

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1170
(Representatives Nehring, Hagert)

AN ACT to create and enact section 58-04-02.2 of the North Dakota Century Code, relating to the removal of township officers; and to amend and reenact subsection 1 of section 44-08-21 and section 58-04-02 of the North Dakota Century Code, relating to the removal of township officers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 44-08-21 of the North Dakota Century Code is amended and reenacted as follows:

1. An elected official of a political subdivision, except a township officer or an official subject to recall under section 10 of article III of the Constitution of North Dakota, is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the official sought to be recalled was on the ballot, not including other recall elections. An official who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the office of the official sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section.

SECTION 2. AMENDMENT. Section 58-04-02 of the North Dakota Century Code is amended and reenacted as follows:

58-04-02. Special meetings - When held.

A special township meeting may be held for the purpose of electing:

1. Electing township officers to fill vacancies that occur, ~~to authorize;~~
2. Authorizing expansion of the board of township supervisors from three to five members, ~~or for the purpose of transacting;~~
3. Removing an elected township officer;
4. Transacting other lawful township business whenever the supervisors or township clerk, or any two of them, or twenty percent of the freeholders of the township, shall file in the office of the township clerk a written statement that a special meeting is necessary; ~~or whenever~~
5. Whenever a special meeting is required by any other provision of the laws of this state.

SECTION 3. Section 58-04-02.2 of the North Dakota Century Code is created and enacted as follows:

58-04-02.2. Removal of township officers - Special meeting.

An elected township officer may be removed from office upon an affirmative vote of the majority of votes cast at a special meeting of the township which is called for the purpose of removing an elected township officer. If an officer is removed from office at the special meeting, the voters shall elect a replacement officer at the same meeting.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1170.

House Vote: Yeas 89 Nays 4 Absent 1

Senate Vote: Yeas 46 Nays 1 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State