

AMENDMENTS TO THE CONSTITUTION 1918

Statement of the State Board of Canvassers as to the vote cast on Constitutional Amendments at the General Election held November 5th, 1918.

We, the undersigned, John Steen, State Treasurer; Thomas Hall, Secretary of State; Carl R. Kositzky, State Auditor; William Langer, Attorney General, and N. C. MacDonald, Superintendent of Public Instruction, constituting the State Board of Canvassers for the general election held on November 5th, 1918, hereby certify that the following Constitutional and Statutory Amendments, submitted by the legislature, were adopted as indicated by the statement following each of such Constitutional and Statutory Amendments as hereinafter set forth.

ARTICLE XXIII.

Sec. 135. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer; provided, any co-operative corporation may adopt by-laws limiting the voting power of its stockholders.

Yes.....49,392

No.....32,053

A majority of the voters voting on said proposed amendment having voted in favor of the adoption of the said amendment, the said proposed amendment is hereby duly declared carried and adopted, approved and ratified.

ARTICLE XXIV.

The Legislative Assembly may by law provide for the levy of a tax upon such lands as may be provided by law of the State for the purpose of creating a fund to insure the owners of growing crops against losses by hail; provided, that such tax shall not affect the tax of four mills levied by the Constitution. The Legislative Assembly may classify such lands of the state as may be provided by law, and divide the State into districts on such basis as shall seem just and necessary and may vary the tax rate in such districts in accordance with the risk, in order to secure an equitable distribution of the burden of such tax among the owners of such land as may be provided by law.

Yes.....52,475

No.....30,257

A majority of the voters voting on said proposed amendment, having voted in favor of the adoption of the said amendment, the said proposed amendment is hereby duly declared carried and adopted, approved and ratified.

ARTICLE XXV.

To amend Section 89 by adding the words: Provided, however, that in no case shall any legislative enactment or law of the State of North Dakota be declared unconstitutional unless at least four of the judges shall so decide.

Shall Section 89 of the Constitution of the State of North Dakota be amended to read as follows:

Sec. 89. The Supreme Court shall consist of five judges, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said judges may adjourn the court from day to day or to a day certain; provided, however, that in no case shall any legislative enactment or law of the State of North Dakota be declared unconstitutional unless at least four of the judges shall so decide.

Yes52,678

No.....28,846

A majority of the voters voting on said proposed amendment having voted in favor of the adoption of the said amendment, the said proposed amendment is hereby duly declared carried and adopted, approved and ratified.

STATEMENT OF THE STATE BOARD OF CANVASSERS

As to the Vote Cast on Initiated Constitutional and Statutory Amendments at the General Election Held November 5, 1918.

We, the undersigned, Carl R. Kositzky, State Auditor, William Langer, Attorney General, and N. C. MacDonald, Superintendent of Public Instruction, constituting the majority of the State Board of Canvassers, for the general election held on November 5, 1918, hereby certify that the foregoing abstract of votes cast for and against the Constitutional and Statutory Amendments, initiated by petition and voted for at the said general election, together with the titles of each and every proposed Constitutional and Statutory Amendment, initiated by petition and the votes cast for and against each; and further, that the following Constitutional and Statutory Amendments, initiated by petition, were adopted as indicated by the statement following each of such Constitutional and Statutory Amendments, initiated by petition, as hereinafter set forth.

CHAPTER XXVI.

Sec. 25 IN ARTICLE 2 AS AMENDED BY ARTICLE 15 OF AMENDMENT. The legislative power of this State shall be vested in a legislature consisting of a senate and a house of representatives. The people, however, reserve the power, first, to propose measures and to enact or reject the same at the polls; second, to approve or reject at the polls any measure or any item, section, part or parts of any measure enacted by the legislature.

The first power reserved is the initiative. Ten thousand electors at large may propose any measure by initiative petition. Every such petition shall contain the full text of the measure and shall be filed with the secretary of state not less than ninety days before the election at which it is to be voted upon.

The second power reserved is the referendum. Seven thousand Electors at large may, by referendum petition, suspend the operation of any measure enacted by the legislature, except an Emergency measure. But the filing of a referendum petition against one or more items, sections or parts of any measure shall not prevent the remainder from going into effect. Such petition shall be filed with the Secretary of State not later than ninety days after the adjournment of the session of the Legislature at which such measure was enacted.

Each measure initiated by or referred to the Electors, shall be submitted by its ballot title, which shall be placed upon the ballot by the Secretary of State and shall be voted upon at any state-wide election designated in the petition, or at any special election called by the Governor. The result of the vote upon any measure shall be canvassed and declared by the Board of Canvassers.

Any measure, except an Emergency Measure submitted to the Electors of the State, shall become a law when approved by a majority of the votes cast thereon. And such law shall go into effect on the thirtieth day after the election, unless otherwise specified in the measure.

If a Referendum Petition is filed against an Emergency Petition, such measure shall be a law until voted upon by the Electors. And if it is then rejected by a majority of the votes cast thereon, it shall be thereby repealed. Any such measure shall be submitted to the Electors at a special election if so ordered by the Governor or if the Referendum petition filed against it shall be signed by thirty thousand electors at large. Such special election shall be called by the Governor and shall be held not less than one hundred nor more than one hundred thirty days after the adjournment of the session of the Legislature.

The Secretary of State shall pass upon each petition, and if he finds it insufficient he shall notify the "Committee for the Petitioners" and allow twenty days for correction or amendment. All decisions of the Secretary of State in regard to any such petition shall be subject to review by the Supreme Court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the Secretary of State shall place the measure on the ballot and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it.

No law shall be enacted limiting the number of copies of a petition which may be circulated. Such copies shall become a part of the original petition when filed or attached thereto. Nor shall any law be enacted prohibiting any person from giving or receiving compensation for circulating the petition, nor in any manner interfering with the freedom in securing signatures to petitions.

Each petition shall have printed thereon a ballot title which shall fairly represent the subject matter of the measure, and the names of at least five electors who shall constitute the "Committee for the Petitioners" and who shall represent and act for the petitioners.

All measures submitted to the Electors shall be published by the state as follows: "The Secretary of State shall cause to be printed and mailed to each elector a publicity pamphlet, containing a copy of each measure together with its ballot title to be submitted at any election. Any citizen, or the officers of any organization may submit to the Secretary of State, for publication in such pamphlet, arguments concerning any measure therein upon first subscribing their names and addresses thereto and paying the fee therefor, which, until otherwise fixed by the Legislature, shall be the sum of two hundred dollars per page."

The enacting clause of all measures initiated by the Electors, shall be: "Be it enacted by the people of the State of North Dakota." In submitting measures to the Electors, the Secretary of State and all other officials shall be guided by the election laws until additional legislation shall be provided.

If conflicting measures initiated by or referred to the Electors shall be approved by a majority of the votes cast thereon, the one receiving the highest number of affirmative votes shall become the law.

The word "measure" as used herein shall include any law or amendment thereto, resolution, legislative proposal or enactment of any character.

The veto power of the Governor shall not extend to the measures initiated by or referred to the Electors. No measures enacted or approved by a vote of the Electors shall be repealed or amended by the Legislature, except upon a yea and nay vote upon roll call of two-thirds of all the members elected to each house.

This section shall be self-executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict or impair the exercise of the rights herein reserved to the people.

Yes.....47,447

No.....32,598

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said

proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

ARTICLE XXVII.

SECTION 67 IN ARTICLE 2.) No Act of the legislative assembly shall take effect until July 1st after the close of the Session, unless the Legislature by a vote of two-thirds of the members present and voting, in each house shall declare it an Emergency measure, which declaration shall be set forth in the Act; provided, however, that no Act granting a franchise or special privilege, or Act creating any vested right or interest other than in the State, shall be declared an Emergency measure. An Emergency measure shall take effect and be in force from and after its passage and approval by the Governor.

Yes.....46,121

No.....32,507

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

ARTICLE XXVIII.

SECTION 202 IN ARTICLE 15 AS AMENDED BY ARTICLE 16 OF AMENDMENTS.) Any amendment or amendments to the Constitution of the State may be proposed in either house of the Legislature, and if the same shall be agreed to upon roll call by a majority of the members elected to each house it shall be submitted to the Electors and if a majority of the votes cast thereon are affirmative, such amendment shall be a part of this Constitution.

Amendments to the Constitution of the State may also be proposed by initiative petition of the Electors; such petition shall be signed by twenty thousand of the Electors at large and shall be filed with the Secretary of State at least one hundred twenty days prior to the election at which they are to be voted upon, and any amendment or amendments so proposed shall be submitted to the Electors and shall become a part of the Constitution, if a majority of the votes cast thereon are affirmative. All provisions of the Constitution relating to the submission and adoption of measures by initiative petition and on referendum petition, shall apply to the submission and adoption of amendments to the Constitution of the State.

Yes.....46,329

No.....33,572

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amend-

ment is hereby duly declared carried and adopted, approved and ratified.

ARTICLE XXIX.

SECTION 176, IN ARTICLE 11, AS AMENDED BY ARTICLE 20 OF AMENDMENTS.) Taxes shall be uniform upon the same class of property including franchises, within the territorial limits of the authority levying the tax. The Legislature may by law exempt any or all classes of personal property from taxation, and within the meaning of this section, fixtures, buildings and improvements of every character whatsoever, upon land, shall be deemed personal property. The property of the United States and of the State, County and Municipal Corporations, and property used exclusively for school, religious, cemetery, charitable or other public purposes, shall be exempt from taxation. Except as restricted by this Article, the Legislature may provide for raising revenue and fixing the situs of all property for the purpose of taxation. Provided, that all taxes and exemptions in force when this amendment is adopted shall remain in force until otherwise provided by statute.

Yes.....46,833

No.....33,921

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

ARTICLE XXX.

SECTION 177 IN ARTICLE 11.) The Legislature may by law provide for the levy and collection of an acreage tax on lands within the State in addition to the limitation specified in Section 174 in Article 11 of the Constitution. The proceeds of such tax shall be used to indemnify the owners of growing crops against damages by hail, provided that lands used exclusively for public roads, rights of way of common carriers, mining, manufacturing or pasturage, may be exempt from such tax.

Yes.....49,878

No.....31,586

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

ARTICLE XXXI.

SECTION 182 IN ARTICLE 12.) The state may issue or guarantee the payment of bonds, provided that all bonds in excess of two million dollars shall be secured by first mortgages upon real estate, in amounts not to exceed one-half of its value; or upon real or personal property of State owned utilities, enter-

prises or industries in amounts, not exceeding its value, and provided, further, that the state shall not issue or guarantee bonds upon property of state owned utilities, enterprises or industries in excess of ten million dollars.

No future indebtedness shall be incurred by the State unless evidenced by a bond issue, which shall be authorized by law for certain purposes, to be clearly defined. Every law authorizing a bond issue shall provide for levying an annual tax or make other provisions, sufficient to pay the interest semi-annually, and the principal within thirty years from the passage of such law and shall specially appropriate the proceeds of such tax, or of such other provisions, to the payment of said principal and interest, and such appropriation shall not be repealed nor the tax or other provisions discontinued until such debt, both principal and interest, shall have been paid. No debt in excess of the limit named herein shall be incurred except for the purposes of repelling invasion, suppressing insurrection, defending the state in time of war or to provide for the public defense in case of threatened hostilities.

Yes.....46,275

No.....34,235

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

ARTICLE XXXII.

SECTION 185 IN ARTICLE 12 AS AMENDED BY ARTICLE 18 OF AMENDMENT.) The state, any county or city, may make internal improvements and may engage in any industry, enterprise or business, not prohibited by Article 20 of the Constitution, but neither the state nor any political subdivision thereof shall otherwise loan or give its credit or make donations to or in aid of any individual, association or corporation except for reasonable support of the poor, nor subscribe to or become the owner of capital stock in any association or corporation.

Yes.....46,830

No.....32,574

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.