

ELECTIONS

CHAPTER 206

SENATE BILL NO. 2519
(Kelsh)

INITIATIVE, REFERENDUM, AND RECALL PETITIONS

AN ACT to create and enact a new subsection to section 16.1-01-09 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions; and to amend and reenact subsection 1 of section 16.1-01-09 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 16.1-01-09 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A request of the secretary of state for approval of a petition to initiate or refer a measure may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The secretary of state shall prepare a signature form that includes provisions for identification of the measure, the printed name, signature, and address of the committee member, and notarization of the signature.

Upon receipt of a petition to initiate or refer a measure, the secretary of state shall draft a short and concise statement which must fairly represent the measure. The statement must be submitted to the attorney general for approval or disapproval. An approved statement must be affixed to the petition before it is circulated for signatures, must be called the "ballot title", and must be placed immediately before the full text of the measure.

The secretary of state and the attorney general shall complete their review of a petition in not less than five, nor more than seven, business days.

SECTION 2. A new subsection to section 16.1-01-09 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

When signed petitions are delivered to the secretary of state, the chairperson of the sponsoring committee shall submit to the secretary of state an affidavit stating that to the best of that person's knowledge, the petitions contain at least the required number of signatures.

Approved April 3, 1991
Filed April 4, 1991

CHAPTER 207

SENATE BILL NO. 2035
(Legislative Council)
(Interim Elections Committee)

INITIATIVE, REFERENDUM, AND RECALL PETITION FILING

AN ACT to create and enact a new subsection to section 16.1-01-09 of the North Dakota Century Code, relating to the filing of initiative, referendum, and recall petitions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 16.1-01-09 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

A petition must be submitted to the secretary of state by five p.m. on the day designated as the deadline for submitting the petition.

Approved April 5, 1991
Filed April 8, 1991

CHAPTER 208

HOUSE BILL NO. 1256
(Representatives Meyer, DeWitz, Kerzman)
(Senator Krauter)

SUBDIVISION OFFICIAL RECALL

AN ACT to amend and reenact sections 16.1-01-10 and 44-08-21 of the North Dakota Century Code, relating to petitions for the recall of political subdivision elected officials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-10 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-10. Secretary of state to pass upon sufficiency of petitions - Method - Time limit. The secretary of state shall have a reasonable period, not to exceed thirty-five days, in which to pass upon the sufficiency of any petition mentioned in section 16.1-01-09. The secretary of state shall conduct a representative random sampling of the signatures contained in ~~such~~ the petitions by the use of questionnaires, post cards, telephone calls, personal interviews, or other accepted information gathering techniques, or any combinations thereof, to determine the validity of the signatures. Signatures determined by the secretary of state to be invalid ~~shall~~ may not be counted, and all violations of law discovered by the secretary of state ~~shall~~ must be reported to the attorney general for prosecution. When the petition is for the recall of an elected official of a political subdivision under section 44-08-21, the petition must be deemed insufficient unless the petition contains a stated reason or reasons for the recall consistent with the reasons provided in section 44-08-21.

* SECTION 2. AMENDMENT. Section 44-08-21 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

44-08-21. Recall of elected officials of political subdivisions. An elected official of a political subdivision, except an official subject to recall pursuant to section 10 of article III of the Constitution of North Dakota, is subject to recall for misconduct, malfeasance, crime in office, neglect of duty in office, habitual drunkenness, or gross incompetency by petition of electors equal in number to twenty-five percent of the voters voting in the political subdivision at the last who voted in the most recent general election that the office of the official sought to be recalled was on the ballot, except in any political subdivision with a population of not more than one hundred, the petition must be signed by at least six electors. The provisions of section 16.1-01-09, as they relate to signing and circulating recall petitions, apply to petitions under this section.

The petition must include the stated reason for the recall and must be filed with the official with whom a petition for nomination to the office in question is filed unless that official is the person subject to recall, in

* NOTE: Section 44-08-21 was also amended by section 1 of Senate Bill No. 2569, chapter 480.

which case the petition must be filed with the secretary of state. The official with whom the petition is filed shall pass on the sufficiency of a petition under this section in the manner required of the secretary of state under section 16.1-01-10. Except as otherwise provided in this section, the official shall call a special election to be held within ~~thirty~~ forty days if the official finds the petition valid and sufficient. No special election may be called if the date would be within ninety days of the next scheduled election. An elector's name may not be removed from a recall petition.

The name of the official to be recalled must be placed on the ballot unless the official resigns within ten days after the filing of the petition. Other candidates for the office may be nominated in a manner provided by law. If the official resigns, the appropriate political subdivision governing body may call a special election or appoint a person to complete the unexpired term of the office. When the election results have been officially declared, the candidate receiving the highest number of votes is elected for the remainder of the term. No official is subject to recall twice during the term for which the official was elected.

Approved April 10, 1991
Filed April 10, 1991

CHAPTER 209

SENATE BILL NO. 2424
(Stenehjem)

VOTER LISTS

AN ACT to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to voter lists.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

Voter lists - Addition or transfer of names. In a county in which the county auditor prepares a list of the persons who voted at a prior election and provides the list to voting precincts on election day, the county auditor, with the approval of the secretary of state, may establish a procedure by which a person may transfer that person's name from the voter list of one precinct to the voter list of another precinct in the county if that person establishes a new residence, and by which a person who establishes residence in the county may have that person's name placed on the voter list in the appropriate precinct. The procedure provided for in this section may not be used to require the registration of electors.

Approved March 25, 1991
Filed March 26, 1991

CHAPTER 210

SENATE BILL NO. 2403
(Senators Graba, Stenehjem)
(Representative Scherber)

PUBLIC BUILDING ACCESSIBILITY

AN ACT to amend and reenact sections 16.1-04-02, 16.1-13-27, and 48-02-19 of the North Dakota Century Code, relating to physically disabled accessibility requirements for public buildings and facilities and voting places.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-04-02. Voting places - Duties and responsibilities of the board of county commissioners or the governing body of the city. The board of county commissioners of each county:

1. Shall designate a voting place for each precinct and may alter ~~such~~ the voting places when there is a good and sufficient reason. However, the voting places for precincts located within the boundaries of any incorporated city ~~shall~~ must be designated, and altered if required, by the governing body of the city.
2. Shall provide that all voting places ~~which~~ are ~~reasonably~~ accessible to the elderly and the ~~handicapped~~ physically disabled.

SECTION 2. AMENDMENT. Section 16.1-13-27 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-13-27. Disability of elector - Polling place accessibility. Any elector who declares to the judges of the election that the elector cannot read the English language, or that because of blindness or other disability is unable to mark the elector's ballot, upon request, may receive the assistance of any person of the elector's choice, other than the elector's employer, officer or agent of the elector's union, a candidate running in that election, or a relative of a candidate as provided in subsection 2 of section 16.1-05-02, in marking the elector's ballot. If the elector requests the assistance of a member of the election board, however, the elector shall receive the assistance of both election judges in the marking of the elector's ballot. No one assisting any elector in marking a ballot under this chapter ~~shall~~ may give information regarding the ~~same~~ ballot. No elector, other than one who is unable to read the English language or one who because of disability is unable to mark a ballot, ~~shall~~ may divulge to anyone within the polling place the name of any candidate for whom the elector intends to vote, nor ask, nor receive the assistance of any person within the polling place to mark the elector's ballot. ~~In order to comply with the reasonable accessibility requirement of subsection 2 of section 16.1-04-02,~~

in any polling place not accessible to an elector suffering from a physical disability or handicap, the elector may have two members of the election board who are of opposite political parties deliver a ballot from the polling place to a convenient place within the building. After the ballot has been delivered, the disabled or handicapped elector shall cast the ballot in the general presence of both officials. After returning to the polling place with the voted ballot, the election officials shall immediately give the name and address of the elector to the poll clerks who shall enter the information in the pollbooks. The voted ballot must then immediately be placed in the ballot box by both election officials. In order to comply with the reasonable accessibility requirement of subsection 2 of section 16-1-04-02, if a polling place cannot be made accessible, an alternate accessible site within reasonable proximity may also be provided for voting. The board of county commissioners shall publicize the location of alternate polling places if provided. Parking facilities at polling places must be accessible to the elderly and the handicapped physically disabled and must be clearly marked.

SECTION 3. AMENDMENT. Section 48-02-19 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

48-02-19. Public buildings and facilities to be usable by physically handicapped disabled - Access requirements. All public buildings and facilities constructed, in whole or in part, from funds of the state or of its political subdivisions and buildings leased by state agencies, departments, or institutions must be accessible to, and usable by, the physically handicapped disabled in accordance with the provisions of this section by July 1, 1981, with the following exceptions: (1) institutions under the supervision and control of the board of higher education must be constructed or remodeled so as to make all programs offered therein accessible as required in this section by July 1, 1996; and (2) areas, offices, or levels of public buildings not used for activities open to members of the general public. In meeting the requirements of this section, full consideration must be given to the rules recommended in and provided by the American standard specifications (A117-1-1961) approved October 31, 1961, by the American standards association, and future amendments thereto uniform federal accessibility standards. Governing bodies of political subdivisions shall require a statement from the person or persons preparing the plans and specifications for the building or facility that the plans and specifications are in conformance with the provisions of this section. Adequate space for the physically handicapped disabled to park automobiles near the facility without the necessity of crossing a street to reach the facility must be provided. All parking spaces reserved for use by motor vehicles operated by or for physically handicapped disabled persons must be designated by blue paint on the curb or edge of the paved portion of the parking space, as provided in section 39-01-15. All city curbs and crosswalks at principal intersections in the vicinity of public buildings must be made usable to persons in wheelchairs.

Approved April 5, 1991
Filed April 8, 1991

CHAPTER 211

HOUSE BILL NO. 1415
(Representatives Mutzenberger, Snyder)
(Senator Redlin)

ELECTION OFFICER APPOINTMENTS

AN ACT to amend and reenact subsection 2 of section 16.1-05-01 of the North Dakota Century Code, relating to appointment of election officers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 16.1-05-01 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The election judges for each precinct ~~shall be~~ are the precinct committeemen receiving the largest number of votes at the precinct caucus at which they were elected, and representing the two parties ~~which that~~ cast the largest and next largest number of votes in the state at the last general election. If for any reason a precinct committeeman does not wish to serve as an election judge, ~~he the committeeman~~ shall appoint from ~~his the committeeman's~~ precinct a member of ~~his the committeeman's~~ party to serve as election judge. ~~Should such~~ If the appointment ~~not be~~ is not made, the position ~~shall~~ must be filled by appointment by the district party chairman. Each election judge ~~shall~~ must be given a certificate of appointment signed by the chairman of the district committee of ~~his the judge's~~ party. The district committee chairman shall notify the county auditor of the counties in which the precincts are located of the appointment of the election judges at least ~~two weeks prior to twenty-one days~~ before the primary, general, or special election. If this notice is not received within the time specified in this section, the county auditor shall appoint the judge. If at any time before or during an election, it shall be made to appear to an election inspector, by the affidavit of two or more qualified electors of the precinct, that either of the election judges or any poll clerk is disqualified under ~~the provisions of~~ this chapter, the inspector shall remove ~~such that~~ judge or clerk at once and shall fill the vacancy by appointing a qualified person of the same political party as that of the judge or clerk removed. If the disqualified judge or clerk had taken the oath of office as prescribed in this chapter, the inspector shall place ~~such the~~ oath or affidavit before the state's attorney of the county.

Approved March 25, 1991
Filed March 26, 1991

CHAPTER 212

SENATE BILL NO. 2506
(Mathern)

ABSENTEE BALLOTS

AN ACT to amend and reenact sections 15-47-06, 16.1-07-05, subsection 1 of section 16.1-07-08, and subsection 1 of section 16.1-07-08.1, and section 40-21-13 of the North Dakota Century Code, relating to absentee ballots; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 15-47-06 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-47-06. Election procedure in all school districts - Canvass of boards - Tie vote - Absent voters - Recounts. An election in a public school district, except as otherwise provided in this title, must be conducted and the votes must be canvassed in the manner provided by the laws of this state for the election of county officers. Immediately after the polls are closed, the judges shall ~~proceed to~~ count and canvass the votes for each office and the person receiving the highest number of votes for an office must be declared elected. If the election results in a tie, the business manager of the district immediately, and in writing, shall notify the candidates between whom the tie exists, and within three days after the election, and at a time agreed upon by ~~said~~ the candidates, the election must be decided in the presence of the judges and clerks of election in a manner agreed upon by ~~said~~ the candidates. A record of the proceedings must be made in the records of the business manager of the district. Returns must be made to the school board showing the number of votes cast for each person for any office, ~~and such~~. The returns must be signed by the judges and clerks of election and filed with the business manager of the district within two days thereafter. The school board shall canvass all election returns and shall declare the result of any election within three days thereafter, and the result of the election must be entered upon the records of the board. The person receiving the highest number of votes for each office in the district must be declared elected. Absent voters' ballots ~~may~~ must be ~~used~~ available in any school district election in accordance with chapter 16.1-07. Section 16.1-16-01 applies to public school district elections, except the members of the school board not subject to a recount and not disqualified under subdivision c of subsection 2 of section 16.1-05-02 shall perform the duties of the recount board, the school district business manager shall perform the duties of the county auditor, the school board takes the place of the county canvassing board, and all expenses of the recount must be paid as provided in section 15-28-10.

SECTION 2. AMENDMENT. Section 16.1-07-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

* NOTE: Section 15-47-06 was also amended by section 1 of House Bill No. 1120, chapter 197, and by section 2 of Senate Bill No. 2299, chapter 176.

16.1-07-05. Time for ~~making application~~ applying for ballot. At any time ~~within sixty days next preceding in~~ an election year, any qualified elector expecting to be absent on election day as provided in section 16.1-07-01 may ~~make application~~ apply to the county auditor, the auditor or clerk of the city, or the business manager of the school district, as the case may be, for an official ballot to be voted at ~~such~~ that election. A voter may obtain an application form for an absent voter's ballot for a general, special, primary, or county election from either the county auditor or a city auditor. The application form, for a member of the United States armed forces or the United States merchant marine or for a qualified elector living outside the United States, must include a space for the applicant to indicate whether the application is for all statewide elections in the calendar year or only for the election that is immediately after the date of the application. An applicant who is a member of the United States armed forces or the United States merchant marine or is a qualified elector living outside the United States, may apply for and vote by facsimile if otherwise qualified to apply for and vote by absentee ballot. An auditor, clerk, or business manager may send and receive facsimile absentee ballot applications and facsimile absentee ballots to those electors eligible to apply for and vote by facsimile under this section. No auditor or clerk may issue ballots for absentee voters on the day of the election.

SECTION 3. AMENDMENT. Subsection 1 of section 16.1-07-08 of the North Dakota Century Code is amended and reenacted as follows:

1. 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~~ business manager of the school district, as the case may be, shall send to ~~such~~ the absent voter by mail, ~~postage prepaid~~ at the expense of the political subdivision conducting the election, one official ballot, or personally deliver ~~said~~ the ballot to the applicant or ~~his~~ the applicant's agent, which agent may not, at that time, be a candidate for any office to be voted upon by the absent voter; ~~provided, that the~~. The agent ~~signs his~~ shall sign the agent's name before receiving the ballot and ~~deposits~~ deposit with the auditor or ~~clerk~~ business manager of the school district, as the case may be, authorization in writing from the applicant to receive ~~such~~ the ballot or according to requirements hereinafter set forth for signature by mark. No person may receive compensation, including money, goods, or services, for acting as an agent for an elector, nor may a person act as an agent for more than four electors in any one election. A voter voting by absentee ballot may not require the political subdivision providing the ballot to bear the expense of the return postage for an absentee ballot.

SECTION 4. AMENDMENT. Subsection 1 of section 16.1-07-08.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding any other provision of this chapter, a qualified absentee elector may apply to the county auditor ~~not earlier than ninety days before~~ an election for a special write-in absentee ballot. This ballot may be used to vote for presidential electors

and members of the United States senate and of the United States house of representatives.

SECTION 5. AMENDMENT. Section 40-21-13 of the North Dakota Century Code is amended and reenacted as follows:

40-21-13. Municipal elections to be governed by rules applicable to county elections - Absent voting. The manner of conducting, voting at, keeping poll lists, and canvassing votes at municipal elections, and contests of the results of ~~such the~~ elections ~~shall be~~ is governed, as nearly as possible and except as otherwise provided in this chapter, by the laws of this state applicable to elections and contests in the case of county officers. Absent voters' ballots ~~may~~ must be ~~used~~ available in municipal elections in accordance with chapter 16.1-07.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 5, 1991
Filed April 8, 1991

CHAPTER 213

HOUSE BILL NO. 1581
(Representative Bodine)
(Senators Keller, Holmberg)

CAMPAIGN CONTRIBUTIONS

AN ACT to amend and reenact section 16.1-08-02 of the North Dakota Century Code, relating to campaign contributions by corporations, cooperative corporations, and associations; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-08-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08-02. Campaign contributions by corporations, cooperative corporations, and associations prohibited - Violation - Penalty.

1. ~~No~~ A corporation, cooperative corporation, or association ~~shall~~ may not make a direct contribution:
 - a. To aid any political party, political committee, or organization.
 - b. To aid any corporation or association organized or maintained for political purposes.
 - c. To aid any candidate for political office or for nomination to such political office.
 - d. For any political purpose or the reimbursement or indemnification of any person for money or property so used.
 - e. For the influencing of any measure before the legislative assembly, except in accordance with chapter 54-05.1.
2. ~~Nothing in this~~ This section shall be construed to does not prohibit the establishment, administration, and solicitation of contributions to a separate and segregated fund to be utilized for political purposes by a corporation, cooperative corporation, or association. It ~~shall be~~ is unlawful for:
 - a. The person or persons controlling such a fund to make contributions or expenditures utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of them; or utilizing money from dues, fees, treasury funds, or other money required as a condition of membership in an association, or as a condition of employment; or utilizing money obtained in any commercial transaction. Moneys from fees, dues, treasury funds, or money obtained in a

commercial transaction may, however, be used to pay costs of administration of the fund.

- b. Any person soliciting an employee, stockholder, patron, or member for a contribution to such a fund to fail to inform the employee or member of the political purposes of the fund at the time of the solicitation, or of the general political philosophy intended to be advanced through committee activities.
 - c. Any person soliciting an employee or member for a contribution to such a fund to fail to inform the employee or member, at the time of the solicitation, of ~~his~~ the right to refuse to contribute without any reprisal.
 - d. Any contribution to be accepted without keeping an accurate record of the contributor and amount contributed, and of amounts expended for political purposes.
 - e. Any contribution to be accepted from any person who is not an employee, stockholder, patron, or member of the corporation, cooperative corporation, or association maintaining the political committee.
3. A political committee formed to aid or oppose a political party, committee, organization, association, a candidate for political office or nomination to political office, or a measure to be voted upon by the voters of the state shall register its name, address, and its agent's name and address with the secretary of state. The registration must be before the distribution of any contribution and must be submitted with a registration fee of five dollars.
4. All political committees formed for the purpose of administering the segregated fund provided for ~~herein~~ in this section shall file a statement listing all contributions received in excess of ~~one~~ two hundred dollars in the aggregate from each contributor for the twelve-month period beginning with the first day of October and ending with the thirtieth day of September of the following year, showing the name and mailing address of each contributor of an amount in excess of ~~one~~ two hundred dollars in the aggregate for each such twelve-month period, and a listing of all disbursements of an amount in excess of one hundred dollars in the aggregate made for political purposes, no later than October fifteenth following each such twelve-month period with the ~~office of~~ secretary of state. Within thirty days of the close of the calendar year all political committees shall file a supplemental statement in the same form for the last three months of the calendar year.
- a. The form of all statements required by this chapter ~~shall~~ must be as prescribed by the secretary of state.
 - b. The secretary of state may arrange an audit of any statement filed ~~pursuant to~~ under this chapter. The secretary of state shall arrange an audit of any statement that the attorney general requests to be audited. The results of the audit ~~shall~~ must be reported to the attorney general.

c. Records and statements ~~shall~~ must be preserved by the secretary of state for a period of four years from the date of filing. The records and statements are public records and ~~shall~~ must be open to public inspection.

- 4- 5. No A person ~~shall~~ may not make a payment of ~~his own~~ that person's money or of another person's money to any other person for a political purpose in any name other than that of the person who supplies ~~such~~ the money, and ~~no~~ a person may not knowingly ~~shall~~ receive such payment nor enter nor cause the ~~same~~ payment to be entered in ~~his~~ that person's account or record in any name other than that of the person by whom it actually was furnished.
- 5- 6. If an officer, employee, agent, attorney, or other representative of a corporation, cooperative corporation, or association makes any contribution prohibited by this section out of corporate, cooperative corporation, or association funds or otherwise violates ~~the provisions of~~ this section, it ~~shall be~~ is prima facie evidence of a violation by the corporation, cooperative corporation, or association.
- 6- 7. A violation of ~~the provisions of~~ this section may be prosecuted in the county where the contribution is made, or in any county in which it has been paid or distributed.
- 7- 8. It ~~shall be~~ is a class A misdemeanor for an officer, director, stockholder, attorney, agent, or representative of any corporation, cooperative corporation, or association to violate ~~any of the provisions of~~ this section, or to counsel or consent to any violation. Any person who solicits or knowingly receives any contribution in violation of ~~the provisions of~~ this section ~~shall be~~ is guilty of a class A misdemeanor.
- 8- 9. Any officer, director, stockholder, attorney, agent, or representative who makes, counsels, or consents to the making of a contribution in violation of this section ~~shall be~~ is liable to the company, corporation, or association for the amount so contributed.

Approved April 2, 1991
Filed April 4, 1991

CHAPTER 214

SENATE BILL NO. 2298
(Stenehjem)

CANDIDATE INTEREST STATEMENT FILING

AN ACT to amend and reenact section 16.1-09-02 of the North Dakota Century Code, relating to filing of statement of interests of candidates for elective office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-09-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-09-02. Statement of interests to be filed. Every candidate for elective office shall file a statement of interests as required by this chapter. ~~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. A candidate for elective office shall file the statement of interests with the officer with whom the candidate filed the candidate's certificate of nomination, certificate of endorsement, or petition of nomination.~~ Candidates for elective office who are required to file such statements shall do so at the time of filing a certificate of nomination, a certificate of endorsement, or a petition of nomination, pursuant to chapter 16.1-11, 16.1-12, 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 or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment.

Approved March 25, 1991
Filed March 26, 1991

CHAPTER 215

SENATE BILL NO. 2508
(Senators O'Connell, Goetz, Streibel)
(Representatives Carlson, Trautman, Hokana)

NOMINATION PETITION SIGNATURES

AN ACT to amend and reenact subdivision c of subsection 2 of section 16.1-11-11 and section 40-21-07 of the North Dakota Century Code, relating to signature requirements for nomination petitions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision c of subsection 2 of section 16.1-11-11 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. The signatures of qualified electors, the number of which must be determined as follows:
 - (1) If the office is under no party designation, the signatures of not less than two percent and not more than five percent of the total vote cast for the office at the most recent general election at which the office was voted upon.
 - (2) If the office is under no party designation and multiple candidates were elected to the office at the preceding general election at which the office was voted upon, the signatures of not less than two percent and not more than five percent of the votes cast for all candidates divided by the number of candidates that were to be elected to that office.
 - (3) If the office is under a party designation, the signatures of the same percentage as provided in paragraph 1 of the total vote cast for the candidate of the party represented for the same position at the most recent general election at which the office was voted upon.
 - ↔ (4) If there were more than one party candidate, the signatures of the same percentage as provided in paragraph 1 of the total number of votes for all party candidates divided by the number of party candidates.
 - ↔ (5) If no candidate was elected or no votes were cast for an office at any general election, the number of signers equal to the percentage as provided in paragraph 1 applied to the total average vote cast for the offices of sheriff and county auditor at the most recent general election at which those officers were elected in the petitioner's

county or district. This average ~~shall~~ must be determined by dividing by two the total vote cast for those offices.

- (6) In no case ~~shall~~ may more than three hundred signatures be required.

SECTION 2. AMENDMENT. Section 40-21-07 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-21-07. Petition for nomination of elective official in ~~municipalities~~ cities - Signatures required - Contents. A candidate for any public office in an incorporated city may be nominated by filing with the city auditor, at least thirty-three days and before four p.m. on the thirty-third day ~~prior to~~ before the holding of the election, a petition signed by not less than ten percent of the number of qualified electors who voted for that office in the last city election. If multiple candidates were elected to the office at the preceding city election at which the office was voted upon, the number of signatures must equal at least ten percent of the total votes cast for all candidates divided by the number of candidates that were to be elected to that office at that election. Qualified electors who sign a petition ~~shall~~ must reside within the ward or precinct in and for which ~~such~~ that officer is to be elected, if the election is by wards, or within the corporate limits of the city if the officer is elected at large. In cities operating under the commission system of government the required petition may be signed by the qualified electors at large residing within the city. If a petition is mailed, it ~~shall~~ must be in the possession of the city auditor before four p.m. on the thirty-third day prior to the holding of the election. ~~In no case shall~~ However, no more than three hundred signatures may be required, and ~~such~~ the signatures may be on separate sheets of paper. Each qualified elector who signs ~~such~~ a petition shall add to ~~his~~ name his the petition the petitioner's mailing address.

Approved April 5, 1991
Filed April 8, 1991

CHAPTER 216

HOUSE BILL NO. 1183
(Committee on Judiciary)
(At the request of the Public Service Commission)

STATE OFFICE BALLOT LISTING

AN ACT to amend and reenact subsection 3 of section 16.1-11-26 of the North Dakota Century Code, relating to the order in which names of state offices appear on the ballot.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 16.1-11-26 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. State offices:

governor and lieutenant governor

secretary of state

state auditor

state treasurer

attorney general

commissioner of insurance

commissioner of agriculture

~~commissioner of~~ public service commissioner

tax commissioner

Approved March 8, 1991
Filed March 8, 1991

CHAPTER 217

SENATE BILL NO. 2391
(Stenehjem, Holmberg)

PRESIDENTIAL WRITE-IN CANDIDATE CERTIFICATE

AN ACT relating to certificates of candidacy by write-in candidates for presidential electors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Certificate of candidacy by write-in candidates for presidential electors. A person who intends to be a write-in candidate for president of the United States shall file a certificate of write-in candidacy with the secretary of state by four p.m. on the twenty-first day before the general election. The certificate must contain the names and addresses of the candidates for presidential electors for that presidential candidate and a certification of acceptance signed by each candidate for elector. The candidate shall sign the certificate. The certificate may also include the name and address of a candidate for vice president of the United States and a certification of acceptance signed by that candidate. The secretary of state shall prescribe the form of the certificate of write-in candidacy and the certification of acceptance. Before the thirteenth day before the election, the secretary of state shall certify the names of the presidential candidates and the presidential electors to each county auditor as write-in candidates.

Approved March 25, 1991
Filed March 26, 1991

CHAPTER 218

HOUSE BILL NO. 1304
(Kretschmar)

CANDIDATES FOR MULTIPLE OFFICES

AN ACT to amend and reenact section 16.1-12-03 of the North Dakota Century Code, relating to the nomination and election of a person to more than one office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-12-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-12-03. Certificate of nomination to contain only one name - Person to participate in only one nomination - Exception. No certificate of nomination provided for by this chapter, except in the case of presidential electors, may contain the name of more than one nominee for each office to be filled. ~~Except for persons holding or seeking nominations to offices filled by electors of the entire state or of any district greater than a county and except for persons holding or seeking nomination to the office of county judge, any~~ A person elected or appointed to an office appearing on the no-party ballot or seeking nomination and election to a no-party office may also seek nomination to legislative office and may serve in the legislative assembly, unless the no-party office is the office of county judge or district court judge, or a statewide elective office. Except as may be permitted in this section, no person may participate directly or indirectly in the nomination of more than one person for each office to be filled on the general election ballot, except a person may sign a certificate of nomination by petition for more than one person for each office, and no person may accept a nomination to more than one office on the general election ballot. No political party is entitled to more than one set of nominees on the official general election ballot.

Approved March 20, 1991
Filed March 21, 1991

CHAPTER 219

HOUSE BILL NO. 1588
(Linderman, Thorpe)

VOTER ABSTRACTS AND ELECTION RECOUNTS

AN ACT to amend and reenact section 16.1-15-25 and subsections 1 and 2 of section 16.1-16-01 of the North Dakota Century Code, relating to voter abstracts and election recounts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-15-25 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-15-25. County auditor to forward abstract of votes of general election to secretary of state - Contents - Abstract for presidential electors. Within ten days and before four p.m. on the tenth 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~~ the county at ~~such~~ the 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. The separate abstract for presidential electors ~~shall~~ must be sealed, endorsed "presidential election returns", and ~~shall~~ must be transmitted by registered or certified mail to the secretary of state. At the time the county auditor transmits the certified abstract of the votes cast in ~~his~~ the county, ~~he~~ the county auditor 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~~ the county.

SECTION 2. AMENDMENT. Subsections 1 and 2 of section 16.1-16-01 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. A recount must be conducted when:
 - a. Any person failed to be nominated in a primary election by one percent or less of the highest vote cast for a candidate ~~of his~~ party for the office sought.
 - b. Any person failed to be elected in a general or special election by one-half of one percent or less of the highest vote cast for a candidate for that office.
 - c. A question or measure submitted to the qualified electors has been decided by a margin not exceeding one-fourth of one percent of the total vote cast for and against the question at any election.

2. A demand for a recount may be made by any of the following:
 - a. Any person who failed to be nominated in a primary election by more than one percent and less than two percent of the highest vote cast for a candidate ~~of the person's party~~ for the office sought.
 - b. Any person who failed to be elected in a general or special election by more than one-half of one percent and less than two percent of the highest vote cast for a candidate for that office.

Approved March 25, 1991

Filed March 26, 1991