

Introduced by

Representatives Louser, Becker, Blum, Kasper, Lefor, D. Ruby

Senators Hogue, Meyer

1 A concurrent resolution to amend and reenact sections 2, 3, 5, 6, 7, 8, and 9 of article III of the  
2 Constitution of North Dakota, relating to an alternative process for enacting initiated measures.

3 **STATEMENT OF INTENT**

4 This measure provides an additional process for enacting initiated measures to create or amend  
5 statutes. The measure authorizes the sponsoring committee of an initiated measure to submit  
6 the proposed initiated measure to the legislative assembly for introduction; prohibits the  
7 legislative assembly from amending the submitted measure; provides a measure approved by  
8 the legislative assembly becomes law; and provides if the legislative assembly does not  
9 approve the measure, the sponsoring committee may have the measure placed on the ballot in  
10 the subsequent statewide election.

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

13 That the following proposed amendment to sections 2, 3, 5, 6, 7, 8, and 9 of article III of the  
14 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of  
15 North Dakota at the general election to be held in 2020, in accordance with section 16 of  
16 article IV of the Constitution of North Dakota.

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

19 **Section 2.**

20 1. A petition to initiate or to refer a measure to be placed on the ballot without submission  
21 to the legislative assembly must be presented to the secretary of state for approval as  
22 to form. A request for approval must be presented over the names and signatures of  
23 twenty-five or more electors as sponsors, one of whom must be designated as  
24 chairman of the sponsoring committee. The secretary of state shall approve the

1           petition for circulation if ~~the measure~~ is in proper form and contains the names and  
2           addresses of the sponsors and the full text of the measure.

3           2. A proposal to initiate a statutory measure for submission to the legislative assembly  
4           which is signed by twenty-five or more electors as sponsors, one of whom must be  
5           designated as chairman of the sponsoring committee, may be presented to a member  
6           of the legislative assembly. The legislator shall submit the proposal to the legislative  
7           council to prepare a measure that satisfies the intended purpose of the sponsoring  
8           committee. The sponsoring committee shall submit a petition with the prepared  
9           measure to the secretary of state for approval as to form.

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

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

16          **Section 3.** ~~The petition shall be circulated only by electors. They~~A petition for an initiated  
17 measure may be circulated for up to one year upon approval of the petition by the secretary of  
18 state. Only electors may circulate petitions for referred or initiative measures. For initiative  
19 measures, the petition must include the full text of the bill or resolution. Each circulator shall  
20 swear thereon on the petition that the electors who have signed the petition did so in theirthe  
21 presence of the circulator. Each elector signing a petition shall also write in the date of signing  
22 and his post-officethe elector's address. NoA law shallmay not be enacted limiting the number  
23 of copies of a petition. The copies shallmust become part of the original petition when filed.

24          **SECTION 3. AMENDMENT.** Section 5 of article III of the Constitution of North Dakota is  
25 amended and reenacted as follows:

26          **Section 5.**

27          1. An initiative petition shallfor a measure to be placed on the ballot without submission  
28          to the legislative assembly must be submitted to the secretary of state not less than  
29          one hundred twenty days before the statewide election at which the measure is to be  
30          voted upon.

1       2. An initiative petition for a measure to be submitted to the legislative assembly must be  
2       submitted to the secretary of state not fewer than one hundred twenty days before the  
3       legislative session in which the measure will be submitted for consideration.

4       3. A referendum petition may be submitted only within ninety days after the filing of the  
5       measure with the secretary of state. The submission of a petition ~~shall~~  
6       ~~suspends~~suspends the operation of any measure enacted by the legislative assembly  
7       except emergency measures and appropriation measures for the support and  
8       maintenance of state departments and institutions. The submission of a petition  
9       against one or more items or parts of any measure ~~shall~~does not prevent the  
10      remainder from going into effect.

11      4. A referred measure may be voted upon at a statewide election or at a special election  
12      called by the governor.

13      **SECTION 4. AMENDMENT.** Section 6 of article III of the Constitution of North Dakota is  
14      amended and reenacted as follows:

15      **Section 6.**

16      1. The secretary of state shall pass upon each petition, and if the secretary of state finds  
17      it insufficient, the secretary of state shall notify the "sponsoring committee for the  
18      petitioners" and allow twenty days for correction. All decisions of the secretary of state  
19      in regard to any petition are subject to review by the supreme court. ~~But if~~

20      2. If the sufficiency of thea petition for a measure to be placed on the ballot without  
21      submission to the legislative assembly is being reviewed at the time the ballot is  
22      prepared, the secretary of state shall place the measure on the ballot, and no  
23      subsequent decision ~~shall~~may invalidate the measure if ~~it~~the measure is approved at  
24      the election ~~approved~~ by a majority of the votes cast ~~thereon~~on the measure. If  
25      proceedings are brought against any petition for a measure to be placed on the ballot  
26      without submission to the legislative assembly upon any ground, ~~the burden of proof is~~  
27      ~~upon the party attacking it~~ and the proceedings must be filed with the supreme court  
28      no later than seventy-five days before the date of the statewide election at which the  
29      measure is to be voted upon.

1       3. If the sufficiency of a petition for a measure to be submitted to the legislative assembly  
2       is being reviewed on the first day of the legislative session, the measure must be  
3       submitted to the legislative assembly as provided under section 7.

4       4. If proceedings are brought against any petition for a measure to be submitted to the  
5       legislative assembly upon any ground, the proceedings must be filed with the supreme  
6       court no later than seventy-five days before the first day of the next legislative session  
7       following submission of the petition to the secretary of state.

8       5. A party attacking the sufficiency of a petition under this section bears the burden of  
9       proof.

10       **SECTION 5. AMENDMENT.** Section 7 of article III of the Constitution of North Dakota is  
11 amended and reenacted as follows:

12       **Section 7.**

13       1. After finding a petition for an initiative measure has been signed by a sufficient number  
14       of qualified electors and meets all required criteria, the secretary of state shall ensure  
15       the measure is placed on the ballot or submitted to the legislative assembly, whichever  
16       the sponsoring committee requested.

17       2. A measure submitted to the legislative assembly may be introduced by a member of  
18       the legislative assembly; however, if a member of the legislative assembly does not  
19       introduce the measure, the legislative management shall introduce the measure as a  
20       bill. The legislative management may not add, remove, or change any provisions of  
21       the measure before introduction. The bill must be assigned to a committee of the  
22       legislative assembly and receive a hearing open to the public. The bill may not be  
23       amended. At least one house of the legislative assembly shall hold a vote on the bill. If  
24       the legislative assembly passes the bill, it becomes law on the effective date as  
25       determined under section 13 of article IV. If the legislative assembly does not pass the  
26       bill or the bill is vetoed by the governor, the secretary of state shall place the measure  
27       on the ballot at the next statewide election if requested by the sponsoring committee.

28       3. After finding a petition for a referred measure has been signed by a sufficient number  
29       of qualified electors and meets all required criteria, the secretary of state shall place  
30       the measure on the ballot at the next statewide election.

1       4. All decisions of the secretary of state in the petition process are subject to review by  
2       the supreme court in the exercise of original jurisdiction. A proceeding to review a  
3       decision of the secretary of state must be filed with the supreme court no later than  
4       seventy-five days before either the date of the statewide election at which the measure  
5       is to be voted upon or the first day of the legislative session in which the measure will  
6       be submitted for consideration. If the decision of the secretary of state regarding a  
7       measure to be placed on the ballot is being reviewed at the time the ballot is prepared,  
8       the secretary of state shall place the measure on the ballot and no court action shall  
9       invalidate the measure if it is approved at the election by a majority of the votes cast  
10      thereon on the measure. If the decision of the secretary of state regarding a measure  
11      to be submitted to the legislative assembly is being reviewed on the first day of the  
12      legislative session, the measure must be submitted to the legislative assembly for  
13      introduction.

14      **SECTION 6. AMENDMENT.** Section 8 of article III of the Constitution of North Dakota is  
15      amended and reenacted as follows:

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

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. If signed by  
27      electors equal in number to four percent of the resident population of the state at the last federal  
28      decennial census, the petition may be submitted to the secretary of state. All other provisions  
29      relating to initiative measures to be placed on the ballot without submission to the legislative  
30      assembly apply hereteto initiative measures for constitutional amendments.