

OPINION
68-268

November 7, 1968 (OPINION)

Mr. T. L. Secrest, State Chairman

North Dakota Republican Party

RE: Political Parties - District Meetings - Time

This is in response to your letter in which you mention Section 16-17-10 and 16-17-10.1 of the North Dakota Century Code, which appear to be in conflict.

Section 16-17-10, as amended and as is pertinent to the matter under discussion, is as follows:

"MEETING OF DISTRICT COMMITTEE - ORGANIZATION. The district committee of each party shall meet at any hour between the hours of two o'clock p.m. and eight o'clock p.m. on the third Monday in November following each general election. The exact hour and site shall be set by the existing district committee chairman. The district committee shall organize by:

* * *."

Section 16-17-10.1 appears as follows in both the Session Laws and in the Code:

"POLITICAL PARTIES TO ORGANIZE ON DISTRICT BASIS. Legally recognized political parties shall organize on a legislative district basis not later than the second Tuesday in November in the year 1967 and in the year 1968 and each two years thereafter. The manner of organizing shall substantially follow the provisions of chapter 16-17 of the North Dakota Century Code."

However, Section 16-17-10.1 was amended by House Bill No. 533 in the 1967 Legislature and certain amendments to the Act were adopted and approved by both the House and the Senate but for some unexplained reason said amendments were not shown in the final bill. (See House Journal, Page 1213 and Senate Journal, Page 1005.) The amendment to House Bill No. 533 did result in Section 16-17-10.1 reading as follows:

"Legally recognized political parties shall organize on a legislative district basis not later than the second Tuesday in November in the year 1967 and thereafter as provided by law."
(Underscoring ours.)

The language "and in the year 1968 and each two years thereafter", was deleted and the language, "and thereafter as provided by law", was inserted in lieu thereof.

This office has, on numerous occasions, held that amendments which were legally adopted by the Legislature but were not carried forward

in the bill would control rather than the bill as finally adopted, except in appropriation matters. By applying the same rule to Section 16-17-10.1, as amended in the 1967 Legislature by House Bill No. 533, we come to the conclusion that the amendments as found in the Journal would be controlling, and the language, "and thereafter as provided by law", makes the provisions of Section 16-17-10 applicable in years after 1967.

It is, therefore, our opinion that the district committee meeting be held between the hours of two o'clock and eight o'clock p.m. on the third Monday in November following each general election. This would make it the 18th day of November, 1968. It is our further opinion that the term, "following each general election", does not modify the Monday but merely sets forth the November in which such meetings are to be held, namely, the November in the year in which a general election was held.

HELGI JOHANNESON

Attorney General