

Introduced by

1 A BILL for an Act to amend and reenact subsection 1 of section 16.1-01-09, section 16.1-06-09,
2 subsection 3 of section 54-57-01, and section 54-57-04 of the North Dakota Century Code,
3 relating to binding mediation regarding petition titles and ballot language.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 16.1-01-09 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 1. a. A request of the secretary of state for approval of a petition to initiate or refer a
8 measure may be presented over the signatures of the sponsoring committee on
9 individual signature forms that have been notarized. The secretary of state shall
10 prepare a signature form that includes provisions for identification of the
11 measure; the printed name, signature, and address of the committee member;
12 and notarization of the signature. The filed signature forms must be originals.
- 13 b. Upon receipt of a petition to initiate or refer a measure, the secretary of state
14 shall draft a short and concise statement that fairly represents the measure. The
15 statement must be submitted to the attorney general for approval or disapproval.
16 An approved statement must be affixed to the petition before it is circulated for
17 signatures, must be called the "petition title", and must be placed immediately
18 before the full text of the measure.
- 19 c. The secretary of state and the attorney general shall complete their review of a
20 petition in not less than five, nor more than seven, business days, excluding
21 Saturdays and present the approved statement to the chairperson of the
22 sponsoring committee.
- 23 d. If the chairperson of the sponsoring committee believes the petition title does not
24 fairly represent the substance of the measure, the chairperson of the sponsoring

1 committee may elect to mediate the issue rather than request supreme court
2 review. If the chairperson of the sponsoring committee elects to mediate, the
3 secretary of state shall notify the director of the office of administrative hearings
4 who shall appoint an administrative law judge to serve as an independent
5 mediator whose decision regarding the petition title is binding on the parties. The
6 decision of the mediator must be rendered within seven business days after the
7 secretary of state provides the petition title to the sponsoring committee.

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

10 **16.1-06-09. Constitutional amendments and initiated and referred measures - Manner**
11 **of stating question - Explanation of effect of vote - Order of listing.**

- 12 1. Constitutional amendments or measures, initiated measures, and referred measures,
13 duly certified to the county auditor by the secretary of state, or any other question or
14 measure to be voted on, except the election of public officers at any primary, general,
15 or special election including officers subject to a recall petition, must, unless otherwise
16 determined by the secretary of state, be stated in full in a legible manner on the ballot.
17 If the secretary of state concludes the amendment or measure is too long to make it
18 practicable to print in full, the secretary of state in consultation with the attorney
19 general shall cause to be printed a short, concise summary, which must fairly
20 represent the substance of the constitutional amendment or initiated or referred
21 measure. The secretary of state shall provide the summary to the sponsoring
22 committee of the amendment or measure as soon as practicable after the summary is
23 drafted. If the chairperson of the sponsoring committee believes the summary does
24 not fairly represent the substance of the amendment or measure, the chairperson of
25 the sponsoring committee may elect to mediate the issue rather than request supreme
26 court review. If the chairperson of the sponsoring committee elects to mediate, the
27 secretary of state shall notify the director of the office of administrative hearings who
28 shall appoint an administrative law judge to serve as an independent mediator whose
29 decision regarding the ballot language is binding on the parties. The decision of the
30 mediator must be rendered within seven working days after the secretary of state

1 provides the summary of the amendment or measure for the ballot to the sponsoring
2 committee.

3 2. After the ~~foregoing statement~~amendment, measure, or summary, the secretary of state
4 shall cause to be printed another short, concise statement of the effect of an
5 affirmative or negative vote on the constitutional amendment or initiated or referred
6 measure. This explanatory statement must be drafted by the secretary of state in
7 consultation with the attorney general. The words "Yes" and "No" must be printed on
8 the ballot at the close of the statement regarding the effect of an affirmative or
9 negative vote, in separate lines with an oval before each statement in which the voter
10 is to indicate how the voter desires to vote on the question by darkening the oval. If
11 two or more amendments or questions are to be voted on, they must be printed on the
12 same ballot.

13 3. The measures to be submitted to the electors must be grouped and classified as
14 constitutional measures, initiated statutes, or referred statutes and must be placed
15 within such groups or classifications by the secretary of state in the order received, for
16 the purpose of placing them on the ballot. Measures submitted by the legislative
17 assembly must be placed first on the ballot within their classification in the order
18 approved by the legislative assembly. Constitutional measures shall be placed first on
19 the ballot, initiated statutes second, and referred statutes third. After all the measures
20 have been placed within the appropriate group or classification, all measures must be
21 numbered consecutively, without regard to the various groups or classifications.

22 **SECTION 3. AMENDMENT.** Subsection 3 of section 54-57-01 of the North Dakota Century
23 Code is amended and reenacted as follows:

24 3. The director of administrative hearings may preside as an administrative law judge at
25 administrative hearings and may employ or appoint additional administrative law
26 judges to serve in the office as necessary to fulfill the duties of office as described in
27 ~~section 54-57-04 and section 28-32-31~~sections 16.1-01-09, 16.1-06-09, 28-32-31, and
28 54-57-04 and to provide administrative law judges to preside at administrative
29 hearings as requested by agencies. The director of administrative hearings may
30 employ or appoint only such additional administrative law judges who are attorneys at
31 law in good standing, admitted to the bar in the state, and currently licensed by the

1 state board of law examiners. Administrative law judges employed by the director
2 before August 1, 1995, need not be attorneys at law and may be designated by the
3 director to preside at any administrative proceedings or adjudicative proceedings
4 under section 54-57-03. The director may delegate to an employee the exercise of a
5 specific statutory power or duty as deemed advisable, subject to the director's control,
6 including the powers and duties of a deputy director. All administrative law judges must
7 be classified employees, except that the director of administrative hearings must be an
8 unclassified employee who only may be removed, during a term of office, for cause.
9 Each administrative law judge must have a demonstrated knowledge of administrative
10 practices and procedures and must be free of any association that would impair the
11 person's ability to function officially in a fair and objective manner.

12 **SECTION 4. AMENDMENT.** Section 54-57-04 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **54-57-04. Duties of administrative law judges.**

15 All administrative law judges shall comply with the duties of hearing officers under section
16 28-32-31 for all hearings of administrative agencies under chapter 28-32, as well as for all
17 hearings of administrative agencies not under chapter 28-32, in accordance with applicable
18 laws. Administrative law judges shall provide mediation free from conflicts of interest under
19 section 16.1-01-09 or 16.1-06-09.