

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1324
(Representatives Kasper, Koppelman, Louser, Rohr, D. Ruby, Steiner, Vetter, Vigesaa)
(Senator Vedaa)

AN ACT to amend and reenact section 16.1-01-10 of the North Dakota Century Code, relating to sufficiency of petitions as determined by the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-10 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-10. Secretary of state to pass upon sufficiency of petitions - Method - Time limit.

1. The secretary of state shall have a reasonable period, not to exceed thirty-five days, in which to pass upon the sufficiency of any petition mentioned in section 16.1-01-09. The secretary of state shall conduct a representative random sampling of the signatures contained in the petitions by the use of questionnaires, postcards, telephone calls, personal interviews, or other accepted information-gathering techniques, or any combinations thereof, ~~to determine the validity of the signatures from which the secretary of state may exercise the secretary's judgment as to the validity of the individual signatures or groupings of signatures and other irregularities in the petition, thereby determining whether those signatures are to be counted as part of the necessary signature amount.~~ Signatures determined by the secretary of state to be invalid may not be counted and ~~all~~ if the number of valid signatures received is less than the required number of signatures to place the measure on the ballot, the secretary of state may not allow the measure to be placed on the ballot. When the secretary of state does not approve the measure to be placed on the ballot due to an insufficient petition, the action is presumed to be lawful, unless the presumption is rebutted by clear and convincing evidence that the action of the secretary of state was unlawful. All violations of law discovered by the secretary of state must be reported to the attorney general for prosecution.
2. For purposes of this section "clear and convincing evidence" means that degree of proof which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition on which the challenging party has the burden of proof is true.

Dennis Z Johnson
Speaker of the House

Rodd S
President of the Senate

Bruce J. Reick
Chief Clerk of the House

Wanda Mogen
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1324.

House Vote: Yeas 87 Nays 3 Absent 4

Senate Vote: Yeas 46 Nays 0 Absent 1

Bruce J. Reick
Chief Clerk of the House

Received by the Governor at 2:51 PM. on April 18, 2023.

Approved at 12:59 PM. on April 20, 2023.

Doug Burgum
Governor

Filed in this office this 21 day of April, 2023,

at 4:56 o'clock P M.

Michael Howe
Secretary of State