

CHAPTER 11-12

CHANGING NUMBER OF COUNTY COMMISSIONERS

11-12-01. Petition to change number of county commissioners - Election on question. If at least twenty percent of the qualified electors of a county, as determined by the number of votes cast for the office of governor at the preceding general election, shall petition the board of county commissioners for:

1. The increase of the number of county commissioners from three to five if the county, at the time of the filing of the petition, has three commissioners; or
2. The decrease of the number of county commissioners from five to three if the county, at the time of the filing of the petition, has five commissioners,

the board of county commissioners shall submit the question presented by the petition to the qualified electors of the county at a special election to be held in connection with the next statewide primary or general election, whichever is specified in the petition.

11-12-02. Notice of election - How given. Notice of an election on the question of increasing or decreasing the number of county commissioners shall be given in the notice of election prescribed by section 16.1-13-05.

11-12-03. Ballot - Form. If the petition asks for an increase in the number of county commissioners, the ballot shall be in substantially the following form:

Shall _____ County (name the county) increase the number of its county commissioners to five?
Yes ☐
No ☐

If the petition asks for a reduction in the number of county commissioners, the ballot shall be in substantially the following form:

Shall _____ County (name the county) decrease the number of its county commissioners to three?
Yes ☐
No ☐

11-12-04. Increase in number of commissioners authorized - New districts formed. When the returns of an election to pass on the question of increasing the number of county commissioners in a county show that a majority of the votes cast on the question favored such increase, the board of county commissioners, within ten days after the votes have been canvassed, shall divide the county into five commissioners' districts. Such districts shall be numbered from one to five.

11-12-05. Commissioners for new districts appointed. The members of the board of county commissioners, a district judge serving the county, and the county auditor shall meet immediately after the county has been redistricted and shall appoint one commissioner for each of the new districts. The commissioners hold office until their successors are elected and qualified.

11-12-06. Commissioners for new districts - When elected - Terms of office. At the first general election following the division of the county into five commissioners' districts, commissioners for the new districts shall be elected. The commissioner for the fourth district shall be elected for a term of two years, and the commissioner for the fifth district shall be elected for a term of four years. The tenure of office of the members of the existing board of county commissioners shall not be affected.

11-12-07. Decrease in number of commissioners authorized - Redistricting county

- **When effective.** When the returns of an election to pass on the question of decreasing the number of county commissioners in a county show that a majority of the votes cast on the question favored such decrease, the existing board of county commissioners shall continue in office until the time when the terms of office of two members of the board expire simultaneously. At that time, the board shall declare that such two offices are abolished and at its first regular meeting thereafter shall redistrict the county into three commissioners' districts and shall designate the district which each of the three remaining commissioners shall represent. The terms of office of such remaining commissioners shall not be affected.