13.0323.02000

Sixty-third
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2183

Introduced by

Senators Hogue, Wardner

Representatives Carlson, Bellew, Klemin, Nathe

A BILL for an Act to amend and reenact subsections 3 and 4 of section 16.1-01-09 and subsections 3 and 6 of section 16.1-01-09.1 of the North Dakota Century Code, relating to qualifications of individuals circulating initiated or referred measure and recall petitions; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

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

State of North Dakota)
) ss.
County of _____)
(county where signed)

I, _____, being sworn, say that I am a qualified elector and have
(circulator)
been a resident of the state for at least two years; that I
reside at _____;
(address)
that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each individual whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the individual whose name it purports to be.

_____

(signature of circulator)

Subscribed and sworn to before me on _____, _____, at _____, North Dakota.

(city)

(Notary Seal) _____

(signature of notary)

Notary Public

My commission expires_____

SECTION 2. AMENDMENT. Subsection 4 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~No~~A petition may not be circulated under the authority of article III of the Constitution of North Dakota by an individual ~~who is less than eighteen years of age, nor may the affidavit called for by subsection 3 be executed by an individual who is less than eighteen years of age at the time of signing~~unless the individual is a qualified elector who has been a resident of the state for at least two years. All petitions circulated under the authority of the constitution and of this section must be circulated in their entirety. A petition may not include a statement of intent or similar explanatory information.

SECTION 3. AMENDMENT. Subsection 3 of section 16.1-01-09.1 of the North Dakota Century Code is amended and reenacted as follows:

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

State of North Dakota)

) ss.

County of_____)

(county where signed)

I,_____, being sworn, say that I am a qualified elector and have

(circulator's name)

been a resident of the state for at least two years; that I reside at_____;

(address)

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

_____

(signature of circulator)

Subscribed and sworn to before me on_____, _____, at _____, North Dakota.

(city)

(Notary Seal) _____

(signature of notary)

Notary Public

My commission expires_____

SECTION 4. AMENDMENT. Subsection 6 of section 16.1-01-09.1 of the North Dakota Century Code is amended and reenacted as follows:

6. A petition may not be circulated under the authority of article III of the Constitution of North Dakota or section 44-08-21 by an individual ~~who is less than eighteen years of age, nor may the affidavit called for by subsection 3 be executed by an individual who is less than eighteen years of age at the time of signing~~unless the individual is a qualified elector who has been a resident of the state for at least two years. All petitions circulated under the authority of the constitution and of this section must be circulated in their entirety.

SECTION 5. APPLICATION - CONSTITUTIONALITY. This Act applies to any petition approved for circulation after the effective date of this Act. If the constitutionality of any provision of this Act is challenged, the supreme court shall have and exercise exclusive original jurisdiction over the matter.