

Introduced by

Senators Miller, Unruh

Representatives Rick C. Becker, Boehning, Rohr, Schatz

1 A BILL for an Act to amend and reenact sections 15-20.2-04, 15-20.2-06, and 15-20.2-13,
2 subsection 1 of section 15.1-07-02, subsection 2 of section 15.1-07-03, sections 15.1-09-01 and
3 15.1-09-02, subsection 2 of section 15.1-09-05, sections ~~15.1-09-07~~, 15.1-09-08, ~~15.1-09-12~~,
4 ~~15.1-09-14~~, ~~15.1-09-15~~, ~~15.1-09-16~~, ~~15.1-09-17~~, ~~15.1-09-18~~, ~~15.1-09-20~~, ~~15.1-09-21~~ 15.1-09-09,
5 15.1-09-13, 15.1-09-22, and 15.1-09-23, subsection 1 of section 15.1-09-30, section
6 15.1-09-31, subsection 34 of section 15.1-09-33, ~~subsections~~ subsection ~~3 and 4~~ of section
7 15.1-09-39, and subsection 1 of section 15.1-29-03, ~~and section 16.1-16-01~~ of the North Dakota
8 Century Code, relating to school district elections; and to repeal ~~sections~~ section 15.1-09-03,
9 ~~15.1-09-09~~, ~~15.1-09-10~~, ~~15.1-09-13~~, ~~15.1-09-19~~, ~~15.1-09-22~~, ~~and 15.1-09-24~~ of the North
10 Dakota Century Code, relating to school ~~district elections~~ board changes in terms of office.

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

12 **SECTION 1. AMENDMENT.** Section 15-20.2-04 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15-20.2-04. Center boards - Appointment of members - Terms - Compensation -**
15 **Vacancies.**

16 An area career and technology center must be operated by a center board of not less than
17 five members nor more than a total of one member for each participating district; provided,
18 however, that each participating school district with three hundred or more high school students
19 must be allowed one member for each three hundred high school students or fraction thereof
20 with a limitation of not more than three members from any one school district. Center board
21 members must be members of the school boards. The terms of office of the members of center
22 boards must be for ~~at least one year~~ two years and terminate upon the expiration of their terms
23 on their respective school boards. Members are eligible for reappointment to center boards.
24 Center board members shall receive the same compensation and expenses for attending center

1 board meetings or for otherwise engaging in official business for the center as provided in
2 section 15.1-09-06 for members of school boards. Compensation and expenses of center board
3 members must be paid out of center funds.

4 Vacancies on a center board must be filled by the school board whose representation was
5 lost when the vacancy occurred.

6 **SECTION 2. AMENDMENT.** Section 15-20.2-06 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15-20.2-06. Meetings of center boards - Election of officers - Quorum.**

9 The initial organizational meeting of a center board must be called and conducted by the
10 chairman of the state board, and thereafter a center board shall meet monthly. At the next
11 meeting following the ~~annual~~biennial organizational meeting of the school boards, the officers of
12 a center board ~~for the current school year~~ must be selected. The officers of a center board must
13 be a chairman and a vice chairman, who may not be from the same school district. The
14 chairman shall preside at all meetings of a center board and in the chairman's absence the vice
15 chairman shall preside. Each center board member is entitled to one vote. A majority of the
16 members of a center board constitutes a quorum. Any motion or resolution may be adopted only
17 by a majority vote of the members of the center board.

18 **SECTION 3. AMENDMENT.** Section 15-20.2-13 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **15-20.2-13. Referendum on district participation in area center - Majority required for**
21 **approval.**

22 A school district board may not proceed to obtain approval as a participating district in an
23 area career and technology center if a petition for referendum of the question of said school
24 district participating in an area career and technology center signed by twenty percent of the
25 qualified electors of said school district voting at the last ~~annual~~regular school election is filed
26 with the school board within sixty days of the publication of the resolution provided for in section
27 15-20.2-12. When such petition is filed, the school board may not obtain approval as a
28 participating district in an area career and technology center until the question of whether the
29 district shall enter into an area career and technology center has been submitted to the qualified
30 electors of the district. If a majority of the total number of votes cast on the question within the

1 school district is in favor of the question, the school board may proceed to obtain approval as a
2 participating district in an area career and technology center.

3 **SECTION 4. AMENDMENT.** Subsection 1 of section 15.1-07-02 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 1. In order for the name of a school district to be changed, the question must be placed
6 before and approved by a majority of the district's qualified voters at a district election.
7 The school board may place the question on the ballot by resolution and shall place
8 the question on the ballot if it receives a petition signed by qualified electors of the
9 district equal in number to at least one-third of those who voted at the most recent
10 ~~annual~~regular school district election.

11 **SECTION 5. AMENDMENT.** Subsection 2 of section 15.1-07-03 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 2. The board of a school district shall place on the ballot of the next regular or special
14 election the question of increasing the district's limit of indebtedness, beyond that fixed
15 by the constitution, by five percent of the assessed valuation of all taxable property in
16 the district, if the board receives a petition requesting the increase and signed by
17 qualified electors of the district equal in number to at least one-third of those who
18 voted at the most recent ~~annual~~regular school district election.

19 **SECTION 6. AMENDMENT.** Section 15.1-09-01 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-09-01. School board membership - Size and term adjustments.**

22 1. The board of a school district must be composed of five, seven, or nine members.
23 2. The size of a school board may be increased to seven or nine members or decreased
24 to seven or five members if a petition is signed by qualified electors of the school
25 district equal in number to at least one-third of those who voted at the most recent
26 ~~annual~~regular school district election and the change is approved by a majority of the
27 qualified electors of the school district voting on the question at a special election
28 called for that purpose.
29 3. If a majority of the qualified voters in a school district elect to increase the size of the
30 school board, the additional members must be elected to the board at the next
31 ~~annual~~regular school district election in the same manner as other board members.

- 1 a. If the total number of board members after approval of the increase is seven, the
2 terms of three members extend until the first annual regular election, ~~the terms of~~
3 ~~two members extend until the second annual election,~~ and the terms of the
4 remaining ~~two~~four members extend until the ~~third annual~~second regular election
5 after the increase.
- 6 b. If the total number of board members after approval of the increase is nine, the
7 terms of ~~three~~four members extend until the first annual regular election, ~~the~~
8 ~~terms of three members extend until the second annual election,~~ and the terms of
9 the remaining ~~three~~five members extend until the ~~third annual~~second regular
10 election after the increase.
- 11 c. The length of the terms specified in this subsection must be determined by lot.
- 12 d. All board members shall serve for the terms specified in this subsection and until
13 their successors are elected and qualified.
- 14 e. The length of any term in existence before the increase in board membership and
15 held by a board member who is duly qualified may not be modified.
- 16 f. Terms subsequent to the first term are for the normal period of ~~three~~four years
17 and extend until a successor is elected and qualified.
- 18 4. ~~If on July 1, 2005, the board of any school district contains only three members, the~~
19 ~~board must be increased to five members and the additional members must be~~
20 ~~elected at the next annual school district election, in the same manner as other board~~
21 ~~members. The initial term of one additional member must be one year and the initial~~
22 ~~term of the other additional member must be two years. The length of the terms~~
23 ~~specified in this subsection must be determined by lot. Thereafter, the size of the~~
24 ~~board may be increased in accordance with subsections 2 and 3.~~
- 25 5. The voters of a school district shall elect school board members at large. If, however,
26 the district has been reorganized, board members may be elected at large, by
27 geographical area, or at large by geographical area.
- 28 6-5. An election on a reorganization proposal takes the place of the petition and election
29 requirements of this section. Approval of the reorganization proposal has the same
30 effect as if the approval were by the election provided for in this section.

1 ~~7.6.~~ If the qualified electors of a district approve a reduction in the size of the school board,
2 the excess number of members will serve out existing terms until the number
3 approved by the electors has been reached.

4 ~~8.~~ If the board of a school district has elected to convert its members' terms to four years
5 and has also increased the number of its board members, the board by lot or by some
6 other random selection method shall provide for a combination of initial terms of office
7 not to exceed four years for the new members. The combination must equalize to the
8 greatest extent possible the number and length of terms for old board members and
9 for new members to be elected during the next three election years. The members'
10 terms must be staggered and must expire in even-numbered years.

11 ~~9.7.~~ Notwithstanding the provisions of this section, the board of education of the city of
12 Fargo consists of nine members.

13 **SECTION 7. AMENDMENT.** Section 15.1-09-02 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **15.1-09-02. School boards - Terms of office.**

16 The term of each elected member of a school board is ~~three~~four years, except when the
17 member is completing the unexpired term of another. The term of office for a school board
18 member begins at the ~~annual~~organizational meeting in July following the member's election and
19 continues until a successor is elected and qualified. Each school board that has members
20 whose terms expire in 2017 shall conduct a special election in 2017 ~~on the second Tuesday in~~
21 ~~June~~. The school board, by coin flip, shall determine which positions to be filled in 2017 are for
22 one year and which positions are for three years so that, as nearly as is practicable, one-half of
23 the members are elected at each regular election.

24 **SECTION 8. AMENDMENT.** Subsection 2 of section 15.1-09-05 of the North Dakota
25 Century Code is amended and reenacted as follows:

26 2. The board of a school district shall fill by appointment or special election any vacant
27 seat on the board. The term of an individual selected by appointment or special
28 election to fill a vacancy extends until a successor is elected and qualified at the next
29 ~~annual~~regular election. If a school board fails to fill a vacancy by appointment or fails
30 to call a special election to fill a vacancy within sixty days from the time the vacancy
31 occurred, the county superintendent shall call a special election to fill the vacancy. The

1 election must be conducted in the same manner as the annual~~regular~~ school district
2 election.

3 ~~SECTION 9. AMENDMENT.~~ Section 15.1-09-07 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 ~~15.1-09-07. School district election - Conduct - Agreements with counties.~~

6 ~~Unless otherwise provided by law, a~~

7 ~~1. A regular biennial school district election must be held on the second Tuesday in June~~
8 ~~of each even-numbered year.~~

9 ~~2. The board of each school district election must be conducted and the votes must be~~
10 ~~canvassed in the same manner as in the election of county officers~~~~shall enter an~~
11 ~~agreement with the board of county commissioners of the county or counties in which~~
12 ~~the district lies concerning the use of a single canvassing board, the printing of~~
13 ~~election materials, the publishing of legal notices, and the apportioning of election~~
14 ~~expenses. The notice of the election must be published in the official newspaper of the~~
15 ~~district and must state the time and place of the election and the purpose of the vote.~~

16 ~~3. The board of each school district shall notify the county auditor, in writing, immediately~~
17 ~~after the candidate filing deadline of the offices to be filled at the election, the name of~~
18 ~~each candidate, and any measure to appear on the ballot.~~

19 ~~4. For any special school election not held in conjunction with a statewide election,~~
20 ~~the board of the school district shall conduct the election and canvass the votes in the~~
21 ~~same manner as the regular school election unless otherwise provided in this chapter.~~
22 ~~The board shall appoint two election judges and two election clerks for each polling~~
23 ~~place. Before opening the polls, the judges and clerks shall take an affirmation or oath~~
24 ~~to perform the duties of judge or clerk according to law. The affirmation or oath may be~~
25 ~~administered by any officer authorized to administer oaths or by any of the judges or~~
26 ~~clerks.~~

27 **SECTION 9. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **15.1-09-08. School district elections - Candidate filings.**

30 An individual seeking election to the board of a school district shall prepare and sign a
31 document stating the individual's name and the position for which that individual is a candidate.

1 A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether-
2 or not the election is held in conjunction with a statewide election, these The documents must be
3 filed with the school district business manager, or mailed to and in the possession of the
4 business manager, by four p.m. of the sixty-fourth day before the election.

5 ~~— **SECTION 11. AMENDMENT.** Section 15.1-09-12 of the North Dakota Century Code is
6 amended and reenacted as follows:~~

7 ~~— **15.1-09-12. School district special elections -- Poll hours.**~~

8 ~~— TheFor any special school election not held in conjunction with a statewide election, the
9 school board shall determine the time at which polls must open and close for school district
10 elections. Polls may open at any time after seven a.m. and must be open by eleven a.m. Polls
11 must remain open until seven p.m. and may remain open until eight p.m. In Fargo school district
12 elections, polls must open and close at the times required for city elections.~~

13 ~~— **SECTION 12. AMENDMENT.** Section 15.1-09-14 of the North Dakota Century Code is
14 amended and reenacted as follows:~~

15 ~~— **15.1-09-14. School district special election -- Vote tally.**~~

16 ~~— UponFor any special election not held in conjunction with a statewide election, upon the
17 closing of the polls, the judges shall count and canvass the votes for each office. At the
18 conclusion of the canvass of votes on election night, the judges and clerks of the election shall
19 sign the returns and file them with the business manager of the school district. However, if the
20 election is held under an agreement with a city or county pursuant to sections 15.1-09-22 and
21 15.1-09-24, the returns must be canvassed and the winners declared as set out in the
22 agreement.~~

23 ~~— **SECTION 13. AMENDMENT.** Section 15.1-09-15 of the North Dakota Century Code is
24 amended and reenacted as follows:~~

25 ~~— **15.1-09-15. School district special election -- Declaration of winner.**~~

26 ~~— OnFor any special election not held in conjunction with a statewide election, on the sixth
27 day after the election, the school board shall meet to canvass all election returns and shall
28 declare the result of an election and, in the case of a tie, within three days from the
29 determination of a winner. However, if the election is held under an agreement with a city or
30 county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the~~

1 winners declared as set out in the agreement. The individual receiving the highest number of
2 votes for an office must be declared elected. The board shall record the result of the election.

3 ~~— **SECTION 14. AMENDMENT.** Section 15.1-09-16 of the North Dakota Century Code is~~
4 ~~amended and reenacted as follows:~~

5 ~~— **15.1-09-16. School district election – Tie breaker.**~~

6 ~~— If the any school election results in a tie, the business manager of the district shall notify, in~~
7 ~~writing, the candidates between whom the tie exists. Within three days after the canvass of the~~
8 ~~election by the school board, at a time agreed upon by the candidates, the election must be~~
9 ~~decided in the presence of the judges and clerks of the election business manager and the~~
10 ~~county auditor, by a drawing of names. A candidate involved in a tie vote may withdraw the~~
11 ~~candidate's name from consideration if the candidate is willing to sign a statement to that effect~~
12 ~~in the presence of and witnessed by the filing officer of the election business manager. If no~~
13 ~~candidates remain, the office is to be filled according to the rules of filling an office when a~~
14 ~~vacancy exists. The school district business manager shall make and keep a record of the~~
15 ~~proceedings.~~

16 ~~— **SECTION 15. AMENDMENT.** Section 15.1-09-17 of the North Dakota Century Code is~~
17 ~~amended and reenacted as follows:~~

18 ~~— **15.1-09-17. Notification of elected individuals – Notice to county superintendent of**~~
19 ~~**schools.**~~

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

25 ~~— **SECTION 16. AMENDMENT.** Section 15.1-09-18 of the North Dakota Century Code is~~
26 ~~amended and reenacted as follows:~~

27 ~~— **15.1-09-18. School district election – Absentee ballots – Recounts.**~~

28 ~~— Absentee ballots must be available in any school district election in accordance with chapter~~
29 ~~16.1-07. Section 16.1-16-01 applies to school district elections, except:~~

1 ~~1. The members of the school board not subject to a recount and not disqualified under~~
2 ~~subdivision c of subsection 2 of section 16.1-05-02 shall perform the duties of the~~
3 ~~recount board;~~

4 ~~2. The school district business manager shall perform the duties of the county auditor~~
5 ~~when the election is not combined with the county;~~

6 ~~3. The school board takes the place of the county canvassing board; and~~

7 ~~4. All expenses of the recount must be paid as provided in section 15.1-09-21.~~

8 ~~**SECTION 17. AMENDMENT.** Section 15.1-09-20 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~**15.1-09-20. Election officials – Compensation.**~~

11 ~~Election officials at school district special elections not held in conjunction with a statewide~~
12 ~~election are entitled to receive compensation as provided for election officials in section-~~
13 ~~16.1-05-05. The board of a school district holding the election shall provide for the~~
14 ~~compensation from school district funds.~~

15 ~~**SECTION 18. AMENDMENT.** Section 15.1-09-21 of the North Dakota Century Code is~~
16 ~~amended and reenacted as follows:~~

17 ~~**15.1-09-21. School district special elections – Expenses.**~~

18 ~~A school district is responsible for the payment of all expenses incurred as a result of a~~
19 ~~special school district election.~~

20 **SECTION 10. AMENDMENT.** Section 15.1-09-09 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **15.1-09-09. School district elections - Notice.**

23 Thirty days before the filing deadline for candidate names to be printed on the ballot, an
24 official notice of this deadline must be published in the official newspaper of the city or county.
25 At least fourteen days before the date of ~~an annual or special~~^a school district election, the
26 school board shall publish a notice in the official newspaper of the district stating the time and
27 place of the election and the purpose of the vote. If a school board agrees to hold the election in
28 conjunction with a primary election, the deadline for giving notice of the school district election
29 and the purpose of the vote must meet the publishing requirements of the county. The
30 governing body of the city of Fargo shall publish notice with respect to Fargo school district
31 elections.

1 | **SECTION 11. AMENDMENT.** Section 15.1-09-13 of the North Dakota Century Code is
2 | amended and reenacted as follows:

3 | **15.1-09-13. Election precincts - Polling places - Election officials.**

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

21 | **SECTION 12. AMENDMENT.** Section 15.1-09-22 of the North Dakota Century Code is
22 | amended and reenacted as follows:

23 | **15.1-09-22. School boards - ~~Annual~~Biennial elections - Poll books.**

- 24 | 1. ~~The~~In each even-numbered year, the board of a school district shall hold an election
25 | ~~each year~~ between April first and June thirtieth to fill all vacancies, including those
26 | caused by the expiration of terms of office.
- 27 | 2. Upon resolution of the school board, the ~~annual~~biennial election may be held in
28 | conjunction with the regular election of a city, as required by state law or by the home
29 | rule powers of the city, provided the city is located wholly or partially within the school
30 | district. The school board may agree with the governing body of the city to share
31 | election costs and responsibilities, including those associated with election personnel,

- 1 the printing of election materials, the publishing of legal notices, and the use of poll
2 books.
- 3 3. If a school board holds its election in conjunction with a city, references in this chapter
4 to the date of a school board election mean the date of the applicable city election.
- 5 4. If a school board holds its election in conjunction with a city and only one set of poll
6 books is used, the set must reference the voter's eligibility to vote in the city election,
7 in the school district election, or both.

8 **SECTION 13. AMENDMENT.** Section 15.1-09-23 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-09-23. School boards - Special elections.**

11 In addition to the ~~annual~~regular election, a special election may be held at any time and for
12 any lawful purpose, if approved by the school board.

13 **SECTION 14. AMENDMENT.** Subsection 1 of section 15.1-09-30 of the North Dakota
14 Century Code is amended and reenacted as follows:

- 15 1. Each school board shall hold an ~~initial~~organizational meeting during the month of July
16 following the ~~annual~~regular election. The president of the school board shall select a
17 meeting date that is convenient to the other board members and shall provide board
18 members with written notice of the meeting.

19 **SECTION 15. AMENDMENT.** Section 15.1-09-31 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **15.1-09-31. School board proceedings - Publication.**

22 Every two years, at the time of a school district's ~~annual~~regular election of board members,
23 the electors of the district shall determine whether a record of the board proceedings must be
24 published in the official newspaper of the district. If a majority of the electors voting on the
25 question approve the publication, the school district business manager shall provide for
26 publication of the school board proceedings, including an itemized list of obligations approved
27 for payment. If appropriate, the business manager shall require that the newspaper publishing
28 the board proceedings indicate that the published proceedings are subject to review and
29 revision by the board. The business manager shall ensure that the proceedings are published
30 within a reasonable time after each board meeting. A vote to approve the publication is effective
31 for a period of two years or until disapproved at a succeeding school district election.

1 **SECTION 16. AMENDMENT.** Subsection 34 of section 15.1-09-33 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 34. Designate, at its ~~annual~~biennial organizational meeting, a newspaper of general
4 circulation as the official newspaper of the district.

5 **SECTION 17. AMENDMENT.** Subsection 3 of section 15.1-09-39 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. If the superintendent approves the contract, the board shall submit the contract to the
8 electorate of the district, for approval, at an ~~annual~~regular or a special election.

9 ~~**SECTION 18. AMENDMENT.** Subsection 4 of section 15.1-09-39 of the North Dakota
10 Century Code is amended and reenacted as follows:~~

11 ~~4. The board shall publish notice of the special election in the official newspaper of
12 the district at least fourteen days before the election. The notice must include a
13 statement regarding the purpose of the election and the terms of the contract.~~

14 **SECTION 18. AMENDMENT.** Subsection 1 of section 15.1-29-03 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 1. After taking into account the best interests of all affected parties, the board of a school
17 district may elect to send its students to another school district. In this instance, the
18 board shall pay for the students' tuition and transportation. The board may arrange,
19 and when petitioned to do so by qualified electors of the district equal in number to at
20 least a majority of those who voted in the most recent ~~annual~~regular school district
21 election shall arrange, with other boards to send students to the other districts and to
22 pay for their tuition and transportation.

23 ~~**SECTION 20. AMENDMENT.** Section 16.1-16-01 of the North Dakota Century Code is
24 amended and reenacted as follows:~~

25 ~~**16.1-16-01. Election recounts.**~~

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

31 ~~1. A recount must be conducted when:~~

- 1 ~~———— a. Any individual failed to be nominated in a primary election by one percent or less~~
2 ~~of the highest vote cast for a candidate for the office sought.~~
- 3 ~~———— b. Any individual failed to be elected in a general or specialany election by one-half~~
4 ~~of one percent or less of the highest vote cast for a candidate for that office.~~
- 5 ~~———— c. A question, measure, or bond issue submitted to the qualified electors has been~~
6 ~~decided by a margin not exceeding one-fourth of one percent of the total vote~~
7 ~~cast for and against the question at any election.~~
- 8 ~~—— 2. A demand for a recount may be made by any of the following:~~
- 9 ~~———— a. Any individual who failed to be nominated in a primary election by more than one~~
10 ~~percent and less than two percent of the highest vote cast for a candidate for the~~
11 ~~office sought.~~
- 12 ~~———— b. Any individual who failed to be elected in a general or specialany election by~~
13 ~~more than one-half of one percent and less than two percent of the highest vote~~
14 ~~cast for a candidate for that office.~~
- 15 ~~—— 3. A demand for a recount must be made within three days after the canvass of the votes~~
16 ~~by the county canvassing board in the case of county elections, school district~~
17 ~~elections, and city elections that are combined with the county and by the state~~
18 ~~canvassing board in the case of presidential, congressional, state, judicial district,~~
19 ~~multicounty district, or legislative elections. The demand must be in writing, must recite~~
20 ~~one of the conditions in subsection 2 as a basis for the recount, must contain a bond~~
21 ~~in an amount previously established by the auditor or auditors doing the recount~~
22 ~~sufficient to pay the cost of the recount, and must be filed with:~~
- 23 ~~———— a. The secretary of state when the recount is for a congressional, state, district, or~~
24 ~~legislative office.~~
- 25 ~~———— b. The county auditor when the recount is for a county office, school district office,~~
26 ~~or city office when a city election is combined with the county.~~
- 27 ~~—— 4. Within four days after the canvass of the votes by the state canvassing board in the~~
28 ~~case of presidential, congressional, state, judicial district, multicounty district, or~~
29 ~~legislative elections, the secretary of state shall notify all the county auditors to~~
30 ~~conduct recounts as required by subsection 1 and, when a timely recount demand is~~
31 ~~received and it is in proper form, as required by subsection 2. The secretary of state~~

1 shall fix the date or dates of the recounts of legislative contests to be held within seven
2 days after giving notice to the affected auditors that recounts must be conducted. The
3 secretary of state shall fix the date or dates of the recounts of statewide races to be
4 held within fourteen days after giving notice to the auditors that recounts must be
5 conducted. Within four days after the canvass of votes by the county canvassing
6 board or other political subdivision canvassing board, the county auditor or other
7 political subdivision election official shall fix the date for recounts limited to the county,
8 those cities within the county which combined the election with the county, school
9 district, or other political subdivision. The date must be within eight days after the
10 canvass. In all recount proceedings, the county auditor or other election official, as
11 appropriate, shall send notice of the date, place, and time of the recount to all
12 candidates and petitioners involved by certified mail.

13 ~~5.~~ For recounts conducted by counties of federal, state, district, school district, and
14 county offices, measures, and questions, the county auditor must conduct the recount
15 and may employ up to four qualified electors of the county to assist in the recount. The
16 county auditor shall review all paper and electronic voting system ballots and
17 associated records, whether the ballots were counted at the precinct or the county
18 canvass, and all absentee ballots cast pursuant to section 16.1-07-09 to determine
19 which ballots were cast and counted according to the law, including that the ballots
20 were properly initialed and that the initials found on the ballots are verified as those of
21 the precinct election board members. The county auditor shall check the precinct
22 count and the count of the county canvassing board. If the county auditor is a
23 candidate involved in the recount, the county auditor is disqualified from acting
24 thereon, and the county recorder shall perform the duties required of the county
25 auditor by this section. For recounts conducted by political subdivisions other than
26 counties of local offices, measures, and questions, the election officer in a political
27 subdivision shall administer a recount in the same manner as is required under this
28 subsection for counties with respect to political subdivision ballot measures, questions,
29 or bond issues.

30 ~~6.~~ a. The individuals entitled to participate at the recount are:

- 1 ~~————— (1) Each candidate involved in the recount, either personally or by a~~
2 ~~representative.~~
- 3 ~~————— (2) A qualified elector favoring each side of a question if the recount involves a~~
4 ~~question or proposition submitted to a vote of the electorate.~~
- 5 ~~————— b. The individuals allowed to participate may challenge the acceptance or exclusion~~
6 ~~of any ballot. The individual challenging a ballot must state the reason for the~~
7 ~~challenge based upon the law, and the county auditor or other political~~
8 ~~subdivision election official shall count the challenged ballot as the auditor or~~
9 ~~election official determines proper and then shall set the ballot aside with a~~
10 ~~notation that it was challenged and how it was counted.~~
- 11 ~~———— 7. At the conclusion of the recount, the county auditor or other election official shall~~
12 ~~submit all challenged ballots to the recount board for decision. Except for political~~
13 ~~subdivision recounts other than counties, the recount board must be composed of the~~
14 ~~state's attorney of the county, the chairman of the board of county commissioners, and~~
15 ~~the county recorder. Unless otherwise specified by law, for a political subdivision other~~
16 ~~than a county, the governing body of the political subdivision shall appoint the recount~~
17 ~~board. An individual may not serve on the recount board if the individual has anything~~
18 ~~of value bet or wagered on the result of the election, is a candidate for the office being~~
19 ~~recounted, or is the husband, wife, father, mother, father-in-law, mother-in-law, son,~~
20 ~~daughter, son-in-law, daughter-in-law, brother, or sister, whether by birth or marriage,~~
21 ~~of the whole or the half blood, of any candidate involved in the recount. If any of the~~
22 ~~members of the recount board are disqualified or cannot serve for any other reason,~~
23 ~~the members of the board of county commissioners or other political subdivision~~
24 ~~governing body who would be qualified to serve on the board shall appoint~~
25 ~~disinterested qualified electors of the county or other political subdivision to serve as~~
26 ~~alternates. The recount board shall review all challenged ballots and on majority vote~~
27 ~~shall decide how those ballots are counted. The recount board is authorized to initial~~
28 ~~all absentee ballots cast under section 16.1-07-09 that were not considered or counted~~
29 ~~at the various precincts in the county for the reasons provided in sections 16.1-07-11~~
30 ~~and 16.1-07-12 or by the county canvassing boards as provided in section 16.1-15-19.~~
31 ~~The decision of the recount board is final, subject to the right to contest the election as~~

1 provided in this chapter. If during the recount a recess is called, the county auditor or
2 other political subdivision election official shall take appropriate steps to safeguard the
3 ballots.

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

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

23 ~~10.~~ The expenses incurred in a recount of a county election must be paid by the county on
24 a warrant by the county auditor. The expenses incurred in a recount of a political
25 subdivision other than a county election must be paid by that political subdivision. The
26 expenses incurred in a recount of a city election must be paid by the city on a warrant
27 by the city auditor. The expenses incurred in a recount of a presidential,
28 congressional, state, judicial district, multicounty district, or legislative election must be
29 paid by the state from the general fund upon approval by the secretary of state of a
30 statement of expenses received from the county auditors. The expenses incurred in a
31 recount demanded under subsection 2 of section 16.1-16-01 must be paid by the

1 ~~secretary of state or county auditor from the bond submitted by the individual~~
2 ~~requesting the recount.~~

3 ~~11. This section also applies to city elections that are not combined with the county~~
4 ~~except the city auditor, to the extent applicable, shall perform the duties of the county~~
5 ~~auditor.~~

6 **SECTION 19. REPEAL.** ~~Sections~~Section 15.1-09-03, ~~15.1-09-09, 15.1-09-10, 15.1-09-13,~~
7 ~~15.1-09-19, 15.1-09-22, and 15.1-09-24~~ of the North Dakota Century Code ~~are~~is repealed.