

Introduced by

1 A BILL for an Act to amend and reenact subsection 1 of section 16.1-01-09 and section  
2 16.1-06-09 of the North Dakota Century Code, relating to binding mediation regarding petition  
3 titles and ballot language.

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

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

- 7 1. a. A request of the secretary of state for approval of a petition to initiate or refer a  
8 measure may be presented over the signatures of the sponsoring committee on  
9 individual signature forms that have been notarized. The secretary of state shall  
10 prepare a signature form that includes provisions for identification of the  
11 measure; the printed name, signature, and address of the committee member;  
12 and notarization of the signature. The filed signature forms must be originals.
- 13 b. Upon receipt of a petition to initiate or refer a measure, the secretary of state  
14 shall draft a short and concise statement that fairly represents the measure. The  
15 statement must be submitted to the attorney general for approval or disapproval.  
16 An approved statement must be affixed to the petition before it is circulated for  
17 signatures, must be called the "petition title", and must be placed immediately  
18 before the full text of the measure.
- 19 c. The secretary of state and the attorney general shall complete their review of a  
20 petition in not less than five, nor more than seven, business days, excluding  
21 Saturdays.
- 22 d. If the chairperson of the sponsoring committee believes the petition title does not  
23 fairly represent the substance of the measure, the chairperson of the sponsoring  
24 committee may elect to mediate the issue with the secretary of state rather than

1           request supreme court review. If the chairperson of the sponsoring committee  
2           elects to mediate, the secretary of state shall select an independent mediator  
3           whose decision regarding the petition title is binding on the parties. The decision  
4           of the mediator must be rendered within seven business days after the secretary  
5           of state provides the petition title to the sponsoring committee.

6           **SECTION 2. AMENDMENT.** Section 16.1-06-09 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **16.1-06-09. Constitutional amendments and initiated and referred measures - Manner**  
9 **of stating question - Explanation of effect of vote - Order of listing.**

- 10          1. Constitutional amendments or measures, initiated measures, and referred measures,  
11          duly certified to the county auditor by the secretary of state, or any other question or  
12          measure to be voted on, except the election of public officers at any primary, general,  
13          or special election including officers subject to a recall petition, must, unless otherwise  
14          determined by the secretary of state, be stated in full in a legible manner on the ballot.  
15          If the secretary of state concludes the amendment or measure is too long to make it  
16          practicable to print in full, the secretary of state in consultation with the attorney  
17          general shall cause to be printed a short, concise summary, which must fairly  
18          represent the substance of the constitutional amendment or initiated or referred  
19          measure. The secretary of state shall provide the summary to the sponsoring  
20          committee of the amendment or measure as soon as practicable after the summary is  
21          drafted. If the chairperson of the sponsoring committee believes the summary does  
22          not fairly represent the substance of the amendment or measure, the chairperson of  
23          the sponsoring committee may elect to mediate the issue with the secretary of state  
24          rather than request supreme court review. If the chairperson of the sponsoring  
25          committee elects to mediate, the secretary of state shall select an independent  
26          mediator whose decision regarding the ballot language is binding on the parties. The  
27          decision of the mediator must be rendered within seven working days after the  
28          secretary of state provides the summary of the amendment or measure for the ballot  
29          to the sponsoring committee.
- 30          2. After the foregoing statement amendment, measure, or summary, the secretary of state  
31          shall cause to be printed another short, concise statement of the effect of an

1 affirmative or negative vote on the constitutional amendment or initiated or referred  
2 measure. This explanatory statement must be drafted by the secretary of state in  
3 consultation with the attorney general. The words "Yes" and "No" must be printed on  
4 the ballot at the close of the statement regarding the effect of an affirmative or  
5 negative vote, in separate lines with an oval before each statement in which the voter  
6 is to indicate how the voter desires to vote on the question by darkening the oval. If  
7 two or more amendments or questions are to be voted on, they must be printed on the  
8 same ballot.

9 3. The measures to be submitted to the electors must be grouped and classified as  
10 constitutional measures, initiated statutes, or referred statutes and must be placed  
11 within such groups or classifications by the secretary of state in the order received, for  
12 the purpose of placing them on the ballot. Measures submitted by the legislative  
13 assembly must be placed first on the ballot within their classification in the order  
14 approved by the legislative assembly. Constitutional measures shall be placed first on  
15 the ballot, initiated statutes second, and referred statutes third. After all the measures  
16 have been placed within the appropriate group or classification, all measures must be  
17 numbered consecutively, without regard to the various groups or classifications.