

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1452  
(Representatives Rust, Mock, Nathe)  
(Senators Hogue, Schneider)

AN ACT to create and enact section 16.1-13-08.1 of the North Dakota Century Code, relating to the call for a special election to fill a vacancy in the United States House of Representatives due to a catastrophic circumstance.

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

**SECTION 1.** Section 16.1-13-08.1 of the North Dakota Century Code is created and enacted as follows:

**16.1-13-08.1. Special election to fill a vacancy in the United States House of Representatives due to a catastrophic circumstance.** If a vacancy occurs in the office of representative in Congress due to a catastrophic circumstance in which one hundred or more representatives across the United States are no longer able to serve and the next regular or special election is more than seventy-five days in the future, the governor shall immediately issue a writ of election calling a special election to fill the vacancy. The date of the election shall be forty-nine days from the date of the proclamation and the following deadlines shall apply:

1. Certificate of endorsement as described in section 16.1-11-09, affidavits of candidacy described in section 16.1-11-10, and statements of interest described in section 16.1-09-03 for those candidates nominated by political parties currently established in the state shall be filed with the secretary of state by four p.m. on the fortieth day before the election.
2. If the election occurs in an election year, the precincts previously established by the county shall be utilized.
3. If the election occurs in a year without a scheduled election, the board of county commissioners must establish the precinct boundaries by the fortieth day before the election.
4. The secretary of state shall certify to the county auditors the names of the candidates for the election on the thirty-ninth day before the election.
5. Absentee ballots shall be made available to qualified electors by the thirtieth day before the election.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1452.

House Vote:      Yeas    83      Nays    3      Absent    8

Senate Vote:    Yeas    46      Nays    0      Absent    1

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State