

ELECTIONS

CHAPTER 185

HOUSE BILL NO. 1079
(Committee on Judiciary)
(At the request of the Attorney General)

QUALIFICATIONS OF ELECTORS

AN ACT to amend and reenact section 16-01-03 of the North Dakota Century Code, relating to qualifications of electors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-01-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-01-03. QUALIFICATIONS OF ELECTORS.) Any person of the age of eighteen years or upwards, who has resided in the precinct thirty days next preceding any election, except as otherwise provided in regard to residency in chapter 16-16, shall be a qualified elector at such election if he is a citizen of the United States.

Approved March 12, 1973

CHAPTER 186

SENATE BILL NO. 2018
(Melland, Larson)
(From Legislative Council Study)

FORM AND PREPARATION
OF SAMPLE BALLOTS

AN ACT to amend and reenact section 16-01-07, subsection 1 of section 16-04-13, and sections 16-04-17 and 16-06-02 of the North Dakota Century Code, relating to the form and preparation of sample ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. 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. Sample ballots shall conform in form and style to samples of such ballots contained in the legal publications handbook prepared under subsection 5 of section 46-01-02. Any requirements in this title that a sample ballot be published will be met by the publication of either the paper ballot or the ballot as it will appear to persons using a voting machine, depending upon the method of voting used in the area involved. Absentee voter ballots shall not be considered in determining which form of voting is used in the area. If both paper ballots and voting machines are used, both forms must be published as sample ballots to

meet publication and notice requirements.

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 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.

SECTION 2. AMENDMENT.) Subsection 1 of section 16-04-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A copy of the sample ballot of the primary election, as arranged by order and direction of the county auditor. The form of the sample ballot shall conform in all respects to the form prescribed by the legal publications handbook under subsection 5 of section 46-01-02 for the sample primary ballot. The county auditor shall publish the sample ballot form appropriate for the method of voting in his county. If both paper ballots and voting machines are used, both forms of the sample ballot must be published to meet publication and notice requirements. Absentee voter ballots shall not be considered in determining which form of voting is used. 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;

SECTION 3. AMENDMENT.) Section 16-04-17 of 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 column so that the name that

*NOTE: Section 16-04-17 was also amended by section 1 of House Bill No. 1077, chapter 188.

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 accordingly. This process shall be continued from one precinct to another and for as many names as are involved. For the purposes of this section, the precincts shall be arranged according to the total votes cast for governor in the last general election in which such office was filled, starting with the precinct having the highest total votes cast and ending with the precinct having the lowest total votes cast in such election. The initial location of the names in the precinct having the highest total votes shall be determined by lot by the city auditor or responsible election official.

If there are more than three candidates for any office, and it is not possible to place all of the names on one line, the names shall be placed in two or more lines having an equal or nearly equal number of names on each line, provided that in no such event shall only one name appear on any line.

SECTION 4. 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 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 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 county auditor. The form of the sample ballot shall conform in all respects to the form prescribed by the legal publications handbook under subsection 5 of section 46-01-02 for the sample general election ballot. The county auditor shall publish the sample ballot form appropriate for the method of voting in his county. If both paper ballots and voting machines are used, both forms of the sample ballot must be published to meet publication and notice requirements. Absentee voter ballots shall not be considered in determining which form of voting is used. 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.

Approved March 19, 1973

CHAPTER 187

SENATE BILL NO. 2082

(Committee on Judiciary)

(At the request of the Secretary of State)

STATE OFFICES DESIGNATED ON
PRIMARY ELECTION BALLOTS

AN ACT to amend and reenact sections 16-04-16 and 16-08-01 of the North Dakota Century Code, relating to the designations of state offices which appear on the primary election ballot.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

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

16-04-16. ORDER IN WHICH NAMES OF OFFICES SHALL APPEAR ON BALLOT.) The names of offices for which party nominations shall be made on the primary ballot shall be the following, which shall appear in each party column in this order:

1. Congressional:
United States senator
Representative in Congress
2. Legislative:
State senator _____ district
Member of house of representatives _____ district
3. State offices:
Governor
Lieutenant governor
Secretary of state
State auditor
State treasurer
Attorney general
Commissioner of insurance
Commissioner of agriculture
Commissioner of public service

SECTION 2. AMENDMENT.) Section 16-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-08-01. REFERENCE TO PARTY AFFILIATION IN PETITION AND AFFIDAVIT PROHIBITED FOR CERTAIN OFFICES.) No reference shall be made to a party ballot or to the party affiliation of a candidate in a petition and affidavit filed by or in behalf of a candidate for nomination in the primary election to an elective county office, the office of judge of the supreme court, judge of the district court, commissioner of labor, superintendent of public instruction, or tax commissioner.

Approved February 1, 1973

CHAPTER 188

HOUSE BILL NO. 1077
(Committee on Judiciary)
(At the request of the Attorney General)

VOTING PROCEDURES

AN ACT to amend and reenact sections 16-04-17, 16-10-12.1, 16-11-12, 16-18-12, and subsection 2 of section 16-21-02 of the North Dakota Century Code, relating to arrangement of names on ballots and voting machines, voting machines and poll clerks, instructions, advertisements and ballots posted in polling places, poll registers, and permitting electors to vote only for those for whom they are entitled to vote; and to repeal section 16-18-06.1 of the North Dakota Century Code, relating to general election, primary election, and absentee voting ballots for those authorized to vote in federal elections only.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-04-17 of 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 column 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

*NOTE: Section 16-04-17 was also amended by section 3 of Senate Bill No. 2018, chapter 186.

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 accordingly. This process shall be continued from one precinct to another and for as many names as are involved. For the purposes of this section, the precincts shall be arranged according to the total votes cast for governor in the last general election in which such office was filled, starting with the precinct having the highest total votes cast and ending with the precinct having the lowest total votes cast in such election. The initial location of the names in the precinct having the highest total votes shall be determined by lot by the city auditor or responsible election official.

If there are more than three candidates for any office, and it is not possible to place all of the names on one line, the names shall be placed in two or more lines having an equal or nearly equal number of names on each line, provided that in no such event shall only one name appear on any line.

SECTION 2. AMENDMENT.) Section 16-10-12.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-12.1. VOTING MACHINES - ADDITIONAL POLL CLERKS.) All election precincts having voting machines as authorized in chapter 16-21 may, in addition to all other authorized poll clerks, have at least two additional poll clerks whose duties it shall be to assist any voter in the operation of the voting machine. Such additional poll clerks shall be from each of the two political parties which cast the largest vote at the last general election, and any assistance given to any voter shall be in the presence of a poll clerk from each of the above-mentioned political parties. Such additional poll clerks shall have the same qualifications and shall subscribe to the same oath as the regular clerks and shall receive as compensation for their services such sum as is provided in section 16-10-16, to be paid in the same manner as regular poll clerks are paid.

SECTION 3. 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.

SECTION 4. AMENDMENT.) Section 16-18-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-12. COUNTY AUDITOR TO KEEP REGISTER OF NAMES OF PERSONS IN SERVICE AND ALL OTHER QUALIFIED ELECTORS.) In order to facilitate compliance with the provisions of section 16-18-11, the county auditor of each county in this state shall prepare, keep, and maintain a general register of the names of all persons within his county who are engaged in the military or naval service of the United States, and a further register of all such persons who are qualified to vote in his county at a general election.

SECTION 5. AMENDMENT.) Subsection 2 of section 16-21-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Permit each voter to vote for as many persons for any office as he is entitled to vote for, and shall allow each voter to vote in primary elections for candidates for nomination by the political party of his choice, but it shall preclude each voter from voting for more persons for any office than he is entitled to vote for, from voting more than once for the same candidate or upon the same measure or question submitted to the voters, or voting the ballot of more than one political party in any primary election;

SECTION 6. REPEAL.) Section 16-18-06.1 of the North Dakota Century Code is hereby repealed.

Approved March 12, 1973

CHAPTER 189

SENATE BILL NO. 2084
(Committee on Judiciary)
(At the request of the Secretary of State)

FILLING OF VACANCIES
BY PARTY COMMITTEES

AN ACT to amend and reenact section 16-04-21 of the North Dakota Century Code, relating to party committees filling vacancies occurring in nominations of various offices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. 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 postoffice 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 with the exception of vacancies filled pursuant to section 16-05-08.

Approved February 14, 1973

CHAPTER 190

SENATE BILL NO. 2118
(Committee on Judiciary)
(At the request of the Secretary of State)

NOTIFICATION TO GOVERNOR OF
VACANCY IN LEGISLATIVE ASSEMBLY

AN ACT to amend and reenact section 16-07-09 of the North Dakota Century Code, relating to notification by the county auditor to the governor when a vacancy occurs in the office of a member of the legislative assembly.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. 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; provided, however, that the county auditor need not notify the governor of the resignation of a member of the legislative assembly where such resignation was made pursuant to section 44-02-02. 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 commanding 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.

Approved March 8, 1973

CHAPTER 191

SENATE BILL NO. 2124
(Committee on Judiciary)
(At the request of the Secretary of State)

VOTING INSTRUCTIONS
ON ELECTION BALLOTS

AN ACT to amend and reenact section 16-08-02 and subsection 4 of section 16-11-04 of the North Dakota Century Code, relating to voting instructions on no-party and general election ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-08-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-08-02. NO-PARTY PRIMARY BALLOT - CONTENTS.) There shall be a separate ballot at all primary elections which shall be entitled "no-party primary ballot". The names of all candidates for any of the offices mentioned in section 16-08-01 shall be placed thereon without party designation. Immediately under the name of each office shall be placed the language, "Vote for _____ name (or names) only". The number inserted shall be the number to be elected to such office at the next succeeding general election.

SECTION 2. AMENDMENT.) Subsection 4 of section 16-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Shall immediately under the name of each office be placed the language "Vote for _____ name (or names) only".

Approved March 8, 1973

CHAPTER 192

HOUSE BILL NO. 1069
(Committee on Judiciary)
(Attorney General)

REOPENING OF ELECTION BALLOTS

AN ACT to amend and reenact section 16-13-11 of the North Dakota Century Code, relating to reopening of election ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 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, when it shall be necessary to produce them at a trial for any offense committed at an election, or to permit election officials to complete their duties. 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 25, 1973

CHAPTER 193

SENATE BILL NO. 2315
(Barth, Ringsak)

ELECTION RECOUNTS

AN ACT to amend and reenact section 16-13-47.1 of the North Dakota Century Code, relating to the availability of a recount of ballots cast for candidates to a congressional, state, legislative, or county office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-13-47.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-47.1. RECOUNTS FOR CONGRESSIONAL, STATE, AND COUNTY OFFICES - PROCEDURE - COSTS.) Any person losing a primary, special, or general election contest for nomination or election to a congressional, state, legislative, or county office may demand a recount of the ballots cast in the manner and circumstances hereinafter provided. The demand may be made if the person shall have failed to be nominated in a primary election by less than two percent of the highest vote cast for a candidate of his party for the office sought, or the demand may be made by any person who failed to be elected at a special or general election by less than one-half of one percent of the highest vote cast for a candidate for that office. The demand must be made within ten days after the canvass of the votes of such election. After a demand and upon application to a judge of each appropriate district court, such court or courts shall issue orders directing that all ballots pertaining to such office shall be delivered forthwith to the respective court or courts. The person demanding such recount shall forward a copy of the application to the secretary of state, or to the county auditor in the case of county offices, at the time it is filed with the district court. The county canvassing board of each county, or such other persons as the court may select, shall recount the ballots in the presence of the court and, if requested, in the presence of the candidates or their representatives. Any candidate or any representative of any candidate for such office may object to the counting of any ballot. All ballots objected to shall be referred to the district judge for his decision, which shall be rendered at once. The results of such recount shall be certified by the district judge to the secretary of state, or to the county auditor in the case of county offices, no later than fifteen days after the application for a recount

has been filed. The costs of such recount shall be borne by the counties involved. The members of the county canvassing board or such other persons selected by the district judge to assist in such recount shall receive compensation and mileage as provided in section 16-13-16. The results of any recount of votes cast in an election of a member of the legislative assembly shall be admissible in either house of the legislative assembly, or before a committee of either house, as evidence to aid in the determination of an election contest pending in that house.

Approved March 10, 1973

CHAPTER 194

SENATE BILL NO. 2095
(Committee on Judiciary)
(At the request of the Office of the Governor)

MEETING OF PRESIDENTIAL ELECTORS

AN ACT to provide for a time and place for a meeting of the
presidential and vice presidential electors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. MEETING OF PRESIDENTIAL AND VICE PRESIDENTIAL
ELECTORS.) Presidential and vice presidential electors shall
meet at one o'clock p.m. in the office of the governor in the
state capitol building on the first Monday after the second
Wednesday in December next following their appointments by elec-
tion as provided by law for the purpose of casting their ballots
as members of the electoral college. The secretary of state
shall notify the electors of said meeting.

Approved March 13, 1973

CHAPTER 195

HOUSE BILL NO. 1078
(Committee on Judiciary)
(At the request of the Attorney General)

ALLOWING FORMER RESIDENTS TO VOTE

AN ACT to create and enact section 16-16-17.1 of the North Dakota Century Code, relating to allowing former North Dakota residents to vote in North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 16-16-17.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

16-16-17.1. ELIGIBILITY OF FORMER RESIDENTS TO VOTE.) Each citizen of the United States who was a qualified elector in this state immediately prior to establishing residence in another state and who has not qualified for voting purposes due to the residency requirement of that state, may vote in North Dakota for president and vice president only, by applying for a separate ballot at least one day before the election in accordance with sections 16-16-18, 16-16-21, 16-16-22, 16-16-23, 16-16-24, 16-16-25 and 16-16-26 of this chapter, provided the statements relative to new residents contained therein shall, for this purpose, be changed by the county auditor and inspector of elections to comply with the provisions of this section.

Approved March 24, 1973

CHAPTER 196

SENATE BILL NO. 2209
(Lee)

DISTRICT EXECUTIVE COMMITTEES

AN ACT to amend and reenact section 16-17-10 of the North Dakota Century Code, relating to the membership of the district executive committee of each political party.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-17-10 of 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 within thirty days after each general election. The day, 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 vice chairwoman, a secretary, and a treasurer chosen by the district committee. The officers selected need not be precinct committeemen;
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, vice chairwoman, treasurer, and secretary of the district committee shall be members and the officers of the executive committee. The five to fifteen-person membership limitation shall include 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.

Approved March 21, 1973

CHAPTER 197

HOUSE BILL NO. 1434
(Laughlin)

CANVASSING OF LATE
ABSENT VOTERS' BALLOTS

AN ACT to amend and reenact section 16-18-14 of the 1971 Supplement to the North Dakota Century Code, relating to canvassing of mailed absent voters' ballots received late.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-18-14 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-14. CANVASSING OF MAILED ABSENT VOTERS' BALLOTS RECEIVED LATE.) In the case of congressional, state, or county elections, if any envelope postmarked prior to the date of the election and containing an absent voter's ballot 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 postmarked prior to the date of election and containing an absent voter's ballot is received by the 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. Before forwarding any ballot to a canvassing board pursuant to this section, the officer forwarding such ballot shall print the date and hour when it was received on the envelope. Upon receipt, the canvassing board shall first determine that such elector is qualified to vote in that precinct and that said elector did not previously vote in that precinct on the date of the election before allowing such ballot to be tallied.

Approved March 14, 1973

CHAPTER 198

HOUSE BILL NO. 1072
(Rundle)

POLITICAL ADVERTISEMENTS

AN ACT to amend and reenact section 16-20-17.1 of the North Dakota Century Code relating to political advertisements and the disclosure of the name and address of the sponsor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. 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 AND ADDRESS OF SPONSOR.) Each and every political advertisement, whether on behalf of or in opposition to any candidate for public office, initiated measure, 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 name or names and address or addresses of the sponsors of such advertisement, and the name or names and address or addresses of the person, persons, associations, partnerships or corporations promoting or 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 candidate for public office, any initiated measure, referred measure or constitutional amendment to be voted on by the people, there shall be announced at the close of said broadcast the name or names of the person, persons, associations, partnerships or corporations promoting or paying for such radio or television broadcast.

Approved March 28, 1973