

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

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

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

15 **16.1-12-02.2. Counting of write-in votes** ~~Certificate of candidacy by write-in~~
16 **candidates in political subdivision elections.**

- 17 4. An election board or canvassing board ~~may not~~ shall count any write-in vote ~~for~~
18 any:
- 19 a. ~~Person who is required to file a certificate of write-in candidacy under this~~
20 ~~section but who has not filed a certificate of candidacy and been certified as a~~
21 ~~write-in candidate.~~
- 22 b. ~~Fictitious~~ cast in a county, city, school district, or other political subdivision
23 election. Notwithstanding section 16.1-07-08.1, an election board or
24 canvassing board is not required to count any write-in vote cast in a federal,
25 state, judicial district, or legislative district election. An election or canvassing
26 board is not required to count any write-in vote for a fictitious person,
27 nonperson, or person clearly not eligible to qualify for the office for which the
28 vote was cast.
- 29 e. ~~Statement concerning the candidates.~~
- 30 2. ~~A person who intends to be a write-in candidate for president of the United States~~
31 ~~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~~

Fifty-seventh
Legislative Assembly

- 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.~~