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## ELECTIONS

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### CHAPTER 93.

[H. B. No. 70—Johnson, of Bottineau]

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#### COMPENSATION OF ELECTION OFFICERS.

AN ACT Amending Section 687 of the Revised Codes of 1905.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 687 of the revised codes of 1905 is amended to read as follows:

§ 687. COMPENSATION OF ELECTION OFFICERS.] There shall be allowed to the several inspectors, judges and clerks of election of each county the sum of twenty-five cents for each hour they serve as such election officers, to be paid out of the county treasury on the warrant of the county auditor; provided, however, that in no case shall an inspector, judge or clerk of election be paid for such services a sum exceeding four dollars.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 16, 1909.

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### CHAPTER 94.

[S. B. No. 125—Wallin]

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#### REGULATING VOTING.

AN ACT to Amend Section 645 of Chapter 8 of the Revised Codes of 1905, Relating to Election Booths, Challenges and Providing Penalty for False Swearing.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 645, chapter 8, of the revised codes of 1905 is amended and re-enacted to read as follows:

§ 645. ELECTION BOOTHS. FALSE SWEARING. PENALTY.] The inspectors of election shall provide in their respective polling places a sufficient number of booths or compartments which shall be furnished with such supplies and conveniences as to enable the voter conveniently to prepare his ballot for voting, and in which electors may mark their ballots, screened from observation and a guard

rail with an opening so constructed that only persons within such rail can approach within ten feet of the ballot boxes or booths or compartments herein provided for; provided, that the number of booths or compartments shall not be less than one for each fifty electors or fraction thereof, in the precinct. No election shall be held in a room in which spirituous or malt liquors are commonly sold. Not more than one elector for each booth shall be permitted within the railing at any one time. One challenger appointed and designated from each of the political party organizations shall be entitled to stand at the opening of the railing at the outside. If any person offering to vote shall be challenged by one of such challengers or by any member of the board of election, such person shall, unless such challenge is withdrawn, stand aside and shall not vote unless he makes an affidavit that he is a legally qualified elector of the precinct, and any one who falsely swears in order to cast his vote shall be guilty of perjury, and upon conviction thereof shall be punished as prescribed in section 8702, chapter 12, penal code of the revised codes of 1905. The expense of providing such booths or compartments and guard rails shall be a public charge and shall be provided for in the same manner as other election expenses.

Approved March 11, 1909.

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## CHAPTER 95.

[H. B. No. 236—Storey]

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### TIE VOTE FOR MEMBER OF LEGISLATURE.

AN ACT to Amend Section 651 of the Revised Codes of the State of North Dakota for 1905.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 651. ABSTRACT OF VOTES. CERTIFICATES OF ELECTION. TIE, HOW DECIDED. PUBLICATION OF RETURNS.] On the fifteenth day after the close of any election, or as soon as the returns are received, the county auditor shall call to his assistance a majority of the county commissioners of the county or the county treasurer, county judge and one county commissioner, and none of the persons so called shall be a candidate for office, unless there is not sufficient of such officers who are not candidates, and shall proceed to open such returns and make abstracts of votes in the manner following from the certified statements prepared by the different inspectors of election in the various precincts. The abstract of votes for member of congress, governor, state auditor, commissioner of insurance, commissioner of agriculture and labor, state treasurer, secretary of state, attorney general, commissioners of railroads, superintendent

of public instruction and lieutenant governor shall be on one sheet; the abstract of votes for members of the legislative assembly shall be on one sheet; the abstract of votes for county and precinct officers shall be on one sheet; and it shall be the duty of the county auditor immediately to make out a certificate of election to each of the persons having the highest number of votes for county and precinct officers respectively, and to deliver such certificate to the person entitled thereto on his making application to the county auditor therefor; provided, that when a tie shall exist between two or more persons for the senate or house of representatives, if such district is within the boundary of one county, the auditor of such county and if such district is within the boundaries of more than one county, then the county auditor of the county casting the greater number of votes for the office of governor, shall immediately by registered letter addressed to the respective candidates at their post-office address, give notice to the several persons so having the highest and equal number of votes to attend at his office at a time appointed by him, which shall not be more than twenty days after the tie shall have been declared by such county auditor and they shall then proceed publicly to decide by lot which of the persons so having the highest and equal number of votes shall be declared duly elected and such auditor shall make and deliver to the person thus declared duly elected a certificate of his election as hereinbefore provided. It shall be the duty of the county auditor of each county, on receipt of the returns of any election, to make out his certificate, stating therein the compensation to which the judges and clerks of election may be entitled for their services, and lay the same before the board of county commissioners at their next session, and the said board shall order the compensation aforesaid to be paid out of the county treasury. Immediately after canvassing the returns and making the abstract of votes as provided in this section, the county auditor shall make a certified copy of each abstract and forward it to the secretary of state, and also cause to be published in the official newspapers of the county, in tabular form, the vote by precincts for each officer and proposition voted for at said election; such publication to be paid for at a rate not exceeding the rate paid for publishing county commissioners' proceedings. If the county auditor is a candidate for office, he shall take no part in the canvass, but shall act as clerk of such board of canvassers, and the two officers called to the assistance of the county auditor to make such canvass, shall call to their assistance a justice of the peace, and it shall thereupon be their duty at once to attend and canvass such returns as provided by law.

Approved March 11, 1909.