

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 and requires a sponsoring committee to have its measure drafted by the legislative
6 council. The measure authorizes the sponsoring committee of an initiated measure to submit
7 the proposed initiated measure to the legislative assembly for introduction; prohibits the
8 legislative assembly from amending the submitted measure; provides a measure approved by
9 the legislative assembly becomes law; and provides if the legislative assembly does not
10 approve the measure, the sponsoring committee may have the measure placed on the ballot in
11 the subsequent statewide election.

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

14 That the following proposed amendment to sections 2, 3, 5, 6, 7, 8, and 9 of article III of the
15 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of
16 North Dakota at the general election to be held in 2020, in accordance with section 16 of
17 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.**

21 1. A ~~petition~~ proposal to initiate or refer a measure for placement on the ballot without
22 submission to the legislative assembly which is signed by twenty-five or more electors
23 as sponsors, one of whom must be designated as chairman of the sponsoring
24 committee, must be presented to a member of the legislative assembly. The legislator
25 shall submit the proposal to the legislative council to prepare a measure that satisfies

1 the intended purpose of the sponsoring committee. A petition with the measure to
2 initiate or to refer a measure to be placed on the ballot without submission to the
3 legislative assembly then must be presented by the sponsoring committee to the
4 secretary of state for approval as to form. A request for approval must be presented
5 over the names and signatures of twenty-five or more electors as sponsors, one of
6 whom must be designated as chairman of the sponsoring committee. The secretary of
7 state shall approve the petition for circulation if ~~the measure~~ is in proper form and
8 contains the names and addresses of the sponsors and the full text of the measure.

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

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

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

22 **Section 3.** ~~The petition shall be circulated only by electors. They~~ A petition for an initiated
23 measure may be circulated for up to one year upon approval of the petition by the secretary of
24 state. Only electors may circulate petitions for referred or initiative measures. For initiative
25 measures, the petition must include the full text of the bill or resolution. Each circulator shall
26 swear thereon on the petition that the electors who have signed the petition did so in their the
27 presence of the circulator. Each elector signing a petition shall also write in the date of signing
28 and his post office the elector's address. No A law shall may not be enacted limiting the number
29 of copies of a petition. The copies shall must become part of the original petition when filed.

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

1 **Section 5.**

- 2 1. ~~An initiative petition shall~~for a measure to be placed on the ballot without submission
3 to the legislative assembly must be submitted to the secretary of state not less than
4 one hundred twenty days before the statewide election at which the measure is to be
5 voted upon.
- 6 2. ~~An initiative petition for a measure to be submitted to the legislative assembly must be~~
7 submitted to the secretary of state not fewer than one hundred twenty days before the
8 legislative session in which the measure will be submitted for consideration.
- 9 3. A referendum petition may be submitted only within ninety days after the filing of the
10 measure with the secretary of state. The submission of a petition shall-
11 ~~suspend~~suspends the operation of any measure enacted by the legislative assembly
12 except emergency measures and appropriation measures for the support and
13 maintenance of state departments and institutions. The submission of a petition
14 against one or more items or parts of any measure shall~~shall~~does not prevent the
15 remainder from going into effect.
- 16 4. A referred measure may be voted upon at a statewide election or at a special election
17 called by the governor.

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

20 **Section 6.**

- 21 1. The secretary of state shall pass upon each petition, and if the secretary of state finds
22 it insufficient, the secretary of state shall notify the "~~sponsoring committee for the~~
23 petitioners" and allow twenty days for correction. All decisions of the secretary of state
24 in regard to any petition are subject to review by the supreme court. ~~But if~~
- 25 2. ~~If the sufficiency of the~~a petition for a measure to be placed on the ballot without
26 submission to the legislative assembly is being reviewed at the time the ballot is
27 prepared, the secretary of state shall place the measure on the ballot, and no
28 subsequent decision shall~~may~~invalidate the measure if ~~it~~the measure is approved at
29 the election ~~approved~~by a majority of the votes cast thereon on the measure. If
30 proceedings are brought against any petition for a measure to be placed on the ballot
31 without submission to the legislative assembly upon any ground, ~~the burden of proof is~~

1 upon the party attacking it and the proceedings must be filed with the supreme court
2 no later than seventy-five days before the date of the statewide election at which the
3 measure is to be voted upon.

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

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

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

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

15 **Section 7.**

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

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

1 3. 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 statewide election.

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

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

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

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

29 **Section 9.** A constitutional amendment may be proposed by initiative petition. If signed by
30 electors equal in number to four percent of the resident population of the state at the last federal
31 decennial census, the petition may be submitted to the secretary of state. All other provisions

Sixty-sixth
Legislative Assembly

- 1 relating to initiative measures to be placed on the ballot without submission to the legislative
- 2 assembly apply hereteto initiative measures for constitutional amendments.