

**FIRST ENGROSSMENT
with Senate Amendments**

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED 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 canvassing of write-in vote
3 thresholds.

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

5 **SECTION 1. AMENDMENT.** Subdivisions d and e of subsection 1 of section
6 16.1-12-02.2 of the North Dakota Century Code are amended and reenacted as follows:

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

- 1 write-in candidate's name has been written on the ballot opposite the office to
2 be voted for or because of any other cogent evidence of intent.
- 3 e. Write-in votes which constitute ~~five~~ ten percent or less of the votes cast by the
4 voters for the candidate receiving the most votes for that office, except in the
5 case of a primary election where enough votes were cast as write-in votes to
6 qualify a name for the general election ballot. This percentage is to be
7 calculated based on the total number of write-in votes tabulated by the voting
8 equipment in the precincts of the county in which that office was on the ballot.