

is no longer required for such use, the Board of Drainage Commissioners shall have authority and they are hereby empowered to reconvey such land to the proper party entitled thereto upon surrender of all warrants issued or repayment of all cash paid, in payment of such land.

Approved March 7, 1927.

ELECTIONS

CHAPTER 134 (S. B. No. 140—Carey)

DISPOSITION ELECTION BALLOTS—COMPENSATION ELECTION OFFICERS

An Act to Amend and Re-enact Section 1008 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Return and Disposition of Election Ballots and Compensation of Election Officers.

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

§ 1. AMENDMENT.] That Section 1008 of the Supplement to the 1913 Compiled Laws of North Dakota be, and the same is hereby amended and re-enacted to read as follows:

§ 1008. 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 lists 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 opened 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 fireproof vault and shall be securely kept for four 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 election. At the end of four 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 successors 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, 1927.

CHAPTER 135
(S. B. No. 180—Bond)

NO PARTY BALLOT

An Act to Amend and Re-enact Sections 909a2 and 909a5 of the Supplement to the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 909a2 of the Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 909a2. At all primary elections there shall be separate ballots which ballots shall be entitled "No Party 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.

§ 2. AMENDMENT.] That Section 909a5 of the Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 909a5. 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 "No Party Ballot." Such ballot shall otherwise be in the same form as hereinbefore specified for the No Party 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.

Approved March 5, 1927.

CHAPTER 136
(H. B. No. 85—Erickson of Kidder)

**QUALIFICATIONS AND DUTIES INSPECTORS AND JUDGES OF
ELECTION**

**An Act to Amend and Re-enact Section 951 Compiled Laws of North
Dakota of the Year 1913; Providing for Inspectors and Judges of
Election, their Qualifications and Duties.**

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

§ 1. AMENDMENT.] That Section 951 Compiled Laws of the State of North Dakota, year 1913 be amended and re-enacted to read as follows:

§ 951. 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 precincts 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 contained 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 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 residents therein for at least ninety days next preceeding 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 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 an appointed 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. 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 to the inspector prior to the opening of the polls 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, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-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.

Approved March 7, 1927.

CHAPTER 137

(H. B. No. 5—Trubshaw)

TIME AND CONDUCT OF ELECTIONS

An Act to Amend and Re-enact Section 915 of the Compiled Laws of North Dakota for the Year 1913.

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

§ I. AMENDMENT.] That Section 915 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 915. ELECTIONS WHEN; CONDUCT OF ELECTIONS; CITY ELECTIONS TO CONFORM.] On the third Tuesday of March every fourth year, when a presidential election is to be held, the members of the respective political parties shall express their choice for the election of the persons and officers named in this article, and whose names appear upon the ballot according to the provisions herein. Each elector shall be handed the ballot of the party with which he declares himself affiliated, or with which he may have registered at the last preceding registration or election, and such elector shall mark and vote the same in the manner provided herein.

The polls shall be open during the same hours as at general elections. For the purposes of the election herein provided for, in all cities, villages and civil townships the regular election officers thereof shall also act as the election officers, and in unorganized townships and voting precincts outside of cities, villages and civil townships, the inspector and two judges of election, who acted as such at the last general election, or those who have been or may be appointed to fill such vacancies occurring in their offices, pursuant to law, shall act therein as the inspector and judges of election. In all matters not herein expressly otherwise provided for the provisions of any election law of this state, applicable to the case, shall govern. In every fourth year, when a presidential election is held, the time of all city elections shall take place on the third Tuesday in March so as to conform to the provisions of this article, and in such event the city officers elected to office shall have until the second Tuesday of April in which to qualify for such office. The per diem of election officers serving at the election herein provided for and all other expenses in connection therewith shall be paid by the several counties of the State as for other state-wide elections.

Approved March 7, 1927.

CHAPTER 138

(H. B. No. 1—Streich and Ehr)

APPOINTMENT AND ELECTION U. S. SENATOR WHEN VACANCY

An Act to Provide for the Election and Appointment of United States Senator in Congress from this State in Case of a Vacancy in Such Office. Whereas, there is no Law in this State Providing for the Appointment or Election of a United States Senator in Congress from this State in Case of Vacancy in Such Office, Now Therefore

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

§ 1. If a vacancy occurs in the office of United States Senator in Congress from this State, the Governor shall issue writs of election to fill such vacancy at the next State wide election whether

June primary or general election, Provided that the Governor may temporarily fill such vacancy by appointment, the person so appointed to serve only until the vacancy is filled by the people at the next June Primary or General Election aforesaid.

§ 2. Whereas, there is no law upon the statute books covering the subject matter of this act, therefore an emergency is hereby declared to exist and this bill shall take effect from and after its passage and approval.

Approved February 16, 1927.

ELECTRICIANS

CHAPTER 139
(S. B. No. 46—Schlosser)

STATE BOARD OF ELECTRICIANS

An Act to Amend and Re-enact Sections 2, 4 and 7 of Chapter 123 of the Session Laws of 1919, an Act to Create a State Board of Electricians and Prescribing the Duties Thereof, Providing for the Classification, Examination and Licensing of Electricians and Electrical Workers, Prescribing Fees for Such Examination and License, and Providing for Inspection of Electrical Work Through the State Fire Marshal Under the Direction of the State Board.

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

§ 1. AMENDMENT.] That Section 2, 4 and 7 of Chapter 123, of the Session Laws of 1919, as amended and re-enacted to read as follows:

§2. AMENDMENT.] There shall be a Master, Journeyman and Special Electrician, and in the last class shall be included persons employed to operate moving picture machines and switchboards in all buildings used for public assemblages, provided, however, that not more than one special electrician shall be employed except under the direction of a Journeyman electrician. Every person not already a licensed electrician who shall hereinafter engage in the occupation of installing or repairing electrical wires or apparatus which are being or have been installed inside of a building shall apply to the Board for a license. The Board shall examine the applicant and if he be found upon technical or practical examination to be possessed of the required skill and knowledge of the business and reasonably versed in the laws of electricity shall issue him a license to engage in such business for a period of one year, signed by the President and Secretary and attested by the seal. The Board shall,