

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 1. A proposal to initiate a measure which is signed by the members of a sponsoring  
24 committee comprised of at least twenty-five qualified electors may be presented to a  
25 member of the legislative assembly.

- 1        2. The legislator shall submit the proposal to the legislative council to prepare a bill or  
2        resolution that satisfies the intended purpose of the sponsoring committee.
- 3        3. The legislative assembly may provide by law for a procedure through which the  
4        legislative council may establish an appropriate method for determining the fiscal  
5        impact of an initiativeinitiated measure and for making the information regarding the  
6        fiscal impact of the measure available to the public.
- 7        4. A proposal to refer a measure which is signed by the members of a sponsoring  
8        committee comprised of at least twenty-five qualified electors may be presented to the  
9        secretary of state.

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

12        **Section 3.** ~~The petition shall be circulated only by electors. They shall swear thereon that~~  
13 ~~the electors who have signed the petition did so in their presence. Each elector signing a~~  
14 ~~petition shall also write in the date of signing and his post-office address. No law shall be~~  
15 ~~enacted limiting the number of copies of a petition. The copies shall become part of the original~~  
16 ~~petition when filed.~~The sponsoring committee may file a petition with the secretary of state who  
17 shall approve the petition for circulation if it is in the proper form. For initiated measures, the  
18 petition must include the full text of a bill or resolution drafted by the legislative council. The  
19 petition may be circulated only by qualified electors. Petition circulators shall swear on the  
20 petition that the qualified electors who signed the petition did so in their presence. Each  
21 qualified elector signing a petition also shall write in the date of the signature and the address of  
22 the elector. The number of copies of a petition may not be limited by law. The copies must  
23 become part of the original petition when filed.

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

26        **Section 4.** ~~The petition may be submitted to the secretary of state if signed by electors~~  
27 ~~equal in number to two percent of the resident population of the state at the last federal~~  
28 ~~decennial census.~~A petition for an initiated measure may be circulated for no more than one  
29 year and must be submitted to the secretary of state no less than one hundred twenty days  
30 before the legislative session in which the measure will be submitted to the legislative assembly  
31 for consideration. A petition for a referred measure may be submitted to the secretary of state

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~~  
29 ~~by a majority of the votes cast thereon. If proceedings are brought against any petition upon any~~  
30 ~~ground, the burden of proof is upon the party attacking it and the proceedings must be filed with~~  
31 ~~the supreme court no later than seventy-five days before the date of the statewide election at~~

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