

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1401
(Representatives Looyesen, Dockter)

AN ACT to amend and reenact sections 15.1-09-14, 15.1-09-15, 15.1-09-16, 15.1-09-17, and 16.1-15-17 of the North Dakota Century Code, relating to the date for the canvass of an election.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

15.1-09-14. School district election - Vote tally.

Upon the closing of the polls, the judges shall count and canvass the votes for each office. ~~Within forty-eight hours after the closing of the polls~~ At the conclusion of the canvass of votes on election night, the judges and clerks of the election shall sign the returns and file them with the business manager of the school district. However, if the election is held under an agreement with a city or county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the winners declared as set out in the agreement.

SECTION 2. AMENDMENT. Section 15.1-09-15 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-15. School district election - Declaration of winner.

~~The~~ On the sixth day after the election, the school board shall meet to canvass all election returns and shall declare the result of an election ~~within three days of the election~~ and, in the case of a tie, within three days from the determination of a winner. However, if the election is held under an agreement with a city or county pursuant to sections 15.1-09-22 and 15.1-09-24, the returns must be canvassed and the winners declared as set out in the agreement. The individual receiving the highest number of votes for an office must be declared elected. The board shall record the result of the election.

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

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

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

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

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

Within ~~five~~ three days after the canvass by the school board for a school district election, the business manager of the school district shall provide to each elected individual written notice of the

individual's election and of the duty to take an affirmation or oath of office. Within ten days after the election ~~canvass by the school board~~, the business manager shall certify the individuals elected and their terms to the county superintendent of schools.

SECTION 5. AMENDMENT. Section 16.1-15-17 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-17. Time of county canvassing board meeting - Oath required - Reconsideration of canvass.

~~Not earlier than the third~~ On the sixth day following each election, ~~but not later than six days after each election~~, the county canvassing board shall meet and, after taking the oath of office, shall proceed to open and publicly canvass the returns. After the initial meeting of the board as provided in this section, any two or more members may call a meeting of the board and upon approval of a majority of the members, the board shall re-canvass the results of the election or any portion thereof and may correct any previous canvass or certification or both in regard to the election. Any correction of any previous certification of election results as provided in this section must be immediately dispatched to the secretary of state who shall call a meeting of the state canvassing board as provided in section 16.1-15-35 for the purpose of re-canvassing and, if necessary, correcting any previous certification of the election results.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1401.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State