

**PROPOSED AMENDMENTS TO**

**HOUSE BILL NO. 1384**

Introduced by

Representative Heilman

1 A BILL for an Act to amend and reenact section 11-10-02 of the North Dakota Century Code,  
2 relating to the ~~election of a full time~~ reclassification procedure of the county auditor.

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

4 **SECTION 1. AMENDMENT.** Section 11-10-02 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **11-10-02. Number and election of county officers.**

7 1. Each organized county, unless it has adopted one of the optional forms of county  
8 government provided by the code or has combined or separated the functions of  
9 county offices or redesignated offices as elective or appointive ~~pursuant to~~ under  
10 chapter 11-10.2 or 11-10.3, must have the following officers:

11 ~~1.~~ a. One county auditor.

12 ~~2.~~ b. One recorder.

13 ~~3.~~ c. One county treasurer.

14 ~~4.~~ d. One coroner.

15 ~~5.~~ e. A board of county commissioners consisting of three or five members as provided  
16 in this title.

17 2. ~~Notwithstanding chapter 11-10.2 or 11-10.3, if the county auditor as provided for in~~  
18 ~~subsection 1 is a full-time employee of the county, the county auditor must be an~~  
19 ~~elective office. A county may not exercise any power under a home rule charter to~~  
20 ~~circumvent this subsection. Before an elected county auditor position may be~~

- 1           reclassified as an appointed office under chapter 11-10.2 or 11-10.3, the board of  
2           county commissioners shall adopt a resolution to reclassify the office. After approving  
3           the resolution, the board of county commissioners shall hold an election to determine  
4           the question posed to the qualified electors of the county. The election must be  
5           conducted in the same manner as to amend a home rule charter of a county under  
6           chapter 11-09.1. The ballot used in the election clearly must indicate an affirmative  
7           vote for the question reclassifies the county auditor position as an appointive office. If  
8           the majority of the voters approves the reclassification, the elected county auditor is  
9           eligible to serve the remainder of the term for which the individual was elected. After  
10           the expiration of the elected county auditor's term, the board of county commissioners  
11           shall appoint an individual to serve as the county auditor. A county may not exercise  
12           any power under a home rule charter to circumvent this section.
- 13        3. In addition, unless otherwise provided in section 11-10-02.3, each county must have  
14           an elected state's attorney and an elected sheriff.
- 15        4. In counties having a population of six thousand or less, the recorder also serves as ex  
16           officio clerk of the district court. The required officers must be chosen by the qualified  
17           electors of the respective counties at the general election in each even-numbered  
18           year, except the recorder, county auditor, treasurer, sheriff, and state's attorney, who  
19           must be chosen in 1966 and every four years thereafter, the members of the board of  
20           county commissioners, who must be chosen in the manner prescribed in section  
21           11-11-02, and the county coroner, who must be chosen in the manner prescribed in  
22           section 11-19.1-03.