

AMENDMENTS

OF THE

Constitution of North Dakota

ARTICLE 1.

The legislative assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets.

See State ex rel. Haig v. Hauge, 37 N. D. 583, L.R.A.1918A, 522, 164 N. W. 289.

See Lotteries, 38 C. J. p. 285.

Prohibition of lotteries. 17 R. C. L. 1212 and Supps.

ARTICLE 2.

The first part of this article is § 121 of the Constitution ante, since amended. See note following such section. The second part of the article is § 127, ante.

ARTICLE 3.

Section 76 of the Constitution, ante, constitutes this article.

ARTICLE 4.

Section 179, ante, since amended, constitutes this article. See note following such section.

ARTICLE 5.

Subdivision fifth of § 215, ante, constitutes this article.

ARTICLE 6.

Subdivision eighth of § 215, ante, constitutes this article.

ARTICLE 7.

A clause at the end of § 176, ante, was added by this article. See note following § 176, ante.

ARTICLE 8.

Section 162, ante, constitutes this article.

ARTICLE 9.

Section 158, ante, since amended constitutes this article. See note following such section.

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ARTICLE 10.

Section 89, ante, since amended, constitutes this article.

ARTICLE 11.

Section 158, ante, since amended constitutes this article. See note following such section.

ARTICLE 12.

Subdivision sixth was added to § 216, ante, by this article.

ARTICLE 13.

Section 158, ante, constitutes this article.

ARTICLE 14.

The legislative assembly is hereby authorized and empowered to provide by law for the erection, purchasing or leasing and operation of one or more terminal grain elevators in the states of Minnesota or Wisconsin, or both, to be maintained and operated in such manner as the legislative assembly shall prescribe, and provide for inspection, weighing and grading of all grain received in such elevator or elevators. [Approved and ratified 1912.]

See Warehousemen, 40 Cyc. 396; States, 36 Cyc. 844.

ARTICLE 15.

Section 25, ante, since amended, constitutes this article. See note following such section.

ARTICLE 16.

Section 202, ante, since amended, constitutes this article. See note following such section.

ARTICLE 17.

Subdivision sixth was added to § 216, ante, by this section.

ARTICLE 18.

Section 185, ante, since amended, constitutes this article. See note following such section.

ARTICLE 19.

The legislative assembly is hereby authorized and empowered to provide by law for the erection, purchasing or leasing and operation of one or more terminal grain elevators in the state of North Dakota, to be maintained and operated in such manner as the legislative assembly shall prescribe, and provide for inspection, weighing and grading of all grain received in such elevator or elevators.

State regulation of grain elevators. 27 R. C. L. 959 and Supps.

Control of businesses affected with a public interest. 6 R. C. L. 226.

ARTICLE 20.

The first part of this article is § 176 of the Constitution, ante, since amended. See note following such section. The second part of the article is § 179, ante.

ARTICLE 21.

Subdivision seventh (a) was added to § 216, ante, by this article.

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ARTICLE 22.

Subdivision seventh (b) was added to § 216, ante, by this article.

ARTICLE 23.

Section 135, ante, constitutes this article.

ARTICLE 24.

The legislative assembly may by law provide for the levy of a tax upon such lands as may be provided by law of the state for the purpose of creating a fund to insure the owners of growing crops against losses by hail; provided, that such tax shall not affect the tax of four mills levied by the Constitution. The legislative assembly may classify such lands of the state as may be provided by law, and divide the state into districts on such basis as shall seem just and necessary and may vary the tax rate in such districts in accordance with the risk, in order to secure an equitable distribution of the burden of such tax among the owners of such land as may be provided by law.

Indemnity hail tax provided by chap. 77, Laws 1921, not a tax within purview of constitution, and does not create lien paramount to antecedent real estate mortgage. *Davis v. McLean County*, — N. D. —, 204 N. W. 459.

See also *State ex rel. Bauer v. Nestos*, 48 N. D. 894, 187 N. W. 233.

Construction of hail insurance policy. 4 A.L.R. 1298; 7 A.L.R. 373; 35 A.L.R. 267.

Relief of victims of public calamity. 19 R. C. L. 722.

ARTICLE 25.

Section 89, ante, constitutes this article.

ARTICLE 26.

Section 25, ante, constitutes this article.

ARTICLE 27.

Section 67, ante, constitutes this article.

ARTICLE 28.

Section 202, ante, constitutes this article.

ARTICLE 29.

Section 176, ante, constitutes this article.

ARTICLE 30.

Section 177, ante, constitutes this article.

ARTICLE 31.

Section 182, ante, since amended constitutes this article. See note following such section.

ARTICLE 32.

Section 185, ante, constitutes this article.

ARTICLE 33.

The qualified electors of the state or of any county, or of any congressional, judicial or legislative district may petition for the recall any elective congress-

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sional, state, county, judicial or legislative officer by filing a petition with the officer with whom the petition for nomination to such office in the primary election is filed, demanding the recall of such officer. Such petition shall be signed by at least thirty per cent of the qualified electors who voted at the preceding election for the office of governor in the state, county or district from which such officer is to be recalled. The officer with whom such petition is filed shall call a special election to be held not less than forty or more than forty-five days from the filing of such petition.

The officer against whom such petition has been filed shall continue to perform the duties of his office until the result of such special election shall have been officially declared. Other candidates for such office may be nominated in the manner as is provided by law in primary elections. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term. The name of the candidate against whom the recall petition is filed shall go on the ticket unless he resigns within ten days after the filing of the petition. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected. This article shall be self executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict or impair the right of recall.

Does not apply to county commissioners. *Goughnour v. Brant*, 47 N. D. 368, 182 N. W. 309.

Secretary of state exercises duty and discretion concerning sufficiency of recall petitions, and presumption is that he has exercised his duty and discretion as to recall election. *State v. Hall*, — N. D. —, 186 N. W. 284.

Recall of officers. 22 R. C. L. 577 et seq.

ARTICLE 34.

Section 161, ante, constitutes this article.

ARTICLE 35.

Section 183, ante, constitutes this article.

ARTICLE 36.

Amendment. Every qualified elector who shall have resided in the state one year, and in the county ninety days, and in the precinct thirty days next preceding any election, shall be entitled to vote at such election; provided, that where a qualified elector moves from one precinct to another within the same county, he shall be entitled to vote in the precinct from which he moved, until he establishes his residence in the precinct to which he moved.

Explanatory note. The above article was again amended in 1922, and appears as Article 40, post.

Residence in voting district. 9 R. C. L. 1031 and Supps.

ARTICLE 37.

Section 121, ante, constitutes this article.

ARTICLE 38.

Section 215, ante, constitutes this article.

ARTICLE 39.

Section 162, ante, constitutes this article.

ARTICLE 40.

Every qualified elector, who shall have resided in the state one year, in the

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county 90 days and in the precinct 30 days next preceding any election, shall be entitled to vote at such election. Provided that where a qualified elector moves from one precinct to another within the state he shall be entitled to vote in the precinct from which he moves until he establishes his residence in the precinct to which he moves.

Effect of residential requirements of state law on constitutionality of absentee voters' law. 14 A.L.R. 1260; 19 A.L.R. 308; 35 A.L.R. 819.

Residence in voting district. 9 B. C. L. 1031 and Supps. .

ARTICLE 41.

Section 173, ante, constitutes this article.

ARTICLE 42.

Section 182, ante, constitutes this article.