

## **CHAPTER 58-05**

### **TOWNSHIP OFFICERS GENERALLY**

**58-05-01. Voter is eligible to office.** Every person qualified to vote at a township meeting is eligible to any township office.

**58-05-02. Officers of a township - Terms of office.** The elected officers of a civil township must be:

1. Three or five supervisors.
2. One township clerk.
3. One assessor except as herein provided.
4. One treasurer.

In townships with three-member boards of township supervisors, one supervisor must be elected at each annual township meeting and shall hold office for a term of three years. In townships with five-member boards of supervisors, the number of members of the board of supervisors whose terms have expired must be elected at each annual township meeting and shall hold office for a term of three years. The other elective officers must be elected every two years and shall hold their respective offices for a term of two years. Each officer shall serve until that officer's successor is elected and qualified. The same person may hold the offices of township clerk and treasurer if a majority of the electors present vote in favor of the merging of such offices at the annual township meeting. The person elected to fill the merged office shall perform all of the duties required of both the township clerk and treasurer except as otherwise specifically provided by law. If a majority of the electors present and voting at an annual township meeting vote in favor of making the office of assessor appointive, the board of township supervisors shall appoint a township assessor for a four-year term of office, the first term commencing on January 1, 1974. In lieu of electing or appointing a township assessor, the board of township supervisors, if authorized by a majority of the electors present and voting at an annual township meeting, may on behalf of the township contract with the county in which the township is located or with any other political subdivision or with any individual to perform the duties of and have the powers of the township assessor. The length and terms of such a contract must be negotiated by the board of township supervisors with the governing body of the county or other political subdivision or with the individual, as the case may be, and the township is hereby authorized to make such payments as may be provided for in the contract. The electors of any township in which the office of township assessor was abolished prior to July 1, 1973, shall, at the next annual township meeting, elect a township assessor or authorize the board of township supervisors to appoint a township assessor or to contract for the making of the assessment as hereinbefore provided. The township electors may, by majority vote of those present and voting at an annual township meeting, change the previously adopted method of providing for the assessment to either of the other two methods authorized in this section, but such change does not become effective until expiration of the term of office of the assessor or until a vacancy occurs in the office of assessor or until expiration of the contract for making the assessments, whichever is applicable according to the method of providing for the assessment that was previously adopted.

**58-05-03. When term of office begins.** Repealed by S.L. 1951, ch. 333, § 1.

**58-05-03.1. Elected assessor - Commencement of term of office.** In any township in which an assessor is elected at the annual township meeting, the term of office of the assessor elected at such meeting commences on the first Monday in January next succeeding that election.

**58-05-04. Election of supervisors and other officers in newly organized townships.** At the first meeting of a newly organized township, officers must be elected as follows: one supervisor to serve until the first annual township meeting; one supervisor to serve until the

second annual meeting; and one supervisor to serve until the third annual meeting. All the other township officers must be elected to serve until the annual township meeting in an even-numbered year.

**58-05-05. Bonds of officers.** Each person elected or appointed to the office of township clerk, assessor, or treasurer, within ten days after the person is notified of the person's election or appointment, and before entering upon the duties of the person's office, must be bonded for the faithful discharge of the person's duties in the same manner as other civil officers are bonded and in the following amounts:

1. The bond of the township clerk must be in such amount as may be determined by the board of township supervisors.
2. The bond of the treasurer must be in such amount as may be determined by the board of township supervisors and must be not less than the maximum amount of money that shall be subject to such treasurer's control at any one time.
3. The bond of the assessor must be in the amount of one thousand dollars.

Such bonds, or the certificates issued in lieu thereof, must be filed in the office of the township clerk.

**58-05-06. Bonds of township officers - Premiums.** All bonds required by this title for any township officer must be obtained from the North Dakota state bonding fund or from a corporate surety company authorized to do business in this state. Personal sureties may not be accepted on any such bond. The premiums for bonds of the North Dakota state bonding fund must be paid by the township, and the township may not pay the premium upon any other bond except such as is procured to replace a bond canceled by the state bonding fund.

**58-05-07. Officers to take oath.** Each person elected or appointed to the office of supervisor, township clerk, assessor, treasurer, or township overseer of highways, within ten days after the person is notified of the person's election or appointment, shall take and subscribe the oath prescribed in section 4 of article XI of the Constitution of North Dakota. If the oath is administered by the township clerk, no fee may be charged therefor.

**58-05-08. Certificate of oath to be filed.** The person taking the oath described in section 58-05-07, immediately and before entering upon the duties of the person's office, shall file the certificate of such oath in the office of the township clerk.

**58-05-09. Penalty for neglect to take oath.** If any township officer who is required by law to take an oath of office enters upon the duties of the office before taking such oath, the person shall forfeit to the township the sum of fifty dollars.

**58-05-10. Neglect to qualify deemed refusal to serve.** If any person elected or appointed to a township office, of whom an oath or bond is required, neglects to file the same within the time prescribed by law, such neglect must be deemed a refusal to serve in such office.

**58-05-11. Poundmaster to file acceptance - Neglect deemed refusal to serve.** Each person appointed to the office of poundmaster, before entering upon the duties of the office and within ten days after being notified of the election or appointment, shall file a notice signifying acceptance of such office in the office of the township clerk. A neglect to file such notice must be deemed a refusal to serve.

**58-05-12. Officers interested in contracts of township.** Except as otherwise provided by this section, no township officer may become a party to or be interested, directly or indirectly, in any contract made by the board of which the officer is a member. Every contract or payment voted for or made contrary to this section is void. Any violation of this section constitutes malfeasance in office which subjects the offending officer to removal from office. A township

supervisor may become a party to or be interested, directly or indirectly, in any contract made by the board if:

1. No other qualified individual is willing to undertake the contract;
2. The supervisor does not vote on the contract; and
3. The other members of the board of supervisors vote unanimously in favor of the contract.

**58-05-13. Records to be delivered.** Upon going out of office, each supervisor, township clerk, or assessor shall deliver, upon demand of the person's successor and upon oath administered by the latter, all records, books, and papers in the person's possession or under the person's control belonging to the office. The successor shall make such demand immediately upon assuming the office.

**58-05-14. Successor to demand records in case of death.** Upon the death of a supervisor, township clerk, or assessor, the successor of such officer shall make such demand as is provided in section 58-05-13 of the personal representative of such deceased officer. The personal representative shall deliver upon oath all records, books, papers, or moneys in the personal representative's possession or under the personal representative's control belonging to the office held by the personal representative's testator or intestate.

**58-05-15. Board may accept resignations.** The board of township supervisors, for sufficient cause shown to it, may accept the resignation of any officer in its township. Whenever the board accepts a resignation, it shall give notice thereof to the township clerk.

**58-05-16. Vacancies - How filled - Term of office - Powers of person appointed.** If the electors of a township fail to elect the proper number of officers, or a person elected to a township office fails to qualify, or a vacancy happens in any such office from death, resignation, removal from the township, or other cause, the board of township supervisors, or a majority of them, shall fill the vacancy by appointment, and the person so appointed shall hold that office until the next annual meeting and until the person's successor is elected and qualified.

**58-05-17. Vacancies in appointing board.** Repealed by omission from this code.

**58-05-18. When county auditor to appoint township assessor.** If a township assessor is elected or appointed and fails or refuses to qualify or to discharge the duties of the office, or if the electors of a township have provided that the assessor must be elected but fail for any reason to elect an assessor, and the board of township supervisors and the board of county commissioners fail or refuse to appoint such officer for the township on or before the fifteenth day of February of the year for which the assessor is to serve or if the electors of a township have authorized the assessment to be contracted for as provided in section 58-05-02 and the board of township supervisors fails or refuses to enter into such a contract by the fifteenth day of February, the county auditor shall appoint an assessor for the township.