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## Running for U.S. Congress

United States Senator      Representative in Congress

### Qualifications and Terms of Office

**United States Senator:** A member of the United States Senate must be at least 30 years of age, a citizen of the United States for at least nine years, and an inhabitant of the state of North Dakota (United States Constitution, Article 1, Section 3).

The 6-year term for United States Senator begins at noon on January 3<sup>rd</sup> following the election.

**Representative in Congress:** A member of the United States House of Representatives must be at least 25 years of age, a citizen of the United States for at least seven years, and an inhabitant of the state of North Dakota (United States Constitution, Article 1, Section 2).

The 2-year term for Representative in Congress begins at noon on January 3<sup>rd</sup> following the election.

### Running in the Primary Election

Candidates for U.S. Congress may choose one of two methods for placing their names on the June 8, 2010, Primary Election ballot. They include:

**A. Petition/Certificate of Nomination:** Candidates may file a Petition/Certificate of Nomination with the Secretary of State containing signatures equal to 3% of the total votes cast for the candidates for the same office and carrying the same political party affiliation at the last general election. However, no more than 300 signatures are required. If the office sought did not have a candidate with the same political party affiliation in the preceding general election, at least 300 signatures are required (NDCC § [16.1-11-06](#)).

**B. Certificate of Endorsement:** Candidates endorsed by established political parties may file a Certificate of Endorsement with the Secretary of State to have their names placed on the June 8, 2010, Primary Election ballot (NDCC § [16.1-11-06](#)).

#### A Complete Filing Must Include:

1. A **Petition/Certificate of Nomination (SFN 2704)** containing the signatures of not more than 300 qualified North Dakota electors **OR** a **Certificate of Endorsement (SFN 17196)**;
2. An **Affidavit of Candidacy (SFN 2703)**;
3. A **Statement of Interests (SFN 10172)** or a like personal disclosure statement required by the Federal Election Commission or United States Senate Office for congressional candidates.

## Circulating a Petition/Certificate of Nomination

A Petition/Certificate of Nomination may not be circulated or signed more than 90 days before the date the petition must be filed with the Secretary of State. Therefore, candidates may not circulate or have a Petition/Certificate of Nomination signed before **January 9, 2010**.

### When and Where to File

Candidates may not file earlier than 150 days before or later than 4:00 p.m. on the 60<sup>th</sup> day before the June 8, 2010, Primary Election.

The filing deadline with the **Secretary of State is 4:00 p.m. on April 9, 2010**. Original filings must be in the physical possession of the Secretary of State's office by the filing deadline.

### Running as a Write-In Candidate in the Primary Election

A person who intends to be a write-in candidate for Congress in the June 8, 2010, Primary Election shall file a Certificate of Write-In Candidacy with the Secretary of State by 4:00 p.m. on the 21<sup>st</sup> day before the Primary Election. The sworn Certificate of Write-In Candidacy must contain the complete address of the candidate (NDCC § [16.1-12-02.2](#)).

#### A Complete Filing Must Include:

1. A **Certificate of Write-In Candidacy (SFN 50599)**;
2. A **Statement of Interests (SFN 10172)** or a like personal disclosure statement required by the Federal Election Commission or United States Senate Office for congressional candidates.

### When and Where to File

Completed Certificates of Write-In Candidacy must be filed by 4:00 p.m. on the 21<sup>st</sup> day before the June 8, 2010, Primary Election.

The filing deadline with the **Secretary of State is 4:00 p.m. on May 18, 2010**. Original filings must be in the physical possession of the Secretary of State's office by the filing deadline.

### Options for other National Parties

A party may endorse candidates for Congress for inclusion on the June 8, 2010, Primary Election Ballot. To do so, the party must establish itself and gain ballot access by the 60th day prior to the June 8, 2010, Primary Election. That deadline is April 9, 2010.

A party that has failed to establish itself and gain ballot access by the April 9, 2010, deadline, may only nominate candidates for inclusion on the November 2, 2010, General Election ballot as independents ([NDCC § 16.1-11-30](#) and Ch. [16.1-12](#)).

### Running in the General Election

Candidates for Congress who receive the highest number of votes within their political party at the June 8, 2010, Primary Election will automatically be placed on the November 2, 2010, General Election ballot. No person may be deemed nominated as a candidate for any office at any primary election unless the candidate receives a number of votes equal to the number of

signatures required on a petition to have a candidate's name for that office placed on the primary ballot. (NDCC § [16.1-11-36](#))

**Running as an Independent Candidate in the General Election**

A third party not recognized by North Dakota by the April 9, 2010, deadline, or any other entity or individual, may nominate candidates for Congress for inclusion on the November 2, 2010, General Election ballot as independents. Independent candidates will be designated on the general election ballot as "independent nominations" and will not carry a specific party designation or affiliation (NDCC [Ch. 16.1-12](#)).

**A Complete Filing Must Include:**

1. A **Petition/Certificate of Nomination (SFN 2704)** containing the signatures of 1,000 qualified North Dakota electors;
2. An **Affidavit of Candidacy (SFN 2703)**;
3. A **Statement of Interests (SFN 10172)** or a like personal disclosure statement required by the Federal Election Commission or United States Senate Office for congressional candidates.

**Circulating a Petition/Certificate of Nomination**

A Petition/Certificate of Nomination may not be circulated or signed more than 150 days before the date the petition must be filed with the Secretary of State. Therefore, candidates may not circulate or have a Petition/Certificate of Nomination signed before **April 6, 2010**, for inclusion on the General Election ballot.

**When and Where to File**

Independent candidates must file by 4:00 p.m. on the 60<sup>th</sup> day before the November 2, 2010, General Election.

The filing deadline with the **Secretary of State is 4:00 p.m. September 3, 2010**. Original filings must be in the physical possession of the Secretary of State's office by the filing deadline.

**Running as a Write-In Candidate in the General Election**

A person who intends to be a write-in candidate for Congress at the November 2, 2010 General Election shall file a Certificate of Write-In Candidacy with the Secretary of State by 4:00 p.m. on the 21<sup>st</sup> day before the General Election. The certificate of Write-In Candidacy must contain the complete address of the candidate (NDCC [Ch. 16.1-12](#)).

**A Complete Filing Must Include:**

1. A **Certificate of Write-In Candidacy (SFN 50599)**;
2. A **Statement of Interests (SFN 10172)** or a like personal disclosure statement required by the Federal Election Commission or United States Senate Office for congressional candidates.

**The Filing Deadline**

Certificates of Write-In Candidacy must be filed by 4:00 p.m. on the 21<sup>st</sup> day before the November 2, 2010, General Election.

The filing deadline with the **Secretary of State is 4:00 p.m. on October 12, 2010**. Complete filings must be in the physical possession of the Secretary of State's office by the filing deadline.

**Interaction with Federal Laws**

Candidates for Congress are subject to the registration and financial disclosure requirements of the Federal Election Campaign Act.

Under the Federal Election Campaign Act, a candidate is subject to registration and financial obligations when the campaign exceeds \$5,000 in either contributions or expenditures.

Questions may be directed to:

Federal Election Commission (FEC)  
999 E Street North West, Room 232  
Washington, D.C. 20463  
Toll Free.....800-424-9530  
Web Site.....www.fec.gov

**Forms**

The state forms (SFN's) listed above are available from the Secretary of State's office and may also be accessed from the Secretary of State's web site and Fax-On-Demand service line.

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