

Uniform Faithful Presidential Electors Act Bill Draft (21.0169.04000)

Section 1 of the Act amends subsection 1 of Section 16.1-03-14.

- This change clarifies the state party convention may nominate elector nominees as well as alternate elector nominees. This clarification was requested by the Secretary of State's office because the uniform law provides for alternate elector nominees to be designated.
- The change also cleans up existing language to clarify the nominees must be qualified electors of North Dakota.

Section 2 of the Act amends Section 16.1-06-06.

- This section was brought in because the cross-references in the section needed to be updated.

Section 3 of the Act amends Section 16.1-12-02.

- This section provides clarification regarding alternate elector nominees. This clarification was requested by the Secretary of State's office because the uniform law provides for alternate elector nominees to be designated.
- The change also cleans up existing language to clarify the nominees must be qualified electors of North Dakota.

Section 4 of the Act creates Section 16.1-13-35.

- This new section is the old Section 16.1-14-18. The secretary of state's office requested the section be moved to Chapter 16.1-13.
- The cross-references in the section were updated and were specified to particular sections. Some of the language was updated for styling purposes (ex. "prior to" changed to "before"; "removal" to "relocation," etc.). No substantive changes were made/intended.

Section 5 of the Act creates Section 16.1-13-36.

- This new section is the old Section 16.1-14-19. The secretary of state's office requested the section be moved to Chapter 16.1-13.
- The cross-references in the section were updated and some of the language was updated for styling purposes. Some language was added for clarification purposes but no substantive changes were made/intended.

Section 6 of the Act creates Section 16.1-13-37.

- This new section is the old Section 16.1-14-20. The secretary of state's office requested the section be moved to Chapter 16.1-13.
- Some of the language was updated for styling purposes, but no substantive changes were made/intended.

Section 7 of the Act creates Section 16.1-13-38.

- This new section is the old Section 16.1-14-21. The secretary of state's office requested the section be moved to Chapter 16.1-13.
- Some language was updated for styling purposes and some language was added for clarification purposes, but no substantive changes were made/intended.

Section 8 of the Act creates Section 16.1-13-39.

- This new section is the old Section 16.1-14-22. The secretary of state's office requested the section be moved to Chapter 16.1-13.
- Some language was updated for styling purposes and some language was added for clarification purposes, but no substantive changes were made/intended.

Section 9 of the Act creates Section 16.1-13-40.

- This new section is the old Section 16.1-14-23. The secretary of state's office requested the section be moved to Chapter 16.1-13.
- Some of the language was updated for styling purposes, but no substantive changes were made/intended.

Section 10 of the Act creates Section 16.1-13-41.

- This new section is the old Section 16.1-14-24. The secretary of state's office requested the section be moved to Chapter 16.1-13.
- The secretary of state's office requested a change for clarification purposes regarding where the county auditor delivers the carrier envelopes.
- Some of the language was updated for styling purposes, but no substantive changes were made/intended.

Section 11 of the Act creates Section 16.1-13-42.

- This new section is the old Section 16.1-14-25. The secretary of state's office requested the section be moved to Chapter 16.1-13.
- Some language was updated for styling purposes (such as "persons" was changed to "individuals") and some language was added for clarification purposes, but no substantive changes were made/intended.

Section 12 of the Act creates Section 16.1-13-43.

- This new section is the old Section 16.1-14-26. The secretary of state's office requested the section be moved to Chapter 16.1-13.
- Some language was updated for styling purposes and some language was added for clarification purposes, but no substantive changes were made/intended.

Section 13 of the Act creates Section 16.1-13-44.

- This new section is the old Section 16.1-14-27. The secretary of state's office requested the section be moved to Chapter 16.1-13.
- The cross-references in the section were updated, and some language was added for clarification purposes, but no substantive changes were made/intended.
- **Please note:** A new section for the old Section 16.1-14-28 was not created. This is because Section 1-01-49 includes a definition of "state" noting that when the term "state" is applied to different part of the United States, it includes the District of Columbia.

Section 14 of the Act amends Section 16.1-14-01.

- This section was brought in by the request of the Secretary of State's office. The language was updated for styling purposes, but no substantive changes were made/intended.

Section 15 of the Act amends Section 16.1-14-03.

- This section was brought in by the request of the Secretary of State's office. The language was updated for styling purposes, but no substantive changes were made/intended.

Section 16 of the Act amends Section 16.1-14-08.

- This section was brought in by the request of the Secretary of State's office.
- The language was updated for styling purposes and to provide clarity.
- The clarification was to address the fact that the governor's proclamation only includes the winning electors, not the losing electors.
- The language was also clarified so the certification by the state canvassing board would identify a group of electors who received at least 1/5 of the cast votes.
- No substantive changes were made/intended.

Section 17 of the Act amends Section 16.1-14-09.

- This section was brought in by the request of the Secretary of State's office. The language was updated for styling purposes, but no substantive changes were made/intended.

Section 18 of the Act amends Section 16.1-14-10.

- This section was brought in by the request of the Secretary of State's office. The language was updated for styling purposes and clarification, but no substantive changes were made/intended.

Section 19 of the Act amends Section 16.1-14-11.

- This section was brought in by the request of the Secretary of State's office. The language was updated for styling purposes, but no substantive changes were made/intended.

Section 20 of the Act amends Section 16.1-14-12.

- This section was brought in by the request of the Secretary of State's office. The language was updated for styling purposes and clarification, but no substantive changes were made/intended.

Section 21 of the Act amends Section 16.1-14-13.

- This section was brought in by the request of the Secretary of State's office. The language was updated for styling purposes and clarification, but no substantive changes were made/intended.

Section 22 of the Act amends Section 16.1-14-14.

- This section was brought in by the request of the Secretary of State's office. The language was updated for styling purposes, but no substantive changes were made/intended.

Section 23 of the Act created Chapter 16.1-14.1

- This section codifies the Uniform Faithful Presidential Electors Act. There are two deviations from the uniform law language:
 - In Section 16.1-14.1-05 the governor, rather than the Secretary of State, is the official charged with presiding at the meeting of the presidential electors.
 - In Sections 16.1-14.1-04 and 16.1-14.1-07, instead of referencing an "amended certificate of ascertainment," the language requires the preparation and submission of documentation of an elector vacancy, the method by which the vacancy was filled, and the names of the final list of electors.

Section 24 of the Act repeals several sections.

- Section 16.1-14-05 is being repealed as that section conflicts with the uniform law regarding how to fill a vacancy in the office of a presidential elector.
- Sections 16.1-14-18 through 16.1-14-28 are being repealed as they are being removed from Chapter 16.1-14 and being recreated in Chapter 16.1-13 (with the exception of Section 16.1-14-28 which was noted above under the comments for Section 13 of the Act).