Sixty-sixth Legislative Assembly of North Dakota

FIRST DRAFT: Prepared by the Legislative Council staff for the Initiated and Referred Measures Study Commission March 2018

Introduced by

1 A concurrent resolution to amend and reenact sections 2, 3, 4, 5, 6, and 7 of article III of the 2 Constitution of North Dakota, relating to the process for initiated measures. 3 STATEMENT OF INTENT 4 This measure revises the process for initiated measures to enact or amend statutory or 5 constitutional provisions. The measure changes the process from a direct process to an indirect 6 process requiring submission to the Legislative Assembly. Under the measure, if the Legislative 7 Assembly does not pass a submitted initiated measure, that measure will be placed on the 8 ballot in a statewide election. 9 **BE IT RESOLVED BY THE** OF NORTH DAKOTA, THE 10 **CONCURRING THEREIN:** 11 That the following proposed amendment to sections 2, 3, 4, 5, 6, and 7 of article III of the 12 Constitution of North Dakota is agreed to and must be submitted to the qualified electors of 13 North Dakota at the general election to be held in 2020, in accordance with section 16 of 14 article IV of the Constitution of North Dakota. 15 SECTION 1. AMENDMENT. Section 2 of article III of the Constitution of North Dakota is 16 amended and reenacted as follows: 17 Section 2. A petition to initiate or to refer a measure must be presented to the secretary of 18 state for approval as to form. A request for approval must be presented over the names and 19 signatures of twenty-five or more electors as sponsors, one of whom must be designated as-20 chairman of the sponsoring committee. The secretary of state shall approve the petition for 21 circulation if it is in proper form and contains the names and addresses of the sponsors and the 22 full text of the measure. 23 A proposal to initiate a measure which is signed by the members of a sponsoring 1. 24 committee comprised of at least twenty-five gualified electors may be presented to a 25 member of the legislative assembly.

<u>2.</u>	The legislator shall submit the proposal to the legislative council to prepare a bill or
	resolution that satisfies the intended purpose of the sponsoring committee.
<u>3.</u>	The legislative assembly may provide by law for a procedure through which the
	legislative council may establish an appropriate method for determining the fiscal
	impact of an initiative initiated measure and for making the information regarding the
	fiscal impact of the measure available to the public.
<u>4.</u>	A proposal to refer a measure which is signed by the members of a sponsoring
	committee comprised of at least twenty-five qualified electors may be presented to the
	secretary of state.
SEC	CTION 2. AMENDMENT. Section 3 of article III of the Constitution of North Dakota is
amende	d and reenacted as follows:
Sec	tion 3. The petition shall be circulated only by electors. They shall swear thereon that
the elect	tors who have signed the petition did so in their presence. Each elector signing a
petition :	shall also write in the date of signing and his post-office address. No law shall be
enacted	limiting the number of copies of a petition. The copies shall become part of the original
petition ·	when filed. The sponsoring committee may file a petition with the secretary of state who
<u>shall ap</u>	prove the petition for circulation if it is in the proper form. For initiated measures, the
petition	must include the full text of a bill or resolution drafted by the legislative council. The
petition	may be circulated only by qualified electors. Petition circulators shall swear on the
petition	that the qualified electors who signed the petition did so in their presence. Each
qualified	l elector signing a petition also shall write in the date of the signature and the address of
the elect	tor. The number of copies of a petition may not be limited by law. The copies must
<u>become</u>	part of the original petition when filed.
SEC	CTION 3. AMENDMENT. Section 4 of article III of the Constitution of North Dakota is
amende	d and reenacted as follows:
Sec	tion 4. The petition may be submitted to the secretary of state if signed by electors
equal in	number to two percent of the resident population of the state at the last federal
decennia	al census. A petition for an initiated measure may be circulated for no more than one
year and	d must be submitted to the secretary of state no less than one hundred twenty days
<u>before th</u>	ne legislative session in which the measure will be submitted to the legislative assembly
for cons	ideration. A petition for a referred measure may be submitted to the secretary of state
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1	only within ninety days after the filing of the measure with the secretary of state. The submission
2	of a petition suspends the operation of a measure enacted by the legislative assembly except
3	an emergency measure or an appropriation measure for the support and maintenance of a state
4	department or institution. The submission of a petition against one or more items or parts of a
5	measure does not prevent the remainder of the measure from going into effect.
6	SECTION 4. AMENDMENT. Section 5 of article III of the Constitution of North Dakota is
7	amended and reenacted as follows:
8	Section 5. An initiative petition shall be submitted not less than one hundred twenty days-
9	before the statewide election at which the measure is to be voted upon. A referendum petition-
10	may be submitted only within ninety days after the filing of the measure with the secretary of
11	state. The submission of a petition shall suspend the operation of any measure enacted by the
12	legislative assembly except emergency measures and appropriation measures for the support
13	and maintenance of state departments and institutions. The submission of a petition against one-
14	or more items or parts of any measure shall not prevent the remainder from going into effect. A
15	referred measure may be voted upon at a statewide election or at a special election called by-
16	the governor. A petition may be submitted to the secretary of state if signed by qualified electors
17	equal in number to two percent of the resident population of the state at the last federal
18	decennial census. The secretary of state shall review each petition, and if the secretary of state
19	finds a petition insufficient, the secretary of state shall notify the sponsoring committee and
20	allow twenty days for correction.
21	SECTION 5. AMENDMENT. Section 6 of article III of the Constitution of North Dakota is
22	amended and reenacted as follows:
23	Section 6. The secretary of state shall pass upon each petition, and if the secretary of state-
24	finds it insufficient, the secretary of state shall notify the "committee for the petitioners" and
25	allow twenty days for correction. All decisions of the secretary of state in regard to any petition-
26	are subject to review by the supreme court. But if the sufficiency of the petition is being-
27	reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the
28	ballot and no subsequent decision shall invalidate the measure if it is at the election approved
	ballot and no subsequent decision shall invalidate the measure if it is at the election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any
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1	which the measure is to be voted upon. All decisions of the secretary of state regarding a	
2	petition or petition process are subject to review by the supreme court exercising original	
3	jurisdiction. If proceedings are brought against a petition on any ground, the burden of proof is	
4	on the party making the allegations concerning the petition. Proceedings under this section	
5	which relate to an initiated measure must be filed with the supreme court no later than	
6	seventy-five days before the first day of the next legislative session following submission of the	
7	petition to the secretary of state. Proceedings under this section which relate to a referred	
8	measure must be filed with the supreme court no later than seventy-five days before the date of	
9	the statewide election at which the measure is to be voted upon. If the decision of the secretary	
10	of state is being reviewed at the time the ballot is prepared, the secretary of state shall place the	
11	referred measure on the ballot, and any court action may not invalidate the measure if the	
12	measure is approved at the election by a majority of the votes cast on the measure.	
13	SECTION 6. AMENDMENT. Section 7 of article III of the Constitution of North Dakota is	
14	amended and reenacted as follows:	
15	Section 7. All decisions of the secretary of state in the petition process are subject to	
16	review by the supreme court in the exercise of original jurisdiction. A proceeding to review a	
17	decision of the secretary of state must be filed with the supreme court no later than seventy-five	
18	days before the date of the statewide election at which the measure is to be voted upon. If the	
19	decision of the secretary of state is being reviewed at the time the ballot is prepared, the	
20	secretary of state shall place the measure on the ballot and no court action shall invalidate the	
21	measure if it is approved at the election by a majority of the votes cast thereon.	
22	1. After finding a petition for an initiated measure has been signed by a sufficient number	
23	of qualified electors and meets all required criteria, the secretary of state shall submit	
24	the measure included in the petition to the legislative assembly. The measure must be	
25	assigned to a committee of the legislative assembly and receive a hearing open to the	
26	public. The measure may not be amended. At least one house of the legislative	
27	assembly shall hold a vote on the bill. If the legislative assembly does not pass the bill	
28	or if the bill is vetoed by the governor, the secretary of state shall place the measure	
29	on the ballot at the next general election.	

- 1 <u>2.</u> <u>After finding a petition for a referred measure has been signed by a sufficient number</u>
- 2 <u>of qualified electors and meets all required criteria, the secretary of state shall place</u>
- 3 the measure on the ballot at the next general or special election.