

**2023 HOUSE JUDICIARY**

**HB 1230**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1230  
1/16/2023

Relating to invalid signatures on an initiated petition; and to provide a penalty.

Chairman Klemin opened the hearing on HB 1230 at 10:00 AM.

Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

## **Discussion Topics:**

- Signatures on petitions
- Amendment
- Liabilities
- Invalid petition

Rep. Nathe: Introduced the bill, testimony #14336, presented testimony for Michael Howe, Secretary of State, #13360.

Paul Henderson, ND resident spoke in opposition to HB 1230.

Hearing closed at 10:53 AM.

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1230  
1/23/2023

Relating to invalid signatures on an initiated petition; and to provide a penalty
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Chairman Klemin opened the meeting on HB 1230 at 11:33 AM.

Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

## **Discussion Topics:**

- Amendment
- Chairman responsibilities
- Ballot requirements

Rep. Vetter moved to amendment 23.0349.01003. Testimony #15530  
Seconded by Rep. Satrom

Chairman Klemin: Decided not to accept this motion now.

Committee Discussion

Meeting closed at 11:50 AM

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee  
Room JW327B, State Capitol

HB 1230  
2/6/2023

Relating to invalid signatures on an initiated petition; and to provide a penalty

Chairman Klemin opened the meeting on HB 1230 at 2:56 PM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Cory, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter

## Discussion Topics:

- Proposed amendment.
- Corrupt business practice.

Rep. Vetter moved to amendment 23.0349.01004. Testimony #27125  
Seconded by Rep. Satrom

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	N
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll call vote: 12 Yes 1 No 0 Absent

Rep. Vetter moved to further amend Page 2, Line 3 take out the word a delete line 4 and delete the word or on line 5. Line 7 adding have willfully collected invalid signatures.

Seconded by Rep. Satrom

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y

Representative Cole Christensen	Y
Representative Claire Cory	Y
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll call vote: 13 Yes 0 No 0 Absent

Motion carried.

Rep. Karls moved a Do Pass as Amended.

Seconded by Rep. Vetter

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	N
Representative Cole Christensen	N
Representative Claire Cory	Y
Representative Donna Henderson	N
Representative SuAnn Olson	N
Representative Nico Rios	N
Representative Shannon Roers Jones	N
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Lori VanWinkle	N
Representative Steve Vetter	Y

Roll call vote: 5 No 7 Yes 1 Absent

Motion Failed

Rep. Henderson moved a Do Not Pass as Amended.

Seconded by Rep. VanWinkle

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	N
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y

House Judiciary Committee

HB 1230

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Page 3

Representative Bernie Satrom	A
Representative Mary Schneider	N
Representative Lori VanWinkle	Y
Representative Steve Vetter	N

Roll Call Vote: 7 Yes 5 No 1 Absent.

Motion carried

Carrier: Rep. Christensen

Meeting closed at 3:47 PM

Reconsidered 2/07/2023

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1230  
2/7/2023

Relating to invalid signatures on an initiated petition; and to provide a penalty.

Chairman Klemin opened the hearing on HB 1230 at 10:10 AM. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, Rep. Vetter; Absent Rep. Cory

## Discussion Topics:

- Reconsideration
- Problems with the bill.
- Amendment requested.
- Different section of code.

Rep. Satrom moved to reconsider  
Seconded by Rep. Vetter

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	N
Representative Cole Christensen	N
Representative Claire Cory	A
Representative Donna Henderson	N
Representative SuAnn Olson	Y
Representative Nico Rios	N
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	N
Representative Steve Vetter	Y

Roll Call Vote: 7 Yes 5 No 1 Absent

Meeting closed at 10:19 AM.

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1230  
2/8/2023

Relating to invalid signatures on an initiated petition; and to provide a penalty.

3:19 PM Chairman Klemin opened the hearing. Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, and Rep. Vetter. Absent: Rep. Cory

Discussion Topics:

- Amendment
- Hog house.
- Under election offices in the law.

Rep. Vetter: Presented amendment: Testimony #20012

Rep. Vetter moved the amendment 23.0349.01006  
Seconded by Rep. Satrom

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	A
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Roll call vote: 12 Yes 0 No 1 Absent  
Motion carried.

Rep. VanWinkle moved a Do Not Pass as Amended;  
Seconded by Rep. Henderson

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	A
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	N
Representative Bernie Satrom	Y
Representative Mary Schneider	N
Representative Lori VanWinkle	Y
Representative Steve Vetter	N

Roll Call Vote 7 Yes 5 No 1 Absent:

Motion carried

Carrier: Rep. Christensen

Meeting closed at 3:25 PM

Delores Shimek, Committee Clerk

JA  
2-8-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1230

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to invalid signatures on an initiated petition; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-01-12. Election offenses - Penalty.**

1. It is unlawful for an individual, measure committee as described in section 16.1-08.1-01, or other organization to:
  - a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
  - b. Obstruct a qualified elector on the way to a polling place.
  - c. Vote more than once in any election.
  - d. Knowingly vote in the wrong election precinct or district.
  - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
  - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
  - g. Knowingly vote when not qualified to do so.
  - h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
  - i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
  - j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a pre-election report by individuals or

YA  
2-8-23

organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1. Any signature obtained in violation of this subdivision is void and may not be counted.

- k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.
  - l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
  - m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the canvass or return to be false; or willfully deface, destroy, or conceal any statement or certificate entrusted to the individual's or organization's care.
  - n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law, or negatively impact the confidentiality, integrity, or availability of any system used for voting.
  - o. Sign a name other than that individual's own name to an initiative, referendum, recall, or any other election petition.
  - p. Willfully submit an initiative or referendum petition that contains invalid signatures totaling thirty percent or more of the total number of signatures on the petition for a measure that ultimately is placed on the ballot.
- 2.
- a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A misdemeanor.
  - b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
  - c. A violation of subdivision n of subsection 1 is a class C felony.
  - d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an individual signs one or two names other than the individual's own name to a petition and is a class C felony if an individual signs more than two names other than the individual's own name to a petition.
  - e. An organization, as defined in section 12.1-03-04, that violates this section is subject to the organizational fines in section 12.1-32-01.1. The court in which the conviction is entered shall notify the secretary of state of the conviction and shall order the secretary of state to revoke the certificate of authority of any convicted organization or limited liability company. The organization may not reapply to the secretary of state for authorization to do business under any name for one year upon conviction of a class A misdemeanor and for five years upon conviction of a class C felony under this section, except an organization operating a signature gathering business, or similar enterprise, that violates subdivision p of subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and may not reapply to

the secretary of state for authorization to do business under any name for five years following the entry of judgment.

- 49  
2-8-23
- f. A violation of subdivision p of subsection 1 by the chairman of a measure committee, including an initiative or referendum sponsoring committee or an agent acting on behalf of, or in conjunction with a measure committee for the purpose of collecting signatures for a petition under this chapter is subject to a fine of two dollars for each signature deemed invalid by the secretary of state.
  - g. An individual who is a member of an organization may be convicted of a violation as an accomplice under section 12.1-03-01.
3. Every act this chapter makes criminal when committed with reference to the election of a candidate is equally criminal when committed with reference to the determination of a question submitted to qualified electors to be decided by votes cast at an election."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1230: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1230 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to invalid signatures on an initiated petition; and to provide a penalty.

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

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**16.1-01-12. Election offenses - Penalty.**

1. It is unlawful for an individual, measure committee as described in section 16.1-08.1-01, or other organization to:
  - a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
  - b. Obstruct a qualified elector on the way to a polling place.
  - c. Vote more than once in any election.
  - d. Knowingly vote in the wrong election precinct or district.
  - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
  - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
  - g. Knowingly vote when not qualified to do so.
  - h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
  - i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
  - j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a pre-election report by individuals or organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1. Any signature obtained in violation of this subdivision is void and may not be counted.

- k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.
  - l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
  - m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the canvass or return to be false; or willfully deface, destroy, or conceal any statement or certificate entrusted to the individual's or organization's care.
  - n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law, or negatively impact the confidentiality, integrity, or availability of any system used for voting.
  - o. Sign a name other than that individual's own name to an initiative, referendum, recall, or any other election petition.
  - p. Willfully submit an initiative or referendum petition that contains invalid signatures totaling thirty percent or more of the total number of signatures on the petition for a measure that ultimately is placed on the ballot.
- 2.
- a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A misdemeanor.
  - b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
  - c. A violation of subdivision n of subsection 1 is a class C felony.
  - d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an individual signs one or two names other than the individual's own name to a petition and is a class C felony if an individual signs more than two names other than the individual's own name to a petition.
  - e. An organization, as defined in section 12.1-03-04, that violates this section is subject to the organizational fines in section 12.1-32-01.1. The court in which the conviction is entered shall notify the secretary of state of the conviction and shall order the secretary of state to revoke the certificate of authority of any convicted organization or limited liability company. The organization may not reapply to the secretary of state for authorization to do business under any name for one year upon conviction of a class A misdemeanor and for five years upon conviction of a class C felony under this section, except an organization operating a signature gathering business, or similar enterprise, that violates subdivision p of subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and may not reapply to the secretary of state for authorization to do business under any name for five years following the entry of judgment.
  - f. A violation of subdivision p of subsection 1 by the chairman of a measure committee, including an initiative or referendum sponsoring committee or an agent acting on behalf of, or in conjunction with a measure committee for the purpose of collecting signatures for a petition under this chapter is subject to a fine of two dollars for each signature deemed invalid by the secretary of state.



**2023 SENATE STATE AND LOCAL GOVERNMENT**

**HB 1230**

# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

HB 1230  
3/17/2023

Relating to invalid signatures on an initiated petition; provide a penalty.
---

10:05 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

## Discussion Topics:

- Term limit measure
- Fraud activity
- Initiated sponsors
- \$1000 fine
- Signature irregularities

Rep Nathe, Dist 30, bill sponsor testified in support #25701.

Michael Howe, Secretary of State testified neutral with no written testimony.

Lee Ann Oliver, Sec State Office provided information.

Charles Tuttle, Minot, ND testified opposed with no written testimony.

## Additional written testimony:

Mitchell Sanderson, Park River opposed #25390.

K. Roers #26040

10:28 AM Chair Roers closed the hearing.

*Pam Dever, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

HB 1230  
3/24/2023

Relating to invalid signatures on an initiated petition; provide a penalty.
---

3:13 PM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

**Discussion Topics:**

- Amendment
- Signatures

Chair Roers went over amendments #25701 and provided information.

3:23 PM Chair Roers adjourned the meeting.

*Pam Dever, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

HB 1230  
3/31/2023

Relating to invalid signatures on an initiated petition; provide a penalty.

10:07 AM Vice Chair Barta opened committee work. Present: Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger. Sen Roers was absent.

### Discussion Topics:

- Maximum penalty
- Class C felony
- Committee action

Sen Lee read an email from Chris Joseph, Legislative Council, #27228.

Sen Braunberger moved amendment 23.0349.03001 #25701 and added 'no fine' on line 2. Sen Lee seconded the motion.

Senators	Vote
Senator Kristin Roers	AB
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

ROLL CALL VOTE: YES – 5 NO – 0 Absent – 1 Motion PASSED

Sen Estenson moved a DO NOT PASS as Amended. FAILED due to no second.  
Sen Cleary moved a DO PASS as Amended. Sen Braunberger seconded.

Senators	Vote
Senator Kristin Roers	AB
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	N
Senator Judy Lee	N

ROLL CALL VOTE: YES- 3 NO – 2 Absent – 1 Motion PASSED.  
Sen Braunberger will carry the bill.

10:31 AM Vice Chair Barta adjourned the meeting.  
*Pam Dever, Committee Clerk*

NOTE: This bill was brought back to the committee on April 6, 2023 for corrections.

# 2023 SENATE STANDING COMMITTEE MINUTES

## State and Local Government Committee Room JW216, State Capitol

HB 1230  
4/6/2023

Relating to invalid signatures on an initiated petition; provide a penalty.
---

9:30 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

### Discussion Topics:

- Invalid
- Fraudulent
- Legal verbiage
- Bill review

9:30 AM Senator Roers brought forth proposed amendment. #27333

9:32 AM Sen Lee moved to reconsider previous committee action on HB 1230.

9:33 AM Sen Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

ROLL CALL VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

9:33 AM Committee discussed.

9:46 AM Chair Roers recessed the meeting.

9:54 AM Chair Roers called the meeting back to order.

9:53 AM Dustin Richard, Legislative Council, legal, provided information. #27333

10:04 AM Chris Joseph, Legislative Council, legal, further explained possible amendment change.

10:09 PM Chair Roers adjourned the meeting.

*Pam Dever, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

HB 1230  
4/6/2023

Relating to invalid signature on an initiated petition; provide a penalty.

11:49 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

### Discussion Topics:

- Committee action

Sen Cleary moved amendment 23.0349.03003 #27379 and further amend not to exceed \$3000 penalty.

Sen Braunberger seconded.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

ROLL CALL VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Cleary moved a DO PASS as Amended. Sen Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

ROLL CALL VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Cleary will carry the bill.

12:01 PM Chair Roers adjourned the meeting.

*Pam Dever, Committee Clerk*

April 6, 2023

AC+  
4-6-23  
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1230

Page 1, line 2, replace "invalid" with "fraudulent"

Page 2, line 26, replace "invalid" with "one or more fraudulent"

Page 2, remove line 27

Page 2, line 28, remove "a measure that ultimately is placed on the ballot"

Page 3, line 18, replace "the chairman" with "any member"

Page 3, line 22, replace "fine" with "civil penalty"

Page 3, line 22, replace "two dollars for each signature deemed invalid by the secretary of state" with "not more than three thousand dollars. The civil penalty may be recovered in an action brought in the district court of Burleigh County by the attorney general"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1230, as engrossed: State and Local Government Committee (Sen. K. Roers, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1230 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, replace "invalid" with "fraudulent"

Page 2, line 26, replace "invalid" with "one or more fraudulent"

Page 2, remove line 27

Page 2, line 28, remove "a measure that ultimately is placed on the ballot"

Page 3, line 18, replace "the chairman" with "any member"

Page 3, line 22, replace "fine" with "civil penalty"

Page 3, line 22, replace "two dollars for each signature deemed invalid by the secretary of state" with "not more than three thousand dollars. The civil penalty may be recovered in an action brought in the district court of Burleigh County by the attorney general"

Renumber accordingly

**TESTIMONY**

**HB 1230**

MICHAEL C. HOWE  
SECRETARY OF STATE

WEBSITE [sos.nd.gov](http://sos.nd.gov)



PHONE (701) 328-2900  
E-MAIL [sos@nd.gov](mailto:sos@nd.gov)

**SECRETARY OF STATE**  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

**HOUSE JUDICIARY COMMITTEE**  
**REPRESENTATIVE LAWRENCE KLEMIN, CHAIRMAN**

**HOUSE BILL NO. 1230**  
**JANUARY 16, 2023**

**TESTIMONY PRESENTED BY**

**MICHAEL HOWE, SECRETARY OF STATE**

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The Office of Secretary of State respectfully submits neutral written testimony on HB 1230. This bill seeks to create fines for measure committees and committee members who willfully submit invalid petitions.

This office believes that anyone who seeks to falsify petitions should be prosecuted to the fullest extent of the law, however, our role is simply to administer the process related to petitions and the subsequent placement of approved measures onto the ballot. Any penalties or fines associated with falsification are at the discretion of the legislature and those who would pursue legal action for such activities.

The language of this bill does not change our administration process.

23.0349.01001  
Title.

Prepared by the Legislative Council staff for  
Representative Nathe  
January 12, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1230

Page 1, line 22, after the second "committee" insert ", or an entity or employee of an entity, acting on behalf of or in conjunction with a measure committee for the purpose of collecting signatures for a petition under this chapter."

Page 2, after line 2 insert:

"4. Any member of a measure committee, including an initiative or referendum sponsoring committee, or an entity or employees of an entity, acting on behalf of or in conjunction with a measure committee for the purpose of collecting signatures for a petition under this chapter, may be held liable for civil damages associated with collecting invalid signatures and submitting an insufficient petition."

Renumber accordingly

23.0349.01003  
Title.

Prepared by the Legislative Council staff for  
Representative Vetter  
January 20, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1230

Page 1, line 17, remove "any"

Page 1, line 18, replace "member" with "the chairman"

Page 1, line 19, remove "invalid"

Page 1, line 20, after "petition" insert "having invalid signatures totaling thirty percent or more of the total number of signatures on the petition for a measure which ultimately is placed on the ballot"

Page 1, line 20, replace "not less than one thousand dollars" with "up to twenty-five thousand dollars"

Page 1, line 22, replace "that" with ". or an agent acting on behalf of, or in conjunction with a measure committee for the purpose of collecting signatures for a petition under this chapter, which"

Page 1, line 23, remove "invalid"

Page 1, line 23, after the underscored comma insert "having invalid signatures totaling thirty percent or more of the total number of signatures on the petition for a measure which ultimately is placed on the ballot."

Page 1, line 24, after "conducting" insert "signature gathering"

Renumber accordingly

23.0349.01006

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1230**

Introduced by

Representatives Nathe, Bosch, Boschee, Dockter, Hagert, Heinert, Lefor, Stemen  
Senators Hogue, Meyer, Patten

1 ~~A BILL for an Act to amend and reenact section 16.1-01-10 of the North Dakota Century Code,~~  
2 ~~relating to invalid signatures on an initiated petition; and to provide a penalty for an Act to~~  
3 ~~amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to invalid~~  
4 ~~signatures on an initiated petition; and to provide a penalty.~~

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

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

8 ~~— 16.1-01-10. Secretary of state to pass upon sufficiency of petitions—Method—Time~~  
9 ~~limit—Penalty.~~

10 ~~— 1. The secretary of state shall have a reasonable period, not to exceed thirty-five days, in~~  
11 ~~which to pass upon the sufficiency of any petition mentioned in section 16.1-01-09.~~  
12 ~~The secretary of state shall conduct a representative random sampling of the~~  
13 ~~signatures contained in the petitions by the use of questionnaires, postcards,~~  
14 ~~telephone calls, personal interviews, or other accepted information-gathering~~  
15 ~~techniques, or any combinations thereof, to determine the validity of the signatures.~~  
16 ~~Signatures determined by the secretary of state to be invalid may not be counted and~~  
17 ~~all violations of law discovered by the secretary of state must be reported to the~~  
18 ~~attorney general for prosecution.~~

19 ~~— 2. In addition to the penalties prescribed in subsection 2 of section 16.1-01-12, any~~  
20 ~~member of a measure committee, including an initiative or referendum sponsoring~~  
21 ~~committee, who is found to have willfully submitted an invalid initiative or referendum~~  
22 ~~petition, is subject to a fine of not less than one thousand dollars.~~

23 ~~— 3. In addition to the penalties prescribed in subsection 2 of section 16.1-01-12, a~~  
24 ~~measure committee, including an initiative or referendum sponsoring committee that is~~

1           ~~found to have willfully submitted an invalid initiative or referendum petition, is subject~~  
2           ~~to a fine of not less than ten thousand dollars and is banned from conducting business~~  
3           ~~in North Dakota for five years following the entry of judgment for the offense under~~  
4           ~~section 16.1-01-12.~~

5           **SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **16.1-01-12. Election offenses - Penalty.**

- 8           1. It is unlawful for an individual, measure committee as described in section  
9           16.1-08.1-01, or other organization to:
- 10           a. Fraudulently alter another individual's ballot, substitute one ballot for another, or  
11           otherwise defraud a voter of that voter's vote.
  - 12           b. Obstruct a qualified elector on the way to a polling place.
  - 13           c. Vote more than once in any election.
  - 14           d. Knowingly vote in the wrong election precinct or district.
  - 15           e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
  - 16           f. Knowingly exclude a qualified elector from voting or knowingly allow an  
17           unqualified individual to vote.
  - 18           g. Knowingly vote when not qualified to do so.
  - 19           h. Sign an initiative, referendum, recall, or any other election petition when not  
20           qualified to do so.
  - 21           i. Circulate an initiative, referendum, recall, or any other election petition not in its  
22           entirety or when unqualified to do so.
  - 23           j. Pay or offer to pay any individual, measure committee, or other organization, or  
24           receive payment or agree to receive payment, on a basis related to the number  
25           of signatures obtained for circulating an initiative, referendum, or recall petition.  
26           This subsection does not prohibit the payment of salary and expenses for  
27           circulation of the petition on a basis not related to the number of signatures  
28           obtained, as long as the circulators file the intent to remunerate before submitting  
29           the petitions and, in the case of initiative and referendum petitions, fully disclose  
30           all contributions received pursuant to chapter 16.1-08.1 to the secretary of state  
31           upon submission of the petitions. The disclosure of contributions received under

Sixty-eighth  
Legislative Assembly

- 1 this section does not affect the requirement to file a pre-election report by  
2 individuals or organizations soliciting or accepting contributions for the purpose of  
3 aiding or opposing the circulation or passage of a statewide initiative or  
4 referendum petition or measure placed upon a statewide ballot by action of the  
5 legislative assembly under chapter 16.1-08.1. Any signature obtained in violation  
6 of this subdivision is void and may not be counted.
- 7 k. Willfully fail to perform any duty of an election officer after having accepted the  
8 responsibility of being an election officer by taking the oath as prescribed in this  
9 title.
- 10 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
- 11 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
12 false return of an election, knowing the canvass or return to be false; or willfully  
13 deface, destroy, or conceal any statement or certificate entrusted to the  
14 individual's or organization's care.
- 15 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
16 provided by law, or negatively impact the confidentiality, integrity, or availability of  
17 any system used for voting.
- 18 o. Sign a name other than that individual's own name to an initiative, referendum,  
19 recall, or any other election petition.
- 20 p. Willfully submit an initiative or referendum petition that contains invalid signatures  
21 totaling thirty percent or more of the total number of signatures on the petition for  
22 a measure that ultimately is placed on the ballot.
- 23 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
24 misdemeanor.
- 25 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
- 26 c. A violation of subdivision n of subsection 1 is a class C felony.
- 27 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
28 individual signs one or two names other than the individual's own name to a  
29 petition and is a class C felony if an individual signs more than two names other  
30 than the individual's own name to a petition.

Sixty-eighth  
Legislative Assembly

- 1 e. An organization, as defined in section 12.1-03-04, that violates this section is  
2 subject to the organizational fines in section 12.1-32-01.1. The court in which the  
3 conviction is entered shall notify the secretary of state of the conviction and shall  
4 order the secretary of state to revoke the certificate of authority of any convicted  
5 organization or limited liability company. The organization may not reapply to the  
6 secretary of state for authorization to do business under any name for one year  
7 upon conviction of a class A misdemeanor and for five years upon conviction of a  
8 class C felony under this section, except an organization operating a signature  
9 gathering business, or similar enterprise, that violates subdivision p of  
10 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
11 may not reapply to the secretary of state for authorization to do business under  
12 any name for five years following the entry of judgment.
- 13 f. A violation of subdivision p of subsection 1 by the chairman of a measure  
14 committee, including an initiative or referendum sponsoring committee or an  
15 agent acting on behalf of, or in conjunction with a measure committee for the  
16 purpose of collecting signatures for a petition under this chapter is subject to a  
17 fine of two dollars for each signature deemed invalid by the secretary of state.
- 18 g. An individual who is a member of an organization may be convicted of a violation  
19 as an accomplice under section 12.1-03-01.
- 20 3. Every act this chapter makes criminal when committed with reference to the election of  
21 a candidate is equally criminal when committed with reference to the determination of  
22 a question submitted to qualified electors to be decided by votes cast at an election.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1230

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to invalid signatures on an initiated petition; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-01-12. Election offenses - Penalty.**

1. It is unlawful for an individual, measure committee as described in section 16.1-08.1-01, or other organization to:
  - a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
  - b. Obstruct a qualified elector on the way to a polling place.
  - c. Vote more than once in any election.
  - d. Knowingly vote in the wrong election precinct or district.
  - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
  - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
  - g. Knowingly vote when not qualified to do so.
  - h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
  - i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
  - j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a pre-election report by individuals or

organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1. Any signature obtained in violation of this subdivision is void and may not be counted.

- k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.
  - l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
  - m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the canvass or return to be false; or willfully deface, destroy, or conceal any statement or certificate entrusted to the individual's or organization's care.
  - n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law, or negatively impact the confidentiality, integrity, or availability of any system used for voting.
  - o. Sign a name other than that individual's own name to an initiative, referendum, recall, or any other election petition.
  - p. Willfully submit an initiative or referendum petition that contains invalid signatures totaling thirty percent or more of the total number of signatures on the petition for a measure that ultimately is placed on the ballot.
- 2.
- a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A misdemeanor.
  - b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
  - c. A violation of subdivision n of subsection 1 is a class C felony.
  - d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an individual signs one or two names other than the individual's own name to a petition and is a class C felony if an individual signs more than two names other than the individual's own name to a petition.
  - e. An organization, as defined in section 12.1-03-04, that violates this section is subject to the organizational fines in section 12.1-32-01.1. The court in which the conviction is entered shall notify the secretary of state of the conviction and shall order the secretary of state to revoke the certificate of authority of any convicted organization or limited liability company. The organization may not reapply to the secretary of state for authorization to do business under any name for one year upon conviction of a class A misdemeanor and for five years upon conviction of a class C felony under this section, except an organization operating a signature gathering business, or similar enterprise, that violates subdivision p of subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and may not reapply to

the secretary of state for authorization to do business under any name for five years following the entry of judgment.

- f. A violation of subdivision p of subsection 1 by the chairman of a measure committee, including an initiative or referendum sponsoring committee or an agent acting on behalf of, or in conjunction with a measure committee for the purpose of collecting signatures for a petition under this chapter is subject to a fine of two dollars for each signature deemed invalid by the secretary of state.
  - g. An individual who is a member of an organization may be convicted of a violation as an accomplice under section 12.1-03-01.
3. Every act this chapter makes criminal when committed with reference to the election of a candidate is equally criminal when committed with reference to the determination of a question submitted to qualified electors to be decided by votes cast at an election."

Renumber accordingly

**HB 1230**

**(Initiatives)**

**Leave the Citizens initiative process alone!**

You should be adding wording to this bill to charge those in government who violate the Federal Hatch Act and ND Corrupt Practices Act.

**Many in the ND government have violated both of these laws opposing a citizen's initiative which is in violation of Federal and State laws. You cannot even use you title or resources to support or oppose an initiative. Looks like we are going to have to file legal action on those in government who have violated these laws!!!!**

You all should be helping the people get involved in the government instead of punishing those who do the initiative process because their legislators are failing the people.

It is Unconstitutional to restrict or hinder the initiative process in any way! This will be challenged in court if any restriction or hindering is done in any bill!!!!

23.0349.03001

FIRST ENGROSSMENT

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1230

Introduced by

Representatives Nathe, Bosch, Boschee, Dockter, Hagert, Heinert, Lefor, Stemen  
Senators Hogue, Meyer, Patten

1 A BILL for an Act to amend and reenact section 16.1-01-12 of the North Dakota Century Code,  
2 relating to invalid signatures on an initiated petition; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **16.1-01-12. Election offenses - Penalty.**

- 7 1. It is unlawful for an individual, measure committee as described in section
- 8 16.1-08.1-01, or other organization to:
  - 9 a. Fraudulently alter another individual's ballot, substitute one ballot for another, or
  - 10 otherwise defraud a voter of that voter's vote.
  - 11 b. Obstruct a qualified elector on the way to a polling place.
  - 12 c. Vote more than once in any election.
  - 13 d. Knowingly vote in the wrong election precinct or district.
  - 14 e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
  - 15 f. Knowingly exclude a qualified elector from voting or knowingly allow an
  - 16 unqualified individual to vote.
  - 17 g. Knowingly vote when not qualified to do so.
  - 18 h. Sign an initiative, referendum, recall, or any other election petition when not
  - 19 qualified to do so.
  - 20 i. Circulate an initiative, referendum, recall, or any other election petition not in its
  - 21 entirety or when unqualified to do so.
  - 22 j. Pay or offer to pay any individual, measure committee, or other organization, or
  - 23 receive payment or agree to receive payment, on a basis related to the number
  - 24 of signatures obtained for circulating an initiative, referendum, or recall petition.

- 1 This subsection does not prohibit the payment of salary and expenses for  
2 circulation of the petition on a basis not related to the number of signatures  
3 obtained, as long as the circulators file the intent to remunerate before submitting  
4 the petitions and, in the case of initiative and referendum petitions, fully disclose  
5 all contributions received pursuant to chapter 16.1-08.1 to the secretary of state  
6 upon submission of the petitions. The disclosure of contributions received under  
7 this section does not affect the requirement to file a pre-election report by  
8 individuals or organizations soliciting or accepting contributions for the purpose of  
9 aiding or opposing the circulation or passage of a statewide initiative or  
10 referendum petition or measure placed upon a statewide ballot by action of the  
11 legislative assembly under chapter 16.1-08.1. Any signature obtained in violation  
12 of this subdivision is void and may not be counted.
- 13 k. Willfully fail to perform any duty of an election officer after having accepted the  
14 responsibility of being an election officer by taking the oath as prescribed in this  
15 title.
- 16 i. Willfully violate any rule adopted by the secretary of state pursuant to this title.
- 17 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
18 false return of an election, knowing the canvass or return to be false; or willfully  
19 deface, destroy, or conceal any statement or certificate entrusted to the  
20 individual's or organization's care.
- 21 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
22 provided by law, or negatively impact the confidentiality, integrity, or availability of  
23 any system used for voting.
- 24 o. Sign a name other than that individual's own name to an initiative, referendum,  
25 recall, or any other election petition.
- 26 p. ~~Willfully submit~~Submit an initiative or referendum petition that contains one or  
27 ~~more invalid signatures totaling thirty percent or more of the total number of~~  
28 ~~signatures on the petition for a measure that ultimately is placed on the ballot.~~
- 29 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
30 misdemeanor.
- 31 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.

- 1 c. A violation of subdivision n of subsection 1 is a class C felony.
- 2 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
3 individual signs one or two names other than the individual's own name to a  
4 petition and is a class C felony if an individual signs more than two names other  
5 than the individual's own name to a petition.
- 6 e. An organization, as defined in section 12.1-03-04, that violates this section is  
7 subject to the organizational fines in section 12.1-32-01.1. The court in which the  
8 conviction is entered shall notify the secretary of state of the conviction and shall  
9 order the secretary of state to revoke the certificate of authority of any convicted  
10 organization or limited liability company. The organization may not reapply to the  
11 secretary of state for authorization to do business under any name for one year  
12 upon conviction of a class A misdemeanor and for five years upon conviction of a  
13 class C felony under this section, except an organization operating a signature  
14 gathering business, or similar enterprise, that violates subdivision p of  
15 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
16 may not reapply to the secretary of state for authorization to do business under  
17 any name for five years following the entry of judgment.
- 18 f. A violation of subdivision p of subsection 1 by the chairmanany member of a  
19 measure committee, including an initiative or referendum sponsoring committee  
20 or an agent acting on behalf of, or in conjunction with a measure committee for  
21 the purpose of collecting signatures for a petition under this chapter is subject to  
22 a fine of two dollars for each signature deemed invalid by the secretary of  
23 statenot less than one thousand dollars.
- 24 g. An individual who is a member of an organization may be convicted of a violation  
25 as an accomplice under section 12.1-03-01.
- 26 3. Every act this chapter makes criminal when committed with reference to the election of  
27 a candidate is equally criminal when committed with reference to the determination of  
28 a question submitted to qualified electors to be decided by votes cast at an election.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1230

Page 2, line 26, replace "Willfully submit" with "Submit"

Page 2, line 26, after "contains" insert "one or more"

Page 2, remove line 27

Page 2, line 28, remove "a measure that ultimately is placed on the ballot"

Page 3, line 18, replace "the chairman" with "any member"

Page 3, line 22, replace "two dollars for each signature deemed invalid by the secretary of state" with "not less than one thousand dollars"

Renumber accordingly

23.0349.01001

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1230**

Introduced by

Representatives Nathe, Bosch, Boschee, Dockter, Hagert, Heinert, Lefor, Stemen  
Senators Hogue, Meyer, Patten

1 A BILL for an Act to amend and reenact section 16.1-01-10 of the North Dakota Century Code,  
2 relating to invalid signatures on an initiated petition; and to provide a penalty.

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 - Penalty.**

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 violations of law discovered by the secretary of state must be reported to the  
16 attorney general for prosecution.

17 2. In addition to the penalties prescribed in subsection 2 of section 16.1-01-12, any  
18 member of a measure committee, including an initiative or referendum sponsoring  
19 committee, who is found to have willfully submitted an invalid initiative or referendum  
20 petition, is subject to a fine of not less than one thousand dollars.

21 3. In addition to the penalties prescribed in subsection 2 of section 16.1-01-12, a  
22 measure committee, including an initiative or referendum sponsoring committee, or an  
23 entity or employee of an entity, acting on behalf of or in conjunction with a measure  
24 committee for the purpose of collecting signatures for a petition under this chapter, that

1           is found to have willfully submitted an invalid initiative or referendum petition, is subject  
2           to a fine of not less than ten thousand dollars and is banned from conducting business  
3           in North Dakota for five years following the entry of judgment for the offense under  
4           section 16.1-01-12.

5           4. Any member of a measure committee, including an initiative or referendum sponsoring  
6           committee, or an entity or employees of an entity, acting on behalf of or in conjunction  
7           with a measure committee for the purpose of collecting signatures for a petition under  
8           this chapter, may be held liable for civil damages associated with collecting invalid  
9           signatures and submitting an insufficient petition.

23.0349.01006

Sixty-eighth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1230**

Introduced by

Representatives Nathe, Bosch, Boschee, Dockter, Hagert, Heinert, Lefor, Stemen  
Senators Hogue, Meyer, Patten

1 A BILL ~~for an Act to amend and reenact section 16.1-01-10 of the North Dakota Century Code,~~  
2 ~~relating to invalid signatures on an initiated petition; and to provide a penalty.~~for an Act to  
3 amend and reenact section 16.1-01-12 of the North Dakota Century Code, relating to invalid  
4 signatures on an initiated petition; and to provide a penalty.

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

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

8 ~~— 16.1-01-10. Secretary of state to pass upon sufficiency of petitions -- Method -- Time~~  
9 ~~limit -- Penalty:~~

10 ~~— 1. — The secretary of state shall have a reasonable period, not to exceed thirty five days, in~~  
11 ~~which to pass upon the sufficiency of any petition mentioned in section 16.1-01-09.~~  
12 ~~The secretary of state shall conduct a representative random sampling of the~~  
13 ~~signatures contained in the petitions by the use of questionnaires, postcards,~~  
14 ~~telephone calls, personal interviews, or other accepted information-gathering~~  
15 ~~techniques, or any combinations thereof, to determine the validity of the signatures.~~  
16 ~~Signatures determined by the secretary of state to be invalid may not be counted and~~  
17 ~~all violations of law discovered by the secretary of state must be reported to the~~  
18 ~~attorney general for prosecution.~~

19 ~~— 2. — In addition to the penalties prescribed in subsection 2 of section 16.1-01-12, any~~  
20 ~~member of a measure committee, including an initiative or referendum sponsoring~~  
21 ~~committee, who is found to have willfully submitted an invalid initiative or referendum~~  
22 ~~petition, is subject to a fine of not less than one thousand dollars.~~

23 ~~— 3. — In addition to the penalties prescribed in subsection 2 of section 16.1-01-12, a~~  
24 ~~measure committee, including an initiative or referendum sponsoring committee that is~~

~~found to have willfully submitted an invalid initiative or referendum petition, is subject to a fine of not less than ten thousand dollars and is banned from conducting business in North Dakota for five years following the entry of judgment for the offense under section 16.1-01-12.~~

**SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-01-12. Election offenses - Penalty.**

1. It is unlawful for an individual, measure committee as described in section 16.1-08.1-01, or other organization to:
  - a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
  - b. Obstruct a qualified elector on the way to a polling place.
  - c. Vote more than once in any election.
  - d. Knowingly vote in the wrong election precinct or district.
  - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
  - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
  - g. Knowingly vote when not qualified to do so.
  - h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
  - i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
  - j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under

1 this section does not affect the requirement to file a pre-election report by  
2 individuals or organizations soliciting or accepting contributions for the purpose of  
3 aiding or opposing the circulation or passage of a statewide initiative or  
4 referendum petition or measure placed upon a statewide ballot by action of the  
5 legislative assembly under chapter 16.1-08.1. Any signature obtained in violation  
6 of this subdivision is void and may not be counted.

7 k. Willfully fail to perform any duty of an election officer after having accepted the  
8 responsibility of being an election officer by taking the oath as prescribed in this  
9 title.

10 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.

11 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
12 false return of an election, knowing the canvass or return to be false; or willfully  
13 deface, destroy, or conceal any statement or certificate entrusted to the  
14 individual's or organization's care.

15 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
16 provided by law, or negatively impact the confidentiality, integrity, or availability of  
17 any system used for voting.

18 o. Sign a name other than that individual's own name to an initiative, referendum,  
19 recall, or any other election petition.

20 p. Willfully submit an initiative or referendum petition that contains invalid signatures  
21 totaling thirty percent or more of the total number of signatures on the petition for  
22 a measure that ultimately is placed on the ballot.

23 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
24 misdemeanor.

25 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.

26 c. A violation of subdivision n of subsection 1 is a class C felony.

27 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
28 individual signs one or two names other than the individual's own name to a  
29 petition and is a class C felony if an individual signs more than two names other  
30 than the individual's own name to a petition.

1 e. An organization, as defined in section 12.1-03-04, that violates this section is  
2 subject to the organizational fines in section 12.1-32-01.1. The court in which the  
3 conviction is entered shall notify the secretary of state of the conviction and shall  
4 order the secretary of state to revoke the certificate of authority of any convicted  
5 organization or limited liability company. The organization may not reapply to the  
6 secretary of state for authorization to do business under any name for one year  
7 upon conviction of a class A misdemeanor and for five years upon conviction of a  
8 class C felony under this section, except an organization operating a signature  
9 gathering business, or similar enterprise, that violates subdivision p of  
10 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
11 may not reapply to the secretary of state for authorization to do business under  
12 any name for five years following the entry of judgment.

13 f. A violation of subdivision p of subsection 1 by the chairman of a measure  
14 committee, including an initiative or referendum sponsoring committee or an  
15 agent acting on behalf of, or in conjunction with a measure committee for the  
16 purpose of collecting signatures for a petition under this chapter is subject to a  
17 fine of two dollars for each signature deemed invalid by the secretary of state.

18 g. An individual who is a member of an organization may be convicted of a violation  
19 as an accomplice under section 12.1-03-01.

20 3. Every act this chapter makes criminal when committed with reference to the election of  
21 a candidate is equally criminal when committed with reference to the determination of  
22 a question submitted to qualified electors to be decided by votes cast at an election.

23.0349.01004  
Title.

Prepared by the Legislative Council staff for  
Representative Vetter  
January 26, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1230

Page 1, line 17, remove "any"

Page 1, line 18, replace "member" with "the chairman"

Page 1, line 19, after "committee" insert "or an agent acting on behalf of, or in conjunction with a measure committee for the purpose of collecting signatures for a petition under this chapter"

Page 1, line 19, remove "invalid"

Page 1, line 20, after "petition" insert "having invalid signatures totaling thirty percent or more of the total number of signatures on the petition for a measure which ultimately is placed on the ballot"

Page 1, line 20, replace "not less than one thousand dollars" with "two dollars for each signature deemed invalid by the secretary of state"

Page 1, line 22, replace "that" with ", or an agent acting on behalf of, or in conjunction with a measure committee for the purpose of collecting signatures for a petition under this chapter, which"

Page 1, line 23, remove "invalid"

Page 1, line 23, after the underscored comma insert "having invalid signatures totaling thirty percent or more of the total number of signatures on the petition for a measure which ultimately is placed on the ballot."

Page 1, line 24, after "and" insert ", if convicted of fraud."

Page 1, line 24, after "conducting" insert "a signature gathering"

Renumber accordingly

**Wolf, Lynn**

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**From:** Lee, Judy E.  
**Sent:** Friday, March 31, 2023 10:10 AM  
**To:** -Grp-NDLA Senate State and Local Government; Dever, Pam; Wolf, Lynn; NDLA, Intern  
 03 - McCormick, Connor  
**Subject:** Re: HB 1230

Here is info from LC on 1230

Senator Judy Lee

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**From:** Joseph, Christopher <cjoseph@ndlegis.gov>  
**Sent:** Friday, March 31, 2023 10:01 AM  
**To:** Lee, Judy E. <jlee@ndlegis.gov>  
**Subject:** HB 1230

Good morning Senator Lee,

This email is in response to your inquiry regarding House Bill No. 1230 (2021). Under North Dakota Century Code Section 16.1-01-10, whenever the Secretary of State discovers a violation of law, the secretary of state is obligated to report the violation the Attorney General. So for purposes of administering the bill, the Attorney General would be administering the prosecution of any violation of the provisions within House Bill No. 1230.

In sum, a criminal penalty (like the ones on page 3, lines 6 through 17) means the violation can result in capital punishment (death penalty), jail time, incarceration, probation, legal fees, revocation of certain licenses, loss of certain rights, loss of citizenship, retribution, or rehabilitation.

A civil penalty (like the one listed on page 3, lines 18 through 23 [\$1,000 fine]) is a non-criminal remedy for a party’s violations of laws or regulations. Civil penalties usually only include civil fines or other financial payments as a remedy for damages.

[Here](#) is a link to North Dakota’s penalties for misdemeanors and felonies (Section 12.1-32-01 and 12.1-32-01.1).

I hope this information is helpful Senator Lee. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

**Christopher S. Joseph**  
Senior Legal Counsel  
North Dakota Legislative Council  
600 East Boulevard Ave  
Bismarck, ND 58505  
(701) 328-2916  
[cjoseph@ndlegis.gov](mailto:cjoseph@ndlegis.gov)

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**From:** Lee, Judy E. <jlee@ndlegis.gov>  
**Sent:** Friday, March 31, 2023 9:25:20 AM  
**To:** Bjornson, John D. <jbjornson@ndlegis.gov>  
**Subject:** HB 1230

The State & Local Gov't committee needs clarification about the misdemeanor and felony penalties in this bill, who "administers" it, as the chair said, and how it works. What is a criminal and what is a civil offense? A quick response, perhaps from the drafter, to SLG in 216 or in an email would be VERY helpful. An uninformed person is trying to tell us about it.

Senator Judy Lee  
1822 Brentwood Court  
West Fargo, ND 58078  
Home phone: 701-282-6512  
Email: [jlee@ndlegis.gov](mailto:jlee@ndlegis.gov)

23.0349.03003

**FIRST ENGROSSMENT**

Sixty-eighth  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1230**

Introduced by

Representatives Nathe, Bosch, Boschee, Dockter, Hagert, Heinert, Lefor, Stemen  
Senators Hogue, Meyer, Patten

1 A BILL for an Act to amend and reenact section 16.1-01-12 of the North Dakota Century Code,  
2 relating to ~~invalid~~ fraudulent signatures on an initiated petition; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **16.1-01-12. Election offenses - Penalty.**

- 7 1. It is unlawful for an individual, measure committee as described in section
- 8 16.1-08.1-01, or other organization to:
  - 9 a. Fraudulently alter another individual's ballot, substitute one ballot for another, or
  - 10 otherwise defraud a voter of that voter's vote.
  - 11 b. Obstruct a qualified elector on the way to a polling place.
  - 12 c. Vote more than once in any election.
  - 13 d. Knowingly vote in the wrong election precinct or district.
  - 14 e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
  - 15 f. Knowingly exclude a qualified elector from voting or knowingly allow an
  - 16 unqualified individual to vote.
  - 17 g. Knowingly vote when not qualified to do so.
  - 18 h. Sign an initiative, referendum, recall, or any other election petition when not
  - 19 qualified to do so.
  - 20 i. Circulate an initiative, referendum, recall, or any other election petition not in its
  - 21 entirety or when unqualified to do so.
  - 22 j. Pay or offer to pay any individual, measure committee, or other organization, or
  - 23 receive payment or agree to receive payment, on a basis related to the number
  - 24 of signatures obtained for circulating an initiative, referendum, or recall petition.

- 1 This subsection does not prohibit the payment of salary and expenses for  
2 circulation of the petition on a basis not related to the number of signatures  
3 obtained, as long as the circulators file the intent to remunerate before submitting  
4 the petitions and, in the case of initiative and referendum petitions, fully disclose  
5 all contributions received pursuant to chapter 16.1-08.1 to the secretary of state  
6 upon submission of the petitions. The disclosure of contributions received under  
7 this section does not affect the requirement to file a pre-election report by  
8 individuals or organizations soliciting or accepting contributions for the purpose of  
9 aiding or opposing the circulation or passage of a statewide initiative or  
10 referendum petition or measure placed upon a statewide ballot by action of the  
11 legislative assembly under chapter 16.1-08.1. Any signature obtained in violation  
12 of this subdivision is void and may not be counted.
- 13 k. Willfully fail to perform any duty of an election officer after having accepted the  
14 responsibility of being an election officer by taking the oath as prescribed in this  
15 title.
- 16 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
- 17 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
18 false return of an election, knowing the canvass or return to be false; or willfully  
19 deface, destroy, or conceal any statement or certificate entrusted to the  
20 individual's or organization's care.
- 21 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
22 provided by law, or negatively impact the confidentiality, integrity, or availability of  
23 any system used for voting.
- 24 o. Sign a name other than that individual's own name to an initiative, referendum,  
25 recall, or any other election petition.
- 26 p. Willfully submit an initiative or referendum petition that contains ~~invalid~~ one or  
27 more fraudulent signatures totaling thirty percent or more of the total number of  
28 signatures on the petition for a measure that ultimately is placed on the ballot.
- 29 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
30 misdemeanor.
- 31 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.

- 1 c. A violation of subdivision n of subsection 1 is a class C felony.
- 2 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
3 individual signs one or two names other than the individual's own name to a  
4 petition and is a class C felony if an individual signs more than two names other  
5 than the individual's own name to a petition.
- 6 e. An organization, as defined in section 12.1-03-04, that violates this section is  
7 subject to the organizational fines in section 12.1-32-01.1. The court in which the  
8 conviction is entered shall notify the secretary of state of the conviction and shall  
9 order the secretary of state to revoke the certificate of authority of any convicted  
10 organization or limited liability company. The organization may not reapply to the  
11 secretary of state for authorization to do business under any name for one year  
12 upon conviction of a class A misdemeanor and for five years upon conviction of a  
13 class C felony under this section, except an organization operating a signature  
14 gathering business, or similar enterprise, that violates subdivision p of  
15 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
16 may not reapply to the secretary of state for authorization to do business under  
17 any name for five years following the entry of judgment.
- 18 f. A violation of subdivision p of subsection 1 by ~~the chairman~~any member of a  
19 measure committee, including an initiative or referendum sponsoring committee  
20 or an agent acting on behalf of, or in conjunction with a measure committee for  
21 the purpose of collecting signatures for a petition under this chapter is subject to  
22 a ~~fine~~civil penalty of ~~two dollars for each signature deemed invalid by the~~  
23 secretary of state not less than one thousand dollars. The civil penalty may be  
24 recovered in an action brought in the district court of Burleigh County by the  
25 attorney general.
- 26 g. An individual who is a member of an organization may be convicted of a violation  
27 as an accomplice under section 12.1-03-01.
- 28 3. Every act this chapter makes criminal when committed with reference to the election of  
29 a candidate is equally criminal when committed with reference to the determination of  
30 a question submitted to qualified electors to be decided by votes cast at an election.

23.0349.03004  
Title.05000

Adopted by the Senate State and Local  
Government Committee  
April 6, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1230

Page 1, line 2, replace "invalid" with "fraudulent"

Page 2, line 26, replace "invalid" with "one or more fraudulent"

Page 2, remove line 27

Page 2, line 28, remove "a measure that ultimately is placed on the ballot"

Page 3, line 18, replace "the chairman" with "any member"

Page 3, line 22, replace "fine" with "civil penalty"

Page 3, line 22, replace "two dollars for each signature deemed invalid by the secretary of state" with "not more than three thousand dollars. The civil penalty may be recovered in an action brought in the district court of Burleigh County by the attorney general"

Renumber accordingly