

the State or county. The sheriff shall keep a record of all marihuana so destroyed and report the same to the State's attorney of the county, giving the description of the premises where found and the amount destroyed.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 7, 1939,

ELECTIONS

CHAPTER 138

H. B. No. 101—(Joiner)

FILLING VACANCIES COUNTY NO-PARTY BALLOT

An act to amend and re-enact Chapter 137, Session Laws of 1931, relating to filling of vacancies of elective county officers, superintendent of schools and county commissioners on the No-Party Ballot.

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

§ 1. AMENDMENT.] Chapter 137 of the Session Laws of 1931 is hereby amended and re-enacted as follows:

§ 1. Whenever a vacancy shall exist on the no-party ballot in any county, or district within any county, by reason of the death of any person who was a candidate and was nominated at the primary election, or whenever a vacancy shall exist on the no-party ballot due to the failure of a candidate or candidates at the primary election to receive the number of votes required by Section 862a of the Supplement to the Compiled Laws of 1913, or whenever a vacancy shall exist on the no-party ballot by the conviction of a candidate of a crime or offense involving moral turpitude, or due to the death, insanity or mental incompetency of any such candidate, then and in that event, such vacancy may be filled by filing with the county auditor at least thirty days prior to the general election a petition in writing as provided for in Section 854, Supplement to the Compiled Laws of 1913 and acts amendatory thereof and supplemental thereto by such person or persons as desire to become a candidate or candidates for the election to the office for which a vacancy exists pursuant to the terms of this act, except that the petition for the nomination of any person to fill such vacancy shall be signed by at least twenty per cent (20%) of the voters of such county or district.

Approved February 15, 1939.

CHAPTER 139

S. B. No. 35—(Young, Blaisdell, Fowler, Dahl, Braun, Brant,
Hill, Lavik, Gilbertson, Wog)

CONSOLIDATED PRIMARY ELECTION BALLOT

An act to amend and re-enact Sections 859 and 860 of the Compiled Laws for the year 1913, relating to the form of party primary election ballots and the manner of voting the same.

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

§ 1. That Section 859 of the Compiled Laws for the year 1913 be amended and re-enacted to read as follows:

§ 859. BALLOTS, FORM OF; DUTIES OF JUDGES AND INSPECTORS.] The primary election and primary election ballot shall be provided for, arranged and conducted, and all expenses paid as now provided by law for general elections, except as otherwise provided for in this article. There shall be one ballot for all parties or principles, which shall be entitled "Consolidated Primary Election Ballot." The names of all aspirants for nomination of each political party or principle for the different offices as hereinafter specified shall be arranged in separate columns in their order as hereinafter set forth. No squares shall be left at the head of the ballot. At the head of each column shall be placed the name of the political party or principle that it represents. Immediately below such title in each column shall be placed the language "You cannot split your ballot. If you vote for candidates of more than one party, your ballot will be rejected," and immediately below such language shall be placed the following language "Put a cross mark (X) opposite the name of the candidate for whom you wish to vote." The name of each office shall appear in the center of each party column at the head of the names of aspirants for such office. At the right of each group of aspirants for each office shall be placed the language "Vote for one." At the right of the name of each aspirant shall be placed a square for a cross mark. The offices for which party nominations shall be made shall be the following and shall appear in each party column in the following order, namely,

Congressional:

United States Senator
Representatives in Congress

State Offices:

Governor
Lieutenant Governor
Secretary of State
State Auditor
State Treasurer

Attorney General
Commissioner of Insurance
Commissioner of Agriculture and Labor
Commissioner of Railroads

Legislative:

State Senator-----District
Member of House of Representatives-----District.

The judges and inspectors of election when handing a ballot to a voter shall inform him that if he splits his ballot or votes for candidates of more than one party his ballot will be rejected. The political party or principle which cast the largest vote for Governor at the last preceding primary election shall have the left hand party column and that casting the next largest vote shall have the next column and so on.

§ 2. That Section 860 of the Compiled Laws for the year 1913 be amended and re-enacted to read as follows:

§ 860. Any citizen otherwise eligible by law, affiliated with or representing the principles enumerated in the national platform of the following parties, is eligible to nomination under this article: The Republican Party, the Democratic Party or any party designation that cast five per cent of the total votes cast for Governor at the last general election, and any such party or party designation shall be entitled to a column upon such Consolidated Primary Election Ballot.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1939.

CHAPTER 140

H. B. No. 77—(Moe)

ELECTION POLL BOOKS

An act to amend and re-enact Section 967 of the Compiled Laws of North Dakota for 1913 relating to the duty of the county auditor to provide uniform poll books for the use of the county and deliver to the inspector of the election precinct.

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

§ 1. That Section 967 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 967. It shall be the duty of the county auditor to provide

uniform poll books for the use of his county, each poll book to contain a copy of the law prescribing the qualifications of electors and so much of this chapter as relates to the duties of inspectors, judges, and clerks of election, and the penalties imposed for offenses; such poll book shall also contain blanks for all entries required to be made therein; he shall also deliver or cause to be delivered by mail [or by] other reliable method to the inspector in each precinct in his county two (2) copies of said poll book for each election precinct in the county, and the inspector shall deliver or cause the same to be delivered to the clerks of election in his precinct on the date of election.

Approved February 7, 1939.

CHAPTER 141

S. B. No. 11—(Aasen, Young and Braun)

RESTRICTING INDIVIDUAL NOMINATIONS GENERAL ELECTION

An act prohibiting any person who was a candidate for nomination for office at a primary election and who was defeated for said office, from being a candidate for the same office at the ensuing general election.

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

§ 1. That any person who was a candidate for nomination for office at any primary election in any year and who was defeated for said office shall not be eligible as a candidate for the same office at the ensuing general election.

Approved February 27, 1939.

CHAPTER 142

H. B. No. 193—(Schauss, Odegard, Williams of Richland)

POLITICAL PARTY NOMINATIONS

An act to amend and re-enact Section 860 of the Compiled Laws of North Dakota for the year 1913; and repealing all acts or parts of acts in conflict herewith.

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

§ 1. AMENDMENT.] Section 860 of the Compiled Laws of

North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 860. Any citizen otherwise eligible by law, affiliated with or representing the principles enumerated in the platform of the following parties, are eligible to nomination under this article: The Republican Party, the Democratic Party, or any party designation that cast five per cent of the votes cast for Governor at the last general election. Provided, further that whenever a petition signed by fifteen thousand (15,000) or more voters of the State is filed with the Secretary of State on or before March 1st of any primary election year asking that ballots be provided for a further party and naming such party and stating the platform principles thereof, ballots thereof, ballots therefor shall be provided and citizens with such party may vote such ticket at the following primary election and candidates thereof shall be entitled to the same rights and privileges as those of other parties.

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

Approved February 24, 1939.

CHAPTER 143

H. B. No. 309—(Williams of Richland)

PRECINCT COMMITTEEMEN ORGANIZATION AND PROCEDURE

An act to amend and re-enact Section 8 of Chapter 135 of the 1935 Session Laws of the State of North Dakota, relating to the nomination of candidates for the offices of Presidential electors; for the election of party precinct committeemen; delegates to the national party conventions and national party committeemen and national party committeewomen; for the organization of party county and State committees, such amendment requiring that in selecting proxies, the same shall be taken from the precinct, in which the committeemen or committeewomen were elected; repealing all acts or parts of acts in conflict herewith.

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

§ 1. Section 8 of Chapter 135 of the 1935 Session Laws for North Dakota is hereby amended and re-enacted to read as follows:

§ 8. ORGANIZATION: MEETING OF PRECINCT COMMITTEEMEN, AND APPEARING BY PROXY, FILLING VACANCIES.] The precinct committeemen elected as herein provided, together with the nominees and hold-over members of the Legislative Assembly of each party, shall constitute the county committee of each party. They shall meet

in the courthouse at the county seat of each county at two o'clock P. M. on the third Wednesday after such primary election and organize by selecting a chairman, a vice-chairman, a secretary and a treasurer, by adopting rules and modes of procedure not in conflict with law, and by selecting an executive committee consisting of from five to eleven persons chosen from the county committee, of which executive committee the chairman and secretary shall be members.

Such county committee shall at the same time select one person who shall be a legal voter to act upon and be a member of the State central committee of such party in all counties consisting of one legislative district, and in counties having more than one legislative district, the precinct committeemen from each legislative district, meeting separately, shall select a legal voter from their respective legislative district to serve on such State central committee. When two or more counties are embraced in one legislative district, the county committee of each county shall meet as aforesaid and shall elect a committee of three of its members to meet with a similar committee from the other county or counties comprising such legislative district, at the courthouse at the county seat of the senior county of such district at two o'clock P. M. on the fourth Wednesday following their election and proceed to elect a member of such State central committee from such legislative district. Each committee shall be entitled to cast the number of votes equal to the number of precinct committeemen elected in its county in such manner and for such candidate as shall be determined by the majority of such committee acting personally or by proxy. All proxies, must be from the precinct, in which the committeeman or the committee-woman was elected; and if the proxy authorizing some other committee-man or other committee-woman to vote instead of the elected precinct committee-man or committee-woman, the proxy must be delegated to some person from the same precinct in which said delegating and elected parties were elected. Each member of any committee shall be a legal voter and shall retain such position until his successor is chosen.

Members so elected as State central committeemen shall meet on the second Wednesday in August following the party primary election and such meeting of said State central committee-men shall be held at the State Capitol and shall convene at 10:00 o'clock A. M. Such meetings shall organize by selecting a chairman, a vice chairman, a secretary and a treasurer and by adopting rules and modes of procedure. The officers so elected need not be members of such committee. If any member of such State central committee is unable to attend any meeting of such committee, he shall be authorized to give written proxy to another legal voter of his legislative district or county.

Vacancies shall be filled by a majority of the State committee

by appointment from the legislative district in which such vacancy exists. Vacancies in the office of precinct committeemen shall be filled by appointment from such precinct made by the county executive committee of such party.

§ 2. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1939.

EMBLEMS

CHAPTER 144

S. B. No. 247—(Senators Bridston, Guthrie, and Morrison)

RESTRICTING USE OF FRATERNAL AND OTHER EMBLEMS

An act amending Section 9991 of the 1925 Supplement of the Compiled Laws of 1913, relating to misuse of fraternal and other emblems to victimize charitably disposed persons through false personification.

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

§ 9991 of the 1925 Supplement of the Compiled Laws of the State of North Dakota for 1913 is hereby amended by adding the following section:

§ 9991c. Any person who willfully wears, or attaches to any motor vehicle, the badge, insignia, rosette or the button, or emblem of any military or patriotic society, or of any society or organization subordinate to or recognized as Masonic by the Grand Lodge of Free and Accepted Masons of the State of North Dakota, or the badge, insignia, button, tab, or chapeaux of La Societe des forty Hommes et eight Chevaux or the Marine Corps League, or the badge, insignia, rosette or button of any society, order or organization, of ten years standing in the State of North Dakota, or uses the same, or the name of any such society, order or organization by falsely representing himself to be a member thereof in good standing, to obtain, or in attempting to obtain, aid or assistance within the State, or willfully uses the names of any such society, order or organization, or the titles of its officers, or uses its insignia or emblems, or the forms or designs thereof, or its ritual or ceremonies unless entitled to use or wear the same under the constitution and by-laws, rules and regulations of such order or of such society, order or organization, is guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not less than ten and not exceeding one hundred dollars for each and every offense.

Approved March 13, 1939.