

CHAPTER 16.1-14.1
UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT

16.1-14.1-01. Definitions.

In this chapter:

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

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

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

16.1-14.1-03. Pledge.

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

16.1-14.1-04. Certification of electors.

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

1. The electors shall serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector shall fill the vacancy; and
2. If a substitute elector is appointed to fill a vacancy, the governor shall submit documentation of the vacancy, the method by which the vacancy was filled, and the names on the final list of this state's electors.

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

1. The governor shall preside at the meeting of electors described in section 16.1-14.1-06.
2. The position of an elector not present to vote is vacant. The secretary of state shall appoint an individual as a substitute elector to fill a vacancy as follows:
 - a. If the alternate elector is present to vote, by appointing the alternate elector for the vacant position;
 - b. If the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from among the alternate electors present to vote who were nominated by the same political party;
 - c. If the number of alternate electors present to vote is insufficient to fill any vacant position pursuant to subdivisions a and b, by appointing any immediately available individual who is qualified to serve as an elector and chosen through nomination by and plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains;
 - d. If there is a tie between at least two nominees for substitute elector in a vote conducted under subdivision c, by appointing an elector chosen by lot from among those nominees; or

- e. If all elector positions are vacant and cannot be filled pursuant to subdivisions a through d, by appointing a single presidential elector, with remaining vacant positions to be filled under subdivision c and, if necessary, subdivision d.
3. To qualify as a substitute elector under subsection 2, an individual who has not executed the pledge required under section 16.1-14.1-03 shall execute the following pledge: "I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual to whose elector position I have succeeded."

16.1-14.1-06. Elector voting.

1. At the time designated for elector voting and after all vacant positions have been filled under section 16.1-14.1-05, the secretary of state shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.
2. Except as otherwise provided by law other than this chapter, each elector shall present both completed ballots to the secretary of state, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under section 16.1-14.1-03 or subsection 3 of section 16.1-14.1-05. Except as otherwise provided by law other than this chapter, the secretary of state may not accept and may not count either an elector's presidential or vice presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.
3. An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under section 16.1-14.1-03 or subsection 3 of section 16.1-14.1-05 vacates the office of elector, creating a vacant position to be filled under section 16.1-14.1-05.
4. The secretary of state shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors, until all of this state's electoral votes have been cast and recorded.

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

1. After the vote of this state's electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under 3 U.S.C. 6, the secretary of state immediately shall prepare documentation of the vacancy, the method by which the vacancy was filled, and the names of the final list of electors and transmit the documentation to the governor for the governor's signature.
2. The governor immediately shall deliver the signed documentation to the secretary of state and a signed duplicate original of the documentation to all individuals entitled to receive this state's certificate of ascertainment, indicating that the signed documentation is to be substituted for the certificate of ascertainment previously submitted.
3. The secretary of state shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The secretary of state shall process and transmit the signed certificate with the signed documentation under 3 U.S.C. 9, 10, and 11.