons seeking nomination at the primary election  
13      because of the unavailability of the person who is seeking nomination by petition, that  
14      vacancy may not be filled except by petition.

15      4. If a vacancy occurs in a slate of statewide candidates after the candidates have been  
16      nominated at the primary election, the proper state executive committee may fill any  
17      vacancy by filing a certificate of nomination with the secretary of state. The chairman  
18      and secretary of the committee shall make and file with the secretary of state a  
19      certificate setting forth the cause of the vacancy, the name of the person for whom the  
20      new nominee is to be substituted, the fact that the committee was authorized to fill  
21      vacancies, and any further information as may be required to be given in an original  
22      certificate of nomination. When such a certificate is filed, the secretary of state shall  
23      certify the new nomination and the name of the person who has been nominated to fill  
24      the vacancy in place of the original nominee to the various auditors. If the secretary of  
25      state already has forwarded the certificate, the secretary of state forthwith shall certify  
26      to the auditors the name and address of the new nominee, the office the new nominee  
27      is nominated for, the party or political principle the new nominee represents, and the  
28      name of the person for whom the new nominee is substituting. Failure to publish the  
29      name of a new nominee does not invalidate the election.

30      5. If a vacancy occurs in a slate of legislative candidates after the candidates have been  
31      nominated at the primary election, the proper district executive committee may fill the



1 vacancy by filing a certificate of nomination with the county auditor of the new  
2 nominee's county of residence. The chairman and secretary of the committee shall  
3 make and file with the county auditor of the new nominee's county of residence a  
4 certificate setting forth the cause of the vacancy, the name of the person for whom the  
5 new nominee is to be substituted, the fact that the committee was authorized to fill  
6 vacancies, and any further information as may be required to be given in an original  
7 certificate of nomination. When the certificate is filed, the county auditor of the new  
8 nominee's county of residence shall certify the new nomination to the various auditors  
9 affected by the change and to the secretary of state by forwarding to them the name of  
10 the person who has been nominated to fill the vacancy in place of the original  
11 nominee. The certification must include the name and address of the new nominee,  
12 the office the new nominee is nominated for, the party or political principle the new  
13 nominee represents, and the name of the person for whom the new nominee is  
14 substituting. Failure to publish the name of a new nominee does not invalidate the  
15 election.

16 6. A vacancy in a nomination following a primary election may not be filled according to  
17 subsection 4 or 5 unless the nominated candidate:

- 18 a. Dies;
- 19 b. Would be unable to serve, if elected, as a result of a debilitating illness;
- 20 c. Ceases to be a resident of the state or an individual nominated for legislative  
21 office will not be a resident of the legislative district at the time of the election; or
- 22 d. Ceases to be qualified to serve, if elected, as otherwise provided by law.

23 Vacancies to be filled according to the provisions of this section may be filled not later than ~~sixty-~~  
24 ~~days~~the seventieth day prior to the election.

25 **SECTION 13. AMENDMENT.** Section 16.1-11-19 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **16.1-11-19. Filling vacancy existing on no-party ballot - Petition required - Time of**  
28 **filing.**

29 If a vacancy exists on a no-party ballot for a state office or for judge of a district court, the  
30 vacancy may be filled by filing with the secretary of state, before four p.m. on the  
31 ~~sixtieth~~seventieth day prior to the primary election, a written petition as provided in section

1 16.1-11-06, stating that the petitioner desires to become a candidate for nomination to the office  
2 for which a vacancy exists. If the petition is mailed, it must be in the possession of the secretary  
3 of state before four p.m. on the ~~sixtieth~~seventieth day prior to the primary election. The petition  
4 for the nomination of any person to fill the vacancy must be signed by qualified electors equal in  
5 number to at least two percent of the total vote cast for governor at the most recent general  
6 election in the state or district at which the office of governor was voted upon, but in no case  
7 may more than three hundred signatures be required.

8 If a vacancy exists on a no-party ballot in a county or district within a county, the vacancy  
9 may be filled by filing with the county auditor, before four p.m. of the ~~sixtieth~~seventieth day prior  
10 to the primary election, a written petition as provided in section 16.1-11-11, stating that the  
11 petitioner desires to become a candidate for nomination to the office for which a vacancy exists.  
12 If the petition is mailed, it must be in the possession of the county auditor before four p.m. on  
13 the ~~sixtieth~~seventieth day prior to the primary election. The petition for the nomination of any  
14 person to fill the vacancy must be signed by qualified electors as provided in subdivision c of  
15 subsection 2 of section 16.1-11-11. A vacancy in the no-party ballot must be deemed to exist  
16 when a candidate who was qualified by filing a petition pursuant to section 16.1-11-06 or  
17 16.1-11-11 dies, resigns, or otherwise becomes disqualified to have the candidate's name  
18 printed on the ballot.

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

21 **16.1-11-30. Separate column on primary election ballot required for each political**  
22 **party.**

23 Any party that had printed on the ballot at the last preceding presidential election the names  
24 of a set of presidential electors pledged to the election of the party's candidates for president  
25 and vice president or a candidate for governor and those candidates for presidential electors or  
26 governor received at least five percent of the total vote cast for presidential electors or the office  
27 of governor within this state at that election; any party that had printed on the ballot at the last  
28 preceding nonpresidential election a candidate for attorney general or secretary of state, and  
29 the candidate received at least five percent of the total vote cast for the office the candidate was  
30 seeking at the election; or any party that has organized according to all the requirements of  
31 chapter 16.1-03 must be provided with a separate column on primary election ballots.

1 Any other political organization is entitled to endorse candidates or have candidates petition  
2 to be included on the primary ballot in a consolidated column or on a special election ballot, if a  
3 petition signed by at least seven thousand qualified electors of this state is filed with the  
4 secretary of state before four p.m. of the ~~sixtieth~~seventieth day before a primary or special  
5 election, naming the political organization, stating the platform principles of the party, and  
6 requesting the names of its candidates to be included on the state's primary ballot in a  
7 consolidated column. If the petition is mailed, it must be in the possession of the secretary of  
8 state before four p.m. on the ~~sixtieth~~seventieth day prior to a primary or special election.  
9 Candidates of that party are entitled to the same rights and privileges as those of other parties.  
10 Petitions circulated according to this section must be filed with the secretary of state in  
11 accordance with section 1-01-50.

12 A political organization that had printed on the ballot at the last preceding presidential  
13 election the names of a set of presidential electors pledged to the election of the party's  
14 candidates for president and vice president or a candidate for governor and those candidates  
15 for presidential electors or governor received at least five percent of the total vote cast for  
16 presidential electors or the office of governor within this state at that election are entitled to  
17 organize according to the requirements of chapter 16.1-03.

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

20 **16.1-12-02. Certificates of nomination by petition - Form and contents.**

21 Certificates of nomination for nominees for an office to be filled at a general or special  
22 election, except for an office appearing on the no-party ballot, may be made as provided by this  
23 section. Except for nominees for president of the United States, names of nominees so  
24 nominated must appear on the ballot as independent nominations. The names of nominees for  
25 president of the United States may appear on the ballot with a designation, not to exceed five  
26 words, that names the organization or political party to which the presidential candidate  
27 affiliates. The designation may not falsely indicate an affiliation with or the support of any  
28 political party organized in accordance with this title or include any substantive word or phrase  
29 that is profane or that is already included in or resembles the name of a political party entitled to  
30 a separate column under section 16.1-11-30. Except for candidates for the office of president of  
31 the United States, each certificate of nomination by petition must meet the specifications for

1 nominating petitions set forth in section 16.1-11-16. A candidate for the office of the president of  
2 the United States may begin gathering the signatures for the certificate of nomination on the  
3 first day of January of a presidential election year and shall submit the petition to the secretary  
4 of state before four p.m. on the ~~sixtieth~~seventieth day before the general election. The  
5 signatures on the petition must be in the following number:

- 6 1. Except as provided in subsection 3, if the nomination is for an office to be filled by the  
7 qualified electors of the entire state, there must be no fewer than one thousand  
8 signatures.
- 9 2. If the nomination is for an office to be filled by the qualified electors of a district less  
10 than the entire state, the number of signatures must be at least two percent of the  
11 resident population of the district as determined by the most recent federal decennial  
12 census, but in no case may more than three hundred signatures be required.
- 13 3. If the nomination is for the office of president, there must be no fewer than four  
14 thousand signatures.
- 15 4. If the petition is for the office of governor or lieutenant governor, it must contain the  
16 names and other required information of candidates for both those offices.

17 **SECTION 16. AMENDMENT.** Section 16.1-12-02.3 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **16.1-12-02.3. Nominating petition for an independent candidate not to be circulated**  
20 **more than one hundred fifty days before filing time - Special election.**

21 A petition provided for in this chapter may not be circulated or signed more than one  
22 hundred fifty days before the date when any petition must be filed under this chapter. Any  
23 signatures to a petition obtained more than one hundred fifty days before that date may not be  
24 counted. A nominating petition for a special election may not be circulated or signed more than  
25 thirty days before the date when the petition must be filed.

26 **SECTION 17. AMENDMENT.** Subsection 3 of section 16.1-12-04 of the North Dakota  
27 Century Code is amended and reenacted as follows:

- 28 3. Certificates of nomination must, without regard to the means of delivery, be filed and in  
29 the actual possession of the appropriate officer not later than four p.m. on the  
30 ~~sixtieth~~seventieth day prior to the day of election.

1       **SECTION 18. AMENDMENT.** Section 16.1-12-07 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **16.1-12-07. If nominee declines - Certificate void.**

4       Any person intending to decline a nomination shall do so by filing written notice of that  
5 intention with the officer with whom the certificate nominating the person is filed. If the written  
6 notice is filed with the appropriate officer ~~at least sixty days, and~~ before four p.m. on the  
7 ~~sixtieth~~seventieth day before the election, the nomination is void. If written notice is mailed, it  
8 must be in the physical possession of the appropriate officer before four p.m. on the  
9 ~~sixtieth~~seventieth day before the election.

10       **SECTION 19. AMENDMENT.** Section 16.1-12-09 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12       **16.1-12-09. Filling vacancy existing on no-party ballot - Petition required - Time of**  
13 **filing.**

14       Whenever a vacancy exists on a no-party ballot for a state office or for judge of a district  
15 court, such vacancy may be filled by filing with the secretary of state, ~~at least sixty days prior to~~  
16 ~~the general election and~~ before four p.m. on the ~~sixtieth~~seventieth day, a written petition as  
17 provided in section 16.1-11-06, stating that the petitioner desires to become a candidate for  
18 election to the office for which a vacancy exists. If the petition is mailed, it must be in the  
19 physical possession of the secretary of state before four p.m. on the ~~sixtieth~~seventieth day prior  
20 to the general election. The petition for the nomination of any person to fill such vacancy must  
21 be signed by qualified electors equal in number to at least two percent of the total vote cast for  
22 the office of governor in the state or district, at the most recent general election at which the  
23 office of governor was voted upon, but in no case may more than three hundred signatures be  
24 required.

25       Whenever a vacancy exists on a no-party ballot in a county or district within a county, the  
26 vacancy may be filled by filing with the county auditor ~~at least sixty days prior to the general~~  
27 ~~election and~~ before four p.m. of the ~~sixtieth~~seventieth day a written petition as provided in  
28 section 16.1-11-11, stating that the petitioner desires to become a candidate for election to the  
29 office for which a vacancy exists. If such petition is mailed or otherwise delivered, it must be in  
30 the possession of the county auditor before four p.m. on the ~~sixtieth~~seventieth day prior to the  
31 general election. The petition for the nomination of any person to fill the vacancy must be signed

1 by qualified electors equal in number to at least thirty percent of the total vote cast for the office  
2 of governor at the most recent general election in the county or district at which the office of  
3 governor was voted upon, but in no case may more than three hundred signatures be required.

4 A vacancy in the no-party ballot must be deemed to exist when:

- 5 1. A candidate nominated at the primary election dies, resigns, or otherwise becomes  
6 disqualified to have the candidate's name printed on the ballot at the general election.
- 7 2. No candidates were nominated at the primary election because the office did not yet  
8 exist.
- 9 3. The timing of the vacancy in an office makes it impossible to have it placed on the  
10 primary ballot.

11 **SECTION 20. AMENDMENT.** Section 27-25-04 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **27-25-04. Governor to appoint or call special election.**

14 Within thirty days after receipt of the list of nominees, the governor shall do any of the  
15 following:

- 16 1. Fill the vacancy by appointment from the list of nominees submitted by the committee.
- 17 2. Return the list of nominees and direct the committee to reconvene.
- 18 3. Call a special election to fill the vacancy for the remainder of the term.

19 If the governor determines to call a special election to fill the vacancy, the governor shall issue a  
20 writ of election to the auditors of the counties in the district in which the district vacancy occurs  
21 commanding them to notify the boards of election in the counties to hold a special election at a  
22 time designated by the governor. If the governor determines to call a special election within  
23 ~~sixty-eighty-one~~ days of the time of the next general election, the special election must be held  
24 at the same time as the general election.

25 **SECTION 21. AMENDMENT.** Section 40-21-02 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **40-21-02. City elections - When held - Notice - Polls - Agreements with counties -**  
28 **Judges and inspectors.**

29 Biennial municipal elections must be held on the second Tuesday in June in each  
30 even-numbered year.

- 1       1.   Thirty days before the filing deadline for candidate names to be printed on the ballot,  
2            an official notice of this deadline along with a list of the offices to appear on the ballot  
3            must be published in the official newspaper of the city as provided by section  
4            40-01-09.
- 5       2.   Ten days' notice of the time and place of the election and of the offices to be filled at  
6            the election must be given by the city auditor by publication in the official newspaper of  
7            the city as provided by section 40-01-09.
- 8       3.   The governing body of a city shall enter into an agreement with the governing body of  
9            the county or counties in which the city lies concerning the use of a single canvassing  
10           board, the sharing of election personnel, the printing of election materials, the  
11           publishing of legal notices, and the apportioning of election expenses.
- 12      4.   For city elections that are not held under an agreement with any county, the governing  
13           body of the city shall appoint one inspector and two judges of election for each  
14           precinct in the city at least ten days before the election is held and the polls must be  
15           opened and closed as provided for the opening and closing of polls at statewide  
16           elections. In voting precincts in which over three hundred votes are cast in any  
17           previous election, two election clerks may be appointed by the governing body. For a  
18           city election that is not held under an agreement with any county in a precinct in which  
19           seventy-five or fewer votes were cast in the last city election, the governing body of  
20           the city may appoint one inspector and one judge.
- 21      5.   When a city enters into an agreement with the county to hold the city election in  
22           conjunction with the county election, the deadline for giving notice of the city election  
23           along with the offices to be filled at the election may be adjusted in order to meet the  
24           publishing requirements of the county. Each city governing body that enters into an  
25           agreement with the county must notify the county auditor, in writing, ~~at least fifty-five~~  
26           ~~days immediately after the candidate filing deadline on the seventieth day~~ before the  
27           election of the offices to be filled at the election and any measures to appear on the  
28           ballot.

29       **SECTION 22. AMENDMENT.** Section 40-21-07 of the North Dakota Century Code is  
30       amended and reenacted as follows:

1           **40-21-07. Petition for nomination of elective official in cities - Signatures required -**  
2 **Withdrawal of petition - Contents.**

3           A candidate for any public office in an incorporated city may be nominated by filing with the  
4 city auditor, ~~at least sixty days and~~ before four p.m. on the ~~sixtieth~~seventieth day before the  
5 holding of the election, a petition signed by not less than ten percent of the number of qualified  
6 electors who voted for that office in the last city election. A candidate shall also file a statement  
7 of interests as required by section 16.1-09-02. If multiple candidates were elected to the office  
8 at the preceding city election at which the office was voted upon, the number of signatures must  
9 equal at least ten percent of the total votes cast for all candidates divided by the number of  
10 candidates that were to be elected to that office at that election. Qualified electors who sign a  
11 petition must reside within the ward or precinct in and for which that officer is to be elected, if  
12 the election is by wards, or within the corporate limits of the city, if the officer is elected at large.  
13 In cities operating under the commission system of government the required petition may be  
14 signed by the qualified electors at large residing within the city. If a petition is mailed, it must be  
15 in the possession of the city auditor before four p.m. on the ~~sixtieth~~seventieth day before the  
16 holding of the election. However, no more than three hundred signatures may be required and  
17 the signatures may be on separate sheets of paper. Petitions must meet the specifications of  
18 nominating petitions pursuant to section 16.1-11-16. If a city election is not combined with a  
19 state or county election according to section 40-21-02, a candidate may be nominated by filing  
20 the required petition with the city auditor ~~at least sixty days and~~ before four p.m. on the  
21 ~~sixtieth~~seventieth day before the holding of the election. A candidate may withdraw the  
22 candidate's nominating petition at any time before the applicable deadlines for filing nominating  
23 petitions provided for in this section. Nominating petitions required by this section may not be  
24 circulated or signed ~~more than ninety days before the date when nominating petitions must be~~  
25 ~~filed under this section~~prior to January first preceding the election. Any signatures to a  
26 nominating petition obtained ~~more than ninety days~~ before that date may not be counted. A  
27 nominating petition for a special election may not be circulated or signed more than thirty days  
28 before the time when a petition for a special election must be filed. A candidate for city council  
29 may run for either the office of mayor or council member but not both in the same election. A  
30 candidate for the city commission may run for either the office of city commissioner or the office



1 of president of the board of city commissioners but not both in the same election. A candidate  
2 may run for only one office in a city at any given election.

3 **SECTION 23. AMENDMENT.** Section 40-21-08 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **40-21-08. Ballots in municipalities - Arrangement.**

6 The auditor of the city shall place only the names of the persons nominated upon the ballot.  
7 The auditor shall arrange the offices upon the ballot in the order in which they are named in the  
8 statutes. The auditor shall determine the arrangement of the names of the candidates upon the  
9 ballot by conducting a drawing ~~within five days following the last day for the filing of the~~  
10 nomination papers immediately after the candidate filing deadline on the seventieth day before  
11 the election. The city auditor shall set the date, time, and location for conducting the drawing  
12 and shall give advance notice of the drawing to the candidates involved.

13 **SECTION 24. AMENDMENT.** Section 40-57.3-01.1 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **40-57.3-01.1. City lodging and restaurant tax - Imposition - Amount - Disposition -**  
16 **Referral.**

17 In addition to the tax under section 40-57.3-01, the governing body of any city may, by  
18 ordinance, impose a city tax, at a rate not to exceed one percent, upon the gross receipts of  
19 retailers on the leasing or renting of hotel, motel, or tourist court accommodations within the city  
20 for periods of less than thirty consecutive calendar days or one month and upon the gross  
21 receipts of a restaurant from any sales of prepared food or beverages, not including alcoholic  
22 beverages for consumption off the premises where purchased, which are subject to state sales  
23 taxes. For purposes of this section, "restaurant" means any place where food is prepared and  
24 intended for individual portion service for consumption on or off the premises and "prepared"  
25 includes heating prepackaged food. Accommodations, food, and beverages may all, each, or in  
26 any combination be subjected to the tax under this section, if all items in any category which are  
27 taxable under state law are taxable, except as otherwise provided in this section. The tax  
28 imposed under this section is in addition to state sales taxes on rental accommodations and  
29 restaurant sales and any city which imposes the tax under this section shall deposit all  
30 proceeds in the city visitors' promotion capital construction fund. Moneys deposited in the city  
31 visitors' promotion capital construction fund shall be spent only as provided in this chapter. An

1 ordinance adopted under this section may not become effective sooner than sixty days after it is  
2 adopted by the governing body of the city. The provisions of chapter 40-12 with regard to  
3 referral of ordinances apply to an ordinance adopted under this section except that a petition to  
4 refer an ordinance adopted under this section must be presented to the governing body of the  
5 municipality before four p.m. on the ~~sixtieth~~seventieth day after the ordinance described in the  
6 petition was adopted by the governing body of the municipality. Revenues from a tax imposed  
7 under this section may not be pledged under section 40-57.3-03 to payment of bonds or  
8 evidences of indebtedness until after the time has passed for filing a referral petition against an  
9 ordinance under this section or, if a referral petition is filed, until after the referral petition has  
10 been submitted to the vote of the electors of the municipality.

11 **SECTION 25. AMENDMENT.** Subsection 4 of section 44-08-21 of the North Dakota  
12 Century Code is amended and reenacted as follows:

13 4. The name of the official to be recalled must be placed on the ballot unless the official  
14 resigns within ten days after the filing officer certifies the petition is valid and sufficient.  
15 Other candidates for the office may be nominated in a manner provided by law and  
16 shall file nominating papers with the appropriate filing officer by the ~~sixtieth~~seventieth  
17 day before the scheduled recall election. If the official resigns, the appropriate political  
18 subdivision governing body may call a special election or appoint an individual to  
19 complete the unexpired term of the office. When the election results have been  
20 officially declared, the candidate receiving the highest number of votes is elected for  
21 the remainder of the term. No official is subject to recall twice during the term for which  
22 the official was elected. An official whose office is on the ballot at a regularly scheduled  
23 election occurring within one year is not subject to recall.

24 **SECTION 26. AMENDMENT.** Section 46-06-03 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **46-06-03. Application to place name on ballot at primary election.**

27 The county auditor shall place the name of a newspaper upon the primary election ballot if  
28 the newspaper is qualified to serve as the official newspaper within the county and if, ~~not more~~  
29 ~~than seventy days nor less than sixty days~~ and before four p.m. of the ~~sixtieth~~seventieth day  
30 prior to the primary election, an application asking that the name of the newspaper be placed  
31 upon the ballot to be voted upon for nomination as official newspaper of the county and an

1 affidavit indicating the newspaper meets all of the requirements of an official newspaper  
2 pursuant to sections 46-05-01 and 46-06-02 are filed with the county auditor by a person,  
3 partnership, corporation, or limited liability company owning or operating the newspaper. The  
4 county auditor shall endorse upon the application the name of the newspaper and the date  
5 upon which the application is filed.

6 **SECTION 27. AMENDMENT.** Section 61-24-03 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **61-24-03. Election of directors of the Garrison Diversion Conservancy District.**

9 A director of the Garrison Diversion Conservancy District must be nominated and elected in  
10 each county in the district. Any person who is a resident and qualified elector of the county who  
11 aspires to the office of director of the Garrison Diversion Conservancy District shall, ~~not more~~  
12 ~~than seventy days or less than sixty days~~ and before four p.m. of the ~~sixtieth~~seventieth day  
13 before any primary election preceding a general election at which a director of the district is to  
14 be elected, present to the county auditor a petition giving that person's name, post-office  
15 address, the title of the office "Director of the Garrison Diversion Conservancy District", and  
16 containing the signatures of not less than fifty nor more than three hundred qualified electors of  
17 the county to which each signer has added the signer's residence with street number, if any,  
18 and the date of signing.

19 The petition must be accompanied by an affidavit substantially as follows:

20 State of North Dakota )

21 ) ss.

22 County of \_\_\_\_\_ )

23 I, \_\_\_\_\_, being sworn, say that I reside in the county of \_\_\_\_\_ and  
24 State of North Dakota; that I am a qualified elector therein; that I am a candidate for  
25 nomination to the office of director of the Garrison Diversion Conservancy District to be  
26 chosen at the primary election to be held on \_\_\_\_\_, \_\_\_\_\_, and I request that  
27 my name be printed upon the no-party primary election ballot as provided by law, as a  
28 candidate for the office.

29 \_\_\_\_\_  
30 Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_.  
31 \_\_\_\_\_

Notary Public

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Upon receipt of the petition, the county auditor shall without fee place the name of the aspirant on the no-party primary election ballot as a candidate for the aforesaid office of director. The two candidates receiving the highest number of votes if more than two are running are nominated.

The names of the candidates so nominated at the primary election must be placed on the no-party ballot at the ensuing general election and the candidate receiving the highest number of votes is elected.

At the primary and general elections, votes must be canvassed, returned certified, and certificates of nomination and election issued in the manner provided by law for the nomination and election of county officers.

**SECTION 28. AMENDMENT.** Section 61-24.5-06 of the North Dakota Century Code is amended and reenacted as follows:

**61-24.5-06. Election of county directors of the southwest water authority.**

Any person who is a resident and qualified elector of the county, who aspires to the office of director of the southwest water authority, shall, ~~not more than seventy nor less than sixty days~~ and before four p.m. of the ~~sixtieth~~seventieth day before any primary election preceding a general election at which a director of the authority is to be elected, present to the county auditor a petition giving that person's name, post-office address, and the title of the office of the southwest water authority to which that person is seeking election. The petition must contain the signatures of not less than two percent of the qualified electors of the county as determined by the number of votes cast in the county for the office of director of the southwest water authority at the most recent preceding election at which the office of director of the southwest water authority was voted upon. Each signer of the petition shall include with that signer's name that signer's mailing address.

The petition must be accompanied by an affidavit 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 qualified elector therein; that I am a candidate for the

1 office of director of the Southwest Water Authority to be elected at the primary election to  
2 be held on \_\_\_\_\_, \_\_\_\_\_, and I request that my name be printed upon the  
3 no-party primary election ballot as provided by law, as a candidate for the office.

4 \_\_\_\_\_  
5 Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_.

6 \_\_\_\_\_  
7 Notary Public

8 Upon receipt of the petition, the county auditor shall without fee place the name of the  
9 aspirant on the no-party primary election ballot as a candidate for the office of director. The  
10 candidate receiving the highest number of votes is elected.

11 At the primary election, votes must be canvassed, returned certified, and certificates of  
12 election issued in the manner provided by law for the election of county officers.

13 **SECTION 29. AMENDMENT.** Section 61-24.5-07 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **61-24.5-07. Election of city directors of the southwest water authority.**

16 Any person who is a resident and qualified elector of the city of Dickinson or Mandan who  
17 aspires to the office of director of the southwest water authority shall, at least sixty days and  
18 before five p.m. on the ~~sixtieth~~seventieth day before the election, file with the city auditor a  
19 petition signed by not less than ten percent of the number of qualified electors who voted for  
20 that office in the last city election, except that the petition for the first election must be signed by  
21 not less than two hundred qualified electors. Signers of a petition must reside within the  
22 corporate limits of the city, and each signer of the petition shall include with the signer's name  
23 the signer's mailing address. The petition must include the candidate's name, post-office  
24 address, and the title of the office of the southwest water authority for which the candidate is  
25 seeking election.

26 The petition must be accompanied by an affidavit substantially as follows:

27 State of North Dakota )  
28 ) ss.  
29 City of \_\_\_\_\_ )

30 I \_\_\_\_\_, being sworn, say that I reside in the city of \_\_\_\_\_  
31 and State of North Dakota; that I am a qualified elector therein; that I am a candidate for the

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1 office of director of the Southwest Water Authority to be elected at the municipal election to  
2 be held on \_\_\_\_\_, \_\_\_\_\_, and I request that my name be printed upon the  
3 election ballot as provided by law, as a candidate for the office.

4 \_\_\_\_\_  
5 Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_.

6 \_\_\_\_\_  
7 Notary Public

8 Upon receipt of the petition, the city auditor shall without fee place the name of the aspirant  
9 on the election ballot as a candidate for the office of director. The candidate or candidates,  
10 depending on whether one or two directors are being elected, receiving the highest number of  
11 votes are elected. The provisions of chapter 40-21 govern the election of directors from the city  
12 of Dickinson or Mandan for the southwest water authority.