Sixty-eighth Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 3, 2023

HOUSE BILL NO. 1324 (Representatives Kasper, Koppelman, Louser, Rohr, D. Ruby, Steiner, Vetter, Vigesaa) (Senator Vedaa)

AN ACT to amend and reenact section 16.1-01-10 of the North Dakota Century Code, relating to sufficiency of petitions as determined by the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

- The secretary of state shall have a reasonable period, not to exceed thirty-five days, in which to pass upon the sufficiency of any petition mentioned in section 16.1-01-09. The secretary of state shall conduct a representative random sampling of the signatures contained in the petitions by the use of questionnaires, postcards, telephone calls, personal interviews, or other accepted information-gathering techniques, or any combinations thereof, to determine the validity of the signatures from which the secretary of state may exercise the secretary's judgment as to the validity of the individual signatures or groupings of signatures and other irregularities in the petition, thereby determining whether those signatures are to be counted as part of the necessary signature amount. Signatures determined by the secretary of state to be invalid may not be counted and allif the number of valid signatures received is less than the required number of signatures to place the measure on the ballot, the secretary of state may not allow the measure to be placed on the ballot. When the secretary of state does not approve the measure to be placed on the ballot due to an insufficient petition, the action is presumed to be lawful, unless the presumption is rebutted by clear and convincing evidence that the action of the secretary of state was unlawful. All violations of law discovered by the secretary of state must be reported to the attorney general for prosecution.
- 2. For purposes of this section "clear and convincing evidence" means that degree of proof which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition on which the challenging party has the burden of proof is true.

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	Speaker of the House			President of the Senate	
	Chief C	Clerk of the House		Secretary of the Senate	
				Representatives o	
House Vote:	Yeas 87	Nays 3	Absent 4		
Senate Vote:	Yeas 46	Nays 0	Absent 1		
				Chief Clerk of the	House
Received by the Governor atM. on					, 2023.
Approved atM. on					, 2023.
				Governor	
Filed in this offi	ice this	day of			, 2023,
at o'	clock	_M.			
				Secretary of State	