

SENATE BILL NO. 2172

Introduced by

Senators Watne, Schobinger

1 A BILL for an Act to amend and reenact sections 4-22-17, 4-22-22, and 4-22-48 of the North
2 Dakota Century Code, relating to the election of soil conservation district supervisors and
3 consolidation of soil conservation districts.

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

5 **SECTION 1. AMENDMENT.** Section 4-22-17 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4-22-17. Nominating petitions - Petitions required - Final filing date.** Any person
8 running for the office of supervisor shall present to the county auditor of the county in which the
9 district lies a petition giving that person's name, ~~post office~~ and mailing address, and the title
10 and term of the office, and containing the signatures of not less than twenty-five nor more than
11 three hundred qualified electors of the district. When a district lies in more than one county, the
12 petition must be filed with the county auditor of the county where the candidate resides, and
13 such county auditor shall certify to the county auditors of the other counties in which such
14 district lies the name and mailing address of the candidate filing such petition. At the same
15 time, the county auditor, or auditors in the case of multicounty districts, shall also certify to the
16 secretary of state the name and mailing address of each person filing a nominating petition
17 according to this section. No person may participate directly or indirectly in the nomination for
18 more than one person for each office to be filled. The final filing date for nominating petitions is
19 no later than sixty days before the day of the election and not later than four p.m. of such day.

20 Upon receipt of the petition or the certification as provided in this section, the county
21 auditor shall without fee place the name of the candidate so nominated on the no-party ballot at
22 the ensuing general election.

23 **SECTION 2. AMENDMENT.** Section 4-22-22 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **4-22-22. Supervisors - Terms of office - Vacancies - Removal - Compensation -**
2 **Expenses.** At the general election to be held in 1972, three district supervisors must be
3 elected. The candidate receiving the largest number of votes is elected for a six-year term; the
4 candidate receiving the second highest number of votes is elected for a four-year term; and the
5 candidate receiving the third highest number of votes is elected for a two-year term. At each
6 succeeding general election, one supervisor must be elected for a term of six years, or until the
7 successor is duly elected and qualified, to each expiring or vacant term. In newly formed
8 districts, three supervisors must be elected at the first general election following the district's
9 organization. The candidate receiving the largest number of votes is elected for a six-year
10 term; the candidate receiving the second highest number of votes is elected for a four-year
11 term; and the candidate receiving the third highest number of votes is elected for a two-year
12 term. At each succeeding general election, one supervisor must be elected for a term of six
13 years, or until the successor is duly elected and qualified, to each expiring or vacant term. The
14 county auditor of the county or counties in which the district lies shall return to the secretary of
15 state ~~within fifteen days~~ before four p.m. on the tenth day following any general election a
16 certified abstract of the votes cast in the county at such election for each candidate for district
17 supervisor. ~~At the time that the county auditor transmits the certified abstract of the votes cast~~
18 ~~for each candidate, the county auditor shall file with the secretary of state a certificate showing~~
19 ~~the name and address of each candidate.~~ The secretary of state shall canvass the returns and
20 issue certificates of election under chapter 16.1-15.

21 In order to be eligible for election to the office of supervisor, candidates must be land
22 occupiers and physically living in the district. Candidates must be elected on a nonpartisan
23 ballot. In case the office of any supervisor, for any reason, becomes vacant, the remaining
24 members of the board of supervisors shall, with the advice and consent of the state committee,
25 fill the vacancy by appointment. If vacancies occur in the office of two supervisors, the
26 remaining supervisor and the state committee shall fill the vacancy; and in case the offices of all
27 supervisors of a district become vacant, the state committee shall fill the vacancies by
28 appointment. A supervisor appointed to fill a vacancy holds office until the next general
29 election. A supervisor elected to fill a vacancy serves the balance of the unexpired term in
30 which the vacancy occurred.

1 Any soil conservation district, upon resolution of the three elected supervisors, may
2 appoint two additional supervisors who shall serve for a term of one year from and after the
3 date of their appointment. Such supervisors must be appointed by a majority of the three
4 elected supervisors and have all the powers, voting privileges, duties, and responsibilities of
5 elected supervisors, except that the expense allowances of the appointed supervisors must be
6 paid by the local soil conservation district concerned. As far as possible, the appointed
7 supervisors shall represent interests within the district which are not represented by the elected
8 supervisors.

9 Any supervisor of a soil conservation district may, after notice given and hearing held in
10 accordance with chapter 28-32, be removed from office by the state committee.

11 The supervisors of soil conservation districts are entitled to receive, upon a majority vote
12 of the supervisors, twenty-five dollars for attending each regular or special meeting as
13 compensation for their services. Supervisors of soil conservation districts are entitled to receive
14 travel and subsistence expenses necessarily incurred in attending district, state, or other
15 meetings approved by the state soil conservation committee, which expenses must be paid
16 from appropriations available to the state committee. The compensation and all other expenses
17 including travel incurred by district supervisors while transacting district business and not
18 specifically authorized by the state soil conservation committee must be paid from district funds.

19 **SECTION 3. AMENDMENT.** Section 4-22-48 of the 1995 Supplement to the North
20 Dakota Century Code is amended and reenacted as follows:

21 **4-22-48. Conduct of referendum - Canvass of votes.** A referendum upon the
22 question of consolidating two or more soil conservation districts must be conducted in
23 accordance with the laws of the state prescribing the conduct of general elections. After the
24 polls are closed the board of election shall proceed to canvass the votes and the clerk of the
25 board shall certify to the board of supervisors of the clerk's district and to the state committee
26 the result of the referendum. ~~The clerk shall then securely wrap the ballots cast at the~~
27 ~~referendum and shall express or mail the ballots to the secretary of the state committee. The~~
28 ~~committee shall also canvass the ballots and verify the result. The secretary of the committee~~
29 ~~shall file the ballots in the secretary's office. Upon the expiration of two years after such ballots~~
30 ~~were canvassed by the state committee they may be destroyed.~~

1 The state committee shall publish the results of the referendum ~~after having canvassed~~
2 ~~the ballots and if the committee finds that~~ and if a majority of the ballots cast on the question in
3 each district are for consolidation, the committee shall file with the secretary of state a
4 statement certifying that the consolidated district has been duly and regularly established.