

# ELECTIONS

## CHAPTER 238

SENATE BILL NO. 2058  
(Legislative Council)  
(Interim Judiciary Committee)

### INITIATIVE, REFERENDUM, AND RECALL PETITIONS

AN ACT to amend and reenact section 16.1-01-09 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-01-09. Regulations governing initiative, referendum, or recall petitions.

- No person shall sign any initiative, referendum, or recall petition circulated pursuant to ~~the provisions of~~ article III of the Constitution of North Dakota unless ~~he~~ the person is a qualified elector. No person shall sign any petition more than once, and each signer shall add, ~~after his signature,~~ after ~~his post-office~~ the signer's residential mailing address, ~~telephone number if he has one,~~ and the date of signing. Every qualified elector signing a petition shall do so in the presence of the person circulating the petition. A petition must be in substantially the following form:

	<u>Month</u>	<u>Name</u>	<u>Residence</u>	
	<u>Day</u>	<u>Of</u>	<u>(Mailing</u>	<u>City,</u>
	<u>Year</u>	<u>Elector</u>	<u>Address)</u>	<u>State</u>
1.	-----	-----	-----	-----
2.	-----	-----	-----	-----
3.	-----	-----	-----	-----
4.	-----	-----	-----	-----
5.	-----	-----	-----	-----
6.	-----	-----	-----	-----
7.	-----	-----	-----	-----
8.	-----	-----	-----	-----

The number of signature lines on each page of a printed petition may vary if necessary to accommodate other required textual matter.

- 2. Each copy of any petition provided for in this section, before being filed, ~~shall~~ must have attached thereto an affidavit executed by the circulator ~~to the effect that each signature was signed in his presence, and that the petition was circulated in its entirety~~ in substantially the following form:

State of North Dakota)  
 ) ss.  
 County of -----)

(county where signed)

I, -----, being duly sworn,

(circulator)

depose and say that I am a qualified elector; that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each person whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the person whose name it purports to be.

-----  
 (signature of circulator)

Subscribed and sworn to before me

this ----- day of -----, 19---

at -----, North Dakota.

(city)

-----  
 (signature of notary)

Notary Public, North Dakota

- 3. A petition for recall must include, before the signature lines, the name of the person being recalled, the office from which that person is being recalled, and a list of the names and residential mailing addresses of not less than five electors of the state, county, or district in which the official is to be recalled who are sponsoring the recall.

- 2- 4. No petition shall be circulated under the authority of article III of the Constitution of North Dakota by a person who is less than eighteen years of age, nor shall the affidavit called for by subsection 2 be executed by a person who is less than eighteen years of age at the time of signing. All petitions circulated under the authority of the constitution and of this section must be circulated in their entirety.

Approved March 15, 1983

## CHAPTER 239

HOUSE BILL NO. 1385  
(Kretschmar)

## ELECTION WINNER AFTER TIE VOTE

AN ACT to amend and reenact sections 16.1-03-04, 16.1-11-38, 16.1-14-01, 16.1-15-29, 16.1-15-30, 40-21-17, and 58-04-15 of the North Dakota Century Code, relating to the method of determining the winner of an election after a tie vote.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-03-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-03-04. Candidates elected at caucus - Tie vote - Canvassing vote. The candidate, or if more than one precinct committeeman is to be elected, the candidates, receiving the highest number of votes shall be declared elected. If no person shall be nominated for or elected as precinct committeeman, the vacancy shall be filled by appointment of a resident from the precinct by the district executive committee of the party. In case of a tie vote, the caucus chairman immediately shall decide the winner by ~~drawing lots~~ a coin flip. Upon completion of the caucus or vote, the caucus chairman, or persons appointed by him, shall proceed to count and canvass the votes cast for precinct committeemen and ascertain who was elected. The caucus chairman shall notify the county auditor of the number of votes cast for each candidate for precinct committeeman and the names of those elected.

SECTION 2. AMENDMENT. Section 16.1-11-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-38. Tie vote determination. In case of a tie vote the nominee or nominees shall be determined by ~~lot~~ a coin flip, in the presence of the candidates upon at least five days' notice to each candidate, by the canvassing board or boards concerned, at a time and place designated by the board.

**SECTION 3. AMENDMENT.** Section 16.1-14-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**16.1-14-01. Canvassing votes for presidential electors - Tie vote.** The state canvassing board in examining and making a statement of the votes for, and in determining and certifying the persons chosen as, presidential electors shall proceed in the manner prescribed in this title for the canvass of votes for state officers. The secretary of state likewise shall file and record such statement and determination. In canvassing the returns for presidential electors, the group of electors having the greatest number of votes is to be declared elected. If two or more groups of electors are found to have an equal and the greatest number of votes, the election of one group shall be determined by ~~let~~ a coin flip, with the ~~drawing made~~ by the governor flipping the coin in the presence of the other members of the state canvassing board.

**SECTION 4. AMENDMENT.** Section 16.1-15-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**16.1-15-29. Determining tie vote in county offices.** If the requisite number of county officers are not elected because two or more persons have equal and the highest number of votes for one and the same office, the county auditor shall give notice to the persons to appear at his office at a time appointed by him. The persons then shall publicly decide by ~~let~~ a coin flip which of them shall be declared elected. The county auditor shall prepare and deliver to the person elected an election certificate as provided in this chapter. If a demand for a recount is timely made, this section shall apply only if that recount results in a tie vote. No person who has assented to the determination of an election according to this section may thereafter demand a recount of that election.

**SECTION 5. AMENDMENT.** Section 16.1-15-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**16.1-15-30. Determining tie vote for legislative assembly.** If the requisite number of persons are not elected to the state senate or house of representatives because two or more persons have equal and the highest number of votes for one and the same office, the county auditor, if the legislative district in question is within one county, shall, by certified mail, notify the persons with equal and the highest number of votes to appear in his office at a time fixed by him. The time fixed shall not be more than ten days from the date the tie is determined by the county auditor. On the date fixed, the persons notified to appear shall publicly decide by ~~let~~ a coin flip which of them shall be declared elected, and the county auditor shall certify the results to the secretary of state who shall prepare and deliver to the person elected a certificate of election as provided in this chapter. If the legislative district in question is within the boundaries of more than one county, the

county auditor of the county which cast the greater number of votes for the office of governor at the last election at which a governor was elected shall proceed in accordance with this section. If a demand for a recount is timely made, this section shall apply only if that recount results in a tie vote. No person who has assented to the determination of an election according to this section may thereafter demand a recount of that election.

SECTION 6. AMENDMENT. Section 40-21-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-21-17. Highest number of votes elects in municipal election - Procedure on tie vote. The person having the highest number of votes for any municipal office shall be declared elected to such office. In case of a tie vote in the election of any municipal officer, the choice shall be determined by ~~let~~ a coin flip in the presence of the governing body of the municipality and in such manner as it shall direct.

SECTION 7. AMENDMENT. Section 58-04-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-04-15. Tie vote - How determined. If two or more persons have an equal and the highest number of votes for an office, the judges of election, immediately and publicly, shall determine by ~~let~~ a coin flip who of such persons shall be declared elected.

Approved March 17, 1983

## CHAPTER 240

HOUSE BILL NO. 1250  
(Conmy)

### ELECTION BOARD DUTIES

AN ACT to create and enact a new subsection to section 16.1-05-04 of the North Dakota Century Code, relating to duties of the members of election boards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. A new subsection to section 16.1-05-04 is hereby created and enacted to read as follows:

All members of the election board at each precinct using an electronic voting system shall, before the polls are open, verify that each voting device in that precinct contains a ballot label that correctly lists the names of the candidates legally on the ballot for that precinct and verify that the booklets are all identical in arrangement.

Approved March 15, 1983

## CHAPTER 241

SENATE BILL NO. 2105  
(Committee on Judiciary)  
(At the request of the Secretary of State)

### BALLOT FORMAT

AN ACT to amend and reenact section 16.1-06-04 and subsection 8 of section 16.1-11-22 of the North Dakota Century Code, relating to form and quality of ballots.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

\* SECTION 1. AMENDMENT. Section 16.1-06-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-06-04. Form and quality of ballots generally. All official ballots prepared under the provisions of this title for use in precincts in which voting machines or electronic voting systems are not used shall:

1. Be a specific color, and the secretary of state shall prescribe a different color for each separate type of ballot used.
2. Be printed on uniform quality paper in an ink color suitable to make the ballot clearly legible.
3. Be of sufficient length to contain the names of all candidates to be voted for at such election.
4. Have the language "Vote for \_\_\_\_\_ name (or names) only" placed immediately under the name of each office.
5. Have printed thereon "Place a crossmark (X) ~~following~~ by the name of the person for whom you wish to vote."
6. Leave sufficient space for each office to write or paste a name, or names, as the case may be, in lieu of those printed on the ballot.
7. Provide a space enclosed in a square in which the voter may designate by a cross or other mark his choice for each

\* NOTE: Section 16.1-06-04 was also amended by section 1 of House Bill No. 1383, chapter 243.

candidate opposite the name of such candidate, and such space shall precede or follow the candidate's name on the same line in a uniform manner.

8. Have printed thereon the following language: "All ballots, other than those used to vote absentee, must be stamped and initialed by appropriate election officials in order to be counted."

In precincts in which voting machines or electronic voting systems are used, the list of officers and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in a manner and form approximating the requirements of this section.

SECTION 2. AMENDMENT. Subsection 8 of section 16.1-11-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

8. At the ~~right~~ side of the name of each aspirant and in a column shall be printed a square for making a crossmark. No squares shall be printed at the head of the ballot.

Approved March 15, 1983

## CHAPTER 242

SENATE BILL NO. 2318  
(Holmberg)

## BALLOT FORM AND ARRANGEMENT OF NAMES

AN ACT to amend and reenact sections 16.1-06-05 and 16.1-06-07.1 of the North Dakota Century Code, relating to the form and arrangement of names on the election ballot.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-06-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-06-05. Form of general election ballot. The official ballots provided for in this title for partisan election at general elections in precincts in which voting machines are not used shall be prepared as follows:

1. The ballots shall be of sufficient length and width to contain all of the tickets to be voted for, under the appropriate party designation for each.
  2. ~~On the left-hand side of such ballot 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 nominated for that office shall be printed.~~
  3. The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing in the same manner as is provided in the primary election ballot.
  4. The names of all persons nominated by petition shall be placed in one column under the designation of "independent nominations" in the lines respectively specifying the offices for which they are nominated a continuous listing of the designation of all the offices to be voted for.
2. On the top left-hand side of such ballot shall begin a continuous listing of the designation of each office to be

voted for, and under the designation of each office all of the names of the candidates duly nominated for that office shall be printed.

3. The names of candidates nominated for each office must appear under the designation of that office, and under each candidate's name must appear, in smaller type, the appropriate party designation for each candidate. Where a candidate has been nominated by petition, the designation under that candidate's name, in smaller type, must be "independent nomination".
4. The names of candidates under the designation of each office shall be alternated in the printing of the official ballot in the same manner as is provided for the primary election ballot.
5. The size of type shall be as specified by the secretary of state.

In precincts in which voting machines are used, the list of offices and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in a manner and form approximating as far as possible the requirements of this section.

SECTION 2. AMENDMENT. Section 16.1-06-07.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-06-07.1. Arrangement of names on ballot - Presidential electors.

The In presidential election years the ballot provided for in section 16.1-06-05 shall be arranged as follows-

- 1- Initially, the names of the candidates of the party casting the highest number of votes in the state for members of Congress at the last preceding general election shall be arranged in the first or left-hand column of such ballot, of the party casting the next highest number of votes in the second column, of the party casting the next highest number of votes in the third column, and of such other party as the secretary of state may direct in the fourth and successive columns.
- 2- In printing each set of official ballots for the various election precincts, all columns in subsection 1 shall be rotated so that an equal number of ballots shall be printed with each in the first or left-hand position.
- 3- After the ballots are printed as prescribed in subsection 2, they shall be kept in separate piles and then rearranged by taking one from each pile and placing it upon the new pile. This rearrangement for political party column rotation shall be done in conjunction with the required rotation of names within the political party

columns. After the rearrangement is completed, the ballots shall be cut and packaged for the various election precincts.

- 4- In presidential election years the names of presidential electors presented in one certificate of nomination shall be arranged in a group enclosed in brackets to the right and opposite the center of which shall be printed in bold type the surname of the presidential candidate represented. To the right and in a line with such surname, near the margin, shall be placed a single square, and a mark within such square shall be designated a vote for all the electors, and such group shall be placed at the head of the column under the party designated or represented in such certificate.
  
- 5- In precincts in which voting machines or electronic voting systems are used, the rotation of columns required by this section, or any rotation necessary to carry out the intent of this section when a different ballot format is used with electronic voting systems, shall be performed in the same manner as provided for the rotation of names on the primary election ballot include the designation of the office of president and vice president as the first listing of the continuous listing of the designation of each office to be voted for. The names of presidential electors, presented in one certificate of nomination, shall be arranged in a group enclosed in brackets under the designation of the office of president and vice president. To the right and opposite the center of each group of electors' names shall be printed in bold type the surname of the presidential candidate represented and in line with such surname shall be placed a single square. A mark within such square shall be designated as a vote for all the electors. The appropriate party designation shall appear, in smaller type, under the surname of the presidential candidate represented.

Approved March 23, 1983

## CHAPTER 243

HOUSE BILL NO. 1383  
(Conmy)

## ELECTRONIC COUNTING MACHINES

AN ACT to create and enact a new section to chapter 16.1-06 of the North Dakota Century Code, relating to the use of electronic counting machines; and to amend and reenact sections 16.1-06-04, 16.1-13-23, 16.1-15-08, 16.1-15-09, and 16.1-15-10 of the North Dakota Century Code, relating to the form and handling of the ballot and the canvassing of votes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

\* SECTION 1. AMENDMENT. Section 16.1-06-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-06-04. Form and quality of ballots generally. All official ballots prepared under the provisions of this title for use in precincts in which voting machines or electronic voting systems are not used shall:

1. Be a specific color, and the secretary of state shall prescribe a different color for each separate type of ballot used.
2. Be printed on uniform quality paper in an ink color suitable to make the ballot clearly legible.
3. Be of sufficient length to contain the names of all candidates to be voted for at such election.
4. Have the language "Vote for ----- name (or names) only" placed immediately under the name of each office.
5. Have printed thereon "Place a crossmark (X) following the name of the person for whom you wish to vote."
6. Leave sufficient space for each office to write or paste a name, or names, as the case may be, in lieu of those printed on the ballot.

\* NOTE: Section 16.1-06-04 was also amended by section 1 of Senate Bill No. 2105, chapter 241.

7. Provide a space enclosed in a square in which the voter may designate by a cross or other mark his choice for each candidate opposite the name of such candidate, and such space shall follow the candidate's name on the same line.
8. Have printed thereon the following language: "All ballots, other than those used to vote absentee, must be stamped and initialed by appropriate election officials in order to be counted."

Any precinct which uses an electronic counting machine may require the use of a particular writing instrument to mark the ballot so the ballots may be properly counted.

In precincts in which voting machines or electronic voting systems are used, the list of officers and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in a manner and form approximating the requirements of this section.

SECTION 2. A new section to chapter 16.1-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Electronic counting machines authorized. The use of electronic counting machines is hereby authorized in any election precinct upon finding and declaration by resolution of the city or township governing body, and also of the board of county commissioners of the county in which such election precinct is located, that such use is advisable or necessary in that precinct. Thereafter, the machines shall be procured, on a temporary or permanent basis, under terms and conditions, including assumption and division of cost of acquisition and maintenance by the city or township and county, agreed upon by the respective governing bodies. The machines may then be used in any state, county, city, or district election in that precinct or other voting area of which that precinct is a part. Any electronic counting machine used in an election must be so constructed that when properly operated it registers or records correctly and accurately every vote cast.

SECTION 3. AMENDMENT. Section 16.1-13-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-13-23. Preparation of ballot by elector - Folding - Depositing. Upon receipt of a ballot, the elector, forthwith and without leaving the polling place, shall retire alone to one of the voting booths or compartments to prepare his ballot by placing a crossmark (X) or other mark which clearly shows the intention of the elector within the square opposite the name of each person for whom he wishes to vote. In the case of a ballot containing a constitutional amendment, an initiated or referred measure, or any other question to be submitted to a vote of the people, the elector shall place the crossmark (X) or other mark within the square opposite the word or

words expressing his wish. After preparing the ballot, the elector shall fold it so the face of the ballot is concealed and so the endorsement of the inspector or election judge stamped thereon may be seen. The elector then shall hand the ballot to the judge, who, without opening the same or permitting it to be opened or examined except to ascertain whether it is a single ballot and whether it has been stamped and initialed, shall deposit it in the ballot box. In precincts which use an electronic counting device, the ballot need not be folded before handing the ballot to the judge.

**SECTION 4. AMENDMENT.** Section 16.1-15-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**16.1-15-08. Wrapping and returning of ballots to county judge.** After having prepared the reports and poll lists provided for in section 16.1-15-06 for delivery to the county auditor, the inspector and election judges shall cause the ballots of each kind cast at the election to be smoothly spread upon a wrapper of strong durable paper of the same width as the ballots and of sufficient strength to permit its being folded to form a complete wrapper for the ballots. The ballots and wrappers shall then be folded tightly together and the wrapper shall be pasted or glued securely at the outer end to completely envelop and hold the ballots together. Ballots which are void shall be wrapped in a separate wrapper and shall be marked "void". Ballots which are spoiled shall be separately wrapped and marked "spoiled". In folding and sealing ballots, the various classes of ballots shall be kept separate. The judges shall fold all ballots counted by them, except those which are void, and shall place them in manila wrappers, not exceeding two hundred ballots to each wrapper. Each wrapper shall be endorsed with the name or number of the precinct and the date on which the election was held. The wrappers shall be sealed securely in a manner prescribed by the secretary of state so the wrappers cannot be opened without an obvious and permanent breaking of the seal. The ballots, together with those found void or spoiled, and together with the opened envelopes from voted absentee ballots and the unopened envelopes of absentee ballots rejected as defective, shall be returned either in person or by mail to the county judge. Ballots used with any electronic voting system or counted by an electronic counting machine shall be wrapped, sealed, and returned as provided in this section.

**SECTION 5. AMENDMENT.** Section 16.1-15-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**16.1-15-09. Voting machines - Electronic voting systems - Electronic counting machines - Returns.** Election officers shall make returns of votes cast upon voting machines and on electronic voting systems and counted on electronic counting machines for all candidates and for any measures or questions in the same manner as now or hereafter provided by law insofar as such provisions of law are applicable. The county auditor shall designate the public place or places where

electronic voting system ballots and ballots to be counted on electronic counting machines shall be delivered by the election inspector and the two election judges to be counted in the presence of the election inspector and the two election judges; and all. All such counting centers used for counting electronic voting system ballots shall have tabulating equipment which has an element which generates a printed record at the beginning of its operation which verifies that the tabulating elements for each candidate position and each question and the public counter are all set at zero. The tabulating equipment shall also be equipped with an element which generates a printed record at the end of its operation of the total number of voters whose ballots have been tabulated, the total number of votes cast for each candidate on the ballot, and the total number of votes cast for or against any measure appearing on the ballot. Both printed records shall be certified by the election inspector and the two election judges.

If any electronic voting system ballot or a ballot counted by an electronic counting machine is damaged or defective so that it cannot be properly counted by the automatic tabulating or electronic counting equipment, a true duplicate copy shall be made by election officials of opposed interests and substituted for the damaged or defective ballot. All duplicate ballots shall be clearly labeled duplicate, shall bear a serial number which shall be recorded on the damaged or defective ballot, and shall be wrapped and delivered with other ballots to the county judge.

SECTION 6. AMENDMENT. Section 16.1-15-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-15-10. Failure of automatic tabulating or electronic counting equipment - Counting by alternate method. If the automatic tabulating or electronic counting equipment used as part of any electronic voting system or any electronic voting machine fails to operate during the ballot count at any election, the ballots shall be counted by an alternate method.

Approved March 14, 1983

## CHAPTER 244

HOUSE BILL NO. 1643  
(Linderman, Nowatzki, O'Connell, E. Pomeroy)

### CAMPAIGN CONTRIBUTION REPORT DEADLINES

AN ACT to amend and reenact subsection 3 of section 16.1-08-02 of the North Dakota Century Code and sections 16.1-08.1-02 and 16.1-08.1-03 of the North Dakota Century Code as amended by sections 3 and 4 of Senate Bill No. 2268, as approved by the forty-eighth legislative assembly, relating to the reporting of campaign contributions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

\* SECTION 1. AMENDMENT. Subsection 3 of section 16.1-08-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. All political committees formed for the purpose of administering the segregated fund provided for herein shall file a statement listing all contributions received in excess of one hundred dollars in the aggregate for the calendar year covered by the statement, showing the name and mailing address of each contributor of an amount in excess of one hundred dollars in the aggregate for the calendar year covered by the statement, and a listing of all disbursements made for political purposes, no later than October fifteenth of each calendar year with the office of secretary of state. Within thirty days of the close of the calendar year all political committees shall file a supplemental statement in the same form for the last three months of the calendar year.

- a. The form of all statements required by this chapter shall be as prescribed by the secretary of state.
- b. The secretary of state may arrange an audit of any statement filed pursuant to this chapter. The secretary of state shall arrange an audit of any statement that the attorney general requests to be audited. The results of the audit shall be reported to the attorney general.

\* NOTE: Section 16.1-08-02(3) was also amended by section 1 of Senate Bill No. 2268, chapter 245.

- c. Records and statements shall be preserved by the secretary of state for a period of four years from the date of filing. The records and statements are public records and shall be open to public inspection.

**SECTION 2. AMENDMENT.** Section 16.1-08.1-02 of the North Dakota Century Code as contained in section 3 of Senate Bill No. 2268, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

**16.1-08.1-02. Statement required of candidates - Contents - Additional statements.** Any candidate for a public office at any general, primary, or special election, or any candidate who sought a public office or is seeking a public office and who is soliciting or accepting contributions for any political purpose, shall make and file a statement in accordance with this section. The statement shall contain a detailed statement of all contributions received from each individual or political committee which exceed one hundred dollars in the aggregate for the calendar year.

The statement shall include the name and mailing address of all contributors listed. All statements filed pursuant to this section shall be consecutive and, taken together, shall cover the entire calendar year's receipts up through the cutoff date for each statement. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period shall be aggregated for the purposes of the statements required by this chapter.

The statement required of a candidate shall be filed with the secretary of state no later than ~~4:00~~ four p.m. on the tenth day prior to the date of the general, primary, or special election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes complete from the beginning of that calendar year through the fifteenth day prior to the date of the general, primary, or special election. A complete statement for the entire calendar year shall be filed no later than ~~4:00~~ four p.m. on the ~~fifteenth~~ thirtieth day of January of the following calendar year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year or whether the candidate did not seek election at any election through write-in votes. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the report shall be filed no later than ~~4:00~~ four p.m. on the next business day on which the office of the secretary of state is open.

The form of all statements required by this chapter shall be as prescribed by the secretary of state. Statements of a legislative candidate shall be filed in the office of the county auditor of the candidate's county of residence under the same limitations as apply to the filing of statements with the secretary of state. Statements of state office candidates and any other required statements shall be filed in the office of the secretary of state.

No candidate shall be required to file any statement required by this chapter if the candidate has not received any contributions in excess of one hundred dollars during the calendar year.

**SECTION 3. AMENDMENT.** Section 16.1-08.1-03 of the North Dakota Century Code as contained in section 4 of Senate Bill No. 2268, as approved by the forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

**16.1-08.1-03. Contributions statement required of political parties.** Any political party which receives contributions in excess of one hundred dollars and which contributes money to a candidate in excess of one hundred dollars shall, within fifteen days of the close of the calendar year, do one of the following:

1. File a statement listing the total amount contributed to or expended on behalf of a candidate or candidates.
2. File a statement containing a detailed list of all contributions received from an individual or political committee which exceed one hundred dollars in amount. The statement shall include the name and mailing address of all contributors listed.

Any such statement shall be filed with the secretary of state no later than ~~4-00~~ four p.m. on the ~~fifteenth~~ thirtieth day of January following the close of the calendar year which is the subject of the statement. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the statement shall be filed on the next available day on which the office of the secretary of state is open.

Approved April 15, 1983

## CHAPTER 245

SENATE BILL NO. 2268  
(Stenehjem, Holmberg)

## CAMPAIGN CONTRIBUTION REPORTS

AN ACT to amend and reenact subsection 3 of section 16.1-08-02, subsection 1 of section 16.1-08.1-01, and sections 16.1-08.1-02, 16.1-08.1-03 and 16.1-08.1-04 of the North Dakota Century Code, relating to the reporting of campaign contributions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

\* SECTION 1. AMENDMENT. Subsection 3 of section 16.1-08-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. All political committees formed for the purpose of administering the segregated fund provided for herein shall file a statement listing all contributions received in excess of one hundred dollars in the aggregate from each contributor for the calendar year covered by the statement twelve-month period beginning with the first day of October and ending with the thirtieth day of September of the following year, showing the name and mailing address of each contributor of an amount in excess of one hundred dollars in the aggregate for the calendar year covered by the statement each such twelve-month period, and a listing of all disbursements of an amount in excess of one hundred dollars in the aggregate made for political purposes, no later than October fifteenth of each calendar year following each such twelve-month period with the office of secretary of state.
  - a. The form of all statements required by this chapter shall be as prescribed by the secretary of state.
  - b. The secretary of state may arrange an audit of any statement filed pursuant to this chapter. The secretary of state shall arrange an audit of any statement that the attorney general requests to be

\* NOTE: Section 16.1-08-02(3) was also amended by section 1 of House Bill No. 1643, chapter 244.

audited. The results of the audit shall be reported to the attorney general.

- c. Records and statements shall be preserved by the secretary of state for a period of four years from the date of filing. The records and statements are public records and shall be open to public inspection.

SECTION 2. AMENDMENT. Subsection 1 of section 16.1-08.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Candidate" means ~~a person an individual~~ whose name is presented for nomination to public office at any primary election whether the ~~person individual~~ is actually nominated or not; ~~a person an individual~~ whose name is printed as a candidate on an official ballot used at any election; ~~or a person an individual~~ who seeks election through write-in votes; ~~an individual who is soliciting or accepting campaign contributions for his or her own political purpose; or an individual who has sought election to office and who is soliciting or accepting contributions to pay off any campaign debt or to raise money for any political purpose.~~

SECTION 3. AMENDMENT. Section 16.1-08.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-08.1-02. ~~Preelection statement~~ Statement required of candidates - Contents - Additional statements. Any candidate for a public office at any general, primary, or special election, or any candidate who sought a public office or is seeking a public office and who is soliciting or accepting contributions for any political purpose, shall make and file a statement in accordance with this section. The statement shall be filed ~~on the thirtieth day prior to any election and be complete through the thirty-third day prior to the election~~ and shall contain a detailed statement of all contributions received from ~~an each individual or a political committee which exceed one hundred dollars in amount~~ the aggregate for the calendar year.

The statement shall include the name and mailing address of all contributors listed. ~~Within fifteen days after the election, each candidate, or his committee, shall file an additional statement in the same form to be complete through ten days after the election. Within thirty days of the close of the calendar year, each candidate, or his committee shall file an additional statement in the same form for the remainder of the calendar year. All reports statements filed pursuant to this section shall be consecutive and, taken together, shall cover the entire calendar year's receipts up through the cutoff date for each statement. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period shall~~

be aggregated for the purposes of the statements required by this chapter.

The statement required of a candidate shall be filed with the secretary of state no later than 4:00 p.m. on the tenth day prior to the date of the general, primary, or special election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes complete from the beginning of that calendar year through the fifteenth day prior to the date of the general, primary, or special election. A complete statement for the entire calendar year shall be filed no later than 4:00 p.m. on the fifteenth day of January of the following calendar year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year or whether the candidate did not seek election at any election through write-in votes. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the report shall be filed no later than 4:00 p.m. on the next business day on which the office of the secretary of state is open.

The form of all statements required by this chapter shall be as prescribed by the secretary of state. Statements of a legislative candidate shall be filed in the office of the county auditor of the candidate's county of residence under the same limitations as apply to the filing of statements with the secretary of state. Statements of state office candidates and any other required statements shall be filed in the office of the secretary of state.

No candidate shall be required to file any statement required by this chapter if he the candidate has not received any contributions in excess of one hundred dollars during the calendar year.

**SECTION 4. AMENDMENT.** Section 16.1-08.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**16.1-08.1-03. Contributions statement required of political parties.** Any political party which receives contributions in excess of one hundred dollars and which contributes money to a candidate in excess of one hundred dollars shall, within thirty fifteen days of the close of the calendar year, do one of the following:

1. File a statement listing the total amount contributed to or expended on behalf of a candidate or candidates.
2. File a statement containing a detailed list of all contributions received from an individual or political committee which exceed one hundred dollars in amount. The statement shall include the name and mailing address of all contributors listed.

Any such statement shall be filed with the secretary of state no later than 4:00 p.m. on the fifteenth day of January following the close of the calendar year which is the subject of the statement. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the statement shall be filed on the next available day on which the office of the secretary of state is open.

SECTION 5. AMENDMENT. Section 16.1-08.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-08.1-04. Supplemental statement required on large contributions received after original statement - Filing time. If any candidate shall receive any contribution of five hundred dollars or more ~~within the nine days immediately prior to any~~ in the fifteen-day period prior to any general, primary, or special election from any individual contributor, that candidate shall make and file a supplemental statement in the same form as required by section 16.1-08.1-02, stating the name and street address of such contributor and the amount of the contribution, and file the statement in the appropriate office within forty-eight hours of the receipt of the contribution.

Approved April 8, 1983

## CHAPTER 246

HOUSE BILL NO. 1731  
(E. Pomeroy)  
(Approved by Committee on Delayed Bills)

## DELEGATE OBLIGATIONS

AN ACT to amend and reenact section 16.1-11-04 of the North Dakota Century Code, relating to the presidential preference primary.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-04. Presidential preference primary an additional election - ~~Obligations of delegates.~~ The presidential preference primary provided for by sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and 16.1-11-34 shall be in addition to all other elections held on the date of the primary. The Unless specifically forbidden by national party rules, the delegates selected by political parties shall be bound to cast their first ballots at the party national convention in such a manner that each candidate at the party's presidential preference primary receives a proportion of the total votes cast by the delegates equal to the proportion received by that candidate of the total votes cast for all candidates for president of that party at the primary. In computing the number of delegates a candidate may be entitled to on the first ballot, if party rules do not allow apportionment of a delegate and such an apportionment appears necessary because no candidate received more than five-tenths of a delegate, then that delegate shall be assigned to the candidate receiving the highest number of votes in the primary election. If a candidate withdraws before the first ballot voting begins, delegates obligated to vote for that candidate on the first ballot would be released from that obligation.

Approved April 11, 1983

## CHAPTER 247

SENATE BILL NO. 2107  
(Committee on Judiciary)  
(At the request of the Secretary of State)

## PETITION FILING DATES AND VOTE ABSTRACTS

AN ACT to amend and reenact sections 16.1-11-11 and 16.1-15-22 of the North Dakota Century Code, relating to filing dates for county and legislative district candidates' petitions and the transmittal of the abstract of votes by the county auditor to the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-11-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-11-11. County and legislative district candidates' petitions - Filing - Contents. Every candidate for a county or district office shall, not more than seventy nor less than fifty-five days and before four p.m. of the fifty-fifth day prior to any primary election, present to the county auditor of the county in which he resides either:

1. A certificate of endorsement signed by the district chairman of any legally recognized political party containing the candidate's name, post-office address, the title of the office to which he aspires, and the party which he represents; or
2. A petition containing the following:
  - a. The candidate's name, post-office address, and the title of the office to which he aspires.
  - b. The name of the party the candidate represents, only if it is a petition for an office which is under party designation.
  - c. The signatures of qualified electors, the number of which shall be determined as follows:

- (1) If the office is under no party designation, the signatures of not less than two percent and not more than five percent of the total vote cast for the office at the most recent general election at which the office was voted upon.
  - (2) If the office is under a party designation, the signatures of the same percentage as provided in paragraph 1 of the total vote cast for the candidate of the party represented for the same position at the most recent general election at which the office was voted upon.
  - (3) If there were more than one party candidate, the signatures of the same percentage as provided in paragraph 1 of the total number of votes for all party candidates divided by the number of party candidates.
  - (4) If no candidate was elected or no votes were cast for an office at any general election, the number of signers equal to the percentage as provided in paragraph 1 applied to the total average vote cast for the offices of sheriff and county auditor at the most recent general election at which those officers were elected in the petitioner's county or district. This average shall be determined by dividing by two the total vote cast for those offices.
  - (5) In no case shall more than three hundred signatures be required.
- d. The mailing address and date of signing for each signer.

If the petition or certificate of endorsement is mailed, it shall be in the possession of the county auditor before four p.m. on the ~~forty-sixth~~ fifty-fifth day prior to the primary election.

SECTION 2. AMENDMENT. Section 16.1-15-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-15-22. County auditor to transmit abstract of votes to secretary of state after primary election. The county auditor of each county, under his official seal, shall return to the secretary of state by registered or certified mail within fifteen days after the day of any primary election, a certified abstract, under separate political designation or principle, or no-party designation, as the case may be, of the total number of votes cast in his county and the votes cast for every candidate for nomination for United States senator, United States representative, state officers, judges of the supreme court, judges of the district court, and members of the legislative

assembly. The county auditor also shall file with the secretary of state a certificate showing the names and addresses of the persons nominated under the several political designations and principles in his county. The certified abstract and the certificate of nomination to be mailed under the provisions of this section shall be in the possession of the secretary of state before four p.m. on the ~~eighth~~ fifteenth day after the primary election.

Approved March 10, 1983

## CHAPTER 248

HOUSE BILL NO. 1212  
(Committee on Judiciary)  
(At the request of the Secretary of State)

## WITHDRAWAL FROM NOMINATION

AN ACT to amend and reenact section 16.1-12-07 of the North Dakota Century Code, relating to filing deadline to withdraw from a nomination.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-12-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16.1-12-07. If nominee declines - Certificate void. Any person intending to decline a nomination shall do so by filing written notice of that intention with the officer with whom the certificate nominating him is filed. If the written notice is filed with the appropriate officer at least ~~fifty~~ fifty-five days, and before four p.m. on the ~~fiftieth~~ fifty-fifth day before the election, the nomination shall be void. If written notice is mailed, it shall be in the physical possession of the appropriate officer before four p.m. on the ~~fiftieth~~ fifty-fifth day before the election.

Approved January 31, 1983