

1 HB241
2 189861-2
3 By Representative Johnson (R)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 18-JAN-18

1 of votes received by the candidate receiving the greatest
2 number of votes for the specific office.

3 "(2) Upon a written request satisfying the
4 requirements in subsection ~~(i)~~ (j).

5 "(b) A person seeking election to public office
6 through a write-in candidacy shall announce his or her
7 write-in candidacy by filing with the judge of probate, in the
8 case of county offices, or the Secretary of State, in the case
9 of federal or state offices, a statement of write-in
10 candidacy. The statement of write-in candidacy shall do all of
11 the following:

12 "(1) Include, at a minimum, the full name of the
13 write-in candidate and the name of the office to which he or
14 she is seeking election, including district number or place
15 number where applicable.

16 "(2) Be signed and dated by the write-in candidate.

17 "(3) Be submitted to the judge of probate, in the
18 case of county offices, or the Secretary of State, in the case
19 of federal or state offices, no later than the ~~fifth~~ thirtieth
20 day preceding the election in which the write-in candidate
21 seeks to participate.

22 "~~(b)~~ (c) The ballot for a non-municipal general
23 election must be constructed so that the voter can mark a
24 write-in vote for each office in the same manner that votes
25 are registered for regular candidates. In order to cast a
26 valid write-in vote, the voter must (1) write the name on the
27 ballot and (2) register the vote by a mark in the space

1 designated for that office. A write-in vote that is not
2 registered as provided above shall not be considered a valid
3 write-in vote and shall not be included in determining the
4 number of write-in votes cast for a specific office as
5 required in this section. If a voter registers a vote for a
6 name on the ballot and then writes in another name for the
7 same office but fails to register the write-in vote, the
8 ballot shall be treated as if no write-in vote had occurred
9 and the regular vote shall be counted. If a properly
10 registered write-in vote causes an over-vote, it shall be
11 treated as any other over-vote and none of the votes for the
12 over-voted office shall be counted. However, the remainder of
13 the ballot shall be counted. When counting write-in votes,
14 poll officials must check for over-votes if the electronic
15 ballot counter does not perform the function.

16 ~~"(c)~~ (d) Upon the closing of the polls, all write-in
17 votes, which may be in the form of a ballot or, if an
18 electronic voting system is utilized in the polling place, a
19 ballot image, results tape, or other media as prescribed by
20 the Secretary of State by administrative rule, from each
21 polling place in the county shall be returned to a central
22 location in the county as determined by the judge of probate
23 where the canvassing board shall determine the number of
24 write-in votes cast for each office on the ballot, ballot
25 image, results tape, or other media as prescribed by the
26 Secretary of State by administrative rule. The chair of each
27 local political party as defined in Section 17-13-40, any

1 person whose name is on the ballot as an independent, and any
2 announced ~~or known~~ write-in candidates shall be given a
3 minimum of 24 ~~hours~~ hours' notice of the time and place where
4 the canvassing board will meet to determine the number of
5 write-in votes cast for each office on the ballot, ballot
6 image, results tape, or other media prescribed by the
7 Secretary of State by administrative rule and shall be
8 permitted to be present when the determination is made. The
9 county, at its discretion, may appoint and compensate poll
10 workers to assist the canvassing board in determining the
11 number of write-in votes for each office. After the
12 determination of the number of write-in votes cast for each
13 office has been made, the canvassing board shall take the
14 following actions:

15 "(1) For federal and state offices on the ballot,
16 prepare and transmit to the Secretary of State not later than
17 5:00 p.m. on the first Friday following the election a written
18 report itemizing the number of write-in votes cast for each
19 separate federal or state office on the ballot and the total
20 votes cast for ~~each of~~ the candidates receiving the greatest
21 number of votes for each federal or state office on the ballot
22 in the county.

23 "(2) For each specific county office on the ballot,
24 determine whether the number of write-in votes cast is greater
25 than or equal to the ~~difference in votes between the~~
26 ~~candidates~~ number of votes received by the candidate receiving
27 the greatest number of votes for the specific county office.

1 "(3) Post a notice stating the number of write-in
2 votes cast in each office on the ballot and, for each specific
3 county office on the ballot, stating whether the number of
4 write-in votes cast for the office is greater than or equal to
5 ~~the difference in votes between the candidates~~ number of votes
6 received by the candidate receiving the greatest number of
7 votes for the specific county office. The notice shall be
8 posted on the door of the courthouse and any other place
9 deemed appropriate by the canvassing board including, but not
10 limited to, a county website.

11 "~~(d)~~ (e) Upon determining the number of write-in
12 votes as required in subsection ~~(c)~~ (d), all ballots, ballot
13 images, or results tapes with write-in votes shall be
14 delivered to the sheriff who shall securely keep the ballots,
15 ballot images, or results tapes in the same manner as
16 provisional ballots are kept pursuant to subsection (d) of
17 Section 17-10-2.

18 "~~(e)~~ (f) Upon receipt of all county reports setting
19 out the number of write-in votes for each federal or state
20 office, the Secretary of State shall determine whether the
21 number of write-in votes cast statewide for any specific
22 federal or state office is greater than or equal to the
23 ~~difference in votes between the candidates~~ number of votes
24 received by the candidate receiving the greatest number of
25 votes for that office. In the event the Secretary of State
26 determines that the number of write-in votes cast statewide
27 for any federal or state office is greater than or equal to

1 the ~~difference in votes between the candidates~~ number of votes
2 received by the candidate receiving the greatest number of
3 votes for that office, not later than noon on the first Monday
4 following the election, the Secretary of State shall notify
5 each judge of probate from a county where write-in votes for
6 that office were cast that the write-in votes for announced
7 write-in candidates for that office shall be counted and
8 reported as provided in this section.

9 "~~(f)~~ (g) When the number of write-in votes for any
10 specific office is greater than or equal to the ~~difference in~~
11 ~~votes between the candidates~~ number of votes received by the
12 candidate receiving the greatest number of votes for that
13 office, the write-in votes for announced write-in candidates
14 shall be counted at the same time and in the same manner as
15 provisional ballots are counted pursuant to subsection (f) of
16 Section 17-10-2. Write-in votes shall be counted only for
17 those write-in candidates who have announced their write-in
18 candidacy pursuant to subsection (b). No write-in votes shall
19 be counted for a person whose name is already printed on the
20 ballot as a candidate.

21 "~~(g)~~ (h) Any qualified elector who disputes the
22 determination regarding the counting of write-in votes cast
23 for any particular office on the ballot made by either the
24 canvassing board or the Secretary of State may file a written
25 objection as follows, stating with specificity the grounds for
26 objection:

1 "(1) For objections to the determination made by a
2 county canvassing board for a specific county office, the
3 objection shall be filed with the canvassing board prior to
4 the date ballots are due to be counted pursuant to subsection
5 ~~(f)~~ (g).

6 "(2) For objections to the determination made by the
7 Secretary of State for a specific federal or state office, the
8 objection shall be filed with the Secretary of State prior to
9 the date ballots are due to be counted pursuant to subsection
10 ~~(f)~~ (g).

11 "Any written objection filed pursuant to this
12 subsection shall be reviewed by the canvassing board for
13 objections filed under subdivision (1) or by the Secretary of
14 State for objections filed under subdivision (2). If it is
15 determined the objection has merit, write-in ballots cast in
16 the office subject to the objection shall be counted pursuant
17 to subsection ~~(f)~~ (g).

18 "~~(h)~~ (i) Any expenses incurred by a county for the
19 counting of write-in votes shall be a reimbursable expense as
20 provided in Chapter 16.

21 "~~(i)~~ (j) In addition to the requirement to count
22 write-in votes as provided in this section, any qualified
23 elector who voted in an election may request that write-in
24 votes for one or more announced write-in candidates for a
25 specific county office on a ballot be counted provided, the
26 request is made in writing to the judge of probate in the
27 county where the elector voted no later than 5:00 p.m. on the

1 first Friday following the election and is accompanied by a
2 bond or certified check in an amount sufficient to cover the
3 cost of the count as determined by the judge of probate. Any
4 qualified elector who voted in an election may request that
5 write-in votes for one or more announced write-in candidates
6 for a federal or state office on a ballot to be counted,
7 provided the request is made in writing to the Secretary of
8 State not later than 5:00 p.m. on the first Friday following
9 the election and is accompanied by a bond or certified check
10 in an amount sufficient to cover the cost of the count as
11 determined by the Secretary of State. Any write-in vote count
12 authorized under this subsection shall take place at the same
13 time and in the same manner as provisional ballots are counted
14 pursuant to subsection (f) of Section 17-10-2.

15 "(k) The Secretary of State may adopt rules to
16 implement this section."

17 Section 2. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 18-JAN-18

Read for the second time and placed
on the calendar 1 amendment 01-FEB-18

Read for the third time and passed
as amended..... 27-FEB-18

Yeas 88, Nays 5, Abstains 3

Jeff Woodard
Clerk