

SENATE BILL NO. 2055

Introduced by

Senators J. Lee, Flakoll

Representatives Price, Porter

1 A BILL for an Act to amend and reenact sections 44-01-01 and 44-04-21 of the North Dakota
2 Century Code, relating to a public official's eligibility to hold office and audio recording of public
3 meetings.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 44-01-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **44-01-01. Eligibility to office.** Every elector is eligible to the office for which that
8 person is an elector, except when otherwise specially provided. No person is eligible who is not
9 such an elector. A person who is appointed to serve on a statutorily created entity must be a
10 qualified elector.

11 **SECTION 2. AMENDMENT.** Section 44-04-21 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **44-04-21. Open voting at public meetings required - Results recorded in minutes -**
14 **Audio recording.**

15 1. Unless otherwise specifically provided by law, all votes of whatever kind taken at
16 any public meeting governed by the provisions of section 44-04-19 must be open,
17 public votes, and all nonprocedural votes must be recorded roll call votes, with the
18 votes of each member being made public at the open meeting. Procedural votes
19 must be recorded roll call votes upon the request of any member of a governing
20 body holding a meeting subject to this section. As used in this section,
21 "nonprocedural" should be broadly interpreted and includes all votes that pertain to
22 the merits of the matter before the governing body.

23 2. A governing body holding a public meeting shall make an audio recording of the
24 meeting and preserve the recording for at least one year. Except for portions of a

- 1 meeting closed for executive session, an audio recording of a public meeting is an
2 open record.
- 3 3. Minutes must be kept of all open meetings and are records subject to section
4 44-04-18. The minutes must include, at a minimum:
- 5 a. The names of the members attending the meeting;
6 b. The date and time the meeting was called to order and adjourned;
7 c. A list of topics discussed regarding public business;
8 d. A description of each motion made at the meeting and whether the motion
9 was seconded;
10 e. The results of every vote taken at the meeting; and
11 f. The vote of each member on every recorded roll call vote.
- 12 4. Notwithstanding subsection 8 of section 44-04-18, the disclosure of minutes kept
13 under this subsection may not be conditioned on the approval of the minutes by the
14 governing body.