

ELECTIONS

CHAPTER 206

SENATE BILL NO. 2455

(Senators Watne, Bowman, Krebsbach, C. Nelson, Scherber)

INITIATIVE, REFERENDUM, AND RECALL PETITIONS

AN ACT to amend and reenact sections 16.1-01-07, 16.1-01-10, 16.1-06-09, and 44-08-21 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions; and to repeal section 16.1-06-09.1 of the North Dakota Century Code, relating to statements of intent on constitutional amendments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-07. Constitutional amendments and other questions to be advertised - Notification by secretary of state - Manner of publishing. Whenever a proposed constitutional amendment or other question is to be submitted to the people of the state for popular vote, the secretary of state shall, not less than fifty-five days before the election, certify the amendment or other question to each county auditor and each auditor shall cause notice thereof to be included in the notice required by section 16.1-13-05. Questions to be submitted to the people of a particular county must be advertised in the same manner.

The secretary of state shall, at the same time ~~he~~ the secretary of state certifies notice to the county auditors of the submission of a constitutional amendment or other question, certify the ballot form for such questions. The ballot form must conform to the provisions of ~~sections~~ section 16.1-06-09 ~~and 16.1-06-09.1~~ and must be used by all county auditors in preparing ballots for submission to the electorate of each county and in the preparation of sample ballots. Sample ballots must conform in form and style to samples of such ballots contained in the legal publications handbook prepared under subsection 5 of section 46-01-02. Any requirements in this title that a sample ballot be published will be met by the publication of either the paper ballot or the ballot as it will appear to persons using a voting machine, depending upon the method of voting used in the area involved. Absentee voter ballots may not be considered in determining which method of voting is used in an area. If both paper ballots and voting machines are used in an area, both forms must be published as sample ballots to meet publication and notice requirements. At the same time as the sample ballot is published, an analysis of any constitutional amendment, initiated measure, or referred measure, written by the secretary of state after consultation with the attorney general, must be published in columns to enable the electors to become familiar with the effect of the proposed constitutional amendment or initiated or referred measure, in addition to the sample ballot listing ballot titles.

SECTION 2. AMENDMENT. Section 16.1-01-10 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-10. Secretary of state to pass upon sufficiency of petitions - Method - Time limit. The secretary of state shall have a reasonable period, not to exceed thirty-five days, in which to pass upon the sufficiency of any petition mentioned in section 16.1-01-09. The secretary of state shall conduct a representative random sampling of the signatures contained in the petitions by the use of questionnaires, post cards, telephone calls, personal interviews, or other accepted information gathering techniques, or any combinations thereof, to determine the validity of the signatures. Signatures determined by the secretary of state to be invalid may not be counted, and all violations of law discovered by the secretary of state must be reported to the attorney general for prosecution. ~~When the petition is for the recall of an elected official of a political subdivision under section 44-08-21, the petition must be deemed insufficient unless the petition contains a stated reason or reasons for the recall consistent with the reasons provided in section 44-08-21.~~

SECTION 3. AMENDMENT. Section 16.1-06-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-09. Constitutional amendments and initiated and referred measures - Placed on separate ballot - Manner of stating question - Explanation of effect of vote - Order of listing. Constitutional amendments or measures, initiated measures, and referred measures, duly certified to the county auditor by the secretary of state, or any other question or measure to be voted on, except the election of public officers at any primary, general, or special election including officers subject to a recall petition, must be printed on a separate ballot and must be deposited in a box separate from that provided to receive the ballots for public officers. A constitutional amendment, initiated or referred measure, or other question must, unless otherwise determined by the secretary of state, be stated in full in a legible manner on the paper ballot or the ballot card when using an electronic voting system purchased after June 30, 1985, and the ballot label when using an electronic voting system purchased before July 1, 1985. If the secretary of state concludes the amendment or measure is too long to make it practical to print in full, ~~the amendment or measure may be printed by ballot title only and in the manner specified by the secretary of state. The ballot title must be written by the secretary of state and approved by the attorney general. The size of type to be used on such ballots must be specified by the secretary of state. Immediately preceding the ballot title or the full text of the initiated or referred measure on the printed ballot, the secretary of state in consultation with the attorney general shall cause to be printed a short, concise statement in boldface type summary, which statement must fairly represent the substance of the constitutional amendment, initiated, or referred measure. The attorney general shall approve all such statements written by the secretary of state. Immediately subsequent to~~ After the foregoing statement, the secretary of state shall cause to be printed another short, concise statement of the effect of an affirmative or negative vote on the constitutional amendment ~~or measure, initiated measure, or referred measure in terms of whether the proposal will or will not enact, amend, or repeal a portion or portions of the constitution or laws of the state of North Dakota if an affirmative or negative vote should prevail.~~ This explanatory statement must be drafted by the secretary of state ~~and must be approved by in consultation with~~ the attorney general. The words "Yes" and "No" must be printed on the ballot at the close of the statement regarding the effect of an affirmative or negative vote, in separate lines with a square formed of black lines after each statement in which the voter may indicate by a cross or other mark how he desires to vote on the question. Where two or more amendments or questions are to be voted on, they must be printed on the same ballot. ~~In precincts in which voting machines are used, the ballot title, in the case of amendments or measures submitted by the people, or the title of the legislative bill or resolution, which must serve as the ballot title, in the case of proposed amendments submitted by the~~

legislative assembly, must be set forth in full. Provided, however, in such cases where the ballot title or the title of the legislative bill or resolution is of such length to make it physically impossible to fit such titles upon voting machines, the attorney general shall reduce such titles to a length which will allow the placing of such titles upon voting machines, but shall fully express the purpose of such amendments or questions, and the reduced version of the titles must be used on the voting machines.

The measures to be submitted to the electors must be grouped and classified as constitutional measures, initiated statutes, or referred statutes and must be placed within such groups or classifications by the secretary of state in the order received, for the purpose of placing them on the ballot. Measures submitted by the legislative assembly must be placed first on the ballot within their classification in the order approved by the legislative assembly. Constitutional measures shall be placed first on the ballot, initiated statutes second, and referred statutes third. After all the measures have been placed within the appropriate group or classification, all measures must be numbered consecutively, without regard to the various groups or classifications.

SECTION 4. AMENDMENT. Section 44-08-21 of the North Dakota Century Code is amended and reenacted as follows:

44-08-21. Recall of elected officials of political subdivisions. An elected official of a political subdivision, except an official subject to recall pursuant to section 10 of article III of the Constitution of North Dakota, is subject to recall ~~for misconduct, malfeasance, crime in office, neglect of duty in office, habitual drunkenness, or gross incompetency~~ by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent ~~general~~ election that the office of the official sought to be recalled was on the ballot, except in any political subdivision with a population of not more than one hundred, the petition must be signed by at least six electors. The provisions of section 16.1-01-09, as they relate to signing and circulating recall petitions, apply to petitions under this section.

The petition ~~must~~ may include the stated reason for the recall and must be filed with the official with whom a petition for nomination to the office in question is filed unless that official is the person subject to recall, in which case the petition must be filed with the secretary of state. The official with whom the petition is filed shall pass on the sufficiency of a petition under this section in the manner required of the secretary of state under section 16.1-01-10. Except as otherwise provided in this section, the official shall call a special election to be held within forty days if the official finds the petition valid and sufficient. No special election may be called if the date would be within ninety days of the next scheduled election. An elector's name may not be removed from a recall petition.

The name of the official to be recalled must be placed on the ballot unless the official resigns within ten days after the filing of the petition. Other candidates for the office may be nominated in a manner provided by law. If the official resigns, the appropriate political subdivision governing body may call a special election or appoint a person to complete the unexpired term of the office. When the election results have been officially declared, the candidate receiving the highest number of votes is elected for the remainder of the term. No official is subject to recall twice during the term for which the official was elected.

SECTION 5. REPEAL. Section 16.1-06-09.1 of the North Dakota Century Code is repealed.

Approved April 18, 1995
Filed April 18, 1995

CHAPTER 207**SENATE BILL NO. 2332**

(Senator Grindberg)

(Representatives Austin, Carlson)

ELECTION OFFICIALS, PAY, AND BALLOTS

AN ACT to provide for political committee registration and corporate political contributions; to amend and reenact sections 15-28-10, 16.1-05-01, subsections 2 and 3 of section 16.1-05-03, sections 16.1-05-05, 16.1-06-15, 16.1-06-18, 16.1-07-05, 16.1-07-12, 16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-06, 16.1-08.1-07, and 16.1-12-04 of the North Dakota Century Code, relating to campaign contribution statements, election workers, testing election equipment, ballots, political advertisements, and independent candidates; and to repeal chapter 16.1-08 and sections 16.1-11-14 and 16.1-11-17 of the North Dakota Century Code, relating to political committee registration, corporate political contributions, affidavits of candidacy, and filling vacancies in slates of candidates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-28-10 of the North Dakota Century Code is amended and reenacted as follows:

15-28-10. Duties of election officials - Other statutes applicable. ~~Sections 16.1-08-02, Section 14 of this Act and sections~~ 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04 apply to elections held under sections 15-28-06 and 15-28-09. All expenses of elections held by a school district must be paid by the district.

SECTION 2. AMENDMENT. Section 16.1-05-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-05-01. Election officers. At each primary, general, and special statewide or legislative district election, and at county elections, each polling place must have an election board in attendance. The election board must consist of an election inspector and at least two election judges.

1. The election inspector must be selected in the following manner:
 - a. In all precincts established by the governing body of an incorporated city pursuant to chapter 16.1-04, the governing body shall appoint the election inspectors for those precincts and fill all vacancies occurring in those offices.
 - b. In all other precincts, the county auditor, with the approval of the majority of the board of county commissioners, shall appoint the election inspectors and fill all vacancies occurring in those offices. The selection must be made on the basis of the inspector's knowledge of the election procedure.
 - c. The election inspector shall serve until a successor is named. If an inspector fails to appear for any training session without excuse, the

office is deemed vacant and the auditor shall appoint an individual to fill the vacancy.

Except in the case of special elections, all appointments required to be made under this section must be made at least twenty-one days preceding an election.

2. ~~The election judges and poll clerks for each precinct are the precinct committeemen receiving the largest number of votes at the precinct caucus at which they were elected; and must be appointed by the district chairmen~~ representing the two parties that cast the largest ~~and next largest~~ number of votes in the state at the last general election. ~~If for any reason a precinct committeeman does not wish to serve as an election judge, the district party chairman for that committeeman's party shall appoint from the committeeman's precinct a member of the committeeman's party to serve as election judge.~~ Each election judge ~~and poll clerk~~ must be given a certificate of appointment signed by the chairman of the district committee of the judge's party. In voting precincts or districts in which over one thousand votes are cast in any election, the county auditor may request each district party chairman to appoint an additional election judge. ~~In voting precincts or districts in which over three hundred votes are cast in any election the district party chairmen may each appoint additional poll clerks as determined by the county auditor.~~ The district party chairman shall notify the county auditor of the counties in which the precincts are located of the appointment of the election judges ~~and poll clerks~~ at least twenty-one days before the primary, general, or special election. If this notice is not received within the time specified in this section, the county auditor shall appoint the judges ~~and poll clerks~~. If at any time before or during an election, it shall be made to appear to an election inspector, by the affidavit of two or more qualified electors of the precinct, that any election judge or poll clerk is disqualified under this chapter, the inspector shall remove that judge or clerk at once and shall fill the vacancy by appointing a qualified person of the same political party as that of the judge or clerk removed. If the disqualified judge or clerk had taken the oath of office as prescribed in this chapter, the inspector shall place the oath or affidavit before the state's attorney of the county.
3. ~~Poll clerks must be appointed by the district party chairmen. Each district party chairman may appoint one poll clerk. However, in voting precincts or districts in which over three hundred votes are cast in any election, the district party chairmen may each appoint additional poll clerks as determined by the county auditor. The appointment of poll clerks by the district party chairmen must be made on the basis of the prospective clerks' knowledge of the election procedure and ability to write legibly.~~

SECTION 3. AMENDMENT. Subsections 2 and 3 of section 16.1-05-03 of the 1993 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. ~~At least three days before~~ Before each primary and general election, each county auditor or the auditor's designated representative shall conduct training sessions on election laws and election procedures for election officials in the county and may conduct training sessions ~~at least three days~~ before any special statewide or legislative district election.

The session or sessions must be conducted at such place or places throughout the county as the county auditor determines to be necessary. Attendance at the session is mandatory for members of the election board and for poll clerks unless the board of county commissioners determines that the poll clerks in that county may not attend. The county auditor shall notify the members of the election boards, poll clerks if applicable, and the state's attorney of the time and place of the session. The state's attorney shall attend all sessions to give advice on election laws. The county auditor shall invite the district chairman in that county representing any political party casting at least five percent of the total votes cast for governor at the last election to attend the session at the chairman's own expense. On the date of such course or courses, the county auditor may deliver to all election inspectors at such meeting the official ballots and all other materials as provided in chapter 16.1-06. Except as otherwise provided in this section, each person attending the course or courses must be compensated as provided in section 16.1-05-05.

3. An election official, at the option of the county auditor, may be ~~required to attend only two excused from attending a third training sessions session~~ on election laws within a twelve-month period. If an election official has attended a training session within the six months preceding ~~an a special~~ election, the election official must be compensated at the pay appropriate for those having attended a training session, as provided in section 16.1-05-05, for that election.

SECTION 4. AMENDMENT. Section 16.1-05-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-05-05. Compensation of election officers - ~~Commissioner of labor to certify minimum wage applicable to election officials - Secretary of state to certify amount to county auditors. The state commissioner of labor, thirty days before each statewide primary, general, or special election, shall determine the state minimum wage applicable to election inspectors, election judges, poll clerks, or any other private individual who performs duties in the election process, and shall certify the amounts to the secretary of state. The secretary of state shall then certify the amounts to the county auditors.~~ The county auditors shall pay at least the amounts so determined state minimum wage to the relevant election officials. Members of the election board and poll clerks who attend the training sessions provided by section 16.1-05-03 must be paid at least the state minimum wage determined by the state commissioner of labor for the hours in attendance in the session in addition to necessary expenses and mileage. State, county, or other election officials who are required to incur expenses while performing duties in the election process may be reimbursed only for their actual and necessary expenses and mileage in the performance of those duties, in accordance with sections 54-06-09, 44-08-04, and 11-10-15. Other persons performing election duties must also be paid for expenses and mileage in like manner and amounts. Members of election boards who attend the training sessions provided by section 16.1-05-03 must be paid at least twenty-five percent more than the state minimum wage determined in this section, during the time spent in the performance of their election duties.

SECTION 5. AMENDMENT. Section 16.1-06-15 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-15. Mandatory testing of electronic voting systems before election and before and after tabulation of ballots. All electronic voting systems used in this state

must be tested to ascertain whether the automatic tabulating equipment will accurately count the votes cast for all offices and measures. The testing must be conducted prior to each election at which the system will be used, and before and after the counting of the ballots at each election. The testing must be done by the county auditor or his designee, and after each test, the testing materials, programs, and preaudited ballots must be sealed and retained in the same manner as paper ballots after an election. The test must be conducted by processing a preaudited group of ballot cards on which are recorded a predetermined number of valid votes for each candidate and measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. During the test a different number of valid votes must be assigned to each candidate for an office, and for and against each measure. If an error is detected, the cause of it must be ascertained and corrected, and an errorless count must be secured and filed as provided in this section. The test that is conducted before the election must be conducted at least one week before the election, and the district chairman of each political party having a candidate on the ballot must be sent notice of the test by the county auditor ~~by certified mail~~ at least one week before the test. The notice must state the time, place, and date of the test or tests, and that the district chairman or his designee may attend.

SECTION 6. AMENDMENT. Section 16.1-06-18 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-06-18. Delivery of ballots - Official stamp delivered. At the meeting provided for in section 16.1-05-03, the county auditors shall deliver, or cause to be delivered, by mail or other reliable method, to the inspector of elections in each precinct the official ballots, if available. The ballots must be delivered in sealed packages marked plainly on the outside designating the number of ballots enclosed and the precinct for which the ballots are intended. The county auditor shall deliver or cause to be delivered to the inspector, or if that is impracticable, to one of the election judges of the precinct, a stamp and inkpad for the purpose of stamping each ballot with the words "official ballot" and the name or number of the precinct, the name of the county, the date of the election, and providing for a blank line preceded by the word "initials" for the purpose of providing a space where the judge or inspector shall initial the ballot. The stamp and inkpad are not required if that information is preprinted on the ballot. If the information is preprinted on the ballot, the name or number of the precinct may be replaced by the word "precinct" followed by a blank line where the judge or inspector shall write in the name or number of the precinct. The county auditor shall deliver or cause to be delivered a suitable seal for the purpose of wrapping and sealing the stamp and inkpad at the close of the voting but before the counting of the ballots if a stamp is required. The county auditor also shall deliver or cause to be delivered a suitable seal, which has the name of the county inscribed thereon, for the purpose of sealing the wrapper containing the ballots as provided in section 16.1-15-08.

SECTION 7. AMENDMENT. Section 16.1-07-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-05. Time for applying for ballot. At any time in an election year, any qualified elector expecting to be absent on election day as provided in section 16.1-07-01 may apply to the county auditor, the auditor or clerk of the city, or the business manager of the school district, as the case may be, by facsimile or otherwise, for an official ballot to be voted at that election. A voter may obtain an application form for an absent voter's ballot for a general, special, primary, or county election from either the county auditor or a city auditor. The application

form, for a member of the United States armed forces or the United States merchant marine or for a qualified elector living outside the United States, must include a space for the applicant to indicate whether the application is for all statewide elections in the calendar year or only for the election that is immediately after the date of the application. An applicant who is a member of the United States armed forces or the United States merchant marine or is a qualified elector living outside the United States, may apply for and vote by facsimile if otherwise qualified to apply for and vote by absentee ballot. An auditor, clerk, or business manager may send and receive facsimile absentee ballot applications and facsimile absentee ballots to those electors eligible to apply for and vote by facsimile under this section. No auditor or clerk may issue ballots for absentee voters on the day of the election.

SECTION 8. AMENDMENT. Section 16.1-07-12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-12. Opening ballot - Voting or rejecting - Depositing in ballot box - Preserving. At any time between the opening and closing of the polls on election day, the election judges of the relevant precinct first shall open the outer envelope and compare the signature on such application for an absent voter's ballot with the signature on the statement provided for in section 16.1-07-08. If the judges find that the statement is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct and has not voted at the election, they shall open the absent voter's envelope in such manner as not to destroy the statement thereon. They shall take out the ballot or ballots contained therein without unfolding the same, or permitting the same to be opened or examined, and after endorsing stamping and initialing or initialing the same as other ballots are endorsed stamped and initialed or initialed, they shall deposit the ballot in the proper ballot box and show in the pollbook of the election that the elector has voted. If the statement is found to be insufficient, or that the signatures do not correspond, or that the applicant is not then a duly qualified elector of the precinct, the vote may not be allowed, but without opening the absent voter's envelope, the election inspector or election judge shall mark across the face thereof "rejected as defective" or "rejected as not an elector", as the case may be. The subsequent death of an absentee voter after having voted by absentee ballot does not constitute grounds for rejecting such ballot.

SECTION 9. AMENDMENT. Section 16.1-08.1-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-01. Definitions. As used in this chapter, unless the context otherwise plainly requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
2. "Candidate" means an individual whose name is presented for who seeks nomination for election or election to public office at any primary election whether the individual is actually nominated or not; an individual whose name is printed as a candidate on an official ballot used at any election; an individual who seeks election through write-in

~~votes; an individual who is soliciting or accepting campaign contributions for the individual's own political purpose; or an individual who has sought election to office and who is soliciting or accepting contributions to pay off any campaign debt or to raise money for any political purpose.~~

- ~~2~~ 3. "Contribution" means a gift, subscription, loan, advance, or deposit of money, made for the purpose of influencing the nomination for election, or election, of any person to public office, of aiding or opposing the circulation or passage of a statewide initiative or referendum petitions, petition or of promoting passage or defeat of a statewide initiated or referred measure. Contribution also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes, and includes funds received by a political committee which are transferred to that committee from another political committee or other source. This definition does not include:
- a. A loan of money from a bank or other lending institution made in the regular course of business.
 - b. Time spent by volunteer campaign or political party workers.
 - c. Money spent by a candidate on the candidate's own behalf.
 - d. Any money received from a district or state committee of a political party, as established pursuant to sections 16.1-03-06 and 16.1-03-08, except for contributions reported pursuant to section 16.1-08.1-03.
- ~~3~~ 4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code.
5. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or property, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.
6. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
7. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
- ~~4~~ 8. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures primarily for political purposes.
- ~~5~~ 9. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political

subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.

6. 10. "Political purpose" or ~~"political purposes"~~ means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office whether the activity is undertaken by a candidate, a political committee, a political party, or any person.
7. 11. "Public office" means every statewide or legislative office to which persons can be elected by vote of the people under the laws of this state.

SECTION 10. Political committee registration. A political committee, other than a political party, and a person aiding or opposing 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 receives any contribution. The registration must be completed within five days of the receipt of any contribution and must be submitted with a registration fee of five dollars.

SECTION 11. AMENDMENT. Section 16.1-08.1-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-02. Statement Contributions statement required of candidates - Contents - Additional statements. ~~Any candidate for a public office 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.~~

~~The candidate shall include in the statement must include the name and mailing address of all contributors listed. 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 who contributed in excess of one hundred dollars to the candidate.~~

~~The statement required of a candidate must be filed with the secretary of state shall file the statement no later than five p.m. on the twelfth day prior to before the date of the 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 or, if applicable, from the cutoff date for the previous statement, through the twentieth day prior to before the date of the election. A The candidate shall file a complete statement for the entire calendar year must be filed no later than five p.m. on the thirty-first day of January of the following 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 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 12. AMENDMENT. Section 16.1-08.1-03 of the 1993 Supplement to 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 that receives contributions in excess of one hundred dollars and contributes money to a candidate in excess of one hundred dollars shall ~~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~~ 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.

A yearend statement covering the entire calendar year must be filed with the secretary of state no later than ~~five p.m. on~~ the thirty-first day of January of the following year. A preelection statement must be filed no later than ~~five p.m. on~~ the twelfth day before any election at which the party has endorsed or will nominate a candidate and must be complete for from the beginning of that calendar year or, if applicable, from the cutoff date for the previous statement, 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.~~

¹⁰⁴ **SECTION 13. AMENDMENT.** Section 16.1-08.1-03.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.1. Statement Contributions 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 or opposing the circulation or passage of a statewide initiative or referendum ~~petitions petition or promoting passage or defeat of any statewide initiated or referred~~ measure at any 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.

The statement must include the name and mailing address of all contributors ~~listed. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be~~

¹⁰⁴ Section 16.1-08.1-03.1 was also amended by section 1 of Senate Bill No. 2354, chapter 208.

aggregated for the purposes of the statements required by this section who contributed in excess of one hundred dollars to the person.

The statement required of a person must be filed with the secretary of state no later than ~~five p.m. on~~ the twelfth day prior to the date of the election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the twentieth day prior to the date of the election. A complete statement for the entire calendar year must be filed no later than ~~five p.m. on~~ the thirty-first day of January of the following 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 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 14. Campaign contributions by corporations, cooperative corporations, limited liability companies, and associations prohibited - Violation - Penalty.

1. A corporation, cooperative corporation, limited liability company, or association may not make a direct contribution:
 - a. To aid any political party, political committee, or organization.
 - b. To aid any corporation, limited liability company, or association organized or maintained for political purposes.
 - c. To aid any candidate for political office or for nomination to political office.
 - d. For any political purpose or the reimbursement or indemnification of any person for money or property so used.
 - e. For the influencing of any measure before the legislative assembly, except in accordance with chapter 54-05.1.
2. This section does not prohibit the establishment, administration, and solicitation of contributions to a separate and segregated fund to be utilized for political purposes by a corporation, cooperative corporation, limited liability company, or association. It is unlawful for:
 - a. The person or persons controlling the fund to make contributions or expenditures utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of them; or utilize money from dues, fees, treasury funds, or other money required as a condition of membership in an association, or as a condition of employment; or utilize money obtained in any commercial transaction. Moneys from fees, dues, treasury funds, or money obtained in a commercial transaction may, however, be used to pay costs of administration of the fund.
 - b. Any person soliciting an employee, stockholder, patron, or member for a contribution to the fund to fail to inform the employee or member of the political purposes of the fund at the time of the

- solicitation or of the general political philosophy intended to be advanced through committee activities.
- c. Any person soliciting an employee or member for a contribution to the fund to fail to inform the employee or member, at the time of the solicitation, of the right to refuse to contribute without any reprisal.
 - d. Any contribution to be accepted without keeping an accurate record of the contributor and amount contributed, and of amounts expended for political purposes.
 - e. Any contribution to be accepted from any person who is not an employee, stockholder, patron, or member of the corporation, cooperative corporation, limited liability company, or association maintaining the political committee.
 - f. Any expenditure, except a contract, promise, or agreement, express or implied, to make any expenditure, made for political purposes to be reported under this section before control of the expenditure has been released by the political committee.
3. All political committees formed for the purpose of administering the segregated fund provided for in this section shall file a statement showing the name and mailing address of each contributor of an amount in excess of two hundred dollars in the aggregate for the reporting period and a listing of all expenditures of an amount in excess of one hundred dollars in the aggregate made for political purposes with the secretary of state. A yearend statement covering the entire calendar year must be filed no later than the thirty-first day of the following year. A preelection statement must be filed no later than the twelfth day before any primary, special, or general election and must be complete from the beginning of the calendar year or, if applicable, from the cutoff date for the previous statement through the twentieth day before the election.
 4. A person may not make a payment of that person's money or of another person's money to any other person for a political purpose in any name other than that of the person who supplies the money and a person may not knowingly receive the payment nor enter nor cause the payment to be entered in that person's account or record in any name other than that of the person by whom it actually was furnished.
 5. If an officer, employee, agent, attorney, or other representative of a corporation, cooperative corporation, limited liability company, or association makes any contribution prohibited by this section out of corporate, cooperative corporation, limited liability company, or association funds or otherwise violates this section, it is prima facie evidence of a violation by the corporation, cooperative corporation, limited liability company, or association.
 6. A violation of this section may be prosecuted in the county where the contribution is made or in any county in which it has been paid or distributed.
 7. It is a class A misdemeanor for an officer, director, stockholder, manager, governor, member, attorney, agent, or representative of any

corporation, cooperative corporation, limited liability company, or association to violate this section, or to counsel or consent to any violation. Any person who solicits or knowingly receives any contribution in violation of this section is guilty of a class A misdemeanor.

8. Any officer, director, stockholder, manager, governor, member, attorney, agent, or representative who makes, counsels, or consents to the making of a contribution in violation of this section is liable to the company, corporation, limited liability company, or association for the amount so contributed.

SECTION 15. Person not excused from testifying as to violation - Prosecution or penalty waived upon testifying. No person may be excused from attending and testifying or producing any books, papers, or other documents before any court upon any investigation, proceeding, or trial for a violation of any of the provisions of this chapter, upon the grounds that the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate or degrade the person. No person may be prosecuted nor subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the person may testify or produce evidence, documentary or otherwise, and no testimony so given or produced may be used against the person in any criminal investigation or proceeding.

SECTION 16. Expenditures for other purposes - Report required. Nothing in this chapter may be construed to prohibit the exercise by corporations, cooperative corporations, limited liability companies, and associations of the right to make expenditures and contributions for the purpose of promoting passage or defeat of initiated or referred measures, or for promoting any general political philosophy or belief deemed in the best interest of the employees, stockholders, patrons, or members of the corporation, cooperative corporation, limited liability company, or association other than a "political purpose" as defined by this chapter. Any corporation, cooperative corporation, limited liability company, or association that spends money for the purpose of promoting passage or defeat of initiated or referred measures, other than a contribution to another person promoting passage or defeat of an initiated or referred measure, shall file a statement listing the total amount of money spent for that purpose. The statement must be filed with the secretary of state no later than the twelfth day prior to the date of the election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the twentieth day prior to the date of the election.

SECTION 17. AMENDMENT. Section 16.1-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-06. Requirements Contribution statement requirements. A statement required by this chapter to be filed with the secretary of state or county auditor must be:

1. Verified by the oath or affirmation of the person filing the statement, taken before any officer authorized to administer oaths.
2. Deemed properly filed when deposited in an established post office within the prescribed time, postage affixed, and directed to the secretary of state or county auditor, but in the event it is not received, a duplicate of the statement must be promptly filed upon notice by the secretary of state or county auditor of its nonreceipt.

3. Preserved by the secretary of state or county auditor for a period of four years from the date of filing. The statement is to be considered a part of the public records of ~~his~~ the secretary of state's or county auditor's office and must be open to public inspection.

If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state or county auditor is closed, the statement must be filed on the next available day on which the office of the secretary of state or county auditor is open. 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.

SECTION 18. AMENDMENT. Section 16.1-08.1-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-07. Penalty. ~~Any~~ Except as otherwise provided, any person who willfully violates any provision of this chapter is guilty of an infraction.

SECTION 19. AMENDMENT. Section 16.1-12-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-04. Certificates of nomination - Time and place of filing.

1. ~~The following certificates of nomination must be filed with the secretary of state, with written notice of that filing filed with the county auditor of each county included within the district wherein the offices are to be elected:~~
 - a. ~~Certificates of nomination for nominees for offices to be filled by the qualified electors of the entire state;~~
 - b. ~~Certificates of nomination for nominees for offices to be filled by the qualified electors of any district greater than a county;~~
 - c. ~~Certificates of nomination for nominees for legislative offices must be filed with the secretary of state.~~
2. ~~Certificates of nomination for nominees for county offices and legislative offices must be filed with the county auditor of the respective counties in which the officers are to be elected county in which the candidate resides. When a legislative district is composed of more than one county, the county auditor shall certify to the county auditors of the other counties comprising the legislative district the names of the candidates filing the certificates of nomination.~~
3. ~~Certificates of nomination required to be filed with the secretary of state must, without regard to the means of delivery, be filed and in the actual possession of the secretary of state appropriate officer not later than four p.m. on the sixtieth day prior to the general day of election day.~~
4. ~~Certificates of nomination required to be filed with the county auditor must, without regard to the means of delivery, be filed and in the actual possession of the county auditor not later than four p.m. on the sixtieth day prior to the general election day.~~

5. In the case of special elections called to fill vacancies, certificates of nomination must be filed and in the actual possession of the appropriate officer, regardless of the means of delivery, not later than four p.m. on the sixtieth day prior to the day of election.
6. The secretary of state and the several county auditors shall keep on file for six months all certificates of nomination filed with them under this chapter, and all certificates of nomination must be open to public inspection during regular business hours.

SECTION 20. REPEAL. Chapter 16.1-08 and sections 16.1-11-14 and 16.1-11-17 of the North Dakota Century Code are repealed.

Approved April 12, 1995
Filed April 13, 1995

CHAPTER 208

SENATE BILL NO. 2354 (Senators Holmberg, W. Stenehjelm) (Representatives Christenson, Kliniske)

INITIATIVE AND REFERRAL CAMPAIGN CONTRIBUTION STATEMENTS

AN ACT to amend and reenact section 16.1-08.1-03.1 of the North Dakota Century Code, relating to campaign contribution statements filed by persons promoting passage or defeat of initiated or referred measures.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁵ **SECTION 1. AMENDMENT.** Section 16.1-08.1-03.1 of the 1993 Supplement to 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.

1. Any person who is soliciting or accepting ~~contributions~~ a contribution for the purpose of aiding the circulation of a statewide initiative or referendum ~~petitions~~ petition or of promoting passage or defeat of any statewide initiated or referred measure at any 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. The statement must include the name and mailing address of all contributors listed. 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.
2. A person soliciting or accepting a contribution for the purpose of aiding the circulation of a statewide initiative or referendum petition or of promoting passage or defeat of any statewide initiated or referred measure may not accept a contribution of more than one hundred dollars from an individual who does not reside in this state or from an out-of-state political committee unless the contribution is accompanied by a certified statement from the contributor listing the name, address, and amount contributed by each person who contributed more than one hundred dollars of the contribution. The certified statement must also list the occupation, employer, and principal place of business for each person who contributed more than two hundred dollars of the contribution. The person soliciting or accepting a contribution for the purpose of aiding the circulation of a statewide initiative or referendum petition or of promoting passage or defeat of a statewide initiated or

¹⁰⁵ Section 16.1-08.1-03.1 was also amended by section 13 of Senate Bill No. 2332, chapter 207.

referred measure must include this statement with the contribution statement required to be filed under subsection 1.

3. The statement required of a person under subsection 1 must be filed with the secretary of state no later than five p.m. on the twelfth day prior to the date of the election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the twentieth day prior to the date of the election. A complete statement for the entire calendar year must be filed no later than five p.m. on the thirty-first day of January of the following 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 five p.m. on the next business day on which the office of the secretary of state is open.
4. The secretary of state shall prescribe the form of all statements required by this section.

Approved March 24, 1995

Filed March 27, 1995

CHAPTER 209**HOUSE BILL NO. 1432**

(Representative Maragos)

PRESIDENTIAL PREFERENCE CONTEST

AN ACT to create and enact two new sections to chapter 16.1-11 and a new subdivision to subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the conduct of a presidential preference contest and exceptions from the definition of administrative agency; to amend and reenact sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, 16.1-11-34, and subsection 2 of section 16.1-12-02.2, relating to the date of the presidential preference contest; to provide an appropriation; to provide for application; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-11-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-02. Presidential preference ~~primary~~ contest - Time for holding. In a presidential election ~~years~~ year, there must be conducted a presidential preference ~~primary concurrently with the statewide primary~~ contest on the last Tuesday in February of that year. The presidential preference contest may be used only to instruct delegates to a national political convention and may not further the electoral process for any other purpose. No other election or vote on a measure of any kind may be held in conjunction with the presidential preference contest.

SECTION 2. AMENDMENT. Section 16.1-11-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-03. Political parties authorized to conduct presidential preference ~~primary~~ contest. Every political party entitled to a separate column ~~on the primary election ballot under section 16.1-11-30~~ is ~~also~~ entitled to conduct a presidential preference ~~primary as part of its primary election~~ contest. A political party subject to subsection 4 of section 16.1-11-30 shall meet the requirements of subsection 4 of section 16.1-11-30 by filing the petition with the secretary of state before four p.m. of the sixtieth day before the presidential preference contest.

SECTION 3. A new section to chapter 16.1-11 of the North Dakota Century Code is created and enacted as follows:

Presidential preference contest conduct - Mail ballot election. As applicable and except as otherwise provided in this chapter, the presidential preference contest must be governed by the requirements of this title applicable to primary elections, including deadlines for ballot preparation and election official appointments. The presidential preference contest may be conducted pursuant to the mail ballot election procedures established by chapter 16.1-11.1. The cost of the contest must be paid in the same manner as provided for a statewide special election under section 16.1-01-02.3.

SECTION 4. A new section to chapter 16.1-11 of the North Dakota Century Code is created and enacted as follows:

Presidential preference contest - Requirements. Notwithstanding any other provision of law, the secretary of state shall adopt rules relating to the presidential preference contest, including rules providing for the reduction of poll workers, the reduction of poll hours, the reduction of precincts, the arrangement of the names of candidates on the official ballot, the publication of the sample ballot, and open voting within cities or counties.

SECTION 5. AMENDMENT. Section 16.1-11-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-04. Presidential preference primary an additional election contest. ~~The presidential preference primary provided for by sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and 16.1-11-24 must be in addition to all other elections held on the date of the primary.~~ Unless specifically forbidden by national party rules, the delegates selected by political parties at a presidential preference contest are bound to cast their first ballots at the party national convention in such a manner that each candidate at the party's presidential preference primary contest receives a proportion of the total votes cast by the delegates equal to the proportion received by that candidate of the total votes cast for all candidates for president of that party at the primary contest. In computing the number of delegates a candidate may be entitled to on the first ballot, if party rules do not allow apportionment of a delegate and such an apportionment appears necessary because no candidate received more than five-tenths of a delegate, then that delegate must be assigned to the candidate receiving the highest number of votes in the primary election contest. If a candidate withdraws before the first ballot voting begins, delegates obligated to vote for that candidate on the first ballot ~~would be~~ are released from that obligation.

SECTION 6. AMENDMENT. Section 16.1-11-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-07. Presidential candidates on ballot - Filing time. Presidential candidates, representing parties qualified to conduct a presidential preference primary contest, desiring to be on the presidential preference primary contest ballot shall file an affidavit, and either a certificate of endorsement signed by the chairman of the party's state committee, or a petition in the same form and with the same number of signatures as a candidate for state office. The certificate and affidavit, or petition and affidavit, must be filed with the secretary of state within the same time limits as state office candidates not more than seventy nor less than sixty days, and before four p.m. of the sixtieth day before the presidential preference contest, and for the purposes of the presidential preference primary contest only, political parties may file certificates for more than one presidential candidate. The secretary of state shall certify the names to the county auditors for ballot preparation.

SECTION 7. AMENDMENT. Section 16.1-11-23 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-23. Presidential preference primary contest ballots. ~~Paper ballots for presidential preference primary elections must be combined with the primary election ballot, with each party's candidates in the presidential preference primary listed in the same columns as other candidates of that party. Machine or other voting system ballots must be prepared so as to place each party's candidates in the presidential preference primary with other candidates of that party, and must~~ The presidential preference contest ballot may allow for voting for only one of the candidates put forth by one party. Ballots must conform in form and style to other ballots as prescribed by the secretary of state and chapter 16.1-11.1.

SECTION 8. AMENDMENT. Section 16.1-11-34 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-34. **Counting and canvassing of votes in presidential preference primary contest.** The votes cast in presidential preference ~~primaries contests~~ must be counted and canvassed as other votes, and after preparation of statements by the state canvassing board, the secretary of state shall certify the number of votes cast for each party candidate to the state chairman of each political party conducting a presidential preference primary contest.

¹⁰⁶ **SECTION 9. AMENDMENT.** Subsection 2 of section 16.1-12-02.2 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. A person who intends to be a write-in candidate for president of the United States at the presidential preference primary election contest 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 contest. The certificate must contain the name and address of the candidate and be signed by the candidate. Before the thirteenth day before the election contest, the secretary of state shall certify the names of the presidential candidates to each county auditor as write-in candidates.

¹⁰⁷ **SECTION 10.** A new subdivision to subsection 1 of section 28-32-01 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

The secretary of state with respect to rules adopted for the presidential preference contest under section 4 of this Act.

SECTION 11. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$275,000, or so much of the sum as may be necessary, to the secretary of state for the purpose of conducting the presidential preference contest for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 12. APPLICATION. This Act is not a statewide election for the purpose of a vote on a referred or initiated measure as provided in section 5 of article III of the Constitution of North Dakota. Any action by the North Dakota supreme court to the contrary renders this Act void.

SECTION 13. EXPIRATION DATE. Section 4 of this Act is effective through June 30, 1997, and after that date is ineffective.

Approved April 7, 1995
Filed April 7, 1995

¹⁰⁶ Section 16.1-12-02.2 was also amended by section 1 of Senate Bill No. 2453, chapter 210.

¹⁰⁷ Section 28-32-01 was also amended by section 1 of Senate Bill No. 2429, chapter 308; section 1 of Senate Bill No. 2405, chapter 309; and section 4 of House Bill No. 1089, chapter 313.

CHAPTER 210

SENATE BILL NO. 2453
(Senators Schobinger, B. Stenehjem)
(Representatives Maragos, Poolman)**CERTIFICATES OF CANDIDACY**

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁸ SECTION 1. AMENDMENT. Section 16.1-12-02.2 of the 1993 Supplement to 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 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 or for statewide or judicial district office at any 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

¹⁰⁸ Section 16.1-12-02.2 was also amended by section 9 of House Bill No. 1432, chapter 209.

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.

4. A person who intends to be a write-in candidate for any other office shall file a certificate of write-in candidacy with the election officer with whom the candidate would otherwise file to have the candidate's name placed on the ballot. The certificate must contain the name, address, and signature of the candidate. Certificates must be filed by four p.m. on the fourth day before the election. A certificate under this subsection is not required when no names will appear on the ballot for that office.

Approved April 11, 1995
Filed April 12, 1995

CHAPTER 211**HOUSE BILL NO. 1242**
(Representatives Kretschmar, Lloyd, Shide)**DEFEATED PRIMARY CANDIDATE ELIGIBILITY**

AN ACT to amend and reenact section 16.1-13-06 of the North Dakota Century Code, relating to the eligibility of a candidate defeated at a primary election to have the candidate's name placed on the general election ballot.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-13-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-06. Defeated primary candidate ineligible to have name printed on general ballot - Exception. ~~A person~~ Except to fill a vacancy occurring on the ballot, an individual who was a candidate for nomination by any party at any primary election in any year and who was defeated for the nomination may not have ~~his or her~~ that individual's name printed upon the official ballot at the ensuing general election for the same office.

Approved March 6, 1995

Filed March 6, 1995