

CITY AND OTHER LOCAL ELECTION DATES - BACKGROUND MEMORANDUM

House Concurrent Resolution No. 3016 (2017) ([Appendix A](#)) directs the Legislative Management to study the desirability of moving city and other local elections from the primary election in June in even-numbered years to the general election in November in even-numbered years. According to the resolution, the current system of holding local elections concurrently with primary elections may cause confusion for voters and create logistical difficulties for newly elected city officials who have to prepare budgets by early September after their elections.

NORTH DAKOTA LAW REGARDING ELECTION DATES

Under North Dakota Century Code Section 40-21-02, city elections are held on the second Tuesday in June in each even-numbered year. For the name of a candidate for city office to appear on a ballot, the candidate must obtain signatures of 10 percent of the electors who voted for that office in the last city election. However, in no case are more than 300 signatures required. Section 40-21-07 requires candidates to file the petitions with the city auditor before 4:00 p.m. on the 64th day before the election. The candidates also must file statements of interests under Section 16.1-09-02.

Township meetings follow a different schedule. Generally, under Section 58-04-01 the electors of a township hold annual meetings on the third Tuesday in March and may elect their township officers then. If the annual meeting is not held at that time, a special meeting must be called under Section 58-04-19. Additionally, under Section 58-04-02, a special meeting may be called to fill vacancies in those offices.

Pursuant to Section 15.1-09-22, a school board in North Dakota must hold an election each year between April 1 and June 30 to fill any vacancies. These elections may be held in conjunction with the election of a city that is located wholly or partially within the school district. In such cases, the school board and governing body of the city may agree to share election costs and responsibilities. Additionally, Section 15.1-09-23 authorizes a school board to hold special elections "for any lawful purpose." According to Section 15.1-09-02, a new school board member's term begins at the annual meeting in July following the member's elections.

Century Code contains many statutes regarding filing deadlines and dates for submitting petitions, noticing elections, preparing ballots, printing election materials, and other logistical requirements for elections. Changing the timing of local elections would necessitate a review of those provisions to ensure all the dates are amended as appropriate.

OTHER STATES' CITY AND LOCAL ELECTION DATES

According to November 2014 testimony ([Appendix B](#)) by Ms. Wendy Underhill, Program Manager, National Conference of State Legislatures, to the Kansas Special Committee on Ethics, Elections, and Local Government, "most states either set municipal elections sometime other than the fall, or do not mandate across all jurisdictions when they are to hold their municipal elections." However, some states hold local elections in November in even-number years, and others hold local elections in November in odd-number years. Election dates have been a hot topic for state legislatures with legislation on this topic being introduced in 31 states between 2010 and 2014. Reasons for the legislation vary; however, two reasons seem prominent--voter turnout and election cost. There is a perception that more voters will participate in local elections if they are held concurrently with general, statewide elections that tend to have greater voter turnout. Another perception is that holding concurrent elections will result in reduced election costs. Both of these issues have been studied in jurisdictions outside North Dakota.

SUGGESTED STUDY APPROACH

In its study of local election dates, the committee may want to approach the study as follows:

- Collect data on the costs and turnout for local elections as well as general elections in North Dakota. This would give the committee a baseline for determining whether moving local elections to run concurrently with general elections would decrease costs to taxpayers or improve turnout and participation in local elections;
- Obtain public input and input from local election officials and the Secretary of State regarding the operation of local elections and the desire to change their timing;
- Obtain research data from other jurisdictions regarding the impact of moving election dates on cost and turnout; and
- Develop recommendations and prepare legislation necessary to implement the recommendations.

ATTACH:2