

## ELECTIONS

### CHAPTER 127.

[S. B. No. 310—Stevens]

#### REGISTRATION OF VOTERS.

AN ACT to Amend and Re-Enact Section 733 of the Revised Codes of 1905, Relating to the Registration of Voters.

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

§ 1. AMENDMENT.] That Section 733 of the Revised Codes of 1905 be amended so as to read as follows:

§ 733. REGISTERS, WHAT TO CONTAIN.] Such registers shall each contain a list of the qualified electors of such precinct, alphabetically arranged according to their respective surnames, so as to show in one column the name at full length, and in another column the residence by the number of the dwelling, if there is a number, and the name of the street or other location of the dwelling place of each elector. It shall be the duty of such board to enter in such lists the names of all persons residing in its election precinct whose names appear on the poll list made in such precinct at the last preceding election, the number of the dwelling and name of the street or other location if the same is known to or can be ascertained by such board, and for this purpose the board is authorized to take from the office in which it is filed the poll list made and filed by the judges or inspector of such precincts at the election held next prior to the making of such register. In making such register the board shall enter therein in addition to the names on the poll list, the names of all other persons who are known to them to be qualified electors in such precinct, or shall be proved to be qualified electors by the oath of the person applying to be registered, or by the oath of some elector whose name has been already placed upon the poll list; and the names of all persons on the poll list who have died or removed from the precinct shall be omitted from the register. It shall also be the duty of said board to enter in such register, alphabetically in separate columns as provided herein, the names of all women entitled to vote for candidates for school offices and on questions pertaining solely to school matters in all cities of three thousand inhabitants or over. Such board shall complete as far as practicable such register on the day of their meeting aforesaid, and shall make two copies thereof and certify the register and each of the copies to be a true list of the voters in its precinct so far as the same are

known, within ten days thereafter; such original list, together with the list taken from the office aforesaid, shall be filed with the board and shall be kept by one of the judges or by the inspector and carefully preserved for its use on the day hereinafter mentioned for the revision and correction of the same. One copy of such list shall immediately after its completion be posted in some public and conspicuous place at or near the place where the last preceding election in such precinct was held, and be accessible to any elector who may desire to examine the same or make copies thereof. Any person who shall tear down, deface or destroy any list so posted, is guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the jail not exceeding five years, or by such fine and imprisonment.

Approved March 3, 1911.

## CHAPTER 128.

[S. B. No. 318—Bessøen]

### VOTES CAST BY PERSONS NOT REGISTERED.

AN ACT to Amend and Re-Enact Section 738 of the Revised Codes of 1905 Relating to Votes Cast by Persons Not Registered.

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

§ 1. That Section 738 of the Revised Codes of 1905 be, and the same is hereby amended to read as follows:

§ 738. RECEIVING VOTE FROM PERSON NOT ON REGISTRY LIST.] After such lists shall have been fully completed such board shall within two days cause two copies of the same to be made, each of which shall be certified by it to be a correct list of the qualified electors of the precinct so far as known, which list the judges or inspector shall carefully keep and preserve for use on election day; and at the opening of the polls the judges or inspector shall designate two of their number to check the name of each voter voting in such precinct whose name is on the register. No vote shall be received at any election in this state if the name of the person offering such vote is not on the register, unless such person shall furnish to the judges of election his affidavit, stating therein that he is a resident of such precinct, giving his place of residence and length of time he has resided there, and also prove by the oath of a householder and registered voter of the precinct that he knows such person to be a resident therein, giving his place of residence. Such oath may be administered by the inspector or one of the judges of election, or any other person authorized to administer oaths, but no person shall receive any compensation for administering such oath. Such oath

shall be preserved and filed by the judges of election. Any person may be challenged and the same oath required as is now or hereafter may be prescribed by law. Provided, that nothing herein contained shall be construed as rendering void the vote of any duly qualified elector whose vote has been received contrary to the provisions of this section; but the person claiming the benefit of such vote in any action or judicial proceeding shall have the burden of establishing the fact that such vote was cast by a duly qualified elector.

Approved March 6, 1911.

#### CHAPTER 129.

[S. B. No. 31—Duncan]

##### ELECTION PRIVILEGES.

AN ACT to Secure the Purity of Elections, to Limit Candidates' Election Expenses, to Define, Prevent and Punish Corrupt and Illegal Practices in Nominations and Elections, to Provide for Furnishing Information to the Electors; and to Provide a Penalty for the Violation of This Act.

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

§ 1. PRIMARY CAMPAIGN EXPENSES LIMITED.] No sum of money shall be paid, and no expenses authorized or incurred by or on behalf of any candidate to be paid by him, except such as he may pay to the state for printing, as herein provided, in his campaign for nomination to any public office or position in this state, in excess of fifteen (15) per cent of a year's compensation or salary of the office for which he is a candidate; provided, that no candidate shall be restricted to less than two hundred dollars (\$200.00) in his campaign for such nomination; provided, that the provisions of this act shall not be construed to apply to the candidate's personal traveling expenses. No sum of money shall be paid and no expenses authorized or incurred contrary to the provisions of this act, for or on behalf of any candidate for nomination.

§ 2. PUBLICITY PAMPHLET. CANDIDATES' STATEMENTS.] Any candidate for nomination to any state or district office, when the district is composed of one or more counties, may file with the secretary of state for publication as herein provided, not later than forty (40) days before the biennial primary nominating election, with his portrait cut if he wishes, a printed or typewritten statement, on the conditions set forth, over his signature, stating the reasons why he should be nominated.

Each candidate shall be allowed one (1) page of printed matter, and those opposing him shall each be allowed one page of space on equal terms with him, as herein provided.

§ 3. RATES.] Candidates for nomination shall pay for one page of space in the publication herein provided for as follows: For the office of United States senator, one hundred dollars; for representatives in Congress, one hundred dollars; for justice of the Supreme Court, seventy-five dollars; for governor, one hundred dollars; for secretary of state, one hundred dollars; for state treasurer, one hundred dollars; for state auditor, one hundred dollars; commissioner of insurance, superintendent of public instruction, attorney general and commissioner of labor, each seventy-five dollars; for railroad commissioner, twenty-five dollars; for senator or representative in the legislative assembly, ten dollars; for district judge, fifty dollars; for county judge, register of deeds, county auditor, county treasurer, state's attorney, sheriff and county school superintendent, each twenty-five dollars. All payments required by this section shall be made to the secretary of state when the statement is offered to him for filing, and be by him paid into the general fund of the state treasury. Any candidate for state offices may have additional space, not exceeding three pages at the rate of one hundred dollars a page, and any candidate for county or legislative office may have additional space not exceeding two pages, at the rate of twenty-five dollars (\$25.00) a page.

§ 4. PRINTING STATEMENTS.] Not later than thirty days before the primary nominating election the secretary of state shall properly complete, edit, prepare, and index for printing all of such statements and portrait cuts and cause the same to be printed in pamphlet form, printing and pictures of candidates with and as a part of their several statements, where such portrait cuts are offered; statements of those who directly oppose any candidate shall follow next after his statement. All of the statements filed for and against all the candidates for nomination to each office shall be printed in the order in which the candidates' names are grouped under the title of their offices on the official ballot at the nominating election. No picture, statement or argument for or against any candidate for nomination shall be included in the copy of the pamphlet going to any county where such candidate is not to be voted for. The said pamphlets shall be printed and delivered to the secretary of state as quickly as possible and the delivery shall be completed not later than twenty (20) days before the nominating election.

§ 5. ADDRESSES TO VOTERS.] The several county auditors shall obtain the post-office addresses of all voters in their respective counties, which shall be taken from the registration lists in case of party registration, and in case of no party registration then such addresses may be procured from the personal property tax books of that year and other authentic source, and on or before the thirtieth (30th) day preceding the nominating election, mail to the secretary of state the name, post office address and party

registration of every such person, and at least twenty (20) days before the regular biennial primary nominating election, the secretary of state shall forward by mail to every such person a copy of the pamphlet containing the names and statements herein provided for. The pages of the pamphlet required by this act shall be six by nine inches in size, and the printed matter therein shall be set in eight point type, single leaded, and twenty-five ems pica in width, with proper headings.

§ 6. GENERAL ELECTION CAMPAIGN EXPENSES LIMITED.] No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this state, except such as he may contribute toward payment for his political party's or independent statement in the pamphlet herein provided for, in excess of fifteen (15) per cent of the annual salary of the office for which he is nominated; provided, that no candidate shall be restricted to less than two hundred dollars.

§ 7. ITEMIZED STATEMENTS FILED.] Every candidate for nomination or election to public office, including the offices of senators of the United States, shall within fifteen (15) days after the primary or general election at which he was a candidate, file with the secretary of state, if a candidate for senator of the United States, representative in congress, or for any state or district office, in a district composed of one or more counties, but with the county auditor for legislative districts composed of not more than one county, an itemized statement setting forth in detail all the moneys contributed, expended or promised by him to aid and promote his nomination or election, or both, as the case may be, and for the election of his party candidates, and all existing unfulfilled promises of every character and all liabilities in force at the time of such statement, and if no money or other valuable thing was paid or promised, he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such statement shall be fined twenty-five dollars (\$25.00) for every day on which he was in default, unless excused by the court.

§ 8. ACTUAL CONTRIBUTORS' NAMES.] No person shall make a payment of his own money or of another person's money to any other person in connection with a nomination or election in any other name than that of the person who in truth supplies such money; nor shall any person knowingly receive such payment or enter or cause the same to be entered in his accounts or record in any other name than that of the person by whom it was actually furnished.

§ 9. PRE-ELECTION PROMISES OF APPOINTMENTS.] No person shall, in order to aid or promote his nomination or election, directly or indirectly promise to appoint another person or to se-

cure or aid in securing the appointment, nomination or election of another person to any public or private position or employment, or to any position or honor, trust or emolument.

§ 10. CHARITABLE CONTRIBUTIONS BY CANDIDATES. SOLICITATION THEREOF.] No person shall demand, solicit, ask or invite any payment or contribution for any religious, political, charitable or other such cause from a person who seeks to be or has been nominated or elected to any office; and no such candidate or elected person shall make any such payment or contribution if it shall be demanded or asked during the time he is a candidate for nomination or election or an incumbent of any office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot or nominating paper or petition, or the performance of any duty imposed by law on a political committee.

§ 11. CAMPAIGN CONTRIBUTIONS BY CORPORATIONS PROHIBITED.] No corporation, trustee or officer thereof as such, shall pay or contribute in order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interest, success or defeat of any person or any political party or organization. And no person shall solicit or receive such payment from any corporation.

§ 12. TREATING.] Any person or candidate who shall, either by himself or by any other person, either before or after election, or while such person or candidate is seeking a nomination or election, directly or indirectly, give or provide, or pay, wholly or in part, the expense of giving or providing any drink or intoxicating liquors to or for any person for the purpose or with the intent or hope to influence that person or any other person to give or refrain from giving his vote at such election to or for any candidate or political party ticket or measure before the people, or on account of such person or any other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote or refrain from voting at such election, shall be guilty of treating. Every elector who accepts or takes any such drink or intoxicating liquors shall also be guilty of treating, and such acceptance shall be ground of challenge to his vote and of rejecting his vote on a contest.

§ 13. PENALTY.] Any person shall be guilty of corrupt practice within the meaning of this act if he expends any money for election purposes contrary to the provisions of this statute, or if he is guilty of treating, undue influence, personation, or the giving or promising to give any money or valuable thing to an elector with the intent to induce him to vote or to refrain from voting for any candidate for public office.

§ 14. EXPENSES OF VOTING. TRANSPORTATION PROHIBITED.] It shall be unlawful for any person to pay another for any loss or

damage due to attendance at the polls, or in registering or for the expense of transportation to or from the polls. No person shall pay for personal services to be performed on the day of a caucus, primary convention or any election for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty is to act as challengers and watch the count of official ballots. No person shall buy, sell, give or provide any political badge, button or any insignia to be worn at or about the polls on the day of an election, and no such political badge, button or insignia shall be worn at or about the polls on any election day.

§ 15. POLITICAL ADVERTISING LABELED PAID.] No publisher of a newspaper or other periodical shall insert either in its advertising or reading columns or any paid matter which is designed or tends to aid, injure or defeat any candidate or political party or organization or measure before the people, unless it is stated therein that it is a paid advertisement. No person shall pay the owner, editor, publisher or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election, and no such owner, editor, publisher, or agent shall accept such payment. Any person who shall violate any of the provisions of this section shall be punished as for a corrupt practice.

§ 16. ELECTIONEERING ON ELECTION DAY.] It shall be unlawful for any person at any place on the day of any election to ask, solicit or in any manner try to induce or persuade any voter on such election day to vote or refrain from voting for any candidate, or the candidates or ticket of any political party or organization, or any measure submitted to the people, and upon conviction thereof, he shall be punished by a fine of not less than five dollars, nor more than one hundred dollars for the first offense, and for the second and each subsequent offense occurring on the same or different election days he shall be punished by a fine as aforesaid, or by imprisonment in the county jail not less than five nor more than thirty days, or both such fine and imprisonment.

§ 17. FAILURE TO FILE STATEMENT. NAME OMITTED FROM BALLOT.] The name of a candidate chosen at a primary nominating election or otherwise, shall not be printed on the official ballot for the ensuing election unless there has been filed by or on behalf of said candidate the statements of accounts and the expenses relating to nominations required by this act, but delay in making such statement beyond the time prescribed shall not preclude its acceptance or prevent the insertion of the name on the ballot, if there is a reasonable time therefor after the receipt of such statements.

§ 18. CANDIDACY BONA FIDE.] It shall be unlawful for any

person to accept, receive or refrain from becoming a candidate for nomination or election, or by himself or in combination with any other person or persons to become a candidate for the purpose of defeating the nomination or election of any person and not with a bona fide intent to obtain the office.

§ 19. CORRUPT PRACTICE. FORFEITURE OF OFFICE OR NOMINATION.] If upon the trial of any action or proceeding under the provisions of this act for the contesting of the right of any person declared to be nominated to any office or elected to any office, or to annul or set aside such election, or to remove any person from his office, it shall appear that such person was guilty of any corrupt practice, illegal act, or undue influence in or about such nomination or election, he shall be punished by being deprived of the nomination or office as the case may be, and the vacancy therein shall be filled in the manner provided by law.

§ 20. CONTEST COMMENCEMENT.] Any action to contest the right of any person declared elected to any office, or to annul and set aside such election, or to remove from or deprive any person of an office of which he is the incumbent for any offense mentioned in this act must, unless a different time be stated, be commenced within forty (40) days after the return of the election at which such offense was committed, unless the ground of the action or the proceeding is for illegal payment of money or other valuable things subsequent to the filing of the statements prescribed by this act, in which case the action or the proceeding may be commenced within forty (40) days after the discovery by the complainant of such illegal payment.

§ 21. GENERAL PENALTY.] Whoever violates any provision of this act, the punishment of which is not specifically provided by law, shall on conviction thereof be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than one thousand dollars or by both such fine and imprisonment.

Approved March 6, 1911.



## CHAPTER 130.

[S. B. No. 36—Cashel]

## ELECTION BALLOTS.

AN ACT Amending Section 616 of Article 6, Chapter 8 of the Revised Codes of 1905, Entitled: Elections.

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

§ 1. That Section 616 of article 6 of chapter 8 of the Revised Codes of 1905 be amended to read as follows:

§ 616. BALLOTS. HOW PREPARED.] All ballots prepared under the provisions of this chapter shall be white and of uniform quality of paper printed in black ink, and of sufficient width to contain all of the tickets to be voted for, under the appropriate party designation for each and of sufficient length to contain all the names of the candidates to be voted for at said election. On the left hand of said ticket shall be a column designating the office to be voted for, and on the same line in the column under the appropriate party designation of each, all the names of the candidates duly nominated for that office shall be printed. Where there is more than one person to be elected to an office, there shall be printed in plain type immediately under the designation of the office to be voted for, the following words, "Vote for (number) names only; Mark X after name to be voted for and cross out names not desired. The names of the greatest number of candidates for such an office appearing in either of the two left hand columns, or if said two left hand columns have an equal number of names, then the first left hand column, and every second column to the right thereof on said ballot shall be alternated in the printing of said official ballot for each precinct by changing the position of the names in each office division as many times as there are candidates for such office." There shall be a space between the party designation at the top of each column and the names at the head of the ticket of five eighths of an inch, in the center of which there shall be a square formed of black lines, in which the voter by his mark may declare that he voted for all names printed in that column, except such as are erased, or pasted or written over, or where the voter places a cross (X) or mark following the name of a candidate in another column, such name shall be counted in lieu of the name for the same office in the column voted for at the head of the ticket; provided, further, that where there are groups of names for a like position and a cross (X) is placed at the head of a party designation, and the voter places a cross or mark, following the name of one or more candidates in a group, in another column and fails or neglects to strike out the same num-

ber of names in the column originally voted for, the intention of the voter shall be construed to having voted for the name or names in the group so marked and the name or names in the same line on the opposite group shall not be counted. There shall also be left under the name of each candidate sufficient space to write, or paste a name therein, in lieu of the one printed on the ticket, and on the same line with the name of each candidate, and at the end of his name there shall be a space enclosed in a square of black lines, in which the voter may designate by a cross or other mark, his choice for each candidate opposite the name of such candidate. The fact that a name has been written or pasted opposite the office to be voted for shall be deemed sufficient evidence that the person depositing such ballot intended to vote for the person whose name he has written or pasted thereon, and not for the person whose name was originally printed on the ballot whether he shall make a mark or cross opposite such written or pasted name or not. The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing in the manner as provided by the primary election law.

(Persons nominated by paper or by petition shall be placed in one or more columns under the designation of "Individual Nominations," on the same line with the offices for which they are nominated.)

Constitutional amendments duly certified to the auditor by the secretary of state or any question to be voted for aside from the election of public officers, shall be printed on a separate ballot and shall be deposited in a box separate from that provided to receive the ballots for public officers. The ballots must embrace the constitutional amendments in full, and there shall be printed at the bottom of the amendments the word "yes" and underneath the same word "no," and opposite each a square formed of black lines, and the elector shall designate by a cross or other mark within the square how he desires his vote recorded. If the question be other than a constitutional amendment, it shall be stated fully and fairly on such ballot, and the words "yes" and "no," shall be printed on the ballot at the close of the statement of the question in separate lines with a square formed of black lines after each in which the voter may indicate by cross or other mark how he desires to vote on the question. Where two or more amendments or questions are to be voted on they shall be printed on the same ballot.

Approved March 17, 1911.

## CHAPTER 131.

[H. B. No. 340—Sorlie]

## PERSONS WHO MAY VOTE.

AN ACT To Amend Section 605 of the Revised Codes of North Dakota for 1905 Relating to Who is Entitled to Vote.

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

§ 605. WHO ENTITLED TO VOTE.] Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state one year, and in the county six months, and in the precinct ninety days next preceding any election, shall be a qualified elector at such election:

First. Citizens of the United States.

Second. Civilized persons of Indian descent who shall have severed their tribal relations two years next preceding such election, provided he has complied with the provisions of any law which is now or may in the future be in force relating to the registration of voters, and all persons possessing the qualifications mentioned in this section, and who have resided in this state one year, shall be eligible to any office in this state, except as otherwise provided in the constitution.

Approved March 3, 1911.

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EXEMPTIONS

## CHAPTER 132.

[H. B. No. 158—Sauer]

## ADDITIONAL EXEMPTIONS ALLOWED HEAD OF FAMILY.

AN ACT to Amend Section 7117 of the Revised Codes of North Dakota, 1905, Relating to Additional Exemptions Allowed the Head of a Family Residing in North Dakota.

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

That section 7117 of the Revised Codes of North Dakota for the year 1905 be amended and re-enacted to read as follows:

§ 7117. ADDITIONAL EXEMPTIONS.] In addition to the property mentioned in the preceding section, the head of the family may,