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HOW TO INITIATE OR REFER A LAW IN NORTH DAKOTA



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FOR ELECTION SYSTEMS**
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Revised May 1996

Alternate formats for disabled persons are available upon request.

*** NOTICE ***

Portions of this material are printed from the Legislative Council's computerized data base of the North Dakota Century Code (NDCC). This data base does not contain the material in the notes following the sections in the NDCC. These notes may contain temporary provisions and effective dates.

It should also be noted that though portions of *How To Recall An Elected Official Of the State Or Political Subdivision, 1996-97* are a direct download from the Legislative Council, it does not carry the same authority or weight as the actual NDCC and should not be equated with the NDCC as an equal authority. This publication is intended to be a helpful resource for consolidated election related laws. For quoting and citations, the official NDCC should be used.

All forms associated with the election process and mentioned in the following instructions may be copied for convenience.

*** NOTICE ***

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INTRODUCTION

Article III of the North Dakota Constitution guarantees the right of the people to initiate or refer laws by petition. This pamphlet is designed to acquaint you with the laws and procedures associated with the petition process. It will serve as a handy reference to answer questions regarding how a law is initiated or referred.

TERMINOLOGY

First of all, it is important to become familiar with the terminology you will see or hear in connection with the petition process. Understanding the terminology will help you in understanding the law.

PETITION PROCESS--PETITION--MEASURE: "*Petition Process*" refers to both the initiative and referendum procedure. "*Petition*" refers to the document which is drafted to initiate or refer a "*measure*" and upon which signatures are gathered. The terms "petition" and "measure" are often used interchangeably; thus you will hear terms like "initiated measure" and "initiated petition" or "referral petition" and "referred measure." After a "petition" to initiate or refer a "measure" has qualified for placement on the ballot, it is almost always exclusively referred to as a "measure." You will then hear terms like "measure number one," and "measure number two," but not "petition number one," or "petition number two."

STATUTORY INITIATIVE: Statutory Initiative refers to the use of the petition process to amend or enact a law (statute) in the North Dakota Century Code.

CONSTITUTIONAL INITIATIVE: Constitutional Initiative refers to the use of the petition process to amend, or enact new portions of, the North Dakota Constitution. A constitutional initiative requires double the number of petition signatures as a statutory initiative to qualify for the ballot.

REFERRED MEASURE--REFERRAL INITIATIVE--REFERRAL DRIVE: These three terms are used interchangeably and refer to the use of the petition process to "refer to a vote of the people" bills passed by the legislature.

GETTING STARTED

REVIEW THE LAWS (CONSTITUTION AND NORTH DAKOTA CENTURY CODE): You will find it helpful to familiarize yourself with the main sections of law that apply to initiated and referred measures. Article III, sections one through nine, of the North Dakota Constitution, and section 16.1-01-09 of the North Dakota Century Code address procedures for the initiative and referral process and are reproduced for you on pages 8-12.

DRAFTING THE PETITION: A referendum or initiative petition must be drafted in a manner prescribed by law. Section 16.1-01-09 of the North Dakota Century Code spells out the form of the petition (see page 9). Examples of past petitions can be found on pages 14-17 (initiative) and pages 18-21 (referral).

SPONSORING COMMITTEE: Whether you are initiating or referring a law, there must be twenty five or more qualified North Dakota voters who must act as the sponsoring committee for the petition. The names and addresses of the sponsoring committee must appear on the front page of the petition. See pages 14 and 18 for an example. One sponsoring committee member must act as chairman for the committee. A qualified ND voter is: 1. A U.S. Citizen; 2. A resident of this state at least thirty days; 3. Eighteen years or older.

SPONSORING COMMITTEE AFFIDAVITS: All sponsoring committee members must fill out an affidavit, also known as a signature form (see page 13). The affidavit is a sworn statement by the sponsoring committee member that the member is a qualified North Dakota voter and has agreed to be on the sponsoring committee. The form must be notarized.

Caution: Sponsoring committee members may not notarize the affidavit of other committee members, and husbands and wives may not notarize their spouses' signature. The names and addresses of the sponsoring committee members on the front page of the petition must match exactly with the names and addresses on the affidavits. The signed name on the affidavit, if different than the printed name, should be used on the petition.

SUBMISSION OF PETITION TO THE SECRETARY OF STATE--DEADLINES: The final draft of your petition, along with the sponsoring committee affidavits, should be submitted to the Secretary of State. The Secretary of State and the Attorney General then have five to seven business days (includes Saturday) to draft a ballot title and approve the petition for form. The ballot title is a short statement to be placed on the petition which must fairly represent the substance of the measure. Once approved, the petition circulators may begin gathering signatures.

If you are referring a law passed by the legislature you should submit your petition draft as rapidly as possible after the bill is filed in the Secretary of State's office. North Dakota law says you have up to 90 days after the bill is filed in the Secretary of state's office to collect and file the necessary signatures.

GATHERING SIGNATURES

AMOUNT REQUIRED: Petition signature requirements are based on a percentage of the resident population of the state of North Dakota at the last federal decennial census. According to 1990 census figures the population of North Dakota is 638,800. *The population percentages and signature requirements are as follows:*

<i>Referral petition</i>	<i>2%</i>	<i>12,776</i>
<i>Statutory Initiative</i>	<i>2%</i>	<i>12,776</i>
<i>Constitutional Initiative</i>	<i>4%</i>	<i>25,552</i>

Past petition sponsors have gathered several hundred to several thousand signatures above the required amounts to insulate against signatures that may be rejected during the review process.

WHO CAN CIRCULATE AND SIGN PETITIONS: Petition circulators and signers must be qualified voters of the area affected by the petition. Petition Circulators may begin gathering signatures after the petition has been approved by the Secretary of State. Petition circulators must be qualified North Dakota voters and must sign an affidavit attached at the end of the petition (see pages 12, 17, and 21 for an example of a circulator affidavit) stating that the people who signed the petition did so in the presence of the circulator and that to the best of the circulator's knowledge each person signing the petition is a qualified North Dakota voter. Though petition circulators may be accompanied by others who may not be qualified voters of the state of North Dakota, petitions must remain in the physical possession of circulators who are qualified North Dakota voters.

Caution: Sponsoring committee members cannot notarize a circulator's affidavit. Doing so will disqualify all the signatures on that petition.

Caution: Only one circulator may collect signatures on any single copy of a petition. If more than one circulator were to collect signatures on the same petition copy, neither circulator could truthfully sign the affidavit at the end of the petition.

Caution: Petition circulators should instruct petition signers to sign legibly and to add the date, their entire address, including street or box number, and the city, state, and zip code.

Caution: Petitions must be signed in the presence of the circulator. Signatures collected on an unattended petition constitutes an improper signing practice and places all signatures on the petition at risk. Circulators should be near and in control of petitions as they are being signed.

Caution: *Circulators wanting to sign the petition should not sign the petition they circulate; they should sign a petition carried by another circulator. Due to the fact that a circulator must sign an affidavit at the end of the petition swearing as to the qualifications of the signers, the circulator acts, in a sense, as a notary to the signers. Since one cannot notarize one's own signature a circulator should not sign his own petition.*

SUBMITTING SIGNATURES TO THE SECRETARY OF STATE

SUBMISSION DEADLINES

INITIATIVES: An initiative petition must be filed with the secretary of state no later than one year from the date the first signature appears on the petition. To have the initiated measure voted on at a particular election, the petition, with the required number of signatures, must be submitted no less than ninety days before the statewide election at which the measure is to be voted upon. The 1996 elections will be the primary election held June 11, 1996 and the general election on November 5, 1996. The filing deadlines for the 1996 elections are as follows:

Primary Election Deadline
General Election Deadline

prior to midnight, March 12, 1996
prior to midnight, August 6, 1996

REFERENDUMS: A referendum petition with the required number of signatures may be submitted only within ninety days after the bill being referred was received from the Governor and filed with the Secretary of State's office. The Supreme Court has ruled that the ninety day deadline ends at midnight. Because normal office hours for the Secretary of State's office are from 8:00 a.m. to 5:00 p.m., a sponsoring committee is encouraged to make prior arrangements if the delivery of petitions is anticipated between 5:00 p.m. and midnight. The ninety day deadline for a referendum petition includes the initial five to seven business day review of the petition draft by the Secretary of State and Attorney General. The referred measure will be voted on at the next statewide election or at a special election called by the Governor.

SIGNATURE REVIEW BY SECRETARY OF STATE: Upon receipt of a petition with the necessary number of signatures, the Secretary of State has up to thirty five days to review the signatures. The Secretary of State will conduct a representative random sampling of the signatures contained in the petitions by the use of post cards, telephone calls, or other accepted information gathering techniques to determine the validity of the signatures. Signatures determined by the Secretary of State to be invalid will not be counted, and all violations of law discovered by the Secretary of State will be reported to the Attorney General for prosecution.

FINANCIAL DISCLOSURE LAWS

All forms and statements mentioned below may be obtained by calling 701-328-4146 or may be picked up at the Secretary of State's office.

STATEMENT OF REMUNERATION: Though it is *illegal* to pay circulators on a basis related to the number of signatures obtained, the payment of salary and expenses for circulation of a petition on a basis not related to the number of signatures is allowable. If salaries and or expenses of a circulator or circulators are going to be paid, a statement of remuneration must be filed with the Secretary of State prior to submitting the petition. Full disclosure of all expenditures and revenues must then be made upon submission of the petition to the Secretary of State.

POLITICAL COMMITTEE REGISTRATION - NDCC 16.1-08.1-03.2: A political committee, other than a political party, and a person aiding or opposing a measure to be voted upon by the voters of the state must register its name, address, and its agent's name and address with the Secretary of State each year in which it receives any contributions. The registration must be completed within 5 days of the receipt of any contribution and must be submitted with a registration fee of five dollars.

CAMPAIGN CONTRIBUTION STATEMENTS - NDCC 16.1-08.1-03.1: Persons soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure of any election, must file a statement reporting all contributions made in excess of \$100. Persons soliciting or accepting contributions may not accept a contribution in excess of \$100 from an individual who does not reside in North Dakota or from an out-of-state political committee unless the contribution is accompanied by a detailed listing of all contributors who contributed in excess of \$100. This statement must also accompany the solicitor's over-all campaign contribution statement. Forms for reporting contributions made for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure of any election, are available from the Secretary of State.

FILING DEADLINES: Pre-election reports are due 12 days prior to the election in which the measure appears or would have appeared on the ballot and cover from the beginning of the election year through 20 days before the election. Year-end reports are due by January 31 of the following year.

Earliest day to file Pre-primary report May 23, 1996
Last day to file Pre-primary report..... May 30, 1996
covers from January 1 - May 22

Earliest day to file Pre-general reportOctober 17, 1996
Last day to file Pre-general report.....October 24, 1996
covers from January 1 - October 16 or May 22 - October 16 if applicable

Earliest day to file Year-end report..... January 1, 1997
Last day to file Year-end report..... January 31, 1997
covers entire election year

Note: Reports will not be accepted which are submitted for filing prior to the earliest day to file.

COMMONLY ASKED QUESTIONS

Q. How many signatures do I need?

A. Initiated statutory measures and referred measures require 12,776 signatures. Initiated constitutional measures require 25,552 signatures.

Q. Who can circulate petitions and collect signatures?

A. Any qualified voter of North Dakota. This means any citizen of the United States who is eighteen years of age or older; and is a resident of this state for thirty days or more.

Q. Who is a qualified North Dakota voter?

A. A United States Citizen, who has been a resident of this state at least thirty days and is eighteen years or older. Incarcerated felons and persons who have been declared mentally incompetent are not qualified voters.

Q. Who can sign the petition?

A. Any qualified voter of North Dakota. This means any citizen of the United States who is eighteen years of age or older; and is a resident of this state for thirty days or more. Petition circulators may sign a petition as long as it is not a petition they have circulated.

Q. Can sponsoring committee members act as circulators?

A. Yes. Sponsoring committee members must be qualified North Dakota voters and as such are eligible to circulate the petition. However, they cannot sign a petition which they are personally circulating.

Q. Can sponsoring committee members sign the petition?

A. Yes. Sponsoring committee members must be qualified North Dakota voters and as such are eligible to sign the petition.

Q. When does an initiated measure take effect?

A. An initiated measure which is approved by the voters shall become law thirty days after the election.

Q. What happens to a law which is being referred?

A. The submission of a referral petition with the required number of signatures suspends 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. An emergency measure requires a two-thirds vote of the members elected to each house and must include in the act a declaration that it is an emergency.

Q. Do I need to hire a lawyer to draft my petition?

A. Not necessarily. After reading this pamphlet and the enclosed examples of past petitions you will have a better understanding of how the process works and an idea of the amount of assistance, if any, you will require. This pamphlet is designed to assist you in the layout and form of the petition. The actual substance of your measure is the most difficult part of the petition draft. Complicated measures may require a higher degree of legal drafting skill to ensure that the desired outcome is achieved.

NORTH DAKOTA CONSTITUTION

ARTICLE III

Powers Reserved To The People

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.

NORTH DAKOTA CENTURY CODE, SECTION 16.1-01-09

16.1-01-09. Initiative, referendum, or recall petitions - Signature - Form - Circulation.

1. A request of the Secretary of State for approval of a petition to initiate or refer a measure may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The Secretary of State shall prepare a signature form that includes provisions for identification of the measure, the printed name, signature, and address of the committee member, and notarization of the signature.

Upon receipt of a petition to initiate or refer a measure, the Secretary of State shall draft a short and concise statement which must fairly represent the measure. The statement must be submitted to the Attorney General for approval or disapproval. An approved statement must be affixed to the petition before it is circulated for signatures, must be called the "ballot title", and must be placed immediately before the full text of the measure.

The Secretary of State and the Attorney General shall complete their review of a petition in not less than five, nor more than seven, business days.

2. No person may sign any initiative, referendum, or recall petition circulated pursuant to article III of the Constitution of North Dakota unless the person is a qualified elector. No person may sign any petition more than once, and each signer shall add the signer's post-office address including the signer's residential address or post-office box number and the date of signing. Every qualified elector signing a petition shall do so in the presence of the person circulating the petition. A referendum or initiative petition must be in substantially the following form:

[CONTINUED ON PAGE 10]

**REFERENDUM [INITIATIVE] PETITION
TO THE SECRETARY OF STATE,
STATE OF NORTH DAKOTA**

We, the undersigned, being qualified electors request [House (Senate) Bill _____ passed by the _____ Legislative Assembly] [the following initiated law] be placed on the ballot as provided by law.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

Name	Address
_____ (Chairman)	_____
_____	_____

BALLOT TITLE

(To be drafted by the Secretary of State, approved by the Attorney General, and attached to the petition before circulation.)

FULL TEXT OF THE MEASURE

IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF NO MATERIAL IS UNDERSCORED OR OVERSTRUCK, THE MEASURE CONTAINS ALL NEW MATERIAL WHICH IS BEING ADDED.

[The full text of the measure must be inserted here.]

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota thirty days, and you are a United States citizen. All signers must add their entire post-office address, including post-office box number, and the date of signing. Every qualified elector signing a petition must do so in the presence of the person circulating the petition.

[CONTINUED ON PAGE 11]

QUALIFIED ELECTORS

Month, Name of	Post-Office Address	
Day, Qualified	Residential Address	City,
Year Elector	or P.O. Box No.	State

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

The number of signature lines on each page of a printed petition may vary if necessary to accommodate other required textual matter. In this section for referral petitions "full text of the measure" means the bill as passed by the legislative assembly excluding the session and sponsor identification. In this section for initiative petitions "full text of the measure" means an enacting clause which must be: "BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA" and the body of the bill. If the measure amends the law, all new statutory material must be underscored and all statutory material to be deleted must be overstruck by dashes. When repealing portions of the law, the measure must contain a repealer clause and, in brackets, the text of the law being repealed.

3. Each copy of any petition provided for in this section, before being filed, must have attached thereto an affidavit executed by the circulator in substantially the following form:

State of North Dakota)
) ss.
 County of _____
 (county where signed)

I, _____, being duly sworn, depose and say
 (circulator)

that I am a qualified elector; that I reside at _____;
 (address)

[CONTINUED ON PAGE 12]

[NDCC 16.1-01-09 CONTINUED]

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each person whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the person whose name it purports to be.

(signature of circulator)

Subscribed and sworn to before me this _____ day of _____, 19____, at _____, North Dakota.
(city)

(Notary Seal) _____
(signature of notary)
Notary Public, North Dakota
My commission expires _____

4. A petition for recall must include, before the signature lines for the qualified electors as provided in subsection 2, the name of the person being recalled, the office from which that person is being recalled, and a list of the names and post-office addresses including the residential addresses or post-office box numbers of not less than five qualified electors of the state, political subdivision, or district in which the official is to be recalled who are sponsoring the recall.
5. No petition shall be circulated under the authority of article III of the Constitution of North Dakota by a person who is less than eighteen years of age, nor shall the affidavit called for by subsection 3 be executed by a person who is less than eighteen years of age at the time of signing. All petitions circulated under the authority of the constitution and of this section must be circulated in their entirety. A petition may not include a statement of intent or similar explanatory information.
6. When signed petitions are delivered to the secretary of state, the chairperson of the sponsoring committee shall submit to the secretary of state an affidavit stating that to the best of that person's knowledge, the petitions contain at least the required number of signatures.
7. A petition must be submitted to the secretary of state by five p.m. on the day designated as the deadline for submitting the petition.

NORTH DAKOTA CENTURY CODE, SECTION 16.1-06-09

16.1-06-09. Constitutional amendments and initiated and referred measures - Placed on separate ballot - Manner of stating question - Explanation of effect of vote - Order of listing. Constitutional amendments or measures, initiated measures, and referred measures, duly certified to the county auditor by the secretary of state, or any other question or measure to be voted on, except the election of public officers at any primary, general, or special election including officers subject to a recall petition, must be printed on a separate ballot and must be deposited in a box separate from that provided to receive the ballots for public officers. A constitutional amendment, initiated or referred measure, or other question must, unless otherwise determined by the secretary of state, be stated in full in a legible manner on the paper ballot or the ballot card when using an electronic voting system purchased after June 30, 1985, and the ballot label when using an electronic voting system purchased before July 1, 1985. If the secretary of state concludes the amendment or measure is too long to make it practical to print in full, the secretary of state in consultation with the attorney general shall cause to be printed a short, concise summary, which must fairly represent the substance of the constitutional amendment, initiated, or referred measure. After the foregoing statement, the secretary of state shall cause to be printed another short, concise statement of the effect of an affirmative or negative vote on the constitutional amendment, initiated, or referred measure. This explanatory statement must be drafted by the secretary of state in consultation with the attorney general. The words "Yes" and "No" must be printed on the ballot at the close of the statement regarding the effect of an affirmative or negative vote, in separate lines with a square formed of black lines after each statement in which the voter may indicate by a cross or other mark how the voter desires to vote on the question. Where two or more amendments or questions are to be voted on, they must be printed on the same ballot.

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

SAMPLE OF SPONSORING COMMITTEE AFFIDAVIT

TO: Al Jaeger
Secretary of State
State Capitol
600 East Boulevard Avenue
Bismarck ND 58505-0500

NOTE: These affidavits should not be mailed to the Secretary of State. They should be collectively presented to the Secretary of State with the first draft of the petition. See page 2 regarding the submission of the petition to the Secretary of State.

STATE OF NORTH DAKOTA)

_____)
COUNTY)ss.
_____)

I, _____, (Printed name) being first duly sworn, on oath, state that:

1. My post office address is:

2. I am a qualified North Dakota voter.

3. I am a member of the sponsoring committee for the attached [initiated measure, which (describe purpose of initiated measure)] [referral petition which refers _____ Bill No. ____, as passed by the _____ Legislative Assembly and relating to (describe bill)].

4. The attached (initiative) (referral) petition is presented to you as Secretary of State of the State of North Dakota for approval of the form of the petition.

(Signature)

Subscribed and sworn to before me, on _____, 19____, at _____, North Dakota.

Notary Public
My commission expires _____

SAMPLE OF INITIATED PETITION

INITIATIVE PETITION TO THE SECRETARY OF STATE, STATE OF NORTH DAKOTA

We, the undersigned, being qualified electors, request the following initiated law be placed on the ballot as provided by law.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the State of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law.

Name 1, Chairman
Address 1
City, ND Zip Code

Name 9
Address 9
City, ND Zip Code

Name 17
Address 21
City, ND Zip Code

Name 2
Address 2
City, ND Zip Code

Name 10
Address 10
City, ND Zip Code

Name 18
Address 22
City, ND Zip Code

Name 3
Address 3
City, ND Zip Code

Name 11
Address 11
City, ND Zip Code

Name 19
Address 23
City, ND Zip Code

Name 4
Address 4
City, ND Zip Code

Name 12
Address 12
City, ND Zip Code

Name 20
Address 24
City, ND Zip Code

Name 5
Address 5
City, ND Zip Code

Name 13
Address 13
City, ND Zip Code

Name 21
Address 25
City, ND Zip Code

Name 6
Address 6
City, ND Zip Code

Name 14
Address 14
City, ND Zip Code

Name 22
Address 25
City, ND Zip Code

Name 7
Address 7
City, ND Zip Code

Name 15
Address 15
City, ND Zip Code

Name 23
Address 25
City, ND Zip Code

Name 8
Address 8
City, ND Zip Code

Name 16
Address 20
City, ND Zip Code

Name 24
Address 25
City, ND Zip Code

Name 25
Address 25
City, ND Zip Code

[CONTINUED ON PAGE 16]

[SAMPLE INITIATED PETITION CONTINUED]

BALLOT TITLE

NOTE: Ballot title will be drafted by the Secretary of State and Attorney General.

This initiated measure would amend Article X, Section 11 of the North Dakota Constitution to require a portion of the revenue from gasoline and motor fuel excise taxes, equal to at least five dollars for every licensed motorboat in North Dakota, be appropriated annually to a game and fish account to be used for construction, reconstruction, repair, and maintenance of boating facilities, and for boating administration.

FULL TEXT OF THE MEASURE

IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY SLASHES, THE MATERIAL IS BEING DELETED. IF NO MATERIAL IS UNDERSCORED OR OVERSTRUCK, THE MEASURE CONTAINS ALL NEW MATERIAL WHICH IS BEING ADDED.

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

SECTION 1. AMENDMENT. Section 11 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 11. Revenue from gasoline and other motor fuel excise and license taxation, motor vehicle registration and license taxes, except revenue from aviation gasoline and unclaimed aviation motor fuel refunds and other aviation motor fuel excise and license taxation used by aircraft, after deduction of cost of administration and collection authorized by legislative appropriation only, and statutory refunds, ~~shall~~ must be appropriated and used solely for construction, reconstruction, repair, and maintenance of public highways, and the payment of obligations incurred in the construction, reconstruction, repair, and maintenance of public highways, and as otherwise provided in this section. For each year an amount of revenue from gasoline and motor fuel excise taxation, corresponding to an amount at least equal to five dollars multiplied by the number of licensed motorboats in this state, must be appropriated to a special account within the game and fish fund known as the motorboat programs and safety account and to be used for the construction, reconstruction, repair, and maintenance of boating facilities, and for boating administration, and for the payment of obligations incurred in the construction, reconstruction, repair, and maintenance of boating facilities.

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota thirty days, and you are a United States citizen. All signers must add their entire post-office address, including post-office box number, and the date of signing. Every qualified elector signing a petition must do so in the presence of the person circulating the petition.

[CONTINUED ON PAGE 17]

[SAMPLE INITIATED PETITION CONTINUED]

QUALIFIED ELECTORS

Month, Day, Year	Name of Qualified Elector	Residential Address or P.O. Box	City, State, ZIP Code
1.			
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20.			

NOTE: The number of signature lines on each page of a petition may vary at the discretion of the sponsor.

[CONTINUED ON PAGE 18]

[SAMPLE INITIATED PETITION CONTINUED]

State of North Dakota)
)ss.
County of _____)

I, _____, (Printed name of Circulator) being duly sworn, depose and say that I am a qualified elector, that I reside at _____, (Residence or PO Box address of Circulator, City, State, Zip Code) that each signature contained on this petition was executed in my presence; and that to the best of my knowledge and belief each person whose signature appears on this petition is a qualified elector; and that each signature contained on this petition is the genuine signature of the person whose name it purports to be.

(Signature of Circulator)

Subscribed and sworn to before me this ___ day of ____, 19___, at _____, North Dakota.
(Name of City)

(NOTARY SEAL)

(Signature of Notary)
Notary Public, North Dakota
My commission expires _____

SAMPLE OF REFERRAL PETITION

REFERENDUM PETITION TO THE SECRETARY OF STATE, STATE OF NORTH DAKOTA

We, the undersigned, being qualified electors, request Senate Bill No. 2266, passed by the Fifty-third Legislative Assembly, be placed on the ballot as provided by law.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law.

Name 1, Chairman
Address 1
City, ND Zip Code

Name 9
Address 9
City, ND Zip Code

Name 17
Address 17
City, ND Zip Code

Name 2
Address 2
City, ND Zip Code

Name 10
Address 10
City, ND Zip Code

Name 18
Address 18
City, ND Zip Code

Name 3
Address 3
City, ND Zip Code

Name 11
Address 11
City, ND Zip Code

Name 19
Address 19
City, ND Zip Code

Name 4
Address 4
City, ND Zip Code

Name 12
Address 12
City, ND Zip Code

Name 20
Address 20
City, ND Zip Code

Name 5
Address 5
City, ND Zip Code

Name 13
Address 13
City, ND Zip Code

Name 21
Address 21
City, ND Zip Code

Name 6
Address 6
City, ND Zip Code

Name 14
Address 14
City, ND Zip Code

Name 22
Address 22
City, ND Zip Code

Name 7
Address 7
City, ND Zip Code

Name 15
Address 15
City, ND Zip Code

Name 23
Address 23
City, ND Zip Code

Name 8
Address 8
City, ND Zip Code

Name 16
Address 16
City, ND Zip Code

Name 24
Address 24
City, ND Zip Code

Name 25
Address 24
City, ND Zip Code

[CONTINUED ON PAGE 20]

[SAMPLE REFERRAL PETITION CONTINUED]

BALLOT TITLE

NOTE: Ballot title will be drafted by the Secretary of State and Attorney General.

This referred measure prohibits a driver from operating a vehicle on the highway unless each front seat occupant is wearing a safety belt. This provision does not require occupants of farm vehicles, implements of husbandry, rural mail carriers while on duty, or vehicles designed to carry eleven or more passengers, to wear safety belts. After December 31, 1993, the driver may be fined up to twenty dollars for a violation only if also lawfully stopped for a different violation.

FULL TEXT OF THE MEASURE

**IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED.
IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED.
IF NO MATERIAL IS UNDERSCORED OR OVERSTRUCK, THE MEASURE CONTAINS
ALL NEW MATERIAL WHICH IS BEING ADDED.**

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 39-06.1-06 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

For a violation of section 2 of this Act, a fee not to exceed twenty dollars.

SECTION 2. A new section to chapter 39-21 of the North Dakota Century Code is created and enacted as follows:

Use of safety belts required in certain motor vehicles - Enforcement. Subject to the limitations of this section and section 3 of this Act, a driver may not operate upon a highway a motor vehicle designed for carrying fewer than eleven passengers, which was originally manufactured with safety belts unless each front seat occupant is wearing a properly adjusted and fastened safety belt. This section does not apply to a child in a child restraint or seat belt in accordance with section 39-21-41.2, to drivers of implements of husbandry, to operators of farm vehicles as defined in subsection 5 of section 39-04-19, to rural mail carriers while on duty delivering mail, or when all front seat safety belts are in use by the occupants. From the effective date of this Act until December 31, 1993, only warning tickets may be issued for a violation of this section.

SECTION 3. A new section to chapter 39-21 of the North Dakota Century Code is created and enacted as follows:

[CONTINUED ON PAGE 21]

[SAMPLE REFERRAL PETITION CONTINUED]

Secondary enforcement. A peace officer may not issue a citation for a violation of section 2 of this Act unless the officer lawfully stopped or detained the driver of the motor vehicle for another violation. Drivers' license points may not be assessed against any person for violation of section 2 of the Act.

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota thirty days, and you are a United States citizen. All signers must add their entire post-office address, including post office box number, and the date of signing. Every qualified elector signing a petition must do so in the presence of the person circulating the petition.

QUALIFIED ELECTORS

Month, Day, Year	Name of Qualified Elector	Residential Address or P.O. Box No.	City, State, ZIP Code
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NOTE: The number of signature lines on each page of a petition may vary at the discretion of the sponsor.

[CONTINUED ON PAGE 22]

[SAMPLE REFERRAL PETITION CONTINUED]

State of North Dakota)
)ss.
County of _____)
 (Where signed in front of Notary)

I, _____, (Printed name of Circulator) being duly sworn, depose and say that I am a qualified elector, that I reside at _____, (Residence or PO Box Address of Circulator, City, State, Zip code) that each signature contained on this petition was executed in my presence; and that to the best of my knowledge and belief each person whose signature appears on this petition is a qualified elector; and that each signature contained on this petition is the genuine signature of the person whose name it purports to be.

(Signature of Circulator)

Subscribed and sworn to, before me, on this ___ day of _____, 19____, at _____, North Dakota.

(NOTARY SEAL)

(Signature of Notary Public)
Notary Public, North Dakota
My commission expires _____