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Fifty-seventh
Legislative Assembly   **SENATE BILL NO. 2310**
of North Dakota

Introduced by

Senator Dever

Representative Meier

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 counting of write-in votes.

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

4   **SECTION 1. AMENDMENT.** Section 16.1-12-02.2 of the 1999 Supplement to the

5   North Dakota Century Code 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~~ in political subdivision elections.**

8   ~~1.~~   An election board or canvassing board ~~may not~~ shall count any write-in vote ~~for~~

9   ~~any:~~

10   ~~a.~~   ~~Person who is required to file a certificate of write-in candidacy under this~~

11   ~~section but who has not filed a certificate of candidacy and been certified as a~~

12   ~~write-in candidate.~~

13   ~~b.~~   ~~Fictitious~~ cast in a county, city, school district, or other political subdivision

14   election. An election or canvassing board is not required to count any write-in

15   vote for a fictitious person, nonperson, or person clearly not eligible to qualify

16   for the office for which the vote was cast.

17   ~~c.~~   ~~Statement concerning the candidates.~~

18   ~~2.~~   ~~A person who intends to be a write-in candidate for president of the United States~~

19   ~~at the presidential preference contest or for statewide or judicial district office at~~

20   ~~any election shall file a certificate of write-in candidacy with the secretary of state~~

21   ~~by four p.m. on the twenty-first day before the contest or election. The certificate~~

22   ~~must contain the name and address of the candidate and be signed by the~~

23   ~~candidate. Before the thirteenth day before the contest or election, the secretary of~~

1   ~~state shall certify the names of the candidates to each county auditor as write-in~~

2   ~~candidates.~~

3   ~~3.~~   ~~A person who intends to be a write-in candidate at the general election for~~

4   ~~president of the United States shall file a certificate of write-in candidacy with the~~

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

6   ~~The certificate must contain the names and addresses of the candidates for~~

7   ~~presidential electors for that presidential candidate and a certification of~~

8   ~~acceptance signed by each candidate for elector. The candidate shall sign the~~

9   ~~certificate. The certificate may also include the name and address of a candidate~~

10   ~~for vice president of the United States and a certification of acceptance signed by~~

11   ~~that candidate. The secretary of state shall prescribe the form of the certificate of~~

12   ~~write-in candidacy and the certification of acceptance. Before the thirteenth day~~

13   ~~before the election, the secretary of state shall certify the names of the presidential~~

14   ~~candidates and the presidential electors to each county auditor as write-in~~

15   ~~candidates.~~

16   ~~4.~~   ~~A person who intends to be a write-in candidate for any legislative district office~~

17   ~~shall file a certificate of write-in candidacy with the election officer with whom the~~

18   ~~candidate would otherwise file to have the candidate's name placed on the ballot.~~

19   ~~The certificate must contain the name, address, and signature of the candidate.~~

20   ~~Certificates must be filed by four p.m. on the fourth day before the election. When~~

21   ~~the candidate files a certificate, the candidate also shall file the contribution~~

22   ~~statement provided for under section 16.1-08.1-02 complete through the day of the~~

23   ~~filing of the certificate.~~

24   ~~5.~~   ~~A certificate under this section is not required when:~~

25   ~~a.~~   ~~No names will appear on the ballot for an office;~~

26   ~~b.~~   ~~The number of candidates appearing on the ballot for an office is less than the~~

27   ~~number to be elected; or~~

28   ~~c.~~   ~~The number of candidates appearing on the ballot for a party office is less~~

29   ~~than the number of nominations a party is entitled to make. When certificates~~

30   ~~of write-in candidacy are not required under this chapter, all write-in votes~~

31   ~~must be counted.~~

1   ~~A person required to file a certificate of write-in candidacy may not seek more than one office~~

2   ~~appearing on the primary and general election ballots.~~