

ELECTIONS

CHAPTER 242

HOUSE BILL NO. 1356
(Representatives Wentz, Kretschmar)
(Senator Stenehjem)

ELECTION BALLOTS, NOMINATIONS, AND CERTIFICATES

AN ACT to create and enact a new section to chapter 16.1-07 of the North Dakota Century Code, relating to special write-in absentee ballots; to amend and reenact sections 4-22-17, 16.1-01-07, 16.1-04-03, 16.1-07-03, 16.1-07-04, 16.1-07-05, 16.1-11-06, 16.1-11-11, 16.1-11-17, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-11-30, 16.1-12-04, 16.1-12-05, 16.1-12-07, 16.1-12-09, 16.1-13-03, 46-06-03, and 61-24-03 of the North Dakota Century Code, relating to preparation of absentee ballots and filing deadlines; and to provide an effective date.

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

SECTION 1. AMENDMENT. Section 4-22-17 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-22-17. Nominating petitions - Petitions required - Final filing date. Any person running for the office of supervisor shall present to the county auditor of the county in which his the district lies a petition giving his that person's name, post-office address, title of the office, and containing the signatures of not less than twenty-five nor more than three hundred qualified electors of the district. When a district lies in more than one county, the petition shall be filed with the county auditor of the county where the candidate resides, and such county auditor shall certify to the county auditors of the other counties in which such district lies the name of the candidate filing such petition. No person shall participate directly or indirectly in the nomination for more than one person for each office to be filled. The final filing date for nominating petitions shall be no later than ~~fifty-five~~ sixty days before the day of the election and not later than four p.m. of such day.

Upon receipt of the petition or the certification as provided in this section, the county auditor shall without fee place the name

of the candidate so nominated on the no-party ballot at the ensuing general election.

SECTION 2. AMENDMENT. Section 16.1-01-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-01-07. Constitutional amendments and other questions to be advertised - Notification by secretary of state - Manner of publishing. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall, not less than ~~forty~~ fifty ~~five~~ fifty-five days before the election, certify the amendment or other question to each county auditor and each auditor shall cause notice thereof to be included in the notice required by section 16.1-13-05. Questions to be submitted to the people of a particular county shall be advertised in the same manner.

The secretary of state shall, at the same time he certifies notice to the county auditors of the submission of a constitutional amendment or other question, certify the ballot form for such questions. The ballot form shall conform to the provisions of sections 16.1-06-09 and 16.1-06-09.1 and shall be used by all county auditors in preparing ballots for submission to the electorate of each county and in the preparation of sample ballots. Sample ballots shall conform in form and style to samples of such ballots contained in the legal publications handbook prepared under subsection 5 of section 46-01-02. Any requirements in this title that a sample ballot be published will be met by the publication of either the paper ballot or the ballot as it will appear to persons using a voting machine, depending upon the method of voting used in the area involved. Absentee voter ballots shall not be considered in determining which method of voting is used in an area. If both paper ballots and voting machines are used in an area, both forms must be published as sample ballots to meet publication and notice requirements. At the same time as the sample ballot is published, an analysis of any constitutional amendment, initiated measure, or referred measure, written by the secretary of state after consultation with the attorney general, shall be published in columns to enable the electors to become familiar with the effect of the proposed constitutional amendment or initiated or referred measure, in addition to the sample ballot listing ballot titles.

SECTION 3. AMENDMENT. Section 16.1-04-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-04-03. Time limitations. The authority granted by this chapter shall be exercised by the respective governing bodies no later than ~~sixty~~ seventy days before an election. If legislative reapportionment occurs, the authority granted by this chapter shall be exercised, as it relates to the establishment or reestablishment of voting precincts that may be required because of any change in

legislative districts, within thirty-five days after the effective date of the reapportionment.

SECTION 4. AMENDMENT. Section 16.1-07-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-07-03. Preparation and printing of ballots. For all general, primary, or special state elections, for all other special elections held at the same time as a general or primary election, for all county elections, and for all city and school elections, official ballots shall be prepared within the time limits provided in section 16.1-07-04. In the case of special elections wherein the election is called less than ~~thirty forty~~ or ~~fourteen twenty~~ days, as the case may be, before the election day, or where certification of candidates does not take place before the ~~thirty-day forty-day~~ or ~~fourteen-day twenty-day~~ limitations, the ballots for the use of absentee voters shall be made available as soon as possible. Only official ballots shall be used as absentee ballots and no indication shall be noted on such ballots that they are used by absentee voters except that the return envelope shall be marked "ballot of absentee voter". The county auditor, at the same time other absentee ballots are prepared, shall prepare, and have printed and available, ballots for use by overseas citizens qualified to vote in this state pursuant to section 16.1-07-01.

SECTION 5. AMENDMENT. Section 16.1-07-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-07-04. When ballots furnished proper officials. The county auditor, or any other officer required by law to prepare any general, special, or primary state election ballots or any county election ballots, shall prepare, have printed, and deliver to the county auditor at least ~~thirty forty~~ days prior to the holding of any general, special, or primary state election, a sufficient number of absent voter ballots for the use of all voters likely to require such ballots for that election. In city or school elections the auditor or clerk of the city, the clerk of the school district, or any other officer required by law to prepare city or school election ballots, shall prepare, have printed and available for distribution to the public at least twenty days prior to the holding of any city or school election, a sufficient number of absent voter ballots for the use of all voters likely to require such ballots for that election.

SECTION 6. AMENDMENT. Section 16.1-07-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-07-05. Time for making application for ballot. At any time within ~~forty sixty~~ days next preceding an election, any qualified elector expecting to be absent on election day as provided in section 16.1-07-01 may make application to the county auditor, the

auditor or clerk of the city, or the clerk of the school district, as the case may be, for an official ballot to be voted at such election. A voter may obtain an application form for an absent voter's ballot for a general, special, primary, or county election from either the county auditor or a city auditor. No auditor or clerk shall issue ballots for absentee voters on the day of the election.

SECTION 7. A new section to chapter 16.1-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

Procedures for voting with special write-in absentee ballot.

1. Notwithstanding any other provision of this chapter, a qualified absentee elector may apply to the county auditor not earlier than ninety days before an election for a special write-in absentee ballot. This ballot may be used to vote for presidential electors and members of the United States senate and of the United States house of representatives.
2. The application for a special write-in absentee ballot may be made on a form prescribed by the secretary of state. In order to qualify for a special write-in absentee ballot, the voter shall state on the application that the voter is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated or extremely remote areas of the world.
3. Upon receipt of the application, the county auditor shall issue the special write-in absentee ballot, which must be in the form prescribed by the secretary of state. The ballot must permit the elector to vote by writing in a party preference for each office, the names of specific candidates for each office, or the name of the person whom the voter prefers for each office.

SECTION 8. AMENDMENT. Section 16.1-11-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-06. State candidate's petition or political party certificate of endorsement required to get name on ballot - Contents - Filing. Every candidate for United States senator, United States representative, a state office except the office of state senator or state representative, and judges of the supreme and district courts shall, not more than ~~sixty-six~~ seventy nor less than ~~fifty-five~~ sixty days, and before four p.m. of the ~~fifty-fifth~~ sixtieth day, prior to any primary election, present to the secretary of state either:

1. A certificate of endorsement signed by the state chairman of any legally recognized political party containing the candidate's name, post-office address, the title of the

office to which he aspires, and the party which he represents; or

2. A petition containing the following:
 - a. The candidate's name, post-office address, and the title of the office to which he aspires.
 - b. The name of the party the candidate represents if the petition is for an office under party designation.
 - c. The signatures of qualified electors, the number of which shall be determined as follows:
 - (1) If the office is under party designation, the signatures of three percent of the total vote cast for the candidates of the party with which the candidate affiliates, for the same position at the last general election. However, no more than three hundred signatures shall be required.
 - (2) If there was no candidate of a party for a position at the preceding general election, at least three hundred signatures.
 - (3) If the office is under the no-party designation, at least three hundred signatures.
 - d. The mailing address and the date of signing for each signer.

If the petition or certificate of endorsement is for the office of governor or lieutenant governor, it shall contain the names and other information required of candidates for both those offices. If the petition or certificate of endorsement is mailed, it shall be in the possession of the secretary of state before four p.m. of the ~~fifty-fifth~~ sixtieth day prior to the primary election.

SECTION 9. AMENDMENT. Section 16.1-11-11 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-11. County and legislative district candidates' petitions - Filing - Contents. Every candidate for a county or district office shall, not more than seventy nor less than ~~fifty-five~~ sixty days and before four p.m. of the ~~fifty-fifth~~ sixtieth day prior to any primary election, present to the county auditor of the county in which he resides either:

1. A certificate of endorsement signed by the district chairman of any legally recognized political party containing the candidate's name, post-office address, the title of the office to which he aspires, and the party which he represents; or

2. A petition containing the following:
 - a. The candidate's name, post-office address, and the title of the office to which he aspires.
 - b. The name of the party the candidate represents, only if it is a petition for an office which is under party designation.
 - c. The signatures of qualified electors, the number of which shall be determined as follows:
 - (1) If the office is under no party designation, the signatures of not less than two percent and not more than five percent of the total vote cast for the office at the most recent general election at which the office was voted upon.
 - (2) If the office is under a party designation, the signatures of the same percentage as provided in paragraph 1 of the total vote cast for the candidate of the party represented for the same position at the most recent general election at which the office was voted upon.
 - (3) If there were more than one party candidate, the signatures of the same percentage as provided in paragraph 1 of the total number of votes for all party candidates divided by the number of party candidates.
 - (4) If no candidate was elected or no votes were cast for an office at any general election, the number of signers equal to the percentage as provided in paragraph 1 applied to the total average vote cast for the offices of sheriff and county auditor at the most recent general election at which those officers were elected in the petitioner's county or district. This average shall be determined by dividing by two the total vote cast for those offices.
 - (5) In no case shall more than three hundred signatures be required.
 - d. The mailing address and date of signing for each signer.

If the petition or certificate of endorsement is mailed, it shall be in the possession of the county auditor before four p.m. on the ~~fifty-fifth~~ sixtieth day prior to the primary election.

SECTION 10. AMENDMENT. Section 16.1-11-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-17. Filling vacancy in party primary election ballot permissible - Petition - Affidavit. When the time for filing a petition or certificate of endorsement provided for in this chapter has expired, and a vacancy exists in the primary election ballot of any political party because no petition or certificate of endorsement has been filed for the nomination, the vacancy may be filled by a certificate of endorsement and affidavit or a petition and affidavit as provided in section 16.1-11-14. The certificate of endorsement and affidavit or petition and affidavit shall be filed with the proper officer at least ~~fifty-five~~ fifty-six days before the primary election and before four p.m. on the ~~fifty-fifth~~ fifty-sixth day. If the forms are mailed, they shall be in the possession of the designated officer before four p.m. on the day due.

SECTION 11. AMENDMENT. Section 16.1-11-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-18. Party committees to fill vacancy occurring in nomination for party office.

1. If a vacancy occurs in any party certificate of endorsement at the primary election for any state or legislative district office, the proper state or district executive committee of the political party may fill the vacancy by filing another certificate of endorsement with the proper officer as provided in sections 16.1-11-06 and 16.1-11-11.
2. If no party endorsement has been made by certificate and a vacancy occurs in a slate of candidates seeking party nomination by petition at the primary election, the proper state or district executive committee may fill the vacancy by filing a certificate of endorsement with the proper officer as provided in sections 16.1-11-06 and 16.1-11-11.
3. If party endorsements by certificate have been made for any state or district office and a vacancy occurs in the slate of persons seeking nomination at the primary election because of the unavailability of the person who is seeking nomination by petition, that vacancy shall not be filled except by petition.
4. If a vacancy occurs in a slate of candidates after the candidates have been nominated at the primary election, the proper state or district executive committee may fill any vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state the certificate setting forth the cause of the vacancy,

the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and any further information as may be required to be given in an original certificate of nomination. When such a certificate is filed, the secretary of state, in certifying the nomination to the various auditors, shall insert the name of the person who has been nominated to fill the vacancy in place of the original nominee. If the secretary of state already has forwarded his certificate, he forthwith shall certify to the auditor of the proper county or counties the name and post-office address of the person nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom the nominee is substituted. Failure to publish the name of a person substituted shall not invalidate the election.

With the exception of vacancies filled pursuant to section 16.1-12-08, vacancies to be filled according to the provisions of subsection 1, 2, or 3 of this section may be filled not later than ~~fifty-five~~ fifty-six days prior to the election, and vacancies to be filled according to the provisions of subsection 4 may be filled not later than fifty-five days prior to the election.

SECTION 12. AMENDMENT. Section 16.1-11-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-19. Filling vacancy existing on no-party ballot - Petition required - Time of filing. If a vacancy exists on a no-party ballot for a state office or for judge of a district court, the vacancy may be filled by filing with the secretary of state, before four p.m. on the ~~fifty-fifth~~ fifty-sixth day prior to the primary election, a written petition as provided in section 16.1-11-06, stating that the petitioner desires to become a candidate for nomination to the office for which a vacancy exists. If the petition is mailed, it shall be in the possession of the secretary of state before four p.m. on the ~~fifty-fifth~~ fifty-sixth day prior to the primary election. The petition for the nomination of any person to fill the vacancy shall be signed by qualified electors equal in number to at least two percent of the total vote cast for governor at the most recent general election in the state or district at which the office of governor was voted upon, but in no case shall more than three hundred signatures be required.

If a vacancy exists on a no-party ballot in a county or district within a county, the vacancy may be filled by filing with the county auditor, before four p.m. of the ~~fifty-fifth~~ fifty-sixth day prior to the primary election, a written petition as provided in section 16.1-11-11, stating that the petitioner desires to become a candidate for nomination to the office for which a vacancy exists. If the petition is mailed, it shall be in the possession of the county auditor before four p.m. on the ~~fifty-fifth~~ fifty-sixth day

prior to the primary election. The petition for the nomination of any person to fill the vacancy shall be signed by qualified electors equal in number to at least thirty percent of the total vote cast for governor at the most recent general election in the county or district at which the office of governor was voted upon, but in no case shall more than three hundred signatures be required. A vacancy in the no-party ballot shall be deemed to exist when a candidate who was qualified by filing a petition pursuant to section 16.1-11-06 or 16.1-11-11 shall die, resign, or otherwise become disqualified to have his name printed on the ballot.

SECTION 13. AMENDMENT. Section 16.1-11-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-20. Certified list of nominees transmitted to county auditor by secretary of state. At least ~~fifty~~ fifty-five days before any primary election, the secretary of state shall transmit to each county auditor a certified list containing the names and post-office addresses of each person for whom nomination papers have been filed in his office and who are entitled to be voted for at the primary election. A designation of the office for which each is a candidate, and if applicable, the party or principle represented by each shall be included.

SECTION 14. AMENDMENT. Section 16.1-11-30 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-30. Separate column on primary election ballot required for each political party. The following political parties shall be provided with separate columns on primary election ballots:

1. The republican party.
2. The democrat party.
3. Any party which cast five percent of the total votes cast for governor at the last general election.
4. Any other party, if a petition signed by at least seven thousand qualified electors of this state is filed with the secretary of state before four p.m. of the ~~fifty-fifth~~ sixtieth day prior to a primary election, asking that a column be provided for such party, naming it, and stating the platform principles thereof. If such petition is mailed it shall be in the possession of the secretary of state before four p.m. on the ~~fifty-fifth~~ sixtieth day. Candidates of such party shall be entitled to the same rights and privileges as those of other parties.

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.

SECTION 15. AMENDMENT. Section 16.1-12-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-12-04. Certificates of nomination - Time and place of filing.

1. The following certificates of nomination shall be filed with the secretary of state, with written notice of that filing filed with the county auditor of each county included within the district wherein the offices are to be elected:
 - a. Certificates of nomination for nominees for offices to be filled by the qualified electors of the entire state.
 - b. Certificates of nominations for nominees for offices to be filled by the qualified electors of any district greater than a county.
 - c. Certificates of nomination for nominees for legislative offices.
2. Certificates of nomination for nominees for county offices shall be filed with the county auditor of the respective counties in which the officers are to be elected.
3. Certificates of nomination required to be filed with the secretary of state shall, without regard to the means of delivery, be filed and in the actual possession of the secretary of state not later than four p.m. on the ~~fifty-fifth~~ sixtieth day prior to the general election day.
4. Certificates of nomination required to be filed with the county auditor shall, without regard to the means of delivery, be filed and in the actual possession of the county auditor not later than four p.m. on the ~~fifty-fifth~~ sixtieth day prior to the general election day.
5. In the case of special elections called to fill vacancies, certificates of nomination shall be filed and in the actual possession of the appropriate officer, regardless of the means of delivery, not later than four p.m. on the ~~fifty-fifth~~ sixtieth day prior to the day of election.
6. The secretary of state and the several county auditors shall keep on file for six months all certificates of nomination filed with them under this chapter, and all certificates of nomination shall be open to public inspection during regular business hours.

SECTION 16. AMENDMENT. Section 16.1-12-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-12-05. Secretary of state to certify nominations to county auditor - Duty of county auditor. Not less than ~~fifty~~ fifty-five days prior to any general or special election to fill any state or district office, the secretary of state shall certify to the county auditor of each county in which any elector may by law vote for candidates for the office, the name and post-office address of each person nominated for the office as shown on the certificates of nomination filed in his office. Upon receipt of that certification, the county auditor shall compare it with the written notice of filing of certificates of nomination filed with the auditor pursuant to this chapter, and shall report any discrepancies to the secretary of state, who shall take corrective action prior to sending the notice of officers to be chosen at the next general election as required by section 16.1-13-03.

SECTION 17. AMENDMENT. Section 16.1-12-07 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-12-07. If nominee declines - Certificate void. Any person intending to decline a nomination shall do so by filing written notice of that intention with the officer with whom the certificate nominating him is filed. If the written notice is filed with the appropriate officer at least ~~fifty-five~~ sixty days, and before four p.m. on the ~~fifty-fifth~~ sixtieth day before the election, the nomination shall be void. If written notice is mailed, it shall be in the physical possession of the appropriate officer before four p.m. on the ~~fifty-fifth~~ sixtieth day before the election.

SECTION 18. AMENDMENT. Section 16.1.12-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-12-09. Filling vacancy existing on no-party ballot - Petition required - Time of filing. Whenever a vacancy shall exist on a no-party ballot for a state office or for judge of a district court, such vacancy may be filled by filing with the secretary of state, at least ~~fifty-five~~ sixty days prior to the general election and before four p.m. on the ~~fifty-fifth~~ sixtieth day, a written petition as provided in section 16.1-11-06, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. If the petition is mailed, it shall be in the physical possession of the secretary of state before four p.m. on the ~~fifty-fifth~~ sixtieth day prior to the general election. The petition for the nomination of any person to fill such vacancy shall be signed by qualified electors equal in number to at least two percent of the total vote cast for the office of governor in the state or district, at the most recent general election at which the office of governor was voted upon, but in no case shall more than three hundred signatures be required.

Whenever a vacancy shall exist on a no-party ballot in a county or district within a county, the vacancy may be filled by filing with the county auditor at least ~~fifty-five~~ sixty days prior to the general election and before four p.m. of the ~~fifty-fifth~~ sixtieth day a written petition as provided in section 16.1-11-11, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. If such petition is mailed or otherwise delivered, it shall be in the possession of the county auditor before four p.m. on the ~~fifty-fifth~~ sixtieth day prior to the general election. The petition for the nomination of any person to fill the vacancy shall be signed by qualified electors equal in number to at least thirty percent of the total vote cast for the office of governor at the most recent general election in the county or district at which the office of governor was voted upon, but in no case shall more than three hundred signatures be required.

A vacancy in the no-party ballot shall be deemed to exist when:

1. A candidate nominated at the primary election shall die, resign, or otherwise become disqualified to have his name printed on the ballot at the general election.
2. No candidates were nominated at the primary election because the office did not yet exist.
3. The timing of the vacancy in an office makes it impossible to have it placed on the primary ballot.

SECTION 19. AMENDMENT. Section 16.1-13-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-13-03. Secretary of state to give notice to county auditor of officers to be elected. Not later than ~~sixty~~ sixty seven days prior to the date of election, the secretary of state shall direct and cause to be delivered to the county auditor of each county a notice specifying each officer to be chosen at the next general election. The publication of the sample ballot by the county auditor shall constitute the notice of the secretary of state in regard to the offices and candidates to be voted upon at the general election.

SECTION 20. AMENDMENT. Section 46-06-03 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

46-06-03. Application to place name on ballot at primary election. The county auditor shall place the name of a newspaper upon the primary election ballot if the newspaper is qualified to serve as the official newspaper within the county and if, not more than seventy days nor less than ~~fifty-five~~ sixty days and before four p.m. of the ~~fifty-fifth~~ sixtieth day prior to the primary election, an application asking that the name of the newspaper be placed upon the

ballot to be voted upon for nomination as official newspaper of the county is filed with the county auditor by a person, partnership, or corporation owning or operating the newspaper. The county auditor shall endorse upon the application the name of the newspaper and the date upon which the application is ~~presented to his office~~ filed.

SECTION 21. AMENDMENT. Section 61-24-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-24-03. Election of directors of the Garrison Diversion Conservancy District. A director of the Garrison Diversion Conservancy District shall be nominated and elected in each county in the district. Any person who is a resident and qualified elector of the county who aspires to the office of director of the Garrison Diversion Conservancy District shall, not more than seventy days or less than ~~fifty-five~~ sixty days and before four p.m. of the ~~fifty-fifth~~ sixtieth day prior to any primary election preceding a general election at which a director of the district is to be elected, present to the county auditor a petition giving ~~his~~ that person's name, post-office address, the title of the office "Director of the Garrison Diversion Conservancy District", and containing the signatures of not less than fifty nor more than three hundred qualified electors of the county to which each signer has added ~~his~~ the signer's residence with street number, if any, and the date of signing.

The petition shall be accompanied by an affidavit substantially as follows:

STATE OF NORTH DAKOTA,
County of -----

I, -----, being duly sworn, depose and say that I reside in the county of ----- and State of North Dakota; that I am a qualified elector therein; that I am a candidate for nomination to the office of director of the Garrison Diversion Conservancy District to be chosen at the primary election to be held on the ----- day of -----, 19---, and I do hereby request that my name be printed upon the no-party primary election ballot as provided by law, as a candidate for said office.

Subscribed and sworn to before me this -----
day of -----, 19--.

Notary Public, North Dakota

Upon receipt of the petition the county auditor shall without fee place the name of the aspirant on the no-party primary election ballot as a candidate for the aforesaid office of director. The two candidates receiving the highest number of votes if more than two are running shall be nominated.

The names of the candidates so nominated at the primary election shall be placed on the no-party ballot at the ensuing general election and the candidate receiving the highest number of votes shall be duly elected.

At the primary and general elections votes shall be canvassed, returned certified, and certificates of nomination and election issued in the manner provided by law for the nomination and election of county officers.

SECTION 22. EFFECTIVE DATE. This Act becomes effective on July 1, 1988.

Approved April 1, 1987
Filed April 2, 1987

CHAPTER 243

SENATE BILL NO. 2151
(Holmberg)

INITIATIVE OR REFERENDUM PETITIONS

AN ACT to amend and reenact subsections 1, 2, and 3 of section 16.1-01-09 of the North Dakota Century Code, relating to requirements for initiative or referendum petitions.

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

SECTION 1. AMENDMENT. Subsections 1, 2, and 3 of section 16.1-01-09 of the 1985 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. A request of the secretary of state for approval of a petition to initiate or refer a measure may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The secretary of state shall prepare a signature form that includes provisions for identification of the measure, the printed name, signature, and address of the committee member, and notarization of the signature.

Upon receipt of a petition to initiate or refer a measure, the secretary of state shall draft a short and concise statement which must fairly represent the measure. The statement must be submitted to the attorney general for approval or disapproval. An approved statement must be affixed to the petition before it is circulated for signatures, must be called the "ballot title", and must be placed immediately before the full text of the measure.

2. No person shall sign any initiative, referendum, or recall petition circulated pursuant to article III of the Constitution of North Dakota unless the person is a qualified elector. No person shall sign any petition more than once, and each signer shall add the signer's post-office address including the signer's residential address or post-office box number and the date of signing. Every qualified elector signing a petition shall do so in the presence of the person circulating the petition. A

referendum or initiative petition must be in substantially the following form:

REFERENDUM [INITIATIVE] PETITION
TO THE SECRETARY OF STATE, STATE OF NORTH DAKOTA

We, the undersigned, being qualified electors request [House (Senate) Bill ----- passed by the ----- Legislative Assembly] [the following initiated law] be placed on the ballot as provided by law.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

Name	Address
------(Chairman)	-----
-----	-----

BALLOT TITLE

(To be drafted by the secretary of state, approved by the attorney general, and attached to the petition before circulation.)

FULL TEXT OF THE MEASURE

IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF NO MATERIAL IS UNDERSCORED OR OVERSTRUCK, THE MEASURE CONTAINS ALL NEW MATERIAL WHICH IS BEING ADDED.

[The full text of the measure must be inserted here.]

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota thirty days, and you are a United States citizen. All signers must add their entire post-office address, including post office box number, and the date of signing. Every qualified elector signing a petition must do so in the presence of the person circulating the petition.

QUALIFIED ELECTORS

Month,	Name of	Post-Office Address	
Day,	Qualified	Residential Address	City,
Year	Elector	or P.O. Box No.	State
1.	-----	-----	-----
2.	-----	-----	-----
3.	-----	-----	-----

CHAPTER 244

HOUSE BILL NO. 1087
(Linderman, Wilkie)

PETITION CIRCULATION PAYMENTS

AN ACT to amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to payment for circulation of an initiative, referendum, or recall petition; and to provide a penalty.

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

SECTION 1. AMENDMENT. Section 16.1-01-12 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-01-12. Election offenses - Penalty. It is unlawful for a person to:

1. Fraudulently alter another person's ballot or substitute one ballot for another, or to otherwise defraud a voter of his vote.
2. Obstruct a qualified elector on the way to a polling place.
3. Vote or offer to vote more than once in any election.
4. Knowingly vote in the wrong election precinct or district.
5. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
6. Knowingly exclude a qualified elector from voting, or knowingly allow an unqualified person to vote.
7. Knowingly vote when not qualified to do so.
8. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.

9. Sign a name other than his own name to an initiative, referendum, recall, or any other election petition.
10. Circulate an initiative, referendum, recall, or any other election petition not in its entirety, or circulate such a petition when unqualified to do so.
11. Pay or offer to pay any person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file their intent to remunerate prior to submitting the petitions and fully disclose all expenditures and revenues upon submission of the petitions to the secretary of state.
12. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.
- ~~12-~~ 13. Willfully violate any rule adopted by the secretary of state pursuant to this title.
- ~~13-~~ 14. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the same to be false, or willfully deface, destroy, or conceal any statement or certificate entrusted to his care.
- ~~14-~~ 15. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law.

A violation of subsections 1 through ~~13~~ 14 is a class A misdemeanor. Any signature obtained in violation of subsection 11 is void and may not be counted. A violation of subsection ~~14~~ 15 occurring after an election but before the final canvass, or during an election, is a class C felony, and in other cases is a class A misdemeanor.

Every act which by ~~the provisions of~~ this chapter is made criminal when committed with reference to the election of a candidate is equally criminal when committed with reference to the determination of a question submitted to qualified electors to be decided by votes cast at an election.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 245

SENATE BILL NO. 2479
(Senators Stenehjem, Olson, Heigaard)
(Representatives Mertens, Strinden)

SPECIAL ELECTIONS

AN ACT to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to the calling of a special election by the governor; and to declare an emergency.

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

SECTION 1. A new section to chapter 16.1-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Special election - Special procedures. Notwithstanding any other provision of law, the governor may call a special election to be held in thirty to fifty days after the call if a special session of the legislative assembly has been held, any of the ninety-day period for the submission of a referendum petition to the secretary of state with respect to any measure enacted during the special session occurs during a regular legislative session, and a referendum petition has been submitted to refer a measure or part of a measure enacted during the special session.

The secretary of state shall reduce all the deadlines, including those necessary for filing, appointments, and election material preparation, to ensure that the election is held as allowed by this section. The provisions of chapter 46-02 concerning competitive bidding do not apply to this election.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state.

Approved February 10, 1987
Filed February 10, 1987

CHAPTER 246

SENATE BILL NO. 2551
(Stenehjem)

(Approved by the Committee on Delayed Bills)

SPECIAL ELECTION NOTICE

AN ACT to amend and reenact the new section to chapter 16.1-01 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2479, as approved by the fiftieth legislative assembly, relating to the calling of a special election by the governor; and to declare an emergency.

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

SECTION 1. AMENDMENT. The new section to chapter 16.1-01 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2479, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

Special election - Special procedures. Notwithstanding any other provision of law, the governor may call a special election to be held in thirty to fifty days after the call if a special session of the legislative assembly has been held, any of the ninety-day period for the submission of a referendum petition to the secretary of state with respect to any measure enacted during the special session occurs during a regular legislative session, and a referendum petition has been submitted to refer a measure or part of a measure enacted during the special session.

The secretary of state shall reduce all the deadlines, including those necessary for filing, appointments, and election material preparation, to ensure that the election is held as allowed by this section. If time constraints make it impossible for a county auditor to comply with the publication requirements of section 16.1-13-05, the sample ballot and election notice may be published only once. The provisions of chapter 46-02 concerning competitive bidding and of subsection 2 of section 16.1-01-01 and subsection 2 of section 16.1-05-03 with respect to election training sessions do not apply to this election.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 247

SENATE BILL NO. 2197
(Committee on State and Federal Government)
(At the request of the Office of Management and Budget)

NATIONAL CONVENTION EXPENSES

AN ACT to repeal section 16.1-03-15 of the North Dakota Century Code, relating to expenses of delegates to national conventions.

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

SECTION 1. REPEAL. Section 16.1-03-15 of the North Dakota Century Code is hereby repealed.

Approved March 12, 1987
Filed March 16, 1987

CHAPTER 248

SENATE BILL NO. 2467
(Senators Nelson, Stenehjem, Holmberg)
(Representative Dalrymple)

POLL CHALLENGERS AND CHECKERS

AN ACT to amend and reenact section 16.1-05-06 of the North Dakota Century Code, relating to election poll challengers and poll checkers.

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

SECTION 1. AMENDMENT. Section 16.1-05-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-05-06. Challenging right of person to vote - Affidavit required - Penalty for false swearing - Optional poll checkers.

1. One poll challenger appointed by the district chairman of each political party represented on the election board shall be entitled to be in attendance at each polling place. Individual poll challengers may be replaced at any time during the hours of voting, but no more than one poll challenger from each political party shall be entitled to be in attendance at each polling place at any one time. If any person offering to vote is challenged by a poll challenger or by a member of the election board, the challenged person, unless the challenge is withdrawn, shall stand aside and shall not vote unless ~~he~~ the challenged person executes an affidavit, acknowledged before the election inspector, that he is a legally qualified elector of the precinct. The affidavit shall include the name and address of the affiant and the address of the affiant at the time the affiant last voted. Written notice of the penalty for making a false affidavit and that the county auditor will verify the affidavits shall be prominently displayed at the polling place in a form prescribed by the secretary of state. Any person who falsely swears in order to ~~cast his~~ vote shall be guilty of an offense and shall be punished pursuant to chapter 16.1-01. The county auditor shall verify randomly at

least ten percent of the affidavits signed in the county, and shall report all violations to the state's attorney.

2. In addition to the poll challenger, not more than two poll checkers appointed by the district chairman of each political party represented on the election board may be in attendance at each polling place, provided such poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties. The poll challengers and poll checkers shall be qualified electors of the district in which they are assigned.
3. No poll challenger or checker may be a member of the election board.

Approved March 27, 1987
Filed March 30, 1987

CHAPTER 249

SENATE BILL NO. 2144
(Committee on Judiciary)
(At the request of the Secretary of State)

WRITE-IN VOTES

AN ACT to amend and reenact section 16.1-06-04 of the North Dakota Century Code, relating to instructions placed on ballots for voters.

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

SECTION 1. AMENDMENT. Section 16.1-06-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-06-04. Form and quality of ballots generally. All official ballots prepared under the provisions of this title for use in precincts in which voting machines or electronic voting systems are not used must:

1. Be a specific color, and the secretary of state shall prescribe a different color for each separate type of ballot used.
2. Be printed on uniform quality paper in an ink color suitable to make the ballot clearly legible.
3. Be of sufficient length to contain the names of all candidates to be voted for at such election.
4. Have the language "Vote for ----- name (or names) only" placed immediately under the name of each office.
5. Have printed thereon "Place a crossmark (X) by the name of the person for whom you wish to vote. To vote for a person whose name is not printed on the ballot write or paste that person's name in the blank space provided for that purpose."
6. Leave sufficient space for each office to write or paste a name, or names, as the case may be, in lieu of those printed on the ballot.

7. Provide 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, and such space shall precede or follow the candidate's name on the same line in a uniform manner.
8. Provide a space enclosed in a rectangle and have printed next to the rectangle the following language: "All ballots, other than those used to vote absentee, must first be stamped and initialed by appropriate election officials in order to be counted."

Any precinct which uses an electronic counting machine may require the use of a particular writing instrument to mark the ballot so the ballots may be properly counted.

In precincts in which electronic voting systems purchased after June 30, 1985, are used, the ballot card must contain the names of all candidates, the contents of measures as required by section 16.1-06-09, and the statements of questions to be submitted to the voters. The ballot card must otherwise be arranged in a manner and form approximating as far as possible the requirements of this section.

In precincts in which voting machines or electronic voting systems purchased before July 1, 1985, 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 the requirements of this section. In precincts in which electronic voting systems are used, the requirements of subsection 8 must be met for the ballot card and ballot envelope.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 250

HOUSE BILL NO. 1271
(Representative Strinden)
(Senator Holmberg)

INITIATIVE AND REFERRAL CONTRIBUTIONS

AN ACT to create and enact a new section to chapter 16.1-08.1 of the North Dakota Century Code, relating to reporting requirements for contributions for initiative and referral campaigns; and to amend and reenact sections 16.1-08.1-01 and 16.1-08.1-04 of the North Dakota Century Code, relating to campaign contribution statements.

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

SECTION 1. AMENDMENT. Section 16.1-08.1-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-08.1-01. Definitions. As used in this chapter, unless the context otherwise plainly requires:

1. "Candidate" means an individual whose name is presented for nomination to public office at any primary election whether the individual is actually nominated or not; an individual whose name is printed as a candidate on an official ballot used at any election; an individual who seeks election through write-in votes; an individual who is soliciting or accepting campaign contributions for his or her the individual's own political purpose; or an individual who has sought election to office and who is soliciting or accepting contributions to pay off any campaign debt or to raise money for any political purpose.
2. "Contribution" means a gift, subscription, loan, advance, or deposit of money, made for the purpose of influencing the nomination for election, or election, of any person to office, of aiding the circulation of statewide initiative or referendum petitions, or of promoting passage or defeat of a statewide initiated or referred measure. Contribution also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes, and

includes funds received by a political committee which are transferred to that committee from another political committee or other source. This definition does not include:

- a. A loan of money from a bank or other lending institution made in the regular course of business.
 - b. Time spent by volunteer campaign or political party workers.
 - c. Money spent by a candidate on his the candidate's own behalf.
 - d. Any money received from a district or state committee of a political party, as established pursuant to sections 16.1-03-06 and 16.1-03-08, except for contributions reported pursuant to section 16.1-08.1-03.
3. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, or other organization or group of persons.
 4. "Political committee" means any committee, club, association, or other group of persons which receives contributions primarily for political purposes.
 5. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.
 6. "Political purpose" or "political purposes" means any activity undertaken in support of or in opposition to the election or nomination of a candidate.
 7. "Public office" means every statewide or legislative office to which persons can be elected by vote of the people under the laws of this state.

SECTION 2. A new section to chapter 16.1-08.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Statement required of persons promoting passage or defeat of initiated or referred measure - Contents. Any person who is soliciting or accepting contributions for the purpose of aiding the circulation of statewide initiative or referendum petitions or of promoting passage or defeat of any statewide initiated or referred measure at any primary, general, or special election shall file a statement in accordance with this section if the person has received

any contributions from a person in excess of one hundred dollars in the aggregate during the calendar year. The statement must contain a detailed statement of all contributions received from each person which exceed one hundred dollars in the aggregate for the calendar year.

The statement must include the name and mailing address of all contributors listed. All statements filed pursuant to this section must be consecutive and, taken together, must cover the entire calendar year's receipts up through the cutoff date for each statement. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated for the purposes of the statements required by this section.

The statement required of a person must be filed with the secretary of state no later than four p.m. on the tenth day prior to the date of the general, primary, or special election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the fifteenth day prior to the date of the general, primary, or special election. A complete statement for the entire calendar year must be filed no later than four p.m. on the thirtieth day of January of the following calendar year. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the report must be filed no later than four p.m. on the next business day on which the office of the secretary of state is open.

The secretary of state shall prescribe the form of all statements required by this section.

SECTION 3. AMENDMENT. Section 16.1-08.1-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-08.1-04. Supplemental statement required on large contributions received after original statement - Filing time. If any candidate shall receive or person soliciting or accepting contributions for the purpose of aiding the circulation of statewide initiative or referendum petitions or of promoting passage or defeat of a statewide initiated or referred measure receives any contribution of five hundred dollars or more in the fifteen-day period prior to any general, primary, or special election from any individual contributor, that candidate or person shall make and file a supplemental statement in the same form as required by section 16.1-08.1-02 or section 2 of this Act, stating the name and street address of such contributor and the amount of the contribution, and file the statement in the appropriate office within forty-eight hours of the receipt of the contribution.

Approved March 20, 1987

Filed March 23, 1987

CHAPTER 251

HOUSE BILL NO. 1069
(Shaft, Strinden)

POLLING PLACE SALES OR OFFERS

AN ACT to create and enact a new section to chapter 16.1-10 of the North Dakota Century Code, relating to sales or distribution of materials at polling places on election day.

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

SECTION 1. A new section to chapter 16.1-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

Sale or distribution at polling place. No person may approach a person attempting to enter a polling place, or who is in a polling place, for the purpose of selling, soliciting for sale, advertising for sale, or distributing any merchandise, product, literature, or service. This prohibition applies in any polling place or within one hundred feet from any entrance leading into a polling place on election day.

Approved March 13, 1987
Filed March 16, 1987

CHAPTER 252

HOUSE BILL NO. 1167
(Enget)

NOMINATION CERTIFICATE SIGNING

AN ACT to create and enact a new section to chapter 16.1-11 of the North Dakota Century Code, relating to election endorsements; and to amend and reenact section 16.1-12-03 of the North Dakota Century Code, relating to participation in election nominations.

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

SECTION 1. A new section to chapter 16.1-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

Participation in endorsements for nomination. No person may participate directly or indirectly in the endorsement for nomination of more than one person for each office to be filled, except a person may sign a petition for placement of a candidate's name on the primary ballot:

1. For more than one person for each office for an office not under party designation.
2. For more than one person for each office for an office under party designation only if all the candidates for whom the person signs a petition for an office are running under the same party designation.

Except for persons allowed to seek nomination to more than one office pursuant to section 16.1-12-03, no person may accept endorsement for nomination by certificate or petition to more than one office. No political party is entitled to endorse for nomination by certificate more than one set of nominees.

* SECTION 2. AMENDMENT. Section 16.1-12-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- * NOTE: Section 16.1-12-03 was also amended by section 1 of Senate Bill No. 2420, chapter 254.

16.1-12-03. Certificate of nomination to contain only one name - Person to participate in only one nomination - Exception. No certificate of nomination provided for by this chapter, except in the case of presidential electors, ~~shall~~ may contain the name of more than one nominee for each office to be filled. No person ~~shall~~ may participate directly or indirectly in the nomination of more than one person for each office to be filled, ~~and no~~ on the general election ballot, except a person may sign a certificate of nomination by petition for more than one person for each office. No person shall may accept a nomination to more than one office on the general election ballot. No political party ~~shall~~ be is entitled to more than one set of nominees on the official general election ballot.

Approved April 14, 1987

Filed April 15, 1987

CHAPTER 253

SENATE BILL NO. 2281
(Holmberg)

TAX COMMISSIONER ON PARTY BALLOT

AN ACT to amend and reenact sections 16.1-11-08 and 16.1-11-26 of the North Dakota Century Code, relating to the election of the tax commissioner on a party ballot.

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

SECTION 1. AMENDMENT. Section 16.1-11-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-08. Reference to party affiliation in petition and affidavit prohibited for certain offices. No reference shall be made to a party ballot or to the party affiliation of a candidate in a petition and affidavit filed by or on behalf of a candidate for nomination in the primary election to an elective county office, the office of judge of the supreme court, judge of the district court, commissioner of labor, or superintendent of public instruction, ~~or tax commissioner.~~

SECTION 2. AMENDMENT. Section 16.1-11-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-26. Order in which names of offices shall appear on ballot. The primary election ballot for party nominations shall contain the following offices in the following order under each party column:

1. Congressional:

United States senator
representative in Congress

2. Legislative:

state senator ----- district
member of house of representatives ----- district

3. State offices:

governor and lieutenant governor

secretary of state

state auditor

state treasurer

attorney general

commissioner of insurance

commissioner of agriculture

commissioner of public service

tax commissioner

Approved April 1, 1987

Filed April 2, 1987

CHAPTER 254

SENATE BILL NO. 2420
(Holmberg)

MULTIPLE OFFICE CANDIDATES

AN ACT to amend and reenact section 16.1-12-03 of the North Dakota Century Code, relating to the nomination and election of a person to more than one office.

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

* SECTION 1. AMENDMENT. Section 16.1-12-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-12-03. Certificate of nomination to contain only one name - Person to participate in only one nomination - Exception. No certificate of nomination provided for by this chapter, except in the case of presidential electors, ~~shall~~ may contain the name of more than one nominee for each office to be filled. ~~No~~ Except for persons holding or seeking nominations to offices filled by electors of the entire state or of any district greater than a county and except for persons holding or seeking nomination to the office of county judge, any person elected or appointed to an office appearing on the no-party ballot or seeking nomination and election to a no-party office may also seek nomination to legislative office and may serve in the legislative assembly. Except as may be permitted in this section, no person ~~shall~~ may participate directly or indirectly in the nomination of more than one person for each office to be filled, and no person ~~shall~~ may accept a nomination to more than one office. No political party ~~shall~~ be is entitled to more than one set of nominees on the official ballot.

Approved March 20, 1987
Filed March 23, 1987

* NOTE: Section 16.1-12-03 was also amended by section 2 of House Bill No. 1167, chapter 252.

CHAPTER 255

SENATE BILL NO. 2284
(Holmberg)

ELECTION MATERIALS

AN ACT to amend and reenact sections 16.1-13-21 and 16.1-13-22 of the North Dakota Century Code, relating to preparation of election materials.

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

SECTION 1. AMENDMENT. Section 16.1-13-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-13-21. Producing, opening, and delivering ballots upon opening of polls on election day. Upon arrival at the poll of all election board members, or at the latest, upon the opening of the polls poll, the inspector of election in each precinct shall produce the sealed package of official ballots and publicly open them.

SECTION 2. AMENDMENT. Section 16.1-13-22 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-13-22. **Delivering ballot to elector - Stamping.** The inspector or one of the election judges shall deliver ballots to the qualified electors. The inspector or judge delivering the paper ballot or ballot card, ballot stub, and ballot envelope shall inform each elector that if the ballot is not stamped and initialed by an election official it will be invalidated and to protect his the elector's right to vote the elector should observe the stamping and initialing of the ballot verify that the ballot has been stamped and initialed. When an electronic voting system is used, the inspector or judge delivering the ballot card, ballot stub, and ballot envelope shall inform each elector that if the ballot stub is detached by anyone except an election judge, the ballot card and ballot envelope shall not be deposited in the ballot box, but shall be marked spoiled and placed with the other spoiled ballots. At primary elections, the inspector or judge shall also inform each elector that if he the elector splits his the elector's ballot or votes for candidates of more than one party his the elector's ballot will be

rejected. Before delivering any ballot to an elector, the inspector or judge shall stamp once in the rectangle provided on the ballot or ballot card and ballot envelope the designation "official ballot" and the other words provided for in section 16.1-06-18, and also shall write his or her initials thereon. Failure to stamp and initial a ballot or ballot card in the proper place does not invalidate such ballot or ballot card, but a complete failure to stamp and initial a ballot or ballot card does invalidate the ballot or ballot card. Failure to stamp and initial a ballot envelope in the proper place on the ballot envelope does not invalidate the ballot envelope, but complete failure to stamp and initial a ballot envelope that has been used to write in a vote does invalidate the ballot envelope and the vote found thereon.

Approved March 20, 1987

Filed March 23, 1987

CHAPTER 256

SENATE BILL NO. 2307
(Holmberg, J. Meyer, Lashkowitz, Maxson, Nalewaja)

VOTER DISABILITIES

AN ACT to amend and reenact section 16.1-13-27 of the North Dakota Century Code, relating to the disability of an elector.

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

SECTION 1. AMENDMENT. Section 16.1-13-27 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-13-27. Disability of elector. Any elector who declares to the judges of election that the elector cannot read the English language, or that because of blindness or other disability is unable to mark the elector's ballot, upon request, may receive the assistance of any person of the elector's choice, other than the elector's employer, officer or agent of the elector's union, a candidate running in that election, or a relative of a candidate as provided in subsection 2 of section 16.1-05-02, in marking the elector's ballot. If the elector requests the assistance of a member of the election board, however, the elector shall receive the assistance of both election judges in the marking of the elector's ballot. No one assisting any elector in marking a ballot under this chapter shall give information regarding the same. No elector, other than one who is unable to read the English language or one who because of disability is unable to mark a ballot, shall divulge to anyone within the polling place the name of any candidate for whom the elector intends to vote, nor ask, nor receive the assistance of any person within the polling place to mark the elector's ballot. In order to comply with the reasonable accessibility requirement of subsection 2 of section 16.1-04-02, in any polling place not accessible to an elector suffering from a physical disability or handicap, the elector may have two members of the election board who are of opposite political parties deliver a ballot from the polling place to a convenient place within the building. After the ballot has been delivered, the disabled or handicapped elector shall cast the ballot in the general presence of both officials. After returning to the polling place with the voted ballot, the election officials shall immediately give the name and address of the elector

to the poll clerks who shall enter the information in the pollbooks. The voted ballot must then immediately be placed in the ballot box by both election officials. In order to comply with the reasonable accessibility requirement of subsection 2 of section 16.1-04-02, if a polling place cannot be made accessible, an alternate accessible site within reasonable proximity may also be provided for voting. The board of county commissioners shall publicize the location of alternate polling places if provided. Parking facilities at polling places must be accessible to the elderly and the handicapped and must be clearly marked.

Approved April 7, 1987
Filed April 9, 1987

CHAPTER 257

HOUSE BILL NO. 1387
(Moore, Schneider)

ELECTRONIC MACHINE VOTE CANVAS

AN ACT to amend and reenact section 16.1-15-09 of the North Dakota Century Code, relating to canvassing of votes on electronic counting machines.

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

SECTION 1. AMENDMENT. Section 16.1-15-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-15-09. Voting machines - Electronic voting systems - Electronic counting machines - Returns. Election officers shall make returns of votes cast upon voting machines and on electronic voting systems and counted on electronic counting machines for all candidates and for any measures or questions in the same manner as now or hereafter provided by law insofar as such provisions of law are applicable. Within the ability of the electronic counting machine to accurately do so, all ballots not containing write-in votes may be counted by the machine prior to the counting and recording of the ballots containing write-in votes. The county auditor shall designate the public place or places where electronic voting system ballots and ballots to be counted on electronic counting machines shall be delivered by the election inspector and the two election judges to be counted in the presence of the election inspector and the two election judges. All such counting centers used for counting electronic voting system ballots shall have tabulating equipment which has an element which generates a printed record at the beginning of its operation which verifies that the tabulating elements for each candidate position and each question and the public counter are all set at zero. The tabulating equipment shall also be equipped with an element which generates a printed record at the end of its operation of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate on the ballot, and the total number of votes cast for or against any measure appearing on the ballot. Both printed records shall be certified by the election inspector and the two election judges.

If any electronic voting system ballot or a ballot counted by an electronic counting machine is damaged or defective so that it cannot be properly counted by the automatic tabulating or electronic counting equipment, a true duplicate copy shall be made by election officials of opposed interests and substituted for the damaged or defective ballot. All duplicate ballots shall be clearly labeled duplicate, shall bear a serial number which shall be recorded on the damaged or defective ballot, and shall be wrapped and delivered with other ballots to the county judge.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 258

HOUSE BILL NO. 1343
(Kretschmar)

ELECTION RECOUNTS

AN ACT to amend and reenact sections 16.1-15-23, 16.1-15-28, 16.1-15-40, 16.1-15-44, and 16.1-16-01 of the North Dakota Century Code, relating to election recounts.

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

SECTION 1. AMENDMENT. Section 16.1-15-23 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-15-23. Notice of nomination given candidate for county office by county auditor - Publication of findings of canvassing board. Upon the completion of the canvass of the returns of a primary election by the county canvassing board, the county auditor shall mail or deliver in person to each candidate nominated for any county office a certificate of his nomination and notice that his name will be placed on the official ballot. If the election results indicate that any candidate is entitled to a recount or to demand a recount pursuant to ~~subsection 1 of~~ section 16.1-16-01, the county auditor shall not prepare or deliver the certificate of nomination until the time to demand a recount has expired, or the recount results have been determined and the winner declared, whichever is later. Nomination notices for other than county offices shall be given by the secretary of state pursuant to section 16.1-15-40. The county auditor shall cause a copy of the findings of the canvassing board to be published in the official newspaper of the county.

SECTION 2. AMENDMENT. Section 16.1-15-28 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-15-28. Certificate of election for officers elected in county at general election. Immediately after the canvass of the general election returns by the county canvassing board, the county auditor shall prepare a certificate of election for each of the persons having the highest number of votes for county offices, and shall deliver the certificate to the person entitled thereto on his making

application to the county auditor therefor. If the election results indicate that any candidate is entitled to a recount or to demand a recount pursuant to subsection 1 of section 16.1-16-01, the county auditor shall not prepare or deliver the certificate of election until the time to demand a recount has expired, or the recount results have been determined and the winner declared, whichever is later.

SECTION 3. AMENDMENT. Section 16.1-15-40 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-15-40. Statement prepared by state canvassing board for primary election - Contents - Signing - Candidate notified of nomination. The state canvassing board shall prepare the statement required by subsections 1, 2, and 3 of section 16.1-15-21 for primary elections. The certificate shall be signed by the members of the board and filed in the office of the secretary of state. Upon completion of the canvass, the secretary of state shall mail to each candidate nominated a notice of his nomination stating that his name will be placed upon the official ballot to be voted for at the ensuing general election. If the election results indicate that any candidate is entitled to a recount or to demand a recount pursuant to subsection 1 of section 16.1-16-01, the secretary of state shall not prepare or deliver the notice of nomination until the time to demand a recount has expired, or the recount results have been determined and the winner declared, whichever is later. The secretary of state shall file a copy of the findings of the board and shall publish those findings in a newspaper printed in Burleigh County.

SECTION 4. AMENDMENT. Section 16.1-15-44 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-15-44. Secretary of state to record statement of general or special election, prepare certificates of election, publish statement. After receiving each certified statement and determination made by the state canvassing board, the secretary of state shall record the same in his office and shall prepare and transmit to each of the persons declared to be elected, a certificate of election as provided in this chapter. If the election results indicate that any candidate is entitled to a recount or to demand a recount pursuant to subsection 1 of section 16.1-16-01, the secretary of state shall not prepare or deliver the certificate of election until the time to demand a recount has expired, or the recount results have been determined and the winner declared, whichever is later. The secretary of state shall cause a copy of the certified statement and determination to be published in the official newspaper of Burleigh County.

*** SECTION 5. AMENDMENT.** Section 16.1-16-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* NOTE: Section 16.1-16-01 was also amended by section 2 of House Bill No. 1056, chapter 259.

16.1-16-01. Election recounts. A recount of any primary, special, or general election for nomination or election to a congressional, state, district, legislative, or county office, or for the approval or disapproval of any measure or question submitted to the qualified electors of this state or one of its counties shall be conducted as follows:

1. A recount must be conducted when:
 - a. Any person failed to be nominated in a primary election by ~~less than~~ one percent or less of the highest vote cast for a candidate of his party for the office sought.
 - b. Any person failed to be elected in a general or special election by ~~less than~~ one-half of one percent or less of the highest vote cast for a candidate for that office.
 - c. A question or measure submitted to the qualified electors has been decided by a margin not exceeding one-fourth of one percent of the total vote cast for and against the question at any election.
2. A demand for a recount may be made by any of the following:
 - a. Any person who failed to be nominated in a primary election by more than one percent and less than two percent of the highest vote cast for a candidate of the person's party for the office sought.
 - b. Any person who failed to be elected in a general or special election by more than one-half of one percent and less than two percent of the highest vote cast for a candidate for that office.
3. A demand for a recount must be made within three days after the canvass of the votes by the county canvassing board in the case of county elections, and by the state canvassing board in the case of congressional, state, district, or legislative elections. The demand must be in writing, must recite one of the conditions in subsection 2 as a basis for the recount, must contain a bond in an amount previously established by the auditor or auditors doing the recount sufficient to pay the cost of the recount, and must be filed with:
 - a. The secretary of state when the recount is for a congressional, state, district, or legislative office.
 - b. The county auditor when the recount is for a county office.

4. Within ~~three~~ four days after the canvass of the votes by the state canvassing board in the case of congressional, state, district, or legislative elections, the secretary of state shall notify all the county auditors to conduct recounts as required by subsection 1 and, when a timely recount demand is received and it is in proper form, as required by subsection 2. The secretary of state shall fix the date of the recounts within seven days after giving notice that the auditor must conduct the recount. Within ~~three~~ four days after the canvass of votes by the county canvassing board, the county auditor shall fix the date for recounts limited to his county. The date ~~shall~~ must be within eight days after the canvass. In all recount proceedings, the county auditor shall send notice of the date, place, and time of the recount to all candidates and petitioners involved by certified mail.
- 3- 5. Recounts ~~shall~~ must be conducted by the county auditor who may employ up to four qualified electors of the county to assist in the recount. The county auditor shall review all paper, machine, electronic voting system, and absentee ballots, whether or not the ballots were counted at the precinct or the county canvass, to determine which ballots were cast and counted according to the law. The county auditor shall check the precinct count and the count of the county canvassing board. If the county auditor is a candidate involved in the recount, he the county auditor shall be disqualified from acting thereon, and the clerk of the district court of the county shall perform the duties required of the county auditor by this section.
- 4- 6. The persons entitled to participate at the recount are:
- a. Each candidate involved in the recount, either personally or by a representative.
 - b. A qualified elector favoring each side of a question if the recount involves a question or proposition submitted to a vote of the electorate.

The persons allowed to participate may challenge the acceptance or exclusion of any ballot. The person challenging a ballot must state the reason for the challenge based upon the law, and the county auditor shall count the challenged ballot as he deems proper and shall then set the ballot aside with a notation that it was challenged and how it was counted. At the conclusion of the recount, the county auditor shall submit all challenged ballots to the recount board for decision. The recount board shall be composed of the state's attorney of the county, the chairman of the board of county commissioners, and the clerk of the district court of the county. No person shall serve on the recount board if he would not be qualified to serve on the election board

pursuant to subsection 2 of section 16.1-05-02. If any of the members of the recount board are disqualified or cannot serve for any other reason, the members of the county commission who would be qualified to serve on the board shall appoint disinterested qualified electors of the county to serve as alternates. The recount board shall review all challenged ballots, and on majority vote shall decide how they shall be counted. The decision of the recount board is final, subject to the right to contest the election as provided in this chapter. If during the recount a recess is called, the county auditor shall take appropriate steps to safeguard the ballots.

- 5- 7. The county auditor shall certify the results of the recount no later than three days after the recount. The recount result shall become the official result of the election in the county. The county auditor shall prepare a corrected abstract of the votes. In a recount limited to the county, if the corrected abstract shows no change in the outcome of the election, no further action shall be taken. If the corrected abstract changes the outcome of the election, the county auditor shall issue certificates of nomination or election accordingly, and shall certify the new result of a question submitted to the qualified electors.
- 6- 8. In congressional, statewide, district, or legislative recounts, the county auditor shall, no later than three days after the recount, send by certified mail a certified copy of the corrected abstract to the secretary of state. The secretary of state shall immediately assemble the state canvassing board, who shall canvass the corrected abstracts and certify the election results. The secretary of state shall issue certificates of election or nomination or record the approval or disapproval of a question submitted to the qualified electors accordingly.
- 7- 9. The expenses incurred in a recount of a county election shall be paid by the county on a warrant by the county auditor. The expenses incurred in a recount of a congressional, state, or legislative election shall be paid by the state from the general fund, upon approval by the secretary of state of a statement of expenses received from the county auditors. The expenses incurred in a recount demanded under subsection 2 of section 16.1-16-01 must be paid by the secretary of state or county auditor from the bond submitted by the person requesting the recount.
- 8- 10. 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 19, 1987
Filed March 20, 1987

CHAPTER 259

HOUSE BILL NO. 1056
(Legislative Council)

(Interim Legislative Procedure and Arrangements Committee)

LEGISLATIVE BRANCH CHANGES

AN ACT to amend and reenact sections 16.1-15-30, 16.1-16-01, 16.1-16-04, 16.1-16-06, 16.1-16-09, 16.1-16-10, 23-06-13, 23-20.2-09, 54-03-01.5, 54-03-02, 54-03-07, 54-03.1-02, the new section to chapter 54-07 as created by section 2 of House Bill No. 1057 as approved by the fiftieth legislative assembly, and 61-16.1-16 of the North Dakota Century Code, relating to legislative elections and contests, legislative actions, legislative apportionment requirements, legislative enactments, and legislative meetings; to repeal sections 16.1-16-11, 16.1-16-12, 16.1-16-13, 16.1-16-14, 16.1-16-15, 16.1-16-16, and 16.1-16-17 of the North Dakota Century Code, relating to legislative election contests; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 16.1-15-30 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-15-30. Determining tie vote for legislative assembly. If the requisite number of persons are not elected to the state senate or house of representatives because two or more persons have equal and the highest number of votes for one and the same office, a recount must be done pursuant to section 16.1-16-01. If a recount results in a tie vote, the county auditor, if the legislative district in question is within one county, shall, ~~by certified mail,~~ notify the secretary of state. ~~The secretary of state shall notify the persons with equal and the highest number of votes to appear in his the office of the secretary of state at a time fixed by him the secretary of state.~~ The time fixed shall not be more than five days from the date the tie is determined by the county auditor. On the date fixed, the persons notified to appear shall publicly decide by the toss of a coin flip which of them shall be declared elected, and ~~the county auditor shall certify the results to~~ the secretary of state ~~who~~ shall prepare and deliver to the person elected a certificate of election as provided in this chapter. If the

legislative district in question is within the boundaries of more than one county, the county auditor of the county which cast the greater number of votes for the office of governor at the last election at which a governor was elected shall proceed in accordance with this section.

* SECTION 2. AMENDMENT. Section 16.1-16-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-16-01. Election recounts. A recount of any primary, special, or general election for nomination or election to a congressional, state, district, legislative, or county office, or for the approval or disapproval of any measure or question submitted to the qualified electors of this state or one of its counties shall be conducted as follows:

1. A recount must be conducted when:
 - a. Any person failed to be nominated in a primary election by less than one percent of the highest vote cast for a candidate of his party for the office sought.
 - b. Any person failed to be elected in a general or special election by less than one-half of one percent of the highest vote cast for a candidate for that office.
 - c. A question or measure submitted to the qualified electors has been decided by a margin not exceeding one-fourth of one percent of the total vote cast for and against the question at any election.
2. Within three days after the canvass of the votes by the state canvassing board in the case of congressional, state, district, or legislative elections, the secretary of state shall notify all the county auditors to conduct recounts as required by subsection 1. The secretary of state shall fix the date of the recounts within seven days after giving notice that the auditor must conduct the recount. Within three days after the canvass of votes by the county canvassing board, the county auditor shall fix the date for recounts limited to his county. The date shall be within eight days after the canvass. In all recount proceedings, the county auditor shall send notice of the date, place, and time of the recount to all candidates and petitioners involved by certified mail.
3. Recounts shall be conducted by the county auditor who may employ up to four qualified electors of the county to assist in the recount. The county auditor shall review all paper, machine, electronic voting system, and absentee ballots, whether or not the ballots were counted at the

* NOTE: Section 16.1-16-01 was also amended by section 5 of House Bill No. 1343, chapter 258.

precinct or the county canvass, to determine which ballots were cast and counted according to the law. The county auditor shall check the precinct count and the count of the county canvassing board. If the county auditor is a candidate involved in the recount, he shall be disqualified from acting thereon, and the clerk of the district court of the county shall perform the duties required of the county auditor by this section.

4. The persons entitled to participate at the recount are:
 - a. Each candidate involved in the recount, either personally or by a representative.
 - b. A qualified elector favoring each side of a question if the recount involves a question or proposition submitted to a vote of the electorate.

The persons allowed to participate may challenge the acceptance or exclusion of any ballot. The person challenging a ballot must state the reason for the challenge based upon the law, and the county auditor shall count the challenged ballot as he deems proper and shall then set the ballot aside with a notation that it was challenged and how it was counted. At the conclusion of the recount, the county auditor shall submit all challenged ballots to the recount board for decision. The recount board shall be composed of the state's attorney of the county, the chairman of the board of county commissioners, and the clerk of the district court of the county. No person shall serve on the recount board if he would not be qualified to serve on the election board pursuant to subsection 2 of section 16.1-05-02. If any of the members of the recount board are disqualified or cannot serve for any other reason, the members of the board of county ~~commissioners~~ commissioners who would be qualified to serve on the board shall appoint disinterested qualified electors of the county to serve as alternates. The recount board shall review all challenged ballots, and on majority vote shall decide how they shall be counted. The decision of the recount board is final, subject to the right to contest the election as provided in this chapter. If during the recount a recess is called, the county auditor shall take appropriate steps to safeguard the ballots.

5. The county auditor shall certify the results of the recount no later than three days after the recount. The recount result shall become the official result of the election in the county. The county auditor shall prepare a corrected abstract of the votes. In a recount limited to the county, if the corrected abstract shows no change in the outcome of the election, no further action shall be taken. If the corrected abstract changes the outcome of

the election, the county auditor shall issue certificates of nomination or election accordingly, and shall certify the new result of a question submitted to the qualified electors.

6. In congressional, statewide, district, or legislative recounts, the county auditor shall, no later than three days after the recount, send by certified mail a certified copy of the corrected abstract to the secretary of state. The secretary of state shall immediately assemble the state canvassing board, who shall canvass the corrected abstracts and certify the election results. The secretary of state shall issue certificates of election or nomination or record the approval or disapproval of a question submitted to the qualified electors accordingly.
7. The expenses incurred in a recount of a county election shall be paid by the county on a warrant by the county auditor. The expenses incurred in a recount of a congressional, state, or legislative election shall be paid by the state from the general fund, upon approval by the secretary of state of a statement of expenses received from the county auditors.
8. 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.

SECTION 3. AMENDMENT. Section 16.1-16-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-16-04. Time for commencement of action. Any action to contest an election shall be commenced and the complaint shall 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, ~~except as provided in section 16-1-16-10.~~ However, if the grounds for the action is 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. The contestee shall serve and file ~~his~~ an answer within fourteen days after service of the contest summons and complaint.

SECTION 4. AMENDMENT. Section 16.1-16-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-16-06. Election contest to be tried as civil action - Precedence on court calendar. ~~Unless otherwise specifically provided in this chapter, election~~ Election contest actions shall be tried as civil actions to the court without a jury. The district court shall set the hearing on the contest action not more than ten days after the filing of the contest answer. Election contests shall take precedence over regular court business so elections are determined as soon as practicable. The district court judge shall order a special term of the court if no term is in progress when the election contest complaint is filed.

SECTION 5. AMENDMENT. Section 16.1-16-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-16-09. Appeal of election contest judgment. An appeal to the supreme court of the judgment in an election contest action may be had by filing a notice of appeal with the clerk of the trial court within ten days of the date of the service of notice of entry of the judgment. ~~Unless otherwise specifically provided by this chapter, appeals~~ Appeals of election contest actions shall be conducted in the manner provided by law ~~or rule for civil appeals from the district court~~ the North Dakota Rules of Appellate Procedure. Election contest appeals shall take precedence over regular court business so election results can be determined as soon as practicable. An appeal may be brought on for hearing before the supreme court at any time upon ten days' notice by either party and shall be determined in a summary manner.

SECTION 6. AMENDMENT. Section 16.1-16-10 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-16-10. Legislative contest of election. Legislative election contests shall ~~must~~ be determined pursuant to ~~sections 16-1-16-10 through 16-1-16-17.~~ Any person intending to contest, before either house of the legislative assembly, the election of a member of the legislative assembly shall serve on that member a statement of contest, which shall specify the grounds for the contest. The statement shall be served on the member and a copy filed with the secretary of state within five days after a recount is completed, and within ten days after the canvass is completed if no recount is to be conducted in court as provided in this chapter for other contests. No legislative election may be contested before either house of the legislative assembly.

SECTION 7. AMENDMENT. Section 23-06-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-06-13. Dissection - When allowed. The dead body of a human being may be dissected:

1. When authorized by positive enactment of the legislative assembly of this state;

- 2- When the death occurs under circumstances in which a coroner is authorized by law to hold an inquest upon the body, and a coroner authorizes such dissection for the purposes of the inquest;
- 3- 2. When the husband, wife, or one of the next of kin of a deceased person, charged by law with the duty of burial, authorizes such dissection for the purposes of ascertaining the cause of death; or
- 4- 3. When permission has been given therefor by deceased.

SECTION 8. AMENDMENT. Section 23-20.2-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-20.2-09. Deposit of radioactive waste material - Legislative approval required. No person, firm, corporation, or other legal entity may deposit, or cause or permit to be deposited in this state, any radioactive waste material which has been brought into this state for that purpose unless prior approval has been granted by concurrent resolution passed by the legislative assembly. Radioactive waste material means waste either from the generation of electrical power through the utilization of radioactive materials or from the manufacture of nuclear grade weapons and includes fission products and actinides and materials contaminated by fission products and actinides.

SECTION 9. AMENDMENT. Section 54-03-01.5 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-01.5. Legislative apportionment requirements. A legislative apportionment plan based on any census taken after 1979 shall meet the following requirements:

1. The senate shall consist of ~~forty-seven~~ forty to ~~fifty-three~~ fifty-four members and the house shall consist of ~~ninety-four~~ eighty to one hundred ~~six~~ eight members.
2. Except as provided in subsection 3, one senator and two representatives shall be apportioned to each senatorial district. Representatives may be elected at large or from subdistricts. ~~Subdistricts are authorized only upon two-thirds vote by the elected members of the senate and house when adopting an apportionment plan.~~
3. Multimember senate districts providing for two senators and four representatives are authorized only when a proposed single member senatorial district includes a federal facility or federal installation, containing over two-thirds of the population of the proposed single member senatorial district. ~~No subdistricts may be included in any multimember senate district.~~

4. Legislative districts and subdistricts shall be compact and of contiguous territory ~~except where impracticable in multimember senatorial districts.~~
5. Legislative districts shall be as nearly equal in population as is practicable. Population deviation from district to district shall be kept at a minimum. The total population variance of all districts, and subdistricts if created, from the average district population may not exceed recognized constitutional limitations.

SECTION 10. AMENDMENT. Section 54-03-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-02. When legislative assembly meets. The legislative assembly shall meet at the seat of government in the month of December following the election of the members thereof for organizational and orientation purposes and shall thereafter recess until twelve noon on the first Tuesday after the ~~first Monday third day~~ in January of the next year, ~~provided, however, that if the first Tuesday after the first Monday falls on January second, the legislative assembly shall reconvene at or until twelve noon on a date to be selected by the legislative council but not earlier than January second nor later than January eleventh.~~

SECTION 11. AMENDMENT. Section 54-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03-07. ~~Election contest Qualifications of members - Each house to judge.~~ If the ~~right~~ qualifications of any ~~person to a seat in member of~~ either house of the legislative assembly is ~~contested~~ are challenged, the right of ~~such person that member~~ to a seat shall be determined by the house in which ~~he that person~~ claims a seat as a member, except an election contest must be determined in accordance with chapter 16.1-16. ~~Each house of the legislative assembly, in all cases, shall be the sole judge of the qualifications of its members.~~

SECTION 12. AMENDMENT. Section 54-03.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-03.1-02. Time and place of meeting - Who must attend. In each even-numbered year on the first Tuesday after the first Monday in the month of December, all persons elected at the previous November general election as members of the succeeding legislative session, and members of the senate whose terms do not expire ~~during the following session of the legislative assembly until the first day of December following the next November general election,~~ shall meet in the state capitol in the city of Bismarck, or at such other place as may be designated, at the hour of nine a.m. for the purpose of conducting an organizational session. The legislative council shall

call the organizational session and make such arrangements as may be necessary for its operation.

SECTION 13. AMENDMENT. The new section to chapter 54-07 of the North Dakota Century Code as created by House Bill No. 1057, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

Governor to file bills with secretary of state. The governor shall cause each bill passed by the legislative assembly and not vetoed by the governor to be filed with the secretary of state within three five days, Sundays excepted, after the bill has been presented to the governor unless the legislative assembly by its adjournment prevents its return in which case the governor shall cause the bill to be filed within fifteen days after the adjournment.

SECTION 14. AMENDMENT. Section 61-16.1-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-16.1-16. Revenue bonds. Each district shall have the power and authority to issue revenue bonds, not exceeding an aggregate total outstanding of ten million dollars, for the purpose of financing construction of projects and incidental facilities authorized by this chapter. Issuance of revenue bonds must be approved by two-thirds of all of the members of the water resource board. The district shall pledge sufficient revenue from any revenue-producing facility constructed with the aid of revenue bonds for the payment of principal and interest on the bonds, and shall establish rates for the facilities at a sufficient level to provide for the operation of such facilities and for the bond payments. ~~Upon specific authorization by the legislative assembly and in accordance with this section, a district may issue revenue bonds in excess of an aggregate total of ten million dollars.~~ Revenue bonds shall not be a general obligation of any county, and shall not be secured by property taxes.

SECTION 15. REPEAL. Sections 16.1-16-11, 16.1-16-12, 16.1-16-13, 16.1-16-14, 16.1-16-15, 16.1-16-16, and 16.1-16-17 of the North Dakota Century Code are hereby repealed.

SECTION 16. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act.

Approved March 20, 1987

Filed March 30, 1987