

grounds during the school hours of each day's session of school, and a failure to comply with the provisions of this article on the part of any board of education or district school board, shall be sufficient grounds for removal of members of such board from office.

Whereas, an emergency exists in this, that there are no adequate provisions of law relating to specifying or governing the subjects enumerated in the foregoing sections; *Therefore*, this act shall take effect and be in force from and after its passage and approval.

Approved March 12th, 1897.

ELECTIONS.

CHAPTER 76.

[Sub. for H. Bs. 38 and 109.]

RELATING TO ELECTIONS.

AN ACT Amending Section 491, Article 4, of the Revised Codes of North Dakota, of 1895, Relating to Elections.

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

§ 1. AMENDMENT.] That section 491, article 4, of the Revised Codes of North Dakota of 1895 be and is hereby amended to read as follows:

§ 491. BALLOTS—HOW PREPARED—ARRANGEMENT OF NAMES.] All ballots prepared under the provisions of this chapter shall be white and of a uniform quality of paper, printed in black ink, and of sufficient width to contain all of the tickets to be voted for, under the appropriate party designation for each, and of sufficient length to contain all of the names of the candidates to be voted for at said election. On the left hand of said ticket shall be a column designating the office to be voted for, and the same line in the column under the appropriate party designation of each, all of the names of the candidates duly nominated for that office shall be printed. There shall be a space between the party designation at the top of each column and the names at the head of the ticket of five-eighths of an inch, in the center of which there shall be a square formed of black lines, in which the voter by his mark may declare that he votes for all names printed in that column, except such as are erased, or pasted, or written over as hereinafter specified. There shall also be left under the name of each candidate sufficient space to write, or paste a name therein,

in lieu of the one printed on the ticket, and on the same line with the name of each candidate, and at the end of his name there shall be a space enclosed in a square of black lines, in which the voter may designate by a cross, or other mark, his choice for each candidate opposite the name of such candidate. The fact that a name has been written or pasted opposite the office to be voted for shall be deemed sufficient evidence that the person depositing such ballot intended to vote for the person whose name he has written or pasted thereon and not for the person whose name was originally printed on the ballot whether he shall make a mark or cross opposite such written or pasted name or not.

Persons nominated by paper or by petition shall be placed in one or more columns under the designation of "Individual Nominations" on the same line with the offices for which they are nominated. Constitutional amendments duly certified to the auditor by the Secretary of State, or any question to be voted for aside from the election of public officers, shall be printed on a separate ballot and shall be deposited in a box separate from that provided to receive the ballots for public officers. The ballots must embrace the constitutional amendments in full, and there shall be printed at the bottom of the amendment the word "yes" and underneath the same the word "no," and opposite each a square formed of black lines, and the elector shall designate by cross or other mark within the square how he desires his vote recorded. If the question be other than a constitutional amendment it shall be stated fully and fairly on such ballot and the words "yes" and "no" shall be printed on the ballot at the close of the statement of the question, in separate lines with a square formed of black lines after each in which the voter may indicate by cross or other mark how he desires to vote on the question. Where two or more amendments or questions are to be voted on they shall be printed on the same ballot. When the same candidate has been nominated for the same office by more than one assembly, convention or body of electors qualified to make nominations for public office, such candidate shall file with the proper officer designated in section 500 of the Revised Codes of North Dakota, on or before the day fixed by law for the filing of certificates of nomination for such office, a statement in writing signed by himself designating one of the columns upon such ballot allotted to one of the parties, assemblies, conventions or bodies of electors by whom said candidate has been nominated, as to the column upon such ballot in which such candidate desires his name to appear upon such ballot, and such candidate's name shall be printed upon such ballot in such column, but in no other.

But if such candidate shall refuse or neglect to give notice to the proper officer, as above provided, specifying in which column he wishes his name printed on the ballot, then in such case the said officer shall cause his name to be printed in the column of the party or political organization from which he received first

notice of such person's nomination. The candidates of the party casting the highest number of votes in the state for member of congress at the last preceding general election shall be arranged in the first, or left hand column of such ballot; of the party casting the next highest number of votes in the second column; of the party casting the next highest number of votes in the third column, and of any other party as the Secretary of State may direct for state officers, or the county auditor for county officers; the municipal or city auditor, or in municipalities or cities not having a municipal or city auditor, the municipal or city clerk for municipal or city officers; or the president of the board of trustees of corporated villages for village officers. The names of electors of president and vice-president of the United States presented in one certificate of nomination shall be arranged in a group enclosed in brackets with a single square at the right of such group, and a mark within such square shall be counted a vote for all the electors, and such group shall be placed at the head of the column under the party designated or represented in such certificate. The auditor shall prepare the necessary ballots whenever any question is required by law to be submitted to a vote of the electors of any subdivision and not the state generally. The municipal or city auditor, or clerk, as the case may be, shall prepare and direct the printing and distributing of all ballots for municipal or city elections and for all questions that may be submitted to a vote of the electors of such municipality, except as provided in section 489.

Approved March 9th, 1897.

CHAPTER 77.

[H. B. 157.]

COUNTY SUPERINTENDENT OF SCHOOLS.

AN ACT to Amend Section 638 of the Revised Codes of North Dakota,
Relating to Election of County Superintendent of Schools.

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

§ 1. AMENDMENT.] That section 638 of the Revised Codes of North Dakota be and the same is hereby amended to read as follows:

§ 638. ELECTION, TERM OF OFFICE.] There shall be elected in each organized county, at the same time other county officers are elected, a county superintendent of schools, whose term of office shall be two years, commencing on the first Monday in January following his election, and until his successor is elected and qualified.

§ 2. WHO QUALIFIED TO VOTE.] Any voter residing in an independent school district, organized under a special act, having

a board of education and city superintendent of schools, shall not be qualified to vote for county superintendent of schools.

Approved March 9th, 1897.

CHAPTER 78.

[H. B. 194.]

ELECTION OFFICERS AND THEIR DUTIES.

AN ACT to Amend Section 483 of the Revised Codes of North Dakota, Relating to Election Officers and Their Duties.

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

§ 1. AMENDMENT.] That section 483 be amended to read as follows:

§ 483. INSPECTORS AND JUDGES OF ELECTIONS—QUALIFICATIONS OF—DUTIES.] The chairman of the board of supervisors in organized townships shall by virtue of his office be inspector of elections. In case the township contains more than three hundred voters, such chairman shall be inspector of elections in the precinct in which he resides, and shall appoint the inspector in all other precincts which are component parts of the township of which he is chairman. In case the township and any incorporated town or village within its limits contain less than three hundred voters, and such township or incorporated town or village, have but one voting place, the chairman of the township board of supervisors shall be inspector of elections. In all cities in which the aldermen are elected in different years, the senior alderman shall be inspector of elections for the precinct in which he resides; and in cities in which the aldermen are not so elected, the alderman who shall act as inspector of elections shall be determined by lot in such manner as the city council shall prescribe. In case a ward in any city contains more than three hundred votes, the senior alderman or the alderman chosen by lot shall be inspector of elections for the precinct in which he resides, and shall appoint the inspectors in all other precincts which are component parts of the ward of which he is alderman. In incorporated towns and villages the president of the town or village board of trustees shall act as inspector, and, if the town or village contains more than three hundred voters, he shall act as inspector of the precinct in which he resides, and appoint the inspectors in the other precincts. In case the alderman designated or selected to act as inspector in any ward is disqualified from acting, the other alderman of the ward shall act as inspector, and appoint other inspectors when necessary; and in case the president of the board of trustees of any town or village is disqualified, the remaining members of the board shall select one of their number to act as

such inspector, and appoint other inspectors when necessary. The inspector shall, prior to the opening of the polls in his precinct, appoint as judges of election two qualified electors of such precinct, who shall have been resident freeholders therein for at least ninety days next preceding such election, and who are members of different political parties and of the parties which cast the highest number of votes at the preceding general election; *Provided*, that if at least one week prior to such election the chairman of the county central committee of either of the two parties that cast the largest number of votes in the State at the last general election, shall nominate a member of such party as judge, having the qualifications above prescribed, presenting a certificate of such nomination signed by such chairman, he shall be appointed by the inspector, and such judges together with the inspector shall constitute the board of elections. No person shall be a member of the board of elections who has anything of value bet or wagered on the result of such election, or who is a candidate or is the father, father-in-law, son, son-in-law, brother or brother-in-law of any candidate at such election. If at any time before or during an election it shall be made to appear to any inspector, by the affidavit of two or more qualified electors of the precinct, that either of the judges is disqualified under the provisions of this section, he shall at once remove such judge and fill the place with a qualified person of the same political party as the judge removed, and in case such person so disqualified shall have taken the oath of office as prescribed by law, the inspector shall place such oath and affidavit before the State's attorney of the county; *Provided*, that in case such inspector is disqualified from acting, the other two members of the board of township supervisors and the clerk shall, at least ten days before the date of holding the election, hold a meeting for the purpose of filling such vacancy. Such vacancy shall be filled by appointing an inspector who shall belong to the same political party as the disqualified inspector, and the name of the inspector so appointed shall at once be reported to the county auditor by such clerk.

§ 2. EMERGENCY.] *Whereas*, an emergency exists in that the law as it now stands is conflicting; *Therefore*, this act shall take effect and be in force on and after its passage and approval.

Approved March 9th, 1897.

CHAPTER 79.

[S. B. 196.]

BOUNDARIES OF MORTON COUNTY.

AN ACT to Increase the Revenues of the State by Changing the Boundaries of the County of Morton.

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

§ 1. BOUNDARIES OF MORTON COUNTY.] That all that part of the State of North Dakota lying south of Morton county and between the County of Stark and the Missouri river shall be included in and form a part of the County of Morton.

§ 2. SHALL SUBMIT TO ELECTORS.] Before section one of this act shall take effect, it shall be the duty of the board of county commissioners of the County of Morton to submit to the qualified electors of such county the question of change and increase of its boundaries. Each elector shall have written or printed on his ballot the words "For Change and Increase of County Boundary" or the words "Against Change and Increase of County Boundary," and the votes on this question shall be returned and canvassed in the same manner as votes for county officers are returned and canvassed. It shall be the duty of the canvassing board immediately on the completion of the canvass to file with the register of deeds of said county, also with the Secretary of State, a certificate showing the result of said election, and if at said election a majority of the legal voters shall have voted for a change and increase of the boundaries of said county, then the boundaries of said county shall be from and after the filing of the certificate aforesaid as in this act described. But if a majority of the legal voters voting at said election shall vote against the change and increase of said county, then the boundaries of said county shall remain as now defined by law, the same as if this act had not been passed.

Approved March 12th, 1897.