

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2175

Introduced by

Senators Grindberg, Robinson

Representatives Carlson, Fairfield, Grande

1 A BILL for an Act to amend and reenact sections 16.1-06-06, 16.1-07-09, 16.1-09-02,
2 16.1-11-13, 16.1-11-19, 16.1-15-17, 16.1-15-22, and 44-08-21 of the North Dakota Century
3 Code, relating to general election ballots for persons authorized to vote for presidential electors
4 only, canvassing late absentee ballots, presidential candidates personal disclosure statements,
5 filing of certificates with the secretary of state showing the names and addresses of persons
6 nominated in the county by county auditors, filling vacancies existing on the no-party ballot,
7 time when county canvassing boards are required to meet, recall elections, and deadlines for
8 candidates to file in recall elections.

9 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

10 **SECTION 1. AMENDMENT.** Section 16.1-06-06 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **16.1-06-06. General election ballots for persons authorized to vote for federal**
13 **offices presidential electors only - Prepared separately - General law governs.** In addition
14 to the ballots prepared pursuant to section 16.1-06-05, ballots must be prepared containing
15 only the names of duly certified candidates for presidential electors for use by persons
16 authorized to vote for those offices by law. The provisions of this title regarding the
17 preparation, form, arrangement of names, delivering, and stamping of ballots must govern in
18 regard to the general election ballot prepared pursuant to this section. The ballots prepared
19 pursuant to this section must be delivered to electors who qualify only to vote for presidential
20 electors pursuant to sections ~~16.1-01-04~~, 16.1-14-18, and 16.1-14-19.

21 **SECTION 2. AMENDMENT.** Section 16.1-07-09 of the 1995 Supplement to the North
22 Dakota Century Code is amended and reenacted as follows:

23 **16.1-07-09. Canvassing of mailed absent voters' ballots received late.** In the case
24 of congressional, state, county, city, or school district elections, if an envelope postmarked by

1 the United States postal service or other mail delivery system before the date of election and
2 containing an absent voter's ballot is received by the officer too late to be forwarded to the
3 proper voting precinct in time to be tabulated, the ballot must be tallied by the canvassing board
4 of the county, the governing body of the city, or the school board of the school district, as the
5 case may be, at the time the returns are canvassed. Any envelope without a postmark by the
6 United States postal service or other mail delivery system or with an illegible postmark and
7 containing an absentee voter's ballot must be received by mail by the proper officer within
8 ~~forty-eight hours after the closing of the polls on election day~~ two days after the election to be
9 canvassed and counted. An absent voter may personally deliver the absent voter's ballot to the
10 appropriate officer's office at any time before five p.m. on the day before the election. Before
11 forwarding any ballot to a canvassing board pursuant to this section, the officer forwarding the
12 ballot shall print the date ~~and hour~~ of receipt on the envelope. Upon receipt, the canvassing
13 board shall first determine that the elector was qualified to vote in that precinct and that the
14 elector did not previously vote in that precinct on the date of the election before allowing the
15 ballot to be tallied.

16 **SECTION 3. AMENDMENT.** Section 16.1-09-02 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **16.1-09-02. Statement of interests to be filed.** Every candidate for elective office
19 shall file a statement of interests as required by this chapter. In a year when a president and
20 vice president of the United States are to be chosen, presidential and vice presidential
21 candidates shall file with the secretary of state either a statement of interests as required by
22 this chapter or a copy of the personal disclosure statement that is required by the federal
23 election commission. A candidate for elective office shall file the statement of interests with the
24 officer with whom the candidate filed the candidate's certificate of nomination, certificate of
25 endorsement, or petition of nomination. Candidates for elective office who are required to file
26 such statements shall do so at the time of filing a certificate of nomination, a certificate of
27 endorsement, or a petition of nomination, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is
28 appropriate; provided, that any person who has filed a statement as the result of candidacy in a
29 primary election need not refile prior to running in the following general election. Every person
30 who is appointed by the governor to a state agency, board, bureau, commission, department,

or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment.

SECTION 4. AMENDMENT. Section 16.1-11-13 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-13. Filing petition or certificate of endorsement when legislative district composed of more than one county - Certificate of county auditor. When a legislative district is composed of more than one county, the certificate of endorsement or the petition provided for in section 16.1-11-11 must be filed with the county auditor of the county where the candidate resides, and that county auditor shall certify to the county auditors of the other counties comprising the legislative district the names and addresses of the candidates filing the petitions or certificates. At the same time, the county auditor shall certify to the secretary of state the names and addresses of all legislative candidates nominated in the county under this chapter.

SECTION 5. AMENDMENT. Section 16.1-11-19 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-19. Filling vacancy existing on no-party ballot - Petition required - Time of filing. If a vacancy exists on a no-party ballot for a state office or for judge of a district court, the vacancy may be filled by filing with the secretary of state, before four p.m. on the fifty-sixth day prior to the primary election, a written petition as provided in section 16.1-11-06, stating that the petitioner desires to become a candidate for nomination to the office for which a vacancy exists. If the petition is mailed, it must be in the possession of the secretary of state before four p.m. on the fifty-sixth day prior to the primary election. The petition for the nomination of any person to fill the vacancy must be signed by qualified electors equal in number to at least two percent of the total vote cast for governor at the most recent general election in the state or district at which the office of governor was voted upon, but in no case may more than three hundred signatures be required.

If a vacancy exists on a no-party ballot in a county or district within a county, the vacancy may be filled by filing with the county auditor, before four p.m. of the fifty-sixth day prior to the primary election, a written petition as provided in section 16.1-11-11, stating that the petitioner desires to become a candidate for nomination to the office for which a vacancy exists. If the petition is mailed, it must be in the possession of the county auditor before four p.m. on

the fifty-sixth day prior to the primary election. The petition for the nomination of any person to fill the vacancy must be signed by qualified electors ~~equal in number to at least thirty percent of the total vote cast for governor at the most recent general election in the county or district at which the office of governor was voted upon, but in no case may more than three hundred signatures be required~~ as provided in subdivision c of subsection 2 of section 16.1-11-11. A vacancy in the no-party ballot must be deemed to exist when a candidate who was qualified by filing a petition pursuant to section 16.1-11-06 or 16.1-11-11 dies, resigns, or otherwise becomes disqualified to have his name printed on the ballot.

SECTION 6. AMENDMENT. Section 16.1-15-17 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-17. Time of county canvassing board meeting - Oath required - Reconsideration of canvass. ~~As soon as the returns are received by the county auditor~~ Not earlier than the third day following each election, but not later than six days after each election, the county canvassing board shall meet and, after taking the oath of office, shall proceed to open and publicly canvass the 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 the election. Any correction of any previous certification of election results as provided in this section must be immediately dispatched to the secretary of state who shall call a meeting of the state canvassing board as provided in section 16.1-15-35 for the purpose of recanvassing and, if necessary, correcting any previous certification of the election results.

SECTION 7. AMENDMENT. Section 16.1-15-22 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-22. County auditor to transmit abstract of votes to secretary of state after primary election. The county auditor of each county, under ~~his~~ the auditor's official seal, shall return to the secretary of state by registered or certified mail within ten days after the day of any primary election, a certified abstract, under separate political designation or principle, or no-party designation, as the case may be, of the total number of votes cast in ~~his~~ the auditor's county and the votes cast for every candidate for nomination for United States senator, United States representative, state officers, judges of the supreme court, judges of the district court,

1 and members of the legislative assembly. ~~The county auditor also shall file with the secretary~~
2 ~~of state a certificate showing the names and addresses of the persons nominated under the~~
3 ~~several political designations and principles in his county.~~ The certified abstract and the
4 ~~certificate of nomination~~ to be mailed under the provisions of this section must be in the
5 possession of the secretary of state before four p.m. on the tenth day after the primary election.

6 **SECTION 8. AMENDMENT.** Section 44-08-21 of the 1995 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **44-08-21. Recall of elected officials of political subdivisions.** An elected official of
9 a political subdivision, except an official subject to recall pursuant to section 10 of article III of
10 the Constitution of North Dakota, is subject to recall by petition of electors equal in number to
11 twenty-five percent of the voters who voted in the most recent election that the office of the
12 official sought to be recalled was on the ballot, not including other recall elections, except in any
13 political subdivision with a population of not more than one hundred, the petition must be
14 signed by at least six electors. The provisions of section 16.1-01-09, as they relate to signing
15 and circulating recall petitions, apply to petitions under this section.

16 The petition may include the stated reason for the recall and must be filed with the
17 official with whom a petition for nomination to the office in question is filed unless that official is
18 the person subject to recall, in which case the petition must be filed with the secretary of state.
19 The official with whom the petition is filed shall pass on the sufficiency of a petition under this
20 section in the manner required of the secretary of state under section 16.1-01-10. Except as
21 otherwise provided in this section, the official shall call a special election to be held within forty
22 days if the official finds the petition valid and sufficient. No special election may be called if the
23 date would be within ninety days of the next scheduled election. An elector's name may not be
24 removed from a recall petition.

25 The name of the official to be recalled must be placed on the ballot unless the official
26 resigns within ten days after the filing of the petition. Other candidates for the office may be
27 nominated in a manner provided by law and shall file nominating papers with the appropriate
28 official by the thirty-third day before the scheduled recall election. If the official resigns, the
29 appropriate political subdivision governing body may call a special election or appoint a person
30 to complete the unexpired term of the office. When the election results have been officially

- 1 declared, the candidate receiving the highest number of votes is elected for the remainder of
- 2 the term. No official is subject to recall twice during the term for which the official was elected.