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Sixty-third
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3034

Introduced by

Representatives Kretschmar, Brabandt, Delmore, Maragos, Paur

Senators Erbele, Lyson

1 A concurrent resolution to amend and reenact sections 5, 6, and 7 of article III of the

2 Constitution of North Dakota, relating to petition requirements for initiated measures.

3 **STATEMENT OF INTENT**

4 This measure would change the filing deadlines for the submission of initiated measure

5 petitions from ninety days to one hundred twenty days before a statewide election and provide

6 that challenges to decisions of the secretary of state regarding measure petitions must be filed

7 with the supreme court no later than seventy-five days before the election.

8 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE**

9   **SENATE CONCURRING THEREIN:**

10   That the following proposed amendment of sections 5, 6, and 7 of article III of the

11 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of

12 North Dakota at the primary election to be held in 2014, in accordance with section 16 of

13 article IV of the Constitution of North Dakota.

14   **SECTION 1. AMENDMENT.** Section 5 of article III of the Constitution of North Dakota is

15 amended and reenacted as follows:

16   **Section 5.** An initiative petition shall be submitted not less than ~~ninety~~one hundred twenty

17 days before the statewide election at which the measure is to be voted upon. A referendum

18 petition may be submitted only within ninety days after the filing of the measure with the

19 secretary of state. The submission of a petition shall suspend the operation of any measure

20 enacted by the legislative assembly except emergency measures and appropriation measures

21 for the support and maintenance of state departments and institutions. The submission of a

22 petition against one or more items or parts of any measure shall not prevent the remainder from

23 going into effect. A referred measure may be voted upon at a statewide election or at a special

24 election called by the governor.

1   **SECTION 2. AMENDMENT.** Section 6 of article III of the Constitution of North Dakota is

2   amended and reenacted as follows:

3   **Section 6.** The secretary of state shall pass upon each petition, and if ~~he~~the secretary of

4   state finds it insufficient, ~~he~~the secretary of state shall notify the "committee for the petitioners"

5   and allow ~~twenty~~ten days for correction ~~or amendment~~. All decisions of the secretary of state in

6   regard to any ~~such~~ petition ~~shall be~~are subject to review by the supreme court. But if the

7   sufficiency of ~~such~~the petition is being reviewed at the time the ballot is prepared, the secretary

8   of state shall place the measure on the ballot and no subsequent decision shall invalidate

9   ~~such~~the measure if it is at ~~such~~the election approved by a majority of the votes cast thereon. If

10   proceedings are brought against any petition upon any ground, the burden of proof ~~shall be~~is

11   upon the party attacking it and the proceedings must be filed with the supreme court no later

12   than seventy-five days before the date of the statewide election at which the measure is to be

13   voted upon.

14   **SECTION 3. AMENDMENT.** Section 7 of article III of the Constitution of North Dakota is

15   amended and reenacted as follows:

16   **Section 7.** All decisions of the secretary of state in the petition process are subject to

17   review by the supreme court in the exercise of original jurisdiction. A proceeding to review a

18   decision of the secretary of state must be filed with the supreme court no later than seventy-five

19   days before the date of the statewide election at which the measure is to be voted upon. If

20   ~~his~~the decision of the secretary of state is being reviewed at the time the ballot is prepared,

21   ~~he~~the secretary of state shall place the measure on the ballot and no court action shall

22   invalidate the measure if it is approved at the election by a majority of the votes cast thereon.