

ELECTIONS

CHAPTER 158

H. B. No. 533

(Brown, Erickson(4), Hilleboe, Johnson(39), Lang, Mueller)
(From LRC Study)

ELECTION LAW REVISION

AN ACT

To create and enact sections 16-04-02.1 and 40-09-17 of the North Dakota Century Code, providing a certificate of endorsement form, and providing for restrictions for members of the board of city commissioners, to provide that certain questions relating to financing political subdivisions shall not be submitted to the electorate for a specified time after the failure to approve such measures, to provide that political parties shall reorganize on a legislative district basis in 1967, 1968, and every two years thereafter, and to amend and reenact sections 1-01-50, 5-01-13, subsection 6 of section 11-11-14, sections 15-28-05, 15-28-06, 15-28-09, 16-01-02, 16-01-07, 16-03-01, 16-03-02, 16-04-02, 16-04-03, 16-04-04, 16-04-05, 16-04-06, 16-04-08, 16-04-11, 16-04-13, 16-04-15.1, 16-04-17, subsection 4 of section 16-04-20, sections 16-04-21, 16-04-26, 16-04-29, 16-05-03, 16-05-04, 16-05-05, 16-06-02, 16-06-04, 16-07-01, 16-07-02, 16-07-04, 16-07-09, 16-07-12, 16-08-04, 16-08-05, 16-08-07, 16-09-01, 16-09-02, 16-09-03, 16-09-05, 16-09-06, 16-09-07, 16-10-01, 16-10-02, 16-10-04, 16-10-06, 16-10-08, 16-10-17, 16-11-05, 16-11-07, 16-11-09, 16-11-11, 16-11-12, 16-12-04, 16-12-10, 16-12-14, 16-13-07, 16-13-13, 16-13-14, 16-13-16, 16-13-20, 16-13-21, 16-13-24, 16-13-33, 16-16-08, 16-17-02, 16-17-06, 16-17-08, 16-17-09, 16-17-10, 16-17-11, 16-17-13, 16-17-15, 16-17-16, subsection 3 of section 16-18-01, sections 16-18-03, 16-18-05, 16-18-06, 16-18-09, 16-18-14, 16-18-17, 16-18-18, 16-18-19, 16-20-04, 16-20-08, 16-20-17.1, 16-20-19, 16-21-03, 40-02-07, 40-02-11, 40-04-02, 40-08-08, 40-08-09, 40-12-08, 40-21-02, 40-21-07, 40-21-09, 40-21-12, 40-52-04, subsection 5 of section 54-01-26, and section 58-04-05, all of the North Dakota Century Code, relating to voting and elections and election petitions, polling places, officials, publications, certificates of endorsement, political parties, ballots, campaign expenses, residency, and procedures, and to repeal sections 16-01-13, 16-04-22, 16-04-23, 16-04-24, 16-05-07, 16-07-11, 16-10-07, 16-11-08, 16-13-22, 16-18-10, 16-18-13, 16-20-02, 16-20-03, and 16-20-21, relating to placing measures on the ballot, the filling of vacancies, the appointment of judges of election, and the method of filing statements of campaign expenses.

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

§ 1. Amendment.) Section 1-01-50 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1-01-50. Filing or Presentation of Petitions—Time Limit.)

Whenever in this code provision is made for the filing or presentation of a petition with or to any officer or governing body or board of the state or any agency, instrumentality, or political subdivision thereof as a prerequisite to the calling of an election, or the performance or prohibition of any act, such petition must be filed with or presented to such officer or governing body or board not later than one year from the date such petition is first placed in circulation, or the date the first signature is affixed thereto, whichever date is the latest. If a petition is required by law to be filed or presented on or before a specific or certain date, the petition shall be filed or presented, and physically be in the possession of the person or office designated to receive such petition before four o'clock p.m. on such date. The provisions of this section shall not apply in any case where the law governing a particular petition specifies a shorter or a longer period of time or a different time of day.

§ 2. Amendment.) Section 5-01-13 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

***5-01-13. Selling or Permitting the Consumption on Licensed Premises on Certain Days Prohibited.)** Every licensee who sells, gives away, or disposes of any alcoholic beverage, or permits the consumption of alcoholic beverages in or on the licensed premises on Memorial Day, Good Friday, Sunday, after six p.m. on Christmas Eve, on Christmas Day, or on the day of any general, primary, special, or local election, in the village, city or county where held before or while the polls are open or within one hour thereafter is guilty of a misdemeanor.

§ 3. Amendment.) Subsection 6 of section 11-11-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. To establish election precincts in the county in areas outside the boundaries of incorporated cities;

§ 4. Amendment.) Section 15-28-05 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-28-05. Compensation of Election Officials.) Election officials at public school district elections shall receive as compensation therefor the sum of eight dollars. When the number of votes cast at such an election exceeds one hundred, each officer shall receive as additional compensation the sum of two

***Note:** Section 32 of chapter 80, 1967 S.L., repealed section 5-01-13.

dollars for every additional one hundred votes cast or major fraction thereof, but not more than eighteen dollars in all for such services.

§ 5. Amendment.) Section 15-28-06 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-28-06. Annual and Special Elections—Notice.) Notice of the annual school district election shall be given by the county superintendent of schools in accordance with the provisions of section 15-22-23. Notice of special school elections shall be given by the school board. At least fourteen days before the date the special election is to be held the school board shall cause to be published, in the official newspaper of the county, notice of the special election. If no newspaper is published in the county, the notice shall be published in a newspaper in an adjoining county in the state. Such notice shall be signed by the clerk, or in his absence by the president of the school board, and shall state the time and place of holding the election, and the matter to be voted upon.

§ 6. Amendment.) Section 15-28-09 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-28-09. Election—Candidates—Ballots—Stickers.) Any candidate for election as a member of the school board of a school district shall file with the clerk of the board, not less than twenty days before the election and before four o'clock p.m. on the twentieth day, a statement setting forth his name and the position for which he is a candidate. A statement which is mailed to the clerk shall be in his physical possession before four o'clock p.m. on the twentieth day before the election. At least fifteen days before the election, the clerk shall prepare and cause to be printed, or otherwise uniformly reproduced, an official ballot containing the names of all persons who have filed as herein provided. The arrangement of the names of the candidates upon the ballot shall be determined by lot by such clerk in the presence of the candidates or their representatives. The ballot shall be headed "official ballot," shall be nonpartisan in form, and shall contain the following:

1. The name of the district;
2. The date of the election;
3. The number of persons to be elected to each office; and
4. Blank spaces below the names listed as candidates for each office in which names not stated on the ballot may be written.

In school districts wherein membership on the school board is required to include persons residing on farms outside of the corporate limits of any city or village, the official ballot shall designate the candidates for such position or positions as "rural candidates". Nothing herein shall prevent any person who is qualified to hold the office, who desires to be a candidate at the election, and who has failed to file as herein provided, from providing stickers to be attached to the official ballot by the electors. A sticker shall not be more one-half inch in width, and shall have printed thereon the name and address of one person.

§ 7. Amendment.) Section 16-01-02 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-01-02. Opening and Closing of Polls.) The polls at all primary, general, and special elections shall be opened at nine o'clock a.m. or at such earlier hour, but not earlier than seven o'clock a.m., that may be designated for any precinct by resolution of the governing body of the city or township in which such precinct is located. They shall remain open continuously until seven o'clock p.m., or such later hour not exceeding eight o'clock p.m. as may be designated for any precinct by resolution of the governing body of the city or township in which the precinct is located. Twenty minutes prior to the hour of closing the polls, the inspector shall proclaim to the electors outside the number of minutes before the polls will be closed.

§ 8. Amendment.) Section 16-01-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-01-07. Constitutional Amendments and Other Questions To Be Advertised—Notification by Secretary of State—Manner of Publishing.) 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 section 16-06-02 for the election. Questions to be submitted to the people of the county shall be advertised in the same manner.

The secretary of state shall, at the same time that he certifies notice to the county auditors of the submission of a constitutional amendment or an initiated or referred measure, certify the form of the ballot for such measures. Such form shall conform to the provisions of section 16-11-07 and shall be

used by all county auditors in preparing ballots for submission to the electorate of each county and in the preparation of sample ballots.

At the same time as the sample ballot is published the complete text of any constitutional amendment, initiated measure, or referred measure shall be published in columns in order to enable the electors to become familiar with the total text of the proposed constitutional amendment or initiated or referred measure, in addition to the sample ballot listing ballot titles.

§ 9. Amendment.) Section 16-03-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-03-01. 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 a single column for independent candidates.

§ 10. Amendment.) Section 16-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-03-02. Certificate of Nomination by Petition—Signatures Required—Contents.) A candidate for public office may be nominated by filing a certificate of nomination containing the name of the candidate for the office to be filled, his post office address, and a designation in not more than five words of the party or principle which the nominee represents if he so desires. Such certificate shall be signed by electors who reside within the state, and, if the office to be filled is that of a district or political subdivision, by electors who reside within the district or political subdivision in and for which the officer is to be elected in the following number:

1. When the nomination is for an office to be filled by the electors of the entire state, the number of signatures shall not be less than three hundred; and
2. When the nomination is for an office to be filled by the electors of a district less than the entire state, the number of signatures shall be ten percent of the number of votes cast in such district for member of Congress at the last preceding general election except that in no case shall more than three hundred signatures be required.

Such signatures need not be appended to one paper. Each elector signing a certificate shall add to his name his mailing

address and the date of signing. Such certificate may be filed as provided in section 16-05-01.

§ 11. Amendment.) Section 16-04-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-02. State Candidate's Petition or Political Party Certificate of Endorsement Required to Get Name on Ballot—Contents of Petition—Time for Filing.) Every candidate for United States senator, United States representative, a state office other than the office of state senator or state representative, and judges of the supreme and district courts, shall not more than sixty days nor less than forty days and before four o'clock p.m. of the fortieth day prior to a primary election, present to the secretary of state a petition or an appropriate certificate of endorsement from the state chairman of any legally recognized political party, giving his name, post office address, the title of the office to which he aspires, and the party which he represents, except that in the petition for an office having no-party designation, no reference shall be made to party affiliation. Any petition or certificate of endorsement which is mailed shall be in the possession of the secretary of state before four o'clock p.m. on the fortieth day. Such petition shall contain the names of three percent of the total vote cast for the candidates of the party with which he affiliates, for the same position at the last general election, except that in no case shall more than three hundred names be required. In a case where there is a candidate for the no-party ballot or where there was no candidate of a party for a position at the preceding general election, the nominating petition shall contain at least three hundred names. Each name on the petition shall be that of an elector, contain such elector's mailing address, together with the date of signing, and shall be subscribed under a certified party heading.

§ 12.) Section 16-04-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

16-04-02.1. Form of Certificate of Endorsement.) A certificate of endorsement to be filed with the proper officer as provided in this chapter shall be in substantially the following form:

Certificate of Endorsement

I,, do certify that I am the state (district) chairman of the.....political party of the.....legislative district of the state of North Dakota and that..... (insert name of endorsee), residing at.....

was duly endorsed for nomination to the office of.....
..... on the.....day of.....,
by the.....political party of the.....
legislative district (if appropriate), duly convened and organized in accordance with the bylaws of the.....
political party and the laws of this state, and do hereby request.....name be printed upon the
ballot as a candidate for the nomination of the office of.....
.....at the forthcoming primary election
to be held on September.....of this year.

Dated this.....day of.....

.....
(Signature of state or district chairman)

§ 13. Amendment.) Section 16-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-03. Applicant's Name Placed Upon Ballot—Affidavit to Accompany Petition.) Upon receipt by the secretary of state of the petition or certificate of endorsement provided for in section 16-04-02 accompanied by the following affidavit, he shall place the applicant's name upon the primary election ballot in the columns of his party as hereinafter provided. Said affidavit may be substantially as follows:

State of North Dakota }
County of..... } ss.

I,, being duly sworn, depose and say that I reside in the county of..... and state of North Dakota; that I am a qualified voter therein; that I am a candidate for nomination to the office of..... to be chosen at the primary election to be held on the....., 19....., and I do hereby request that my name be printed upon the primary election ballot as provided by law, as a candidate of the.....party for said office.

.....
Subscribed and sworn to before me, this.....day of
....., 19.....

.....
Notary Public
North Dakota

§ 14. Amendment.) Section 16-04-04 of the 1965 Supplement to 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 of the county in which he resides a certificate of endorsement signed by the district chairman of any legally recognized political party giving his name, post office address, the title of the office to which he aspires, and the party which he represents, or a petition giving his name, post office address, and the title of the office to which he aspires. A petition for an office which is under party designation, shall state the party represented by the candidate. If the petition or certificate of endorsement is mailed it shall be in the possession of the county auditor before four o'clock p.m. on the fortieth day prior to the primary election. 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 most recent general election at which such office was voted upon 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 most recent general election at which such office was voted upon, 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 any 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 and county auditor at the most recent general election at which such officers were elected in such county or district as the case may be where the petitioner resides, 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 two. 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 add his mailing address and the date of signing.

§ 15. Amendment.) Section 16-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-05. County Auditor to Place Applicant's Name on Ballot.) Upon receipt of the petition or certificate of endorsement provided in section 16-04-04 by the county auditor and when accompanied by an affidavit as provided in section

16-04-03, such county auditor shall place the name of such applicant upon the primary election ballot in the party or appropriate column, as the case may be.

§ 16. Amendment.) Section 16-04-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-06. Filing Petition or Certificate of Endorsement When Legislative District Composed of More Than One County.) When a legislative district is composed of more than one county, the certificate of endorsement or the petition provided for in section 16-04-04 shall be filed with the county auditor of the county where the candidate resides, and such county auditor shall certify to the county auditors of the other counties comprising such legislative districts the names of the candidates filing such petitions or certificates.

§ 17. Amendment.) Section 16-04-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-08. Filling Vacancy in Party Primary Election Ballot Permissible — Petition — Affidavit.) When the time during which a petition or certificate of endorsement provided for in this chapter may be filed has expired, and a vacancy exists in the primary election ballot of any political party because no petition or certificate of endorsement has been filed for such nomination, such vacancy may be filled by a certificate of endorsement and affidavit or petition and affidavit as provided in section 16-04-07. Such certificate of endorsement and affidavit or petition and affidavit shall be filed with the proper officer at least thirty-five days before the primary election and before four o'clock p.m. on the thirty-fifth day. If such forms are mailed they shall be in the possession of the designated officer before four o'clock p.m. on the day due.

§ 18. Amendment.) Section 16-04-11 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-11. Secretary of State to Give Notice to County Auditor of Officers To Be Nominated.) Between the first day of June and the first day of July in each primary election year, the secretary of state shall direct and cause to be delivered to the county auditor of each county a notice specifying the several officers to be nominated in such county at the next primary election. The publication of the sample ballot by the county auditor shall constitute the notice of the secretary of state in regard to the officers and candidates to be voted upon at the primary election.

§ 19. **Amendment.)** Section 16-04-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-13. County Auditor to Publish Sample Primary Election Ballot and Notice of Time and Place of Election.) The county auditor shall publish in the official county newspaper and if no newspaper is published in the county then in a newspaper published in an adjoining county in the state:

1. A copy of the sample ballot of the primary election, as arranged by order and direction of the persons charged with such duty. The form of the ballot so published shall conform in all respects to the form prescribed for the sample primary ballot and the makeup and general form shall conform to that prescribed for said sample ballot, except that the candidates from each legislative district which falls within the boundaries of the county shall be listed in a separate box or category by legislative district number so as to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. The form so published shall be printed in either six point or eight point type;
2. The date of the primary election;
3. The hours during which the polls will be open; and
4. The statement that the primary will be held in the regular polling place in each precinct.

Such notice shall be published once in the official county newspaper no later than one week and no earlier than two weeks prior to the primary election.

§ 20. **Amendment.)** Section 16-04-15.1 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-15.1. Secret Consolidated Primary Election Ballot—Form—Voters Must Not Split Ballot.) At the primary election there shall be one ballot for all parties or principles which shall be entitled "consolidated primary election ballot". The names of all aspirants for nomination of each political party or principle for the different offices specified in section 16-04-16 shall be arranged in separate columns. The political party or principle which cast the largest vote for governor at the most recent primary election at which the office of governor was voted upon shall have the left-hand column, and the party or principle casting the next largest vote shall have the next column and so on. A six point solid rule shall run vertically between the columns. No squares shall be left at

the head of the ballot. At the head of each column shall be placed the name of the political party or principle which it represents. Immediately below such title in each column shall be placed the language, "You cannot split your ballot in the primary election. If you vote for candidates of more than one party, your ballot will be rejected." Immediately below such language shall be placed the following language: "Put a cross mark (X) opposite the name of the candidate for whom you wish to vote." The name of each office shall appear in the center of each party column at the head of the names of aspirants for such office. Immediately under the name of each office shall be placed the language "Vote for.....name (or names) only." At the right of the name of each aspirant shall be placed a square for a cross mark. The judges and the inspector of elections when handing a ballot to a voter shall inform him that if he splits his ballot or votes for candidates of more than one party his ballot will be rejected.

§ 21. **Amendment.)** Section 16-04-17 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-17. Arrangement of Names on Ballots and Voting Machines.) Upon sample ballots, the names of candidates for each office shall be arranged alphabetically according to surnames. The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing, in the following manner: the forms shall be set up with the names in the order in which they are submitted for use on the sample ballots by the secretary of state for the state and district offices, and prepared by the county auditor for the state, district, and county offices. In printing each set of official ballots for the various election precincts, the position of the names shall be changed in each office division as many times as there are candidates in the office division or group in which there are most names. The same number of ballots shall be printed after each change. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, shoving up the columns so that the name that was second before the change shall be first after the change.

In municipalities or political subdivisions employing voting machines the position of names which require alternating or rotating as hereinbefore provided shall be rotated on the voting machines by precincts so that the name appearing first in one precinct will be last in the next precinct, and the name that appeared second shall be first in the next precinct and so on until each name has been moved up or over one space accord-

ingly. This process shall be continued from one precinct to another and for as many names as are involved.

§ 22. Amendment.) Subsection 4 of section 16-04-20 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Any other party, if a petition signed by fifteen thousand or more electors of this state is filed with the secretary of state before four o'clock p.m. on June first of any primary election year, asking that a column be provided for such party, naming it, and stating the platform principles thereof. If such petition is mailed it shall be in the possession of the secretary of state before four o'clock p.m. on June first. Candidates of such party shall be entitled to the same rights and privileges as those of other parties.

§ 23. Amendment.) Section 16-04-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-21. Party Committees to Fill Vacancy Occurring in Nomination for Party Office.) 1. Should a vacancy occur in any party endorsement by certificate for nomination at the primary election for any state or legislative district office, the proper state or district executive committee of the political party may fill such vacancy by filing another certificate of endorsement with the proper officer as provided in sections 16-04-02 and 16-04-04.

2. If no party endorsement has been made by certificate and a vacancy occurs in a slate of candidates seeking party nomination by petition at the primary election, the proper state or district executive committee may fill such vacancy by filing a certificate of endorsement with the proper officer as provided in sections 16-04-02 and 16-04-04.

3. If party endorsements by certificate have been made for any state or district office and a vacancy occurs in the slate of persons seeking nomination at the primary election because of the unavailability of the person who is seeking nomination by petition, such vacancy shall not be filled except by petition.

4. Should a vacancy occur in a slate of candidates after such candidates have been nominated at the primary election, the proper state or district executive committee may fill such vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of such committee shall make and file with the secretary of state the certificate setting forth the cause of the vacancy, the name of the person

for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as may be required to be given in an original certificate of nomination. When such a certificate is filed, the secretary of state in certifying the nomination to the various auditors shall insert the name of the person who has been nominated to fill the vacancy in place of the original nominee. If the secretary of state already has forwarded his certificate, he forthwith shall certify to the auditor of the proper county or counties the name and post office address of the person nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted. The failure to publish the name of a person substituted shall not invalidate the election.

Vacancies to be filled according to the provisions of this section may be filled not later than thirty-five days prior to the election.

§ 24. Amendment.) Section 16-04-26 of the 1965 Supplement to 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. Each clerk shall be required to keep only one complete list of voters whether or not a special election is held simultaneously with the primary election.

§ 25. Amendment.) Section 16-04-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-29. Vote Required at Primary Election for Nomination.) No person shall be deemed nominated as a candidate for any office at any primary election unless the number of votes received by him equals the number of signatures required, or which would have been required had he not had his name placed upon the ballot through a certificate of endorsement, to be obtained on the petition to have a candidate's name for such office placed on the primary ballot.

§ 26. Amendment.) Section 16-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-05-03. Certificate of Nomination—Time of Filing.) Certificates of nomination to be filed with the secretary of state, shall be filed not less than forty days before the day fixed by law for election of persons in nomination and not later than four o'clock p.m. on the fortieth day, and certificates of nomination herein directed to be filed with the county auditor, shall be filed not less than thirty-five days before the day of election and not later than four o'clock p.m.; provided that in the case of nominations for special elections called to fill vacancies caused by death, resignation or otherwise, such certificates shall be filed not less than thirty-five days before the day of election and not later than four o'clock p.m., on the thirty-fifth day. Any petition which is mailed shall be in the possession of the secretary of state or the county auditor before four o'clock p.m. on the final day for filing. The secretary of state and the several county auditors shall cause to be preserved in their respective offices for six months all certificates of nominations filed therein under the provisions of this section. All such certificates shall be open to public inspection under proper regulations to be made by such officers.

§ 27. Amendment.) Section 16-05-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-05-04. Secretary of State to Certify Nominations for State Office.) Not less than thirty days nor more than thirty-five days before an election to fill any state or district office, the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and post office address of each person nominated for such office, as specified in the certificates of nomination filed with him. In case of a special election called to fill a vacancy the secretary of state shall so certify the names of such candidates not less than thirty days before such special election.

§ 28. Amendment.) Section 16-05-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-05-05. In Case Nominee Declines, Certificate Void.) Whenever any person nominated for public office under the provisions of this title shall, at least thirty-five days before election, in writing notify the officer with whom the certificate nominating him is filed that he declines such nomination, such nomination shall be void.

§ 29. Amendment.) Section 16-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***16-06-02. Notice of Election — Contents — Publication with Sample Ballot.)** Notice of any general election shall be published by the county auditor in the official county newspaper at the same time as, and as a part of, the publication of the sample ballot no later than one week, and no earlier than two weeks next preceding such election. Such notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the.....
day of..... next, at the polling places in
the various precincts in the county of.....
an election will be held for the election of state, district, and
county officers, which election will be opened at.....o'clock
a.m. and will continue open until.....o'clock p.m. of that day
with the following exceptions:.....

Dated this.....day of....., A.D., 19.....

(Signed).....
County Auditor

The county auditor shall publish no later than one week and no earlier than two weeks prior to the election in the official county newspaper and if no newspaper is published in the county in a newspaper published in an adjoining county in the state, a copy of the sample ballot of the general election, as arranged by order and direction of the persons charged with such duty. The form of the ballot so published shall conform in all respects to the form prescribed for the sample general election ballot and the makeup and general form shall conform to that prescribed for said sample ballot, except that the candidates from each legislative district which falls within the boundaries of the county shall be listed in a separate box or category by the legislative district number so as to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. The form published shall be printed in either six point or eight point type.

§ 30. Amendment.) Section 16-06-04 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-06-04. Secretary of State to Give Notice to County Auditor of Officers To Be Elected.) Not later than the tenth day of October in each general election year, the secretary of state shall direct and cause to be delivered to the county auditor of each county a notice specifying each officer to be chosen at the next general election. The publication of the sample ballot by the county auditor shall constitute the notice

***Note:** Section 1 of chapter 159, 1967 S.L., also amends section 16-06-02.

of the secretary of state in regard to the offices and candidates to be voted upon at the general election.

§ 31. Amendment.) Section 16-07-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-07-01. Notice of Special Election.) A notice of a special election and the copy of the sample ballot shall be issued in substantially the form and manner prescribed by section 16-06-02 and shall be published as therein prescribed.

§ 32. Amendment.) Section 16-07-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-07-02. Special Election to Fill Vacancies—Party Committee to Call Convention to Nominate—Individual Nominations.) If a special election is called to fill a vacancy in any office for which a party nomination may be made, the proper party committee shall call a convention to make a party nomination for such office, and the precinct committeemen of the district shall be duly convened and shall elect the required number of delegates to such convention. Individual nominations for special elections shall be made in accordance with the provisions of chapter 16-03.

§ 33. Amendment.) Section 16-07-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-07-04. Basis of Representation at Convention—How Determined.) The basis of representation of delegates to a convention, unless otherwise provided by law, shall be fixed and determined by the authorized district or state committee of each political party entitled by law to make nominations for office by delegate convention.

§ 34. Amendment.) Section 16-07-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-07-09. Vacancy Existing in Office of Member of Legislative Assembly—Special Election to Fill.) Whenever a vacancy in the office of a member of the legislative assembly occurs by death, resignation, or otherwise, the county auditor of the county in which such former member resides or resided, officially shall notify the governor thereof. Upon receiving such notification, the governor, if there is a session of the legislative assembly between the time such vacancy occurs and the time of the holding of the next general election, shall issue a writ of election directed to the auditor of such county com-

manding him to notify the several boards of election in the county or district in which the vacancy occurs to hold a special election at a time designated by the governor to fill such vacancy. If there is no session of the legislative assembly between the time such vacancy occurs and the time of the holding of the next general election, the special election shall be held at the same time as the general election. If the term of office of the member whose office is vacated expires prior to the next session of the legislative assembly, no election shall be held to fill such vacancy.

§ 35. Amendment.) Section 16-07-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-07-12. Canvassing and Returning Votes Cast at Elections to Fill Vacancies.) Votes cast at special elections shall be canvassed and returned as provided for primary and general elections, and the county auditor within eight days shall forward to the secretary of state the abstracts of the same.

§ 36. Amendment.) Section 16-08-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-08-04. Persons Nominated—Partisan Nominations Prohibited.) The number of persons to be nominated as candidates for any one office shall be that number of persons who receive the highest number of votes and who total twice the number of available positions for such office, if that many persons are candidates for nomination, provided, however, that no person shall be deemed nominated as a candidate for any office at any primary election unless the number of votes received by him equals the number of signatures required to be obtained on a petition to have a candidate's name for such office placed on the primary ballot. No partisan nominations shall be made for any of the offices mentioned in section 16-08-01.

§ 37. Amendment.) Section 16-08-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-08-05. No-Party Ballot at General Elections—Contents—Delivered to Elector—Number of Votes Required.) There shall be a separate no-party ballot at the general election upon which shall be placed the names of all candidate who have been nominated on the no-party primary ballot at the primary election. Such ballot shall be in the same form as the no-party primary ballot and shall be delivered to each elector by the proper election official. The candidate or candidates to the

number to be elected for each office receiving the highest number of votes shall be duly elected to such office, provided however, no person who was entitled to have his name appear on the primary election ballot, but whose name was not placed on the primary election ballot, shall be elected to a no-party office as a write-in candidate unless such person receives a number of votes equal to or more than the number of signatures which would have been required to have his name placed on the primary election ballot.

§ 38. Amendment.) Section 16-08-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-08-07. Filling Vacancy Existing on No-Party Ballot—Petition Required—Time of Filing.) Whenever a vacancy shall exist on a no-party ballot for a state office or for judge of a district court, such vacancy may be filled by filing with the secretary of state, at least thirty-five days prior to the general election and before four o'clock p.m. on the thirty-fifth day, a written petition as provided in section 16-04-02, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. If the petition is mailed it shall be in the physical possession of the secretary of state before four o'clock p.m. on the thirty-fifth day prior to the general election. The petition for the nomination of any person to fill such vacancy shall be signed by qualified electors equal in number to at least two percent of the total vote cast for governor at the most recent general election in the state or district at which the office of governor was voted upon.

Whenever a vacancy shall exist on a no-party ballot in a county or district within a county, such vacancy may be filled by filing with the county auditor at least thirty-five days prior to the general election and before four o'clock p.m. of the thirty-fifth day a written petition as provided in section 16-04-04, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. If such petition is mailed it shall be in the possession of the county auditor before four o'clock p.m. on the thirty-fifth day prior to the general election. The petition for the nomination of any person to fill such vacancy shall be signed by qualified electors equal in number to at least thirty percent of the total vote cast for governor at the most recent general election in the county or district at which the office of governor was voted upon.

A vacancy in the no-party ballot shall be deemed to exist when a candidate nominated at the primary election shall die, resign, or otherwise become disqualified to have his name printed on the ballot at the general election.

§ 39. Amendment.) Section 16-09-01 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-09-01. Board of County Commissioners May Divide County Into Precincts Except in Cities—Preservation of Boundaries—Number of Electors—When May Redivide, Annex, Vacate or Combine Voting Precincts—Election Inspectors Designated.) The board of county commissioners may divide the county into precincts and establish the boundaries of the same except that within the boundaries of incorporated cities the governing body of such cities shall divide the cities into precincts and establish their boundaries pursuant to the provisions of title 40. The entirety of civil townships or cities shall be preserved as precincts except when such preservation would be in conflict with the provisions of this chapter. In such case, the civil township or city, except as provided in this chapter, shall be divided into two or more precincts, but in no case shall a precinct be composed of parts of two civil townships, or part of a township and of a city, except as provided in this chapter. No precinct in which voting machines are not used shall contain more than five hundred electors. It is further provided that the board of county commissioners may redivide the county into precincts, annex an existing precinct to another existing precinct, or combine two or more existing precincts one to another when

1. A petition signed by seventy percent of the electors residing within an existing precinct is presented requesting such existing precinct to be annexed to and become a part of another existing precinct;

2. In the board's discretion, prompted by inaccessibility of polling places, difficulty in obtaining election boards, or economic infeasibility, an existing precinct may be annexed to and become a part of another existing precinct; or

3. The board of county commissioners may combine in their entirety two or more adjoining civil townships into one voting precinct with a common polling place for all elections other than township or school district elections or as otherwise provided by this chapter.

In the case of precincts which are combined, the board of county commissioners shall designate the person to be the inspector of elections of the new voting precinct. In the case where one precinct is annexed to another, the inspector of elections of the annexing precinct shall be the inspector of elections for the new precinct.

§ 40. Amendment.) Section 16-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***16-09-02. Precincts in Incorporated Cities May Be Divided Into Two Precincts.)** If more than three hundred votes are cast in any precinct in any incorporated city, the governing body of such city may divide such precinct into two precincts as nearly equal to each other in voting strength as may be possible and shall notify the county auditor of such division.

***Note:** Section 26 of chapter 323, 1967 S.L., also amends section 16-09-02.

§ 41. Amendment.) Section 16-09-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***16-09-03. Precinct Shall Be Divided Into Two Precincts When More Than Five Hundred Votes Cast in Precinct.)** If more than five hundred votes are cast in any election in a precinct in which voting machines are not used, the inspector of such precinct shall report such fact to the board of county commissioners, or, if the precinct is in an incorporated city, to the governing body thereof, and such board or body at its next regular meeting shall divide such precinct into two precincts as nearly equal to each other in voting strength as may be possible and shall notify the county auditor of such division.

***Note:** Section 27 of chapter 323, 1967 S.L., also amends section 16-09-03.

§ 42. Amendment.) Section 16-09-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-09-05. Board of County Commissioners May Change Voting Place in Precinct Except in Cities.) Except within the boundaries of incorporated cities the board of county commissioners, at any regular or special meeting, may change any voting place in any precinct.

§ 43. Amendment.) Section 16-09-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-09-06. Township May Have Voting Place Outside Its Boundaries.) The board of county commissioners when necessity and convenience demands it, may designate a precinct voting place outside of the boundaries of a precinct.

§ 44. Amendment.) Section 16-09-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-09-07. Township and City May Have Only One Voting Place—When.) When the combined vote of any township and incorporated city, or the combined vote of any township and any portion of an incorporated city, within its boundaries, does not exceed five hundred, such township and incorporated city shall have but one voting place which shall be designated by the governing body of the incorporated city and shall be placed within the boundaries of the incorporated city.

§ 45. Amendment.) Section 16-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-01. 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 or a poll clerk or assistant poll clerk who:

1. Has anything of value bet or wagered on the result 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 except a candidate for precinct committeeman at an election.

§ 46. Amendment.) Section 16-10-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-02. Inspector of Elections in Townships.) The chairman of the board of supervisors in organized townships shall be inspector of elections. If the township contains more than five hundred voters, such chairman shall be inspector of elections in the precinct in which he resides and shall appoint the inspectors in all other precincts which are component parts of the township in which he is chairman of the board. If the township and any incorporated city within its limits contain less than five hundred electors and such township and incorporated city have but one voting place, the mayor of the city council shall be inspector of elections.

§ 47. Amendment.) Section 16-10-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-04. Inspector of Elections in Council Cities—Appointment—Candidate Disqualified.) In cities operating under the council form of government the city council shall appoint the inspectors of election. Such inspectors shall be appointed no

later than twenty-one days prior to an election except in the case of a special election where time does not allow for such early appointment. Any alderman who is not a candidate for election may be appointed an inspector of elections for the precinct in which he resides. The city council shall, within twenty-four hours, notify the county auditor of the appointment of the inspectors.

§ 48. Amendment.) Section 16-10-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-06. Inspector of Elections in Commission Cities.) In cities operating under the commission system of government, the board of city commissioners shall appoint, no later than twenty-one days prior to an election except in the case of special elections where time does not allow for such early appointment, an inspector of elections for each precinct within the corporate limits of such city and shall within twenty-four hours, notify the county auditor of such appointments.

§ 49. Amendment.) Section 16-10-08 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-08. Chairman of District Committee Shall Appoint Person as Judge of Elections.) At least two weeks prior to a primary, general, or special election, the chairman of the district committee of each of the two parties which cast the largest number of votes in the state at the last general election shall appoint a member of such party as judge of election for each precinct in the district. Each person appointed shall have the qualifications prescribed in this chapter, shall be a qualified elector, and shall be given a certificate of appointment signed by the chairman of the district committee. The chairman of the district committee of the two political parties shall notify the county auditor of the counties in which the precincts are located of the appointment of the judges of election at least two weeks prior to the primary, general, or special election. If such notice is not received within the time specified in this section, the inspector of election shall appoint the judge no later than one week prior to the election.

§ 50. Amendment.) Section 16-10-17 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

***16-10-17. State's Attorney to Meet with Inspectors.)** Not more than twenty days nor less than three days before each primary and special statewide or congressional election, the

***Note:** Section 1 of chapter 160, 1967 S.L., also amends section 16-10-17.

state's attorney of each county shall require 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.

§ 51. Amendment.) Section 16-11-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-05. Form of General Election Ballot.) The official ballots provided for in this title for partisan election at general elections in precincts in which voting machines are not used shall be prepared as follows:

1. The ballots shall be of sufficient width to contain all of the tickets to be voted for, under the appropriate party designation for each;
2. On the left-hand side of such ballot shall be a column designating the office to be voted for, and on the same line, in the column under the appropriate party designation of each, all of the names of the candidates duly nominated for that office shall be printed;
3. The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing in the same manner as is provided in the primary election ballot;
4. The names of all persons nominated by petition shall be placed in one column under the designation of "independent nominations" in the lines respectively specifying the offices for which they are nominated; and
5. The size of type shall be as specified by the secretary of state.

In precincts in which voting machines are used, the list of offices and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in

a manner and form approximating as far as possible the requirements of this section.

§ 52. **Amendment.)** Section 16-11-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-07. Constitutional Amendments and Initiated and Referred Measures—Placed on Separate Ballot—Manner of Stating Question—Order of Listing.) Constitutional amendments duly certified to the county auditor by the secretary of state, or any question to be voted for aside from the election of public officers, shall be printed on a separate ballot by ballot title only and in the manner specified by the secretary of state and shall be deposited in a box separate from that provided to receive the ballots for public officers. The size of type to be used on such ballots shall be specified by the secretary of state. Immediately preceding the ballot title of the constitutional amendment or initiated or referred measure on the printed ballot, the secretary of state shall cause to be printed a short concise statement in boldface type, which statement shall fairly represent the substance of the constitutional amendment or the initiated or referred measure. The attorney general shall approve all such statements written by the secretary of state. The words "Yes" and "No" shall be printed on the ballot at the close of the statement of the question, in separate lines with a square formed of black lines after each statement in which the voter may indicate by a cross or other mark how he desires to vote on the question. Where two or more amendments or questions are to be voted on, they shall be printed on the same ballot. In precincts in which voting machines are used the ballot title, in the case of amendments or measures submitted by the people, or the title of the legislative bill or resolution, which shall serve as the ballot title, in the case of proposed amendments submitted by the legislative assembly, shall be set forth in full. Provided, however, in such cases where the ballot title or the title of the legislative bill or resolution is of such length to make it physically impossible to fit such titles upon voting machines, the attorney general shall reduce such titles to a length which will allow the placing of such titles upon voting machines, but shall fully express the purpose of such amendments or questions, and such reduced version of the titles shall be used on the voting machines.

The measures to be submitted to the electors shall be grouped and classified as constitutional measures, initiated statutes, or referred statutes and shall be numbered within such groups or classifications by the secretary of state in the order received, for the purpose of placing them on the ballot. Measures submitted by the legislative assembly shall be placed

first on the ballot within their classification in the order approved by the legislative assembly. Constitutional measures shall be placed first on the ballot, initiated statutes second, and referred statutes third.

§ 53. Amendment.) Section 16-11-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-09. Advertisement of Text of Proposed Amendment to Constitution—Form and Contents of Advertisement.) The advertisement of the complete text of a proposed amendment to the Constitution which is published in any newspaper or pamphlet under the authority of the secretary of state shall have the particular words or phrases forming the amendment printed in different type.

§ 54. Amendment.) Section 16-11-11 of the 1965 Supplement to 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 auditors 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, the date of the election, and providing for a blank line preceded by the word "Initials" for the purpose of providing a space where the judge or inspector shall place his initials. He also shall deliver or cause to be delivered a suitable seal, which has the name of the county inscribed thereon, for the purpose of sealing the wrapper containing the ballots as provided in section 16-13-09.

§ 55. Amendment.) Section 16-11-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-12. Instructions, Advertisements and Ballots Posted in Polling Places.) Each county auditor shall cause to be printed on cards, in large type, full instructions to electors as to the manner of obtaining and preparing ballots and a copy of

section 16-01-08 and of sections 12-11-26 and 12-11-28. He shall furnish ten of such cards to the judges of election in each election precinct and the judges of election, at the opening of the polls, shall post at least one of such cards in each booth or compartment provided for the preparation of ballots and at least three of such cards in and about the polling place. One of the official ballots without the official stamp thereon shall be posted in each booth or compartment, and not less than three of such ballots shall be posted in other places in and about the polling place upon the morning of the election. The county auditor, at the time of delivering the ballots to the inspector of elections in each precinct, shall deliver a minimum of five copies of the newspaper publication or other copy of the complete text of any constitutional amendment or initiated or referred measure to such inspector of elections. Not less than three of such newspaper publications or copies shall be posted in and about the polling place upon the morning of the election in addition to the ballots required to be posted by law.

§ 56. Amendment.) Section 16-12-04 of the 1965 Supplement to 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 once at the top of the back 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. Failure to stamp and initial a ballot in the proper place on the ballot shall not invalidate such ballot but a failure to stamp and initial a ballot at any place on a ballot shall invalidate the ballot.

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

16-12-10. Election Booths or Compartments—Number Required—Expense.) The inspector of elections shall provide a sufficient number of booths or compartments in his polling place which shall be furnished with such supplies as to enable the elector to mark his ballot screened from observation. The number of booths or compartments in precincts in which voting machines are not used shall not be less than one for each fifty electors or fraction thereof in the precinct. The expense of

providing such booths or compartments shall be a public charge and shall be provided for in the same manner as other election expenses.

§ 58. **Amendment.)** Section 16-12-14 of the 1965 Supplement to 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 — Optional Poll Checkers.) One challenger appointed and designated from each of the political party organizations shall be entitled to be in attendance at each polling place. 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. In addition, not more than two poll checkers appointed by the district chairman of each political party may be in attendance at each polling place, provided such poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties.

§ 59. **Amendment.)** Section 16-13-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-07. Reports and Poll Lists Sent to County Auditor— Compensation for Making Returns.) By twelve o'clock noon, of the day following an election except in cases of emergency or inclement weather, the inspector of elections, or one of the judges appointed by him, shall personally deliver the duplicate reports, provided for in section 16-13-04 to the county auditor. Such reports, carefully sealed under cover, accompanied with a poll list, and with the oaths of inspector and clerks affixed thereto, shall be directed properly to the county auditor. The person making such return shall receive the sum of five dollars as compensation therefor and shall also be paid mileage of ten cents per mile provided, however, no compensation and no mileage shall be paid if delivery of the ballots is not made by twelve o'clock noon on the day following the election. The compensation and mileage shall be paid out of the county treasury on a warrant of the county auditor, and shall be full compensation for returning all used or voided ballots and for delivering the ballot boxes to the proper official.

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

16-13-13. County Canvassing Board — Composition.) The county canvassing board shall be composed of the clerk of the district court, county auditor, chairman of the board of county commissioners, and a representative of any of the district committees of a legislative district which may wholly or partly fall within the boundaries of the county as appointed by such committees of the two political parties which cast the highest number of votes for governor at the most recent general election at which the governor was elected.

§ 61. Amendment.) Section 16-13-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-14. Qualifications of Members of Canvassing Board—Replacements—Quorum.) No member of the county canvassing board who shall be a candidate for office at an election shall serve on such board. If the county auditor is disqualified or cannot serve for any other reason, he shall appoint an alternate to act in his place, but the county auditor shall act as clerk of such board. If the chairman of the board of county commissioners is disqualified or cannot serve for any other reason, he shall appoint a county commissioner who is not a candidate for office to act in his capacity as a member of the county canvassing board or if all county commissioners are disqualified or cannot serve for any other reason he shall appoint as an alternate a disinterested elector of the county, if the clerk of court is disqualified or cannot serve for any other reason he shall appoint an alternate to act in his place, and if any of the representatives of the district committees of the two parties are disqualified or cannot serve for any other reason, they shall appoint an alternate elector or electors from their respective district committees to act in their capacity as a member of the county canvassing board. A majority of the members of the board or their duly appointed replacements shall constitute a quorum and may make the canvass provided for in this chapter and certify the results thereof.

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

16-13-16. Compensation as Members of Board.) Each member of the county canvassing board, who is not a paid official of the county, while serving as a member of the county canvassing board, shall receive eight dollars per day as compensation. In addition, any member of the board who must

travel a distance of over five miles from his home to the place of such meeting and return, shall be paid mileage of ten cents per mile. Such compensation and mileage shall be audited, allowed, and paid by the board of county commissioners in each county.

§ 63. Amendment.) Section 16-13-20 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-20. County Auditor to Transmit Abstract of Votes to Secretary of State After Primary Election.) The county auditor of each county, under his official seal, shall return to the secretary of state by registered or certified mail within eight 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, United States representative, 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. The certified abstract and the certificate of nomination to be mailed under the provisions of this section shall be in the possession of the secretary of state before four o'clock p.m. on the eighth day after the primary election.

§ 64. Amendment.) Section 16-13-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-21. Notice of Nomination Given Candidate for County Office by County Auditor—Publication of Findings of Canvassing Board.) Upon the completion of the canvass of the returns of a primary election by the county canvassing board, the county auditor shall mail or deliver in person to each candidate nominated for any county office a certificate of his nomination and notice that his name will be placed on the official ballot. Nomination notices for other than county offices shall be given by the secretary of state pursuant to section 16-13-39. The county auditor shall cause a copy of the findings of the canvassing board to be published in the official newspaper of the county.

§ 65. Amendment.) Section 16-13-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-24. County Auditor to Forward Abstract of Votes of General Election to Secretary of State—Contents—Abstract for Presidential Electors.) Within eight days and before four o'clock p.m. on the eighth day 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 or certified mail to the secretary of state. 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.

§ 66. Amendment.) Section 16-13-33 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-33. State Board of Canvassers—Membership—Oath—Quorum.) The clerk of the supreme court, secretary of state, state treasurer, and the chairman of the state committee of the two political parties or their respective designees which cast the highest vote for governor at the last general election at which such office was voted upon shall constitute the state board of canvassers. After taking the oath required of civil officers, the board shall proceed to canvass publicly the election returns made by the county auditors. Three members of the board shall constitute a quorum and may make the canvass provided for in this chapter and certify to the result thereof. If less than a quorum attend on the day appointed for a meeting of the board, the members attending may summon other state officers until there is a sufficient number to constitute a quorum. Any other state officer, upon being notified by the members of such board, shall attend without delay and act as a member of such board.

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

16-16-08. Application to State Grounds of Contest.) The application provided for in section 16-16-07 shall be made by petition in writing to be filed in the office of the secretary of

state within ten days and before four o'clock p.m. on the tenth day from the date of the proclamation provided for in section 16-16-03. If the petition is mailed it shall be in the possession of the secretary of state before four o'clock p.m. on the tenth day as provided in this section. The secretary of state shall convene the board forthwith. The petition shall set forth the names of the persons whose election is contested and the ground for such contest. The petitioner, before any proceedings are had upon the petition, except the convening of the board, shall file a bond to this state in such sum and with such surety as the court shall order, conditioned for the payment of all costs incurred in the prosecution of such contest in case the contestants shall not prevail.

§ 68. Amendment.) Section 16-17-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-02. Number of Precinct Committeemen Political Party Entitled to—Term.) 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.

§ 69. Amendment.) Section 16-17-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-06. Candidates Elected at Election—Tie Vote—Canvassing Vote—Certificate of Election.) The candidate, or if more than one precinct committeeman is to be elected, the corresponding number of candidates, receiving the highest number of votes shall be declared elected, provided, however, in such case where no person's name appears on the ballot as a candidate for precinct committeeman, no person shall be elected as a precinct committeeman unless such person receives a number of votes equal to or more than the number of signatures required by section 16-17-03 to have his name placed upon the ballot. If no person receives a sufficient number of votes to be elected as precinct committeeman, the persons elected as members of the district committee may appoint a person to serve as precinct committeeman. In case of a tie vote, the election officials immediately shall decide the winner by drawing lots. Upon the closing of the polls, the election officials in each precinct shall proceed to count and canvass the votes cast

for precinct committeeman and ascertain who were elected, and shall notify the county auditor. The county auditor shall make out, upon blanks furnished by the county, and mail to each person elected, a certificate of election.

§ 70. Amendment.) Section 16-17-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-08. Vacancies in Office of Precinct Committeeman—Filling.) A vacancy in the office of precinct committeeman shall be filled by appointment from such precinct by the district executive committee of such party.

§ 71. Amendment.) Section 16-17-09 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-09. District 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 district committee of such party. The district committee upon a majority vote of its members may appoint any former member of the legislative assembly as an ex officio member of such district committee. In no event shall any person be allowed more than one vote.

§ 72. Amendment.) Section 16-17-10 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-10. Meeting of District Committee — Organization.) The district committee of each party shall meet at any hour between the hours of two o'clock p.m. and eight o'clock p.m. on the third Monday in November following each general election. The exact hour and site shall be set by the existing district committee chairman. The district committee shall organize by:

1. Selecting a chairman, a vice chairman, a secretary, and a treasurer chosen by the district committee;
2. Adopting rules and modes of procedure not in conflict with law; and
3. Selecting an executive committee consisting of from five to fifteen persons chosen from the district committee. The chairman, vice chairman, treasurer, and secretary of the district committee shall be members and the officers of the executive committee.

The newly elected chairman shall notify the county auditor as to the names of the party officers selected. If the office of

chairman shall become vacant, the vice chairman shall hold such office until the next regular election for such office or until a new chairman is selected by the district committee for the balance of the term, whichever shall first occur.

§ 73. Amendment.) Section 16-17-11 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-11. State Committee—Membership.) The state committee of each party shall consist of the chairman of each of the district committees of such party.

§ 74. Amendment.) Section 16-17-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-13. Proxies Permissible.) Proxies are permissible at all meetings held pursuant to the provisions of this chapter, but all proxies shall be from the precinct or district which the person giving the proxy represents.

§ 75. Amendment.) Section 16-17-15 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-15. State Committee — Meetings — Organization — Vacancies.) The state committees shall meet within forty-five days after each general election. Such meeting shall be held at the state capitol and shall convene at ten o'clock a.m. Such committeemen shall organize by selecting a chairman, a vice chairman, a secretary, and a treasurer and by adopting rules and modes of procedure. The officers elected need not be members of such committee. A vacancy in an office of the state committee, other than a party district chairman, shall be filled by a majority of the state committee.

§ 76. Amendment.) Section 16-17-16 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-16. Meeting Precinct Committeemen of District to Elect Delegates to State Party Convention—Optional Precinct Caucus—Proxies.) Prior to the second Monday in June in each presidential election year upon the call of the chairman the district committee of each district shall meet at a place designated by the chairman to elect delegates to a state party convention to be held as provided in this chapter. If the bylaws of the legislative district so provide, precinct committeemen may call a precinct caucus prior to the district meeting for the purpose of electing additional delegates to attend the district meeting. One delegate to the state convention shall be elected

for each three hundred votes or majority fraction thereof cast in such district at the last preceding presidential election for the candidates for presidential electors of such party, but every district shall be entitled to at least one delegate. Delegates shall be electors of their district. If any delegate shall be unable to attend such convention, he shall designate in writing an alternate from the list of alternates selected at the district convention to attend and represent and act for him.

§ 77. Amendment.) Subsection (3) of section 16-18-01 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- (3) Civilians serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

§ 78. Amendment.) Section 16-18-03 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-03. Preparation and Printing of Ballots.) For all general, primary, or special state or congressional district elections, for all other special elections held at the same time as a general or primary election, and for all city and school elections, official ballots shall be prepared within the time limits provided for in section 16-18-04. In the case of special elections wherein the election is called less than twenty or fourteen days, as the case may be, before the election day, or where certification of candidates does not take place before the twenty- or fourteen-day limitations, the ballots for the use of absentee voters shall be made available as soon as possible. Only official ballots shall be used as absentee ballots and no indication shall be noted on such ballots that they are used by absentee voters except that the return envelope shall be marked "ballot of absentee voter".

§ 79. Amendment.) Section 16-18-05 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-05. Time for Making Application for Ballot.) At any time within thirty days next preceding an election any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, or who by reason of physical disability, or who is serving in the military or naval service or the merchant marine of the United States of America and is unable to attend at the polling place in his precinct to vote at such election, may make application to the county auditor of the county, the auditor or clerk of the city or the

clerk of the school district, as the case may be, for an official ballot to be voted at such election. No such auditor or clerk shall issue ballots for absentee voters on the day of the election.

§ 80. **Amendment.)** Section 16-18-06 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-06. Application Form.) Application for such ballot shall be made on a blank to be furnished by the proper officer of the county, city, or school district of which the applicant is an elector and must be substantially in the following form:

I, _____, a duly qualified elector of the township of _____ or of the _____ precinct of the _____ ward of the city of _____ of the county of _____ of the state of North Dakota, to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from said county on the day for holding such election, or by reason of physical disability being unable to attend and vote at such election, hereby make application for an official absent voter's ballot to be voted by me at such election.

Date _____

Signed _____

Post office _____

Provided that when such application is made upon the ground of physical disability it shall be accompanied by the certificate of the superintendent of a licensed hospital, nursing home, or retirement home, in which the applicant is actually confined or by the certificate of a licensed physician who is attending said applicant to the effect that said applicant is under such physical disability by reason whereof he is confined to such hospital or other place of confinement (stating location thereof) and is unable to attend and vote at such election.

Provided that qualified electors in the military or naval service or the merchant marine of the United States of America shall not be required to file any formal application for an absent voter's ballot for any general or primary election but each county auditor of each county in the state of North Dakota shall upon receiving any information whether in writing or otherwise as to the mailing address of any qualified elector in the military or naval service or the merchant marine of the United States immediately upon receiving the ballots from the printers, mail to such electors a ballot together with proper return envelope and instructions for voting.

§ 81. Amendment.) Section 16-18-09 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-09. Delivering Ballots — Envelope Accompanying — Statement on Envelope—Inability of Elector to Sign Name.) Upon receipt of an application for an official ballot properly filled out and duly signed, or as soon thereafter as the official ballot for the precinct in which the applicant resides has been prepared, the county auditor, auditor of the city or clerk of the school district, as the case may be, shall send to such absent voter by mail, postage prepaid, one official ballot, or personally deliver said ballot to the applicant or his agent; provided that the agent deposit with the auditor or clerk, as the case may be, authorization in writing from the applicant to receive such ballot or according to requirements hereinafter set forth for signature by mark. If there is more than one ballot to be voted by an elector of such precinct, one of each kind shall be included and an envelope shall be enclosed with such ballot or ballots. Such envelope shall bear upon the front thereof the name, official title, and post office address of the officer supplying the voter with the ballot, and upon the other side a printed statement in substantially the following form:

State of }
County of } ss.

I,, under penalty of perjury, do solemnly swear that I am a resident of the township of, or of the precinct of the ward in the city of, residing at in said city, county of and state of North Dakota, and entitled to vote in such precinct at the next election; that I expect to be absent from the said county of my residence on the day of holding such election or that by reason of physical disability I am unable to attend at the polling place for such election, and that I will have no opportunity to vote in person on that day.

.....
If such absent voter is unable to sign his name, he shall make his mark (X) in the presence of a disinterested person. Such disinterested person shall print the name of the person marking his X below the X, and shall sign his own name following the printed name with the notation "witness to his mark".

§ 82. Amendment.) Section 16-18-14 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-14. Canvassing of Absent Voters' Ballots of Soldiers and Sailors.) The county auditor, auditor or clerk of the city or school district, as the case may be, upon receipt of an envelope containing an absent voters' ballot of a person engaged in the military or naval service of the United States or any person specified in subsections 1 through 4 of section 16-18-01, shall proceed in the manner as provided in section 16-18-15. In the case of the congressional, state, or county elections, if any such envelope is received by the proper officer too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such officer at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such officer in time to canvass and transmit the results to the state canvassing board. In the case of city or school district elections, if an envelope containing an absent voter's ballot of a person engaged in the military or naval service of the United States or any person specified in subsections 1 through 4 of section 16-18-01 is received by the proper officer too late to be forwarded to the proper voting precinct in time to be tabulated, the same shall be canvassed by the governing body of the city, or the school board of the school district, as the case may be, at such time as the other ballots are canvassed. In all other respect such absent voter ballots of electors engaged in the military service or merchant marine of the United States shall be treated in the same manner as now provided for the absent voter ballots.

§ 83. Amendment.) Section 16-18-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-17. Opening Ballot—Voting or Rejecting—Depositing in Ballot Box—Preserving.) At any time between the opening and closing of the polls on election day, the inspector of elections or judges of election of such precinct first shall open the outer envelope and compare the signature to such application for an absent voter's ballot with the signature to the statement provided for in section 16-19-09. If the judges find that the statement is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct and has not voted at such election, they shall open the absent voter's envelope in such manner as not to destroy the statement thereon. They shall take out the ballot or ballots contained therein without unfolding the same, or permitting the same to be opened or examined, and after endorsing the same as other ballots are endorsed, they shall deposit the ballot in the proper ballot box and show by the records of such election that such elector has voted. If such

statement is found to be insufficient, or that the said signatures do not correspond, or that such applicant is not then a duly qualified elector of such precinct, such vote shall not be allowed, but without opening the absent voter's envelope, the inspector of elections or judge of such election shall mark across the face thereof "rejected as defective" or "rejected as not an elector", as the case may be. The absent voter's envelope when such absent vote is voted, and the absent voter's envelope with its contents unopened, when such absent vote is rejected, shall be deposited in the ballot box and shall be retained and preserved in the same manner as official ballots voted at such election are retained and preserved.

§ 84. Amendment.) Section 16-18-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-18. Violations Constituting Misdemeanor—Penalty.) Any person who shall:

1. Willfully swear falsely to the statement provided for in section 16-18-09; or
2. Willfully make a false application provided for in section 16-18-06,

shall be guilty of a misdemeanor as provided in section 12-06-14.

§ 85. Amendment.) Section 16-18-19 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-19. Penalty for Violation of Chapter.) If the secretary of state, county auditor, auditor or clerk of any city, clerk of a school district, or any election officer shall refuse or neglect to perform any of the duties prescribed in this chapter or shall violate any of the provisions thereof, such officer shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment.

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

16-20-04. Itemized Statements of Campaign Expenses Filed.) No sum of money shall be paid and no expenses shall be authorized or incurred by any candidate seeking nomination to any public office or position in this state in a primary election campaign or any candidate who has received the nomination to any public office or position and is a candidate in the

general election or any candidate in a special election in excess of five hundred dollars or fifteen percent of the annual salary of the office for which he is running, whichever is greater. Such amounts may be incurred for each election. Within fifteen days after a primary, general, or special election, a candidate for nomination or election to public office at such election shall file an itemized statement setting forth in detail all the moneys contributed, expended, or promised by him to aid and promote his nomination or election, or both, as the case may be, and for the election of his party candidates, and all existing unfulfilled promises of every character and all liabilities in force at the time of such statement. If no money or other valuable thing was paid or promised, he shall file a statement to that effect within fifteen days after the election at which he was a candidate. If a person was a candidate for senator of the United States, representative in Congress, a state office, or district judgeship, such statement shall be filed with the secretary of state. Candidates for the state legislature or for county offices shall file their statements with the county auditor of the county in which they reside. Any candidate who fails to file such statement shall be fined twenty-five dollars for every day on which he was in default, unless excused by the court.

§ 87. **Amendment.)** Section 16-20-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-08. Campaign Contributions by Corporations or Cooperative Corporations Prohibited.) No corporation or cooperative corporation doing business in this state, directly or indirectly, shall pay, use, offer, consent, or agree to pay or use, any money, property, or any thing of value:

1. To aid any political party, committee, or organization;
2. To aid any corporation or association organized or maintained for political purposes;
3. To aid any candidate for political office or for nomination for such office;
4. For any political purpose or the reimbursement or indemnification of any person for money or property so used; or
5. For the influencing of legislation of any kind.

If an officer, employee, agent, attorney, or other representative of a corporation or cooperative corporation makes any payments prohibited by this section out of corporate funds or otherwise violates the provisions of this section, it shall be

prima facie evidence of a violation by such corporation or cooperative corporation. No person shall solicit or receive such payment from any corporation.

§ 88. Amendment.) Section 16-20-17.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-17.1. Political Advertisements to Disclose Name of Sponsor.) Each and every political advertisement, whether on behalf of or in opposition to any candidate for public office, initiated or referred measure or constitutional amendment, and whether such advertisement shall be by newspaper, pamphlet or folder, display cards, signs, posters or billboard advertisements, or by any other public means, shall disclose at the bottom of same the names and addresses of the sponsors of such advertisement, and the names and addresses of the person, persons, associations, partnerships or corporations paying for such advertisement, except however, this section shall not apply to campaign buttons. At the close of every radio or television broadcast containing any advertising announcements or talk for or against any initiated or referred measure or constitutional amendment to be voted on by the people, there shall be announced at the close of said broadcast the names and addresses of the person, persons, associations, partnerships or corporations paying for such broadcast; provided that this section shall not apply to materials affirmatively promoting a candidate for president or vice president of the United States.

§ 89. Amendment.) Section 16-20-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-19. Electioneering on Election Day—Penalty.) Any person asking, soliciting, or in any manner trying to induce or persuade, any voter on an election day to vote or refrain from voting for any candidate or the candidates or ticket of any political party or organization, or any measure submitted to the people, shall be punished by a fine of not less than five dollars nor more than one hundred dollars for the first offense. For the second and each subsequent offense occurring on the same or different election days, he shall be punished by a fine as provided in this section, or by imprisonment in the county jail for not less than five days nor more than thirty days, or by both such fine and imprisonment. The display upon motor vehicles of adhesive signs which are not readily removable and which promote the candidacy of any individual, any political party, or a vote upon any measure and political advertisements promoting the

candidacy of any individual, political party, or a vote upon any measure, which are displayed on fixed permanent billboards, shall not, however, be deemed a violation of this section.

§ 90. Amendment.) Section 16-21-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-21-03. Locking and Examination of Voting Machines—Tally of Voting Machine Votes—Certification to County Judges.) Voting machines shall remain locked for ten days next following use at an election and as much longer as may be necessary or advisable because of any existing or threatened contest over the results of the election, except that they may be opened and all data and figures therein examined upon the order of any court of competent jurisdiction. A complete record of the tally of votes from each voting machine shall be made by the inspector of elections and the judges of election at the time such votes are tallied. This record shall agree in every respect with the registration books of election and the original reports of the total votes cast for each candidate or measure, and such record shall then be certified by the inspector of elections and the judges of elections and one of them delivered to the county judge at the same time as the ballots are delivered to him pursuant to section 16-13-09. The records may be opened and all data and figures therein examined upon the order of any court of competent jurisdiction in the event of any existing or threatened contest over the results of the election.

§ 91. Amendment.) Section 40-02-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-02-07. Notice of Election.) The board of county commissioners to which a petition is addressed under this chapter shall give notice of the election to be held to determine whether or not the municipality described in the petition shall be organized. Such notice shall be given by publication of the same in one issue of a newspaper published within the territory described in the petition, and such publication shall be made at least ten days prior to the date set for such election. If no newspaper is published within such territory, such notice shall be published in the official county newspaper.

§ 92. Amendment.) Section 40-02-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***40-02-11. Division Into Districts or Wards.)** After the return of the election provided for in this chapter, if a majority of the votes cast at such election favored incorporation as a municipality, the board of county commissioners which ordered the election shall proceed to divide the municipality into districts or wards as follows:

1. If the territory has been incorporated as a city under the council form of government, it shall not be divided into wards unless it has more than six hundred inhabitants, and if it has more than six hundred inhabitants, one ward shall be formed for each two aldermen to which the city is entitled. In cities of more than fifteen thousand inhabitants, however, the number of wards shall be limited to seven originally, and such number may be increased thereafter as provided in this title;
2. If the territory has been incorporated as a city under the commission system of government, it shall be divided into not less than three nor more than seven wards.

Each district or ward shall be formed from contiguous territory, and all districts or wards shall be numbered consecutively and shall have, as nearly as practicable, the same number of inhabitants. After the election of aldermen or commissioners, as the case may be, it shall thereafter be the duty of the governing body of the city to form or establish wards and election districts pursuant to law.

§ 93. Amendment.) Section 40-04-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-04-02. Notice of Election.) Notice of an election to be held under this chapter shall be given by the executive officer of the municipality by publication in the official newspaper of the municipality for at least twenty days, or, if no newspaper is published therein, such notice shall be given in the official county newspaper.

§ 94. Amendment.) Section 40-08-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-08-08. Vacancies on City Council—How Filled.) If a vacancy occurs in the office of alderman by death, resignation, or otherwise, the city council may call a special city election to fill such vacancy for the unexpired term, or may, after fifteen days of the date of such vacancy appoint a person from the ward in which the alderman previously holding was elect-

***Note:** Section 110 of chapter 323, 1967 S.L., also amends section 40-02-11.

ed or appointed to fill such vacancy until the next city election, at which election the unexpired term shall be filled. Upon petition of five percent of the electors of such ward, as determined by the total number of votes cast in such ward in the last general election, the council shall call a special election to fill a vacancy occurring more than six months before the next city election, provided such petition has been submitted within fifteen days and before four o'clock p.m. of the fifteenth day of the date of such vacancy. If the petition is mailed it shall be in the possession of the council or its representative before four o'clock p.m. on the fifteenth day after the vacancy occurs.

§ 95. Amendment.) Section 40-08-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-08-09. Restrictions on Members of City Council.) No member of the city council shall:

1. Be eligible to any other office the salary of which is payable out of the city treasury;
2. Hold any other office under the city government; or
3. Hold a position of remuneration in the employment of the city.

§ 96.) Section 40-09-17 of the North Dakota Century Code is hereby created and enacted to read as follows:

40-09-17. Restrictions on Members of the Board of City Commissioners.) No member of the board of city commissioners shall:

1. Be eligible to any other office the salary of which is payable out of the city treasury;
2. Hold any other office under the city government; and
3. Hold a position of remuneration in the employment of the city.

§ 97. Amendment.) Section 40-12-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-12-08. Petition to Refer Ordinance—Suspension of Ordinance—Requirements of Petition.) An ordinance which has been adopted by the governing body of a municipality may be referred to the electors of the municipality by a petition protesting against such ordinance. Such petition shall be signed by electors of the municipality equal to at least ten percent of the entire vote cast for all candidates for executive officer of the municipality at the preceding regular municipal election, and shall be presented to the governing body of the municipal-

ity within ten days and before four o'clock p.m. on the tenth day after the ordinance described in the petition became effective. If a petition is mailed to the governing body of the municipality it shall be in the possession of such body before four o'clock p.m. on the tenth day after the ordinance became effective. Unless the ordinance protested against was passed by a four-fifths vote of the members of the governing body of the municipality for the immediate preservation of the public peace, health, and safety and contains a statement of its urgency, it shall be suspended upon the filing of the petition. The petition provided for in this section shall be in all respects in accordance with the provisions of sections 40-12-02, 40-12-03, and 40-12-04, except as to the number of signers required, and shall be examined and certified by the city auditor in all respects as provided in section 40-12-05.

§ 98. Amendment.) Section 40-21-02 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-21-02. Elections in Commission Cities — When Held — Notice—Polls—Judges and Inspectors.) Biennial municipal elections in cities operating under the commission system of government shall be held on the first Tuesday in April in each even-numbered year at such place or places as the board of city commissioners shall designate. Ten days' notice of the time and place of the election and of the offices to be filled at such election shall be given by the city auditor by publication in the official newspaper of the city or if the city has no official newspaper, by publication in the official county newspaper. The polls shall be opened and closed as provided by state law for the opening and closing of polls at primary, general and special elections. For all general city elections the board of city commissioners shall appoint one inspector for each precinct at least twenty-one days before the election is held, and two judges of election for each precinct at least ten days before the election is held. For special city elections the board of city commissioners shall appoint one inspector and two judges of election for each precinct in the city at least ten days before the election is held.

§ 99. Amendment.) Section 40-21-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***40-21-07. Petition for Nomination of Elective Official in Municipalities—Signature Required—Contents.)** A candidate for any public office in an incorporated city may be nominated

***Note:** Section 137 of section 323, 1967 S.L., also amends section 40-21-07.

by filing with the city auditor, at least thirty days and before four o'clock p.m. on the thirtieth day prior to the holding of the election, a petition signed by not less than ten percent of the qualified electors residing within the ward or precinct in and for which such officer is to be elected, if the election is by wards, or a like percent of the voters of the city if the officer is elected at large, except that in cities operating under the commission system of government the required petition may be signed by the electors at large residing within such city. If a petition is mailed it shall be in the possession of the city auditor before four o'clock p.m. on the thirtieth day prior to the holding of the election. In no case shall more than three hundred signatures be required, and such signatures may be on separate sheets of paper. Each signer of such petition shall add to his name his mailing address.

§ 100. Amendment.) Section 40-21-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-21-09. Election Districts in Council Cities—Division and Consolidation by Ordinance — Ballots To Be Kept Separate by Wards.) Each city operating under the council form of government in which aldermen are elected at large shall constitute an election district or voting precinct, and in all other cities each ward shall constitute an election district or voting precinct. Whenever the number of electors in any two or more contiguous wards does not exceed one hundred as determined by the number of votes cast at the last city election, the council, by ordinance, may consolidate such two or more wards into one precinct for voting purposes. In any city containing less than four hundred electors as determined by the number of votes cast at the last city election, the council, by ordinance, may consolidate all the wards of such city into one precinct for voting purposes. An ordinance dividing or consolidating wards shall be passed and shall take effect before the time of giving notice of the election. Wards and precincts established under the provisions of this section shall constitute election districts for all state, county, city, and school elections. In city elections, separate ballot boxes and poll books shall be provided and kept for each precinct. The terms "wards", "precincts", and "election districts" shall have the same meaning except in the case where two or more wards are consolidated into one precinct for voting purposes or where one ward is divided into more than one precinct for voting purposes.

§ 101. Amendment.) Section 40-21-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***40-21-12. Counting Ballots—Returns—Canvass of Returns by Governing Body of Municipality.)** The ballots cast in a municipal election shall be counted and the returns of the election prepared by the election board immediately after the closing of the polls. The ballots and the returns of the election shall be returned to the city auditor or village clerk, as the case may be, under seal within two days and before four o'clock p.m. on the second day after the election. Thereafter, the governing body of the municipality shall canvass the returns and declare the result of the election and cause a statement thereof to be entered in its books of minutes.

§ 102. Amendment.) Section 40-52-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-52-04. Changing Number and Boundaries of Wards and Precincts—Regulations Governing.) The number and boundaries of the wards and precincts in a city may be changed by an ordinance adopted by a majority vote of the members of the governing body. Such ordinance shall be introduced at a regular meeting of the board, and before final action is taken on the proposed ordinance, it shall be published in the official newspaper of the city once each week for four successive weeks. When the boundaries of wards are fixed by ordinance, the number of such wards and the boundaries thereof shall not be changed for a period of two years, except by adding thereto territory which is added to the city limits. The territory in a ward shall be contiguous and compact, and no ward having a population of less than one hundred residents shall be created. The terms "wards" and "precincts" shall have the meaning provided for in section 40-21-09.

§ 103. Amendment.) Subsection 5 of section 54-01-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. The residence of the husband is presumptively the residence of the wife except in the case of establishing residence for voting purposes;

§ 104. Amendment.) Section 58-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-04-05. Organization of Annual or Special Meetings.) The electors present at one o'clock p.m. of the day of the annual or special meeting shall be called to order by the township clerk, or if he is not present, the voters may elect by acclama-

***Note:** Section 140 of chapter 323, 1967 S.L., also amends section 40-21-12.

tion one of their number to act as chairman for the purpose of calling the meeting to order and to act as clerk after the selection of a moderator. The voters shall elect by acclamation three of their number as judges, and such judges shall be sworn and shall act as the judges of the qualifications of township electors. The electors shall proceed to choose one of their number to preside as moderator of the meeting. The clerk of the township if present, or in his absence, the clerk of the meeting, shall keep full minutes of its proceedings in which he shall enter at length every order, direction, rule, and regulation made by the meeting. The moderator shall close the meeting at five o'clock p.m. The positions of moderator, clerk, and the three judges shall be separate and distinct positions and no such positions shall be held by the same person. The moderator, clerk, and the three judges each shall be entitled to a salary of eight dollars per day for each day actually expended in the performance of their duties. Such salary shall be paid out of township funds made available for such purpose.

§ 105. Certain Questions Not To Be Voted Upon for Six Months.) Whenever at any election a bond issue, mill levy question, or question of reorganizing a school district, has failed to receive the required number of votes for approval by the electors, the matter shall not again be submitted to a vote until a period of at least six months shall have expired.

§ 106. Political Parties to Organize on District Basis.) Legally recognized political parties shall organize on a legislative district basis not later than the second Tuesday in November in the year 1967 and in the year 1968 and each two years thereafter. The manner of organizing shall substantially follow the provisions of chapter 16-17 of the North Dakota Century Code.

§ 107. Repeal.) Sections 16-01-13, 16-04-22, 16-04-23, 16-04-24, 16-05-07, 16-07-11, 16-10-07, 16-11-08, 16-13-22, 16-18-10, 16-18-13, 16-20-02, 16-20-03, and 16-20-21 of the North Dakota Century Code are hereby repealed.

Approved March 14, 1967.

CHAPTER 159

H. B. No. 736

(Lee, Mathiason, Boustead, Tollefson, Peterson(5))

PUBLICATION OF ELECTION AND LEGAL NOTICES

AN ACT

To amend and reenact section 16-06-02 of the North Dakota Century Code, relating to the publication of notice of any general election and section 46-05-03 of the North Dakota Century Code, relating to the publication of legal notices and providing the fees to be paid therefor.

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

§ 1. **Amendment.)** Section 16-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***16-06-02. Notice of Election—Contents—Publication—Posting—Affidavit of Posting.)** Notice of any general election shall be published by the county auditor in the official county newspaper once each week for two consecutive weeks next preceding such election. Such notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the day of, next, at the polling places in the various precincts in the county of an election will be held for the election of state, district, and county officers, which election will be opened at o'clock a.m. and will continue open until seven o'clock p.m. of that day.

Dated this day of, A.D., 19.....

(Signed).....

County Auditor

In addition to the publication required in this section, the county auditor shall publish for two consecutive weeks prior to the election in the official county newspaper and if no newspaper is published in the county in a newspaper published in an adjoining county in the state, a copy of the sample ballot of the general election, as arranged by order and direction of the state printer. The form of the ballot so published shall conform in all respects to the form prescribed for the sample

***Note:** Section 29 of chapter 158, 1967 S.L., also amends section 16-06-02.

general election ballot and the makeup and general form shall conform to that prescribed for the said sample ballot, and shall be printed in six point type. The lineage of ballots so published shall be determined by multiplying each column inch thereof by twelve, space occupied by constitutional amendments, referred or initiated measures treated as straight matter and candidates sample ballots as two-column tabulated matter.

§ 2. Amendment.) Section 46-05-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-05-03. Legal Notices—Fees.) The fees to be paid to newspapers for the publication of:

1. Any notice or publication required to be published by the board of county commissioners or any county officer;
2. Any summons, citation, notice, or other document, proceedings, or process in an action or proceedings in any court of the state, which is required by law to be published;
3. Any publication required to be published by any state officer, elected or appointive;
4. Any notice of foreclosure of a real estate mortgage, or a chattel mortgage or other lien foreclosed by advertisement;
5. Any notice or publication required to be published by any city, village, township, school district, or other political subdivision of the state, or by any officer thereof; and
6. Any legal notice and legal publication of whatever kind or character required by law to be published,

shall be sixteen cents per counted line of nonpareil or six point type for the first insertion and nine cents per line of nonpareil or six point type for each subsequent insertion, or twelve cents per counted line of brevier or eight point type for the first insertion and seven cents per line of brevier or eight point type for each subsequent insertion. All lines containing tabulated matter, leader work, or work containing one column of figures shall be figured at one and one-half times the rate for straight matter on first publication, and all tabulated matter with two or more columns of figures shall be computed at double the rate for straight matter on first publication. A column shall be not less than eleven nor more than thirteen picas in width. Wherever possible, all such legal notices and publications shall be set in single column.

Approved March 15, 1967.

CHAPTER 160

S. B. No. 130

(Chesrown, Longmire)

MEETINGS WITH ELECTION INSPECTORS

AN ACT

To amend and reenact section 16-10-17 of the North Dakota Century Code, relating to state's attorney meetings with election inspectors.

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 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 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.

Approved February 25, 1967.

***Note:** Section 50 of chapter 158, 1967 S.L., also amends section 16-10-17.

CHAPTER 161

S. B. No. 85
(Holland)

KEEPING OF BALLOTS BY COUNTY JUDGE

AN ACT

To amend and reenact section 16-13-11 of the North Dakota Century Code, relating to the keeping of ballots by the county judge.

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

§ 1. **Amendment.)** Section 16-13-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-11. County Judge to Keep Ballots Forty-Five Days—Exception—Use of Ballots as Evidence.) Immediately upon receiving the ballots as provided in section 16-13-09, the county judge shall give receipt therefor to said judges of election and shall place such ballots properly arranged in the order of the precinct number in boxes which shall be securely locked. Such boxes shall be placed in a fireproof vault and shall be kept securely for forty-five days. They shall not be opened nor inspected, except upon the order of a court, in case of a contested election, or when it shall be necessary to produce them at a trial for any offense committed at an election. At the end of forty-five days after the election, upon determination by the county judge that no contest is pending, such ballots shall be destroyed, except that if any contest of the election of any officer voted for at such election or a prosecution under the provisions of this title shall be pending at the expiration of such time, the said ballots shall not be destroyed until such contest or prosecution is finally determined. Such ballots, returned to the county judge as provided in this section shall be received in evidence without laying further foundation.

Approved February 15, 1967.