

HOUSE BILL NO. 1211

Introduced by

Representative Winrich

Senator DeMers

1 A BILL for an Act to amend and reenact section 16.1-12-02.2 of the North Dakota Century
2 Code, relating to the filing of certificates of candidacy by write-in candidates.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 16.1-12-02.2 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **16.1-12-02.2. Counting of write-in votes - Certificate of candidacy by write-in**
7 **candidates.**

- 8 1. An election board or canvassing board may not count any write-in vote for any:
- 9 a. Person who is required to file a certificate of write-in candidacy under this
- 10 section but who has not filed a certificate of candidacy and been certified as a
- 11 write-in candidate.
- 12 b. Fictitious person, nonperson, or person clearly not eligible to qualify for the
- 13 office for which the vote was cast.
- 14 c. Statement concerning the candidates.
- 15 2. A person who intends to be a write-in candidate for president of the United States
- 16 at the presidential preference contest or for statewide or judicial district office at
- 17 any election shall file a certificate of write-in candidacy with the secretary of state
- 18 by four p.m. on the twenty-first day before the contest or election. The certificate
- 19 must contain the name and address of the candidate and be signed by the
- 20 candidate. Before the thirteenth day before the contest or election, the secretary of
- 21 state shall certify the names of the candidates to each county auditor as write-in
- 22 candidates.
- 23 3. A person who intends to be a write-in candidate at the general election for
- 24 president of the United States shall file a certificate of write-in candidacy with the

secretary of state by four p.m. on the twenty-first day before the general election.

The certificate must contain the names and addresses of the candidates for presidential electors for that presidential candidate and a certification of acceptance signed by each candidate for elector. The candidate shall sign the certificate. The certificate may also include the name and address of a candidate for vice president of the United States and a certification of acceptance signed by that candidate. The secretary of state shall prescribe the form of the certificate of write-in candidacy and the certification of acceptance. Before the thirteenth day before the election, the secretary of state shall certify the names of the presidential candidates and the presidential electors to each county auditor as write-in candidates.

4. A person who intends to be a write-in candidate for any legislative district office shall file a certificate of write-in candidacy with the election officer with whom the candidate would otherwise file to have the candidate's name placed on the ballot. The certificate must contain the name, address, and signature of the candidate. Certificates must be filed by four p.m. on the fourth day before the election. When the candidate files a certificate, the candidate also shall file a contribution statement as required under section 16.1-08.1-02 complete through the day of the filing of the certificate.

5. A certificate under this section is not required when:
 - a. ~~No~~ no names will appear on the ballot for an office;
 - b. ~~The~~ or the number of candidates appearing on the ballot for an office is ~~less~~ fewer than the number to be elected; ~~or~~ or
 - c. ~~The number of candidates appearing on the ballot for a party office is less than the number of nominations a party is entitled to make.~~ When certificates of write-in candidacy are not required under this chapter, all write-in votes must be counted.

6. A person required to file a certificate of write-in candidacy may not seek more than one office appearing on the primary and general election ballots.