

part included in a civil township, and no part of which is organized for school purposes, shall be formed into a school district as soon as it shall have residing therein twelve or more children of school age.

§ 2. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 3. EMERGENCY.] There being no adequate provision for the convenient creation of districts in counties where the district system is now in force, an emergency is hereby declared to exist, and this act shall be in force from and after its passage and approval.

Approved, March 6, 1893.

## ELECTIONS.

### CHAPTER 60.

[Sub. S. B. 1 and 17.]

#### AMENDING AUSTRALIAN BALLOT LAW.

AN ACT to Amend Section 1, Sections 2, 4, 5, 16, 17, 18 and 24 of Chapter 66 of the Laws of 1891, Known as the Australian Ballot Law.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 1 be amended so as to read as follows:

§ 1. BALLOTS—EXPENSE—EXCEPTIONS.] All ballots cast at election for public officers, within this State (except county superintendent of schools and civil township officers in corporate cities or villages having less than 300 legal voters) shall be printed and distributed at public expense, as hereinafter provided. The printing of ballots and cards of instructions for the electors in each county and the delivery of the same to the election officers, as hereinafter provided, shall be a county charge, and for municipalities a municipal charge, the payment of which shall be provided for in the same manner as other county and municipal expenses; *Provided, however*, that municipalities and corporate towns and villages having less than 300 legal voters as listed by the assessor at the last preceding assessment, shall be exempt from the provisions of this act.

§ 2. AMENDMENT.] That Section 2 be amended so as to read as follows:

§ 2. CONVENTIONS MAY NOMINATE.] Any convention held for the purpose of making nominations for public office, and also

electors as hereinafter specified, may nominate candidates for public office, to be filled by election within the State, which shall be held after public printed or posted notices of holding the same of at least three days. A convention, within the meaning of this act, is an organized assembly of electors or delegates representing a political party or principle.

§ 3. AMENDMENT.] That Section 5 be amended so as to read as follows:

§ 5. NOMINATIONS NOT BY CONVENTION, HOW MADE.] Candidates for public office may be nominated otherwise than in convention, in the manner following: A certificate of nomination containing the name of a candidate for the office to be filled with such information as is required to be given in certificates provided for in Section 3 of this act, shall be signed by electors residing within the district or political division in and for which the officer or officers are to be elected in the following numbers: The number of signatures shall not be less than 300 when the nomination is for an office to be filled by the electors of the entire State, and not less than ten per cent. of the electors (or of the vote cast for member of Congress at the last preceding general election) when the election is for an office to be filled by the electors of a county, district or other division less than a State; *Provided*, That the said signatures need not be appended to one paper. Each elector signing a certificate shall add to his name his place of residence, his business and his address. Such certificate may be filed as provided for in Section 4, Chapter 66 of the Session Laws of 1891, in the same manner and with the same effect as a certificate of nomination made by a party convention.

§ 4. AMENDMENT.] That Section 4 be amended so as to read as follows:

§ 4. CERTIFICATE OF NOMINATION—WITH WHOM FILED.] Certificates of nominations for candidates for offices to be filled by the electors of the entire State, or of any division or district greater than a county, and for all legislative offices, shall be filed with the Secretary of State; certificates of nominations for county officers shall be filed with the auditor of the respective counties wherein the officers are to be elected; certificates of nomination for municipal officers shall be filed with the municipal or city auditor.

§ 5. AMENDMENT.] That Section 16 be amended so as to read as follows:

§ 16. INSPECTOR OF ELECTIONS — QUALIFICATIONS — DUTIES.] The chairman of the board of supervisors in organized townships shall by virtue of his office, be inspector of elections. In the case that the township is composed of more than 300 voters, then the said chairman shall be inspector of election for that precinct in which he lives and shall have the power of appointing the inspector in the other precinct, or precincts, which are the component parts of the township of which he is chairman. In all cities the senior alderman shall be inspector of election for the precinct which he

represents, and in incorporated villages the president of the village board of trustees shall so sit. The inspector shall, prior to the opening of the polls in his precinct, appoint as judges of election two qualified electors of such precinct, who shall have been resident householders therein for at least ninety days next preceding such election, and who are members of different political parties and of the parties which cast the highest number of votes at the preceding general election; *Provided*, That at least one week prior to such election the chairman of the county central committee of either of the two parties that cast the largest number of votes in the State at the last general election, shall nominate a member of such party as judge, having the same qualifications as above prescribed, and upon presenting certificate of such nomination signed by said chairman he shall be appointed by the inspector, and such judges, together with the inspector, shall constitute a board of election. No person shall be eligible as member of the board of election who has anything of value bet, or wagered on the results of such election, or who is a candidate, or is father, father-in-law, son, son-in-law, brother or brother-in-law of any candidate at such election. If at any time before or during an election it shall be made to appear to any inspector, by the affidavit of two or more qualified electors of the precinct, that either of the judges is disqualified under the provisions of this act, he shall at once remove such judge and fill the place with a qualified person of the same political party as the judge removed, and in case such qualified judge shall have taken the oath of office as prescribed by law, the inspector shall place such oath and affidavit before the States attorney of the county; *Provided*, That in case the aforesaid inspector is a candidate for any office or otherwise disqualified to act, then the other two members of the board of township supervisors together with the clerk, shall at least ten days before the date of holding the election, hold a meeting for the purpose of filling such vacancy. Such vacancy shall be filled by appointing an inspector who shall belong to the same political party as the disqualified inspector, and the name of the inspector so appointed shall at once be reported to the county auditor by such clerk.

§ 6. AMENDMENT.] That Section 17 be amended so as to read as follows:

§ 17. BALLOTS—HOW PREPARED—ARRANGEMENT OF NAMES.] All ballots prepared under the provisions of this act shall be white and of a good and uniform quality of paper, and the names shall be printed thereon in black ink. At the head of each ballot shall be printed the name or designation of every political party represented on such ballot. Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been certified or filed according to the provisions of this act, and no other names. The candidates of the party casting the highest number of votes for member of congress at the last general election shall be arranged in the first or

left hand column of said ballot; of the party casting the next highest number of votes for member of congress at the last general election in the second column; of the party casting the next highest number of votes at the last general election in the third column; and of any other party as the secretary of state may direct for state officers, or county auditor for county officers, or the municipal or city auditor for municipalities, or the president of the board of trustees for corporate villages, may direct. The names of electors of President and Vice President of the United States presented in one certificate of nomination shall be arranged in a group and placed at the head of the column under the party designated represented in such certificate. Below the candidates for each office shall be left a blank space large enough for the name of a candidate to be written in. There shall be a margin on each side at least half an inch in width, and a reasonable space between the names printed thereon, so that the voter may clearly indicate in the way hereafter provided, the candidate or candidates for whom he wishes to cast his ballot. Whenever the Secretary of State has duly certified to the auditor any question to be submitted to a vote of the people, the auditor shall have printed on the regular ballots the question in such form as will enable the elector to vote upon the question so presented in the manner hereinafter provided. The auditor shall also prepare the necessary ballots whenever any question is required by law to be submitted to the vote of the electors of any subdivision and not to the State generally. The municipal or city auditor shall prepare and direct the printing and distributing of all ballots for municipal or city affairs and for all questions that may be submitted to a vote of the electors of such municipality except as provided for in section one (1) of this act.

§ 7. AMENDMENT.] That Section 18 of Chapter 66, of the Laws of 1891, be amended to read as follows:

§ 18. COUNTY AUDITOR TO PROVIDE BALLOTS—NUMBER—POLL BOOKS.] The auditor of each county shall provide for each election precinct in the county 150 ballots for every fifty, or fraction of fifty, electors registered in the precinct, in packages or blocks containing 150 ballots each. If there be no registry in the precinct the county auditor shall provide ballots to the number of 150 for every fifty, or fraction of fifty, electors who voted at the last preceding election in the precinct; *Provided*, That if the electors of any precinct have materially increased, then such auditor may provide in the same proportion, the necessary additional ballots according to best information obtainable. The ballots to be printed by the county auditors shall be printed and held ready for inspection by the candidates and their agents, at least five days before a general election, and five days before said election five printed and exact copies of the ballots, except that they shall be printed upon tinted paper, shall be sent to the inspector at each precinct to be, by him, posted in five conspicuous places in his



precinct, one being posted at the polling station; and for which service said inspector shall be entitled to receive two dollars. And if it be found that the ballots as provided to the inspector for voting purposes, and the said copies be not identical in all respects except in color, then the difference shall be held to be *prima facie* evidence of fraud on the part of the auditor, and he shall be liable to punishment as provided elsewhere for violation of this law. At the time of distribution of said copies, the auditor shall cause to be delivered to the inspectors of the several precincts a suitable number of blank forms of poll books, and also forms of election returns, with the proper captions, forms of oath and forms of certificates and tally paper necessary to carry out the provisions of the election laws.

§ 8. AMENDMENT.] That Section 24 be amended so as to read as follows:

§ 24. MARKING BALLOTS—MANNER OF VOTING.] On receipt of his ballot the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths or compartments provided, to prepare his ballot by placing a cross (X) mark before each and every name or group of names for whom he may wish to vote, or the elector may write in the blank space or paste over any other name the name of any person for whom he may wish to vote, but the name of no candidate shall be counted which has not the cross (X) mark before such name; or in case of a ballot containing a constitutional amendment or other question to be submitted to a vote of the people, by placing a cross (X) mark before the word or words expressing his wish and for which he desires to vote. After preparing his ballot the elector shall fold it so the face of the ballot will be concealed, and so the endorsement stamp thereon may be seen. He shall then vote forthwith and before leaving the polling place and after voting he shall immediately leave the room.

§ 9. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 10. EMERGENCY.] An emergency exists in that there is no law applying the Australian system of voting in municipalities whose elections will be held long before this act would take effect; therefore, this act shall take effect and be in force on and after its passage and approval.

Approved, March 13, 1893.