

HOUSE BILL NO. 1324

Introduced by

Representatives Kasper, Koppelman, Louser, Rohr, D. Ruby, Steiner, Vetter, Vigesaa

Senator Vedaa

1 A BILL for an Act to amend and reenact section 16.1-01-10 of the North Dakota Century Code,
2 relating to sufficiency of petitions as determined by the secretary of state.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-01-10 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-01-10. Secretary of state to pass upon sufficiency of petitions - Method - Time**
7 **limit.**

8 1. The secretary of state shall have a reasonable period, not to exceed thirty-five days, in
9 which to pass upon the sufficiency of any petition mentioned in section 16.1-01-09.

10 The secretary of state shall conduct a representative random sampling of the
11 signatures contained in the petitions by the use of questionnaires, postcards,
12 telephone calls, personal interviews, or other accepted information-gathering
13 techniques, or any combinations thereof, to determine the validity of the signatures.

14 Signatures determined by the secretary of state to be invalid may not be counted and
15 all if the number of valid signatures received is less than the required number of
16 signatures to place the measure on the ballot, the secretary of state may not allow the
17 measure to be placed on the ballot. When the secretary of state does not approve the
18 measure to be placed on the ballot due to an insufficient petition, the action is
19 presumed to be lawful, unless the presumption is rebutted by a preponderance of the
20 evidence clear and convincing evidence that the action of the secretary of state was
21 unlawful. All violations of law discovered by the secretary of state must be reported to
22 the attorney general for prosecution.

23 2. For purposes of this section "clear and convincing evidence" means that degree of
24 proof which, considering all the evidence in the case, produces the firm and abiding

1 | belief that it is highly probable that the proposition on which the challenging party has
2 | the burden of proof is true.