

ELECTIONS

CHAPTER 215

SENATE BILL NO. 2067
(Longmire, Melland, Van Horn)
(From Legislative Council Study)

INITIATIVE AND REFERENDUM

AN ACT to create and enact sections 16-01-11.1 and 16-01-11.2 of the North Dakota Century Code; to amend and reenact section 16-01-11 of the North Dakota Century Code, relating to regulations governing initiative, referendum, and recall petitions, and the powers and duties of the secretary of state in regard thereto; providing an appropriation; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) Section 16-01-11.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

16-01-11.1. SECRETARY OF STATE TO PASS UPON SUFFICIENCY OF PETITIONS - METHOD - TIME LIMIT - ATTORNEY GENERAL TO PROSECUTE FRAUD.) The secretary of state shall have a reasonable period, not to exceed thirty-five days, in which to pass upon the sufficiency of the petitions. The secretary of state shall mail an individual questionnaire to such percentage of the total number of electors who signed copies of a petition circulated pursuant to sections 25 and 202 of the Constitution as he deems feasible, but in no event shall questionnaires be mailed to less than a ten percent random sample of the total number of persons signing all copies of the petition nor to less than ten persons in any county if ten or more persons signing such petitions list post-office addresses in such county. The form and style of the questionnaire shall be determined by the secretary of state, and shall be designed so as to determine whether the addressee signed the petition and whether he was a qualified elector at the time he signed it. The questionnaire may be in the form of a post card. Each questionnaire shall be addressed to the person whose signature appears on a copy of the petition at the postal address indicated thereon and shall contain, or provide for, prepaid return postage to the office of the secretary of state. If a questionnaire is returned to the secretary of state undelivered because the addressee is unknown or the address is nonexistent, a presumption shall arise that the addressee did not sign the petition. The secretary of state may, in his discretion, make personal telephone calls to persons whose signatures are contained in such petitions to obtain the information required in the questionnaire from the

signatory, and shall record the information in the same manner as a returned questionnaire. Such a telephone call shall be considered in lieu of a written questionnaire within the requirements of this section. If the secretary of state, in the course of determining the sufficiency of a petition pursuant to this section and the Constitution, shall discover the probable perpetration of fraud, he shall deliver the evidence thereof to the attorney general who shall prosecute the perpetrators in the manner provided by law; however, the answers to the questionnaires provided for in this section shall not be introduced in any criminal action whatsoever.

SECTION 2.) Section 16-01-11.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

16-01-11.2. QUALIFICATIONS FOR CIRCULATING PETITION AND MAKING AFFIDAVIT.) No petition shall be circulated under the authority of sections 25 or 202 of the Constitution, or of article 33 of the amendments to the Constitution, by a person who is less than eighteen years of age, nor shall the affidavit called for by section 16-01-11 be executed by a person who is less than eighteen years of age at the time of signing. The signatures on a copy of a petition to which is attached an affidavit executed in violation of this section shall be deemed invalid.

SECTION 3. AMENDMENT.) Section 16-01-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-01-11. REGULATIONS GOVERNING INITIATIVE, REFERENDUM, OR RECALL PETITIONS.) No person shall sign any initiative, referendum, or recall petition circulated pursuant to the provisions of sections 25 and 202 of the Constitution of this state, and article 33 of the amendments to the Constitution, unless he is a qualified elector. No person shall sign any petition more than once, and each signer shall add, after his signature, his post-office address and the date of signing. Every qualified elector signing a petition pursuant to the Constitution and this section shall do so in the presence of the person circulating the petition. Each copy of any petition provided for in this section, before being filed, shall have attached thereto an affidavit executed by the circulator to the effect that each signature to the paper appended is the genuine signature of the person whose name it purports to be, that it was signed in his presence, and that each such person is a qualified elector. Each affidavit prepared pursuant to this section shall be accompanied by a typed or printed list of the names of the persons who signed the copy of the petition to which the affidavit was attached. Any person not an elector who signs an initiative, referendum, or recall petition, any person signing a name other than his own on such a petition, and any person who executes the affidavit required by this section knowing all or part of the affidavit to be false, shall

be guilty of a misdemeanor. All signatures on each copy of a petition to which is attached a false affidavit shall be invalid.

SECTION 4. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,100.00 or so much thereof as may be necessary, to the secretary of state to carry out the provisions of this Act. Should the funds herein appropriated not be needed, the appropriation shall be canceled at the end of the 1969-1971 biennium in the manner provided by law.

SECTION 5. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 19, 1971

CHAPTER 216

SENATE BILL NO. 2435
(Melland)

DISTRIBUTION OF
ELECTION INFORMATION

AN ACT to provide for distribution of election law information prior to elections by the attorney general and county auditors to election officials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. ATTORNEY GENERAL AND COUNTY AUDITORS TO DISTRIBUTE ELECTION INFORMATION.) Not less than thirty days before any congressional, state, or county election, the attorney general shall prepare such information and instructions as he considers necessary and sufficient to inform election officials of their duties and the election laws affecting their office. The attorney general shall thereafter forward such information to each county auditor in the state. Each auditor shall thereafter make sufficient copies of such information and distribute copies to each election official in the county.

Approved March 18, 1971

CHAPTER 217

SENATE BILL NO. 2510
(Committee on Delayed Bills)

REDUCTION OF CONGRESSIONAL DISTRICTS

AN ACT to amend and reenact sections 16-04-01, 16-04-16, and 16-06-03 of the North Dakota Century Code, and to repeal section 16-01-14 of the North Dakota Century Code, all relating to the reduction of the number of North Dakota members of the United States house of representatives from two to one.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-04-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-01. PRIMARY ELECTION - WHEN HELD - NOMINATION OF CANDIDATES - NOMINATION FOR SPECIAL ELECTIONS.) On the first Tuesday in September of every year in which a general election occurs, there shall be held in the various voting precincts of this state, in lieu of party caucuses and conventions, a primary election for the nomination of candidates for the following offices to be voted for at the ensuing general election: representative in Congress, state officers, county officers, district assessors, and the following officers on the years of their regular election: judges of the supreme court and district court, members of the legislative assembly, county commissioners, and United States senators. In special elections the nominations for the officers enumerated in this section shall be made as provided in this title.

SECTION 2. AMENDMENT.) Section 16-04-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-16. ORDER IN WHICH NAMES OF OFFICES SHALL APPEAR ON BALLOT.) The names of offices for which party nominations shall be made on the primary ballot shall be the following, which shall appear in each party column in this order:

1. Congressional:
United States senator
Representative in Congress

2. Legislative:

State senator _____ district
 Member of house of representatives _____ district

3. State offices:

Governor
 Lieutenant governor
 Secretary of state
 State auditor
 State treasurer
 Attorney general
 Commissioner of insurance
 Commissioner of agriculture and labor
 Commissioner of public service

SECTION 3. AMENDMENT.) Section 16-06-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-06-03. OFFICERS TO BE ELECTED AT GENERAL ELECTION.) The various elective state, district, and county officers, and the United States senators, and a representative in the Congress of the United States, shall be elected at the general election next preceding the expiration of the term of each such officer. In a year when a president and a vice president of the United States are to be chosen, a number of electors of president and vice president of the United States equal to the number of senators and representatives to which this state is entitled in the Congress of the United States shall be elected at such general election.

SECTION 4. REPEAL.) Section 16-01-14 of the 1969 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 11, 1971

CHAPTER 218

HOUSE BILL NO. 1534
(Dornacker)

EIGHTEEN-YEAR-OLD VOTING

AN ACT to create and enact sections 16-04-15.2, 16-11-05.1, and 16-18-06.1 of the North Dakota Century Code; and to amend and reenact sections 16-01-03, 16-04-17, 16-10-12.1, 16-11-12, 16-18-11, 16-18-12, and subsection 2 of section 16-21-02 of the North Dakota Century Code, relating to the preparation of ballots for and the operation of voting machines by persons eighteen to twenty-one years of age in voting for elected federal officials, and providing a form for the application for absentee ballots and to provide that precincts shall be arranged on voting machines according to the total votes cast in the previous general election for governor, and to provide for the placement of names on ballots and voting machines in races having more than three candidates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Section 16-04-15.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

16-04-15.2. PRIMARY ELECTION BALLOTS FOR PERSONS AUTHORIZED TO VOTE FOR FEDERAL OFFICES ONLY - PREPARED SEPARATELY - GENERAL LAWS GOVERN.) In addition to the ballots prepared pursuant to section 16-04-15.1, ballots shall be prepared containing only the names of duly certified candidates for federal offices for use by persons authorized to vote for those offices by federal law. The provisions of this title regarding the preparation, form, arrangement of names, delivering, and stamping of ballots shall govern in regard to the primary election ballot prepared pursuant to this section. The ballots prepared pursuant to this section shall be delivered to electors who qualify only to vote for federal elected officials pursuant to federal law and section 16-01-03.

SECTION 2.) Section 16-11-05.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

16-11-05.1. GENERAL ELECTION BALLOTS FOR PERSONS AUTHORIZED TO VOTE FOR FEDERAL OFFICES ONLY - PREPARED SEPARATELY - GENERAL LAW GOVERNS.) In addition to the ballots prepared pursuant to section 16-11-05, ballots shall be prepared containing only the names of duly certified candidates for federal

offices for use by persons authorized to vote for those offices by federal law. The provisions of this title regarding the preparation, form, arrangement of names, delivering, and stamping of ballots shall govern in regard to the general election ballot prepared pursuant to this section. The ballots prepared pursuant to this section shall be delivered to electors who qualify only to vote for federal elected officials pursuant to federal law and section 16-01-03.

SECTION 3. AMENDMENT.) Section 16-01-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-01-03. 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, except as otherwise provided in regard to residency in chapter 16-16, shall be a qualified elector at such election if he is a citizen of the United States. Any person between the ages of eighteen and twenty-one, who is a citizen of the United States and is otherwise qualified as an elector, shall be entitled to vote for elected federal officials at any election in which a federal official is to be elected.

SECTION 4. AMENDMENT.) Section 16-04-17 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* 16-04-17. ARRANGEMENT OF NAMES ON BALLOTS AND VOTING MACHINES.) Upon sample ballots, the names of candidates for each office shall be arranged alphabetically according to surnames. The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing, in the following manner: the forms shall be set up with the names in the order in which they are submitted for use on the sample ballots by the secretary of state for the state and district offices, and prepared by the county auditor for the state, district, and county offices. In printing each set of official ballots for the various election precincts, the position of the names shall be changed in each office division as many times as there are candidates in the office division or group in which there are most names. The same number of ballots shall be printed after each change. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, shoving up the column so that the name that was second before the change shall be first after the change. As used in this section, "sample ballot" shall include the ballots prepared for use by persons between eighteen and twenty-one years of age pursuant to section 16-04-15.2.

In municipalities or political subdivisions employing voting machines, the position of names which require alternating

*NOTE: Section 16-04-17 was also amended by section 1 of Senate Bill No. 2138, chapter 219.

or rotating as hereinbefore provided shall be rotated on the voting machines by precincts so that the name appearing first in one precinct will be last in the next precinct, and the name that appeared second shall be first in the next precinct and so on until each name has been moved up or over one space accordingly. This process shall be continued from one precinct to another and for as many names as are involved. The responsible election officials shall, pursuant to regulations promulgated by the secretary of state, provide that when a voting machine is used by persons between eighteen and twenty-one years of age it shall only register votes cast for candidates for nomination as candidates for elected federal office. For the purposes of this section, the precincts shall be arranged according to the total votes cast for governor in the last general election in which such office was filled, starting with the precinct having the highest total votes cast and ending with the precinct having the lowest total votes cast in such election. The initial location of the names in the precinct having the highest total votes shall be determined by lot by the city auditor or responsible election official.

If there are more than three candidates for any office, and it is not possible to place all of the names on one line, the names shall be placed in two or more lines having an equal or nearly equal number of names on each line, provided that in no such event shall only one name appear on any line.

SECTION 5. AMENDMENT.) Section 16-10-12.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-12.1. VOTING MACHINES - ADDITIONAL POLL CLERKS.) All election precincts having voting machines as authorized in chapter 16-21 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 16-10-16, to be paid in the same manner as regular poll clerks are paid. The poll clerks, or other proper election officials, shall, pursuant to regulations promulgated by the secretary of state, provide that when a voting machine is used by persons between eighteen and twenty-one years of age it shall only register votes cast for candidates for elected federal office.

SECTION 6. AMENDMENT.) Section 16-11-12 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-12. INSTRUCTIONS, ADVERTISEMENTS AND BALLOTS POSTED IN POLLING PLACES.) Each county auditor shall cause to be printed on cards, in large type, full instructions to electors as to the manner of obtaining and preparing ballots, a boldface notation that persons between eighteen and twenty-one years of age may only vote for candidates for federal offices, or candidates for nomination as candidates for federal office, and a copy of section 16-01-08 and of sections 12-11-26 and 12-11-28. He shall furnish ten of such cards to the judges of election in each election precinct and the judges of election, at the opening of the polls, shall post at least one of such cards in each booth or compartment provided for the preparation of ballots and at least three of such cards in and about the polling place. One of the official ballots without the official stamp thereon shall be posted in each booth or compartment, and not less than three of such ballots shall be posted in other places in and about the polling place upon the morning of the election. The county auditor, at the time of delivering the ballots to the inspector of elections in each precinct, shall deliver a minimum of five copies of the newspaper publication or other copy of the complete text of any constitutional amendment or initiated or referred measure to such inspector of elections. Not less than three of such newspaper publications or copies shall be posted in and about the polling place upon the morning of the election in addition to the ballots required to be posted by law.

SECTION 7.) Section 16-18-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

16-18-06.1. APPLICATION FORM FOR ABSENT VOTER'S BALLOT FOR PERSONS AUTHORIZED TO VOTE FOR FEDERAL OFFICES ONLY.) Application for an absent voter's ballot for persons between eighteen and twenty-one years of age who are authorized to vote for federal offices only shall be made on a blank to be furnished by the proper officer of the county, city, or school district of which the applicant is a resident and must be in substantially the following form:

I, _____, a resident of the township of _____ or of the _____ precinct of the _____ ward of the city of _____ of the county of _____ of the state of North Dakota, to my best knowledge and belief, am entitled to vote for federal elected officials in such precinct at the next election, expecting to be absent from the said county on the day for holding such election, or by reason of physical disability being unable to attend and vote at such election, hereby make application for an official absent voter's ballot to be voted by me at such election.

Date _____

Signed _____

Witness: _____

Post Office _____

SECTION 8. AMENDMENT.) Section 16-18-11 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-11. ABSENT VOTERS' BALLOTS SENT TO MILITARY PERSONNEL WITHOUT APPLICATION.) It shall be the duty of the officers specified in section 16-18-05, as soon as possible after the printing of the ballots for any primary, special, or general state election or any city or school election to send such absent voter ballot to all military personnel on active duty who are qualified to vote in the county, city, or school district, as the case may be.

SECTION 9. AMENDMENT.) Section 16-18-12 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-12. COUNTY AUDITOR TO KEEP REGISTER OF NAMES OF PERSONS IN SERVICE AND ALL OTHER QUALIFIED ELECTORS.) In order to facilitate compliance with the provisions of section 16-18-11, the county auditor of each county in this state shall prepare, keep, and maintain a general register of the names of all persons within his county who are engaged in the military or naval service of the United States, and a further register of all such persons who are qualified to vote in his county at a general election. The county auditor shall maintain a record of the ages of all such persons for the purpose of assuring that all such persons between the ages of eighteen and twenty-one receive proper absentee ballots to vote for federally elected officials.

SECTION 10. AMENDMENT.) Subsection 2 of section 16-21-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Permit each voter to vote for as many persons for any office as he is entitled to vote for, including persons between eighteen and twenty-one years of age who shall be allowed to vote for candidates for federal office or candidates for nomination as candidates for federal office only, and shall allow each voter to vote in primary elections for candidates for nomination by the political party of his choice, but it shall preclude each voter from voting for more persons for any office than he is entitled to vote for, from voting more than once for the same candidate or upon the same measure or question submitted to the voters, or voting the ballot of more than one political party in any primary election;

Approved March 27, 1971

CHAPTER 219

SENATE BILL NO. 2138
(Melland)

ARRANGING NAMES ON BALLOTS

AN ACT to amend and reenact section 16-04-17 of the North Dakota Century Code, to provide that precincts shall be arranged on voting machines according to the total votes cast in the previous general election for governor, and to provide for the placement of names on ballots and voting machines in races having more than three candidates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-04-17 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

*16-04-17. ARRANGEMENT OF NAMES ON BALLOTS AND VOTING MACHINES.) Upon sample ballots, the names of candidates for each office shall be arranged alphabetically according to surnames. The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing, in the following manner: the forms shall be set up with the names in the order in which they are submitted for use on the sample ballots by the secretary of state for the state and district offices, and prepared by the county auditor for the state, district, and county offices. In printing each set of official ballots for the various election precincts, the position of the names shall be changed in each office division as many times as there are candidates in the office division or group in which there are most names. The same number of ballots shall be printed after each change. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of that division, shoving up the column so that the name that was second before the change shall be first after the change.

In municipalities or political subdivisions employing voting machines the position of names which require alternating or rotating as hereinbefore provided shall be rotated on the voting machines by precincts so that the name appearing first in one precinct will be last in the next precinct, and the name that appeared second shall be first in the next precinct and so on until each name has been moved up or over one space accordingly. This process shall be continued from

*NOTE: Section 16-04-17 was also amended by section 4 of House Bill No. 1534, chapter 218.

one precinct to another and for as many names as are involved. For the purposes of this section, the precincts shall be arranged according to the total votes cast for governor in the last general election in which such office was filled, starting with the precinct having the highest total votes cast and ending with the precinct having the lowest total votes cast in such election.

If there are more than three candidates for any office, and it is not possible to place all of the names on one line, the names shall be placed in two or more lines having an equal or nearly equal number of names on each line, provided that in no such event shall only one name appear on any line.

Approved March 12, 1971

CHAPTER 220

SENATE BILL NO. 2341
(Melland, Nething, Goldberg, Litten)

CERTIFICATION OF NOMINATIONS

AN ACT to amend and reenact sections 16-05-01 and 16-05-04 of the North Dakota Century Code, relating to the place of filing of certificates of nomination, and the duties of the county auditor regarding the certification of nominations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-05-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows.

16-05-01. CERTIFICATES OF NOMINATION - PLACES OF FILING.) Certificates of nomination for candidates for offices to be filled by the electors of the entire state, or of any district greater than a county, and for legislative offices, shall be filed with the secretary of state and written notice of such filing shall be filed with the county auditor of the respective counties encompassing or included within the district wherein the officers are to be elected. Certificates of nomination for county officers shall be filed with the county auditor of the respective counties wherein the officers are to be elected.

SECTION 2. AMENDMENT.) Section 16-05-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-05-04. SECRETARY OF STATE TO CERTIFY NOMINATIONS FOR STATE AND DISTRICT OFFICE - DUTY OF COUNTY AUDITOR.) Not less than thirty days nor more than thirty-five days before an election to fill any state or district office, the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and post-office address of each person nominated for such office, as specified in the certificates of nomination filed with him. In case of a special election called to fill a vacancy, the secretary of state shall so certify the names of such candidates not less than thirty days before such special election. Immediately upon receipt of the certification provided for in this section, the county auditor receiving it shall compare it with the

written notice of filing of certificates of nomination filed with him pursuant to section 16-05-01. If the comparison shows discrepancies, the auditor shall immediately notify the secretary of state, who shall take the necessary action to correct any errors, prior to sending the notice called for by section 16-06-04.

Approved March 4, 1971

CHAPTER 221

SENATE BILL NO. 2434
(Melland)

NUMERICAL POLL LIST

AN ACT to amend and reenact section 16-10-14 of the North Dakota Century Code, relating to the duties of a clerk of an election in keeping a poll list.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-10-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-14. CLERK OF ELECTION TO KEEP POLL LIST - CONTENTS.) Each clerk of an election shall keep a poll list which shall contain in numerical order the names and addresses of all persons voting at such election.

Approved March 18, 1971

CHAPTER 222

HOUSE BILL NO. 1172
(Mertens, Lee)

COLOR OF ELECTION BALLOTS

AN ACT to amend and reenact section 16-11-04 of the North Dakota Century Code, relating to the color of election ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-04. FORM AND QUALITY OF BALLOTS GENERALLY.) All official ballots prepared under the provisions of this title for use in precincts in which voting machines are not used:

1. Shall be a specified color, and the secretary of state shall prescribe a different color for each separate type of ballot used.
2. Shall be of uniform quality of paper printed in a color of ink suitable to make the ballot clearly legible.
3. Shall be of sufficient length to contain all the names of the candidates to be voted for at such election.
4. Where more than one person is to be elected to an office, immediately under the designation of the office to be voted for, shall have printed thereon the following words: "Vote for (number) name only".
5. Shall have printed thereon "Mark X after name to be voted for".
6. Under the name of each candidate there shall be left sufficient space to write or paste a name in lieu of the one printed on the ballot.
7. On the same line with the name of each candidate and at the end of his name there shall be a space enclosed

in a square in which the voter may designate by a cross or other mark his choice for each candidate opposite the name of such candidate.

In precincts in which voting machines are used, the list of officers and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in a manner and form approximating as far as possible the requirements of this section.

Approved March 30, 1971

CHAPTER 223

HOUSE BILL NO. 1209
(Mushik, Eagles, Giffey, Raymond)

EXPLANATION OF
EFFECT OF VOTE

AN ACT to amend and reenact section 16-11-07 of the North Dakota Century Code, to provide for placement of an explanatory statement on the ballot for constitutional amendments and initiated and referred measures explaining the effect of both negative and affirmative votes on a particular measure.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-11-07 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-07. CONSTITUTIONAL AMENDMENTS AND INITIATED AND REFERRED MEASURES - PLACED ON SEPARATE BALLOT - MANNER OF STATING QUESTION - EXPLANATION OF EFFECT OF VOTE - ORDER OF LISTING.) Constitutional amendments duly certified to the county auditor by the secretary of state, or any question to be voted for aside from the election of public officers, shall be printed on a separate ballot by ballot title only and in the manner specified by the secretary of state and shall be deposited in a box separate from that provided to receive the ballots for public officers. The size of type to be used on such ballots shall be specified by the secretary of state. Immediately preceding the ballot title of the constitutional amendment or initiated or referred measure on the printed ballot, the secretary of state shall cause to be printed a short, concise statement in boldface type, which statement shall fairly represent the substance of the constitutional amendment or the initiated or referred measure. The attorney general shall approve all such statements written by the secretary of state. Immediately subsequent to the foregoing statement, the secretary of state shall cause to be printed another short, concise statement of the effect of an affirmative or negative vote on the constitutional amendment or initiated or referred measure in terms of whether the proposal will or will not enact, amend, or repeal a portion or portions of the Constitution or laws of the state of North Dakota if an affirmative or negative vote should prevail. This explanatory statement shall be drafted by the secretary of state and shall be approved by the attorney general. The words "Yes" and "No" shall be printed on the ballot at the close of the statement

regarding the effect of an affirmative or negative vote, in separate lines with a square formed of black lines after each statement in which the voter may indicate by a cross or other mark how he desires to vote on the question. Where two or more amendments or questions are to be voted on, they shall be printed on the same ballot. In precincts in which voting machines are used, the ballot title, in the case of amendments or measures submitted by the people, or the title of the legislative bill or resolution, which shall serve as the ballot title, in the case of proposed amendments submitted by the legislative assembly, shall be set forth in full. Provided, however, in such cases where the ballot title or the title of the legislative bill or resolution is of such length to make it physically impossible to fit such titles upon voting machines, the attorney general shall reduce such titles to a length which will allow the placing of such titles upon voting machines, but shall fully express the purpose of such amendments or questions, and such reduced version of the titles shall be used on the voting machines.

The measures to be submitted to the electors shall be grouped and classified as constitutional measures, initiated statutes, or referred statutes and shall be numbered within such groups or classifications by the secretary of state in the order received, for the purpose of placing them on the ballot. Measures submitted by the legislative assembly shall be placed first on the ballot within their classification in the order approved by the legislative assembly. Constitutional measures shall be placed first on the ballot, initiated statutes second, and referred statutes third.

Approved March 15, 1971

CHAPTER 224

HOUSE BILL NO. 1333
(Dornacker)

PREPARATION AND
STAMPING OF BALLOT

AN ACT to amend and reenact sections 16-12-05, 16-12-15, and 16-13-01 of the North Dakota Century Code, relating to the conduct of elections and the counting of ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-12-05 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-12-05. PREPARATION OF BALLOT BY ELECTOR - FOLDING - DEPOSITING.) Upon receipt of his ballot, the elector, forthwith and without leaving the polling place, shall retire alone to one of the booths or compartments provided, to prepare his ballot by placing a cross mark (X) or other mark which clearly shows the intention of the voter within the square opposite the name of each person for whom he wishes to vote, or in case of a ballot containing a constitutional amendment, an initiated or referred measure, or any other question to be submitted to a vote of the people, by placing a cross mark (X) or other mark within the square opposite the word or words expressing his wish. After preparing his ballot, the elector shall fold it so that the face of the ballot will be concealed and so that the endorsement stamped thereon may be seen. He then shall hand it to the judge, who, without opening the same or permitting it to be opened, or examined except to ascertain whether it is a single ballot and whether it has been stamped and initialed, shall deposit it in the ballot box.

SECTION 2. AMENDMENT.) Section 16-12-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-12-15. FAILURE TO STAMP OR INITIAL BALLOT - DEPOSITING UNSTAMPED BALLOT IN BALLOT BOX - PENALTY.) Any inspector or judge of election who fails to stamp or initial any ballot as required by this chapter, or who deposits in a ballot box any ballot upon which the official stamp does not appear, is guilty of a misdemeanor.

SECTION 3. AMENDMENT.) Section 16-13-01 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-01. BALLOTS VOID AND NOT COUNTED - PART OF BALLOT MAY BE COUNTED.) In the canvass of votes at any election, a ballot shall be void and shall not be counted if:

1. It is not endorsed with the official stamp and initials as provided in this title; or
2. It is impossible to determine the elector's choice from the ballot or parts of a ballot.

If a ballot is sufficiently plain to gather a part of the voter's intention therefrom, the judges of election shall count such part. If a voter votes for more than the number of persons to be elected to any office, his ballot shall be invalidated only insofar as his vote for such office is concerned, and the balance of his ballot, if otherwise proper, shall not be invalidated. However, at primary elections only, the ballot shall be void if the elector splits such ballot or votes for candidates of more than one party.

Approved March 27, 1971

CHAPTER 225

HOUSE BILL NO. 1137
(Atkinson)

DISTRIBUTION OF POLLBOOKS

AN ACT to amend and reenact section 16-13-07 of the North Dakota Century Code, relating to sending pollbooks to the United States district court; providing a pollbook to the clerk of district court by the county auditor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-13-07 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-07. REPORTS AND POLLBOOKS SENT TO COUNTY AUDITOR - COMPENSATION FOR MAKING RETURNS - COUNTY AUDITOR TO FORWARD POLLBOOK TO CLERK OF UNITED STATES DISTRICT COURT AND TO THE CLERK OF THE NORTH DAKOTA DISTRICT COURT OF SAID COUNTY.) By twelve o'clock noon, of the day following an election except in cases of emergency or inclement weather, the inspector of elections, or one of the judges appointed by him, shall personally deliver the duplicate reports provided for in section 16-13-04 to the county auditor. The reports, carefully sealed under cover, accompanied by both of the pollbooks provided for in section 16-11-13, and with the oaths of the inspector and clerks affixed thereto, shall be directed properly to the county auditor. The person making such return shall receive the sum of five dollars as compensation therefor and shall also be paid mileage of ten cents per mile, provided, however, no compensation and no mileage shall be paid if delivery of the ballots is not made by twelve o'clock noon on the day following the election. The compensation and mileage shall be paid out of the county treasury on a warrant of the county auditor, and shall be full compensation for returning all used or voided ballots and for delivering the ballot boxes to the proper official. Within thirty days after receipt thereof following each presidential election, each county auditor shall forward one of the pollbooks to the clerk of the United States district court for the district encompassing that county for his official use. The county auditor, if his duties so require, may request return of the pollbook thirty days after receipt thereof by the clerk of the United States district court. The county auditor shall provide the clerk of the North Dakota district court of said county with a pollbook to be used by the clerk for jury selection.

Approved February 26, 1971

CHAPTER 226

SENATE BILL NO. 2376
(Nething, Holand)

COUNTY CANVASSING
BOARD COMPENSATION

AN ACT to amend and reenact section 16-13-16 of the North Dakota Century Code, relating to compensation for members of the county canvassing board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-13-16 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-16. COMPENSATION AS MEMBERS OF BOARD.) Each member of the county canvassing board, who is not a paid official of the county, while serving as a member of the county canvassing board, shall receive twelve dollars per day as compensation. In addition, any member of the board who must travel a distance of over five miles from his home to the place of such meeting and return, shall be paid mileage of ten cents per mile. Such compensation and mileage shall be audited, allowed, and paid by the board of county commissioners in each county.

Approved March 11, 1971

CHAPTER 227

HOUSE BILL NO. 1101
(Streibel)

RECOUNT ON DEMAND

AN ACT to provide for the recounting of ballots in congressional, state or legislative elections and to provide procedures for such recounts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. RECOUNTS FOR CONGRESSIONAL AND STATE OFFICES - PROCEDURE - COSTS.) Any person losing a primary, special or general election contest for nomination or election to a congressional, state, or legislative office may demand a recount of the ballots cast in the manner and circumstances hereinafter provided. The demand may be made if the person shall have failed to be nominated in a primary election by less than two percent of the highest vote cast for a candidate of his party for the office sought, or the demand may be made by any person who failed to be elected at a special or general election by less than one-half of one percent of the highest vote cast for a candidate for that office. The demand must be made within ten days after the canvass of the votes of such election. After a demand and upon application to a judge of each appropriate district court, such court or courts shall issue orders directing that all ballots pertaining to such office shall be delivered forthwith to the respective court or courts. The person demanding such recount shall forward a copy of the application to the secretary of state at the time it is filed with the district court. The county canvassing board of each county, or such other persons as the court may select, shall recount the ballots in the presence of the court and, if requested, in the presence of the candidates or their representatives. Any candidate or any representative of any candidate for such office may object to the counting of any ballot. All ballots objected to shall be referred to the district judge for his decision, which shall be rendered at once. The results of such recount shall be certified by the district judge to the secretary of state no later than fifteen days after the application for a recount has been filed. The costs of such recount shall be borne by the counties involved. The members of the county canvassing board or such other persons selected by the district judge to assist in such recount shall receive compensation and mileage as provided in section 16-13-16. The results of any

recount of votes cast in an election of a member of the legislative assembly shall be admissible in either house of the legislative assembly, or before a committee of either house, as evidence to aid in the determination of an election contest pending in that house.

Approved March 27, 1971

CHAPTER 228

HOUSE BILL NO. 1363
(Hentges)

CONSOLIDATING PRECINCT
COMMITTEEMEN'S BALLOT

AN ACT to amend and reenact section 16-17-05.1 of the North Dakota Century Code, relating to the consolidation of precinct committeemen's ballot.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-17-05.1 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-17-05.1. CONSOLIDATION OF PRECINCT COMMITTEEMEN'S BALLOT.) The names of candidates seeking election as precinct committeemen shall be printed in their preferred political party column on a separate two or more party precinct committeemen ballot. The names of only those candidates for party precinct committeemen for whom nominating petitions have been filed with the county auditor as provided in section 16-17-03 shall be printed on the two or more party precinct committeemen's ballot. Columns shall be arranged so that any column shall be in an inverted position when the adjacent column or columns are in an upright position. If no nominating petition has been filed for any candidate, the ballot shall contain blank lines and spaces on which names may be written or a sticker pasted. Such ballot shall be in substantially the same form as the consolidated primary election ballot and shall be prepared for each voting precinct in the county by the county auditor and distributed by him with other election supplies in the manner in which the consolidated primary election ballots are distributed, provided, however, in those precincts in which voting machines are used the precinct committeemen's ballot shall be listed as part of the official party ballot thereon.

Approved March 27, 1971

CHAPTER 229

SENATE BILL NO. 2439
(Melland)

CANVASSING ABSENT VOTERS' BALLOTS

AN ACT to amend and reenact section 16-18-14 of the North Dakota Century Code, relating to the canvassing of mailed absent voters' ballots received late.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 16-18-14 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-14. CANVASSING OF MAILED ABSENT VOTERS' BALLOTS RECEIVED LATE.) In the case of congressional, state, or county elections, if any envelope postmarked more than two days prior to the date of the election and containing an absent voters' ballot is received by the proper officer too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such officer at any time prior to the meeting of the state canvassing board of any adjourned meeting of said board where the same has been received by such officer in time to canvass and transmit the results to the state canvassing board. In the case of city or school district elections, if an envelope postmarked more than two days prior to the date of election and containing an absent voters' ballot is received by the officer too late to be forwarded to the proper voting precinct in time to be tabulated, the same shall be canvassed by the governing body of the city, or the school board of the school district, as the case may be, at such time as the other ballots are canvassed. This section shall not be construed as invalidating any ballot mailed within two days of the date of the election at which it is to be cast, if the ballot is received in time to be forwarded to the proper voting precinct according to the provisions of this chapter. Before forwarding any ballot to a precinct or canvassing board pursuant to this section, the officer forwarding such ballot shall print the date and hour when it was received on the envelope. Upon receipt, the inspector or judges of the polling place, or the canvassing board, as the case may be, shall first determine that such elector is qualified to vote in that precinct and that said elector did not previously vote in that precinct on the date of the election before allowing such ballot to be tallied.

Approved March 27, 1971