

mean any dance where the public may participate and whether or not admission is charged. Provided, however, that this act shall not apply to dances held, or conducted, in hotels having more than fifty guest rooms, when such dances are held by or conducted under the immediate control of the owner, operator or proprietor thereof.

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 All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 14, 1941.

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## ELECTIONS

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### CHAPTER 148

S. B. No. 60—(Fowler and Morgan of Walsh)

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#### ABSENT VOTERS

An Act to amend and reenact Chapter 107 of the Session Laws of North Dakota for 1933 and amending and reenacting Section 1004 of the Compiled Laws of North Dakota for 1913.

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

§ 1. AMENDMENT.] Chapter 107 of the Session Laws of North Dakota for the year 1933 be amended and re-enacted to read as follows:

§ 992. ABSENT VOTER. WHO MAY VOTE.] Any qualified elector of this state, having complied with the laws in regard to registration, who is absent from the county in which he is an elector, or who by reason of physical disability, or who is in the Military or Naval service of the United States of America and, is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters ballot at any such election as hereinafter provided.

§ 993. APPLICATION FOR BALLOTS. MADE WHEN.] At any time within 30 days next preceeding such election, any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, or who by reason of physical disability, or who is in the Military or Naval service of the United States of America and, is unable to attend at the polling place in his precinct to vote at such election, may make application to the county auditor of such county for an official absent voters ballot to be voted at such election.

§ 995. APPLICATION FOR.] Application for such ballot shall be made on a blank to be furnished by the county auditor of the county of which the applicant is an elector and must be substantially in the following form:

I \_\_\_\_\_, a duly qualified elector of the township of \_\_\_\_\_ or of the village of \_\_\_\_\_ or of the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the city of \_\_\_\_\_ of the county of \_\_\_\_\_ of the state of North Dakota, to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from said county on the day for holding such election, or by reason of physical disability being unable to attend and vote at such election, hereby make application for an official absent voters ballot to be voted by me at such election.

Date \_\_\_\_\_

Signed \_\_\_\_\_  
Postoffice \_\_\_\_\_

Provided, that if the application be made for a primary election ballot such application shall also give the name of the political party with which the applicant is affiliated.

Provided that when such application is made upon the ground of physical disability it shall be accompanied by the certificate of the superintendent of a hospital in which the applicant is actually confined or by the certificate of a licensed physician who is attending said applicant to the effect that said applicant is under such physical disability by reason whereof he is confined to such hospital or other place of confinement (stating location thereof) and is unable to attend and vote at such election.

§ 996. APPLICATION BLANK. HOW OBTAINED.] Such application blank shall upon request therefor, in writing, be sent by such county auditor to any absent voter by mail, or shall be delivered to any voter upon application made personally at the office of such auditor.

§ 2. AMENDMENT.] That section 1004 of the compiled laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 1004. PENALTY FOR VIOLATION.] If any person shall wilfully swear falsely to the affidavit in section 997 provided for or shall wilfully make false applications provided for in section 995 or shall make a false certificate as provided for in section 995, he shall upon conviction therefore be deemed guilty of perjury and shall be punished as by law in such case provided. If the secretary of state or any county auditor or any election officer shall refuse or neglect to perform any of the duties prescribed by this article or shall violate any of the provisions thereof, or if any officer taking the affidavit provided for in section 997 shall make any false statement in his certificate attached thereto, he shall be deemed guilty of a misdemeanor

and shall be punished by a fine not exceeding \$100 or by punishment in the county jail not exceeding 30 days or by both fine and imprisonment.

Approved February 21, 1941.

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CHAPTER 149  
H. B. No. 68—(Fleck)

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CITY ELECTIONS UNDER COMMISSION FORM  
OF GOVERNMENT

An Act to amend and re-enact Section 3784 of the Supplement to the Compiled Laws of North Dakota for 1913 relating to elections in cities under the commission form of government providing that elective officers serve until their successors are elected and qualified, and repealing all acts and parts of acts relating to Commission form of government in conflict with this act.

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

§ I. AMENDMENT.] That Section 3784 of the Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 3784. Biennial municipal elections in all cities under the commission form of government shall be held the first Tuesday in April of each even numbered year at such place or places as the board of city commissioners shall designate. The polls of such election shall be opened at nine o'clock A. M., and closed at seven o'clock P. M. Ten days previous notice of the time and place of such election and of the officers to be elected shall be given by the city auditor by the publication in the official paper and by posting written or printed notices in three public places in the city. In all other respects such election shall be conducted as prescribed by general election laws, and for all general and special elections held under the provisions of this act in the city, for city officers and for other purposes, the board of city commissioners shall, at least ten days before any election is held, appoint in each precinct established in the city one inspector and two judges of election. The president of the board of city commissioners, the city commissioners and other elective officers whose elected terms would expire in 1943 and the president of the board of city commissioners, the city commissioners and other elective officers whose elected terms would expire in 1945 shall continue to serve in their respective official capacities until their successors have been elected at the regular biennial elections to be held in 1944 and 1946 and until their successors have been duly elected and qualified.

§ 2. REPEAL.] All acts or parts of acts relating to commission form of government and in conflict with this act are hereby repealed.

Approved February 15, 1941.

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## CHAPTER 150

H. B. No. 83—(Bergesen and Ohnstad)

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### APPOINTMENT OF POLL CLERKS

An Act to Amend and Re-enact Section 953 of the Compiled Laws of North Dakota for 1913, Providing for the Appointment of Poll Clerks for Elections, Defining their Qualifications and Fixing their Compensation, and Repealing all Acts and Parts of Acts in Conflict Herewith.

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

§ 1. AMENDMENT.] That Section 953 of the Compiled Laws of the State of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 953. POLL CLERKS.] Such board of election shall appoint as poll clerks two qualified electors of the precinct, one from each of the two parties that cast the largest vote at the last state general election, provided that in voting precincts or districts in which over three hundred votes are cast in any election, such board of election may appoint two additional poll clerks who shall assume their duties at the time of the closing of the polls and shall assist the regular board in the opening, counting and telling of ballots. Such additional poll clerks shall have the same qualifications and subscribe to the same oath as the regular poll clerks and shall receive as compensation for their services the sum of four dollars each, to be paid in the same manner as regular poll clerks are paid. Provided, further, that it shall be the duty of the County Auditor to supply each precinct in his county with such additional poll books and such other additional supplies as may be needed in the conduct of the election.

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

Approved February 24, 1941.

## CHAPTER 151

S. B. No. 89—(O'Brien and Morgan of Walsh)

## VILLAGE OFFICERS TO BE ELECTED

An Act to amend and re-enact Section 3854 of the 1925 Supplement of the Compiled Laws of North Dakota and allowing villages to elect Trustees at large, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 3854 of the 1925 Supplement to the Compiled Laws of North Dakota is amended and re-enacted to read as follows:

§ 3854. VILLAGE OFFICERS TO BE ELECTED: TERMS OF OFFICE: COMPENSATION.] There shall be elected at the first annual village election of each village, held after the taking effect of this act, one trustee from each district in such village. Those trustees elected from the even numbered districts of such village shall hold office until the third Tuesday in March of the next year thereafter, or until a successor is elected and qualified; those trustees elected from the odd numbered districts of such village shall hold office until the third Tuesday of March of the second year following, or until a successor is elected and qualified. Thereafter all such trustees elected shall hold office until the third Tuesday of March of the second year following their election or until a successor is elected and qualified. Provided that at any annual village election by a majority of votes cast, the village may adopt the method of electing all village trustees at large without regard to districts, which method of election at large may be discontinued in the same manner by two-thirds vote at any subsequent village election. Each village trustee shall receive as compensation for services two dollars (\$2.00) for each meeting actually attended, but not to exceed Twenty-five (\$25.00) Dollars as such compensation for any one year of such term of office. There shall also be elected at each such annual village election, a village clerk, assessor, treasurer, marshal and justice of the peace who shall respectively hold their offices until the third Tuesday in March next following, or until their successors are elected and qualified; provided, however, that nothing herein contained shall prevent the respective offices of clerk, treasurer, assessor and marshal from being held by one and the same person.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this act shall therefore be in effect from and after the date of its passage and approval.

Approved February 24, 1941.