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**Bismarck, North Dakota**

**Permit No. 20**

# **NORTH DAKOTA PUBLICITY PAMPHLET**

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**CONSTITUTIONAL AMENDMENTS  
INITIATED AND REFERRED MEASURES**

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To be submitted to the electors at the  
**GENERAL ELECTION**  
**NOVEMBER 2, 1920**

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Issued under authority of law by  
**THOMAS HALL**  
Secretary of State

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## FOREWORD

TO THE ELECTORS OF THE STATE OF NORTH DAKOTA:

This pamphlet has been edited and mailed to you under the provisions of Section 25 of the Constitution, as amended, reading as follows:

All measures submitted to the electors shall be published by the State as follows: "The Secretary of State shall cause to be printed and mailed to each elector a publicity pamphlet, containing a copy of each measure, together with its ballot title, to be submitted at any election. Any citizen, or the officers of any organization, may submit to the Secretary of State for publication in such pamphlet, arguments concerning any measure therein, upon first subscribing their names and addresses thereto and paying the fee therefor, which, until otherwise fixed by the Legislature, shall be the sum of Two Hundred Dollars per page."

Said Section also provides that, "In submitting measures to the electors, the Secretary of State and all other officials shall be guided by the election laws until additional legislation shall be provided."

The proposed amendments and initiated measures appear in the same order in this pamphlet that they will on the official ballot. The complete text of the constitutional amendments will appear upon the ballot, but only the ballot title of the initiated measures.

While the time for printing and distributing this pamphlet is short, I trust that it will be received by the voters in time to enable them to become familiar with the measures and the arguments.

Respectfully submitted,

THOMAS HALL,  
Secretary of State.

## THE INITIATED LAWS.

Among the laws to be voted on, on November 2d, are five laws initiated under the auspices of the Independent Voters' Association, namely:

First: A law providing for a semi-annual examination of all of North Dakota's industrial institutions including the Bank of North Dakota and to make a public report of the result of such examination.

Second: A law permitting the officials of school boards, township boards, county boards, village and city boards, to deposit funds of which they have control in local banks if they so wish.

Third: A law prohibiting the officers of the Bank of North Dakota from making loans on real estate mortgages to any one but actual farmers who are residents of North Dakota.

Fourth: A law which amends the so-called newspaper law in such a way as to permit the publication of private legal notices in other papers than the official paper of any county.

Fifth: A law restoring to the office of the superintendent of public instruction many of the duties and responsibilities that have been taken away from it by the board of administration.

## PUBLIC INSPECTION OF PUBLIC INDUSTRIES.

No citizen who believes that our state government, or any government for that matter, should be conducted in the interest of all the people, can have any possible objection to any of these laws.

A government in order to be a government for all the people and by all the people must be conducted in such a way that all the people may know all things pertaining to the conduct of any of the affairs over which the government has charge. No popular government can be an intelligent government unless the voters, who make that government, have every opportunity to be thoroughly informed. They cannot be informed unless they can get the facts. Therefore, every voter who does not want to be recorded in history as trying to use the government for the protection or promotion of any selfish interest, should be in favor of having the Bank of North Dakota, the Mill and Elevator operation, the Home Builders' Association, the Workmen's Compensation Bureau and all other activities that involves hundreds of thousands and even millions of dollars of public money, examined by three of the state officers elected by the people and having these officers make public in detail all matters pertaining to the management of those institutions.

Some people argue that there is no need of this law because provision is now made for examining the Bank of North Dakota. It is true, the Bank of North Dakota law does provide for an examination of certain activities of the bank by the bank examiner but no provision is made for an examination of the other industries and institutions. Also it should be remembered that the governor, whoever he is, has autocratic powers over all these institutions and he appoints the bank examiner. Consequently, if the bank examiner, who is under obligation to the governor, for his job, did examine these industries that are controlled by the governor, the public would not get the same service or information as it would if the examination of these institutions was made by a board of elected officials who are under no obligation to the governor. There can be no good argument advanced against voting for this law.

## HOME RULE IS BEST

Any citizen who believes that the voters of this state are competent to handle their own affairs such as the building of schools, the hiring of teachers, the building of bridges and roads and the levying of taxes for such purposes, or conducting their own affairs in cities and villages, must admit that they are equally able to determine in what bank it will be best to have the funds belonging to their boards

deposited. What is to be gained by any school, township or county board or any village or city commission, being compelled to deposit its funds in the Bank of North Dakota if that bank is going to forthwith re-deposit such funds in banks in the community from which they came? Every member of all such boards should know by this time whether they are worse or better off by having to pass their money through the Bank of North Dakota and then get it back into the local banks or by putting it into the local banks in the first place.

Some local boards lose from two to four per cent on funds on hand. Others find it impossible to pay teachers salaries because of failure on the part of the Bank of North Dakota to co-operate with the school boards. Others are having difficulty in getting their accounts kept straight in the Bank of North Dakota which is natural because by putting their money there, the accounts are handled by clerks who have no particular interest in the individual accounts. If the money is deposited in local banks, the cashiers of these banks are more competent to handle accounts than the average of a hundred or more clerks in the Bank of North Dakota can possibly be.

Local boards are responsible for the handling of the affairs of their respective units of government and should, therefore, have the privilege of handling the money belonging to them just as they now have the privilege of hiring any teacher that comes up to standard requirements or building any kind of schoolhouses, roads or bridges that they think best or adopting any street lighting system that seems most adaptable to the needs of the city or village.

The policy of requiring public money to go into a bank that closes its doors against inspection by the state auditor, whose business it is to keep a check on the expenditure of funds belonging to all state institutions, is contrary to the very fundamental principle of popular government. It is giving a few people a chance to use public funds as a political whip. That is bad policy regardless of what political faction is in charge of the state government.

Members of the Nonpartisan League who are favorably impressed with the administration of Governor Frazier, should remember when they vote on this law that just as certain as the sun rises in the east and sets in the west, there will be a change in the governorship every once in a while in our state, as there is in all other states, and incidently a change in the Industrial Commission that has charge of the Bank of North Dakota. They would not then want a law that will permit those of other political beliefs than themselves to use that law against those who supported Frazier in this election. We cannot have good government unless it is built on the principle that what is fair for one is fair for another.

### LOANS FOR NORTH DAKOTA FARMERS ONLY

Whatever loaning capital the Bank of North Dakota may have must of necessity be based on the value of the state's chief industry; namely, farming. All money in the hands of the Bank of North Dakota that can be loaned out to the public should, therefore, be loaned to farmers who live in the state and not to people who do not live in North Dakota. As the law now stands, the officers of the Bank of North Dakota can make loans on real estate mortgages to people who live in other states, farmers or not farmers. Why should we not have a law that will prohibit the officers of the Bank of North Dakota, regardless of who they are now or who they may be in the future, from loaning North Dakota money to people who are not residents of North Dakota? Vote for this law and you will vote in favor of using North Dakota money for North Dakota people.

### THE NEWSPAPER LAW

The local newspaper is a splendid medium of education on practical subjects. It is a means by which communities keep together and grow together. Our state and nation is composed of communities. That is the beginning of our social, political and economic life. In proportion as the communities are uniformly intelligent, so our government is efficient. Because of this, everything should be done that can be done to help every country town to have a newspaper by means of which there may be a free exchanging of opinions on all subjects at all times.

Under the law which we now have with reference to official newspapers, the citizens of every local community must spend their money for private legal notices in one paper which has a monopoly on all legal notices and which may be published many miles away from the community that contributes to its existence. Therefore, there

can be no possible objection by fair minded citizens to letting people, who must spend money for the publication of certain legal notices, spend it for the maintenance of a newspaper in their own midst instead of the maintenance of a newspaper published elsewhere. To always have a monopoly of the means of public information in the hands of whoever may happen to be in control of the government, is very dangerous.

This law when approved by the people will make it the duty of all state and county officials to have all official publications and notices published in the county official paper as is now required of them, but it will permit individual citizens, as well as firms and corporations, to have all legal notices that they are required to give to the public, published in any local newspaper that those who pay the cost thereof may select subject, however, to such rules and regulations as are now provided by law or as may be provided by future legislatures.

It is argued that this law must not be approved because it would permit the owners of mortgages to foreclose them without giving notice thereof in a newspaper published in the community in which the property or interest in question is located. There is no ground for this argument because the law now requires that anyone who undertakes to foreclose on a real estate mortgage must give thirty days notice, to the mortgagor, by registered mail.

The newspaper law to be voted on on November 2nd does not only in any way do away with requirement that an official newspaper shall be elected at each general election.

Every voter in North Dakota, regardless of political affiliation, should vote for the newspaper law.

### SCHOOL SUPERVISION BY SCHOOL PEOPLE

Many of the duties and responsibilities which have heretofore been placed in the hands of the superintendent of public instruction together with cartloads of records which have always been a part of that office, have been removed from it. The management of our public schools has been thrown together with the management of our penitentiaries, the insane asylum, the school for feeble minded and even the purely commerical duties of the management of the state capitol and the likes. A strict separation of these functions of government has always been recognized as of serious importance throughout the world and by following that plan, there has been built up in our state one of the most efficient public school systems in the union. Why jeopardize that standing of our schools by deviating from that recognized principle? The law to be voted on will, when approved, reestablish the line of distinction between the management of our public schools and the management of our penal, charitable and commercial institutions.

Without the approval of this law, the superintendent of public instruction who is elected by the voters of the state to have charge of and be responsible for the proper handling of all affairs pertaining to our public schools, is practically powerless to discharge any of the duties that are expected of the incumbent of that office, by a majority of the voters of the state. We cannot have good government if we try to enforce or keep laws on our statutes that are contrary to the will and wishes of a large majority of the voters. It is possible, very often, for governmental officials to thwart the will of the people by resorting to technicalities. Popular approval of vicious legislation can sometimes be had by misrepresentation of facts but the people invariably rebuke their seducers. The people were fooled when they approved the Board of Administration law. By voting for the initiated law the people will be able to give the superintendent of public instruction the protection and powers that were publicly pledged her but not given in 1919.

### SUMMARY

Read the five laws in question carefully. They are printed in this pamphlet. Then use your own judgment as to whether or not the representations that we have made as to what the effect of the enactment of these laws will be and you will agree with us. Should there be any further information with respect to any of them that any citizen of North Dakota who reads this statement, might wish, such information or the source from which it can be had will be gladly given to all who may ask for it by writing to the undersigned.

If these laws should not be approved by a majority of the voters on November 2d, there will be many of those who vote against them that will regret it in a very few years from now. No citizen will ever regret having voted "yes" on all of these five laws.

Make a cross [X] after the word "yes" under each of these five laws when you vote and enjoy the satisfaction which you will get from feeling that you have done what a good citizen ought to do.

INDEPENDENT VOTERS ASSOCIATION,  
Fargo, North Dakota.

## VOTE "NO" ON FIVE INITIATED MEASURES. WHY?

The I. V. A. has initiated five measures, three of which are designed to destroy The Bank of North Dakota, one of which is designed to place the entire educational system of the State where it can be used politically by the I. V. A., and the last of which is designed to again scatter the public printing to the political henchmen of those in power.

The Bank of North Dakota has made approximately three million dollars of real estate loans at six per cent interest on which farmers were formerly paying from eight to ten percent, thus saving to the farmers about \$90,000 per year in interest. It has purchased more than one-third of all the seed and feed bonds sold during the past year, thus enabling farmers in drought stricken regions to plant their crops. It has made for the tax payers net earnings of \$266,969.60 in the short period since it was opened. Its average clearings each day are \$685,981.10. It has deposits from 819 out of approximately 888 state and national banks located in North Dakota. The most of these banks are opposed to the North Dakota program but patronize The Bank of North Dakota because it performs a real and needed banking service. Its combined loans on farm real estate and loans to banks in North Dakota amount to \$5,654,978.37 and it has redeposited in North Dakota banks \$9,148,100.26, while the total public deposits in The Bank of North Dakota are only \$14,487,121.05. In other words, it has placed in circulation in loans and by deposits in North Dakota banks \$315,957.58 more than the entire total public deposits. Without The Bank of North Dakota, it would be impossible to finance the operation of the mill and elevator being built at Grand Forks, as with wheat at \$2.00 per bushel, it would require three million dollars to fill the elevator one time while the elevator must be filled at least two and a half times each year in order to keep the state mill supplied with wheat. Without The Bank of North Dakota, farm loans at six per cent could not be made and since the Mortgage Loan Associations have managed to put the Federal Land Bank out of business (temporarily at least) the farmer would again be at the mercy of the loan sharks. The Bank of North Dakota has been examined twice by the State Examiner's department and once by a Board of Auditors hired by the Industrial Commission. These examinations have been more complete than is required of any other bank in North Dakota. It takes the entire time of seven expert bank examiners for one week and two examiners for two additional weeks to complete a single examination. Under the law, the examinations of banks are made by the State Examiner's department. The State Examiner's department is the only department that is now or ever was authorized under the laws of North Dakota to examine banks. Every state bank in the state has, during the entire history of the state, been examined by the State Examiner's department and by that department alone. The reports of the State Examiner on the examinations of the Bank of North Dakota contain a list of every loan and every rediscount made by the Bank, giving the names of the persons and the names of the banks rediscounting paper. These reports have been submitted to the Industrial Commission and will, at the next session of the Legislature, be submitted to the Legislature as the law requires. If the measures initiated by the I. V. A. to destroy The Bank of North Dakota were to pass, it would destroy the entire North Dakota program. Money and credits are the life blood of industry, agriculture and business. The money and credits of North Dakota outside of The Bank of North Dakota are almost entirely controlled by the bitterest enemies of the North Dakota program. The Secretary of the North Dakota Bankers' Association circulated an initiative petition for the I. V. A. because he knew that if they could destroy The Bank of North Dakota, the North Dakota Industrial program would fail.

They initiated a bill to place the educational institutions of the State where they could use them politically for they knew that the present State Superintendent of Public Instruction was willing to use her office politically. They knew that because Miss

Nielson was opposed to Dr. Ladd. She had boycotted the Agricultural College and refused to give teachers credit for summer school work done in it. They knew that she had refused to permit the State and Federal Vocational Director of Education to address a convention of teachers on the subject of Vocational Education because he had not supported her politically, therefore knowing that she would use her office politically, they have tried to place in her hands by their initiated measures the entire control over the school system of North Dakota. The claim is made that they are restoring powers taken from her, but the old law reveals that the only power she had was to fix the course of study in the country schools and in schools in unincorporated villages. That the State Superintendent of Education has not the power to govern the certification of teachers nor the course of study in the city and village schools, normal schools, University, or Agricultural College. At the present time, the course of study, certification of teachers and standardization of schools is fixed by the State Superintendent of Public Instruction, one county superintendent, one city superintendent, one normal school official and one representative of the University and Agricultural College. This board adopted a course of study which has been approved by Miss Nielson and if she approves the work of the present existing commission in the fixing of the course of study, why should she or the I. V. A. desire a change in the law unless it is to use the school system in politics or to again permit the Book Trust to get a grasp upon the schools of North Dakota.

The measure initiated to amend the Newspaper Law is designed to restore the newspaper graft to old political henchmen. Under the present law, the people select the official newspaper and the legal notices must be published in it. Every one can now see every legal notice by taking one paper. If the I. V. A. amendment is adopted, no one will know about all the legal notices unless he takes every paper in the county. That alone should be enough to defeat the initiated amendment. That faction in North Dakota which enacted the laws that the initiated petitions are designed to destroy has also enacted a great deal of other legislation, but the initiated laws are designed to destroy the whole program if they succeed.

**Vote no five times on Initiated Measures.**

**THE NONPARTISAN LEAGUE.**

# CONSTITUTIONAL AMENDMENTS

## ELECTIVE FRANCHISE

### Woman Suffrage and Residence Requirements

(Ch. 92, S. L. 1919—S. B. No. 81—McCarten)

To amend Section 121, Article 5, of the Constitution as amended by Article 2 of Amendments to said Constitution, by striking out the words "male," "six months" and "ninety" and inserting in lieu of the words, "six months" the words "ninety days," and inserting in lieu of the word "ninety" the word "thirty" so as to read as follows:

"Sec. 121. Every person of the age of twenty-one years or upwards, belonging to either of the following classes who shall have resided in the state one year and in the county ninety days and in the precinct thirty days next preceding any election shall be a qualified elector at such election. First, citizens of the United States; second, civilized persons of Indian descent who have severed their tribal relation two years next preceding such election."

## STATE REFORM SCHOOL

### Changing Name to State Training School

(Ch. 94, S. L. 1919—S. B. No. 170—Mees)

To amend Section 215, Article 19, of the Constitution, by striking out the word "Reform" in subdivision Sixth, and inserting in lieu thereof the word "Training," so as to read as follows:

Sec. 215. The following public institutions of the State are permanently located at the places hereinafer named, each to have the lands specifically granted to it by the United States in the act of Congress approved February 22nd, 1889, to be disposed of and used in such manner as the Legislative Assembly may prescribe subject to the limitations provided in the article on school and public lands contained in this Constitution.

First: The seat of government at the City of Bismarck in the County of Burleigh;

Second: The State University and the School of Mines at the City of Grand Forks, in the County of Grand Forks.

Third: The Agricultural College at the City of Fargo, in the County of Cass.

Fourth: A State Normal School at the City of Valley City, in the County of Barnes, and the Legislative Assembly, in apportioning the grant of eighty thousand acres of land for normal schools made in the Act of Congress referred to shall grant to the said Normal School at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.

Fifth: The School for the Deaf and Dumb of North Dakota at the City of Devils Lake, in the County of Ramsey.

Sixth: A State Training School at the City of Mandan, in the County of Morton.

Seventh: A State Normal School at the City of Mayville, in the County of Traill, and the Legislative Assembly in apportioning the grant of lands made by Congress in the act aforesaid for State Normal Schools shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.

Eighth: A State Hospital for the Insane at the City of Jamestown, in the County of Stutsman. And the Legislative Assembly shall appropriate twenty



thousand acres of the grant of lands made by the Act of Congress aforesaid for other educational and charitable institutions to the benefit and for the endowment of said institution, and there shall be located at or near the City of Grafton, in the County of Walsh, an Institution for the Feeble Minded, on the grounds purchased by the Secretary of the Interior for a Penitentiary building.

## INVESTMENT OF SCHOOL FUNDS

### Bonds of Other States—Farm Loans

(Ch. 95, S. L. 1919—H. B. 109—Kamrath)

To amend Section 162 of the Constitution as amended by Article 8 of Amendments to said Constitution by striking out the clause "Bonds of other states, provided such states have never repudiated any of their indebtedness," and by striking out the word "one third," and inserting in lieu thereof the word "one half," so as to read as follows:

"Sec. 162. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the State, bonds of the United States, bonds of the State of North Dakota, or on first mortgages on farm lands in this state, not exceeding in amount one-half of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisal of school lands."

## INITIATED MEASURES

### BOARD OF AUDITORS

#### Examination of State Industries

Being an act amending Section 369 of the Compiled Laws of 1913 so as to include therein the requirement that the stateboard of auditors shall semi-annually examine the accounts, books, vouchers and funds, and ascertain the assets and liabilities of all industrial institutions and make public the results of said examination.

Amends Section 369 of the Compiled Laws of 1913 so as to require the state board of auditors to examine and audit the accounts, books and vouchers, and ascertain the assets and liabilities of all industrial institutions at least twice in each year, and make report thereof to the Governor, and make the same public.

Be It Enacted by the People of the State of North Dakota:

Section 1. That Section 369 of the Compiled Laws of the State of North Dakota for the year 1913 be hereby amended and re-enacted to read as follows:

Section 369. (Members of Board.) There is hereby created a board of auditors for the State of North Dakota which shall consist of the secretary of state, the state auditor, and the attorney general, whose duty it shall be to examine and audit the accounts, books and vouchers of the state treasurer, and of the Bank of North Dakota and of all other industrial institutions of the state, and to take an account and ascertain the amount of funds in the state treasury or belonging to the state, and to take an account and ascertain the assets and liabilities of the Bank of North Dakota and of all other industrial institutions of the state, at least twice in each year without previous notice to the treasurer, or to the officials of said state institutions and make report thereof, and of their acts and doings in the premises, to the governor, and make the same public, and also to witness and attest the transfer and delivery of

accounts, books, vouchers and funds by any outgoing treasurer, or bank manager, or manager of any industrial institution, to his successor in office, and report the same to the governor, and the failure or neglect of the aforesaid board of auditors, or any member thereof, to do and perform any of the acts at the time, or times, and in the manner in this section provided for, shall constitute and be misdemeanor in office. The board is authorized and empowered to employ such expert accountants as it may deem necessary to carry out the provisions of this section.

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## THE BANK OF NORTH DAKOTA

### Public Funds

Being an act amending the Bank of North Dakota Act providing for the deposit of all state, county, township, municipal and school district funds, and funds of all penal, educational and industrial institutions, and all other public funds in the Bank of North Dakota.

Amends Section 7 of Chapter 147 of the Laws of 1919, so as to omit the requirement that all local public funds shall be deposited in the Bank of North Dakota.

Be It Enacted by the People of the State of North Dakota:

Section 1. That Section 7 of Chapter 147 of the Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Section 7. All state funds, and funds of all state penal, educational and industrial institutions shall be, by the persons having control of such funds, deposited in the Bank of North Dakota.

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## THE BANK OF NORTH DAKOTA

### Real Estate Loans

Being an act limiting real estate mortgage loans by the Bank of North Dakota to actual farmers who are residents of this state.

Prohibits real estate mortgage loans to any person excepting actual resident farmers.

Repeals all acts or parts of acts inconsistent therewith.

Be It Enacted by the People of the State of North Dakota:

Section 1. The Bank of North Dakota shall make real estate loans only to actual farmers who are residents of this state.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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## OFFICIAL NEWSPAPERS

### Legal Publications

Being an act amending the law providing for the designation of county and municipal official newspapers in each county in the state and prescribing the manner of their selection and duties.

Defines the duties of official newspapers and designates what notices and publications are to be published therein.

Amends Section 5 of Chapter 187 of the Laws of 1919 so as to omit the requirement that all summonses, notices, orders and other process in court actions, or that notices of foreclosure or statements of banks and other corporations, must be published in the official county newspaper.

Be It Enacted by the People of the State of North Dakota:

Section 1. That Section 5 of Chapter 187 of the Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows:

Section 5. (Defining Duties of Such Official Newspaper.) Such official newspaper as shall be chosen by the voters in said county as the state, county and municipal official newspaper therein, shall publish all official proceedings of the Board of County Commissioners in said county and all other notices and publications that are now required by law to be published by county officers; all publications of every nature that now are, or may hereafter be, required to be published by state officers, elective or appointive. Provided, however, that in organized cities, towns and villages where no official newspaper is published, said city, town or village board, council or commission may designate an official newspaper for the publication of such notices and legal publications as are now or hereafter may be required by law for said cities, towns and villages, including legal notices and official statements of the schools within such cities, towns and villages, but, in cities, towns or villages where the state, county and municipal official newspaper is published such official notices and legal publications as are now or may hereafter be required by law to be published, shall be published in such official newspaper.

## SUPERINTENDENT OF PUBLIC INSTRUCTION

### Powers and Duties

Being an act amending Section 1109 of the Compiled Laws of 1913 so as to confer upon the superintendent of public instruction the duty of supervising the certification of teachers, standardization of schools, preparation of courses of study and examinations for eighth grade and high school pupils, and repealing all acts or parts of acts inconsistent therewith.

Amends Section 1109 of the Compiled Laws of 1913, so as to empower the superintendent of public instruction to supervise the certification of teachers, standardization of schools, preparation of courses of study and examination of pupils.

Repeals all acts or parts of acts inconsistent therewith.

Be It Enacted by the People of the State of North Dakota:

Section 1. That Section 1109 of the Compiled Laws of the State of North Dakota for the year 1913, be hereby amended and re-enacted to read as follows:

Section 1109. (Prescribe Courses of Study.) He shall have charge and supervision of the certification of teachers, standardization of schools and uniformity of text books, examinations for eighth grade and high school pupils and preparation of courses of study for the several classes of public schools.

Section 2. All acts and parts of acts inconsistent herewith are hereby repealed.

## REFERRED MEASURE - *Defeated*

### COUNTY SEAT REMOVAL

(House Bill No. 100, Chapter 103, Session Laws 1919)

HOUSE BILL NO. 100.—An act to amend and re enact Sections 3241 and 3244 of the Compiled Laws of the State of North Dakota for the year 1913, relating to the removal of county seats.

Amending Section 3241 of the Compiled Laws of the State of North Dakota for the year 1913, so as to read as follows:

In counties without a court house or a court house of not greater value than twenty thousand dollars, the question of removal of county seat is to be submitted to the voters upon a petition to the Board of County Commissioners of a majority of qualified electors of any such county. Proposition may be submitted at primary or general elections. Petition to be filed with the County Auditor and no elector permitted to remove his name after petition is filed.

Upon a petition of at least one hundred electors the name of any city, town or village may be placed upon the primary ballot, petitions to be filed not less than thirty days previous to the said primary election.

Provides that the two towns receiving the highest vote at primary election shall be placed on ballot for the first following general election, and the one receiving the highest number of votes shall be designated as county seat and the question of county seat removal shall not again be voted on for four years in the same county.

Provides that the Board of County Commissioners may not contract for or construct any county buildings after votes for election have been filed until the result of the election is known.

Value of property to be appraised by three disinterested electors to be appointed by the judge of the district court. Appraisers shall file report of findings with the County Auditor within twenty days after their appointment. Appraisers shall be allowed five dollars per day for necessary time and actual expenses.

Provisions as to notice, ballot, etc., provided for at election for the removal of county seats shall as far as practicable apply to primary and general election.

Amends Section 3244 to require the Board of County Commissioners to cause a statement of the result of said election to be deposited and transmitted as provided by Section 3244 of the Compiled Laws of the State of North Dakota for the year 1913.

Repeals all conflicting acts.

### Removal of County Seats

(House Bill No. 100—Patterson)

An act to amend and re-enact Sections 3241 and 3244 of the Compiled Laws of the State of North Dakota for the year 1913, relating to the removal of county seats.  
Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. (Amendment.) That Section 3241 of the Compiled Laws of the State of North Dakota for the year 1913, be amended and re-enacted to read as follows:

Section 3241. (Special Provisions Where No Court House Has Been Constructed.) In counties where a court house has not been constructed, or if constructed said court house is of a value no greater than twenty thousand dollars, whenever a majority of the qualified electors of any such county, as shown by the vote cast for Governor at the last general election, shall petition the Board of County Commissioners of any such county, to submit to the voters of such county at the next succeeding primary and general election the question of county seat removal from the place where it is located, the Board of County Commissioners shall at their next regular or adjourned meeting provide for the submitting of the question of removal of the county seat to the electors at the next primary and general election. Such petition shall be filed with the county auditor and by him presented to the Board of County Commissioners at the first meeting of said Board of County Commissioners thereafter, and no elector can remove or cause his name to be removed from the said petition after the same is filed with the County Auditor. Any city, town or village that desires to be a candidate for the county seat may have its name placed upon the primary ballot on petition of at least one hundred of the electors of said county, which petition shall be filed with the County Auditor at any time not less than thirty days previous to the said primary election. In case more than two cities, towns or villages are contending for the location of such county seat at such election then the two cities, towns or villages receiving the highest number of votes at the primary election, and these two cities, towns or villages only shall be placed on the official ballot at the first following general election, and the one receiving the highest number of votes cast for the county seat of such county at such general election shall be designated the county seat of such

county and the county seat located thereat, and the question of county seat removal shall not be again voted on for four years in any county where the county seat is so located, and after the said petition for county seat removal is filed with the County Auditor the Board of County Commissioners in such county shall not construct or contract for the construction of any county buildings, or additions thereto, until after the said election has been had. The value of said court house shall be determined by three appraisers who shall be disinterested electors of the judicial district and who shall be appointed by the judge of the district court upon the application, in writing, without notice, by any one or more of the petitioners for such removal, which application may be presented to such judge at any time within ten days after the presentation of the petition; such appraisers shall be appointed in writing within ten days after the application is presented to the said judge, and the appraisers shall qualify by taking and filing the oath required by Section 211 of the Constitution, with the County Auditor; they shall inspect said court house and may hear testimony and they shall find the value thereof and report the same to the County Auditor within twenty days after their appointment, and their appointment and oath shall be filed with such report. The appraisers shall receive compensation at the rate of five dollars per day for all time necessarily employed in the performance of their duties and the making of their report, together with their actual expenses, the same to be audited and allowed by the Board of County Commissioners. The provisions as to notice, ballot, etc., provided by law for election for the removal of county seats shall be, as far as practicable, applicable to the primary and general elections herein provided for.

Section 2. (Amendment.) That Section 3244 of the Compiled Laws of the State of North Dakota for the year 1913, be amended and re-enacted to read as follows:

Section 3244. (Report of Result.) The Board of County Commissioners shall cause a statement of the result of said election to be deposited and transmitted as provided by Section 3238 of the Compiled Laws of the State of North Dakota for the year 1913.

Section 3. All acts and parts of acts insofar as they are in conflict with the provisions of this act are hereby repealed.

Approved February 14, 1919.

