

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2310

Introduced by

Senator Dever

Representative Meier

1 A BILL for an Act to amend and reenact subsection 3 of section 16.1-08.1-02, sections
2 16.1-09-02, and 16.1-12-02.2 of the North Dakota Century Code, relating to write-in candidates
3 and counting of write-in votes.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 16.1-08.1-02 of the 1999
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 3. The candidate shall file the statement in the office of the secretary of state no later
8 than the twelfth day before the date of the election in which the candidate's name
9 appears on the ballot ~~or in which the candidate seeks election through write-in~~
10 ~~votes~~ complete from the beginning of that calendar year through the twentieth day
11 before the date of the election. The candidate shall file a complete statement for
12 the entire calendar year no later than the thirty-first day of January of the following
13 year, regardless of whether the candidate's name appeared on the ballot for any
14 office during that calendar year ~~or whether the candidate did not seek election at~~
15 ~~any election through write-in votes.~~

16 **SECTION 2. AMENDMENT.** Section 16.1-09-02 of the 1999 Supplement to the North
17 Dakota Century Code is amended and reenacted as follows:

18 **16.1-09-02. Statement of interests to be filed.** Every candidate for elective office
19 shall file a statement of interests as required by this chapter. In a year when a president and
20 vice president of the United States are to be chosen, presidential and vice presidential
21 candidates shall file with the secretary of state either a statement of interests as required by
22 this chapter or a copy of the personal disclosure statement that is required by the federal
23 election commission. A candidate for elective office shall file the statement of interests with the
24 officer with whom the candidate filed the candidate's certificate of nomination, certificate of

endorsement, or petition of nomination, ~~or certificate of write-in candidacy~~. Candidates for elective office who are required to file such statements shall do so at the time of filing a certificate of nomination, a certificate of endorsement, or a petition of nomination, ~~or a certificate of write-in candidacy~~, pursuant to chapter 16.1-11, ~~16.1-12~~, or 40-21, as is appropriate. A person who has filed a statement as the result of candidacy in a primary election need not refile before running in the following general election. A write-in candidate ~~who is not required to file a certificate of write-in candidacy~~ in county, city, school district, or other political subdivision election shall file the statement of interests after the candidate's election at the time of filing the required oath of office. Every person who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment.

SECTION 3. AMENDMENT. Section 16.1-12-02.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-12-02.2. Counting of write-in votes ~~Certificate of candidacy by write-in candidates in political subdivision elections.~~

4. An election board or canvassing board ~~may not~~ shall count any write-in vote ~~for any:~~
 - a. ~~Person who is required to file a certificate of write-in candidacy under this section but who has not filed a certificate of candidacy and been certified as a write-in candidate.~~
 - b. ~~Fictitious~~ cast in a county, city, school district, or other political subdivision election. Notwithstanding section 16.1-07-08.1, an election board or canvassing board is not required to count any write-in vote cast in a federal, state, judicial district, or legislative district election. An election or canvassing board is not required to count any write-in vote for a fictitious person, nonperson, or person clearly not eligible to qualify for the office for which the vote was cast.
 - c. ~~Statement concerning the candidates.~~
2. A person who intends to be a write-in candidate for president of the United States ~~at the presidential preference contest or for statewide or judicial district office at~~

1 ~~any election shall file a certificate of write-in candidacy with the secretary of state~~
2 ~~by four p.m. on the twenty first day before the contest or election. The certificate~~
3 ~~must contain the name and address of the candidate and be signed by the~~
4 ~~candidate. Before the thirteenth day before the contest or election, the secretary~~
5 ~~of state shall certify the names of the candidates to each county auditor as write-in~~
6 ~~candidates.~~

7 3. ~~A person who intends to be a write-in candidate at the general election for~~
8 ~~president of the United States shall file a certificate of write-in candidacy with the~~
9 ~~secretary of state by four p.m. on the twenty first day before the general election.~~
10 ~~The certificate must contain the names and addresses of the candidates for~~
11 ~~presidential electors for that presidential candidate and a certification of~~
12 ~~acceptance signed by each candidate for elector. The candidate shall sign the~~
13 ~~certificate. The certificate may also include the name and address of a candidate~~
14 ~~for vice president of the United States and a certification of acceptance signed by~~
15 ~~that candidate. The secretary of state shall prescribe the form of the certificate of~~
16 ~~write-in candidacy and the certification of acceptance. Before the thirteenth day~~
17 ~~before the election, the secretary of state shall certify the names of the presidential~~
18 ~~candidates and the presidential electors to each county auditor as write-in~~
19 ~~candidates.~~

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

28 5. ~~A certificate under this section is not required when:~~
29 a. ~~No names will appear on the ballot for an office;~~
30 b. ~~The number of candidates appearing on the ballot for an office is less than~~
31 ~~the number to be elected; or~~

- 1 e. ~~The number of candidates appearing on the ballot for a party office is less~~
2 ~~than the number of nominations a party is entitled to make. When certificates~~
3 ~~of write-in candidacy are not required under this chapter, all write-in votes~~
4 ~~must be counted.~~
- 5 ~~A person required to file a certificate of write-in candidacy may not seek more than one office~~
6 ~~appearing on the primary and general election ballots.~~