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Sixty-second
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT**
**with Senate Amendments**
**ENGROSSED HOUSE BILL NO. 1114**

Introduced by

Political Subdivisions Committee

(At the request of the Secretary of State)

A BILL for an Act to create and enact section 40-21-16.1 of the North Dakota Century Code, relating to canvassing city elections; to amend and reenact sections 40-08-08, 40-08-16, and 40-09-10 of the North Dakota Century Code, relating to city elections; to repeal section 40-09-07 of the North Dakota Century Code, relating to the bond and oath of a city commissioner; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 40-08-08 of the North Dakota Century Code is amended and reenacted as follows:

**40-08-08. Vacancies on council - How filled.**

If a vacancy occurs in a city council office by death, resignation, or otherwise, the city council may call a special city election to fill the vacancy for the unexpired term, or may, after fifteen days of the date of the vacancy appoint a person from the ward in which the council member previously holding was elected or appointed to fill the vacancy until the next city election, at which election the unexpired term must be filled. Upon petition of five percent of the qualified electors of the ward, as determined by the total number of votes cast in that ward in the last <u>city</u> general election, the council shall call a special election to fill a vacancy occurring more than six months before the next city election, if the petition has been submitted within fifteen days and before four p.m. of the fifteenth day of the date of the vacancy or of the vacancy being filled by appointment. If the petition is mailed, it must be in the possession of the council or its representative before four p.m. on the fifteenth day after the vacancy occurs or after the vacancy was filled by appointment.

**SECTION 2. AMENDMENT.** Section 40-08-16 of the North Dakota Century Code is amended and reenacted as follows:

**40-08-16. Vacancy in office of mayor - Filled by election or by council - President of council to be acting mayor.**

If a vacancy occurs in the office of mayor, the city council may call a special city election to fill such vacancy for the unexpired term or may, after fifteen days from the date of such vacancy, elect one of its members to act as mayor. The member so elected shall possess all the rights and powers of the mayor until the next election and until a mayor is elected and qualified. Upon petition of five percent of the qualified electors, as determined by the total number of votes cast in the city in the last city general election, the council shall call a special election to fill a vacancy occurring more than six months prior to the next city election, provided such petition is submitted within fifteen days of the date of such vacancy. During the interim between the date when a vacancy occurs in the office of mayor and election and qualification of a successor, the president of the city council shall be the acting mayor.

**SECTION 3. AMENDMENT.** Section 40-09-10 of the North Dakota Century Code is amended and reenacted as follows:

**40-09-10. ~~How~~Filling vacancies in board ~~filled~~.**

If a vacancy occurs in the office of a city commissioner or president of the board of city commissioners, the board may call a special city election to fill such vacancy for the unexpired term, or may, after fifteen days from the date of such vacancy appoint a person to fill such vacancy until the next city election, at which election the unexpired term shall be filled. Upon petition of five percent of the qualified electors, as determined by the total number of votes cast in the city in the last city general election, the commission shall call a special city election to fill a vacancy occurring more than six months prior to the next city election, provided such petition has been submitted within fifteen days of the date of such vacancy.

**SECTION 4.** Section 40-21-16.1 of the North Dakota Century Code is created and enacted as follows:

**40-21-16.1. City canvassing board - Composition.**

For any city election not held in conjunction with a county election, the city canvassing board must be composed of the city auditor, city attorney, mayor or commission president, and two members of the city commission or council, or appointed replacements for any of these officials. An individual who served on an election board during the election may not serve as a

representative on the canvassing board for that same election. The city canvassing board must be comprised of at least five members.

**SECTION 5. REPEAL**. Section 40-09-07 of the North Dakota Century Code is repealed.

**SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.