

be imprisoned in the county jail for a term of not less than ninety days.

§ 10. The State Dairy Commissioner shall, in addition to his other regularly prescribed duties, have general supervision of carrying into effect the provisions of this Act, and he shall receive an annual salary of One Thousand Dollars (\$1,000.00) in addition to his salary as State Dairy Commissioner. He shall prepare and give general publicity to the residents of this state, a summary statement of the provisions of this Act, and the manner in which such residents may avail themselves of its benefits. He shall advise and assist in the organization and management of Dairy Associations as herein described; he shall co-operate with the Commissioner of Immigration by compiling and giving publicity to such data and reports as will encourage the development of the dairy industry within the state. He shall prepare such uniform blanks as he shall deem necessary for the purpose of this Act and supply same to the County Auditor of any county issuing bonds or warrants.

§ 11. There is hereby transferred to the State Dairy Commissioner from any moneys in the State Treasury, which now are or hereafter may be credited to the Commissioner of Immigration under Chapter 146 of the Laws of 1919, an amount not to exceed Five Thousand Dollars (\$5,000.00) annually, or so much thereof as shall be necessary for carrying into effect the provisions of this Act.

Approved 8:45 A. M. December 12, 1919.

## ELECTIONS

### CHAPTER 32.

[S. B. No. 9—Bowman.]

#### ABSENT VOTERS.

An Act to Amend and Re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, Relating to Absent Voters and Defining Absent Voters and Declaring an Emergency.

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

§ 1. AMENDMENT.] Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted to read as follows:

ARTICLE 16. "The term 'Absent Voter' as used herein shall mean any qualified elector of this state who is absent from the county of which he or she is an elector on the day of holding any general, special, state or primary election; or any woman qualified as an elector of this state who resides one-half mile or more from the polling place of her voting precinct. Any such elector may vote as hereinafter provided."

§ 993. At any time within thirty days next preceding any such election, any voter designated in the next preceding section may make application to the County Auditor of the county in which he or she resides for an official absent ballot to be voted at such an election.

§ 994. For general, special, state or primary elections there shall be prepared and printed for each precinct, an official ballot to be known as the absent voter ballot, which ballot shall be prepared and printed in the same form and shall be of the same size and texture as the regular official ballot, except that they shall be printed upon tinted paper of a tint different from that of the sample ballots.

§ 995. Application for such ballot shall be made on a blank to be furnished by the County Auditor of the county in which the applicant is an elector, and shall be substantially in the following form:

I, ....., a duly qualified elector of the township of ....., or of the village of ..... or of the ..... precinct of the ..... ward of the city of ....., in the county of ..... and state of North Dakota, and to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from the said county on the date for holding such election, or residing one-half mile or more from the polling place in my voting precinct, hereby make application for an official absent voter ballot to be voted by me at such election.

Date .....  
(Signed) .....  
Postoffice Address .....

Provided, that if the application be made for a primary election ballot such application shall also give the name of the political party with which the applicant is affiliated.

§ 996. Such application blank shall upon request therefor, be sent by such County Auditor to any absent voter by mail, or shall be delivered to any voter upon application made personally at the office of such Auditor.

§ 997. Upon receipt of such application properly filled and duly signed, or as soon thereafter as the official absent voter ballot for the precinct in which the applicant resides has been printed, the said County Auditor shall send to such absent voter by mail, postage prepaid, one official absent voter ballot, or if there be more than one such absent voter ballot to be voted by an elector of such precinct, one of each kind, and shall enclose with such ballot or ballots an envelope to be furnished by such Auditor, which envelope shall bear upon the front thereof the name, official title and postoffice address of such County Auditor and upon the other side a printed affidavit in substantially the following form:

State of ..... }  
 County of ..... } ss.

I, ....., do solemnly swear that I am a resident of the township of ....., or the village of ....., or of the ..... precinct of the ..... ward in the city of ..... residing at ..... in said city, county of ..... and state of North Dakota, and to the best of my knowledge and belief entitled to vote in such precinct at the next election; that I expect to be absent from the said county of my residence on the day of holding such election and that I will have no opportunity to vote in person at the polling place in said precinct on that day; or that I am a woman and reside one-half mile or more from the said polling place.

.....  
 Subscribed and sworn to before me this ..... day of ....., 19....; and I hereby certify that the affiant exhibited the enclosed ballots unmarked, and that he or she then in my presence and in such manner that I could not see his or her vote, marked such ballot and enclosed and sealed the same in this envelope; and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

.....  
 Provided, that if the ballot enclosed is to be voted at a primary election the affidavit shall state the name of the political party with which the absent voter is affiliated.

Provided, further, that if such absent voter is unable to sign his or her name, he or she may sign with an "X" mark, and the officer taking such affidavit shall sign such voter's name, and shall state the reason for such affidavit being signed in such manner in his certificate attached to such affidavit.

§ 998. Such absent voter shall make and subscribe the said affidavit before an officer authorized by law to administer oaths and who has an official seal, and such absent voter shall thereupon, in the presence of such officer, mark such ballot or ballots, but in such manner that such officer cannot see the vote, and such ballot or ballots shall thereupon, in the presence of such officer, be folded by such voter so that each ballot will be separate, and so as to conceal the vote, and shall in the presence of such officer be deposited in the envelope hereinbefore required to be provided, and the same securely sealed.

Provided, that such absent voter may have to assist him or her in the preparation and marking of such ballot one person, to be by such voter selected, but who shall not be an official representative or a member of any committee of any political party having a candidate or candidates in such election, and whose assistance shall be rendered in the presence of such officer and no other person.

§ 1000. In case such envelope is received by such Auditor prior to the delivery of the sealed package containing the official ballots to the Inspector of Elections of the precinct in which such absent voter resides, such ballot, envelope and application sealed in such envelope shall be enclosed in such package and delivered therewith to the Inspector of such precinct. In case the official ballots for such precincts shall have been delivered to such inspector of elections at the time of the receipt by the Auditor of such absent voter ballot, such Auditor shall immediately enclose such application and such ballot with the envelope containing such ballot unopened, in a larger envelope, which shall be securely sealed by him and endorsed on the front with the name, official title, name of precinct and the postoffice address of the Inspector of Elections of the precinct in which such absent voter resides; and also the words "This envelope contains an absent voter ballot and must be opened only on election day, at the polls, while the same are open;" and the Auditor forthwith shall mail the same, postage prepaid, to such inspector of elections.

§ 1001. At any time between the opening and the closing of the polls on such election day, the inspector of judges of election of such precinct shall first open the outer envelope only, and compare the signature of such voter to such application with the signature to such affidavit. In case the judges find that the affidavit is sufficient, that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct, and has not voted at such election, they shall open the absent voter envelope, in such manner as not to destroy the affidavit thereon, and shall take out the ballots therein contained, and without unfolding the same or permitting the same to be opened, or examined, and having endorsed the same in like manner as other ballots are endorsed, shall deposit the same in the proper ballot box or boxes, showing by the records of such election such elector to have voted. In case it is found that such affidavit is insufficient, that the said signature does not correspond, or that such applicant is not then a duly qualified elector of such precinct, such vote shall not be allowed, but, without opening the absent voter envelope, the Election Inspector or a judge of such election shall mark across the face thereof, "Rejected as defective," or "Rejected as not an elector," as the case may be. The absent voter envelope, when such absent vote is voted, and the absent voter envelope with its contents unopened, when such absent vote is rejected, shall be deposited in the ballot box containing the general or party ballots as the case may be, and retained and preserved in the manner now by law provided for the retention and preservation of official ballots voted at such election:

Provided, that in all cases of absent voting, the affidavit hereinbefore required to be sworn to by the elector, shall serve all the purposes of the registration of such elector as in this Chapter prescribed.

§ 1002. Nothing in this article contained shall be construed so as to prevent any qualified elector who has voted an absent voter ballot from voting on election day at the polling place in his or her voting precinct, provided that such absent voter ballot has not already been deposited in the ballot box.

§ 1003. It shall be the duty of the Secretary of State, County Auditor, or any other officer by law required to prepare any general or primary election ballot, to prepare and have printed and delivered to the County Auditor, at least fifteen days prior to the holding of such election, a number of absent voter ballots, which shall not be less than one-half the number of voters in such county voting at the next previous election, and shall be sufficient for the use of all the voters likely to vote as absent voters in such county.

§ 1004. If any person shall wilfully swear falsely to the affidavit in Section 997 provided for, upon conviction thereof he shall be deemed guilty of perjury and shall be punished as in such cases by law provided. If the Secretary of State, the County Auditor or any election officer shall refuse or neglect to perform any of the duties prescribed by this article, or shall violate any of the provisions thereof, or if any officer taking the affidavit provided in Section 997 shall make any false statement in his certificate thereto attached, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding One Hundred Dollars or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment.

Approved 11:15 A. M., December 13, 1919.

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### CHAPTER 33.

[H. B. No. 42—Malone.]

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#### PRECINCT DEFINED.

An Act Defining the Word "Precinct" as Used in the Laws of the State of North Dakota Relating to Elections and Providing for the Formation of Voting Districts and the Designation of Voting Places Within Such Voting Districts.

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

§ 1. PRECINCT DEFINED.] Wherever in the Laws of the State of North Dakota relating to elections it is provided that a person in order to be a qualified elector at any election, shall have resided in the state one year, and in the county six months, and in the precinct ninety days next preceding any election, the word "precinct" is hereby defined and declared to mean the township, village, city or unorganized territory in which the person desiring to vote shall reside; and a person shall be deemed to be a qualified elector if, having the other qualifications prescribed by law, he shall have

resided in the state one year, and in the county six months, and in such township, village, city or unorganized territory for ninety days next preceding any election. Wherever else in the Laws of the State of North Dakota relating to elections the word "precinct" is used, it is defined and declared to mean and to be synonymous with the words "voting district" as hereinafter in this Act defined and provided for.

§ 2. VOTING DISTRICTS—HOW FORMED.] The Board of County Commissioners of each county in the state shall, at its first session after the taking effect of this Act, divide its county into voting districts and establish the boundaries of the same. The entirety of civil townships, cities or villages as voting districts shall be preserved when possible, except when such preservation would be in conflict with the provisions of this Act. In such case the civil township, city or village, except as hereinafter provided, shall be divided into two or more voting districts, but in no case shall a voting district be composed of parts of two civil townships, or part of a township and city or village, except as hereinafter provided. No voting district shall contain more than five hundred electors. The Board of County Commissioners of each county in this state shall, at its first session after the taking effect of this Act, in dividing the county into voting districts, use as a basis for determining the number of electors residing in any given territory, the total number of electors within such territory who voted at the general election held in November, 1918. If at any election hereafter held more than five hundred votes shall be cast in any voting district, it shall be the duty of the Inspector in such voting district to report such fact to the Board of County Commissioners, which Board shall at its next regular meeting, divide such voting district as nearly as possible, so that the new voting districts formed therefrom shall each contain five hundred electors, as nearly as practicable.

§ 3. VOTING PLACES—HOW DESIGNATED.] At the meeting of the Board of County Commissioners of each county at which such Board shall divide its county into voting districts as hereinbefore provided for, the said Board shall designate one voting place in each voting district, provided, however, in case such voting place so designated becomes removed, destroyed or unavailable for any cause between the date when any regular or special meeting of the Board of County Commissioners is held and the date of any election if such voting districts be in a township, it shall be the duty of the Board of Supervisors to hold a meeting and designate by resolution and record on the township clerk's minute book a voting place at which such election shall be held, which voting place so designated shall continue to be the voting place of such voting district until the next meeting of the Board of County Commissioners, when said Board of County Commissioners shall designate a voting place as herein provided; further, when a voting place designated by the Board of County Commissioners becoming removed, destroyed or unavailable is located within the limits of an incorporated town,

village or city, such designation of a voting place shall be made by the Board of Trustees of the town or village, or by the City Council or Board of City Commissioners in case of a city, instead of the Board of Supervisors, and a record thereof shall be made in the record books of such municipality. Provided, further, that when a voting place designated by the Board of County Commissioners in a voting district composed of unorganized territory is removed, destroyed, or unavailable, such designation of a voting place shall be made by the Inspector of Elections for said voting district. The voting place in the town, village, city or unorganized voting district so designated shall be used as such until the Board of County Commissioners designates at its next succeeding meeting a voting place as herein provided. The voting place in each voting district designated by the Board of County Commissioners at its first meeting after the taking effect of this Act shall continue to be the voting place of such district until changed by the Board of County Commissioners, or as hereinbefore provided. The Board of County Commissioners shall have authority to change any voting place in any voting district at any regular or special meeting. Nothing in this Act shall be construed as prohibiting townships adjoining or having within their boundaries an incorporated city, town or village, of less than fifteen hundred inhabitants, from holding their election and having their voting place within the corporate limits of such city, town or village, providing the Board of County Commissioners, or, in case the place designated by the Board of County Commissioners becomes removed, destroyed or unavailable for any cause between the date when any regular or special meeting of the Board of County Commissioners is held and the date of any election, the Board of Supervisors of the township, shall designate a place within such city, town or village as the voting place for such township. Provided, further, that when the combined vote of any township and incorporated city, town or village, or the combined vote of any township and any portion of any incorporated city, town or village, within its boundaries, or within the town lines or section lines which form the boundaries thereof, does not exceed five hundred, such township and incorporated city, town or village may have but one voting place.

§ 4. REPEAL.] All Acts and parts of Acts in conflict with this Act, and especially Chapter 147 of the Laws of North Dakota for 1915, are hereby repealed.

§ 5. EMERGENCY.] Whereas, there is now no statute defining the word "precinct" as used in the various sections of the laws of the State of North Dakota with reference to elections, and by reason of the construction of the laws using such word by election officers a large number of persons who have resided for many years in the cities, towns, townships or villages in which they live, but may move from one voting district to another within ninety days preceding an election are thus deprived of the right of suffrage, it is necessary for the immediate preservation of the public peace, health and safety that

this Act shall become effective without delay, an emergency exists, and this Act shall be in full force and effect from and after the date of its passage and approval.

Approved 11:20 A. M. December 10, 1919.

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## EMERGENCY COMMISSION

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### CHAPTER 34.

[H. B. No. 36—Walker,]

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#### MEMBERSHIP.

An Act to Amend and Re-enact Section 1 of Chapter 152 of the Session Laws of 1915. Relating to the Emergency Commission, and Membership Thereof.

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

§ 1. That Section 1 of Chapter 152 of the Session Laws of 1915, is hereby amended and re-enacted to read as follows:

§ 1. AMENDMENT.] EMERGENCY COMMISSION. DUTIES. An Emergency Commission consisting of the Governor, the Commissioner of Agriculture and Labor and the Secretary of State is hereby established, which shall exercise the powers and perform the duties imposed upon it by law. The Governor shall be chairman of the Board, and the Secretary of State the secretary. The Emergency Commission shall meet upon the call of the chairman thereof. The proceedings of the Emergency Commission shall be entered in a record book, or a minute book, and no order of the Emergency Commission shall be valid unless so entered.

Approved 11 A. M., December 10, 1919.

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## EQUALIZATION BOARD

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### CHAPTER 35.

[S. B. No. 26—Olson.]

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#### MEMBERSHIP.

An Act to Amend and Re-enact Section 2141 of the Compiled Laws of North Dakota, for the Year 1913, Providing for the Substitution of the Commissioner of Insurance as a Member of the State Board of Equalization and as Secretary Thereof Instead of the State Auditor.

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