

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1253

Page 1, line 8, after "sections" insert "16.1-06-02,"

Page 1, line 20, after the fifth comma insert "16.1-16-04, 16.1-16-05,"

Page 16, after line 16, insert:

"SECTION 23. AMENDMENT. Section 16.1-06-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-02. Ballots prepared by county auditor or local official - Penalty.

For a local election, the ballots must be printed and distributed under the direction of the auditor or clerk of the local subdivision. For all other elections, ballots must be printed and distributed under the direction of the county auditor, subject to the supervision and approval of the secretary of state as to the legal sufficiency of the form, style, wording, and contents of the ballots. If an auditor or clerk of a local subdivision, a county auditor, or the secretary of state causes or approves the printing of a ballot listing an individual as a candidate when the official knows or should know the individual does not meet the qualifications, or has not satisfied the requirements, to be a candidate, the official is guilty of an infraction."

Page 80, after line 15, insert:

"SECTION 106. AMENDMENT. Section 16.1-16-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-16-04. Time for commencement of action.

Any

1. Except as provided in subsection 2, an action to contest an election must be commenced and the complaint must be filed in the district court of the contestee's county of residence within five days after final certification of a recount by the appropriate canvassing board or within fourteen days after the final certification by the appropriate canvassing board if no recount is to be conducted. However, if
2. If the grounds for the action are the illegal payment of money or other valuable thing subsequent to the filing of any statement of expenses required by this title or if the contestee does not or cannot meet the qualifications to hold the office as required by law, the action may be commenced at any time. If the grounds for the action are the failure of a contestee to satisfy the requirements for having the contestee's name listed on the ballot as a candidate, the action may be commenced within thirty days of the date the contestant knows or should know of the failure.
3. The contestee shall serve and file an answer within fourteen days after service of the contest summons and complaint.

SECTION 107. AMENDMENT. Section 16.1-16-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-16-05. Grounds for election contest.

An election contest may be commenced for any of the following causes:

1. ~~If the~~The contestee does not or cannot meet the qualifications to hold the office as required by law.
2. ~~Because~~The existence of illegal votes or erroneous or fraudulent voting, count, canvass, or recount of votes.
3. The contestee was listed as a candidate on the ballot despite failing to meet the requirements to be listed on the ballot."

Renumber accordingly