

**HOUSE BILL NO. 1078**

Introduced by

Judiciary Committee

(At the request of the Commission on Uniform State Laws)

1 A BILL for an Act to create and enact sections 16.1-13-35, 16.1-13-36, 16.1-13-37, 16.1-13-38,  
2 16.1-13-39, 16.1-13-40, 16.1-13-41, 16.1-13-42, 16.1-13-43, and 16.1-13-44 and chapter  
3 16.1-14.1 of the North Dakota Century Code, relating to presidential elections and the adoption  
4 of the Uniform Faithful Presidential Electors Act; to amend and reenact subsection 1 of section  
5 16.1-03-14 and sections 16.1-06-06, 16.1-12-02, 16.1-14-01, 16.1-14-03, 16.1-14-08,  
6 16.1-14-09, 16.1-14-10, 16.1-14-11, 16.1-14-12, 16.1-14-13, and 16.1-14-14 of the North  
7 Dakota Century Code, relating to nominating presidential electors and alternate electors, and  
8 presidential electors' roles and procedures; and to repeal sections 16.1-14-05, 16.1-14-18,  
9 16.1-14-19, 16.1-14-20, 16.1-14-21, 16.1-14-22, 16.1-14-23, 16.1-14-24, 16.1-14-25,  
10 16.1-14-26, 16.1-14-27, and 16.1-14-28 of the North Dakota Century Code, relating to the filling  
11 of a vacancy of a presidential elector and voting of new and former residents at presidential  
12 elections.

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

14 **SECTION 1. AMENDMENT.** Subsection 1 of section 16.1-03-14 of the North Dakota  
15 Century Code is amended and reenacted as follows:

- 16 1. The party state committee shall set the place and time of the state party convention to  
17 be held in each general election year. Subject to party rules and bylaws, the state  
18 party convention may:
- 19 a. Nominate the legal number of ~~qualified electors~~selector nominees and alternate  
20 elector nominees for its party for the offices of presidential electors. The  
21 nominees must be qualified electors of this state.
  - 22 b. Elect the required number of delegates and alternates to the national party  
23 convention.
  - 24 c. Endorse candidates as provided under subsection 2.

1       **SECTION 2. AMENDMENT.** Section 16.1-06-06 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **16.1-06-06. General election ballots for persons authorized to vote for presidential**  
4 **electors only - Prepared separately - General law governs.**

5       In addition to the ballots prepared pursuant to section 16.1-06-05, ballots must be prepared  
6 containing only the names of duly certified candidates for presidential electors for use by  
7 persons authorized to vote for those offices by law. The provisions of this title regarding the  
8 preparation, form, arrangement of names, and delivering of ballots must govern in regard to the  
9 general election ballot prepared pursuant to this section. The ballots prepared pursuant to this  
10 section must be delivered to electors who qualify only to vote for presidential electors pursuant  
11 to sections ~~16.1-14-18~~16.1-13-35 and ~~16.1-14-19~~16.1-13-36.

12       **SECTION 3. AMENDMENT.** Section 16.1-12-02 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14       **16.1-12-02. Certificates of nomination by petition - Form and contents.**

15       Certificates of nomination for nominees for an office to be filled at a general or special  
16 election, except for an office appearing on the no-party ballot, may be made as provided by this  
17 section. Except for nominees for president of the United States, names of nominees so  
18 nominated must appear on the ballot as independent nominations. The names of nominees for  
19 president of the United States may appear on the ballot with a designation, not to exceed five  
20 words, that names the organization or political party to which the presidential candidate  
21 affiliates. The designation may not falsely indicate an affiliation with or the support of any  
22 political party organized in accordance with this title or include any substantive word or phrase  
23 that is profane or that is already included in or resembles the name of a political party entitled to  
24 a separate column under section 16.1-11-30. Except for candidates for the office of president of  
25 the United States, each certificate of nomination by petition must meet the specifications for  
26 nominating petitions set forth in section 16.1-11-16. A political party or organization desiring to  
27 submit to the secretary of state the name of a qualified candidate for the office of the president  
28 of the United States may begin gathering the signatures for the certificate of nomination on the  
29 first day of January of a presidential election year and shall submit the petition to the secretary  
30 of state before four p.m. on the sixty-fourth day before the general election. The signatures on  
31 the petition must be in the following number:

- 1       1.    Except as provided in subsection 3, if the nomination is for an office to be filled by the  
2           qualified electors of the entire state, there must be no fewer than one thousand  
3           signatures.
- 4       2.    If the nomination is for an office to be filled by the qualified electors of a district less  
5           than the entire state, the number of signatures must be at least two percent of the  
6           resident population of the district as determined by the most recent federal decennial  
7           census, but in no case may more than three hundred signatures be required.
- 8       3.    If the nomination is for the office of president, there must be no fewer than four  
9           thousand signatures and the petition must contain the names of the presidential and  
10          vice presidential candidates along with the names of the elector nominees and  
11          alternate elector nominees for the office of the North Dakota presidential electors  
12          ~~selected from the qualified electors of North Dakota.~~ The elector nominees and  
13          alternate elector nominees must be qualified electors of North Dakota.
- 14      4.    If the petition is for the office of governor or lieutenant governor, it must contain the  
15          names and other required information of candidates for both those offices.

16       **SECTION 4.** Section 16.1-13-35 of the North Dakota Century Code is created and enacted  
17 as follows:

18       **16.1-13-35. Eligibility of new residents to vote for presidential electors.**

19       A citizen of the United States who, immediately before the citizen's relocation to this state,  
20 was a citizen of another state and who has been a resident of the precinct for less than thirty  
21 days before a presidential election, is entitled to vote for presidential electors at the election, but  
22 for no other offices, if:

- 23       1.    The citizen otherwise possesses the substantive qualifications to vote in this state,  
24           except the required residence; and
- 25       2.    The citizen complies with the provisions of sections 16.1-13-37, 16.1-13-41, and  
26           16.1-13-44.

27       **SECTION 5.** Section 16.1-13-36 of the North Dakota Century Code is created and enacted  
28 as follows:

29       **16.1-13-36. Eligibility of former residents to vote for presidential electors.**

30       A citizen of the United States who was a qualified elector in this state immediately before  
31 establishing residence in another state and who has not qualified for voting purposes due to the

1 residency requirement of that state may vote in this state for president and vice president only,  
2 by applying for a separate ballot under section 16.1-13-37 at least one day before the election.  
3 The requirements and procedure for former residents to vote are governed by sections  
4 16.1-13-37, 16.1-13-40, 16.1-13-41, 16.1-13-42, 16.1-13-43, and 16.1-13-44, and the  
5 statements relative to new residents contained in those sections must be changed by the  
6 county auditor and inspector of elections to comply with this section for this purpose.

7 **SECTION 6.** Section 16.1-13-37 of the North Dakota Century Code is created and enacted  
8 as follows:

9 **16.1-13-37. Application for presidential elector ballot by new residents.**

10 An individual desiring to qualify to vote for presidential electors is not required to register,  
11 but, at least ten days before the election, the individual shall apply in the form of an affidavit  
12 executed in duplicate in the presence of the county auditor substantially as follows:

13 State of North Dakota )  
14 ) ss.  
15 County of \_\_\_\_\_ )

16 I, \_\_\_\_\_, do solemnly swear that:

- 17 1. I am a citizen of the United States.
- 18 2. Before becoming a resident of this state, I resided at \_\_\_\_\_ street, in the (town)  
19 (township) (city) of \_\_\_\_\_, county of \_\_\_\_\_ in the state of \_\_\_\_\_.
- 20 3. On the day of the next presidential election, I shall be at least eighteen years of age. I  
21 have been a resident of this state since \_\_\_\_\_, \_\_\_\_\_, now residing at  
22 \_\_\_\_\_ street, in the (town) (township) (city) of \_\_\_\_\_, county of  
23 \_\_\_\_\_ in the state of North Dakota.
- 24 4. I have resided in \_\_\_\_\_ precinct for less than thirty days. I believe I am entitled  
25 under the laws of this state to vote at the presidential election to be held on November  
26 \_\_\_\_\_, \_\_\_\_.
- 27 5. I apply for a presidential election ballot. I have not voted and will not vote otherwise  
28 than by this ballot at that election.

29 Signed \_\_\_\_\_

30 (Applicant)

31 \_\_\_\_\_

1 (Applicant's telephone number)

2 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_.

3 Signed \_\_\_\_\_

4 (Title and name of officer  
5 authorized to administer oaths)

6 **SECTION 7.** Section 16.1-13-38 of the North Dakota Century Code is created and enacted  
7 as follows:

8 **16.1-13-38. Mailing duplicate application for presidential elector ballot.**

9 The county auditor immediately shall mail a duplicate of the application for a presidential  
10 elector ballot to the appropriate official of the state in which the applicant last resided.

11 **SECTION 8.** Section 16.1-13-39 of the North Dakota Century Code is created and enacted  
12 as follows:

13 **16.1-13-39. Filing and indexing applications for presidential elector ballots from other**  
14 **states.**

15 The county auditor shall file each duplicate application for a presidential elector ballot or  
16 other official information received by the county auditor from another state indicating a former  
17 resident of this state has applied to vote at a presidential election in another state and shall  
18 maintain an alphabetical index of the information for four months after the election.

19 **SECTION 9.** Section 16.1-13-40 of the North Dakota Century Code is created and enacted  
20 as follows:

21 **16.1-13-40. Delivery of presidential elector ballot to applicant.**

22 If the county auditor is satisfied the application is proper and the applicant is qualified to  
23 vote at the presidential election, the county auditor shall deliver a ballot for presidential electors  
24 to the applicant no sooner than thirty days nor later than one day before the next presidential  
25 election.

26 **SECTION 10.** Section 16.1-13-41 of the North Dakota Century Code is created and enacted  
27 as follows:

28 **16.1-13-41. Voting by new residents for presidential electors.**

29 1. The applicant, upon receiving the ballot for presidential electors, immediately shall  
30 mark the ballot in the presence of the county auditor but in a manner the official cannot  
31 know how the ballot is marked. The applicant subsequently shall fold the ballot in the

1           county auditor's presence to conceal the markings and deposit and seal the ballot in  
2           an envelope furnished by the county auditor.

3           2. The voter shall enclose the envelope containing the ballot in a carrier envelope which  
4           must be sealed securely. There must be imprinted on the outside of the carrier  
5           envelope a statement substantially as follows:

6   CERTIFICATION OF NEW RESIDENT VOTER

7           I have qualified as a new resident voter in this state to vote for presidential electors. I  
8           have not applied nor do I intend to apply for an absent voter's ballot from the state  
9           from which I have relocated. I have not voted and I will not vote otherwise than by this  
10           ballot.

11   Dated \_\_\_\_\_

12   Witness \_\_\_\_\_

13   County Auditor

14   \_\_\_\_\_  
15   (Signature of Voter)

16           3. The voter shall sign the certification upon the carrier envelope and subsequently shall  
17           deliver the sealed carrier envelope to the county auditor who shall keep the carrier  
18           envelope in the county auditor's office until delivered by the county auditor to the  
19           inspector of elections of the county absentee ballot precinct.

20           **SECTION 11.** Section 16.1-13-42 of the North Dakota Century Code is created and enacted  
21 as follows:

22           **16.1-13-42. List of applicants requesting presidential elector ballots open for public**  
23 **inspection.**

24           The county auditor shall keep open for public inspection a list of all individuals who have  
25 applied to vote for presidential electors as new residents with their names, addresses, and  
26 application dates for two years.

27           **SECTION 12.** Section 16.1-13-43 of the North Dakota Century Code is created and enacted  
28 as follows:

1        **16.1-13-43. Delivery and processing of presidential elector ballots of new residents.**

2        1.    The county auditor shall deliver the presidential elector ballots for new residents to the  
3            inspector of elections in the manner prescribed by law for absentee ballots. The ballots  
4            must be processed in accordance with the law for absentee ballots.

5        2.    The inspector of elections shall record the new resident voter's name with a notation  
6            designating the individual as a new resident voting for presidential electors only.

7        **SECTION 13.** Section 16.1-13-44 of the North Dakota Century Code is created and enacted  
8 as follows:

9        **16.1-13-44. Application of other statutes to presidential elector ballots.**

10       Except as provided in sections 16.1-14-35 through 16.1-14-44, the provisions of law relating  
11 to absent voters' ballots apply also to the casting and counting of presidential elector ballots of  
12 new residents, the furnishing of election supplies, ballots, canvassing of ballots, and making  
13 proper returns of the results of the election.

14       **SECTION 14. AMENDMENT.** Section 16.1-14-01 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16       **16.1-14-01. Canvassing votes for presidential electors - Tie vote.**

17       The state canvassing board, in examining and making a statement of the votes for, and in  
18 determining and certifying the ~~persons~~individuals chosen as, presidential electors, shall proceed  
19 in the manner prescribed in this title for the canvass of votes for state officers. The secretary of  
20 state likewise shall file and record ~~such~~the statement and determination. In canvassing the  
21 returns for presidential electors, the group of electors having the greatest number of votes is to  
22 be declared elected. If two or more groups of electors are found to have an equal and the  
23 greatest number of votes, the election of one group must be determined by a drawing of names,  
24 with the governor drawing the names in the presence of the other members of the state  
25 canvassing board.

26       **SECTION 15. AMENDMENT.** Section 16.1-14-03 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28       **16.1-14-03. Proclamation of result by governor - Publishing - Certificate of election.**

29       Within ten days after the state canvassing board completes the canvass of the votes cast  
30 for presidential electors, as certified by the auditors of the respective counties, the governor  
31 shall declare by proclamation, to be printed in the official county newspaper printed and

1 published at the seat of government, the names of the ~~persons~~individuals who have received  
2 the highest number of votes returned for ~~such~~the office of presidential elector. If the election of  
3 ~~such person~~the individuals has not been contested by notice of contest having been filed with  
4 the governor within ten days after the date of ~~such~~the proclamation, ~~then such persons must~~  
5 ~~be~~the individuals are deemed elected, and the governor shall transmit a certificate of election to  
6 each ~~person~~ ~~so~~ chosen ~~a certificate of election~~individual.

7 **SECTION 16. AMENDMENT.** Section 16.1-14-08 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **16.1-14-08. Contestant may apply to board.**

10 A group of electors appearing, ~~by the~~ of a presidential candidate not listed in the  
11 proclamation of the governor, ~~to have~~ issued according to section 16.1-14-03 and who received  
12 ~~not less than~~at least one-fifth of the votes cast at an election for presidential electors, as  
13 certified by the state canvassing board, may apply to the board provided for in section  
14 16.1-14-07 for a declaration of election as presidential electors.

15 **SECTION 17. AMENDMENT.** Section 16.1-14-09 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **16.1-14-09. Application to state grounds of contest.**

18 The application provided for in section 16.1-14-08 must be made by petition in writing ~~to~~  
19 ~~be~~and filed in the office of the secretary of state within ten days from the date of the  
20 proclamation provided for in section 16.1-14-03. The petition, regardless of its mode of delivery,  
21 must be in the possession of the secretary of state before four p.m. on the tenth day as  
22 provided in this section, and the secretary of state shall convene the board ~~forthwith~~for the trial  
23 of contests of elections for presidential elections. The petition must set forth the names of the  
24 ~~persons~~individuals whose election is contested and the ground for such contest. The petitioner,  
25 before any proceedings are had upon the petition, except the convening of the board, shall file a  
26 bond to this state in a sum and with ~~such~~ surety as the board shall order, conditioned for the  
27 payment of all costs incurred in the prosecution of ~~such~~the contest in ~~the~~ case the contestants  
28 do not prevail.

29 **SECTION 18. AMENDMENT.** Section 16.1-14-10 of the North Dakota Century Code is  
30 amended and reenacted as follows:



1       **16.1-14-10. Notice to ~~persons~~individuals contested.**

2       Upon the filing of the petition and bond as provided in section 16.1-14-09, the board for the  
3 trial of an ~~election contest~~contests of elections for presidential elections shall order written  
4 notice of the petition to be given to the governor and to the ~~persons~~individuals whose election is  
5 contested. Notice ~~must~~ also must be published in a newspaper as the board shall order. ~~Notices~~  
6 ~~provided for~~A notice required by this section must contain a concise statement of the facts  
7 alleged in the petition and a designation of the time and place fixed by the board for the hearing,  
8 ~~which.~~ The hearing must be not less than three nor more than fifteen days from the filing of the  
9 petition.

10       **SECTION 19. AMENDMENT.** Section 16.1-14-11 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12       **16.1-14-11. Appearance by parties to contest.**

13       At the time fixed for the hearing, the petitioners shall appear and produce their evidence,  
14 and the ~~persons~~individuals whose election is contested may appear and produce evidence in  
15 ~~their~~the individuals' behalf. Any party to the contest proceedings may appear in person or by  
16 attorney, and no other person is entitled to be made a party to the proceedings or to be heard  
17 personally or by counsel ~~therein~~. If more than one petition is pending, the board, in its  
18 discretion, may order the contests to be heard together.

19       **SECTION 20. AMENDMENT.** Section 16.1-14-12 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21       **16.1-14-12. Hearing - How conducted.**

22       The board shall hear the contest and decide all questions of law and fact involved. The  
23 burden of proof in each case ~~must be upon~~is on the petitioners, ~~and the.~~ The hearing must be  
24 confined to the grounds stated in the petition, but the board ~~in its discretion~~ may allow the  
25 petition to be amended. ~~No ex~~Ex parte affidavits shall be ~~are~~ not competent evidence at the  
26 hearing. ~~A person~~An individual may not be excused from testifying or from producing papers or  
27 documents at the hearing on the grounds ~~that such~~the testimony will tend to incriminate the  
28 ~~person~~individual, but ~~no person~~ an individual testifying may not be subject to any suit or  
29 prosecution, civil or criminal, for any matter or cause in respect to which the ~~person~~individual is  
30 examined or to which the ~~person's~~individual's testimony relates. The board has the same power  
31 to compel the attendance of witnesses as the district courts of this state possess, and nothing

1 contained in this chapter ~~may be held to limit~~limits the power of the board to make such-  
2 regulations as to the conduct of the proceedings as ~~it may deem~~the board deems proper, not  
3 inconsistent with the provisions of this chapter. The board has all powers necessary to the  
4 complete performance of the duties and authority conferred upon ~~the board~~ by this chapter.

5 **SECTION 21. AMENDMENT.** Section 16.1-14-13 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **16.1-14-13. Certification of determination of board.**

8 The board shall determine in each case which of the parties to the proceedings are entitled  
9 to the office of elector, and shall cause ~~its~~the board's determination to be entered of record in a  
10 manner and form as ~~the board~~ shall direct, and shall certify the same to the governor and  
11 secretary of state. The certified determination is a final and conclusive ~~that~~determination the  
12 ~~persons stated therein~~individuals identified in the determination are duly elected. The governor  
13 shall transmit ~~to such persons their~~ certificates of election to the individuals, and every such-  
14 certificate must recite ~~that~~ the certificate is issued pursuant to a determination under the-  
15 ~~provisions of~~ this chapter.

16 **SECTION 22. AMENDMENT.** Section 16.1-14-14 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **16.1-14-14. Failure of petitioners to appear - Effect.**

19 If any petitioners fail to appear and prosecute their petition against the ~~persons~~individuals  
20 who have been made respondents ~~thereto~~, according to the requirements of this chapter and of  
21 any rules made by the board, the board shall determine ~~that they~~the petitioners have failed, and  
22 shall cause the determination to be entered of record in ~~such~~the manner and form as ~~the~~  
23 board shall direct, and ~~forthwith~~ shall certify the determination to the governor and secretary of  
24 state. The determination is a final and conclusive bar to the claim of the petitioners against  
25 ~~such~~the respondents as fully and completely as if the claim had been heard and determined on  
26 its merits, and the governor shall issue certificates of election as provided in section 16.1-14-13.

27 **SECTION 23.** Chapter 16.1-14.1 of the North Dakota Century Code is created and enacted  
28 as follows:

29 **16.1-14.1-01. Definitions.**

30 In this chapter:

- 1       1. "Cast" means accepted by the secretary of state in accordance with subsection 2 of  
2           section 16.1-14.1-06.
- 3       2. "Elector" means an individual selected as a presidential elector under chapter 16.1-14  
4           and this chapter.
- 5       3. "President" means president of the United States.
- 6       4. "Vice president" means vice president of the United States.

7       **16.1-14.1-02. Designation of state's electors.**

8       For each elector position in this state, a political party contesting the position shall submit to  
9       the secretary of state the names of two qualified individuals. One of the individuals must be  
10       designated as the elector nominee and the other as the alternate elector nominee. Except as  
11       otherwise provided in sections 16.1-14.1-04 through 16.1-14.1-07, this state's electors are the  
12       winning elector nominees under the laws of this state.

13       **16.1-14.1-03. Pledge.**

14       Each elector nominee and alternate elector nominee of a political party shall execute the  
15       following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots  
16       for president and vice president for the nominees for those offices of the party that nominated  
17       me." The executed pledge must accompany the submission of the corresponding names to the  
18       secretary of state.

19       **16.1-14.1-04. Certification of electors.**

20       In submitting this state's certificate of ascertainment as required by 3 U.S.C. 6, the governor  
21       shall certify this state's electors and state in the certificate:

- 22       1. The electors shall serve as electors unless a vacancy occurs in the office of elector  
23           before the end of the meeting at which elector votes are cast, in which case a  
24           substitute elector shall fill the vacancy; and
- 25       2. If a substitute elector is appointed to fill a vacancy, the governor shall submit an  
26           amended certificate of ascertainment stating the names on the final list of this state's  
27           electors.

28       **16.1-14.1-05. Presiding officer - Elector vacancy.**

- 29       1. The governor shall preside at the meeting of electors described in  
30           section 16.1-14.1-06.

- 1       2. The position of an elector not present to vote is vacant. The secretary of state shall  
2       appoint an individual as a substitute elector to fill a vacancy as follows:  
3       a. If the alternate elector is present to vote, by appointing the alternate elector for  
4       the vacant position;  
5       b. If the alternate elector for the vacant position is not present to vote, by appointing  
6       an elector chosen by lot from among the alternate electors present to vote who  
7       were nominated by the same political party;  
8       c. If the number of alternate electors present to vote is insufficient to fill any vacant  
9       position pursuant to subdivisions a and b, by appointing any immediately  
10      available individual who is qualified to serve as an elector and chosen through  
11      nomination by and plurality vote of the remaining electors, including nomination  
12      and vote by a single elector if only one remains;  
13      d. If there is a tie between at least two nominees for substitute elector in a vote  
14      conducted under subdivision c, by appointing an elector chosen by lot from  
15      among those nominees; or  
16      e. If all elector positions are vacant and cannot be filled pursuant to  
17      subdivisions a through d, by appointing a single presidential elector, with  
18      remaining vacant positions to be filled under subdivision c and, if necessary,  
19      subdivision d.  
20      3. To qualify as a substitute elector under subsection 2, an individual who has not  
21      executed the pledge required under section 16.1-14.1-03 shall execute the following  
22      pledge: "I agree to serve and to mark my ballots for president and vice president  
23      consistent with the pledge of the individual to whose elector position I have  
24      succeeded."

25      **16.1-14.1-06. Elector voting.**

- 26      1. At the time designated for elector voting and after all vacant positions have been filled  
27      under section 16.1-14.1-05, the secretary of state shall provide each elector with a  
28      presidential and a vice presidential ballot. The elector shall mark the elector's  
29      presidential and vice presidential ballots with the elector's votes for the offices of  
30      president and vice president, respectively, along with the elector's signature and the  
31      elector's legibly printed name.

- 1       2. Except as otherwise provided by law other than this chapter, each elector shall present  
2       both completed ballots to the secretary of state, who shall examine the ballots and  
3       accept as cast all ballots of electors whose votes are consistent with their pledges  
4       executed under section 16.1-14.1-03 or subsection 3 of section 16.1-14.1-05. Except  
5       as otherwise provided by law other than this chapter, the secretary of state may not  
6       accept and may not count either an elector's presidential or vice presidential ballot if  
7       the elector has not marked both ballots or has marked a ballot in violation of the  
8       elector's pledge.
- 9       3. An elector who refuses to present a ballot, presents an unmarked ballot, or presents a  
10       ballot marked in violation of the elector's pledge executed under section 16.1-14.1-03  
11       or subsection 3 of section 16.1-14.1-05 vacates the office of elector, creating a vacant  
12       position to be filled under section 16.1-14.1-05.
- 13       4. The secretary of state shall distribute ballots to and collect ballots from a substitute  
14       elector and repeat the process under this section of examining ballots, declaring and  
15       filling vacant positions as required, and recording appropriately completed ballots from  
16       the substituted electors, until all of this state's electoral votes have been cast and  
17       recorded.

18       **16.1-14.1-07. Elector replacement - Associated certificates.**

- 19       1. After the vote of this state's electors is completed, if the final list of electors differs from  
20       any list that the governor previously included on a certificate of ascertainment  
21       prepared and transmitted under 3 U.S.C. 6, the secretary of state immediately shall  
22       prepare an amended certificate of ascertainment and transmit it to the governor for the  
23       governor's signature.
- 24       2. The governor immediately shall deliver the signed amended certificate of  
25       ascertainment to the secretary of state and a signed duplicate original of the amended  
26       certificate of ascertainment to all individuals entitled to receive this state's certificate of  
27       ascertainment, indicating that the amended certificate of ascertainment is to be  
28       substituted for the certificate of ascertainment previously submitted.
- 29       3. The secretary of state shall prepare a certificate of vote. The electors on the final list  
30       shall sign the certificate. The secretary of state shall process and transmit the signed  
31       certificate with the amended certificate of ascertainment under 3 U.S.C. 9, 10, and 11.

1       **SECTION 24. REPEAL.** Sections 16.1-14-05, 16.1-14-18, 16.1-14-19, 16.1-14-20,  
2       16.1-14-21, 16.1-14-22, 16.1-14-23, 16.1-14-24, 16.1-14-25, 16.1-14-26, 16.1-14-27, and  
3       16.1-14-28 of the North Dakota Century Code are repealed.