

**HOUSE BILL NO. 1201**

Introduced by

Representative Klemin

Senator J. Roers

1 A BILL for an Act to amend and reenact subsection 11 of section 16.1-01-09.1 and subsection 4  
2 of section 44-08-21 of the North Dakota Century Code, relating to recalling elected officials.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 11 of section 16.1-01-09.1 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 11. An official may not be recalled if the recall special election would ~~be held during the~~  
7 same occur within one year in which of the official's office would be included on next  
8 regularly scheduled election in which the ballot official could be reelected.

9 **SECTION 2. AMENDMENT.** Subsection 4 of section 44-08-21 of the North Dakota Century  
10 Code is amended and reenacted as follows:

11 4. The name of the official to be recalled must be placed on the ballot unless the official  
12 resigns within ten days after the filing officer certifies the petition is valid and sufficient.  
13 Other candidates for the office may be nominated in a manner provided by law and  
14 shall file nominating papers with the appropriate filing officer by the sixty-fourth day  
15 before the scheduled recall election. If the official resigns, the appropriate political  
16 subdivision governing body may call a special election or appoint an individual to  
17 complete the unexpired term of the office. When the election results have been  
18 officially declared, the candidate receiving the highest number of votes is elected for  
19 the remainder of the term. No official is subject to recall twice during the term for which  
20 the official was elected. An official whose office is on the ballot at a regularly scheduled  
21 election occurring within one year is not subject to recall if the recall special election  
22 would occur within one year of the next regularly scheduled election in which the  
23 official could be reelected.