

HOUSE BILL NO. 1173

Introduced by

Representatives K. Koppelman, Kasper, Klemin, Louser

Senators Dever, Hogue

1 A BILL for an Act to amend and reenact sections 16.1-01-07 and 16.1-06-09 of the North
2 Dakota Century Code, relating to providing electors the full text of constitutional amendments
3 and initiated and referred measures.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-01-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-01-07. Constitutional amendments and other questions to be advertised -**
8 **Notification by secretary of state - Manner of publishing.**

9 ~~Whenever~~When a proposed constitutional amendment or other question ~~issatisfies the~~
10 ~~requirements~~ to be submitted to the people of the state for popular vote~~placed on a ballot~~, the
11 secretary of state shall certify, not less than fifty-five days before the election, ~~certify~~ the
12 amendment or other question to each county auditor ~~and each~~. Each auditor then shall cause
13 notice ~~thereof~~ of the amendment or other question to be included in the published notice
14 ~~required by section 16.1-13-05 of the election~~. Questions to be submitted to the people of a
15 particular county must be advertised in the same manner.

16 ~~The secretary of state shall, at the same time the secretary of state certifies notice to the~~
17 ~~county auditors of the submission of a constitutional amendment or other question, certify the~~
18 ~~ballot form for such questions. The ballot form must conform to the provisions of section~~
19 ~~16.1-06-09 and~~The full text of a proposed constitutional amendment or other question certified
20 by the secretary of state must be used by all county auditors in preparing sample ballots and
21 ~~ballots for submission to the electorate of each county and in the preparation of sample ballots.~~
22 Any requirements in this title that a sample ballot be published will be met by the publication of
23 either the paper ballot or the ballot as it will appear to persons using an electronic voting system
24 device, depending upon the method of voting used in the area involved. Absentee voter ballots

1 may not be considered in determining which method of voting is used in an area. If both paper
2 ballots and electronic voting system ballots are used in an area, both forms must be published
3 as sample ballots to meet publication and notice requirements. For two consecutive weeks
4 before the sample ballot is published, an analysis of any constitutional amendment, or initiated
5 measure, or referred measure, written by the secretary of state after consultation with the
6 attorney general, must be published with the full text of the constitutional amendment or initiated
7 or referred measure in columns ~~to enable the~~enabling electors to become familiar
8 with~~understand~~ the effect of the proposed constitutional amendment or initiated or referred
9 measure.

10 **SECTION 2. AMENDMENT.** Section 16.1-06-09 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **16.1-06-09. Constitutional amendments and initiated and referred measures - Manner**
13 **of stating question - Fiscal impact statement - Explanation of effect of vote - Order of**
14 **listing.**

15 Constitutional amendments ~~or measures~~, initiated measures, and referred measures, duly
16 certified to the county auditor by the secretary of state, or any other question or measure to be
17 voted on, except the election of public officers at any primary, general, or special election
18 including officers subject to a recall petition, must, ~~unless otherwise determined by the secretary~~
19 ~~of state~~, be stated in full in a legible manner on the ballot. ~~If the secretary of state concludes the~~
20 ~~amendment or measure is too long to make it practicable to print in full, the secretary of state in~~
21 ~~consultation with the attorney general shall cause to be printed a concise summary that must~~
22 ~~fairly represent the substance of the constitutional amendment or initiated or referred measure.~~
23 After the foregoing statement full text of each constitutional amendment or initiated or referred
24 measure, the secretary of state shall cause to be printed a statement of the estimated fiscal
25 impact of the constitutional amendment or initiated or referred measure and a concise
26 statement of ~~the effect~~all significant effects of an affirmative or negative vote on the
27 constitutional amendment or initiated or referred measure. This explanatory statement must be
28 drafted by the secretary of state in consultation with the attorney general. The words "Yes" and
29 "No" must be printed on the ballot at the close of the statement regarding the ~~effect~~effects of an
30 affirmative or negative vote, in separate lines with an oval before each statement in which the

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1 voter is to indicate how the voter desires to vote on the question by darkening the oval. If two or
2 more amendments or questions are to be voted on, they must be printed on the same ballot.

3 The measures to be submitted to the electors must be grouped and classified as
4 constitutional measures, initiated statutes, or referred statutes and must be placed within such
5 groups or classifications by the secretary of state in the order received, for the purpose of
6 placing them on the ballot. Measures submitted by the legislative assembly must be placed first
7 on the ballot within their classification in the order approved by the legislative assembly.
8 Constitutional measures shall be placed first on the ballot, initiated statutes second, and
9 referred statutes third. After all the measures have been placed within the appropriate group or
10 classification, all measures must be numbered consecutively, without regard to the various
11 groups or classifications.