

OFFICES AND OFFICERS

CHAPTER 316

S. B. No. 299

(Becker, Kjos, Van Horn)

VACANCIES IN COUNTY OFFICES

AN ACT

To amend and reenact section 44-02-04 of the North Dakota Century Code, relating to vacancies of county offices.

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

§ 1. Amendment.) Section 44-02-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-02-04. Vacancy in County Office — Appointment.) A vacancy in any county office, other than that of county commissioner, shall be filled by the board of county commissioners, with the exception that if a vacancy has occurred in the office of state's attorney by reason of his removal under section 44-11-01, the appointment shall be made by the board of county commissioners by and with the advice and consent of the governor. The board of county commissioners may declare a county office to be vacant whenever the office holder is unable to perform the duties of the office for six months or more. However, if within one year the office holder should become able to perform his duties the county commissioners may, for good cause shown, reinstate such office holder.

Approved March 16, 1963.

CHAPTER 317

H. B. No. 654
(Brown, Baldwin)

APPOINTMENT AND REMOVAL OF NOTARIES PUBLIC

AN ACT

To amend and reenact sections 44-06-01, 44-06-02, 44-06-04, and 44-06-13 of the North Dakota Century Code to provide for the appointment and removal of notaries public by the secretary of state instead of by the governor.

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

§ 1. Amendment.) Section 44-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-06-01. Appointment and Qualification of Notaries Public.) The secretary of state shall appoint in each county in this state from among the citizens of either sex one or more notaries public, who shall hold office for six years unless sooner removed by the secretary of state. Each notary shall have power and authority anywhere in the state to administer oaths and perform all other duties required of him by law. A person, to be eligible to such appointment, at the time of appointment, must have the qualifications of an elector as to age, residence, and citizenship.

§ 2. Amendment.) Section 44-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-06-02. Commission—Record—Fee—Notice.) The secretary of state shall issue a commission and duplicate thereof to each notary public appointed by the secretary of state. One of such copies shall be posted by such notary in a conspicuous place in his office. The secretary of state shall collect ten dollars for the issuance of such commission and duplicate. Such sum shall be paid into the state treasury and credited to the general fund. The secretary of state shall keep in his office a record of such appointments and the date of the expiration of the same, and shall notify each notary public by mail at least thirty days before the expiration of his term of the date upon which his commission will expire. Such notice shall be addressed to such notary public at his last known place of residence.

§ 3. Amendment.) Section 44-06-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-06-04. Filing of Oath, Bond, and Impression of Notarial Seal.) Each notary public, before entering upon the duties of such office, shall provide himself with an official seal bearing his name and shall:

1. Deposit an embossed impression of such seal, together with his oath and bond, in the office of the secretary of state; and
2. File his commission for record in the office of the clerk of the district court of the county of which he is a resident and deposit with such clerk an impression of his seal together with his official signature. The clerk shall record such information in a book to be kept for that purpose, and the person complying with the provisions of this subsection is a notary public during the time the commission is in force.

§ 4. Amendment.) Section 44-06-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-06-13. Acting as Notary When Disqualified — Penalty.) Any notary public who exercises the duties of his office with knowledge that his commission has expired or that he is disqualified otherwise, or who appends his official signature to any document when the parties thereto have not appeared before him, is guilty of a misdemeanor and shall be punished by a fine of one hundred dollars for each offense, and also shall be removed from office by the secretary of state.

Approved March 8, 1963.