

2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2269

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2269
2/13/2025

Relating to recall elections for members of a governing body of a city; and to recall petitions and recall elections for political subdivision officials.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

10:15 a.m. Vice Chairman Castaneda called the hearing to order.

Discussion Topics:

- Framework for recall elections
- Expensive, stressful, challenging for community

10:15 a.m. Senator Roers, District 27, introduced the bill and submitted testimony #37523.

10:21 a.m. Kory Peterson, ND League of Cities, testified in favor and submitted testimony #37571.

10:25 a.m. Brenton Holper, Horace City Administrator/City Auditor, testified in favor and submitted testimony #37572.

10:38 a.m. Erika White, State Election Director Secretary of State Office, testified neutral.

10:45 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk



North Dakota Senate

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Senator Kristin Roers

District 27
4415 53rd St S
Fargo, ND, 58104
kroers@ndlegis.gov

COMMITTEES:

Human Services
State and Local Government (Chair)
Majority Caucus Leader

2/13/2025

Members of the Senate State & Local Government Committee:

As we headed into session this year, I was approached by some leaders from the City of Horace - asking if I would be willing to submit a bill on their behalf to define the requirements for recall petitions in cities.

The changes are as follows:

Requires there to be 15 sponsors on the petition to ensure broader support for the petition, rather than the 5 required today

Increases the required signatures on the recall petition from 25% to 35% of the number of voters in the previous election for the individual attempting to be recalled

- For example - even though this wouldn't apply to a legislative race - only a city - here is how the numbers would play out: in my 2022 Election, I received 3023 votes, so a petition to recall me would require 1058 signatures (which equates to about 6% of the 16,700 population of my district). 25% would have been 756 signatures, an increase of 302 signatures.
- To give an example of numbers for a City race with smaller turnout, the 2022 Primary Election for Horace City Council, the 2 winners received 294 & 295 votes each - 35% of that would be 103 signatures. Horace has a population well over 5000 today, so that would be around 2% of the total population. 25% would have been 74 signatures, an increase of 29 signatures.

In the process of drafting this bill, I learned about the scenario that was playing out in Dickinson, where a city official was attempting to be recalled, but only the recalled official filed to run for that election. The city is still required to hold the election, so I included a provision in the bill that would allow for the election to not have to be held - and the cost not having to be incurred - if there was only the one candidate.

After the bill was published, the Secretary of State's office recommended some edits and I will let them speak to what those changes are.



February 13, 2025

Senate State and Local Government

SB 2269

Senator Kristin Roers, Chair

For the record, my name is Kory Peterson. I am appearing before you today on behalf of the North Dakota League of Cities, in support of SB 2269. Prior to working with the North Dakota League of Cities, I was the Mayor of Horace for 8 years, from June 2016 to July 2024.

The League of Cities is supportive of measures to make a recall within a municipality have more definition. There has been concern about recalls that are based upon an initial petty grievance that escalates into a recall situation.

As Mayor of Horace, I was around to witness 2 recalls which involved 3 elected officials within the city in a two-and-a-half-year period. Both recalls were based upon a perceived grievance by a 5-member group in the city. The grievance was regarding tax increases within the city which were caused by market forces caused by the rapid growth the city was experiencing.

As Mayor, I was under the impression for an elected official to be recalled involved in some egregious situation that would be criminal activity, policy deviation, or reckless endangerment with the city. I was surprised to learn that the reason can be subjective by a 5-member group of a recall committee. A simple "We feel this council member does not reflect the current sentiment of our city" will suffice as a reason to initiate a recall.

While the League promotes transparency in city governance, there should be processes in the place to make the recall process more aligned with a serious offense or some infraction that was committed by an elected official.

The League wants to encourage citizens to engage in local governance. If recalls are going to be used as a weapon to remove elected officials, it is going to be more difficult to recruit interested citizens to run for public office.

This bill addresses some of the concerns I heard surrounding Horace city recalls. One issue we see in the bill is the 15 signature to initiate a recall. There are currently 26 cities in the state that have 15 people or less. We would recommend that cities with 250 or more in population be required to have 15 signatures. We want to make the process fair for our smaller communities.

The League is in favor of bill 2269 with considerations to our smaller communities as mentioned above

Thank you.

Kory Peterson

Testimony on Senate Bill 2269

Presented by Brenton Holper- City Administrator, Horace

2/13/2025

Chairperson Roers, members of the committee, thank you for the opportunity to testify today in support of Senate Bill 2269. My name is Brenton Holper, and I serve as the City Administrator and City Auditor for the City of Horace. I'm here to provide support for this bill, as it improves the necessary framework for recall elections. In addition, I can answer questions this committee may have regarding impact on this bill, from working firsthand with the recall election process.

The current Recall and Special Election process is cumbersome, costly, stressful, and challenging. In some cases, recall petitions and campaigns are used as a tool intimidate elected officials to vote a specific way.

SB 2269 introduces a more structured and transparent process for recalling elected officials. By establishing sound petition requirements, adjustments to defined timelines, and procedural safeguards, this legislation strengthens our election process while reducing undue disruption in a community.

For the City of Horace, I see this bill bringing forward various improvements:

1. **Balancing Recall Requirements** – Raising the petition threshold from 25% to 35% of voters helps ensure that recall efforts represent a significant portion of the electorate rather than a small, vocal minority.
2. **Increased Number of Required Recall Committee Members** – By increasing the number of required committee members from 5 to 15, this helps provide better assures of adequate representation of voting populaces.
3. **Ability to Fiscally Responsible with Elections** – By providing the ability for the City Auditor to cancel the recall election if the member subject to the recall election is the only individual on the ballot for that election. Therefore, limiting costs of an election when no other candidates were willing to come forward and run for the position.
4. **Further Suggestions/Additional Considerations** – We would also like to see the following additional changes considered/enacted-
 - A requirement that each circulated signature page includes:
 - the name of the elected official being recalled and their position/title;
 - the reason for the recall as noted on the petition approved as to form by the ND Secretary of State;
 - the name and signature/initials of the petition circulator.
 - Encourage Counties to administer the election process once the City Auditor calls the election valid and to proceed. If a City had a recall and they request County assistance, the City is responsible for reimbursing all associated costs the County incurs and coordinating logistics. (The reasoning for this suggestion is due to the County has the expertise and often the best equipment to provide the most accurate election).

Horace specifically has felt the financial and time-consuming impacts of the current recall elections. Horace experienced recall elections in 2021 (2 – City Council positions) and 2023 (1 – City Council position). The City was fortunate to work in collaboration with Cass County for the County to administer the election. As the City Auditor, I was responsible for reviewing and validating the petition signatures, calling the election, coordinating a contract for election services with Cass County, and collecting the results for the City Council to certify. In 2021, the final cost for services from Cass County was \$7,666.70. This cost does not account for any City staff time or resources dedicated throughout this process. My estimate is that this election cost the City of Horace approximately \$12,000. A total of 1,211 votes were casted for those two City Council positions.

In 2023, the City of Horace worked with Cass County again in the same fashion of 2021. One City Council position was facing a recall. The total cost with Cass County was \$8,953.60. My estimate is that this election cost the City of Horae approximately \$13,000 when accounting for City staff time and resources.

Neither of these elections were budgeted expenses and the City was able to pivot to handle these unexpected costs.

I urge this committee to support the proposed SB 2269 with a Do Pass recommendation and help strengthen our local government election processes in North Dakota. Thank you for your time and consideration of SB 2269.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2269
2/13/2025

Relating to recall elections for members of a governing body of a city; and to recall petitions and recall elections for political subdivision officials.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

3:49 p.m. Vice Chairman Castaneda called the hearing to order.

Discussion Topics:

- Add school board
- Filing dead line

3:49 p.m. Committee discussion

3:51 p.m. Erika White, State Election Director Secretary of State Office answered questions for the committee.

4:04 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2269
2/14/2025

Relating to recall elections for members of a governing body of a city; and to recall petitions and recall elections for political subdivision officials.

10:30 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Deadline
- Write in candidate
- City sponsors

10:31 a.m. Erika White, State Election Director Secretary of State Office presented language on possible amendment that was discussed previously.

10:37 a.m. Kory Peterson, North Dakota League of Cities, testified in favor.

10:37 a.m. Senator Lee moved Amendment LC #25.1278.01001.

10:37 a.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

10:38 a.m. Senator Braunberger moved a Do Pass as amended.

10:38 a.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Senate State and Local Government Committee
SB 2269
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Page 2

Motion Passed 6-0-0

Senator Castaneda will carry the bill.

10:39 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2269

Introduced by

Senators Roers, Rummel

Representatives Christy, Stemen

2-14-25

JB 1068

1 A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota
2 Century Code, relating to recall elections for members of a governing body of a city; and to
3 amend and reenact section 16.1-01-09.1 and subsection 1 of section 44-08-21 of the North
4 Dakota Century Code, relating to recall petitions and recall elections for political subdivision
5 officials.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 16.1-01-09.1 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-01-09.1. Recall petitions - Signature - Form - Circulation.**

- 10 1. A request of the secretary of state for approval of a petition to recall an elected official
11 or appointed official of a vacated elected office may be presented over the signatures
12 of the sponsoring committee on individual signature forms that have been notarized.
13 The secretary of state shall prepare a signature form that includes provisions for
14 identification of the recall; the printed name, signature, and address of the committee
15 member; and notarization of the signature. The filed signature forms must be originals.
16 The secretary of state shall complete the review of the form of a recall petition in not
17 less than five, nor more than seven, business days, excluding Saturdays.
- 18 2. An individual may not sign a recall petition circulated pursuant to article III of the
19 Constitution of North Dakota ~~or~~ section 44-08-21, or section 3 of this Act unless the
20 individual is a qualified elector. An individual may not sign a petition more than once,

and each signer shall also legibly print the signer's name, complete residential, rural route, or general delivery address, and the date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition. A petition must be in substantially the following form:

RECALL PETITION

We, the undersigned, being qualified electors request that _____ (name of the individual being recalled) the _____ (office of individual being recalled) be recalled for the reason or reasons of _____.

RECALL SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota and the political subdivision who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

	Name	Complete Residential, Rural Route, or General Delivery Address
1.	_____ (Chairperson)	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota for thirty days, and you are a United States citizen. All signers shall also legibly print their name, complete residential, rural route, or general delivery address, and date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

QUALIFIED ELECTORS

Signed	Printed	Complete Residential,
--------	---------	-----------------------

1	Month,	Name of	Name of	Rural Route,	City
2	Day,	Qualified	Qualified	or General	State,
3	Year	Elector	Elector	Delivery Address	Zip Code
4	1. _____				
5	2. _____				
6	3. _____				
7	4. _____				
8	5. _____				
9	6. _____				
10	7. _____				
11	8. _____				

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

3. Each copy of a petition provided for in this section, before being filed, must have attached an affidavit executed by the circulator in substantially the following form:

State of North Dakota)

) ss.

County of _____)

(county where signed)

I, _____, being sworn, say that I am a qualified elector; that I

(circulator's name)

reside at _____;

(address)

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each individual 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 individual whose name it purports to be.

(signature of circulator)

Subscribed and sworn to before me on _____, _____, at

1 _____, North Dakota.

2 (city)

3 (Notary Seal) _____

4 (signature of notary)

5 Notary Public

6 My commission expires _____

7 4. A petition for recall must include, before the signature lines for the qualified electors as
8 provided in subsection 2, the name of the individual being recalled, the office from
9 which that individual is being recalled, and a list of the names and addresses of not
10 less than five qualified electors of the state, political subdivision, or district in which the
11 official is to be recalled who are sponsoring the recall.

12 5. For the recall of an elected official under article III of the Constitution of North Dakota,
13 circulators have one year to gather the required number of signatures of qualified
14 electors on the recall petition from the date the secretary of state approves the recall
15 petition for circulation. For the recall of an elected official under section 44-08-21 or
16 section 3 of this Act, circulators have ninety days from the date the secretary of state
17 approves the recall petition for circulation to submit the recall petition to the
18 appropriate filing officer.

19 6. A petition may not be circulated under the authority of article III of the Constitution of
20 North Dakota ~~or~~, section 44-08-21, or section 3 of this Act by an individual who is less
21 than eighteen years of age, nor may the affidavit called for by subsection 3 be
22 executed by an individual who is less than eighteen years of age at the time of signing.
23 All petitions circulated under the authority of the constitution and of this section must
24 be circulated in their entirety.

25 7. When recall petitions are delivered to the secretary of state or other filing officer with
26 whom a petition for nomination to the office in question is filed, the chairman of the
27 sponsoring committee shall submit to the secretary of state or other filing officer an
28 affidavit stating that to the best of that individual's knowledge, the petitions contain at
29 least the required number of signatures. The chairperson also shall submit a complete
30 list of petition circulators which must include each circulator's full name and residential
31 address. The residential address must be in this state and identify the circulator's

1 street address, city, and zip code. Upon submission of the petitions to the appropriate
2 filing officer, the petitions are considered filed and may not be returned to the chairman
3 of the sponsoring committee for the purpose of continuing the circulation process or
4 resubmitting the petitions at a later time. An elector's name may not be removed by
5 the elector from a recall petition that has been submitted to and received by the
6 appropriate filing officer.

7 8. The filing officer has a reasonable period, not to exceed thirty days, in which to pass
8 upon the sufficiency of a recall petition. The filing officer may conduct a representative
9 random sampling of the signatures contained in the petitions by the use of
10 questionnaires, postcards, telephone calls, personal interviews, or other accepted
11 information-gathering techniques, or any combinations thereof, to determine the
12 validity of the signatures. Signatures determined by the filing officer to be invalid may
13 not be counted and all violations of law discovered by the filing officer must be
14 reported to the state's attorney for possible prosecution.

15 9. The filing officer shall call a special recall election to be held no sooner than ninety-five
16 days nor later than one hundred five days following the date the filing officer certifies
17 the petition valid and sufficient. No special recall election may be called if that date
18 would be within ninety-five days of the next scheduled election.

19 10. A notice of the recall election must be posted in the official newspaper thirty days
20 before the candidate filing deadline, which is by four p.m. on the sixty-fourth day
21 before the election. The official notice must include the necessary information for a
22 candidate to file and have the candidate's name included on the ballot.

23 11. A special recall election may not be held if candidate filings are not received by the
24 filing officer before the candidate filing deadline. The filing officer shall declare the
25 recall petition ineffective, and the elected or appointed official may continue to serve
26 the remainder of their term. A notice of cancellation of the recall election due to no
27 candidate filing received must be posted in the official newspaper within fifteen days
28 following the candidate filing deadline.

29 12. An official may not be recalled if the recall special election would occur within one year
30 of the next regularly scheduled election in which the official could be re-elected.

SECTION 2. AMENDMENT. Subsection 1 of section 44-08-21 of the North Dakota Century Code is amended and reenacted as follows:

1. An elected official of a political subdivision, except a township officer, an individual serving as a member of a governing body of a city or as a member of a school board subject to recall under section 3 of this Act, or an official subject to recall under section 10 of article III of the Constitution of North Dakota, is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the official sought to be recalled was on the ballot, not including other recall elections. An official who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the office of the official sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section.

SECTION 3. A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

Recall of elected members of a governing body of a city or school board.

1. An individual serving as a member of a governing body of a city or school board is subject to recall by petition of electors equal in number to thirty-five percent of the voters who voted in the most recent election that the member sought to be recalled was on the ballot, not including other recall elections. A member who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to thirty-five percent of the voters who voted in the most recent election that the office of the member sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section, except ~~all~~ petitions circulated under this section must have fifteen petition sponsors if the city population is greater than two hundred fifty or the school district has a fall enrollment of greater than two hundred fifty. Each petition sponsor shall provide on the petition the sponsor's name and address. Each petition sponsor must be a qualified elector of the city or the school district in which the member subject to the recall is serving.

- 1 2. A recall petition must include a stated reason for the recall and be approved as to form
2 before circulation by the secretary of state. The secretary of state shall complete the
3 review of the form of a recall petition in not less than five, nor more than seven,
4 business days, excluding Saturdays. To be effective, a recall petition must be
5 submitted to the city auditorfiling officer within ninety days after the date the recall
6 petition is approved for circulation by the secretary of state.
- 7 3. Once circulated, the recall petition must be filed with the city auditorfiling officer with
8 whom a petition for nomination to the office in question is filed. The city auditorfiling
9 officer shall pass on the sufficiency of a petition by reviewing every signature affixed to
10 the petition. Except as otherwise provided in this section, the city auditorfiling officer
11 shall call a special election to be held not sooner than ninety-five days nor later than
12 one hundred five days following the date the city auditorfiling officer certifies the
13 petition valid and sufficient. A special election may not be called if that date would be
14 within ninety-five days of the next scheduled election. An elector's name may not be
15 removed from a recall petition that has been submitted to and received by the city
16 auditorfiling officer.
- 17 4. The name of the member to be recalled must be placed on the ballot unless the
18 member resigns within ten days after the city auditorfiling officer certifies the petition is
19 valid and sufficient. Other candidates for the office may be nominated in a manner
20 provided by law and shall file nominating papers with the appropriate city auditorfiling
21 officer by the sixty-fourth day before the scheduled recall election. If the member
22 subject to the recall election is the only individual placed on the ballot for that election,
23 the city auditor shall cancel the election. A special recall election may not be held if
24 candidate filings are not received by the filing officer before the candidate filing
25 deadline. The filing officer shall declare the recall petition ineffective, and the member
26 may continue to serve the remainder of the member's term. A notice of cancellation of
27 the recall election due to no candidate filing received must be posted in the official
28 newspaper within fifteen days following the candidate filing deadline.
- 29 5. If the member resigns, the governing body of the cityfiling officer may call a special
30 election or appoint an individual to complete the unexpired term of the office. When

- 1 the election results have been officially declared, the candidate receiving the highest
2 number of votes is elected for the remainder of the term.
- 3 6. A member is not subject to recall twice during the term for which the member was
4 elected. A member whose office is on the ballot at a regularly scheduled election
5 occurring within one year is not subject to recall if the recall special election would
6 occur within one year of the next regularly scheduled election in which the member
7 could be re-elected.

**REPORT OF STANDING COMMITTEE
SB 2269**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.1278.01001](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2269 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 HOUSE POLITICAL SUBDIVISIONS

SB 2269

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2269
3/20/2025

Relating to recall petitions and recall elections for political subdivision officials.
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3:29 p.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Discussion Topics:

- Requirements for a recall election
- Recall elections for positions with one candidate
- Political subdivisions within the bill

3:30 p.m. Senator Kristin Roers, North Dakota Senator for District 27, introduced the bill.

3:37 p.m. Kory Peterson, North Dakota League of Cities, testified in favor and provided testimony #43174.

3:41 p.m. Michael Howe, North Dakota Secretary of State, answered committee questions.

Additional written testimony:

Brenton Holper, City Administrator and City Auditor for the City of Horace, submitted testimony in favor #43257.

3:46 p.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk



March 20, 2025

House Political Subdivisions

SB 2269

Donald W. Longmuir, Chair

For the record, my name is Kory Peterson. I am appearing before you today on behalf of the North Dakota League of Cities, in support of SB 2269. Prior to working with the North Dakota League of Cities, I was the Mayor of Horace for 8 years, from June 2016 to July 2024.

The League of Cities is supportive of measures to make a recall within a municipality have more definition. There has been concern about recalls that are based upon an initial petty grievance that escalates into a recall situation.

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While the League promotes transparency in city governance, there should be processes in the place to make the recall process more aligned with a serious offense or some infraction that was committed by an elected official.

The League wants to encourage citizens to engage in local governance. If recalls are going to be used as a weapon to remove elected officials, it is going to be more difficult to recruit interested citizens to run for public office.

In collaboration with the bill sponsor and the Secretary of State's office, we were able to work out an amendment to this bill to add more clarification and add school districts to this bill. The League appreciates the group effort with the different entities to make this a better bill.

The League recommends a Do Pass on bill 2269.

Thank you.

Kory Peterson

Testimony on Senate Bill 2269

Presented by Brenton Holper- City Administrator, Horace

3/20/2025

Chairman Longmuir, members of the House Political Subdivisions Committee, thank you for the opportunity to testify in support of SB 2269. My name is Brenton Holper, and I serve as the City Administrator and City Auditor for the City of Horace. I'm supportive of this bill as it improves the necessary framework for recall elections. In addition, I can answer questions this committee may have regarding impacts from this bill, from working firsthand with the recall election process on more than one occasion.

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2. **Increased Number of Required Recall Committee Members** – By increasing the number of required committee members from 5 to 15, this helps provide better assurances of adequate representation of voting populations.
3. **A stronger ability to be Fiscally Responsible with Elections** – By providing the ability for the City Auditor to cancel the recall election if the member subjected to the recall election is the only individual on the ballot for that election. This would limit costs of an election when no other candidates were willing to come forward and run for the position.
4. **Further Suggestions/Additional Consideration** – We would also like to see the following additional changes considered/enacted -
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validating the petition signatures, calling the election, coordinating a contract for election services with Cass County, and collecting the results for the City Council to certify. In 2021, the final cost for services from Cass County was \$7,666.70. This cost does not account for any City staff time or resources dedicated throughout this process. My estimate is that this election cost the City of Horace approximately \$12,000. A total of 1,211 votes were cast for those two City Council positions.

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I urge this committee to support the proposed SB 2269 with a Do Pass recommendation and help strengthen our local government election processes in North Dakota. Thank you for your time and consideration of SB 2269.

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2269
3/27/2025

A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to recall elections for members of a governing body of a city; and to amend and reenact section 16.1-01-09.1 and subsection 1 of section 44-08-21 of the North Dakota Century Code, relating to recall petitions and recall elections for political subdivision officials.

10:50 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Representatives Bolinske, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Warrey

Members Absent: Vice-Chairman Jonas, Representatives Davis, Toman

Discussion Topics:

- Recalling of elections with only one running candidate

10:51 a.m. Representative Heilman moved to adopt Amendment LC:25.1278.02001, testimony #44312.

10:53 a.m. Representative Bolinske seconded the motion.

10:54 a.m. Motion held to discuss the proposed Amendment with the bill sponsor.

Additional written testimony:

Representative Matt Heilman, North Dakota Representative for District 7, submitted neutral testimony #44312.

10:56 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

25.1278.02001
Title.

Prepared by the Legislative Council
staff for Representative Heilman
March 26, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2269

Introduced by

Senators Roers, Rummel

Representatives Christy, Stemen

1 A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota
2 Century Code, relating to recall elections for members of a governing body of a city; and to
3 amend and reenact section 16.1-01-09.1 and subsection 1 of section 44-08-21 of the North
4 Dakota Century Code, relating to recall petitions and recall elections for political subdivision
5 officials.

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

7 **SECTION 1. AMENDMENT.** Section 16.1-01-09.1 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 16.1-01-09.1. Recall petitions - Signature - Form - Circulation.

- 10 1. A request of the secretary of state for approval of a petition to recall an elected official
11 or appointed official of a vacated elected office may be presented over the signatures
12 of the sponsoring committee on individual signature forms that have been notarized.
13 The secretary of state shall prepare a signature form that includes provisions for
14 identification of the recall; the printed name, signature, and address of the committee
15 member; and notarization of the signature. The filed signature forms must be originals.
16 The secretary of state shall complete the review of the form of a recall petition in not
17 less than five, nor more than seven, business days, excluding Saturdays.
- 18 2. An individual may not sign a recall petition circulated pursuant to article III of the
19 Constitution of North Dakota ~~or~~, section 44-08-21, or section 3 of this Act unless the
20 individual is a qualified elector. An individual may not sign a petition more than once,

and each signer shall also legibly print the signer's name, complete residential, rural route, or general delivery address, and the date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition. A petition must be in substantially the following form:

RECALL PETITION

We, the undersigned, being qualified electors request that _____ (name of the individual being recalled) the _____ (office of individual being recalled) be recalled for the reason or reasons of _____.

RECALL SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota and the political subdivision who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

Complete Residential,

Rural Route,

or General

Name

Delivery Address

1. _____ (Chairperson) _____
2. _____
3. _____
4. _____
5. _____

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota for thirty days, and you are a United States citizen. All signers shall also legibly print their name, complete residential, rural route, or general delivery address, and date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

QUALIFIED ELECTORS

Signed	Printed	Complete Residential,
--------	---------	-----------------------

Month, Day, Year	Name of Qualified Elector	Name of Qualified Elector	Rural Route, or General Delivery Address	City State, Zip Code
------------------------	---------------------------------	---------------------------------	--	----------------------------

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.

3. Each copy of a petition provided for in this section, before being filed, must have attached an affidavit executed by the circulator in substantially the following form:

State of North Dakota)

) ss.

County of _____)

(county where signed)

I, _____, being sworn, say that I am a qualified elector; that I

(circulator's name)

reside at _____;

(address)

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each individual 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 individual whose name it purports to be.

(signature of circulator)

Subscribed and sworn to before me on _____, _____, at

1 _____, North Dakota.

2 (city)

3 (Notary Seal) _____

4 (signature of notary)

5 Notary Public

6 My commission expires _____

7 4. A petition for recall must include, before the signature lines for the qualified electors as
8 provided in subsection 2, the name of the individual being recalled, the office from
9 which that individual is being recalled, and a list of the names and addresses of not
10 less than five qualified electors of the state, political subdivision, or district in which the
11 official is to be recalled who are sponsoring the recall.

12 5. For the recall of an elected official under article III of the Constitution of North Dakota,
13 circulators have one year to gather the required number of signatures of qualified
14 electors on the recall petition from the date the secretary of state approves the recall
15 petition for circulation. For the recall of an elected official under section 44-08-21 or
16 section 3 of this Act, circulators have ninety days from the date the secretary of state
17 approves the recall petition for circulation to submit the recall petition to the
18 appropriate filing officer.

19 6. A petition may not be circulated under the authority of article III of the Constitution of
20 North Dakota ~~or~~, section 44-08-21, or section 3 of this Act by an individual who is less
21 than eighteen years of age, nor may the affidavit called for by subsection 3 be
22 executed by an individual who is less than eighteen years of age at the time of signing.
23 All petitions circulated under the authority of the constitution and of this section must
24 be circulated in their entirety.

25 7. When recall petitions are delivered to the secretary of state or other filing officer with
26 whom a petition for nomination to the office in question is filed, the chairman of the
27 sponsoring committee shall submit to the secretary of state or other filing officer an
28 affidavit stating that to the best of that individual's knowledge, the petitions contain at
29 least the required number of signatures. The chairperson also shall submit a complete
30 list of petition circulators which must include each circulator's full name and residential
31 address. The residential address must be in this state and identify the circulator's

street address, city, and zip code. Upon submission of the petitions to the appropriate filing officer, the petitions are considered filed and may not be returned to the chairman of the sponsoring committee for the purpose of continuing the circulation process or resubmitting the petitions at a later time. An elector's name may not be removed by the elector from a recall petition that has been submitted to and received by the appropriate filing officer.

8. The filing officer has a reasonable period, not to exceed thirty days, in which to pass upon the sufficiency of a recall petition. The filing officer may conduct a representative random sampling of the signatures contained in the petitions by the use of questionnaires, postcards, telephone calls, personal interviews, or other accepted information-gathering techniques, or any combinations thereof, to determine the validity of the signatures. Signatures determined by the filing officer to be invalid may not be counted and all violations of law discovered by the filing officer must be reported to the state's attorney for possible prosecution.

9. The filing officer shall call a special recall election to be held no sooner than ninety-five days nor later than one hundred five days following the date the filing officer certifies the petition valid and sufficient. No special recall election may be called if that date would be within ninety-five days of the next scheduled election.

10. A notice of the recall election must be posted in the official newspaper thirty days before the candidate filing deadline, which is by four p.m. on the sixty-fourth day before the election. The official notice must include the necessary information for a candidate to file and have the candidate's name included on the ballot.

11. A special recall election may not be held if candidate filings are not received by the filing officer before the candidate filing deadline. The filing officer shall declare the recall petition ineffective, and the elected or appointed official may continue to serve the remainder of their term. A notice of cancellation of the recall election due to no candidate filing received must be posted in the official newspaper within fifteen days following the candidate filing deadline.

12. An official may not be recalled if the recall special election would occur within one year of the next regularly scheduled election in which the official could be re-elected.

1 **SECTION 2. AMENDMENT.** Subsection 1 of section 44-08-21 of the North Dakota Century
2 Code is amended and reenacted as follows:

- 3 1. An elected official of a political subdivision, except a township officer, an individual
4 serving as a member of a governing body of a city or as a member of a school board
5 subject to recall under section 3 of this Act, or an official subject to recall under
6 section 10 of article III of the Constitution of North Dakota, is subject to recall by
7 petition of electors equal in number to twenty-five percent of the voters who voted in
8 the most recent election that the official sought to be recalled was on the ballot, not
9 including other recall elections. An official who was appointed to fill a vacancy is
10 subject to recall by petition of electors equal in number to twenty-five percent of the
11 voters who voted in the most recent election that the office of the official sought to be
12 recalled was on the ballot, not including other recall elections. The provisions of
13 section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to
14 petitions under this section.

15 **SECTION 3.** A new section to chapter 44-08 of the North Dakota Century Code is created
16 and enacted as follows:

17 **Recall of elected members of a governing body of a city or school board.**

- 18 1. An individual serving as a member of a governing body of a city or school board is
19 subject to recall by petition of electors equal in number to ~~thirty-five~~twenty-five percent
20 of the voters who voted in the most recent election that the member sought to be
21 recalled was on the ballot, not including other recall elections. A member who was
22 appointed to fill a vacancy is subject to recall by petition of electors equal in number to
23 ~~thirty-five~~twenty-five percent of the voters who voted in the most recent election that
24 the office of the member sought to be recalled was on the ballot, not including other
25 recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and
26 circulating recall petitions, apply to petitions under this section, except petitions
27 circulated under this section must have ~~fifteen~~five petition sponsors if the city
28 population is greater than two hundred fifty or the school district has a fall enrollment
29 of greater than two hundred fifty. Each petition sponsor shall provide on the petition
30 the sponsor's name and address. Each petition sponsor must be a qualified elector of
31 the city or the school district in which the member subject to the recall is serving.

- 1 2. A recall petition must include a stated reason for the recall and be approved as to form
2 before circulation by the secretary of state. The secretary of state shall complete the
3 review of the form of a recall petition in not less than five, nor more than seven,
4 business days, excluding Saturdays. To be effective, a recall petition must be
5 submitted to the filing officer within ninety days after the date the recall petition is
6 approved for circulation by the secretary of state.
- 7 3. Once circulated, the recall petition must be filed with the filing officer with whom a
8 petition for nomination to the office in question is filed. The filing officer shall pass on
9 the sufficiency of a petition by reviewing every signature affixed to the petition. Except
10 as otherwise provided in this section, the filing officer shall call a special election to be
11 held not sooner than ninety-five days nor later than one hundred five days following
12 the date the filing officer certifies the petition valid and sufficient. A special election
13 may not be called if that date would be within ninety-five days of the next scheduled
14 election. An elector's name may not be removed from a recall petition that has been
15 submitted to and received by the filing officer.
- 16 4. The name of the member to be recalled must be placed on the ballot unless the
17 member resigns within ten days after the filing officer certifies the petition is valid and
18 sufficient. Other candidates for the office may be nominated in a manner provided by
19 law and shall file nominating papers with the appropriate filing officer by the sixty-
20 fourth day before the scheduled recall election. A special recall election may not be
21 held if candidate filings are not received by the filing officer before the candidate filing
22 deadline. The filing officer shall declare the recall petition ineffective, and the member
23 may continue to serve the remainder of the member's term. A notice of cancellation of
24 the recall election due to no candidate filing received must be posted in the official
25 newspaper within fifteen days following the candidate filing deadline.
- 26 5. If the member resigns, the filing officer may call a special election or appoint an
27 individual to complete the unexpired term of the office. When the election results have
28 been officially declared, the candidate receiving the highest number of votes is elected
29 for the remainder of the term.
- 30 6. A member is not subject to recall twice during the term for which the member was
31 elected. A member whose office is on the ballot at a regularly scheduled election

- 1 occurring within one year is not subject to recall if the recall special election would
- 2 occur within one year of the next regularly scheduled election in which the member
- 3 could be re-elected.

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2269
3/27/2025

Relating to recall petitions and recall elections for political subdivision officials.
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3:02 p.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Representatives Bolinske, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Warrey

Members Absent: Vice-Chairman Jonas, Representatives Davis, Toman

Discussion Topics:

- Recall election process
- Approval voting

3:06 p.m. Representative Heilman's motion to adopt Amendment LC:25.1278.02001, testimony #44312 and Representative Bolinske's second to the motion from March 27, 2025, 10:51 a.m. meeting was reinstated. (testimony #44312 was submitted during the March 27, 2025, 10:51 a.m. meeting).

3:09 p.m. Chairman Longmuir recessed the hearing.

3:20 p.m. Chairman Longmuir opened the hearing.

3:21 p.m. Erika White, Election Director for the North Dakota Secretary of State, answered committee questions and provided testimony #44341.

Representatives	Vote
Representative Donald W. Longmuir	N
Representative Clayton Fegley	Y
Representative Jim Jonas	A
Representative Macy Bolinske	Y
Representative Jayme Davis	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	N
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	N
Representative Mike Motschenbacher	N
Representative Mitch Ostlie	N
Representative Nathan Toman	A
Representative Jonathan Warrey	N

3:40 p.m. Motion failed 4-6-3

3:40 p.m. Representative Ostlie moved to adopt the Amendment proposed in testimony #44341.

3:42 p.m. Representative Bolinske seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	A
Representative Macy Bolinske	Y
Representative Jayme Davis	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	N
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

3:44 p.m. Motion passed 9-1-3

3:44 p.m. Representative Warrey moved a Do Pass as Amended.

3:44 p.m. Representative Hatlestad seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	A
Representative Macy Bolinske	Y
Representative Jayme Davis	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	N
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

3:45 p.m. Motion passed 9-1-3

3:46 p.m. Chairman Longmuir will carry the bill.

3:47 p.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VG 3/27/25
1 of 8

ENGROSSED SENATE BILL NO. 2269

Introduced by

Senators Roers, Rummel

Representatives Christy, Stemen

1 A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota
2 Century Code, relating to recall elections for members of a governing body of a city; and to
3 amend and reenact section 16.1-01-09.1 and subsection 1 of section 44-08-21 of the North
4 Dakota Century Code, relating to recall petitions and recall elections for political subdivision
5 officials.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 16.1-01-09.1 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-01-09.1. Recall petitions - Signature - Form - Circulation.**

- 10 1. A request of the secretary of state for approval of a petition to recall an elected official
11 or appointed official of a vacated elected office may be presented over the signatures
12 of the sponsoring committee on individual signature forms that have been notarized.
13 The secretary of state shall prepare a signature form that includes provisions for
14 identification of the recall; the printed name, signature, and address of the committee
15 member; and notarization of the signature. The filed signature forms must be originals.
16 The secretary of state shall complete the review of the form of a recall petition in not
17 less than five, nor more than seven, business days, excluding Saturdays.
- 18 2. An individual may not sign a recall petition circulated pursuant to article III of the
19 Constitution of North Dakota ~~or~~ section 44-08-21, or section 3 of this Act unless the
20 individual is a qualified elector. An individual may not sign a petition more than once,

and each signer shall also legibly print the signer's name, complete residential, rural route, or general delivery address, and the date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition. A petition must be in substantially the following form:

RECALL PETITION

We, the undersigned, being qualified electors request that _____(name of the individual being recalled) the _____(office of individual being recalled) be recalled for the reason or reasons of _____.

RECALL SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota and the political subdivision who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

Complete Residential,
Rural Route,
or General

Name

Delivery Address

1. _____(Chairperson) _____
2. _____
3. _____
4. _____
5. _____

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota for thirty days, and you are a United States citizen. All signers shall also legibly print their name, complete residential, rural route, or general delivery address, and date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

QUALIFIED ELECTORS

Signed	Printed	Complete Residential,
--------	---------	-----------------------

1	Month,	Name of	Name of	Rural Route,	City
2	Day,	Qualified	Qualified	or General	State,
3	Year	Elector	Elector	Delivery Address	Zip Code
4	1.				
5	2.				
6	3.				
7	4.				
8	5.				
9	6.				
10	7.				
11	8.				

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

14 3. Each copy of a petition provided for in this section, before being filed, must have
15 attached an affidavit executed by the circulator in substantially the following form:

16 State of North Dakota)
17) ss.
18 County of _____)
19 (county where signed)
20 I, _____, being sworn, say that I am a qualified elector; that I
21 (circulator's name)
22 reside at _____;
23 (address)

24 that each signature contained on the attached petition was executed in my
25 presence; and that to the best of my knowledge and belief each individual whose
26 signature appears on the attached petition is a qualified elector; and that each
27 signature contained on the attached petition is the genuine signature of the
28 individual whose name it purports to be.

29 _____
30 (signature of circulator)

31 Subscribed and sworn to before me on _____, _____, at

1 _____, North Dakota.

2 (city)

3 (Notary Seal) _____

4 (signature of notary)

5 Notary Public

6 My commission expires _____

- 7 4. A petition for recall must include, before the signature lines for the qualified electors as
8 provided in subsection 2, the name of the individual being recalled, the office from
9 which that individual is being recalled, and a list of the names and addresses of not
10 less than five qualified electors of the state, political subdivision, or district in which the
11 official is to be recalled who are sponsoring the recall.
- 12 5. For the recall of an elected official under article III of the Constitution of North Dakota,
13 circulators have one year to gather the required number of signatures of qualified
14 electors on the recall petition from the date the secretary of state approves the recall
15 petition for circulation. For the recall of an elected official under section 44-08-21 or
16 section 3 of this Act, circulators have ninety days from the date the secretary of state
17 approves the recall petition for circulation to submit the recall petition to the
18 appropriate filing officer.
- 19 6. A petition may not be circulated under the authority of article III of the Constitution of
20 North Dakota ~~or~~, section 44-08-21, or section 3 of this Act by an individual who is less
21 than eighteen years of age, nor may the affidavit called for by subsection 3 be
22 executed by an individual who is less than eighteen years of age at the time of signing.
23 All petitions circulated under the authority of the constitution and of this section must
24 be circulated in their entirety.
- 25 7. When recall petitions are delivered to the secretary of state or other filing officer with
26 whom a petition for nomination to the office in question is filed, the chairman of the
27 sponsoring committee shall submit to the secretary of state or other filing officer an
28 affidavit stating that to the best of that individual's knowledge, the petitions contain at
29 least the required number of signatures. The chairperson also shall submit a complete
30 list of petition circulators which must include each circulator's full name and residential
31 address. The residential address must be in this state and identify the circulator's

- 1 street address, city, and zip code. Upon submission of the petitions to the appropriate
2 filing officer, the petitions are considered filed and may not be returned to the chairman
3 of the sponsoring committee for the purpose of continuing the circulation process or
4 resubmitting the petitions at a later time. An elector's name may not be removed by
5 the elector from a recall petition that has been submitted to and received by the
6 appropriate filing officer.
- 7 8. The filing officer has a reasonable period, not to exceed thirty days, in which to pass
8 upon the sufficiency of a recall petition. The filing officer may conduct a representative
9 random sampling of the signatures contained in the petitions by the use of
10 questionnaires, postcards, telephone calls, personal interviews, or other accepted
11 information-gathering techniques, or any combinations thereof, to determine the
12 validity of the signatures. Signatures determined by the filing officer to be invalid may
13 not be counted and all violations of law discovered by the filing officer must be
14 reported to the state's attorney for possible prosecution.
- 15 9. The filing officer shall call a special recall election to be held no sooner than ninety-five
16 days nor later than one hundred five days following the date the filing officer certifies
17 the petition valid and sufficient. No special recall election may be called if that date
18 would be within ninety-five days of the next scheduled election.
- 19 10. A notice of the recall election must be posted in the official newspaper thirty days
20 before the candidate filing deadline, which is by four p.m. on the sixty-fourth day
21 before the election. The official notice must include the necessary information for a
22 candidate to file and have the candidate's name included on the ballot.
- 23 11. A special recall election may not be held if candidate filings are not received by the
24 filing officer before the candidate filing deadline. The filing officer shall declare the
25 recall petition ineffective, and the elected or appointed official may continue to serve
26 the remainder of their term. A notice of cancellation of the recall election due to no
27 candidate filing received must be posted in the official newspaper within fifteen days
28 following the candidate filing deadline.
- 29 12. An official may not be recalled if the recall special election would occur within one year
30 of the next regularly scheduled election in which the official could be re-elected.

SECTION 2. AMENDMENT. Subsection 1 of section 44-08-21 of the North Dakota Century Code is amended and reenacted as follows:

1. An elected official of a political subdivision, except a township officer, an individual serving as a member of a governing body of a city, park district, or as a member of a school board subject to recall under section 3 of this Act, or an official subject to recall under section 10 of article III of the Constitution of North Dakota, is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the official sought to be recalled was on the ballot, not including other recall elections. An official who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the office of the official sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section.

SECTION 3. A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

Recall of elected members of a governing body of a city, park district, or school board.

1. An individual serving as a member of a governing body of a city, park district, or school board is subject to recall by petition of electors equal in number to thirty-five percent of the voters who voted in the most recent election that the member sought to be recalled was on the ballot, not including other recall elections. A member who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to thirty-five percent of the voters who voted in the most recent election that the office of the member sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section, except petitions circulated under this section must have fifteen petition sponsors if the city population is greater than two hundred fifty or the school district has a fall enrollment of greater than two hundred fifty. Each petition sponsor shall provide on the petition the sponsor's name and

- 1 address. Each petition sponsor must be a qualified elector of the city, park district, or
2 the school district in which the member subject to the recall is serving.
- 3 2. A recall petition must include a stated reason for the recall and be approved as to form
4 before circulation by the secretary of state. The secretary of state shall complete the
5 review of the form of a recall petition in not less than five, nor more than seven,
6 business days, excluding Saturdays. To be effective, a recall petition must be
7 submitted to the filing officer within ninety days after the date the recall petition is
8 approved for circulation by the secretary of state.
- 9 3. Once circulated, the recall petition must be filed with the filing officer with whom a
10 petition for nomination to the office in question is filed. The filing officer shall pass on
11 the sufficiency of a petition by reviewing every signature affixed to the petition. Except
12 as otherwise provided in this section, the filing officer shall call a special election to be
13 held not sooner than ninety-five days nor later than one hundred five days following
14 the date the filing officer certifies the petition valid and sufficient. A special election
15 may not be called if that date would be within ninety-five days of the next scheduled
16 election. An elector's name may not be removed from a recall petition that has been
17 submitted to and received by the filing officer.
- 18 4. The name of the member to be recalled must be placed on the ballot unless the
19 member resigns within ten days after the filing officer certifies the petition is valid and
20 sufficient. Other candidates for the office may be nominated in a manner provided by
21 law and shall file nominating papers with the appropriate filing officer by the sixty-
22 fourth day before the scheduled recall election. A special recall election may not be
23 held if candidate filings are not received by the filing officer before the candidate filing
24 deadline. The filing officer shall declare the recall petition ineffective, and the member
25 may continue to serve the remainder of the member's term. A notice of cancellation of
26 the recall election due to no candidate filing received must be posted in the official
27 newspaper within fifteen days following the candidate filing deadline.
- 28 5. If the member resigns, the filing officer may call a special election or appoint an
29 individual to complete the unexpired term of the office. When the election results have
30 been officially declared, the candidate receiving the highest number of votes is elected
31 for the remainder of the term.

- 1 6. A member is not subject to recall twice during the term for which the member was
- 2 elected. A member whose office is on the ballot at a regularly scheduled election
- 3 occurring within one year is not subject to recall if the recall special election would
- 4 occur within one year of the next regularly scheduled election in which the member
- 5 could be re-elected.

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2269**

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **AMENDMENTS** ([25.1278.02002](#)) and when so amended, recommends **DO PASS** (9 YEAS, 1 NAY, 3 ABSENT OR EXCUSED AND NOT VOTING). SB 2269 was placed on the Sixth order on the calendar.

w25.1278.02000
amendments

PROPOSED AMENDMENTS TO SENATE BILL NO. 2269

Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

Introduced by

Senators Roers, Rummel

Representatives Christy, Stemen

1 A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota
2 Century Code, relating to recall elections for members of a governing body of a city; and to
3 amend and reenact section 16.1-01-09.1 and subsection 1 of section 44-08-21 of the North
4 Dakota Century Code, relating to recall petitions and recall elections for political subdivision
5 officials.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 16.1-01-09.1 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-01-09.1. Recall petitions - Signature - Form - Circulation.**

- 10 1. A request of the secretary of state for approval of a petition to recall an elected official
11 or appointed official of a vacated elected office may be presented over the signatures
12 of the sponsoring committee on individual signature forms that have been notarized.
13 The secretary of state shall prepare a signature form that includes provisions for
14 identification of the recall; the printed name, signature, and address of the committee
15 member; and notarization of the signature. The filed signature forms must be originals.
16 The secretary of state shall complete the review of the form of a recall petition in not
17 less than five, nor more than seven, business days, excluding Saturdays.
- 18 2. An individual may not sign a recall petition circulated pursuant to article III of the
19 Constitution of North Dakota ~~or~~, section 44-08-21, or section 3 of this Act unless the
20 individual is a qualified elector. An individual may not sign a petition more than once,
21 and each signer shall also legibly print the signer's name, complete residential, rural
22 route, or general delivery address, and the date of signing on the petition. Every

qualified elector signing a petition must do so in the presence of the individual circulating the petition. A petition must be in substantially the following form:

RECALL PETITION

We, the undersigned, being qualified electors request that _____(name of the individual being recalled) the _____(office of individual being recalled) be recalled for the reason or reasons of _____.

RECALL SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota and the political subdivision who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

Complete Residential,
Rural Route,
or General

Name	Delivery Address
------	------------------

- | | |
|----|---------------------------|
| 1. | _____ (Chairperson) _____ |
| 2. | _____ |
| 3. | _____ |
| 4. | _____ |
| 5. | _____ |

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota for thirty days, and you are a United States citizen. All signers shall also legibly print their name, complete residential, rural route, or general delivery address, and date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

QUALIFIED ELECTORS

	Signed	Printed	Complete Residential,	
Month,	Name of	Name of	Rural Route,	City
Day,	Qualified	Qualified	or General	State,
Year	Elector	Elector	Delivery Address	Zip Code

Sixty-ninth
Legislative Assembly

- 1 1. _____
- 2 2. _____
- 3 3. _____
- 4 4. _____
- 5 5. _____
- 6 6. _____
- 7 7. _____
- 8 8. _____

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

- 11 3. Each copy of a petition provided for in this section, before being filed, must have
12 attached an affidavit executed by the circulator in substantially the following form:

13 State of North Dakota)
14) ss.
15 County of _____)
16 (county where signed)
17 I, _____, being sworn, say that I am a qualified elector; that I
18 (circulator's name)
19 reside at _____;
20 (address)

21 that each signature contained on the attached petition was executed in my
22 presence; and that to the best of my knowledge and belief each individual whose
23 signature appears on the attached petition is a qualified elector; and that each
24 signature contained on the attached petition is the genuine signature of the
25 individual whose name it purports to be.

26 _____
27 (signature of circulator)

28 Subscribed and sworn to before me on _____, _____, at
29 _____, North Dakota.
30 (city)

31 (Notary Seal) _____
32 (signature of notary)

Notary Public

My commission expires_____

4. A petition for recall must include, before the signature lines for the qualified electors as provided in subsection 2, the name of the individual being recalled, the office from which that individual is being recalled, and a list of the names and addresses of not less than five qualified electors of the state, political subdivision, or district in which the official is to be recalled who are sponsoring the recall.
5. For the recall of an elected official under article III of the Constitution of North Dakota, circulators have one year to gather the required number of signatures of qualified electors on the recall petition from the date the secretary of state approves the recall petition for circulation. For the recall of an elected official under section 44-08-21 or section 3 of this Act, circulators have ninety days from the date the secretary of state approves the recall petition for circulation to submit the recall petition to the appropriate filing officer.
6. A petition may not be circulated under the authority of article III of the Constitution of North Dakota ~~or~~ section 44-08-21, or section 3 of this Act by an individual who is less than eighteen years of age, nor may the affidavit called for by subsection 3 be executed by an individual 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.
7. When recall petitions are delivered to the secretary of state or other filing officer with whom a petition for nomination to the office in question is filed, the chairman of the sponsoring committee shall submit to the secretary of state or other filing officer an affidavit stating that to the best of that individual's knowledge, the petitions contain at least the required number of signatures. The chairperson also shall submit a complete list of petition circulators which must include each circulator's full name and residential address. The residential address must be in this state and identify the circulator's street address, city, and zip code. Upon submission of the petitions to the appropriate filing officer, the petitions are considered filed and may not be returned to the chairman of the sponsoring committee for the purpose of continuing the circulation process or resubmitting the petitions at a later time. An elector's name may not be removed by

- 1 the elector from a recall petition that has been submitted to and received by the
2 appropriate filing officer.
- 3 8. The filing officer has a reasonable period, not to exceed thirty days, in which to pass
4 upon the sufficiency of a recall petition. The filing officer may conduct a representative
5 random sampling of the signatures contained in the petitions by the use of
6 questionnaires, postcards, telephone calls, personal interviews, or other accepted
7 information-gathering techniques, or any combinations thereof, to determine the
8 validity of the signatures. Signatures determined by the filing officer to be invalid may
9 not be counted and all violations of law discovered by the filing officer must be
10 reported to the state's attorney for possible prosecution.
- 11 9. The filing officer shall call a special recall election to be held no sooner than ninety-five
12 days nor later than one hundred five days following the date the filing officer certifies
13 the petition valid and sufficient. No special recall election may be called if that date
14 would be within ninety-five days of the next scheduled election.
- 15 10. A notice of the recall election must be posted in the official newspaper thirty days
16 before the candidate filing deadline, which is by four p.m. on the sixty-fourth day
17 before the election. The official notice must include the necessary information for a
18 candidate to file and have the candidate's name included on the ballot.
- 19 11. A special recall election may not be held if candidate filings are not received by the
20 filing officer before the candidate filing deadline. The filing officer shall declare the
21 recall petition ineffective, and the elected or appointed official may continue to serve
22 the remainder of their term. A notice of cancellation of the recall election due to no
23 candidate filing received must be posted in the official newspaper within fifteen days
24 following the candidate filing deadline.
- 25 12. An official may not be recalled if the recall special election would occur within one year
26 of the next regularly scheduled election in which the official could be re-elected.

27 SECTION 2. AMENDMENT. Subsection 1 of section 44-08-21 of the North Dakota Century
28 Code is amended and reenacted as follows:

- 29 1. An elected official of a political subdivision, except a township officer, an individual
30 serving as a member of a governing body of a city, park district, or as a member of a
31 school board subject to recall under section 3 of this Act, or an official subject to recall
32 under section 10 of article III of the Constitution of North Dakota, is subject to recall by

petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the official sought to be recalled was on the ballot, not including other recall elections. An official who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the office of the official sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section.

SECTION 3. A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

Recall of elected members of a governing body of a city, park district or school board.

1. An individual serving as a member of a governing body of a city, park district, or school board is subject to recall by petition of electors equal in number to thirty-five percent of the voters who voted in the most recent election that the member sought to be recalled was on the ballot, not including other recall elections. A member who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to thirty-five percent of the voters who voted in the most recent election that the office of the member sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section, except petitions circulated under this section must have fifteen petition sponsors if the city population is greater than two hundred fifty or the school district has a fall enrollment of greater than two hundred fifty. Each petition sponsor shall provide on the petition the sponsor's name and address. Each petition sponsor must be a qualified elector of the city, park district, or the school district in which the member subject to the recall is serving.
2. A recall petition must include a stated reason for the recall and be approved as to form before circulation by the secretary of state. The secretary of state shall complete the review of the form of a recall petition in not less than five, nor more than seven, business days, excluding Saturdays. To be effective, a recall petition must be submitted to the filing officer within ninety days after the date the recall petition is approved for circulation by the secretary of state.

- 1 3. Once circulated, the recall petition must be filed with the filing officer with whom a
2 petition for nomination to the office in question is filed. The filing officer shall pass on
3 the sufficiency of a petition by reviewing every signature affixed to the petition. Except
4 as otherwise provided in this section, the filing officer shall call a special election to be
5 held not sooner than ninety-five days nor later than one hundred five days following
6 the date the filing officer certifies the petition valid and sufficient. A special election
7 may not be called if that date would be within ninety-five days of the next scheduled
8 election. An elector's name may not be removed from a recall petition that has been
9 submitted to and received by the filing officer.
- 10 4. The name of the member to be recalled must be placed on the ballot unless the
11 member resigns within ten days after the filing officer certifies the petition is valid and
12 sufficient. Other candidates for the office may be nominated in a manner provided by
13 law and shall file nominating papers with the appropriate filing officer by the sixty-
14 fourth day before the scheduled recall election. A special recall election may not be
15 held if candidate filings are not received by the filing officer before the candidate filing
16 deadline. The filing officer shall declare the recall petition ineffective, and the member
17 may continue to serve the remainder of the member's term. A notice of cancellation of
18 the recall election due to no candidate filing received must be posted in the official
19 newspaper within fifteen days following the candidate filing deadline.
- 20 5. If the member resigns, the filing officer may call a special election or appoint an
21 individual to complete the unexpired term of the office. When the election results have
22 been officially declared, the candidate receiving the highest number of votes is elected
23 for the remainder of the term.
- 24 6. A member is not subject to recall twice during the term for which the member was
25 elected. A member whose office is on the ballot at a regularly scheduled election
26 occurring within one year is not subject to recall if the recall special election would
27 occur within one year of the next regularly scheduled election in which the member
28 could be re-elected.