

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, and  
5 15.1-09-23, subsection 1 of section 15.1-09-30, section 15.1-09-31, subsection 34 of section  
6 15.1-09-33, subsections 3 and 4 of section 15.1-09-39, subsection 1 of section 15.1-29-03, and  
7 section 16.1-16-01 of the North Dakota Century Code, relating to school district elections; and  
8 to repeal sections 15.1-09-03, 15.1-09-09, 15.1-09-10, 15.1-09-13, 15.1-09-19, 15.1-09-22, and  
9 15.1-09-24 of the North Dakota Century Code, relating to school district elections.

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

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

13 **15-20.2-04. Center boards - Appointment of members - Terms - Compensation -**  
14 **Vacancies.**

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

1 section 15.1-09-06 for members of school boards. Compensation and expenses of center board  
2 members must be paid out of center funds.

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

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

7 **15-20.2-06. Meetings of center boards - Election of officers - Quorum.**

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

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

19 **15-20.2-13. Referendum on district participation in area center - Majority required for**  
20 **approval.**

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

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

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

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

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

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

19       **15.1-09-01. School board membership - Size and term adjustments.**

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

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

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

8       9.7. Notwithstanding the provisions of this section, the board of education of the city of  
9       Fargo consists of nine members.

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

12       **15.1-09-02. School boards - Terms of office.**

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

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

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

1       **SECTION 9. AMENDMENT.** Section 15.1-09-07 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-09-07. School district election - Conduct - Agreements with counties.**

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

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

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

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

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

25       **SECTION 10. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27       **15.1-09-08. School district elections - Candidate filings.**

28       An individual seeking election to the board of a school district shall prepare and sign a  
29 document stating the individual's name and the position for which that individual is a candidate.  
30 A candidate shall also file a statement of interests as required by section 16.1-09-02. ~~Whether~~  
31 ~~or not the election is held in conjunction with a statewide election, these~~The documents must be

1 filed with the school district business manager, or mailed to and in the possession of the  
2 business manager, by four p.m. of the sixty-fourth day before the election.

3 **SECTION 11. AMENDMENT.** Section 15.1-09-12 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **15.1-09-12. School district special elections - Poll hours.**

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

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

13 **15.1-09-14. School district special election - Vote tally.**

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

21 **SECTION 13. AMENDMENT.** Section 15.1-09-15 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **15.1-09-15. School district special election - Declaration of winner.**

24 ~~On~~For any special election not held in conjunction with a statewide election, on the sixth  
25 day after the election, the school board shall meet to canvass all election returns and shall  
26 declare the result of an election and, in the case of a tie, within three days from the  
27 determination of a winner. ~~However, if the election is held under an agreement with a city or~~  
28 ~~county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the~~  
29 ~~winners declared as set out in the agreement.~~ The individual receiving the highest number of  
30 votes for an office must be declared elected. The board shall record the result of the election.

1       **SECTION 14. AMENDMENT.** Section 15.1-09-16 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **15.1-09-16. School district election - Tie breaker.**

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

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

16       **15.1-09-17. Notification of elected individuals - Notice to county superintendent of**  
17 **schools.**

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

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

25       **15.1-09-18. School district election - Absentee ballots - Recounts.**

26       Absentee ballots must be available in any school district election in accordance with chapter  
27 16.1-07. Section 16.1-16-01 applies to school district elections, except:

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



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

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

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

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

7           **15.1-09-20. Election officials - Compensation.**

8           Election officials at school district special elections not held in conjunction with a statewide  
9 election are entitled to receive compensation as provided for election officials in section  
10 16.1-05-05. The board of a school district holding the election shall provide for the  
11 compensation from school district funds.

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

14          **15.1-09-21. School district special elections - Expenses.**

15          A school district is responsible for the payment of all expenses incurred as a result of a  
16 special school district election.

17          **SECTION 19. AMENDMENT.** Section 15.1-09-23 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19          **15.1-09-23. School boards - Special elections.**

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

22          **SECTION 20. AMENDMENT.** Subsection 1 of section 15.1-09-30 of the North Dakota  
23 Century Code is amended and reenacted as follows:

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

28          **SECTION 21. AMENDMENT.** Section 15.1-09-31 of the North Dakota Century Code is  
29 amended and reenacted as follows:

1           **15.1-09-31. School board proceedings - Publication.**

2           Every two years, at the time of a school district's ~~annual~~regular election of board members,  
3 the electors of the district shall determine whether a record of the board proceedings must be  
4 published in the official newspaper of the district. If a majority of the electors voting on the  
5 question approve the publication, the school district business manager shall provide for  
6 publication of the school board proceedings, including an itemized list of obligations approved  
7 for payment. If appropriate, the business manager shall require that the newspaper publishing  
8 the board proceedings indicate that the published proceedings are subject to review and  
9 revision by the board. The business manager shall ensure that the proceedings are published  
10 within a reasonable time after each board meeting. A vote to approve the publication is effective  
11 for a period of two years or until disapproved at a succeeding school district election.

12           **SECTION 22. AMENDMENT.** Subsection 34 of section 15.1-09-33 of the North Dakota  
13 Century Code is amended and reenacted as follows:

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

16           **SECTION 23. AMENDMENT.** Subsection 3 of section 15.1-09-39 of the North Dakota  
17 Century Code is amended and reenacted as follows:

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

20           **SECTION 24. AMENDMENT.** Subsection 4 of section 15.1-09-39 of the North Dakota  
21 Century Code is amended and reenacted as follows:

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

25           **SECTION 25. AMENDMENT.** Subsection 1 of section 15.1-29-03 of the North Dakota  
26 Century Code is amended and reenacted as follows:

27           1.    After taking into account the best interests of all affected parties, the board of a school  
28                    district may elect to send its students to another school district. In this instance, the  
29                    board shall pay for the students' tuition and transportation. The board may arrange,  
30                    and when petitioned to do so by qualified electors of the district equal in number to at  
31                    least a majority of those who voted in the most recent ~~annual~~regular school district

1 election shall arrange, with other boards to send students to the other districts and to  
2 pay for their tuition and transportation.

3 **SECTION 26. AMENDMENT.** Section 16.1-16-01 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **16.1-16-01. Election recounts.**

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

- 11 1. A recount must be conducted when:
  - 12 a. Any individual failed to be nominated in a primary election by one percent or less
  - 13 of the highest vote cast for a candidate for the office sought.
  - 14 b. Any individual failed to be elected in a ~~general or special~~ any election by one-half
  - 15 of one percent or less of the highest vote cast for a candidate for that office.
  - 16 c. A question, measure, or bond issue submitted to the qualified electors has been
  - 17 decided by a margin not exceeding one-fourth of one percent of the total vote
  - 18 cast for and against the question at any election.
- 19 2. A demand for a recount may be made by any of the following:
  - 20 a. Any individual who failed to be nominated in a primary election by more than one
  - 21 percent and less than two percent of the highest vote cast for a candidate for the
  - 22 office sought.
  - 23 b. Any individual who failed to be elected in a ~~general or special~~ any election by
  - 24 more than one-half of one percent and less than two percent of the highest vote
  - 25 cast for a candidate for that office.
- 26 3. A demand for a recount must be made within three days after the canvass of the votes  
27 by the county canvassing board in the case of county elections, school district  
28 elections, and city elections that are combined with the county and by the state  
29 canvassing board in the case of presidential, congressional, state, judicial district,  
30 multicounty district, or legislative elections. The demand must be in writing, must recite  
31 one of the conditions in subsection 2 as a basis for the recount, must contain a bond

- 1 in an amount previously established by the auditor or auditors doing the recount  
2 sufficient to pay the cost of the recount, and must be filed with:
- 3 a. The secretary of state when the recount is for a congressional, state, district, or  
4 legislative office.
- 5 b. The county auditor when the recount is for a county office, school district office,  
6 or city office when a city election is combined with the county.
- 7 4. Within four days after the canvass of the votes by the state canvassing board in the  
8 case of presidential, congressional, state, judicial district, multicounty district, or  
9 legislative elections, the secretary of state shall notify all the county auditors to  
10 conduct recounts as required by subsection 1 and, when a timely recount demand is  
11 received and it is in proper form, as required by subsection 2. The secretary of state  
12 shall fix the date or dates of the recounts of legislative contests to be held within seven  
13 days after giving notice to the affected auditors that recounts must be conducted. The  
14 secretary of state shall fix the date or dates of the recounts of statewide races to be  
15 held within fourteen days after giving notice to the auditors that recounts must be  
16 conducted. Within four days after the canvass of votes by the county canvassing  
17 board or other political subdivision canvassing board, the county auditor or other  
18 political subdivision election official shall fix the date for recounts limited to the county,  
19 those cities within the county which combined the election with the county, school  
20 district, or other political subdivision. The date must be within eight days after the  
21 canvass. In all recount proceedings, the county auditor or other election official, as  
22 appropriate, shall send notice of the date, place, and time of the recount to all  
23 candidates and petitioners involved by certified mail.
- 24 5. For recounts conducted by counties of federal, state, district, school district, and  
25 county offices, measures, and questions, the county auditor must conduct the recount  
26 and may employ up to four qualified electors of the county to assist in the recount. The  
27 county auditor shall review all paper and electronic voting system ballots and  
28 associated records, whether the ballots were counted at the precinct or the county  
29 canvass, and all absentee ballots cast pursuant to section 16.1-07-09 to determine  
30 which ballots were cast and counted according to the law, including that the ballots  
31 were properly initialed and that the initials found on the ballots are verified as those of

1 the precinct election board members. The county auditor shall check the precinct  
2 count and the count of the county canvassing board. If the county auditor is a  
3 candidate involved in the recount, the county auditor is disqualified from acting  
4 thereon, and the county recorder shall perform the duties required of the county  
5 auditor by this section. For recounts conducted by political subdivisions other than  
6 counties of local offices, measures, and questions, the election officer in a political  
7 subdivision shall administer a recount in the same manner as is required under this  
8 subsection for counties with respect to political subdivision ballot measures, questions,  
9 or bond issues.

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

1 members of the recount board are disqualified or cannot serve for any other reason,  
2 the members of the board of county commissioners or other political subdivision  
3 governing body who would be qualified to serve on the board shall appoint  
4 disinterested qualified electors of the county or other political subdivision to serve as  
5 alternates. The recount board shall review all challenged ballots and on majority vote  
6 shall decide how those ballots are counted. The recount board is authorized to initial  
7 all absentee ballots cast under section 16.1-07-09 that were not considered or counted  
8 at the various precincts in the county for the reasons provided in sections 16.1-07-11  
9 and 16.1-07-12 or by the county canvassing boards as provided in section 16.1-15-19.  
10 The decision of the recount board is final, subject to the right to contest the election as  
11 provided in this chapter. If during the recount a recess is called, the county auditor or  
12 other political subdivision election official shall take appropriate steps to safeguard the  
13 ballots.

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

26 9. In presidential, congressional, statewide, judicial district, multicounty district, or  
27 legislative recounts, the county auditor, no later than three days after the recount, shall  
28 send by certified mail a certified copy of the corrected abstract to the secretary of  
29 state. The secretary of state immediately shall assemble the state canvassing board,  
30 who shall canvass the corrected abstracts and certify the election results. The

1            secretary of state shall issue certificates of election or nomination or record the  
2            approval or disapproval of a question submitted to the qualified electors accordingly.

3        10.    The expenses incurred in a recount of a county election must be paid by the county on  
4            a warrant by the county auditor. The expenses incurred in a recount of a political  
5            subdivision other than a county election must be paid by that political subdivision. The  
6            expenses incurred in a recount of a city election must be paid by the city on a warrant  
7            by the city auditor. The expenses incurred in a recount of a presidential,  
8            congressional, state, judicial district, multicounty district, or legislative election must be  
9            paid by the state from the general fund upon approval by the secretary of state of a  
10          statement of expenses received from the county auditors. The expenses incurred in a  
11          recount demanded under subsection 2 of section 16.1-16-01 must be paid by the  
12          secretary of state or county auditor from the bond submitted by the individual  
13          requesting the recount.

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

16       **SECTION 27. REPEAL.** Sections 15.1-09-03, 15.1-09-09, 15.1-09-10, 15.1-09-13,  
17       15.1-09-19, 15.1-09-22, and 15.1-09-24 of the North Dakota Century Code are repealed.