

## **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.

**16.1-03-04. Candidates elected at caucus - Tie vote - Canvassing vote.** Repealed by S.L. 1997, ch. 189, § 12.

**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.

**16.1-03-06. District committee of political party - How constituted.** Repealed by S.L. 1997, ch. 189, § 12.

**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.

**16.1-03-09. Proxies permissible - Exception.** Repealed by S.L. 1997, ch. 189, § 12.

**16.1-03-10. Member of committee to be qualified elector - Term of member.** Repealed by S.L. 1997, ch. 189, § 12.

**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.

**16.1-03-13. When state party convention held.** Repealed by S.L. 1997, ch. 189, § 12.

**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.

**16.1-03-15. Expenses of delegates to national conventions.** Repealed by S.L. 1987, ch. 247, § 1.

**16.1-03-16. Filling vacancy occurring in office of national committeeman or committeewoman.** Repealed by S.L. 1997, ch. 189, § 12.

**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 a notice in the official county newspaper 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.

**16.1-03-18. Unfair and corrupt election practices applicable to chapter.** Repealed by S.L. 1997, ch. 189, § 12.

**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.

**16.1-03-20. Political parties may conduct presidential preference caucuses.**  
Repealed by S.L. 2009, ch. 181, § 1.