

ELECTIONS

CHAPTER 206

H. B. No. 161

(Register, Sanstead, Aas, J. Peterson)

INTERVAL BETWEEN BOND ISSUE OR MILL LEVY ELECTIONS

AN ACT

To amend and reenact section 16-01-15 of the 1967 Supplement to the North Dakota Century Code, relating to requirement for an interval between elections.

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

Section 1. Amendment.) Section 16-01-15 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-01-15. Certain Questions Not To Be Voted Upon for Three Months.) Whenever at any election a bond issue, mill levy question, or question of reorganizing a school district, has failed to receive the required number of votes for approval by the electors, the matter shall not again be submitted to a vote until a period of at least three months shall have expired and in no event shall more than two elections on the same general matter be held within twelve consecutive calendar months.

Approved March 13, 1969.

CHAPTER 207

H. B. No. 219
(Ganser, Kuehn)

PUBLICATION OF SAMPLE PRIMARY
ELECTION BALLOT

AN ACT

To amend and reenact section 16-04-13 and section 16-06-02 of the North Dakota Century Code, relating to the publication of the sample primary election ballot and notice of election.

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

Section 1. Amendment.) Section 16-04-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-13. County Auditor to Publish Sample Primary Election Ballot and Notice of Time and Place of Election.) The county auditor shall publish in the official county newspaper and if no newspaper is published in the county then in a newspaper published in an adjoining county in the state:

1. A copy of the sample ballot of the primary election, as arranged by order and direction of the persons charged with such duty. The form of ballot so published shall conform in all respects to the form prescribed for the sample primary ballot and the makeup and general form shall conform to that prescribed for said sample ballot, except that the candidates from each legislative district which falls within the boundaries of the county shall be listed in a separate box or category by legislative district number so as to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. The form so published shall be printed in either six-point or eight-point type;
2. The date of the primary election;
3. The hours during which the polls will be open; and
4. The statement that the primary will be held in the regu-

lar polling place in each precinct.

Such notice shall be published in the official county newspaper once each week for two consecutive weeks prior to the primary election.

Section 2. Amendment.) Section 16-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-06-02. Notice of Election—Contents—Publication with Sample Ballot.) Notice of any general election shall be published by the county auditor in the official county newspaper at the same time as, and as a part of, the publication of the sample ballot preceding such election. Such notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the _____ day of _____ next, at the polling places in the various precincts in the county of _____ an election will be held for the election of state, district, and county officers, which election will be opened at _____ o'clock a.m. and will continue open until _____ o'clock p.m. of that day with the following exceptions: _____

Dated this _____ day of _____, A.D., 19 _____
(Signed) _____
County Auditor

The county auditor shall publish for two consecutive weeks prior to the election in the official county newspaper and if no newspaper is published in the county in a newspaper published in an adjoining county in the state, a copy of the sample ballot of the general election, as arranged by order and direction of the persons charged with such duty. The form of the ballot so published shall conform in all respect to the form prescribed for the sample general election ballot and the makeup and general form shall conform to that prescribed for said sample ballot, except that the candidates from each legislative district which falls within the boundaries of the county shall be listed in a separate box or category by the legislative district number so as to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. The form published shall be printed in either six-point or eight-point type.

Approved March 14, 1969.

CHAPTER 208

H. B. No. 298
(Ganser)

COMBINATION OF CITY AND TOWNSHIP
VOTING PRECINCTS

AN ACT

To amend and reenact subsection 6 of section 11-11-14 and section 16-09-01 of the North Dakota Century Code, relating to the combination of city and township voting precincts under certain conditions.

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

Section 1. Amendment.) Subsection 6 of section 11-11-14 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. To establish election precincts in the county in areas outside the boundaries of incorporated cities except as provided in chapter 16-09;

Section 2. Amendment.) Section 16-09-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-09-01. Board of County Commissioners May Divide County Into Precincts—Combine Cities with Townships Under Certain Conditions—Preservation of Boundaries—Number of Electors—When May Redivide, Annex, Vacate or Combine Voting Precincts—Election Inspectors Designated.) The board of county commissioners may divide the county into precincts and establish the boundaries of the same except that within the boundaries of incorporated cities the governing body of such cities shall divide the cities into precincts and establish their boundaries pursuant to the provisions of title 40.

The entirety of civil townships or cities shall be preserved as precincts except when such preservation would be in conflict with the provisions of this chapter. In such case, the civil township or city, 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 a city, except as provided in this chapter. No precinct in which voting machines are not used shall contain more than five hundred electors. It is further provided that the board of county commissioners may redivide the county into precincts, annex an existing precinct to another existing precinct, or combine two or more existing precincts one to another when:

1. A petition signed by seventy percent of the electors residing within an existing precinct is presented requesting such existing precinct to be annexed to and become a part of another existing precinct;
2. In the board's discretion, prompted by inaccessibility of polling places, difficulty in obtaining election boards, or economic infeasibility, an existing precinct may be annexed to and become a part of another existing precinct; or
3. The board of county commissioners may combine in their entirety two or more adjoining civil townships into one voting precinct with a common polling place for all elections other than township or school district elections or as otherwise provided by this chapter.

In the case of precincts which are combined, the board of county commissioners shall designate the person to be the inspector of elections of the new voting precinct. In the case where one precinct is annexed to another, the inspector of elections of the annexing precinct shall be the inspector of elections for the new precinct.

Notwithstanding other provisions of law, and for the purpose of statewide elections and the election of precinct committeemen, the county commissioners shall have the further authority to combine a city with an adjacent civil township, which wholly or partially encompasses such city, into one voting precinct, when the votes cast in the city for governor in the preceding election were less than three hundred and the total vote for governor at the previous election of the city and township to be combined would not exceed three hundred votes. If a city is partially encompassed by more than one civil township, the county commissioners shall select the civil township which will be combined with the city by taking into account accessibility of roads, trade area and compactness.

The county commissioners shall appoint the inspector for such combined voting precinct. The judges and clerks shall be appointed as otherwise provided by law.

If the vote in the combined voting precincts at a later date exceeds four hundred and upon request of the city governing body, the board of county commissioners shall restore the city to a separate voting precinct.

Approved March 13, 1969.

CHAPTER 209

S. B. No. 95
(Hernett)

LOCATION OF VOTING PLACES

AN ACT

To amend and reenact sections 16-09-05 and 16-09-06 of the North Dakota Century Code, relating to voting places.

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

Section 1. Amendment.) Section 16-09-05 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-09-05. Board of County Commissioners May Change Voting Place in Precinct Except in Cities—Voting Place Outside County—Agreement for.) Except within the boundaries of incorporated cities the board of county commissioners, at any regular or special meeting, may change any voting place of any precinct. The voting place may be located in an adjacent county, and the board of county commissioners is empowered to enter into an agreement with the board of county commissioners of the adjacent county regarding location of a voting place in that county.

Section 2. Amendment.) Section 16-09-06 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-09-06. Township May Have Voting Place Outside its Boundaries—Voting Place May Be Located in Adjacent County.) The board of county commissioners, when necessity and convenience demands it, may designate a precinct voting place outside of the boundaries of a precinct, and may enter into an agreement with the board of county commissioners of an adjacent county for location of a voting place within that county.

Approved March 25, 1969.

CHAPTER 210

S. B. No. 311
(Chesrown, Trenbeath)

CONSOLIDATION OF VOTING PLACES

AN ACT

To repeal section 16-09-07 of the 1967 Supplement to the North Dakota Century Code, relating to the use of the same voting place by a township and incorporated city where the combined vote does not exceed five hundred votes.

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

Section 1. Repeal.) Section 16-09-07 of the 1967 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 5, 1969.

CHAPTER 211

H. B. No. 178

(Rundle, K. Johnson, Boyum, Lillehaugen)

PRECINCT COMMITTEEMEN AS JUDGES OF ELECTION

AN ACT

To amend and reenact sections 16-10-01 and 16-10-08 of the North Dakota Century Code, relating to precinct committeemen serving as judges of election.

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

Section 1. Amendment.) Section 16-10-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-01. Board of Elections — What Constitutes — Qualifications of Members.) The judges of election, together with the inspector of elections, shall constitute the board of elections. No person shall be a member of the board of elections or a poll clerk or assistant poll clerk who:

1. Has anything of value bet or wagered on the result of an election;
2. Is a candidate at an election, except that a judge of election may be a candidate for precinct committeeman; or
3. Is the husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother or sister, of any candidate except a candidate for precinct committeeman at an election.

Section 2. Amendment.) Section 16-10-08 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-08. Precinct Committeeman to Serve as Judge of Elections.) The precinct committeeman receiving the

largest vote at the last election of each of the two parties which cast the largest number of votes in the state at the last general election shall serve as judges of election for their precinct. If for any reason a precinct committeeman does not wish to serve as judge of election, he shall appoint from his precinct a member of his party to serve as judge of election. Should such appointment not be made, the position shall be filled by the district chairman. Each judge of election shall be given a certificate of appointment signed by the chairman of the district committee of his party. The chairman of the district committee of the two political parties shall notify the county auditor of the counties in which the precincts are located of the appointment of the judges of election at least two weeks prior to the primary, general, or special election. If such notice is not received within the time specified in this section, the inspector of election shall appoint the judge no later than one week prior to the election.

Approved March 11, 1969.

CHAPTER 212

S.B. No. 94
(Hernett)

COMPENSATION OF ELECTION OFFICIALS

AN ACT

To amend and reenact section 16-10-16 of the North Dakota Century Code, relating to compensation of inspectors, judges, and clerks of election.

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

Section 1. Amendment.) Section 16-10-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-16. Compensation of Inspector, Judges, and Clerks of Election.) Each inspector, judge, or clerk of any state-wide primary, general, or special election, for services performed by him at such election shall receive as compensation therefor the sum of twelve dollars. When the number of votes cast at such election exceeds one hundred, each such officer shall receive as additional compensation the sum of two dollars for every additional one hundred votes cast or major fraction thereof, but not more than twenty-five dollars in all for such services.

Approved February 25, 1969.

CHAPTER 213

H. B. No. 91
(W. Erickson, Lundene)

PRECINCT VOTE CANVASS

AN ACT

To amend and reenact section 16-13-02 of the North Dakota Century Code, relating to the location of the precinct vote canvass.

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

Section 1. Amendment.) Section 16-13-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-02. Board of Election to Canvass Votes — Location — Public May Attend.) After the polls are closed the inspector of elections and the judges shall open the ballot boxes and count and compare the ballots with the clerks' lists. Except as unusual and compelling circumstances may require, the vote canvass shall occur at the polling place. Should good and substantial reasons exist for the removal of the ballots and election records to another location for canvass, such other location shall be in the same precinct and such removal shall be approved by the election board, but in no case shall the ballots be removed to another location for tally after the ballot boxes have been opened. Upon approval of a change of location by the election board as provided in this section, the approximate time and location of the canvass shall be prominently posted on the main entrance to the polling place, the ballots and records shall be moved in the presence of the election board, and the canvass as provided in this chapter shall proceed immediately upon arrival at the alternate location. If any irregularity appears, they shall proceed as is provided in this chapter. If the ballots compare and are of equal number with the names on the clerks' lists, they shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the canvass, the votes received at such polls, and shall continue without adjournment until the canvass is completed.

Approved March 5, 1969.

CHAPTER 214

S. B. No. 60
(Unruh)

DISPOSITION OF POLL BOOKS**AN ACT**

To amend and reenact section 16-13-07 of the North Dakota Century Code, relating to the election reports and poll books returned to the county auditor.

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

Section 1. Amendment.) Section 16-13-07 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-07. Reports and Poll Books Sent to County Auditor—Compensation for Making Returns—County Auditor to Forward Poll Book to Clerk of United States District Court.) By twelve o'clock noon, of the day following an election except in cases of emergency or inclement weather, the inspector of elections, or one of the judges appointed by him, shall personally deliver the duplicate reports, provided for in section 16-13-04 to the county auditor. The reports, carefully sealed under cover, accompanied by both of the poll books provided for in section 16-11-13, and with the oaths of inspector and clerks affixed thereto, shall be directed properly to the county auditor. The person making such return shall receive the sum of five dollars as compensation therefor and shall also be paid mileage of ten cents per mile provided, however, no compensation and no mileage shall be paid if delivery of the ballots is not made by twelve o'clock noon on the day following the election. The compensation and mileage shall be paid out of the county treasury on a warrant of the county auditor, and shall be full compensation for returning all used or voided ballots and for delivering the ballot boxes to the proper official. Within thirty days after receipt thereof, each county auditor shall forward one of the poll books to the clerk of the United States district court for the district encompassing that county for his official use. The county auditor, if his duties so require, may request return of the poll book thirty days after receipt thereof by the clerk of the United States district court.

Approved March 20, 1969.

CHAPTER 215

S. B. No. 170

(Nasset, G. Larson, Berube, Chesrown, Kautzmann)

(Trenbeath, Hernet, Robinson, Torgerson)

(From Senate Select Committee on Elections)

CANVASSING OF ELECTIONS

AN ACT

To amend and reenact section 16-13-15 of the North Dakota Century Code, relating to the canvassing of elections.

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

Section 1. Amendment.) Section 16-13-15 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-15. Time of County Canvassing Board Meeting—Oath Required — Reconsideration of Canvass.) As soon as the returns are received by the county auditor, but not later than five days after each election, the county canvassing board shall meet and, after taking the oath of office, shall proceed to open and publicly canvass such returns. After the initial meeting of the board as provided in this section, any two or more members may call a meeting of the board and upon approval of a majority of the members, the board shall recanvass the results of the election or any portion thereof and may correct any previous canvass or certification or both in regard to such election. Any correction of any previous certification of election results as provided in this section shall be immediately dispatched to the secretary of state who shall call a meeting of the state board of canvassers as provided in section 16-13-36 for the purpose of recanvassing and, if necessary, correcting any previous certification of the election results.

Approved February 22, 1969.

CHAPTER 216

S. B. No. 88
(Trenbeath)

ELECTION OF PRECINCT COMMITTEEMEN

AN ACT

To amend and reenact section 16-17-06 of the North Dakota Century Code, relating to the election of precinct committeemen; and to repeal section 16-17-10.1 of the North Dakota Century Code, relating to the organization of political parties on a district basis.

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

Section 1. Amendment.) Section 16-17-06 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-06. Candidates Elected at Election—Tie Vote—Canvassing Vote—Certificate of Election.) The candidate, or if more than one precinct committeeman is to be elected, the corresponding number of candidates, receiving the highest number of votes shall be declared elected, provided, however, in such case where no person's name appears on the ballot as a candidate for precinct committeeman, no person shall be elected as a precinct committeeman unless such person receives a number of votes equal to or more than the number of signatures required by section 16-17-03 to have his name placed upon the ballot. If no person receives a sufficient number of votes to be elected as precinct committeeman, the vacancy may be filled by appointment of a resident from such precinct by the district executive committee of such party. In case of a tie vote, the election officials immediately shall decide the winner by drawing lots. Upon the closing of the polls, the election officials in each precinct shall proceed to count and canvass the votes cast for precinct committeemen and ascertain who were elected, and shall notify the county auditor, the county auditor shall make out, upon blanks furnished by the county, and mail to each person elected, a certificate of election.

***Section 2. Repeal.)** Section 16-17-10.1 of the 1967 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 14, 1969.

***Note:** Section 16-17-10.1 was also repealed by section 2 of chapter 217, 1969 S.L.

CHAPTER 217

S.B. No. 179

(Hernett, Rait, Kautzmann)

ORGANIZATION OF POLITICAL PARTY DISTRICT COMMITTEES

AN ACT

To amend and reenact section 16-17-10 and to repeal section 16-17-10.1 of the North Dakota Century Code, relating to political parties' district organization and meeting.

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

Section 1. Amendment.) Section 16-17-10 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-10. Meeting of District Committee—Organization.) The district committee of each party shall meet within thirty days after each general election. The day, hour, and site shall be set by the existing district committee chairman. The district committee shall organize by:

1. Selecting a chairman, a vice chairman, a secretary, and a treasurer chosen by the district committee;
2. Adopting rules and modes of procedure not in conflict with law; and
3. Selecting an executive committee consisting of from five to fifteen persons chosen from the district committee. The chairman, vice chairman, treasurer,

and secretary of the district committee shall be members and the officers of the executive committee.

The newly elected chairman shall notify the county auditor as to the names of the party officers selected. If the office of chairman shall become vacant, the vice chairman shall hold such office until the next regular election for such office or until a new chairman is selected by the district committee for the balance of the term, whichever shall first occur.

***Section 2. Repeal.)** Section 16-17-10.1 of the North Dakota Century Code is hereby repealed.

Approved February 22, 1969.

***Note:** Section 16-17-10.1 was also repealed by section 2 of chapter 216, 1969 S.L.

CHAPTER 218

H. B. No. 69
(Link)

APPLICATION FOR ABSENTEE BALLOTS

AN ACT

To amend and reenact section 16-18-06 of the North Dakota Century Code, relating to the application for absentee ballots.

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

Section 1. Amendment.) Section 16-18-06 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-06. Application Form.) Application for such ballot shall be made on a blank to be furnished by the proper officer of the county, city, or school district 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
_____ 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 applica-
tion for an official absent voter's ballot to be voted by
me at such election.

Date _____

Witness: _____ Signed _____

Post office _____

Provided that qualified electors in the military or naval service or the merchant marine of the United States of America shall not be required to file any formal application for an absent voter's ballot for any general or primary election but each county auditor of each county in the state of North Dakota shall upon receiving any information whether in writing or otherwise as to the mailing address of any qualified elector in the military or naval service or the merchant marine of the United States immediately upon receiving the ballots from the printers, mail to such electors a ballot together with proper return envelope and instructions for voting.

Approved March 8, 1969.

CHAPTER 219

H.B. No. 193
(Eagles, Belter)

DELIVERY OF ABSENT VOTERS' BALLOTS

AN ACT

To amend and reenact sections 16-18-09 and 16-18-16 of the North Dakota Century Code, relating to the delivery of absent voters' ballots to the voter and to the inspector of elections.

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

Section 1. Amendment.) Section 16-18-09 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-09. Delivering Ballots — Envelope Accompanying — Statement on Envelope — Inability of Elector to Sign Name.) Upon receipt of an application for an official ballot properly filled out and duly signed, or as soon thereafter as the official ballot for the precinct in which the applicant resides has been prepared, the county auditor, auditor of the city, or clerk of the school district, as the case may be, shall send to such absent voter by mail, postage prepaid, one official ballot, or personally deliver said ballot to the applicant or his agent, which agent may not, at that time, be a candidate for any office to be voted upon by the absent voter; provided that the agent deposit with the auditor or clerk, as the case may be, authorization in writing from the applicant to receive such ballot or according to requirements hereinafter set forth for signature by mark. If there is more than one ballot to be voted by an elector of such precinct, one of each kind shall be included and an envelope shall be enclosed with such ballot or ballots. Such envelope shall bear upon the front thereof the name, official title, and post-office address of the officer supplying the voter with the ballot, and upon the other side a printed statement in substantially the following form:

State of _____)
) ss.
County of _____)

I, _____, under penalty of perjury, do solemnly swear that I am a resident of the township of _____, or of the _____ precinct of the _____ ward in the city of _____, residing at _____ in said city, county of _____ and state of North Dakota, and entitled to vote in such precinct at the next election; that I expect to be absent from the said county of my residence on the day of holding such election or that by reason of physical disability I am unable to attend at the polling place for such election, and that I will have no opportunity to vote in person on that day.

If such absent voter is unable to sign his name, he shall make his mark (X) in the presence of a disinterested person. Such disinterested person shall print the name of the person marking his X below the X, and shall sign his own name following the printed name with the notation "witness to his mark".

Section 2. Amendment.) Section 16-18-16 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-16. Submitting Ballot to Inspector of Elections.) If the envelope containing the absent voter's ballot is received by the county auditor, auditor or clerk of the city, or clerk of the school district, as the case may be, prior to his delivery of the sealed package containing the official ballots to the inspector of elections of the precinct in which such absent voter resides, such ballot, after having been enclosed with the application in an envelope as required by section 16-18-15, shall be enclosed in such package and delivered therewith to the inspector of such precinct. If the official ballots for such precinct shall have been delivered to such inspector of elections at the time of the receipt by the proper officer of such absent voter's ballot, then such officer forthwith shall mail the same postage prepaid to such inspector of elections, or he, or his deputy shall personally deliver it to such inspector.

Approved March 8, 1969.

CHAPTER 220

H. B. No. 194
(Eagles, Freeman)

MAILING ABSENT VOTERS' BALLOTS

AN ACT

To amend and reenact section 16-18-14 of the North Dakota Century Code, relating to the canvassing of mailed absent voters' ballots received too late to be forwarded to the proper voting precinct.

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

Section 1. Amendment.) Section 16-18-14 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-14. Canvassing of Mailed Absent Voters' Ballots Received Late.) In the case of congressional, state, or county elections, if any envelope postmarked more than three days prior to the date of the election and containing an absent voter's ballot is received by the proper officer too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such officer at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such officer in time to canvass and transmit the results to the state canvassing board. In the case of city or school district elections, if an envelope postmarked more than three days prior to the date of the election and containing an absent voter's ballot is received by the proper officer too late to be forwarded to the proper voting precinct in time to be tabulated, the same shall be canvassed by the governing body of the city, or the school board of the school district, as the case may be, at such time as the other ballots are canvassed. This section shall not be construed as invalidating any ballot mailed within three days of the date of the election at which it is to be cast, if the ballot is received in time to be so cast according to the provisions of this chapter.

Approved March 11, 1969.

S. B. No. 319
(Torgerson, Melland, Becker)

**ABSENTEE BALLOT NOT REJECTED ON
DEATH OF VOTER**

AN ACT

To amend and reenact section 16-18-17 of the 1967 Supplement to the North Dakota Century Code, providing that the subsequent death of an absentee voter shall not constitute grounds for rejecting the ballot.

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

Section 1. Amendment.) Section 16-18-17 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-17. Opening Ballot—Voting or Rejecting—Depositing in Ballot Box—Preserving.) At any time between the opening and closing of the polls on election day, the inspector of elections or judges of election of such precinct first shall open the outer envelope and compare the signature to such application for an absent voter's ballot with the signature to the statement provided for in section 16-19-09. If the judges find that the statement is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct and has not voted at such election, they shall open the absent voter's envelope in such manner as not to destroy the statement thereon. They shall take out the ballot or ballots contained therein without unfolding the same, or permitting the same to be opened or examined, and after endorsing the same as other ballots are endorsed, they shall deposit the ballot in the proper ballot box and show by the records of such election that such elector has voted. If such statement is found to be insufficient, or that the said signatures do not correspond, or that such applicant is not then a duly qualified elector of such precinct, such vote shall not be allowed, but without opening the absent voter's envelope, the inspector of elections or judge of such election shall mark across the face thereof "rejected as defective" or "rejected as not an elector", as the case may be.

The subsequent death of an absentee voter after having voted

by absentee ballot shall not constitute grounds for rejecting such ballot.

The absent voter's envelope when such absent vote is voted, and the absent voter's envelope with its contents unopened, when such absent vote is rejected, shall be deposited in the ballot box and shall be retained and preserved in the same manner as official ballots voted at such election are retained and preserved.

Approved March 14, 1969.

CHAPTER 222

H. B. No. 68
(Hilleboe)

LIMITATION ON CAMPAIGN EXPENSES

AN ACT

To amend and reenact section 16-20-04 of the North Dakota Century Code, relating to limitation on campaign expenses, and to repeal section 16-20-20 of the North Dakota Century Code.

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

Section 1. Amendment.) Section 16-20-04 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-04. Limitation on Campaign Expenses.) No sum of money shall be paid and no expenses shall be authorized or incurred by any candidate seeking nomination to any public office or position in this state in a primary election campaign or any candidate who has received the nomination to any public office or position and is a candidate in the general election or any candidate in a special election in excess of five hundred dollars or fifteen percent of the annual salary of the office for which he is running, whichever is greater. Such amounts may be incurred for each election. Any candidate who fails to abide by the provisions of this section shall be punished as provided in section 16-20-24.

Section 2. Repeal.) Section 16-20-20 of the North Dakota Century Code is hereby repealed.

Approved March 6, 1969.

CHAPTER 223

S. B. No. 394
(Meschke)

DISCLOSURE OF SPONSOR OF AND FALSE POLITICAL ADVERTISEMENTS

AN ACT

To amend section 16-20-17.1 of the North Dakota Century Code, concerning disclosure of sponsor of political advertisement to apply to advertisements on referred measures, and to create a new section to make sponsorship of false information in any political advertisement a misdemeanor.

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

Section 1. Amendment.) Section 16-20-17.1 of the 1967 Supplement of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-17.1. Political Advertisements to Disclose Name of Sponsor.) Each and every political advertisement, whether on behalf of or in opposition to any candidate for public office, initiated measure, referred measure or constitutional amendment, and whether such advertisement shall be by newspaper, pamphlet or folder, display cards, signs, posters or billboard advertisements, or by any other public means, shall disclose at the bottom of same the name or names of the sponsors of such advertisement, and the name or names of the person, persons, associations, partnerships or corporations paying for such advertisement, except however, this section shall not apply to campaign buttons. At the close of every radio or television broadcast containing any advertising announcements or talk for or against any candidate for public office, any initiated measure, referred measure or constitutional amendment to be voted on by the people, there shall be announced at the close of said broadcast the name

or names of the person, persons, associations, partnerships or corporations paying for such radio or television broadcast.

Section 2. Publication of False Information in Political Advertisements—Penalty.) No person, firm, corporation, or association shall knowingly sponsor any political advertisement containing false information, whether on behalf of or in opposition to any candidate for public office, initiated measure, referred measure, or constitutional amendment, and whether such publication shall be by radio, television, newspaper, pamphlet, folder, display cards, signs, posters or billboard advertisements, or by any other public means. Any person, firm, corporation, or association who shall violate the provisions of this section shall be guilty of a misdemeanor.

Approved March 20, 1969.