

HOUSE BILL NO. 1379

Introduced by

Representatives L. Meier, Grande, Haas

Senators Dever, Krebsbach

1 A BILL for an Act to amend and reenact subdivisions d and e of subsection 1 of section
2 16.1-12-02.2 of the North Dakota Century Code, relating to write-in vote thresholds.

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

4 **SECTION 1. AMENDMENT.** Subdivisions d and e of subsection 1 of section
5 16.1-12-02.2 of the North Dakota Century Code are amended and reenacted as follows:

6 d. Name written or printed by the voter for an office that did not also include the
7 darkening of the oval next to the write-in line, except that a write-in candidate
8 for a nonfederal office may make a timely written demand to a county
9 canvassing board to identify and preserve any write-in vote cast for the office
10 sought by the write-in candidate for canvass by the board. The candidate
11 shall deliver the demand to the county auditor and a copy to the ~~clerk of~~
12 ~~district court~~ county recorder no later than thirty-six hours before the time the
13 county canvassing board is scheduled to meet. A demand only may be made
14 if the unofficial election results maintained by the county auditor demonstrate
15 that the write-in candidate's known vote total is within the pertinent
16 percentage limits provided in subsection 1 or 2 of section 16.1-16-01 and a
17 statement to that effect is included in the demand. After delivery of the ballots
18 as provided by section 16.1-15-08, the canvassing board shall review the
19 ballots to identify any ballot that contains a write-in vote. The county
20 canvassing board shall tally and canvass any write-in vote in the same
21 manner as lawful or qualifying write-in votes if the canvassing board is able to
22 clearly ascertain the intent of the voter from examining the ballot because the
23 write-in candidate's name has been written on the ballot opposite the office to
24 be voted for or because of any other cogent evidence of intent.

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Legislative Assembly

- 1 e. Write-in votes which constitute ~~five~~ twenty percent or less of the votes cast by
2 the voters for the candidate receiving the most votes for that office, except in
3 the case of a primary election where enough votes were cast as write-in votes
4 to qualify a name for the general election ballot. This percentage is to be
5 calculated based on the total number of write-in votes tabulated by the voting
6 equipment in the precincts of the county in which that office was on the ballot.