

Sixty-eighth
Legislative Assembly
of North Dakota

**ENGROSSED SENATE CONCURRENT
RESOLUTION NO. 4013**

Introduced by

Senators Myrdal, Hogue

Representatives Cory, Lefor

1 A concurrent resolution to amend and reenact sections 2, 3, 4, 5, 6, 7, and 9 of article III of the
2 Constitution of North Dakota, relating to the required number of signatures needed to place a
3 measure on the ballot, the process for approving initiated measures, the requirement of a single
4 subject for each petition and measure, the individuals able to circulate a petition, and the
5 requirement that all ballot measures must be voted on at the general election.

STATEMENT OF INTENT

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7 This measure would restrict circulation of petitions for an initiated constitutional amendment to
8 qualified electors, require signatures from qualified electors equal in number to five percent of
9 the population of the state before a petition may be submitted to the secretary of state, require
10 all petitions and measures to be limited to a single subject, and require all initiated measures
11 under article III be voted on at the general election.

**BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF
12 REPRESENTATIVES CONCURRING THEREIN:**

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14 That the following proposed amendments to sections 2, 3, 4, 5, 6, 7, and 9 of article III of
15 the Constitution of North Dakota are agreed to and must be submitted to the qualified electors
16 of North Dakota at the general election to be held in November of 2024, in accordance with
17 section 16 of article IV of the Constitution of North Dakota.

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

20 **Section 2.** An initiated measure may not embrace or be comprised of more than one
21 subject. A petition to initiate or to refer a measure must be presented to the secretary of state for
22 approval as to form and compliance with the single subject requirement. A request for approval
23 must be presented over the names and signatures of twenty-five or more qualified electors as
24 sponsors, one of whom must be designated as chairman of the sponsoring committee. The

1 secretary of state shall approve the petition for circulation if it is in proper form and contains the
2 names and addresses of the sponsors and the full text of the measure.

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

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

9 **Section 3.** The petition ~~shall~~may be circulated only by qualified electors. ~~They~~An individual
10 circulating a petition shall swear thereon that the qualified electors who have signed the petition
11 did so in their presence. Each qualified elector signing a petition also shall ~~also~~ write in the date
12 of signing and ~~his post-office~~the qualified elector's complete residential address. ~~No~~A law
13 ~~shall~~may not be enacted limiting the number of copies of a petition. The copies ~~shall~~must
14 become part of the original petition when filed.

15 **SECTION 3. AMENDMENT.** Section 4 of article III of the Constitution of North Dakota is
16 amended and reenacted as follows:

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

20 **SECTION 4. AMENDMENT.** Section 5 of article III of the Constitution of North Dakota is
21 amended and reenacted as follows:

22 **Section 5.** An initiative petition ~~shall~~must be submitted not less than one hundred twenty
23 days before the ~~statewide~~general election at which the measure is to be voted upon. A
24 referendum petition may be submitted only within ninety days after the filing of the measure with
25 the secretary of state. The submission of a petition ~~shall suspend~~suspends the operation of any
26 measure enacted by the legislative assembly except emergency measures and appropriation
27 measures for the support and maintenance of state departments and institutions. The
28 submission of a petition against one ~~or more items~~item or ~~part~~part of any measure ~~shall~~does
29 not prevent the remainder from going into effect. A referred measure may be voted upon at a
30 statewide election or at a special election called by the governor.

1 **SECTION 5. AMENDMENT.** Section 6 of article III of the Constitution of North Dakota is
2 amended and reenacted as follows:

3 **Section 6.** The secretary of state shall pass upon each petition, and if the secretary of state
4 finds it insufficient, the secretary of state shall notify the "committee for the petitioners" and
5 allow twenty days for correction. All decisions of the secretary of state in regard to any petition
6 are subject to review by the supreme court. ~~But if~~ if the sufficiency of the petition is being
7 reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the
8 ballot and no subsequent decision ~~shall~~ may invalidate the measure if it is at the election
9 approved by a majority of the votes cast ~~thereon~~ on the measure. If proceedings are brought
10 against any petition upon any ground, the burden of proof is upon the party attacking ~~the~~
11 petition and the proceedings must be filed with the supreme court no later than seventy-five
12 days before the date of the applicable statewide election at which the measure is to be voted
13 upon.

14 **SECTION 6. AMENDMENT.** Section 7 of article III of the Constitution of North Dakota is
15 amended and reenacted as follows:

16 **Section 7.** All decisions of the secretary of state in the petition process are subject to
17 review by the supreme court in the exercise of original jurisdiction. A proceeding to review a
18 decision of the secretary of state must be filed with the supreme court no later than seventy-five
19 days before the date of the applicable statewide election at which the measure is to be voted
20 upon. If the decision of the secretary of state is being reviewed at the time the ballot is
21 prepared, the secretary of state shall place the measure on the ballot and no court action
22 ~~shall~~ may invalidate the measure if ~~the measure~~ the measure is approved at the election by a majority of the
23 votes cast ~~thereon~~ on the measure.

24 **SECTION 7. AMENDMENT.** Section 9 of article III of the Constitution of North Dakota is
25 amended and reenacted as follows:

26 **Section 9.** A constitutional amendment may be proposed by initiative petition. The
27 proposed amendment may not embrace or be comprised of more than one subject, and the
28 secretary of state may not approve the initiative petition for circulation if the proposed
29 amendment comprises more than one subject. If signed by qualified electors equal in number to
30 ~~four~~ five percent of the resident population of the state at the last federal decennial census, the
31 petition may be submitted to the secretary of state. If the secretary of state finds the petition is

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- 1 valid, the secretary of state shall place the measure on the ballot at the next general election. All
- 2 other provisions relating to initiative measures apply hereteto initiative measures for
- 3 constitutional amendments.