

2013 HOUSE POLITICAL SUBDIVISIONS

HB 1372

2013 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee Prairie Room, State Capitol

HB 1372
January 31, 2013
Job # 18051

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to requirements for initiative, referendum, and recall petitions.

Minutes:

Testimony #1

Chairman N. Johnson: Opened the hearing on HB 1372.

Al Jaeger, Secretary of State: (See testimony #1) 0:46 - 6:11 Went over the handout. We feel that we have provided very detailed and comprehensive information. If they come back in and have not followed it is not going to be our fault.

Rep. J. Kelsh: On an initiated measure if you file the intention and you approve the language there is no time limit on the amount of time they have to turn them in; they could keep on going until the general election?

Al Jaeger: We do have that covered in law already. When a petition comes in I cannot touch the text. All I can do is approve the petition itself for format and then we come up with the petition title which has to be signed off by the attorney general. That is what I approve for circulation. When I approve it for circulation they have one year to circulate that petition. We had several petitions last year that weren't turned in within that period of time. If they don't get the signatures the 90 days before the June election as long as they haven't used up their one year. Recently last year we had two petitions that were circulating regarding the University of ND nickname the Fighting Sioux. One was turned in and voted on, but they were both approved for circulation about the same time. That one year on the second one wasn't up until December and you might recall there was some coverage in the news media that their year was up and they did not turn in the petition so that is covered.

Rep. J. Kelsh: The Religious Liberty Amendment beat their deadline at about a week.

Rep. Kathy Hogan: Prior to the last year had you ever had people request petitions be returned to them?

Al Jaeger: I don't recall that. We just want to make it clear so that it is in law.

Rep. Kathy Hogan: Why would you not return them? What is your logic in that?

Jaeger: These petitions have thousands of signatures on them. In the case of the petitions that we did not accept they were fraudulent. We had done a review and knew that so we did not want to let them go back out and they come in we have no way of knowing what was right; added or changed. They can print out all kinds of petitions if we return them and keep going. We don't give the original signatures back.

Rep. Koppelman: The provision in article 3 of the constitution that is referenced that allows for correction; how does that work?

Jaeger: We have a specific set of guidelines we follow. One of the review processes is the review of the notary. If there is something that is wrong with that we may not allow that petition at the moment and we let them know this is something that can go back out and be corrected. The part you cannot correct is fraudulent. What is not correctible?

Rep. Koppelman: Did you then do something to be sure it is not altered in some other way. If it is filed by a required date you physically give it back to them. Is there a copy on file that you look against so that there are not a hundred more names on there when it comes back?

Jaeger: I can assure you if we give anything back it won't be given back without us having a copy. Also when the petitions come in they are all numbered. When we check it goes by a petitions number, line and whatever. We are not going to give anything original out without having a copy.

Opposition: None

Do Pass Motion Made by Rep. J. Kelsh: Seconded by Rep. M. Klein:

Vote: 14 Yes 0 No 1 Absent Carrier: Rep. Kathy Hogan:

Hearing closed.

Date: 1-31-13
Roll Call Vote #:

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1372

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. J. Kelsh Seconded By Rep. M. Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Ben Hanson	✓	
Vice Chairman Patrick Hatlestad	✓		Rep. Kathy Hogan	✓	
Rep. Thomas Beadle	✓		Rep. Jerry Kelsh	✓	
Rep. Matthew Klein	✓		Rep. Naomi Muscha	✓	
Rep. Lawrence Klemin	✓				
Rep Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Alex Looyzen	✓				
Rep. Andrew Maragos	✓				
Rep. Lisa Meier	✓				
Rep. Nathan Toman	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Hogan

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1372: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1372 was placed on the Eleventh order on the calendar.

2013 SENATE POLITICAL SUBDIVISIONS

HB 1372

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee Red River Room, State Capitol

HB 1372
March 22, 2013
20350

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to requirements for initiative, referendum, and recall petitions

Minutes:

You may make reference to "attached testimony."

Chairman Andrist opened the hearing for HB 1372. All senators were present.

Al Jaeger, Secretary of State. This is to clarify language and to make sure that procedures are covered correctly. This particular bill pertains to initiated measure and recall. See written testimony #1. (1:00- 8:48)

Chairman Andrist So this would just enable an existing practice. **Al Jaeger** replied right, and based on the council of the Attorney Generals' office.

Chairman Andrist Right now if you told somebody there were 200 signatures short, would they then not have the authority to submit 200 additional signatures. **Al Jaeger**, yes as until we're up to the deadline we will accept petitions up to prior to midnight of the 90th day. They can deliver 12,000 on a Monday and the deadline is Friday, and they can come with a couple of thousand more, that's fine. But once we have them, we got them.

Chairman Andrist There is nothing in the bill that would change that practice? **Al Jaeger** replied no.

Senator Jim Dotzenrod Section 1, you're saying they should be considered filed and may not be returned. You mentioned in your testimony that you don't want to be put into a position where you're supposed to return everything wholesale, but that there might be some times when you could return something for some technical reason or corrections. I was wondering what would be an example of this and can you tell how that might happen?

Al Jaeger replied for instance when a petition comes in if the signature is fraudulent, that is not correctable. But if there is a notary mistake, or there might be part of address missing, or certain things like that, which we consider minor. (Ex. Cited)

Senator Judy Lee I really had appreciated the Secretary of State's vigilance in that case, I was pretty surprised to get that call.

Senate Political Subdivisions Committee
HB 1372
March 22, 2013
Page 2

Chairman Andrisc closed the hearing on HB 1372.

Senator Howard Anderson moved do pass on 1372.
2nd Senator Jim Dotzenrod

Role Call Vote 6 Yea, 0 No, 0 Absent

Carrier Senator Howard Anderson

Date: 3/22/2013
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1372

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt
Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sen. Howard Anderson Seconded By Sen. Jim Dotzenrod

Senators	Yes	No	Senator	Yes	No
Chairman John Andrist	✓		Senator Jim Dotzenrod	✓	
Vice- Chairman Ronald Sorvaag	✓		Senator John Grabinger	✓	
Senator Judy Lee	✓				
Senator Howard Anderson, Jr.	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Howard Anderson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1372: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1372 was placed on the Fourteenth order on the calendar.

2013 TESTIMONY

HB 1372



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January 31, 2013

TO: Rep. N. Johnson, Chairman, and Members of the House Political Subdivision Committee

FR: Jim Silrum, Deputy Secretary of State, on behalf of Al Jaeger, Secretary of State

RE: HB 1372 – Submission of Petitions to Secretary of State

Page 1, section 1, lines 10 through 13: This change makes it clear that when initiated petitions have been submitted to the Secretary of State, as allowed by Article III of the North Dakota Constitution, they are considered filed and cannot be returned to the sponsoring committee for continuing the circulation process or resubmitting them later. Selected petitions, however, that can be corrected and as allowed by Section 6 of Article III, can still be given to the sponsoring committee solely for making the correction.

Page 1, section 2, line 22: The added language makes it clear that submitted recall petitions must be original documents rather than copies. This is the same requirement existing now for initiated measures.

Page 1, section 2, lines 23 and 24: N.D.C.C. § 16.1-01-09.1 pertains to the recall of elected officials. The recall provisions for statewide, district and county officials are in Article III of the North Dakota Constitution. This change makes it clear that circulators of these recall petitions have one year in which to circulate and submit the petitions.

Page 2, section 2, lines 2 through 5: N.D.C.C. § 44-08-21 pertains to the recall of other officials, such as city and school board. The added text to N.D.C.C. § 16.1-01-09.1, the recall section of Chapter 16.1-01, makes it clear that petition circulators for these offices have ninety days in which to submit recall petitions. This is consistent with the timeline already in N.D.C.C. § 44-08-21. But, the added text also establishes it in the specific section of law that pertains to the recall process for all officials.

Page 2, section 2, lines 10-13: As with the changes summarized for initiated petitions in section 1, this added text applies to recall petitions submitted to the appropriate filing officer.

We request your favorable consideration.

#1



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March 22, 2013

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FR: Al Jaeger, Secretary of State

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