

ELECTIONS

CHAPTER 152

H. B. No. 589
(Wheeler and Baldwin)

POLLING HOURS

AN ACT

To amend and reenact sections 16-0602 of the 1953 Supplement to the North Dakota Revised Code of 1943, and 16-0102, as amended by chapter 157, 1955 Session Laws, and 40-0703 and 40-2102 of the North Dakota Revised Code of 1943, and section 40-2103 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to state and local elections and providing for optional early opening of polls.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 16-0102 of the North Dakota Revised Code of 1943, as amended by chapter 157, 1955 Session Laws, is hereby amended and reenacted to read as follows:

16-0102. Opening And Closing Of Polls.) The polls at all primary, general, and special elections shall be opened at nine o'clock a.m. or at such earlier hour, but not earlier than seven o'clock a.m., that may be designated for any precinct by resolution of the governing body of the city, village, or township in which such precinct is located. They shall remain open continuously until seven o'clock p.m. Twenty minutes prior to the hour of closing the polls, the inspector shall proclaim to the electors outside the number of minutes before the polls will be closed.

§ 2. Amendment.) Section 40-0703 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-0703. Polls; Opening And Closing Hours.) In all village elections, the polls shall be opened at nine o'clock a.m. or at such earlier hour, but not earlier than seven o'clock a.m., that may be designated by resolution of the board of trustees, and shall remain open continuously until seven o'clock p.m.

§ 3. Amendment.) Section 40-2102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2102. Elections In Commission Cities: When Held; Notice; Polls; Judges And Inspectors.) Biennial municipal elections in cities operating under the commission system of government shall be held on the first Tuesday in April in each even numbered year at such place or places as the board of city commissioners shall designate. Ten days' notice of the time and place of the election and of the offices to be filled at such election shall be given by the city auditor by publication in the official newspaper of the city and by posting written or printed notices in three public places in the city. The polls shall be opened at nine o'clock a.m. or at such earlier hour, but not earlier than seven o'clock a.m., that may be designated by resolution of the board of city commissioners and shall remain open continuously until seven o'clock p.m. For all general and special city elections the board of city commissioners, at least ten days before any election is held, shall appoint one inspector and two judges of election in each precinct established in the city.

§ 4. Amendment.) Section 40-2103 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

40-2103. Elections In Council Cities: Polling Places; Polls Open; Notice.) Biennial municipal elections in cities operating under the council form of government shall be held on the first Monday in April in each even numbered year at such place or places as the city council shall designate. In cities where aldermen are elected at large, the council shall designate one polling place only. The polls shall be opened at nine o'clock a.m. or at such earlier hour, but not earlier than seven o'clock a.m., that may be designated by resolution of the city council and shall remain open continuously until seven o'clock p.m. Ten days' notice of the time and place of holding each election and of the offices to be filled thereat shall be given by the city auditor by publication in at least two newspapers published in said city if two are published therein. Publication in one such newspaper shall be sufficient if only one newspaper is published in the city.

§ 5. Amendment.) Section 16-0602 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0602. Notice Of Elections; Contents; Publication; Posting; Affidavit Of Posting.) Notice of any general election shall be published by the county auditor in the official county newspaper once each week for two consecutive weeks next preceding such election. Such notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the.....day ofnext, at the polling places in the various precincts in the county of.....an election will be held for the election of state, district, and county officers, which election will be opened at.....o'clock a.m. and will continue open until seven o'clock p.m. of that day. Dated this.....day of....., A. D., 19.....
(Signed).....

County Auditor

In addition to the publication required in this section, the county auditor shall publish for two consecutive weeks prior to the election in the official county newspaper and if no newspaper is published in the county in a newspaper published in an adjoining county in the state, a copy of the sample ballot of the general election, as arranged by order and direction of the persons charged with such duty. The form of the ballot so published shall conform in all respects to the form prescribed for the sample general election ballot and the makeup and general form shall conform to that prescribed for said sample ballot, and shall be printed in either 6-point or 8-point type.

Approved March 12, 1957.

CHAPTER 153

S. B. No. 244

(Garaas, Fiedler and Berube)

QUALIFICATIONS OF ELECTORS

AN ACT

To amend and reenact section 16-0103 of the North Dakota Revised Code of 1943, relating to qualifications of electors.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 16-0103 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0103. Qualifications Of Electors.) Any person of the age of twenty-one years or upwards, who has resided in this state one year, in the county ninety days, and in the precinct thirty days next preceding any election, shall be a qualified elector at such election if he is a citizen of the United States.

Approved March 11, 1957.

CHAPTER 154

H. B. No. 601
(Poling and Sorlie)

CANDIDATES' PETITIONS

AN ACT

To amend and reenact sections 16-0402 and 16-0404 of the 1953 Supplement to the North Dakota Revised Code of 1943 and section 16-0408 of the North Dakota Revised Code of 1943 and section 16-1703 of the North Dakota Revised Code of 1943 as amended.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 16-0402 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0402. State Candidate's Petition Required To Get Name On Ballot; Contents Of Petition.) Every candidate for United States senator, member of congress, state officers, judges of the supreme and district courts, shall not more than sixty days nor less than forty days prior to a primary election, present to the secretary of state a petition giving his name, post office address, the title of the office to which he aspires, and the party which he represents, except that in the petition for the office of judge of the supreme court, judge of the district court, state superintendent of public instruction, and tax commissioner no reference shall be made to party affiliation. Such petition shall contain the names of three percent of the total vote cast for the candidates of the party with which he affiliates, for the same position at the last general election, except that in no case shall more than three hundred names be required. In a case where there is a candidate for the no-party ballot or where there was no candidate of a party for a position at the preceding general election, the nominating petition shall contain at least three hundred names. Each name on the petition shall be that of a legal voter and shall be subscribed under a certified party heading.

§ 2. Amendment.) Section 16-0404 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0404. County And Legislative District Candidates Petitions; Filing; Contents.) Every candidate for a county or district office shall not more than sixty days nor less than forty days and before four o'clock p.m. of the fortieth day

prior to any primary election present to the county auditor a petition giving his name, post office address, the title of the office to which he aspires, and if such office is under party designation, then the petition shall state the party represented by the candidate. Such petition shall contain the names of not less than two percent and not more than five percent of the total vote cast for said office at the last general election if the office be under no party designation, and if under party designation, then the same percentage shall be applied to the total vote cast for the candidate of the party represented for the same position at the last general election. If no candidate was elected or votes cast for an office at the last general election, a petition shall be deemed sufficient if it has the number of signers equal to the number of the foregoing percentage requirements applied to the total average vote cast for the offices of sheriff, superintendent of schools and county auditor at the last general election in such county or district as the case may be, such average to be arrived at by dividing the total vote cast for said offices in such county or district as the case may be by three. Each name on a petition shall be that of a qualified voter and if the office is under party designation, then such name shall be subscribed under the proper party heading. Each signer of a nomination paper shall sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing.

§ 3. Amendment.) Section 16-0408 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0408. Filling Vacancy In Party Primary Election Ballot Permissible; Petition; Affidavit.) When the time during which a petition provided for in this chapter may be filed has expired, and a vacancy exists in the primary election ballot of any political party because no petition has been filed for such nomination, such vacancy may be filled by a petition and affidavit as provided in section 16-0407. Such petition and affidavit shall be filed with the proper officer at least thirty-five days before the primary election.

§ 4. Amendment.) Section 16-1703 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

16-1703. Petition To Place Name On Precinct Committee-men Ballot; Contents; Requirements.) Candidates for precinct committeemen may have their names placed on separate party ballots of their respective parties within their respective precincts by filing with the county auditor not more than sixty nor less than forty days and before four o'clock p.m. of the

fortieth day prior to the election petitions bearing the signatures of not less than five percent of the last vote in such precinct for the aforesaid candidate for presidential elector of the party to which the candidate for precinct committeeman belongs. Such nominating petitions shall conform with the provisions of chapter 4 of this title in all matters not specifically provided for in this chapter. Each name on the petition shall be that of a qualified voter of the precinct of which the candidate seeks to be elected and shall be subscribed under a party heading. Each signer of a nomination paper shall be entitled to sign the same number of petitions as the number of precinct committeemen entitled to be elected in his precinct; he shall add his residence with the street number, if any, and the date of signing.

Approved March 18, 1957.

CHAPTER 155

H. B. No. 712
(Currie and Heller)

TOWNSHIP VOTING PLACE

AN ACT

To amend and reenact section 16-0906 of the North Dakota Revised Code of 1943, relating to townships not having voting facilities in a nearby town or municipality.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 16-0906 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-0906. Township May Have Voting Place Within A Town Or Municipality.) A township having within its boundaries or which is within five miles of a town, or an incorporated city or village may hold an election and have its voting place within such town, city or village if:

1. The board of county commissioners designates a voting place within such town, city or village; or
2. The voting place within such township is removed, destroyed, or is unavailable for any cause and the board

of township supervisors designates a voting place in such town, city or village in the manner designated in section 16-0904.

Approved March 18, 1957.

CHAPTER 156

S. B. No. 299
(Delayed Bills Committee)

POLL CLERKS

AN ACT

To amend and reenact section 16-1012 of the North Dakota Revised Code of 1943 relating to poll clerks and additional poll clerks, and authorizing additional poll clerks in precincts having voting machines.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 16-1012 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1012. Poll Clerks And Additional Poll Clerks: Appointment; Duties; Qualifications; Oath; Compensation.) The board of elections shall appoint as poll clerks two qualified electors of the precinct, one from each of the two parties which cast the largest vote at the last state general election. In voting precincts or districts in which over three hundred votes are cast in any election, such board of elections may appoint two additional poll clerks who shall assume their duties at the time of the closing of the polls and shall assist the regular board in the opening, counting, and telling of ballots. Such additional poll clerks shall have the same qualifications and shall subscribe to the same oath as the regular poll clerks and shall receive as compensation for their services the sum of six dollars each to be paid in the same manner as regular poll clerks are paid.

§ 2. Voting Machines: Additional Poll Clerks.) All election precincts having voting machines as authorized in chapter 159 of the North Dakota Session Laws of 1955 may in addition to all other authorized poll clerks, have at least two additional poll clerks whose duties it shall be to assist any voter in the operation of the voting machine. Such additional poll clerks shall be from each of the two political parties which cast the

largest vote at the last general election, and any assistance given to any voter shall be in the presence of a poll clerk from each of the above mentioned political parties. Such additional poll clerks shall have the same qualifications and shall subscribe to the same oath as the regular clerks and shall receive as compensation for their services such sum as is provided in section 16-1016 of the 1953 Supplement to the North Dakota Revised Code of 1943, as amended by chapter 158 of the North Dakota Session Laws of 1955, to be paid in the same manner as regular poll clerks are paid.

Approved March 11, 1957.

CHAPTER 157

H. B. No. 588
(Wheeler and Baldwin)

ELECTION OFFICERS' PAY

AN ACT

To amend and reenact sections 16-1016 and 40-2105 of the North Dakota Revised Code of 1943, as amended, relating to compensation of election officers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 16-1016 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

16-1016. Compensation Of Inspector, Judges And Clerks Of Election.) Each inspector, judge, or clerk of any statewide primary, general, or special election, for services performed by him at such election shall receive as compensation therefor the sum of eight dollars. When the number of votes cast at such election exceeds one hundred, each such officer shall receive as additional compensation the sum of two dollars for every additional one hundred votes cast or major fraction thereof, but not more than eighteen dollars in all for such services.

§ 2. Amendment.) Section 40-2105 of the North Dakota Revised Code of 1943, as amended, is hereby amended and reenacted to read as follows:

40-2105. Compensation Of Inspectors, Judges, And Clerks At Municipal Elections.) Each inspector, judge, or clerk of

any regular or special municipal election, for services performed at such election, shall receive as compensation therefor the sum of eight dollars. When the number of votes cast at such election exceeds one hundred, each such officer shall receive as additional compensation the sum of two dollars for each additional one hundred votes cast, or major fraction thereof, but not more than eighteen dollars in all for such services.

Approved March 14, 1957.

CHAPTER 158

H. B. No. 653

(Bjerkan and Magnuson)

MEMBERS OF COUNTY CANVASSING BOARD

AN ACT

To amend and reenact section 16-1314 of the North Dakota Revised Code of 1943 relating to the qualifications of members of canvassing board and to provide for replacement of disqualified members.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 16-1314 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1314. Qualifications Of Members Of Canvassing Board; Replacements; Quorum.) No member of the county canvassing board who shall be a candidate for office at an election shall serve on such board. If the county auditor is a candidate for office, he shall take no part in the canvass but shall act as clerk of such board. If the chairman of the board of county commissioners is a candidate for office, he shall appoint a county commissioner who is not a candidate for office to act in his capacity as a member of the county canvassing board, and if either or both of the chairmen of the county committees of the two political parties who would otherwise be members of the canvassing board, are disqualified by reason of being candidates for office, they shall appoint an alternate elector or electors from their respective county executive committees to act in their capacity as a member of the county canvassing board. Any three members of the board or their duly appointed replacements shall constitute a quorum and may make the canvass provided for in this chapter and certify the results thereof.

Approved March 7, 1957.

CHAPTER 159

H. B. No. 605
(Isakson, Thal, Spitzer)
(At the request of)
(the Secretary of State)

ABSENT VOTER BALLOTS FOR SERVICEMEN

AN ACT

To amend and reenact sections 16-1801, 16-1802, and 16-1813 of the North Dakota Revised Code of 1943, as amended, relating to absent voter ballots of persons in the military service.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 16-1801 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1801. Absent Voter, Who May Vote.) Any qualified elector of this state, who is absent from the county in which he is an elector, or who by reason of physical disability, or who is in the military or naval service or the merchant marines of the United States of America, and, is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters' ballot at any such election as hereinafter provided.

Whenever the words "In the military or naval service or the merchant marine of the United States" or "In the armed forces" or "In the military service" are used in this chapter, they shall include the following:

- (1) Members of the armed forces while in the active service and their spouses and dependents.
- (2) Members of the merchant marine of the United States, and their spouses and dependents.
- (3) Civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the United States Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.
- (4) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially

attached to and serving with the armed forces, and their spouses and dependents.

§ 2. **Amendment.)** Section 16-1802 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1802. Elector May Vote Before Leaving County; Returning To County Before Election; Voting In Person.) Any qualified elector of this state who is present in his county after the official voters' ballots of such county have been printed, and who has reason to believe that he will be absent from such county on election day as provided in section 16-1801, as it may be amended, may vote before he leaves his county in the same manner as an absent voter. Any elector having marked his absent voter's ballot under the provisions of this section who shall return to his precinct before or on election day may vote in person if his ballot has not been deposited in the ballot box.

§ 3. **Amendment.)** Section 16-1813 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1813. Marking And Return Of Ballots.) The affidavit provided for in section 16-1809 may be made by such elector before any commissioned officer in the active service of the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the secretary of commerce of the United States to administer and attest such oaths as are required by the laws of this state. Such affidavit need not have any venue. A person in the military or naval service shall mark the ballot in the presence of such officer, and no other person, in the manner provided in section 16-1810 and shall be returned to the county auditor in accordance with the provisions of section 16-1810.

Approved March 12, 1957.

CHAPTER 160

H. B. No. 604

(Isakson, Thal, Rice, Spitzer)

FORM OF ABSENT VOTER BALLOT

AN ACT

To amend and reenact section 16-1803 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to absentee voters' ballots.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 16-1803 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

16-1803. Preparation And Printing Of Ballots.) For all general and primary elections and for all special elections when such special elections for state and county offices are held at the same time as a general or primary election, there shall be prepared and printed for each precinct official ballots to be known as absentee voters' ballots. Such ballots shall be prepared and printed in the same form and shall be of the same size, color, and texture as the regular official ballots.

Approved March 12, 1957.