

**OPINION**  
**65-151**

August 19, 1965           (OPINION)

Mr. Eugene A. Kruger

State's Attorney

Cass County

RE: Libraries - County Library Service - Petitions

This is in reply to your letter of August 12, 1965, in regard to the length of time county library petitions and signatures will be valid. You inform us that the Board decided not to establish the County Library Service now. You indicate that several citizens want to bring the matter up again and that several citizens wish to withdraw signatures and petitions. Also, you inform us that you would appreciate our opinion as to the length of time signatures and petitions will be valid, if and when new application can be made to the County Commissioners, and what disposition may be made of these signatures and petitions by the County.

You call our attention to section 1-01-50 of the 1965 Supplement to the North Dakota Century Code:

FILING OR PRESENTATION OF PETITIONS - TIME LIMIT. Whenever in this code provision is made for the filing or presentation of a petition with or to any officer or governing body or board of the state or any agency, instrumentality, or political subdivision thereof as a prerequisite to the calling of an election, or the performance or prohibition of any act, such petition must be filed with or presented to such officer or governing body or board not later than one year from the date such petition is first placed in circulation, or the time the first signature is affixed thereto, whichever date is the latest. The provisions of this section shall not apply in any case where the law governing a particular petition specifies a shorter or a longer period of time."

We assume that the petition you refer to has already been presented to the governing body concerned. It is our understanding that from the time of such presentation the Board does have the power to act on same. We find nothing in the statutes which puts any time limit at all on when they might decide to take action on same. On such basis, we would presume that a reasonable time is implied.

We see no need or appropriateness in presenting the petitions again, although obviously the matter of whether library service should be instituted could be brought up at any meeting now that the Board of County Commissioners is empowered to establish same.

It is our opinion that the signatures can be withdrawn from a petition at any time after filing and before the Board takes

jurisdiction of the petitions. Withdrawal of an entire petition would probably be quite difficult because we believe such withdrawal would have to be unanimous and before the Board taking original jurisdiction of said petition. However, if sufficient signatures were withdrawn to make the petition insufficient before jurisdiction was taken of the petition, we believe this would have the same effect as withdrawing the petition.

Finally, as to disposition of signatures and petitions, it is our opinion that they should properly be filed with the County Auditor for the previously specified "reasonable time." As to what is a "reasonable time", this might well differ, but at the current moment we would assume that same would include several years.

HELGI JOHANNESON

Attorney General