

Sixty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1324

Introduced by

Representatives Kasper, Koppelman, Louser, Rohr, D. Ruby, Steiner, Vetter, Vigesaa

Senator Vedaa

1 A BILL for an Act to amend and reenact section 16.1-01-10 of the North Dakota Century Code,  
2 relating to sufficiency of petitions as determined by the secretary of state.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-01-10 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **16.1-01-10. Secretary of state to pass upon sufficiency of petitions - Method - Time**  
7 **limit.**

8 1. The secretary of state shall have a reasonable period, not to exceed thirty-five days, in  
9 which to pass upon the sufficiency of any petition mentioned in section 16.1-01-09.

10 The secretary of state shall conduct a representative random sampling of the  
11 signatures contained in the petitions by the use of questionnaires, postcards,  
12 telephone calls, personal interviews, or other accepted information-gathering  
13 techniques, or any combinations thereof, ~~to determine the validity of the~~  
14 ~~signatures~~ from which the secretary of state may exercise the secretary's judgment as  
15 to the validity of the individual signatures or groupings of signatures and other  
16 irregularities in the petition, thereby determining whether those signatures are to be  
17 counted as part of the necessary signature amount. Signatures determined by the  
18 secretary of state to be invalid may not be counted and ~~all~~ if the number of valid  
19 signatures received is less than the required number of signatures to place the  
20 measure on the ballot, the secretary of state may not allow the measure to be placed  
21 on the ballot. When the secretary of state does not approve the measure to be placed  
22 on the ballot due to an insufficient petition, the action is presumed to be lawful, unless  
23 the presumption is rebutted by clear and convincing evidence that the action of the

1           secretary of state was unlawful. All violations of law discovered by the secretary of  
2           state must be reported to the attorney general for prosecution.  
3        2. For purposes of this section "clear and convincing evidence" means that degree of  
4           proof which, considering all the evidence in the case, produces the firm and abiding  
5           belief that it is highly probable that the proposition on which the challenging party has  
6           the burden of proof is true.