

## PRIMARY ELECTION

### CHAPTER 222.

[H. B. No. 209—Hoge.]

#### PRIMARY ELECTIONS.

AN ACT to Amend and Re-enact Sections 9 and 12 of Chapter 109 of the Laws Passed by the Tenth Legislative Assembly of the State of North Dakota and Acts Amendatory Thereto, Relating to Primary Election Ballots and Party Nominations and Repealing Chapter 212 of the Laws of 1911.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 9 of Chapter 109 of the Session Laws of North Dakota for 1907 and Acts amendatory thereto be and are hereby amended and re-enacted so as to read as follows:

§ 9. BALLOTS, FORM OF; DUTIES OF JUDGES AND INSPECTORS.] The primary election and primary election ballot shall be provided for, arranged and conducted, and all expenses paid as now provided by law for general elections, except as otherwise provided for in this Act.

There shall be separate ballots for each party or principle, and they shall all be of the same size, texture and color, except sample ballots, which shall be printed on tinted paper.

The ballot shall be entitled, "Primary Election Ballot."

The names of all aspirants for nomination of each political party or principle for the different offices shall be arranged in separate groups in their order, on separate ballots under a proper political designation, leaving one or more blank lines or spaces below each group of names on which may be written or placed a name or a printed sticker attached for the nomination of the committee. No squares shall be left at the head of the ballot.

At the head of each ballot shall be placed the title of the political party or principle that it represents.

At the left of each group shall be placed the title of the office, followed by a bracket, indicating the number of names in such group. Above each group there shall be a space, in which shall be printed the number of names in that group to be voted for as follows:

"Vote for.....name (on (or) names) only."

Immediately above the names of the candidates to be voted for shall be printed the following:

“To vote for a person whose name is printed on the ballot mark a cross (X) in the square at the right of the name of the person for whom you desire to vote.

“To vote for a person whose name is not printed on the ballot write or paste his name in the blank space provided for that purpose.”

Each ballot shall contain two columns, and each column is to have as nearly as possible the same number of names of candidates thereon, except that no groups or spaces beneath any group shall be divided, and the candidates for the various offices shall appear upon the ballot in the following order, commencing at the column to the left, viz:

**Congressional:—**

United States Senator .....Vote for one  
 Representatives in Congress .....district....Vote for . . .

**State officers:—**

Governor .....Vote for one  
 Lieutenant Governor .....Vote for one  
 Secretary of State .....Vote for one  
 State Auditor .....Vote for one  
 State Treasurer .....Vote for one  
 Superintendent of Public Instruction .....Vote for one  
 Attorney General .....Vote for one  
 Commissioner of Insurance .....Vote for one  
 Commissioner of Agriculture and Labor .....Vote for one  
 Commissioner of Railroads .....Vote for three

**Legislative:—**

State Senator .....District.....Vote for one  
 Member of House of Representatives.....Vote for....

**County Officers:—**

Sheriff .....Vote for one  
 Auditor .....Vote for one  
 Treasurer .....Vote for one  
 Clerk of District Court .....Vote for one  
 Register of Deeds .....Vote for one  
 State’s Attorney .....Vote for one  
 County Judge .....Vote for one  
 Superintendent of Schools .....Vote for one  
 Public Administrator .....Vote for one  
 County Surveyor .....Vote for one  
 County Coroner .....Vote for one  
 County Commissioner .....District.....Vote for . . .  
 County Constable .....Vote for . . .

A square shall be placed following the name to the right of every candidate, and the voter shall place a cross (X) in such square following the name of each person he desires to vote for.

The judges and inspectors of election when handing a ballot to a voter shall inform him that he must vote for

the candidates of the political party such ballot represents only, and the voter shall call for the ballot representing the party or principle with which he affiliates, and he shall receive such ballot and no other.

§ 2. AMENDMENT.] That Section 12 of Chapter 109 of the laws passed by the Tenth Legislative Assembly be and is hereby amended and re-enacted so as to read as follows:

§ 12. PERCENTAGE OF VOTES REQUIRED FOR NOMINATION.] If the total vote cast for any party candidate or candidates for any office for which nominations are herein provided for shall equal less than 25 per cent of the average total number of votes cast for governor, secretary of state and attorney general of the political party he or they represented at the last general election then no nomination shall be made in that party for such office, but if 25 per cent or more of such party vote is cast and there is more than one candidate for any such office the person receiving the highest number of votes shall be declared the nominee of such party for such office, *provided*, further, that where there is more than one person to be elected to the same office the persons to the number to be elected receiving the highest number of votes cast for such office shall be declared the nominees of the party for such offices.

§ 3. REPEAL.] That Chapter 212 of the laws passed by the 12th Legislative Assembly be and the same are hereby repealed.

Approved March 12, 1913.

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## CHAPTER 223.

[H. B. No. 389—Twichell.]

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### PRIMARY ELECTIONS.

AN ACT to Amend and Re-enact Section 5 of Chapter 109 of the Laws of 1907, Relating to Primary Elections.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. That Section 5 of Chapter 109 of the Laws of North Dakota of 1907 be amended and re-enacted to read as follows:

§ 5. NAMES ON PRIMARY BALLOT, HOW SECURED. VACANCIES, HOW FILLED.] Applications to have a name placed on the primary election ballots for nomination may be made by five qualified electors for any office designated in this Act, by presenting the petition required in Sections 3 or 4 to the proper official, and paying the amount required, accompanied by the following affidavit:

“State of North Dakota, |  
County of..... | ss.

“I, A....., B....., C....., D....., and E....., being duly sworn, each for himself, deposes and says that he is a qualified voter in the state of North Dakota, that he hereby makes application to have the name of..... printed on the primary election ballot of the..... party for the office of....., to be voted for at the primary election to be held on the.....day of .....19...; that said..... is, to the best of his knowledge, information and belief, a .....and a qualified voter and eligible to hold the office of.....under the constitution.

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“Subscribed and sworn to before me this.....day of .....19...

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Notary Public, North Dakota.”

When such application is received by the proper officer, accompanied by the necessary fee, as required in Sections 3 and 4 of this Act, he shall place the name on the primary election ballot as a candidate of the party named in said petition; *provided*, that such affidavit and petition shall not be filed without the written consent of such person to be nominated endorsed thereon; and *provided*, further, that when the time has expired at which a petition may be filed, and a vacancy exists in the primary election ballot of any political party by reason of no petition having been filed for such nomination, then and in that case the same may be filed by affidavit and petition as provided in this Section, on the payment of one-half of the usual fee, and such affidavit and petition must be filed with the proper officers at least twenty-five days before the primary election; and *provided*, further, that no petition shall be circulated or signed more than ninety days previous to the time when any petition is required to be filed as herein provided for, and any signatures to a petition secured prior to ninety days shall not be counted.

Approved March 12, 1913.