

Introduced by

1 A BILL for an Act to create and enact sections 16.1-01-09.2, 16.1-01-09.3, and 16.1-01-18 of
2 the North Dakota Century Code, relating to petitions for initiated and referred measures and
3 measures submitted by the legislative assembly; to amend and reenact sections 16.1-01-09,
4 16.1-01-10, 16.1-01-17, and 16.1-06-09 of the North Dakota Century Code, relating to the
5 process for initiating and referring measures; and to provide a contingent effective date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 16.1-01-09 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **16.1-01-09. Initiative or referendum petitions - Signature Submission - Form Public**
10 **comments - Circulation Review.**

11 1. a. ~~A request of the secretary of state for approval of a petition to initiate or refer a~~
12 ~~measure may be presented~~must be approved by the secretary of state before it may
13 be circulated for signatures. A member of the sponsoring committee of the petition
14 shall submit the petition to the secretary of state over the signatures of the sponsoring
15 committee on individual signature forms that have been notarized. The secretary of
16 state shall prepare a signature on a form that prepared by the secretary of state which
17 includes provisions for identification of the measure; the printed name, signature, and
18 address of ~~the~~each committee member; identification of the sponsoring committee
19 chairman; and notarization of the signature. The filed signature forms must be
20 originals.

21 b. ~~Upon receipt of a petition to initiate or refer a measure, the secretary of state~~
22 ~~shall draft a short and concise statement that fairly represents the measure. The~~
23 ~~statement must be submitted to the attorney general for approval or disapproval.~~
24 ~~An approved statement must be affixed to the petition before it is circulated for~~

1 which must be: "~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH-~~
2 ~~DAKOTA~~" and the body of the bill. If the measure amends the law, all new
3 ~~statutory material must be underscored and all statutory material to be deleted~~
4 ~~must be overstruck by dashes. When repealing portions of the law, the measure~~
5 ~~must contain a repealer clause and, in brackets, the text of the law being~~
6 ~~repealed.~~

7 3. Each copy of any petition provided for in this section, before being filed, must have
8 attached an affidavit executed by the circulator in substantially the following form:

9 State of North Dakota)
10) ss:

11 County of _____)
12 (county where signed)

13 I, _____, being sworn, say that I am a qualified elector; that I
14 (circulator)

15 reside at _____;
16 (address)

17 that each signature contained on the attached petition was executed in my
18 presence; and that to the best of my knowledge and belief each individual whose
19 signature appears on the attached petition is a qualified elector; and that each
20 signature contained on the attached petition is the genuine signature of the
21 individual whose name it purports to be.

22 _____
23 (signature of circulator)

24 Subscribed and sworn to before me on _____, _____, at
25 _____, North Dakota.
26 (city)

27 (Notary Seal) _____
28 (signature of notary)

29 Notary Public

30 My commission expires _____

- 1 4. ~~No petition may be circulated under the authority of article III of the Constitution of~~
2 ~~North Dakota by an individual who is less than eighteen years of age, nor may the~~
3 ~~affidavit called for by subsection 3 be executed by an individual who is less than~~
4 ~~eighteen years of age at the time of signing. All petitions circulated under the authority~~
5 ~~of the constitution and of this section must be circulated in their entirety. A petition may~~
6 ~~not include a statement of intent or similar explanatory information.~~
- 7 5. ~~When signed petitions are delivered to the secretary of state, the chairperson of the~~
8 ~~sponsoring committee shall submit to the secretary of state an affidavit stating that to~~
9 ~~the best of that individual's knowledge, the petitions contain at least the required~~
10 ~~number of signatures. Upon submission of the petitions to the secretary of state, the~~
11 ~~petitions are considered filed and may not be returned to the sponsoring committee for~~
12 ~~the purpose of continuing the circulation process or resubmitting the petitions at a later~~
13 ~~time. An elector's name may not be removed by the elector from a petition that has~~
14 ~~been submitted to and received by the secretary of state.~~
- 15 6. ~~An initiative or referendum petition may be submitted to the secretary of state until~~
16 ~~midnight of the day designated as the deadline for submitting the petition.~~
- 17 7. ~~An initiative petition may be circulated for one year from the date it is approved for~~
18 ~~circulation by the secretary of state.~~
- 19 2. Within two business days after receiving a petition to initiate or refer a measure, the
20 secretary of state shall provide a copy of the petition to the legislative council, post
21 information about the measure in a conspicuous location on the website for the
22 secretary of state, and allow the submission of comments regarding the measure. The
23 secretary of state shall forward any comments to the legislative council. If the petition
24 is withdrawn or rejected, the secretary of state shall remove the information from the
25 website within three business days. The information posted on the website must
26 include:
- 27 a. The text of the measure;
28 b. A disclaimer stating the text may not constitute the full and correct text of the
29 measure;
30 c. The name of the individual who submitted the petition; and
31 d. Where to submit comments on the measure.

1 3. After receiving a copy of the measure from the secretary of state, the legislative
2 council shall review the measure, review the comments submitted regarding the
3 measure, and make revisions to ensure the measure satisfies legislative drafting
4 requirements. The revisions may not change the intent of the measure. The legislative
5 council shall provide any revisions to the secretary of state within fifteen days after the
6 legislative council receives the measure.

7 4. The secretary of state shall send written notice of the approval of the revised measure
8 to the individual who submitted the petition within twenty days after receiving the
9 petition. The petition may not be circulated for signatures until the secretary of state
10 certifies all legal requirements for the petition have been satisfied. The secretary of
11 state shall complete the review of the petition and notify the chairman of the
12 sponsoring committee of the approval or rejection of the petition within thirty-five days
13 of receipt of the petition. The notification must include separate certifications by the
14 secretary of state of the approved fiscal note, approved fiscal note summary, and
15 approved petition title.

16 5. A petition must include the approved petition title on each signature page before
17 circulation. If the approved petition title is not included on a signature page before
18 circulation, the signatures on that page must be disregarded.

19 **SECTION 2.** Section 16.1-01-09.2 of the North Dakota Century Code is created and
20 enacted as follows:

21 **16.1-01-09.2. Initiative and referendum petitions - Petition title - Attorney general**
22 **approval.**

23 Within twenty-three days after receipt of a proposed petition from a sponsoring committee,
24 the secretary of state shall consider any public comments received, draft a summary of the
25 measure, and submit the summary, fiscal note, and fiscal note summary to the attorney general
26 for review. The summary of the measure may not exceed one hundred words and must be in
27 the form of a question using language that is neither intentionally argumentative nor likely to
28 create prejudice either for or against the measure. Within ten days after receiving the materials
29 from the secretary of state, the attorney general shall approve the materials or make any
30 revisions necessary to make the summary comply with this chapter. The approved summary of
31 the measure will be the petition title.

1 **SECTION 3.** Section 16.1-01-09.3 of the North Dakota Century Code is created and
2 enacted as follows:

3 **16.1-01-09.3. Petition format.**

4 1. An individual may not sign any initiative or referendum petition circulated pursuant to
5 article III of the Constitution of North Dakota unless the individual is a qualified elector.
6 An individual may not sign any petition more than once, and each signer shall legibly
7 print the signer's name, complete residential address or rural route or general delivery
8 address, and the date of signing on the petition. Every qualified elector signing a
9 petition shall do so in the presence of the individual circulating the petition. A
10 referendum or initiative petition must be on a form prescribed by the secretary of state
11 containing the following information:

12 REFERENDUM [INITIATIVE] PETITION

13 TO THE SECRETARY OF STATE,

14 STATE OF NORTH DAKOTA

15 We, the undersigned, being qualified electors request [House (Senate) Bill
16 _____ passed by the _____ Legislative Assembly] [the following initiated law] be
17 placed on the ballot as provided by law.

18 SPONSORING COMMITTEE

19 The following are the names and addresses of the qualified electors of the state
20 of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the
21 petitioners in accordance with law:

22 Name Address

23 (chairman) _____

24 _____

25 PETITION TITLE

26 (To be drafted by the secretary of state, approved by the attorney general, and
27 included on each page of the petition before circulation.)

28 FISCAL NOTE SUMMARY

29 (To be prepared by legislative council, approved by the secretary of state and attorney general,
30 and attached to the petition before circulation)

31 FULL TEXT OF THE MEASURE

1 IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING
2 ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED.
3 IF MATERIAL IS NOT UNDERSCORED OR OVERSTRUCK, THE MATERIAL IS EXISTING
4 LAW THAT IS NOT BEING CHANGED.

5 [The full text of the measure must be inserted here.]

6 INSTRUCTIONS TO PETITION SIGNERS

7 You are being asked to sign a petition. You must be a qualified elector. This
8 means you are eighteen years old, you have lived in North Dakota thirty days, and you are a
9 United States citizen. If you sign this petition, you shall legibly print your name, complete
10 residential address or rural route or general delivery address, and the date of signing on the
11 petition. Every qualified elector signing a petition shall do so in the presence of the individual
12 circulating the petition.

13 QUALIFIED ELECTORS

14 Signed

<u>Month,</u>	<u>Name of</u>	<u>Printed</u>	<u>Residential Address or</u>	<u>City,</u>
<u>Day,</u>	<u>Qualified</u>	<u>Name of</u>	<u>Complete Rural Route</u>	<u>State,</u>
<u>Year</u>	<u>Elector</u>	<u>Qualified</u>	<u>or General Delivery</u>	<u>Zip Code</u>
		<u>Elector</u>	<u>Address</u>	

- 19 1. _____
- 20 2. _____
- 21 3. _____
- 22 4. _____
- 23 5. _____
- 24 6. _____
- 25 7. _____
- 26 8. _____

27 The number of signature lines on each page of a printed petition may vary if necessary
28 to accommodate other required text. In this section for referral petitions "full text of the
29 measure" means the bill as passed by the legislative assembly excluding the session
30 and sponsor identification. In this section for initiative petitions "full text of the
31 measure" means an enacting clause which must be: "BE IT ENACTED BY THE

- 1 eighteen years of age at the time of signing. Each petition circulated must be
2 circulated in its entirety. A petition may not include a statement of intent or similar
3 explanatory information.
- 4 4. When signed petitions are delivered to the secretary of state, the chairman of the
5 sponsoring committee shall submit to the secretary of state an affidavit stating to the
6 best of that individual's knowledge, the petitions contain at least the required number
7 of signatures. Upon submission of the petitions to the secretary of state, the petitions
8 are considered filed and may not be returned to the sponsoring committee for the
9 purpose of continuing the circulation process or resubmitting the petitions at a later
10 time. An elector's name may not be removed by the elector from a petition that has
11 been submitted to and received by the secretary of state.
- 12 5. An initiative or referendum petition may be submitted to the secretary of state until
13 midnight of the day designated as the deadline for submitting the petition.
- 14 6. An initiative petition may be circulated for one year from the date it is approved for
15 circulation by the secretary of state.

16 **SECTION 4. AMENDMENT.** Section 16.1-01-10 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **16.1-01-10. Secretary of state to pass upon sufficiency of petitions - Method - Time**
19 **limit.**

20 The secretary of state shall have a reasonable period, not to exceed thirty-five days, in
21 which to pass upon the sufficiency of ~~any~~the signatures on a petition mentioned in section-
22 ~~16.1-01-09.~~ The secretary of state shall conduct a representative random sampling of the
23 signatures contained in the petitions by the use of questionnaires, postcards, telephone calls,
24 personal interviews, or other accepted information-gathering techniques, or any combinations
25 thereof, to determine the validity of the signatures. Signatures determined by the secretary of
26 state to be invalid may not be counted and all violations of law discovered by the secretary of
27 state must be reported to the attorney general for prosecution. After the secretary of state
28 determines whether the petition signatures meet legal requirements, the secretary shall issue a
29 certificate stating whether the petition signatures are sufficient, and if not, the secretary shall
30 state the reason for the insufficiency.

1 **SECTION 5. AMENDMENT.** Section 16.1-01-17 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **16.1-01-17. Estimated fiscal impact of an initiated measure.**

4 ~~At least ninety days before a statewide election at which an initiated measure will be voted~~
5 ~~upon, the legislative council shall coordinate the determination of the estimated fiscal impact of~~
6 ~~the initiated measure. Upon notification from the secretary of state that signed petitions have~~
7 ~~been submitted for placement of an initiated measure on the ballot, the legislative management~~
8 ~~shall hold hearings, receive public testimony, and gather information on the estimated fiscal~~
9 ~~impact of the measure. Each agency, institution, or department shall provide information~~
10 ~~requested in the format and timeframe prescribed by the legislative council for identifying the~~
11 ~~estimated fiscal impact of an initiated measure. At least thirty days before the public vote on the~~
12 ~~measure, the legislative council shall submit a statement of the estimated fiscal impact of the~~
13 ~~measure to the secretary of state. Upon receipt, the secretary of state shall include a notice~~
14 ~~within the analysis required by section 16.1-01-07 specifying where copies of the statement of~~
15 ~~the estimated fiscal impact can be obtained.~~

- 16 1. Upon receipt of an initiated measure petition from the secretary of state, the legislative
17 council shall assess the fiscal impact of the measure included in the petition. The
18 legislative council may consult with state agencies, local government entities,
19 legislators, and others with knowledge pertinent to the cost of the measure.
20 Proponents and opponents of the measure may submit to the legislative council a
21 proposed fiscal impact statement within ten days after the legislative council receives
22 the petition from the secretary of state.
- 23 2. Within twenty days after receipt of a petition, the legislative council shall consider any
24 proposed fiscal impact statement submitted and send a fiscal note and a summary of
25 the fiscal note for the measure to the secretary of state.
- 26 3. The fiscal note summary must contain no more than fifty words, excluding articles, and
27 must summarize the fiscal note in language neither argumentative nor likely to create
28 prejudice either for or against the measure.
- 29 4. Within thirty days of the close of the first complete fiscal year after the effective date of
30 an initiated measure approved by the voters, the agencies, institutions, or departments
31 that provided the estimates of the fiscal impact of the measure to the legislative

1 management under this section shall submit a report to the legislative council on the
2 actual fiscal impact for the first complete fiscal year resulting from provisions of the
3 initiated measure and a comparison to the estimates provided to the legislative
4 management under this section and the legislative council shall issue a report of the
5 actual fiscal impact of the initiated measure.

6 **SECTION 6.** Section 16.1-01-18 of the North Dakota Century Code is created and enacted
7 as follows:

8 **16.1-01-18. Legislative assembly resolutions for constitutional amendments.**

- 9 1. A measure for a constitutional amendment submitted to the voters by the legislative
10 assembly must include a summary statement and a fiscal note summary. Each may
11 contain no more than fifty words, excluding articles. The summary statement must be
12 a true and impartial statement of the purposes of the measure. The summary
13 statement and fiscal note summary must use language neither intentionally
14 argumentative nor likely to create prejudice either for or against the measure.
- 15 2. The summary statement and fiscal note summary may be the only language placed on
16 the ballot for the measure.
- 17 3. The legislative assembly may approve the summary statement and fiscal note
18 summary for measures the legislative assembly submits to the voters. If the legislative
19 assembly does not approve a summary statement or fiscal note summary, the
20 secretary of state shall ensure the missing language is prepared.
- 21 a. Within twenty days of receipt of a measure without a summary statement, the
22 secretary of state shall prepare a summary statement and submit the statement
23 to the attorney general, who shall approve the statement or make any revision
24 necessary to satisfy the requirements of this section. When preparing the
25 summary statement, the secretary of state may seek the advice of the member of
26 the legislative assembly who introduced the resolution for the measure and the
27 speaker of the house or the president pro tempore of the senate.
- 28 b. Immediately upon receipt of a measure without a fiscal note summary, the
29 secretary of state shall send the measure to the legislative council to prepare the
30 fiscal note summary in the same manner required for a measure submitted by a
31 sponsoring committee.

1 **SECTION 7. AMENDMENT.** Section 16.1-06-09 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **16.1-06-09. Constitutional amendments and initiated and referred measures - Manner**
4 **of stating question - Explanation of effect of vote - Order of listing.**

5 ~~Constitutional amendments or measures, initiated measures, and referred measures, duly~~
6 ~~certified to the county auditor by the secretary of state, or any other question or measure to be~~
7 ~~voted on, except the election of public officers at any primary, general, or special election~~
8 ~~including officers subject to a recall petition, must, unless otherwise determined by the secretary~~
9 ~~of state, be stated in full in a legible manner on the ballot. If the secretary of state concludes the~~
10 ~~amendment or measure is too long to make it practicable to print in full, the secretary of state in~~
11 ~~consultation with the attorney general shall cause to be printed a short, concise summary, which~~
12 ~~must fairly represent the substance of the constitutional amendment or initiated or referred~~
13 ~~measure. After the foregoing statement, the secretary of state shall cause to be printed another~~
14 ~~short, concise statement of the effect of an affirmative or negative vote on the constitutional~~
15 ~~amendment or initiated or referred measure. This explanatory statement must be drafted by the~~
16 ~~secretary of state in consultation with the attorney general. The words "Yes" and "No" must be~~
17 ~~printed on the ballot at the close of the statement regarding the effect of an affirmative or~~
18 ~~negative vote, in separate lines with an oval before each statement in which the voter is to~~
19 ~~indicate how the voter desires to vote on the question by darkening the oval. If two or more~~
20 ~~amendments or questions are to be voted on, they must be printed on the same ballot.~~After
21 certifying the sufficiency of signatures on a petition, the secretary of state shall consider all
22 public comments on the measure and prepare and transmit to the attorney general ballot
23 language for the measure. The ballot language must explain fairly and accurately the effects of
24 a vote for and a vote against the measure. The ballot language for each measure on the ballot
25 must be posted in every polling place next to the sample ballot. The ballot language must be
26 true and impartial and may not be intentionally argumentative nor likely to create prejudice for or
27 against the measure. The ballot language must include a statement as to whether the measure
28 will increase, decrease, or have no impact on taxes and, if there will be an impact on taxes, the
29 specific category of taxes to be impacted. Within ten days after receiving the ballot language for
30 a measure, the attorney general shall approve the summary in its original form or with revisions
31 necessary to make the ballot language comply with this section.

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

10 **SECTION 8. CONTINGENT EFFECTIVE DATE.** This Act is contingent on the passage of
11 _____ Concurrent Resolution No. _____ by the sixty-sixth legislative assembly and
12 approval of that resolution by the electors of this state. If this Act takes effect, it becomes
13 effective on January 1, 2021.