

**2023 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HCR 3031**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HCR 3031  
3/3/2023

Relating to the subject matter of initiated measures and constitutional amendments, the establishment of an electronic signature gathering system by the secretary of state, and the threshold for placing a measure on the ballot; to provide for application; and to provide an effective date.

Vice Chairman Satrom called the meeting to order at 10:31 AM.

Chairman Austen Schauer, Vice Chairman Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, and Mary Schneider. All present.

### **Discussion Topics:**

- Amendment (23.3074.02001)
- Single subject
- Electronic signatures
- Passage of constitutional amendments
- Powers reserved to the people
- Public expectation

Representative Vetter introduced HCR 3031 verbally testified in support and proposed amendment (23.3074.02001) (#22206) (#22208)

Dustin Gawrylow, Director of North Dakota Watchdog Network, testified in support (#21879).

Kevin Hermann, North Dakota citizen, opposition testimony (#21857).

Michael Howe, North Dakota Secretary of State, neutral testimony (#21926).

### **Additional written testimony:**

Carol Sawicki, Board Member with the League of Women Voters of North Dakota, opposition testimony (#21335).

Vice Chairman Satrom adjourned the meeting at 11:21 AM.

*Phillip Jacobs, Committee Clerk By: Leah Kuball*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HCR 3031  
3/3/2023

Relating to the subject matter of initiated measures and constitutional amendments, the establishment of an electronic signature gathering system by the secretary of state, and the threshold for placing a measure on the ballot; to provide for application; and to provide an effective date.

Chairman Schauer called the meeting to order at 11:29 AM.

Chairman Austen Schauer, Vice Chairman Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, and Mary Schneider. All present.

### Discussion Topics:

- Amendment
- Committee work

Chairman Schauer called for a discussion on HCR 3031.

Rep. Steiner moved to adopt amendment to HCR 3031 that would change the resolution into a study.

Seconded by Vice Chairman Satrom.

Rep. Vetter discussed the implications of HCR 3031 and the proposed amendment.

Roll Call Vote:

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Claire Cory	N
Representative Jeff A. Hoverson	N
Representative Jorin Johnson	N
Representative Karen Karls	Y
Representative Scott Louser	N
Representative Carrie McLeod	N
Representative Karen M. Rohr	N
Representative Mary Schneider	Y
Representative Vicky Steiner	N
Representative Steve Vetter	N

Motion fails 5-8-0.

Rep. Vetter moved to adopt amendment (#23.3074.02001) to HCR 3031 (#22208).

Seconded by Vice Chairman Satrom.

Roll Call Vote:

<b>Representatives</b>	<b>Vote</b>
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Steve Vetter	Y

Motion carries 13-0-0.

Rep. Vetter explained possible additional amendments to HCR 3031.

Chairman Schauer adjourned the meeting at 11:44 AM.

*Phillip Jacobs, Committee Clerk*

DK  
1/21  
3-6-23

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3031

Page 1, line 13, after the period insert "The measure provides that if a majority of the total votes cast upon an initiated statutory measure are affirmative and a majority affirmative vote is received in a majority of the legislative districts in this state at the applicable statewide election, the measure is enacted."

Page 1, line 15, replace "counties" with "legislative districts"

Page 2, line 24, remove "statutory measure"

Page 2, line 24, overstrike "or a referred" and insert immediately thereafter "statutory"

Page 2, line 25, after "affirmative" insert "and the measure is approved by a majority of the votes cast in a majority of the legislative districts in the state"

Page 2, line 25, after the period insert "If a majority of votes cast upon a referred measure are affirmative, the measure is deemed enacted."

Page 3, line 10, after the period insert:

"3."

Page 3, line 13, replace "counties" with "legislative districts"

Page 3, line 16, replace "counties" with "legislative districts"

Page 3, line 18, replace "3." with "4."

Renumber accordingly

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HCR 3031  
3/9/2023

Relating to the subject matter of initiated measures and constitutional amendments, the establishment of an electronic signature gathering system by the secretary of state, and the threshold for placing a measure on the ballot; to provide for application; and to provide an effective date.

Chairman Schauer called the meeting to order at 3:23 PM.

Chairman Austen Schauer, Vice Chairman Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, and Mary Schneider. Reps. Landon Bahl and Vicky Steiner not present.

### Discussion Topics:

- Amendment
- Committee work
- Majority districts
- Voter registration

Chairman Schauer called for a discussion on HCR 3031.

Rep. Vetter proposed amendments (#23.3074.02002) and (#23.3074.02003) to HCR 3031 (#25729) (#25730).

Rep. Louser moved to adopt amendment (#23.3074.02003).

Seconded by Rep. Vetter.

### Roll Call Vote:

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	AB
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	AB

Representative Steve Vetter	Y
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Motion carries 11-0-2.

Rep. Vetter moved a do pass as amended on HCR 3031.

Seconded by Rep. Cory.

Roll Call Vote:

<b>Representatives</b>	<b>Vote</b>
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	AB
Representative Claire Cory	Y
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	N
Representative Karen Karls	Y
Representative Scott Louser	N
Representative Carrie McLeod	Y
Representative Karen M. Rohr	AB
Representative Mary Schneider	N
Representative Vicky Steiner	AB
Representative Steve Vetter	Y

Motion carries 7-3-3.

Carried by Rep. Cory.

Chairman Schauer adjourned the meeting at 4:11 PM.

*Phillip Jacobs, Committee Clerk*

44  
3-9-23

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3031

- Page 1, line 1, after the first comma insert "3,"
- Page 1, line 3, after the comma insert "the manner of signing petitions,"
- Page 1, line 10, after the period insert "The measure requires a petition gatherer to verify a petition was signed in a manner provided by law."
- Page 1, line 15, replace "counties" with "legislative districts"
- Page 1, line 19, after the first comma insert "3,"
- Page 2, line 1, after "subject" insert ", as determined by the secretary of state"
- Page 2, line 12, after "The" insert "legislative assembly shall provide by law for the establishment and maintenance of an electronic signature gathering system for the collection of petition signatures in elections overseen by the secretary of state. The laws provided by the legislative assembly must permit signature gatherers to collect signatures solely by electronic means. The legislative assembly shall permit the"
- Page 2, line 12, replace "shall establish and" with "to adopt rules to"
- Page 2, line 12, replace "a" with ", operate, and oversee the"
- Page 2, line 13, replace "to" with ". The secure electronic signature gathering system must"
- Page 2, after line 16, insert:

**"SECTION 2. AMENDMENT.** Section 3 of article III of the Constitution of North Dakota is amended and reenacted as follows:

**Section 3.** The petition ~~shall~~may be circulated only by electors. ~~They~~A signature gatherer shall swear ~~thereon~~on the petition that the electors who have signed the petition did so in their presence or electronically signed the petition in a manner provided by law. Each elector signing a petition shall also ~~shall~~ write in the date of signing and ~~his post office~~the elector's complete residential address. ~~No~~A law shall~~may~~ not be enacted ~~limiting~~which limits the number of copies of a petition. The copies ~~shall~~must become part of the original petition when filed."

- Page 3, line 5, after "subject" insert ", as determined by the secretary of state"
- Page 3, line 10, after the period insert "3."
- Page 3, line 13, replace "counties" with "legislative districts"
- Page 3, line 16, replace "counties" with "legislative districts"
- Page 3, line 18, replace "3." with "4."
- Page 3, line 22, replace "Section" with "Sections"
- Page 3, line 22, after "2" insert "and 3"
- Page 3, line 23, replace "becomes" with "become"



Page 3, line 23, replace "does" with "do"

Page 3, line 25, replace "4" with "5"

Renumber accordingly

JA  
3-9-23

**REPORT OF STANDING COMMITTEE**

**HCR 3031: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HCR 3031 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first comma insert "3,"

Page 1, line 3, after the comma insert "the manner of signing petitions,"

Page 1, line 10, after the period insert "The measure requires a petition gatherer to verify a petition was signed in a manner provided by law."

Page 1, line 15, replace "counties" with "legislative districts"

Page 1, line 19, after the first comma insert "3,"

Page 2, line 1, after "subject" insert ", as determined by the secretary of state"

Page 2, line 12, after "The" insert "legislative assembly shall provide by law for the establishment and maintenance of an electronic signature gathering system for the collection of petition signatures in elections overseen by the secretary of state. The laws provided by the legislative assembly must permit signature gatherers to collect signatures solely by electronic means. The legislative assembly shall permit the"

Page 2, line 12, replace "shall establish and" with "to adopt rules to"

Page 2, line 12, replace "a" with ", operate, and oversee the"

Page 2, line 13, replace "to" with ". The secure electronic signature gathering system must"

Page 2, after line 16, insert:

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Page 3, line 5, after "subject" insert ", as determined by the secretary of state"

Page 3, line 10, after the period insert "3."

Page 3, line 13, replace "counties" with "legislative districts"

Page 3, line 16, replace "counties" with "legislative districts"

Page 3, line 18, replace "3." with "4."

Page 3, line 22, replace "Section" with "Sections"

Page 3, line 22, after "2" insert "and 3"

Page 3, line 23, replace "becomes" with "become"

Page 3, line 23, replace "does" with "do"

Page 3, line 25, replace "4" with "5"

Renumber accordingly

**TESTIMONY**

**HCR 3031**



**HCR 3031**  
**Senate State and Local Government Committee**  
**March 3, 2023**

Chair Schauer and members of the House Government and Veterans Affairs Committee:

The League of Women Voters of North Dakota **opposes HCR 3031** for the following reasons:

**1. The single-subject rule of HCR 3031 is vague, unnecessary, and will be costly for citizens and the state.**

There is no standard or proposed definition of what “single subject” means and, as a result, this bill will cause confusion for petitioners, legislators, and courts. This aspect of HCR 3031 might require petitioners to submit multiple petitions for just one section of a law—a costly and unnecessary effort – and might also result in costly lawsuits in which the courts attempt to make a determination of what “single subject” actually means. States with single-subject rules have experienced numerous lawsuits related to such rules.<sup>1</sup>

**2. HCR 3031 unjustifiably increases the percentage of North Dakota residents whose signatures are needed before an initiative petition may be submitted to the Secretary of State—from 2% to 5% for statutes and from 4% to 10% for constitutional amendments.**

Since the percentage of signatures is based on the last federal decennial census, and since the 2020 North Dakota population census showed 779,094 residents,<sup>2</sup> HCR 3031 would increase the statute signature requirement from 15,582 to 38,954, and would increase the constitutional amendment signature requirement from 31,164 to 77,909.

The bill’s drastic increase in required petition signatures is unnecessary and reveals the intent of the bill to impede the ability of the citizens to create an initiated measure.

**3. HCR 3031 unnecessarily changes the requirement for passage of an initiated constitutional amendment from a majority of the votes cast to a majority of the votes cast in a majority of the counties in the state.**

This aspect of HCR 3031 makes a drastic change to the North Dakota State Constitution. No other state-wide election outcome requires a majority of votes in a majority of counties. A simple majority vote is the standard for all elections in North

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<sup>1</sup> [https://ballotpedia.org/Single-subject\\_rule](https://ballotpedia.org/Single-subject_rule)

<sup>2</sup> <https://www.census.gov/quickfacts/fact/table/ND/PST045221>

Dakota. In a scenario under HCR 3031, 65% of the state-wide vote could be cast in favor of an initiated measure, but if one county less than a majority of counties votes against the measure, the initiated measure would fail.

This expectation of HCR 3031 would also place an undue financial burden on citizen groups, making an effective and successful initiated measure campaign almost impossible.

**4. HCR 3031 unnecessarily requires that an initiated measure be placed on *both* the primary and general election ballots.**

No other election in North Dakota requires that an issue or person be voted on in both the primary and general elections. There is no need for a two-election approval process since citizens are voting on the same measure. Voters in North Dakota understand the significance of a change to the Constitution and do not need to have the same measure placed before them twice.

In addition, a two-election process is only being proposed for citizen-led measures, not measures proposed by the Legislature. HCR 3031 appears to be motivated by a distrust in the voters of North Dakota—the same voters who elect the members of the state legislature.

Citizen-led initiated measures have a long history in North Dakota and play an important role in supporting citizen participation in the governance of the state. HCR 3031 intends to bring an end to that role. For this reason, **the League of Women Voters of North Dakota strongly urges committee members to give HCR 3031 a Do Not Pass recommendation.**

Submitted by Carol Sawicki, LWVND Board Member. [nodaklww@gmail.com](mailto:nodaklww@gmail.com)

## Written testimony on House Concurrent Resolution 3031

Chairman Schauer and House Government and Veteran Affairs Committee Members

My name is Kevin Herrmann, 300 Fair St. SW, Beulah, ND 58523. I am an independent North Dakota citizen.

I stand oppose to House Concurrent Resolution 3031.

House Concurrent Resolution 3031 is an attack toward Article III “Powers Reserved to the People”. The last few legislative sessions, there has been resolutions introduced dealing with Article III “Powers Reserved to the People” some legislators continue being upset of initiated petitions making it either on the primary or general election ballot by the citizens of North Dakota. Such as, 2016 ballot- provide certain rights to victims of crime in this state (Marcy’s Law), 2016 ballot- medical marijuana use for defined medical conditions, 2018 ballot- establish a state ethic commission and in 2022- term limits. I would hear either in committee hearings or on legislative floor sessions the displeasure about forcing the legislators to act on legislation that the supermajority of legislators did not believe in but had too. If the legislators would have passed House Bill 1442 in Sixty-third Legislative session or House Concurrent Resolution 3060 in Sixty-fourth Legislative session creating a state ethic’s commission maybe the citizens of North Dakota would not have taken it upon themselves to get the initiated petition on the ballot. House Bill 1430 relating to the use of medical marijuana in 2015 legislative session was defeated which the citizens of North Dakota use Article III “Power Reserved to the People” to get medical marijuana on the ballot.

In 2017-2018 interim, I attended every Initiated and Referred Measures Study Commission meeting. The commission consisted of 1 individual appointed from Chief Justice of the Supreme Court as commission chairman, 6 legislators, 1 individual appointed from Secretary of State Office, 7 citizens appointed by the

Governor and 4 individuals appointed by 4 separate organizations. The commission considered a few resolutions and legislative bill drafts. The majority of the commission did not approve some of the drafts from some of the legislators on the commission. So, in 2019 various legislators introduced legislative bills attacking Article III "Power Reserved to the People". The North Dakota voters in 2020 election made their feelings known in defeating measure 2 (Senate Concurrent Resolution 4001 from 2019 legislative session). Why doesn't the defeat of measure 2 make legislators realize to stop introducing legislative bills toward Article III?

So in this 2023 legislative session, here we have House Concurrent Resolution 3031. I imagine the reasoning for this bill will be said how easy it is to get an initiative petition on the ballot and out of state influence. How about you as legislators ask the Secretary of State office about how many petitions have not made it to the primary or general election ballot due to lack of signatures on the petition or for other reasons? House Concurrent Resolution 3031 will give the citizens of North Dakota more displeasure and lack of trust toward legislators with this proposed legislation especially section 4 amendment on page 3 of this resolution dealing with Section 9 of Article III "Powers Reserved to the People".

So where is the proof of out of state influence on the initiative petition process? I have seen out of state influence with campaign contribution toward to some candidates on their campaign contribution report. There has always been out of state influence on some legislative bill introduced in each session. I will give three examples. In 2019 legislative session, House Bill 1193 passed relating to a living wage prohibition for political subdivisions. The reason for House Bill 1193, there were individuals in very high population in different states petitioning to get living wage provision on the ballot at their local political subdivision. House Bill 1193 took hourly wage workers constitutional right to file a petition to a local political subdivision. In 2021 legislative session, House Bill 1398 passed relating to a mandate prohibition on regulating paid family leave on political subdivision which was out of state influence for the bill which took hourly wage workers constitutional right to file a petition to a political subdivision. Also, House Bill 1207



relating to asbestos liability was totally out of state influence which affected workers who work around asbestos.

I am asking the House Government and Veterans Affairs committee to give House Concurrent Resolution 3031 a DO NOT PASS recommendation.

Kevin Herrmann  
300Fair St. SW  
Beulah, ND 58523  
701-873-4163

**SCR 4013 - Testimony by Dustin Gawrylow, ND Watchdog Network (#266)**

Mr. Chairman and Members of the Committee,

I would like to thank Representative Vetter for taking the lead on this resolution.

This resolution is my attempt to end the constant attack on the initiated measure process by developing a package of changes that would reduce the amount of money needed for measure sponsors to collect signatures and extend an olive branch to the legislature by increasing the thresholds once the process is modernized.

Included in this testimony is the press release I issued when this resolution was introduced.

I want to make several things clear:

If the legislature did not continuously attack the Powers Reserved to the People in Article III of the state constitution, there really would be no need to have this bill.

SCR 4013 has been moderated from its original version, but the way it started made it very clear direction some in the Senate would like to go.

There are several bills changing statute related to initiated measures.

Almost all of these efforts are reactionary attempts to curtail the voters that elect legislators.

It is my hope that you will actually think this measure goes to far on the changes beyond the electronic signatures - which is a deal breaker when it comes to my support for any changes. If a measure is placed on the ballot that does not include an electronic signature provision it will not get the support of those who have opposed previous legislative efforts.

If the legislature goes beyond these changes, it will only make it more difficult to pass as the ballot box.

The point of this approach is to give legislators a chance to support a compromise to the usual attacks that will at the very least nullify the usual opposition to these efforts.

# **Press Release: Constitutional Amendment Introduced To Modernize Initiated Measures**

House Concurrent Resolution would place a ballot measure on the November 2024 ballot to make North Dakota the first state in the union to authorize electronic signatures for formal petitioning.

## ***Pro-Grassroots Constitutional Amendment Also Addresses Long-Standing Concerns By Legislators By Raising The Bar On Passage Of Future Constitutional Measures, Without Disenfranchising Citizens Of The Powers Reserved To The People In Article III Of The State Constitution***

This afternoon, Representative Steve Vetter (R-Grand Forks) with co-sponsors Rep. Larry Klemin (R-Bismarck), Rep. Mike Motschenbacher (R-Bismarck), Rep. Jeff Hoverson (R-Minot), Rep. Claire Cory (R-Grand Forks), Rep. Nico Rios (R-Williston) and Sen. Bob Paulson (R-Minot) introduced a House Concurrent Resolution that would enact several constitutional changes:

Requires the legislature to fully fund and authorize a secure electronic signature gathering system by the end of 2025 - this date could be pushed to 2026 if the

Secretary of State thinks that it will take more than a year.

1. **Contingent on #1: Increases the signature requirement for statutory from 2% to 5% of population.**
2. **Contingent on #1: Increases the signature requirement for constitutional from 4% to 10% of population.**

3. **Contingent on #1: Requires constitutional to obtain a simple-majority statewide AND a simple-majority in a majority of counties in both the primary and general elections of the same year.**
4. **Adds a “single-subject” clause to the requirements for measures - this will have to be fine-tuned in committee to ensure it is not abused.**

**The thresholds and requirements for other referendum, recall, candidate petitions, and all local petitions signature requirements stay the same as they are now, but would also be consolidated under the Secretary of State’s electronic signature system - which will create an on-going cost and manpower savings for local governments as well as the Secretary of State’s Office itself on the data-entry and validation side of the process currently used.**

**There have been many attempts by the legislature to make the initiated measure harder in the name of “protecting the constitution” in the last 10 years.**

**This approach seeks to “facilitate and safeguard” the powers reserved to the people without “hampering, restricting, and impairing” the citizen’s constitutional rights granted by Article III of the North Dakota Constitution by:**

- **increases grassroots citizen involvement by making it easier for citizens to read, understand, and sign petitions on their own schedule,**
- **decreases the demand for out-of-state money for the petitioning phase, while making it easier for genuine grassroots to use the process,**
- **automates the signature validation process, essentially eliminating the possibility of fraud,**

- **increases the number of citizen signatures needed to get on the ballot without making it harder to achieve that higher number,**
- **maintains a “majority-rule” principle instead of letting a minority of voters over-ride the will of the majority as a 60% or 67% vote requirement would, and avoids giving the legislature more power than Article III intended, while raising the bar on the level of broad and sustained of voter support needed to change the constitution,**
- **limits the ability for the constitution to become a “Super-Century Code”.**

**If passed, North Dakota would become the first state to have formal and binding electronic signatures for government petitioning.**

**The City of Denver (Colorado) has been using a form of eSignatures for local city petitions since 2015, so there is a model for it.**

**As far as security, other state agencies such as Job Service use 3rd party online secure ID systems for their clients, such a system could be repurposed for petitioning.**

**There will be an up-front development cost to this, but, as stated before, there will be a long-term savings in time and money at the state and local level when it comes to processing and validating signatures. After an indeterminate number of years, the savings would likely offset the upfront costs. Hopefully, the fiscal note attached will recognize these savings.**

*“If the legislature is serious about driving out the big-money for initiated measures, and is serious about not fearing the genuine grassroots, this measure will empower citizens and*

*enhance the electoral process without creating a minority rule problem associated with previous attempts at forcing a super-majority vote.”*

*- Dustin Gawrylow, Managing Director*

23.3074.02000

Sixty-eighth  
Legislative Assembly  
of North Dakota

**CONCURRENT RESOLUTION NO.**

Introduced by

Representative Vetter

1 A concurrent resolution to amend and reenact sections 2, 4, 8, and 9 of article III of the  
2 Constitution of North Dakota, relating to the subject matter of initiated measures and  
3 constitutional amendments, the establishment of an electronic signature gathering system by  
4 the secretary of state, and the threshold for placing a measure on the ballot; to provide for  
5 application; and to provide an effective date.

6 **STATEMENT OF INTENT**

7 This measure prohibits an initiated measure and a constitutional amendment placed on the  
8 ballot from comprising more than one subject. This measure also requires the secretary of state  
9 to implement, by December 31, 2025, and maintain an electronic signature gathering system for  
10 receiving signatures for proposed measures. The measure provides after December 31, 2025,  
11 the threshold for placing a constitutional amendment on the ballot is ten percent of the resident  
12 population of the state at the last federal decennial census, and for all other measures, five  
13 percent of the resident population of the state at the last federal decennial census. The  
14 measure provides that if the majority of the total votes cast upon an initiated constitution  
15 measure are affirmative and a majority affirmative vote is received in a majority of the counties  
16 in the state, at both the primary and general election, the measure is enacted.

17 **BE IT RESOLVED BY THE OF NORTH DAKOTA, THE**

18 **CONCURRING THEREIN:**

19 That the following proposed amendments to sections 2, 4, 8, and 9 of article III of the  
20 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of  
21 North Dakota at the general election to be held in 2024, in accordance with section 16 of  
22 article IV of the Constitution of North Dakota.

23 **SECTION 1. AMENDMENT.** Section 2 of article III of the Constitution of North Dakota is  
24 amended and reenacted as follows:

1       **Section 2.** An initiated measure may not comprise more than one subject. A petition to  
2 initiate or to refer a measure must be presented to the secretary of state for approval as to form  
3 and compliance with the single subject requirement. A request for approval must be presented  
4 over the names and signatures of twenty-five or more electors as sponsors, one of whom must  
5 be designated as chairman of the sponsoring committee. The secretary of state shall approve  
6 the petition for circulation if it is in proper form and contains the names and addresses of the  
7 sponsors and the full text of the measure.

8       The legislative assembly may provide by law for a procedure through which the legislative  
9 council may establish an appropriate method for determining the fiscal impact of an initiative  
10 measure and for making the information regarding the fiscal impact of the measure available to  
11 the public.

12       The secretary of state shall establish and maintain a secure electronic signature gathering  
13 system to be hosted on the website of the secretary of state. The secretary of state shall  
14 procure the technical resources to allow any elector, upon proof of qualification, to electronically  
15 sign forms and petitions relating to all initiated and referred measures, recall petitions, and  
16 candidate nominations.

17       **SECTION 2. AMENDMENT.** Section 4 of article III of the Constitution of North Dakota is  
18 amended and reenacted as follows:

19       **Section 4.** The petition may be submitted to the secretary of state if signed by electors  
20 equal in number to ~~two~~five percent of the resident population of the state at the last federal  
21 decennial census.

22       **SECTION 3. AMENDMENT.** Section 8 of article III of the Constitution of North Dakota is  
23 amended and reenacted as follows:

24       **Section 8.** If a majority of votes cast upon an initiated statutory measure or a referred  
25 measure are affirmative, ~~it shall be~~the measure is deemed enacted. An initiated statutory or  
26 referred measure ~~which~~that is approved ~~shall become~~becomes law thirty days after the election,  
27 and a referred measure ~~which~~that is rejected ~~shall be~~is void immediately. If conflicting measures  
28 are approved, the ~~one~~measure receiving the highest number of affirmative votes shall be law. A  
29 measure approved by the electors may not be repealed or amended by the legislative assembly  
30 for seven years from ~~its~~the effective date of the measure, except by a two-thirds vote of the  
31 members elected to each house.

1       **SECTION 4. AMENDMENT.** Section 9 of article III of the Constitution of North Dakota is  
2 amended and reenacted as follows:

3       **Section 9.**

- 4       1. A constitutional amendment may be proposed by initiative petition. The proposed  
5       amendment may not comprise more than one subject, and the secretary of state may  
6       not approve the initiative petition for circulation if the proposed amendment comprises  
7       more than one subject.
- 8       2. If signed by electors equal in number to ~~four~~ten percent of the resident population of  
9       the state at the last federal decennial census, the petition may be submitted to the  
10       secretary of state. The secretary of state shall place the proposed constitutional  
11       amendment on the ballot at the next primary election. If the majority of the total votes  
12       cast on the measure are affirmative and the measure is approved by a majority of the  
13       votes cast in a majority of the counties in the state, the measure must be placed on  
14       the ballot at the next general election for final consideration. If a majority of the total  
15       votes cast for a proposed constitutional amendment are affirmative and the measure is  
16       approved by a majority of the votes cast in a majority of the counties in the state in the  
17       general election, the measure is deemed enacted.
- 18       3. All other provisions relating to initiative measures apply ~~heretoto~~ initiative measures for  
19       constitutional amendments.

20       **SECTION 5. APPLICATION - EFFECTIVE DATE.** The requirement in section 1 of this  
21 measure which requires the secretary of state to establish and maintain a secure electronic  
22 signature gathering system becomes effective January 1, 2026. Section 2 of this measure  
23 becomes effective January 1, 2026, and does not apply to any measure approved for circulation  
24 before that date. The amendment to section 9 of article III of the Constitution of North Dakota in  
25 section 4 of this measure becomes effective January 1, 2026, and does not apply to any  
26 measure approved for circulation before that date.



MICHAEL C. HOWE  
SECRETARY OF STATE

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SECRETARY OF STATE  
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600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

**HOUSE GOVERNMENT & VETERAN'S AFFAIRS**  
**REPRESENTATIVE AUSTEN SCHAUER**

**HOUSE CONCURRENT RESOLUTION NO. 3031**  
**MARCH 3, 2023**

TESTIMONY PRESENTED BY

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**MICHAEL HOWE, SECRETARY OF STATE**

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The Office of Secretary of State respectfully submits neutral written testimony on HCR 3031. This bill seeks to establish an e-petition system and new thresholds for signature gathering on ballot and constitutional measures.

The simple ease of collecting signatures digitally has great appeal. We believe that public expectation is moving in this direction, however, this office would want to ensure the integrity of the process in the implementation of this type of technology. The ability to verify identity in some manner would be a necessary component of any signature gathering in a digital platform system. We believe that tying this to driver or non-driver identification, just as we do for voter identification, would be the right direction.

Greater clarity by the bill's sponsors may be needed. We believe the intent is most likely seeking a completely digital process, where an individual could sign and prove their identify from the comfort of their home using a web browser or mobile device to sign a petition.

Chairman Schauer, members of the committee, this completes my testimony and I'm happy to stand for any questions.

# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



Legislative Assembly

## Representative Steve Vetter

District 18  
804 South 17th Street  
Grand Forks, ND 58201-4241

[smvetter@ndlegis.gov](mailto:smvetter@ndlegis.gov)

**COMMITTEES:**  
Judiciary  
Government and Veterans Affairs

03/03/2023

HCR 3031

This is a resolution to put a constitutional amendment for a vote of the people. This is a compromise bill that strengthens the ND constitution and strengthens the initiated process. It gives power to the people while strengthening the process to change the constitution. Let me explain how.

\*\*\*Amendment. Pleas add amendment.

Objective of the resolution: Single subject in one measure. You can only have a single subject within one measure. It /t be about veterans rights and election processes. I would welcome the committee to further amend this part to further describe 'single subject'.

2nd objective: Allows for electronic signatures but significantly changes the amount of signatures. Initiated statutory measures change from 2% - 5% of the population. Constitutional measures change from 4% - 10% of the population. 35,500 signatures & 71,000 signatures.

3rd objective: Elections for measures: For constitutional measures: must have 51% of popular vote and 51% of the counties/districts in the primary election and the general election. With the amendment. In a statutory measures it would require only one election but would also require 51% of the districts for passage.

Some things to look at and make possible amendments.

\*\*My included amendment.

Further describe single subject.

Additional explanation on electronic signatures.

the Current system stay in place?

This is a great compromise as it gives everyone a little what they want. It give a grassroots organizations the ability to push an idea as long it is popular. It protects the ND constitution. It may be slightly easier to get signatures but it requires 150% more signatures. 20 - 25% of the electorate. It reduces fraud by having veritable signatures through the electronic signature process. The change in the election process for constitutional measures must make it through two elections while getting the popular and the majority of the geographic area. (51% of districts)

23.3074.02001  
Title.

Prepared by the Legislative Council staff for  
Representative Vetter  
February 28, 2023

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3031

Page 1, line 13, after the period insert "The measure provides that if a majority of the total votes cast upon an initiated statutory measure are affirmative and a majority affirmative vote is received in a majority of the legislative districts in this state at the applicable statewide election, the measure is enacted."

Page 1, line 15, replace "counties" with "legislative districts"

Page 2, line 24, remove "statutory measure"

Page 2, line 24, overstrike "or a referred" and insert immediately thereafter "statutory"

Page 2, line 25, after "affirmative" insert "and the measure is approved by a majority of the votes cast in a majority of the legislative districts in the state"

Page 2, line 25, after the period insert "If a majority of votes cast upon a referred measure are affirmative, the measure is deemed enacted."

Page 3, line 10, after the period insert:

"3."

Page 3, line 13, replace "counties" with "legislative districts"

Page 3, line 16, replace "counties" with "legislative districts"

Page 3, line 18, replace "3." with "4."

Renumber accordingly

23.3074.02003  
Title.

Prepared by the Legislative Council staff for  
Representative Vetter  
March 8, 2023

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3031

Page 1, line 1, after the first comma insert "3,"

Page 1, line 3, after the comma insert "the manner of signing petitions,"

Page 1, line 10, after the period insert "The measure requires a petition gatherer to verify a petition was signed in a manner provided by law."

Page 1, line 15, replace "counties" with "legislative districts"

Page 1, line 19, after the first comma insert "3,"

Page 2, line 1, after "subject" insert ", as determined by the secretary of state"

Page 2, line 12, after "The" insert "legislative assembly shall provide by law for the establishment and maintenance of an electronic signature gathering system for the collection of petition signatures in elections overseen by the secretary of state. The laws provided by the legislative assembly must permit signature gatherers to collect signatures solely by electronic means. The legislative assembly shall permit the"

Page 2, line 12, replace "shall establish and" with "to adopt rules to"

Page 2, line 12, replace "a" with ", operate, and oversee the"

Page 2, line 13, replace "to" with ". The secure electronic signature gathering system must"

Page 2, after line 16, insert:

**"SECTION 2. AMENDMENT.** Section 3 of article III of the Constitution of North Dakota is amended and reenacted as follows:

**Section 3.** The petition ~~shall~~may be circulated only by electors. ~~They~~A signature gatherer shall swear ~~thereon~~on the petition that the electors who have signed the petition did so in their presence or electronically signed the petition in a manner provided by law. Each elector signing a petition shall also ~~shall~~ write in the date of signing and ~~his post-office~~the elector's complete residential address. ~~No~~A law shall~~may~~ not be enacted limiting~~which limits~~ the number of copies of a petition. The copies shallmust become part of the original petition when filed."

Page 3, line 5, after "subject" insert ", as determined by the secretary of state"

Page 3, line 10, after the period insert "3."

Page 3, line 13, replace "counties" with "legislative districts"

Page 3, line 16, replace "counties" with "legislative districts"

Page 3, line 18, replace "3." with "4."

Page 3, line 22, replace "Section" with "Sections"

Page 3, line 22, after "2" insert "and 3"

Page 3, line 23, replace "becomes" with "become"

Page 3, line 23, replace "does" with "do"

Page 3, line 25, replace "4" with "5"

Renumber accordingly

23.3074.02002  
Title.

Prepared by the Legislative Council staff for  
Representative Vetter  
March 8, 2023

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3031

Page 1, line 1, after the first comma insert "3,"

Page 1, line 3, after the comma insert "the manner of signing petitions,"

Page 1, line 10, after the period insert "The measure requires a petition gatherer to verify a petition was signed in a manner provided by law."

Page 1, line 15, replace "counties" with "legislative districts"

Page 1, line 19, after the first comma insert "3,"

Page 2, line 1, after "subject" insert ", as determined by the secretary of state"

Page 2, line 12, after "The" insert "legislative assembly shall provide by law for the establishment and maintenance of an electronic signature gathering system for the collection of petition signatures in elections overseen by the secretary of state. The laws provided by the legislative assembly must permit signature gatherers to collect signatures solely by electronic means or a combination of paper and electronic means. The legislative assembly shall permit the"

Page 2, line 12, replace "shall establish and" with "to adopt rules to"

Page 2, line 12, replace "a" with ", operate, and oversee the"

Page 2, line 13, replace "to" with ". The secure electronic signature gathering system must"

Page 2, after line 16, insert:

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Page 3, line 5, after "subject" insert ", as determined by the secretary of state"

Page 3, line 10, after the period insert:

"3."

Page 3, line 13, replace "counties" with "legislative districts"

Page 3, line 16, replace "counties" with "legislative districts"

Page 3, line 18, replace "3." with "4."

Page 3, line 22, replace "Section" with "Sections"

Page 3, line 22, after "2" insert "and 3"

Page 3, line 23, replace "becomes" with "become"

Page 3, line 23, replace "does" with "do"

Page 3, line 25, replace "4" with "5"

Renumber accordingly