

relative to such assessment and correct or confirm the same. Should a majority of the land owners, subject to assessment for the construction of the proposed ditch, believe that the assessment had not been fairly or equitably made, or that the drain is not properly located or designed, they may appeal to the state engineer by petition to make a review of such benefits and assessments and to examine the location and design of the proposed drain. Upon the receipt of such petition the state engineer shall proceed to examine the lands assessed and the location and design of the proposed drain, and should it appear to him that such assessments have not been equitably made, he may proceed to correct the same and his correction and adjustment of said assessment shall be final. Should it appear that, in the judgment of the state engineer, the drain has been improperly located or designed, he may order a relocation and design, which location and design shall be followed in the construction of the proposed drain. For his services in making such review of assessments and examination of location and design, the state engineer shall be allowed ten dollars per day and actual and necessary expenses during the time he is engaged upon this work. All moneys received by the state engineer for this work shall be paid into the state treasurer and credited to the general fund.

Approved March 10, 1925.

ELECTIONS

CHAPTER 132

(S. B. No. 77—Ward.)

ASSISTING ELECTOR TO MARK BALLOT

An Act To Amend and Re-enact Section 988, of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended and Re-enacted by Chapter 201 of the Session Laws of 1923, Relating to the Disability of Electors in Marking Their Ballots.

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

§ 1. AMENDED.] That Section 988, Compiled Laws of the State of North Dakota for the year 1913, as amended and Re-enacted by Chapter 201 of the Session Laws of 1923, be Amended and Re-enacted so as to read as follows:

§ 988. Any Elector, who declares to the Judges of Election that he or she cannot read the English language, that by blindness

or by other disabilities, he or she is unable to mark his or her ballot, shall, upon request, receive the assistance of either his or her father, mother, husband, wife, brother, sister, son or daughter, or by both Judges of Election, in the marking of his or her ballot; and no one, assisting any voter in marking his or her ballot, under this Act, shall give information regarding the same. No Elector other than one who is unable to read the English language or on account of some disability is unable to mark his or her ballot, shall divulge to any one within the polling place the name of any candidate for whom he or she intends to vote, or ask, or receive the assistance of any person within the polling place to mark his or her ballot.

Any person who solicits that he or she be chosen to assist any voter in marking his or her ballot, or who, being chosen, shall request the voter he is assisting to vote for or against any person, or any issue, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment.

Approved March 6, 1925.

CHAPTER 133

(S. B. No. 235—Carey.)

ELECTION BALLOTS

An Act To Amend and Re-enact Section 959 Compiled Laws of 1913, as Amended by Chapter 203, Session Laws of 1923, Relating to Election Ballots.

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

§ I. AMENDMENT.] Section 959, Compiled Laws of 1913, as Amended by Chapter 203, Session Laws of 1923, is hereby amended and re-enacted so as to read as follows:

§ 959. BALLOTS, HOW PREPARED.] All ballots prepared under the provisions of this chapter shall be white and of 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 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 on the same line in the column under the appropriate party designation of each, all of the names of the candidates duly nom-

inated for that office shall be printed. Where there is more than one person to be elected to an office, there shall be printed in plain type immediately under the designation of the office to be voted for, the following words, "Vote for (number) names only; Mark X after name to be voted for."

There shall 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. The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing in the manner as provided by the Primary Election Law.

Persons nominated 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 of public officers.

A constitutional amendment, initiated or referred measure, or other question 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.

Approved March 10, 1925.

CHAPTER 134

(S. B. No. 83—Olson.)

CONDUCT OF ELECTIONS

An Act To Regulate the Conduct of Elections, Repealing Section 1005, Compiled Laws of 1913, and Chapter 212 of Session Laws of 1923, and Providing Penalties for the Violation Thereof.

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

§ I. POLLS, OPEN WHEN, CANVASS.] That at all elections, General and Primary, the polls shall be opened at nine o'clock A. M. and remain open continuously until seven o'clock P. M. Twenty minutes prior to the hour of closing the Inspector shall proclaim to the electors outside the number of minutes before the polls will be closed. When the polls are closed the judges and inspectors of such primary election shall open the ballot boxes, count and compare the ballots with the clerk's lists, and should any irregularity appear, they shall proceed as now provided by law. When the ballots compare and are of equal number with the clerk's lists, they shall place those of each political party in separate piles, and shall proceed immediately thereafter to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such polls and continue without adjournment until the canvass is completed, which canvass shall be conducted in the following manner, to-wit:

As each ballot is counted, the Inspector of Election and both of the Judges of Election shall examine the ballot to ascertain the persons voted for; and one of the members of the board shall announce the votes disclosed by the ballot, which shall be marked in the tally books by the clerks of Election. After all of the votes are counted, the Election Board shall compare the count as disclosed by the clerk's books with the total number of ballots cast, and if there be any mistakes in the books kept by the clerks, they shall be corrected so as to conform exactly to the number of ballots cast. And the Election Board shall then prepare the triplicate reports of the total votes cast for each candidate, or measure, which figures shall agree with the clerk's books and the number of ballots; and under no circumstances shall the ballots be sealed up, nor the election tally books or triplicate reports be signed by the Election Board or Election clerks until the figures and counts in the clerk's books and in the triplicate reports and the number of ballots cast all show the same totals.

IT IS FURTHER PROVIDED that each member of the Election Board shall sign an oath at the conclusion of the canvass of the votes to the effect that the ballots have been counted and the votes

canvassed as provided in this act, and that the returns as disclosed by the tally books of Election, kept by the clerks of same, and the triplicate reports agree with the number of ballots cast and are true and correct of his own knowledge.

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 each candidate.

§ 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment.

§ 3. REPEAL.] That Section 1005, Compiled Laws of 1913 and Chapter 212, Session Laws of 1923, be and the same is hereby repealed.

Approved March 10, 1925.

CHAPTER 135

(S. B. No. 242—Carey.)

INITIATIVE, REFERENDUM AND RECALL

An Act To Safeguard the Initiative, Referendum and Recall Provisions of the Constitution by Prohibiting Illegal and Fraudulent Signatures to Petitions, Prescribing Form and Manner of Signing and Penalties for Violations.

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

§ 1. No person shall sign any initiative, referendum or recall petition circulated pursuant to the provisions of Articles 26, 28, or 33 of the Constitution, unless he is a qualified elector.

No person shall sign any such petition more than once.

Each signer shall add his residence, post-office address, and date of signing.

Each copy of any such petition before being filed must have attached thereto an affidavit to the effect that each signature to the paper appended is the genuine signature of the person whose name it purports to be, and that each such person is a qualified elector.

§ 2. PENALTY.] Any person convicted of violating any provision of this act shall be deemed to be guilty of a misdemeanor.

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

Approved March 10, 1925.

CHAPTER 136

(S. B. No. 207—Eastgate.)

MINIMUM VOTES FOR NOMINATION—PRIMARY ELECTION

An Act Relating to Primary Elections: Prescribing the Minimum Number of Votes for Nomination.

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

§ 1. At all primary elections no person shall be deemed nominated as candidate for any office unless he receives as many votes as the number of signatures required to be obtained on the petition to have a candidate's name, for such office, placed on the primary ballot.

Approved March 6, 1925.

CHAPTER 137

(S. B. No. 264—Committee on Elections.)

RECOUNT OF TIE VOTE IN ELECTIONS

An Act Relating to Elections; Providing for a Recount in Case of a Tie Vote.

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

§ 1. In case of a tie vote of candidates for either nomination or election, for any county or legislative office, either of such candidates may in lieu of present provisions for determining such tie, demand a recount of the ballots.

After a demand made and upon application to a judge of the district court said court shall issue an order directing that all ballots pertaining to such office shall be forthwith delivered to the canvassing board.

The canvassing board shall recount the ballots in the presence of the court and of the candidates or their representatives. Either

candidate or his representative may object to the counting of any ballot, for reasons inhering in the ballot. All ballots objected to shall be referred to the Judge of the district court for his decision, which shall be rendered at once. If the canvassing board finds that one candidate received the highest number of votes for such office they shall cause to be delivered to him a certificate of nomination or election as the case may be; if the result is a tie then such tie shall be determined by lot.

Approved March 6, 1925.

CHAPTER 138

(H. B. No. 123—Freeman.)

COMPENSATION—MEMBERS BOARD OF REGISTRY

An Act To Amend and Re-enact Section 1100, of the Compiled Laws of North Dakota for the year 1913, Relating to the Compensation of Members of Board of Registry.

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

§ 1. AMENDMENT.] That Section 292 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 1100. COMPENSATION OF MEMBERS OF THE BOARD OF REGISTRY.] The members of the Board of Registry shall receive the same compensation as is now or may hereafter be allowed by law, not to exceed Four Dollars (\$4) per day.

Approved February 24, 1925.

EMINENT DOMAIN

CHAPTER 139

(H. B. No. 127—Hempel.)

RIGHT OF EMINENT DOMAIN OF STATE INSTITUTIONS

An Act Extending the Rights of Eminent Domain as to State Institutions.

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

§ 1. The state may, by the exercise of the right of eminent domain, acquire, for the use of any of the state institutions, any