

Sixty-eighth  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE CONCURRENT  
RESOLUTION NO. 4013**

Introduced by

Senators Myrdal, Hogue

Representatives Cory, Lefor

1 A concurrent resolution to amend and reenact sections 2, 3, 4, ~~5, 6, 7,~~ and 9 of article III of the  
2 Constitution of North Dakota, relating to ~~the required number of signatures needed to place a~~  
3 ~~measure on the ballot,~~ the process for approving initiated ~~measures~~constitutional amendments,  
4 the requirement of a single subject for each petition and measure, the individuals able to  
5 circulate a petition, and the requirement that all ballot measures must be voted on at the  
6 primary and general election.

**STATEMENT OF INTENT**

8 This measure would restrict circulation of petitions for an initiated constitutional amendment to  
9 qualified electors who have resided in the state for at least one hundred twenty days, prohibit  
10 petition circulators from receiving money or items of value for circulating a petition, ~~require~~  
11 ~~signatures from qualified electors equal in number to five percent of the population of the state~~  
12 ~~before a petition may be submitted to the secretary of state,~~ require all petitions and measures  
13 to be limited to a single subject, and require all constitutional initiated measures under article III  
14 be voted on at the primary and general election.

**BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF  
16 REPRESENTATIVES CONCURRING THEREIN:**

17 That the following proposed amendments to sections 2, 3, 4, ~~5, 6, 7,~~ and 9 of article III of  
18 the Constitution of North Dakota are agreed to and must be submitted to the qualified electors  
19 of North Dakota at the general election to be held in November of 2024, in accordance with  
20 section 16 of article IV of the Constitution of North Dakota.

21 **SECTION 1. AMENDMENT.** Section 2 of article III of the Constitution of North Dakota is  
22 amended and reenacted as follows:

23 **Section 2.** An initiated measure may not embrace or be comprised of more than one  
24 subject. A petition to initiate or to refer a measure must be presented to the secretary of state for  
25 approval as to form and compliance with the single subject requirement. A request for approval

1 must be presented over the names and signatures of twenty-five or more qualified electors as  
2 sponsors, one of whom must be designated as chairman of the sponsoring committee. The  
3 secretary of state shall approve the petition for circulation if it is in proper form and contains the  
4 names and addresses of the sponsors and the full text of the measure.

5 The legislative assembly may provide by law for a procedure through which the legislative  
6 council may establish an appropriate method for determining the fiscal impact of an initiative  
7 measure and for making the information regarding the fiscal impact of the measure available to  
8 the public.

9 **SECTION 2. AMENDMENT.** Section 3 of article III of the Constitution of North Dakota is  
10 amended and reenacted as follows:

11 **Section 3.** The petition ~~shall~~may be circulated only by qualified electors. ~~They~~An individual  
12 circulating a petition shall swear thereon that the qualified electors who have signed the petition  
13 did so in their presence. Each qualified elector signing a petition also shall ~~also~~ write in the date  
14 of signing and ~~his post-office~~the qualified elector's complete residential address. ~~No~~A law  
15 ~~shall~~may not be enacted limiting the number of copies of a petition. The copies ~~shall~~must  
16 become part of the original petition when filed.

17 **SECTION 3. AMENDMENT.** Section 4 of article III of the Constitution of North Dakota is  
18 amended and reenacted as follows:

19 **Section 4.** The petition may be submitted to the secretary of state if signed by qualified  
20 electors equal in number to two percent of the resident population of the state at the last federal  
21 decennial census.

22 ~~— **SECTION 4. AMENDMENT.** Section 5 of article III of the Constitution of North Dakota is~~  
23 ~~amended and reenacted as follows:~~

24 ~~— **Section 5.** An initiative petition shall must be submitted not less than one hundred twenty~~  
25 ~~days before the statewide general election at which the measure is to be voted upon. A~~  
26 ~~referendum petition may be submitted only within ninety days after the filing of the measure with~~  
27 ~~the secretary of state. The submission of a petition shall suspends the operation of any~~  
28 ~~measure enacted by the legislative assembly except emergency measures and appropriation~~  
29 ~~measures for the support and maintenance of state departments and institutions. The~~  
30 ~~submission of a petition against one or more items item or part of any measure shall does~~

1 not prevent the remainder from going into effect. A referred measure may be voted upon at a  
2 statewide election or at a special election called by the governor.

3 ~~— **SECTION 5. AMENDMENT.** Section 6 of article III of the Constitution of North Dakota is  
4 amended and reenacted as follows:~~

5 ~~— **Section 6.** The secretary of state shall pass upon each petition, and if the secretary of state  
6 finds it insufficient, the secretary of state shall notify the "committee for the petitioners" and  
7 allow twenty days for correction. All decisions of the secretary of state in regard to any petition  
8 are subject to review by the supreme court. But if if the sufficiency of the petition is being  
9 reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the  
10 ballot and no subsequent decision shall may invalidate the measure if it is at the election  
11 approved by a majority of the votes cast thereon on the measure. If proceedings are brought  
12 against any petition upon any ground, the burden of proof is upon the party attacking it the  
13 petition and the proceedings must be filed with the supreme court no later than seventy-five  
14 days before the date of the applicable statewide election at which the measure is to be voted  
15 upon.~~

16 ~~— **SECTION 6. AMENDMENT.** Section 7 of article III of the Constitution of North Dakota is  
17 amended and reenacted as follows:~~

18 ~~— **Section 7.** All decisions of the secretary of state in the petition process are subject to  
19 review by the supreme court in the exercise of original jurisdiction. A proceeding to review a  
20 decision of the secretary of state must be filed with the supreme court no later than seventy-five  
21 days before the date of the applicable statewide election at which the measure is to be voted  
22 upon. If the decision of the secretary of state is being reviewed at the time the ballot is  
23 prepared, the secretary of state shall place the measure on the ballot and no court action  
24 shall may invalidate the measure if it the measure is approved at the election by a majority of the  
25 votes cast thereon on the measure.~~

26 **SECTION 4. AMENDMENT.** Section 9 of article III of the Constitution of North Dakota is  
27 amended and reenacted as follows:

28 **Section 9.** A constitutional amendment may be proposed by initiative petition. The petition  
29 may be circulated only by qualified electors who have resided in the state for at least one  
30 hundred twenty days before the first signature is collected. An individual circulating a petition  
31 may not accept any money or an in-kind item of value for circulating a petition. The proposed

1 amendment may not embrace or be comprised of more than one subject, and the secretary of  
2 state may not approve the initiative petition for circulation if the proposed amendment  
3 comprises more than one subject. If signed by qualified electors equal in number to ~~four~~five  
4 percent of the resident population of the state at the last federal decennial census, the petition  
5 may be submitted to the secretary of state. If the secretary of state finds the petition is valid, the  
6 secretary of state shall place the measure on the ballot at the next ~~general~~primary election. If  
7 the majority of the votes cast on the measure are affirmative in the primary election, the  
8 measure must be placed on the ballot at the next general election for final consideration. If a  
9 majority of votes cast for a proposed constitutional amendment are affirmative in the general  
10 election, the measure is deemed enacted. All other provisions relating to initiative measures  
11 apply hereteto initiative measures for constitutional amendments.