

ELECTIONS

CHAPTER 157

H. B. No. 739

(Brooks, Baldwin and Simonson)

POLLING HOURS

AN ACT

To amend and reenact section 16-0102 of the North Dakota Revised Code of 1943, relating to opening and closing of polls at primary and general elections and providing for extension of polling hours in any precinct upon resolution of the governing body of the city, village, or township in which such precinct is located.

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

§ 1. **Amendment.)** Section 16-0102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0102. Opening and Closing of Polls.) The polls at all primary and general elections shall be opened at nine o'clock a.m. or at such earlier hour, but not earlier than seven o'clock a.m., that may be designated for any precinct by resolution of the governing body of the city, village, or township in which such precinct is located. They shall remain open continuously until seven o'clock p.m. Twenty minutes prior to the hour of closing the polls, the inspector shall proclaim to the electors outside the number of minutes before the polls will be closed.

Approved February 28, 1955.

CHAPTER 158

H. B. No. 686

(Haugland, Saugstad)

(Simonson of Cass, 9th District)

(Brooks and Baldwin)

ELECTION OFFICERS; COMPENSATION

AN ACT

To amend and reenact section 16-1016 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to election officers and their compensation.

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

§ 1. **Amendment.)** Section 16-1016 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1016. Compensation of Inspector, Judges and Clerks of Election.) Each inspector, judge, or clerk of any statewide primary, general, or special election, for services performed by him at such election shall receive as compensation therefor the sum of eight dollars. When the number of votes cast at such election exceeds one hundred, such officers shall receive two dollars for each additional one hundred votes cast or major fraction thereof.

Approved March 1, 1955.

CHAPTER 159

H. B. No. 821
(Baldwin, Brooks)

VOTING MACHINES**AN ACT**

Authorizing the use of voting machines in election precincts upon county and city authorization and agreement; providing for standards of construction and operation of such machines, for procedure in use, for application of other election laws and for penalties; amending and reenacting sections 16-1103, 16-1104, 16-1105, 16-1107, 16-0901, and 16-0902 of the North Dakota Revised Code of 1943.

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

§ 1.) The use of voting machines, in accordance with the provisions of this Act, is hereby authorized in any city election precinct upon finding and declaration by resolution of the governing body of the city and also of the board of county commissioners of the county in which such city is located that such use is advisable or necessary in such precinct and procurement of such machines, on a temporary or permanent basis, under such terms and conditions, including assumption and division of cost of acquisition and maintenance by the city and county, as may be agreed upon by the respective boards, and such machines may thereupon be used in any state, county, city, or district election in such precinct or other voting area of which such precinct is a part.

§ 2.) Any voting machine used in an election in this state shall:

1. Provide facilities for voting for such candidates as may be nominated, for persons not in nomination, and upon such questions or measures as may be submitted to the voters;
2. Permit each voter to vote for as many persons for any office as he is entitled to vote for and to vote in primary elections for candidates for nomination by the political party of his choice but it shall preclude each voter from voting for more persons for any office than he is entitled to vote for, from voting more than once for the same candidate or upon the same measure or question submitted to the voters, or voting the ballot of more than one political party in any primary election;

3. Permit each voter to change his vote for any candidate, or upon any measure or question submitted to the voters, up to the time he begins the final operation to register his vote;
4. Permit and require voting in absolute secrecy, and shall be so constructed and controlled that no person can see or know for whom any other elector has voted or is voting, save a voter whom he has assisted or is assisting in voting, as prescribed by law, and that no person may see or know the number of votes registered for any candidate or tamper with any of the registering mechanism;
5. Have a counter, or other device, the register of which is visible at all times from the outside of the machine, which shall show during any period of voting the total number of voters who have operated the machine during said period of voting and have a protective counter, or other device, which shall record the cumulative total number of movements of the operating mechanism;
6. Be provided with a lock or locks, by the use of which, immediately after the polls are closed, or the operations of the machine for an election is completed, all movement of the registering mechanism is absolutely prevented;
7. Be so constructed that when properly operated it shall register or record correctly and accurately every vote cast; and
8. Be so constructed that a voter may readily learn the method of operating it.

§ 3.) Voting machines shall remain locked for ten days next following use at an election and as much longer as may be necessary or advisable because of any existing or threatened contest over the results of the election, except that they may be opened and all data and figures therein examined upon the order of any court of competent jurisdiction.

§ 4.) Election officers shall make returns of votes cast upon voting machines for all candidates and for any measures or questions in the same manner as now or hereafter provided by law insofar as such provisions of law are applicable. All other provisions of law in relation to the conduct of elections not inconsistent with the provisions of this Act shall apply to all elections at which voting machines are used.

§ 5.) Any election officer or other person who shall violate any of the provisions of this Act or who shall tamper with,

or injure, or attempt to injure any voting machine to be used or being used in any election, or who shall prevent or attempt to prevent the correct operation of any such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in an election shall be guilty of a misdemeanor.

§ 6. Amendment.) Section 16-1103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1103. Official Ballots Only To Be Used.) The official ballot prepared by the county auditor or the local clerk shall contain the name of each candidate whose name has been certified to or filed with such auditor or clerk in the manner provided in this title. Ballots other than those prepared by the county auditor or local clerk shall not be cast or counted in any election at which official ballots are required by this title. The list of officers and candidates and the statements of measures and questions to be submitted to the voters shall be deemed an official ballot in precincts in which voting machines are used.

§ 7. Amendment.) Section 16-1104 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1104. Form and Quality of Ballots Generally.) All official ballots prepared under the provisions of this title for use in precincts in which voting machines are not used:

1. Shall be white in color;
2. Shall be of uniform quality of paper printed in black ink;
3. Shall be of sufficient length to contain all the names of the candidates to be voted for at such election;
4. Where more than one person is to be elected to an office, immediately under the designation of the office to be voted for, shall have printed thereon the following words: "Vote for (number) name only";
5. Shall have printed thereon "Mark X after name to be voted for";
6. Under the name of each candidate there shall be left sufficient space to write or paste a name in lieu of the one printed on the ballot; and
7. 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.

In precincts in which voting machines are used, the list of officers and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in a manner and form approximating as far as possible the requirements of this section.

§ 8. Amendment.) Section 16-1105 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1105. Form of General Election Ballot.) The official ballots provided for in this title for partisan election at general elections in precincts in which voting machines are not used shall be prepared as follows:

1. The ballots shall be of sufficient width to contain all of the tickets to be voted for, under the appropriate party designation for each;
2. On the left hand side of such ballot 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 of the names of the candidates duly nominated for that office shall be printed;
3. The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing in the same manner as is provided in the primary election ballot; and
4. The names of all persons nominated by petition shall be placed in one or more columns under the designation of "individual nominations" in the lines respectively specifying the offices for which they are nominated.

In precincts in which voting machines are used, the list of offices and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in a manner and form approximating as far as possible the requirements of this section.

§ 9. Amendment.) Section 16-1107 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1107. Constitutional Amendments and Initiated and Referred Measures; Placed On Separate Ballots; Publishing.) Constitutional amendments duly certified to the county 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. A constitutional amendment, initiated or referred measure, or other question 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 statement in which the voter may indicate by a 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. In precincts in which voting machines are used, the entire amendment or measure need not be set forth on such machine but the ballot title, in the case of amendments or measures submitted by the people, or the title of the legislative bill or resolution, in the case of proposed amendments submitted by the legislative assembly, shall be set forth in full.

§ 10. **Amendment.)** Section 16-0901 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0901. Board of County Commissioners May Divide County Into Precincts; Preservation of Boundaries; Number of Electors.) The board of county commissioners may divide the county into precincts and establish the boundaries of the same except where, pursuant to the provisions of the title Municipal Government, wards and precincts have been legally established. The entirety of civil townships, cities, or villages shall be preserved as precincts except when such preservation would be in conflict with the provisions of this chapter. In such a case, the civil township, city, or village, except as provided in this chapter, 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 of a city or village, except as provided in this chapter. No precinct in which voting machines are not used shall contain more than five hundred electors.

§ 11. **Amendment.)** Section 16-0902 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0902. Precinct Divided Into Two Precincts When More Than Five Hundred Votes Cast In Precinct.) If more than five hundred votes are cast in any election in a precinct in which voting machines are not used, the inspector of such precinct shall report such fact to the board of county commissioners, or, if the precinct is in a city or village, to the governing board thereof, and such board at its next regular meeting shall divide

such precinct into two precincts as nearly equal to each other in voting strength as may be possible.

Approved March 10, 1955.

CHAPTER 160

S. B. No. 40
(Legislative Research Committee)

PRECINCT COMMITTEEMEN—CANDIDATES

AN ACT

To amend and reenact section 16-1703 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to petitions to place the names of candidates for precinct committeemen on the ballot.

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

§ 1. **Amendment.)** Section 16-1703 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1703. Petition To Place Name On Precinct Committeemen Ballot; Contents; Requirements.) Candidates for precinct committeemen may have their names placed on separate party ballots of their respective parties within their respective precincts by filing with the county auditor not more than forty nor less than thirty days and before four o'clock p.m. of the thirtieth day prior to the election petitions bearing the signatures of not less than five percent of the last vote in such precinct for the aforesaid candidate for presidential elector of the party to which the candidate for precinct committeeman belongs. Such nominating petitions shall conform with the provisions of chapter 4 of this title in all matters not specifically provided for in this chapter. Each name on the petition shall be that of a qualified voter of the precinct of which the candidate seeks to be elected and shall be subscribed under a party heading. Each signer of a nomination paper shall be entitled to sign the same number of petitions as the number of precinct committeemen entitled to be elected in his precinct; he shall add his residence with the street number, if any, and the date of signing.

Approved March 1, 1955.