

# ELECTIONS

## CHAPTER 164

### HOUSE BILL NO. 1402

(Representatives Boehning, Beadle, Klein, Larson)  
(Senators Dotzenrod, J. Lee, Poolman, Sorvaag)

AN ACT to amend and reenact subsection 2 of section 16.1-01-09 and subsection 2 of section 16.1-01-09.1 of the North Dakota Century Code, relating to the requirements for initiated, referendum, and recall petitions.

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

<sup>57</sup> **SECTION 1. AMENDMENT.** Subsection 2 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

2. An individual may not sign any initiative or referendum petition circulated pursuant to article III of the Constitution of North Dakota unless the individual is a qualified elector. An individual may not sign any petition more than once, and each signer shall ~~add~~also legibly print the signer's name, complete residential address or rural route or general delivery address, and the date of signing on the petition. Every qualified elector signing a petition shall do so in the presence of the individual circulating the petition. A referendum or initiative petition must be on a form prescribed by the secretary of state containing the following information:

#### REFERENDUM [INITIATIVE] PETITION

TO THE SECRETARY OF STATE,

STATE OF NORTH DAKOTA

We, the undersigned, being qualified electors request [House (Senate) Bill \_\_\_\_\_ passed by the \_\_\_\_\_ Legislative Assembly] [the following initiated law] be placed on the ballot as provided by law.

#### SPONSORING COMMITTEE

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

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<sup>57</sup> Section 16.1-01-09 was also amended by section 1 of House Bill No. 1372, chapter 165.

Name \_\_\_\_\_ Address \_\_\_\_\_  
 \_\_\_\_\_ (ChairmanChairperson) \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 PETITION TITLE

(To be drafted by the secretary of state, approved by the attorney general, and attached to the petition before circulation.)

FULL TEXT OF THE MEASURE

IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF MATERIAL IS NOT UNDERSCORED OR OVERSTRUCK, THE MATERIAL IS EXISTING LAW THAT IS NOT BEING CHANGED.

[The full text of the measure must be inserted here.]

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 thirty days, and you are a United States citizen. All signers ~~must add~~ shall also legibly print their name, complete residential address or 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.

QUALIFIED ELECTORS

	<u>Signed</u>			
Month, Day, Year	Name of Qualified Elector	<u>Printed</u> <u>Name of</u> <u>Qualified</u> <u>Elector</u>	Residential Address or Complete Rural Route or General Delivery Address	<u>City</u> <u>State</u> , <u>Zip Code</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____

The number of signature lines on each page of a printed petition may vary if necessary to accommodate other required textual matter. In this section for referral petitions "full text of the measure" means the bill as passed by the legislative assembly excluding the session and sponsor identification. In this section for initiative petitions "full text of the measure" means an enacting clause which must be: "BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA" and the body of the bill. If the measure amends the law, all new statutory material must be underscored and all statutory material to be deleted must be overstruck by dashes. When repealing portions of the law, the measure must contain a repealer clause and, in brackets, the text of the law being repealed.

<sup>58</sup> **SECTION 2. AMENDMENT.** Subsection 2 of section 16.1-01-09.1 of the North Dakota Century Code is amended and reenacted as follows:

- 2. An individual may not sign a recall petition circulated pursuant to article III of the Constitution of North Dakota or section 44-08-21 unless the individual is a qualified elector. An individual may not sign a petition more than once, and each signer shall ~~add~~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 Delivery Address
Name	(ChairmanChairperson)
1. _____	_____
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 ~~must add~~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.

<sup>58</sup> Section 16.1-01-09.1 was also amended by section 2 of House Bill No. 1372, chapter 165, and section 3 of Senate Bill No. 2374, chapter 176.

QUALIFIED ELECTORS

Month, Day, Year	<u>Signed</u> Name of Qualified Elector	<u>Printed</u> <u>Name of</u> <u>Qualified</u> <u>Elector</u>	Complete Residential, Rural Route, or General Delivery Address	<u>City</u> <u>City</u> <u>State,</u> <u>State</u> <u>Zip Code</u>
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				

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

Approved April 18, 2013  
Filed April 18, 2013

## CHAPTER 165

### HOUSE BILL NO. 1372

(Representatives Maragos, Heilman, N. Johnson)  
(Senators Carlisle, Hogue)

AN ACT to amend and reenact subsection 5 of section 16.1-01-09 and subsections 1, 5, and 7 of section 16.1-01-09.1 of the North Dakota Century Code, relating to requirements for initiative, referendum, and recall petitions.

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

<sup>59</sup> **SECTION 1. AMENDMENT.** Subsection 5 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

5. When signed petitions are delivered to the secretary of state, the chairperson of the sponsoring committee shall submit to the secretary of state an affidavit stating that to the best of that individual's knowledge, the petitions contain at least the required number of signatures. Upon submission of the petitions to the secretary of state, the petitions are considered filed and may not be returned to 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 petition that has been submitted to and received by the secretary of state.

<sup>60</sup> **SECTION 2. AMENDMENT.** Subsections 1, 5, and 7 of section 16.1-01-09.1 of the North Dakota Century Code are amended and reenacted as follows:

1. A request of the secretary of state for approval of a petition to recall an elected official or appointed official of a vacated elected office may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The secretary of state shall prepare a signature form that includes provisions for identification of the recall; the printed name, signature, and address of the committee member; and notarization of the signature. The filed signature forms must be originals.
5. CirculatorsFor 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, 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.
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

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<sup>59</sup> Section 16.1-01-09 was also amended by section 1 of House Bill No. 1402, chapter 164.

<sup>60</sup> Section 16.1-01-09.1 was also amended by section 2 of House Bill No. 1402, chapter 164, and section 3 of Senate Bill No. 2374, chapter 176.

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. 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.

Approved April 12, 2013  
Filed April 12, 2013

## CHAPTER 166

### HOUSE BILL NO. 1397

(Representatives Hatlestad, N. Johnson, Klemin)  
(Senators Cook, Nelson)

AN ACT to amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to election offenses; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

##### **16.1-01-12. Election offenses - Penalty.**

1. It is unlawful for a ~~person~~an individual or organization to:
4. a. Fraudulently alter another ~~person's~~individual's ballot or substitute one ballot for another or to otherwise defraud a voter of that voter's vote.
2. b. Obstruct a qualified elector on the way to a polling place.
3. c. Vote or offer to vote more than once in any election.
4. d. Knowingly vote in the wrong election precinct or district.
5. e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
6. f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified person to vote.
7. g. Knowingly vote when not qualified to do so.
8. h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
9. ~~Sign a name other than that person's own name to an initiative, referendum, recall, or any other election petition.~~
10. i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or circulate such a petition when unqualified to do so.
11. j. Pay or offer to pay any ~~person~~individual or organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file their intent to remunerate prior to submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant

to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a preelection report by ~~persons~~individuals or organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1. Any signature obtained in violation of this subdivision is void and may not be counted.

12. k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.
13. l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
14. m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the same to be false, or willfully deface, destroy, or conceal any statement or certificate entrusted to the ~~person's~~individual's or organization's care.
15. n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law.
  - o. Sign a name other than that individual's own name to an initiative, referendum, recall, or any other election petition.
2. a. ~~A violation of subsections 1 subdivisions a through 44l of subsection 1 is a class A misdemeanor. Any signature obtained in violation of subsection 11 is void and may not be counted.~~
  - b. A violation of subdivision m of subsection 1 is a class C felony.
  - c. A violation of subdivision n of subsection 151 occurring after an election but before the final canvass, or during an election, is a class C felony, and in other cases is a class A misdemeanor.
  - d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an individual signs one or two names other than the individual's own name to a petition and is a class C felony if an individual signs more than two names other than the individual's own name to a petition.
  - e. An organization, as defined in section 12.1-03-04, that violates this section is subject to the organizational fines in section 12.1-32-01.1. The court in which the conviction is entered shall notify the secretary of state of the conviction and shall order the secretary of state to revoke the certificate of authority of any convicted organization or limited liability company. The organization may not reapply to the secretary of state for authorization to do business under any name for one year upon conviction of a class A misdemeanor and for five years upon conviction of a class C felony under this section.
  - f. An individual who is a member of an organization may be convicted of a violation as an accomplice under section 12.1-03-01.

3. Every act which by this chapter is made criminal when committed with reference to the election of a candidate is equally criminal when committed with reference to the determination of a question submitted to qualified electors to be decided by votes cast at an election.

Approved April 16, 2013  
Filed April 16, 2013

## CHAPTER 167

### HOUSE BILL NO. 1332

(Representatives Boehning, Grande, Nathe, Streyle, Thoreson, Wieland)  
(Senator Berry)

AN ACT to amend and reenact section 16.1-02-05, subsection 9 of section 16.1-02-12, and sections 16.1-02-13, 16.1-05-04, 16.1-05-07, 16.1-07-06, and 39-06-03.1 of the North Dakota Century Code, relating to eligibility to vote; and to repeal sections 16.1-05-06 and 58-04-09 of the North Dakota Century Code, relating to eligibility to vote.

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

**SECTION 1. AMENDMENT.** Section 16.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-02-05. Entry of new voters into the central voter file - Query of the central voter file for double voting - Challenges - Postelection verification.**

1. Within forty-five days following an election, the county auditor shall enter the name and required information of each individual who voted at the last election who is not already contained in the central voter file and update any required information requested and obtained at the last election for any individual contained in the central voter file.
2. The secretary of state, with the assistance of the county auditors, within eighty-five days following an election, shall query the central voter file to determine if any individual voted more than once during the preceding election. The secretary of state shall immediately notify the county auditor and state's attorney in each affected county for further investigation.
3. Upon return of any nonforwardable mail from an election official, the county auditor shall ascertain the name and address of that individual. If the individual is no longer at the address recorded in the central voter file, the county auditor shall transfer the voter to the correct precinct in the central voter file or notify the county of the voter's new residence so the voter record can be transferred to the correct county. If a notice mailed at least sixty days after the return of the first nonforwardable mail is also returned by the postal service, the county auditor shall designate the individual as "inactive" in the central voter file.
- ~~4. Within forty-five days after an election, the county auditor shall send a notice to each individual who was challenged on election day according to section 16.1-05-06. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall notify immediately the state's attorney to conduct an investigation of the individual's eligibility to vote in that election.~~

**SECTION 2. AMENDMENT.** Subsection 9 of section 16.1-02-12 of the North Dakota Century Code is amended and reenacted as follows:

9. ~~The individual's driver's license or nondriver identification card number and state of any state issued identification regardless of the state in which the identification was issued, if available issued by the department of transportation.~~

**SECTION 3. AMENDMENT.** Section 16.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-02-13. Information contained in pollbooks generated from the central voter file.**

The county auditor shall generate a pollbook for each precinct in the county from the central voter file by the day before an election. With the exception of a record designated "secured active" and the voter's birth date and ~~driver's license or nondriver identification card number of any state issued identification regardless of the state in which the identification was issued by the department of transportation,~~ which are exempt records, the precinct pollbooks are open records under section 44-04-18. The secretary of state shall prescribe procedures for generating pollbooks and for transporting the pollbooks to the election judges for use on election day. Pollbooks generated from the central voter file must contain the following information for each individual contained therein:

1. The complete legal name of the individual.
2. The complete residential address of the individual.
3. The complete mailing address of the individual, if different from the individual's residential address.
4. The unique identifier generated and assigned to the individual.
5. The county, legislative district, city or township, school district, county commissioner district, if applicable, precinct name, and precinct number in which the individual resides. A ballot-style code identifying this information may be used in place of the information required by this subsection.
6. Any other information requested of and obtained from the individual deemed necessary by the secretary of state for the proper administration of the pollbook.

**SECTION 4. AMENDMENT.** Section 16.1-05-04 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-05-04. Duties of the members of the election board during polling hours.**

1. The election inspector shall supervise the conduct of the election to ensure all election officials are properly performing their duties at the polling place. The election inspector shall assign duties so as to equally and fairly include both parties represented on the election board.
2. The election inspector shall assign ministerial duties to poll clerks, who shall carry out the ministerial duties assigned by the election inspector.
3. The election inspector shall assign the poll clerks to perform the function of maintaining the pollbook. The designated poll clerks shall maintain the

pollbook. The pollbook must contain the name and address of each individual voting at the precinct and must be arranged in the form and manner prescribed by the secretary of state.

4. ~~The members of the election board shall challenge the right of anyone to vote whom they know or have reason to believe is not a qualified elector by requiring the elector to complete and sign a voter's affidavit.~~
5. Each member of the election board shall remain on the premises of the polling place during the time the polls are open to prevent the occurrence of fraud, deceit, or other irregularity in the conduct of the election.
- ~~6-5.~~ All members of the election board shall distribute ballots and other election materials to electors. An election judge from each party represented on the election board shall give any assistance requested by electors in marking ballots or operating electronic voting system devices.
- ~~7-6.~~ Each member of the election board shall maintain order in the polling place.

**SECTION 5. AMENDMENT.** Section 16.1-05-07 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-05-07. Poll clerks to check identification and verify eligibility - Poll clerks to request, correct, and update incorrect information contained in the pollbook.**

1. Before delivering a ballot to an individual according to section 16.1-13-22, the poll clerks shall ~~request~~require the individual to show identification, which includes the individual's residential address and date of birth. The identification may include:
  - a. ~~An~~A driver's license or nondriver identification card issued by the department of transportation or other official form of identification issued by the state;
  - b. An official form of identification issued by a tribal government;
  - c. ~~A~~An alternative form of identification prescribed by the secretary of state, if the individual does not possess an official form of identification provided for under subdivision a or b; or
  - d. A combination of any of the forms of identification under subdivisions a through c.
- ~~2. If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct.~~
- ~~3. If an individual offering to vote does not meet either of the options set forth in subsection 1 or 2, the election board shall challenge the individual's right to vote and the individual may not vote unless the individual executes a voter's affidavit, as provided in section 16.1-05-06.~~

4. a. When verifying an individual's eligibility or when entering the name of an individual into the pollbook, poll clerks shall request, correct, and update any incorrect or incomplete information about an individual required to be included in the pollbook generated from the central voter file.
  - b. If the individual's name is contained in the pollbook generated from the central voter file, the poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.
  - c. If the individual's name is not contained in the pollbook generated from the central voter file but the individual is determined eligible to vote, the poll clerks shall record the individual's name in the pollbook. The poll clerks shall request and obtain any additional information for the individual required to be included in the pollbook.
- 5-3. Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct to the proper precinct and voting location.

**SECTION 6. AMENDMENT.** Section 16.1-07-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-07-06. Application form.**

1. Application for an absent voter's ballot must be made on a form, prescribed by the secretary of state, to be furnished by the proper officer of the county, city, or school district in which the applicant is an elector, on any form, approved by the secretary of state, or any blank containing the following information:
  - a. The applicant's name.
  - b. The applicant's current or most recent North Dakota residential address.
  - c. The applicant's mailing address.
  - d. The applicant's current contact telephone number.
  - e. The election for which the ballot is being requested.
  - f. The date of the request.
  - g. An affirmation that the applicant has resided, or will reside, in the precinct for at least thirty days next preceding the election and will be a qualified elector of the precinct.
  - h. The applicant's signature.
  - i. A space for the voter to indicate the voter's status as a citizen living outside the United States, a uniformed service member living away from the voter's North Dakota residence, or a family member of the uniformed service member living away from the voter's North Dakota residence.
  - j. The applicant's birth date and year.
  - k. The applicant's motor vehicle operator's license or nondriver identification number, if available or tribal identification number or a copy of the voter's

alternate form of identification approved by the secretary of state under subdivision c of subsection 1 of section 16.1-05-07.

2. If the applicant is unable to sign the applicant's name to the application, the applicant shall mark (X) or use the applicant's signature stamp on the application in the presence of a disinterested individual. The disinterested individual shall print the name of the individual marking the X or using the signature stamp below the X or signature stamp and shall sign the disinterested individual's own name following the printed name together with the notation "witness to the mark".
- 2-3. If the applicant does not possess an approved form of identification as provided for under subsection 1 of section 16.1-05-07, the application also must be signed by another qualified elector who, by signing, certifies that the applicant is a qualified elector. The secretary of state shall prescribe the form of the certification required under this subsection.
4. The application for a qualified elector serving on active duty as a uniformed service member or a family member who is a qualified elector and stationed at a location other than that individual's voting residential address must include the following additional information if the voter desires to vote by facsimile or electronic mail:
  - a. Facsimile telephone number; or
  - b. Electronic mail address.
- 3-5. The application for a qualified elector living outside the United States must include a facsimile telephone number or electronic mail address if the voter desires to vote by facsimile or electronic mail.
6. Except for the applicant's date of birth and motor vehicle driver's license or nondriver identification card number, the application is an open record under section 44-04-18.

<sup>61</sup> **SECTION 7. AMENDMENT.** Section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-06-03.1. Nondriver photo identification card issued by director - Release of information - Penalty - Public awareness.**

1. The director shall issue a nondriver color photo identification card to any North Dakota resident who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. Within thirty days from receipt of a complete application that includes the applicant's social security number, unless the applicant is a nonimmigrant who is not eligible for a social security number, the director shall determine whether to issue and, if appropriate, issue a nondriver photo identification card to an applicant. If the person is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age. Subject to subsection 1 of section 39-06-19, identification cards expire eight years from the date of issue and may be renewed. The

<sup>61</sup> Section 39-06-03.1 was also amended by section 8 of Senate Bill No. 2039, chapter 291.

application must contain such other information as the director may require to improve identity security. The director may require an applicant for an identification card to provide a social security card and proof of residence address.

2. To confirm the identity, date of birth, and legal presence of the applicant, the director or examining officer shall require satisfactory evidence be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth, identification, and legal presence of the applicant by the director or examining officer.
3. ~~The fee is eight dollars. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury. Except as provided in subsections 9 and 11, the director may not charge a fee to provide a nondriver photo identification card to an eligible applicant.~~
4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter may only be released in accordance with the provisions of section 39-16-03.
5. It is a class B misdemeanor for any person, except the director or the director's authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section.
6. The director may advertise the availability and the use of the card.
7. Identification cards issued pursuant to this section are sufficient identification for all identification purposes.
8. The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making the application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder shall surrender the card to the director. When a cancellation is in effect, any law enforcement officer may take custody of the card.
9. A duplicate card may be obtained by making an application and paying an eight dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.
10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause.
11. An individual who possesses a driver's license may obtain a nondriver photo identification card. The fee is eight dollars.

**SECTION 8. REPEAL.** Sections 16.1-05-06 and 58-04-09 of the North Dakota Century Code are repealed.

Approved April 18, 2013  
Filed April 18, 2013

## CHAPTER 168

### SENATE BILL NO. 2369

(Senators Dever, Schaible)

AN ACT to create and enact a new section to chapter 16.1-03 of the North Dakota Century Code, relating to political party organization; to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, 16.1-03-05, 16.1-03-07, 16.1-03-08, 16.1-03-11, 16.1-03-14, 16.1-03-17, 16.1-04-01, 16.1-06-04, 16.1-11-22, 16.1-11-30, and 16.1-12-02 of the North Dakota Century Code, relating to political party organization, voting precincts, and primary election ballot access; and to repeal sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code, relating to political party organization.

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

**SECTION 1.** A new section to chapter 16.1-03 of the North Dakota Century Code is created and enacted as follows:

##### **Organizations allowed to nominate statewide and legislative candidates.**

A political organization may not endorse candidates or have candidates petition for president, vice president, Congress, statewide office, or legislative office as set forth in chapter 16.1-11, unless the organization:

1. Organized according to all requirements of this chapter;
2. Had printed on the ballot at the last preceding general election the names of a set of presidential electors pledged to the election of the party's candidate for president and vice president, a candidate for governor, a candidate for attorney general, or a candidate for secretary of state and those candidates for presidential electors, governor, attorney general, or secretary of state received at least five percent of the total vote cast for presidential electors, the office of governor, attorney general, or secretary of state within this state at that election and organized according to all requirements of this chapter; or
3. Filed a petition with the secretary of state signed by the number of electors required under section 16.1-11-30 to qualify to endorse candidates or to have candidates petition to be included on the primary election ballot in a consolidated column or on a special election ballot.

**SECTION 2. AMENDMENT.** Section 16.1-03-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **16.1-03-01. Precinct caucus to elect precinct committeemen - Time and manner of holding - Caucus call - Notice.**

1. Each legislative district party shall organize in conformance with the state legislative district boundaries as established by the legislative assembly and as set forth under chapter 54-03.

2. On or before May fifteenth following the last preceding general election, a party caucus must be held by every election precinct at a site within or reasonably close to the precinct in the manner provided in sections 16.1-03-01 through 16.1-03-03.
- 2-3. ~~The legislative district chairman of each party shall issue the call~~set the date and time for the precinct caucus at least twenty days before the time set for holding the caucus and the. ~~If there is not a district chairman in a legislative district, the state party executive committee may issue the call for the precinct caucus.~~ The call must contain the following:
- a. Name of party.
  - b. ~~Precinct~~Legislative district and precinct number or name.
  - c. Date of caucus.
  - d. Place of caucus.
  - e. Hours of caucus.
  - f. A statement of the business to be conducted, including the election of precinct committeemen and such other ~~persons~~individuals as may be provided by state law and ~~district party rules~~bylaws.
  - g. The name of the district chairman or, if there is not a district chairman, the member of the state party executive committee issuing the call.
- 3-4. ~~The district chairman or, if there is not a district chairman, the state party executive committee shall provide ten days' published notice in the official newspaper in circulation within each precinct in the district. The notices must contain that information set forth in subsection 23. The district chairman may include the information required by this section for all precincts in the district may be included~~ in one notice for publishing purposes.

**SECTION 3. AMENDMENT.** Section 16.1-03-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-02. Who may participate in and vote at caucus.**

1. Only those ~~persons~~individuals who are qualified electors ~~pursuant to~~under section 16.1-01-04 may vote or be elected as committeemen or officers at the precinct caucus.
2. Only those ~~persons~~individuals who either voted or affiliated with the party at the last general election or intend to ~~vote or~~ affiliate with the party and vote with the party at the next general election may vote at the precinct caucus.
3. In case the right of a ~~person~~an individual to participate at the caucus is challenged, the question of the ~~person's~~individual's right to participate must be decided by a vote of the whole caucus. ~~A person~~An individual so challenged may not vote on the question of the ~~person's~~individual's right to participate in the caucus, and a two-thirds vote of the whole caucus is required to exclude a ~~person~~an individual from participation.

4. ~~No person~~An individual may not vote or participate at more than one precinct caucus in any one year.

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

**16.1-03-03. ~~Caucus business and elections~~ – Political parties entitled to elect committeemen.**

1. ~~Each precinct caucus shall elect a chairman, committeemen as provided in subsection 3, and other officers as may be provided by party rules. The caucus may also discuss party policies, candidates, and any other business as prescribed by party rules.~~
2. ~~No~~A political organization is entitled to elect a precinct committeeman at its precinct caucus ~~unless~~if:
  - a. The organization nominated and had printed on the ballot at the last preceding general election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor, attorney general, or secretary of state; and
  - b. The candidates provided for in subdivision a received at least five percent of the total vote cast for presidential electors or for governor, attorney general, or secretary of state within this state at that election.
- 3.~~2.~~ Each political party in each voting precinct of this state, otherwise qualifying under subsection ~~2~~1, is entitled to elect one precinct committeeman for each two hundred fifty votes, or majority of a fraction thereof, cast for the party's presidential electors, governor, attorney general, or secretary of state in the precinct in the last general election. Each precinct is entitled to at least one precinct committeeman for each party which qualifies under subsection ~~2~~1. Each precinct committeeman must be an elector of the precinct in which the committeeman resides and must be elected for a two-year term.
3. If a political organization desires to organize under this chapter but has not qualified as provided in subsection 1, the organization may elect one precinct committeeman for each precinct in the district.

**SECTION 5. AMENDMENT.** Section 16.1-03-05 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-05. Vacancies in office of precinct committeeman - Filling.**

A vacancy in the office of precinct committeeman, which occurs after the organization of the district committee, ~~must~~may be filled by appointment from the precinct by the district executive committee of the party. ~~Notice of the appointment must be given to the county auditor.~~

**SECTION 6. AMENDMENT.** Section 16.1-03-07 of the North Dakota Century Code is amended and reenacted as follows:

### 16.1-03-07. Meeting of district committee - Organization.

1. In every odd-numbered year, the district committee of each party shall meet within fifteen days after the precinct caucus provided for in section 16.1-03-01. The day, hour, and site must be set by the existing district committee chairman. ~~The~~Any incumbent members of the legislative assembly from the party, the precinct committeemen of a party, selected as provided by this chapter, withand any other persons~~individual~~ provided for by the district committee's bylaws and ~~as the district committee designates,~~ constitute the district committee of the party. The district committee of a party must be organized to coincide with the geographical boundary lines of state legislative districts. Each member of any committee provided for in this chapter must be a qualified elector ~~and must retain the office the member was elected to until a successor is chosen.~~
  
2. ~~The district committee shall organize by:~~
  - a. ~~Selecting a chairman, vice chairman, secretary, and treasurer chosen by precinct committeemen and the party's incumbent members of the legislative assembly from the district shall select the officers of the district committee. The officers selected, as provided by the district party bylaws, need not be precinct committeemen; however, all the officers must be voting members of the district committee. The district committee shall forward to the state committee the name and contact information of the district committee chairman.~~
  - b. ~~Adopting rules and modes of procedure not in conflict with law.~~
  - c. ~~Filling any vacancies in the office of precinct committeeman pursuant to section 16.1-03-05.~~
  - d. ~~Selecting~~The district committee may appoint an executive committee consisting of five or more persons chosen from the district committee. The chairman, vice chairman, treasurer, and secretary of the district committee ~~must be members and the officers of the executive committee consistent with the bylaws of the district committee. That party's nominees for and members of the legislative assembly may also be~~shall serve as members of the executive committee.
  
- 2.3. ~~If the office of chairman becomes vacant, the vice chairman shall hold the office until the next regular election for the office or until a new chairman is selected by the district committee for the balance of the term, whichever occurs first~~vacancy may be filled as provided by the district party bylaws.
  
4. ~~The bylaws of the state committee or state party may not include any requirement providing directives or procedures for the method of the organization of district committees nor may the state committee or state party take any action or impose any requirement regarding district party organization which is not consistent with this chapter.~~

**SECTION 7. AMENDMENT.** Section 16.1-03-08 of the North Dakota Century Code is amended and reenacted as follows:

### 16.1-03-08. State committee - Membership.

The state committee of each party consists of the chairman of each of the district committees of the party and any ~~person~~individual provided for in the bylaws of the state committee.

**SECTION 8. AMENDMENT.** Section 16.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

### 16.1-03-11. State committee - Meetings - Organization –Vacancies.

The state committee shall meet on or before July first of each odd-numbered year. The committee shall organize by selecting a ~~chairman, vice chairman, secretary, and treasurer~~officers as provided for by the state committee bylaws and by adopting rules and modes of procedure, including rules and procedures regarding the selection of state convention delegates. ~~The party's bylaws must be filed with the secretary of state. The officers elected need not be members of the committee, but they shall become voting members of the committee after their election. Within thirty days following the state committee's organization, the newly elected chairman shall notify the secretary of state of the names of the party officers selected. These officers, with any other persons provided for by the party's bylaws and as the state committee designates, constitute the executive committee of the state committee. If the office of chairman becomes vacant, the vice chairman holds the office until the next regular election for the office or until a new chairman is selected by the state committee for the balance of the term, whichever occurs first. A vacancy in an office of the state committee, other than chairman and a party district chairman, must be filled upon a majority vote of the state committee. The chairman of the state committee may temporarily fill any vacancy existing on the state committee until the state committee convenes to fill the vacancy. The secretary of state must be notified of any changes in membership of the state's committee officers.~~

<sup>62</sup> **SECTION 9. AMENDMENT.** Section 16.1-03-14 of the North Dakota Century Code is amended and reenacted as follows:

### 16.1-03-14. ~~When state party convention held and duties of state~~State party convention.

1. ~~The state party conventions must be held in each presidential election year at a place and time designated by the party state committee shall set the place and time of the state party convention to be held in each general election year. The state party convention provided for in this chapter shall~~Subject to party rules and bylaws, the state party convention may:
  1. ~~a.~~ a. Nominate the legal number of ~~candidates~~qualified electors for its party for the offices of presidential electors.
  2. ~~b.~~ b. Elect the required number of delegates and alternates to the national party convention ~~as provided by the party's bylaws or national party rules.~~
  3. ~~Conduct other business as shall come before the convention.~~
    - c. Endorse candidates as provided under subsection 2.

<sup>62</sup> Section 16.1-03-14 was also amended by section 5 of Senate Bill No. 2374, chapter 176.

2. The candidate or candidates for endorsement or election must be declared endorsed or elected pursuant to under the rules of the party involved, and the chairman and secretary of the convention shall issue certificates of endorsement as provided in section 16.1-11-06 or certificates of election. The names of the candidates qualified electors nominated for presidential electors with the surname of the presidential candidate the party wishes to place on the general election ballot must be certified by the chairman and secretary of the convention to the secretary of state by four p.m. on the sixtieth day before the general election to be placed upon the general election ballot as provided in section 16.1-06-07.1.

**SECTION 10. AMENDMENT.** Section 16.1-03-17 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-17. Political party reorganization after apportionmentredistricting.**

If apportionmentredistricting of the legislative assembly becomes effective after the organization of political parties as provided in this chapter and before the primary or the general election, the ~~secretary of state shall establish a timetable for the reorganization of the parties as rapidly as possible before the ensuing election. When the timetable is established, the secretary of state shall notify all the county auditors of the timetable and of the details of the legislative apportionment as it affects each county. The secretary of state or county auditor may not require reorganization of precincts in which boundaries are unchanged after apportionment by the board of county commissioners or the governing body of the city pursuant to chapter 16.1-04. Each county auditor shall publish a notice in the official county newspaper containing:~~

1. A statement that legislative apportionment has occurred.
2. A description and a map of the new legislative districts and the precincts as established by the governing bodies of the counties and cities in the county, pursuant to section 16.1-04-01.
3. The date, time, and places of the precinct caucuses and district committee meetings determined by the secretary of state and the county auditor to be necessary according to the new districts and precincts established.

The political parties, in the newly established precincts and districts, shall then proceed to reorganize as closely as possible in conformance with this chapter and in conformance with the timetable established by the secretary of state to assure compliance with primary election filing deadlines.

**SECTION 11. AMENDMENT.** Section 16.1-04-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-04-01. Precincts - Duties and responsibilities of the board of county commissioners or the governing body of the city.**

1. The board of county commissioners of each county:
  4. a. Shall divide the county into precincts and establish the precinct boundaries, except that within the boundaries of any incorporated city, the governing body of the city shall divide the city into precincts and establish their boundaries pursuant to title 40. Any number of townships or parts of townships may be joined into a single precinct provided that no precinct may encompass more than one legislative district.

2. b. May alter the number and size of precincts within the county by combining or dividing precincts. However, the governing body of any incorporated city has the authority to alter the number and size of precincts located within its boundaries. The board of county commissioners may relinquish the jurisdiction provided under ~~subsection 1~~ subdivision a over all or any portion of a township or townships under its jurisdiction to a city for the purpose of establishing a voting precinct if a majority of the governing body of the city agrees to assume such jurisdiction. The governing body of a city, by majority vote, may return jurisdiction granted herein to the county and the county shall accept that jurisdiction.

2. When establishing precincts under subsection 1, a board of county commissioners, in cooperation with the county auditor, or a city governing body shall consult with and seek input regarding the size, number, and proposed boundaries of the precincts from representatives of the political parties organized within the county. Upon the request of the district chairman of a political party, a board of county commissioners, in consultation with the county auditor, or the governing body of a city shall consider proposals to change precinct boundaries.

**SECTION 12. AMENDMENT.** Section 16.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-04. Form and quality of ballots generally.**

All official ballots prepared under this title must:

1. Be printed on uniform quality and color of paper in an ink color suitable to make the ballot clearly legible and compatible with the electronic voting system requirements necessary to tabulate the votes.
2. Be of sufficient length to contain the names of all candidates to be voted for at that election.
3. Have the language "Vote for no more than \_\_\_\_\_ name (or names)" placed immediately under the name of each office.
4. Have printed thereon "To vote for the candidate of your choice, you must darken the oval ~~opposite~~next to the name of ~~the~~that candidate. To vote for a person whose name is not printed on the ballot, you must darken the oval next to the blank line provided and write that person's name ~~in~~on the blank space ~~provided for that purpose and darken the oval opposite the space provided~~line."
5. Leave sufficient space for each office to write a name, or names, as the case may be, in lieu of those printed on the ballot.
6. Immediately preceding and on the same line as the name of each candidate must be printed an oval in which the voter is to mark the voter's choice by darkening the oval next to the name of the candidate chosen.
7. Provide ~~two text boxes in~~at the bottom ~~right-hand corner of the first side of the~~ ballot. The first text box at the bottom of the first column is to contain the words "All ballots, other than those used to vote absentee, must first be ~~initialed by appropriate election officials in order to be counted~~Official Ballot, the name of the county, the name or number of the precinct, and the date of



blank space provided for that purpose and darken the oval opposite the space provided line."

6. The offices specified in section 16.1-11-26 must be arranged in each columnsection with the name of each office in the center of each political party columnsection at the head of the names of all the aspirants for the office.
7. Immediately under the name of each office must be printed: "Vote for no more than \_\_\_\_\_ name (or names)."
8. Immediately preceding and on the same line as the name of each aspirant must be printed an oval in which the voter is to mark the voter's choice by darkening the oval next to the name of the candidate chosen.
9. The political party or principle which cast the largest vote for governor at the most recent primary election at which the office of governor was voted upon must have the ~~left-hand column~~first section, and the political party or principle casting the next largest vote must have the ~~next column~~second section, and so on.

The judges and the inspector of elections shall inform each elector at the primary, before voting, that if the voter votes for candidates of more than one political party the voter's political party ballot will be rejected.

<sup>63</sup> **SECTION 14. AMENDMENT.** Section 16.1-11-30 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-30. Separate columnsection on primary election ballot required for each political party.**

Any party that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within this state at that election; any party that had printed on the ballot at the last preceding nonpresidential election a candidate for attorney general or secretary of state, and the candidate received at least five percent of the total vote cast for the office the candidate was seeking at the election; or any party that has organized according to all the requirements of chapter 16.1-03 must be provided with a separate columnsection on primary election ballots.

Any other political organization is entitled to endorse candidates or have candidates petition to be included on the primary ballot in a ~~consolidated column or on a special~~separate section of the consolidated primary election ballot, if a petition signed by at least seven thousand qualified electors of this state is filed with the secretary of state before four p.m. of the sixtieth day before a primary or special election, naming the political organization, stating the platform principles of the party, and requesting the names of its candidates to be included on the state's primary ballot in a ~~consolidated column.~~separate section. Political organizations that are granted ballot access under this section are allowed ballot access only for those offices for which the organization has identified candidates. Regardless of the means by which the petition is mailed, delivered, the original must be in the possession of

<sup>63</sup> Section 16.1-11-30 was also amended by section 14 of Senate Bill No. 2374, chapter 176.

the secretary of state before four p.m. on the sixtieth day prior to a primary or special election. Candidates of that party are entitled to the same rights and privileges as those of other parties. Petitions circulated according to this section must be filed with the secretary of state in accordance with section 1-01-50.

A political organization that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within this state at that election, and any political organization that has printed on the ballot at the last preceding nonpresidential election a candidate for attorney general or secretary of state, and the candidate received at least five percent of the total vote cast for the office the candidate was seeking at the election are entitled to organize according to the requirements of chapter 16.1-03.

<sup>64</sup> **SECTION 15. AMENDMENT.** Section 16.1-12-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-12-02. Certificates of nomination by petition - Form and contents.**

Certificates of nomination for nominees for an office to be filled at a general or special election, except for an office appearing on the no-party ballot, may be made as provided by this section. Except for nominees for president of the United States, names of nominees so nominated must appear on the ballot as independent nominations. The names of nominees for president of the United States may appear on the ballot with a designation, not to exceed five words, that names the organization or political party to which the presidential candidate affiliates. The designation may not falsely indicate an affiliation with or the support of any political party organized in accordance with this title or include any substantive word or phrase that is profane or that is already included in or resembles the name of a political party entitled to a separate column under section 16.1-11-30. Except for candidates for the office of president of the United States, each certificate of nomination by petition must meet the specifications for nominating petitions set forth in section 16.1-11-16. A political party or organization desiring to submit to the secretary of state the name of a qualified candidate for the office of the president of the United States may begin gathering the signatures for the certificate of nomination on the first day of January of a presidential election year and shall submit the petition to the secretary of state before four p.m. on the sixtieth day before the general election. The signatures on the petition must be in the following number:

1. Except as provided in subsection 3, if the nomination is for an office to be filled by the qualified electors of the entire state, there must be no fewer than one thousand signatures.
2. If the nomination is for an office to be filled by the qualified electors of a district less than the entire state, the number of signatures must be at least two percent of the resident population of the district as determined by the most recent federal decennial census, but in no case may more than three hundred signatures be required.
3. If the nomination is for the office of president, there must be no fewer than four thousand signatures and the petition must contain the names of the

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<sup>64</sup> Section 16.1-12-02 was also amended by section 15 of Senate Bill No. 2374, chapter 176.

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presidential and vice presidential candidates along with the names of the North Dakota presidential electors selected from the qualified electors of North Dakota.

4. If the petition is for the office of governor or lieutenant governor, it must contain the names and other required information of candidates for both those offices.

<sup>65</sup> **SECTION 16. REPEAL.** Sections 16.1-03-12 and 16.1-03-19 of the North Dakota Century Code are repealed.

Approved May 2, 2013  
Filed May 2, 2013

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<sup>65</sup> Section 16.1-03-12 was amended by section 4 of Senate Bill No. 2374, chapter 176.

## CHAPTER 169

### HOUSE BILL NO. 1361

(Representatives Klemin, Kretschmar, Maragos, Muscha)  
(Senators Hogue, Triplett)

AN ACT to amend and reenact sections 15.1-09-13, 16.1-04-02, 16.1-07-09, 16.1-07-10, 16.1-07-11, 16.1-07-12, and 21-03-11, subsection 4 of section 40-21-02, and section 40-21-16 of the North Dakota Century Code, relating to election precincts and voting places.

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

**SECTION 1. AMENDMENT.** Section 15.1-09-13 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-09-13. Election precincts - Polling places - Election officials.**

1. At least thirty-five days prior to the annual election, the board of each school district shall designate one or more precincts for the election. The board shall arrange the precincts in a way that divides the electors of the district as equally as possible.
2. At least thirty-five days prior to the annual election, the board of each school district shall designate one or more polling places for ~~the election~~each precinct. The board shall locate the polling places as conveniently as possible for the voters in the precinct. Once established by the board, a polling place must remain ~~the~~a polling place for a precinct until it is changed by subsequent action of the board.
3. For school board elections not held in conjunction with county elections, the board shall appoint two election judges and two election clerks for each ~~precinct~~polling place. Before opening the polls, the judges and clerks shall take an affirmation or oath to perform their duties according to law and to the best of their ability. The affirmation or oath may be administered by any officer authorized to administer oaths or by any of the judges or clerks.
4. For school board elections held in conjunction with county elections, the county election boards shall administer the election in the same manner as the county or state election.

**SECTION 2. AMENDMENT.** Section 16.1-04-02 of the North Dakota Century Code is amended and reenacted as follows:

##### **16.1-04-02. Voting places - Duties and responsibilities of the board of county commissioners or the governing body of the city.**

The board of county commissioners of each county:

1. Shall designate ~~a one or more~~ one or more voting ~~place~~places for each precinct and may alter the voting places when there is a good and sufficient reason. However, the voting places for precincts located within the boundaries of any

incorporated city must be designated, and altered if required, by the governing body of the city.

2. Shall provide that all voting places are accessible to the elderly and the physically disabled.
3. May utilize vote centers that contain all of the precincts in a county so that any qualified elector of the county may choose to cast a ballot in that polling location. Qualified electors may vote early at early voting precincts, by absentee ballot, at the polling location of their residential precinct, or at a county vote center. Vote center polling places must serve as the designated polling place for at least one precinct in the county in addition to serving as the site where any county voter may cast a ballot. An individual voting or attempting to vote more than once in any single election is guilty of a class A misdemeanor.

**SECTION 3. AMENDMENT.** Section 16.1-07-09 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-07-09. Canvassing of mailed absent voter's ballots received late.**

In the case of congressional, state, county, city, or school district elections, if an envelope postmarked or otherwise officially marked by the United States postal service or other mail delivery system before the date of election and containing an absent voter's ballot is received by the officer too late to be forwarded to a polling place of the proper voting precinct in time to be tabulated, the ballot must be tallied by the canvassing board of the county, the governing body of the city, or the school board of the school district, as the case may be, at the time the returns are canvassed. Any envelope without a postmark or other official marking by the United States postal service or other mail delivery system or with an illegible postmark or other official marking and containing an absentee voter's ballot must be received by mail by the proper officer prior to the meeting of the canvassing board. An absent voter may personally deliver the absent voter's ballot to the appropriate officer's office at any time before five p.m. on the day before the election. Any envelope containing an absent voter's ballot with a postmark or official date stamp on the day of election or thereafter may not be tallied with the ballots timely submitted for the election. Before forwarding any ballot to a canvassing board pursuant to this section, the officer forwarding the ballot shall print the date of receipt on the envelope. Upon receipt, the canvassing board shall determine that the elector was qualified to vote in that precinct, that the elector did not previously vote in that precinct on the date of the election, and that the signatures on the absentee ballot application and the voter's affidavit were signed by the same person before allowing the ballot to be tallied.

**SECTION 4. AMENDMENT.** Section 16.1-07-10 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-07-10. Care and custody of ballot.**

Upon receipt of an envelope containing the absent voter's ballot, the proper officer immediately shall attach the application of the absent voter and file the ballot with other absentee ballots from the same precinct. Before delivering the absentee ballots to a polling place of the proper precinct, the proper officer shall package the ballots in a manner so the ballots are sealed securely. The package must be endorsed with the name of the proper voting precinct, the name and official title of the officer, and the words "This package contains an absent voter's ballot and must be opened only according to the processing provisions of section 16.1-07-12." The officer shall keep

the package safely in the officer's office until it is delivered by the officer as provided in this chapter.

**SECTION 5. AMENDMENT.** Section 16.1-07-11 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-07-11. Submitting ballot to inspector of elections.**

If the envelope containing the absent voter's ballot is received by the county auditor, auditor or clerk of the city, or business manager of the school district, as the case may be, prior to that person's individual's delivery of the sealed package containing the official ballots to the inspector of elections of a polling place of the precinct in which such the absent voter resides, such the ballot, after having been enclosed with the application in an envelope as required by section 16.1-07-10, must be enclosed in such the package and delivered therewith to the inspector of the precinct polling place. If the official ballots for the precinct have been delivered to the election inspector at the time of receipt by the proper officer of the absent voter's ballot, ~~then~~ the officer or the officer's designee shall personally deliver it to the inspector prior to the close of the polls on election day. Any absent voter's ballot sent to the wrong precinct polling place by the official whose duty it is to forward such the ballots to the precincts, or any absent voter's ballot received by the inspector from the appropriate officer too late to be counted at the precinct polling place, must be returned to the official by the election inspector, and must be tallied by the county canvassing board, the governing body of the city, or the school board, as the case may be, with other absent voters' ballots received too late to be counted on election day.

**SECTION 6. AMENDMENT.** Section 16.1-07-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-07-12. Opening ballot - Voting or rejecting - Depositing in ballot box - Preserving.**

At any time beginning on the day before election day and the closing of the polls on election day, the election clerks and board members of the relevant precinct polling place first shall compare the signature on the application for an absent voter's ballot with the signature on the voter's affidavit provided for in section 16.1-07-08 to ensure the signatures correspond. If the applicant is then a duly qualified elector of the precinct and has not voted at the election, they shall open the absent voter's envelope in a manner as not to destroy the affidavit thereon. They shall take out the secrecy envelope with the ballot or ballots contained therein without unfolding the same, or permitting the same to be opened or examined and indicate in the pollbook of the election that the elector has voted. The election board members not participating in the comparing of signatures and entering voters into the pollbook shall remove the ballot or ballots from the secrecy envelope, unfold and initial the same, and deposit in the proper ballot box for tabulation. The votes from these cast ballots may not be tallied and the tabulation reports may not be generated until the polls have closed on election day. If the affidavit on the outer envelope of a returned absentee ballot is found to be insufficient, or that the signatures on the application and affidavit do not correspond, or that the applicant is not then a duly qualified elector of the precinct, the vote may not be allowed, but without opening the absent voter's envelope, the election inspector or election judge shall mark across the face thereof "rejected as defective" or "rejected as not an elector", as the case may be. These rejected ballots are then turned over to the county canvassing board for final determination of eligibility. The subsequent death of an absentee voter after having voted by absentee ballot does not constitute grounds for rejecting the ballot.

**SECTION 7. AMENDMENT.** Section 21-03-11 of the North Dakota Century Code is amended and reenacted as follows:

**21-03-11. Elections - When and how called and held.**

Upon or after the adoption of an initial resolution by the governing body, or at the first meeting of the governing body held after the filing of a petition and proposed initial resolution by the qualified electors as specified in subsection 2 of section 21-03-10, the governing body by resolution shall provide for submitting to the qualified electors of the municipality the question whether ~~such~~the initial resolution shall be approved. The date of ~~such~~the election must be not less than twenty days after the passage of ~~such~~the initial resolution by the governing body or in the filing of a sufficient petition therefor by the qualified electors. The governing body shall designate the date of ~~such~~the election, the polling hours, and polling place ~~thereof~~, which must be the same as for municipal elections therein, and shall appoint an inspector, two judges, and two clerks of election for each polling place. In case of the absence of any ~~such~~election official ~~of election~~, or the official's inability to act at the opening of the polls, the remaining election officials for the ~~precinct~~polling place shall appoint a qualified elector to fill ~~such~~the vacancy. ~~Such~~The election must be conducted and the returns thereof made and canvassed as in the case of elections of members of the governing body of ~~such~~the municipality.

<sup>66</sup> **SECTION 8. AMENDMENT.** Subsection 4 of section 40-21-02 of the North Dakota Century Code is amended and reenacted as follows:

4. For city elections that are not held under an agreement with any county, the governing body of the city shall appoint one inspector and two judges of election for each ~~precinct~~polling place in the city at least ten days before the election is held and the polls must be opened and closed as provided for the opening and closing of polls at statewide elections. In voting precincts in which over three hundred votes are cast in any previous election, the governing body may appoint two election clerks ~~may be appointed by the governing body for each polling place~~. For a city election that is not held under an agreement with any county in a precinct in which seventy-five or fewer votes were cast in the last city election, the governing body of the city may appoint one inspector and one judge for each polling place.

**SECTION 9. AMENDMENT.** Section 40-21-16 of the North Dakota Century Code is amended and reenacted as follows:

**40-21-16. Special elections conducted in same manner as general elections.**

Special municipal elections to fill vacancies or for any other purpose ~~shall~~must be held and conducted by the inspectors and judges of election of the several ~~precincts~~polling places in the same manner and the returns ~~shall~~must be made in the same form and manner as at regular municipal elections.

Approved April 12, 2013

Filed April 12, 2013

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<sup>66</sup> Section 40-21-02 was also amended by section 21 of Senate Bill No. 2374, chapter 176.

## CHAPTER 170

### SENATE BILL NO. 2347

(Senators Schaible, Dever, Sorvaag)  
(Representatives Meier, Rohr)

AN ACT to create and enact a new section to chapter 16.1-07 of the North Dakota Century Code, relating to emergency authority of the secretary of state for the administration of elections.

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

**SECTION 1.** A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

#### **Emergency procedures to facilitate absentee voting.**

If an international, national, state, or local disaster or emergency or other situation arises which makes substantial compliance with the Uniformed and Overseas Citizens Absentee Voting Act [42 U.S.C. 1973ff et seq.] impossible or impracticable, as confirmed by the existence of armed conflict involving the armed forces of the United States or the mobilization of those forces, including national guard and reserve component members of this state, by the occurrence of a natural disaster or the existence of a state of emergency, civil unrest, war, or other exigency in a foreign country, or by an official declaration by the governor that a state of disaster or emergency exists, the secretary of state may prescribe special procedures or requirements as may be necessary to facilitate absentee voting by those absent uniformed services voters or overseas voters directly affected and who are eligible to vote in this state.

Approved April 1, 2013  
Filed April 1, 2013

## CHAPTER 171

### SENATE BILL NO. 2255

(Senators Dever, Dotzenrod, Hogue)  
(Representatives J. Nelson, M. Nelson, Thoreson)

AN ACT to amend and reenact section 16.1-08.1-01 and subsection 2 of section 16.1-08.1-03.3 of the North Dakota Century Code, relating to campaign contributions.

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

<sup>67</sup> **SECTION 1. AMENDMENT.** Section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **16.1-08.1-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Affiliate" means an organization that controls, is controlled by, or is under common control with another organization. For purposes of this definition, control means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of an organization, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise. Control is presumed to exist if an organization, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing fifty percent or more of the voting securities of any other organization.
2. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
- 2.3. "Candidate" means an individual who seeks nomination for election or election to public office, and includes:
  - a. A person holding public office;
  - b. A person who has publicly declared that person's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
  - c. A person who has formed a campaign or other committee for that person's candidacy for public office;

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<sup>67</sup> Section 16.1-08.1-01 was also amended by section 1 of Senate Bill No. 2299, chapter 172.

- d. A person who has circulated a nominating petition to have that person's name placed on the ballot; and
  - e. A person who has, in any manner, solicited or received a contribution for that person's candidacy for public office, whether before or after the election for that office.
- 3-4. "Contribution" means a gift, a transfer, a conveyance, a provision, a receipt, a subscription, a loan, an advance, a deposit of money, or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. The term also means a contract, a promise, or an agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes. The term includes funds received by a candidate for public office or a political party or committee which are transferred or signed over to that candidate, party, or committee from another candidate, party, or political committee or other source. The term "anything of value" includes any good or service of more than a nominal value. The term "nominal value" means the cost, price, or worth of the good or service is trivial, token, or of no appreciable value. The term "contribution" does not include:
- a. A loan of money from a bank or other lending institution made in the regular course of business.
  - b. Time spent by volunteer campaign or political party workers.
  - c. Money spent by a candidate on the candidate's own behalf.
  - d. Money or anything of value received for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
  - e. Money or anything of value received by a candidate in that person's personal capacity, including pursuant to a contract or agreement made for personal or private employment purposes, and not received for a political purpose or to influence the performance of that person's official duty.
  - f. Contributions of products or services for which the actual cost or fair market value are reimbursed by a payment of money.
- 4-5. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code, and for purposes of this chapter "corporations" includes nonprofit corporations.
- 5-6. "Direct expenditure" means an expenditure made by a corporation, a cooperative corporation, a limited liability company, or an association for the specific purpose of promoting passage or defeat of an initiated or a referred measure without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of a measure committee.
- 6-7. "Expenditure" means a gift, a transfer, a conveyance, a provision, a loan, an advance, a payment, a distribution, a disbursement, an outlay, or a deposit of money or anything of value, except a loan of money from a bank or other lending institution made in the regular course of business, made for the direct purpose of influencing the passage or defeat of a measure or the nomination

for election, or election, of any individual to office. The term also means a contract, a promise, or an agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.

- 7-8. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
- 8-9. "Person" means an individual, a partnership, a political committee, an association, a corporation, a cooperative corporation, a limited liability company, or other organization or group of persons.
- 9-10. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes and includes the following:
- a. A political action committee, derived from a corporation, a cooperative corporation, a limited liability company, or an association that is prohibited from making direct contributions for political purposes under section 16.1-08.1-03.3, and which solicits or receives contributions or makes expenditures for political purposes;
  - b. A candidate committee, established to support an individual candidate seeking statewide office, that solicits or receives contributions for political purposes;
  - c. An organization governed by section 527 of the Internal Revenue Code [26 U.S.C. 527], which solicits or receives contributions or makes expenditures for political purposes;
  - d. A multicandidate political committee, established to support multiple groups or slates of candidates seeking public office, that solicits or receives contributions for political purposes; and
  - e. A measure committee that solicits or receives contributions for the purpose of aiding or opposing a measure to be voted upon by the voters of the state.
- 40-11. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.
- 44-12. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a state office or any position taken in any bona fide news story, commentary, or editorial.

42-13. "Public office" means every office to which persons can be elected by vote of the people under the laws of this state.

14. "Subsidiary" means an affiliate of a corporation under the control of the corporation directly or indirectly through one or more intermediaries.

<sup>68</sup> **SECTION 2. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

2. This section does not prohibit the establishment, administration, and solicitation of contributions to a separate and segregated fund to be utilized for political purposes by a corporation, a cooperative corporation, a limited liability company, or an association. It is unlawful for:
  - a. The person or persons controlling the fund to make contributions or expenditures utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of them; or utilize money from dues, fees, treasury funds, or other money required as a condition of membership in an association, or as a condition of employment; or utilize money obtained in any commercial transaction. Moneys from fees, dues, treasury funds, or money obtained in a commercial transaction may, however, be used to pay costs of administration of the fund.
  - b. Any person soliciting an employee, a stockholder, a patron, a board member, or a member for a contribution to the fund to fail to inform the employee or member of the political purposes of the fund at the time of the solicitation or of the general political philosophy intended to be advanced through committee activities.
  - c. Any person soliciting an employee or a member for a contribution to the fund to fail to inform the employee or member at the time of the solicitation of the right to refuse to contribute without any reprisal.
  - d. Any contribution to be accepted without keeping an accurate record of the contributor and amount contributed and of amounts expended for political purposes.
  - e. Any contribution to be accepted from any person who is not an employee, a stockholder, a patron, a board member or a member of the corporation, cooperative corporation, limited liability company, or association maintaining the political action committee, except a corporation may accept a contribution from an employee, a stockholder, a patron, a board member, or a member of an affiliate or a subsidiary of the corporation.
  - f. Any expenditure made for political purposes to be reported under this section before control of the expenditure has been released by the political action committee except if there is a contract, a promise, or an agreement, expressed or implied, to make such expenditure.

Approved April 19, 2013  
Filed April 19, 2013

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<sup>68</sup> Section 16.1-08.1-03.3 was also amended by section 6 of Senate Bill No. 2299, chapter 172.

## CHAPTER 172

### SENATE BILL NO. 2299

(Senators Luick, Nelson, Wardner)  
(Representatives Karls, Paur, Thoreson)

AN ACT to create and enact section 16.1-08.1-03.13 of the North Dakota Century Code, relating to campaign contribution statements required of initiated petition sponsoring committees; to amend and reenact section 16.1-08.1-01, subsection 3 of section 16.1-08.1-02, subsection 2 of section 16.1-08.1-03, sections 16.1-08.1-03.1, 16.1-08.1-03.2, 16.1-08.1-03.3, 16.1-08.1-03.5, and 16.1-08.1-03.7, subsection 3 of section 16.1-08.1-03.8, subsection 2 of section 16.1-08.1-03.9, subsection 2 of section 16.1-08.1-03.10, subsection 2 of section 16.1-08.1-03.11, and sections 16.1-08.1-03.12, 16.1-08.1-04, 16.1-08.1-05, 16.1-08.1-06, 16.1-08.1-06.1, and 16.1-08.1-07 of the North Dakota Century Code, relating to campaign finance; to provide a penalty; and to provide an effective date.

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

<sup>69</sup> **SECTION 1. AMENDMENT.** Section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **16.1-08.1-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
2. "Candidate" means an individual who seeks nomination for election or election to public office, and includes:
  - a. ~~A person~~An individual holding public office;
  - b. ~~A person~~An individual who has publicly declared that ~~person's~~individual's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
  - c. ~~A person~~An individual who has formed a campaign or other committee for that ~~person's~~individual's candidacy for public office;

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<sup>69</sup> Section 16.1-08.1-01 was also amended by section 1 of Senate Bill No. 2255, chapter 171.

- d. ~~A person~~An individual who has circulated a nominating petition to have that ~~person's~~individual's name placed on the ballot; and
- e. ~~A person~~An individual who has, in any manner, solicited or received a contribution for that ~~person's~~individual's candidacy for public office, whether before or after the election for that office.
3. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription, loan, advance, deposit of money, or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes. The term includes funds received by a candidate for public office or a political party or committee which are transferred or signed over to that candidate, party, or committee from another candidate, party, or political committee or other source. The term "anything of value" includes any good or service of more than a nominal value. The term "nominal value" means the cost, price, or worth of the good or service is trivial, token, or of no appreciable value. The term "contribution" does not include:
- a. A loan of money from a bank or other lending institution made in the regular course of business.
- b. Time spent by volunteer campaign or political party workers.
- c. Money spent by a candidate on the candidate's own behalf.
- d. Money or anything of value received for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
- e. Money or anything of value received by a candidate in that person's personal capacity, including pursuant to a contract or agreement made for personal or private employment purposes, and not received for a political purpose or to influence the performance of that person's official duty.
- f. Contributions of products or services for which the actual cost or fair market value are reimbursed by a payment of money.
- g. An independent expenditure.
4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code, and for purposes of this chapter "corporations" includes nonprofit corporations. However, if a political committee, the only purpose of which is accepting contributions and making expenditures for a political purpose, incorporates for liability purposes only, the committee is not considered a corporation for the purposes of this chapter.
5. ~~"Direct expenditure" means an expenditure made by a corporation, cooperative corporation, limited liability company, or association for the specific purpose of promoting passage or defeat of an initiated or referred measure without the express or implied consent, authorization, or cooperation~~

of, and not in concert with or at the request or suggestion of a measure committee.

6. "Expenditure" means a:

a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution, disbursement, outlay, or deposit of money or anything of value, except a loan of money from a bank or other lending institution made in the regular course of business, made for a political purpose or for the direct purpose of influencing the passage or defeat of a measure or the nomination for election, or election, of any individual to office. The term also means a

b. A contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the

c. The transfer of funds by a political committee to another political committee.

d. An independent expenditure.

7-6. "Incidental committee" means a committee, club, association, or other group of persons that makes a contribution or expenditure, but for which making contributions and expenditures for political purposes is not its primary purpose.

7. "Independent expenditure" means an expenditure made for a political purpose or for the purpose of influencing the passage or defeat of a measure if the expenditure is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or a candidate committee or measure committee.

8. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.

8-9. "Person" means an individual, partnership, political committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.

9-10. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes and includes the following:

a. A political action committee, derived from a corporation, cooperative corporation, limited liability company, or an association that is prohibited from making ~~direct contributions~~ a contribution for political purposes under section ~~16-1-08.1-03-316.1-08.1-03.5~~, and which solicits or receives contributions or makes expenditures for political purposes;

b. A candidate committee, established to support an individual candidate seeking statewide office, that solicits or receives contributions for political purposes;

- c. ~~An~~ A political organization governed by ~~section 527 of~~ the Internal Revenue Code [~~26 U.S.C. 527~~] and registered with the federal election commission, which solicits or receives contributions or makes expenditures for political purposes;
- d. A multicandidate political committee, established to support multiple groups or slates of candidates seeking public office, that solicits or receives contributions for political purposes; ~~and~~
- e. A measure committee that solicits or receives contributions for the purpose of aiding or opposing a measure to be voted upon by the voters of the state; and
- f. An incidental committee.

40-11. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.

44-12. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a state office or any position taken in any bona fide news story, commentary, or editorial.

42-13. "Public office" means every office to which ~~persons~~ an individual can be elected by vote of the people under the laws of this state.

**SECTION 2. AMENDMENT.** Subsection 3 of section 16.1-08.1-02 of the North Dakota Century Code is amended and reenacted as follows:

3. The candidate committee, or candidate for statewide office who does not have a candidate committee, and any candidate for legislative office shall file the statement in the office of the secretary of state no later than the ~~twelfth~~ thirty-second day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes complete from the beginning of that calendar year through the ~~twentieth~~ fortieth day before the date of the election. Every candidate committee, or candidate for statewide office who does not have a candidate committee, and every candidate for legislative office shall file a complete statement for each calendar year no later than the thirty-first day of January of the following year, regardless of whether the candidate sought election during that calendar year.

**SECTION 3. AMENDMENT.** Subsection 2 of section 16.1-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

2. A year-end statement covering the entire calendar year must be filed with the secretary of state no later than the thirty-first day of January of the following year. A preelection statement must be filed no later than the ~~twelfth~~thirty-second day before any election at which the party has endorsed or will nominate a candidate and must be complete from the beginning of that calendar year through the ~~twentieth~~fortieth day before the election.

<sup>70</sup> **SECTION 4. AMENDMENT.** Section 16.1-08.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03.1. Contributions statement required of persons and measure committees circulating or promoting passage or defeat of initiated or referred measure.**

1. ~~At the time the sponsoring committee for an initiated measure petition submits signed petitions to the secretary of state, the committee also shall submit a statement disclosing the total amount of contributions received by the committee to aid the committee in drafting and circulating the petition, the name and mailing address of each person that contributed more than one hundred dollars in the aggregate to the sponsoring committee, the date each such contribution was received, and the total amount of expenditures made by the committee to aid in the drafting and circulation of the petition.~~
2. Any person or measure committee, as described in section 16.1-08.1-01, that is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly at any election shall file a statement in accordance with this subsection if the person has received any contribution in excess of one hundred dollars. The statement must include the name and mailing address of each person that contributed in excess of one hundred dollars to the person, the amount of each reportable contribution, and the date each reportable contribution was received. The statement must include the name and mailing address of each recipient of an expenditure exceeding one hundred dollars in the aggregate, the amount of each reportable expenditure, and the date the expenditure was made.
- ~~3-2.~~ A person or measure committee that is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly may not accept a contribution of more than one hundred dollars from an out-of-state person or political committee unless the contribution is accompanied by a certified statement from the contributor listing the name, address, and amount contributed by each person that contributed more than one hundred dollars of the contribution. The statement must indicate if no person contributed in excess of one hundred dollars of the out-of-state person's or political committee's overall contribution. The certified statement must also list the occupation, employer, and principal place of business for each individual who contributed more than one hundred dollars of the contribution. The person soliciting or accepting a contribution for the purpose of aiding the circulation of a statewide initiative or referendum petition or of promoting passage or defeat of a statewide initiated or referred measure

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<sup>70</sup> Section 16.1-08.1-03.1 was also amended by section 1 of House Bill No. 1451, chapter 174.

shall include this statement with the contribution statement required to be filed under subsection 21.

4-3. The statement required of a person or measure committee under subsection 21 must be filed with the secretary of state no later than the ~~twelfth~~thirty-second day before the date of the election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the ~~twentieth~~fortieth day before the date of the election. A complete statement for the entire calendar year for each statement required to be filed under ~~subsections 2 and 3~~this section must be filed no later than the thirty-first day of January of the following year. Even if a person required to report according to this section has not received any contributions in excess of one hundred dollars during the reporting period, the person shall file a statement as required by this chapter. A statement filed according to ~~subsections 2 and 3~~this section during the reporting period must show the following:

- a. The gross total of all contributions received and expenditures made in excess of one hundred dollars;
- b. The gross total of all contributions received and expenditures made of one hundred dollars, or less; and
- c. The cash on hand in the filer's account at the start and close of the reporting period.

**SECTION 5. AMENDMENT.** Section 16.1-08.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03.2. Political committee registration.**

A statewide, judicial, or legislative candidate or political committee as defined in section 16.1-08.1-01 shall register its name, and address, and its agent's name and address, and a designation as to whether the committee is incorporated solely for the purpose of liability protection. with the secretary of state each calendar year in which it receives any contribution. The registration must be completed within fifteen business days of the receipt of any contribution or expenditure made and must be submitted with a registration fee of twenty-five dollars. A political committee that organizes and registers according to federal law and makes an independent expenditure or makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office, a political party, or political committee in this state is not required to register as a political committee according to this section if the political committee reports according to section 16.1-08.1-03.7. An incidental political committee is required to register under this section only as a result of making a reportable expenditure or contribution in the aggregate during any reporting period, but the registration under this section does not change the nature of business for the organization. Registration under this section does not reserve the name for exclusive use nor does it constitute registration of a trade name under chapter 47-25.

<sup>71</sup> **SECTION 6. AMENDMENT.** Section 16.1-08.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

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<sup>71</sup> Section 16.1-08.1-03.3 was also amended by section 2 of Senate Bill No. 2255, chapter 171.

**16.1-08.1-03.3. Campaign contributions by corporations, cooperative corporations, limited liability companies, and associations prohibited - Violation - Penalty - Political action committees authorized.**

1. ~~A corporation, cooperative corporation, limited liability company, or association may not make a direct contribution:~~
  - a. ~~To aid any political party, political committee, or organization except that a direct contribution may be made to a measure committee as provided in section 16.1-08.1-03.5.~~
  - b. ~~To aid any corporation, limited liability company, or association organized or maintained for political purposes as defined in this chapter.~~
  - c. ~~To aid any candidate for public office or for nomination to public office.~~
  - d. ~~For any political purpose or the reimbursement or indemnification of any person for money or property so used.~~
  - e. ~~For the influencing of any measure before the legislative assembly, except in accordance with chapter 54-05.1.~~
2. ~~This section does not prohibit the establishment, administration, and solicitation of~~A corporation, cooperative corporation, limited liability company, or association may establish, administer, and solicit contributions to a separate and segregated fund to be utilized for political purposes by a corporation, cooperative corporation, limited liability company, or association. It is unlawful for:
  - a. The person or persons controlling the fund to make contributions or expenditures utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of them; or utilize money from dues, fees, treasury funds, or other money required as a condition of membership in an association, or as a condition of employment; or utilize money obtained in any commercial transaction. Moneys from fees, dues, treasury funds, or money obtained in a commercial transaction may, however, be used to pay costs of administration of the fund.
  - b. Any person soliciting an employee, stockholder, patron, or member for a contribution to the fund to fail to inform the employee or member of the political purposes of the fund at the time of the solicitation or of the general political philosophy intended to be advanced through committee activities.
  - c. Any person soliciting an employee or member for a contribution to the fund to fail to inform the employee or member at the time of the solicitation of the right to refuse to contribute without any reprisal.
  - d. Any contribution to be accepted without keeping an accurate record of the contributor and amount contributed and of amounts expended for political purposes.
  - e. Any contribution to be accepted from any person who is not an employee, stockholder, patron, or member of the corporation, cooperative

corporation, limited liability company, or association maintaining the political action committee.

- f. Any expenditure made for political purposes to be reported under this section before control of the expenditure has been released by the political action committee except if there is a contract, promise, or agreement, expressed or implied, to make such expenditure.
- 3-2. All political action committees, as described in section 16.1-08.1-01, formed for the purpose of administering the segregated fund provided for in this section shall file a statement showing the name and mailing address of each contributor of an amount in excess of two hundred dollars in the aggregate for the reporting period and a listing of all expenditures of an amount in excess of two hundred dollars in the aggregate made for political purposes with the secretary of state. The statement must include the amount of each reportable contribution and the date it was received and the amount of each reportable expenditure and the date it was made. A year-end statement covering the entire calendar year must be filed no later than the thirty-first day of January of the following year. A preelection statement must be filed no later than the ~~twelfth~~<sup>thirty-second</sup> day before any primary, special, or general election and must be complete from the beginning of the calendar year through the ~~twentieth~~<sup>fortieth</sup> day before the election. Even if a political action committee has not received any contributions or made any expenditures in excess of two hundred dollars during the reporting period, the political action committee shall file a statement as required by this chapter. A statement filed according to this section during the reporting period must show the following:
- a. The gross total of all contributions received and expenditures made in excess of two hundred dollars;
  - b. The gross total of all contributions received and expenditures made of two hundred dollars, or less; and
  - c. The cash on hand in the filer's account at the start and close of the reporting period.
- 4-3. A political action committee shall report the occupation, employer, and principal place of business of each person, or the political committee if not already registered according to state or federal law, who contributed five thousand dollars or more in the aggregate during the reporting period.
- 5-4. A person may not make a payment of that person's money or of another person's money to any other person for a political purpose in any name other than that of the person who supplies the money and a person may not knowingly receive the payment nor enter nor cause the payment to be entered in that person's account or record in any name other than that of the person by whom it actually was furnished.
- 6-5. If an officer, employee, agent, attorney, or other representative of a corporation, cooperative corporation, limited liability company, or association makes any contribution prohibited by this section out of corporate, cooperative corporation, limited liability company, or association funds or otherwise violates this section, it is prima facie evidence of a violation by the corporation, cooperative corporation, limited liability company, or association.

- ~~7-6.~~ A violation of this section may be prosecuted in the county where the contribution is made or in any county in which it has been paid or distributed.
- ~~8-7.~~ It is a class A misdemeanor for an officer, director, stockholder, manager, governor, member, attorney, agent, or representative of any corporation, cooperative corporation, limited liability company, or association to violate this section or to counsel or consent to any violation. Any person who solicits or knowingly receives any contribution in violation of this section is guilty of a class A misdemeanor.
- ~~9-8.~~ Any officer, director, stockholder, manager, governor, member, attorney, agent, or representative who makes, counsels, or consents to the making of a contribution in violation of this section is liable to the company, corporation, limited liability company, or association for the amount so contributed.

**SECTION 7. AMENDMENT.** Section 16.1-08.1-03.5 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03.5. Allowable ~~corporate~~Corporate contributions and expenditures - Report required.**

1. ~~Corporations, cooperative corporations, limited liability companies, and associations may make contributions to a measure committee, as described in section 16.1-08.1-01, for the purpose of promoting passage or defeat of initiated or referred measures. Corporations, cooperative corporations, limited liability companies, and associations may make expenditures and contributions for promoting any general political philosophy or belief deemed in the best interest of the employees, stockholders, patrons, or members of the corporation, cooperative corporation, limited liability company, or association other than a "political purpose" as defined by this chapter. A corporation, cooperative corporation, limited liability company, or association may not make a contribution for a political purpose.~~
2. A corporation, cooperative corporation, limited liability company, or association may make a donation of property or money to a state political party or nonprofit entity affiliated with or under the control of a state political party for deposit in a separate and segregated fund. Money in the fund must be used exclusively by the state political party or nonprofit entity affiliated with or under the control of a state political party for purchasing, maintaining, or renovating a building and for the purchase of fixtures for the building. A state political party or nonprofit entity affiliated with or under the control of a state political party receiving a donation under this subsection shall file a statement with the secretary of state no later than the thirty-first day of January of each calendar year. The statement must include the name and mailing address of each donor, the amount of each donation, the date each donation was received, all expenditures made from the fund during the previous calendar year, and cash on hand in the fund at the start and close of the reporting period. Any income and financial gain generated from a building purchased, maintained, or renovated from donations authorized under this subsection and not otherwise authorized by law must be deposited in the building fund and must be reported when the political party or nonprofit entity files the statement required under this subsection.
3. A corporation, cooperative corporation, limited liability company, or association may make a contribution to a measure committee for the purpose of promoting the passage or defeat of an initiated or referred measure or make a

contribution to any other person that makes an independent expenditure. A corporation, cooperative corporation, limited liability company, or association may make a direct an independent expenditure for a political purpose or for the purpose of promoting passage or defeat of initiated or referred measures. A direct expenditure. The corporation, cooperative corporation, limited liability company, or association shall file a statement must be filed disclosing a contribution or an independent expenditure made under this subsection with the secretary of state within forty-eight hours after making the contribution or independent expenditure. The statement must include:

- a. The full name of the corporation, cooperative corporation, limited liability company, or association;
- b. The complete address of the corporation, cooperative corporation, limited liability company, or association;
- c. ~~The name and telephone number of the person completing the report of the recipient of the contribution or independent expenditure;~~
- d. ~~The contribution or independent expenditure is related to a measure, the title of the measure and whether the contribution or independent expenditure is made in support of or opposition to the measure;~~
- e. ~~The contribution or independent expenditure is related to a measure, the election date on which the measure either will appear or did appear on the ballot;~~
- f. The amount of the contribution or independent expenditure;
- g. The cumulative total amount of contributions and independent expenditures since the beginning of the calendar year in support of or opposition to the measure which are required to be reported under this subsection;
- h. The telephone number and the printed name and signature of the person individual completing the report, attesting to the report being true, complete, and correct; and
- i. The date on which the report was signed.

**SECTION 8. AMENDMENT.** Section 16.1-08.1-03.7 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03.7. Political committees that organize and register according to federal law that make independent expenditures or disbursements to nonfederal candidates, political parties, and political committees.**

A political committee that organizes and registers according to federal law and makes an independent expenditure or makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office or to a political party or political committee in this state shall file a copy of that portion of the committee's federal report detailing the independent expenditure or the disbursement made ~~to the candidate~~. The political committee shall file a copy of the committee's federal report with the secretary of state at the time of filing the report with the applicable federal agency. The report must include:

1. The name, mailing address, and treasurer of the political committee;
2. The recipient's name and mailing address; and
3. The date and amount of the independent expenditure or disbursement made.

**SECTION 9. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.8 of the North Dakota Century Code is amended and reenacted as follows:

3. A multicandidate political committee required to file a statement under this section shall file the statement in the office of the secretary of state no later than the ~~twelfth~~thirtieth day before the date of any primary, special, or general election. The statement must be complete from the beginning of that calendar year through the ~~twentieth~~fortieth day before the date of the primary, special, or general election. The political committee shall file a complete statement for the entire calendar year no later than the thirty-first day of January of the following year in which the political committee received a reportable contribution.

**SECTION 10. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.9 of the North Dakota Century Code is amended and reenacted as follows:

2. A candidate or a candidate committee described in this section shall file a statement with the secretary of state no later than the ~~twelfth~~thirtieth day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes. The reporting period for each of these statements is from the beginning of that calendar year through the ~~twentieth~~fortieth day before the date of the election.

**SECTION 11. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.10 of the North Dakota Century Code is amended and reenacted as follows:

2. A candidate or a candidate committee described in this section shall file a statement with the county auditor no later than the ~~twelfth~~thirtieth day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes. The reporting period for each of these statements is from the beginning of that calendar year through the ~~twentieth~~fortieth day before the date of the election.

**SECTION 12. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.11 of the North Dakota Century Code is amended and reenacted as follows:

2. A candidate or a candidate committee described in this section shall file a statement with the city auditor no later than the ~~twelfth~~thirtieth day before the date of any election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes. The reporting period for each of these statements is from the beginning of that calendar year through the ~~twentieth~~fortieth day before the date of the election.

**SECTION 13. AMENDMENT.** Section 16.1-08.1-03.12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03.12. Contribution statements of political organizations incidental committees and other political committees.**

1. An organization governed by section 527 of the Internal Revenue Code [26 U.S.C. 527], which solicits or receives contributions or makes expenditures for political purposes, shall file a statement showing the name and mailing address of each contributor of an amount in excess of two hundred dollars in the aggregate for the reporting period and a listing of all expenditures of an amount in excess of two hundred dollars in the aggregate made for political purposes with the secretary of state. The statement must include the amount of each reportable contribution and the date the contribution was received. The statement must also include the amount of each reportable expenditure and the date the expenditure was made.
2. A pre-election statement must be filed no later than the twelfth day before a primary, special, or general election and must be complete from the beginning of the calendar year through the twentieth day before the election.
3. A year-end statement covering the entire calendar year must be filed no later than the thirty-first day of January of the following year.
4. Even if such an organization has not received any contributions or made any expenditure in excess of two hundred dollars during the reporting period, the organization shall file a statement as required by this chapter.
5. A statement filed according to this section during the reporting period must show the following:
  - a. The gross total of all contributions received and expenditures made in excess of two hundred dollars;
  - b. The gross total of all contributions received and expenditures made of two hundred dollars or less; and
  - c. The cash on hand in the filer's account at the start and close of the reporting period.
6. The organization shall report the occupation, employer, and principal place of business of each person, or the political committee if not already registered according to state or federal law, that contributed five thousand dollars or more in the aggregate during the reporting period.
1. An incidental committee or political committee not otherwise covered by another section of this chapter may make a contribution to a measure committee for the purpose of promoting the passage or defeat of an initiated or referred measure or make a contribution to any other person that makes an independent expenditure. The incidental committee or political committee may make an independent expenditure for a political purpose or for the purpose of promoting passage or defeat of initiated or referred measures. The incidental committee or political committee shall file a statement disclosing a contribution for a political purpose or an independent expenditure made under this subsection with the secretary of state within forty-eight hours after making the contribution or independent expenditure. The statement filed under this subsection must include:

- a. The full name of the incidental committee or political committee;
  - b. The complete address of the incidental committee or political committee;
  - c. The name of the recipient of the contribution or independent expenditure;
  - d. If the contribution or independent expenditure is related to a measure, the title of the measure and whether the contribution or independent expenditure is made in support of or opposition to the measure;
  - e. If the contribution or independent expenditure is related to a measure, the election date on which the measure appeared or will appear on the ballot;
  - f. The amount of the contribution or independent expenditure made to a recipient in this state;
  - g. The cumulative total of contributions and independent expenditures since the beginning of the calendar year made to recipients in this state;
  - h. The telephone number, printed name, and signature of the individual completing the report, attesting to the report being true, complete, and correct; and
  - i. The date on which the report was signed.
2. An incidental committee that solicits or accepts contributions for any political purpose shall file a statement in the office of the secretary of state no later than the thirty-second day before the date of any primary, special, or general election. The statement must be complete from the beginning of that calendar year through the fortieth day before the date of the primary, special, or general election. The committee shall file a complete statement for the entire calendar year no later than the thirty-first day of January of the following year in which the committee received a reportable contribution. Even if an incidental committee has not received any contributions in excess of two hundred dollars during the reporting period, the committee shall file a statement as required under this chapter. A statement filed under this subsection during the reporting period must show the following:
- a. The gross total of all contributions received in excess of two hundred dollars;
  - b. The name and mailing address of each contributor that contributed in excess of two hundred dollars in the aggregate to the committee during a reporting period;
  - c. The gross total of all contributions received of two hundred dollars or less;
  - d. The date the last reportable contribution was received;
  - e. The cash on hand in the filer's account at the start and close of the reporting period; and
  - f. The occupation, employer, and principal place of business of each person, or the political committee if not already registered according to state or

federal law, which contributed five thousand dollars or more in the aggregate during the reporting period.

**SECTION 14.** Section 16.1-08.1-03.13 of the North Dakota Century Code is created and enacted as follows:

**16.1-08.1-03.13. Contribution statements required of initiated petition sponsoring committees.**

1. At the time the sponsoring committee for an initiated petition requests approval of the secretary of state to circulate petitions for the purpose of placing a measure on the ballot, the committee also shall submit a statement disclosing the contributions received and the expenditures made for the purpose of drafting the petition.
2. At the time the sponsoring committee for an initiated petition submits signed petitions to the secretary of state, the committee also shall submit a statement disclosing the contributions received and expenditures made for the purpose of circulating the petition.
3. If December thirty-first falls between the date the secretary of state approves the petition for circulation and the date the signed petitions are submitted to the secretary of state, a complete statement for the calendar year shall be filed no later than the thirty-first day of January of the following year.
4. The sponsoring committee also shall file a complete statement for the calendar year in which the measure appeared or was to appear on the ballot. This statement shall be filed no later than the thirty-first day of January of the following year.
5. A sponsoring committee may not accept a contribution of more than one hundred dollars from an out-of-state person or political committee unless the contribution is accompanied by a statement from the contributor listing the name, address, and amount contributed by each person that contributed more than one hundred dollars of the contribution. The statement must indicate if no person contributed in excess of one hundred dollars of the out-of-state person's or political committee's overall contribution. The statement must also list the occupation, employer, and principal place of business for each individual who contributed more than one hundred dollars of the contribution.
6. The statements required of this section shall include:
  - a. The gross total of all contributions received and expenditures made in excess of one hundred dollars;
  - b. The gross total of all contributions received and expenditures made of one hundred dollars or less;
  - c. The cash on hand in the filer's account at the start and close of the reporting period;
  - d. The name and mailing address of each person that contributed in excess of one hundred dollars to the sponsoring committee;
  - e. The amount of each reportable contribution;

- f. The date each reportable contribution was received;
- g. The name and mailing address of each recipient of an expenditure exceeding one hundred dollars in the aggregate;
- h. The amount of each reportable expenditure; and
- i. The date the expenditure was made.

**SECTION 15. AMENDMENT.** Section 16.1-08.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-04. Supplemental statement required on large contributions received after original statement - Filing time.**

If any candidate, political party, or political committee receives contributions in excess of five hundred dollars in the aggregate ~~in the twenty-day period before~~within the thirty-nine days immediately preceding any election from any individual contributor, that candidate, political party, political committee, or person shall make and file a supplemental statement in the same form as required by section 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.3, 16.1-08.1-03.8, 16.1-08.1-03.9, 16.1-08.1-03.10, ~~or~~ 16.1-08.1-03.11, or 16.1-08.1-03.12 stating the name and street address of the contributor and the aggregated amount of the contribution and file the statement in the appropriate office within forty-eight hours of the receipt of the contribution.

**SECTION 16. AMENDMENT.** Section 16.1-08.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-05. Audit by secretary of state - Requested audits - Reports.**

1. If a substantial irregularity is evident or reasonably alleged, the secretary of state may arrange an audit of any statement filed pursuant to this chapter, to be performed by a certified public accountant of the filer's choice, subject to approval by the secretary of state. If an audit of a statement arranged by the secretary of state under this subsection reveals a violation of this chapter, the candidate, political party, ~~or political committee,~~ or other person filing the statement shall pay a fine to the secretary of state equal to ~~five~~two hundred percent of the aggregate of contributions and expenditures found to be in violation or an amount sufficient to pay the cost of the audit, whichever is greater. If an audit of a statement arranged by the secretary of state under this subsection does not reveal a violation of this chapter, the cost of the audit must be paid for by the secretary of state.
2. If a substantial irregularity is reasonably alleged, the secretary of state may arrange an audit of any statement filed pursuant to this chapter, performed by a certified public accountant of the filer's choice, subject to approval by the secretary of state, upon written request by any interested party made to the secretary of state within thirty days following receipt of a statement by the secretary of state. The request must be made in writing, recite a substantial irregularity and a lawful reason for requesting an audit, and be accompanied by a bond in an amount established by the secretary of state sufficient to pay the cost of the audit. If an audit of a statement arranged by the secretary of state under this subsection reveals a violation of this chapter, the candidate, political party, or political committee filing the statement shall pay a fine to the secretary of state equal to ~~five~~two hundred percent of the aggregate of

contributions and expenditures found to be in violation or an amount sufficient to pay the cost of the audit, whichever is greater, and the bond shall be returned to the person submitting it. If an audit of a statement arranged by the secretary of state under this subsection does not reveal a violation of this chapter, the cost of the audit must be satisfied from the bond filed with the secretary of state.

3. An audit may not be made or requested of a statement for the sole reason that it was not timely filed with the secretary of state. An audit made or arranged according to this section must audit only those items required to be included in any statement, registration, or report filed with the secretary of state according to this chapter. The secretary of state may collect any payment obligation arising out of this section by civil action or by assignment to a collection agency, with any costs of collection to be added to the amount owed and to be paid by the delinquent filer. Any remaining moneys collected by the secretary of state after an audit is paid for under this section must be deposited in the state's general fund. This section does not apply to statements filed according to sections 16.1-08.1-03.10 and 16.1-08.1-03.11.

**SECTION 17. AMENDMENT.** Section 16.1-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-06. Contributions and expenditure statement requirements.**

1. Any statement required by this chapter to be filed with the secretary of state must be:
  - a. Deemed properly filed when ~~deposited with or~~electronically delivered to the secretary of state within the prescribed time and in the format established by the secretary of state. ~~A statement that is mailed is deemed properly filed when it is postmarked and directed to the secretary of state within the prescribed time.~~ If the secretary of state does not receive a statement, a duplicate of the statement must be promptly filed upon notice by the secretary of state of its nonreceipt. After a statement has been filed, the secretary of state may request or accept written clarification along with an amended statement from a candidate, political party, or political committee filing the statement when discrepancies, errors, or omissions on the statement are discovered by the secretary of state, the candidate, political party, or political committee filing the statement, or by any interested party reciting a lawful reason for requesting clarification and an amendment be made. When requesting an amended statement, the secretary of state shall establish a reasonable period of time, not to exceed ten days, agreed to by the candidate, political party, or political committee, for filing the amended statement with the secretary of state.
  - b. Preserved by the secretary of state for a period of ~~fourteen~~ years from the date of filing. The statement is to be considered a part of the public records of the secretary of state's office and must be open to public inspection.
2. ~~If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the statement must be filed on the next available day on which the office of the secretary of state is open.~~ In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated to report an overall total contribution for the purposes of the

statements required by this chapter. Aggregate contributions must reference the date of the most recent contribution. Contributions made separately by different persons from joint accounts are considered separate contributions for reporting purposes.

3. Any statement and data filed electronically must be made available on the internet to the public free of charge within twenty-four hours after filing.
4. Unless otherwise provided by law, any candidate, political party, committee, or person may not be charged a fee for filing any statement with the secretary of state under this chapter.

**SECTION 18. AMENDMENT.** Section 16.1-08.1-06.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-06.1. Filing officer to charge and collect fees for late filing.**

1. If a statement, ~~registration,~~ or report required to be filed according to this chapter is not filed within the prescribed time, the filing officer to whom the report was to be filed is authorized to charge and collect a late fee as follows:
  - a. Within six days after the prescribed time, twenty-five dollars;
  - b. Within eleven days after the prescribed time, fifty dollars; and
  - c. Thereafter, one hundred dollars.
2. A filing officer may require an amendment to be filed for any statement, ~~registration,~~ or report that is incorrect or incomplete. The amendment must be filed with the filing officer within ten business days after the amendment has been requested in writing. If an amendment is not filed within the prescribed time, the filing officer is authorized to charge and collect a late fee as follows:
  - a. Within six days after the date the amendment was due, fifty dollars;
  - b. Within eleven days after the date the amendment was due, one hundred dollars; and
  - c. Thereafter, two hundred dollars.
3. The filing officer may collect any payment obligation arising out of this section by civil action or by assignment to a collection agency, with any costs of collection to be added to the amount owed and to be paid by the delinquent filer.

**SECTION 19. AMENDMENT.** Section 16.1-08.1-07 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-07. Penalty.**

Except as otherwise provided, any person who willfully violates any provision of this chapter is guilty of an ~~infraction~~ class A misdemeanor.

**SECTION 20. EFFECTIVE DATE.** Section 17 of this Act becomes effective on May 1, 2014.

Approved April 26, 2013  
Filed April 26, 2013

## CHAPTER 173

### SENATE BILL NO. 2213

(Senators Miller, Armstrong, Axness)  
(Representatives Kasper, Thoreson, Strinden)

AN ACT to amend and reenact sections 1-08-09, 16.1-10-06, and 16.1-10-06.2 of the North Dakota Century Code, relating to the restricted area around polling places for certain activities.

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

**SECTION 1. AMENDMENT.** Section 1-08-09 of the North Dakota Century Code is amended and reenacted as follows:

**1-08-09. Service of civil process on election day within boundary of an open polling location.**

~~During the day on which~~ any primary, general, or special election is held in this state, or in any district, county, city, or precinct, civil process may not be served on any person entitled to vote at the election within one hundred feet [30.48 meters] from the outermost entrance leading into the building or facility in which a polling place is located and open for voting.

**SECTION 2. AMENDMENT.** Section 16.1-10-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-10-06. Electioneering on election day – Penalty within boundary of an open polling location.**

~~Any person asking, soliciting~~

1. An individual may not ask, solicit, or in any manner trying to induce or persuade, any voter on an election day within a polling place or within one hundred feet [30.48 meters] from the entrance to the room containing a polling place while it is open for voting to vote or refrain from voting for any candidate or the candidates or ticket of any political party or organization, or any measure submitted to the people, is guilty of an infraction. The display upon motor vehicles of adhesive signs which are not readily removable and which promote the candidacy of any individual, any political party, or a vote upon any measure, and political advertisements promoting the candidacy of any individual, political party, or a vote upon any measure which are displayed on fixed permanent billboards, may not, however, be deemed a violation of this section.
2. A vehicle or movable sign of any type containing a political message as described in subsection 1 may be allowed to remain within the restricted area only for the period of time necessary for the owner or operator of the vehicle or sign to complete the act of voting.
3. Except as provided in subsection 1, a sign placed on private property which displays a political message may not be restricted by a political subdivision.

including a home rule city or county, unless the political subdivision demonstrates a burden to the public safety.

**SECTION 3. AMENDMENT.** Section 16.1-10-06.2 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-10-06.2. Sale or distribution at polling place.**

A person may not approach a person attempting to enter a polling place, or who is in a polling place, for the purpose of selling, soliciting for sale, advertising for sale, or distributing any merchandise, product, literature, or service. A person may not approach a person attempting to enter a polling place, who is in a polling place, or who is leaving a polling place for the purpose of gathering signatures for any reason. These prohibitions apply in any polling place or within one hundred feet [30.48 meters] from any entrance leading into a polling place ~~on election day~~ while it is open for voting.

Approved April 24, 2013  
Filed April 24, 2013

## CHAPTER 174

### HOUSE BILL NO. 1451

(Representatives Kasper, Beadle, Becker, Dosch,  
Monson, Nathe, Owens, Streyle, Thoreson)  
(Senators Berry, Klein, Wardner)

AN ACT to amend and reenact sections 16.1-08.1-03.1, 29-10.1-02, 29-10.1-21, and 29-10.1-22 of the North Dakota Century Code, relating to disclosure requirements for petition sponsors and the requirements for calling and the duties of a grand jury.

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

<sup>72</sup> **SECTION 1. AMENDMENT.** Section 16.1-08.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03.1. Contributions statement required of persons and measure committees circulating or promoting passage or defeat of initiated or referred measure - Statement of petition sponsors.**

1. At the time the sponsoring committee for an initiated measure petition submits signed petitions to the secretary of state, the committee also shall submit a statement disclosing the total amount of contributions received by the committee to aid the committee in drafting and circulating the petition, the name and mailing address of each person that contributed more than one hundred dollars in the aggregate to the sponsoring committee, the date each such contribution was received, and the total amount of expenditures made by the committee to aid in the drafting and circulation of the petition.
2. Any person or measure committee, as described in section 16.1-08.1-01, that is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly at any election shall file a statement in accordance with this subsection if the person has received any contribution in excess of one hundred dollars. The statement must include the name and mailing address of each person that contributed in excess of one hundred dollars to the person, the amount of each reportable contribution, and the date each reportable contribution was received. The statement must include the name and mailing address of each recipient of an expenditure exceeding one hundred dollars in the aggregate, the amount of each reportable expenditure, and the date the expenditure was made.
3. A person or measure committee that is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly may not accept a contribution of more than one hundred dollars from an out-of-state person or political committee unless

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<sup>72</sup> Section 16.1-08.1-03.1 was also amended by section 4 of Senate Bill No. 2299, chapter 172.

the contribution is accompanied by a certified statement from the contributor listing the name, address, and amount contributed by each person that contributed more than one hundred dollars of the contribution. The statement must indicate if no person contributed in excess of one hundred dollars of the out-of-state person's or political committee's overall contribution. The certified statement must also list the occupation, employer, and principal place of business for each individual who contributed more than one hundred dollars of the contribution. The person soliciting or accepting a contribution for the purpose of aiding the circulation of a statewide initiative or referendum petition or of promoting passage or defeat of a statewide initiated or referred measure shall include this statement with the contribution statement required to be filed under subsection 2.

4. The statement required of a person or measure committee under subsection 2 must be filed with the secretary of state no later than the twelfth day before the date of the election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the twentieth day before the date of the election. A complete statement for the entire calendar year for each statement required to be filed under subsections 2 and 3 must be filed no later than the thirty-first day of January of the following year. Even if a person required to report according to this section has not received any contributions in excess of one hundred dollars during the reporting period, the person shall file a statement as required by this chapter. A statement filed according to subsections 2 and 3 during the reporting period must show the following:
  - a. The gross total of all contributions received and expenditures made in excess of one hundred dollars;
  - b. The gross total of all contributions received and expenditures made of one hundred dollars, or less; and
  - c. The cash on hand in the filer's account at the start and close of the reporting period.
5. Within one hundred eighty days after the approval of a petition to initiate or refer a measure or to recall an official or after the submission of a petition to convene a grand jury as provided under section 29-10.1-02, the sponsoring committee or the individual responsible for submission of the petition shall file a statement with the secretary of state which discloses whether petition circulators have been or will be paid for the circulation of petitions and which lists the total amount of money paid or which is expected to be paid to circulators.

**SECTION 2. AMENDMENT.** Section 29-10.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**29-10.1-02. When grand jury may be called.**

No grand jury may be drawn, summoned, or convened in any county within this state unless the district judge thereof shall so direct by a written order filed with the clerk of the court in the county wherein the said grand jury is required to attend. Any judge of the district court for any county must direct, in the manner herein provided, that a grand jury be drawn and summoned to attend whenever:

1. The judge deems the attendance of a grand jury necessary for the due enforcement of the laws of the state;
2. The ~~board of county commissioners~~state's attorney of the county wherein the court is to be held, in writing, requests the judge so to do; or
3. A petition in writing requesting the same is presented to the judge, signed by qualified electors of the county equal in number to at least ~~twenty-five~~twenty-five percent of the total vote cast in the county for the office of governor of the state at the last general election, but the number of signatures required may not be fewer than two hundred twenty-five nor exceed five thousand.

**SECTION 3. AMENDMENT.** Section 29-10.1-21 of the North Dakota Century Code is amended and reenacted as follows:

**29-10.1-21. General duties of grand jury.**

~~The grand jury shall inquire into the cause of detention of every person imprisoned in the jail of the county against whom neither a criminal complaint nor information has been filed, or who has not had or waived a preliminary examination, and into all public offenses committed or triable in the county, and if the evidence so warrants, shall present them to the court by written indictment. Each grand jury impaneled within any county shall inquire into offenses against the criminal laws of the state alleged to have been committed within that county. The alleged offenses may be brought to the attention of the grand jury by the court or by any state's attorney or the state's attorney's designee. The state's attorney or the state's attorney's designee shall inform the grand jury of the alleged offense, the identity of the alleged offender, and the state's attorney or state's attorney's designee's action or recommendation.~~ As to any offense committed while the grand jury is in session, the state's attorney or prosecutor may proceed with a preliminary examination or the filing of an information, as provided for by law, and prosecute the charge, and, under such conditions, the grand jury is not required to inquire into such offense. The presentment of an indictment against a person does not preclude the prosecution of such person for the same offense upon a criminal complaint or information previously filed with the court.

**SECTION 4. AMENDMENT.** Section 29-10.1-22 of the North Dakota Century Code is amended and reenacted as follows:

**29-10.1-22. Subjects of grand jury inquiry.**

Whenever directed by the district court, the grand jury shall inquire into:

1. The condition and management of the public prisons in the county; and
2. Willful and corrupt felonious misconduct in office of public officials of every description in the county.

Approved April 18, 2013  
Filed April 18, 2013

## CHAPTER 175

### SENATE BILL NO. 2318

(Senators Unruh, Cook, Dever, Heckaman)  
(Representatives Heller, Rohr)

AN ACT to amend and reenact sections 16.1-11-06, 16.1-11-10, 16.1-11-11, and 16.1-11-16, subsection 5 of section 16.1-11-18, section 16.1-12-02.1, subsection 4 of section 16.1-12-02.2, subsection 2 of section 16.1-12-04, and sections 16.1-12-06 and 44-05-04 of the North Dakota Century Code, relating to candidate filing papers; and to repeal section 16.1-11-13 of the North Dakota Century Code, relating to legislative candidate filings.

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

<sup>73</sup> **SECTION 1. AMENDMENT.** Section 16.1-11-06 of the North Dakota Century Code is amended and reenacted as follows:

#### **16.1-11-06. State candidate's petition or political party certificate of endorsement required to get name on ballot - Contents - Filing.**

1. Every candidate for United States senator, United States representative, a state office except, including the office of state senator or state representative, and judges of the supreme and district courts shall present to the secretary of state, between the first date candidates may begin circulating nominating petitions according to this chapter and before four p.m. of the sixtieth day before any primary election, either:
  - a. The certificate of endorsement signed by the state chairman of any legally recognized political party containing the candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, and the party which the candidate represents; or
  - b. The nominating petition containing the following:
    - (1) The candidate's name, post-office address, and telephone number, and the title of the office to which the candidate aspires, the appropriate district judgeship number if applicable, and whether the petition is intended for nomination for an unexpired term of office if applicable.
    - (2) The name of the party the candidate represents if the petition is for an office under party designation.
    - (3) The signatures of qualified electors, the number of which must be determined as follows:
      - (a) If the office is under party designation, the signatures of three percent of the total vote cast for the candidates of the party with

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<sup>73</sup> Section 16.1-11-06 was also amended by section 8 of Senate Bill No. 2374, chapter 176.



Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_.

NOTARY SEAL

Notary Public

My Commission Expires \_\_\_\_\_

<sup>74</sup> **SECTION 3. AMENDMENT.** Section 16.1-11-11 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-11. County and legislative district candidates' petitions - Filing - Contents.**

Every candidate for a county or legislative district office shall present, between the first date candidates may begin circulating nominating petitions according to this chapter and before four p.m. of the sixtieth day before any primary election, to the county auditor of the county in which the candidate resides either:

1. ~~A certificate of endorsement signed by the district chairman of any legally recognized political party containing the candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, and the party that the candidate represents; or~~
2. A a petition containing the following:
  - a. 1. The candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, the appropriate district number if applicable, and whether the petition is intended for nomination for an unexpired term of office if applicable.
  - b. 2. ~~The name of the party the candidate represents, only if it is a petition for an office that is under party designation.~~
  - e. The signatures of qualified electors, the number of which must be determined as follows:
    - (1) a. If the office is a county office, the signatures of not less than two percent and not more than five percent of the total vote cast for the office at the most recent general election at which the office was voted upon.
    - (2) b. If the office is a county office and multiple candidates were elected to the office at the preceding general election at which the office was voted upon, the signatures of not less than two percent and not more than five percent of the votes cast for all candidates divided by the number of candidates that were to be elected to that office.
    - (3) c. If the office is a county office and no candidate was elected or no votes were cast for the office at any general election, the number of signers equal to the percentage as provided in paragraph 1 applied to the total average vote cast for the offices of sheriff and county auditor at the most recent general election at which those officers were elected in the petitioner's county. This average must be determined by dividing by two the total vote cast for those offices.

<sup>74</sup> Section 16.1-11-11 was also amended by section 9 of Senate Bill No. 2374, chapter 176.

~~(4)d.~~ If the office is a legislative office, the signatures of at least one percent of the total resident population of the legislative district as determined by the most recent federal decennial census.

(5) In no case may more than three hundred signatures be required.

~~d.3.~~ The residential address, mailing address (if different from residential address), and date of signing for each signer. A post office box does not qualify as a residential address. In those areas of the state where street addresses are not available, a description of where the residential address is located shall be used.

If the petition or certificate of endorsement is mailed, it must be in the possession of the county auditor before four p.m. on the sixtieth day before the primary election.

**SECTION 4. AMENDMENT.** Section 16.1-11-16 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-16. Form of nominating petitions.**

1. Each nominating petition circulated by candidates for any state, district, county, or other political subdivision office must include or have attached the following information, which must be made available to each signer at the time of signing:
  - a. The candidate's name, address, and telephone number and the title of the office to which the candidate aspires, including the appropriate district number if applicable, or whether the petition is intended for an unexpired term of office if applicable.
  - b. The name of the party the candidate represents if the petition is for an office under party designation.
  - c. The date of the election at which the candidate is seeking nomination or election.
2. Only qualified electors of the state, district, county, or other political subdivision, as the case may be, may sign nominating petitions. In addition to signing the person's name, petition signers shall include the following information:
  - a. The date of signing.
  - b. Their completeComplete residential address, rural route, or general delivery. A post office box does not qualify as a residential address. In those areas of the state where street addresses are not available, a description of where the residential address is located shall be used.
  - c. Either the North Dakota city or its corresponding zip codeComplete mailing address if different from residential address.
3. Incomplete signatures or accompanying information of petition signers which do not meet the requirements of this section invalidate such signatures. The use of ditto marks to indicate that the information contained on the previous signature line carries over does not invalidate a signature. Signatures that are not accompanied by a complete date are not invalid if the signatures are



Ballot name requested \_\_\_\_\_  
 Date \_\_\_\_\_ Candidate's signature \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

NOTARY SEAL My Commission Expires \_\_\_\_\_

**SECTION 7. AMENDMENT.** Subsection 4 of section 16.1-12-02.2 of the North Dakota Century Code is amended and reenacted as follows:

- 4. An individual who intends to be a write-in candidate for any legislative district office shall file a certificate of write-in candidacy with the ~~election officer with whom the candidate would otherwise file to have the candidate's name placed on the ballot~~ secretary of state. The certificate must contain the name, address, and signature of the candidate. Certificates must be filed by four p.m. on the fourth day before the election. When the candidate files a certificate, the candidate also shall file the contribution statement provided for under section 16.1-08.1-02 complete through the day of the filing of the certificate.

<sup>76</sup> **SECTION 8. AMENDMENT.** Subsection 2 of section 16.1-12-04 of the North Dakota Century Code is amended and reenacted as follows:

- 2. Certificates of nomination for nominees for county offices ~~and legislative offices~~ must be filed with the county auditor of the county in which the candidate resides. ~~The county auditor shall certify the names and addresses of legislative candidates filing certificates of nomination according to this chapter to the secretary of state. When a legislative district is composed of more than one county, the county auditor shall certify to the county auditors of the other counties comprising the legislative district the names and addresses of the candidates filing certificates of nomination.~~

**SECTION 9. AMENDMENT.** Section 16.1-12-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-12-06. Person nominated by more than one party - Column in which name placed.**

When one person has been nominated for the same office by more than one body of electors qualified to make nominations for public office, the nominee shall file with the ~~proper officer designated in this chapter, on~~ secretary of state or before the last day fixed by law for filing certificates of nomination for the office, a signed statement designating the column on the official ballot in which the nominee desires the nominee's name to appear. The column so designated must be the column allotted to one of the bodies of electors by whom the person was nominated. In the absence of a timely written designation as provided by this section, the ~~appropriate officer~~ secretary of state shall place the person's name in the column allotted to the body of electors from which was first received notice of the person's nomination.

<sup>76</sup> Section 16.1-12-04 was also amended by section 17 of Senate Bill No. 2374, chapter 176.

**SECTION 10. AMENDMENT.** Section 44-05-04 of the North Dakota Century Code is amended and reenacted as follows:

**44-05-04. Place of filing oath of office.**

Unless otherwise provided by law, any civil or public officer required by section 44-01-05 or any other provision of law to take an oath of office must file the original oath as follows:

1. If a state official or member of a state board, with the secretary of state.
2. If a county official or member of a county board, with the county auditor.
3. If a city official or member of a city board, with the city auditor.
4. If a member of a district or political subdivision that is larger than a county, with the secretary of state.

**SECTION 11. REPEAL.** Section 16.1-11-13 of the North Dakota Century Code is repealed.

Approved April 3, 2013  
Filed April 3, 2013

## CHAPTER 176

### SENATE BILL NO. 2374

(Senators Dever, Marcellais, Schaible)

AN ACT to amend and reenact sections 15.1-09-08 and 15.1-09-24, subsection 10 of section 16.1-01-09.1, sections 16.1-03-12 and 16.1-03-14, subsection 1 of section 16.1-07-15, sections 16.1-09-02, 16.1-11-06, 16.1-11-11, 16.1-11-11.1, 16.1-11-15, 16.1-11-18, 16.1-11-19, 16.1-11-30, 16.1-12-02, and 16.1-12-02.3, subsection 3 of section 16.1-12-04, sections 16.1-12-07, 16.1-12-09, 27-25-04, 40-21-02, 40-21-07, 40-21-08, and 40-57.3-01.1, subsection 4 of section 44-08-21, and sections 46-06-03, 61-24-03, 61-24.5-06, and 61-24.5-07 of the North Dakota Century Code, relating to election and recall filing requirements.

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

**SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-09-08. School district elections - Candidate filings.**

An individual seeking election to the board of a school district shall prepare and sign a document stating the individual's name and the position for which that individual is a candidate. A candidate shall also file a statement of interests as required by section 16.1-09-02. ~~If whether or not~~ the election is held in conjunction with a statewide election, these documents must be filed with the school district business manager, or mailed to and in the possession of the business manager, by four p.m. of the ~~sixtieth~~sixty-fourth day before the election. ~~If the election is not held in conjunction with a statewide election, the document must be filed with the school district business manager, or mailed to and in the possession of the business manager, by four p.m. of the sixtieth day before the election.~~

**SECTION 2. AMENDMENT.** Section 15.1-09-24 of the North Dakota Century Code is amended and reenacted as follows:

##### **15.1-09-24. School boards - Sharing of election expenses.**

If a school district election is held in conjunction with a primary election, the board of the school district may agree with the governing body of the county or counties in which the district is located to share election costs and responsibilities, including those associated with a canvassing board, election personnel, the printing of election materials, the publishing of legal notices, and the use of poll books. Each board of a school district that enters into an agreement with the county must notify the county auditor, in writing, at least ~~fifty-five~~sixty-four days before the election of the offices to be filled at the election and any measures to appear on the ballot.

<sup>77</sup> **SECTION 3. AMENDMENT.** Subsection 10 of section 16.1-01-09.1 of the North Dakota Century Code is amended and reenacted as follows:

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<sup>77</sup> Section 16.1-01-09.1 was also amended by section 2 of House Bill No. 1372, chapter 165, and section 2 of House Bill No. 1402, chapter 164.

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 ~~sixtieth~~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.

<sup>78</sup> **SECTION 4. AMENDMENT.** Section 16.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-12. Meeting of district committee to elect delegates to state party convention - Optional precinct caucus - Proxies.**

Prior to the ~~sixtieth~~sixty-fourth day before the primary election in each election year and upon the call of the chairman, the district committee of each state legislative district shall meet at a place designated by the chairman to elect delegates to a state party convention to be held as provided in this chapter. If the bylaws of the state legislative district so provide, precinct committeemen may call a precinct caucus prior to the district meeting to elect additional delegates to attend the district meeting. Delegates to the state convention must be elected as provided by the state party's bylaws. Delegates to the state convention must be electors of their district.

<sup>79</sup> **SECTION 5. AMENDMENT.** Section 16.1-03-14 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-03-14. When state party convention held and duties of state party convention.**

The state party conventions must be held in each presidential election year at a place and time designated by the party state committee. The state party convention provided for in this chapter shall:

1. Nominate the legal number of candidates for its party for the offices of presidential electors.
2. Elect the required number of delegates and alternates to the national party convention as provided by the party's bylaws or national party rules.
3. Conduct other business as shall come before the convention.

The candidate or candidates for endorsement or election must be declared endorsed or elected pursuant to the rules of the party involved, and the chairman and secretary of the convention shall issue certificates of endorsement as provided in section 16.1-11-06 or certificates of election. The names of the candidates nominated for presidential electors with the surname of the presidential candidate the party wishes to place on the general election ballot must be certified by the chairman and secretary of the convention to the secretary of state by four p.m. on the ~~sixtieth~~sixty-fourth day before the general election to be placed upon the general election ballot as provided in section 16.1-06-07.1.

**SECTION 6. AMENDMENT.** Subsection 1 of section 16.1-07-15 of the North Dakota Century Code is amended and reenacted as follows:

<sup>78</sup> Section 16.1-03-12 was repealed by section 16 of Senate Bill No. 2369, chapter 168.

<sup>79</sup> Section 16.1-03-14 was also amended by section 9 of Senate Bill No. 2369, chapter 168.

1. For any primary, general, or special statewide, district, or county election, the board of county commissioners may, before the ~~sixtieth~~sixty-fourth day before the day of the election, create a special precinct, known as an early voting precinct, to facilitate the conduct of early voting in that county according to chapters 16.1-13 and 16.1-15. At the determination of the county auditor, more than one voting location may be utilized for the purposes of operating the early voting precinct. The election board of the early voting precinct must be known as the early voting precinct election board. The county auditor shall supply the board with all necessary election supplies as provided in chapter 16.1-06.

**SECTION 7. AMENDMENT.** Section 16.1-09-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-09-02. Statement of interests to be filed.**

Every candidate for elective office shall sign and file the statement of interests as required by this chapter. In a year when a president and vice president of the United States are to be chosen, presidential and vice presidential candidates shall file with the secretary of state either a statement of interests as required by this chapter or a copy of the personal disclosure statement that is required by the federal election commission. Candidates for elective office who are required to file such statements shall do so with the filing officer for that election at the time of filing a certificate of nomination, a certificate of endorsement, a petition of nomination, or a certificate of write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate. An individual who has filed a statement as the result of candidacy in a primary election need not refile before running in the following general election. A write-in candidate who is not required to file a certificate of write-in candidacy shall file the statement of interests after the candidate's election at the time of filing the required oath of office. Every individual who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment. A filing officer may not include a candidate's name on the ballot if an error is discovered on the statement and the candidate is unable to or refuses to make the necessary correction before the ~~sixtieth~~sixty-fourth day before the election.

<sup>80</sup> **SECTION 8. AMENDMENT.** Section 16.1-11-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-06. State candidate's petition or political party certificate of endorsement required to get name on ballot - Contents - Filing.**

1. Every candidate for United States senator, United States representative, a state office except the office of state senator or state representative, and judges of the supreme and district courts shall present to the secretary of state, between the first date candidates may begin circulating nominating petitions according to this chapter and before four p.m. of the ~~sixtieth~~sixty-fourth day before any primary election, either:
  - a. The certificate of endorsement signed by the state chairman of any legally recognized political party containing the candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, and the party which the candidate represents; or

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<sup>80</sup> Section 16.1-11-06 was also amended by section 1 of Senate Bill No. 2318, chapter 175.

- b. The nominating petition containing the following:
- (1) The candidate's name, post-office address, and telephone number, and the title of the office to which the candidate aspires, the appropriate district judgeship number if applicable, and whether the petition is intended for nomination for an unexpired term of office if applicable.
  - (2) The name of the party the candidate represents if the petition is for an office under party designation.
  - (3) The signatures of qualified electors, the number of which must be determined as follows:
    - (a) If the office is under party designation, the signatures of three percent of the total vote cast for the candidates of the party with which the candidate affiliates for the same position at the last general election. However, no more than three hundred signatures may be required.
    - (b) If there was no candidate of a party for a position at the preceding general election, at least three hundred signatures.
    - (c) If the office is under the no-party designation, at least three hundred signatures.
  - (4) The mailing address and the date of signing for each signer.
2. If the petition or certificate of endorsement is for the office of governor or lieutenant governor, the petition or certificate must contain the names and other information required of candidates for both those offices. If the petition or certificate of endorsement is mailed, it must be in the possession of the secretary of state before four p.m. of the ~~sixtieth~~sixty-fourth day before the primary election.

<sup>81</sup> **SECTION 9. AMENDMENT.** Section 16.1-11-11 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-11. County and legislative district candidates' petitions - Filing - Contents.**

Every candidate for a county or legislative district office shall present, between the first date candidates may begin circulating nominating petitions according to this chapter and before four p.m. of the ~~sixtieth~~sixty-fourth day before any primary election, to the county auditor of the county in which the candidate resides either:

1. A certificate of endorsement signed by the district chairman of any legally recognized political party containing the candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, and the party that the candidate represents; or

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<sup>81</sup> Section 16.1-11-11 was also amended by section 3 of Senate Bill No. 2318, chapter 175.

2. A petition containing the following:
  - a. The candidate's name, post-office address, and telephone number, the title of the office to which the candidate aspires, the appropriate district number if applicable, and whether the petition is intended for nomination for an unexpired term of office if applicable.
  - b. The name of the party the candidate represents, only if it is a petition for an office that is under party designation.
  - c. The signatures of qualified electors, the number of which must be determined as follows:
    - (1) If the office is a county office, the signatures of not less than two percent and not more than five percent of the total vote cast for the office at the most recent general election at which the office was voted upon.
    - (2) If the office is a county office and multiple candidates were elected to the office at the preceding general election at which the office was voted upon, the signatures of not less than two percent and not more than five percent of the votes cast for all candidates divided by the number of candidates that were to be elected to that office.
    - (3) If the office is a county office and no candidate was elected or no votes were cast for the office at any general election, the number of signers equal to the percentage as provided in paragraph 1 applied to the total average vote cast for the offices of sheriff and county auditor at the most recent general election at which those officers were elected in the petitioner's county. This average must be determined by dividing by two the total vote cast for those offices.
    - (4) If the office is a legislative office, the signatures of at least one percent of the total resident population of the legislative district as determined by the most recent federal decennial census.
    - (5) In no case may more than three hundred signatures be required.
  - d. The mailing address and date of signing for each signer.

If the petition or certificate of endorsement is mailed, it must be in the possession of the county auditor before four p.m. on the ~~sixtieth~~sixty-fourth day before the primary election.

**SECTION 10. AMENDMENT.** Section 16.1-11-11.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-11.1. Deadline for placing county and city measures on primary, general, or special election ballots.**

Notwithstanding any other provision of law, a county may not submit a measure for consideration of the voters at a primary, general, or special statewide, district, or county election after four p.m. on the ~~sixtieth~~sixty-fourth day before the election. A city that has combined its regular or a special election with a primary, general, or special county election, according to the provisions set forth in section 40-21-02, may not

submit a measure for consideration of the voters at that election after four p.m. on the ~~sixtieth~~sixty-fourth day before the election.

**SECTION 11. AMENDMENT.** Section 16.1-11-15 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-15. Nominating petition not to be circulated ~~more than ninety days~~ prior to filing time ~~January first~~ - Special election.**

No nominating petition provided for in sections 16.1-11-06 and 16.1-11-11 may be circulated or signed ~~more than ninety days previous to the time when any petition must be filed under the provisions of this chapter~~prior to January first preceding the primary election. Any signatures to a petition secured ~~more than ninety days~~ before that time may not be counted. A nominating petition for a special election may not be circulated or signed more than thirty days before the time when a petition for the special election must be filed.

<sup>82</sup> **SECTION 12. AMENDMENT.** Section 16.1-11-18 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-18. Party committees to fill vacancy occurring in nomination for party office.**

1. If a vacancy occurs in any party certificate of endorsement at the primary election for any state or legislative district office, the proper state or district executive committee of the political party may fill the vacancy by filing another certificate of endorsement with the proper officer as provided in sections 16.1-11-06 and 16.1-11-11.
2. If no party endorsement has been made by certificate and a vacancy occurs in a slate of candidates seeking party nomination by petition at the primary election, the proper state or district executive committee may fill the vacancy by filing a certificate of endorsement with the proper officer as provided in sections 16.1-11-06 and 16.1-11-11.
3. If party endorsements by certificate have been made for any state or district office and a vacancy occurs in the slate of persons seeking nomination at the primary election because of the unavailability of the person who is seeking nomination by petition, that vacancy may not be filled except by petition.
4. If a vacancy occurs in a slate of statewide candidates after the candidates have been nominated at the primary election, the proper state executive committee may fill any vacancy by filing a certificate of nomination with the secretary of state. The chairman and secretary of the committee shall make and file with the secretary of state a certificate setting forth the cause of the vacancy, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and any further information as may be required to be given in an original certificate of nomination. When such a certificate is filed, the secretary of state shall certify the new nomination and the name of the person who has been nominated to fill the vacancy in place of the original nominee to the various auditors. If the secretary of state already has forwarded the certificate, the secretary of state forthwith shall certify to the auditors the name and address

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<sup>82</sup> Section 16.1-11-18 was also amended by section 5 of Senate Bill No. 2318, chapter 175.

of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the person for whom the new nominee is substituting. Failure to publish the name of a new nominee does not invalidate the election.

5. If a vacancy occurs in a slate of legislative candidates after the candidates have been nominated at the primary election, the proper district executive committee may fill the vacancy by filing a certificate of nomination with the county auditor of the new nominee's county of residence. The chairman and secretary of the committee shall make and file with the county auditor of the new nominee's county of residence a certificate setting forth the cause of the vacancy, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and any further information as may be required to be given in an original certificate of nomination. When the certificate is filed, the county auditor of the new nominee's county of residence shall certify the new nomination to the various auditors affected by the change and to the secretary of state by forwarding to them the name of the person who has been nominated to fill the vacancy in place of the original nominee. The certification must include the name and address of the new nominee, the office the new nominee is nominated for, the party or political principle the new nominee represents, and the name of the person for whom the new nominee is substituting. Failure to publish the name of a new nominee does not invalidate the election.
6. A vacancy in a nomination following a primary election may not be filled according to subsection 4 or 5 unless the nominated candidate:
  - a. Dies;
  - b. Would be unable to serve, if elected, as a result of a debilitating illness;
  - c. Ceases to be a resident of the state or an individual nominated for legislative office will not be a resident of the legislative district at the time of the election; or
  - d. Ceases to be qualified to serve, if elected, as otherwise provided by law.

Vacancies to be filled according to the provisions of this section may be filled not later than ~~sixty days~~the sixty-fourth day prior to the election.

**SECTION 13. AMENDMENT.** Section 16.1-11-19 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-19. Filling vacancy existing on no-party ballot - Petition required - Time of filing.**

If a vacancy exists on a no-party ballot for a state office or for judge of a district court, the vacancy may be filled by filing with the secretary of state, before four p.m. on the ~~sixtieth~~sixty-fourth day prior to the primary election, a written petition as provided in section 16.1-11-06, stating that the petitioner desires to become a candidate for nomination to the office for which a vacancy exists. If the petition is mailed, it must be in the possession of the secretary of state before four p.m. on the ~~sixtieth~~sixty-fourth day prior to the primary election. The petition for the nomination of any person to fill the vacancy must be signed by qualified electors equal in number to at least two percent of the total vote cast for governor at the most recent general

election in the state or district at which the office of governor was voted upon, but in no case may more than three hundred signatures be required.

If a vacancy exists on a no-party ballot in a county or district within a county, the vacancy may be filled by filing with the county auditor, before four p.m. of the ~~sixtieth~~sixty-fourth day prior to the primary election, a written petition as provided in section 16.1-11-11, stating that the petitioner desires to become a candidate for nomination to the office for which a vacancy exists. If the petition is mailed, it must be in the possession of the county auditor before four p.m. on the ~~sixtieth~~sixty-fourth day prior to the primary election. The petition for the nomination of any person to fill the vacancy must be signed by qualified electors as provided in subdivision c of subsection 2 of section 16.1-11-11. A vacancy in the no-party ballot must be deemed to exist when a candidate who was qualified by filing a petition pursuant to section 16.1-11-06 or 16.1-11-11 dies, resigns, or otherwise becomes disqualified to have the candidate's name printed on the ballot.

<sup>83</sup> **SECTION 14. AMENDMENT.** Section 16.1-11-30 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-30. Separate column on primary election ballot required for each political party.**

Any party that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within this state at that election; any party that had printed on the ballot at the last preceding nonpresidential election a candidate for attorney general or secretary of state, and the candidate received at least five percent of the total vote cast for the office the candidate was seeking at the election; or any party that has organized according to all the requirements of chapter 16.1-03 must be provided with a separate column on primary election ballots.

Any other political organization is entitled to endorse candidates or have candidates petition to be included on the primary ballot in a consolidated column or on a special election ballot, if a petition signed by at least seven thousand qualified electors of this state is filed with the secretary of state before four p.m. of the ~~sixtieth~~sixty-fourth day before a primary or special election, naming the political organization, stating the platform principles of the party, and requesting the names of its candidates to be included on the state's primary ballot in a consolidated column. If the petition is mailed, it must be in the possession of the secretary of state before four p.m. on the ~~sixtieth~~sixty-fourth day prior to a primary or special election. Candidates of that party are entitled to the same rights and privileges as those of other parties. Petitions circulated according to this section must be filed with the secretary of state in accordance with section 1-01-50.

A political organization that had printed on the ballot at the last preceding presidential election the names of a set of presidential electors pledged to the election of the party's candidates for president and vice president or a candidate for governor and those candidates for presidential electors or governor received at least five percent of the total vote cast for presidential electors or the office of governor within

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<sup>83</sup> Section 16.1-11-30 was also amended by section 14 of Senate Bill No. 2369, chapter 168.

this state at that election are entitled to organize according to the requirements of chapter 16.1-03.

<sup>84</sup> **SECTION 15. AMENDMENT.** Section 16.1-12-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-12-02. Certificates of nomination by petition - Form and contents.**

Certificates of nomination for nominees for an office to be filled at a general or special election, except for an office appearing on the no-party ballot, may be made as provided by this section. Except for nominees for president of the United States, names of nominees so nominated must appear on the ballot as independent nominations. The names of nominees for president of the United States may appear on the ballot with a designation, not to exceed five words, that names the organization or political party to which the presidential candidate affiliates. The designation may not falsely indicate an affiliation with or the support of any political party organized in accordance with this title or include any substantive word or phrase that is profane or that is already included in or resembles the name of a political party entitled to a separate column under section 16.1-11-30. Except for candidates for the office of president of the United States, each certificate of nomination by petition must meet the specifications for nominating petitions set forth in section 16.1-11-16. A candidate for the office of the president of the United States may begin gathering the signatures for the certificate of nomination on the first day of January of a presidential election year and shall submit the petition to the secretary of state before four p.m. on the ~~sixtieth~~sixty-fourth day before the general election. The signatures on the petition must be in the following number:

1. Except as provided in subsection 3, if the nomination is for an office to be filled by the qualified electors of the entire state, there must be no fewer than one thousand signatures.
2. If the nomination is for an office to be filled by the qualified electors of a district less than the entire state, the number of signatures must be at least two percent of the resident population of the district as determined by the most recent federal decennial census, but in no case may more than three hundred signatures be required.
3. If the nomination is for the office of president, there must be no fewer than four thousand signatures.
4. If the petition is for the office of governor or lieutenant governor, it must contain the names and other required information of candidates for both those offices.

**SECTION 16. AMENDMENT.** Section 16.1-12-02.3 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-12-02.3. Nominating petition for an independent candidate not to be circulated more than one hundred fifty days before filing time - Special election.**

A petition provided for in this chapter may not be circulated or signed more than one hundred fifty days before the date when any petition must be filed under this chapter. Any signatures to a petition obtained more than one hundred fifty days before

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<sup>84</sup> Section 16.1-12-02 was also amended by section 15 of Senate Bill No. 2369, chapter 168.

that date may not be counted. A nominating petition for a special election may not be circulated or signed more than thirty days before the date when the petition must be filed.

<sup>85</sup> **SECTION 17. AMENDMENT.** Subsection 3 of section 16.1-12-04 of the North Dakota Century Code is amended and reenacted as follows:

3. Certificates of nomination must, without regard to the means of delivery, be filed and in the actual possession of the appropriate officer not later than four p.m. on the ~~sixtieth~~sixty-fourth day prior to the day of election.

**SECTION 18. AMENDMENT.** Section 16.1-12-07 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-12-07. If nominee declines - Certificate void.**

Any person intending to decline a nomination shall do so by filing written notice of that intention with the officer with whom the certificate nominating the person is filed. If the written notice is filed with the appropriate officer ~~at least sixty days, and before four p.m. on the sixtieth~~sixty-fourth day before the election, the nomination is void. If written notice is mailed, it must be in the physical possession of the appropriate officer before four p.m. on the ~~sixtieth~~sixty-fourth day before the election.

**SECTION 19. AMENDMENT.** Section 16.1-12-09 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-12-09. Filling vacancy existing on no-party ballot - Petition required - Time of filing.**

Whenever a vacancy exists on a no-party ballot for a state office or for judge of a district court, such vacancy may be filled by filing with the secretary of state, ~~at least sixty days prior to the general election and before four p.m. on the sixtieth~~sixty-fourth day, a written petition as provided in section 16.1-11-06, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. If the petition is mailed, it must be in the physical possession of the secretary of state before four p.m. on the ~~sixtieth~~sixty-fourth day prior to the general election. The petition for the nomination of any person to fill such vacancy must be signed by qualified electors equal in number to at least two percent of the total vote cast for the office of governor in the state or district, at the most recent general election at which the office of governor was voted upon, but in no case may more than three hundred signatures be required.

Whenever a vacancy exists on a no-party ballot in a county or district within a county, the vacancy may be filled by filing with the county auditor ~~at least sixty days prior to the general election and before four p.m. of the sixtieth~~sixty-fourth day a written petition as provided in section 16.1-11-11, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. If such petition is mailed or otherwise delivered, it must be in the possession of the county auditor before four p.m. on the ~~sixtieth~~sixty-fourth day prior to the general election. The petition for the nomination of any person to fill the vacancy must be signed by qualified electors equal in number to at least thirty percent of the total vote cast for the office of governor at the most recent general election in the county or district at which

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<sup>85</sup> Section 16.1-12-04 was also amended by section 8 of Senate Bill No. 2318, chapter 175.

the office of governor was voted upon, but in no case may more than three hundred signatures be required.

A vacancy in the no-party ballot must be deemed to exist when:

1. A candidate nominated at the primary election dies, resigns, or otherwise becomes disqualified to have the candidate's name printed on the ballot at the general election.
2. No candidates were nominated at the primary election because the office did not yet exist.
3. The timing of the vacancy in an office makes it impossible to have it placed on the primary ballot.

**SECTION 20. AMENDMENT.** Section 27-25-04 of the North Dakota Century Code is amended and reenacted as follows:

**27-25-04. Governor to appoint or call special election.**

Within thirty days after receipt of the list of nominees, the governor shall do any of the following:

1. Fill the vacancy by appointment from the list of nominees submitted by the committee.
2. Return the list of nominees and direct the committee to reconvene.
3. Call a special election to fill the vacancy for the remainder of the term.

If the governor determines to call a special election to fill the vacancy, the governor shall issue a writ of election to the auditors of the counties in the district in which the district vacancy occurs commanding them to notify the boards of election in the counties to hold a special election at a time designated by the governor. If the governor determines to call a special election within ~~sixty-eighty-one~~ days of the time of the next general election, the special election must be held at the same time as the general election.

<sup>86</sup> **SECTION 21. AMENDMENT.** Section 40-21-02 of the North Dakota Century Code is amended and reenacted as follows:

**40-21-02. City elections - When held - Notice - Polls - Agreements with counties - Judges and inspectors.**

Biennial municipal elections must be held on the second Tuesday in June in each even-numbered year.

1. Thirty days before the filing deadline for candidate names to be printed on the ballot, an official notice of this deadline along with a list of the offices to appear on the ballot must be published in the official newspaper of the city as provided by section 40-01-09.

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<sup>86</sup> Section 40-21-02 was also amended by section 8 of House Bill No. 1361, chapter 169.

2. Ten days' notice of the time and place of the election and of the offices to be filled at the election must be given by the city auditor by publication in the official newspaper of the city as provided by section 40-01-09.
3. The governing body of a city shall enter into an agreement with the governing body of the county or counties in which the city lies concerning the use of a single canvassing board, the sharing of election personnel, the printing of election materials, the publishing of legal notices, and the apportioning of election expenses.
4. For city elections that are not held under an agreement with any county, the governing body of the city shall appoint one inspector and two judges of election for each precinct in the city at least ten days before the election is held and the polls must be opened and closed as provided for the opening and closing of polls at statewide elections. In voting precincts in which over three hundred votes are cast in any previous election, two election clerks may be appointed by the governing body. For a city election that is not held under an agreement with any county in a precinct in which seventy-five or fewer votes were cast in the last city election, the governing body of the city may appoint one inspector and one judge.
5. When a city enters into an agreement with the county to hold the city election in conjunction with the county election, the deadline for giving notice of the city election along with the offices to be filled at the election may be adjusted in order to meet the publishing requirements of the county. Each city governing body that enters into an agreement with the county must notify the county auditor, in writing, at least fifty five days immediately after the candidate filing deadline on the sixty-fourth day before the election of the offices to be filled at the election and any measures to appear on the ballot.

**SECTION 22. AMENDMENT.** Section 40-21-07 of the North Dakota Century Code is amended and reenacted as follows:

**40-21-07. Petition for nomination of elective official in cities - Signatures required - Withdrawal of petition - Contents.**

A candidate for any public office in an incorporated city may be nominated by filing with the city auditor, ~~at least sixty days and~~ before four p.m. on the ~~sixtieth~~sixty-fourth day before the holding of the election, a petition signed by not less than ten percent of the number of qualified electors who voted for that office in the last city election. A candidate shall also file a statement of interests as required by section 16.1-09-02. If multiple candidates were elected to the office at the preceding city election at which the office was voted upon, the number of signatures must equal at least ten percent of the total votes cast for all candidates divided by the number of candidates that were to be elected to that office at that election. Qualified electors who sign a petition must reside within the ward or precinct in and for which that officer is to be elected, if the election is by wards, or within the corporate limits of the city, if the officer is elected at large. In cities operating under the commission system of government the required petition may be signed by the qualified electors at large residing within the city. If a petition is mailed, it must be in the possession of the city auditor before four p.m. on the ~~sixtieth~~sixty-fourth day before the holding of the election. However, no more than three hundred signatures may be required and the signatures may be on separate sheets of paper. Petitions must meet the specifications of nominating petitions pursuant to section 16.1-11-16. If a city election is not combined with a state or county election according to section 40-21-02, a candidate may be nominated by

filing the required petition with the city auditor ~~at least sixty days and~~ before four p.m. on the ~~sixtieth~~sixty-fourth day before the holding of the election. A candidate may withdraw the candidate's nominating petition at any time before the applicable deadlines for filing nominating petitions provided for in this section. Nominating petitions required by this section may not be circulated or signed ~~more than ninety days before the date when nominating petitions must be filed under this section~~prior to January first preceding the election. Any signatures to a nominating petition obtained ~~more than ninety days before that date~~ may not be counted. A nominating petition for a special election may not be circulated or signed more than thirty days before the time when a petition for a special election must be filed. A candidate for city council may run for either the office of mayor or council member but not both in the same election. A candidate for the city commission may run for either the office of city commissioner or the office of president of the board of city commissioners but not both in the same election. A candidate may run for only one office in a city at any given election.

**SECTION 23. AMENDMENT.** Section 40-21-08 of the North Dakota Century Code is amended and reenacted as follows:

**40-21-08. Ballots in municipalities - Arrangement.**

The auditor of the city shall place only the names of the persons nominated upon the ballot. The auditor shall arrange the offices upon the ballot in the order in which they are named in the statutes. The auditor shall determine the arrangement of the names of the candidates upon the ballot by conducting a drawing ~~within five days following the last day for the filing of the nomination papers~~immediately after the candidate filing deadline on the sixty-fourth day before the election. The city auditor shall set the date, time, and location for conducting the drawing and shall give advance notice of the drawing to the candidates involved.

**SECTION 24. AMENDMENT.** Section 40-57.3-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**40-57.3-01.1. City lodging and restaurant tax - Imposition - Amount - Disposition - Referral.**

In addition to the tax under section 40-57.3-01, the governing body of any city may, by ordinance, impose a city tax, at a rate not to exceed one percent, upon the gross receipts of retailers on the leasing or renting of hotel, motel, or tourist court accommodations within the city for periods of less than thirty consecutive calendar days or one month and upon the gross receipts of a restaurant from any sales of prepared food or beverages, not including alcoholic beverages for consumption off the premises where purchased, which are subject to state sales taxes. For purposes of this section, "restaurant" means any place where food is prepared and intended for individual portion service for consumption on or off the premises and "prepared" includes heating prepackaged food. Accommodations, food, and beverages may all, each, or in any combination be subjected to the tax under this section, if all items in any category which are taxable under state law are taxable, except as otherwise provided in this section. The tax imposed under this section is in addition to state sales taxes on rental accommodations and restaurant sales and any city which imposes the tax under this section shall deposit all proceeds in the city visitors' promotion capital construction fund. Moneys deposited in the city visitors' promotion capital construction fund shall be spent only as provided in this chapter. An ordinance adopted under this section may not become effective sooner than sixty days after it is adopted by the governing body of the city. The provisions of chapter 40-12 with regard to referral of ordinances apply to an ordinance adopted under this section

except that a petition to refer an ordinance adopted under this section must be presented to the governing body of the municipality before four p.m. on the ~~sixtieth~~sixty-fourth day after the ordinance described in the petition was adopted by the governing body of the municipality. Revenues from a tax imposed under this section may not be pledged under section 40-57.3-03 to payment of bonds or evidences of indebtedness until after the time has passed for filing a referral petition against an ordinance under this section or, if a referral petition is filed, until after the referral petition has been submitted to the vote of the electors of the municipality.

**SECTION 25. AMENDMENT.** Subsection 4 of section 44-08-21 of the North Dakota Century Code is amended and reenacted as follows:

4. The name of the official to be recalled must be placed on the ballot unless the official resigns within ten days after the filing officer certifies the petition is valid and sufficient. Other candidates for the office may be nominated in a manner provided by law and shall file nominating papers with the appropriate filing officer by the ~~sixtieth~~sixty-fourth day before the scheduled recall election. If the official resigns, the appropriate political subdivision governing body may call a special election or appoint an individual to complete the unexpired term of the office. When the election results have been officially declared, the candidate receiving the highest number of votes is elected for the remainder of the term. No official is subject to recall twice during the term for which the official was elected. An official whose office is on the ballot at a regularly scheduled election occurring within one year is not subject to recall.

**SECTION 26. AMENDMENT.** Section 46-06-03 of the North Dakota Century Code is amended and reenacted as follows:

**46-06-03. Application to place name on ballot at primary election.**

The county auditor shall place the name of a newspaper upon the primary election ballot if the newspaper is qualified to serve as the official newspaper within the county and if, ~~not more than seventy days nor less than sixty days~~ and before four p.m. of the ~~sixtieth~~sixty-fourth day prior to the primary election, an application asking that the name of the newspaper be placed upon the ballot to be voted upon for nomination as official newspaper of the county and an affidavit indicating the newspaper meets all of the requirements of an official newspaper pursuant to sections 46-05-01 and 46-06-02 are filed with the county auditor by a person, partnership, corporation, or limited liability company owning or operating the newspaper. The county auditor shall endorse upon the application the name of the newspaper and the date upon which the application is filed.

**SECTION 27. AMENDMENT.** Section 61-24-03 of the North Dakota Century Code is amended and reenacted as follows:

**61-24-03. Election of directors of the Garrison Diversion Conservancy District.**

A director of the Garrison Diversion Conservancy District must be nominated and elected in each county in the district. Any person who is a resident and qualified elector of the county who aspires to the office of director of the Garrison Diversion Conservancy District shall, ~~not more than seventy days or less than sixty days~~ and before four p.m. of the ~~sixtieth~~sixty-fourth day before any primary election preceding a general election at which a director of the district is to be elected, present to the county auditor a petition giving that person's name, post-office address, the title of the office "Director of the Garrison Diversion Conservancy District", and containing the

signatures of not less than fifty nor more than three hundred qualified electors of the county to which each signer has added the signer's residence with street number, if any, and the date of signing.

The petition must be accompanied by an affidavit substantially as follows:

State of North Dakota )  
 ) ss.  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, being sworn, say that I reside in the county of \_\_\_\_\_ and State of North Dakota; that I am a qualified elector therein; that I am a candidate for nomination to the office of director of the Garrison Diversion Conservancy District to be chosen at the primary election to be held on \_\_\_\_\_, \_\_\_\_\_, and I request that my name be printed upon the no-party primary election ballot as provided by law, as a candidate for the office.

\_\_\_\_\_  
Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Upon receipt of the petition, the county auditor shall without fee place the name of the aspirant on the no-party primary election ballot as a candidate for the aforesaid office of director. The two candidates receiving the highest number of votes if more than two are running are nominated.

The names of the candidates so nominated at the primary election must be placed on the no-party ballot at the ensuing general election and the candidate receiving the highest number of votes is elected.

At the primary and general elections, votes must be canvassed, returned certified, and certificates of nomination and election issued in the manner provided by law for the nomination and election of county officers.

**SECTION 28. AMENDMENT.** Section 61-24.5-06 of the North Dakota Century Code is amended and reenacted as follows:

**61-24.5-06. Election of county directors of the southwest water authority.**

Any person who is a resident and qualified elector of the county, who aspires to the office of director of the southwest water authority, shall, ~~not more than seventy nor less than sixty days~~ and before four p.m. of the ~~sixtieth~~sixty-fourth day before any primary election preceding a general election at which a director of the authority is to be elected, present to the county auditor a petition giving that person's name, post-office address, and the title of the office of the southwest water authority to which that person is seeking election. The petition must contain the signatures of not less than two percent of the qualified electors of the county as determined by the number of votes cast in the county for the office of director of the southwest water authority at the most recent preceding election at which the office of director of the southwest water authority was voted upon. Each signer of the petition shall include with that signer's name that signer's mailing address.



\_\_\_\_\_  
Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Upon receipt of the petition, the city auditor shall without fee place the name of the aspirant on the election ballot as a candidate for the office of director. The candidate or candidates, depending on whether one or two directors are being elected, receiving the highest number of votes are elected. The provisions of chapter 40-21 govern the election of directors from the city of Dickinson or Mandan for the southwest water authority.

Approved April 1, 2013  
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