

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2236

Introduced by

Senator Dever

Representative Potter

1 A BILL for an Act to amend and reenact sections 40-09-03 and 40-21-07 of the North Dakota
2 Century Code, relating to municipal elections.

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

4 **SECTION 1. AMENDMENT.** Section 40-09-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **40-09-03. Regulations governing election of commissioners.** The members of the
7 board of city commissioners shall be elected at large and not by wards. Each voter may vote
8 for one of the candidates for the office of president of the board of city commissioners and for
9 as many candidates for the office of city commissioner as there are commissioners to be
10 elected. Candidates for the city commission may run for either the office of city commissioner
11 or the office of president of the board of city commissioners but not both.

12 **SECTION 2. AMENDMENT.** Section 40-21-07 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **40-21-07. Petition for nomination of elective official in cities - Signatures required**
15 **- Withdrawal of petition - Contents.** A candidate for any public office in an incorporated city
16 may be nominated by filing with the city auditor, at least sixty days and before four p.m. on the
17 sixtieth day before the holding of the election, a petition signed by not less than ten percent of
18 the number of qualified electors who voted for that office in the last city election. A candidate
19 shall also file a statement of interests as required by section 16.1-09-02. If multiple candidates
20 were elected to the office at the preceding city election at which the office was voted upon, the
21 number of signatures must equal at least ten percent of the total votes cast for all candidates
22 divided by the number of candidates that were to be elected to that office at that election.
23 Qualified electors who sign a petition must reside within the ward or precinct in and for which
24 that officer is to be elected, if the election is by wards, or within the corporate limits of the city, if

1 the officer is elected at large. In cities operating under the commission system of government
2 the required petition may be signed by the qualified electors at large residing within the city. If a
3 petition is mailed, it must be in the possession of the city auditor before four p.m. on the sixtieth
4 day prior to the holding of the election. However, no more than three hundred signatures may
5 be required and the signatures may be on separate sheets of paper. Petitions must meet the
6 specifications of nominating petitions pursuant to section 16.1-11-16. If a city election is not
7 combined with a state or county election according to section 40-21-02, a candidate may be
8 nominated by filing the required petition with the city auditor at least ~~thirty-three~~ sixty days and
9 before four p.m. on the ~~thirty-third~~ sixtieth day before the holding of the election. A candidate
10 may withdraw the candidate's nominating petition at any time before the applicable deadlines
11 for filing nominating petitions provided for in this section. Nominating petitions required by this
12 section may not be circulated or signed more than ninety days before the date when nominating
13 petitions must be filed pursuant to this section. Any signatures to a nominating petition
14 obtained more than ninety days before that date may not be counted. Candidates for city
15 council may run for either the office of mayor or council member but not both. Candidates for
16 the city commission may run for either the office of city commissioner or the office of president
17 of the board of city commissioners but not both.