

ELECTIONS

CHAPTER 179

H. B. No. 709
(Burk, Powers)

CONSOLIDATED PRIMARY ELECTION BALLOTS

AN ACT

To amend and reenact section 2 of the Initiated Measure which was Measure No. 3 on the 1962 general election ballot, as approved by the people in November 1962, and sections 16-04-20, 16-04-26, 16-12-04, 16-13-01 and 16-17-03 of the North Dakota Century Code, relating to the consolidation of the separate primary election ballots; and to repeal sections 16-04-15 and 16-17-05 of the North Dakota Century Code, relating to separate primary election ballots.

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

§ 1. Amendment.) Section 2 of the Initiated Measure which was Measure No. 3 on the 1962 general election ballot, as approved by the people in November 1962, is hereby amended and reenacted to read as follows:

***§ 2. Consolidation of Precinct Committeemen's Ballot.)** The names of candidates seeking election as precinct committeemen shall be printed in their preferred political party column on a separate two or more party precinct committeemen ballot. The names of only those candidates for party precinct committeemen for whom nominating petitions have been filed with the county auditor as provided in section 16-17-03 shall be printed on the two or more party precinct committeemen's ballot. Columns shall be arranged so that any column shall be in an inverted position when the adjacent column or columns are in an upright position. If no nominating petition has been filed for any candidate, the ballot shall contain blank lines and spaces on which names may be written or a sticker pasted. Such ballot shall be in substantially the same form as the consolidated primary election ballot and shall be prepared for each voting precinct in the county by the county auditor and distributed by him with other election supplies in the manner in which the consolidated primary election ballots are distributed.

***Note:** For the text of this measure as initiated by the people, see section 2, chapter 444, 1963 S.L.

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

16-04-20. Separate Column on Primary Election Ballot Required for Each Political Party.) The following political parties shall be provided with separate columns on primary election ballots:

1. The Republican party;
2. The Democrat party;
3. Any party which cast five percent of the total votes cast for governor at the last general election; and
4. Any other party, if a petition signed by fifteen thousand or more electors of this state if filed with the secretary of state on or before March first of any primary election year, asking that a column be provided for such party, naming it, and stating the platform principles thereof. Candidates of such party shall be entitled to the same rights and privileges as those of other parties.

Columns shall be arranged so that any column shall be in an inverted position when the adjacent column or columns are in an upright position.

§ 3. **Amendment.)** Section 16-04-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-26. Registration of Voters Not Required — Poll Lists Kept by Clerks of Elections.) No registration of voters shall be required under the provisions of this chapter to vote at any primary election. The clerks of primary elections shall keep a list of the names of all persons voting at each primary election. The clerk shall return one list and one tally sheet, which shall be a part of the records and filed with other election returns.

§ 4. **Amendment.)** Section 16-12-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-12-04. Delivering Ballot to Elector — Stamping.) The inspector or one of the judges of election shall deliver ballots to the qualified electors and at primary elections only, shall inform each elector that if he splits his ballot or votes for candidates of more than one party his ballot will be rejected. Before delivering any ballot to an elector, the inspector or judge shall stamp on the back and near the top of the ballot the designation "official ballot" and the other words provided for in section 16-11-11, and also shall write his initials thereon.

Each qualified elector shall be entitled to receive one ballot from the judges.

§ 5. Amendment.) Section 16-13-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-01. Ballots Void and Not Counted — Part of Ballot May Be Counted.) In the canvass of the votes at any election, a ballot shall be void and shall not be counted if:

1. It is not endorsed with the official stamp and initials as provided in this title; or
2. It is impossible to determine the elector's choice from the ballot or parts of a ballot.

If a ballot is sufficiently plain to gather a part of the voter's intention therefrom, the judges of election shall count such part. However, at primary elections only, the ballot shall be void if the elector splits such ballot or votes for candidates of more than one party.

§ 6. Amendment.) Section 16-17-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-03. Petition to Place Name on Precinct Committeemen Ballot — Contents — Requirements.) Candidates for precinct committeemen shall have their names placed on the two or more precinct committeemen ballot issued within their respective precincts by filing with the county auditor not more than sixty nor less than forty days and before four o'clock p.m. of the fortieth day prior to the election petitions bearing the signatures of not less than five percent of the last vote in such precinct for the aforesaid candidate for presidential elector of the party to which the candidate for precinct committeeman belongs. Such nominating petitions shall conform with the provisions of chapter 16-04 in all matters not specifically provided for in this chapter. Each name on the petition shall be that of a qualified voter of the precinct of which the candidate seeks to be elected and shall be subscribed under a party heading. Each signer of a nomination paper shall be entitled to sign the same number of petitions as the number of precinct committeemen entitled to be elected in his precinct; he shall add his residence with the street number, if any, and the date of signing.

§ 7. Repeal.) Sections 16-04-15 and 16-17-05 of the North Dakota Century Code are hereby repealed.

Approved March 14, 1963.

CHAPTER 180

H. B. No. 682
(Poling, Leet)

COUNTY OR DISTRICT CANDIDATES' NOMINATING
PETITIONS

AN ACT

To amend and reenact section 16-04-04 of the North Dakota Century Code, relating to the filing of nominating petitions of candidates for county and legislative office.

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

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

16-04-04. County and Legislative District Candidates' Petitions—Filing—Contents.) Every candidate for a county or district office shall not more than sixty days nor less than forty days and before four o'clock p.m. of the fortieth day prior to any primary election present to the county auditor a petition giving his name, post office address, the title of the office to which he aspires, and if such office is under party designation, then the petition shall state the party represented by the candidate. Such petition shall contain the names of not less than two percent and not more than five percent of the total vote cast for said office at the last general election if the office be under no party designation, and if under party designation, then the same percentage shall be applied to the total vote cast for the candidate of the party represented for the same position at the last general election, and if there were more than one party candidate, then such percentage shall be applied to the total number of votes for all party candidates divided by the number of party candidates. If no candidate was elected or votes cast for an office at the last general election, a petition shall be deemed sufficient if it has the number of signers equal to the number of the foregoing percentage requirements applied to the total average vote cast for the offices of sheriff, superintendent of schools and county auditor at the last general election in such county or district as the case may be, such average to be arrived at by dividing the total vote cast for said offices in such county or district as the case may be by three. Each name on a petition shall be that of a qualified voter and if the office is under party designation, then such name shall be subscribed under the proper party heading. Each signer of a nomination paper shall

sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing.

Approved March 9, 1963.

CHAPTER 181

S. B. No. 307
(Mutch)

APPOINTMENT OF JUDGES AND POLL CLERKS

AN ACT

To amend and reenact sections 16-10-07, 16-10-08 and 16-10-12 of the North Dakota Century Code, relating to the appointment of judges of elections and poll clerks.

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

§ 1. Amendment.) Section 16-10-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-07. Judges of Election — Appointment — Qualifications.) Prior to the opening of the polls in their precinct, the chairmen of the county central committees representing the two parties which cast the largest numbers of votes in the state at the last general election shall each appoint as a judge of the election one qualified elector of such precinct who:

1. Shall have been a resident of the precinct for at least ninety days next preceding such election; and
2. Is a member of the same political party as the chairman who appoints him.

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

16-10-08. Chairman of County Central Committee May Appoint Person as Judge of Elections.) At least one week prior to a primary or general election, the chairman of the county central committee of each of the two parties which cast the largest number of votes in the state at the last general election may appoint a member of such party as judge of election. Each person appointed shall have the qualifications prescribed in this chapter and shall be given a certificate of appointment signed by the chairman of the county central committee. If such certificate is presented to the inspector of

elections prior to the opening of the polls, he shall appoint such appointee as a judge of election.

§ 3. Amendment.) Section 16-10-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-12. Poll Clerks and Additional Poll Clerks—Appointment—Duties—Qualifications—Oaths—Compensation.) The judge of the election representing the two parties which cast the largest number of votes in the state at the last general election shall each appoint as a poll clerk a qualified elector of the precinct, who is a member of the same party making the appointment. In voting precincts or districts in which over three hundred votes are cast in any election, such judge of the election may each appoint an additional poll clerk who shall assume their duties at the time of the closing of the polls and shall assist the regular board in the opening, counting, and telling of ballots. Such additional poll clerks shall have the same qualifications and shall subscribe to the same oath as the regular poll clerks and shall receive as compensation for their services the sum of six dollars each to be paid in the same manner as regular poll clerks are paid.

Approved March 7, 1963.

CHAPTER 182

H. B. No. 734

(Leahy, Bloom, Vinje, Mueller, Burk)

ELECTION OFFICIALS' MEETING

AN ACT

To amend and reenact sections 16-10-17 and 16-11-11 of the North Dakota Century Code Supplement, providing for state's attorneys to meet with election inspectors before primary and general elections.

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

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

16-10-17. State's Attorneys to Meet with Inspectors.) In every even-numbered year and not more than twenty days nor less than three days before each primary and general election, the state's attorney of each county shall direct all persons who will act as inspectors of elections to meet with

him at the county seat. At such meeting the state's attorney shall inform and familiarize such persons with the laws governing elections and the duties of inspectors of elections. Prior to such meeting the state's attorney shall notify the county auditor of the date of the meeting and the auditor shall deliver, or cause to be delivered by mail or other reliable method, in time for distribution to all inspectors of elections at such meeting, the official ballots, suitable manila envelopes, and all other materials as prescribed in section 16-11-11. Each person who will act as inspector of elections attending the meeting provided for in this section shall be paid mileage at the rate provided in section 11-10-15 for each mile necessarily and actually traveled in attending such meeting. The mileage shall be paid from the county general fund.

§ 2. Amendment.) Section 16-11-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-11. Delivery of Ballots and Manila Wrappers—Official Stamp Delivered.) At the meeting provided for in section 16-10-17 the county auditor shall deliver, or cause to be delivered by mail or other reliable method, to the inspector of elections in each precinct the official ballots prepared by him, together with suitable manila wrappers. Such ballots and manila wrappers shall be delivered in sealed packages marked plainly on the outside designating the number of ballots enclosed and the precinct for which they are intended. The county auditor also shall deliver or cause to be delivered to such inspector, or if that is impracticable, to one of the judges of election of such precinct, a stamp with an inepad for the purpose of stamping each ballot with the words "official ballot" and the name or number of the precinct, the name of the county, and date of the election. He also shall deliver or cause to be delivered a metal stamp, which has the name of the county inscribed thereon, for the purpose of stamping the wrapper containing the ballots as provided in section 16-13-09.

Approved March 9, 1963.

CHAPTER 183

S. B. No. 108

(Brooks, Hernett, Sinner, Morgan, Robinson, Meidinger)

CHALLENGES TO VOTERS

AN ACT

To amend and reenact section 16-12-14 of the North Dakota Century Code, relating to challengers to voters at the polls.

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

§ 1. **Amendment.)** Section 16-12-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-12-14. Challenging Right of Person to Vote — Affidavit Required — Penalty for False Swearing.) One challenger appointed and designated from each of the political party organizations shall be entitled to stand at the opening of the railing at the outside of the guardrail provided for in section 16-12-10. If any person offering to vote shall be challenged by one of such challengers or by any member of the board of elections, such person, unless such challenge is withdrawn, shall stand aside and shall not vote unless he makes an affidavit, acknowledged before the inspector of elections or any notary public, that he is a legally qualified elector of the precinct. Any person who falsely swears in order to cast his vote shall be guilty of perjury and shall be punished as prescribed in section 12-14-13.

Approved March 5, 1963.

CHAPTER 184

H. B. No. 819

(Leahy, Wagner)

ELECTION CONTESTS

AN ACT

To create and enact section 16-15-01.1 of the North Dakota Century Code, authorizing and providing a method of contesting the election of state officials, and to amend and reenact section 16-15-02 relating to answer in contest of elections.

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

§ 1.) Section 16-15-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

16-15-01.1. Notice of Contest of Election to State Office—Who May Contest—Contents of Notice—Service.) Any person claiming the right to hold any state office, or any elector of this state desiring to contest the validity of a statewide election or the right of any person declared elected to any state office to hold such office, within twenty days after the canvass of the votes of such election, shall give written notice to the person whose election he intends to contest. A contest of election may be brought by a person claiming such office in his own name as plaintiff, but such contest cannot be brought by any other person unless the notice of contest is endorsed with the approval of the attorney general, or in case of his absence or refusal to approve it, with the approval of a judge of the Burleigh County district court. Such notice of contest shall be in writing, shall set forth the facts and grounds upon which the contestant relies in his contest, and shall be verified as a pleading in a civil action. Such notice shall be served in the same manner as a summons in a civil action. If the person whose election is contested cannot be found, or if he shall have ceased to have a residence in this state, then the notice shall be served by leaving the same at the house where he last resided. If no service can be made as provided in this section, or if no such residence can be found in the state, the judge of the Burleigh County district court may direct expressly the manner of such service. All provisions of this chapter not in conflict with the intent and purpose of this section shall apply to election contests under this section.

§ 2. Amendment.) Section 16-15-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-15-02. Answer to Notice of Contest—Contents—Service.) Within ten days after service of the notice mentioned in sections 16-15-01 and 16-15-01.1, the contestee shall answer such notice, admitting or denying the facts alleged therein and stating any other grounds upon which he rests the validity of his election. All allegations set forth in the notice and not denied in the answer shall be deemed admitted. Such answer shall be served as a pleading in a civil action, and, when the contestant appears by attorney, the service thereof may be made upon the attorney.

Approved March 6, 1963.

CHAPTER 185

H. B. No. 759
(Aamoth, Baldwin)

COUNTY COMMITTEE MEMBERSHIP

AN ACT

To amend and reenact section 16-17-09 of the North Dakota Century Code, authorizing the county committee to appoint former members of North Dakota's legislative assembly as ex officio members of such county committee.

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

§ 1. **Amendment.)** Section 16-17-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-09. 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. The county committee upon a majority vote of its members may appoint any former member of the legislative assembly as an ex officio member of such county committee.

Approved March 9, 1963.