

# ELECTIONS

## CHAPTER 117.

(S. B. No. 73—Mostad.)

### NONPARTISAN ELECTION CERTAIN COUNTY AND STATE OFFICERS.

An Act to Provide for Nonpartisan Nomination and Election of All Elective County Officers, Judges of the Supreme and District Court, State Superintendent of Public Instruction and County Superintendent of Schools.

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

Sec. 1. NO PARTY PRIMARY PETITION.) In all petitions and affidavits to be filed by or in behalf of candidates for nomination in the primary election to all elective county offices, the office of Judge of the Supreme and District Courts, and the offices of State Superintendent of Public Instruction and County Superintendent of Schools, no reference shall be made to a party ballot, or to the party affiliation of such candidates.

Sec. 2. SEPARATE NONPARTISAN PRIMARY BALLOTS.) At all primary elections there shall be separate ballots which ballots shall be entitled "Nonpartisan Primary Ballot," and the names of all candidates for any of the said offices shall be placed thereon without party designation and there shall be designated thereon the number of persons each elector is entitled to vote for on each office which shall be the number to be elected to such office at the next succeeding general election.

Sec. 3. The names of aspirants for nomination to each office shall be arranged in separate groups in their order, leaving one or more blank lines or spaces below each group of names on which may be written or placed a name or a printed sticker to express the vote of the individual elector. Such ballot shall be delivered to each elector by the proper election officer and no declaration of the party affiliation or registration of such party affiliation shall be required.

Sec. 4. PERSONS NOMINATED.) The candidate or candidates receiving the highest number of votes to the extent of double the number of those to be elected to any office, provided there are that many or more candidates running, shall be duly nominated thereto. No partisan nominations shall be made for any of the aforementioned offices.

Sec. 5. NONPARTISAN BALLOT AT GENERAL ELECTION ) At the General Election there shall likewise be a separate ballot upon which shall be placed the names of all candidates who have been

nominated as hereinbefore provided, which ballot shall be entitled "Nonpartisan Ballot." Such ballot shall otherwise be in the same form as hereinbefore specified for the Nonpartisan Primary Ballot. This ballot shall be delivered to each Elector. And the candidate, or candidates to the number to be elected for each office receiving the highest number of votes shall be duly elected to such office.

Sec. 6. PRESENT LAWS CONTROLLING ) Except as herein provided such ballot shall be prepared, printed, distributed, canvassed and returned in the manner now provided for primary election and general election ballots respectively.

Sec. 7. All other Acts or parts of Acts which are in conflict with the provisions hereof are hereby repealed.

Approved March 6, 1919.

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## CHAPTER 118.

(S. B. No. 155—Drown.)

### SELECTION OF COMMITTEEMEN.

An Act to Amend and Re-enact Section 890 of the Compiled Laws of North Dakota, for the Year 1913.

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

Sec. 1. AMENDMENT.) Section 890 of the Compiled Laws of North Dakota, for the year 1913, is hereby amended and re-enacted to read as follows:

Sec. 890. COUNTY AND STATE COMMITTEE. HOW SELECTED. TIME AND PLACE OF MEETING.) The county committee of each party shall be composed of all the precinct committeemen of each part, and the legislative nominees residing in such county shall be entitled to select and appoint in writing one committeeman at large, which appointment shall be immediately filed with the County Auditor. The committeeman thus appointed, together with the precinct committeeman elected as prescribed in Section 889, shall constitute the county committee of each county, and they shall meet in the court house at the county seat of each county at two o'clock p. m., on the third Wednesday after each primary election and organize by selecting a chairman, a secretary, and a treasurer, by adopting rules and modes of procedure, and by selecting an executive committee consisting of from five to nine persons chosen from the county committee, of which executive committee the chairman and secretary shall be members. Such county committee shall at the same time select one person who shall be a legal voter to act upon and be a member of the State Central Committee of such party in all counties consisting of one legislative district, and in counties having more than one legislative district, the precinct committeemen from each legislative

district shall select one person from their respective legislative district; and when two or more counties are embraced in one legislative district; and the county committee of each county shall meet at the court house of the county seat of the senior county of such district at two o'clock p. m., on the fourth Wednesday after such primary election, and select one person, who shall be a legal voter to act upon and be a member of the State Central Committee of such party. The members so selected as state central committeemen shall meet at the State Capitol on the first Wednesday in September and organize by selecting a chairman, a secretary, and treasurer, and shall adopt rules and modes of procedure and promulgate and publish a platform of principles upon which its candidates shall stand. Each member of any committee shall retain such position until his successor is chosen. Each member so selected shall be a legal voter. Vacancies shall be filled by a majority of the committee by appointment from the district in which such vacancy exists.

Approved March 6, 1919.

#### CHAPTER 119.

(H. B. No. 33—O'Brien.)

#### OPENING AND CLOSING OF POLLS IN PRIMARY AND GENERAL ELECTIONS.

An Act to Amend and Re-enact Sections 869 and 983 of the Compiled Laws of North Dakota for the Year 1913 Relating to the Opening and Closing of Polls in Primary and General Elections.

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

Sec. 1. That Section 869 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 869. POLLS. OPEN WHEN. CANVASS.) The polls shall be opened at nine o'clock A. M. and remain open continuously until nine o'clock P. M. When the polls are closed the judges and inspectors of such primary election shall open the ballot boxes, count the ballots and compare the same with the clerk's lists, and should any irregularities appear they shall proceed as now provided by law. When the ballots compare with the clerk's lists they shall proceed to canvass and place those of each political party in separate piles. The tally of the votes shall be separate for each political designation or principle and so returned by the judges and inspectors of election, giving the full vote for every candidate. The men's and women's votes shall be kept separately and so returned by the judges. The county canvassing board shall aggregate these for the candidates voted for.

Sec. 2. Section 983 of the Compiled Laws of North Dakota for

the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 983. WHEN POLLS ARE TO BE OPENED AND CLOSED.) At all general and special elections held under the provisions of this chapter, the polls shall be opened at nine o'clock A. M. and closed at nine o'clock P. M. Twenty minutes prior to nine o'clock P. M. the inspector shall proclaim to the electors outside, the number of minutes before the polls will be closed and that such closing will be precisely at nine o'clock P. M.

Sec. 3. EMERGENCY This Act is hereby declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 5, 1919.

## CHAPTER 120.

(S. B. No. 187—Webber.)

### MUNICIPAL ELECTIONS IN CITIES.

An Act to Amend and Re-enact Section 3784 of the Compiled Laws of North Dakota for the Year 1913, Relating to Municipal Elections in Cities.

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

Sec. 1. AMENDMENT.) That Section 3784 of the Compiled Laws of North Dakota for the year 1913 shall be amended and re-enacted to read as follows:

Sec. 3784. ELECTION BIENNIAL.) Biennial municipal elections in all cities shall be held the first Tuesday in April at such place or places as the Board of City Commissioners shall designate. The polls of such election shall be opened at eight o'clock A. M. and close at nine P. M. Ten days' previous notice of the time and place of such election, and of the officers to be elected, shall be given by the City Auditor by the publication in the official paper and by posting written or printed notices in three public places in the City: but the failure to give such notice shall not invalidate such election. In all other respects such election shall be conducted as prescribed by general election laws, and for all general and special elections held under the provisions of this Act in the city, for city officers and for other purposes, the Board of City Commissioners shall at least ten days before any election is held appoint in each precinct established in the city one inspector and two Judges of election.

Sec. 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 7, 1919.

## CHAPTER 121.

(H. B. No. 137—Haines.)

## ELECTION RETURNS.

An Act to Amend and Re-enact Sections 1007 and 1008 of the Compiled Laws of North Dakota for the Year 1913, Relating to Election Returns.

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

Sec. 1. That Section 1007 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 1007. RESULT OF CANVASS TO BE IMMEDIATELY MADE.) The inspectors shall as soon as the count is completed publicly announce the result thereof, specifying the whole number of votes cast for each office and for each candidate respectively; also the number of votes cast for and against each proposition voted for at such election. They shall immediately prepare in triplicate a statement in writing setting forth at length, in words and figures the whole number of votes cast for each office and the names of all persons for whom such votes were cast, together with the number of votes cast for each person; also the number of votes cast for and against each proposition voted upon at such election which statement they shall certify to be correct.

Sec. 2. Section 1008 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 1008. RETURNS. HOW AND WHERE MADE. COMPENSATION OF OFFICERS.) The inspector of election or one of the judges appointed by him, shall forthwith deliver to the clerk of the town, city or village, one of such statements and one of such poll lists, together with the stamps inscribed with the words "official ballot" to be filed and preserved in his office, and shall with all convenient dispatch and within three days after the election, deliver the other two statements to the County Auditor and Secretary of State, respectively by registered mail, said statement having been by the judges carefully sealed up, together with the other poll lists, and with the oaths of inspectors and clerks affixed, under cover, properly directed to the County Auditor and Secretary of State, respectively, and the person mailing such returns shall receive as compensation therefor the sum of two dollars (\$2.00) to be paid out of the county treasury on a warrant of the County Auditor.

The statement and poll list aforesaid, having been duly prepared for delivery to the County Auditor as aforesaid, the inspector and judges of election shall cause the ballots of each kind cast at such election to be smoothly spread upon a wrapper of strong durable paper of the same width of such ballots and of

sufficient strength to permit of its being folded with the said ballots and form a complete wrapper therefor when folded. Such ballots and wrappers shall then be tightly folded together and the said wrapper securely pasted or glued at the outer end so as to completely envelope and firmly hold such roll together.

Provided, that ballots which are void shall be wrapped in a separate wrapper and so marked on said wrapper.

In the folding and sealing of the ballots as aforesaid the various classes of ballots shall be kept separate.

The judges shall fold in two folds and lay in tiers all ballots counted by them except those which are void, and fold same securely in manila wrappers not exceeding two hundred (200) to each wrapper, on which shall be endorsed in writing or print, the number of the precinct, date on which election was held, and securely seal such wrappers by sealing them with sealing wax and stamping on said wax the name of the county with a metal stamp provided for that purpose, so that said wrappers cannot be opened without breaking the seal, and return by mail said ballots together with those found void, to the county judge. Immediately upon receiving such ballots, the county judge shall give receipt therefor to said judges of election, and shall place them properly arranged in the order of the precinct numbers in boxes which shall be securely locked. Said boxes shall be placed in a fire-proof vault and shall be securely kept for six months, not opening or inspecting them nor allowing any one else to do so, except upon order of court, in case of contested election, or when it shall be necessary to produce them at a trial for any offense committed at elections. At the end of six months after said election, said ballots shall be destroyed; provided, that if any contest of the election of any officer voted for at such election or prosecution under this article shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest or prosecution be finally determined. In organized townships or in cities or villages, the inspector of election shall deliver, if he is not himself the officer in question, the ballot boxes together with said metal stamp to the chairman of the board of supervisors of the civil township, or mayor of the city or president of the village, in which the election precinct is situated, as the case may be; and this officer shall keep in safe custody such boxes and stamp until the next election, or hand them over to his successor in office to be safely kept by him until such time. At the following general or primary election it shall be the duty of these officers to hand the ballot boxes and said stamp over to the inspector of elections. In unorganized townships the inspector of elections shall cause the ballot boxes to be delivered by mail to the county auditor, at the time when the ballots are returned. Any person violating any of the provisions of this section is guilty of a misdemeanor.

It is the purpose of this Act (section) to provide a safe place

for the keeping of the ballots and to make them readily accessible for use in legal proceedings, and such ballots shall be received in evidence without further identification or foundation being laid, and any failure on the part of the election officers to comply with any of the formalities required hereby as to the return of said ballots shall not invalidate any election or cause any ballot otherwise regular to be disregarded and any omission or irregularities in the manner of identifying or returning the ballots of any precinct may be obviated by proof under the ordinary rules of evidence.

Approved March 7, 1919.

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## ELECTRICAL SUPPLY AND SIGNAL LINES

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### CHAPTER 122.

(H. B. No. 110—Robinson.)

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#### POWERS AND DUTIES OF RAILROAD COMMISSIONERS RELATING TO OPERATION AND MAINTENANCE OF ELECTRICAL SUPPLY AND SIGNAL LINES.

**An Act Regulating the Construction, Reccnstruction, Operation and Maintenance of Electrical Supply and Signal Lines Upon the Highways and Public Places of the State of North Dakota and Vesting in the Board of Railroad Commissione s Certain Powe s and Duties, and Giving to Said Commission Power to Adopt Rules and Regulations for the Purpose of Avoiding or Minimizing the Hazard of Injury to Persons or Property and Avoiding or Mitigating Interference With the Service of Signal Lines, by Reason of the Close Association or Proximity of Signal Lines to or With Electrical Supply Lines.**

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

Sec. 1. That the Board of Railroad Commissioners is hereby vested with full power and authority to regulate the construction, reconstruction, operation and maintenance of all electrical supply lines and signal lines, located in, under or across the public highways or public places in this state, within and without the limits of incorporated cities and towns, to the extent necessary to avoid or mitigate interference from electrical supply lines and for the purpose of avoiding or minimizing the hazard of injury to persons or property by reason of the close association or proximity of electrical supply lines to or with signal lines.

Sec. 2. That prior to commencing the construction or reconstruction of any electrical supply line intended to carry a constant potential alternating current of over five thousand (5000) volts or a constant current circuit exceeding seven and one-half