

Sixty-fourth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1056**

Introduced by

Legislative Management

(Taxation Committee)

1 A BILL for an Act to create and enact section 18-10-07.1 of the North Dakota Century Code,  
2 relating to mail ballot elections for rural fire protection district increased levy approval; to amend  
3 and reenact section 18-10-07 of the North Dakota Century Code, relating to rural fire protection  
4 district increased levy approval; and to provide an effective date.

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

6 **SECTION 1. AMENDMENT.** Section 18-10-07 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **18-10-07. Fire protection policy to be determined - Tax levy.**

9 The board of directors shall determine a general fire protection policy for the district and  
10 shall annually estimate the probable expense for carrying out the contemplated program. The  
11 annual estimate of probable expense may include an amount determined by the board of  
12 directors to be necessary to be carried over to a future year for purchase of firefighting  
13 equipment, ambulances, or other emergency vehicles. The estimate must be certified by the  
14 president and secretary to the proper county auditor or county auditors, on or before June  
15 thirtieth of each year, who shall levy a tax upon the taxable property within the district for the  
16 maintenance of the fire protection district for the fiscal year as provided by law. The tax may not  
17 exceed the limitation in section 57-15-26.3a tax rate of five mills per dollar of the taxable  
18 valuation of property in the district. No signature on the petition may be considered valid if made  
19 more than ninety days prior to receipt of the petition. Additional levy authority authorized by the  
20 board of directors before August 1, 2015, remains in effect under the provisions of law at the  
21 time the levy was authorized for the time period authorized by the electors but not exceeding  
22 five taxable years. Upon approval or reauthorization by a majority of electors of the district  
23 voting in a mail ballot election conducted as provided in section 18-10-07.1, the tax may be

1 increased to a tax rate not exceeding thirteen mills per dollar of the taxable valuation of property  
2 in the district for a period not exceeding five taxable years. The tax must be:

- 3 1. Collected as other taxes are collected in the county.
- 4 2. Turned over to the secretary-treasurer of the rural fire protection district, who shall  
5 have a surety bond in the amount of at least five thousand dollars.
- 6 3. Placed to the credit of the rural fire protection district so authorizing the same by its  
7 secretary-treasurer in a state or national bank, except amounts to be carried over to a  
8 future year for purchase of firefighting equipment, ambulances, or other emergency  
9 vehicles may be invested to earn the maximum return available.
- 10 4. Paid out upon warrants drawn upon the fund by authority of the board of directors of  
11 the district, bearing the signature of the secretary-treasurer and the countersignature  
12 of the president of the rural fire protection district.

13 The amount of tax levy may not exceed the amount of funds required to defray the expenses of  
14 the district for a period of one year as embraced in the annual estimate of expense, including  
15 the amount of principal and interest upon the indebtedness of the district for the ensuing year  
16 and including any amount determined by the board of directors to be necessary to be carried  
17 over to a future year for purchase of firefighting equipment, ambulances, or other emergency  
18 vehicles.

19 **SECTION 2.** Section 18-10-07.1 of the North Dakota Century Code is created and enacted  
20 as follows:

21 **18-10-07.1. Mail ballot election for excess levy approval.**

22 The board of directors of a fire protection district may hold an election by mail ballot  
23 for consideration of elector approval of an excess levy under section 18-10-07. If the board of  
24 directors holds an election by mail ballot, the board must appoint an election board of five  
25 electors residing in the district to oversee the conduct and determine the result of the election.  
26 The members of the election board shall choose a chairman from their number.

27 The secretary of the board of directors shall cause publication of a notice of the mail ballot  
28 election in the newspaper or newspapers of general circulation where the district is located and  
29 in the official newspaper of each county in which the district is located. The newspaper  
30 publication must occur at least twenty-five days before and not more than thirty-five days before  
31 a mail ballot election. The notice must specify the amount of the mill levy authority to be voted

1 upon, that the election is to be held by mail ballot, that no polling places will be open for the  
2 election, and the name and address of the secretary of the board of directors to whom requests  
3 may be made to receive a mail ballot.

4 At least fifteen days before a mail ballot election in a fire protection district, the secretary  
5 shall prepare and have printed an official ballot. The ballot must be headed "Official Ballot" and  
6 state the question "Do you approve an excess levy of \_\_\_\_\_ mills for the \_\_\_\_\_ Fire  
7 Protection District?" and provide boxes for the elector to mark a yes or no vote and a line  
8 designated as being for the elector's signature.

9 On the fifteenth day before the election, the secretary of the board of directors shall mail an  
10 official mail ballot with a return identification envelope and instructions sufficient to describe the  
11 voting process to each elector known by the secretary to be residing in the district. The voting  
12 instructions must contain a statement informing the elector that the elector must sign the mail  
13 ballot to make it valid and that the elector is entitled to complete the mail ballot in secrecy. The  
14 secretary shall mail the ballot by first-class mail, addressed to the last-known address of the  
15 elector and placed in an envelope that is prominently marked "Do Not Forward". The return  
16 identification envelope must include an affidavit for the elector to certify that the ballot submitted  
17 represents the elector's vote. An elector may obtain a replacement ballot if a mail ballot is  
18 destroyed, spoiled, lost, or not received by the elector by signing a sworn statement that the  
19 ballot was destroyed, spoiled, lost, or not received and delivering the statement to the secretary  
20 of the district no later than four p.m. on the day before the election. An elector voting by mail  
21 ballot shall either deliver the mail ballot to the secretary of the district before five p.m. on the day  
22 of the election or mail the ballot, which must be postmarked no later than the day before the  
23 election.

24 Immediately after five p.m. on the day of the election, the election board publicly shall open  
25 and canvass the ballots cast and shall declare the preliminary result of the canvass, pending  
26 receipt of any ballots postmarked no later than the day before the election. A mail ballot may be  
27 counted only if the ballot is returned in the return identification envelope and is signed by the  
28 elector. The chairman of the election board shall wrap securely all lists, tally sheets, oaths and  
29 affirmations, and other documents relating to the progress of the election and shall deliver the  
30 same to the secretary of the board of directors of the district.

- 1       **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable years beginning after
- 2   December 31, 2014.