

Introduced by

Representatives Haas, L. Thoreson

Senators Urlacher, Wardner

1 A BILL for an Act to amend and reenact section 16.1-01-09 of the North Dakota Century Code,  
2 relating to initiative and referendum petitions.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-01-09 of the 1999 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **16.1-01-09. Initiative, referendum, or recall petitions - Signature - Form -**  
7 **Circulation.**

8 1. a. A request of the secretary of state for approval of a petition to initiate or refer  
9 a measure may be presented over the signatures of the sponsoring  
10 committee on individual signature forms that have been notarized. The  
11 secretary of state shall prepare a signature form that includes provisions for  
12 identification of the measure; the printed name, signature, and address of the  
13 committee member; and notarization of the signature.

14 b. Upon receipt of a petition to initiate or refer a measure, the secretary of state  
15 shall draft a short and concise statement that fairly represents the measure.  
16 The statement must be submitted to the attorney general for approval or  
17 disapproval. An approved statement must be affixed to the petition before it  
18 is circulated for signatures, must be called the "ballot title", and must be  
19 placed immediately before the full text of the measure.

20 c. The secretary of state and the attorney general shall complete their review of  
21 a petition in not less than five, nor more than seven, business days, excluding  
22 Saturdays.

23 2. No person may sign any initiative, referendum, or recall petition circulated pursuant  
24 to article III of the Constitution of North Dakota unless the person is a qualified

1 elector. No person may sign any petition more than once, and each signer shall  
2 add the signer's ~~post office address including the signer's complete~~ residential  
3 address or ~~post office box number~~ rural route or general delivery address and the  
4 date of signing. Every qualified elector signing a petition shall do so in the  
5 presence of the person circulating the petition. A referendum or initiative petition  
6 must be in substantially the following form:

7 REFERENDUM [INITIATIVE] PETITION

8 TO THE SECRETARY OF STATE,

9 STATE OF NORTH DAKOTA

10 We, the undersigned, being qualified electors request [House (Senate) Bill  
11 \_\_\_\_\_ passed by the \_\_\_\_\_ Legislative Assembly] [the following  
12 initiated law] be placed on the ballot as provided by law.

13 SPONSORING COMMITTEE

14 The following are the names and addresses of the qualified electors of the  
15 state of North Dakota who, as the sponsoring committee for the petitioners,  
16 represent and act for the petitioners in accordance with law:

Name	Address
_____ (Chairman)	_____
_____	_____

20 BALLOT TITLE

21 (To be drafted by the secretary of state, approved by the attorney general,  
22 and attached to the petition before circulation.)

23 FULL TEXT OF THE MEASURE

24 IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING  
25 ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS  
26 BEING DELETED. IF NO MATERIAL IS UNDERSCORED OR  
27 OVERSTRUCK, THE MEASURE CONTAINS ALL NEW MATERIAL WHICH  
28 IS BEING ADDED.

29 [The full text of the measure must be inserted here.]

30 INSTRUCTIONS TO PETITION SIGNERS

1 You are being asked to sign a petition. You must be a qualified elector. This  
2 means you are eighteen years old, you have lived in North Dakota thirty days,  
3 and you are a United States citizen. All signers must add their ~~entire~~  
4 ~~post office address, including post office box number, complete residential~~  
5 ~~address or rural route or general delivery address~~ and the date of signing.  
6 Every qualified elector signing a petition must do so in the presence of the  
7 person circulating the petition.

8 QUALIFIED ELECTORS

9	Month,	Name of	<del>Post Office Address</del>	
10	Day,	Qualified	Residential Address	City,
11	Year	Elector	or <del>P.O. Box No.</del>	State
12			<u>Complete Rural Route or</u>	
13			<u>General Delivery Address</u>	

- 14 1. \_\_\_\_\_
- 15 2. \_\_\_\_\_
- 16 3. \_\_\_\_\_
- 17 4. \_\_\_\_\_
- 18 5. \_\_\_\_\_
- 19 6. \_\_\_\_\_
- 20 7. \_\_\_\_\_
- 21 8. \_\_\_\_\_

22 The number of signature lines on each page of a printed petition may vary if  
23 necessary to accommodate other required textual matter. In this section for  
24 referral petitions "full text of the measure" means the bill as passed by the  
25 legislative assembly excluding the session and sponsor identification. In this  
26 section for initiative petitions "full text of the measure" means an enacting  
27 clause which must be: "BE IT ENACTED BY THE PEOPLE OF THE STATE  
28 OF NORTH DAKOTA" and the body of the bill. If the measure amends the  
29 law, all new statutory material must be underscored and all statutory material  
30 to be deleted must be overstruck by dashes. When repealing portions of the

1 law, the measure must contain a repealer clause and, in brackets, the text of  
2 the law being repealed.

3 3. Each copy of any petition provided for in this section, before being filed, must have  
4 attached an affidavit executed by the circulator in substantially the following form:

5 State of North Dakota )  
6 ) ss.  
7 County of \_\_\_\_\_ )  
8 (county where signed)

9 I, \_\_\_\_\_, being sworn, say that I am a qualified elector; that I  
10 (circulator)  
11 reside at \_\_\_\_\_;  
12 (address)

13 that each signature contained on the attached petition was executed in my  
14 presence; and that to the best of my knowledge and belief each person  
15 whose signature appears on the attached petition is a qualified elector; and  
16 that each signature contained on the attached petition is the genuine  
17 signature of the person whose name it purports to be.

18 \_\_\_\_\_  
19 (signature of circulator)

20 Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_, at  
21 \_\_\_\_\_, North Dakota.  
22 (city)

23 (Notary Seal) \_\_\_\_\_  
24 (signature of notary)

25 Notary Public

26 My commission expires \_\_\_\_\_

27 4. A petition for recall must include, before the signature lines for the qualified  
28 electors as provided in subsection 2, the name of the person being recalled, the  
29 office from which that person is being recalled, and a list of the names and  
30 ~~post office addresses including the~~ complete residential addresses or ~~post office~~  
31 ~~box numbers~~ rural route or general delivery addresses of not less than five

- 1 qualified electors of the state, political subdivision, or district in which the official is  
2 to be recalled who are sponsoring the recall.
- 3 5. No petition shall be circulated under the authority of article III of the Constitution of  
4 North Dakota by a person who is less than eighteen years of age, nor shall the  
5 affidavit called for by subsection 3 be executed by a person who is less than  
6 eighteen years of age at the time of signing. All petitions circulated under the  
7 authority of the constitution and of this section must be circulated in their entirety.  
8 A petition may not include a statement of intent or similar explanatory information.
- 9 6. When signed petitions are delivered to the secretary of state, the chairperson of  
10 the sponsoring committee shall submit to the secretary of state an affidavit stating  
11 that to the best of that person's knowledge, the petitions contain at least the  
12 required number of signatures.
- 13 7. An initiative or referendum petition may be submitted to the secretary of state until  
14 midnight of the day designated as the deadline for submitting the petition.
- 15 8. An initiative petition may be circulated for one year from the date it is approved for  
16 circulation by the secretary of state.