

**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:

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PETITION TITLE

This initiated measure would add a new section to and amend Section 2 of Article IV of the North Dakota Constitution. It would require ballots to be transmitted to qualified military-overseas electors by the sixty-first day before an election. It would require all voting machines to produce a paper record of each vote cast and the Secretary of State to conduct a random audit of election results and issue an audit report within 120 days of an election. It would establish a new process for open primary elections in which all electors would be allowed to vote the ballot regardless of political party affiliation; all candidates for each office would be listed on a single ballot; candidates would be allowed, but not required, to identify their political party; and, regardless of political party identification, the four candidates receiving the most votes would advance to the general election ballot for that office. No other candidates could appear except those nominated through the primary election. It would permit political parties to state on the ballot which candidates they endorse. It would allow voters in general elections to rank their first, second, third, and fourth choices of the candidates for each office and have the votes counted through a defined procedure until a candidate receives a majority of the votes cast for that office. It would require the Ethics Commission to draw legislative senatorial districts by unanimous vote, divide each senatorial district into two legislative house districts, hold eight public hearings on the proposed redistricting plan with two of the hearings held on two different American Indian Reservations, and follow certain criteria for the drawing of legislative districts. It would require the Secretary of State to provide the Ethics Commission with the tools and data necessary to draw the districts and the legislature to provide adequate funds for the duties of the Ethics Commission.

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 MATERIAL IS NOT UNDERSCORED OR OVERSTRUCK, THE MATERIAL IS EXISTING LAW THAT IS NOT BEING CHANGED.

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 created and enacted as follows:

Section 1. Help Our Heroes Vote.

In order to provide military-overseas voters with ample opportunity to vote, on or before the business day preceding the sixtieth day before an election, the secretary of state shall transmit ballots and balloting materials to all covered voters who submit a valid military-overseas ballot application. This shall apply for all elections covered in N.D.C.C. section 16.1-07-19.

Section 2. Secure Our Elections.

All voting machines must produce a paper record of each vote cast. Within sixty days of an election, the secretary of state shall audit all results of one or more randomly selected precinct in each legislative district. Within 120 days of an election, the secretary of state shall publish a report containing the results of the audit conducted under this section.

Section 3. Increase Voter Choice.

A. Open Primaries.

Open primaries shall be used for all primary elections for statewide, legislative assembly, and United States congressional offices.

All electors, regardless of party affiliation or lack of affiliation, shall be permitted to participate and vote in an open primary.

All candidates for each office in an open primary shall be listed on a single primary ballot.

Candidates in an open primary may choose to have their political party affiliation indicated on the ballot. Designation of a party affiliation by a candidate shall not constitute or imply the nomination, endorsement, or selection of the candidate by the political party designated.

Political parties may choose to have their candidate endorsements indicated on the ballot. Nothing in this section shall be interpreted as forcing a party to endorse a candidate or to prohibit a political party from nominating, endorsing, supporting, or opposing any candidate.

The four candidates for each office receiving the greatest numbers of votes cast in an open primary shall then appear on the general election ballot for that office. No other candidates shall appear on the general election ballot for an office to which this section applies. Should only four or fewer candidates for an office qualify for the open primary, no primary election will be held for that office and those candidates shall automatically appear on the general election ballot.

B. Instant Runoffs.

Instant runoffs shall be used for all general elections for statewide, legislative assembly, and United States congressional office. The general election ballot shall therefore provide each elector the opportunity to mark one first-choice candidate, as well as one second-choice, one third-choice, and one fourth-choice candidate, should so many candidates qualify for the general election ballot. Marking more than a first-choice candidate shall not be required. If an elector does not mark any choices for an office, that shall not invalidate any other votes cast on that elector's ballot.

Under an instant runoff, votes shall first be counted based on first-choice rankings. If a candidate receives a majority of votes, they shall be declared the winner. If no candidate has received a majority of votes, the candidate with the fewest votes shall be eliminated, and any vote for that candidate shall be counted instead for the elector's next choice candidate, should a next choice be marked. This instant runoff process shall repeat until a candidate receives a majority of votes, when that candidate shall be declared the winner.

As used in this Constitution related to determining the winner of an election for statewide, legislative assembly, or United States congressional office, the word "vote" in the phrase "highest number of votes" refers to votes received by candidates at the conclusion of the instant runoff process described above.

Section 4. General Provisions.

1. This article is self-executing and all of its provisions are mandatory. Laws may be enacted to facilitate, safeguard, or expand, but not to hamper, restrict, or impair, this article. This article shall take effect thirty days after approval.

2. If any provision of this article is held to be invalid, either on its face or as applied to any person, entity, or circumstance, the remaining provisions, and the application thereof to any person, entity, or circumstance other than those to which it is held invalid, shall not be affected thereby.

SECTION 2. AMENDMENT. Article IV, Section 2 is amended and reenacted as follows:

Section 2. Fair Legislative Districts.

The intent of this section is to ensure that every North Dakota voter has the opportunity to cast a vote in a fairly and impartially drawn legislative district, and that the process of drawing legislative districts is open and transparent. The legislative assembly shall fix the number of senators and representatives, and After each decennial census of the United States, the Ethics Commission shall by unanimous vote divide the state into as many senatorial districts of compact and contiguous territory as there are senators. The Ethics Commission shall appoint by unanimous vote impartial experts to assist the Ethics Commission in these duties. The Secretary of State shall promptly provide the Ethics Commission with data and tools necessary to perform duties related to the drawing of districts. The districts thus ascertained and determined after the 1990 federal decennial census shall continue until the adjournment of the first regular session after each federal decennial census, or until changed by law.

A. All Voters Equal

The legislative assembly and Ethics Commission shall guarantee, as nearly as is practicable, that every elector is equal to every other elector in the state in the power to cast ballots for legislative candidates. A senator ~~and at least two representatives~~ must be apportioned to each senatorial district. Each senatorial district shall be subdivided into two House of Representatives districts of as equal population as is practicable, from which one representative shall each be elected and be elected at large or from subdistricts from those districts. The legislative assembly and Ethics Commission may combine two senatorial districts only when a single member senatorial district includes a federal facility or federal installation, containing over two-thirds of the population of a single member senatorial district, and may provide for the election of senators ~~at large~~ and representatives ~~at large or from subdistricts from those districts.~~

B. Transparency and Public Comment for Drawing Legislative Districts.

The Ethics Commission and commissioners shall conduct all business related to the drawing of districts in meetings open to the public, and shall hold eight public hearings throughout the state prior to finalizing any districts, including at least two meetings on two different American Indian Reservations. The public shall have opportunities to view, present testimony, and participate in all Ethics Commission hearings pertaining to the drawing of districts. All Ethics Commission materials, including all internal and external communications, pertaining to the drawing of districts shall be public records.

C. Criteria for Drawing Legislative Districts

The Ethics Commission shall use the criteria below, in priority of the order listed, to draw districts:

1. Districts shall comply with the United States Constitution and applicable federal law;
2. Districts shall have as equal a number of inhabitants as is practicable;
3. Districts shall be geographically contiguous;
4. Districts shall not be not drawn with the intent or result of denying or abridging the equal opportunity of tribal, racial, or language minorities to participate in the political process or elect representatives of their choice, whether by themselves or voting in concert with other persons;
5. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party, and the place of residence of any incumbent or political candidate shall not be considered when drawing districts;
6. Districts, when considered on a statewide basis, shall not unduly advantage or disadvantage a political party;
7. Districts shall minimize, to the extent practicable, the division of communities of interest, meaning an area with recognized similarities of interests, including but not limited to tribal, racial, ethnic, economic, social, cultural, geographic, or historic identities, but not including common relationships with political parties or political candidates;
8. Districts shall not unnecessarily divide county, city, township, or Tribal boundaries;
9. Districts shall be reasonably compact;
10. Districts shall, to the extent practicable and after complying with the requirements above, maximize the number of politically competitive districts.

Ethics Commission approval of the drawing of new districts must be by unanimous vote. Upon unanimous approval of the Ethics Commission, the districts thus drawn shall become effective.

D. General Provisions

1. This article is self-executing and all of its provisions are mandatory. Laws may be enacted to facilitate, safeguard, or expand, but not to hamper, restrict, or impair, this article. This article shall take effect thirty days after approval.

2. If any provision of this article is held to be invalid, either on its face or as applied to any person, entity, or circumstance, the remaining provisions, and the application thereof to any person, entity, or circumstance other than those to which it is held invalid, shall not be affected thereby.

3. The legislative assembly shall provide adequate funds for the proper carrying out of the functions and duties of the Ethics Commission.

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 shall also legibly print their name, complete residential address or rural route or general delivery address, and the date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

QUALIFIED ELECTORS

Month/Day /Year	PRINTED Name of Qualified Elector	SIGNED Name of Qualified Elector	Residential Address or Complete Rural Route or General Delivery Address	City, State, Zip Code
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State of North Dakota

County of _____
(county where signed)

I, _____, being sworn, say that I am a qualified elector; that I reside at
(circulator)

(address);

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each individual 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 individual whose name it purports to be.

(signature of circulator)

Subscribed and sworn to before me on _____, 20_____, at _____, North Dakota
(city)

(Notary Stamping Device)

(signature of notarial officer)