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Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1474

Introduced by

Representatives Boehning, Rick C. Becker, Kasper, Kreidt, Schatz

Senators Casper, Sorvaag

1 A BILL for an Act to amend and reenact section 1-08-09, subsection 9 of section 2-06-10,
2 sections 4-02-27.1, 4-02-27.2, and 4-08-15.1, subsection 1 of section 4-33-11, sections
3 11-09.1-03, 11-11-18, 11-11-53, and 11-12-01, subsection 9 of section 11-13-02, sections
4 11-28-06 and 11-28.3-02, subsection 9 of section 11-36-10, subsection 8 of section 11-37-08,
5 sections 12.1-14-02, 15.1-07-03, 15.1-07-04, 15.1-09-01, 15.1-09-05, 15.1-09-07, 15.1-09-08,
6 15.1-09-16, and 15.1-09-17, subsection 3 of section 15.1-09-39, paragraph 2 of subdivision d of
7 subsection 1 of section 15.1-09-54, sections 15.1-12-11, 15.1-12-13, and 15.1-12-14,
8 subsection 1 of section 15.1-12-21, subsections 9 and 11 of section 16.1-01-09.1, subsection 3
9 of section 16.1-03-21, sections 16.1-04-03, 16.1-05-01, 16.1-05-03, 16.1-06-09, 16.1-07-01,
10 16.1-07-04, 16.1-07-05, 16.1-07-12.1, 16.1-07-15, and 16.1-07-19, subsection 13 of section
11 16.1-08.1-01, subsection 2 of section 16.1-08.1-03.3, subsection 3 of section 16.1-08.1-03.8,
12 subsection 2 of section 16.1-08.1-03.12, subdivision a of subsection 2 of section 16.1-10-02,
13 sections 16.1-11-01, 16.1-11-05, 16.1-11-06, 16.1-11-11.1, 16.1-11-15, 16.1-11-30, 16.1-11-32,
14 16.1-12-02, and 16.1-12-02.3, subsection 1 of section 16.1-12-04, sections 16.1-13-01,
15 16.1-13-08, 16.1-13-08.1, 16.1-13-10, 16.1-15-15, 16.1-15-32, 16.1-15-35, 16.1-15-41,
16 16.1-15-42, 16.1-15-43, 16.1-15-44, 16.1-16-01, and 21-03-04, subsection 1 of section
17 21-03-06.1, subsection 2 of section 21-03-10, section 21-03-11, subsections 2 and 3 of section
18 23-29-07, sections 23-30-02, 24-05-01, 27-25-04, 40-03.1-03, 40-03.2-03, 40-04-07, 40-04-10,
19 40-04.1-03, 40-05-09.1, 40-05-09.2, 40-05.1-04, 40-08-08, 40-08-16, 40-09-10, 40-12-06,
20 40-12-09, 40-12-10, 40-21-02, 40-21-03.1, 40-21-07, 40-24-10, and 40-33-02, subsections 6
21 and 7 of section 40-33.2-02, subsections 1, 4, and 9 of section 40-33.2-03, subsections 4
22 and 10 of section 40-33.2-05, sections 40-33.3-01, 40-33.3-04, and 40-35-07, subsection 4 of
23 section 40-38-02, sections 40-44-12, 40-49-07, and 40-49-07.2, subsection 1 of section
24 40-53.1-01, sections 40-53.2-03, 40-55-08, 40-55-09, 40-57.2-04, 40-59-04, 44-08-21,
25 47-04-32, 47-04.1-14, 54-40.4-04, 55-02-07.2, and 57-15-06.5, subsection 29 of section

1 57-15-06.7, subsection 2 of section 57-15-06.10, sections 57-15-08, 57-15-12, 57-15-12.1,
2 57-15-14, and 57-15-14.5, subsection 1 of section 57-15-16, sections 57-15-22.2, 57-15-38,
3 57-15-42, 57-15-50, 57-15-51, 57-15-51.1, 57-15-53, 57-15-54, 57-15-57, 57-17-02, and
4 57-19-09, and subsections 2 and 3 of section 57-40.6-02 of the North Dakota Century Code,
5 relating to annual primary and general elections; to repeal sections 11-13-16, 15.1-09-09,
6 15.1-09-10, 15.1-09-11, 15.1-09-12, 15.1-09-13, 15.1-09-14, 15.1-09-15, 15.1-09-18,
7 15.1-09-19, 15.1-09-20, 15.1-09-21, 15.1-09-22, 15.1-09-23, 15.1-09-24, 16.1-13-12,
8 16.1-13-13, 16.1-13-14, 16.1-13-15, 16.1-13-16, 16.1-13-17, 40-21-05, 40-21-11, and 40-21-16
9 of the North Dakota Century Code, relating to school district and special elections; and to
10 provide an effective date.

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

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

14 **1-08-09. Service of civil process within boundary of an open polling location.**

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

19 **SECTION 2. AMENDMENT.** Subsection 9 of section 2-06-10 of the North Dakota Century
20 Code is amended and reenacted as follows:

21 9. For bonds issued under this section to be an obligation of a municipality or authority,
22 the issuance of the bonds must be approved by a majority vote of the governing body
23 of each municipality involved or, within thirty days after the authority decides it wishes
24 to issue the bonds, the municipality or authority must put the question, specifying the
25 amount of the bond at issue, to the people at an election. The question may be put at
26 a primary or general election, ~~a primary election, a municipal election, or at an election~~
27 ~~called for the purpose~~. If a majority of the qualified electors voting on the issue vote in
28 favor of issuing the bonds, the authority or municipality may, to the amount authorized
29 in the election, pledge the general obligation of the authority or municipality to
30 guarantee the repayment of the principal and interest on the bonds.

1 **SECTION 3. AMENDMENT.** Section 4-02-27.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **4-02-27.1. Additional levy authorized.**

4 The board of county commissioners may, by appropriate resolution, submit to the electors
5 of the county at the next ~~special~~primary or general election, the question of whether an annual
6 tax levy, in addition to the levy provided in section 4-02-27, shall be authorized for the purposes
7 of aiding a county fair association. If an additional levy is approved by the electors, the board of
8 county commissioners may make the additional annual levy, not to exceed the limitation in
9 section 57-15-06.7, and disburse the proceeds in the manner provided in section 4-02-27 for
10 the levy and disbursement of other county fair association aid funds. The failure of the electors
11 to approve any additional mill levy under this section may not be construed as invalidating a
12 levy approved prior to the election.

13 **SECTION 4. AMENDMENT.** Section 4-02-27.2 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **4-02-27.2. Additional levy in certain counties.**

16 The board of county commissioners of any county, when petitioned by at least five percent
17 of the qualified electors of the county, including qualified electors residing in at least one-half of
18 the voting precincts of the county as determined by the number of votes cast in the county for
19 the office of governor at the preceding general election at which the office was on the ballot,
20 shall submit to the qualified electors of the county at any primary or general election ~~or special~~
21 ~~election called for such purpose~~, the proposition of authorizing the board of county
22 commissioners to purchase or lease in the name of the county not to exceed two hundred forty
23 acres [97.12 hectares] of real estate and to construct thereon such buildings and other
24 improvements as may be deemed desirable for the conduct of a county fair and authorizing the
25 board of county commissioners, if the county general fund is deemed insufficient to provide
26 funds therefor, to levy a tax not exceeding the limitation in subsection 2 of section 57-15-06.7. If
27 a majority of the votes cast by qualified electors on the question at the election are in favor of
28 the proposition, including the proposed levy, the tax must be levied and collected as are other
29 property taxes, with the proceeds to be placed into a fund to be known as the "county fair fund".
30 The tax is in addition to any mill levy limitations provided by law, including the levies authorized
31 by sections 4-02-27 and 4-02-27.1.

1 **SECTION 5. AMENDMENT.** Section 4-08-15.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **4-08-15.1. Extension work - Additional tax levy.**

4 The board of county commissioners of any county, upon passage of a resolution, may
5 submit, at the next ~~regularly scheduled or special~~ primary or general election ~~in the county~~, the
6 question of providing for an additional annual levy not exceeding the limitation in subsection 5 of
7 section 57-15-06.7 for extension work. If the question submitted is approved by a majority of the
8 electors voting thereon, the board shall proceed to make the levy. The number of mills approved
9 by the electors as an additional annual levy may not be increased by the board without voter
10 approval of such increased levy as set out in this section, even if there is a subsequent increase
11 in the mill levy limitation in subsection 5 of section 57-15-06.7. Upon approval of the levy for the
12 extension work, the board may expend the funds in the manner it deems best adapted to
13 accomplish the purposes set forth by law. The levy may be discontinued upon the passage of a
14 resolution by the board of county commissioners.

15 **SECTION 6. AMENDMENT.** Subsection 1 of section 4-33-11 of the North Dakota Century
16 Code is amended and reenacted as follows:

17 1. The governing body of any political subdivision may appropriate money for the control
18 of pests under this chapter. If state funds are involved, the money must be expended
19 according to control plans approved by the commissioner. The governing body of a
20 political subdivision shall determine the portion, if any, of control program costs to be
21 paid by the political subdivision. Costs of the control program may be paid by moneys
22 in the emergency fund. If the emergency fund is not sufficient to carry out the program,
23 the governing body may expend money from the general fund and in this event the
24 governing body, except the governing body of a park district, upon approval of sixty
25 percent of those voting in ~~any special election or~~ the next ~~regularly scheduled~~ primary
26 or general election, may levy a tax during the following year upon all taxable property
27 in the political subdivision to fully reimburse the general fund for the amount expended
28 except that the levy may not exceed the limitation in subsection 1 of section
29 57-15-28.1.

30 **SECTION 7. AMENDMENT.** Section 11-09.1-03 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **11-09.1-03. Submission of charter to electors.**

2 At least sixty days, but no more than two years, after submission of the charter to the board
3 of county commissioners, the proposed charter must be submitted to a vote of the qualified
4 electors of the county at a primary or general election. If the proposed charter has been
5 submitted to a vote of the qualified electors of the county, the board of county commissioners
6 may ~~call a special election to~~ resubmit the proposed charter to a vote of the qualified electors of
7 the county, ~~and the special election must take place at least sixty days after the call for the~~
8 ~~special election~~ at the next primary or general election. The board may amend the proposed
9 charter prior to its resubmission to the electors.

10 **SECTION 8. AMENDMENT.** Section 11-11-18 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **11-11-18. Board to submit extraordinary outlay to vote.**

13 The board of county commissioners shall submit to the electors of the county at any ~~regular~~
14 ~~or special~~ primary or general election any proposal for an extraordinary outlay of money by the
15 county when the proposed expenditure is greater in amount than can be provided for by the
16 annual tax levies. If the board considers the courthouse, jail, or other public buildings of the
17 county inadequate for the needs of the county or deems it necessary to build a county hospital,
18 and if it is thought that it is not for the best interests of the county to issue bonds to aid in the
19 construction of such buildings or that the construction of such buildings by any other procedure
20 is not for the best interests of the county, it shall submit to the electors of the county, at any
21 ~~regular or special~~ primary or general election, the proposal for the construction of a courthouse,
22 jail, or other public building by establishing a building fund to aid in the construction thereof. The
23 requirements of this section shall not apply to lease-purchase agreements authorized by section
24 24-05-04.

25 **SECTION 9. AMENDMENT.** Section 11-11-53 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **11-11-53. Appropriation for historical works - Authorization of tax levy - Approval of**
28 **state historical society and attorney general.**

29 1. The board of county commissioners of any county may appropriate out of the general
30 fund of the county a sum, not exceeding five thousand dollars annually, to be paid to
31 the historical society of the county and used for the promotion of historical work within

1 the borders of the county, including the collection, preservation, and publication of
2 historical material, and to disseminate historical information of the county, and in
3 general to defray the expense of carrying on historical work in the county.

4 2. The board of county commissioners may levy a tax, not exceeding the limitation in
5 subsection 8 of section 57-15-06.7, for the promotion of historical works within the
6 borders of the county and in general defray the expense of carrying on historical work
7 in the county, including the maintenance of any historical room or building, and
8 furthering the work of the historical society of the county. The levy is in addition to any
9 moneys appropriated from the general fund of the county for historical work as
10 provided in subsection 1. The board of county commissioners may, by resolution,
11 submit the question of an additional tax levy to the qualified electors of the county at
12 the next ~~countywide~~primary or general, primary, or special election. If sixty percent of
13 the qualified electors voting on the question approve, a tax must be levied not
14 exceeding the limitation in subsection 8 of section 57-15-06.7, which tax may be
15 expended as provided in this section.

16 3. The appropriation and levy authorized by this section may not be used to defray any
17 expenses of a county historical society until it is incorporated under the laws of this
18 state as a nonprofit corporation, is affiliated with and has its articles of incorporation
19 and bylaws approved by the state historical society and the attorney general, and has
20 contracted with the board of county commissioners in regard to the manner in which
21 the funds received will be expended and the services to be provided. Historical
22 societies that qualified for county funds under subsection 1 before July 1, 1965, are
23 not required to have articles of incorporation and bylaws approved by the attorney
24 general to receive funds under subsection 1.

25 **SECTION 10. AMENDMENT.** Section 11-12-01 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **11-12-01. Petition to change number of county commissioners - Election on question.**

28 If at least twenty percent of the qualified electors of a county, as determined by the number
29 of votes cast for the office of governor at the preceding general election at which the office was
30 on the ballot, shall petition the board of county commissioners for:

- 1 1. The increase of the number of county commissioners from three to five if the county, at
2 the time of the filing of the petition, has three commissioners; or
3 2. The decrease of the number of county commissioners from five to three if the county,
4 at the time of the filing of the petition, has five commissioners,
5 the board of county commissioners shall submit the question presented by the petition to the
6 qualified electors of the county at a ~~special election to be held in connection with~~ the next
7 ~~statewide~~ primary or general election, whichever is specified in the petition.

8 **SECTION 11. AMENDMENT.** Subsection 9 of section 11-13-02 of the North Dakota Century
9 Code is amended and reenacted as follows:

- 10 9. Perform all acts required of the auditor relative to the making out and delivering of
11 notices of ~~general and special~~ elections, making abstracts of and canvassing the votes
12 cast at an election, issuing certificates of election, and forwarding the abstract of votes
13 cast to the secretary of state.

14 **SECTION 12. AMENDMENT.** Section 11-28-06 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **11-28-06. Tax levy by board of county commissioners.**

17 At the time of levying taxes for other county purposes, the board of county commissioners
18 shall consider the certificate and budget statement of the board of county park commissioners
19 and shall levy each year upon all taxable property in the county a tax sufficient in amount to pay
20 the actual necessary expenses and activities program of the board of county park
21 commissioners, including construction, improvement, repair, operation, and maintenance of the
22 park and recreational areas and their facilities under its control and those recreational activities
23 of benefit to the general populace of the county which are under the control of a city or a city
24 park district within the county, not exceeding the limitation in subsection 10 of section
25 57-15-06.7. No levy in excess of this limitation ~~shall~~may be made without approval of the
26 eligible voters in the county at a ~~special~~primary or general election. The county auditor shall
27 credit the proceeds of such tax to the separate fund of the board of county park commissioners.
28 This levy ~~shall~~does not apply to cities that already have a park levy unless the governing body
29 of the city by resolution consents to the levy.

30 **SECTION 13. AMENDMENT.** Section 11-28.3-02 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **11-28.3-02. Election in affected counties.**

2 When a petition is filed in the office of the county auditor pursuant to section 11-28.3-01, the
3 county auditor shall determine and certify that the petition has been signed by at least twenty
4 percent of the qualified electors voting at the last general election for governor and residing
5 within the boundaries of the proposed district. If the proposed district is situated within two or
6 more counties, the county auditor of the county wherein most of the petitioners reside shall
7 confer with the other affected county auditors for the purpose of determining the adequacy of
8 the petitions in all the counties affected.

9 If the county auditor or county auditors determine that the petitions submitted are adequate
10 according to the provisions of this chapter, the question of whether the rural ambulance service
11 district shall be formed and organized shall must be submitted to a vote of the qualified
12 electors residing in the proposed district at the next ensuing countywide special, primary, or
13 general election. ~~The election provided for by this chapter shall be conducted in the same~~
14 ~~manner as other county elections are conducted, except as otherwise provided by this chapter.~~

15 **SECTION 14. AMENDMENT.** Subsection 9 of section 11-36-10 of the North Dakota Century
16 Code is amended and reenacted as follows:

17 9. For bonds issued under this section to be an obligation of a municipality or port
18 authority, the issuance of the bonds must be approved by a majority vote of the
19 governing body of each municipality involved or, within thirty days after the port
20 authority decides it wishes to issue the bonds, the municipality or port authority must
21 put the question, specifying the amount of the bond at issue, to the people at an
22 election. The question may be put at a primary or general election, ~~a primary election,~~
23 ~~a municipal election, or at an election called for the purpose.~~ If a majority of the
24 qualified electors voting on the issue vote in favor of issuing the bonds, the port
25 authority or municipality, to the amount authorized in the election, may pledge the
26 general obligation of the port authority or municipality to guarantee the repayment of
27 the principal and interest on the bonds.

28 **SECTION 15. AMENDMENT.** Subsection 8 of section 11-37-08 of the North Dakota Century
29 Code is amended and reenacted as follows:

30 8. For bonds issued under this section to be an obligation of a political subdivision or
31 commerce authority, the issuance of the bonds must be approved by a majority vote of

1 the governing body of each political subdivision involved or, within thirty days after the
2 commerce authority decides to issue the bonds, the political subdivision or commerce
3 authority must put the question, specifying the amount of the bond at issue, to the
4 electors at any primary, or general, ~~or special~~ election. If a majority of the qualified
5 electors voting on the issue vote in favor of issuing the bonds, the commerce authority
6 or political subdivision, to the amount authorized in the election, may pledge the
7 general obligation of the commerce authority or political subdivision to guarantee the
8 repayment of the principal and interest on the bonds.

9 **SECTION 16. AMENDMENT.** Section 12.1-14-02 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **12.1-14-02. Interference with elections.**

12 A person is guilty of a class A misdemeanor if, whether or not acting under color of law,
13 ~~he~~ the person, by force or threat of force or by economic coercion, intentionally:

- 14 1. Injures, intimidates, or interferes with ~~another~~ any individual because ~~he~~ the individual is
15 or has been voting for any candidate or issue or qualifying to vote, qualifying or
16 campaigning as a candidate for elective office, or qualifying or acting as a poll watcher
17 or other election official, in any ~~primary, special, or general~~ election.
- 18 2. Injures, intimidates, or interferes with ~~another in order~~ any individual to prevent ~~him~~ the
19 individual or any other ~~person~~ individual from voting for any candidate or issue or
20 qualifying to vote, qualifying or campaigning as a candidate for elective office, or
21 qualifying or acting as a poll watcher or other election official, in any ~~primary, special,~~
22 ~~or general~~ election.

23 **SECTION 17. AMENDMENT.** Section 15.1-07-03 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **15.1-07-03. District's limit of indebtedness - Resolution.**

- 26 1. The board of a school district may by resolution place on the ballot of any ~~regular or~~
27 ~~special~~ election the question of increasing the district's limit of indebtedness, beyond
28 that fixed by the constitution, by five percent of the assessed valuation of all taxable
29 property in the district.
- 30 2. The board of a school district shall place on the ballot of the next ~~regular~~ primary or
31 ~~special~~ general election the question of increasing the district's limit of indebtedness,

1 beyond that fixed by the constitution, by five percent of the assessed valuation of all
2 taxable property in the district, if the board receives a petition requesting the increase
3 and signed by qualified electors of the district equal in number to at least one-third of
4 those who voted at in the most recent ~~annual~~ school district election.

5 **SECTION 18. AMENDMENT.** Section 15.1-07-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-07-04. District's limit of indebtedness - Election - ~~Notice.~~**

8 If an election is to include a question regarding an increase in the school district's limit of
9 indebtedness, the board of the school district shall ensure ~~that~~ the question is clearly stated in
10 the notice of election. ~~If the board calls a special election to vote on the question of increasing~~
11 ~~the district's limit of indebtedness, the board shall publish notice of the election in the official~~
12 ~~newspaper of the district, at least fourteen days before the date of the election.~~

13 **SECTION 19. AMENDMENT.** Section 15.1-09-01 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15.1-09-01. School board membership - Size and term adjustments.**

- 16 1. The board of a school district must be composed of five, seven, or nine members.
- 17 2. The size of a school board may be increased to seven or nine members or decreased
18 to seven or five members if a petition is signed by qualified electors of the school
19 district equal in number to at least one-third of those who voted at in the most recent
20 ~~annual~~ election of members of the board of the school district election and the change
21 is approved by a majority of the qualified electors of the school district voting on the
22 question at a ~~special~~ the next primary or general election called for that purpose.
- 23 3. If a majority of the qualified voters in a school district elect to increase the size of the
24 school board, the additional members must be elected to the board at the next ~~annual~~
25 ~~school district~~ primary election in the same manner as other board members.
 - 26 a. If the total number of board members after approval of the increase is seven, the
27 terms of three members extend until the first ~~annual~~ primary election, the terms of
28 two members extend until the second ~~annual~~ primary election, and the terms of
29 the remaining two members extend until the third ~~annual~~ primary election.
 - 30 b. If the total number of board members after approval of the increase is nine, the
31 terms of three members extend until the first ~~annual~~ primary election, the terms of

- 1 three members extend until the second ~~annual~~primary election, and the terms of
2 the remaining three members extend until the third ~~annual~~primary election.
- 3 c. The length of the terms specified in this subsection must be determined by lot.
- 4 d. All board members shall serve for the terms specified in this subsection and until
5 their successors are elected and qualified.
- 6 e. The length of any term in existence before the increase in board membership and
7 held by a board member who is duly qualified may not be modified.
- 8 f. Terms subsequent to the first term are for the normal period of three years and
9 extend until a successor is elected and qualified.
- 10 4. ~~If on July 1, 2005, the board of any school district contains only three members, the~~
11 ~~board must be increased to five members and the additional members must be~~
12 ~~elected at the next annual school district election, in the same manner as other board~~
13 ~~members. The initial term of one additional member must be one year and the initial~~
14 ~~term of the other additional member must be two years. The length of the terms~~
15 ~~specified in this subsection must be determined by lot. Thereafter, the size of the~~
16 ~~board may be increased in accordance with subsections 2 and 3.~~
- 17 5. The voters of a school district shall elect school board members at large. If, however,
18 the district has been reorganized, board members may be elected at large, by
19 geographical area, or at large by geographical area.
- 20 ~~6.5.~~ An election on a reorganization proposal takes the place of the petition and election
21 requirements of this section. Approval of the reorganization proposal has the same
22 effect as if the approval were by the election provided for in this section.
- 23 ~~7.6.~~ If the qualified electors of a district approve a reduction in the size of the school board,
24 the excess number of members will serve out existing terms until the number
25 approved by the electors has been reached.
- 26 ~~8.7.~~ If the board of a school district has elected to convert its members' terms to four years
27 and has also increased the number of its board members, the board by lot or by some
28 other random selection method shall provide for a combination of initial terms of office
29 not to exceed four years for the new members. The combination must equalize to the
30 greatest extent possible the number and length of terms for old board members and

1 for new members to be elected during the next three election years. The members'
2 terms must be staggered and must expire in even-numbered years.

3 ~~9.8.~~ Notwithstanding the provisions of this section, the board of education of the city of
4 Fargo consists of nine members.

5 **SECTION 20. AMENDMENT.** Section 15.1-09-05 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15.1-09-05. School board - Vacancies - Appointments.**

8 1. The business manager of a school district shall notify the county superintendent that a
9 vacancy exists on the school board.

10 2. The board of a school district shall fill by appointment ~~or special election~~ any vacant
11 seat on the board. The term of an individual selected by appointment ~~or special~~
12 ~~election to fill a vacancy~~ extends until a successor is elected and qualified at the next
13 ~~annual~~ primary election. If a school board fails to fill a vacancy by appointment ~~or fails~~
14 ~~to call a special election to fill a vacancy~~ within sixty days from the time the vacancy
15 occurred, the county superintendent shall ~~call a special election~~ appoint an individual to
16 fill the vacancy until a successor is elected and qualified at the next primary election.
17 ~~The election must be conducted in the same manner as the annual school district~~
18 ~~election.~~

19 3. If a vacancy reduces the membership of a school board to less than a quorum, the
20 state board of public school education shall appoint to the school board as many
21 individuals as necessary to achieve a quorum. The school board then shall fill the
22 remaining vacancies. After the vacancies have been filled, any individual appointed by
23 the state board shall resign and the school board shall fill the vacancy in accordance
24 with this section. After resigning, the individual who had been appointed by the state
25 board may be reappointed by the school board to fill the vacancy.

26 4. A vacancy may be declared for any reason set forth in section 44-02-01.

27 5. The business manager shall certify any appointment made under this section to the
28 county superintendent of schools.

29 **SECTION 21. AMENDMENT.** Section 15.1-09-07 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **15.1-09-07. School district election –Conduct.**

2 ~~Unless otherwise provided by law, a school district election must be conducted and the~~
3 ~~votes must be canvassed in the same manner as in the election of county officers.~~A school
4 district election must be held in conjunction with the statewide primary election on the second
5 Tuesday in June of each year. The board of each school district election shall enter an
6 agreement with the board of county commissioners of the county or counties in which the
7 district lies concerning the use of a single canvassing board, the printing of election materials,
8 the publishing of legal notices, and the apportioning of election expenses. The notice of the
9 election must be published in the official newspaper of the district and must state the time and
10 place of the election and the purpose of the vote. The board of each school district shall notify
11 the county auditor, in writing, immediately after the candidate filing deadline of the offices to be
12 filled at the election, the name of each candidate, and any measure to appear on the ballot.

13 **SECTION 22. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15.1-09-08. School district elections - Candidate filings.**

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

22 **SECTION 23. AMENDMENT.** Section 15.1-09-16 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15.1-09-16. School district election - Tie breaker.**

25 If ~~the~~an election results in a tie, the business manager of the district shall notify, in writing,
26 the candidates between whom the tie exists. Within three days after the canvass of the election
27 ~~by the school board,~~ at a time agreed upon by the candidates, the election must be decided in
28 the presence of the ~~judges and clerks of the election~~business manager and the county auditor,
29 by a drawing of names. A candidate involved in a tie vote may withdraw the candidate's name
30 from consideration if the candidate is willing to sign a statement to that effect in the presence of
31 and witnessed by the ~~filing officer of the election~~business manager. If no candidates remain, the

1 office is to be filled according to the rules of filling an office when a vacancy exists. The school
2 district business manager shall make and keep a record of the proceedings.

3 **SECTION 24. AMENDMENT.** Section 15.1-09-17 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **15.1-09-17. Notification of elected individuals - Notice to county superintendent of**
6 **schools.**

7 Within three days after the canvass ~~by the school board for a school district election~~, the
8 business manager of the school district shall provide to each elected individual written notice of
9 the individual's election and of the duty to take an affirmation or oath of office. Within ten days
10 after the canvass ~~by the school board~~, the business manager shall certify the individuals elected
11 and their terms to the county superintendent of schools.

12 **SECTION 25. AMENDMENT.** Subsection 3 of section 15.1-09-39 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 3. If the superintendent approves the contract, the board shall submit the contract to the
15 electorate of the district, for approval, ~~at an annual or a special~~ the primary or general
16 election.

17 **SECTION 26. AMENDMENT.** Paragraph 2 of subdivision d of subsection 1 of section
18 15.1-09-54 of the North Dakota Century Code is amended and reenacted as follows:

19 (2) Approved by a majority of each participating school district's electors voting
20 on the question ~~at a regular school district election or at a special~~ the primary
21 or general election ~~called by the board~~; and

22 **SECTION 27. AMENDMENT.** Section 15.1-12-11 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15.1-12-11. School district reorganization - Approved plan - ~~Special election~~**
25 **Formation of new district.**

26 1. If the state board approves a reorganization plan, the state board shall notify each
27 county superintendent of schools having jurisdiction over real property in the proposed
28 new district. A county superintendent receiving notice under this section shall ~~call a~~
29 ~~special~~ request the county auditor or auditors of the counties in which the new district
30 lies to place the reorganization plan on the ballot at the next general election in order
31 that the electors residing within the boundaries of the proposed new district may to

- 1 approve or reject the reorganization plan. ~~The election must be held between July first~~
2 ~~and December thirty first of the year in which the plan is approved by the state board.~~
3 If there are insufficient days left in the year to meet the notice requirements of this
4 section, the election must be held during the primary election in the following year.
- 5 2. If the state board approves a reorganization plan, the state board shall notify job
6 service North Dakota of the names of the school districts planning to reorganize, the
7 election date ~~proposed~~ in the reorganization plan, the proposed effective date of the
8 reorganization, and the proposed name of the new reorganized school district.
- 9 3. The county superintendent shall give notice of the election by publishing the time,
10 date, and place of the election in the official newspaper of the county, at least fourteen
11 days before the date of the election.
- 12 4. The election notice must:
- 13 a. State that the election has been called for the purpose of approving or rejecting a
14 plan to form a new school district;
- 15 b. Describe the boundaries of the proposed new district; and
- 16 c. Include a statement describing the adjustment of property, debts, and liabilities
17 proposed in the plan, together with the proposed tax levy.
- 18 5. ~~The county superintendent shall appoint judges and clerks of the election. The election~~
19 ~~must be conducted in the same manner and the polls must open and close at the~~
20 ~~same time as specified for school district elections.~~
- 21 6. ~~The result of the elections must be certified by the participating school boards and~~
22 ~~delivered to the county superintendent within three days after the closing of the polls.~~
- 23 7. If a majority of electors residing within each school district vote to approve the
24 reorganization plan, the county superintendent shall make the necessary adjustments
25 of property, debts, and liabilities and perform all duties required by law ~~in order to~~
26 establish and organize the new school district. The county superintendent shall also
27 notify job service North Dakota regarding the results of the election and, if the
28 reorganization is approved, shall indicate the effective date of the reorganization and
29 the name of the new reorganized school district.

30 **SECTION 28. AMENDMENT.** Section 15.1-12-13 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **15.1-12-13. School district reorganization - Proposal rejection - Revision - New**
2 **election.**

- 3 1. If the electors reject the reorganization plan, the county committee, after a period of
4 three months from the date of the ~~special~~ election, may hold a public hearing as
5 provided for in section 15.1-12-10 to consider a revised reorganization plan proposed
6 by the participating school districts. If the county committee approves a revised plan,
7 the county superintendent shall submit the revised plan to the state board for approval.
8 2. If the state board approves the revised plan, it shall notify the county superintendent of
9 schools. A county superintendent receiving notice under this section shall follow the
10 procedures set forth in this chapter for ~~calling a special election~~placing the question of
11 whether to approve or reject the revised plan on the ballot at the next primary or
12 general election. If a majority of the electors residing within each school district vote to
13 approve the revised reorganization plan, the county superintendent shall make the
14 necessary adjustments of property, debts, and liabilities and perform all duties
15 required by law ~~in order~~ to establish and organize the new school district.

16 **SECTION 29. AMENDMENT.** Section 15.1-12-14 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **15.1-12-14. School district reorganization - School boards - Assumption of duties.**

- 19 1. Upon approval of a reorganization plan by the electors, in accordance with section
20 15.1-12-11, a school board for the reorganized district must be elected at the next
21 ~~regular school district election or at a special~~primary or general election ~~called by the~~
22 ~~county superintendent of schools for that purpose~~. The first school board election in a
23 newly reorganized district is governed by chapter 15.1-09.
24 2. Members of newly formed school boards representing reorganized districts may not
25 enter upon the duties of office until the time specified in section 15.1-12-18, except as
26 provided in sections 15.1-12-15 and 15.1-12-16. Before the completion of a
27 reorganization, the board of an existing district may not contract or obligate the district,
28 except with the approval of the county committee or unless authorized by law.

29 **SECTION 30. AMENDMENT.** Subsection 1 of section 15.1-12-21 of the North Dakota
30 Century Code is amended and reenacted as follows:

- 1 1. All provisions of a reorganization plan, except those relating to boundaries and
2 geographic voting areas, may be changed upon the concurrence of a majority of the
3 qualified electors voting on the question. The question may be placed before the
4 voters at a ~~regular~~primary or ~~special~~general election upon a motion of the school
5 board and ~~shall~~must be placed before the voters upon receipt by the board of a
6 petition signed by at least:
- 7 a. Twenty-five percent of the qualified electors residing in the district, if the
8 population of the district, as determined by the county superintendent, is less
9 than twenty-five qualified electors;
- 10 b. Twenty percent of the qualified electors residing in the district, if the population of
11 the district is at least twenty-five but not more than four thousand; or
- 12 c. Fifteen percent of the qualified electors residing in the district, if the population of
13 the district is greater than four thousand.

14 **SECTION 31. AMENDMENT.** Subsections 9 and 11 of section 16.1-01-09.1 of the North
15 Dakota Century Code are amended and reenacted as follows:

- 16 9. The filing officer shall call a ~~special~~ recall election at the next primary or general
17 election to be held no sooner than ninety days ~~nor later than one hundred days~~
18 following the date the filing officer certifies the petition valid and sufficient. ~~No special~~
19 ~~recall election may be called if that date would be within ninety days of the next~~
20 ~~scheduled election.~~
- 21 11. An official may not be recalled if the recall ~~special~~ election would be held during the
22 same year in which the official's office would be included on the ballot.

23 **SECTION 32. AMENDMENT.** Subsection 3 of section 16.1-03-21 of the North Dakota
24 Century Code is amended and reenacted as follows:

- 25 3. Filed a petition with the secretary of state signed by the number of electors required
26 under section 16.1-11-30 to qualify to endorse candidates or to have candidates
27 petition to be included on the primary election ballot in a consolidated column ~~or on a~~
28 ~~special election ballot.~~

29 **SECTION 33. AMENDMENT.** Section 16.1-04-03 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **16.1-04-03. Time limitations.**

2 The authority granted by this chapter must be exercised by the respective governing bodies
3 no later than December thirty-first of ~~the~~each year ~~immediately preceding an election cycle and~~
4 ~~no later than seventy days before a special election.~~ If legislative reapportionment occurs, the
5 authority granted by this chapter must be exercised, as it relates to the establishment or
6 reestablishment of voting precincts that may be required because of any change in legislative
7 districts, within thirty-five days after the effective date of the reapportionment.

8 **SECTION 34. AMENDMENT.** Section 16.1-05-01 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-05-01. Election officers.**

11 ~~At each primary, general, and special statewide or legislative district election, and at county~~
12 ~~elections,~~ each polling place must have an election board in attendance. The election board
13 must consist of an election inspector and at least two election judges. Counties utilizing polling
14 places containing more than one precinct may choose to use one election board to supervise all
15 precincts even if the precincts are within different legislative districts so long as each district
16 chairman of each qualified political party is given the opportunity to have representation on the
17 election board if desired.

- 18 1. The election inspector must be selected in the following manner:
- 19 a. Except as provided in subdivision b, in all precincts established by the governing
20 body of an incorporated city pursuant to chapter 16.1-04, the governing body
21 shall appoint the election inspectors for those precincts and fill all vacancies
22 occurring in those offices.
- 23 b. In all multiprecinct polling locations containing both rural and city precincts, the
24 county auditor, with the approval of the majority of the board of county
25 commissioners, shall appoint the election inspectors and fill all vacancies
26 occurring in those offices. The selection must be made on the basis of the
27 inspector's knowledge of the election procedure.
- 28 c. The election inspector shall serve until a successor is named. If an inspector fails
29 to appear for any training session without excuse, the office is deemed vacant
30 and the auditor shall appoint an individual to fill the vacancy.

1 All appointments required to be made under this section must be made at least forty
2 days preceding an election.

3 2. The election judges must be appointed in the following manner:

4 a. ~~Except as provided in subdivision b:~~

5 (1) The election judges for each polling place must be appointed in writing by
6 the district chairs representing the two parties that cast the largest number of
7 votes in the state at the last general election. In polling places in which over one
8 thousand votes are cast in any election, the county auditor may request each
9 district party chair to appoint an additional election judge.

10 ~~(2)~~b. The district party chair shall notify the county auditor of the counties in
11 which the precincts are located of the appointment of the election judges at least
12 forty days before the ~~primary, general, or special~~ election. If this notice is not
13 received within the time specified in this section, the county auditor shall appoint
14 the judges. If the county auditor has exhausted all practicable means to select
15 judges from within the boundaries of the precincts within the polling place and
16 vacancies still remain, the county auditor may select election judges who reside
17 outside of the voting precinct but who reside within the polling place's legislative
18 districts. If vacancies still remain, the county auditor may select election judges
19 who reside outside of the legislative districts but who reside within the county.

20 b. ~~For special elections involving only no-party offices, the election official~~
21 ~~responsible for the administration of the election with the approval of the majority~~
22 ~~of the members of the applicable governing body shall appoint the election~~
23 ~~judges for each polling location.~~

24 3. If at any time before or during an election, it appears to an election inspector, by the
25 affidavit of two or more qualified electors of the precinct, that any election judge is
26 disqualified under this chapter, the inspector shall remove that judge at once and shall
27 fill the vacancy by appointing a qualified individual of the same political party as that of
28 the judge removed. If the disqualified judge had taken the oath of office as prescribed
29 in this chapter, the inspector shall place the oath or affidavit before the state's attorney
30 of the county.

- 1 4. The election official responsible for the administration of the election, with the approval
2 of the majority of the members of the applicable governing body, shall appoint the poll
3 clerks for each polling place. However, no fewer than two poll clerks must be
4 appointed for each polling place. Poll clerks must be appointed based on their
5 knowledge of election matters, attention to detail, and on any necessary technical
6 knowledge.

7 **SECTION 35. AMENDMENT.** Section 16.1-05-03 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-05-03. Secretary of state and county auditors to distribute election information -**
10 **County auditor to provide instruction.**

- 11 1. Not less than thirty days before any ~~primary, general, or special~~ election, the secretary
12 of state shall provide an instruction manual approved by the attorney general, which in
13 layman's terms presents in detail the responsibilities of each election official. The
14 secretary of state shall forward sufficient copies of this manual to each county auditor
15 who shall distribute the manuals to each member of all the election boards in the
16 county.
- 17 2. Before each ~~primary and general~~ election, each county auditor or the auditor's
18 designated representative shall conduct training sessions on election laws and
19 election procedures for election officials in the county ~~and may conduct training~~
20 ~~sessions before any special statewide or legislative district election~~. The session or
21 sessions must be conducted at such place or places throughout the county as the
22 county auditor determines to be necessary. Attendance at the session is mandatory for
23 members of the election board and for poll clerks. The county auditor shall notify the
24 members of the election boards, poll clerks, and the state's attorney of the time and
25 place of the session. The state's attorney shall attend all sessions to give advice on
26 election laws. The county auditor shall invite the district chairman in that county
27 representing any political party casting at least five percent of the total votes cast for
28 governor at the last election to attend the session at the chairman's own expense. On
29 the date of the course or courses, the county auditor may deliver to all election
30 inspectors at the meeting the official ballots and all other materials as provided in

1 chapter 16.1-06. Except as otherwise provided in this section, each person attending
2 the course or courses must be compensated as provided in section 16.1-05-05.

3 3. An election official, at the option of the county auditor, may be excused from attending
4 a third training session on election laws within a twelve-month period. ~~If an election
5 official has attended a training session within the six months preceding a special
6 election, the election official must be compensated at the pay appropriate for those
7 having attended a training session, as provided in section 16.1-05-05, for that election.~~

8 **SECTION 36. AMENDMENT.** Section 16.1-06-09 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-06-09. Constitutional amendments and initiated and referred measures - Manner**
11 **of stating question - Explanation of effect of vote - Order of listing.**

12 Constitutional amendments or measures, initiated measures, and referred measures, duly
13 certified to the county auditor by the secretary of state, or any other question or measure to be
14 voted on, ~~except the election of public officers at any primary, general, or special election,~~
15 including officers subject to a recall petition, must, unless otherwise determined by the secretary
16 of state, be stated in full in a legible manner on the ballot. If the secretary of state concludes the
17 amendment or measure is too long to make it practicable to print in full, the secretary of state in
18 consultation with the attorney general shall cause to be printed a short, concise summary, which
19 must fairly represent the substance of the constitutional amendment or initiated or referred
20 measure. After the foregoing statement, the secretary of state shall cause to be printed another
21 short, concise statement of the effect of an affirmative or negative vote on the constitutional
22 amendment or initiated or referred measure. This explanatory statement must be drafted by the
23 secretary of state in consultation with the attorney general. The words "Yes" and "No" must be
24 printed on the ballot at the close of the statement regarding the effect of an affirmative or
25 negative vote, in separate lines with an oval before each statement in which the voter is to
26 indicate how the voter desires to vote on the question by darkening the oval. If two or more
27 amendments or questions are to be voted on, they must be printed on the same ballot.

28 The measures to be submitted to the electors must be grouped and classified as
29 constitutional measures, initiated statutes, or referred statutes and must be placed within such
30 groups or classifications by the secretary of state in the order received, for the purpose of
31 placing them on the ballot. Measures submitted by the legislative assembly must be placed first

1 on the ballot within their classification in the order approved by the legislative assembly.
2 Constitutional measures shall must be placed first on the ballot, initiated statutes second, and
3 referred statutes third. After all the measures have been placed within the appropriate group or
4 classification, all measures must be numbered consecutively, without regard to the various
5 groups or classifications.

6 **SECTION 37. AMENDMENT.** Section 16.1-07-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **16.1-07-01. Absent voter.**

9 Any qualified elector of this state may vote an absent voter's ballot at any general, ~~special,~~
10 or primary state election, ~~any county election, or any city or school district election.~~ An elector
11 who votes by absentee ballot may not vote in person at the same election.

12 **SECTION 38. AMENDMENT.** Section 16.1-07-04 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **16.1-07-04. When ballots furnished proper officials.**

15 The county auditor, or any other officer required by law to prepare any general, ~~special, or~~
16 ~~primary state election ballots or any county election ballots,~~ shall prepare, have printed, and
17 deliver to the county auditor at least forty days before the holding of any general, ~~special, or~~
18 ~~primary state election~~ a sufficient number of absent voter ballots for the use of all voters likely to
19 require such ballots for that election. ~~In city or school elections, the auditor or clerk of the city,~~
20 ~~the business manager of the school district, or any other officer required by law to prepare city~~
21 ~~or school election ballots shall prepare and have printed and available for distribution to the~~
22 ~~public at least forty days before the holding of any city or school election a sufficient number of~~
23 ~~absent voter's ballots for the use of all voters likely to require such ballots for that election.~~
24 Officers authorized to distribute absent voter's ballots under this chapter shall ensure all ballots
25 used as absent voter's ballots are secure at all times and accessible only to those persons
26 under the officer's supervision for distribution. If an election official personally distributes and
27 collects an absent voter's ballot outside the election official's office, appointed election judges
28 from an election board shall accompany the election official along with the ballot to and from the
29 voter's location and be present while the voter is marking the ballot.

30 **SECTION 39. AMENDMENT.** Section 16.1-07-05 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **16.1-07-05. ~~Time for applying~~Applying for ballot - Emergency situations - Sufficient**
2 **time for application and ballot return.**

- 3 1. At any time ~~in an election year~~, any qualified elector may apply to the county auditor,
4 ~~the auditor or clerk of the city, or the business manager of the school district, as the~~
5 ~~ease may be~~, by personal delivery, facsimile, electronic mail, or otherwise, for an
6 official ballot ~~to be voted at that election~~. A voter may obtain an application form
7 approved by the secretary of state, for an absent voter's ballot ~~for a general, special,~~
8 ~~primary, county, city, or school election~~ from the secretary of state, a county or city
9 auditor, a candidate, a political party, or a political committee. The application form
10 must include a space for the applicant to indicate whether the application is for all
11 statewide elections in the calendar year or only for the election that is immediately
12 after the date of the application.
- 13 2. No auditor or clerk may issue ballots for absentee voters on the day of the election
14 except to individuals prevented from voting in person on the day of the election due to
15 an emergency. An individual requesting an absentee ballot on the day of the election
16 due to an emergency must do so through an agent as set forth in this chapter. An
17 agent may represent only one individual. The absentee ballot must be returned to the
18 county auditor's office by four p.m. on the day of the election.
- 19 3. A completed application must be submitted to the appropriate election official in a
20 timely manner so as to allow the applicant to receive, complete, and mail the absent
21 voter's ballot before the day of the election.

22 **SECTION 40. AMENDMENT.** Section 16.1-07-12.1 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **16.1-07-12.1. Absentee ballot precinct - Election board appointment - Ballot counting.**

- 25 1. For any ~~primary, general, or special statewide, district, or county~~ election, the board of
26 county commissioners may create a special precinct, known as an absentee ballot
27 precinct, for the purpose of counting all absentee ballots cast in ~~an~~that election in that
28 county. The election board of the absentee ballot precinct must be known as the
29 absentee ballot counting board. The county auditor shall supply the board with all
30 necessary election supplies as provided in chapter 16.1-06.

- 1 2. If the board of county commissioners chooses to establish an absentee ballot precinct
2 according to this section, the following provisions apply:
- 3 a. The county auditor shall appoint the absentee ballot counting board that consists
4 of one independent representative to act as the inspector and an equal number
5 of representatives from each political party represented on an election board in
6 the county, as set forth in section 16.1-05-01, to act as judges. Each official of the
7 board shall take the oath required by section 16.1-05-02 and must be
8 compensated as provided in section 16.1-05-05.
- 9 b. The county auditor shall have the absentee ballots delivered to the inspector of
10 the absentee ballot counting board with the election supplies, or if received later,
11 then prior to the closing of the polls.
- 12 c. The absentee ballot counting board shall occupy a location designated by the
13 county auditor which must be open to any individual for the purpose of observing
14 the counting process.
- 15 d. The absentee ballots must be opened and handled as required in section
16 16.1-07-12. The county auditor shall designate a location for the closing,
17 counting, and canvassing process under chapter 16.1-15, which location must be
18 open to any person for the purpose of observing. The board shall comply with the
19 requirements of sections 16.1-15-04 through 16.1-15-12, as applicable.

20 **SECTION 41. AMENDMENT.** Section 16.1-07-15 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **16.1-07-15. Early voting precinct - Election board appointment - Closing and**
23 **canvassing.**

- 24 1. For any ~~primary, general, or special statewide, district, or county~~ election, the board of
25 county commissioners may, before the sixty-fourth day before the day of the election,
26 create a special precinct, known as an early voting precinct, to facilitate the conduct of
27 early voting in that county according to chapters 16.1-13 and 16.1-15. At the
28 determination of the county auditor, more than one voting location may be utilized for
29 the purposes of operating the early voting precinct. The election board of the early
30 voting precinct must be known as the early voting precinct election board. The county

1 auditor shall supply the board with all necessary election supplies as provided in
2 chapter 16.1-06.

3 2. If the board of county commissioners establishes an early voting precinct according to
4 this section, the following provisions apply:

5 a. Early voting must be authorized during the fifteen days immediately before the
6 day of the election. The county auditor shall designate the business days and
7 times during which the early voting election precinct will be open and publish
8 notice of the early voting center locations, dates, and times in the official county
9 newspaper once each week for three consecutive weeks immediately before the
10 day of the election.

11 b. The county auditor shall appoint the early voting precinct election board for each
12 voting location that consists of one independent representative to act as the
13 inspector and an equal number of representatives from each political party
14 represented on an election board in the county, as set out in section 16.1-05-01,
15 to act as judges. Each official of the board shall take the oath required by section
16 16.1-05-02 and must be compensated as provided in section 16.1-05-05.

17 c. The county auditor, with the consent of the board of county commissioners, shall
18 designate each early voting location in a public facility, accessible to the elderly
19 and the physically disabled as provided in section 16.1-04-02. With respect to
20 polling places at early voting precincts, "election day" as used in sections
21 16.1-10-03 and 16.1-10-06.2 includes any time an early voting precinct polling
22 place is open.

23 d. At the close of each day of early voting, the inspector, along with a judge from
24 each political party represented on the board, shall secure all election-related
25 materials, including:

26 (1) The pollbooks and access to any electronically maintained pollbooks.

27 (2) The ballot boxes containing voted ballots.

28 (3) Any void, spoiled, and unvoted ballots.

29 e. Ballot boxes containing ballots cast at an early voting location may not be opened
30 until the day of the election except as may be necessary to clear a ballot jam or

1 to move voted ballots to a separate locked ballot box in order to make room for
2 additional ballots.

3 f. Each early voting location may be closed, as provided in chapter 16.1-15, at the
4 end of the last day designated for early voting in the county. Results from the
5 early voting precinct may be counted, canvassed, or released under chapter
6 16.1-15 as soon as any precinct within the county, city, or legislative district
7 closes its polls on the day of the election. The county auditor shall designate a
8 location for the closing, counting, and canvassing process under chapter 16.1-15,
9 which location must be open to any person for the purpose of observing.

10 g. The early voting precinct election board shall comply with the requirements of
11 chapters 16.1-05, 16.1-13, and 16.1-15, as applicable.

12 **SECTION 42. AMENDMENT.** Section 16.1-07-19 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **16.1-07-19. Elections covered.**

15 The voting procedures in sections 16.1-07-18 through 16.1-07-33 apply to:

16 1. ~~A general, special, or primary~~ any election for federal office and each statewide
17 election.

18 2. ~~A general, special, or primary election for statewide or state legislative office or state~~
19 ~~ballot measure.~~

20 3. ~~A general, special, or primary election for political subdivision office or political~~
21 ~~subdivision ballot measure.~~

22 **SECTION 43. AMENDMENT.** Subsection 13 of section 16.1-08.1-01 of the North Dakota
23 Century Code is amended and reenacted as follows:

24 13. "Political purpose" means any activity undertaken in support of or in opposition to the
25 election or nomination of a candidate to public office and includes using "vote for",
26 "oppose", or any similar support or opposition language in any advertisement whether
27 the activity is undertaken by a candidate, a political committee, a political party, or any
28 person. In the period thirty days before a primary election and sixty days before a
29 ~~special or~~ general election, "political purpose" also means any activity in which a
30 candidate's name, office, district, or any term meaning the same as "incumbent" or
31 "challenger" is used in support of or in opposition to the election or nomination of a

1 candidate to public office. The term does not include activities undertaken in the
2 performance of a duty of a state office or any position taken in any bona fide news
3 story, commentary, or editorial.

4 **SECTION 44. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.3 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 2. All political action committees, as described in section 16.1-08.1-01, formed for the
7 purpose of administering the segregated fund provided for in this section shall file a
8 statement showing the name and mailing address of each contributor of an amount in
9 excess of two hundred dollars in the aggregate for the reporting period and a listing of
10 all expenditures of an amount in excess of two hundred dollars in the aggregate made
11 for political purposes with the secretary of state. The statement must include the
12 amount of each reportable contribution and the date it was received and the amount of
13 each reportable expenditure and the date it was made. A year-end statement covering
14 the entire calendar year must be filed no later than the thirty-first day of January of the
15 following year. A preelection statement must be filed no later than the thirty-second
16 day before any ~~primary, special, or general~~ election and must be complete from the
17 beginning of the calendar year through the fortieth day before the election. Even if a
18 political action committee has not received any contributions or made any
19 expenditures in excess of two hundred dollars during the reporting period, the political
20 action committee shall file a statement as required by this chapter. A statement filed
21 according to this section during the reporting period must show the following:

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

28 **SECTION 45. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.8 of the North Dakota
29 Century Code is amended and reenacted as follows:

30 3. A multicandidate political committee required to file a statement under this section
31 shall file the statement in the office of the secretary of state no later than the

1 thirty-second day before the date of any ~~primary, special, or general~~ election. The
2 statement must be complete from the beginning of that calendar year through the
3 fortieth day before the date of the ~~primary, special, or general~~ election. The political
4 committee shall file a complete statement for the entire calendar year no later than the
5 thirty-first day of January of the following year in which the political committee received
6 a reportable contribution.

7 **SECTION 46. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.12 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 2. An incidental committee that solicits or accepts contributions for any political purpose
10 shall file a statement in the office of the secretary of state no later than the
11 thirty-second day before the date of any ~~primary, special, or general~~ election. The
12 statement must be complete from the beginning of that calendar year through the
13 fortieth day before the date of the ~~primary, special, or general~~ election. The committee
14 shall file a complete statement for the entire calendar year no later than the thirty-first
15 day of January of the following year in which the committee received a reportable
16 contribution. Even if an incidental committee has not received any contributions in
17 excess of two hundred dollars during the reporting period, the committee shall file a
18 statement as required under this chapter. A statement filed under this subsection
19 during the reporting period must show the following:

- 20 a. The gross total of all contributions received in excess of two hundred dollars;
21 b. The name and mailing address of each contributor that contributed in excess of
22 two hundred dollars in the aggregate to the committee during a reporting period;
23 c. The gross total of all contributions received of two hundred dollars or less;
24 d. The date the last reportable contribution was received;
25 e. The cash on hand in the filer's account at the start and close of the reporting
26 period; and
27 f. The occupation, employer, and principal place of business of each person, or the
28 political committee if not already registered according to state or federal law,
29 which contributed five thousand dollars or more in the aggregate during the
30 reporting period.

1 **SECTION 47. AMENDMENT.** Subdivision a of subsection 2 of section 16.1-10-02 of the
2 North Dakota Century Code is amended and reenacted as follows:

- 3 a. "Political purpose" means any activity undertaken in support of or in opposition to
4 a statewide initiated or referred measure, a constitutional amendment or
5 measure, a political subdivision ballot measure, or the election or nomination of a
6 candidate to public office and includes using "vote for", "oppose", or any similar
7 support or opposition language in any advertisement whether the activity is
8 undertaken by a candidate, a political committee, a political party, or any person.
9 In the period thirty days before a primary election and sixty days before a ~~special~~
10 ~~or~~ general election, "political purpose" also means any activity in which a
11 candidate's name, office, district, or any term meaning the same as "incumbent"
12 or "challenger" is used in support of or in opposition to the election or nomination
13 of a candidate to public office. The term does not include activities undertaken in
14 the performance of public office or a position taken in any bona fide news story,
15 commentary, or editorial. Factual information may be presented regarding a ballot
16 question solely for the purpose of educating voters if the information does not
17 advocate for or against or otherwise reflect a position on the adoption or rejection
18 of the ballot question.

19 **SECTION 48. AMENDMENT.** Section 16.1-11-01 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **16.1-11-01. Primary election - When held - Nomination of candidates -~~Nomination for~~**
22 **~~special elections.~~**

23 On the second Tuesday in June of every ~~general election~~ year, a primary election must be
24 held ~~for the~~. The nomination of candidates for the following offices must occur at the primary
25 election in each even-numbered year in the years of their regular election: United States
26 senators, member of the United States house of representatives, members of the legislative
27 assembly, elected state officials, judges of the supreme court and district court, county officers,
28 and county commissioners. ~~In special elections the nominations for the officers enumerated in~~
29 ~~this section must be made as provided in this title.~~

30 **SECTION 49. AMENDMENT.** Section 16.1-11-05 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **16.1-11-05. Secretary of state to give notice to county auditor of officers to be**
2 **nominated.**

3 Between the first day of March and the first day of April in each ~~primary election~~ year, the
4 secretary of state shall notify the county auditor of each county regarding all the officers to be
5 nominated in that county at the next primary election. This same information ~~shall~~must be made
6 available to the public by the secretary of state at that time. The publication of the sample ballot
7 by the county auditor constitutes the notice of the secretary of state in regard to the officers and
8 candidates to be voted upon at the primary election.

9 **SECTION 50. AMENDMENT.** Section 16.1-11-06 of the North Dakota Century Code is
10 amended and reenacted as follows:

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

- 13 1. Every candidate for United States senator, United States representative, a state office,
14 including the office of state senator or state representative, and judges of the supreme
15 and district courts shall present to the secretary of state, between the first date
16 candidates may begin circulating nominating petitions according to this chapter and
17 before four p.m. of the sixty-fourth day before any primary election, either:
- 18 a. The certificate of endorsement signed by the state chairman of any legally
19 recognized political party containing the candidate's name, post-office address,
20 and telephone number, the title of the office to which the candidate aspires, and
21 the party which the candidate represents; or
 - 22 b. The nominating petition containing the following:
 - 23 (1) The candidate's name, post-office address, and telephone number, and the
24 title of the office to which the candidate aspires, the appropriate district
25 judgeship number if applicable, and whether the petition is intended for
26 nomination for an unexpired term of office if applicable.
 - 27 (2) The name of the party the candidate represents if the petition is for an office
28 under party designation.
 - 29 (3) The signatures of qualified electors, the number of which must be
30 determined as follows:

- 1 (a) If the office is under party designation, the signatures of three percent
2 of the total vote cast for the candidates of the party with which the
3 candidate affiliates for the same position at the last general election at
4 which that office was voted upon. However, no more than three
5 hundred signatures may be required.
- 6 (b) If there was no candidate of a party for a position at ~~the~~that preceding
7 general election, at least three hundred signatures.
- 8 (c) If the office is under the no-party designation, at least three hundred
9 signatures.
- 10 (d) If the office is a legislative office, the signatures of at least one percent
11 of the total resident population of the legislative district as determined
12 by the most recent federal decennial census.
- 13 (4) The mailing address and the date of signing for each signer.
- 14 2. If the petition or certificate of endorsement is for the office of governor and lieutenant
15 governor, the petition or certificate must contain the names and other information
16 required of candidates for both those offices. If the petition or certificate of
17 endorsement is mailed, it must be in the possession of the secretary of state before
18 four p.m. of the sixty-fourth day before the primary election.

19 **SECTION 51. AMENDMENT.** Section 16.1-11-11.1 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **16.1-11-11.1. Deadline for placing county and city measures on ~~primary, general, or~~**
22 **~~special election ballots~~ballot.**

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

29 **SECTION 52. AMENDMENT.** Section 16.1-11-15 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **16.1-11-15. Nominating petition not to be circulated prior to January first --Special-**
2 **election.**

3 No nominating petition provided for in sections 16.1-11-06 and 16.1-11-11 may be circulated
4 or signed prior to January first preceding the primary election. Any signatures to a petition
5 secured before that time may not be counted. ~~A nominating petition for a special election may~~
6 ~~not be circulated or signed more than thirty days before the time when a petition for the special~~
7 ~~election must be filed.~~

8 **SECTION 53. AMENDMENT.** Section 16.1-11-30 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-11-30. Separate section on primary election ballot required for each political**
11 **party.**

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

21 Any other political organization is entitled to endorse candidates or have candidates petition
22 to be included on the primary ballot in a separate section of the consolidated primary election
23 ballot, if a petition signed by at least seven thousand qualified electors of this state is filed with
24 the secretary of state before four p.m. of the sixty-fourth day before a primary ~~or special-~~
25 election, naming the political organization, stating the platform principles of the party, and
26 requesting the names of its candidates to be included on the state's primary ballot in a separate
27 section. Political organizations that are granted ballot access under this section are allowed
28 ballot access only for those offices for which the organization has identified candidates.
29 Regardless of the means by which the petition is delivered, the original must be in the
30 possession of the secretary of state before four p.m. on the sixty-fourth day prior to a primary ~~or~~
31 ~~special~~ election. Candidates of that party are entitled to the same rights and privileges as those

1 of other parties. Petitions circulated according to this section must be filed with the secretary of
2 state in accordance with section 1-01-50.

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

12 **SECTION 54. AMENDMENT.** Section 16.1-11-32 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **16.1-11-32. Poll lists kept by clerks of elections.**

15 The clerks of primary elections shall keep either one paper or one electronic list of the
16 names of all ~~persons~~individuals voting at each primary election. The clerks must return the list,
17 which must be a part of the records and filed with other election returns. ~~Only one complete list~~
18 ~~of voters may be kept whether or not a special election is held simultaneously with the primary~~
19 ~~election.~~

20 **SECTION 55. AMENDMENT.** Section 16.1-12-02 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **16.1-12-02. Certificates of nomination by petition - Form and contents.**

23 Certificates of nomination for nominees for an office to be filled at a general ~~or special~~
24 election, except for an office appearing on the no-party ballot, may be made as provided by this
25 section. Except for nominees for president of the United States, names of nominees so
26 nominated must appear on the ballot as independent nominations. The names of nominees for
27 president of the United States may appear on the ballot with a designation, not to exceed five
28 words, that names the organization or political party to which the presidential candidate
29 affiliates. The designation may not falsely indicate an affiliation with or the support of any
30 political party organized in accordance with this title or include any substantive word or phrase
31 that is profane or that is already included in or resembles the name of a political party entitled to

1 a separate column under section 16.1-11-30. Except for candidates for the office of president of
2 the United States, each certificate of nomination by petition must meet the specifications for
3 nominating petitions set forth in section 16.1-11-16. A political party or organization desiring to
4 submit to the secretary of state the name of a qualified candidate for the office of the president
5 of the United States may begin gathering the signatures for the certificate of nomination on the
6 first day of January of a presidential election year and shall submit the petition to the secretary
7 of state before four p.m. on the sixty-fourth day before the general election. The signatures on
8 the petition must be in the following number:

- 9 1. Except as provided in subsection 3, if the nomination is for an office to be filled by the
10 qualified electors of the entire state, there must be no fewer than one thousand
11 signatures.
- 12 2. If the nomination is for an office to be filled by the qualified electors of a district less
13 than the entire state, the number of signatures must be at least two percent of the
14 resident population of the district as determined by the most recent federal decennial
15 census, but in no case may more than three hundred signatures be required.
- 16 3. If the nomination is for the office of president, there must be no fewer than four
17 thousand signatures and the petition must contain the names of the presidential and
18 vice presidential candidates along with the names of the North Dakota presidential
19 electors selected from the qualified electors of North Dakota.
- 20 4. If the petition is for the office of governor or lieutenant governor, it must contain the
21 names and other required information of candidates for both those offices.

22 **SECTION 56. AMENDMENT.** Section 16.1-12-02.3 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **16.1-12-02.3. Nominating petition for an independent candidate not to be circulated**
25 **more than one hundred fifty days before filing time –~~Special election.~~**

26 A petition provided for in this chapter may not be circulated or signed more than one
27 hundred fifty days before the date when any petition must be filed under this chapter. Any
28 signatures to a petition obtained more than one hundred fifty days before that date may not be
29 counted. ~~A nominating petition for a special election may not be circulated or signed more than~~
30 ~~thirty days before the date when the petition must be filed.~~

1 **SECTION 57. AMENDMENT.** Subsection 1 of section 16.1-12-04 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 1. Certificates of nomination for nominees for offices to be filled by the qualified electors
4 of the entire state must be filed with the secretary of state. Not less than fifty-five days
5 before any general ~~or special~~ election to fill any statewide office, the secretary of state
6 shall electronically transmit a certified list to each county auditor the names and
7 addresses of the persons nominated for statewide office according to this chapter as
8 shown on the certificates of nomination filed in the secretary of state's office.

9 **SECTION 58. AMENDMENT.** Section 16.1-13-01 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **16.1-13-01. Date of general election.**

12 The^A general election must be held in all the election districts of this state on the first
13 Tuesday after the first Monday in November of each ~~even-numbered~~ year.

14 **SECTION 59. AMENDMENT.** Section 16.1-13-08 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **16.1-13-08. Filling vacancy in office of United States senator.**

17 When a vacancy occurs in the office of United States senator from this state, the governor
18 shall issue a writ of election to fill the vacancy at the next ~~statewide~~ primary or general election,
19 whichever occurs first, and that occurs at least ninety days after the vacancy. However, if the
20 next primary or general election at which the vacancy could be filled occurs in the year
21 ~~immediately preceding the expiration of the term~~ is due to expire, then no election may be held.
22 The governor, by appointment, may fill the vacancy temporarily, but any person so appointed
23 shall serve only until the vacancy is filled by election or until the term expires if no election can
24 be held.

25 **SECTION 60. AMENDMENT.** Section 16.1-13-08.1 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **16.1-13-08.1. Special election to fill a vacancy in the United States House of**
28 **Representatives due to a catastrophic circumstance.**

29 If a vacancy occurs in the office of representative in Congress due to a catastrophic
30 circumstance in which one hundred or more representatives across the United States are no
31 longer able to serve and the next regular ~~or special~~ election is more than seventy-five days in

1 the future, the governor shall immediately issue a writ of election calling a special election to fill
2 the vacancy. The date of the election shallmust be forty-nine days from the date of the
3 proclamation and the following deadlines shall apply:

4 1. ~~Certificate~~Certificates of endorsement as described in section 16.1-11-09, affidavits of
5 candidacy described in section 16.1-11-10, and statements of interest described in
6 section 16.1-09-03 for those candidates nominated by political parties currently
7 established in the state shall be filed with the secretary of state by four p.m. on the
8 fortieth day before the election.

9 2. ~~If the election occurs in an election year, the~~The precincts previously established by
10 the county shallmust be utilized.

11 3. ~~If the election occurs in a year without a scheduled election, the board of county-~~
12 ~~commissioners must establish the precinct boundaries by the fortieth day before the~~
13 ~~election.~~

14 4. The secretary of state shall certify to the county auditors the names of the candidates
15 for the election on the thirty-ninth day before the election.

16 ~~5.4.~~ Absentee ballots shallmust be made available to qualified electors by the thirtieth day
17 before the election.

18 5. Notice of the election and the copy of the sample ballot must be issued and published
19 in substantially the form and manner prescribed in section 16.1-13-05.

20 6. Votes cast at the election must be canvassed and returned as provided for primary
21 and general elections, and the county auditor shall forward to the secretary of state the
22 certified abstract of votes from the election.

23 **SECTION 61. AMENDMENT.** Section 16.1-13-10 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **16.1-13-10. Vacancy existing in office of member of legislative assembly.**

26 1. If a vacancy in the office of a member of the legislative assembly occurs, the county
27 auditor of the county in which the former member resides or resided shall notify the
28 chairman of the legislative management of the vacancy. The county auditor need not
29 notify the chairman of the legislative management of the resignation of a member of
30 the legislative assembly when the resignation was made under section 44-02-02.

31 Upon receiving notification of a vacancy, the chairman of the legislative management

1 shall notify the district committee of the political party that the former member
2 represented in the district in which the vacancy exists. The district committee shall
3 hold a meeting within twenty-one days after receiving the notification and select an
4 individual to fill the vacancy. If the former member was elected as an independent
5 candidate or if the district committee does not make an appointment within twenty-one
6 days after receiving the notice from the chairman of the legislative management, the
7 chairman of the legislative management shall appoint a resident of the district to fill the
8 vacancy. ~~Except as provided in subsection 2, if eight hundred twenty-eight days or~~
9 ~~more remain until the expiration of the term of office for that office, the~~The individual
10 appointed to fill the vacancy shall serve until a successor is elected at and qualified
11 following the next primary or general election or special election called by the governor
12 ~~according to subsection 2 to serve for the remainder of the term of office for that~~
13 ~~office occurring more than ninety days after the vacancy occurs.~~

- 14 2. ~~The qualified electors of a legislative district in which a vacancy in the legislative~~
15 ~~assembly occurs may petition for a special election to be called by the governor to fill~~
16 ~~the vacancy. The petition must include the signatures of qualified electors equal in~~
17 ~~number to four percent of the resident population of the legislative district as~~
18 ~~determined by the last federal decennial census and must be presented to the~~
19 ~~secretary of state within thirty days following an appointment being made according to~~
20 ~~subsection 1. If the secretary of state determines the petition contains the required~~
21 ~~number of signatures of qualified electors of the affected legislative district, the~~
22 ~~secretary of state shall notify the governor that a special election is required to be~~
23 ~~called to fill the vacancy. Upon receiving such notice, the governor shall issue a writ of~~
24 ~~election directed to the county auditor of each affected county commanding the county~~
25 ~~auditor to hold a special election to fill the vacancy at a time designated by the~~
26 ~~governor. A special election under this section must conform to the applicable election~~
27 ~~deadlines found in this title and may be called to coincide with a regularly scheduled~~
28 ~~primary or general election provided the special election is called by the fifteenth day~~
29 ~~before the deadline for candidates to file for office before a regularly scheduled~~
30 ~~primary or general election. A special election under this section may not be scheduled~~

1 to occur during the time from a general election through eighty days following the
2 adjournment of the next ensuing regular session of the legislative assembly.

3 3. The secretary of state must be notified of an appointment made by a district committee
4 or the chairman of the legislative management according to this section. Upon
5 notification, the secretary of state shall issue the appointee a certificate of appointment
6 and an oath of office for the appointee to complete and file with the secretary of state.

7 **SECTION 62. AMENDMENT.** Section 16.1-15-15 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-15-15. County canvassing board - Composition.**

10 The county canvassing board must be composed of the county recorder, county auditor,
11 chairman of the board of county commissioners, and a representative of each of the two
12 political parties that received the highest number of votes cast for governor at the most recent
13 general election at which a governor was elected. An individual who served on an election
14 board during the election may not serve as a political party representative on the canvassing
15 board for that same election. The district chairmen of the political parties from each legislative
16 district within the county shall appoint the respective political party representative. The county
17 canvassing board must be comprised of at least five members, and both political parties must
18 be represented. Each political party from each legislative district within a county may request
19 representation on the canvassing board if there is equal representation from each of the political
20 parties. ~~For any special county election when the county is composed of more than one~~
21 ~~legislative district and the election does not involve any legislative or statewide office, the county~~
22 ~~canvassing board must be composed of the county recorder, county auditor, chairman of the~~
23 ~~board of county commissioners, and one representative as appointed by the state chairman for~~
24 ~~each of the two political parties that received the highest number of votes cast for governor at~~
25 ~~the most recent general election at which a governor was elected.~~

26 **SECTION 63. AMENDMENT.** Section 16.1-15-32 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **16.1-15-32. County auditor to publish returns of election.**

29 The county auditor shall cause to be published in tabular form in the official county
30 newspaper the vote by precincts for each officer and each proposition voted for at any primary,

1 ~~special~~, or general election. The publication must be paid for at a rate not to exceed the rate
2 paid for publishing the proceedings of the board of county commissioners.

3 **SECTION 64. AMENDMENT.** Section 16.1-15-35 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **16.1-15-35. Meeting of state canvassing board.**

6 Not later than seventeen days next following a primary, or general, ~~or special~~ election, the
7 state canvassing board shall meet at the office of the secretary of state for the purpose of
8 canvassing and ascertaining the result of the election. The secretary of state shall notify the
9 members of the board of the date and time of the meeting.

10 **SECTION 65. AMENDMENT.** Section 16.1-15-41 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **16.1-15-41. Statements of general ~~or special~~ election prepared by state canvassing**
13 **board - Contents.**

14 Upon receiving the certified abstracts on file with the secretary of state, the state
15 canvassing board shall proceed publicly to examine and make statements of the whole number
16 of votes cast at any general ~~or special~~ election for all state or district offices. The statements
17 must show the names of the individuals for whom the votes were cast for the offices and the
18 whole number of votes for each, distinguishing the several districts and counties in which they
19 were cast.

20 **SECTION 66. AMENDMENT.** Section 16.1-15-42 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **16.1-15-42. Certificate of result of general ~~or special~~ election by state canvassing**
23 **board - Secretary of state to receive.**

24 The statements provided for in section 16.1-15-41 must be certified by the members of the
25 state canvassing board, who shall subscribe their names to the statements. The board then
26 shall determine ~~what persons~~which individuals have been duly elected to the offices and shall
27 prepare and subscribe on each statement a certificate of that determination and shall deliver the
28 same to the secretary of state. The candidate or candidates to be elected for each office
29 receiving the highest number of votes must be duly elected to the office. ~~A person~~An individual
30 who was entitled to have the ~~person's~~individual's name appear on the primary election ballot,
31 but whose name was not placed on the primary election ballot, may not be elected to a no-party

1 office as a write-in candidate unless that ~~person~~individual receives a number of votes equal to
2 or more than the number of signatures which would have been required to have that
3 ~~person's~~individual's name placed on the primary election ballot.

4 **SECTION 67. AMENDMENT.** Section 16.1-15-43 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-15-43. ~~When special election ordered~~Determining tie vote in judicial or state**
7 **office.**

8 If a certificate of election cannot be issued for a judicial district office or a state office
9 because any two or more ~~persons~~individuals have equal and the highest number of votes, the
10 ~~governor, by proclamation, shall order a new election~~secretary of state shall give notice to the
11 individuals to appear at the secretary of state's office at a time appointed by the secretary of
12 state. The individuals shall publicly decide by a drawing of names which of them must be
13 declared elected. The secretary of state shall prepare and deliver to the individual elected an
14 election certificate.

15 **SECTION 68. AMENDMENT.** Section 16.1-15-44 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **16.1-15-44. Secretary of state to record statement of general ~~or special~~ election,**
18 **prepare certificates of election, and publish abstract.**

19 After receiving each certified statement and determination made by the state canvassing
20 board, the secretary of state shall record the ~~same~~statement in the secretary of state's office
21 and shall prepare, and transmit to each of the individuals declared to be elected, a certificate of
22 election as provided in this chapter. If the election results indicate that any candidate is entitled
23 to a recount or to demand a recount pursuant to section 16.1-16-01, the secretary of state may
24 not prepare or deliver the certificate of election until the time to demand a recount has expired,
25 or the recount results have been determined and the winner declared, whichever is later. The
26 secretary of state shall cause a copy of the certified abstract and determination to be published
27 in the official newspaper of Burleigh County.

28 **SECTION 69. AMENDMENT.** Section 16.1-16-01 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **16.1-16-01. Election recounts.**

2 A recount of any ~~primary, special, or general~~ election for nomination or election to a
3 congressional, state, district, legislative, county, school district, or city office, or for the approval
4 or disapproval of any measure, question, or bond issue submitted to the qualified electors of
5 this state or one of its political subdivisions must be conducted according to guidelines
6 established by the secretary of state and as follows:

7 1. A recount must be conducted when:

- 8 a. Any individual failed to be nominated in a primary election by one percent or less
9 of the highest vote cast for a candidate for the office sought.
- 10 b. Any individual failed to be elected in a ~~general or special~~an election by one-half
11 of one percent or less of the highest vote cast for a candidate for that office.
- 12 c. A question, measure, or bond issue submitted to the qualified electors has been
13 decided by a margin not exceeding one-fourth of one percent of the total vote
14 cast for and against the question at any election.

15 2. A demand for a recount may be made by any of the following:

- 16 a. Any individual who failed to be nominated in a primary election by more than one
17 percent and less than two percent of the highest vote cast for a candidate for the
18 office sought.
- 19 b. Any individual who failed to be elected in a ~~general or special~~an election by more
20 than one-half of one percent and less than two percent of the highest vote cast
21 for a candidate for that office.

22 3. A demand for a recount must be made within three days after the canvass of the votes
23 by the county canvassing board in the case of county elections ~~and~~, school district,
24 and city elections ~~that are combined with the county~~ and by the state canvassing
25 board in the case of presidential, congressional, state, judicial district, multicounty
26 district, or legislative elections. The demand must be in writing, must recite one of the
27 conditions in subsection 2 as a basis for the recount, must contain a bond in an
28 amount previously established by the auditor or auditors doing the recount sufficient to
29 pay the cost of the recount, and must be filed with:

- 30 a. The secretary of state when the recount is for a congressional, state, district, or
31 legislative office.

1 ~~recounts conducted by political subdivisions other than counties of local offices,~~
2 ~~measures, and questions, the election officer in a political subdivision shall administer~~
3 ~~a recount in the same manner as is required under this subsection for counties with~~
4 ~~respect to political subdivision ballot measures, questions, or bond issues.~~

- 5 6. a. The individuals entitled to participate at the recount are:
- 6 (1) Each candidate involved in the recount, either personally or by a
7 representative.
- 8 (2) A qualified elector favoring each side of a question if the recount involves a
9 question or proposition submitted to a vote of the electorate.
- 10 b. The individuals allowed to participate may challenge the acceptance or exclusion
11 of any ballot. The individual challenging a ballot must state the reason for the
12 challenge based upon the law, and the county auditor or other political
13 subdivision election official shall count the challenged ballot as the auditor or
14 election official determines proper and then shall set the ballot aside with a
15 notation that it was challenged and how it was counted.
- 16 7. At the conclusion of the recount, the county auditor or other election official shall
17 submit all challenged ballots to the recount board for decision. ~~Except for political~~
18 ~~subdivision recounts other than counties, the~~The recount board must be composed of
19 the state's attorney of the county, the chairman of the board of county commissioners,
20 and the county recorder. ~~Unless otherwise specified by law, for a political subdivision~~
21 ~~other than a county, the governing body of the political subdivision shall appoint the~~
22 ~~recount board.~~ An individual may not serve on the recount board if the individual has
23 anything of value bet or wagered on the result of the election, is a candidate for the
24 office being recounted, or is the husband, wife, father, mother, father-in-law,
25 mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, or sister, whether by
26 birth or marriage, of the whole or the half-blood, of any candidate involved in the
27 recount. If any of the members of the recount board are disqualified or cannot serve
28 for any other reason, the members of the board of county commissioners ~~or other~~
29 ~~political subdivision governing body~~ who would be qualified to serve on the board shall
30 appoint disinterested qualified electors of the county ~~or other political subdivision~~ to
31 serve as alternates. The recount board shall review all challenged ballots and on

1 majority vote shall decide how those ballots are counted. The recount board is
2 authorized to initial all absentee ballots cast under section 16.1-07-09 ~~that~~which were
3 not considered or counted at the various precincts in the county for the reasons
4 provided in sections 16.1-07-11 and 16.1-07-12 or by the county canvassing boards as
5 provided in section 16.1-15-19. The decision of the recount board is final, subject to
6 the right to contest the election as provided in this chapter. If during the recount a
7 recess is called, the county auditor or other political subdivision election official shall
8 take appropriate steps to safeguard the ballots.

9 8. The county auditor or other election official shall certify the results of the recount no
10 later than three days after the recount. The recount result is the official result of the
11 election ~~in the county or other political subdivision~~. The county auditor or other election
12 official shall prepare a corrected abstract of the votes. In a recount limited to the
13 county, school district, city, or other political subdivision, if the corrected abstract
14 shows no change in the outcome of the election, no further action may be taken. If the
15 corrected abstract changes the outcome of the election, the county auditor or other
16 election official shall issue certificates of nomination or election accordingly and shall
17 certify the new result of a question submitted to the qualified electors. ~~In the case of a~~
18 ~~city election that is combined with a county election, the county auditor shall certify the~~
19 ~~new results of the election to the city auditor who is responsible for issuing new~~
20 ~~certificates of election if applicable.~~

21 9. In presidential, congressional, statewide, judicial district, multicounty district, or
22 legislative recounts, the county auditor, no later than three days after the recount, shall
23 send by certified mail a certified copy of the corrected abstract to the secretary of
24 state. The secretary of state immediately shall assemble the state canvassing board,
25 who shall canvass the corrected abstracts and certify the election results. The
26 secretary of state shall issue certificates of election or nomination or record the
27 approval or disapproval of a question submitted to the qualified electors accordingly.

28 10. The expenses incurred in a recount of a county election must be paid by the county on
29 a warrant by the county auditor. The expenses incurred in a recount of a political
30 subdivision other than a county election must be paid by that political subdivision. ~~The~~
31 ~~expenses incurred in a recount of a city election must be paid by the city on a warrant~~

1 by the city auditor. The expenses incurred in a recount of a presidential,
2 congressional, state, judicial district, multicounty district, or legislative election must be
3 paid by the state from the general fund upon approval by the secretary of state of a
4 statement of expenses received from the county auditors. The expenses incurred in a
5 recount demanded under subsection 2 of section 16.1-16-01 must be paid by the
6 secretary of state or county auditor from the bond submitted by the individual
7 requesting the recount.

8 41. This section also applies to city elections that are not combined with the county except
9 the city auditor, to the extent applicable, shall perform the duties of the county auditor.

10 **SECTION 70. AMENDMENT.** Section 21-03-04 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **21-03-04. Grant of power to borrow - General limitations of indebtedness.**

13 Every municipality may borrow money and issue municipal obligations thereof for the
14 purpose specified and by the procedure provided in this chapter, and for no other purpose and
15 in no other manner, except as otherwise provided in section 21-03-02. No municipality may
16 incur indebtedness in any manner or for any purpose in an amount which, with all other
17 outstanding indebtedness of the municipality, exceeds five percent of the assessed value of the
18 taxable property therein, except:

- 19 1. Any incorporated city, by a two-thirds vote of the qualified voters thereof voting upon
20 said question at a primary or general ~~or special~~ election, may increase such limit of
21 indebtedness three percent on such assessed value beyond said five percent limit,
22 and a school district, by a majority vote of the qualified voters thereof voting upon said
23 question at a primary or general ~~or special~~ election, may increase such limitation of
24 indebtedness five percent on such assessed value beyond the said five percent limit.
- 25 2. Any county or city, when authorized by a majority vote of the qualified voters thereof
26 voting upon said question at a primary or general ~~or special~~ election, may issue bonds
27 upon any revenue-producing utility owned by such county or city, for the purchase or
28 acquisition of such utility, or the building or establishment thereof, in amounts not
29 exceeding the physical value of such utility, industry, or enterprise.
- 30 3. Any incorporated city, if authorized by a majority vote of the qualified voters thereof
31 voting upon said question at a primary or general ~~or special~~ election, may become

1 indebted in any amount not exceeding four percent of such assessed value, without
2 regard to the existing indebtedness of said city, for the purpose of constructing or
3 purchasing waterworks for furnishing a supply of water to the inhabitants of such city
4 or for the purpose of constructing sewers, and for no other purposes whatever, but the
5 aggregate of such additional indebtedness for waterworks and sewers never may
6 exceed such four percent over and above the limitations of indebtedness in this
7 section heretofore prescribed.

8 All bonds or obligations in excess of the amount of indebtedness permitted by this chapter,
9 given by any municipality as herein defined, are void.

10 **SECTION 71. AMENDMENT.** Subsection 1 of section 21-03-06.1 of the North Dakota
11 Century Code is amended and reenacted as follows:

12 1. Notwithstanding any other provision of law, a school board may not enter an
13 agreement pursuant to internal revenue service revenue ruling 63-20 under which
14 payments of any kind would be required by the school district to any building authority
15 or other entity that incurs indebtedness or other obligation in connection with
16 acquisition, improvements, or construction of any property or structure at a total cost of
17 four million dollars or more to be used by the school district unless the agreement has
18 been approved by a vote of a majority of the qualified electors of the school district
19 voting on the question at a ~~regular primary or special school district~~ general election if
20 the agreement is for acquisition, improvements, or construction of any property or
21 structure for which an election would be required if the school district undertook the
22 acquisition, improvements, or construction project through issuance of bonds of the
23 school district.

24 **SECTION 72. AMENDMENT.** Subsection 2 of section 21-03-10 of the North Dakota
25 Century Code is amended and reenacted as follows:

26 2. Proposed by filing a copy thereof in the office of the auditor or secretary of the
27 municipality, together with a petition signed by qualified electors of the municipality
28 aggregating in number one-fourth of the number of qualified electors of the
29 municipality, as shown by the pollbook for the last preceding ~~annual or~~ general
30 election held therein, or if such pollbook was not kept, then as shown by a census of
31 the qualified electors of such municipality verified by the affidavit of one of such

1 petitioners. ~~Such~~The petition must ask that an election on the question of issuing such
2 bonds be called. Upon the filing of such proposed initial resolution and petition, the
3 governing body shall call ~~such~~the election in the manner specified by section
4 21-03-11.

5 **SECTION 73. AMENDMENT.** Section 21-03-11 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **21-03-11. Elections - When and how called ~~and held.~~**

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

22 **SECTION 74. AMENDMENT.** Subsection 2 of section 23-29-07 of the North Dakota
23 Century Code is amended and reenacted as follows:

24 2. For any permit application ~~completed after July 1, 1994,~~ the department shall notify the
25 board of county commissioners of a county in which a new solid waste management
26 facility will be located of the department's intention to issue a permit for the facility. The
27 board of county commissioners may ~~call a special election to be held within sixty days~~
28 ~~after receiving notice from the department to allow the qualified electors of the county,~~
29 at the next primary or general election, to vote to approve or disapprove of the facility
30 based on public interest and impact on the environment. If a majority of the qualified

1 electors voting on the question in the election vote to disapprove of the facility, the
2 department may not issue the permit and the facility may not be located in that county.

3 **SECTION 75. AMENDMENT.** Subsection 3 of section 23-29-07 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 3. Notwithstanding subsection 2, if the new solid waste management facility ~~for which the~~
6 ~~permit application was completed after July 1, 1994,~~ will be owned or operated by a
7 solid waste management authority, ~~a special~~an election to approve or disapprove of a
8 facility may be called only if the boards of county commissioners from a majority of the
9 counties in the solid waste management district call for ~~a special~~the election. However,
10 ~~a special~~an election must be conducted in each county within the authority. If a
11 majority of the qualified electors voting on the question in the election vote to
12 disapprove of the facility, the department may not issue the permit.

13 **SECTION 76. AMENDMENT.** Section 23-30-02 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **23-30-02. Hospital districts authorized - Dissolution of districts.**

16 1. The board of county commissioners of any county, or two or more boards of county
17 commissioners acting jointly, shall, when requested to do so by petition of twenty
18 percent of the qualified electors of the area to be included in a proposed hospital
19 district, as determined by those voting for governor in that geographical area at the
20 last gubernatorial election, submit the question to the qualified electors at ~~a special~~
21 ~~election or~~ the next regularly scheduled primary or general election as to whether ~~or~~
22 ~~not~~ the qualified electors of the area desire to establish a hospital district and whether
23 they approve of the mill levy authorized by section 23-30-07 for the purpose of
24 supporting such hospital district. If sixty percent of the qualified electors voting in the
25 election within the proposed district approve, the county commission or county
26 commissions, as the case may be, shall, by resolution, create the hospital district
27 comprising the entire area as described in the petition.

28 2. In the event the qualified electors of a hospital district desire to dissolve such district,
29 thirty percent of the qualified electors, determined as in subsection 1, may petition the
30 board of directors of the hospital district to place the question of the continued
31 existence of the hospital district before the qualified electors of the district at the next

1 ~~regularly scheduled~~ primary or general election. If at least sixty percent of the qualified
2 electors voting in such election do not approve of the continued operation of the
3 hospital district, the board of directors shall notify the county commission or county
4 commissions, as the case may be. The county commission or county commissions
5 shall, upon receipt of such notice, by resolution order the dissolution of the hospital
6 district. Mill levies previously authorized shall continue to be collected as authorized
7 until the termination of the authority therefor.

8 3. The petition ~~shall~~must contain the name and address of each petitioner, the suggested
9 name of the proposed district, the area in square miles [kilometers] to be included
10 therein, the population of such area according to the most recent census, and a
11 complete description according to government survey of the boundaries of the real
12 property to be included in the proposed district. The petitioners shall also present to
13 the county auditor or auditors a plat or map showing the suggested boundaries of the
14 proposed district, and shall deposit with the auditor a sum of money sufficient to defray
15 the expenses of publishing the notices required by this chapter ~~and the cost of any~~
16 ~~special election.~~

17 4. Any city located within the area, whether or not such city has a hospital, ~~shall~~must be
18 included in the district.

19 **SECTION 77. AMENDMENT.** Section 24-05-01 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **24-05-01. County road tax - Allocation and use of funds.**

22 In each county having a population of two thousand or more, there must be levied and
23 collected a property tax of not less than one-fourth of one mill, nor more than the maximum rate
24 permitted by section 57-15-06, on each dollar of the taxable valuation of all taxable property in
25 the county for the improvement of highways. When authorized by sixty percent of the qualified
26 electors voting upon the question at a ~~regular~~primary or ~~special~~general election in the county,
27 the county commissioners may levy and collect a property tax not exceeding the limitation in
28 subsection 14 of section 57-15-06.7. The levy pursuant to such an election may be discontinued
29 at the discretion of the county commissioners; or, upon petition of five percent of the qualified
30 electors of such county, the question of discontinuance of the levy must be submitted to the
31 qualified electors of the county at any ~~regular~~primary or ~~special~~general election and, upon a

1 favorable vote of sixty percent of the qualified electors voting, such levy must be discontinued.
2 Of the proceeds of the tax collected on account of property situated within any city, by the
3 county treasurer of the county in which the city is located, twenty percent must be turned over
4 by the treasurer to the auditor of the city, in the manner provided in section 11-13-06 to be
5 expended under the direction of the governing body of the city in the improvement of its streets
6 and highways. The county treasurer shall retain and deposit in a fund known as the county road
7 fund the proceeds of this tax totaling less than twenty dollars in a taxable year which is collected
8 on account of property situated within any city. Proceeds of the tax not turned over to cities
9 pursuant to this section must be kept in the county road fund and must be expended in the
10 improvement of highways as provided in this chapter under the direction of the board of county
11 commissioners. The provisions of this section in regard to allocation apply to the proceeds of
12 any tax originally levied for other purposes if appropriated or transferred to the county road fund
13 or for expenditure for road and bridge purposes. No allocation pursuant to this section may
14 include the proceeds received by the county as its share of the allocation made pursuant to
15 section 54-27-19, nor may any allocation under this section include moneys received from the
16 state as the result of any other intergovernmental transfer.

17 **SECTION 78. AMENDMENT.** Section 27-25-04 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **27-25-04. Governor to appoint or call special election.**

20 Within thirty days after receipt of the list of nominees, the governor shall do anyone of the
21 following:

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

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

1 **SECTION 79. AMENDMENT.** Section 40-03.1-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **40-03.1-03. Procedure when petition to change from council system of government is**
4 **filed - ~~Special election~~Election - Ballot.**

5 When a petition to change from the council system of government, together with the city
6 auditor's certificate of sufficiency, is filed with the governing body of a municipality, the
7 governing body shall ~~call a special election at which only~~place the question of changing from
8 the council system of government ~~will be submitted on the ballot at the next primary or general~~
9 election. ~~The date of such election shall not be less than thirty days nor more than ninety days~~
10 ~~after the date of the auditor's certificate has been filed. The election shall be conducted, returns~~
11 ~~thereof made, and the result thereof declared in all respects as are other city elections. Notice~~
12 ~~of such election shall be given by the publication of the proposition to be voted upon, the places~~
13 ~~where the election will be held, and the date of the election, in each newspaper published in the~~
14 ~~city, not more than twenty days and not less than five days before the date of such election. The~~
15 ~~ballot to be used at the election provided for in this section shall~~must be in substantially the
16 following form:

17 Shall the city of _____ change from its organization under the council system
18 of government and become a city under the commission form of government?

19 Yes

20 No

21 **SECTION 80. AMENDMENT.** Section 40-03.2-03 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **40-03.2-03. Procedure when petition to change from council system of government is**
24 **filed - ~~Special election~~Election - Ballot.**

25 When a petition to change from the council system of government, together with the city
26 auditor's certificate of sufficiency, is filed with the governing body of a municipality, the
27 governing body shall ~~call a special election at which only~~place the question of changing from
28 the council system of government ~~will be submitted on the ballot at the next primary or general~~
29 election. ~~The date of such election may not be less than thirty days nor more than ninety days~~
30 ~~after the date the auditor's certificate has been filed. The election must be conducted, returns~~
31 ~~thereof made, and the result thereof declared in all respects as are other city elections. Notice~~

1 of such election must be given by the publication of the proposition to be voted upon, the places
2 where the election will be held, and the date of the election, in each newspaper published in the
3 city, not more than twenty days and not less than five days before the date of such election. The
4 ballots to be used at the election provided for in this section must be in substantially the
5 following form:

6 Shall the city of _____ change from its organization under the council
7 system of government and become a city under the modern council form of government
8 with a five-member (or seven-member, nine-member, or eleven-member) council?

9 Yes

10 No

11 **SECTION 81. AMENDMENT.** Section 40-04-07 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **40-04-07. ~~Special election~~Election called to elect city commissioners.**

14 ~~Within twenty days after~~After the issuance of a patent incorporating any city under the
15 provisions of this chapter, the executive officer of the city voting such incorporation shall call a
16 special election for the purpose of electing the first board of city commissioners must be elected
17 at the next primary or general election. The election shall must be held as provided in section
18 40-21-02.

19 **SECTION 82. AMENDMENT.** Section 40-04-10 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **40-04-10. Procedure upon filing of petition to change from or revert to commission**
22 **system of government - Election - Ballot.**

23 When a petition to change from or revert to the commission system of government, with the
24 city auditor's certificate of sufficiency, is filed with the governing body of a city, or when a
25 resolution to change or revert has been adopted, the governing body shall ~~call a special election~~
26 ~~at which only~~place the question of changing from or reverting to the commission system of
27 government ~~will be submitted~~on the ballot at the next primary or general election. The date of
28 such election shall not be less than sixty days nor more than ninety days after the date of the
29 auditor's certificate that a sufficient petition has been filed. The ballot to be used at the election
30 shall must include the issue presented in the petition or resolution in substantially one of the
31 following forms:

1 CHANGE FROM COMMISSION SYSTEM OF GOVERNMENT

2 Shall the city of _____ change from its organization under the commission
3 system of government and become a city under the council form of government?

4 Yes

5 No

6 Shall the city of _____ change from its organization under the commission
7 system of government and become a city under the modern council form of government
8 with a five-man council?

9 Yes

10 No

11 Shall the city of _____ change from its organization under the commission
12 system of government and become a city under the modern council form of government
13 with a seven-man council?

14 Yes

15 No

16 Shall the city of _____ change from its organization under the commission
17 system of government and become a city under the modern council form of government
18 with an eleven-man council?

19 Yes

20 No

21 REVERSION TO COMMISSION SYSTEM OF GOVERNMENT

22 Shall the city of _____ revert from the council form of government to the
23 commission system of government?

24 Yes

25 No

26 Shall the city of _____ revert from the modern council form of government with
27 a five-man council to the commission system of government?

28 Yes

29 No

30 Shall the city of _____ revert from the modern council form of government with
31 a seven-man council to the commission system of government?

1 Yes

2 No

3 Shall the city of _____ revert from the modern council form of government with
4 an eleven-man council to the commission system of government?

5 Yes

6 No

7 **SECTION 83. AMENDMENT.** Section 40-04.1-03 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **40-04.1-03. Vacancies on city council - How filled.**

10 If a vacancy occurs in the office of councilman by death, resignation, or otherwise, the
11 ~~remaining members of the city may call a special election to fill such vacancy for the unexpired-~~
12 ~~term or may after fifteen days of the date of such vacancy~~ council shall appoint a ~~person~~
13 individual from the ward or city at large by which the councilman previously holding was elected
14 or appointed to fill ~~such~~ the vacancy until the next ~~city~~ primary or general election, at which
15 election the unexpired term ~~shall~~ must be filled.

16 **SECTION 84. AMENDMENT.** Section 40-05-09.1 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **40-05-09.1. Tax levy for fire department stations.**

19 Upon approval of a majority of the electors voting thereon at any ~~regular election~~ primary or
20 ~~special~~ general election ~~called for such purpose~~, the governing body of any city may levy taxes
21 annually, not in excess of the limitation in subsection 8 of section 57-15-10, for the purpose of
22 providing additional funds to meet the operational and maintenance costs of establishing
23 stations for fire protection services.

24 **SECTION 85. AMENDMENT.** Section 40-05-09.2 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **40-05-09.2. Contracting for fire protection service - Providing for the financing**
27 **thereof.**

28 Any city may, upon resolution of its governing body, execute a contract with a nonprofit
29 corporation for the provision of fire protection and firefighting services. Such contracts may be
30 executed only with nonprofit corporations which have been in existence and have provided fire

1 protection and firefighting services to the contracting municipality for a period of not less than
2 twenty years.

3 Upon approval of sixty percent of the electors voting thereon at any ~~regular election~~primary
4 or ~~special~~general election called for such purpose, the governing body of any city may levy
5 taxes annually, not exceeding the limitation in subsection 9 of section 57-15-10 for the purpose
6 of paying for contracted fire protection services and may also expend moneys otherwise
7 available for the provision of such service.

8 **SECTION 86. AMENDMENT.** Section 40-05.1-04 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **40-05.1-04. Submission of charter to electors.**

11 At least sixty days, but no more than two years, after submission of the charter to the
12 governing body of the city, the proposed charter must be submitted to a vote of the qualified
13 electors of the city at a ~~regular~~the primary or special city~~general~~ election, ~~or at any statewide~~
14 ~~election that is held within that time, or at a special city election held concurrently with any~~
15 ~~statewide election.~~ If the proposed charter has been submitted to a vote of the qualified electors
16 of the city, the governing body of the city may ~~call a special election to~~ resubmit the proposed
17 charter to a vote of the qualified electors of the city, ~~and the special election must take place at~~
18 ~~least sixty days after the call for the special election~~ at the next primary or general election. The
19 governing body may amend the proposed charter prior to its resubmission to the electors.

20 **SECTION 87. AMENDMENT.** Section 40-08-08 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **40-08-08. Vacancies on council - How filled.**

23 If a vacancy occurs in a city council office by death, resignation, or otherwise, the city
24 council ~~may call a special city election to fill the vacancy for the unexpired term, or may, after~~
25 ~~fifteen days of the date of the vacancy~~shall appoint a ~~person~~an individual from the ward in
26 which the council member previously holding was elected or appointed to fill the vacancy until
27 the next ~~city~~primary or general election, at which election the unexpired term must be filled.
28 ~~Upon petition of five percent of the qualified electors of the ward, as determined by the total~~
29 ~~number of votes cast in that ward in the last city general election, the council shall call a special~~
30 ~~election to fill a vacancy occurring more than six months before the next city election, if the~~
31 ~~petition has been submitted within fifteen days and before four p.m. of the fifteenth day of the~~

1 ~~date of the vacancy or of the vacancy being filled by appointment. If the petition is mailed, it~~
2 ~~must be in the possession of the council or its representative before four p.m. on the fifteenth~~
3 ~~day after the vacancy occurs or after the vacancy was filled by appointment.~~

4 **SECTION 88. AMENDMENT.** Section 40-08-16 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **40-08-16. Vacancy in office of mayor - Filled by election or by council - President of**
7 **council to be acting mayor.**

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

18 **SECTION 89. AMENDMENT.** Section 40-09-10 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **40-09-10. Filling vacancies in board.**

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

30 **SECTION 90. AMENDMENT.** Section 40-12-06 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **40-12-06. Duty of governing body after receiving petition for proposed ordinance.**

2 After receiving the petition for the initiation of a proposed ordinance, the governing body of
3 the municipality shall:

- 4 1. Pass the ordinance without alteration within twenty days after the attachment of the
5 auditor's certificate to the accompanying petition; or
- 6 2. ~~Call a special election, unless a general city election is fixed within ninety days~~
7 ~~thereafter, and submit to the vote of the qualified electors of the municipality the~~
8 ~~initiated ordinance without alteration; or~~
- 9 3. If the petition is signed by not less than twenty-five percent of the qualified electors as
10 defined in section 40-12-02, pass the ordinance without change within twenty days
11 after the filing of the petition or submit the initiated ordinance at the next primary or
12 general municipal election; ~~if the election occurs not more than thirty days after the city~~
13 ~~auditor's certificate of sufficiency is attached to the petition, and if no general municipal~~
14 ~~election is to be held within thirty days after the city auditor's certificate of sufficiency is~~
15 ~~attached to the petition, it shall call a special election.~~

16 **SECTION 91. AMENDMENT.** Section 40-12-09 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **40-12-09. Referred measure - Submission - Result of election.**

19 When a referendum petition is filed, the governing body of the municipality shall reconsider
20 the ordinance described therein, and if it is not entirely repealed, the governing body shall
21 submit it to the vote of the qualified electors of the municipality at the next ~~regular-~~
22 ~~municipal~~ primary or general election ~~or at a special election to be called for that purpose as~~
23 ~~provided in section 40-12-06.~~ The ordinance shall may not go into effect or become operative
24 unless a majority of the qualified electors voting on the ~~same shall~~ ordinance vote in favor
25 thereof. If the referred ordinance was not suspended by the filing of the referendum petition, it
26 no longer shall ~~be~~ is effective if it is disapproved by a majority vote of the qualified electors
27 voting on the same.

28 **SECTION 92. AMENDMENT.** Section 40-12-10 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **40-12-10. No limitation on number of ordinances that may be voted on at one election**
2 ~~-Limitation on special elections.~~

3 Any number of proposed or referred ordinances may be voted on at the same election in
4 accordance with the provisions of this chapter. ~~There shall be not more than one special~~
5 ~~election in any period of six months for such purposes.~~

6 **SECTION 93. AMENDMENT.** Section 40-21-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **40-21-02. City elections - When held - Notice - Polls - Agreements with counties --**
9 **Judges and inspectors.**

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

- 12 1. Thirty days before the filing deadline for candidate names to be printed on the ballot,
13 an official notice of this deadline along with a list of the offices to appear on the ballot
14 must be published in the official newspaper of the city as provided by section
15 40-01-09.
- 16 2. Ten days' notice of the time and place of the election and of the offices to be filled at
17 the election must be given by the city auditor by publication in the official newspaper of
18 the city as provided by section 40-01-09.
- 19 3. The governing body of ~~each~~ city shall enter ~~into~~ an agreement with the governing
20 body of the county or counties in which the city lies concerning the use of a single
21 canvassing board, the sharing of election personnel, the printing of election materials,
22 the publishing of legal notices, and the apportioning of election expenses.
- 23 4. ~~For city elections that are not held under an agreement with any county, the governing~~
24 ~~body of the city shall appoint one inspector and two judges of election for each polling~~
25 ~~place in the city at least ten days before the election is held and the polls must be~~
26 ~~opened and closed as provided for the opening and closing of polls at statewide~~
27 ~~elections. In voting precincts in which over three hundred votes are cast in any~~
28 ~~previous election, the governing body may appoint two election clerks for each polling~~
29 ~~place. For a city election that is not held under an agreement with any county in a~~
30 ~~precinct in which seventy five or fewer votes were cast in the last city election, the~~

1 governing body of the city may appoint one inspector and one judge for each polling
2 place.

3 5. ~~When a city enters into an agreement with the county to hold the city election in~~
4 ~~conjunction with the county election, the~~The deadline for giving notice of the city
5 election along with the offices to be filled at the election ~~may~~must be adjusted in order
6 to meet the publishing requirements of the county. Each city governing body that
7 ~~enters into an agreement with the county must~~shall notify the county auditor, in writing,
8 immediately after the candidate filing deadline on the sixty-fourth day before the
9 election of the offices to be filled at the election and any measures to appear on the
10 ballot.

11 **SECTION 94. AMENDMENT.** Section 40-21-03.1 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **40-21-03.1. Designation of polling places for municipal elections.**

14 The governing body of any city ~~at the time of calling any general or special municipal~~
15 ~~election, or prior to the time of registration for said election, if such registration is required by~~
16 ~~law,~~ when officers of ~~said~~the city are not to be elected by wards or districts, may by resolution
17 designate such voting precincts and polling places for ~~said~~the election as it may deem
18 necessary for the conduct of the same and shall in giving notice of ~~said~~the election designate
19 ~~such~~the voting precincts and polling places.

20 **SECTION 95. AMENDMENT.** Section 40-21-07 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **40-21-07. Petition for nomination of elective official in cities - Signatures required -**
23 **Withdrawal of petition - Contents.**

24 A candidate for any public office in an incorporated city may be nominated by filing with the
25 city auditor, before four p.m. on the sixty-fourth day before the holding of the election, a petition
26 signed by not less than ten percent of the number of qualified electors who voted for that office
27 in the last city election. A candidate shall also file a statement of interests as required by section
28 16.1-09-02. If multiple candidates were elected to the office at the preceding city election at
29 which the office was voted upon, the number of signatures must equal at least ten percent of
30 the total votes cast for all candidates divided by the number of candidates that were to be
31 elected to that office at that election. Qualified electors who sign a petition must reside within

1 the ward or precinct in and for which that officer is to be elected, if the election is by wards, or
2 within the corporate limits of the city, if the officer is elected at large. In cities operating under
3 the commission system of government the required petition may be signed by the qualified
4 electors at large residing within the city. If a petition is mailed, it must be in the possession of the
5 city auditor before four p.m. on the sixty-fourth day before the holding of the election. However,
6 no more than three hundred signatures may be required and the signatures may be on separate
7 sheets of paper. Petitions must meet the specifications of nominating petitions pursuant to
8 section 16.1-11-16. ~~If a city election is not combined with a state or county election according to~~
9 ~~section 40-21-02, a candidate may be nominated by filing the required petition with the city~~
10 ~~auditor before four p.m. on the sixty-fourth day before the holding of the election.~~ A candidate
11 may withdraw the candidate's nominating petition at any time before the applicable deadlines
12 for filing nominating petitions provided for in this section. Nominating petitions required by this
13 section may not be circulated or signed prior to January first preceding the election. Any
14 signatures to a nominating petition obtained before that date may not be counted. ~~A nominating~~
15 ~~petition for a special election may not be circulated or signed more than thirty days before the~~
16 ~~time when a petition for a special election must be filed.~~ A candidate for city council may run for
17 either the office of mayor or council member but not both in the same election. A candidate for
18 the city commission may run for either the office of city commissioner or the office of president
19 of the board of city commissioners but not both in the same election. A candidate may run for
20 only one office in a city at any given election.

21 **SECTION 96. AMENDMENT.** Section 40-24-10 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **40-24-10. One-fifth of cost of improvement may be paid by general assessment within**
24 **constitutional debt limit.**

25 Any municipality, at the option of its governing body, may provide for the payment by
26 general taxation of all the taxable property in the municipality of not more than one-fifth of the
27 cost of any improvement financed by the levying of special assessments other than the opening
28 and widening of streets or the laying of sewer or water connections from the main to the curb
29 line. Any amount which the municipality shall determine to pay by general assessment
30 ~~shall~~must be considered as a part of the debt of the municipality and ~~shall~~is not be valid unless
31 such amount is within the constitutional debt limit of such municipality. Any incorporated city, by

1 a two-thirds vote of the qualified voters thereof voting upon the question at a primary or general
2 ~~or special~~ election, may increase its limit of indebtedness three percent on the assessed
3 valuation of taxable property in such city beyond five percent of the valuation thereof, and by a
4 majority vote, in like manner, may increase its limit of indebtedness four percent of such
5 valuation without regard to the existing indebtedness of such city for the purpose of constructing
6 or purchasing waterworks for furnishing a supply of water to the inhabitants of such city, or for
7 the purpose of constructing sewers; provided, that such increase or increases must be duly
8 voted before the levy of any general taxes exceeding the existing debt limit may be made to pay
9 part of the cost of any such improvement. In making any contract with reference to any special
10 improvement, the governing body may take into consideration such portion of the cost of the
11 improvement as will be paid by general assessment and may make appropriations and levy
12 taxes and assessments therefor in annual installments extending over the same period of time
13 as is provided in the special assessments for such improvement. The appropriation may be
14 made at such time as occasion may require and ~~shall~~must be included in the municipality's first
15 annual tax levy thereafter. The appropriation and levy, whether it is made as a part of the
16 regular annual appropriation ordinance or otherwise, ~~shall~~must state the specific improvement
17 for which the assessment is made and the tax levied, the amount thereof, and the district in
18 which the improvement is made. The amount of such assessment and the moneys collected
19 thereon ~~shall~~ become a part of the district fund upon which the warrants issued in payment for
20 the improvement are to be drawn.

21 **SECTION 97. AMENDMENT.** Section 40-33-02 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **40-33-02. Acquiring, erecting, or improving plant, system, or line without election**
24 **prohibited - Exceptions.**

25 No municipal officers may purchase, erect, substantially enlarge, improve, or extend an
26 existing plant, or lease from others any plant, system, or line provided for in section 40-33-01,
27 unless the proposition has been submitted by a resolution of the governing body to the qualified
28 electors of the city at a ~~biennial~~primary or special~~general~~ election ~~called, held, and conducted~~
29 ~~upon the notice and in the manner specified by this title for the election of the governing body of~~
30 ~~the city~~, and has been approved by a majority of the electors voting thereon. If the cost of any
31 enlargement, improvement, or extension will be paid out of the earnings of the plant and the

1 cost does not exceed the sum of five thousand dollars, or if eighty percent or more of the cost of
2 any waterworks, mains, water system, and equipment or appliances therefor is to be paid by
3 special assessments or by the earnings of the plant or by both, the governing body is not
4 required to submit the proposition to the electors of the city. If the improvement and facilities are
5 to provide for a greater and more adequate water supply to meet the needs of the city for
6 domestic use, fire protection, or for sanitation and sewage disposal, regardless of cost the
7 governing body thereof may by resolution provide for the needed improvement and facilities in
8 cooperation with the state or federal government, or any agency thereof, without an election if
9 funds for such cooperation or for defraying the entire cost thereof are available in the municipal
10 utilities fund as defined by section 40-33-10. If the lease by the city of any plant, system, or line
11 provided for in subsection 5 of section 40-33-01 is from the state, or any agency or institution of
12 the state, the governing body is not required to submit the proposition to the electors of the city.

13 **SECTION 98. AMENDMENT.** Subsection 6 of section 40-33.2-02 of the North Dakota
14 Century Code is amended and reenacted as follows:

15 6. "Governing body", with respect to a city, means the city council or, if another board,
16 commission, or body is empowered by law or its charter or by resolution of the city
17 council to establish and regulate rates and charges for the distribution of electric
18 energy within the city, the board, commission, or body shall be deemed to be the
19 "governing body". When the levy of a tax or the incurring of an obligation payable from
20 taxes or any other action of the board, commission, or body requires the concurrence,
21 approval, or independent action of the city council or another body under the city's
22 charter or any other law, the action ~~shall~~may not be taken until concurrence or
23 approval is received or independent action is taken and, if required under the city's
24 charter or any other law, approved by not less than sixty percent of the qualified
25 electors voting on the question at any ~~regular~~primary or ~~special~~general election. The
26 concurrence of the city council or other elected body charged with the general
27 management of a city ~~shall be~~is required, prior to the adoption by the city of any
28 resolution approving an agency agreement.

29 **SECTION 99. AMENDMENT.** Subsection 7 of section 40-33.2-02 of the North Dakota
30 Century Code is amended and reenacted as follows:

1 7. "Municipal power agency" means a separate political subdivision and municipal
2 corporation created by agreement between two or more cities, and approved by not
3 less than sixty percent of the qualified electors voting on the question at any
4 ~~regular~~primary or ~~special~~general election in each of those cities, pursuant to section
5 40-33.2-03 to exercise any of the powers of acquisition, construction, reconstruction,
6 operation, repair, extension, or improvement of electric generation or transmission
7 facilities or the acquisition of any interest therein or any right to part or all of the
8 capacity thereof.

9 **SECTION 100. AMENDMENT.** Subsection 1 of section 40-33.2-03 of the North Dakota
10 Century Code is amended and reenacted as follows:

- 11 1. Any two or more cities may form a municipal power agency by executing an agency
12 agreement authorized by a resolution of the governing body of each city and approved
13 by not less than sixty percent of the qualified electors voting on the question at any
14 ~~regular~~primary or ~~special~~general election in each of those cities. The agency
15 agreement when completed shall state:
- 16 a. That the municipal power agency is created and incorporated under this chapter
17 as a municipal corporation and a political subdivision of the state.
 - 18 b. The name of the agency, which shall include the words "municipal power
19 agency".
 - 20 c. The names of the cities which have approved the agency agreement and are the
21 initial members of the municipal power agency.
 - 22 d. The names and addresses of the persons initially appointed by the resolutions
23 approving the agreement to act as the representatives of the cities, respectively,
24 in the exercise of their powers as members.
 - 25 e. Any limitations upon the terms of representatives of the respective member cities;
26 provided, that such representatives shall always be selected and vacancies in
27 their offices declared and filled by resolutions of the governing bodies of the
28 respective cities.
 - 29 f. The names of the initial board of directors of the municipal power agency, who
30 shall be not less than three persons who are representatives of the respective

- 1 member cities, selected by such representatives. The agreement shallmust
2 provide that each member city shall be represented on the board of directors.
3 g. The location of the initial registered office of the municipal power agency.
4 h. That the cities which are members of the municipal power agency are not liable
5 for its obligations.
6 i. Any other provision for regulating the business of the municipal power agency or
7 the conduct of its affairs which may be agreed by the member cities, consistent
8 with this chapter.

9 **SECTION 101. AMENDMENT.** Subsection 4 of section 40-33.2-03 of the North Dakota
10 Century Code is amended and reenacted as follows:

- 11 4. Unless otherwise provided by the agency agreement, the bylaws of the municipal
12 power agency, and any amendments thereto, shallmust be proposed by the board of
13 directors and shall be adopted by a majority vote of the representatives of the member
14 cities, at a meeting held after notice. The initial agency agreement or the initial bylaws
15 shalldo not take effect until approved by not less than sixty percent of the qualified
16 electors voting on the question at any ~~regular~~primary or ~~special~~general election in
17 each of the member cities. The agency agreement or the bylaws shallmust state:
18 a. The qualifications of member cities, and any limitations upon their number.
19 b. Any conditions of membership.
20 c. Manner and time of calling regular meetings of representatives of member cities.
21 d. Manner and conditions of terminating membership.
22 e. Such other provisions for regulating the affairs of the municipal power agency as
23 the representatives of the member cities shall determine to be necessary.

24 **SECTION 102. AMENDMENT.** Subsection 9 of section 40-33.2-03 of the North Dakota
25 Century Code is amended and reenacted as follows:

- 26 9. The agency agreement may be amended as proposed at any meeting of the
27 representatives of the member cities for which notice, stating the purpose, shallmust
28 be given to each representative and unless the agency agreement or bylaws provide
29 otherwise, shall become effective when ratified by resolutions of the governing bodies
30 of a majority of the member cities and approved by not less than sixty percent of the
31 qualified electors voting on the question at any ~~regular~~primary or ~~special~~general

1 election in each of those member cities constituting the majority. Each amendment
2 and the resolutions of the governing bodies approving it ~~shall~~must be filed for record
3 with the secretary of state.

4 **SECTION 103. AMENDMENT.** Subsection 4 of section 40-33.2-05 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 4. Except when the agency agreement or bylaws prescribe otherwise, bonds or notes of
7 a municipal power agency ~~shall~~must be authorized by resolution of its board of
8 directors and approved by not less than sixty percent of the qualified electors in each
9 of the member cities voting on the question at any ~~regular~~primary or ~~special~~general
10 election and may be issued under such resolution or under a trust indenture or other
11 security agreement, in one or more series, and ~~shall~~must bear such date or dates,
12 mature at such time or times, bear interest at such rate or rates, be in such
13 denominations, be in such form, either coupon or registered, carry such conversion,
14 registration, and exchange privileges, have such rank or priority, be executed in such
15 manner, be payable in such medium of payment at such place or places within or
16 outside the state or within or outside the United States, be subject to such terms of
17 redemption with or without premiums, and contain or be subject to such other terms as
18 the resolution, trust indenture, or other security agreement may provide, and ~~shall~~may
19 not be restricted by the provisions of any other law limiting the amounts, maturities,
20 interest rates, or other terms of obligations of cities, public agencies, or private
21 persons.

22 **SECTION 104. AMENDMENT.** Subsection 10 of section 40-33.2-05 of the North Dakota
23 Century Code is amended and reenacted as follows:

24 10. For the security of bonds or notes issued or to be issued by a municipal power agency,
25 the municipal power agency may, subject to approval by not less than sixty percent of
26 the qualified electors in each of the member cities voting on the question at any
27 ~~regular~~primary or ~~special~~general election, mortgage or execute deeds of trust of the
28 whole or any part of its property and franchises. Such mortgages or deeds of trust may
29 by their terms include after-acquired property and ~~shall~~bear valid and effectual for
30 that purpose as if such after-acquired property were owned by, and in possession of,
31 the municipal power agency giving such mortgage or deed of trust at the time of the

1 execution thereof. Any mortgage, or deed of trust covering the whole or any part of
2 easements or other interests in real estate less than fee simple used in the generation
3 or transmission of electric power, and covering fixtures annexed to the real estate in
4 which the municipal power agency has an easement or other less than fee simple
5 interest, may be filed in the office of the secretary of state with or as part of the
6 financing statement covering the fixtures. Such filing of the mortgage or deed of trust
7 ~~shall have~~has the same effect, and ~~shall be~~is notice of the rights and interest of the
8 mortgagee or trustee in such easements and other less than fee simple interests in
9 real estate and in such fixtures to the same extent as if such mortgage or deed of trust
10 were duly recorded in the office of the recorder of the county or counties in which the
11 real estate subject to such easements or less than fee simple interests is situated. Any
12 such mortgage or deed of trust so filed ~~shall be~~is deemed to contain a sufficient
13 description to give notice of the rights and interests of the mortgagee or trustee in the
14 easements and other less than fee simple interests in the real estate used in the
15 generation or transmission of electric power if such mortgage or deed of trust states
16 that the securing includes rights of way of or generation or transmission systems of or
17 lines of the municipal power agency, or all property owned by the municipal power
18 agency. This subsection ~~shall~~does not apply to any real estate owned by the municipal
19 power agency in fee simple. All filings required under title 41 to perfect a security
20 interest against the personal property or fixtures of a municipal power agency
21 ~~shall~~must be made and maintained in the office of the secretary of state.

22 **SECTION 105. AMENDMENT.** Section 40-33.3-01 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **40-33.3-01. Creation of authority - Membership.**

25 Any two or more cities each of which is over forty thousand population may form a
26 municipal pipeline authority by executing an agreement authorized by a resolution of the
27 governing body of each city and approved by not less than a majority of the qualified electors
28 voting on the question at any ~~regular~~primary or ~~special~~general election in each of those cities.
29 Any city may become a member of an existing municipal pipeline authority, without regard to
30 population, upon executing an agreement with the authority.

1 section. The governing body may call a special election at any time for the purpose of
2 voting on the question, and the election shall be called, conducted, and certified as are
3 other elections in that political subdivision. Upon approval by sixty percent of the
4 qualified electors voting in the election, the governing body shall increase the levy for
5 public library service in the amount approved by the qualified electors.

6 **SECTION 109. AMENDMENT.** Section 40-44-12 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **40-44-12. Abandonment of civil service system - Election - Form of ballot - Removal**
9 **of department or employee from civil service.**

10 After a civil service system has been adopted, the governing body shall ~~may~~ not abolish it
11 nor ~~or~~ remove any department or employee thereof, or any employee or appointive official, from
12 under the civil service and the provisions of this chapter unless ~~and until~~ civil service has been
13 abandoned by the city after the question shall ~~have~~ has been submitted to the qualified electors
14 of the city at a ~~regular~~ primary or ~~special municipal~~ general election. At any election held to
15 determine whether the city shall abandon the civil service system, the question shall must be
16 submitted to the electors in substantially the following form:

17 Shall the city abandon the civil service system?

18 Yes

19 No

20 If two-thirds of the votes cast upon the question favor the abandonment of civil service, the
21 governing body shall provide for the abandonment of the system. Any office or employment,
22 however, may be abolished by the governing body of the city by resolution declaring there no
23 longer is need therefor after a hearing has been given to the officials and employees to be
24 affected and after a determination to such effect.

25 **SECTION 110. AMENDMENT.** Section 40-49-07 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **40-49-07. Election and qualification of members of board of park commissioners.**

28 The members of the board of park commissioners shall ~~possess the qualifications of~~ must
29 be electors of the city and must be elected by the qualified electors of the park district. The
30 members of the first board may be elected at any ~~regular city election~~ primary or at a
31 ~~special~~ general election called for that purpose by the governing body of the city. Thereafter,

1 ~~members of the board must be elected at the regular city elections. Such~~The members shall
2 qualify within two weeks after their election by taking and filing with the city auditor the oath
3 prescribed for civil officers. ~~The board of park commissioners may enter into an agreement with~~
4 ~~the governing body of the city concerning sharing of election personnel, printing of election~~
5 ~~materials, and apportioning of election expenses.~~

6 **SECTION 111. AMENDMENT.** Section 40-49-07.2 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **40-49-07.2. Dissolution of city park district - Election.**

- 9 1. A city park district may be dissolved pursuant to a plan adopted pursuant to this
10 section. A proposal for dissolving a city park district may be initiated:
- 11 a. By resolution incorporating a dissolution plan, approved by a majority vote of the
12 board of park commissioners and submitted to the governing body of the city; or
13 b. By a petition incorporating a dissolution plan, signed by twenty-five percent or
14 more of the total number of qualified electors of the city park district voting at the
15 last regular city election and submitted to the governing body of the city.
- 16 2. The governing body of the city shall submit the question of dissolution to the electors
17 of the park district at any ~~regular city election~~ or primary or general election as
18 specified in the resolution or petition submitted pursuant to subsection 1. The plan
19 incorporated in the resolution or petition is effective and becomes operative according
20 to its terms if a majority of the qualified electors voting on the question approves the
21 plan.
- 22 3. A plan for dissolving a city park district may specify:
- 23 a. The disposition and maintenance of land and other property acquired by the
24 board of park commissioners of the dissolved park district;
- 25 b. The manner for payment of any current indebtedness, evidences of indebtedness
26 in anticipation of user fee revenues, bonded indebtedness, and other obligations
27 of the dissolved park district;
- 28 c. The disposition of any outstanding special assessments or other anticipated
29 revenues;

- 1 d. The transition in implementing the plan, including elements that consider the
2 reasonable expectations of current officeholders and personnel such as delayed
3 effective dates for implementation; and
- 4 e. Other considerations and provisions that are consistent with state law.
- 5 4. The governing body of the city shall cause the complete text, or a fair and accurate
6 summary, of the plan to be published in the official newspaper of the city, not less than
7 two weeks nor more than thirty days, before the date of the election. The governing
8 body may, prior to the election, hold public hearings and community forums and use
9 other suitable means to disseminate information, receive suggestions and comments,
10 and encourage public discussion of the purpose and provisions of the plan.

11 **SECTION 112. AMENDMENT.** Subsection 1 of section 40-53.1-01 of the North Dakota
12 Century Code is amended and reenacted as follows:

- 13 1. If qualified electors of a city equal in number to one-fourth of the number of qualified
14 electors voting at the last ~~regular city general~~ election held in an even-numbered year
15 petition the board of county commissioners of the county wherein the city is situated to
16 dissolve the city, the board of county commissioners shall ~~order a special election to~~
17 ~~be held within the city on~~ place the question of dissolving the city on the ballot at the
18 next primary or general election.

19 **SECTION 113. AMENDMENT.** Section 40-53.2-03 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **40-53.2-03. Municipal consolidation review commission.**

22 Upon passage by a simple majority of the votes cast on the question in each of the cities
23 seeking consolidation in the manner provided by section 40-53.2-02, the governing body of
24 each of the cities seeking consolidation shall appoint an equal number of the members of each
25 governing body who shall convene as the municipal consolidation review commission to make a
26 finding as to whether or not there is sufficient reason to further consider consolidation of the
27 cities seeking consolidation. If the commission finds insufficient reason, no further consideration
28 shall be given to the matter of consolidation of the cities. If the commission finds sufficient
29 reason for consolidation, it shall develop a recommended plan of consolidation, holding such
30 hearings on the plan as it deems appropriate. The commission shall submit its recommended
31 plan to the voters of both cities. Upon receiving a majority affirmative vote of the electors of

1 each city, voting on the question at a ~~special election~~primary or any regulargeneral election, the
2 review commission's recommended plan shall ~~become~~becomes effective on July first of the
3 next year.

4 **SECTION 114. AMENDMENT.** Section 40-55-08 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **40-55-08. (Effective for the first two taxable years beginning after December 31, 2012)**

7 **Election to determine desirability of establishing recreation system - How called.**

8 The governing body of any municipality, school district, or park district to which this chapter
9 is applicable, may and upon receipt of a petition signed by at least ten qualified electors but not
10 less than five percent of those qualified electors who voted at the last general election, which
11 was held in an even-numbered year, of the municipality, school district, or park district, shall
12 submit to the qualified electors the question of the establishment, maintenance, and conduct of
13 a public recreation system, and except in the case of a school district, the levying of an annual
14 tax for the conduct and maintenance thereof of not more than two and five-tenths mills on each
15 dollar of taxable valuation of all taxable property within the corporate limits or boundaries of
16 ~~such~~the municipality or park district, to be voted upon at the next primary or general election or
17 ~~special municipal election~~; provided, however, that ~~such~~the questions may not be voted upon at
18 the next general election unless such action of the governing body shall ~~be~~is taken, or ~~such~~a
19 petition to submit such question shall ~~be~~is filed thirty days prior to the date of ~~such~~the election. A
20 school district may provide for the establishment, maintenance, and conduct of a public
21 recreation system using the proceeds of levies, as permitted by section 57-15-14.2.

22 **(Effective after the first two taxable years beginning after December 31, 2012)**

23 **Election to determine desirability of establishing recreation system - How called.** The
24 governing body of any municipality, school district, or park district to which this chapter is
25 applicable, may and upon receipt of a petition signed by at least ten qualified electors but not
26 less than five percent of those qualified electors who voted at the last general election, which
27 was held in an even-numbered year, of the municipality, school district, or park district, shall
28 submit to the qualified electors the question of the establishment, maintenance, and conduct of
29 a public recreation system, and except in the case of a school district, the levying of an annual
30 tax for the conduct and maintenance thereof of not more than two and five-tenths mills on each
31 dollar of taxable valuation of all taxable property within the corporate limits or boundaries of

1 ~~such~~the municipality or park district, to be voted upon at the next primary or general election or
2 ~~special municipal election~~; provided, however, that ~~such~~the questions may not be voted upon at
3 the next general election unless such action of the governing body ~~shall be~~is taken, or ~~such a~~
4 petition to submit ~~such~~the question ~~shall be~~is filed thirty days prior to the date of ~~such~~the
5 election. A school district may levy a tax for the establishment, maintenance, and conduct of a
6 public recreation system pursuant to subdivision q of subsection 1 of section 57-15-14.2.

7 **SECTION 115. AMENDMENT.** Section 40-55-09 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **40-55-09. (Effective for the first two taxable years beginning after December 31, 2012)**

10 **Favorable vote at election - Procedure.**

11 Except in the case of a school district or park district, upon adoption of the public recreation
12 system proposition at an election by a majority of the votes cast upon the proposition, the
13 governing body of the municipality, by resolution or ordinance, shall provide for the
14 establishment, maintenance, and conduct of a public recreation system, and thereafter levy and
15 collect annually a tax of not more than two and five-tenths mills, or not more than eight and
16 five-tenths mills if authorized as provided by this section, on each dollar of the taxable valuation
17 of all taxable property within the corporate limits or boundaries of the municipality. This tax is in
18 addition to the maximum of taxes permitted to be levied in ~~such~~the municipality. The mill levy
19 authorized by this section may be raised to not more than eight and five-tenths mills when the
20 increase is approved by the citizens of the municipality after submission of the question in the
21 same manner as provided in section 40-55-08 for the establishment of the public recreation
22 system. The governing body of the municipality shall continue to levy the tax annually for public
23 recreation purposes until the qualified voters, at a ~~regular~~primary or ~~special~~general election, by
24 a majority vote on the proposition, decide to discontinue the levy. The governing body of the
25 municipality may appropriate additional funds for the operation of the public recreation system if
26 in the opinion of the governing body additional funds are needed for the efficient operation
27 thereof. This chapter does not limit the power of any municipality, school district, or park district
28 to appropriate on its own initiative general municipal, school district, or park district tax funds for
29 the operation of a public recreation system, a community center, or character-building facility. A
30 park district may levy a tax annually within the general fund levy authority of section 57-15-12
31 for the conduct and maintenance of a public recreation system.

1 **(Effective after the first two taxable years beginning after December 31, 2012)**

2 **Favorable vote at election - Procedure.** Except in the case of a school district or park district,
3 upon adoption of the public recreation system proposition at an election by a majority of the
4 votes cast upon the proposition, the governing body of the municipality, by resolution or
5 ordinance, shall provide for the establishment, maintenance, and conduct of a public recreation
6 system, and thereafter levy and collect annually a tax of not more than two and five-tenths mills,
7 or not more than eight and five-tenths mills if authorized as provided by this section, on each
8 dollar of the taxable valuation of all taxable property within the corporate limits or boundaries of
9 the municipality. This tax is in addition to the maximum of taxes permitted to be levied in
10 ~~such~~the municipality. The mill levy authorized by this section may be raised to not more than
11 eight and five-tenths mills when the increase is approved by the citizens of the municipality after
12 submission of the question in the same manner as provided in section 40-55-08 for the
13 establishment of the public recreation system. The governing body of the municipality shall
14 continue to levy the tax annually for public recreation purposes until the qualified voters, at a
15 ~~regular~~primary or ~~special~~general election, by a majority vote on the proposition, decide to
16 discontinue the levy. The governing body of the municipality may appropriate additional funds
17 for the operation of the public recreation system if in the opinion of the governing body
18 additional funds are needed for the efficient operation thereof. This chapter does not limit the
19 power of any municipality, school district, or park district to appropriate on its own initiative
20 general municipal, school district, or park district tax funds for the operation of a public
21 recreation system, a community center, or character-building facility. A school district may levy a
22 tax annually for the conduct and maintenance of a public recreation system pursuant to
23 subdivision q of subsection 1 of section 57-15-14.2. A park district may levy a tax annually
24 within the general fund levy authority of section 57-15-12 for the conduct and maintenance of a
25 public recreation system.

26 **SECTION 116. AMENDMENT.** Section 40-57.2-04 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **40-57.2-04. City or county may make tax levy.**

29 Any city or county, after resolution by its governing body that the question be submitted to
30 its electors shall upon approval of the question at a ~~regular~~primary or ~~special~~general election by
31 sixty percent of the qualified electors of the city or county voting in the election may levy a tax

1 not exceeding the limitations in subsection 16 of section 57-15-06.7 and subsection 15 of
2 section 57-15-10 for the purpose of providing funds for career and technical education and
3 on-the-job training services and surveys and otherwise implementing this chapter. No levy for a
4 specific year ~~shall~~may be made if the balance in the fund remaining from levies in prior years is
5 in excess of ten thousand dollars.

6 **SECTION 117. AMENDMENT.** Section 40-59-04 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **40-59-04. ~~Conduct of election~~Election result certified.**

9 ~~A special election upon the question of levying taxes for such purpose shall be held at a~~
10 ~~time to be set by the governing body of the municipality. The votes cast upon the question of the~~
11 ~~proposed tax levy shall be returned and canvassed as other votes cast at elections are returned~~
12 ~~and canvassed, and the~~The result of such an election shall upon the question of levying taxes
13 under this chapter must be certified and spread upon the minutes of the proceedings of the
14 governing body of the municipality at the next regular or special meeting thereafter.

15 **SECTION 118. AMENDMENT.** Section 44-08-21 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **44-08-21. Recall of elected officials of political subdivisions.**

- 18 1. An elected official of a political subdivision, except an official subject to recall under
19 section 10 of article III of the Constitution of North Dakota, is subject to recall by
20 petition of electors equal in number to twenty-five percent of the voters who voted in
21 the most recent election that the official sought to be recalled was on the ballot, not
22 including other recall elections. An official who was appointed to fill a vacancy is
23 subject to recall by petition of electors equal in number to twenty-five percent of the
24 voters who voted in the most recent election that the office of the official sought to be
25 recalled was on the ballot, not including other recall elections. The provisions of
26 section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to
27 petitions under this section.
- 28 2. A recall petition must include a stated reason for the recall and be approved as to form
29 before circulation by the secretary of state. The secretary of state shall complete the
30 review of the form of a recall petition in not less than five, nor more than seven,
31 business days, excluding Saturdays. To be effective, a recall petition must be

- 1 submitted to the appropriate filing officer within ninety days after the date the recall
2 petition is approved for circulation by the secretary of state.
- 3 3. Once circulated, the recall petition must be filed with the filing officer with whom a
4 petition for nomination to the office in question is filed unless that filing officer is the
5 individual subject to recall, in which case the petition must be filed with the secretary of
6 state. The filing officer with whom the petition is filed shall pass on the sufficiency of a
7 petition pursuant to section 16.1-01-09.1. ~~Except as otherwise provided in this section,~~
8 ~~the filing officer shall call a special election to be held not sooner than ninety days nor~~
9 ~~later than one hundred days following the date the filing officer certifies the petition~~
10 ~~valid and sufficient. No special election may be called if that date would be within~~
11 ~~ninety days of the next scheduled election.~~ An elector's name may not be removed
12 from a recall petition that has been submitted to and received by the appropriate filing
13 officer.
- 14 4. ~~The filing officer shall place the~~ name of the official to be recalled ~~must be placed~~ on
15 the ballot at the next primary or general election unless the official resigns within ten
16 days after the filing officer certifies the petition is valid and sufficient. Other candidates
17 for the office may be nominated in a manner provided by law and shall file nominating
18 papers with the appropriate filing officer by the sixty-fourth day before the scheduled
19 recall election. If the official resigns, the appropriate political subdivision governing
20 body ~~may call a special election or shall~~ appoint an individual to serve until the next
21 primary or general election when a successor is elected to complete the unexpired
22 term of the office. When the election results have been officially declared, the
23 candidate receiving the highest number of votes is elected for the remainder of the
24 term. No official is subject to recall twice during the term for which the official was
25 elected. An official whose office is on the ballot at a regularly scheduled election
26 occurring within one year is not subject to recall.

27 **SECTION 119. AMENDMENT.** Section 47-04-32 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **47-04-32. Covenant may not prohibit display of political signs.**

30 Notwithstanding any provision in a covenant, a covenant running with the land may not
31 prohibit the outdoor display of a political yard sign by the owner or a resident on the owner's

1 property within sixty days before any primary, or general, ~~or special~~ election. A covenant may
2 include reasonable rules regarding the placement and manner of display of political signs.

3 **SECTION 120. AMENDMENT.** Section 47-04.1-14 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **47-04.1-14. Covenant, declaration, bylaw, or other rule may not prohibit display of**
6 **political signs.**

7 Notwithstanding any provision in a covenant, declaration, bylaw, or other rule of a project,
8 an owner or resident may not be prohibited from displaying a political yard sign on the owner's
9 property within sixty days before any primary, or general, ~~or special~~ election. A covenant,
10 declaration, bylaw, or rule may include reasonable restrictions regarding the placement and
11 manner of display of political signs.

12 **SECTION 121. AMENDMENT.** Section 54-40.4-04 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **54-40.4-04. Submission of charter to electors.**

15 At least sixty days, but not more than two years, after submission of the proposed charter to
16 the affected governing bodies, the proposed charter must be submitted to a vote of the qualified
17 electors of each affected county and city at a primary or general election held concurrently. The
18 question on the ballot at the election must be framed in a manner that fairly and accurately
19 describes the substance of the proposed charter. If the proposed charter has been submitted to
20 a vote of the qualified electors of a county or city, the governing body may ~~call a special election~~
21 ~~to~~ resubmit the proposed charter to a vote of the qualified electors, ~~and the special election~~
22 ~~must take place at least sixty days after the call for the special~~ at the next primary or general
23 election.

24 **SECTION 122. AMENDMENT.** Section 55-02-07.2 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **55-02-07.2. Protection of public health and safety on sites having a public function.**

27 Notwithstanding any other provision of law, if the state or a political subdivision has a
28 property interest in real property and that property has an existing public function in addition to
29 any historical site registration or historical significance determination, the governing body of the
30 agency or political subdivision owning the property interest may, subject to the following
31 provisions, improve, alter, modify, or destroy that property if the agency or governing body

1 determines that action is necessary to protect public health or safety, to provide access for
2 disabled personsindividuals, or to ensure structural integrity. If an action is to be taken by an
3 agency or governing body under this section, notice of intent to take the action must be given to
4 the director at the onset of the planning process. At the director's request, the agency or
5 governing body shall inform the director of each meeting at which planning or decisions on a
6 project are on the agenda. At each meeting, the agency or governing body shall provide the
7 director with an opportunity to comment or provide preservation funding for the proposed project
8 and the agency or governing body shall consider the director's comments or offers of funding in
9 the development and implementation of the project. If the agency or governing body and the
10 director do not agree on the action to be taken, the differences must be submitted to a mediator
11 selected by the governor to facilitate a consensus between the parties. The cost of the mediator
12 must be shared equally by the parties. The mediator shall issue a report within sixty days of
13 appointment by the governor. The report of the mediator must be sent to the director and must
14 be published once in the official newspaper of the political subdivision. Although the agency or
15 governing body may take the action it deems necessary, the agency or governing body shall
16 make all reasonable effort to preserve the historical characteristics of a site taking into
17 consideration economic and technical feasibility. The agency or governing body must notify the
18 director of its decision and must publish it once in the official newspaper of the political
19 subdivision. After mediation, if any, if the governing body of a political subdivision determines to
20 proceed with actions that will result in completely demolishing, removing, or significantly
21 degrading the historical characteristics of a building or real property, a resident of the political
22 subdivision where the building or real property is located may submit a written notice to the
23 county auditor of intention to petition for a public vote. The notice must be filed with the county
24 auditor within fourteen days of the publication of the decision of the governing body. A petition
25 for a public vote must contain the names of at least ten percent of the qualified electors from
26 that governing body's jurisdiction who voted in the last general election held in an
27 even-numbered year and must be filed with the county auditor within one hundred twenty days
28 of the governing body's publication of notice of its final action. If a petition is filed, the matter
29 must be submitted for a vote of the qualified electors at the next ~~special~~, primary, or general
30 election ~~held in that jurisdiction~~. All actions to remove, demolish, or significantly degrade the
31 historical characteristics of a building or real property are stayed for fourteen days after the

1 governing body's publication of notice of its final action, and if notice of intention to seek a public
2 vote is filed, actions are stayed until either the petition fails or the public vote is held. If the
3 political subdivision is a home rule jurisdiction with its own referendum procedures, however,
4 the home rule referendum procedures apply to the action of the governing body.

5 **SECTION 123. AMENDMENT.** Section 57-15-06.5 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **57-15-06.5. Tax levy for planning purposes.**

8 The board of county commissioners, when authorized by sixty percent of the electors voting
9 upon the question in a ~~regular primary~~ or ~~special~~ general election ~~called by the county-~~
10 ~~commissioners,~~ may levy a tax not exceeding the limitation in subsection 19 of section
11 57-15-06.7. The proceeds of a levy pursuant to this section may be used only for county
12 planning purposes and may not be used to directly fund a regional planning council. However,
13 proceeds of a levy pursuant to this section may be used by the levying county to enter ~~into~~ a
14 contract with a regional planning council for single county planning services for the levying
15 county.

16 **SECTION 124. AMENDMENT.** Subsection 29 of section 57-15-06.7 of the North Dakota
17 Century Code is amended and reenacted as follows:

18 29. A county levying a tax for a job development authority as provided in section
19 11-11.1-04 or for the support of an industrial development organization as provided in
20 section 11-11.1-06 may levy a tax not exceeding four mills on the taxable valuation of
21 property within the county. Upon approval by a majority of electors voting on the
22 question at a ~~regular primary~~ or ~~special county~~ general election, a county levying a tax
23 for a job development authority as provided in section 11-11.1-04 or for the support of
24 an industrial development organization as provided in section 11-11.1-06 may levy a
25 separate and additional tax for promotion of tourism in an amount not exceeding one
26 mill on the taxable valuation of property within the county. However, if any city within
27 the county is levying a tax for support of a job development authority or for support of
28 an industrial development organization and the total of the county and city levies
29 exceeds five mills, the county tax levy within the city levying under subsection 28 of
30 section 57-15-10 must be reduced so the total levy in the city does not exceed five
31 mills.

1 **SECTION 125. AMENDMENT.** Subsection 2 of section 57-15-06.10 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 2. The consolidation of mill levies under subsection 1 may be accomplished by resolution
4 of the board of county commissioners, subject to the right of referendum by the county
5 electors. The board of county commissioners may by majority vote adopt a preliminary
6 resolution providing for the consolidated levy. The board shall publish the preliminary
7 resolution in the official newspaper of the county, at least once during two different
8 weeks within the thirty-day period immediately following the adoption of the preliminary
9 resolution. The board of county commissioners shall hold at least one public hearing
10 and receive comments regarding the consolidation of mill levies. The preliminary
11 resolution may be referred to the qualified electors of the county by a petition
12 protesting the consolidation. The petition must be signed by ten percent or more of the
13 total number of qualified electors of the county voting for governor at the most recent
14 gubernatorial election, and filed with the county auditor before four p.m. on the
15 ninetieth day after the preliminary resolution is adopted. If the petition contains the
16 signatures of a sufficient number of qualified electors, the board of county
17 commissioners shall rescind the preliminary resolution or submit the resolution to a
18 vote of the qualified electors of the county at the next ~~regular~~primary or general
19 ~~election or at a special election called by the board of county commissioners to~~
20 ~~address the question.~~ If a majority of the qualified electors voting on the question
21 approve the resolution, the consolidation becomes effective for the next tax year and
22 subsequent tax years. If a petition protesting the consolidation is not submitted within
23 ninety days, the board of county commissioners shall consider the comments received
24 regarding the consolidation and either adopt a final resolution implementing the
25 consolidation or rescind the preliminary resolution. The consolidation of mill levies may
26 be reversed by resolution of the board of county commissioners following the same
27 procedure provided for implementation of the consolidation or by a majority vote of the
28 qualified electors of the county voting on the question pursuant to submission of a
29 petition to reverse the consolidation signed by ten percent or more of the total number
30 of qualified electors of the county voting for governor at the most recent gubernatorial
31 election.

1 **SECTION 126. AMENDMENT.** Section 57-15-08 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **57-15-08. General fund levy limitations in cities.**

4 The aggregate amount levied for general city purposes may not exceed an amount
5 produced by a levy of thirty-eight mills on the taxable valuation of property in the city. Cities with
6 a population of over five thousand may levy an additional one-half of one mill for each additional
7 one thousand population in excess of five thousand, up to a maximum levy for general city
8 purposes of forty mills. A city, when authorized by a majority vote of the electors of the city
9 voting on the question at a ~~regularly scheduled~~primary or special general election ~~called for such~~
10 ~~purpose pursuant to a resolution approved by the governing body of the city~~, may increase the
11 maximum mill levy for general city purposes by not more than ten mills.

12 **SECTION 127. AMENDMENT.** Section 57-15-12 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **57-15-12. General fund levy limitations in park districts.**

15 The aggregate amount levied for park district general fund purposes, exclusive of levies to
16 pay interest on bonded debt and levies to pay and discharge the principal thereof, and levies to
17 pay the principal and interest on special assessments assessed and levied against park board
18 properties by other municipalities, may not exceed the sum of the number of mills levied by the
19 park district in taxable year 2000 for the general fund under section 57-15-12 including any
20 additional levy approved by the electors, the insurance reserve fund under section 32-12.1-08,
21 the employee health care program under section 40-49-12, the public recreation system under
22 section 40-55-09 including any additional levy approved by the electors, forestry purposes
23 under section 57-15-12.1 except any additional levy approved by the electors, pest control
24 under section 4-33-11, and handicapped person programs and activities under section
25 57-15-60. A park district may increase its general fund levy under this section to any number of
26 mills approved by a majority of the electors of the park district voting on the question at a
27 ~~regular~~primary or special park district general election, up to a maximum levy under this section
28 of thirty-five mills on the dollar of the taxable valuation of the district for the current year.

29 **SECTION 128. AMENDMENT.** Section 57-15-12.1 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **57-15-12.1. City or park district tax levy or service charge for forestry purposes.**

2 1. The governing body of a city or park district may levy annually a tax to provide funds
3 for the establishment, operation, and maintenance of forestry activities within the city
4 or park district. A tax levied by a city governing body under this section may not
5 exceed two mills per dollar of taxable valuation of property within the city. A tax levied
6 by a park district under this section must be within the general fund levy authority of
7 the park district. The governing board of a city or park district, upon approval by a
8 majority vote of the qualified electors voting on the question at any ~~citywide~~primary or
9 ~~districtwide~~general election, may also levy annually an additional tax not in excess of
10 three mills on the taxable valuation of property within the city or park district for the
11 purpose of providing funds for forestry activities within the city or park district. Any park
12 district levy approved by the electors and any city levy under this section is in addition
13 to and not restricted by any mill levy limit prescribed by law. The proceeds of any levy
14 under this section may be used for forestry activities, including prevention or control of
15 Dutch elm disease or other diseases which may affect trees, shrubs, and other
16 vegetation; purchasing, planting, or removal of trees, shrubs, and other vegetation;
17 pruning and maintenance of trees, shrubs, and other vegetation; purchasing of
18 necessary equipment; hiring of personnel; contracting for services; public information
19 and technical assistance; and other items related to forestry activities which may be
20 necessary to provide for proper care, maintenance, propagation, and improvement of
21 forestry resources within the city or park district.

22 2. In lieu of a levy as specified in subsection 1, a city or park district may propose a
23 service charge as an alternative form of financing. Such alternative form of financing
24 must be approved by a majority vote of the qualified electors voting on the question at
25 any primary or general ~~or special citywide or districtwide~~ election. The proceeds of any
26 service charge may be used for forestry activities, as specified in subsection 1.

27 **SECTION 129. AMENDMENT.** Section 57-15-14 of the North Dakota Century Code is
28 amended and reenacted as follows:

1 **57-15-14. (Effective for the first two taxable years beginning after December 31, 2012)**

2 **Voter approval of excess levies in school districts.**

3 1. Unless authorized by the electors of the school district in accordance with this section,
4 a school district may not impose greater levies than those permitted under section
5 57-15-14.2.

6 a. In any school district having a total population in excess of four thousand
7 according to the last federal decennial census there may be levied any specific
8 number of mills that upon resolution of the school board has been submitted to
9 and approved by a majority of the qualified electors voting upon the question at
10 any ~~regular~~primary or ~~special school district~~general election.

11 b. In any school district having a total population of fewer than four thousand, there
12 may be levied any specific number of mills that upon resolution of the school
13 board has been approved by fifty-five percent of the qualified electors voting
14 upon the question at any ~~regular~~primary or ~~special school~~general election.

15 c. After June 30, 2009, in any school district election for approval by electors of
16 increased levy authority under subsection 1 or 2, the ballot must specify the
17 number of mills proposed for approval, and the number of taxable years for which
18 that approval is to apply. After June 30, 2009, approval by electors of increased
19 levy authority under subsection 1 or 2 may not be effective for more than ten
20 taxable years.

21 d. The authority for a levy of up to a specific number of mills under this section
22 approved by electors of a school district before July 1, 2009, is terminated
23 effective for taxable years after 2015. If the electors of a school district subject to
24 this subsection have not approved a levy for taxable years after 2015 of up to a
25 specific number of mills under this section by December 31, 2015, the school
26 district levy limitation for subsequent years is subject to the limitations under
27 section 57-15-01.1 or this section.

28 e. For taxable years beginning after 2012:

29 (1) The authority for a levy of up to a specific number of mills, approved by
30 electors of a school district for any period of time that includes a taxable

- 1 year before 2009, must be reduced by one hundred fifteen mills as a
2 precondition of receiving state aid in accordance with chapter 15.1-27.
- 3 (2) The authority for a levy of up to a specific number of mills, approved by
4 electors of a school district for any period of time that does not include a
5 taxable year before 2009, must be reduced by forty mills as a precondition
6 of receiving state aid in accordance with chapter 15.1-27.
- 7 (3) The authority for a levy of up to a specific number of mills, placed on the
8 ballot ~~in a school district~~ at a primary or general election for electoral
9 approval of increased levy authority under subdivision a or b, after June 30,
10 2013, must be stated as a specific number of mills of general fund levy
11 authority and must include a statement that the statutory school district
12 general fund levy limitation is seventy mills on the dollar of the taxable
13 valuation of the school district.
- 14 f. The authority for an unlimited levy approved by electors of a school district before
15 July 1, 2009, is terminated effective for taxable years after 2015. If the electors of
16 a school district subject to this subsection have not approved a levy of up to a
17 specific number of mills under this section by December 31, 2015, the school
18 district levy limitation for subsequent years is subject to the limitations under
19 section 57-15-01.1 or this section.
- 20 2. a. The question of authorizing or discontinuing such specific number of mills
21 authority in any school district must be submitted to the qualified electors at the
22 next ~~regular~~ primary or general election upon resolution of the school board or
23 upon the filing with the school board of a petition containing the signatures of
24 qualified electors of the district equal in number to ten percent of the number of
25 electors who cast votes in the most recent election of board members in the
26 school district. No fewer than twenty-five signatures are required.
- 27 b. The approval of discontinuing such authority does not affect the tax levy in the
28 calendar year in which the election is held.
- 29 e. ~~The election must be held in the same manner and subject to the same~~
30 ~~conditions as provided in this section for the first election upon the question of~~
31 ~~authorizing the mill levy.~~

1 **(Effective after the first two taxable years beginning after December 31, 2012) General**

2 **fund levy limitations in school districts.** The aggregate amount levied each year for the
3 purposes listed in section 57-15-14.2 by any school district, except the Fargo school district,
4 may not exceed the amount in dollars which the school district levied for the prior school year
5 plus twelve percent up to a general fund levy of one hundred eighty-five mills on the dollar of
6 the taxable valuation of the district, except that:

7 1. In any school district having a total population in excess of four thousand according to
8 the last federal decennial census there may be levied any specific number of mills that
9 upon resolution of the school board has been submitted to and approved by a majority
10 of the qualified electors voting upon the question at any ~~regular~~primary or ~~special-~~
11 ~~school-district~~general election.

12 2. In any school district having a total population of fewer than four thousand, there may
13 be levied any specific number of mills that upon resolution of the school board has
14 been approved by fifty-five percent of the qualified electors voting upon the question at
15 any ~~regular~~primary or ~~special-school~~general election.

16 3. After June 30, 2009, in any school district election for approval by electors of
17 increased levy authority under subsection 1 or 2, the ballot must specify the number of
18 mills proposed for approval, and the number of taxable years for which that approval is
19 to apply. After June 30, 2009, approval by electors of increased levy authority under
20 subsection 1 or 2 may not be effective for more than ten taxable years.

21 4. The authority for a levy of up to a specific number of mills under this section approved
22 by electors of a school district before July 1, 2009, is terminated effective for taxable
23 years after 2015. If the electors of a school district subject to this subsection have not
24 approved a levy for taxable years after 2015 of up to a specific number of mills under
25 this section by December 31, 2015, the school district levy limitation for subsequent
26 years is subject to the limitations under section 57-15-01.1 or this section.

27 5. The authority for an unlimited levy approved by electors of a school district before
28 July 1, 2009, is terminated effective for taxable years after 2015. If the electors of a
29 school district subject to this subsection have not approved a levy of up to a specific
30 number of mills under this section by December 31, 2015, the school district levy

1 limitation for subsequent years is subject to the limitations under section 57-15-01.1 or
2 this section.

3 The question of authorizing or discontinuing such specific number of mills authority in any
4 school district must be submitted to the qualified electors at the next ~~regular~~primary or general
5 election upon resolution of the school board or upon the filing with the school board of a petition
6 containing the signatures of qualified electors of the district equal in number to ten percent of
7 the number of electors who cast votes in the most recent election of board members in the
8 school district. However, not fewer than twenty-five signatures are required. However, the
9 approval of discontinuing such authority does not affect the tax levy in the calendar year in
10 which the election is held. ~~The election must be held in the same manner and subject to the~~
11 ~~same conditions as provided in this section for the first election upon the question of authorizing~~
12 ~~the mill levy.~~

13 **SECTION 130. AMENDMENT.** Section 57-15-14.5 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **57-15-14.5. (Effective for the first two taxable years beginning after December 31,**
16 **2012) Long-distance learning and educational technology levy.**

17 On July 1, 2013, each school district shall transfer any balance remaining in its
18 long-distance learning and educational technology fund to the general fund of the school
19 district.

20 **(Effective after the first two taxable years beginning after December 31, 2012)**
21 **Long-distance learning and educational technology levy - Voter approval.**

- 22 1. The school board of a public school district may, upon approval by a majority vote of
23 the qualified electors of the school district voting on the question at any ~~regular~~primary
24 or ~~special~~general election, dedicate a tax levy for purposes of this section not to
25 exceed five mills on the dollar of taxable valuation of property within the district.
- 26 2. All revenue accruing from the levy under this section must be used only for purposes
27 of establishing and maintaining long-distance learning and purchasing and maintaining
28 educational technology. For purposes of this section, educational technology includes
29 computer software, computers and computer networks, other computerized
30 equipment, which must be used for student instruction, and the salary of a staff person
31 to supervise the use and maintenance of educational technology.

- 1 3. If the need for the fund terminates, the governing board of the public school district
2 shall order the termination of the levy and shall transfer the remaining balance to the
3 general fund of the school district.

4 **SECTION 131. AMENDMENT.** Subsection 1 of section 57-15-16 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 1. The governing body of any school district shall levy taxes annually for a school
7 building fund, not in excess of twenty mills, which levy is in addition to and not
8 restricted by the levy limitations prescribed by law, when authorized to do so by sixty
9 percent of the qualified electors voting upon the question at a ~~regular~~primary or
10 ~~special~~general election in any school district. The governing body of the school district
11 may create the building fund by appropriating and setting up in its budget for an
12 amount not in excess of twenty percent of the current annual appropriation for all other
13 purposes combined, exclusive of appropriations to pay interest and principal of the
14 bonded debt, and not in excess of the limitations prescribed by law. If a portion or all of
15 the proceeds of the levy have been allocated by contract to the payment of rentals
16 upon contracts with the state board of public school education as administrator of the
17 state school construction fund, the levy must be made annually by the governing body
18 of the school district until the full amount of all such obligations is fully paid. Any
19 portion of a levy for a school building fund which has not been allocated by contract
20 with the state board of public school education must be allocated by the governing
21 body pursuant to section 57-15-17. Upon the completion of all payments to the state
22 school construction fund, or upon payment and cancellation or defeasance of the
23 bonds, the levy may be discontinued at the discretion of the governing body of the
24 school district, or upon petition of twenty percent of the qualified electors who voted in
25 the last ~~school~~ election of board members in the school district, the question of
26 discontinuance of the levy must be submitted to the qualified electors of the school
27 district at any ~~regular~~primary or ~~special~~general election and, upon a favorable vote of
28 sixty percent of the qualified electors voting, the levy must be discontinued. Any school
29 district, executing a contract or lease with the state board of public school education or
30 issuing general obligation bonds, which contract or lease or bond issue requires the
31 maintenance of the levy provided in this section, shall immediately file a certified copy

1 of the contract, lease, or bond issue with the county auditor or auditors of the county or
2 counties in which the school district is located. The county auditor or auditors shall
3 register the contract, lease, or bond issue in the bond register in substantially the
4 manner provided in section 21-03-23. Upon the filing of the contract, lease, or bond
5 issue with the county auditor or auditors, the school district may not discontinue the
6 levy and the levy must automatically be included in the tax levy of the school district
7 from year to year by the county auditor or auditors until a sufficient sum of money has
8 been collected to pay to the state treasurer for the retirement of all obligations of the
9 school district with the state board of public school education or to pay to the
10 custodian of the bond sinking fund all amounts due or to become due on the bonds.

11 **SECTION 132. AMENDMENT.** Section 57-15-22.2 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **57-15-22.2. Levy of taxes for township legal contingency fund.**

14 Upon presentation of a petition signed by twenty-five percent of the qualified electors in an
15 organized or unorganized township voting in the last gubernatorial election, the governing body
16 of an organized township or the board of county commissioners, for unorganized townships,
17 ~~may call a special election for the purpose of voting on the question of authorizing an excess~~
18 ~~levy on property within the township for the current year and not to exceed four succeeding~~
19 ~~years, or may submit the question of authorizing an excess levy on property within the township~~
20 for the current year and not to exceed four succeeding years to the qualified electors at the next
21 regular township election, for organized townships, or at the next regular election, for
22 unorganized townships. ~~If a special election is called, the election must be held not later than~~
23 ~~September first of the year in which the tax is to be levied, and the election must be conducted~~
24 ~~as other elections of the political subdivision are conducted.~~ The levy permitted by this section
25 may not exceed the limitation in subsection 5.1 of section 57-15-20.2. Revenues from the levy
26 must be deposited in a special fund in the township or county treasury known as the legal
27 contingency fund. Revenue in the fund may be used only for purposes of expenses of legal
28 actions authorized or entered into by the governing body of the township or the county, on
29 behalf of unorganized townships. If sixty percent of all votes cast on the question of authorizing
30 the excess levy of taxes for the legal contingency fund are in favor of the excess levy, it is
31 authorized and the county auditor shall extend such excess levy upon the tax list with other

1 taxes. Upon expiration of any mill levy authorized by this section, the governing body of the
2 township or county may, by resolution, transfer any unobligated balance in the legal contingency
3 fund to the general fund of the township or county.

4 **SECTION 133. AMENDMENT.** Section 57-15-38 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **57-15-38. Tax levy for construction fund in cities.**

7 The governing body of any city may levy annually for a period not to exceed ten successive
8 years, for a construction fund, a tax not exceeding the limitation in subsection 19 of section
9 57-15-10, when authorized to do so by sixty percent of the electors voting upon the question at
10 a ~~regular~~primary or ~~special~~general election in any city which, at the time of making the annual
11 levy, has no outstanding unpaid certificates of indebtedness, and in which the limitation of levy
12 has not been increased from the basic mill rate. The construction fund must be used for paying
13 all or part of the construction of waterworks systems, sewage systems, public buildings, or any
14 other public improvements for which cities are authorized by law to pay for from general tax
15 levies, and the governing body of any city, when submitting to the electors of the city, the
16 question of authorizing the tax levy, shall specify the purposes for which the construction fund is
17 to be used. The governing body of the city may create the building fund by appropriating and
18 setting up in its budget, for an amount not in excess of twenty percent of the current annual
19 appropriation for all other purposes combined, exclusive of the appropriations to pay interest
20 and principal of the bonded debt, and not in excess of the limitations prescribed by law.

21 **SECTION 134. AMENDMENT.** Section 57-15-42 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **57-15-42. City fire department reserve fund levy.**

24 The governing body of any city, when authorized by sixty percent of the electors voting on
25 the question in a ~~regular~~primary or ~~special~~general election called by the governing body, may
26 levy taxes annually, not exceeding the limitation in subsection 20 of section 57-15-10 for a fire
27 department building or equipment reserve fund. The proceeds of the levy must be placed in a
28 separate fund known as the fire department reserve fund and must be used exclusively for the
29 purchase of necessary firefighting equipment or fire department building. No levy may be made
30 under this section during any period in which the moneys in the fund equal or exceed an

1 amount equal to the sum that would be produced by a levy of thirty mills upon the taxable
2 valuation of the city.

3 **SECTION 135. AMENDMENT.** Section 57-15-50 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **57-15-50. Levy authorized for county emergency medical service.**

6 Upon petition of ten percent of the number of qualified electors of the county voting in the
7 last election for governor or upon its own motion, the board of county commissioners of each
8 county shall levy annually a tax not exceeding the limitation in subsection 23 of section
9 57-15-06.7, for the purpose of subsidizing county emergency medical services; provided, that
10 this tax must be approved by a majority of the qualified electors of the county voting on the
11 question at a ~~regular~~primary or ~~special countywide~~general election. The county may budget, in
12 addition to its annual operating budget for subsidizing emergency medical service, no more
13 than ten percent of its annual operating budget as a depreciation expense to be set aside in a
14 dedicated emergency medical services sinking fund deposited with the treasurer for the
15 replacement of equipment and ambulances. The ten percent emergency medical services
16 sinking fund must be in addition to the annual operating budget for subsidization, but the total of
17 the annual operating budget and the annual ten percent emergency medical services sinking
18 fund may not exceed the approved mill levy. If the county contains a rural ambulance service
19 district or rural fire protection district that levies for and provides emergency medical service, the
20 property within that district is exempt from the county tax levy under this section upon notice
21 from the governing body of the district to the board of county commissioners of the existence of
22 the district.

23 **SECTION 136. AMENDMENT.** Section 57-15-51 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **57-15-51. Levy authorized for city emergency medical service.**

26 Upon petition of ten percent of the number of qualified electors of the city voting in the last
27 election for governor or upon its own motion, the governing body of a city shall levy annually a
28 tax of not to exceed ten mills upon its taxable valuation, for the purpose of subsidizing city
29 emergency medical services; provided, that such tax must be approved by a majority of the
30 qualified electors of the city voting on the question at a ~~regular~~primary or ~~special city~~general
31 election. Whenever a tax for county emergency medical services is levied by a county, any city

1 levying a tax for, or subsidizing city emergency medical services, shall upon written application
2 to the county board of such county be exempted from such county tax levy. The city may set
3 aside, as a depreciation expense, up to ten percent of its annual emergency medical service
4 operating or subsidization budget in a dedicated emergency medical services sinking fund,
5 deposited with the auditor for replacement of equipment and ambulances. The ten percent
6 emergency medical services sinking fund may be in addition to the actual annual emergency
7 medical services budget but the total of the annual emergency medical services budget and the
8 annual ten percent emergency medical services fund may not exceed the approved mill levy.

9 **SECTION 137. AMENDMENT.** Section 57-15-51.1 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **57-15-51.1. Levy authorized for township emergency medical service.**

12 Pursuant to a vote of sixty percent of the qualified electors voting at the annual township
13 meeting, or at a ~~special~~primary or general election called for that purpose upon petition of fifty
14 percent of the number of qualified electors of the township voting in the last election for
15 governor, the board of township supervisors shall levy annually a tax approved by the qualified
16 electors not exceeding the limitation in subsection 7 of section 57-15-20.2 for the purpose of
17 subsidizing township emergency medical service.

18 **SECTION 138. AMENDMENT.** Section 57-15-53 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **57-15-53. Tax levy for police department stations.**

21 Upon approval of a majority of the electors voting thereon at any ~~regular election~~primary or
22 ~~special~~general election called for such purpose, the governing body of any city may levy taxes
23 annually, not exceeding the limitation in subsection 24 of section 57-15-10, for the purpose of
24 providing additional funds to meet the operational, maintenance, and construction costs of
25 establishing stations for police protection services and correctional facilities. The proceeds of
26 this levy must be placed in a separate fund known as the police station and correctional facility
27 fund. No levy may be made under this section during any period in which the moneys to the
28 fund equal or exceed an amount equal to the sum that would be produced by a levy of ten mills
29 upon the taxable valuation of the city making the levy.

30 **SECTION 139. AMENDMENT.** Section 57-15-54 of the North Dakota Century Code is
31 amended and reenacted as follows:

1 **57-15-54. Destruction of weeds along highways - Election to be held on question -**
2 **Tax levy.**

3 Upon resolution by the board of county commissioners, or upon petition by ten percent of
4 the number of qualified electors residing in the county or a county commissioner district who
5 voted for governor at the last general election, the ~~board of county commissioners shall submit~~
6 ~~the question of a tax levy to cover all costs of cutting or otherwise destroying all weeds, plants,~~
7 ~~or grass growing along all county or township roads in the county or county commissioner~~
8 ~~district must be submitted to the qualified electors of the county or county commissioner district~~
9 ~~at the next countywide primary or general or special election. If a majority of the qualified~~
10 ~~electors voting thereon approve, a tax must be levied not exceeding the limitation in~~
11 ~~subsection 24 of section 57-15-06.7.~~

12 **SECTION 140. AMENDMENT.** Section 57-15-57 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **57-15-57. Levy for county welfare.**

15 The board of county commissioners, when authorized by sixty percent of the qualified
16 electors voting on the question in a ~~regular election~~primary or special~~general~~ election ~~called by~~
17 ~~the county commissioners,~~ may levy an annual tax not exceeding the limitation in subsection 26
18 of section 57-15-06.7 for county welfare purposes. The proceeds of this levy must be used
19 solely and exclusively for county welfare purposes, as determined by the county social service
20 board. The levy may be discontinued at the discretion of the county commissioners or, upon
21 petition of five percent of the qualified electors of ~~such~~the county, the question of
22 discontinuance of the levy must be submitted to the qualified electors of the county at any
23 ~~regular~~primary or special~~general~~ election and, upon a favorable vote of sixty percent of the
24 qualified electors voting, the levy must be discontinued.

25 **SECTION 141. AMENDMENT.** Section 57-17-02 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **57-17-02. Election to authorize excess levy of taxes.**

28 Upon the passage of the resolution authorized in section 57-17-01, the governing body of
29 any political subdivision mentioned in ~~such~~that section may ~~call a special election for the~~
30 ~~purpose of voting upon the question of authorizing an excess levy for the current year and not~~
31 ~~to exceed one succeeding year, or may submit the question to the voters at the regular primary~~

1 election. If a special election is called, such election must be held not later than September
2 twentieth of the year in which the tax is to be levied, and, except as otherwise provided in this
3 chapter, the election must be conducted as other elections of such political subdivision are
4 conducted.

5 **SECTION 142. AMENDMENT.** Section 57-19-09 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **57-19-09. (Effective through June 30, 2015) When fund may be transferred.**

8 Any school district which has heretofore by mistake, or for any other reason, considered all
9 or any part of a special reserve fund, as provided for in chapter 57-19, in determining the
10 budget for the school district which has deducted all or any part of the funds in such special
11 reserve fund from the amount necessary to be levied for any school fiscal year, may transfer
12 from the special reserve fund into the general fund all or any part of such amounts which have
13 been so considered contrary to the provisions of section 57-19-05.

14 **(Effective after June 30, 2015) When fund may be transferred.** Any school district which
15 has heretofore by mistake, or for any other reason, considered all or any part of a special
16 reserve fund, as provided for in chapter 57-19, in determining the budget for the school district
17 which has deducted all or any part of the funds in such special reserve fund from the amount
18 necessary to be levied for any school fiscal year, may transfer from the special reserve fund into
19 the general fund all or any part of such amounts which have been so considered contrary to the
20 provisions of section 57-19-05. Any school district special reserve fund and the tax levy therefor
21 may be discontinued by a vote of sixty percent of the electors of the school district voting upon
22 the question at any ~~special~~primary or general election. Any moneys remaining unexpended in
23 such special reserve fund must be transferred to the building or general fund of the school
24 district. The discontinuance of a special reserve fund ~~shall~~may not decrease the school district
25 tax levies otherwise provided for by law by more than twenty percent. A special reserve fund
26 and the tax levy therefor which has been discontinued may be reinstated by a vote of sixty
27 percent of the electors of the school district voting upon the question at any ~~special~~primary or
28 general election.

29 **SECTION 143. AMENDMENT.** Subsection 2 of section 57-40.6-02 of the North Dakota
30 Century Code is amended and reenacted as follows:

1 2. The question of the adoption of the fee must be submitted on a petition on which the
2 petition title of the proposition includes the maximum monthly rate of the proposed fee
3 authorized under subsection 1. The question of the adoption of the fee may be
4 submitted to electors at a primary or general, ~~primary, or special~~ election ~~or at a school-~~
5 ~~district election if the boundaries of the school district are coterminous with the~~
6 ~~boundaries of the governing body adopting the resolution proposing the adoption of~~
7 ~~the fee.~~ The fee is not effective unless it is approved by a majority of the electors
8 voting on the proposition. The ballot must be worded so that a "yes" vote authorizes
9 imposition of the fee.

10 **SECTION 144. AMENDMENT.** Subsection 3 of section 57-40.6-02 of the North Dakota
11 Century Code is amended and reenacted as follows:

12 3. Once established by this section, the maximum fee may be increased, decreased, or
13 eliminated by a majority vote of the electors. The question may be placed on the ballot
14 of any primary or general, ~~primary, or special~~ election by a resolution of the governing
15 body, or by a petition signed by ten percent or more of the total number of qualified
16 electors of the political subdivision voting for governor at the most recent gubernatorial
17 election and submitted to the governing body. By action of the governing body, the fee
18 amount collected may be adjusted, subject to the maximum approved by the voters, to
19 meet the costs allowed by this chapter.

20 **SECTION 145. REPEAL.** Sections 11-13-16, 15.1-09-09, 15.1-09-10, 15.1-09-11,
21 15.1-09-12, 15.1-09-13, 15.1-09-14, 15.1-09-15, 15.1-09-18, 15.1-09-19, 15.1-09-20,
22 15.1-09-21, 15.1-09-22, 15.1-09-23, 15.1-09-24, 16.1-13-12, 16.1-13-13, 16.1-13-14,
23 16.1-13-15, 16.1-13-16, 16.1-13-17, 40-21-05, 40-21-11, and 40-21-16 of the North Dakota
24 Century Code are repealed.

25 **SECTION 146. EFFECTIVE DATE.** This Act becomes effective January 1, 2017.