

ELECTIONS

CHAPTER 207

SENATE BILL NO. 2460
(Senators Jerome, Evanson)

ELECTOR QUALIFICATIONS

AN ACT to amend and reenact section 16.1-01-04 of the North Dakota Century Code, relating to the qualifications of electors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-04. Qualifications of electors.

1. Every citizen of the United States who is: eighteen years or older; a resident of this state; and has resided in the precinct at least thirty days next preceding any election, except as otherwise provided in regard to residency in chapter 16.1-14, is a qualified elector.
2. Every qualified elector of the state may have only one voting residence.
3. A person's voting residence must be determined in accordance with the rules for determining residency as provided in section 54-01-26.
4. Pursuant to section 2 of article II of the Constitution of North Dakota, voting by persons convicted and sentenced for treason or felony must be limited according to chapter 12.1-33.
5. ~~Pursuant to section 2 of article II of the Constitution of North Dakota, no person who is under guardianship, non compos mentis, or insane is qualified to vote at any election. To be denied the right to vote under this subsection, a person must have a guardian duly appointed by a court of competent jurisdiction, upon a finding of incompetence or incapacitation due to mental illness or defect.~~

Approved March 24, 1993
Filed March 25, 1993

CHAPTER 208

SENATE BILL NO. 2327
(Senators Urlacher, Tomac)
(Representatives Jacobs, Wald)

STATEWIDE SPECIAL ELECTION COSTS

AN ACT to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to reimbursement of county expenses for statewide special elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

Special election costs - Reimbursement. The state shall reimburse each county for the costs incurred by the county for conducting a statewide special election that is not held on the date of a statewide primary or general election. Each county shall submit a detailed statement to the office of the budget which lists all expenses incurred by the county in conducting the special election within forty-five days after the special election. The office of the budget shall submit a request for an appropriation to reimburse the counties to the next regular or special session of the legislative assembly. The legislative assembly shall appropriate the funds necessary for the payment of the special election costs.

Approved April 12, 1993
Filed April 12, 1993

CHAPTER 209

HOUSE BILL NO. 1301
(Representatives A. Olson, D. Olsen)
(Senator Krebsbach)

POLITICAL PARTY STATE COMMITTEE MEMBERS

AN ACT to amend and reenact section 16.1-03-08 of the North Dakota Century Code, relating to the membership of the state committee of a political party.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-03-08 of the North Dakota Century Code is amended and reenacted as follows:

16.1-03-08. State committee - Membership. The state committee of each party consists of the chairman of each of the district committees of the party, the national committeeman and national committeewoman of the party, and any person provided for in the bylaws of the state committee.

Approved March 19, 1993
Filed March 19, 1993

CHAPTER 210

HOUSE BILL NO. 1457
 (Representatives Gorder, Kilichowski, Monson, A. Olson)
 (Senators Sand, Tallackson)

VOTE CANVASSING AND COUNTING MACHINES

AN ACT to amend and reenact sections 16.1-06-10.1 and 16.1-15-02.1 of the North Dakota Century Code, relating to canvassing of votes and sharing of electronic counting machines.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-06-10.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-10.1. Electronic counting machines authorized - Sharing of machines. The use of electronic counting machines is hereby authorized in any election precinct upon finding and declaration by resolution of the city or township governing body, and also of the board of county commissioners of the county in which ~~such~~ the election precinct is located, that ~~such~~ the use is advisable or necessary in that precinct. Thereafter, the machines must be procured, on a temporary or permanent basis, under terms and conditions, including assumption and division of cost of acquisition and maintenance by the city or township and county, agreed upon by the respective governing bodies. ~~The machines may then be used in any state, county, city, or district election in that precinct or other voting area of which that precinct is a part~~ Two or more counties may enter an agreement concerning the shared use and transport between counties of electronic counting machines and apportioning of expenses. Any electronic counting machine used in an election must be so constructed that when properly operated it registers or records correctly and accurately every vote cast.

SECTION 2. AMENDMENT. Section 16.1-15-02.1 of the North Dakota Century Code is amended and reenacted as follows:

¹ **16.1-15-02.1. Alternative method for canvassing election for counties using or sharing electronic voting systems or electronic counting machines - County canvassing board.** At the option of the county auditor in any county using or sharing with another county electronic voting systems or electronic counting machines, the county canvassing board, in lieu of the election boards, shall canvass the votes for those precincts using either device. The county auditor shall designate the public place where the ballots from all precincts in the county must be delivered by the election inspector and an election judge from each political party represented on the election board. If the public place is other than the location of the canvass the county auditor and a representative of each political party represented on the election boards shall arrange for the removal of the

¹ NOTE: Section 16.1-15-02.1 was also amended by section 19 of Senate Bill No. 2361, chapter 201.

ballots from the public place to the location of the canvass and shall provide notice of the time and location of the canvass on the main entrance of each polling place. The board shall canvass the votes in the same manner as required for the election boards insofar as those provisions ~~of law~~ are applicable. The auditor shall notify the county canvassing board of this duty not less than one week ~~prior~~ ~~to~~ before the election. This procedure is in addition to the canvass of returns that the county canvassing board must perform as provided in this chapter.

Approved April 7, 1993
Filed April 8, 1993

CHAPTER 211

SENATE BILL NO. 2443
(Senator Nelson)

POLITICAL COMMITTEE ANNUAL REGISTRATION

AN ACT to amend and reenact subsection 3 of section 16.1-08-02 of the North Dakota Century Code, relating to political committee registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹ SECTION 1. AMENDMENT. Subsection 3 of section 16.1-08-02 of the North Dakota Century Code is amended and reenacted as follows:

3. A political committee formed to aid or oppose a political party, committee, organization, association, a candidate for political office or nomination to political office, or a measure to be voted upon by the voters of the state shall register its name, address, and its agent's name and address with the secretary of state each year in which it distributes any contribution. The registration must be completed before the distribution of any contribution and must be submitted with a registration fee of five dollars.

Approved March 16, 1993
Filed March 16, 1993

¹ NOTE: Section 16.1-08-02 was also amended by section 106 of Senate Bill No. 2223, chapter 54, and by section 1 of Senate Bill No. 2470, chapter 212.

CHAPTER 212

SENATE BILL NO. 2470
(Senator Nelson)

CAMPAIGN CONTRIBUTION STATEMENTS

AN ACT to amend and reenact subsection 4 of section 16.1-08-02, sections 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, and 16.1-08.1-04 of the North Dakota Century Code, relating to campaign contribution statements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹ SECTION 1. AMENDMENT. Subsection 4 of section 16.1-08-02 of the North Dakota Century Code is amended and reenacted as follows:

4. All political committees formed for the purpose of administering the segregated fund provided for in this section shall file a statement ~~listing all contributions received in excess of two hundred dollars in the aggregate from each contributor for the twelve month period beginning with the first day of October and ending with the thirtieth day of September of the following year, showing the name and mailing address of each contributor of an amount in excess of two hundred dollars in the aggregate for each such twelve month the reporting period, and a listing of all disbursements of an amount in excess of one hundred dollars in the aggregate made for political purposes, no later than October fifteenth following each such twelve month period with the secretary of state. Within thirty days of the close of the calendar year all political committees shall file a supplemental statement in the same form for the last three months of the calendar year. A yearend statement covering the entire calendar year must be filed no later than five p.m. on the thirty-first day of the following year. A preelection statement must be filed no later than five p.m. on the twelfth day before any primary or general election and must be complete for the calendar year through the twentieth day before the election.~~
 - a. The form of all statements required by this chapter must be as prescribed by the secretary of state.
 - b. The secretary of state may arrange an audit of any statement filed under this chapter. The secretary of state shall arrange an audit of any statement that the attorney general requests to be audited. The results of the audit must be reported to the attorney general.
 - c. Records and statements must be preserved by the secretary of state for a period of four years from the date of filing. The records and statements are public records and must be open to public inspection.

¹ NOTE: Section 16.1-08-02 was also amended by section 106 of Senate Bill No. 2223, chapter 54, and by section 1 of Senate Bill No. 2443, chapter 211.

SECTION 2. AMENDMENT. Section 16.1-08.1-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-02. Statement required of candidates - Contents - Additional statements. Any candidate for a public office ~~at any general, primary, or special election,~~ or any candidate who sought a public office or is seeking a public office and who is soliciting or accepting contributions for any political purpose, shall make and file a statement in accordance with this section. The statement must contain a detailed statement of all contributions received from each individual or political committee which exceed one hundred dollars ~~in the aggregate for the calendar year.~~

The statement must include the name and mailing address of all contributors listed. ~~All statements filed pursuant to this section must be consecutive and, taken together, must cover the entire calendar year's receipts up through the cutoff date for each statement.~~ In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated for the purposes of the statements required by this chapter.

The statement required of a candidate must be filed with the secretary of state no later than ~~four~~ five p.m. on the ~~tenth~~ twelfth day prior to the date of the ~~general, primary, or special~~ election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes complete from the beginning of that calendar year through the ~~fifteenth~~ twentieth day prior to the date of the ~~general, primary, or special~~ election. A complete statement for the entire calendar year must be filed no later than ~~four~~ five p.m. on the ~~thirtieth~~ thirty-first day of January of the following ~~calendar~~ year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year or whether the candidate did not seek election at any election through write-in votes. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the report must be filed no later than ~~four~~ five p.m. on the next business day on which the office of the secretary of state is open.

The form of all statements required by this chapter must be as prescribed by the secretary of state. Statements of a legislative candidate must be filed in the office of the county auditor of the candidate's county of residence under the same limitations as apply to the filing of statements with the secretary of state. Statements of state office candidates and any other required statements must be filed in the office of the secretary of state.

No candidate may be required to file any statement required by this chapter if the candidate has not received any contributions in excess of one hundred dollars during the calendar year.

SECTION 3. AMENDMENT. Section 16.1-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03. Contributions statement required of political parties. Any political party ~~which~~ that receives contributions in excess of one hundred dollars and ~~which~~ contributes money to a candidate in excess of one hundred dollars shall, ~~within fifteen days of the close of the calendar year,~~ do one of the following:

1. File a statement listing the total amount contributed to or expended on behalf of a candidate or candidates.
2. File a statement containing a detailed list of all contributions received from an individual or political committee which exceed one hundred dollars in amount. The statement must include the name and mailing address of all contributors listed.

~~Any such~~ A yearend statement covering the entire calendar year must be filed with the secretary of state no later than ~~four~~ five p.m. on the ~~thirtieth~~ thirty-first day of January of the following the close of the calendar year which is the subject of the statement. A preelection statement must be filed no later than five p.m. on the twelfth day before any election and must be complete for the calendar year through the twentieth day before the election. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the statement must be filed on the next available day on which the office of the secretary of state is open.

SECTION 4. AMENDMENT. Section 16.1-08.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.1. Statement required of persons promoting passage or defeat of initiated or referred measure - Contents. Any person who is soliciting or accepting contributions for the purpose of aiding the circulation of statewide initiative or referendum petitions or of promoting passage or defeat of any statewide initiated or referred measure at any ~~primary, general, or special~~ election shall file a statement in accordance with this section if the person has received any contributions from a person in excess of one hundred dollars ~~in the aggregate during the calendar year.~~ The statement must contain a detailed statement of all contributions received from each person which exceed one hundred dollars in the aggregate for the calendar year.

The statement must include the name and mailing address of all contributors listed. ~~All statements filed pursuant to this section must be consecutive and, taken together, must cover the entire calendar year's receipts up through the cutoff date for each statement.~~ In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated for the purposes of the statements required by this section.

The statement required of a person must be filed with the secretary of state no later than ~~four~~ five p.m. on the ~~tenth~~ twelfth day prior to the date of the ~~general, primary, or special~~ election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the ~~fifteenth~~ twentieth day prior to the date of the ~~general, primary, or special~~ election. A complete statement for the entire calendar year must be filed no later than ~~four~~ five p.m. on the ~~thirtieth~~ thirty-first day of January of the following ~~calendar~~ year. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the report must be filed no later than ~~four~~ five p.m. on the next business day on which the office of the secretary of state is open.

The secretary of state shall prescribe the form of all statements required by this section.

SECTION 5. AMENDMENT. Section 16.1-08.1-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-04. Supplemental statement required on large contributions received after original statement - Filing time. If any candidate or person soliciting or accepting contributions for the purpose of aiding the circulation of statewide initiative or referendum petitions or of promoting passage or defeat of a statewide initiated or referred measure receives any contribution of five hundred dollars or more in the ~~fifteen-day~~ twenty-day period prior to any ~~general, primary, or special~~ election from any individual contributor, that candidate or person shall make and file a supplemental statement in the same form as required by section 16.1-08.1-02 or 16.1-08.1-03.1, stating the name and street address of such contributor and the amount of the contribution, and file the statement in the appropriate office within forty-eight hours of the receipt of the contribution.

Approved April 7, 1993
Filed April 8, 1993

CHAPTER 213

HOUSE BILL NO. 1051
(Legislative Council)
(Interim Legislative Redistricting and Elections Committee)

NOMINATION PETITION SIGNATURES

AN ACT to amend and reenact sections 16.1-11-11 and 16.1-12-02 of the North Dakota Century Code, relating to signature requirements for nomination petitions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-11-11 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-11. **County and legislative district candidates' petitions - Filing - Contents.** Every candidate for a county or legislative district office shall present, not more than seventy nor less than sixty days and before four p.m. of the sixtieth day ~~prior to~~ before any primary election, ~~present~~ to the county auditor of the county in which he the candidate resides either:

1. A certificate of endorsement signed by the district chairman of any legally recognized political party containing the candidate's name, post-office address, the title of the office to which ~~he~~ the candidate aspires, and the party ~~which he~~ that the candidate represents; or
2. A petition containing the following:
 - a. The candidate's name, post-office address, and the title of the office to which he the candidate aspires.
 - b. The name of the party the candidate represents, only if it is a petition for an office ~~which~~ that is under party designation.
 - c. The signatures of qualified electors, the number of which must be determined as follows:
 - (1) If the office is ~~under no party designation~~ a county office, the signatures of not less than two percent and not more than five percent of the total vote cast for the office at the most recent general election at which the office was voted upon.
 - (2) If the office is ~~under no party designation~~ a county office and multiple candidates were elected to the office at the preceding general election at which the office was voted upon, the signatures of not less than two percent and not more than five percent of the votes cast for all candidates divided by the number of candidates that were to be elected to that office.
 - (3) ~~If the office is under a party designation, the signatures of the same percentage as provided in paragraph 1 of the total vote cast for the candidate of the party represented for the same~~

~~position at the most recent general election at which the office was voted upon.~~

- ~~(4) If there were more than one party candidate, the signatures of the same percentage as provided in paragraph 1 of the total number of votes for all party candidates divided by the number of party candidates.~~
- ~~(5) If the office is a county office and no candidate was elected or no votes were cast for an the office at any general election, the number of signers equal to the percentage as provided in paragraph 1 applied to the total average vote cast for the offices of sheriff and county auditor at the most recent general election at which those officers were elected in the petitioner's county or district. This average must be determined by dividing by two the total vote cast for those offices.~~
- (4) If the office is a legislative office, the signatures of at least one percent of the total resident population of the legislative district as determined by the most recent federal decennial census.

~~(6) (5) In no case may more than three hundred signatures be required.~~

d. The mailing address and date of signing for each signer.

If the petition or certificate of endorsement is mailed, it must be in the possession of the county auditor before four p.m. on the sixtieth day ~~prior to~~ before the primary election.

SECTION 2. AMENDMENT. Section 16.1-12-02 of the North Dakota Century Code is amended and reenacted as follows:

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

Certificates of nomination for nominees for an office to be filled at a general or special election, except for an office appearing on the no-party ballot, may be made as provided by this section. The names of nominees so nominated must appear on the ballot as independent nominations. Each certificate of nomination by petition must contain:

1. The name of the nominee.
2. The office the nominee desires to fill.
3. The post-office address of the nominee.
4. Signatures of qualified electors who reside in the state, district, or political subdivision. The signatures need not be appended to one paper, and each person signing shall add ~~his~~ that person's mailing address and the date of signing. The signatures on the petition must be in the following number:
 - a. Except as provided in subdivision c, if the nomination is for an office to be filled by the qualified electors of the entire state, there must be no fewer than one thousand signatures.

- b. If the nomination is for an office to be filled by the qualified electors of a district less than the entire state, the number of signatures must be ten at least two percent of the number of votes east in the district for governor at the last preceding general election resident population of the district as determined by the most recent federal decennial census, but in no case may more than three hundred signatures be required.
 - c. If the nomination is for the office of president, there must be no fewer than four thousand signatures.
5. If the petition is for the office of governor or lieutenant governor, it must contain the names and other required information of candidates for both those offices.

Approved March 15, 1993

Filed March 16, 1993

CHAPTER 214

HOUSE BILL NO. 1253
 (Representatives Kretschmar, Allmaras, Brown)
 (Senators Holmberg, Dotzenrod, O'Connell)

COUNTY MAIL BALLOT PRIMARY ELECTIONS

AN ACT to authorize counties to conduct mail ballot primary elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Counties may conduct mail ballot elections - Polling places - Records. The board of county commissioners of a county may conduct a primary election by mail ballot. The mail ballot election must include city elections administered by the county auditor, and may include any other election administered by the county auditor pursuant to an agreement with the governing body of a political subdivision within the county. The board shall designate at least one polling place in the county to be open on the day of the election for voting in the usual manner. The county auditor shall place a notice at all polling places in the county used at the last statewide election which states the location of the polling places open for the primary election. The county auditor shall keep a record of each mail ballot provided to qualified electors and provide to the election board at each polling place open on the day of the election a list of every person who applied for a mail ballot.

SECTION 2. Application for mail ballots. The county auditor shall mail an application form for a mail ballot to each person listed in the pollbooks of the county from the last regular statewide election on one date no sooner than the forty-fifth day before the election and no later than the thirtieth day before the election. The county auditor, for two consecutive weeks after the date on which the mail ballot applications are mailed, shall publish in the official newspaper of the county an application form for a mail ballot and a notice that additional mail ballot applications may be obtained from the election official. The application form for a mail ballot must be in substantially the following form:

I, _____, am or will be a duly qualified elector and to my
 (please print name)

best knowledge and belief and am or will be entitled to vote at the primary election. I hereby apply for an official mail ballot to be voted by me at that election. I understand that it is a criminal offense to knowingly vote when not qualified to do so.

I have or will have resided at the below address for at least thirty days before the election. My phone number is _____.

Dated this _____ day of _____, 19__.

 (Signature of Applicant)

 (Mailing Address)
 _____, North Dakota
 (City) _____ (Zip Code)

SECTION 3. Mail ballot distribution. The county auditor shall mail an official mail ballot with a return identification envelope and instructions sufficient to describe the voting process to each qualified elector who returns a properly completed application form to the auditor by five p.m. on the fourth day before the election. The voting instructions must contain a statement informing the elector that the elector is entitled to complete the mail ballot in secrecy. The auditor shall mail the ballot by first-class mail, addressed to the address of the elector completing and returning a mail ballot application, and placed in an envelope that is prominently marked "Do Not Forward". The return identification envelope must contain the following form:

I, _____, under penalty of possible criminal
 (please print name)

prosecution for making a false statement, certify that I am or will be a qualified elector for the primary election and have not and will not vote more than one ballot in this election. I also understand that failure to complete the information below will invalidate my ballot.

 (Signature of Voter)

 (Mailing Address)
 _____, North Dakota
 (City) _____ (Zip Code)

SECTION 4. Voting by electors. Upon receipt of a mail ballot, an elector shall mark it, sign the return identification envelope, and comply with the instructions provided with the ballot. The elector may return the completed ballot to the county auditor by mail or, before six p.m. on the day of the election, to any other place of deposit designated by the auditor. If the elector returns the ballot by mail, the elector shall provide the postage, and the ballot must be postmarked no later than the day before the election.

SECTION 5. Replacement ballots. An elector may obtain a replacement ballot if a mail ballot is destroyed, spoiled, lost, or not received by the elector. The elector seeking a replacement ballot shall sign a sworn statement that the ballot was destroyed, spoiled, lost, or not received and shall present the statement to the county auditor no later than four p.m. on the day before the election.

SECTION 6. Canvass of votes - Special election board. The county auditor shall appoint a special election board for the purpose of counting mail ballots. The board may not begin counting the ballots until six p.m. on the day of the election. A county conducting a mail ballot election constitutes one voting area, and ballots need not be sorted according to precinct or ward unless necessary for the administration of the election.

SECTION 7. Counting of mail ballots. A mail ballot may be counted only if:

1. The ballot is returned in the return identification envelope;
2. The envelope is signed by the elector to whom the ballot is issued; and
3. The signature has been verified by the election board with the signature on the elector's mail ballot application form.

SECTION 8. Election laws applicable. When applicable, all election procedures provided in title 16.1 must be followed.

Approved March 19, 1993
Filed March 19, 1993

CHAPTER 215

SENATE BILL NO. 2333
(Senators Holmberg, DeMers, Grindberg)

PRESIDENTIAL WRITE-IN VOTE COUNTING

AN ACT to amend and reenact section 16.1-12-02.2 of the North Dakota Century Code, relating to the counting of ballots and certificates of candidacy by write-in candidates for president of the United States.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-12-02.2 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-02.2. Counting of write-in votes - Certificate of candidacy by write-in candidates for ~~presidential electors~~ president of the United States.

1. An election board or canvassing board is not required to count any write-in vote for any:
 - a. Person who is required to file a certificate of write-in candidacy under this section but who has not filed a certificate of candidacy and been certified as a write-in candidate.
 - b. Fictitious person, nonperson, or person clearly not eligible to qualify for the office for which the vote was cast.
 - c. Statement concerning the candidates.
2. A person who intends to be a write-in candidate for president of the United States at the presidential preference primary election shall file a certificate of write-in candidacy with the secretary of state by four p.m. on the twenty-first day before the primary election. The certificate must contain the name and address of the candidate and be signed by the candidate. Before the thirteenth day before the election, the secretary of state shall certify the names of the presidential candidates to each county auditor as write-in candidates.
3. A person who intends to be a write-in candidate at the general election for president of the United States shall file a certificate of write-in candidacy with the secretary of state by four p.m. on the twenty-first day before the general election. The certificate must contain the names and addresses of the candidates for presidential electors for that presidential candidate and a certification of acceptance signed by each candidate for elector. The candidate shall sign the certificate. The certificate may also include the name and address of a candidate for vice president of the United States and a certification of acceptance signed by that candidate. The secretary of state shall prescribe the form of the certificate of write-in candidacy and the certification of acceptance. Before the thirteenth day before the election, the secretary of state

shall certify the names of the presidential candidates and the presidential electors to each county auditor as write-in candidates.

Approved April 7, 1993
Filed April 8, 1993

CHAPTER 216

HOUSE BILL NO. 1247
(Representatives Kretschmar, Maragos)

UNITED STATES SENATOR VACANCY

AN ACT to amend and reenact section 16.1-13-08 of the North Dakota Century Code, relating to filling a vacancy in the office of United States senator.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-13-08 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-08. Filling vacancy in office of United States senator. When a vacancy occurs in the office of United States senator from this state, the governor shall issue a writ of election to fill the vacancy at the next statewide primary or general election, whichever occurs first, and that occurs at least ninety days after the vacancy. However, if the next primary or general election at which the vacancy could be filled, occurs in the year immediately preceding the expiration of the term, then no election may be held. The governor, by appointment, may fill the vacancy temporarily, but any person so appointed shall serve only until the vacancy is filled by election as follows:

- ~~1- If the vacancy occurs during a calendar year in which there is a regularly scheduled statewide election and at least ninety days prior to the general election in that year, the vacancy must be filled at the next statewide election; however, if there is not at least a ninety day period between the date of the vacancy and the date of the next statewide election, the vacancy must be filled at the general election.~~
- ~~2- If the vacancy occurs during a calendar year in which there is not a statewide election regularly scheduled or during a calendar year in which such an election is scheduled but less than ninety days prior to the general election, the governor shall issue a writ of election which must designate a time for holding a special election to fill the vacancy, which election must be held within ninety days of the occurrence of the vacancy or until the term expires if no election can be held.~~

Approved April 9, 1993
Filed April 9, 1993