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Sixty-fourth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1474**

Introduced by

Representatives Boehning, Rick C. Becker, Kasper, Kreidt, Schatz

Senators Casper, Sorvaag

1 A BILL for an Act to amend and reenact section 1-08-09, subsection 9 of section 2-06-10,  
2 sections 4-02-27.1, 4-02-27.2, and 4-08-15.1, subsection 1 of section 4-33-11, sections  
3 11-09.1-03, 11-11-18, 11-11-53, and 11-12-01, subsection 9 of section 11-13-02, sections  
4 11-28-06 and 11-28.3-02, subsection 9 of section 11-36-10, subsection 8 of section 11-37-08,  
5 sections 12.1-14-02, 15.1-07-03, 15.1-07-04, 15.1-09-01, 15.1-09-05, 15.1-09-07, 15.1-09-08,  
6 15.1-09-16, and 15.1-09-17, subsection 3 of section 15.1-09-39, paragraph 2 of subdivision d of  
7 subsection 1 of section 15.1-09-54, sections 15.1-12-11, 15.1-12-13, and 15.1-12-14,  
8 subsection 1 of section 15.1-12-21, subsections 9 and 11 of section 16.1-01-09.1, subsection 3  
9 of section 16.1-03-21, sections 16.1-04-03, 16.1-05-01, 16.1-05-03, 16.1-06-09, 16.1-07-01,  
10 16.1-07-04, 16.1-07-05, 16.1-07-12.1, 16.1-07-15, and 16.1-07-19, subsection 13 of section  
11 16.1-08.1-01, subsection 2 of section 16.1-08.1-03.3, subsection 3 of section 16.1-08.1-03.8,  
12 subsection 2 of section 16.1-08.1-03.12, subdivision a of subsection 2 of section 16.1-10-02,  
13 sections 16.1-11-01, 16.1-11-05, 16.1-11-06, 16.1-11-11.1, 16.1-11-15, 16.1-11-30, 16.1-11-32,  
14 16.1-12-02, and 16.1-12-02.3, subsection 1 of section 16.1-12-04, sections 16.1-13-01,  
15 16.1-13-08, 16.1-13-08.1, 16.1-13-10, 16.1-15-15, 16.1-15-32, 16.1-15-35, 16.1-15-41,  
16 16.1-15-42, 16.1-15-43, 16.1-15-44, 16.1-16-01, and 21-03-04, subsection 1 of section  
17 21-03-06.1, subsection 2 of section 21-03-10, section 21-03-11, subsections 2 and 3 of section  
18 23-29-07, sections 23-30-02, 24-05-01, 27-25-04, 40-03.1-03, 40-03.2-03, 40-04-07, 40-04-10,  
19 40-04.1-03, 40-05-09.1, 40-05-09.2, 40-05.1-04, 40-08-08, 40-08-16, 40-09-10, 40-12-06,  
20 40-12-09, 40-12-10, 40-21-02, 40-21-03.1, 40-21-07, 40-24-10, and 40-33-02, subsections 6  
21 and 7 of section 40-33.2-02, subsections 1, 4, and 9 of section 40-33.2-03, subsections 4  
22 and 10 of section 40-33.2-05, sections 40-33.3-01, 40-33.3-04, and 40-35-07, subsection 4 of  
23 section 40-38-02, sections 40-44-12, 40-49-07, and 40-49-07.2, subsection 1 of section  
24 40-53.1-01, sections 40-53.2-03, 40-55-08, 40-55-09, 40-57.2-04, 40-59-04, 44-08-21,  
25 47-04-32, 47-04.1-14, 54-40.4-04, 55-02-07.2, and 57-15-06.5, subsection 29 of section

1 57-15-06.7, subsection 2 of section 57-15-06.10, sections 57-15-08, 57-15-12, 57-15-12.1,  
2 57-15-14, and 57-15-14.5, subsection 1 of section 57-15-16, sections 57-15-22.2, 57-15-38,  
3 57-15-42, 57-15-50, 57-15-51, 57-15-51.1, 57-15-53, 57-15-54, 57-15-57, 57-17-02, and  
4 57-19-09, and subsections 2 and 3 of section 57-40.6-02 of the North Dakota Century Code,  
5 relating to annual primary and general elections; to repeal sections 11-13-16, 15.1-09-09,  
6 15.1-09-10, 15.1-09-11, 15.1-09-12, 15.1-09-13, 15.1-09-14, 15.1-09-15, 15.1-09-18,  
7 15.1-09-19, 15.1-09-20, 15.1-09-21, 15.1-09-22, 15.1-09-23, 15.1-09-24, 16.1-13-12,  
8 16.1-13-13, 16.1-13-14, 16.1-13-15, 16.1-13-16, 16.1-13-17, 40-21-05, 40-21-11, and 40-21-16  
9 of the North Dakota Century Code, relating to school district and special elections; and to  
10 provide an effective date.

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

12 **SECTION 1. AMENDMENT.** Section 1-08-09 of the North Dakota Century Code is amended  
13 and reenacted as follows:

14 **1-08-09. Service of civil process within boundary of an open polling location.**

15 During any ~~primary, general, or special~~ election held in this state, ~~or in any district, county,~~  
16 ~~city, or precinct,~~ civil process may not be served on any ~~person~~individual entitled to vote at the  
17 election within one hundred feet [30.48 meters] from the outermost entrance leading into the  
18 building or facility in which a polling place is located and open for voting.

19 **SECTION 2. AMENDMENT.** Subsection 9 of section 2-06-10 of the North Dakota Century  
20 Code is amended and reenacted as follows:

21 9. For bonds issued under this section to be an obligation of a municipality or authority,  
22 the issuance of the bonds must be approved by a majority vote of the governing body  
23 of each municipality involved or, within thirty days after the authority decides it wishes  
24 to issue the bonds, the municipality or authority must put the question, specifying the  
25 amount of the bond at issue, to the people at an election. The question may be put at  
26 a primary or general election, ~~a primary election, a municipal election, or at an election~~  
27 ~~called for the purpose~~. If a majority of the qualified electors voting on the issue vote in  
28 favor of issuing the bonds, the authority or municipality may, to the amount authorized  
29 in the election, pledge the general obligation of the authority or municipality to  
30 guarantee the repayment of the principal and interest on the bonds.

1       **SECTION 3. AMENDMENT.** Section 4-02-27.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **4-02-27.1. Additional levy authorized.**

4       The board of county commissioners may, by appropriate resolution, submit to the electors  
5 of the county at the next ~~special~~primary or general election, the question of whether an annual  
6 tax levy, in addition to the levy provided in section 4-02-27, shall be authorized for the purposes  
7 of aiding a county fair association. If an additional levy is approved by the electors, the board of  
8 county commissioners may make the additional annual levy, not to exceed the limitation in  
9 section 57-15-06.7, and disburse the proceeds in the manner provided in section 4-02-27 for  
10 the levy and disbursement of other county fair association aid funds. The failure of the electors  
11 to approve any additional mill levy under this section may not be construed as invalidating a  
12 levy approved prior to the election.

13       **SECTION 4. AMENDMENT.** Section 4-02-27.2 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15       **4-02-27.2. Additional levy in certain counties.**

16       The board of county commissioners of any county, when petitioned by at least five percent  
17 of the qualified electors of the county, including qualified electors residing in at least one-half of  
18 the voting precincts of the county as determined by the number of votes cast in the county for  
19 the office of governor at the preceding general election at which the office was on the ballot,  
20 shall submit to the qualified electors of the county at any primary or general election ~~or special~~  
21 ~~election called for such purpose~~, the proposition of authorizing the board of county  
22 commissioners to purchase or lease in the name of the county not to exceed two hundred forty  
23 acres [97.12 hectares] of real estate and to construct thereon such buildings and other  
24 improvements as may be deemed desirable for the conduct of a county fair and authorizing the  
25 board of county commissioners, if the county general fund is deemed insufficient to provide  
26 funds therefor, to levy a tax not exceeding the limitation in subsection 2 of section 57-15-06.7. If  
27 a majority of the votes cast by qualified electors on the question at the election are in favor of  
28 the proposition, including the proposed levy, the tax must be levied and collected as are other  
29 property taxes, with the proceeds to be placed into a fund to be known as the "county fair fund".  
30 The tax is in addition to any mill levy limitations provided by law, including the levies authorized  
31 by sections 4-02-27 and 4-02-27.1.

1       **SECTION 5. AMENDMENT.** Section 4-08-15.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **4-08-15.1. Extension work - Additional tax levy.**

4       The board of county commissioners of any county, upon passage of a resolution, may  
5 submit, at the next ~~regularly scheduled or special~~ primary or general election ~~in the county~~, the  
6 question of providing for an additional annual levy not exceeding the limitation in subsection 5 of  
7 section 57-15-06.7 for extension work. If the question submitted is approved by a majority of the  
8 electors voting thereon, the board shall proceed to make the levy. The number of mills approved  
9 by the electors as an additional annual levy may not be increased by the board without voter  
10 approval of such increased levy as set out in this section, even if there is a subsequent increase  
11 in the mill levy limitation in subsection 5 of section 57-15-06.7. Upon approval of the levy for the  
12 extension work, the board may expend the funds in the manner it deems best adapted to  
13 accomplish the purposes set forth by law. The levy may be discontinued upon the passage of a  
14 resolution by the board of county commissioners.

15       **SECTION 6. AMENDMENT.** Subsection 1 of section 4-33-11 of the North Dakota Century  
16 Code is amended and reenacted as follows:

17       1. The governing body of any political subdivision may appropriate money for the control  
18 of pests under this chapter. If state funds are involved, the money must be expended  
19 according to control plans approved by the commissioner. The governing body of a  
20 political subdivision shall determine the portion, if any, of control program costs to be  
21 paid by the political subdivision. Costs of the control program may be paid by moneys  
22 in the emergency fund. If the emergency fund is not sufficient to carry out the program,  
23 the governing body may expend money from the general fund and in this event the  
24 governing body, except the governing body of a park district, upon approval of sixty  
25 percent of those voting in ~~any special election or~~ the next ~~regularly scheduled~~ primary  
26 or general election, may levy a tax during the following year upon all taxable property  
27 in the political subdivision to fully reimburse the general fund for the amount expended  
28 except that the levy may not exceed the limitation in subsection 1 of section  
29 57-15-28.1.

30       **SECTION 7. AMENDMENT.** Section 11-09.1-03 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **11-09.1-03. Submission of charter to electors.**

2           At least sixty days, but no more than two years, after submission of the charter to the board  
3 of county commissioners, the proposed charter must be submitted to a vote of the qualified  
4 electors of the county at a primary or general election. If the proposed charter has been  
5 submitted to a vote of the qualified electors of the county, the board of county commissioners  
6 may ~~call a special election to~~ resubmit the proposed charter to a vote of the qualified electors of  
7 the county, ~~and the special election must take place at least sixty days after the call for the~~  
8 ~~special election~~ at the next primary or general election. The board may amend the proposed  
9 charter prior to its resubmission to the electors.

10           **SECTION 8. AMENDMENT.** Section 11-11-18 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12           **11-11-18. Board to submit extraordinary outlay to vote.**

13           The board of county commissioners shall submit to the electors of the county at any ~~regular~~  
14 ~~or special~~ primary or general election any proposal for an extraordinary outlay of money by the  
15 county when the proposed expenditure is greater in amount than can be provided for by the  
16 annual tax levies. If the board considers the courthouse, jail, or other public buildings of the  
17 county inadequate for the needs of the county or deems it necessary to build a county hospital,  
18 and if it is thought that it is not for the best interests of the county to issue bonds to aid in the  
19 construction of such buildings or that the construction of such buildings by any other procedure  
20 is not for the best interests of the county, it shall submit to the electors of the county, at any  
21 ~~regular or special~~ primary or general election, the proposal for the construction of a courthouse,  
22 jail, or other public building by establishing a building fund to aid in the construction thereof. The  
23 requirements of this section shall not apply to lease-purchase agreements authorized by section  
24 24-05-04.

25           **SECTION 9. AMENDMENT.** Section 11-11-53 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27           **11-11-53. Appropriation for historical works - Authorization of tax levy - Approval of**  
28 **state historical society and attorney general.**

29           1. The board of county commissioners of any county may appropriate out of the general  
30 fund of the county a sum, not exceeding five thousand dollars annually, to be paid to  
31 the historical society of the county and used for the promotion of historical work within

1 the borders of the county, including the collection, preservation, and publication of  
2 historical material, and to disseminate historical information of the county, and in  
3 general to defray the expense of carrying on historical work in the county.

4 2. The board of county commissioners may levy a tax, not exceeding the limitation in  
5 subsection 8 of section 57-15-06.7, for the promotion of historical works within the  
6 borders of the county and in general defray the expense of carrying on historical work  
7 in the county, including the maintenance of any historical room or building, and  
8 furthering the work of the historical society of the county. The levy is in addition to any  
9 moneys appropriated from the general fund of the county for historical work as  
10 provided in subsection 1. The board of county commissioners may, by resolution,  
11 submit the question of an additional tax levy to the qualified electors of the county at  
12 the next ~~countywide~~primary or general, primary, or special election. If sixty percent of  
13 the qualified electors voting on the question approve, a tax must be levied not  
14 exceeding the limitation in subsection 8 of section 57-15-06.7, which tax may be  
15 expended as provided in this section.

16 3. The appropriation and levy authorized by this section may not be used to defray any  
17 expenses of a county historical society until it is incorporated under the laws of this  
18 state as a nonprofit corporation, is affiliated with and has its articles of incorporation  
19 and bylaws approved by the state historical society and the attorney general, and has  
20 contracted with the board of county commissioners in regard to the manner in which  
21 the funds received will be expended and the services to be provided. Historical  
22 societies that qualified for county funds under subsection 1 before July 1, 1965, are  
23 not required to have articles of incorporation and bylaws approved by the attorney  
24 general to receive funds under subsection 1.

25 **SECTION 10. AMENDMENT.** Section 11-12-01 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27 **11-12-01. Petition to change number of county commissioners - Election on question.**

28 If at least twenty percent of the qualified electors of a county, as determined by the number  
29 of votes cast for the office of governor at the preceding general election at which the office was  
30 on the ballot, shall petition the board of county commissioners for:

- 1           1.    The increase of the number of county commissioners from three to five if the county, at  
2                    the time of the filing of the petition, has three commissioners; or  
3           2.    The decrease of the number of county commissioners from five to three if the county,  
4                    at the time of the filing of the petition, has five commissioners,  
5 the board of county commissioners shall submit the question presented by the petition to the  
6 qualified electors of the county at a ~~special election to be held in connection with~~ the next  
7 ~~statewide~~ primary or general election, whichever is specified in the petition.

8           **SECTION 11. AMENDMENT.** Subsection 9 of section 11-13-02 of the North Dakota Century  
9 Code is amended and reenacted as follows:

- 10           9.    Perform all acts required of the auditor relative to the making out and delivering of  
11                    notices of ~~general and special~~ elections, making abstracts of and canvassing the votes  
12                    cast at an election, issuing certificates of election, and forwarding the abstract of votes  
13                    cast to the secretary of state.

14           **SECTION 12. AMENDMENT.** Section 11-28-06 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16           **11-28-06. Tax levy by board of county commissioners.**

17           At the time of levying taxes for other county purposes, the board of county commissioners  
18 shall consider the certificate and budget statement of the board of county park commissioners  
19 and shall levy each year upon all taxable property in the county a tax sufficient in amount to pay  
20 the actual necessary expenses and activities program of the board of county park  
21 commissioners, including construction, improvement, repair, operation, and maintenance of the  
22 park and recreational areas and their facilities under its control and those recreational activities  
23 of benefit to the general populace of the county which are under the control of a city or a city  
24 park district within the county, not exceeding the limitation in subsection 10 of section  
25 57-15-06.7. No levy in excess of this limitation ~~shall~~may be made without approval of the  
26 eligible voters in the county at a ~~special~~primary or general election. The county auditor shall  
27 credit the proceeds of such tax to the separate fund of the board of county park commissioners.  
28 This levy ~~shall~~does not apply to cities that already have a park levy unless the governing body  
29 of the city by resolution consents to the levy.

30           **SECTION 13. AMENDMENT.** Section 11-28.3-02 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **11-28.3-02. Election in affected counties.**

2           When a petition is filed in the office of the county auditor pursuant to section 11-28.3-01, the  
3 county auditor shall determine and certify that the petition has been signed by at least twenty  
4 percent of the qualified electors voting at the last general election for governor and residing  
5 within the boundaries of the proposed district. If the proposed district is situated within two or  
6 more counties, the county auditor of the county wherein most of the petitioners reside shall  
7 confer with the other affected county auditors for the purpose of determining the adequacy of  
8 the petitions in all the counties affected.

9           If the county auditor or county auditors determine that the petitions submitted are adequate  
10 according to the provisions of this chapter, the question of whether the rural ambulance service  
11 district shall be formed and organized shall must be submitted to a vote of the qualified  
12 electors residing in the proposed district at the next ensuing countywide special, primary, or  
13 general election. ~~The election provided for by this chapter shall be conducted in the same~~  
14 ~~manner as other county elections are conducted, except as otherwise provided by this chapter.~~

15           **SECTION 14. AMENDMENT.** Subsection 9 of section 11-36-10 of the North Dakota Century  
16 Code is amended and reenacted as follows:

17           9. For bonds issued under this section to be an obligation of a municipality or port  
18 authority, the issuance of the bonds must be approved by a majority vote of the  
19 governing body of each municipality involved or, within thirty days after the port  
20 authority decides it wishes to issue the bonds, the municipality or port authority must  
21 put the question, specifying the amount of the bond at issue, to the people at an  
22 election. The question may be put at a primary or general election, ~~a primary election,~~  
23 ~~a municipal election, or at an election called for the purpose.~~ If a majority of the  
24 qualified electors voting on the issue vote in favor of issuing the bonds, the port  
25 authority or municipality, to the amount authorized in the election, may pledge the  
26 general obligation of the port authority or municipality to guarantee the repayment of  
27 the principal and interest on the bonds.

28           **SECTION 15. AMENDMENT.** Subsection 8 of section 11-37-08 of the North Dakota Century  
29 Code is amended and reenacted as follows:

30           8. For bonds issued under this section to be an obligation of a political subdivision or  
31 commerce authority, the issuance of the bonds must be approved by a majority vote of

1 the governing body of each political subdivision involved or, within thirty days after the  
2 commerce authority decides to issue the bonds, the political subdivision or commerce  
3 authority must put the question, specifying the amount of the bond at issue, to the  
4 electors at any primary, or general, ~~or special~~ election. If a majority of the qualified  
5 electors voting on the issue vote in favor of issuing the bonds, the commerce authority  
6 or political subdivision, to the amount authorized in the election, may pledge the  
7 general obligation of the commerce authority or political subdivision to guarantee the  
8 repayment of the principal and interest on the bonds.

9 **SECTION 16. AMENDMENT.** Section 12.1-14-02 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **12.1-14-02. Interference with elections.**

12 A person is guilty of a class A misdemeanor if, whether or not acting under color of law,  
13 ~~he~~ the person, by force or threat of force or by economic coercion, intentionally:

- 14 1. Injures, intimidates, or interferes with ~~another~~ any individual because ~~he~~ the individual is  
15 or has been voting for any candidate or issue or qualifying to vote, qualifying or  
16 campaigning as a candidate for elective office, or qualifying or acting as a poll watcher  
17 or other election official, in any ~~primary, special, or general~~ election.
- 18 2. Injures, intimidates, or interferes with ~~another in order~~ any individual to prevent ~~him~~ the  
19 individual or any other ~~person~~ individual from voting for any candidate or issue or  
20 qualifying to vote, qualifying or campaigning as a candidate for elective office, or  
21 qualifying or acting as a poll watcher or other election official, in any ~~primary, special,~~  
22 ~~or general~~ election.

23 **SECTION 17. AMENDMENT.** Section 15.1-07-03 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **15.1-07-03. District's limit of indebtedness - Resolution.**

- 26 1. The board of a school district may by resolution place on the ballot of any ~~regular or~~  
27 ~~special~~ election the question of increasing the district's limit of indebtedness, beyond  
28 that fixed by the constitution, by five percent of the assessed valuation of all taxable  
29 property in the district.
- 30 2. The board of a school district shall place on the ballot of the next ~~regular~~ primary or  
31 ~~special~~ general election the question of increasing the district's limit of indebtedness,

1 beyond that fixed by the constitution, by five percent of the assessed valuation of all  
2 taxable property in the district, if the board receives a petition requesting the increase  
3 and signed by qualified electors of the district equal in number to at least one-third of  
4 those who voted at in the most recent ~~annual~~ school district election.

5 **SECTION 18. AMENDMENT.** Section 15.1-07-04 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15.1-07-04. District's limit of indebtedness - Election - ~~Notice.~~**

8 If an election is to include a question regarding an increase in the school district's limit of  
9 indebtedness, the board of the school district shall ensure ~~that~~ the question is clearly stated in  
10 the notice of election. ~~If the board calls a special election to vote on the question of increasing~~  
11 ~~the district's limit of indebtedness, the board shall publish notice of the election in the official~~  
12 ~~newspaper of the district, at least fourteen days before the date of the election.~~

13 **SECTION 19. AMENDMENT.** Section 15.1-09-01 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **15.1-09-01. School board membership - Size and term adjustments.**

- 16 1. The board of a school district must be composed of five, seven, or nine members.
- 17 2. The size of a school board may be increased to seven or nine members or decreased  
18 to seven or five members if a petition is signed by qualified electors of the school  
19 district equal in number to at least one-third of those who voted at in the most recent  
20 ~~annual~~ election of members of the board of the school district election and the change  
21 is approved by a majority of the qualified electors of the school district voting on the  
22 question at a ~~special~~ the next primary or general election called for that purpose.
- 23 3. If a majority of the qualified voters in a school district elect to increase the size of the  
24 school board, the additional members must be elected to the board at the next ~~annual~~  
25 ~~school district~~ primary election in the same manner as other board members.
  - 26 a. If the total number of board members after approval of the increase is seven, the  
27 terms of three members extend until the first ~~annual~~ primary election, the terms of  
28 two members extend until the second ~~annual~~ primary election, and the terms of  
29 the remaining two members extend until the third ~~annual~~ primary election.
  - 30 b. If the total number of board members after approval of the increase is nine, the  
31 terms of three members extend until the first ~~annual~~ primary election, the terms of

- 1                   three members extend until the second ~~annual~~primary election, and the terms of  
2                   the remaining three members extend until the third ~~annual~~primary election.
- 3           c.    The length of the terms specified in this subsection must be determined by lot.
- 4           d.    All board members shall serve for the terms specified in this subsection and until  
5           their successors are elected and qualified.
- 6           e.    The length of any term in existence before the increase in board membership and  
7           held by a board member who is duly qualified may not be modified.
- 8           f.    Terms subsequent to the first term are for the normal period of three years and  
9           extend until a successor is elected and qualified.
- 10          4.    ~~If on July 1, 2005, the board of any school district contains only three members, the  
11           board must be increased to five members and the additional members must be  
12           elected at the next annual school district election, in the same manner as other board  
13           members. The initial term of one additional member must be one year and the initial  
14           term of the other additional member must be two years. The length of the terms  
15           specified in this subsection must be determined by lot. Thereafter, the size of the  
16           board may be increased in accordance with subsections 2 and 3.~~
- 17          5.    The voters of a school district shall elect school board members at large. If, however,  
18           the district has been reorganized, board members may be elected at large, by  
19           geographical area, or at large by geographical area.
- 20          ~~6.5.~~    An election on a reorganization proposal takes the place of the petition and election  
21           requirements of this section. Approval of the reorganization proposal has the same  
22           effect as if the approval were by the election provided for in this section.
- 23          ~~7.6.~~    If the qualified electors of a district approve a reduction in the size of the school board,  
24           the excess number of members will serve out existing terms until the number  
25           approved by the electors has been reached.
- 26          ~~8.7.~~    If the board of a school district has elected to convert its members' terms to four years  
27           and has also increased the number of its board members, the board by lot or by some  
28           other random selection method shall provide for a combination of initial terms of office  
29           not to exceed four years for the new members. The combination must equalize to the  
30           greatest extent possible the number and length of terms for old board members and

1 for new members to be elected during the next three election years. The members'  
2 terms must be staggered and must expire in even-numbered years.

3 ~~9-8.~~ Notwithstanding the provisions of this section, the board of education of the city of  
4 Fargo consists of nine members.

5 **SECTION 20. AMENDMENT.** Section 15.1-09-05 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15.1-09-05. School board - Vacancies - Appointments.**

- 8 1. The business manager of a school district shall notify the county superintendent that a  
9 vacancy exists on the school board.
- 10 2. The board of a school district shall fill by appointment ~~or special election~~ any vacant  
11 seat on the board. The term of an individual selected by appointment ~~or special~~  
12 ~~election to fill a vacancy~~ extends until a successor is elected and qualified at the next  
13 ~~annual~~ primary election. If a school board fails to fill a vacancy by appointment ~~or fails~~  
14 ~~to call a special election to fill a vacancy~~ within sixty days from the time the vacancy  
15 occurred, the county superintendent shall ~~call a special election~~ appoint an individual to  
16 fill the vacancy until a successor is elected and qualified at the next primary election.  
17 ~~The election must be conducted in the same manner as the annual school district~~  
18 ~~election.~~
- 19 3. If a vacancy reduces the membership of a school board to less than a quorum, the  
20 state board of public school education shall appoint to the school board as many  
21 individuals as necessary to achieve a quorum. The school board then shall fill the  
22 remaining vacancies. After the vacancies have been filled, any individual appointed by  
23 the state board shall resign and the school board shall fill the vacancy in accordance  
24 with this section. After resigning, the individual who had been appointed by the state  
25 board may be reappointed by the school board to fill the vacancy.
- 26 4. A vacancy may be declared for any reason set forth in section 44-02-01.
- 27 5. The business manager shall certify any appointment made under this section to the  
28 county superintendent of schools.

29 **SECTION 21. AMENDMENT.** Section 15.1-09-07 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **15.1-09-07. School district election –Conduct.**

2       ~~Unless otherwise provided by law, a school district election must be conducted and the~~  
3 ~~votes must be canvassed in the same manner as in the election of county officers.~~A school  
4 district election must be held in conjunction with the statewide primary election on the second  
5 Tuesday in June of each year. The board of each school district election shall enter an  
6 agreement with the board of county commissioners of the county or counties in which the  
7 district lies concerning the use of a single canvassing board, the printing of election materials,  
8 the publishing of legal notices, and the apportioning of election expenses. The notice of the  
9 election must be published in the official newspaper of the district and must state the time and  
10 place of the election and the purpose of the vote. The board of each school district shall notify  
11 the county auditor, in writing, immediately after the candidate filing deadline of the offices to be  
12 filled at the election, the name of each candidate, and any measure to appear on the ballot.

13       **SECTION 22. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15       **15.1-09-08. School district elections - Candidate filings.**

16       An individual seeking election to the board of a school district shall prepare and sign a  
17 document stating the individual's name and the position for which that individual is a candidate.  
18 A candidate shall also file a statement of interests as required by section 16.1-09-02. ~~Whether~~  
19 ~~or not the election is held in conjunction with a statewide election, these~~The documents must be  
20 filed with the school district business manager, or mailed to and in the possession of the  
21 business manager, by four p.m. of the sixty-fourth day before the election.

22       **SECTION 23. AMENDMENT.** Section 15.1-09-16 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24       **15.1-09-16. School district election - Tie breaker.**

25       If ~~the~~an election results in a tie, the business manager of the district shall notify, in writing,  
26 the candidates between whom the tie exists. Within three days after the canvass of the election  
27 ~~by the school board,~~ at a time agreed upon by the candidates, the election must be decided in  
28 the presence of the ~~judges and clerks of the election~~business manager and the county auditor,  
29 by a drawing of names. A candidate involved in a tie vote may withdraw the candidate's name  
30 from consideration if the candidate is willing to sign a statement to that effect in the presence of  
31 and witnessed by the ~~filing officer of the election~~business manager. If no candidates remain, the

1 office is to be filled according to the rules of filling an office when a vacancy exists. The school  
2 district business manager shall make and keep a record of the proceedings.

3 **SECTION 24. AMENDMENT.** Section 15.1-09-17 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **15.1-09-17. Notification of elected individuals - Notice to county superintendent of**  
6 **schools.**

7 Within three days after the canvass ~~by the school board for a school district election~~, the  
8 business manager of the school district shall provide to each elected individual written notice of  
9 the individual's election and of the duty to take an affirmation or oath of office. Within ten days  
10 after the canvass ~~by the school board~~, the business manager shall certify the individuals elected  
11 and their terms to the county superintendent of schools.

12 **SECTION 25. AMENDMENT.** Subsection 3 of section 15.1-09-39 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14 3. If the superintendent approves the contract, the board shall submit the contract to the  
15 electorate of the district, for approval, ~~at an annual or a special~~ the primary or general  
16 election.

17 **SECTION 26. AMENDMENT.** Paragraph 2 of subdivision d of subsection 1 of section  
18 15.1-09-54 of the North Dakota Century Code is amended and reenacted as follows:

19 (2) Approved by a majority of each participating school district's electors voting  
20 on the question ~~at a regular school district election or at a special~~ the primary  
21 or general election ~~called by the board~~; and

22 **SECTION 27. AMENDMENT.** Section 15.1-12-11 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **15.1-12-11. School district reorganization - Approved plan - ~~Special election~~**  
25 **Formation of new district.**

26 1. If the state board approves a reorganization plan, the state board shall notify each  
27 county superintendent of schools having jurisdiction over real property in the proposed  
28 new district. A county superintendent receiving notice under this section shall ~~call a~~  
29 ~~special~~ request the county auditor or auditors of the counties in which the new district  
30 lies to place the reorganization plan on the ballot at the next general election in order  
31 that the electors residing within the boundaries of the proposed new district may to

- 1 approve or reject the reorganization plan. ~~The election must be held between July first~~  
2 ~~and December thirty first of the year in which the plan is approved by the state board.~~  
3 If there are insufficient days left in the year to meet the notice requirements of this  
4 section, the election must be held during the primary election in the following year.
- 5 2. If the state board approves a reorganization plan, the state board shall notify job  
6 service North Dakota of the names of the school districts planning to reorganize, the  
7 election date ~~proposed~~ in the reorganization plan, the proposed effective date of the  
8 reorganization, and the proposed name of the new reorganized school district.
- 9 3. The county superintendent shall give notice of the election by publishing the time,  
10 date, and place of the election in the official newspaper of the county, at least fourteen  
11 days before the date of the election.
- 12 4. The election notice must:
- 13 a. State that the election has been called for the purpose of approving or rejecting a  
14 plan to form a new school district;
- 15 b. Describe the boundaries of the proposed new district; and
- 16 c. Include a statement describing the adjustment of property, debts, and liabilities  
17 proposed in the plan, together with the proposed tax levy.
- 18 5. ~~The county superintendent shall appoint judges and clerks of the election. The election~~  
19 ~~must be conducted in the same manner and the polls must open and close at the~~  
20 ~~same time as specified for school district elections.~~
- 21 6. ~~The result of the elections must be certified by the participating school boards and~~  
22 ~~delivered to the county superintendent within three days after the closing of the polls.~~
- 23 7. If a majority of electors residing within each school district vote to approve the  
24 reorganization plan, the county superintendent shall make the necessary adjustments  
25 of property, debts, and liabilities and perform all duties required by law ~~in order to~~  
26 establish and organize the new school district. The county superintendent shall also  
27 notify job service North Dakota regarding the results of the election and, if the  
28 reorganization is approved, shall indicate the effective date of the reorganization and  
29 the name of the new reorganized school district.

30 **SECTION 28. AMENDMENT.** Section 15.1-12-13 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **15.1-12-13. School district reorganization - Proposal rejection - Revision - New**  
2 **election.**

- 3           1. If the electors reject the reorganization plan, the county committee, after a period of  
4 three months from the date of the ~~special~~ election, may hold a public hearing as  
5 provided for in section 15.1-12-10 to consider a revised reorganization plan proposed  
6 by the participating school districts. If the county committee approves a revised plan,  
7 the county superintendent shall submit the revised plan to the state board for approval.  
8           2. If the state board approves the revised plan, it shall notify the county superintendent of  
9 schools. A county superintendent receiving notice under this section shall follow the  
10 procedures set forth in this chapter for ~~calling a special election~~placing the question of  
11 whether to approve or reject the revised plan on the ballot at the next primary or  
12 general election. If a majority of the electors residing within each school district vote to  
13 approve the revised reorganization plan, the county superintendent shall make the  
14 necessary adjustments of property, debts, and liabilities and perform all duties  
15 required by law ~~in order~~ to establish and organize the new school district.

16           **SECTION 29. AMENDMENT.** Section 15.1-12-14 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18           **15.1-12-14. School district reorganization - School boards - Assumption of duties.**

- 19           1. Upon approval of a reorganization plan by the electors, in accordance with section  
20 15.1-12-11, a school board for the reorganized district must be elected at the next  
21 ~~regular school district election or at a special~~primary or general election ~~called by the~~  
22 ~~county superintendent of schools for that purpose~~. The first school board election in a  
23 newly reorganized district is governed by chapter 15.1-09.  
24           2. Members of newly formed school boards representing reorganized districts may not  
25 enter upon the duties of office until the time specified in section 15.1-12-18, except as  
26 provided in sections 15.1-12-15 and 15.1-12-16. Before the completion of a  
27 reorganization, the board of an existing district may not contract or obligate the district,  
28 except with the approval of the county committee or unless authorized by law.

29           **SECTION 30. AMENDMENT.** Subsection 1 of section 15.1-12-21 of the North Dakota  
30 Century Code is amended and reenacted as follows:

- 1           1. All provisions of a reorganization plan, except those relating to boundaries and  
2           geographic voting areas, may be changed upon the concurrence of a majority of the  
3           qualified electors voting on the question. The question may be placed before the  
4           voters at a ~~regular~~primary or ~~special~~general election upon a motion of the school  
5           board and ~~shall~~must be placed before the voters upon receipt by the board of a  
6           petition signed by at least:
- 7           a. Twenty-five percent of the qualified electors residing in the district, if the  
8           population of the district, as determined by the county superintendent, is less  
9           than twenty-five qualified electors;
- 10          b. Twenty percent of the qualified electors residing in the district, if the population of  
11          the district is at least twenty-five but not more than four thousand; or
- 12          c. Fifteen percent of the qualified electors residing in the district, if the population of  
13          the district is greater than four thousand.

14           **SECTION 31. AMENDMENT.** Subsections 9 and 11 of section 16.1-01-09.1 of the North  
15   Dakota Century Code are amended and reenacted as follows:

- 16          9. The filing officer shall call a ~~special~~ recall election at the next primary or general  
17          election to be held no sooner than ninety days ~~nor later than one hundred days~~  
18          following the date the filing officer certifies the petition valid and sufficient. ~~No special~~  
19          ~~recall election may be called if that date would be within ninety days of the next~~  
20          ~~scheduled election.~~
- 21          11. An official may not be recalled if the recall ~~special~~ election would be held during the  
22          same year in which the official's office would be included on the ballot.

23           **SECTION 32. AMENDMENT.** Subsection 3 of section 16.1-03-21 of the North Dakota  
24   Century Code is amended and reenacted as follows:

- 25          3. Filed a petition with the secretary of state signed by the number of electors required  
26          under section 16.1-11-30 to qualify to endorse candidates or to have candidates  
27          petition to be included on the primary election ballot in a consolidated column ~~or on a~~  
28          ~~special election ballot.~~

29           **SECTION 33. AMENDMENT.** Section 16.1-04-03 of the North Dakota Century Code is  
30   amended and reenacted as follows:

1       **16.1-04-03. Time limitations.**

2       The authority granted by this chapter must be exercised by the respective governing bodies  
3 no later than December thirty-first of ~~the~~each year ~~immediately preceding an election cycle and~~  
4 ~~no later than seventy days before a special election.~~ If legislative reapportionment occurs, the  
5 authority granted by this chapter must be exercised, as it relates to the establishment or  
6 reestablishment of voting precincts that may be required because of any change in legislative  
7 districts, within thirty-five days after the effective date of the reapportionment.

8       **SECTION 34. AMENDMENT.** Section 16.1-05-01 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10       **16.1-05-01. Election officers.**

11       ~~At each primary, general, and special statewide or legislative district election, and at county~~  
12 ~~elections,~~ each polling place must have an election board in attendance. The election board  
13 must consist of an election inspector and at least two election judges. Counties utilizing polling  
14 places containing more than one precinct may choose to use one election board to supervise all  
15 precincts even if the precincts are within different legislative districts so long as each district  
16 chairman of each qualified political party is given the opportunity to have representation on the  
17 election board if desired.

18       1. The election inspector must be selected in the following manner:

- 19           a. Except as provided in subdivision b, in all precincts established by the governing  
20           body of an incorporated city pursuant to chapter 16.1-04, the governing body  
21           shall appoint the election inspectors for those precincts and fill all vacancies  
22           occurring in those offices.
- 23           b. In all multiprecinct polling locations containing both rural and city precincts, the  
24           county auditor, with the approval of the majority of the board of county  
25           commissioners, shall appoint the election inspectors and fill all vacancies  
26           occurring in those offices. The selection must be made on the basis of the  
27           inspector's knowledge of the election procedure.
- 28           c. The election inspector shall serve until a successor is named. If an inspector fails  
29           to appear for any training session without excuse, the office is deemed vacant  
30           and the auditor shall appoint an individual to fill the vacancy.

1 All appointments required to be made under this section must be made at least forty  
2 days preceding an election.

3 2. The election judges must be appointed in the following manner:

4 a. ~~Except as provided in subdivision b:~~

5 (1) The election judges for each polling place must be appointed in writing by  
6 the district chairs representing the two parties that cast the largest number of  
7 votes in the state at the last general election. In polling places in which over one  
8 thousand votes are cast in any election, the county auditor may request each  
9 district party chair to appoint an additional election judge.

10 ~~(2)~~b. The district party chair shall notify the county auditor of the counties in  
11 which the precincts are located of the appointment of the election judges at least  
12 forty days before the ~~primary, general, or special~~ election. If this notice is not  
13 received within the time specified in this section, the county auditor shall appoint  
14 the judges. If the county auditor has exhausted all practicable means to select  
15 judges from within the boundaries of the precincts within the polling place and  
16 vacancies still remain, the county auditor may select election judges who reside  
17 outside of the voting precinct but who reside within the polling place's legislative  
18 districts. If vacancies still remain, the county auditor may select election judges  
19 who reside outside of the legislative districts but who reside within the county.

20 b. ~~For special elections involving only no-party offices, the election official~~  
21 ~~responsible for the administration of the election with the approval of the majority~~  
22 ~~of the members of the applicable governing body shall appoint the election~~  
23 ~~judges for each polling location.~~

24 3. If at any time before or during an election, it appears to an election inspector, by the  
25 affidavit of two or more qualified electors of the precinct, that any election judge is  
26 disqualified under this chapter, the inspector shall remove that judge at once and shall  
27 fill the vacancy by appointing a qualified individual of the same political party as that of  
28 the judge removed. If the disqualified judge had taken the oath of office as prescribed  
29 in this chapter, the inspector shall place the oath or affidavit before the state's attorney  
30 of the county.

- 1           4.    The election official responsible for the administration of the election, with the approval  
2                   of the majority of the members of the applicable governing body, shall appoint the poll  
3                   clerks for each polling place. However, no fewer than two poll clerks must be  
4                   appointed for each polling place. Poll clerks must be appointed based on their  
5                   knowledge of election matters, attention to detail, and on any necessary technical  
6                   knowledge.

7           **SECTION 35. AMENDMENT.** Section 16.1-05-03 of the North Dakota Century Code is  
8    amended and reenacted as follows:

9           **16.1-05-03. Secretary of state and county auditors to distribute election information -**  
10 **County auditor to provide instruction.**

- 11           1.    Not less than thirty days before any ~~primary, general, or special~~ election, the secretary  
12                   of state shall provide an instruction manual approved by the attorney general, which in  
13                   layman's terms presents in detail the responsibilities of each election official. The  
14                   secretary of state shall forward sufficient copies of this manual to each county auditor  
15                   who shall distribute the manuals to each member of all the election boards in the  
16                   county.
- 17           2.    Before each ~~primary and general~~ election, each county auditor or the auditor's  
18                   designated representative shall conduct training sessions on election laws and  
19                   election procedures for election officials in the county ~~and may conduct training~~  
20                   ~~sessions before any special statewide or legislative district election~~. The session or  
21                   sessions must be conducted at such place or places throughout the county as the  
22                   county auditor determines to be necessary. Attendance at the session is mandatory for  
23                   members of the election board and for poll clerks. The county auditor shall notify the  
24                   members of the election boards, poll clerks, and the state's attorney of the time and  
25                   place of the session. The state's attorney shall attend all sessions to give advice on  
26                   election laws. The county auditor shall invite the district chairman in that county  
27                   representing any political party casting at least five percent of the total votes cast for  
28                   governor at the last election to attend the session at the chairman's own expense. On  
29                   the date of the course or courses, the county auditor may deliver to all election  
30                   inspectors at the meeting the official ballots and all other materials as provided in

1 chapter 16.1-06. Except as otherwise provided in this section, each person attending  
2 the course or courses must be compensated as provided in section 16.1-05-05.

3 3. An election official, at the option of the county auditor, may be excused from attending  
4 a third training session on election laws within a twelve-month period. ~~If an election  
5 official has attended a training session within the six months preceding a special  
6 election, the election official must be compensated at the pay appropriate for those  
7 having attended a training session, as provided in section 16.1-05-05, for that election.~~

8 **SECTION 36. AMENDMENT.** Section 16.1-06-09 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **16.1-06-09. Constitutional amendments and initiated and referred measures - Manner**  
11 **of stating question - Explanation of effect of vote - Order of listing.**

12 Constitutional amendments or measures, initiated measures, and referred measures, duly  
13 certified to the county auditor by the secretary of state, or any other question or measure to be  
14 voted on, ~~except the election of public officers at any primary, general, or special election,~~  
15 including officers subject to a recall petition, must, unless otherwise determined by the secretary  
16 of state, be stated in full in a legible manner on the ballot. If the secretary of state concludes the  
17 amendment or measure is too long to make it practicable to print in full, the secretary of state in  
18 consultation with the attorney general shall cause to be printed a short, concise summary, which  
19 must fairly represent the substance of the constitutional amendment or initiated or referred  
20 measure. After the foregoing statement, the secretary of state shall cause to be printed another  
21 short, concise statement of the effect of an affirmative or negative vote on the constitutional  
22 amendment or initiated or referred measure. This explanatory statement must be drafted by the  
23 secretary of state in consultation with the attorney general. The words "Yes" and "No" must be  
24 printed on the ballot at the close of the statement regarding the effect of an affirmative or  
25 negative vote, in separate lines with an oval before each statement in which the voter is to  
26 indicate how the voter desires to vote on the question by darkening the oval. If two or more  
27 amendments or questions are to be voted on, they must be printed on the same ballot.

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

1 on the ballot within their classification in the order approved by the legislative assembly.  
2 Constitutional measures shall must be placed first on the ballot, initiated statutes second, and  
3 referred statutes third. After all the measures have been placed within the appropriate group or  
4 classification, all measures must be numbered consecutively, without regard to the various  
5 groups or classifications.

6 **SECTION 37. AMENDMENT.** Section 16.1-07-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **16.1-07-01. Absent voter.**

9 Any qualified elector of this state may vote an absent voter's ballot at any general, ~~special,~~  
10 or primary state election, ~~any county election, or any city or school district election.~~ An elector  
11 who votes by absentee ballot may not vote in person at the same election.

12 **SECTION 38. AMENDMENT.** Section 16.1-07-04 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **16.1-07-04. When ballots furnished proper officials.**

15 The county auditor, or any other officer required by law to prepare any general, ~~special, or~~  
16 ~~primary state election ballots or any county election ballots,~~ shall prepare, have printed, and  
17 deliver to the county auditor at least forty days before the holding of any general, ~~special, or~~  
18 ~~primary state election~~ a sufficient number of absent voter ballots for the use of all voters likely to  
19 require such ballots for that election. ~~In city or school elections, the auditor or clerk of the city,~~  
20 ~~the business manager of the school district, or any other officer required by law to prepare city~~  
21 ~~or school election ballots shall prepare and have printed and available for distribution to the~~  
22 ~~public at least forty days before the holding of any city or school election a sufficient number of~~  
23 ~~absent voter's ballots for the use of all voters likely to require such ballots for that election.~~

24 Officers authorized to distribute absent voter's ballots under this chapter shall ensure all ballots  
25 used as absent voter's ballots are secure at all times and accessible only to those persons  
26 under the officer's supervision for distribution. If an election official personally distributes and  
27 collects an absent voter's ballot outside the election official's office, appointed election judges  
28 from an election board shall accompany the election official along with the ballot to and from the  
29 voter's location and be present while the voter is marking the ballot.

30 **SECTION 39. AMENDMENT.** Section 16.1-07-05 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **16.1-07-05. ~~Time for applying~~Applying for ballot - Emergency situations - Sufficient**  
2 **time for application and ballot return.**

- 3           1. At any time ~~in an election year~~, any qualified elector may apply to the county auditor,  
4 ~~the auditor or clerk of the city, or the business manager of the school district, as the~~  
5 ~~ease may be~~, by personal delivery, facsimile, electronic mail, or otherwise, for an  
6 official ballot ~~to be voted at that election~~. A voter may obtain an application form  
7 approved by the secretary of state, for an absent voter's ballot ~~for a general, special,~~  
8 ~~primary, county, city, or school election~~ from the secretary of state, a county or city  
9 auditor, a candidate, a political party, or a political committee. The application form  
10 must include a space for the applicant to indicate whether the application is for all  
11 statewide elections in the calendar year or only for the election that is immediately  
12 after the date of the application.
- 13           2. No auditor or clerk may issue ballots for absentee voters on the day of the election  
14 except to individuals prevented from voting in person on the day of the election due to  
15 an emergency. An individual requesting an absentee ballot on the day of the election  
16 due to an emergency must do so through an agent as set forth in this chapter. An  
17 agent may represent only one individual. The absentee ballot must be returned to the  
18 county auditor's office by four p.m. on the day of the election.
- 19           3. A completed application must be submitted to the appropriate election official in a  
20 timely manner so as to allow the applicant to receive, complete, and mail the absent  
21 voter's ballot before the day of the election.

22           **SECTION 40. AMENDMENT.** Section 16.1-07-12.1 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24           **16.1-07-12.1. Absentee ballot precinct - Election board appointment - Ballot counting.**

- 25           1. For any ~~primary, general, or special statewide, district, or county~~ election, the board of  
26 county commissioners may create a special precinct, known as an absentee ballot  
27 precinct, for the purpose of counting all absentee ballots cast in ~~an~~that election in that  
28 county. The election board of the absentee ballot precinct must be known as the  
29 absentee ballot counting board. The county auditor shall supply the board with all  
30 necessary election supplies as provided in chapter 16.1-06.

- 1           2.    If the board of county commissioners chooses to establish an absentee ballot precinct  
2           according to this section, the following provisions apply:
- 3           a.    The county auditor shall appoint the absentee ballot counting board that consists  
4           of one independent representative to act as the inspector and an equal number  
5           of representatives from each political party represented on an election board in  
6           the county, as set forth in section 16.1-05-01, to act as judges. Each official of the  
7           board shall take the oath required by section 16.1-05-02 and must be  
8           compensated as provided in section 16.1-05-05.
- 9           b.    The county auditor shall have the absentee ballots delivered to the inspector of  
10          the absentee ballot counting board with the election supplies, or if received later,  
11          then prior to the closing of the polls.
- 12          c.    The absentee ballot counting board shall occupy a location designated by the  
13          county auditor which must be open to any individual for the purpose of observing  
14          the counting process.
- 15          d.    The absentee ballots must be opened and handled as required in section  
16          16.1-07-12. The county auditor shall designate a location for the closing,  
17          counting, and canvassing process under chapter 16.1-15, which location must be  
18          open to any person for the purpose of observing. The board shall comply with the  
19          requirements of sections 16.1-15-04 through 16.1-15-12, as applicable.

20           **SECTION 41. AMENDMENT.** Section 16.1-07-15 of the North Dakota Century Code is  
21    amended and reenacted as follows:

22           **16.1-07-15. Early voting precinct - Election board appointment - Closing and**  
23    **canvassing.**

- 24          1.    For any ~~primary, general, or special statewide, district, or county~~ election, the board of  
25          county commissioners may, before the sixty-fourth day before the day of the election,  
26          create a special precinct, known as an early voting precinct, to facilitate the conduct of  
27          early voting in that county according to chapters 16.1-13 and 16.1-15. At the  
28          determination of the county auditor, more than one voting location may be utilized for  
29          the purposes of operating the early voting precinct. The election board of the early  
30          voting precinct must be known as the early voting precinct election board. The county

1            auditor shall supply the board with all necessary election supplies as provided in  
2            chapter 16.1-06.

3            2. If the board of county commissioners establishes an early voting precinct according to  
4            this section, the following provisions apply:

5            a. Early voting must be authorized during the fifteen days immediately before the  
6            day of the election. The county auditor shall designate the business days and  
7            times during which the early voting election precinct will be open and publish  
8            notice of the early voting center locations, dates, and times in the official county  
9            newspaper once each week for three consecutive weeks immediately before the  
10           day of the election.

11           b. The county auditor shall appoint the early voting precinct election board for each  
12           voting location that consists of one independent representative to act as the  
13           inspector and an equal number of representatives from each political party  
14           represented on an election board in the county, as set out in section 16.1-05-01,  
15           to act as judges. Each official of the board shall take the oath required by section  
16           16.1-05-02 and must be compensated as provided in section 16.1-05-05.

17           c. The county auditor, with the consent of the board of county commissioners, shall  
18           designate each early voting location in a public facility, accessible to the elderly  
19           and the physically disabled as provided in section 16.1-04-02. With respect to  
20           polling places at early voting precincts, "election day" as used in sections  
21           16.1-10-03 and 16.1-10-06.2 includes any time an early voting precinct polling  
22           place is open.

23           d. At the close of each day of early voting, the inspector, along with a judge from  
24           each political party represented on the board, shall secure all election-related  
25           materials, including:

26           (1) The pollbooks and access to any electronically maintained pollbooks.

27           (2) The ballot boxes containing voted ballots.

28           (3) Any void, spoiled, and unvoted ballots.

29           e. Ballot boxes containing ballots cast at an early voting location may not be opened  
30           until the day of the election except as may be necessary to clear a ballot jam or

1 to move voted ballots to a separate locked ballot box in order to make room for  
2 additional ballots.

3 f. Each early voting location may be closed, as provided in chapter 16.1-15, at the  
4 end of the last day designated for early voting in the county. Results from the  
5 early voting precinct may be counted, canvassed, or released under chapter  
6 16.1-15 as soon as any precinct within the county, city, or legislative district  
7 closes its polls on the day of the election. The county auditor shall designate a  
8 location for the closing, counting, and canvassing process under chapter 16.1-15,  
9 which location must be open to any person for the purpose of observing.

10 g. The early voting precinct election board shall comply with the requirements of  
11 chapters 16.1-05, 16.1-13, and 16.1-15, as applicable.

12 **SECTION 42. AMENDMENT.** Section 16.1-07-19 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **16.1-07-19. Elections covered.**

15 The voting procedures in sections 16.1-07-18 through 16.1-07-33 apply to:

16 1. ~~A general, special, or primary~~ any election for federal office and each statewide  
17 election.

18 2. ~~A general, special, or primary election for statewide or state legislative office or state~~  
19 ~~ballot measure.~~

20 3. ~~A general, special, or primary election for political subdivision office or political~~  
21 ~~subdivision ballot measure.~~

22 **SECTION 43. AMENDMENT.** Subsection 13 of section 16.1-08.1-01 of the North Dakota  
23 Century Code is amended and reenacted as follows:

24 13. "Political purpose" means any activity undertaken in support of or in opposition to the  
25 election or nomination of a candidate to public office and includes using "vote for",  
26 "oppose", or any similar support or opposition language in any advertisement whether  
27 the activity is undertaken by a candidate, a political committee, a political party, or any  
28 person. In the period thirty days before a primary election and sixty days before a  
29 ~~special or~~ general election, "political purpose" also means any activity in which a  
30 candidate's name, office, district, or any term meaning the same as "incumbent" or  
31 "challenger" is used in support of or in opposition to the election or nomination of a

1 candidate to public office. The term does not include activities undertaken in the  
2 performance of a duty of a state office or any position taken in any bona fide news  
3 story, commentary, or editorial.

4 **SECTION 44. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.3 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 2. All political action committees, as described in section 16.1-08.1-01, formed for the  
7 purpose of administering the segregated fund provided for in this section shall file a  
8 statement showing the name and mailing address of each contributor of an amount in  
9 excess of two hundred dollars in the aggregate for the reporting period and a listing of  
10 all expenditures of an amount in excess of two hundred dollars in the aggregate made  
11 for political purposes with the secretary of state. The statement must include the  
12 amount of each reportable contribution and the date it was received and the amount of  
13 each reportable expenditure and the date it was made. A year-end statement covering  
14 the entire calendar year must be filed no later than the thirty-first day of January of the  
15 following year. A preelection statement must be filed no later than the thirty-second  
16 day before any ~~primary, special, or general~~ election and must be complete from the  
17 beginning of the calendar year through the fortieth day before the election. Even if a  
18 political action committee has not received any contributions or made any  
19 expenditures in excess of two hundred dollars during the reporting period, the political  
20 action committee shall file a statement as required by this chapter. A statement filed  
21 according to this section during the reporting period must show the following:

- 22 a. The gross total of all contributions received and expenditures made in excess of  
23 two hundred dollars;  
24 b. The gross total of all contributions received and expenditures made of two  
25 hundred dollars, or less; and  
26 c. The cash on hand in the filer's account at the start and close of the reporting  
27 period.

28 **SECTION 45. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.8 of the North Dakota  
29 Century Code is amended and reenacted as follows:

30 3. A multicandidate political committee required to file a statement under this section  
31 shall file the statement in the office of the secretary of state no later than the

1           thirty-second day before the date of any ~~primary, special, or general~~ election. The  
2           statement must be complete from the beginning of that calendar year through the  
3           fortieth day before the date of the ~~primary, special, or general~~ election. The political  
4           committee shall file a complete statement for the entire calendar year no later than the  
5           thirty-first day of January of the following year in which the political committee received  
6           a reportable contribution.

7           **SECTION 46. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.12 of the North Dakota  
8           Century Code is amended and reenacted as follows:

9           2.    An incidental committee that solicits or accepts contributions for any political purpose  
10           shall file a statement in the office of the secretary of state no later than the  
11           thirty-second day before the date of any ~~primary, special, or general~~ election. The  
12           statement must be complete from the beginning of that calendar year through the  
13           fortieth day before the date of the ~~primary, special, or general~~ election. The committee  
14           shall file a complete statement for the entire calendar year no later than the thirty-first  
15           day of January of the following year in which the committee received a reportable  
16           contribution. Even if an incidental committee has not received any contributions in  
17           excess of two hundred dollars during the reporting period, the committee shall file a  
18           statement as required under this chapter. A statement filed under this subsection  
19           during the reporting period must show the following:

- 20           a.    The gross total of all contributions received in excess of two hundred dollars;  
21           b.    The name and mailing address of each contributor that contributed in excess of  
22           two hundred dollars in the aggregate to the committee during a reporting period;  
23           c.    The gross total of all contributions received of two hundred dollars or less;  
24           d.    The date the last reportable contribution was received;  
25           e.    The cash on hand in the filer's account at the start and close of the reporting  
26           period; and  
27           f.    The occupation, employer, and principal place of business of each person, or the  
28           political committee if not already registered according to state or federal law,  
29           which contributed five thousand dollars or more in the aggregate during the  
30           reporting period.

1       **SECTION 47. AMENDMENT.** Subdivision a of subsection 2 of section 16.1-10-02 of the  
2 North Dakota Century Code is amended and reenacted as follows:

- 3           a. "Political purpose" means any activity undertaken in support of or in opposition to  
4           a statewide initiated or referred measure, a constitutional amendment or  
5           measure, a political subdivision ballot measure, or the election or nomination of a  
6           candidate to public office and includes using "vote for", "oppose", or any similar  
7           support or opposition language in any advertisement whether the activity is  
8           undertaken by a candidate, a political committee, a political party, or any person.  
9           In the period thirty days before a primary election and sixty days before a ~~special~~  
10          ~~or~~ general election, "political purpose" also means any activity in which a  
11          candidate's name, office, district, or any term meaning the same as "incumbent"  
12          or "challenger" is used in support of or in opposition to the election or nomination  
13          of a candidate to public office. The term does not include activities undertaken in  
14          the performance of public office or a position taken in any bona fide news story,  
15          commentary, or editorial. Factual information may be presented regarding a ballot  
16          question solely for the purpose of educating voters if the information does not  
17          advocate for or against or otherwise reflect a position on the adoption or rejection  
18          of the ballot question.

19       **SECTION 48. AMENDMENT.** Section 16.1-11-01 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21       **16.1-11-01. Primary election - When held - Nomination of candidates -~~Nomination for~~**  
22 **~~special elections.~~**

23       On the second Tuesday in June of every ~~general election~~ year, a primary election must be  
24 held ~~for the~~. The nomination of candidates for the following offices must occur at the primary  
25 election in each even-numbered year in the years of their regular election: United States  
26 senators, member of the United States house of representatives, members of the legislative  
27 assembly, elected state officials, judges of the supreme court and district court, county officers,  
28 and county commissioners. ~~In special elections the nominations for the officers enumerated in~~  
29 ~~this section must be made as provided in this title.~~

30       **SECTION 49. AMENDMENT.** Section 16.1-11-05 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **16.1-11-05. Secretary of state to give notice to county auditor of officers to be**  
2 **nominated.**

3       Between the first day of March and the first day of April in each ~~primary election~~ year, the  
4 secretary of state shall notify the county auditor of each county regarding all the officers to be  
5 nominated in that county at the next primary election. This same information ~~shall~~must be made  
6 available to the public by the secretary of state at that time. The publication of the sample ballot  
7 by the county auditor constitutes the notice of the secretary of state in regard to the officers and  
8 candidates to be voted upon at the primary election.

9       **SECTION 50. AMENDMENT.** Section 16.1-11-06 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11       **16.1-11-06. State candidate's petition or political party certificate of endorsement**  
12 **required to get name on ballot - Contents - Filing.**

- 13       1. Every candidate for United States senator, United States representative, a state office,  
14 including the office of state senator or state representative, and judges of the supreme  
15 and district courts shall present to the secretary of state, between the first date  
16 candidates may begin circulating nominating petitions according to this chapter and  
17 before four p.m. of the sixty-fourth day before any primary election, either:
- 18       a. The certificate of endorsement signed by the state chairman of any legally  
19 recognized political party containing the candidate's name, post-office address,  
20 and telephone number, the title of the office to which the candidate aspires, and  
21 the party which the candidate represents; or
  - 22       b. The nominating petition containing the following:
    - 23           (1) The candidate's name, post-office address, and telephone number, and the  
24 title of the office to which the candidate aspires, the appropriate district  
25 judgeship number if applicable, and whether the petition is intended for  
26 nomination for an unexpired term of office if applicable.
    - 27           (2) The name of the party the candidate represents if the petition is for an office  
28 under party designation.
    - 29           (3) The signatures of qualified electors, the number of which must be  
30 determined as follows:

- 1 (a) If the office is under party designation, the signatures of three percent  
2 of the total vote cast for the candidates of the party with which the  
3 candidate affiliates for the same position at the last general election at  
4 which that office was voted upon. However, no more than three  
5 hundred signatures may be required.
- 6 (b) If there was no candidate of a party for a position at ~~the~~that preceding  
7 general election, at least three hundred signatures.
- 8 (c) If the office is under the no-party designation, at least three hundred  
9 signatures.
- 10 (d) If the office is a legislative office, the signatures of at least one percent  
11 of the total resident population of the legislative district as determined  
12 by the most recent federal decennial census.
- 13 (4) The mailing address and the date of signing for each signer.
- 14 2. If the petition or certificate of endorsement is for the office of governor and lieutenant  
15 governor, the petition or certificate must contain the names and other information  
16 required of candidates for both those offices. If the petition or certificate of  
17 endorsement is mailed, it must be in the possession of the secretary of state before  
18 four p.m. of the sixty-fourth day before the primary election.

19 **SECTION 51. AMENDMENT.** Section 16.1-11-11.1 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **16.1-11-11.1. Deadline for placing county and city measures on ~~primary, general, or~~**  
22 **~~special election ballots~~ballot.**

23 Notwithstanding any other provision of law, a county may not submit a measure for  
24 consideration of the voters at a ~~primary, general, or special statewide, district, or county~~an  
25 election after four p.m. on the sixty-fourth day before the election. ~~A city that has combined its~~  
26 ~~regular or a special election with a primary, general, or special county election, according to the~~  
27 ~~provisions set forth in section 40-21-02, may not submit a measure for consideration of the~~  
28 ~~voters at that election after four p.m. on the sixty fourth day before the election.~~

29 **SECTION 52. AMENDMENT.** Section 16.1-11-15 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1           **16.1-11-15. Nominating petition not to be circulated prior to January first --Special-**  
2 **election.**

3           No nominating petition provided for in sections 16.1-11-06 and 16.1-11-11 may be circulated  
4 or signed prior to January first preceding the primary election. Any signatures to a petition  
5 secured before that time may not be counted. ~~A nominating petition for a special election may~~  
6 ~~not be circulated or signed more than thirty days before the time when a petition for the special~~  
7 ~~election must be filed.~~

8           **SECTION 53. AMENDMENT.** Section 16.1-11-30 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10           **16.1-11-30. Separate section on primary election ballot required for each political**  
11 **party.**

12           Any party that had printed on the ballot at the last preceding presidential election the names  
13 of a set of presidential electors pledged to the election of the party's candidates for president  
14 and vice president or a candidate for governor and those candidates for presidential electors or  
15 governor received at least five percent of the total vote cast for presidential electors or the office  
16 of governor within this state at that election; any party that had printed on the ballot at the last  
17 preceding nonpresidential election a candidate for attorney general or secretary of state, and  
18 the candidate received at least five percent of the total vote cast for the office the candidate was  
19 seeking at the election; or any party that has organized according to all the requirements of  
20 chapter 16.1-03 must be provided with a separate section on primary election ballots.

21           Any other political organization is entitled to endorse candidates or have candidates petition  
22 to be included on the primary ballot in a separate section of the consolidated primary election  
23 ballot, if a petition signed by at least seven thousand qualified electors of this state is filed with  
24 the secretary of state before four p.m. of the sixty-fourth day before a primary ~~or special-~~  
25 election, naming the political organization, stating the platform principles of the party, and  
26 requesting the names of its candidates to be included on the state's primary ballot in a separate  
27 section. Political organizations that are granted ballot access under this section are allowed  
28 ballot access only for those offices for which the organization has identified candidates.  
29 Regardless of the means by which the petition is delivered, the original must be in the  
30 possession of the secretary of state before four p.m. on the sixty-fourth day prior to a primary ~~or~~  
31 ~~special~~ election. Candidates of that party are entitled to the same rights and privileges as those

1 of other parties. Petitions circulated according to this section must be filed with the secretary of  
2 state in accordance with section 1-01-50.

3 A political organization that had printed on the ballot at the last preceding presidential  
4 election the names of a set of presidential electors pledged to the election of the party's  
5 candidates for president and vice president or a candidate for governor and those candidates  
6 for presidential electors or governor received at least five percent of the total vote cast for  
7 presidential electors or the office of governor within this state at that election, and any political  
8 organization that has printed on the ballot at the last preceding nonpresidential election a  
9 candidate for attorney general or secretary of state, and the candidate received at least five  
10 percent of the total vote cast for the office the candidate was seeking at the election are entitled  
11 to organize according to the requirements of chapter 16.1-03.

12 **SECTION 54. AMENDMENT.** Section 16.1-11-32 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **16.1-11-32. Poll lists kept by clerks of elections.**

15 The clerks of primary elections shall keep either one paper or one electronic list of the  
16 names of all ~~persons~~individuals voting at each primary election. The clerks must return the list,  
17 which must be a part of the records and filed with other election returns. ~~Only one complete list~~  
18 ~~of voters may be kept whether or not a special election is held simultaneously with the primary~~  
19 ~~election.~~

20 **SECTION 55. AMENDMENT.** Section 16.1-12-02 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **16.1-12-02. Certificates of nomination by petition - Form and contents.**

23 Certificates of nomination for nominees for an office to be filled at a general ~~or special~~  
24 election, except for an office appearing on the no-party ballot, may be made as provided by this  
25 section. Except for nominees for president of the United States, names of nominees so  
26 nominated must appear on the ballot as independent nominations. The names of nominees for  
27 president of the United States may appear on the ballot with a designation, not to exceed five  
28 words, that names the organization or political party to which the presidential candidate  
29 affiliates. The designation may not falsely indicate an affiliation with or the support of any  
30 political party organized in accordance with this title or include any substantive word or phrase  
31 that is profane or that is already included in or resembles the name of a political party entitled to

1 a separate column under section 16.1-11-30. Except for candidates for the office of president of  
2 the United States, each certificate of nomination by petition must meet the specifications for  
3 nominating petitions set forth in section 16.1-11-16. A political party or organization desiring to  
4 submit to the secretary of state the name of a qualified candidate for the office of the president  
5 of the United States may begin gathering the signatures for the certificate of nomination on the  
6 first day of January of a presidential election year and shall submit the petition to the secretary  
7 of state before four p.m. on the sixty-fourth day before the general election. The signatures on  
8 the petition must be in the following number:

- 9 1. Except as provided in subsection 3, if the nomination is for an office to be filled by the  
10 qualified electors of the entire state, there must be no fewer than one thousand  
11 signatures.
- 12 2. If the nomination is for an office to be filled by the qualified electors of a district less  
13 than the entire state, the number of signatures must be at least two percent of the  
14 resident population of the district as determined by the most recent federal decennial  
15 census, but in no case may more than three hundred signatures be required.
- 16 3. If the nomination is for the office of president, there must be no fewer than four  
17 thousand signatures and the petition must contain the names of the presidential and  
18 vice presidential candidates along with the names of the North Dakota presidential  
19 electors selected from the qualified electors of North Dakota.
- 20 4. If the petition is for the office of governor or lieutenant governor, it must contain the  
21 names and other required information of candidates for both those offices.

22 **SECTION 56. AMENDMENT.** Section 16.1-12-02.3 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **16.1-12-02.3. Nominating petition for an independent candidate not to be circulated**  
25 **more than one hundred fifty days before filing time –~~Special election.~~**

26 A petition provided for in this chapter may not be circulated or signed more than one  
27 hundred fifty days before the date when any petition must be filed under this chapter. Any  
28 signatures to a petition obtained more than one hundred fifty days before that date may not be  
29 counted. ~~A nominating petition for a special election may not be circulated or signed more than~~  
30 ~~thirty days before the date when the petition must be filed.~~

1       **SECTION 57. AMENDMENT.** Subsection 1 of section 16.1-12-04 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3       1. Certificates of nomination for nominees for offices to be filled by the qualified electors  
4 of the entire state must be filed with the secretary of state. Not less than fifty-five days  
5 before any general ~~or special~~ election to fill any statewide office, the secretary of state  
6 shall electronically transmit a certified list to each county auditor the names and  
7 addresses of the persons nominated for statewide office according to this chapter as  
8 shown on the certificates of nomination filed in the secretary of state's office.

9       **SECTION 58. AMENDMENT.** Section 16.1-13-01 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11       **16.1-13-01. Date of general election.**

12       The<sup>A</sup> general election must be held in all the election districts of this state on the first  
13 Tuesday after the first Monday in November of each ~~even-numbered~~ year.

14       **SECTION 59. AMENDMENT.** Section 16.1-13-08 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16       **16.1-13-08. Filling vacancy in office of United States senator.**

17       When a vacancy occurs in the office of United States senator from this state, the governor  
18 shall issue a writ of election to fill the vacancy at the next ~~statewide~~ primary or general election,  
19 whichever occurs first, and that occurs at least ninety days after the vacancy. However, if the  
20 next primary or general election at which the vacancy could be filled occurs in the year  
21 ~~immediately preceding the expiration of the term~~ is due to expire, then no election may be held.  
22 The governor, by appointment, may fill the vacancy temporarily, but any person so appointed  
23 shall serve only until the vacancy is filled by election or until the term expires if no election can  
24 be held.

25       **SECTION 60. AMENDMENT.** Section 16.1-13-08.1 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27       **16.1-13-08.1. Special election to fill a vacancy in the United States House of**  
28 **Representatives due to a catastrophic circumstance.**

29       If a vacancy occurs in the office of representative in Congress due to a catastrophic  
30 circumstance in which one hundred or more representatives across the United States are no  
31 longer able to serve and the next regular ~~or special~~ election is more than seventy-five days in

1 the future, the governor shall immediately issue a writ of election calling a special election to fill  
2 the vacancy. The date of the election shallmust be forty-nine days from the date of the  
3 proclamation and the following deadlines shall apply:

4 1. ~~Certificate~~Certificates of endorsement as described in section 16.1-11-09, affidavits of  
5 candidacy described in section 16.1-11-10, and statements of interest described in  
6 section 16.1-09-03 for those candidates nominated by political parties currently  
7 established in the state shall be filed with the secretary of state by four p.m. on the  
8 fortieth day before the election.

9 2. ~~If the election occurs in an election year, the~~The precincts previously established by  
10 the county shallmust be utilized.

11 3. ~~If the election occurs in a year without a scheduled election, the board of county-~~  
12 ~~commissioners must establish the precinct boundaries by the fortieth day before the~~  
13 ~~election.~~

14 4. The secretary of state shall certify to the county auditors the names of the candidates  
15 for the election on the thirty-ninth day before the election.

16 ~~5.4.~~ Absentee ballots shallmust be made available to qualified electors by the thirtieth day  
17 before the election.

18 5. Notice of the election and the copy of the sample ballot must be issued and published  
19 in substantially the form and manner prescribed in section 16.1-13-05.

20 6. Votes cast at the election must be canvassed and returned as provided for primary  
21 and general elections, and the county auditor shall forward to the secretary of state the  
22 certified abstract of votes from the election.

23 **SECTION 61. AMENDMENT.** Section 16.1-13-10 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **16.1-13-10. Vacancy existing in office of member of legislative assembly.**

26 1. If a vacancy in the office of a member of the legislative assembly occurs, the county  
27 auditor of the county in which the former member resides or resided shall notify the  
28 chairman of the legislative management of the vacancy. The county auditor need not  
29 notify the chairman of the legislative management of the resignation of a member of  
30 the legislative assembly when the resignation was made under section 44-02-02.

31 Upon receiving notification of a vacancy, the chairman of the legislative management

1 shall notify the district committee of the political party that the former member  
2 represented in the district in which the vacancy exists. The district committee shall  
3 hold a meeting within twenty-one days after receiving the notification and select an  
4 individual to fill the vacancy. If the former member was elected as an independent  
5 candidate or if the district committee does not make an appointment within twenty-one  
6 days after receiving the notice from the chairman of the legislative management, the  
7 chairman of the legislative management shall appoint a resident of the district to fill the  
8 vacancy. ~~Except as provided in subsection 2, if eight hundred twenty-eight days or~~  
9 ~~more remain until the expiration of the term of office for that office, the~~The individual  
10 appointed to fill the vacancy shall serve until a successor is elected at and qualified  
11 following the next primary or general election or special election called by the governor  
12 ~~according to subsection 2 to serve for the remainder of the term of office for that~~  
13 ~~office occurring more than ninety days after the vacancy occurs.~~

- 14 2. ~~The qualified electors of a legislative district in which a vacancy in the legislative~~  
15 ~~assembly occurs may petition for a special election to be called by the governor to fill~~  
16 ~~the vacancy. The petition must include the signatures of qualified electors equal in~~  
17 ~~number to four percent of the resident population of the legislative district as~~  
18 ~~determined by the last federal decennial census and must be presented to the~~  
19 ~~secretary of state within thirty days following an appointment being made according to~~  
20 ~~subsection 1. If the secretary of state determines the petition contains the required~~  
21 ~~number of signatures of qualified electors of the affected legislative district, the~~  
22 ~~secretary of state shall notify the governor that a special election is required to be~~  
23 ~~called to fill the vacancy. Upon receiving such notice, the governor shall issue a writ of~~  
24 ~~election directed to the county auditor of each affected county commanding the county~~  
25 ~~auditor to hold a special election to fill the vacancy at a time designated by the~~  
26 ~~governor. A special election under this section must conform to the applicable election~~  
27 ~~deadlines found in this title and may be called to coincide with a regularly scheduled~~  
28 ~~primary or general election provided the special election is called by the fifteenth day~~  
29 ~~before the deadline for candidates to file for office before a regularly scheduled~~  
30 ~~primary or general election. A special election under this section may not be scheduled~~

1           to occur during the time from a general election through eighty days following the  
2           adjournment of the next ensuing regular session of the legislative assembly.

3           3. The secretary of state must be notified of an appointment made by a district committee  
4           or the chairman of the legislative management according to this section. Upon  
5           notification, the secretary of state shall issue the appointee a certificate of appointment  
6           and an oath of office for the appointee to complete and file with the secretary of state.

7           **SECTION 62. AMENDMENT.** Section 16.1-15-15 of the North Dakota Century Code is  
8           amended and reenacted as follows:

9           **16.1-15-15. County canvassing board - Composition.**

10          The county canvassing board must be composed of the county recorder, county auditor,  
11          chairman of the board of county commissioners, and a representative of each of the two  
12          political parties that received the highest number of votes cast for governor at the most recent  
13          general election at which a governor was elected. An individual who served on an election  
14          board during the election may not serve as a political party representative on the canvassing  
15          board for that same election. The district chairmen of the political parties from each legislative  
16          district within the county shall appoint the respective political party representative. The county  
17          canvassing board must be comprised of at least five members, and both political parties must  
18          be represented. Each political party from each legislative district within a county may request  
19          representation on the canvassing board if there is equal representation from each of the political  
20          parties. ~~For any special county election when the county is composed of more than one~~  
21          ~~legislative district and the election does not involve any legislative or statewide office, the county~~  
22          ~~canvassing board must be composed of the county recorder, county auditor, chairman of the~~  
23          ~~board of county commissioners, and one representative as appointed by the state chairman for~~  
24          ~~each of the two political parties that received the highest number of votes cast for governor at~~  
25          ~~the most recent general election at which a governor was elected.~~

26          **SECTION 63. AMENDMENT.** Section 16.1-15-32 of the North Dakota Century Code is  
27          amended and reenacted as follows:

28          **16.1-15-32. County auditor to publish returns of election.**

29          The county auditor shall cause to be published in tabular form in the official county  
30          newspaper the vote by precincts for each officer and each proposition voted for at any primary,

1 ~~special~~, or general election. The publication must be paid for at a rate not to exceed the rate  
2 paid for publishing the proceedings of the board of county commissioners.

3 **SECTION 64. AMENDMENT.** Section 16.1-15-35 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **16.1-15-35. Meeting of state canvassing board.**

6 Not later than seventeen days next following a primary, or general, ~~or special~~ election, the  
7 state canvassing board shall meet at the office of the secretary of state for the purpose of  
8 canvassing and ascertaining the result of the election. The secretary of state shall notify the  
9 members of the board of the date and time of the meeting.

10 **SECTION 65. AMENDMENT.** Section 16.1-15-41 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **16.1-15-41. Statements of general ~~or special~~ election prepared by state canvassing**  
13 **board - Contents.**

14 Upon receiving the certified abstracts on file with the secretary of state, the state  
15 canvassing board shall proceed publicly to examine and make statements of the whole number  
16 of votes cast at any general ~~or special~~ election for all state or district offices. The statements  
17 must show the names of the individuals for whom the votes were cast for the offices and the  
18 whole number of votes for each, distinguishing the several districts and counties in which they  
19 were cast.

20 **SECTION 66. AMENDMENT.** Section 16.1-15-42 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **16.1-15-42. Certificate of result of general ~~or special~~ election by state canvassing**  
23 **board - Secretary of state to receive.**

24 The statements provided for in section 16.1-15-41 must be certified by the members of the  
25 state canvassing board, who shall subscribe their names to the statements. The board then  
26 shall determine ~~what persons~~which individuals have been duly elected to the offices and shall  
27 prepare and subscribe on each statement a certificate of that determination and shall deliver the  
28 same to the secretary of state. The candidate or candidates to be elected for each office  
29 receiving the highest number of votes must be duly elected to the office. ~~A person~~An individual  
30 who was entitled to have the ~~person's~~individual's name appear on the primary election ballot,  
31 but whose name was not placed on the primary election ballot, may not be elected to a no-party

1 office as a write-in candidate unless that ~~person~~individual receives a number of votes equal to  
2 or more than the number of signatures which would have been required to have that  
3 ~~person's~~individual's name placed on the primary election ballot.

4 **SECTION 67. AMENDMENT.** Section 16.1-15-43 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **16.1-15-43. ~~When special election ordered~~Determining tie vote in judicial or state**  
7 **office.**

8 If a certificate of election cannot be issued for a judicial district office or a state office  
9 because any two or more ~~persons~~individuals have equal and the highest number of votes, the  
10 ~~governor, by proclamation, shall order a new election~~secretary of state shall give notice to the  
11 individuals to appear at the secretary of state's office at a time appointed by the secretary of  
12 state. The individuals shall publicly decide by a drawing of names which of them must be  
13 declared elected. The secretary of state shall prepare and deliver to the individual elected an  
14 election certificate.

15 **SECTION 68. AMENDMENT.** Section 16.1-15-44 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **16.1-15-44. Secretary of state to record statement of general ~~or special~~ election,**  
18 **prepare certificates of election, and publish abstract.**

19 After receiving each certified statement and determination made by the state canvassing  
20 board, the secretary of state shall record the ~~same~~statement in the secretary of state's office  
21 and shall prepare, and transmit to each of the individuals declared to be elected, a certificate of  
22 election as provided in this chapter. If the election results indicate that any candidate is entitled  
23 to a recount or to demand a recount pursuant to section 16.1-16-01, the secretary of state may  
24 not prepare or deliver the certificate of election until the time to demand a recount has expired,  
25 or the recount results have been determined and the winner declared, whichever is later. The  
26 secretary of state shall cause a copy of the certified abstract and determination to be published  
27 in the official newspaper of Burleigh County.

28 **SECTION 69. AMENDMENT.** Section 16.1-16-01 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1       **16.1-16-01. Election recounts.**

2       A recount of any ~~primary, special, or general~~ election for nomination or election to a  
3 congressional, state, district, legislative, county, school district, or city office, or for the approval  
4 or disapproval of any measure, question, or bond issue submitted to the qualified electors of  
5 this state or one of its political subdivisions must be conducted according to guidelines  
6 established by the secretary of state and as follows:

7       1. A recount must be conducted when:

- 8           a. Any individual failed to be nominated in a primary election by one percent or less  
9           of the highest vote cast for a candidate for the office sought.
- 10          b. Any individual failed to be elected in a ~~general or special~~an election by one-half  
11          of one percent or less of the highest vote cast for a candidate for that office.
- 12          c. A question, measure, or bond issue submitted to the qualified electors has been  
13          decided by a margin not exceeding one-fourth of one percent of the total vote  
14          cast for and against the question at any election.

15       2. A demand for a recount may be made by any of the following:

- 16           a. Any individual who failed to be nominated in a primary election by more than one  
17           percent and less than two percent of the highest vote cast for a candidate for the  
18           office sought.
- 19           b. Any individual who failed to be elected in a ~~general or special~~an election by more  
20           than one-half of one percent and less than two percent of the highest vote cast  
21           for a candidate for that office.

22       3. A demand for a recount must be made within three days after the canvass of the votes  
23       by the county canvassing board in the case of county elections ~~and~~, school district,  
24       and city elections ~~that are combined with the county~~ and by the state canvassing  
25       board in the case of presidential, congressional, state, judicial district, multicounty  
26       district, or legislative elections. The demand must be in writing, must recite one of the  
27       conditions in subsection 2 as a basis for the recount, must contain a bond in an  
28       amount previously established by the auditor or auditors doing the recount sufficient to  
29       pay the cost of the recount, and must be filed with:

- 30           a. The secretary of state when the recount is for a congressional, state, district, or  
31           legislative office.



1           ~~recounts conducted by political subdivisions other than counties of local offices,~~  
2           ~~measures, and questions, the election officer in a political subdivision shall administer~~  
3           ~~a recount in the same manner as is required under this subsection for counties with~~  
4           ~~respect to political subdivision ballot measures, questions, or bond issues.~~

- 5           6.    a.    The individuals entitled to participate at the recount are:
- 6                   (1)   Each candidate involved in the recount, either personally or by a  
7                               representative.
- 8                   (2)   A qualified elector favoring each side of a question if the recount involves a  
9                               question or proposition submitted to a vote of the electorate.
- 10           b.    The individuals allowed to participate may challenge the acceptance or exclusion  
11                   of any ballot. The individual challenging a ballot must state the reason for the  
12                   challenge based upon the law, and the county auditor or other political  
13                   subdivision election official shall count the challenged ballot as the auditor or  
14                   election official determines proper and then shall set the ballot aside with a  
15                   notation that it was challenged and how it was counted.
- 16           7.    At the conclusion of the recount, the county auditor or other election official shall  
17                   submit all challenged ballots to the recount board for decision. ~~Except for political~~  
18                   ~~subdivision recounts other than counties, the~~The recount board must be composed of  
19                   the state's attorney of the county, the chairman of the board of county commissioners,  
20                   and the county recorder. ~~Unless otherwise specified by law, for a political subdivision~~  
21                   ~~other than a county, the governing body of the political subdivision shall appoint the~~  
22                   ~~recount board.~~ An individual may not serve on the recount board if the individual has  
23                   anything of value bet or wagered on the result of the election, is a candidate for the  
24                   office being recounted, or is the husband, wife, father, mother, father-in-law,  
25                   mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, or sister, whether by  
26                   birth or marriage, of the whole or the half-blood, of any candidate involved in the  
27                   recount. If any of the members of the recount board are disqualified or cannot serve  
28                   for any other reason, the members of the board of county commissioners ~~or other~~  
29                   ~~political subdivision governing body~~ who would be qualified to serve on the board shall  
30                   appoint disinterested qualified electors of the county ~~or other political subdivision~~ to  
31                   serve as alternates. The recount board shall review all challenged ballots and on

1 majority vote shall decide how those ballots are counted. The recount board is  
2 authorized to initial all absentee ballots cast under section 16.1-07-09 ~~that~~which were  
3 not considered or counted at the various precincts in the county for the reasons  
4 provided in sections 16.1-07-11 and 16.1-07-12 or by the county canvassing boards as  
5 provided in section 16.1-15-19. The decision of the recount board is final, subject to  
6 the right to contest the election as provided in this chapter. If during the recount a  
7 recess is called, the county auditor or other political subdivision election official shall  
8 take appropriate steps to safeguard the ballots.

9 8. The county auditor or other election official shall certify the results of the recount no  
10 later than three days after the recount. The recount result is the official result of the  
11 election ~~in the county or other political subdivision~~. The county auditor or other election  
12 official shall prepare a corrected abstract of the votes. In a recount limited to the  
13 county, school district, city, or other political subdivision, if the corrected abstract  
14 shows no change in the outcome of the election, no further action may be taken. If the  
15 corrected abstract changes the outcome of the election, the county auditor or other  
16 election official shall issue certificates of nomination or election accordingly and shall  
17 certify the new result of a question submitted to the qualified electors. ~~In the case of a~~  
18 ~~city election that is combined with a county election, the county auditor shall certify the~~  
19 ~~new results of the election to the city auditor who is responsible for issuing new~~  
20 ~~certificates of election if applicable.~~

21 9. In presidential, congressional, statewide, judicial district, multicounty district, or  
22 legislative recounts, the county auditor, no later than three days after the recount, shall  
23 send by certified mail a certified copy of the corrected abstract to the secretary of  
24 state. The secretary of state immediately shall assemble the state canvassing board,  
25 who shall canvass the corrected abstracts and certify the election results. The  
26 secretary of state shall issue certificates of election or nomination or record the  
27 approval or disapproval of a question submitted to the qualified electors accordingly.

28 10. The expenses incurred in a recount of a county election must be paid by the county on  
29 a warrant by the county auditor. The expenses incurred in a recount of a political  
30 subdivision other than a county election must be paid by that political subdivision. ~~The~~  
31 ~~expenses incurred in a recount of a city election must be paid by the city on a warrant~~

1           by the city auditor. The expenses incurred in a recount of a presidential,  
2           congressional, state, judicial district, multicounty district, or legislative election must be  
3           paid by the state from the general fund upon approval by the secretary of state of a  
4           statement of expenses received from the county auditors. The expenses incurred in a  
5           recount demanded under subsection 2 of section 16.1-16-01 must be paid by the  
6           secretary of state or county auditor from the bond submitted by the individual  
7           requesting the recount.

8           41. This section also applies to city elections that are not combined with the county except  
9           the city auditor, to the extent applicable, shall perform the duties of the county auditor.

10          **SECTION 70. AMENDMENT.** Section 21-03-04 of the North Dakota Century Code is  
11          amended and reenacted as follows:

12          **21-03-04. Grant of power to borrow - General limitations of indebtedness.**

13          Every municipality may borrow money and issue municipal obligations thereof for the  
14          purpose specified and by the procedure provided in this chapter, and for no other purpose and  
15          in no other manner, except as otherwise provided in section 21-03-02. No municipality may  
16          incur indebtedness in any manner or for any purpose in an amount which, with all other  
17          outstanding indebtedness of the municipality, exceeds five percent of the assessed value of the  
18          taxable property therein, except:

- 19           1. Any incorporated city, by a two-thirds vote of the qualified voters thereof voting upon  
20           said question at a primary or general ~~or special~~ election, may increase such limit of  
21           indebtedness three percent on such assessed value beyond said five percent limit,  
22           and a school district, by a majority vote of the qualified voters thereof voting upon said  
23           question at a primary or general ~~or special~~ election, may increase such limitation of  
24           indebtedness five percent on such assessed value beyond the said five percent limit.
- 25           2. Any county or city, when authorized by a majority vote of the qualified voters thereof  
26           voting upon said question at a primary or general ~~or special~~ election, may issue bonds  
27           upon any revenue-producing utility owned by such county or city, for the purchase or  
28           acquisition of such utility, or the building or establishment thereof, in amounts not  
29           exceeding the physical value of such utility, industry, or enterprise.
- 30           3. Any incorporated city, if authorized by a majority vote of the qualified voters thereof  
31           voting upon said question at a primary or general ~~or special~~ election, may become

1           indebted in any amount not exceeding four percent of such assessed value, without  
2           regard to the existing indebtedness of said city, for the purpose of constructing or  
3           purchasing waterworks for furnishing a supply of water to the inhabitants of such city  
4           or for the purpose of constructing sewers, and for no other purposes whatever, but the  
5           aggregate of such additional indebtedness for waterworks and sewers never may  
6           exceed such four percent over and above the limitations of indebtedness in this  
7           section heretofore prescribed.

8   All bonds or obligations in excess of the amount of indebtedness permitted by this chapter,  
9   given by any municipality as herein defined, are void.

10       **SECTION 71. AMENDMENT.** Subsection 1 of section 21-03-06.1 of the North Dakota  
11   Century Code is amended and reenacted as follows:

12       1.   Notwithstanding any other provision of law, a school board may not enter an  
13       agreement pursuant to internal revenue service revenue ruling 63-20 under which  
14       payments of any kind would be required by the school district to any building authority  
15       or other entity that incurs indebtedness or other obligation in connection with  
16       acquisition, improvements, or construction of any property or structure at a total cost of  
17       four million dollars or more to be used by the school district unless the agreement has  
18       been approved by a vote of a majority of the qualified electors of the school district  
19       voting on the question at a ~~regular primary or special school district~~ general election if  
20       the agreement is for acquisition, improvements, or construction of any property or  
21       structure for which an election would be required if the school district undertook the  
22       acquisition, improvements, or construction project through issuance of bonds of the  
23       school district.

24       **SECTION 72. AMENDMENT.** Subsection 2 of section 21-03-10 of the North Dakota  
25   Century Code is amended and reenacted as follows:

26       2.   Proposed by filing a copy thereof in the office of the auditor or secretary of the  
27       municipality, together with a petition signed by qualified electors of the municipality  
28       aggregating in number one-fourth of the number of qualified electors of the  
29       municipality, as shown by the pollbook for the last preceding ~~annual or~~ general  
30       election held therein, or if such pollbook was not kept, then as shown by a census of  
31       the qualified electors of such municipality verified by the affidavit of one of such

1           petitioners. ~~Such~~The petition must ask that an election on the question of issuing such  
2           bonds be called. Upon the filing of such proposed initial resolution and petition, the  
3           governing body shall call ~~such~~the election in the manner specified by section  
4           21-03-11.

5           **SECTION 73. AMENDMENT.** Section 21-03-11 of the North Dakota Century Code is  
6           amended and reenacted as follows:

7           **21-03-11. Elections - When and how called ~~and held.~~**

8           Upon or after the adoption of an initial resolution by the governing body, or at the first  
9           meeting of the governing body held after the filing of a petition and proposed initial resolution by  
10          the qualified electors as specified in subsection 2 of section 21-03-10, the governing body by  
11          resolution shall provide for submitting to the qualified electors of the municipality at the next  
12          primary or general election occurring more than seventy days after the meeting the question  
13          whether the initial resolution shall be approved. ~~The date of the election must be not less than~~  
14          ~~twenty days after the passage of the initial resolution by the governing body or in the filing of a~~  
15          ~~sufficient petition therefor by the qualified electors. The governing body shall designate the date~~  
16          ~~of the election, the polling hours, and polling place, which must be the same as for municipal~~  
17          ~~elections therein, and shall appoint an inspector, two judges, and two clerks of election for each~~  
18          ~~polling place. In case of the absence of any election official, or the official's inability to act at the~~  
19          ~~opening of the polls, the remaining election officials for the polling place shall appoint a qualified~~  
20          ~~elector to fill the vacancy. The election must be conducted and the returns thereof made and~~  
21          ~~canvassed as in the case of elections of members of the governing body of the municipality.~~

22          **SECTION 74. AMENDMENT.** Subsection 2 of section 23-29-07 of the North Dakota  
23          Century Code is amended and reenacted as follows:

24          2. For any permit application ~~completed after July 1, 1994,~~ the department shall notify the  
25          board of county commissioners of a county in which a new solid waste management  
26          facility will be located of the department's intention to issue a permit for the facility. The  
27          board of county commissioners may ~~call a special election to be held within sixty days~~  
28          ~~after receiving notice from the department to allow the qualified electors of the county,~~  
29          at the next primary or general election, to vote to approve or disapprove of the facility  
30          based on public interest and impact on the environment. If a majority of the qualified

1 electors voting on the question in the election vote to disapprove of the facility, the  
2 department may not issue the permit and the facility may not be located in that county.

3 **SECTION 75. AMENDMENT.** Subsection 3 of section 23-29-07 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5 3. Notwithstanding subsection 2, if the new solid waste management facility ~~for which the~~  
6 ~~permit application was completed after July 1, 1994,~~ will be owned or operated by a  
7 solid waste management authority, ~~a special~~an election to approve or disapprove of a  
8 facility may be called only if the boards of county commissioners from a majority of the  
9 counties in the solid waste management district call for ~~a special~~the election. However,  
10 ~~a special~~an election must be conducted in each county within the authority. If a  
11 majority of the qualified electors voting on the question in the election vote to  
12 disapprove of the facility, the department may not issue the permit.

13 **SECTION 76. AMENDMENT.** Section 23-30-02 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **23-30-02. Hospital districts authorized - Dissolution of districts.**

16 1. The board of county commissioners of any county, or two or more boards of county  
17 commissioners acting jointly, shall, when requested to do so by petition of twenty  
18 percent of the qualified electors of the area to be included in a proposed hospital  
19 district, as determined by those voting for governor in that geographical area at the  
20 last gubernatorial election, submit the question to the qualified electors at ~~a special~~  
21 ~~election or~~ the next regularly scheduled primary or general election as to whether ~~or~~  
22 ~~not~~ the qualified electors of the area desire to establish a hospital district and whether  
23 they approve of the mill levy authorized by section 23-30-07 for the purpose of  
24 supporting such hospital district. If sixty percent of the qualified electors voting in the  
25 election within the proposed district approve, the county commission or county  
26 commissions, as the case may be, shall, by resolution, create the hospital district  
27 comprising the entire area as described in the petition.

28 2. In the event the qualified electors of a hospital district desire to dissolve such district,  
29 thirty percent of the qualified electors, determined as in subsection 1, may petition the  
30 board of directors of the hospital district to place the question of the continued  
31 existence of the hospital district before the qualified electors of the district at the next

1           regularly scheduled primary or general election. If at least sixty percent of the qualified  
2           electors voting in such election do not approve of the continued operation of the  
3           hospital district, the board of directors shall notify the county commission or county  
4           commissions, as the case may be. The county commission or county commissions  
5           shall, upon receipt of such notice, by resolution order the dissolution of the hospital  
6           district. Mill levies previously authorized shall continue to be collected as authorized  
7           until the termination of the authority therefor.

8           3. The petition ~~shall~~must contain the name and address of each petitioner, the suggested  
9           name of the proposed district, the area in square miles [kilometers] to be included  
10          therein, the population of such area according to the most recent census, and a  
11          complete description according to government survey of the boundaries of the real  
12          property to be included in the proposed district. The petitioners shall also present to  
13          the county auditor or auditors a plat or map showing the suggested boundaries of the  
14          proposed district, and shall deposit with the auditor a sum of money sufficient to defray  
15          the expenses of publishing the notices required by this chapter ~~and the cost of any~~  
16          ~~special election.~~

17          4. Any city located within the area, whether or not such city has a hospital, ~~shall~~must be  
18          included in the district.

19          **SECTION 77. AMENDMENT.** Section 24-05-01 of the North Dakota Century Code is  
20          amended and reenacted as follows:

21          **24-05-01. County road tax - Allocation and use of funds.**

22          In each county having a population of two thousand or more, there must be levied and  
23          collected a property tax of not less than one-fourth of one mill, nor more than the maximum rate  
24          permitted by section 57-15-06, on each dollar of the taxable valuation of all taxable property in  
25          the county for the improvement of highways. When authorized by sixty percent of the qualified  
26          electors voting upon the question at a ~~regular~~primary or ~~special~~general election in the county,  
27          the county commissioners may levy and collect a property tax not exceeding the limitation in  
28          subsection 14 of section 57-15-06.7. The levy pursuant to such an election may be discontinued  
29          at the discretion of the county commissioners; or, upon petition of five percent of the qualified  
30          electors of such county, the question of discontinuance of the levy must be submitted to the  
31          qualified electors of the county at any ~~regular~~primary or ~~special~~general election and, upon a

1 favorable vote of sixty percent of the qualified electors voting, such levy must be discontinued.  
2 Of the proceeds of the tax collected on account of property situated within any city, by the  
3 county treasurer of the county in which the city is located, twenty percent must be turned over  
4 by the treasurer to the auditor of the city, in the manner provided in section 11-13-06 to be  
5 expended under the direction of the governing body of the city in the improvement of its streets  
6 and highways. The county treasurer shall retain and deposit in a fund known as the county road  
7 fund the proceeds of this tax totaling less than twenty dollars in a taxable year which is collected  
8 on account of property situated within any city. Proceeds of the tax not turned over to cities  
9 pursuant to this section must be kept in the county road fund and must be expended in the  
10 improvement of highways as provided in this chapter under the direction of the board of county  
11 commissioners. The provisions of this section in regard to allocation apply to the proceeds of  
12 any tax originally levied for other purposes if appropriated or transferred to the county road fund  
13 or for expenditure for road and bridge purposes. No allocation pursuant to this section may  
14 include the proceeds received by the county as its share of the allocation made pursuant to  
15 section 54-27-19, nor may any allocation under this section include moneys received from the  
16 state as the result of any other intergovernmental transfer.

17 **SECTION 78. AMENDMENT.** Section 27-25-04 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **27-25-04. Governor to appoint or call special election.**

20 Within thirty days after receipt of the list of nominees, the governor shall do anyone of the  
21 following:

- 22 1. Fill the vacancy by appointment from the list of nominees submitted by the committee.
- 23 2. Return the list of nominees and direct the committee to reconvene.
- 24 3. ~~Call a special election to fill the vacancy for the remainder of the term.~~

25 ~~If the governor determines to call a special election to fill the vacancy, the governor shall issue a~~  
26 ~~writ of election to the auditors of the counties in the district in which the district vacancy occurs~~  
27 ~~commanding them to notify the boards of election in the counties to hold a special election at a~~  
28 ~~time designated by the governor. If the governor determines to call a special election within~~  
29 ~~eighty-one days of the time of the next general election, the special election must be held at the~~  
30 ~~same time as the general election.~~

1       **SECTION 79. AMENDMENT.** Section 40-03.1-03 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **40-03.1-03. Procedure when petition to change from council system of government is**  
4 **filed - ~~Special election~~Election - Ballot.**

5       When a petition to change from the council system of government, together with the city  
6 auditor's certificate of sufficiency, is filed with the governing body of a municipality, the  
7 governing body shall ~~call a special election at which only~~place the question of changing from  
8 the council system of government ~~will be submitted on the ballot at the next primary or general~~  
9 election. ~~The date of such election shall not be less than thirty days nor more than ninety days~~  
10 ~~after the date of the auditor's certificate has been filed. The election shall be conducted, returns~~  
11 ~~thereof made, and the result thereof declared in all respects as are other city elections. Notice~~  
12 ~~of such election shall be given by the publication of the proposition to be voted upon, the places~~  
13 ~~where the election will be held, and the date of the election, in each newspaper published in the~~  
14 ~~city, not more than twenty days and not less than five days before the date of such election. The~~  
15 ~~ballot to be used at the election provided for in this section shall~~must be in substantially the  
16 following form:

17       Shall the city of \_\_\_\_\_ change from its organization under the council system  
18 of government and become a city under the commission form of government?

19               Yes

20               No

21       **SECTION 80. AMENDMENT.** Section 40-03.2-03 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23       **40-03.2-03. Procedure when petition to change from council system of government is**  
24 **filed - ~~Special election~~Election - Ballot.**

25       When a petition to change from the council system of government, together with the city  
26 auditor's certificate of sufficiency, is filed with the governing body of a municipality, the  
27 governing body shall ~~call a special election at which only~~place the question of changing from  
28 the council system of government ~~will be submitted on the ballot at the next primary or general~~  
29 election. ~~The date of such election may not be less than thirty days nor more than ninety days~~  
30 ~~after the date the auditor's certificate has been filed. The election must be conducted, returns~~  
31 ~~thereof made, and the result thereof declared in all respects as are other city elections. Notice~~

1 of such election must be given by the publication of the proposition to be voted upon, the places  
2 where the election will be held, and the date of the election, in each newspaper published in the  
3 city, not more than twenty days and not less than five days before the date of such election. The  
4 ballots to be used at the election provided for in this section must be in substantially the  
5 following form:

6 Shall the city of \_\_\_\_\_ change from its organization under the council  
7 system of government and become a city under the modern council form of government  
8 with a five-member (or seven-member, nine-member, or eleven-member) council?

9 Yes

10 No

11 **SECTION 81. AMENDMENT.** Section 40-04-07 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **40-04-07. ~~Special election~~Election called to elect city commissioners.**

14 ~~Within twenty days after~~After the issuance of a patent incorporating any city under the  
15 provisions of this chapter, the executive officer of the city voting such incorporation shall call a  
16 special election for the purpose of electing the first board of city commissioners must be elected  
17 at the next primary or general election. The election shall must be held as provided in section  
18 40-21-02.

19 **SECTION 82. AMENDMENT.** Section 40-04-10 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **40-04-10. Procedure upon filing of petition to change from or revert to commission**  
22 **system of government - Election - Ballot.**

23 When a petition to change from or revert to the commission system of government, with the  
24 city auditor's certificate of sufficiency, is filed with the governing body of a city, or when a  
25 resolution to change or revert has been adopted, the governing body shall ~~call a special election~~  
26 ~~at which only~~place the question of changing from or reverting to the commission system of  
27 government ~~will be submitted~~on the ballot at the next primary or general election. The date of  
28 such election shall not be less than sixty days nor more than ninety days after the date of the  
29 auditor's certificate that a sufficient petition has been filed. The ballot to be used at the election  
30 shall must include the issue presented in the petition or resolution in substantially one of the  
31 following forms:

1 CHANGE FROM COMMISSION SYSTEM OF GOVERNMENT

2 Shall the city of \_\_\_\_\_ change from its organization under the commission  
3 system of government and become a city under the council form of government?

4 Yes

5 No

6 Shall the city of \_\_\_\_\_ change from its organization under the commission  
7 system of government and become a city under the modern council form of government  
8 with a five-man council?

9 Yes

10 No

11 Shall the city of \_\_\_\_\_ change from its organization under the commission  
12 system of government and become a city under the modern council form of government  
13 with a seven-man council?

14 Yes

15 No

16 Shall the city of \_\_\_\_\_ change from its organization under the commission  
17 system of government and become a city under the modern council form of government  
18 with an eleven-man council?

19 Yes

20 No

21 REVERSION TO COMMISSION SYSTEM OF GOVERNMENT

22 Shall the city of \_\_\_\_\_ revert from the council form of government to the  
23 commission system of government?

24 Yes

25 No

26 Shall the city of \_\_\_\_\_ revert from the modern council form of government with  
27 a five-man council to the commission system of government?

28 Yes

29 No

30 Shall the city of \_\_\_\_\_ revert from the modern council form of government with  
31 a seven-man council to the commission system of government?

1 Yes

2 No

3 Shall the city of \_\_\_\_\_ revert from the modern council form of government with  
4 an eleven-man council to the commission system of government?

5 Yes

6 No

7 **SECTION 83. AMENDMENT.** Section 40-04.1-03 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **40-04.1-03. Vacancies on city council - How filled.**

10 If a vacancy occurs in the office of councilman by death, resignation, or otherwise, the  
11 ~~remaining members of the city may call a special election to fill such vacancy for the unexpired-~~  
12 ~~term or may after fifteen days of the date of such vacancy~~ council shall appoint a ~~person~~  
13 individual from the ward or city at large by which the councilman previously holding was elected  
14 or appointed to fill ~~such~~ the vacancy until the next ~~city~~ primary or general election, at which  
15 election the unexpired term ~~shall~~ must be filled.

16 **SECTION 84. AMENDMENT.** Section 40-05-09.1 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **40-05-09.1. Tax levy for fire department stations.**

19 Upon approval of a majority of the electors voting thereon at any ~~regular election~~ primary or  
20 ~~special~~ general election ~~called for such purpose~~, the governing body of any city may levy taxes  
21 annually, not in excess of the limitation in subsection 8 of section 57-15-10, for the purpose of  
22 providing additional funds to meet the operational and maintenance costs of establishing  
23 stations for fire protection services.

24 **SECTION 85. AMENDMENT.** Section 40-05-09.2 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **40-05-09.2. Contracting for fire protection service - Providing for the financing**  
27 **thereof.**

28 Any city may, upon resolution of its governing body, execute a contract with a nonprofit  
29 corporation for the provision of fire protection and firefighting services. Such contracts may be  
30 executed only with nonprofit corporations which have been in existence and have provided fire

1 protection and firefighting services to the contracting municipality for a period of not less than  
2 twenty years.

3 Upon approval of sixty percent of the electors voting thereon at any ~~regular election~~primary  
4 or ~~special~~general election called for such purpose, the governing body of any city may levy  
5 taxes annually, not exceeding the limitation in subsection 9 of section 57-15-10 for the purpose  
6 of paying for contracted fire protection services and may also expend moneys otherwise  
7 available for the provision of such service.

8 **SECTION 86. AMENDMENT.** Section 40-05.1-04 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **40-05.1-04. Submission of charter to electors.**

11 At least sixty days, but no more than two years, after submission of the charter to the  
12 governing body of the city, the proposed charter must be submitted to a vote of the qualified  
13 electors of the city at a ~~regular~~the primary or special citygeneral election, ~~or at any statewide~~  
14 ~~election that is held within that time, or at a special city election held concurrently with any~~  
15 ~~statewide election.~~ If the proposed charter has been submitted to a vote of the qualified electors  
16 of the city, the governing body of the city may ~~call a special election to~~ resubmit the proposed  
17 charter to a vote of the qualified electors of the city, ~~and the special election must take place at~~  
18 ~~least sixty days after the call for the special election~~ at the next primary or general election. The  
19 governing body may amend the proposed charter prior to its resubmission to the electors.

20 **SECTION 87. AMENDMENT.** Section 40-08-08 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **40-08-08. Vacancies on council - How filled.**

23 If a vacancy occurs in a city council office by death, resignation, or otherwise, the city  
24 council ~~may call a special city election to fill the vacancy for the unexpired term, or may, after~~  
25 ~~fifteen days of the date of the vacancy~~shall appoint a ~~person~~an individual from the ward in  
26 which the council member previously holding was elected or appointed to fill the vacancy until  
27 the next ~~city~~primary or general election, at which election the unexpired term must be filled.  
28 ~~Upon petition of five percent of the qualified electors of the ward, as determined by the total~~  
29 ~~number of votes cast in that ward in the last city general election, the council shall call a special~~  
30 ~~election to fill a vacancy occurring more than six months before the next city election, if the~~  
31 ~~petition has been submitted within fifteen days and before four p.m. of the fifteenth day of the~~

1 ~~date of the vacancy or of the vacancy being filled by appointment. If the petition is mailed, it~~  
2 ~~must be in the possession of the council or its representative before four p.m. on the fifteenth~~  
3 ~~day after the vacancy occurs or after the vacancy was filled by appointment.~~

4 **SECTION 88. AMENDMENT.** Section 40-08-16 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **40-08-16. Vacancy in office of mayor - Filled by election or by council - President of**  
7 **council to be acting mayor.**

8 If a vacancy occurs in the office of mayor, the city council ~~may call a special city election to~~  
9 ~~fill such vacancy for the unexpired term or may, after fifteen days from the date of such~~  
10 ~~vacancy, shall~~ elect one of its members to act as mayor. The member so elected shall possess  
11 all the rights and powers of the mayor until the next election and until a mayor is elected and  
12 qualified. ~~Upon petition of five percent of the qualified electors, as determined by the total~~  
13 ~~number of votes cast in the city in the last city general election, the council shall call a special~~  
14 ~~election to fill a vacancy occurring more than six months prior to the next city election, provided~~  
15 ~~such petition is submitted within fifteen days of the date of such vacancy. During the interim~~  
16 ~~between the date when a vacancy occurs in the office of mayor and election and qualification of~~  
17 ~~a successor, the president of the city council shall be the acting mayor.~~

18 **SECTION 89. AMENDMENT.** Section 40-09-10 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **40-09-10. Filling vacancies in board.**

21 If a vacancy occurs in the office of a city commissioner or president of the board of city  
22 commissioners, the board ~~may call a special city election to fill such vacancy for the unexpired~~  
23 ~~term, or may, after fifteen days from the date of such vacancy shall~~ appoint a person an individual  
24 to fill ~~such~~ the vacancy until the next city primary or general election, at which election the  
25 unexpired term shall must be filled. ~~Upon petition of five percent of the qualified electors, as~~  
26 ~~determined by the total number of votes cast in the city in the last city general election, the~~  
27 ~~commission shall call a special city election to fill a vacancy occurring more than six months~~  
28 ~~prior to the next city election, provided such petition has been submitted within fifteen days of~~  
29 ~~the date of such vacancy.~~

30 **SECTION 90. AMENDMENT.** Section 40-12-06 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1       **40-12-06. Duty of governing body after receiving petition for proposed ordinance.**

2       After receiving the petition for the initiation of a proposed ordinance, the governing body of  
3 the municipality shall:

- 4       1. Pass the ordinance without alteration within twenty days after the attachment of the  
5       auditor's certificate to the accompanying petition; or
- 6       2. ~~Call a special election, unless a general city election is fixed within ninety days~~  
7       ~~thereafter, and submit to the vote of the qualified electors of the municipality the~~  
8       ~~initiated ordinance without alteration; or~~
- 9       3. If the petition is signed by not less than twenty-five percent of the qualified electors as  
10       defined in section 40-12-02, pass the ordinance without change within twenty days  
11       after the filing of the petition or submit the initiated ordinance at the next primary or  
12       general municipal election; ~~if the election occurs not more than thirty days after the city~~  
13       ~~auditor's certificate of sufficiency is attached to the petition, and if no general municipal~~  
14       ~~election is to be held within thirty days after the city auditor's certificate of sufficiency is~~  
15       ~~attached to the petition, it shall call a special election.~~

16       **SECTION 91. AMENDMENT.** Section 40-12-09 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18       **40-12-09. Referred measure - Submission - Result of election.**

19       When a referendum petition is filed, the governing body of the municipality shall reconsider  
20 the ordinance described therein, and if it is not entirely repealed, the governing body shall  
21 submit it to the vote of the qualified electors of the municipality at the next ~~regular-~~  
22 ~~municipal~~ primary or general election ~~or at a special election to be called for that purpose as~~  
23 ~~provided in section 40-12-06.~~ The ordinance shall may not go into effect or become operative  
24 unless a majority of the qualified electors voting on the ~~same shall~~ ordinance vote in favor  
25 thereof. If the referred ordinance was not suspended by the filing of the referendum petition, it  
26 no longer shall ~~be~~ is effective if it is disapproved by a majority vote of the qualified electors  
27 voting on the same.

28       **SECTION 92. AMENDMENT.** Section 40-12-10 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1           **40-12-10. No limitation on number of ordinances that may be voted on at one election**  
2 ~~-Limitation on special elections.~~

3           Any number of proposed or referred ordinances may be voted on at the same election in  
4 accordance with the provisions of this chapter. ~~There shall be not more than one special~~  
5 ~~election in any period of six months for such purposes.~~

6           **SECTION 93. AMENDMENT.** Section 40-21-02 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **40-21-02. City elections - When held - Notice - Polls - Agreements with counties --**  
9 **Judges and inspectors.**

10          Biennial municipal elections must be held on the second Tuesday in June in each  
11 even-numbered year.

- 12          1. Thirty days before the filing deadline for candidate names to be printed on the ballot,  
13 an official notice of this deadline along with a list of the offices to appear on the ballot  
14 must be published in the official newspaper of the city as provided by section  
15 40-01-09.
- 16          2. Ten days' notice of the time and place of the election and of the offices to be filled at  
17 the election must be given by the city auditor by publication in the official newspaper of  
18 the city as provided by section 40-01-09.
- 19          3. The governing body of ~~each~~ city shall enter ~~into~~ an agreement with the governing  
20 body of the county or counties in which the city lies concerning the use of a single  
21 canvassing board, the sharing of election personnel, the printing of election materials,  
22 the publishing of legal notices, and the apportioning of election expenses.
- 23          4. ~~For city elections that are not held under an agreement with any county, the governing~~  
24 ~~body of the city shall appoint one inspector and two judges of election for each polling~~  
25 ~~place in the city at least ten days before the election is held and the polls must be~~  
26 ~~opened and closed as provided for the opening and closing of polls at statewide~~  
27 ~~elections. In voting precincts in which over three hundred votes are cast in any~~  
28 ~~previous election, the governing body may appoint two election clerks for each polling~~  
29 ~~place. For a city election that is not held under an agreement with any county in a~~  
30 ~~precinct in which seventy five or fewer votes were cast in the last city election, the~~

1 governing body of the city may appoint one inspector and one judge for each polling  
2 place.

3 5. ~~When a city enters into an agreement with the county to hold the city election in~~  
4 ~~conjunction with the county election, the~~The deadline for giving notice of the city  
5 election along with the offices to be filled at the election ~~may~~must be adjusted in order  
6 to meet the publishing requirements of the county. Each city governing body that  
7 ~~enters into an agreement with the county must~~shall notify the county auditor, in writing,  
8 immediately after the candidate filing deadline on the sixty-fourth day before the  
9 election of the offices to be filled at the election and any measures to appear on the  
10 ballot.

11 **SECTION 94. AMENDMENT.** Section 40-21-03.1 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **40-21-03.1. Designation of polling places for municipal elections.**

14 The governing body of any city ~~at the time of calling any general or special municipal~~  
15 ~~election, or prior to the time of registration for said election, if such registration is required by~~  
16 ~~law,~~ when officers of ~~said~~the city are not to be elected by wards or districts, may by resolution  
17 designate such voting precincts and polling places for ~~said~~the election as it may deem  
18 necessary for the conduct of the same and shall in giving notice of ~~said~~the election designate  
19 ~~such~~the voting precincts and polling places.

20 **SECTION 95. AMENDMENT.** Section 40-21-07 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22 **40-21-07. Petition for nomination of elective official in cities - Signatures required -**  
23 **Withdrawal of petition - Contents.**

24 A candidate for any public office in an incorporated city may be nominated by filing with the  
25 city auditor, before four p.m. on the sixty-fourth day before the holding of the election, a petition  
26 signed by not less than ten percent of the number of qualified electors who voted for that office  
27 in the last city election. A candidate shall also file a statement of interests as required by section  
28 16.1-09-02. If multiple candidates were elected to the office at the preceding city election at  
29 which the office was voted upon, the number of signatures must equal at least ten percent of  
30 the total votes cast for all candidates divided by the number of candidates that were to be  
31 elected to that office at that election. Qualified electors who sign a petition must reside within

1 the ward or precinct in and for which that officer is to be elected, if the election is by wards, or  
2 within the corporate limits of the city, if the officer is elected at large. In cities operating under  
3 the commission system of government the required petition may be signed by the qualified  
4 electors at large residing within the city. If a petition is mailed, it must be in the possession of the  
5 city auditor before four p.m. on the sixty-fourth day before the holding of the election. However,  
6 no more than three hundred signatures may be required and the signatures may be on separate  
7 sheets of paper. Petitions must meet the specifications of nominating petitions pursuant to  
8 section 16.1-11-16. ~~If a city election is not combined with a state or county election according to~~  
9 ~~section 40-21-02, a candidate may be nominated by filing the required petition with the city~~  
10 ~~auditor before four p.m. on the sixty-fourth day before the holding of the election.~~ A candidate  
11 may withdraw the candidate's nominating petition at any time before the applicable deadlines  
12 for filing nominating petitions provided for in this section. Nominating petitions required by this  
13 section may not be circulated or signed prior to January first preceding the election. Any  
14 signatures to a nominating petition obtained before that date may not be counted. ~~A nominating~~  
15 ~~petition for a special election may not be circulated or signed more than thirty days before the~~  
16 ~~time when a petition for a special election must be filed.~~ A candidate for city council may run for  
17 either the office of mayor or council member but not both in the same election. A candidate for  
18 the city commission may run for either the office of city commissioner or the office of president  
19 of the board of city commissioners but not both in the same election. A candidate may run for  
20 only one office in a city at any given election.

21 **SECTION 96. AMENDMENT.** Section 40-24-10 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **40-24-10. One-fifth of cost of improvement may be paid by general assessment within**  
24 **constitutional debt limit.**

25 Any municipality, at the option of its governing body, may provide for the payment by  
26 general taxation of all the taxable property in the municipality of not more than one-fifth of the  
27 cost of any improvement financed by the levying of special assessments other than the opening  
28 and widening of streets or the laying of sewer or water connections from the main to the curb  
29 line. Any amount which the municipality shall determine to pay by general assessment  
30 ~~shall~~must be considered as a part of the debt of the municipality and ~~shall~~is not be valid unless  
31 such amount is within the constitutional debt limit of such municipality. Any incorporated city, by

1 a two-thirds vote of the qualified voters thereof voting upon the question at a primary or general  
2 ~~or special~~ election, may increase its limit of indebtedness three percent on the assessed  
3 valuation of taxable property in such city beyond five percent of the valuation thereof, and by a  
4 majority vote, in like manner, may increase its limit of indebtedness four percent of such  
5 valuation without regard to the existing indebtedness of such city for the purpose of constructing  
6 or purchasing waterworks for furnishing a supply of water to the inhabitants of such city, or for  
7 the purpose of constructing sewers; provided, that such increase or increases must be duly  
8 voted before the levy of any general taxes exceeding the existing debt limit may be made to pay  
9 part of the cost of any such improvement. In making any contract with reference to any special  
10 improvement, the governing body may take into consideration such portion of the cost of the  
11 improvement as will be paid by general assessment and may make appropriations and levy  
12 taxes and assessments therefor in annual installments extending over the same period of time  
13 as is provided in the special assessments for such improvement. The appropriation may be  
14 made at such time as occasion may require and ~~shall~~must be included in the municipality's first  
15 annual tax levy thereafter. The appropriation and levy, whether it is made as a part of the  
16 regular annual appropriation ordinance or otherwise, ~~shall~~must state the specific improvement  
17 for which the assessment is made and the tax levied, the amount thereof, and the district in  
18 which the improvement is made. The amount of such assessment and the moneys collected  
19 thereon ~~shall~~ become a part of the district fund upon which the warrants issued in payment for  
20 the improvement are to be drawn.

21 **SECTION 97. AMENDMENT.** Section 40-33-02 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **40-33-02. Acquiring, erecting, or improving plant, system, or line without election**  
24 **prohibited - Exceptions.**

25 No municipal officers may purchase, erect, substantially enlarge, improve, or extend an  
26 existing plant, or lease from others any plant, system, or line provided for in section 40-33-01,  
27 unless the proposition has been submitted by a resolution of the governing body to the qualified  
28 electors of the city at a ~~biennial~~primary or special~~general~~ election ~~called, held, and conducted~~  
29 ~~upon the notice and in the manner specified by this title for the election of the governing body of~~  
30 ~~the city~~, and has been approved by a majority of the electors voting thereon. If the cost of any  
31 enlargement, improvement, or extension will be paid out of the earnings of the plant and the

1 cost does not exceed the sum of five thousand dollars, or if eighty percent or more of the cost of  
2 any waterworks, mains, water system, and equipment or appliances therefor is to be paid by  
3 special assessments or by the earnings of the plant or by both, the governing body is not  
4 required to submit the proposition to the electors of the city. If the improvement and facilities are  
5 to provide for a greater and more adequate water supply to meet the needs of the city for  
6 domestic use, fire protection, or for sanitation and sewage disposal, regardless of cost the  
7 governing body thereof may by resolution provide for the needed improvement and facilities in  
8 cooperation with the state or federal government, or any agency thereof, without an election if  
9 funds for such cooperation or for defraying the entire cost thereof are available in the municipal  
10 utilities fund as defined by section 40-33-10. If the lease by the city of any plant, system, or line  
11 provided for in subsection 5 of section 40-33-01 is from the state, or any agency or institution of  
12 the state, the governing body is not required to submit the proposition to the electors of the city.

13 **SECTION 98. AMENDMENT.** Subsection 6 of section 40-33.2-02 of the North Dakota  
14 Century Code is amended and reenacted as follows:

15 6. "Governing body", with respect to a city, means the city council or, if another board,  
16 commission, or body is empowered by law or its charter or by resolution of the city  
17 council to establish and regulate rates and charges for the distribution of electric  
18 energy within the city, the board, commission, or body shall be deemed to be the  
19 "governing body". When the levy of a tax or the incurring of an obligation payable from  
20 taxes or any other action of the board, commission, or body requires the concurrence,  
21 approval, or independent action of the city council or another body under the city's  
22 charter or any other law, the action ~~shall~~may not be taken until concurrence or  
23 approval is received or independent action is taken and, if required under the city's  
24 charter or any other law, approved by not less than sixty percent of the qualified  
25 electors voting on the question at any regular~~primary~~ or special~~general~~ election. The  
26 concurrence of the city council or other elected body charged with the general  
27 management of a city ~~shall be~~is required, prior to the adoption by the city of any  
28 resolution approving an agency agreement.

29 **SECTION 99. AMENDMENT.** Subsection 7 of section 40-33.2-02 of the North Dakota  
30 Century Code is amended and reenacted as follows:

1           7. "Municipal power agency" means a separate political subdivision and municipal  
2           corporation created by agreement between two or more cities, and approved by not  
3           less than sixty percent of the qualified electors voting on the question at any  
4           ~~regular~~primary or ~~special~~general election in each of those cities, pursuant to section  
5           40-33.2-03 to exercise any of the powers of acquisition, construction, reconstruction,  
6           operation, repair, extension, or improvement of electric generation or transmission  
7           facilities or the acquisition of any interest therein or any right to part or all of the  
8           capacity thereof.

9           **SECTION 100. AMENDMENT.** Subsection 1 of section 40-33.2-03 of the North Dakota  
10          Century Code is amended and reenacted as follows:

- 11          1. Any two or more cities may form a municipal power agency by executing an agency  
12          agreement authorized by a resolution of the governing body of each city and approved  
13          by not less than sixty percent of the qualified electors voting on the question at any  
14          ~~regular~~primary or ~~special~~general election in each of those cities. The agency  
15          agreement when completed shall state:
- 16          a. That the municipal power agency is created and incorporated under this chapter  
17             as a municipal corporation and a political subdivision of the state.
  - 18          b. The name of the agency, which shall include the words "municipal power  
19             agency".
  - 20          c. The names of the cities which have approved the agency agreement and are the  
21             initial members of the municipal power agency.
  - 22          d. The names and addresses of the persons initially appointed by the resolutions  
23             approving the agreement to act as the representatives of the cities, respectively,  
24             in the exercise of their powers as members.
  - 25          e. Any limitations upon the terms of representatives of the respective member cities;  
26             provided, that such representatives shall always be selected and vacancies in  
27             their offices declared and filled by resolutions of the governing bodies of the  
28             respective cities.
  - 29          f. The names of the initial board of directors of the municipal power agency, who  
30             shall be not less than three persons who are representatives of the respective

- 1 member cities, selected by such representatives. The agreement shallmust  
2 provide that each member city shall be represented on the board of directors.  
3 g. The location of the initial registered office of the municipal power agency.  
4 h. That the cities which are members of the municipal power agency are not liable  
5 for its obligations.  
6 i. Any other provision for regulating the business of the municipal power agency or  
7 the conduct of its affairs which may be agreed by the member cities, consistent  
8 with this chapter.

9 **SECTION 101. AMENDMENT.** Subsection 4 of section 40-33.2-03 of the North Dakota  
10 Century Code is amended and reenacted as follows:

- 11 4. Unless otherwise provided by the agency agreement, the bylaws of the municipal  
12 power agency, and any amendments thereto, shallmust be proposed by the board of  
13 directors and shall be adopted by a majority vote of the representatives of the member  
14 cities, at a meeting held after notice. The initial agency agreement or the initial bylaws  
15 shalldo not take effect until approved by not less than sixty percent of the qualified  
16 electors voting on the question at any ~~regular~~primary or ~~special~~general election in  
17 each of the member cities. The agency agreement or the bylaws shallmust state:  
18 a. The qualifications of member cities, and any limitations upon their number.  
19 b. Any conditions of membership.  
20 c. Manner and time of calling regular meetings of representatives of member cities.  
21 d. Manner and conditions of terminating membership.  
22 e. Such other provisions for regulating the affairs of the municipal power agency as  
23 the representatives of the member cities shall determine to be necessary.

24 **SECTION 102. AMENDMENT.** Subsection 9 of section 40-33.2-03 of the North Dakota  
25 Century Code is amended and reenacted as follows:

- 26 9. The agency agreement may be amended as proposed at any meeting of the  
27 representatives of the member cities for which notice, stating the purpose, shallmust  
28 be given to each representative and unless the agency agreement or bylaws provide  
29 otherwise, shall become effective when ratified by resolutions of the governing bodies  
30 of a majority of the member cities and approved by not less than sixty percent of the  
31 qualified electors voting on the question at any ~~regular~~primary or ~~special~~general

1 election in each of those member cities constituting the majority. Each amendment  
2 and the resolutions of the governing bodies approving it ~~shall~~must be filed for record  
3 with the secretary of state.

4 **SECTION 103. AMENDMENT.** Subsection 4 of section 40-33.2-05 of the North Dakota  
5 Century Code is amended and reenacted as follows:

- 6 4. Except when the agency agreement or bylaws prescribe otherwise, bonds or notes of  
7 a municipal power agency ~~shall~~must be authorized by resolution of its board of  
8 directors and approved by not less than sixty percent of the qualified electors in each  
9 of the member cities voting on the question at any ~~regular~~primary or ~~special~~general  
10 election and may be issued under such resolution or under a trust indenture or other  
11 security agreement, in one or more series, and ~~shall~~must bear such date or dates,  
12 mature at such time or times, bear interest at such rate or rates, be in such  
13 denominations, be in such form, either coupon or registered, carry such conversion,  
14 registration, and exchange privileges, have such rank or priority, be executed in such  
15 manner, be payable in such medium of payment at such place or places within or  
16 outside the state or within or outside the United States, be subject to such terms of  
17 redemption with or without premiums, and contain or be subject to such other terms as  
18 the resolution, trust indenture, or other security agreement may provide, and ~~shall~~may  
19 not be restricted by the provisions of any other law limiting the amounts, maturities,  
20 interest rates, or other terms of obligations of cities, public agencies, or private  
21 persons.

22 **SECTION 104. AMENDMENT.** Subsection 10 of section 40-33.2-05 of the North Dakota  
23 Century Code is amended and reenacted as follows:

- 24 10. For the security of bonds or notes issued or to be issued by a municipal power agency,  
25 the municipal power agency may, subject to approval by not less than sixty percent of  
26 the qualified electors in each of the member cities voting on the question at any  
27 ~~regular~~primary or ~~special~~general election, mortgage or execute deeds of trust of the  
28 whole or any part of its property and franchises. Such mortgages or deeds of trust may  
29 by their terms include after-acquired property and ~~shall~~bear valid and effectual for  
30 that purpose as if such after-acquired property were owned by, and in possession of,  
31 the municipal power agency giving such mortgage or deed of trust at the time of the

1 execution thereof. Any mortgage, or deed of trust covering the whole or any part of  
2 easements or other interests in real estate less than fee simple used in the generation  
3 or transmission of electric power, and covering fixtures annexed to the real estate in  
4 which the municipal power agency has an easement or other less than fee simple  
5 interest, may be filed in the office of the secretary of state with or as part of the  
6 financing statement covering the fixtures. Such filing of the mortgage or deed of trust  
7 ~~shall have~~has the same effect, and ~~shall be~~is notice of the rights and interest of the  
8 mortgagee or trustee in such easements and other less than fee simple interests in  
9 real estate and in such fixtures to the same extent as if such mortgage or deed of trust  
10 were duly recorded in the office of the recorder of the county or counties in which the  
11 real estate subject to such easements or less than fee simple interests is situated. Any  
12 such mortgage or deed of trust so filed ~~shall be~~is deemed to contain a sufficient  
13 description to give notice of the rights and interests of the mortgagee or trustee in the  
14 easements and other less than fee simple interests in the real estate used in the  
15 generation or transmission of electric power if such mortgage or deed of trust states  
16 that the securing includes rights of way of or generation or transmission systems of or  
17 lines of the municipal power agency, or all property owned by the municipal power  
18 agency. This subsection ~~shall~~does not apply to any real estate owned by the municipal  
19 power agency in fee simple. All filings required under title 41 to perfect a security  
20 interest against the personal property or fixtures of a municipal power agency  
21 ~~shall~~must be made and maintained in the office of the secretary of state.

22 **SECTION 105. AMENDMENT.** Section 40-33.3-01 of the North Dakota Century Code is  
23 amended and reenacted as follows:

24 **40-33.3-01. Creation of authority - Membership.**

25 Any two or more cities each of which is over forty thousand population may form a  
26 municipal pipeline authority by executing an agreement authorized by a resolution of the  
27 governing body of each city and approved by not less than a majority of the qualified electors  
28 voting on the question at any ~~regular~~primary or ~~special~~general election in each of those cities.  
29 Any city may become a member of an existing municipal pipeline authority, without regard to  
30 population, upon executing an agreement with the authority.



1           section. The governing body may call a special election at any time for the purpose of  
2           voting on the question, and the election shall be called, conducted, and certified as are  
3           other elections in that political subdivision. Upon approval by sixty percent of the  
4           qualified electors voting in the election, the governing body shall increase the levy for  
5           public library service in the amount approved by the qualified electors.

6           **SECTION 109. AMENDMENT.** Section 40-44-12 of the North Dakota Century Code is  
7           amended and reenacted as follows:

8           **40-44-12. Abandonment of civil service system - Election - Form of ballot - Removal**  
9           **of department or employee from civil service.**

10          After a civil service system has been adopted, the governing body shall ~~may~~ not abolish it  
11          nor ~~or~~ remove any department or employee thereof, or any employee or appointive official, from  
12          under the civil service and the provisions of this chapter unless ~~and until~~ civil service has been  
13          abandoned by the city after the question shall ~~have~~ has been submitted to the qualified electors  
14          of the city at a ~~regular~~ primary or ~~special municipal~~ general election. At any election held to  
15          determine whether the city shall abandon the civil service system, the question shall must be  
16          submitted to the electors in substantially the following form:

17                Shall the city abandon the civil service system?

18                                Yes

19                                No

20          If two-thirds of the votes cast upon the question favor the abandonment of civil service, the  
21          governing body shall provide for the abandonment of the system. Any office or employment,  
22          however, may be abolished by the governing body of the city by resolution declaring there no  
23          longer is need therefor after a hearing has been given to the officials and employees to be  
24          affected and after a determination to such effect.

25          **SECTION 110. AMENDMENT.** Section 40-49-07 of the North Dakota Century Code is  
26          amended and reenacted as follows:

27          **40-49-07. Election and qualification of members of board of park commissioners.**

28          The members of the board of park commissioners shall ~~possess the qualifications of~~ must  
29          be electors of the city and must be elected by the qualified electors of the park district. The  
30          members of the first board may be elected at any ~~regular city election~~ primary or at a  
31          ~~special~~ general election called for that purpose by the governing body of the city. Thereafter,

1 ~~members of the board must be elected at the regular city elections. Such~~The members shall  
2 qualify within two weeks after their election by taking and filing with the city auditor the oath  
3 prescribed for civil officers. ~~The board of park commissioners may enter into an agreement with~~  
4 ~~the governing body of the city concerning sharing of election personnel, printing of election~~  
5 ~~materials, and apportioning of election expenses.~~

6 **SECTION 111. AMENDMENT.** Section 40-49-07.2 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **40-49-07.2. Dissolution of city park district - Election.**

- 9 1. A city park district may be dissolved pursuant to a plan adopted pursuant to this  
10 section. A proposal for dissolving a city park district may be initiated:
- 11 a. By resolution incorporating a dissolution plan, approved by a majority vote of the  
12 board of park commissioners and submitted to the governing body of the city; or
  - 13 b. By a petition incorporating a dissolution plan, signed by twenty-five percent or  
14 more of the total number of qualified electors of the city park district voting at the  
15 last regular city election and submitted to the governing body of the city.
- 16 2. The governing body of the city shall submit the question of dissolution to the electors  
17 of the park district at any ~~regular city election~~ or primary or general election as  
18 specified in the resolution or petition submitted pursuant to subsection 1. The plan  
19 incorporated in the resolution or petition is effective and becomes operative according  
20 to its terms if a majority of the qualified electors voting on the question approves the  
21 plan.
- 22 3. A plan for dissolving a city park district may specify:
- 23 a. The disposition and maintenance of land and other property acquired by the  
24 board of park commissioners of the dissolved park district;
  - 25 b. The manner for payment of any current indebtedness, evidences of indebtedness  
26 in anticipation of user fee revenues, bonded indebtedness, and other obligations  
27 of the dissolved park district;
  - 28 c. The disposition of any outstanding special assessments or other anticipated  
29 revenues;

- 1           d. The transition in implementing the plan, including elements that consider the  
2           reasonable expectations of current officeholders and personnel such as delayed  
3           effective dates for implementation; and
- 4           e. Other considerations and provisions that are consistent with state law.
- 5       4. The governing body of the city shall cause the complete text, or a fair and accurate  
6       summary, of the plan to be published in the official newspaper of the city, not less than  
7       two weeks nor more than thirty days, before the date of the election. The governing  
8       body may, prior to the election, hold public hearings and community forums and use  
9       other suitable means to disseminate information, receive suggestions and comments,  
10      and encourage public discussion of the purpose and provisions of the plan.

11       **SECTION 112. AMENDMENT.** Subsection 1 of section 40-53.1-01 of the North Dakota  
12 Century Code is amended and reenacted as follows:

- 13       1. If qualified electors of a city equal in number to one-fourth of the number of qualified  
14       electors voting at the last ~~regular city general~~ election held in an even-numbered year  
15       petition the board of county commissioners of the county wherein the city is situated to  
16       dissolve the city, the board of county commissioners shall ~~order a special election to~~  
17       ~~be held within the city on~~ place the question of dissolving the city on the ballot at the  
18       next primary or general election.

19       **SECTION 113. AMENDMENT.** Section 40-53.2-03 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21       **40-53.2-03. Municipal consolidation review commission.**

22       Upon passage by a simple majority of the votes cast on the question in each of the cities  
23 seeking consolidation in the manner provided by section 40-53.2-02, the governing body of  
24 each of the cities seeking consolidation shall appoint an equal number of the members of each  
25 governing body who shall convene as the municipal consolidation review commission to make a  
26 finding as to whether or not there is sufficient reason to further consider consolidation of the  
27 cities seeking consolidation. If the commission finds insufficient reason, no further consideration  
28 shall be given to the matter of consolidation of the cities. If the commission finds sufficient  
29 reason for consolidation, it shall develop a recommended plan of consolidation, holding such  
30 hearings on the plan as it deems appropriate. The commission shall submit its recommended  
31 plan to the voters of both cities. Upon receiving a majority affirmative vote of the electors of

1 each city, voting on the question at a ~~special election~~primary or any regulargeneral election, the  
2 review commission's recommended plan shall ~~become~~becomes effective on July first of the  
3 next year.

4 **SECTION 114. AMENDMENT.** Section 40-55-08 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **40-55-08. (Effective for the first two taxable years beginning after December 31, 2012)**

7 **Election to determine desirability of establishing recreation system - How called.**

8 The governing body of any municipality, school district, or park district to which this chapter  
9 is applicable, may and upon receipt of a petition signed by at least ten qualified electors but not  
10 less than five percent of those qualified electors who voted at the last general election, which  
11 was held in an even-numbered year, of the municipality, school district, or park district, shall  
12 submit to the qualified electors the question of the establishment, maintenance, and conduct of  
13 a public recreation system, and except in the case of a school district, the levying of an annual  
14 tax for the conduct and maintenance thereof of not more than two and five-tenths mills on each  
15 dollar of taxable valuation of all taxable property within the corporate limits or boundaries of  
16 ~~such~~the municipality or park district, to be voted upon at the next primary or general election or  
17 ~~special municipal election~~; provided, however, that ~~such~~the questions may not be voted upon at  
18 the next general election unless such action of the governing body shall ~~be~~is taken, or ~~such~~a  
19 petition to submit such question shall ~~be~~is filed thirty days prior to the date of ~~such~~the election. A  
20 school district may provide for the establishment, maintenance, and conduct of a public  
21 recreation system using the proceeds of levies, as permitted by section 57-15-14.2.

22 **(Effective after the first two taxable years beginning after December 31, 2012)**

23 **Election to determine desirability of establishing recreation system - How called.** The  
24 governing body of any municipality, school district, or park district to which this chapter is  
25 applicable, may and upon receipt of a petition signed by at least ten qualified electors but not  
26 less than five percent of those qualified electors who voted at the last general election, which  
27 was held in an even-numbered year, of the municipality, school district, or park district, shall  
28 submit to the qualified electors the question of the establishment, maintenance, and conduct of  
29 a public recreation system, and except in the case of a school district, the levying of an annual  
30 tax for the conduct and maintenance thereof of not more than two and five-tenths mills on each  
31 dollar of taxable valuation of all taxable property within the corporate limits or boundaries of

1 ~~such~~the municipality or park district, to be voted upon at the next primary or general election or  
2 ~~special municipal election~~; provided, however, that ~~such~~the questions may not be voted upon at  
3 the next general election unless such action of the governing body ~~shall be~~is taken, or ~~such~~a  
4 petition to submit ~~such~~the question ~~shall be~~is filed thirty days prior to the date of ~~such~~the  
5 election. A school district may levy a tax for the establishment, maintenance, and conduct of a  
6 public recreation system pursuant to subdivision q of subsection 1 of section 57-15-14.2.

7 **SECTION 115. AMENDMENT.** Section 40-55-09 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **40-55-09. (Effective for the first two taxable years beginning after December 31, 2012)**

10 **Favorable vote at election - Procedure.**

11 Except in the case of a school district or park district, upon adoption of the public recreation  
12 system proposition at an election by a majority of the votes cast upon the proposition, the  
13 governing body of the municipality, by resolution or ordinance, shall provide for the  
14 establishment, maintenance, and conduct of a public recreation system, and thereafter levy and  
15 collect annually a tax of not more than two and five-tenths mills, or not more than eight and  
16 five-tenths mills if authorized as provided by this section, on each dollar of the taxable valuation  
17 of all taxable property within the corporate limits or boundaries of the municipality. This tax is in  
18 addition to the maximum of taxes permitted to be levied in ~~such~~the municipality. The mill levy  
19 authorized by this section may be raised to not more than eight and five-tenths mills when the  
20 increase is approved by the citizens of the municipality after submission of the question in the  
21 same manner as provided in section 40-55-08 for the establishment of the public recreation  
22 system. The governing body of the municipality shall continue to levy the tax annually for public  
23 recreation purposes until the qualified voters, at a ~~regular~~primary or ~~special~~general election, by  
24 a majority vote on the proposition, decide to discontinue the levy. The governing body of the  
25 municipality may appropriate additional funds for the operation of the public recreation system if  
26 in the opinion of the governing body additional funds are needed for the efficient operation  
27 thereof. This chapter does not limit the power of any municipality, school district, or park district  
28 to appropriate on its own initiative general municipal, school district, or park district tax funds for  
29 the operation of a public recreation system, a community center, or character-building facility. A  
30 park district may levy a tax annually within the general fund levy authority of section 57-15-12  
31 for the conduct and maintenance of a public recreation system.

1           **(Effective after the first two taxable years beginning after December 31, 2012)**

2   **Favorable vote at election - Procedure.** Except in the case of a school district or park district,  
3 upon adoption of the public recreation system proposition at an election by a majority of the  
4 votes cast upon the proposition, the governing body of the municipality, by resolution or  
5 ordinance, shall provide for the establishment, maintenance, and conduct of a public recreation  
6 system, and thereafter levy and collect annually a tax of not more than two and five-tenths mills,  
7 or not more than eight and five-tenths mills if authorized as provided by this section, on each  
8 dollar of the taxable valuation of all taxable property within the corporate limits or boundaries of  
9 the municipality. This tax is in addition to the maximum of taxes permitted to be levied in  
10 ~~such~~the municipality. The mill levy authorized by this section may be raised to not more than  
11 eight and five-tenths mills when the increase is approved by the citizens of the municipality after  
12 submission of the question in the same manner as provided in section 40-55-08 for the  
13 establishment of the public recreation system. The governing body of the municipality shall  
14 continue to levy the tax annually for public recreation purposes until the qualified voters, at a  
15 ~~regular~~primary or ~~special~~general election, by a majority vote on the proposition, decide to  
16 discontinue the levy. The governing body of the municipality may appropriate additional funds  
17 for the operation of the public recreation system if in the opinion of the governing body  
18 additional funds are needed for the efficient operation thereof. This chapter does not limit the  
19 power of any municipality, school district, or park district to appropriate on its own initiative  
20 general municipal, school district, or park district tax funds for the operation of a public  
21 recreation system, a community center, or character-building facility. A school district may levy a  
22 tax annually for the conduct and maintenance of a public recreation system pursuant to  
23 subdivision q of subsection 1 of section 57-15-14.2. A park district may levy a tax annually  
24 within the general fund levy authority of section 57-15-12 for the conduct and maintenance of a  
25 public recreation system.

26           **SECTION 116. AMENDMENT.** Section 40-57.2-04 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28           **40-57.2-04. City or county may make tax levy.**

29           Any city or county, after resolution by its governing body that the question be submitted to  
30 its electors shall upon approval of the question at a ~~regular~~primary or ~~special~~general election by  
31 sixty percent of the qualified electors of the city or county voting in the election may levy a tax

1 not exceeding the limitations in subsection 16 of section 57-15-06.7 and subsection 15 of  
2 section 57-15-10 for the purpose of providing funds for career and technical education and  
3 on-the-job training services and surveys and otherwise implementing this chapter. No levy for a  
4 specific year ~~shall~~may be made if the balance in the fund remaining from levies in prior years is  
5 in excess of ten thousand dollars.

6 **SECTION 117. AMENDMENT.** Section 40-59-04 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **40-59-04. ~~Conduct of election~~Election result certified.**

9 ~~A special election upon the question of levying taxes for such purpose shall be held at a~~  
10 ~~time to be set by the governing body of the municipality. The votes cast upon the question of the~~  
11 ~~proposed tax levy shall be returned and canvassed as other votes cast at elections are returned~~  
12 ~~and canvassed, and the~~The result of such an election shall upon the question of levying taxes  
13 under this chapter must be certified and spread upon the minutes of the proceedings of the  
14 governing body of the municipality at the next regular or special meeting thereafter.

15 **SECTION 118. AMENDMENT.** Section 44-08-21 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **44-08-21. Recall of elected officials of political subdivisions.**

- 18 1. An elected official of a political subdivision, except an official subject to recall under  
19 section 10 of article III of the Constitution of North Dakota, is subject to recall by  
20 petition of electors equal in number to twenty-five percent of the voters who voted in  
21 the most recent election that the official sought to be recalled was on the ballot, not  
22 including other recall elections. An official who was appointed to fill a vacancy is  
23 subject to recall by petition of electors equal in number to twenty-five percent of the  
24 voters who voted in the most recent election that the office of the official sought to be  
25 recalled was on the ballot, not including other recall elections. The provisions of  
26 section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to  
27 petitions under this section.
- 28 2. A recall petition must include a stated reason for the recall and be approved as to form  
29 before circulation by the secretary of state. The secretary of state shall complete the  
30 review of the form of a recall petition in not less than five, nor more than seven,  
31 business days, excluding Saturdays. To be effective, a recall petition must be

- 1 submitted to the appropriate filing officer within ninety days after the date the recall  
2 petition is approved for circulation by the secretary of state.
- 3 3. Once circulated, the recall petition must be filed with the filing officer with whom a  
4 petition for nomination to the office in question is filed unless that filing officer is the  
5 individual subject to recall, in which case the petition must be filed with the secretary of  
6 state. The filing officer with whom the petition is filed shall pass on the sufficiency of a  
7 petition pursuant to section 16.1-01-09.1. ~~Except as otherwise provided in this section,~~  
8 ~~the filing officer shall call a special election to be held not sooner than ninety days nor~~  
9 ~~later than one hundred days following the date the filing officer certifies the petition~~  
10 ~~valid and sufficient. No special election may be called if that date would be within~~  
11 ~~ninety days of the next scheduled election.~~ An elector's name may not be removed  
12 from a recall petition that has been submitted to and received by the appropriate filing  
13 officer.
- 14 4. ~~The filing officer shall place the~~ name of the official to be recalled ~~must be placed~~ on  
15 the ballot at the next primary or general election unless the official resigns within ten  
16 days after the filing officer certifies the petition is valid and sufficient. Other candidates  
17 for the office may be nominated in a manner provided by law and shall file nominating  
18 papers with the appropriate filing officer by the sixty-fourth day before the scheduled  
19 recall election. If the official resigns, the appropriate political subdivision governing  
20 body ~~may call a special election or shall~~ appoint an individual to serve until the next  
21 primary or general election when a successor is elected to complete the unexpired  
22 term of the office. When the election results have been officially declared, the  
23 candidate receiving the highest number of votes is elected for the remainder of the  
24 term. No official is subject to recall twice during the term for which the official was  
25 elected. An official whose office is on the ballot at a regularly scheduled election  
26 occurring within one year is not subject to recall.

27 **SECTION 119. AMENDMENT.** Section 47-04-32 of the North Dakota Century Code is  
28 amended and reenacted as follows:

29 **47-04-32. Covenant may not prohibit display of political signs.**

30 Notwithstanding any provision in a covenant, a covenant running with the land may not  
31 prohibit the outdoor display of a political yard sign by the owner or a resident on the owner's

1 property within sixty days before any primary, or general, ~~or special~~ election. A covenant may  
2 include reasonable rules regarding the placement and manner of display of political signs.

3 **SECTION 120. AMENDMENT.** Section 47-04.1-14 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **47-04.1-14. Covenant, declaration, bylaw, or other rule may not prohibit display of**  
6 **political signs.**

7 Notwithstanding any provision in a covenant, declaration, bylaw, or other rule of a project,  
8 an owner or resident may not be prohibited from displaying a political yard sign on the owner's  
9 property within sixty days before any primary, or general, ~~or special~~ election. A covenant,  
10 declaration, bylaw, or rule may include reasonable restrictions regarding the placement and  
11 manner of display of political signs.

12 **SECTION 121. AMENDMENT.** Section 54-40.4-04 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **54-40.4-04. Submission of charter to electors.**

15 At least sixty days, but not more than two years, after submission of the proposed charter to  
16 the affected governing bodies, the proposed charter must be submitted to a vote of the qualified  
17 electors of each affected county and city at a primary or general election held concurrently. The  
18 question on the ballot at the election must be framed in a manner that fairly and accurately  
19 describes the substance of the proposed charter. If the proposed charter has been submitted to  
20 a vote of the qualified electors of a county or city, the governing body may ~~call a special election~~  
21 ~~to~~ resubmit the proposed charter to a vote of the qualified electors, ~~and the special election~~  
22 ~~must take place at least sixty days after the call for the special~~ at the next primary or general  
23 election.

24 **SECTION 122. AMENDMENT.** Section 55-02-07.2 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **55-02-07.2. Protection of public health and safety on sites having a public function.**

27 Notwithstanding any other provision of law, if the state or a political subdivision has a  
28 property interest in real property and that property has an existing public function in addition to  
29 any historical site registration or historical significance determination, the governing body of the  
30 agency or political subdivision owning the property interest may, subject to the following  
31 provisions, improve, alter, modify, or destroy that property if the agency or governing body

1 determines that action is necessary to protect public health or safety, to provide access for  
2 disabled personsindividuals, or to ensure structural integrity. If an action is to be taken by an  
3 agency or governing body under this section, notice of intent to take the action must be given to  
4 the director at the onset of the planning process. At the director's request, the agency or  
5 governing body shall inform the director of each meeting at which planning or decisions on a  
6 project are on the agenda. At each meeting, the agency or governing body shall provide the  
7 director with an opportunity to comment or provide preservation funding for the proposed project  
8 and the agency or governing body shall consider the director's comments or offers of funding in  
9 the development and implementation of the project. If the agency or governing body and the  
10 director do not agree on the action to be taken, the differences must be submitted to a mediator  
11 selected by the governor to facilitate a consensus between the parties. The cost of the mediator  
12 must be shared equally by the parties. The mediator shall issue a report within sixty days of  
13 appointment by the governor. The report of the mediator must be sent to the director and must  
14 be published once in the official newspaper of the political subdivision. Although the agency or  
15 governing body may take the action it deems necessary, the agency or governing body shall  
16 make all reasonable effort to preserve the historical characteristics of a site taking into  
17 consideration economic and technical feasibility. The agency or governing body must notify the  
18 director of its decision and must publish it once in the official newspaper of the political  
19 subdivision. After mediation, if any, if the governing body of a political subdivision determines to  
20 proceed with actions that will result in completely demolishing, removing, or significantly  
21 degrading the historical characteristics of a building or real property, a resident of the political  
22 subdivision where the building or real property is located may submit a written notice to the  
23 county auditor of intention to petition for a public vote. The notice must be filed with the county  
24 auditor within fourteen days of the publication of the decision of the governing body. A petition  
25 for a public vote must contain the names of at least ten percent of the qualified electors from  
26 that governing body's jurisdiction who voted in the last general election held in an  
27 even-numbered year and must be filed with the county auditor within one hundred twenty days  
28 of the governing body's publication of notice of its final action. If a petition is filed, the matter  
29 must be submitted for a vote of the qualified electors at the next ~~special~~, primary, or general  
30 election ~~held in that jurisdiction~~. All actions to remove, demolish, or significantly degrade the  
31 historical characteristics of a building or real property are stayed for fourteen days after the

1 governing body's publication of notice of its final action, and if notice of intention to seek a public  
2 vote is filed, actions are stayed until either the petition fails or the public vote is held. If the  
3 political subdivision is a home rule jurisdiction with its own referendum procedures, however,  
4 the home rule referendum procedures apply to the action of the governing body.

5 **SECTION 123. AMENDMENT.** Section 57-15-06.5 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **57-15-06.5. Tax levy for planning purposes.**

8 The board of county commissioners, when authorized by sixty percent of the electors voting  
9 upon the question in a ~~regular primary~~ or ~~special~~ general election ~~called by the county-~~  
10 ~~commissioners,~~ may levy a tax not exceeding the limitation in subsection 19 of section  
11 57-15-06.7. The proceeds of a levy pursuant to this section may be used only for county  
12 planning purposes and may not be used to directly fund a regional planning council. However,  
13 proceeds of a levy pursuant to this section may be used by the levying county to enter ~~into~~ a  
14 contract with a regional planning council for single county planning services for the levying  
15 county.

16 **SECTION 124. AMENDMENT.** Subsection 29 of section 57-15-06.7 of the North Dakota  
17 Century Code is amended and reenacted as follows:

18 29. A county levying a tax for a job development authority as provided in section  
19 11-11.1-04 or for the support of an industrial development organization as provided in  
20 section 11-11.1-06 may levy a tax not exceeding four mills on the taxable valuation of  
21 property within the county. Upon approval by a majority of electors voting on the  
22 question at a ~~regular primary~~ or ~~special county~~ general election, a county levying a tax  
23 for a job development authority as provided in section 11-11.1-04 or for the support of  
24 an industrial development organization as provided in section 11-11.1-06 may levy a  
25 separate and additional tax for promotion of tourism in an amount not exceeding one  
26 mill on the taxable valuation of property within the county. However, if any city within  
27 the county is levying a tax for support of a job development authority or for support of  
28 an industrial development organization and the total of the county and city levies  
29 exceeds five mills, the county tax levy within the city levying under subsection 28 of  
30 section 57-15-10 must be reduced so the total levy in the city does not exceed five  
31 mills.

1       **SECTION 125. AMENDMENT.** Subsection 2 of section 57-15-06.10 of the North Dakota  
2 Century Code is amended and reenacted as follows:

3       2. The consolidation of mill levies under subsection 1 may be accomplished by resolution  
4 of the board of county commissioners, subject to the right of referendum by the county  
5 electors. The board of county commissioners may by majority vote adopt a preliminary  
6 resolution providing for the consolidated levy. The board shall publish the preliminary  
7 resolution in the official newspaper of the county, at least once during two different  
8 weeks within the thirty-day period immediately following the adoption of the preliminary  
9 resolution. The board of county commissioners shall hold at least one public hearing  
10 and receive comments regarding the consolidation of mill levies. The preliminary  
11 resolution may be referred to the qualified electors of the county by a petition  
12 protesting the consolidation. The petition must be signed by ten percent or more of the  
13 total number of qualified electors of the county voting for governor at the most recent  
14 gubernatorial election, and filed with the county auditor before four p.m. on the  
15 ninetieth day after the preliminary resolution is adopted. If the petition contains the  
16 signatures of a sufficient number of qualified electors, the board of county  
17 commissioners shall rescind the preliminary resolution or submit the resolution to a  
18 vote of the qualified electors of the county at the next ~~regular~~primary or general  
19 ~~election or at a special election called by the board of county commissioners to~~  
20 ~~address the question.~~ If a majority of the qualified electors voting on the question  
21 approve the resolution, the consolidation becomes effective for the next tax year and  
22 subsequent tax years. If a petition protesting the consolidation is not submitted within  
23 ninety days, the board of county commissioners shall consider the comments received  
24 regarding the consolidation and either adopt a final resolution implementing the  
25 consolidation or rescind the preliminary resolution. The consolidation of mill levies may  
26 be reversed by resolution of the board of county commissioners following the same  
27 procedure provided for implementation of the consolidation or by a majority vote of the  
28 qualified electors of the county voting on the question pursuant to submission of a  
29 petition to reverse the consolidation signed by ten percent or more of the total number  
30 of qualified electors of the county voting for governor at the most recent gubernatorial  
31 election.

1       **SECTION 126. AMENDMENT.** Section 57-15-08 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **57-15-08. General fund levy limitations in cities.**

4       The aggregate amount levied for general city purposes may not exceed an amount  
5 produced by a levy of thirty-eight mills on the taxable valuation of property in the city. Cities with  
6 a population of over five thousand may levy an additional one-half of one mill for each additional  
7 one thousand population in excess of five thousand, up to a maximum levy for general city  
8 purposes of forty mills. A city, when authorized by a majority vote of the electors of the city  
9 voting on the question at a ~~regularly scheduled~~primary or special general election ~~called for such~~  
10 ~~purpose pursuant to a resolution approved by the governing body of the city,~~ may increase the  
11 maximum mill levy for general city purposes by not more than ten mills.

12       **SECTION 127. AMENDMENT.** Section 57-15-12 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14       **57-15-12. General fund levy limitations in park districts.**

15       The aggregate amount levied for park district general fund purposes, exclusive of levies to  
16 pay interest on bonded debt and levies to pay and discharge the principal thereof, and levies to  
17 pay the principal and interest on special assessments assessed and levied against park board  
18 properties by other municipalities, may not exceed the sum of the number of mills levied by the  
19 park district in taxable year 2000 for the general fund under section 57-15-12 including any  
20 additional levy approved by the electors, the insurance reserve fund under section 32-12.1-08,  
21 the employee health care program under section 40-49-12, the public recreation system under  
22 section 40-55-09 including any additional levy approved by the electors, forestry purposes  
23 under section 57-15-12.1 except any additional levy approved by the electors, pest control  
24 under section 4-33-11, and handicapped person programs and activities under section  
25 57-15-60. A park district may increase its general fund levy under this section to any number of  
26 mills approved by a majority of the electors of the park district voting on the question at a  
27 ~~regular~~primary or special park district general election, up to a maximum levy under this section  
28 of thirty-five mills on the dollar of the taxable valuation of the district for the current year.

29       **SECTION 128. AMENDMENT.** Section 57-15-12.1 of the North Dakota Century Code is  
30 amended and reenacted as follows:



1           **57-15-14. (Effective for the first two taxable years beginning after December 31, 2012)**

2   **Voter approval of excess levies in school districts.**

3           1. Unless authorized by the electors of the school district in accordance with this section,  
4           a school district may not impose greater levies than those permitted under section  
5           57-15-14.2.

6           a. In any school district having a total population in excess of four thousand  
7           according to the last federal decennial census there may be levied any specific  
8           number of mills that upon resolution of the school board has been submitted to  
9           and approved by a majority of the qualified electors voting upon the question at  
10          any ~~regular~~primary or ~~special school district~~general election.

11          b. In any school district having a total population of fewer than four thousand, there  
12          may be levied any specific number of mills that upon resolution of the school  
13          board has been approved by fifty-five percent of the qualified electors voting  
14          upon the question at any ~~regular~~primary or ~~special school~~general election.

15          c. After June 30, 2009, in any school district election for approval by electors of  
16          increased levy authority under subsection 1 or 2, the ballot must specify the  
17          number of mills proposed for approval, and the number of taxable years for which  
18          that approval is to apply. After June 30, 2009, approval by electors of increased  
19          levy authority under subsection 1 or 2 may not be effective for more than ten  
20          taxable years.

21          d. The authority for a levy of up to a specific number of mills under this section  
22          approved by electors of a school district before July 1, 2009, is terminated  
23          effective for taxable years after 2015. If the electors of a school district subject to  
24          this subsection have not approved a levy for taxable years after 2015 of up to a  
25          specific number of mills under this section by December 31, 2015, the school  
26          district levy limitation for subsequent years is subject to the limitations under  
27          section 57-15-01.1 or this section.

28          e. For taxable years beginning after 2012:

29           (1) The authority for a levy of up to a specific number of mills, approved by  
30           electors of a school district for any period of time that includes a taxable

- 1                    year before 2009, must be reduced by one hundred fifteen mills as a  
2                    precondition of receiving state aid in accordance with chapter 15.1-27.
- 3                    (2) The authority for a levy of up to a specific number of mills, approved by  
4                    electors of a school district for any period of time that does not include a  
5                    taxable year before 2009, must be reduced by forty mills as a precondition  
6                    of receiving state aid in accordance with chapter 15.1-27.
- 7                    (3) The authority for a levy of up to a specific number of mills, placed on the  
8                    ballot ~~in a school district~~ at a primary or general election for electoral  
9                    approval of increased levy authority under subdivision a or b, after June 30,  
10                    2013, must be stated as a specific number of mills of general fund levy  
11                    authority and must include a statement that the statutory school district  
12                    general fund levy limitation is seventy mills on the dollar of the taxable  
13                    valuation of the school district.
- 14                    f. The authority for an unlimited levy approved by electors of a school district before  
15                    July 1, 2009, is terminated effective for taxable years after 2015. If the electors of  
16                    a school district subject to this subsection have not approved a levy of up to a  
17                    specific number of mills under this section by December 31, 2015, the school  
18                    district levy limitation for subsequent years is subject to the limitations under  
19                    section 57-15-01.1 or this section.
- 20                    2.    a. The question of authorizing or discontinuing such specific number of mills  
21                    authority in any school district must be submitted to the qualified electors at the  
22                    next ~~regular~~ primary or general election upon resolution of the school board or  
23                    upon the filing with the school board of a petition containing the signatures of  
24                    qualified electors of the district equal in number to ten percent of the number of  
25                    electors who cast votes in the most recent election of board members in the  
26                    school district. No fewer than twenty-five signatures are required.
- 27                    b. The approval of discontinuing such authority does not affect the tax levy in the  
28                    calendar year in which the election is held.
- 29                    e. ~~The election must be held in the same manner and subject to the same~~  
30                    ~~conditions as provided in this section for the first election upon the question of~~  
31                    ~~authorizing the mill levy.~~

1           **(Effective after the first two taxable years beginning after December 31, 2012) General**

2 **fund levy limitations in school districts.** The aggregate amount levied each year for the  
3 purposes listed in section 57-15-14.2 by any school district, except the Fargo school district,  
4 may not exceed the amount in dollars which the school district levied for the prior school year  
5 plus twelve percent up to a general fund levy of one hundred eighty-five mills on the dollar of  
6 the taxable valuation of the district, except that:

7           1. In any school district having a total population in excess of four thousand according to  
8 the last federal decennial census there may be levied any specific number of mills that  
9 upon resolution of the school board has been submitted to and approved by a majority  
10 of the qualified electors voting upon the question at any ~~regular~~primary or ~~special-~~  
11 ~~school-district~~general election.

12           2. In any school district having a total population of fewer than four thousand, there may  
13 be levied any specific number of mills that upon resolution of the school board has  
14 been approved by fifty-five percent of the qualified electors voting upon the question at  
15 any ~~regular~~primary or ~~special-school~~general election.

16           3. After June 30, 2009, in any school district election for approval by electors of  
17 increased levy authority under subsection 1 or 2, the ballot must specify the number of  
18 mills proposed for approval, and the number of taxable years for which that approval is  
19 to apply. After June 30, 2009, approval by electors of increased levy authority under  
20 subsection 1 or 2 may not be effective for more than ten taxable years.

21           4. The authority for a levy of up to a specific number of mills under this section approved  
22 by electors of a school district before July 1, 2009, is terminated effective for taxable  
23 years after 2015. If the electors of a school district subject to this subsection have not  
24 approved a levy for taxable years after 2015 of up to a specific number of mills under  
25 this section by December 31, 2015, the school district levy limitation for subsequent  
26 years is subject to the limitations under section 57-15-01.1 or this section.

27           5. The authority for an unlimited levy approved by electors of a school district before  
28 July 1, 2009, is terminated effective for taxable years after 2015. If the electors of a  
29 school district subject to this subsection have not approved a levy of up to a specific  
30 number of mills under this section by December 31, 2015, the school district levy

1            limitation for subsequent years is subject to the limitations under section 57-15-01.1 or  
2            this section.

3            The question of authorizing or discontinuing such specific number of mills authority in any  
4            school district must be submitted to the qualified electors at the next ~~regular~~primary or general  
5            election upon resolution of the school board or upon the filing with the school board of a petition  
6            containing the signatures of qualified electors of the district equal in number to ten percent of  
7            the number of electors who cast votes in the most recent election of board members in the  
8            school district. However, not fewer than twenty-five signatures are required. However, the  
9            approval of discontinuing such authority does not affect the tax levy in the calendar year in  
10           which the election is held. ~~The election must be held in the same manner and subject to the~~  
11           ~~same conditions as provided in this section for the first election upon the question of authorizing~~  
12           ~~the mill levy.~~

13           **SECTION 130. AMENDMENT.** Section 57-15-14.5 of the North Dakota Century Code is  
14           amended and reenacted as follows:

15           **57-15-14.5. (Effective for the first two taxable years beginning after December 31,**  
16           **2012) Long-distance learning and educational technology levy.**

17           On July 1, 2013, each school district shall transfer any balance remaining in its  
18           long-distance learning and educational technology fund to the general fund of the school  
19           district.

20           **(Effective after the first two taxable years beginning after December 31, 2012)**  
21           **Long-distance learning and educational technology levy - Voter approval.**

- 22           1.    The school board of a public school district may, upon approval by a majority vote of  
23           the qualified electors of the school district voting on the question at any ~~regular~~primary  
24           or ~~special~~general election, dedicate a tax levy for purposes of this section not to  
25           exceed five mills on the dollar of taxable valuation of property within the district.
- 26           2.    All revenue accruing from the levy under this section must be used only for purposes  
27           of establishing and maintaining long-distance learning and purchasing and maintaining  
28           educational technology. For purposes of this section, educational technology includes  
29           computer software, computers and computer networks, other computerized  
30           equipment, which must be used for student instruction, and the salary of a staff person  
31           to supervise the use and maintenance of educational technology.

- 1           3. If the need for the fund terminates, the governing board of the public school district  
2           shall order the termination of the levy and shall transfer the remaining balance to the  
3           general fund of the school district.

4           **SECTION 131. AMENDMENT.** Subsection 1 of section 57-15-16 of the North Dakota  
5 Century Code is amended and reenacted as follows:

- 6           1. The governing body of any school district shall levy taxes annually for a school  
7           building fund, not in excess of twenty mills, which levy is in addition to and not  
8           restricted by the levy limitations prescribed by law, when authorized to do so by sixty  
9           percent of the qualified electors voting upon the question at a ~~regular~~primary or  
10          ~~special~~general election in any school district. The governing body of the school district  
11          may create the building fund by appropriating and setting up in its budget for an  
12          amount not in excess of twenty percent of the current annual appropriation for all other  
13          purposes combined, exclusive of appropriations to pay interest and principal of the  
14          bonded debt, and not in excess of the limitations prescribed by law. If a portion or all of  
15          the proceeds of the levy have been allocated by contract to the payment of rentals  
16          upon contracts with the state board of public school education as administrator of the  
17          state school construction fund, the levy must be made annually by the governing body  
18          of the school district until the full amount of all such obligations is fully paid. Any  
19          portion of a levy for a school building fund which has not been allocated by contract  
20          with the state board of public school education must be allocated by the governing  
21          body pursuant to section 57-15-17. Upon the completion of all payments to the state  
22          school construction fund, or upon payment and cancellation or defeasance of the  
23          bonds, the levy may be discontinued at the discretion of the governing body of the  
24          school district, or upon petition of twenty percent of the qualified electors who voted in  
25          the last ~~school~~ election of board members in the school district, the question of  
26          discontinuance of the levy must be submitted to the qualified electors of the school  
27          district at any ~~regular~~primary or ~~special~~general election and, upon a favorable vote of  
28          sixty percent of the qualified electors voting, the levy must be discontinued. Any school  
29          district, executing a contract or lease with the state board of public school education or  
30          issuing general obligation bonds, which contract or lease or bond issue requires the  
31          maintenance of the levy provided in this section, shall immediately file a certified copy

1 of the contract, lease, or bond issue with the county auditor or auditors of the county or  
2 counties in which the school district is located. The county auditor or auditors shall  
3 register the contract, lease, or bond issue in the bond register in substantially the  
4 manner provided in section 21-03-23. Upon the filing of the contract, lease, or bond  
5 issue with the county auditor or auditors, the school district may not discontinue the  
6 levy and the levy must automatically be included in the tax levy of the school district  
7 from year to year by the county auditor or auditors until a sufficient sum of money has  
8 been collected to pay to the state treasurer for the retirement of all obligations of the  
9 school district with the state board of public school education or to pay to the  
10 custodian of the bond sinking fund all amounts due or to become due on the bonds.

11 **SECTION 132. AMENDMENT.** Section 57-15-22.2 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **57-15-22.2. Levy of taxes for township legal contingency fund.**

14 Upon presentation of a petition signed by twenty-five percent of the qualified electors in an  
15 organized or unorganized township voting in the last gubernatorial election, the governing body  
16 of an organized township or the board of county commissioners, for unorganized townships,  
17 ~~may call a special election for the purpose of voting on the question of authorizing an excess~~  
18 ~~levy on property within the township for the current year and not to exceed four succeeding~~  
19 ~~years, or may submit the question of authorizing an excess levy on property within the township~~  
20 for the current year and not to exceed four succeeding years to the qualified electors at the next  
21 regular township election, for organized townships, or at the next regular election, for  
22 unorganized townships. ~~If a special election is called, the election must be held not later than~~  
23 ~~September first of the year in which the tax is to be levied, and the election must be conducted~~  
24 ~~as other elections of the political subdivision are conducted.~~ The levy permitted by this section  
25 may not exceed the limitation in subsection 5.1 of section 57-15-20.2. Revenues from the levy  
26 must be deposited in a special fund in the township or county treasury known as the legal  
27 contingency fund. Revenue in the fund may be used only for purposes of expenses of legal  
28 actions authorized or entered into by the governing body of the township or the county, on  
29 behalf of unorganized townships. If sixty percent of all votes cast on the question of authorizing  
30 the excess levy of taxes for the legal contingency fund are in favor of the excess levy, it is  
31 authorized and the county auditor shall extend such excess levy upon the tax list with other

1 taxes. Upon expiration of any mill levy authorized by this section, the governing body of the  
2 township or county may, by resolution, transfer any unobligated balance in the legal contingency  
3 fund to the general fund of the township or county.

4 **SECTION 133. AMENDMENT.** Section 57-15-38 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **57-15-38. Tax levy for construction fund in cities.**

7 The governing body of any city may levy annually for a period not to exceed ten successive  
8 years, for a construction fund, a tax not exceeding the limitation in subsection 19 of section  
9 57-15-10, when authorized to do so by sixty percent of the electors voting upon the question at  
10 a ~~regular~~primary or ~~special~~general election in any city which, at the time of making the annual  
11 levy, has no outstanding unpaid certificates of indebtedness, and in which the limitation of levy  
12 has not been increased from the basic mill rate. The construction fund must be used for paying  
13 all or part of the construction of waterworks systems, sewage systems, public buildings, or any  
14 other public improvements for which cities are authorized by law to pay for from general tax  
15 levies, and the governing body of any city, when submitting to the electors of the city, the  
16 question of authorizing the tax levy, shall specify the purposes for which the construction fund is  
17 to be used. The governing body of the city may create the building fund by appropriating and  
18 setting up in its budget, for an amount not in excess of twenty percent of the current annual  
19 appropriation for all other purposes combined, exclusive of the appropriations to pay interest  
20 and principal of the bonded debt, and not in excess of the limitations prescribed by law.

21 **SECTION 134. AMENDMENT.** Section 57-15-42 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **57-15-42. City fire department reserve fund levy.**

24 The governing body of any city, when authorized by sixty percent of the electors voting on  
25 the question in a ~~regular~~primary or ~~special~~general election called by the governing body, may  
26 levy taxes annually, not exceeding the limitation in subsection 20 of section 57-15-10 for a fire  
27 department building or equipment reserve fund. The proceeds of the levy must be placed in a  
28 separate fund known as the fire department reserve fund and must be used exclusively for the  
29 purchase of necessary firefighting equipment or fire department building. No levy may be made  
30 under this section during any period in which the moneys in the fund equal or exceed an

1 amount equal to the sum that would be produced by a levy of thirty mills upon the taxable  
2 valuation of the city.

3 **SECTION 135. AMENDMENT.** Section 57-15-50 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **57-15-50. Levy authorized for county emergency medical service.**

6 Upon petition of ten percent of the number of qualified electors of the county voting in the  
7 last election for governor or upon its own motion, the board of county commissioners of each  
8 county shall levy annually a tax not exceeding the limitation in subsection 23 of section  
9 57-15-06.7, for the purpose of subsidizing county emergency medical services; provided, that  
10 this tax must be approved by a majority of the qualified electors of the county voting on the  
11 question at a ~~regular~~primary or ~~special countywide~~general election. The county may budget, in  
12 addition to its annual operating budget for subsidizing emergency medical service, no more  
13 than ten percent of its annual operating budget as a depreciation expense to be set aside in a  
14 dedicated emergency medical services sinking fund deposited with the treasurer for the  
15 replacement of equipment and ambulances. The ten percent emergency medical services  
16 sinking fund must be in addition to the annual operating budget for subsidization, but the total of  
17 the annual operating budget and the annual ten percent emergency medical services sinking  
18 fund may not exceed the approved mill levy. If the county contains a rural ambulance service  
19 district or rural fire protection district that levies for and provides emergency medical service, the  
20 property within that district is exempt from the county tax levy under this section upon notice  
21 from the governing body of the district to the board of county commissioners of the existence of  
22 the district.

23 **SECTION 136. AMENDMENT.** Section 57-15-51 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25 **57-15-51. Levy authorized for city emergency medical service.**

26 Upon petition of ten percent of the number of qualified electors of the city voting in the last  
27 election for governor or upon its own motion, the governing body of a city shall levy annually a  
28 tax of not to exceed ten mills upon its taxable valuation, for the purpose of subsidizing city  
29 emergency medical services; provided, that such tax must be approved by a majority of the  
30 qualified electors of the city voting on the question at a ~~regular~~primary or ~~special city~~general  
31 election. Whenever a tax for county emergency medical services is levied by a county, any city

1 levying a tax for, or subsidizing city emergency medical services, shall upon written application  
2 to the county board of such county be exempted from such county tax levy. The city may set  
3 aside, as a depreciation expense, up to ten percent of its annual emergency medical service  
4 operating or subsidization budget in a dedicated emergency medical services sinking fund,  
5 deposited with the auditor for replacement of equipment and ambulances. The ten percent  
6 emergency medical services sinking fund may be in addition to the actual annual emergency  
7 medical services budget but the total of the annual emergency medical services budget and the  
8 annual ten percent emergency medical services fund may not exceed the approved mill levy.

9 **SECTION 137. AMENDMENT.** Section 57-15-51.1 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **57-15-51.1. Levy authorized for township emergency medical service.**

12 Pursuant to a vote of sixty percent of the qualified electors voting at the annual township  
13 meeting, or at a ~~special~~primary or general election called for that purpose upon petition of fifty  
14 percent of the number of qualified electors of the township voting in the last election for  
15 governor, the board of township supervisors shall levy annually a tax approved by the qualified  
16 electors not exceeding the limitation in subsection 7 of section 57-15-20.2 for the purpose of  
17 subsidizing township emergency medical service.

18 **SECTION 138. AMENDMENT.** Section 57-15-53 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **57-15-53. Tax levy for police department stations.**

21 Upon approval of a majority of the electors voting thereon at any ~~regular election~~primary or  
22 ~~special~~general election called for such purpose, the governing body of any city may levy taxes  
23 annually, not exceeding the limitation in subsection 24 of section 57-15-10, for the purpose of  
24 providing additional funds to meet the operational, maintenance, and construction costs of  
25 establishing stations for police protection services and correctional facilities. The proceeds of  
26 this levy must be placed in a separate fund known as the police station and correctional facility  
27 fund. No levy may be made under this section during any period in which the moneys to the  
28 fund equal or exceed an amount equal to the sum that would be produced by a levy of ten mills  
29 upon the taxable valuation of the city making the levy.

30 **SECTION 139. AMENDMENT.** Section 57-15-54 of the North Dakota Century Code is  
31 amended and reenacted as follows:

1           **57-15-54. Destruction of weeds along highways - Election to be held on question -**  
2 **Tax levy.**

3           Upon resolution by the board of county commissioners, or upon petition by ten percent of  
4 the number of qualified electors residing in the county or a county commissioner district who  
5 voted for governor at the last general election, ~~the board of county commissioners shall submit~~  
6 ~~the question of a tax levy to cover all costs of cutting or otherwise destroying all weeds, plants,~~  
7 ~~or grass growing along all county or township roads in the county or county commissioner~~  
8 ~~district must be submitted to the qualified electors of the county or county commissioner district~~  
9 ~~at the next countywide primary or general or special election.~~ If a majority of the qualified  
10 electors voting thereon approve, a tax must be levied not exceeding the limitation in  
11 subsection 24 of section 57-15-06.7.

12           **SECTION 140. AMENDMENT.** Section 57-15-57 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14           **57-15-57. Levy for county welfare.**

15           The board of county commissioners, when authorized by sixty percent of the qualified  
16 electors voting on the question in a ~~regular election~~primary or special~~general~~ election ~~called by~~  
17 ~~the county commissioners,~~ may levy an annual tax not exceeding the limitation in subsection 26  
18 of section 57-15-06.7 for county welfare purposes. The proceeds of this levy must be used  
19 solely and exclusively for county welfare purposes, as determined by the county social service  
20 board. The levy may be discontinued at the discretion of the county commissioners or, upon  
21 petition of five percent of the qualified electors of ~~such~~the county, the question of  
22 discontinuance of the levy must be submitted to the qualified electors of the county at any  
23 ~~regular~~primary or special~~general~~ election and, upon a favorable vote of sixty percent of the  
24 qualified electors voting, the levy must be discontinued.

25           **SECTION 141. AMENDMENT.** Section 57-17-02 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27           **57-17-02. Election to authorize excess levy of taxes.**

28           Upon the passage of the resolution authorized in section 57-17-01, the governing body of  
29 any political subdivision mentioned in ~~such~~that section may ~~call a special election for the~~  
30 ~~purpose of voting upon the question of authorizing an excess levy for the current year and not~~  
31 ~~to exceed one succeeding year, or may submit the question to the voters at the regular primary~~

1 election. If a special election is called, such election must be held not later than September  
2 twentieth of the year in which the tax is to be levied, and, except as otherwise provided in this  
3 chapter, the election must be conducted as other elections of such political subdivision are  
4 conducted.

5 **SECTION 142. AMENDMENT.** Section 57-19-09 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **57-19-09. (Effective through June 30, 2015) When fund may be transferred.**

8 Any school district which has heretofore by mistake, or for any other reason, considered all  
9 or any part of a special reserve fund, as provided for in chapter 57-19, in determining the  
10 budget for the school district which has deducted all or any part of the funds in such special  
11 reserve fund from the amount necessary to be levied for any school fiscal year, may transfer  
12 from the special reserve fund into the general fund all or any part of such amounts which have  
13 been so considered contrary to the provisions of section 57-19-05.

14 **(Effective after June 30, 2015) When fund may be transferred.** Any school district which  
15 has heretofore by mistake, or for any other reason, considered all or any part of a special  
16 reserve fund, as provided for in chapter 57-19, in determining the budget for the school district  
17 which has deducted all or any part of the funds in such special reserve fund from the amount  
18 necessary to be levied for any school fiscal year, may transfer from the special reserve fund into  
19 the general fund all or any part of such amounts which have been so considered contrary to the  
20 provisions of section 57-19-05. Any school district special reserve fund and the tax levy therefor  
21 may be discontinued by a vote of sixty percent of the electors of the school district voting upon  
22 the question at any ~~special~~primary or general election. Any moneys remaining unexpended in  
23 such special reserve fund must be transferred to the building or general fund of the school  
24 district. The discontinuance of a special reserve fund ~~shall~~may not decrease the school district  
25 tax levies otherwise provided for by law by more than twenty percent. A special reserve fund  
26 and the tax levy therefor which has been discontinued may be reinstated by a vote of sixty  
27 percent of the electors of the school district voting upon the question at any ~~special~~primary or  
28 general election.

29 **SECTION 143. AMENDMENT.** Subsection 2 of section 57-40.6-02 of the North Dakota  
30 Century Code is amended and reenacted as follows:

1           2. The question of the adoption of the fee must be submitted on a petition on which the  
2           petition title of the proposition includes the maximum monthly rate of the proposed fee  
3           authorized under subsection 1. The question of the adoption of the fee may be  
4           submitted to electors at a primary or general, ~~primary, or special~~ election ~~or at a school-~~  
5           ~~district election if the boundaries of the school district are coterminous with the~~  
6           ~~boundaries of the governing body adopting the resolution proposing the adoption of~~  
7           ~~the fee.~~ The fee is not effective unless it is approved by a majority of the electors  
8           voting on the proposition. The ballot must be worded so that a "yes" vote authorizes  
9           imposition of the fee.

10           **SECTION 144. AMENDMENT.** Subsection 3 of section 57-40.6-02 of the North Dakota  
11 Century Code is amended and reenacted as follows:

12           3. Once established by this section, the maximum fee may be increased, decreased, or  
13           eliminated by a majority vote of the electors. The question may be placed on the ballot  
14           of any primary or general, ~~primary, or special~~ election by a resolution of the governing  
15           body, or by a petition signed by ten percent or more of the total number of qualified  
16           electors of the political subdivision voting for governor at the most recent gubernatorial  
17           election and submitted to the governing body. By action of the governing body, the fee  
18           amount collected may be adjusted, subject to the maximum approved by the voters, to  
19           meet the costs allowed by this chapter.

20           **SECTION 145. REPEAL.** Sections 11-13-16, 15.1-09-09, 15.1-09-10, 15.1-09-11,  
21 15.1-09-12, 15.1-09-13, 15.1-09-14, 15.1-09-15, 15.1-09-18, 15.1-09-19, 15.1-09-20,  
22 15.1-09-21, 15.1-09-22, 15.1-09-23, 15.1-09-24, 16.1-13-12, 16.1-13-13, 16.1-13-14,  
23 16.1-13-15, 16.1-13-16, 16.1-13-17, 40-21-05, 40-21-11, and 40-21-16 of the North Dakota  
24 Century Code are repealed.

25           **SECTION 146. EFFECTIVE DATE.** This Act becomes effective January 1, 2017.