

CHAPTER 46A-3B

WATER DEVELOPMENT DISTRICTS--BOARD OF DIRECTORS

- [46A-3B-1](#) Initial board of directors--Election--Terms.
- [46A-3B-2](#) Number of directors--Qualifications.
- [46A-3B-2.1](#) Directors to continue in office following realignment of district--Election--Terms of office.
- [46A-3B-3](#) Adjusting number of directors--Redistricting.
- [46A-3B-4](#) Nomination of director candidates.
- [46A-3B-5](#) Certification of nominating petitions--Ballots--Primary election.
- [46A-3B-6](#) Run-off elections for initial directors.
- [46A-3B-7](#) Notices of elections.
- [46A-3B-8](#) Certification of election.
- [46A-3B-9](#) Commencement of directors' terms--Vacancies.
- [46A-3B-10](#) Directors to provide for compensation and reimbursement of board members.
- [46A-3B-11](#) Officers of board of directors.
- [46A-3B-12](#) Quorum of board of directors.
- [46A-3B-13](#) Directors of Central Plains, East Dakota, James River, and South Central districts.

46A-3B-1. Initial board of directors--Election--Terms. The initial board of directors shall be elected at the next general election following the effective date of an act establishing a water development district. If a general election will not occur within one year after the act goes into effect, the Board of Water and Natural Resources may call a special election for the initial board of directors, the costs of such special election to be borne by the water development district. The initial directors shall be elected to serve for staggered terms until the January first following the first general election that occurs at least twelve months after the initial election or the next succeeding general election respectively to represent areas of the water development district. Directors shall thereafter be elected to four-year terms at each subsequent general election to succeed those directors whose terms expire at the end of the year in which the election is held.

Source: SL 1984 (SS), ch 1, § 15.

46A-3B-2. Number of directors--Qualifications. The board of directors of a water development district shall consist of five, seven, or nine members. Those districts which have a population up to twenty-five thousand shall have five directors. Those districts which have a population of twenty-five thousand and one to seventy-five thousand shall have seven directors. Districts with a population greater than seventy-five thousand shall have nine directors. Each director shall be a resident and voter in the director area represented. The Board of Water and Natural Resources shall divide the water development district into director areas. A director shall be elected from each director area.

Source: SL 1984 (SS), ch 1, § 16; SL 1985, ch 356, § 2; SL 2008, ch 233, § 2, eff. Jan. 1, 2009.

46A-3B-2.1. Directors to continue in office following realignment of district--Election--Terms of office. For any water development district having director areas that will be realigned as a result of the provisions of § 46A-3B-2, any director of the district who is in office on January 1, 2009 shall continue to serve as a director if the director remains a resident of the district. At the first general election after January 1, 2009, for any such water development district, directors shall be elected for all director positions in the district, regardless of whether or not any director's term has expired. The directors elected for the district at the general election shall be elected to serve for staggered terms. Thereafter, directors shall be elected to four-year terms at each subsequent general election to succeed those directors whose terms expire at the end of the year in which the election is held.

Source: SL 2008, ch 233, § 3, eff. Jan. 1, 2009.

46A-3B-3. Adjusting number of directors--Redistricting. As soon as possible following each decennial census of population or any adjustment to a water development district boundary, the Board of Water and Natural Resources shall ascertain whether the number of board members should be adjusted, adjust the same, and redistrict water development district director areas to reflect changes in the population of the water development district so as to assure equitable representation of all areas within the water development district. The board may make adjustments to water development district director areas to reflect precinct changes made pursuant to chapter 12-14 if equitable representation of all areas remains assured.

Source: SL 1984 (SS), ch 1, § 17; SL 2008, ch 233, § 4, eff. Jan. 1, 2009; SL 2012, ch 217, § 7.

46A-3B-4. Nomination of director candidates. A director candidate may be nominated by a petition signed by at least twenty-five registered voters in the director area to be represented by the candidate. Nominating petitions shall be made available at the water development district office, the secretary of state's office, and the respective county auditors' offices on forms prescribed by the state election board and filed with the secretary of state not prior to eight a.m., January first, and not later than five p.m., the last Tuesday of March prior to the date of the primary election. If a petition is mailed to the secretary of state's office by registered mail by five p.m., the last Tuesday of March prior to the primary election, it is considered filed. For the initial election, director nominating petitions shall be made available by the Department of Environment and Natural Resources and shall be filed with the department not later than five p.m., the first Tuesday of August before the general election or in the case of a special election under § 46A-3B-1, not later than thirty days before the date set for the special election.

Source: SL 1984 (SS), ch 1, § 18; SL 1987, ch 29, § 32; SL 1989, ch 386, § 2; SL 1991, ch 17 (Ex. Ord. 91-4), § 17; SL 2008, ch 234, § 1, eff. Feb. 7, 2008; SL 2015, ch 77, § 2 rejected Nov. 8, 2016.

46A-3B-5. Certification of nominating petitions--Ballots--Primary election. If three or more nominating petitions are filed for a director office, the secretary of state shall certify the nomination of director candidates to the respective county auditors and the water development district office. The water development district office shall furnish nonpolitical sample and official ballots in adequate numbers and time to permit distribution of such ballots by the respective county auditors with other primary election ballots. Following a primary election, the names of the two candidates receiving the most votes cast in the primary election (or if only two nominating petitions are filed, the names of the two candidates) shall be certified and ballots furnished in the same manner as for the primary, but in time to permit distribution of the ballots by the respective county auditors with other general election ballots. If only one nominating petition is filed for a director office, no election may be held and a certificate of election shall be issued to the nominee in the same manner as to a successful candidate after election. In the case of an initial election, no primary election may be held and the Board of Water and Natural Resources shall certify the names of the candidates and furnish ballots in time to permit distribution of the ballots by the county auditors prior to the general or special election.

Source: SL 1984 (SS), ch 1, § 19; SL 1989, ch 386, § 3; SL 1991, ch 17 (Ex. Ord. 91-4), § 17.

46A-3B-6. Run-off elections for initial directors. Not later than thirty days after a general or special election for the initial directors of a water development district, the Board of Water and Natural Resources shall hold a run-off election in each director area in which no director candidate received a majority of the votes cast for that area's director office. The run-off election in each affected director area shall be between the two director candidates receiving the most votes during the general or special election. The water development district shall pay the costs of the run-off election.

Source: SL 1984 (SS), ch 1, § 20.

46A-3B-7. Notices of elections. A water development district, or the Board of Water and Natural Resources in the case of an initial election, shall publish once each week for two consecutive weeks in the official newspapers of the water development district a notice setting forth vacancies that will occur by completion of

terms of the water development district board members. The last publication may not be less than ten nor more than twenty days before the final deadline for filing of director petitions. The notice shall also state the time and place where director nominating petitions may be filed for such vacancies.

Source: SL 1984 (SS), ch 1, § 21.

46A-3B-8. Certification of election. The respective county auditors shall transmit the results of the election for water development district directors to the secretary of state. If only one nominating petition for a water development district director office has been filed, a certificate of election shall be issued to the nominee by the secretary of state. In the case of an initial election, the Board of Water and Natural Resources shall certify the names of all nominees to the secretary of state. The secretary of state shall issue a certificate of election to each successful candidate.

Source: SL 1984 (SS), ch 1, § 22; SL 1989, ch 386, § 4; SL 1991, ch 17 (Ex. Ord. 91-4), § 17.

46A-3B-9. Commencement of directors' terms--Vacancies. Each director shall take office on the first day of January of the year following election, or not later than sixty days after election in the case of a special election. A vacancy that may occur on the water development district board of directors by reason of death, disability, failure to be a resident and voter, resignation, or other cause pursuant to § 3-4-1, or upon expiration of term of office if no qualifying petitions have been filed or if no successor has qualified for the office, unless otherwise provided in chapters 46A-3A to 46A-3E, inclusive, shall be declared to exist and shall be filled by elective action of the remaining directors from candidates proposed by nominating petitions signed by at least twenty-five eligible voters in the director area for which a vacancy exists. The person appointed to fill the vacancy shall serve for the remainder of the unexpired term.

Source: SL 1984 (SS), ch 1, § 23; SL 1989, ch 386, § 5; SL 1991, ch 372; SL 2016, ch 217, § 3; SL 2017, ch 191, § 1.

46A-3B-10. Directors to provide for compensation and reimbursement of board members. Each water development district board of directors shall establish amounts to reimburse board members for expenses for lodging, meals, and mileage and to provide compensation for each day of actual service for traveling to, attending, and returning from meetings, hearings, or investigations of the water development district board. Such reimbursement and compensation shall be paid on vouchers duly verified and approved according to procedures determined by the board.

Source: SL 1984 (SS), ch 1, § 30; SL 2000, ch 216, § 1.

46A-3B-11. Officers of board of directors. At the first meeting in January of each year, designated as the annual meeting of the water development district, the directors shall elect a chair, a vice chair, and a secretary from among their membership. The officers shall hold office until the next annual meeting of the water development district or until their successors have been elected. In addition, the directors shall appoint a treasurer who may or may not be a director and who shall serve at the pleasure of the board of directors or until a successor is appointed. The treasurer shall be bonded in such amounts and with such sureties as the directors may specify, conditioned on faithful performance of the treasurer's duties. The chair, vice chair, secretary, and treasurer constitute the officers of the board of directors. The treasurer, if not a director, has no voting privileges.

Source: SL 1984 (SS), ch 1, § 31; SL 2011, ch 165, § 327.

46A-3B-12. Quorum of board of directors. A majority of the members of the water development district board of directors constitutes a quorum for transaction of water development district business.

Source: SL 1984 (SS), ch 1, § 34.

46A-3B-13. Directors of Central Plains, East Dakota, James River, and South Central districts. For any water development district with boundaries affected by §§ 46A-3A-2 to 46A-3A-5, inclusive, any director of the district who is in office on January 1, 2009 shall continue to serve as a director if the director remains a resident of the district. At the first general election after January 1, 2009, for any water development district with boundaries affected by §§ 46A-3A-2 to 46A-3A-5, inclusive, directors shall be elected for all director positions in the district, regardless of whether or not any director's term has expired. The directors elected for the district at the general election shall be elected to serve for staggered terms. Thereafter, directors shall be elected to four-year terms at each subsequent general election to succeed those directors whose terms expire at the end of the year in which the election is held.

Source: SL 2008, ch 232, § 5, eff. Jan. 1, 2009.
