

CONSTITUTIONAL AMENDMENTS, APPROVED

CHAPTER 691

ORIGINAL STATE APPORTIONMENT AND TRANSITION SCHEDULE

Senate Concurrent Resolution No. 4009, chapter 607, 1977 Session Laws, proposed by the Forty-fifth Legislative Assembly of the State of North Dakota, providing for the repeal of section 214 and sections 1 through 25 of the transition schedule of the Constitution of the State of North Dakota, relating to the original congressional and legislative apportionment of the state and to the transition of governmental functions from territorial government to state government, to read as follows:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Section 214 and sections 1 through 25 of the transition schedule of the Constitution of the State of North Dakota are hereby repealed.

Approved September 5, 1978

37,307 to 34,598

NOTE: This was constitutional measure No. 2 on the primary election ballot.

CHAPTER 692

POWERS AND DUTIES OF LIEUTENANT
GOVERNOR

Senate Concurrent Resolution No. 4075, chapter 610, 1977 Session Laws, proposed by the Forty-fifth Legislative Assembly of the State of North Dakota, providing for the amendment of sections 65 and 77 of the Constitution of the State of North Dakota, relating to the lieutenant governor voting in the state senate, to read as follows:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 65 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 65. No bill shall become a law: except by a vote of a majority of all the members-elect in the house of representatives, and a vote of the majority of the members-elect in the senate, however the lieutenant governor may vote as provided in section 77 in the event the senate is equally divided, nor unless, on its final passage, the vote be taken by yeas and nays, and the names of those voting be entered on the journal.

SECTION 2. AMENDMENT.) Section 77 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 77. The powers and duties of the lieutenant governor shall be to serve as president of the senate, and he may, when the senate is equally divided, vote on procedural matters, and on substantive matters if his vote would be decisive. Additional duties shall be prescribed by the governor. If, during the vacancy in the office of governor, the lieutenant governor shall be impeached, displaced, resign, or die, or from mental or physical disease, or otherwise become incapable of performing the duties of his office, the secretary of state shall act as governor until the vacancy shall be filled or the disability removed.

Approved September 5, 1978

46,442 to 29,960

NOTE: This was constitutional measure No. 5 on the primary election ballot.

CHAPTER 693

VETERAN BONUS BONDS AND CONSTITUTIONAL
CONVENTION

House Concurrent Resolution No. 3004, chapter 603, 1977 Session Laws, proposed by the Forty-fifth Legislative Assembly of the State of North Dakota, providing for the repeal of articles 59, 65, 87, and 88 of the amendments to the Constitution of the State of North Dakota, relating to bonds for bonuses to veterans of World War II, the Korean conflict, and the Vietnam conflict, and to the calling of a constitutional convention, to read as follows:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Articles 59, 65, 87, and 88 of the amendments to the Constitution of the State of North Dakota are hereby repealed.

Approved September 5, 1978

41,379 to 32,613

NOTE: This was constitutional measure No. 6 on the primary election ballot.

CHAPTER 694

OPEN RECORDS

Senate Concurrent Resolution No. 4024, chapter 612, 1977 Session Laws, proposed by the Forty-fifth Legislative Assembly of the State of North Dakota, providing for a constitutional amendment requiring the records of all governmental bodies to be open to the public unless otherwise provided by law, to read as follows:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) The Constitution of the State of North Dakota shall be amended by adding thereto the following article:

Unless otherwise provided by law, all records of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be public records, open and accessible for inspection during reasonable office hours.

Approved November 7, 1978

172,125 to 33,965

NOTE: This was constitutional measure No. 1 on the general election ballot.

CHAPTER 695

ELECTIVE FRANCHISE

House Concurrent Resolution No. 3014, chapter 611, 1977 Session Laws, proposed by the Forty-fifth Legislative Assembly of the State of North Dakota, providing for a new Article V of the North Dakota Constitution, relating to the elective franchise, and to repeal Article V, consisting of sections 121 through 129 of the North Dakota Constitution, relating to the elective franchise, and articles 36 and 40 of the amendments to the North Dakota Constitution, relating to residency for voting purposes, to read as follows:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1.) Article V of the Constitution of the State of North Dakota is hereby created and enacted to read as follows:

Section 121. The general election of the state shall be held biennially as provided by law.

Every citizen of the United States, who has attained the age of eighteen years and who is a North Dakota resident, shall be a qualified elector. When an elector moves within the state he shall be entitled to vote in the precinct from which he moves until he establishes voting residence in another precinct. The legislative assembly shall provide by law for the determination of residence for voting eligibility, other than physical presence. No elector shall lose his residency for voting eligibility solely by reason of his absence from the state.

The legislative assembly shall provide by law for secrecy in voting, for absentee voting, for administration of elections and for the nomination of candidates.

Section 122. No person who has been declared mentally incompetent by order of a court or other authority having jurisdiction, which order has not been rescinded, shall be qualified to vote. No person convicted of a felony shall be qualified to vote until his or her civil rights are restored.

SECTION 2. REPEAL.) Article V, consisting of sections 121 through 129, and articles 36 and 40 of the amendments, of the Constitution of the State of North Dakota are hereby repealed.

Approved November 7, 1978

124,519 to 61,224

NOTE: This was constitutional measure No. 2 on the general election ballot.

CHAPTER 696

INITIATIVE, REFERENDUM, AND RECALL

House Concurrent Resolution No. 3088, chapter 613, 1977 Session Laws, proposed by the Forty-fifth Legislative Assembly of the State of North Dakota, providing for the creation of a new article to the Constitution of the State of North Dakota, relating to the power of initiative, referendum, and recall; to amend section 202 of the Constitution of the State of North Dakota, relating to constitutional amendment; and to repeal section 25 of the Constitution of the State of North Dakota, relating to legislative power and the powers of initiative and referendum, and article 33 of the amendments to the Constitution of the State of North Dakota, relating to recall; and providing an effective date, to read as follows:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1.) A new article of the Constitution of the State of North Dakota is hereby created to read as follows:

INITIATIVE, REFERENDUM, AND RECALL

Section 1. While the legislative power of this state shall be vested in a legislative assembly consisting of a Senate and a House of Representatives, the people reserve the power to propose and enact laws by the initiative, including the call for a constitutional convention; to approve or reject legislative acts, or parts thereof, by the referendum; to propose and adopt constitutional amendments by the initiative; and to recall certain elected officials. This article is self-executing and all of its provisions are mandatory. Laws may be enacted to facilitate and safeguard, but not to hamper, restrict, or impair these powers.

Section 2. A petition to initiate or to refer a measure shall be presented to the secretary of state for approval as to form. A request for approval shall be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom shall be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it

is in proper form and contains the names and addresses of the sponsors and the full text of the measure.

Section 3. The petition shall be circulated only by electors. They shall swear thereon that the electors who have signed the petition did so in their presence. Each elector signing a petition shall also write in the date of signing and his post-office address. No law shall be enacted limiting the number of copies of a petition. The copies shall become part of the original petition when filed.

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

Section 5. An initiative petition shall be submitted not less than ninety days before the statewide election at which the measure is to be voted upon. A referendum petition may be submitted only within ninety days after the filing of the measure with the secretary of state. The submission of a petition shall suspend the operation of any measure enacted by the legislative assembly except emergency measures and appropriation measures for the support and maintenance of state departments and institutions. The submission of a petition against one or more items or parts of any measure shall not prevent the remainder from going into effect. A referred measure may be voted upon at a statewide election or at a special election called by the governor.

Section 6. The secretary of state shall pass upon each petition, and if he finds it insufficient, he shall notify the "Committee for the Petitioners" and allow twenty days for correction or amendment. All decisions of the secretary of state in regard to any such petition shall be subject to review by the supreme court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it.

Section 7. All decisions of the secretary of state in the petition process are subject to review by the supreme court in the exercise of original jurisdiction. If his decision is being reviewed at the time the ballot is prepared, he shall place the measure on the ballot and no court action shall invalidate the measure if it is approved at the election by a majority of the votes cast thereon.

Section 8. If a majority of votes cast upon an initiated or a referred measure are affirmative, it shall be deemed enacted. An initiated or referred measure which is approved shall become law thirty days after the election, and a referred measure which is rejected shall be void immediately. If conflicting measures are

approved, the one receiving the highest number of affirmative votes shall be law. A measure approved by the electors may not be repealed or amended by the legislative assembly for seven years from its effective date, except by a two-thirds vote of the members elected to each house.

Section 9. A constitutional amendment may be proposed by initiative petition. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. All other provisions relating to initiative measures apply hereto.

Section 10. Any elected official of the state, of any county or of any legislative or county commissioner district shall be subject to recall by petition of electors equal in number to twenty-five percent of those who voted at the preceding general election for the office of governor in the state, county, or district in which the official is to be recalled.

The petition shall be filed with the official with whom a petition for nomination to the office in question is filed, who shall call a special election if he finds the petition valid and sufficient. No elector may remove his name from a recall petition.

The name of the official to be recalled shall be placed on the ballot unless he resigns within ten days after the filing of the petition. Other candidates for the office may be nominated in a manner provided by law. When the election results have been officially declared, the candidate receiving the highest number of votes shall be deemed elected for the remainder of the term. No official shall be subject twice to recall during the term for which he was elected.

SECTION 2. AMENDMENT.) Section 202 of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 202. Any amendment or amendments to the Constitution of the state may be proposed in either house of the legislature, and if the same shall be agreed to upon roll call by a majority of the members elected to each house, it shall be submitted to the electors and if a majority of the votes cast thereon are affirmative, such amendment shall be a part of this Constitution.

SECTION 3. REPEALS.) Section 25 and article 33 of the Amendments to the Constitution of the State of North Dakota are hereby repealed.

SECTION 4. EFFECTIVE DATE.) The provisions of this resolution, if approved by the people, shall take effect on January 1, 1979.

Approved November 7, 1978

102,182 to 75,413

NOTE: This was constitutional measure No. 3 on the general election ballot.