

§ 8. Any claims of depositors which had been presented to the receiver of a closed bank before December 1, 1930 and allowed by such receiver, but upon which final action had not been taken by the Depositors' Guaranty Fund Commission may be heard and determined by the State Examiner, and his action thereon shall be final. The State Examiner may make rules and regulations for the hearing and determination of such claims.

§ 9. The State Examiner shall have authority to issue certificates of indebtedness in lieu of those which have heretofore been issued, provided no additional liability is created thereby, and he may prescribe rules and regulations in connection therewith.

§ 10. The State Examiner may employ such assistance, as may be necessary, to carry out the provisions of this act.

§ 11. Any balance, remaining in the biennial appropriation made by the Twenty-first Legislative Assembly for the benefit of the Depositors' Guaranty Fund Commission, is hereby transferred to the State Examiner for his use in carrying out the provisions of this act.

§ 12. In the event such appropriation shall be insufficient to meet the expenses of administering such Fund and carrying out the provisions of this act, the State Examiner may pay such expenses out of the Guaranty Fund, but all expenses so paid shall be audited as are other expenses.

§ 13. Any moneys which shall remain in the Guaranty Fund after the payment of the expenses of administration, and after the payment of said dividends has been completed, either by reason of unclaimed dividends or otherwise, shall be transferred into the general fund of the state.

§ 14. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1931.

ELECTIONS

CHAPTER 136

(H. B. No. 156—Halvorson.)

ABSENT VOTERS BALLOT

An act to amend Sections 992, 993 and 996 of the Compiled Laws of North Dakota of 1913 and Repealing Section 995 of the Compiled Laws of North Dakota of 1913; to provide a method of voting at general or primary elections by absent voters.

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

§ 1. AMENDMENT.] Section 992 of the Compiled Laws of North Dakota of 1913 is hereby amended and re-enacted to read as follows:

§ 992. ABSENT VOTER. WHO MAY VOTE.] Any qualified elector of this State having complied with the laws in regard to registration, who is absent from the county in which he is an elector on the day of holding any General or Primary election, or who by reason of physical disability is unable to attend at the polling place in his precinct to vote at any such election, may vote an absent voter's ballot in the manner prescribed in Article 16 of Chapter 11 of the Political Code of the Compiled Laws of North Dakota of 1913.

§ 2. AMENDMENT.] Section 993 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 993. APPLICATION FOR BALLOTS, MADE WHEN.] At any time within thirty days next preceding such election, any voter expecting to be absent on the day of election from the county in which his voting precinct is situated, or who by reason of physical disability is unable to attend at the polling place in his precinct to vote at such election, may procure from the County Auditor of such county an official absent voter's ballot to be voted at such election.

§ 3. AMENDMENT.] Section 996 of the Compiled Laws of North Dakota of 1913 is hereby amended and re-enacted to read as follows:

§ 996. PROCUREMENT OF BALLOT.] Such absent voter's ballot may be procured by an absent voter by a personal application or by the application of an agent, such application may be made either verbally or in writing.

§ 4. REPEAL.] Section 995 of the Compiled Laws of North Dakota of 1913 is hereby expressly repealed together with all Acts and parts of Acts in conflict herewith.

Approved March 10, 1931.

CHAPTER 137

(S. B. No. 93—Brunsdale.)

FILLING VACANCIES ON NO-PARTY BALLOT

An Act providing for the filling of vacancies of elective county officers, Superintendent of Schools, and County Commissioners on the no-party ballot.

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

§ 1. Whenever a vacancy shall exist on the no-party ballot in any county, or district within any county, by reason of the death of any person who was a candidate and was nominated at the Primary Election, or whenever a vacancy shall exist on the no-party ballot due to the failure of a candidate or candidates at the Primary Election to receive the number of votes required by Section 862a Supplement to the Compiled Laws of 1913, or whenever a vacancy shall exist on

the no-party ballot by the conviction of a candidate of a crime or offense involving moral turpitude, or due to the insanity or mental incompetency of any such candidate, then and in that event, such vacancy may be filled by filing with the County Auditor at least thirty days prior to the general election a petition in writing as provided for in Section 854, Supplement to the Compiled Laws of 1913 and acts amendatory thereof and supplemental thereto by such person or persons as desire to become a candidate or candidates for the election to the office for which a vacancy exists pursuant to the terms of this act. Provided, however, that no vacancy shall be deemed to exist under the provisions of this act if there is a candidate or candidates in number equal to the number of officers to be elected for such office.

Approved March 10, 1931.

CHAPTER 138

(H. B. No. 98—Lynch.)

REPEAL PARTY REGISTRATION

An Act to repeal Sections 917, 918 and 919 of the Compiled Laws of North Dakota for the year 1913.

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

§ 1. REPEAL.] Sections 917, 918 and 919 of the Compiled Laws of North Dakota for the year 1913 are hereby repealed.

Approved March 2, 1931.

CHAPTER 139

(S. B. No. 92—Brunsdale.)

PRIMARY ELECTION PETITION COUNTY OFFICERS, COUNTY COMMISSIONERS AND LEGISLATIVE CANDIDATES

An Act to amend and re-enact Section 854, Supplement to the Compiled Laws of 1913, relating to the obtaining and filing of petitions for county officers, county commissioners and legislative candidates and filing fees therefor.

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

§ 1. AMENDMENT.] That Section 854, Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 854. Every candidate for a county or district office shall not more than forty days nor less than thirty days and before four o'clock P. M. of the thirtieth day prior to any primary election present to the County Auditor a petition giving his name, post office address, the title of the office to which he aspires, and if such office is under party designation, then the petition shall state the party represented by the candidate. Such petition shall contain the names of not less

than two per cent and not more than five per cent of the total vote cast for said office at the last general election if the office be under no party designation, and if under party designation, then the same percentage shall be applied to the total vote cast for the candidate of the party represented for the same position at the last general election. If no candidate was elected or votes cast for an office at the last general election, a petition shall be deemed sufficient if it has the number of signers equal to the number of the foregoing percentage requirements applied to the total average vote cast for the offices of Sheriff, Superintendent of Schools and County Auditor at the last general election in such county or district as the case may be, such average to be arrived at by dividing the total vote cast for said offices in such county or district as the case may be by three. Such names appearing upon said petitions as provided for herein shall be procured from at least one-fifth of the election precincts of the county or district.

Each name on a petition shall be that of a qualified voter and if the office is under party designation, then such name shall be subscribed under the proper party heading. Each signer of a nomination paper shall sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing. Upon the receipt of such petition by the County Auditor and the payment to him of the filing fee of three dollars, (\$3.00), excepting candidates for county commissioners, district assessors, surveyors, coroner, county constables and county justices of the peace, who shall pay no filing fee and when accompanied by an affidavit as provided in Section 853 relating to petitions required, fees and filing affidavit of candidate, such County Auditor shall place the name of such applicant upon the primary election ballot in the columns of his party as hereinbefore provided.

When a legislative district is composed of more than one county, the petition herein provided for shall be filed with the County Auditor of the county where the candidate resides, and such County Auditor shall certify to the county auditors of the other counties comprising such legislative districts the names of the candidates filing such petitions. The filing fees received as above by the County Auditor, shall be turned over by him to the County Treasurer to be converted into the general fund.

Approved March 10, 1931.

CHAPTER 140

(H. B. No. 193—Hamilton and Halvorson.)

USE OF VOTERS GUIDE CARDS AT ELECTIONS

An Act to permit the use of guide cards in elections, to assist in enabling elector to vote for the candidate of his or her choice.

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

§ 1. GUIDE CARDS FOR INFORMATION OF VOTERS. HOW PRINTED. WHEN USED.] At any statewide election, either general or primary, for the information and guidance of the elector, there shall be posted in every election booth, a guide-card upon which shall be printed, in separate columns, for each political organization, faction or party, the names of all candidates for United States Senator and Congressmen, State Officers and Legislative candidates in the district where posted, who are endorsed by any state-wide political faction or organization; which said card shall contain nothing but the names of such candidates so endorsed, by any such statewide political faction or organization the title of the office to which each of such candidates aspire, together with a heading to each said column, in form as follows: "The following named candidates are endorsed and supported by the Nonpartisan League," or "The following named candidates are endorsed and supported by the Independent Voters' Association," or a similar statement as to endorsement and support of such list of candidates by the Republican, Democratic or other political faction or organization. Such card shall be not more than 14 inches in depth and shall be divided into columns six inches wide, such columns to be separated by 8 point column rule with at least 3 point face, the number of such columns to be determined by the number of tickets of such political factions or organizations to be represented upon such card and the ticket of each such political faction or organization, shall be printed in one of such columns in identically the same manner and type; the names of the offices for which such candidates are to be nominated or elected, shall be printed thereon in the order in which the same will appear upon the election ballot, and the name of the candidates for each such office shall appear immediately under that of the office to which he aspires:

The column of each political faction or organization represented upon such card, shall be headed only as hereinbefore provided; such heading to be printed in 18 point bold face type:

The name of the office to which each such candidate aspires, shall be printed in 12 point bold faced type, extended:

The name of the candidate shall be printed in 12 point, light faced type, set in caps, and not extended:

Nothing other than the matter hereinbefore specified and provided for shall appear or be printed upon any such guide card, which

guide card shall be of Number 3 white cardboard stock; except that the same may contain the mark or label of any typographical or printer's union.

The auditor of each county within the state is hereby directed and required to prepare and have printed such guide cards, containing the ticket of such political factions or organizations as are entitled thereto under the provisions of this Act; and is hereby required to submit prior to the printing thereof, upon request, to any candidate whose name is entitled to appear upon such guide card, or to any person having a written authorization from any such candidate, to demand the same; a true and correct copy of such guide card in the form proposed to be printed by said auditor.

The guide card as hereinbefore provided for, shall be by the auditor of each county within the state, distributed with other election supplies to each precinct within the county, in a sufficient number to supply to each polling place therein at least two such cards for each election booth therein.

It is hereby made the duty of the County Auditor in every county to accompany such guide cards with an instruction which shall direct the proper election official of each polling place, that one of said guide cards shall be posted by the election inspector in each election booth, and that the same must be kept so posted during the entire time that the polls are open upon such election day; and such auditor shall in such instruction, advise all election officials of the penalty by this act provided for failing to so post, failing to keep posted, and for altering or defacing the said guide cards.

§ 2. PENALTY.] Any election judge, or other person, posting any card in an election booth, other than as above provided; any election judge permitting any card other than as above provided to be posted or remain posted in an election booth; any election inspector so furnished with such cards, failing to post the same in the manner above provided; any election official failing to keep such card so posted during the hours the polls are open on election day; and any person removing, defacing or altering on election day, any card posted in compliance with the provisions hereof, shall be guilty of a misdemeanor.

§ 3. REPEAL.] All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 11, 1931.