

Sixty-second  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1114

Introduced by

Political Subdivisions Committee

(At the request of the Secretary of State)

1 A BILL for an Act to create and enact section 40-21-16.1 of the North Dakota Century Code,  
2 relating to canvassing city elections; to amend and reenact sections 40-08-08, 40-08-16, and  
3 40-09-10 of the North Dakota Century Code, relating to city elections; to repeal section  
4 40-09-07 of the North Dakota Century Code, relating to the bond and oath of a city  
5 commissioner; and to declare an emergency.

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

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

9 **40-08-08. Vacancies on council - How filled.**

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

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

1           **40-08-16. Vacancy in office of mayor - Filled by election or by council - President of**  
2 **council to be acting mayor.**

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

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

15           **40-09-10. How Filling vacancies in board filled.**

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

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

26           **40-21-16.1. City canvassing board - Composition.**

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

1 board for that same election. The city canvassing board must be comprised of at least five  
2 members.

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

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