

Sixty-eighth
Legislative Assembly
of North Dakota

**ENGROSSED HOUSE CONCURRENT
RESOLUTION NO. 3031**

Introduced by

Representatives Vetter, Cory, Hoverson, Klemin, Motschenbacher, Rios

Senator Paulson

1 A concurrent resolution to amend and reenact sections 2, 3, 4, 8, and 9 of article III of the
2 Constitution of North Dakota, relating to the subject matter of initiated measures and
3 constitutional amendments, the manner of signing petitions, the establishment of an electronic
4 signature gathering system by the secretary of state, and the threshold for placing a measure
5 on the ballot; to provide for application; and to provide an effective date.

6 **STATEMENT OF INTENT**

7 This measure prohibits an initiated measure and a constitutional amendment placed on the
8 ballot from comprising more than one subject. This measure also requires the secretary of state
9 to implement, by December 31, 2025, and maintain an electronic signature gathering system for
10 receiving signatures for proposed measures. The measure requires a petition gatherer to verify
11 a petition was signed in a manner provided by law. The measure provides after December 31,
12 2025, the threshold for placing a constitutional amendment on the ballot is ten percent of the
13 resident population of the state at the last federal decennial census, and for all other measures,
14 five percent of the resident population of the state at the last federal decennial census. The
15 measure provides that if the majority of the total votes cast upon an initiated constitution
16 measure are affirmative and a majority affirmative vote is received in a majority of the legislative
17 districts in the state, at both the primary and general election, the measure is enacted.

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

20 That the following proposed amendments to sections 2, 3, 4, 8, and 9 of article III of the
21 Constitution of North Dakota are agreed to and must be submitted to the qualified electors of
22 North Dakota at the general election to be held in 2024, in accordance with section 16 of
23 article IV of the Constitution of North Dakota.

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

1 **Section 2.** An initiated measure may not comprise more than one subject, as determined by
2 the secretary of state. A petition to initiate or to refer a measure must be presented to the
3 secretary of state for approval as to form and compliance with the single subject requirement. A
4 request for approval must be presented over the names and signatures of twenty-five or more
5 electors as sponsors, one of whom must be designated as chairman of the sponsoring
6 committee. The secretary of state shall approve the petition for circulation if it is in proper form
7 and contains the names and addresses of the sponsors and the full text of the measure.

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

12 The legislative assembly shall provide by law for the establishment and maintenance of an
13 electronic signature gathering system for the collection of petition signatures in elections
14 overseen by the secretary of state. The laws provided by the legislative assembly must permit
15 signature gatherers to collect signatures solely by electronic means. The legislative assembly
16 shall permit the secretary of state to adopt rules to maintain, operate, and oversee the secure
17 electronic signature gathering system. The secure electronic signature gathering system must
18 be hosted on the website of the secretary of state. The secretary of state shall procure the
19 technical resources to allow any elector, upon proof of qualification, to electronically sign forms
20 and petitions relating to all initiated and referred measures, recall petitions, and candidate
21 nominations.

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

24 **Section 3.** The petition ~~shall~~may be circulated only by electors. ~~They~~A signature gatherer
25 shall swear thereon on the petition that the electors who have signed the petition did so in their
26 presence ~~or electronically signed the petition in a manner provided by law.~~ Each elector signing
27 a petition ~~shall~~ shall write in the date of signing and ~~his post-office~~the elector's complete
28 residential address. ~~No~~A law shall~~may not~~ be enacted ~~limiting~~which limits the number of copies
29 of a petition. The copies ~~shall~~must become part of the original petition when filed.

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

1 **Section 4.** The petition may be submitted to the secretary of state if signed by electors
2 equal in number to ~~tw~~five percent of the resident population of the state at the last federal
3 decennial census.

4 **SECTION 4. AMENDMENT.** Section 8 of article III of the Constitution of North Dakota is
5 amended and reenacted as follows:

6 **Section 8.** If a majority of votes cast upon an initiated statutory measure or a referred
7 measure are affirmative, ~~it shall be~~the measure is deemed enacted. An initiated statutory or
8 referred measure ~~which that~~ is approved ~~shall become~~becomes law thirty days after the election,
9 and a referred measure ~~which that~~ is rejected ~~shall be~~is void immediately. If conflicting measures
10 are approved, the ~~one~~measure receiving the highest number of affirmative votes shall be law. A
11 measure approved by the electors may not be repealed or amended by the legislative assembly
12 for seven years from ~~its~~the effective date of the measure, except by a two-thirds vote of the
13 members elected to each house.

14 **SECTION 5. AMENDMENT.** Section 9 of article III of the Constitution of North Dakota is
15 amended and reenacted as follows:

16 **Section 9.**

- 17 1. A constitutional amendment may be proposed by initiative petition. The proposed
18 amendment may not comprise more than one subject, as determined by the secretary
19 of state, and the secretary of state may not approve the initiative petition for circulation
20 if the proposed amendment comprises more than one subject.
- 21 2. If signed by electors equal in number to ~~four~~ten percent of the resident population of
22 the state at the last federal decennial census, the petition may be submitted to the
23 secretary of state.
- 24 3. The secretary of state shall place the proposed constitutional amendment on the ballot
25 at the next primary election. If the majority of the total votes cast on the measure are
26 affirmative and the measure is approved by a majority of the votes cast in a majority of
27 the legislative districts in the state, the measure must be placed on the ballot at the
28 next general election for final consideration. If a majority of the total votes cast for a
29 proposed constitutional amendment are affirmative and the measure is approved by a
30 majority of the votes cast in a majority of the legislative districts in the state in the
31 general election, the measure is deemed enacted.

1 4. All other provisions relating to initiative measures apply heretoto initiative measures for
2 constitutional amendments.

3 **SECTION 6. APPLICATION - EFFECTIVE DATE.** The requirement in section 1 of this
4 measure which requires the secretary of state to establish and maintain a secure electronic
5 signature gathering system becomes effective January 1, 2026. Sections 2 and 3 of this
6 measure become effective January 1, 2026, and do not apply to any measure approved for
7 circulation before that date. The amendment to section 9 of article III of the Constitution of North
8 Dakota in section 5 of this measure becomes effective January 1, 2026, and does not apply to
9 any measure approved for circulation before that date.