

**Side-by-Side Comparison
of H.474 with
Amendment Offered by Reps. Higley, McCoy, Toof**

Summary of Changes: The amendment offered by Reps. Higley, McCoy, Toof proposes to:

- Major Political Party Nominations: Remove Secs. 2 and 3, the sections that would have prohibited a major political party from nominating a candidate for a general election if that party failed to nominate a candidate during the primary election. The removal of these two sections would preserve current law ‘as is.’
- Write-In Candidates: Alter the proposed deadlines in Secs. 9-12 *from* a write-in candidate to file a consent of candidacy form to have their votes counted not later than 5:00 p.m. on the second Friday preceding the primary election *to* a write-in candidate filing a separate form *not later than 7:00 p.m. the day of the election* (close of polls). It also includes an exception to this filing requirement so that a write-in candidate qualifies as a winner if the candidate otherwise received the most votes. This would also now only apply to legislative, state-wide, and federal races; no longer county offices.
 - Note: This keeps the proposed increased requirement of H.474 for a write-in candidate to receive the same number of votes as a printed candidate in order to win a primary.
- Campaign Finance: Alter the proposed time of registration and report filings in Secs. 13 and 14 *from* when a candidate *accepts or expends* any campaign funds *to* when a candidate *expends* funds. At the time of expending funds, the candidate would then register campaign banking and treasurer information, as well as file campaign finance reports.

H.474 as Introduced	Higley, McCoy, Toof Amendment
* * * <i>Failure of a Major Political Party to Nominate a Candidate by Primary</i> * * *	
<p>Sec. 2.</p> <p>§ 2381. APPLICABILITY OF SUBCHAPTER</p> <p>(a) A candidate may also be nominated and have the candidate’s name printed on the general election ballot in accordance with the provisions set forth in this subchapter, in the following instances:</p> <p>(1) In <u>in</u> case of a vacancy on the general election ballot occasioned by death, removal, or withdrawal of a candidate, or <u>but not for</u> the failure of a major political party to nominate a candidate by primary;</p> <p>(2) In <u>in</u> case a minor political party desires to nominate a candidate for any office for which major political parties nominate candidates by primary or for the offices of President and Vice President of the United States; <u>and</u></p>	<p>Sec. 2.</p> <p>[Deleted.]</p>

<p>(3) In <u>in</u> case of nomination for the office of justice of the peace, in the event that such nomination has not already been made by caucus as provided in section 2413 of this chapter. * * *</p>	
<p>Sec. 3. § 2386. TIME FOR FILING STATEMENTS (a) In the case of the failure of a major political party to nominate a candidate by primary, a statement shall be filed not later than 5:00 p.m. on the sixth day following the primary. <u>[Repealed.]</u> * * *</p>	<p>Sec. 3. [Deleted.]</p>
<p>* * * <i>Write-in Candidate Registration and Minimum Thresholds in Primary Elections</i> * * *</p>	
<p>Sec. 9. § 2370. WRITE-IN CANDIDATES (a) <u>In order to have votes listed for a write-in candidate under subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second Friday preceding the primary election, a write-in candidate for the General Assembly, any county office, any State office, or any federal office shall file with the Secretary of State a form consenting to candidacy for office as set forth in subsection 2587(e) of this title. The Secretary of State shall notify the town clerks of any filings made in accordance with this subsection not later than the Friday before the election.</u> (b) A write-in candidate shall not qualify as a primary winner unless he or she <u>the candidate</u> receives at least one-half <u>the same</u> number of votes as the number of signatures required for his or her <u>the candidate's</u> office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed on the ballot,</p>	<p>Sec. 9. § 2370. WRITE-IN CANDIDATES (a) <u>In order to have votes listed for a write-in candidate under subdivision 2587 of this title, not later than 7:00 p.m. on the day of the primary election, a write-in candidate for the General Assembly, any State office, or any federal office shall complete a form of the Secretary of State's design affirming that the candidate wants to have received votes listed under subdivision 2587(e)(3) of this title. The candidate shall file the form with either all town clerks within the candidate's applicable district or the Secretary of State's Office in an electronic manner approved by the Secretary. The Secretary of State shall notify the appropriate town clerks of any filings made in accordance with this subsection as soon as practicable.</u> (b) A write-in candidate shall not qualify as a primary winner unless he or she <u>the candidate</u> receives at least one-half <u>the same</u> number of votes as the number of signatures required for his or her <u>the candidate's</u> office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed on the ballot, he or she may <u>the write-in candidate shall</u></p>

<p>he or she may the write-in candidate shall qualify as a primary winner.</p> <p>(b)(c) The write-in candidate who qualifies as a primary winner under this section must still be determined a winner under section 2369 of this chapter before he or she the candidate becomes the party's candidate in the general election.</p>	<p>qualify as a primary winner. <u>Notwithstanding the provisions of subsection (a) of this section, a candidate who has not filed in accordance with subsection (a) shall qualify as a primary winner if the candidate otherwise complies with the provisions of this subsection.</u></p> <p>(b)(c) The write-in candidate who qualifies as a primary winner under this section must still be determined a winner under section 2369 of this chapter before he or she the candidate becomes the party's candidate in the general election.</p>
<p>Sec. 10.</p> <p>§ 2472. CONTENTS</p> <p style="text-align: center;">* * *</p> <p>(b)(1) Each office to be voted upon shall be separately indicated and preceded by the word "For," as: "For United States Senator." Beneath the office to be voted upon shall appear the instructions: "Vote for not more than (the number of candidates to be elected)."</p> <p style="text-align: center;">* * *</p> <p>(6) <u>In order to have votes listed for a write-in candidate under subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second Friday preceding the general election, a write-in candidate for the General Assembly, any county office, any State office, or any federal office shall file with the Secretary of State a form consenting to candidacy for office as set forth in subsection 2587(e) of this title. The Secretary of State shall notify the town clerks of any filings made in accordance with this subsection not later than the Friday before the election.</u></p> <p style="text-align: center;">* * *</p>	<p>Sec. 10.</p> <p>§ 2472. CONTENTS</p> <p style="text-align: center;">* * *</p> <p>(b)(1) Each office to be voted upon shall be separately indicated and preceded by the word "For," as: "For United States Senator." Beneath the office to be voted upon shall appear the instructions: "Vote for not more than (the number of candidates to be elected)."</p> <p style="text-align: center;">* * *</p> <p><u>(5)(A) In order to have votes listed for a write-in candidate under subdivision 2587 of this title, not later than 7:00 p.m. on the day of the primary election, a write-in candidate for the General Assembly, any State office, or any federal office shall complete a form of the Secretary of State's design affirming that the candidate wants to have received votes listed under subdivision 2587(e)(3) of this title. The candidate shall file the form with either all town clerks within the candidate's applicable district or the Secretary of State's Office in an electronic manner approved by the Secretary. The Secretary of State shall notify the appropriate town clerks of any filings made in accordance with this subsection as soon as practicable.</u></p> <p><u>(B) Notwithstanding the provisions of subdivision (A) of this subsection, a candidate who has not filed in accordance with</u></p>

	<p>subdivision (A) shall qualify as the winner of an election if the candidate otherwise complies with the provisions of this chapter.</p> <p style="text-align: center;">* * *</p>
<p>Sec. 11.</p> <p>§ 2587. RULES FOR COUNTING VOTES</p> <p style="text-align: center;">* * *</p> <p>(e)(1) In the case of “write-in” votes, the act of writing in the name of a candidate, or pasting a label containing a candidate’s name upon the ballot, without other indications of the voter’s intent, shall constitute a vote for that candidate, even though the voter did not fill in the square or oval after the name.</p> <p>(2)(A) <u>A vote for a write-in candidate shall be counted as a write-in vote that is without consent of candidate unless the write-in candidate filed a consent of candidate form with the Secretary of State in accordance with section 2370 of this title in the primary election, subsection 2472(b) of this title for the general election, and subsection 2703(f) of this title for the presidential primary. The consent form shall set forth the name of the candidate, the name of the office for which the candidate consents to be a candidate, the candidate’s town of residence, and the candidate’s correct mailing address. The clerk shall record the name and vote totals of a write-in candidate who has filed in accordance with section 2370 of this title in the primary election, subsection 2472(b) of this title for the general election, and subsection 2703(f) of this title for the presidential primary.</u></p> <p>(B) <u>The Secretary of State shall prepare and furnish forms for candidate consent purposes.</u></p> <p>(3) <u>The election officials counting ballots and tallying results shall only list every person who receives a “write in” vote and the number of votes received the names and votes received of those write-in candidates who consented to candidacy for</u></p>	<p>Sec. 11.</p> <p>§ 2587. RULES FOR COUNTING VOTES</p> <p style="text-align: center;">* * *</p> <p>(e)(1) In the case of “write-in” votes, the act of writing in the name of a candidate, or pasting a label containing a candidate’s name upon the ballot, without other indications of the voter’s intent, shall constitute a vote for that candidate, even though the voter did not fill in the square or oval after the name.</p> <p>(2) <u>A vote for a write-in candidate shall be counted as a write-in vote that is without requisite filings unless the write-in candidate filed in accordance with section 2370, 2472, or 2702 of this title. The clerk shall record the name and vote totals of a write-in candidate who has complied with this section.</u></p> <p>(3)(A) <u>The election officials counting ballots and tallying results shall list every person who receives a “write in” vote and the number of votes received only the names and votes received of those write-in candidates who filed in accordance with section 2370,</u></p>

<p><u>the office pursuant to section 2370 of this title in the primary election, subsection 2472(b) of this title for the general election, and subsection 2703(f) of this title for the presidential primary. Any write-in votes for candidates who have not consented to the write-in candidacy shall be listed as “other write-ins.”</u></p> <p>(A) On each tally sheet, the counters shall add together the names of candidates that are clearly the same person, even though a nickname or last name is used.</p> <p>(B) Names of fictitious or deceased persons <u>who are not registered write-in candidates shall not be listed individually and shall be recorded on the tally sheet as a blank vote in the aggregate as “other write-ins.”</u></p> <p>(f) When the same number of persons are nominated for the position of justice of the peace as there are positions to be filled, the presiding officer may declare the whole slate of candidates elected without making individual tallies, providing each person on the slate has more votes than the largest number of write-in votes for any one <u>registered write-in</u> candidate.</p>	<p><u>2472, or 2702</u> of this title. Any write-in votes for candidates who have not filed in accordance with section 2370, 2472, or 2702 of this title shall be listed as “other write-ins.”</p> <p>(A)(B) On each tally sheet, the counters shall add together the names of candidates that are clearly the same person, even though a nickname or last name is used.</p> <p>(B)(C) Names of fictitious or deceased persons <u>who have not filed in accordance with section 2370, 2472, or 2702 of this title</u> shall not be listed <u>individually</u> and shall be recorded on the tally sheet as a blank vote <u>in aggregate as “other write-ins.”</u></p> <p>(f) When the same number of persons are nominated for the position of justice of the peace as there are positions to be filled, the presiding officer may declare the whole slate of candidates elected without making individual tallies, providing each person on the slate has more votes than the largest number of write-in votes for any one <u>registered write-in</u> candidate.</p>
<p>Sec. 12.</p> <p>§ 2702. NOMINATING PETITION</p> <p>(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party if petitions signed by at least 1,000 voters in accordance with sections 2353, 2354, and 2358 of this title are filed with the Secretary of State, together with the written consent of the person to the printing of the person’s name on the ballot.</p> <p>(b) Petitions shall be filed not later than 5:00 p.m. on the 15th day of December preceding the primary election.</p> <p>(c) The petition shall be in a form prescribed by the Secretary of State.</p>	<p>Sec. 12.</p> <p>§ 2702. NOMINATING PETITION</p> <p>(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party if petitions signed by at least 1,000 voters in accordance with sections 2353, 2354, and 2358 of this title are filed with the Secretary of State, together with the written consent of the person to the printing of the person’s name on the ballot.</p> <p>(b) Petitions shall be filed not later than 5:00 p.m. on the 15th day of December preceding the primary election.</p> <p>(c) The petition shall be in a form prescribed by the Secretary of State.</p>

<p>(d) A person’s name shall not be listed as a candidate on the primary ballot of more than one party in the same election.</p> <p>(e) Each petition shall be accompanied by a filing fee of \$2,000.00 to be paid to the Secretary of State. However, if the petition of a candidate is accompanied by the affidavit of the candidate, which shall be available for public inspection, that the candidate and the candidate’s campaign committee are without sufficient funds to pay the filing fee, the Secretary of State shall waive all but \$300.00 of the payment of the filing fee by that candidate.</p> <p>(f) <u>In order to have votes counted for a write-in candidate under section 2587 of this title, not later than 5:00 p.m. on the second Friday preceding the presidential primary election, a write-in candidate for nomination by any major political party shall file with the Secretary of State a form consenting to candidacy for office as set forth in subsection 2361(b) of this title. The Secretary of State shall notify the town clerks of any filings made in accordance with this subsection not later than the Friday before the election.</u></p>	<p>(d) A person’s name shall not be listed as a candidate on the primary ballot of more than one party in the same election.</p> <p>(e) Each petition shall be accompanied by a filing fee of \$2,000.00 to be paid to the Secretary of State. However, if the petition of a candidate is accompanied by the affidavit of the candidate, which shall be available for public inspection, that the candidate and the candidate’s campaign committee are without sufficient funds to pay the filing fee, the Secretary of State shall waive all but \$300.00 of the payment of the filing fee by that candidate.</p> <p>(f)(1) <u>In order to have votes listed for a write-in candidate under subdivision 2587 of this title, not later than 7:00 p.m. on the day of the primary election, a write-in candidate for the General Assembly, any State office, or any federal office shall complete a form of the Secretary of State’s design affirming that the candidate wants to have received votes listed under subdivision 2587(e)(3) of this title. The candidate shall file the form with either all town clerks within the candidate’s applicable district or the Secretary of State’s Office in an electronic manner approved by the Secretary. The Secretary of State shall notify the appropriate town clerks of any filings made in accordance with this subsection as soon as practicable.</u></p> <p><u>(2) Notwithstanding the provisions of subdivision (1) of this subsection, a candidate who has not filed in accordance with subdivision (1) shall qualify as the winner of an election if the candidate otherwise complies with the provisions of this chapter.</u></p>
<p>*** Campaign Finance ***</p>	
<p>Sec. 13.</p> <p>§ 2921. CANDIDATES; REGISTRATION; CHECKING ACCOUNT; TREASURER</p> <p>(a) Each candidate who has made expenditures or accepted contributions of</p>	<p>Sec. 13.</p> <p>§ 2921. CANDIDATES; REGISTRATION; CHECKING ACCOUNT; TREASURER</p> <p>(a)(1) Each candidate who has made expenditures or accepted contributions of</p>

<p>§500.00 or more in an election cycle files a consent to the printing of the candidate's name on the ballot, as provided in section 2361 of this title, shall register with the Secretary of State within 10 days of reaching the \$500.00 threshold or on the date that the next report is required of the candidate under this chapter, whichever occurs first, prior to filing the consent stating his or her the candidate's full name and address; the office the candidate is seeking; the name and address of the bank in which the candidate maintains his or her the campaign checking account; if raising or spending any campaign funds, and the name and address of the treasurer responsible for maintaining the checking account. A candidate's treasurer may be the candidate or his or her the candidate's spouse.</p> <p style="text-align: center;">* * *</p>	<p>§500.00 or more in an election cycle files a consent to the printing of the candidate's name on the ballot, as provided in section 2361 of this title, shall register with the Secretary of State within 10 days of reaching the \$500.00 threshold or on the date that the next report is required of the candidate under this chapter, whichever occurs first, prior to filing the consent stating his or her the candidate's full name and address; and the office the candidate is seeking;</p> <p style="text-align: center;">(2) Each candidate who accepts or expends any campaign funds shall file with the Secretary of State at the time of expending the funds the name and address of the bank in which the candidate maintains his or her the campaign checking account; and the name and address of the treasurer responsible for maintaining the checking account. A candidate's treasurer may be the candidate or his or her the candidate's spouse.</p> <p style="text-align: center;">* * *</p>
<p>Sec. 14.</p> <p>§ 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE, THE GENERAL ASSEMBLY, AND COUNTY OFFICE; POLITICAL COMMITTEES; POLITICAL PARTIES</p> <p>(a)(1) Each candidate for State office, the General Assembly, or a two-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle and, except as provided in subsection (b) of this section, each political committee that has not filed a final report pursuant to subsection 2965(b) of this chapter, and each political party required to register under section 2923 of this chapter shall file with the Secretary of State campaign finance reports as follows:</p> <p style="text-align: center;">* * *</p>	<p>Sec. 14.</p> <p>§ 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE, THE GENERAL ASSEMBLY, AND COUNTY OFFICE; POLITICAL COMMITTEES; POLITICAL PARTIES</p> <p>(a)(1) Each candidate for State office, the General Assembly, or a two-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle and, except as provided in subsection (b) of this section, each political committee that has not filed a final report pursuant to subsection 2965(b) of this chapter, and each political party required to register under section 2923 of this chapter shall file with the Secretary of State campaign finance reports as follows:</p> <p style="text-align: center;">* * *</p>

<p>(2) Each candidate for a four-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle shall file with the Secretary of State campaign finance reports as follows:</p> <p style="text-align: center;">* * *</p>	<p>(2) Each candidate for a four-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle shall file with the Secretary of State campaign finance reports as follows:</p> <p style="text-align: center;">* * *</p>
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