

ELECTIONS

CHAPTER 183

SENATE BILL NO. 2162
(Lashkowitz, Homuth)

OPENING AND CLOSING OF POLLS

AN ACT to amend and reenact section 16-01-02 of the North Dakota Century Code, relating to the opening and closing of polls at all primary, general, and special elections.

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

SECTION 1. AMENDMENT.) Section 16-01-02 of 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 nine 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.

Approved April 8, 1975

CHAPTER 184

HOUSE BILL NO. 1472
(Anderson)

FILING DATES FOR CANDIDATES' PETITIONS

AN ACT to amend and reenact sections 16-04-02 and 16-04-04 of the North Dakota Century Code, relating to the filing dates for candidates' petitions.

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

SECTION 1. 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-six days nor less than forty-six days and before four o'clock p.m. of the forty-sixth 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 forty-sixth 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.

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

16-04-04. COUNTY AND LEGISLATIVE DISTRICT CANDIDATES' PETITIONS - FILING - CONTENTS.) Every candidate for a county or district

office shall, not more than sixty-six days nor less than forty-six days and before four o'clock p.m. of the forty-sixth 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 forty-sixth 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.

Approved March 18, 1975

CHAPTER 185

SENATE BILL NO. 2487
(Kautzmann)

DISTRICT COMMITTEES

AN ACT to amend and reenact sections 16-17-09 and 16-17-16 of the North Dakota Century Code, relating to the composition of the district committee of a political party and election of delegates to the state party convention.

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

SECTION 1. AMENDMENT.) Section 16-17-09 of 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 committeemen 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. The district committee of a party shall be organized to coincide with the geographical boundary lines of a state senatorial district. In no event shall any person be allowed more than one vote.

SECTION 2. AMENDMENT.) Section 16-17-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-16. MEETING OF DISTRICT COMMITTEE 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 state senatorial 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 state senatorial 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.

Approved April 8, 1975

CHAPTER 186

SENATE BILL NO. 2463
(Nothing)

VACANCY IN OFFICE OF COMMITTEE TREASURER

AN ACT to amend and reenact section 16-17-15 of the North Dakota Century Code, relating to organization of state committees of political parties.

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

SECTION 1. AMENDMENT.) Section 16-17-15 of 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. If a vacancy occurs in the office of committee treasurer, the committee chairman may appoint a person to serve as acting treasurer. Such vacancy shall be permanently filled for the balance of the term by a majority vote of the state committee at the first committee meeting following the occurrence of the vacancy. A vacancy in an office of the state committee, other than a party district chairman, shall be filled upon a majority vote of the state committee.

Approved March 13, 1975

CHAPTER 187

HOUSE BILL NO. 1102
(Atkinson)

STATE SERVICES FOR POLITICAL USE PROHIBITED

AN ACT to create and enact a new section to chapter 16-20 of the North Dakota Century Code, and to amend and reenact section 16-20-01 of the North Dakota Century Code, relating to the use of state services or property for political purposes.

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

SECTION 1. AMENDMENT.) Section 16-20-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-01. CORRUPT PRACTICE - WHAT CONSTITUTES.) A person shall be guilty of corrupt practice within the meaning of this chapter, if he:

1. Expends any money for election purposes contrary to the provisions of this chapter;
2. Is guilty of treating;
3. Is guilty of undue influence;
4. Is guilty of impersonation; or
5. Is guilty of the use of state services or property for political purposes.

SECTION 2.) A new section to chapter 16-20 of the North Dakota Century Code is hereby created and enacted to read as follows:

USE OF STATE SERVICES OR PROPERTY FOR POLITICAL PURPOSES.)

1. No person shall use any property belonging to or leased by, or any service which is provided to or carried on by, either directly or by contract, the state or any agency, department, bureau, board, or commission thereof, for any political purpose.
2. The following definitions shall be used for the purposes of this section:

- a. "Property" shall include, but is not limited to, motor vehicles, telephones, typewriters, adding machines, postage or postage meters, funds of money, and buildings. However, nothing in this section shall be construed to prohibit any candidate, political party, committee, or organization from using any public building for such political meetings as may be required by law, or to prohibit such candidate, party, committee, or organization from hiring the use of any public building for any political purpose if such lease or hiring is otherwise permitted by law.
- b. "Services" shall include, but is not limited to, the use of employees during regular working hours for which such employees have not taken annual or sick leave or other compensatory leave.
- c. "Political purpose" means any activity directly undertaken by a candidate for any office in support of his own election to such office, or aid and assistance to any candidate, political party, political committee, or organization but shall not include activities undertaken in the performance of a duty of state office.

Approved March 17, 1975

CHAPTER 188

HOUSE BILL NO. 1528
(Glassheim, Watkins)

DISCLOSURE OF FINANCIAL INTERESTS

AN ACT to provide for disclosure of interests by candidates for election to statewide, local, or legislative offices and by certain persons appointed to office by the governor, and to provide a penalty.

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

SECTION 1. DECLARATION OF POLICY.) The legislative assembly declares that public office is a public trust, and, in order to continue the faith and confidence of the people of the state in that trust and in their government, that the people have a right to be assured that the interest of holders of or candidates for public office present no conflict with the public trust.

SECTION 2. STATEMENT OF FINANCIAL INTERESTS TO BE FILED.) Every candidate for elective office shall file a statement of interests as required by this Act. A candidate for a statewide elective office shall file the statement of interests with the secretary of state. A candidate for election as a member of the legislative assembly and for offices other than statewide shall file the statement of interests with the county auditor, or the city auditor if the candidate is running for city office, of the candidate's county or city of residence. Candidates for elective office who are required to file such statements shall make such filing at the time of filing a certificate of nomination, a certificate of endorsement, or a petition of nomination, pursuant to chapters 16-04, 16-05, or 40-21, as is appropriate, provided that any person who has filed a statement as the result of candidacy in a primary election need not refile prior to running in the following general election. Every person who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational licensing board, shall file a statement of interests as required by this Act with the secretary of state simultaneously with announcement of the appointment.

SECTION 3. CONTENTS OF STATEMENT OF INTERESTS.) The statement of interests required to be filed under this Act shall apply to the candidate and his spouse and shall include:

1. An identification of the principal source of income, defined in the state income tax return as "principal occupation", of both the candidate and his spouse.

2. The name of each business or trust, not the principal source of income, in which the person making the statement, and that person's spouse, have a financial interest.
3. A list of the associations or institutions with which the person making the statement, and that person's spouse, are closely associated, or which they serve as a director or officer, and which may be affected by legislative action, in the case of a statement submitted by a legislative candidate, or action by the candidate or appointee in his capacity as an officeholder.
4. The identity by name of all business offices, business directorships, and fiduciary relationships the person making the statement, and that person's spouse, have held in the preceding calendar year.

SECTION 4. POWERS AND DUTIES OF THE ATTORNEY GENERAL.) The attorney general shall:

1. Prescribe the forms for statements of interests required to be filed under this Act and furnish such forms, on request, to persons subject to this Act.
2. Prepare and publish guidelines setting forth recommended uniform methods of reporting for use by persons required to file statements under this Act.
3. Adopt such rules and regulations, in the manner prescribed by chapter 28-32, as may be appropriate to effectuate the purposes of this Act.

SECTION 5. POWERS AND DUTIES OF THE SECRETARY OF STATE AND COUNTY AND CITY AUDITORS.) The secretary of state or the county or city auditor, where appropriate, shall:

1. Accept and file any statement submitted pursuant to this Act.
2. Make statements filed available for public inspection and copying during regular office hours.
3. Preserve statements filed under this Act for the term of office to which the person making disclosure is elected or appointed or until a new statement is filed, and preserve statements filed pursuant to this Act by those candidates who are not elected or appointed for a period of one year after the date of receipt.

SECTION 6. PROCEDURE FOR ENFORCEMENT - INVESTIGATION BY ATTORNEY GENERAL, OR STATE'S ATTORNEY.) Upon a complaint, signed under penalty of perjury, by any person, or upon the motion of the attorney general or state's attorney, the attorney general or state's attorney shall investigate any alleged violation of

this Act. The investigation and its proceedings shall be confidential until a determination has been reached by the investigating officer that enough incriminating evidence exists to bring an action and such action is commenced in the appropriate district court.

SECTION 7. EFFECT OF INTENTIONAL VIOLATION OF ACT - PENALTY.) Intentional violation of this Act shall constitute an infraction and shall result in the person being deprived of the nomination or office, as the case may be. The vacancy created by intentional violation of this Act shall be filled in the manner provided by law.

Approved April 8, 1975