

ELECTIONS

CHAPTER 16

H. B. No. 3—(Bergesen and Graham, by request)

ABSENT VOTERS, APPLICATION FOR BALLOT

An Act to amend and re-enact Sections 992, 993 and 995 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 148 of the Session Laws of 1941, repealing Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913; declaring an emergency.

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

§ 1. AMENDMENT.] That Section 992 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 148 of the Session Laws of 1941, is hereby amended and re-enacted to read as follows:

§ 992. ABSENT VOTER, WHO MAY VOTE.] Any qualified elector of this state, who is absent from the county in which he is an elector, or who by reason of physical disability, or who is in the Military or Naval service or the Merchant Marines of the United States of America, and, is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters ballot at any such election as hereinafter provided.

§ 2. AMENDMENT.] That Section 993 of the Compiled Laws of 1913, as amended by Chapter 148 of the 1941 Session Laws is hereby amended and re-enacted to read as follows:

§ 993. APPLICATION FOR BALLOTS. MADE WHEN.] At any time within seventy (70) 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, or who is in the Military or Naval service or the Merchant Marines of the United States of America and, is unable to attend at the polling place in his precinct to vote at such election, may make application to the county auditor of such county for an official absent voters ballot to be voted at such election.

§ 3. AMENDMENT.] That Section 995 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 148 of the Session Laws of 1941, is hereby amended and re-enacted to read as follows:

§ 995. APPLICATION FOR.] Application for such ballot shall be made on a blank to be furnished by the county auditor of the county of which the applicant is an elector and must 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 _____ of the county of _____ of the State of North Dakota, to my best knowledge and belief entitled to vote in such precinct at the next election, expecting to be absent from said county on the day for holding such election, or by reason of physical disability being unable to attend and vote at such election, hereby make application for an official absent voters ballot to be voted by me at such election.

Date _____ Signed _____
Postoffice _____

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.

Provided that when such application is made upon the ground of physical disability it shall be accompanied by the certificate of the superintendent of a hospital in which the applicant is actually confined or by the certificate of a licensed physician who is attending said applicant to the effect that said applicant is under such physical disability by reason whereof he is confined to such hospital or other place of confinement (stating location thereof) and is unable to attend and vote at such election.

Provided that qualified electors in the Military or Naval service or the Merchant Marines of the United States of America shall not be required to file any formal application for an absent ballot but each county auditor of each county in the State of North Dakota shall upon receiving any information whether in writing or otherwise as to the mailing address of any qualified elector in the Military or Naval service or the Merchant Marines of the United States immediately upon receiving the ballots from the printers, mail to such electors a ballot together with proper return envelope and instructions for voting.

§ 4. REPEAL.] That Sections 1002a1, 1002a2, 1002a5 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, are hereby repealed.

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

Approved April 4, 1944.

CHAPTER 17

H. B. No. 9—(Graham and Bergesen, by request)

ABSENT VOTERS, ARMED FORCES, METHOD OF VOTING

An Act to amend and re-enact Sections 1002a3 and 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, relating to absent voters' ballots for voters not in the county on election day and serving in the Armed Forces or Merchant Marine of the United States, declaring an emergency.

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

§ 1. AMENDMENT.] That Section 1002a3 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 1002a3. ABSENT VOTER BALLOT; HOW SENT.] It shall be the duty of each county auditor, at least sixty days before any primary or general election, of his own accord and without application from any elector, to send such absent voter ballot to such elector in the manner provided in section 997 of the Compiled Laws of North Dakota for 1913; provided, however, that the enclosed envelope shall be duly stamped with return air mail postage and the affidavit endorsed thereon may be made by such elector before his immediate commissioned commanding officer, or any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer, and attest such oaths as are required by this act; and provided, further, that such affidavit need not have any venue.

§ 2. AMENDMENT.] That Section 1002a4 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 1002a4. BALLOT AND CANVASSING.] Such absent voter shall make and subscribe such affidavit before his immediate commissioned commanding officer or any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this Act; and shall thereupon, in the presence of such officer and of no other person, mark such ballot or ballots in the manner provided in section 998 of the Compiled Laws of North Dakota for 1913; and the county auditor, upon receipt of such envelope shall

proceed in the same manner as provided in Section 999 of the Compiled Laws of 1913 relating to absent voter ballots; provided, however, that if any such envelope is received by such county auditor too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such auditor at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such auditor in time to canvass and transmit the results to the state canvassing board. In all other respects such absent voter ballots of electors engaged in the military service or merchant marine of the United States shall be treated in the same manner as now provided for the absent voter ballots.

§ 3. EMERGENCY.] This Act shall be declared to be an emergency measure, and shall take effect from and after its passage and approval.

Approved April 4, 1944.

CHAPTER 18

H. B. No. 4—(Bergesen and Graham, by request)

BALLOTS, WHEN PREPARED

An Act to amend and re-enact Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, relating to the duties of the Secretary of State, County Auditor or any other officer by law required to prepare general or primary election ballots; fixing time when said ballots are to be prepared; declaring an emergency.

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

§ 1. AMENDMENT.] That Section 1003 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

§ 1003. BALLOTS FURNISHED AUDITOR, WHEN.] 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 ballots, to prepare and have printed and delivered to the county auditor at least sixty (60) days prior to the holding of any general or primary election, a sufficient number of absent voter ballots provided for by law for the use of all voters likely to be absent from such county on the day of such election.

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

Approved March 29, 1944.

CHAPTER 19

H. B. No. 11—(Graham and Bergesen, by request)

CANDIDATES COUNTY OFFICE, FILING PETITIONS

An Act amending and re-enacting Section 854 of the 1925 Supplement to the Compiled Laws for North Dakota for 1913 as amended by Chapter 139 of the Session Laws of 1931, relating to the obtaining and filing of petitions for county officers, county commissioners and legislative candidates, filing fees therefor and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 854 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 as amended by Chapter 139 of the Session Laws of 1931, is hereby amended and re-enacted to read as follows:

§ 854. Every candidate for a county or district office shall not more than ninety (90) days nor less than seventy (70) days and before four o'clock P. M. of the seventieth (70th) 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.

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.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 20

H. B. No. 10—(Graham and Bergesen, by request)

CANDIDATES, INDIVIDUAL NOMINATIONS, FILING AND CERTIFICATION

An Act to amend and re-enact Sections 973 and 974 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, relating to the time of certification of nomination to be filed with the Secretary of State and certificates of nomination to be filed with the County Auditors; certification by the Secretary of State to County Auditors, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 973 of the Supplement of 1925 to the Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

§ 973. CERTIFICATE OF NOMINATION WHEN TO BE FILED.] Certificates of nomination to be filed with the secretary of state, shall be filed not less than seventy (70) days before the day fixed by law for election of persons in nomination and not later than 5:00 o'clock P. M. on the seventieth (70) day, and certificates of nomination herein directed to be filed with the county auditor, shall be filed not less than seventy (70) days before the day of election and not later than 5:00 o'clock P. M.; provided that in the case of nominations for special elections called to fill vacancies caused by death, resignation or otherwise, such certificates shall be filed not less than twenty-five (25) days before the day of election and not later than 5:00 o'clock P. M. on the twenty-fifth (25) day. The secretary of state and the several county auditors shall cause to be preserved in their respective offices for six months all certificates of nominations filed therein under the provisions of this article. All such certificates shall be open to public inspection under proper regulations to be made by such officers.

§ 2. AMENDMENT.] That Section 974 of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

§ 974. SECRETARY OF STATE TO CERTIFY NOMINATIONS FOR STATE OFFICE.] Not less than sixty-five (65) days before an election to fill any state or district office, the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and post office address of each person nominated for such office as specified in the certificates of nomination filed with him; provided, that in case of a special election called to fill a vacancy the secretary of state shall so certify the names of such candidates not less than twenty (20) days before such special election.

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

Approved March 29, 1944.

CHAPTER 21

H. B. No. 2—(Bergesen and Graham, by request)

CANDIDATES, STATE OFFICE, FILING PETITIONS

An Act to amend and re-enact Section 853 of the Compiled Laws of North Dakota for 1913, relating to the obtaining and filing of petitions of candidates for United States Senate, members of Congress, State officers, Judges of the Supreme and District Courts, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 853 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 853. PETITION REQUIRED. FEES FOR FILING. AFFIDAVIT OF CANDIDATES.] Every candidate for United States senator, member of congress, state officers, (judge of the supreme and district courts.) shall not more than ninety (90) days nor less than seventy (70) days prior to said primary election, present to the secretary of state a petition giving his name, post office address, the title of the office to which he aspires and the party which he represents, containing the names of 3 per cent of the total vote cast for the candidates of the party with which he affiliates, for the same position at the last general election; provided, however, that in no case shall more than three hundred names be required. Each name on the petition shall be that of a legal voter and be subscribed under a certified party heading.

Upon receipt by the secretary of state of such petition accompanied by the following affidavit, he shall place the applicant's name upon the primary election ballot in the columns of his party as hereinafter provided. Said affidavit may be substantially as follows:

State of North Dakota }
County of ----- }ss

I, -----, being duly sworn, depose and say that I reside in the County of -----and State of North Dakota; that I am a qualified voter therein; that I am a candidate for nomination to the office of -----to be chosen at the primary election to be held on the -----, 19--and I do hereby request that my name be printed upon the primary election ballot as provided by law, as a candidate of the -----party for said office.

Subscribed and sworn to before me, this _____ day of
 _____, 19____.

 Notary Public
 North Dakota.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved March 29, 1944.

CHAPTER 22

H. B. No. 13—(Graham and Bergesen, by request)

CANDIDATES, WITHDRAWAL FROM BALLOT

An Act to amend and re-enact Section 976 of the Compiled Laws of North Dakota for 1913, relating to withdrawal of nominees from public office as candidates; fixing time within which such withdrawal may be made; declaring an emergency.

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

§ 1. AMENDMENT.] That Section 976 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 976. IN CASE NOMINEE DECLINES, CERTIFICATE VOID.] Whenever any person nominated for public office as in this chapter provided, shall, at least seventy (70) days before election, in writing notify the officer with whom the certificate nominating him is filed that he declines such nomination; such nomination shall be void.

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

Approved March 29, 1944.

CHAPTER 23

H. B. No. 8—(Graham and Bergesen, by request)

CERTIFICATION AND PUBLICATION, MEASURES

An Act to amend and re-enact Section 979 of the Compiled Laws of North Dakota for 1913 relating to certification by Secretary of State to County Auditors of proposed constitutional amendment and publication for same in the several counties of the State; and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 979 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 979. CONSTITUTIONAL AMENDMENTS TO BE ADVERTISED.] Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote the secretary of state shall, not less than sixty-five (65) days before election, certify the same to the auditor of each county in the state and the auditor of each county shall include the same in the publication provided for in Section 975. Questions to be submitted to the people of the county shall be advertised as provided for nominees for office in such section.

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

Approved March 29, 1944.

CHAPTER 24

H. B. No. 5—(Bergesen and Graham, by request)

CERTIFICATION OF CANDIDATES, PRIMARY ELECTION

An Act to amend and re-enact Section 920 of the Compiled Laws of North Dakota for 1913, relating to certification by the Secretary of State to county auditors of a certified list of names and addresses of candidates at the primary election, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 920 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 920. CERTIFIED LISTS OF NOMINEES.] At least sixty-five (65) days before any primary preceding a general election, the secretary of state shall transmit to each county auditor a certified list containing the names and post-office addresses of each person for whom nomination papers have been filed in his office and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents.

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

Approved March 29, 1944.

CHAPTER 25

H. B. No. 7—(Graham and Bergesen, by request)

COUNTY NO-PARTY BALLOT, FILLING VACANCIES

An Act to amend and re-enact Chapter 138 of the Session Laws of 1939, relating to filling of vacancies of elective county officers, superintendents of schools, and county commissioners on the no-party ballot; declaring an emergency.

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

§ 1. AMENDMENT.] That Chapter 138 of the Session Laws of 1939 is hereby amended and re-enacted to read as follows:

§ 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 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 of the 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 death, 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 seventy (70) 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, except that the petition for the nomination of any person to fill such vacancy shall be signed by at least twenty per cent (20%) of the voters of such county or district, as shown by the total vote cast for Governor at the last preceding general election in said county or district.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect from and after passage and approval.

Approved March 29, 1944.

CHAPTER 26

H. B. No. 12—(Graham and Bergesen, by request)

PRECINCT COMMITTEEMEN, FILING REQUIREMENTS

An Act to amend and re-enact Sections 1 and 3 of Chapter 135 of the Session Laws of 1935 fixing time for the primary election, for the election of precinct committeemen and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 135 of the Session Laws of 1935 be amended and re-enacted to read as follows:

§ 1. That at the Party Primary Election now held on the last Tuesday in June of each even numbered year prior to Presidential years and commencing with the year 1938, and each fourth year thereafter, there shall be elected as hereinafter provided by the qualified electors of each political party from each voting precinct, committeemen to represent such political party.

§ 2. AMENDMENT.] That Section 3 of Chapter 135 of the Session Laws of 1935 be amended and re-enacted to read as follows:

§ 3. Candidates for precinct committeemen may have their names placed on separate party ballots of their respective parties within their respective precincts by filing with the county auditor not more than ninety (90) nor less than seventy (70) days prior to the election petitions bearing the signatures of not less than five per cent of the last vote in such precinct for the aforesaid candidate for presidential elector of the party to which the candidate for precinct committeeman belongs. Such nominating petitions shall conform with the now existing requirements of law in all matters not specifically provided for herein. Each name on the petition shall be that of a qualified voter of the precinct of which the candidate seeks to be elected and be subscribed under a party heading. Each signer of

a nomination paper shall be entitled to sign the same number of petitions as the number of precinct committeemen entitled to be elected in his precinct; he shall add his residence with the street number, if any, and the date of signing.

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

Approved March 29, 1944.

HEALTH

CHAPTER 27

S. B. No. 5—(Stucke, Drew, Porter, Bridston and Day)

BLOOD PLASMA, STORAGE AND DISTRIBUTION

An Act authorizing and directing the State Health Department to secure and process blood; to store and distribute blood plasma free of charge to the people of the State of North Dakota; providing an appropriation of \$10,000.00 therefore; and declaring an emergency.

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

§ 1. The State Health Department in cooperation with the University of North Dakota, is hereby authorized and directed to obtain blood from donors in the State of North Dakota, to purchase equipment necessary for processing such blood, to process the same, and to furnish blood plasma so processed free of charge to the people of the State of North Dakota, and to provide reserves of blood plasma in various parts of the state.

§ 2. The State Health Officer is in authority to establish from time to time rules and regulations covering the distribution and use of such plasma.

§ 3. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of \$10,000.00 to be used for the purpose of purchasing equipment and paying expenses necessary to carry out the purposes of this act. Disbursements shall be made on vouchers approved by the State Health Officer.

§ 4. The State Health Officer shall present a detailed report