

HOUSE BILL NO. 1372

Introduced by

Representatives Maragos, Heilman, N. Johnson

Senators Carlisle, Hogue

1 A BILL for an Act to amend and reenact subsection 5 of section 16.1-01-09 and
2 subsections 1, 5, and 7 of section 16.1-01-09.1 of the North Dakota Century Code, relating to
3 requirements for initiative, referendum, and recall petitions.

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

5 **SECTION 1. AMENDMENT.** Subsection 5 of section 16.1-01-09 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 5. When signed petitions are delivered to the secretary of state, the chairperson of the
8 sponsoring committee shall submit to the secretary of state an affidavit stating that to
9 the best of that individual's knowledge, the petitions contain at least the required
10 number of signatures. Upon submission of the petitions to the secretary of state, the
11 petitions are considered filed and may not be returned to the sponsoring committee for
12 the purpose of continuing the circulation process or resubmitting the petitions at a later
13 time. An elector's name may not be removed by the elector from a petition that has
14 been submitted to and received by the secretary of state.

15 **SECTION 2. AMENDMENT.** Subsections 1, 5, and 7 of section 16.1-01-09.1 of the North
16 Dakota Century Code are amended and reenacted as follows:

17 1. A request of the secretary of state for approval of a petition to recall an elected official
18 or appointed official of a vacated elected office may be presented over the signatures
19 of the sponsoring committee on individual signature forms that have been notarized.
20 The secretary of state shall prepare a signature form that includes provisions for
21 identification of the recall; the printed name, signature, and address of the committee
22 member; and notarization of the signature. The filed signature forms must be originals.
23 5. CirculatorsFor the recall of an elected official under article III of the Constitution of
24 North Dakota, circulators have one year to gather the required number of signatures of

1 qualified electors on the recall petition from the date the secretary of state approves
2 the recall petition for circulation. For the recall of an elected official under section
3 44-08-21, circulators have ninety days from the date the secretary of state approves
4 the recall petition for circulation to submit the recall petition to the appropriate filing
5 officer.

6 7. When recall petitions are delivered to the secretary of state or other filing officer with
7 whom a petition for nomination to the office in question is filed, the chairman of the
8 sponsoring committee shall submit to the secretary of state or other filing officer an
9 affidavit stating that to the best of that individual's knowledge, the petitions contain at
10 least the required number of signatures. Upon submission of the petitions to the
11 appropriate filing officer, the petitions are considered filed and may not be returned to
12 the chairman of the sponsoring committee for the purpose of continuing the circulation
13 process or resubmitting the petitions at a later time. An elector's name may not be
14 removed by the elector from a recall petition that has been submitted to and received
15 by the appropriate filing officer.