
ELECTIONS

CHAPTER 163

Senate Bill No. 229
(Day by request)

**CONSTITUTIONAL AMENDMENTS, ADVERTISEMENT; IN-
DIVIDUAL NOMINATIONS; PERSONS NOMINATED; NUMBER
AND TERMS PRECINCT COMMITTEEMEN**

AN ACT

To amend and reenact section 16-0107 of the 1947 Supplement to the North Dakota Revised Code of 1943 and sections 16-0301, 16-0804 and 16-1702 of the North Dakota Revised Code of 1943, relating to election laws.

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

SECTION 1. AMENDMENT.) Section 16-0107 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0107. CONSTITUTIONAL AMENDMENTS TO BE ADVERTISED.) Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall, not less than thirty days before election, certify the same to the auditor of each county in the state, and the auditor of each county shall cause notice thereof to be included in the notice required by law for the election. Questions to be submitted to the people of the county shall be advertised in the same manner.

SECTION 2. AMENDMENT.) Section 16-0301 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0301. INDIVIDUAL NOMINATIONS MAY BE MADE.) Nominations of candidates, for an office to be filled at a general or special election except an office appearing on the no-party ballot may be made as provided in this chapter and the names of such candidates shall be placed on the ballot in the individual column.

SECTION 3. AMENDMENT.) Section 16-0804 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0804. PERSONS NOMINATED; PARTISAN NOMINATIONS PROHIBITED.) The candidate or candidates receiving the highest number of votes to the extent of double the number of persons to be elected to any office, if that many or more candidates are running, shall be nominated thereto. No partisan nominations shall be made for any of the offices mentioned in section 16-0801.

SECTION 4. AMENDMENT.) Section 16-1702 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1702. NUMBER OF PRECINCT COMMITTEEMEN POLITICAL PARTY ENTITLED TO; TERM OF.) Each political party in each voting precinct in this state shall be entitled to elect one precinct committeeman for each two hundred and fifty votes, or major fraction thereof, cast in such precinct at the last preceding presidential election for the presidential electors of such party. Each precinct shall be entitled to at least one precinct committeeman for each national party. Each precinct committeeman shall be an elector of his precinct and shall be elected to serve for a term of four years and until his successor is elected and qualified.

Approved March 8, 1949.

CHAPTER 164

House Bill No. 7
(Legislative Research Committee)

ORDER FOR OFFICE NAMES, PRIMARY ELECTION BALLOT AN ACT

To amend and reenact section 16-0416 of the North Dakota Revised Code of 1943, relating to the primary election ballot.

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

SECTION 1. AMENDMENT.) Section 16-0416 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0416. ORDER IN WHICH NAMES OF OFFICES SHALL APPEAR ON BALLOT.) The names of offices for which party nominations shall be made on the primary ballot shall be the following, which shall appear in each party column in this order:

1. Congressional:
United States senator
Representative in congress

2. Legislative:
State senatordistrict
Member of house of representativesdistrict
3. State offices:
Governor
Lieutenant governor
Secretary of state
State auditor
State treasurer
Attorney general
Commissioner of insurance
Commissioner of agriculture and labor
Commissioner of public service

Approved February 3, 1949.

CHAPTER 165

Senate Bill No. 95
(Streibel)

BOARDS OF ELECTIONS; MEMBERS QUALIFICATIONS

AN ACT

To amend and reenact section 16-1001 of the North Dakota Revised Code of 1943, relating to boards of elections and prescribing qualifications.

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

SECTION 1. AMENDMENT.) Section 16-1001 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1001. 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 who:

1. Has anything of value bet or wagered on the results of an election;
2. Is a candidate at an election; 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 at an election.

Approved March 7, 1949.

CHAPTER 166

Senate Bill No. 31
(Legislative Research Committee
at the request of the Secretary of State)

CANVASSING ELECTION RETURNS

AN ACT

To amend and reenact sections 16-1315, 16-1320, 16-1322, 16-1324, 16-1330, 16-1336, and 16-1337 of the North Dakota Revised Code of 1943, relating to canvassing returns of elections.

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

SECTION 1. AMENDMENT.) Section 16-1315 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1315. COUNTY CANVASSING BOARD MEETS WHEN; OATH REQUIRED.) As soon as the returns are received by the county auditor, but not later than one week 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.

SECTION 2. AMENDMENT.) Section 16-1320 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1320. COUNTY AUDITOR TO TRANSMIT ABSTRACT OF VOTES TO SECRETARY OF STATE AFTER PRIMARY ELECTION.) Except as otherwise provided in section 16-1322, the county auditor of each county, under his official seal, shall return to the secretary of state by registered mail within fifteen 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 county and the votes cast for every candidate for nomination for United States senator, member of congress, state officers, judges of the supreme court, judges of the district court, and members of the legislative assembly. The county auditor also shall file with the secretary of state a certificate showing the names and addresses of the persons nominated under the several political designations and principles in his county.

SECTION 3. AMENDMENT.) Section 16-1322 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1322. CANVASSING VOTES OF PRIMARY ELECTION WHEN LEGISLATIVE DISTRICT COMPOSED OF MORE THAN ONE COUNTY; CERTIFICATE OF NOMINATION.) When two or more counties are embraced in one legislative district, the respective county auditors shall attend at the office of the county auditor of the senior county of such district, within twelve days after a primary election, and in conjunction with the auditor of the senior county, shall compare the votes cast in the several counties comprising such district and immediately shall make out certificates of nomination as provided in section 16-1321 for the persons of each political party or principle having the highest number of votes in such district for members of the legislative assembly. Such certificates of nomination shall be forwarded by the county auditor of the senior county, without delay, to the secretary of state, by registered mail. The county auditor of the senior county shall give notice in writing to all the nominees for the legislative assembly nominated in such district.

SECTION 4. AMENDMENT.) Section 16-1324 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1324. COUNTY AUDITOR TO FORWARD ABSTRACT OF VOTES OF GENERAL ELECTIONS TO SECRETARY OF STATE; CONTENTS: ABSTRACT FOR PRESIDENTIAL ELECTORS.) Within fifteen days following any general election, the county auditor of each county, under his official seal, shall return to the secretary of state a certified abstract of the votes cast in his county at such election for each candidate for state and congressional offices, judges of the district courts, candidates for the legislative assembly, and for amendments to the constitution and other measures. In presidential years, the county auditor shall make a separate certified abstract of the votes cast for electors for president and vice president of the United States. Such separate abstract for electors shall be sealed, endorsed "presidential election returns," and shall be transmitted by registered mail to the secretary of state without delay. At the time that the county auditor transmits the certified abstract of the votes cast in his county, he shall file with the secretary of state a certificate showing the names and addresses of the persons who were elected to the various county offices in his county.

SECTION 5. AMENDMENT.) Section 16-1330 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1330. TIE EXISTING BETWEEN MEMBERS ELECTED TO LEGISLATIVE ASSEMBLY.) When a tie exists between two or more persons for the senate or house of representatives, if the legislative district is within the boundary of one county, the auditor of such

county, and, if such district is within the boundaries of more than one county, then the county auditor of the county casting the greater number of votes for the office of governor, immediately, by registered letter, addressed to each candidate at his postoffice address, shall give notice to the persons having equal and the highest number of votes, to attend at his office at a time appointed by him, which shall not be more than ten days after the tie shall have been declared by such county auditor. Such persons then shall proceed publicly to decide by lot which of the persons shall be declared elected, and such auditor shall certify the results to the secretary of state who shall make and deliver to the person elected a certificate of his election as provided in this chapter.

SECTION 6. AMENDMENT.) Section 16-1336 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1336. MEETING OF STATE BOARD OF CANVASSERS FOR PRIMARY ELECTIONS; PURPOSE.) On call of the secretary of state but not later than twenty days next following a primary election, the state board of canvassers shall meet at the office of the secretary of state for the purpose of canvassing and ascertaining the result of a primary election.

SECTION 7. AMENDMENT.) Section 16-1337 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1337. MEETING OF STATE BOARD OF CANVASSERS FOR GENERAL AND SPECIAL ELECTIONS.) For the purpose of canvassing and ascertaining the result of an election, the state board of canvassers shall meet at the office of the secretary of state on call of the secretary of state not later than twenty days after any such election. The secretary of state shall notify the other members of the board of such meeting.

Approved March 7, 1949.

CHAPTER 167

Senate Bill No. 96
(Streibel)

COUNTY COMMITTEE OF POLITICAL PARTIES

AN ACT

To amend and reenact section 16-1709 of the North Dakota Revised Code of 1943, relating to county committee of political parties.

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

SECTION 1. AMENDMENT.) Section 16-1709 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1709. COUNTY COMMITTEE OF POLITICAL PARTY; HOW CONSTITUTED.) The precinct committeeman of a party, elected or appointed as provided in this chapter, together with the nominees for, and the members of the legislative assembly of that party, shall constitute the county committee of such party.

Approved March 8, 1949.

FIRES

CHAPTER 168

House Bill No. 53
(Committee on Appropriations)

INSURANCE TAX — FIRE DEPARTMENTS

AN ACT

To amend and reenact section 18-0405 of the North Dakota Revised Code of 1943, providing for an appropriation for fire departments; and declaring an emergency.

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

SECTION 1. AMENDMENT.) That section 18-0405 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

18-0405. AMOUNT DUE CITIES: CERTIFICATE OF COMMISSIONER OF INSURANCE TO STATE AUDITOR.) The amount due to a