

§ 11. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved, March 1, 1915.

ELECTIONS

CHAPTER 146.

[H. B. No. 185—Committee on Elections and Election Privileges.]

COUNTY CANVASSING BOARDS MEET SECOND FRIDAY AFTER ELECTION.

AN ACT to Amend Section 1009 of the Compiled Laws of North Dakota, 1913, Relating to Canvass of Votes, Abstract of Votes, Certificates of Election, Decision in Case of Tie, and Publication of Abstract of Votes.

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

§ 1. AMENDMENT.] That Section 1009 of the Compiled Laws of North Dakota, 1913, is hereby amended to read as follows:

§ 1009. ABSTRACT OF VOTES; CANVASS OF VOTES; CERTIFICATES OF ELECTION; TIE, HOW DECIDED; PUBLICATION OF ABSTRACT.] On the second Friday after each election, or as soon as the returns are received, the County Auditor shall call to his assistance a majority of the County Commissioners of the county or the County Treasurer, County Judge, and one County Commissioner, and none of the persons so called shall be a candidate for office, unless there is not sufficient of such officers who are not candidates, and shall proceed to open such returns and make abstracts of votes in the manner following from the certified statements prepared by the different inspectors of election in the various precincts. The abstract of votes for United States Senator, Member of Congress, Governor, State Auditor, Commissioner of Insurance, Commissioner of Agriculture and Labor, State Treasurer, Secretary of State, Attorney General, Commissioners of Railroads, Superintendent of Public Instruction and Lieutenant-Governor shall be on one sheet; the abstract of votes for members of the legislative assembly shall be on one sheet; the abstract of votes for county and precinct officers shall be on one sheet; and it shall be the duty of the County Auditor immediately to make out a certificate of election to each of the persons having the highest number of votes for county and precinct offices, respectively, and to deliver such certificate to the person entitled thereto on his making application to the County Auditor therefor; *provided*, that when a tie shall exist between two or more persons for the Senate or House of Representatives, if such district is within the boundary of one county, the Auditor of such county, and if

such district is within the boundaries of more than one county, then the County Auditor of the county casting the greater number of votes for the office of Governor, shall immediately by registered letter addressed to the respective candidates at their post office address, give notice to the several persons so having the highest and equal number of votes to attend at his office at a time appointed by him, which shall not be more than twenty days after the tie shall have been declared by such County Auditor and they shall then proceed publicly to decide by lot which of the persons so having the highest and equal number of votes shall be declared duly elected and such Auditor shall make and deliver to the person thus declared duly elected a certificate of his election as hereinbefore provided. It shall be the duty of the County Auditor of each county, on receipt of the returns of any election, to make out his certificate, stating therein the compensation to which the judges and clerks of election may be entitled for their services, and lay the same before the Board of County Commissioners at their next session, and the said board shall order the compensation aforesaid to be paid out of the county treasury. Immediately after canvassing the returns and making the abstract of votes as provided in this Section, the County Auditor shall make a certified copy of each abstract and forward it to the Secretary of State, and also cause to be published in the official newspapers of the county, in tabular form, the vote by precincts for each officer and proposition voted for at said election. Such publication to be paid for at a rate not exceeding the rate paid for publishing County Commissioners' proceedings. If the County Auditor is a candidate for office, he shall take no part in the canvass, but shall act as clerk of such board of canvassers, and the two officers called to the assistance of the County Auditor to make such canvass, shall call to their assistance a justice of the peace, and it shall thereupon be their duty at once to attend and canvass such returns as provided by law.

Approved, February 19, 1915.

CHAPTER 147.

[H. B. No. 20—Pettersen.]

DESIGNATION OF VOTING PLACES AT GENERAL ELECTIONS.

AN ACT to Amend and Re-enact Section 950 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Designating of Voting Places at General Elections.

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

§ 1. AMENDMENT.] That Section 950 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 950. PRECINCTS, HOW FORMED.] The Board of County Commissioners of each county in the state shall, at its first session after the taking effect of this Section, divide its county into election precincts and establish the boundaries of the same, if it has not heretofore done so, and the said Board of County Commissioners, whenever deemed necessary, shall sub-divide any precinct containing two or more congressional townships; *providing*, that every precinct so established shall comprise at least one congressional township. The entirety of civil townships, cities or villages as voting precincts shall be preserved when possible, except when such preservation would conflict with the provisions of this Section. In such case the civil township, city or village, except as hereinafter provided, shall be divided into two or more precincts, but in no case shall a precinct be composed of parts of two civil townships, or part of a township and city or village, excepting as hereinafter provided. Such Board of Commissioners shall designate one voting place in each precinct, *provided*, however, in case such voting place so designated becomes removed, destroyed or unavailable for any cause between the date when any regular or special meeting of the Board of County Commissioners is held and the date of a general election it shall be the duty of the board of supervisors to hold a meeting and designate by resolution and record on the township clerk's minute book a voting place at which such election shall be held, which voting place so designated shall continue to be the voting place of such precinct until the next meeting of the Board of County Commissioners. when said Board of County Commissioners shall designate a voting place as herein provided; *provided*, further, when a voting place designated by the Board of County Commissioners becoming removed, destroyed or unavailable is located within the limits of an incorporated town, village or city, such designation of a voting place shall be made by the board of trustees of the town or village or by the City Council in case of a city, instead of the board of supervisors, and a record shall be made thereof in the record books of such municipality. *Provided*, further, that when a voting place designated by the Board of County Commissioners in a precinct composed of unorganized territory is removed, destroyed or unavailable, such designation of a voting place shall be made by the inspector of elections for said precinct. The voting place in the town, village, city or unorganized precinct so designated shall be used as such until the Board of County Commissioners designate at its next succeeding meeting a voting place as herein provided. No precinct shall contain more than three hundred electors. If at any election hereafter held, more than three hundred votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to report such fact to the Board of County Commissioners, which board shall, at its next regular meeting, divide such precinct as nearly as possible, so that the new precincts formed therefrom shall each contain two hundred and

fifty electors, as nearly as practicable; *provided*, that nothing in this Section shall be construed as prohibiting townships adjoining or having within their boundaries an incorporated city, town or village, of less than fifteen hundred inhabitants, from holding their election and having their voting place within the corporate limits of such city, town or village; *provided*, further, that when the combined vote of any township and incorporated city, town or village, or the combined vote of any township and any portion of any incorporated city, town or village, within its boundaries or within the town lines or section lines which form the boundaries thereof, does not exceed three hundred, such township and incorporated city, town or village may have but one voting place.

Approved, February 4, 1915.

CHAPTER 148.

[H. B. No. 115—McClellan.]

COMPENSATION—ELECTION OFFICERS.

AN ACT to Amend and Re-enact Section 1045 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Compensation of Election Officers.

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

§ 1. AMENDMENT.] Section 1045 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 1045. COMPENSATION OF ELECTION OFFICERS.] There shall be allowed to the several inspectors, judges and clerks of election of each county the sum of twenty-five cents for each hour they serve as such election officers, to be paid out of the county treasury on the warrant of the County Auditor; *provided*, however, that in no case shall an inspector, judge or clerk of election be paid for such service a sum exceeding four dollars.

§ 2. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved, March 5, 1915.

CHAPTER 149.

[H. B. No. 163—Hjelmstad.]

REDUCES TIME BETWEEN PRIMARY ELECTION AND MEETING OF
STATE CANVASSING BOARD.

AN ACT to Amend Sections 874 and 876 of the Compiled Laws of 1913, Relating to the Forwarding of the Abstract of Votes by County Auditors and the Meeting of the State Canvassing Board for Primary Elections.

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

§ 1. AMENDMENT.] That Section 874 of the Compiled Laws of 1913, be and is hereby amended to read as follows:

§ 874. ABSTRACT OF VOTES TRANSMITTED TO SECRETARY OF STATE.] It shall be the duty of the County Auditor of each county, under his official seal, excepting as provided in Section 875 of this Article, to return to the Secretary of State within twenty (20) days after the day of any primary election, a certified abstract under separate political designation or principle, of the number of votes cast in his county for every candidate for nomination for United States Senator, member of Congress, state officers, judges of the supreme and district courts and members of the legislative assembly. It shall also be the duty of the County Auditor to file with the Secretary of State a certificate showing the names and addresses of the persons nominated under the several political designations and principles for county office in his county. He shall seal up such abstracts and certificates without delay and transmit them to the Secretary of State by registered mail.

§ 2. AMENDMENT.] That Section 876 of the Compiled Laws of 1913 be and is hereby amended to read as follows:

§ 876. STATE BOARD OF CANVASSERS.] For the purpose of canvassing and ascertaining the result of any primary election the State Board of Canvassers shall meet at the office of the Secretary of State within thirty days next following a primary election, and be composed of the following members, viz: Clerk of the Supreme Court, Secretary of State, Superintendent of Public Instruction, and the chairman of the State Central Committee of the two political parties that cast the highest vote for Governor at the last general election. After taking the usual oath of office, the said board shall proceed to canvass publicly the primary election returns made by the several County Auditors. Three members of said board shall constitute a quorum and are authorized to make the canvass herein provided and to certify the result thereof.

Approved, February 23, 1915.

CHAPTER 150.

[S. B. No. 137—Wartner.]

UNITED STATES SENATORS—NOMINATION OF.

AN ACT to Amend Sections 852, 854 and 863 of the Compiled Laws of North Dakota for the Year 1913, Relating to Primary Elections and the Nomination of Candidates for the Office of United States Senator.

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

§ 1. AMENDMENT.] That Section 852 of the Compiled Laws of North Dakota be amended to read as follows:

§ 852. HELD, WHEN. WHAT OFFICES, FOR.] On the last Wednesday in June of every year in which occurs a general election there shall be held, in lieu of party caucuses and conventions, a primary election in the various voting precincts of this state, for the nomination of candidates for the following offices to be voted for at the ensuing general election, viz: Members of Congress, state officers, county officers, district assessors and the following officers on the years of their regular election, viz: Judges of the supreme and district courts, members of the legislative assembly, county commissioners, United States senators. For special elections for the officers enumerated herein the nominations shall be made as otherwise provided by law.

§ 2. AMENDMENT.] That Section 854 of the Compiled Laws of North Dakota for 1913 be amended to read as follows:

§ 854. COUNTY AND LEGISLATIVE CANDIDATES. PETITION, FILING FEE.] Every candidate for a county or district office shall, not more than forty days nor less than thirty days, and before four o'clock P. M. of the thirtieth day prior to any primary election, present to the County Auditor a petition giving his name, post office address, the title of the office to which he aspires and the party which he represents, containing the names of five per cent. of the total vote cast for the candidate of the party which he represents, for the same position at the last general election; such names to be procured from at least one-fifth of the precincts of his district; *provided*, however, that in no case shall there be more than two hundred names.

Each name on the petition shall be that of a qualified voter and be subscribed under a party heading. Each signer of a nomination paper shall sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing. Upon the receipt of such petition by the County Auditor and the payment to him of the filing fee of three dollars (\$3.00), excepting candidates for County Commissioners, District Assessors, Surveyors, Coroner, County Constables and County Justices of the Peace, who shall pay no filing fee and when accompanied by an affidavit as provided in Section 853 relating to petitions required, fees and filing affidavit of candidate, such

County Auditor shall place the name of such applicant upon the primary election ballot in the columns of his party as hereinbefore provided.

When a legislative district is composed of more than one county, the petition herein provided for shall be filed with the County Auditor of the county where the candidate resides, and such County Auditor shall certify to the County Auditors of the other counties comprising such legislative districts the names of the candidates filing such petitions. The filing fees received as above by the County Auditor shall be turned over by him to the County Treasurer to be covered into the general fund.

§ 3. AMENDMENT.] That Section 863 of the Compiled Laws of North Dakota for 1913 be amended to read as follows:

§ 863. NOMINATIONS FOR UNITED STATES SENATOR.] Party candidates for the office of United States Senator shall be nominated in the manner herein provided for nomination of candidates for state offices. The candidate receiving the highest number of votes at such primary election shall be the nominee of his party for the office of United States Senator, at the succeeding general election. The votes for candidates for United States Senator shall be canvassed and returned in the same manner as the votes cast for state officers. The Secretary of State shall place the name of the candidate of each party who receives the highest number of votes for the office of United States Senator upon the general election ballot to be used at the general election next following such primary election.

Approved, March 9, 1915.

CHAPTER 151.

[H. B. No. 102—Hjelmstad.]

REDUCES TIME BETWEEN GENERAL ELECTION AND MEETING OF STATE CANVASSING BOARD.

AN ACT to Amend Sections 1013 and 1015 of the Compiled Laws of 1913, Relating to the Forwarding of the Abstract of Votes by County Auditors and the Meeting of the State Canvassing Board.

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

§ 1. AMENDMENT.] That Section 1013 of the Compiled Laws of 1913, be and is hereby amended to read as follows:

§ 1013. COUNTY AUDITOR TO FORWARD ABSTRACT OF VOTES.] It shall be the duty of the County Auditor of each county, under his official seal, to return to the Secretary of State within twenty days following any general election, or any special election, a certified abstract of the votes cast in his county at such election for each candidate for state and congressional offices, electors for

president and vice-president, judges of the supreme and district courts, members of the legislative assembly and for amendments to the Constitution or proposition submitted by the legislative assembly; *provided*, that the County Auditor shall make a separate certified abstract of the votes cast for persons for electors of president and vice-president of the United States. He shall seal up such separate abstract and endorse it: "Presidential Election Returns" and without delay transmit it to the Secretary of State by registered mail. It is also hereby made the duty of the County Auditor to file with the Secretary of State, at the same time as he transmits the certified abstract of the votes cast in his county, a certificate showing the names and addresses of the persons who were elected to the various county offices in his county.

§ 2. AMENDMENT.] That Section 1015 of the Compiled Laws of 1913 be and is hereby amended to read as follows:

§ 1015. STATE CANVASSING BOARD, MEETING OF.] For the purpose of canvassing and ascertaining the result of such election, the State Board of Canvassers shall meet at the office of the Secretary of State on the first Tuesday in December next after a general election and within thirty days after a special election, and the Secretary of State shall notify the other members of the board of the same.

Approved, February 20, 1915.

EMERGENCY COMMISSION

CHAPTER 152.

[H. B. No. 216—Smith of Ward.]

POWERS OF EMERGENCY COMMISSION.

AN ACT Relating to an Emergency Board, and to Repeal Sections 1821, 1823 and 1824 of the Compiled Laws of 1913.

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

§ 1. EMERGENCY COMMISSION.] An Emergency Commission consisting of the Governor, the Secretary of State, and the State Auditor is hereby established which shall exercise the powers and perform the duties hereinafter specified. The Governor shall be chairman of the board, and the Secretary of State the secretary. The Emergency Commission shall meet upon the call of the chairman thereof. The proceedings of the Emergency Commission shall be entered in a record book, or a minute book and no order of the Emergency Commission shall be valid unless so entered.