

PETITION DRAFTING GUIDANCE FOR DRAFTERS OF INITIATED AND REFERENDUM PETITIONS

SAMPLE PETITION DOCUMENTS & FILLABLE FORMAT TEMPLATE

Review the sample petition document for an example of what a completed petition looks like. Then use the fillable template to draft the petition. Please note that the Sample Petition Document is an example with color coding which is referenced below to help you understand what needs to be updated in the Fillable Template:

- 1) Areas with a **green border or green text** are the areas you will complete in the template.
 - a. **Sponsoring Committee Addresses** – Page 1 of Fillable Template – Enter a minimum of 25 sponsoring committee member names.
 - b. **Petition Title** – Page 2 of Fillable Template – Title will update throughout document with the information you enter on Page 2. You must tab out of the Petition Title text box for text to update throughout the document. Once you receive the approved Petition Title language from the Office of the Secretary of State you will update that information here.
 - c. **Full Text of the Measure** – Page 2 of the Fillable Template – Measure text which you wish to change will be entered into this area. The document will expand to accommodate whatever length of text your measure requires.
- 2) **Red areas – Petition Titles** – The Petition Title text entered on Page 2 of the Fillable template will update in these areas throughout the document.

DRAFTING PROCESSES

SPONSORING COMMITTEE

A petition for a constitutional, statutory, or referendum measure must have a sponsoring committee made up of twenty-five (25) qualified electors of the state of North Dakota. The names and complete residential addresses of sponsoring committee members appear on the front page of each petition when it is being circulated. One sponsoring committee member must be designated as the sponsoring committee chair.

All sponsoring committee members must complete and sign a Sponsoring Committee Affidavit (see page 5) stating that the member is a qualified North Dakota elector and has agreed to be on the sponsoring committee. The affidavit is a sworn statement indicating the individual's intent to be a member of the sponsoring committee for that particular petition. The original Sponsoring Committee Affidavits must be notarized and provided when the petition is submitted to the Office of the Secretary of State for format approval.

- Sponsoring Committee members:
 - May not notarize the affidavits of any circulator or sponsoring committee member.
 - Cannot have a spouse notarize their signature.
 - Names and addresses provided in the Sponsoring Committee listing on Page 1 of the petition must exactly match the name, address, and signature provided on the individual Sponsoring Committee Affidavit when the petition is submitted for format approval to the Office of the Secretary of State. For example, if the committee sponsor listing has “Jim Doe” and the signature on the affidavit is signed as “James P. Doe,” you will be asked to make a correction.

Once the petition is submitted for format approval, the Secretary of State drafts a short and concise petition title that fairly represents the measure. The petition title is reviewed and approved by the Attorney General within 5 to 7 business days. The Office of the Secretary of State will also issue a release to the media indicating that an initiated or referendum petition has been submitted for format approval.

The approved petition title is then provided to the sponsoring committee chair for inclusion into the petition. The sponsoring committee chair has 15 business days after receiving the approved petition title from the Office of the Secretary of State to revise the petition with the title and any requested corrections. Once the petition is revised the final petition in its entirety, along with any sponsoring committee member affidavits that needed correction, is submitted for final circulation approval by the Office of the Secretary of State. If the sponsoring committee chair does not revise and provide the updated petition within 15 business days, the petition filing is considered withdrawn.

SUBMISSION POST-CIRCULATION PROCESSES

SUBMITTING COMPLETED PETITIONS TO STATE

Once the number of required signatures has been collected, the petition should be prepared for submission to the Office of the Secretary of State.

- **Constitutional & Initiative Petitions** – Must be submitted to the Secretary of State no later than one (1) year from the date the petition format was approved. Petitions must be submitted at least 120 days before a statewide election in order for the measure to be on the respective ballot for that election.
- **Referendum Petitions** – Must be submitted within 90 days after the legislation being referred was signed by the Governor and filed with the Secretary of State.

Sponsoring committees must make prior arrangements with the Office of the Secretary of State before delivering petitions to our office. You should review petitions for the following before scheduling delivery time:

1. Contact the Office of the Secretary of State at 701-328-4146 to arrange a date and time to deliver the completed petitions.
2. Each petition must be submitted in its entirety, which includes:
 - a. listing of the members of the sponsoring committee with complete address
 - b. petition title
 - c. full text of the measure
 - d. signature sheets – spaces for no more than 50 signatures per packet
 - e. affidavit of circulator (signed after signature collection is complete)

3. Prior to dropping off petitions, complete the Petition Final Submission Checklist (see page 6) for submission to the Office of the Secretary of State:
 - a. Estimated number of individuals who will come in person to deliver the petition
 - b. Estimated total number of packets
 - c. Estimated total number of signatures gathered
 - d. Group petition packets in stacks of twenty-five (25) and rubber band together

Upon delivery of petitions to the Office of the Secretary of State for review, you will be provided a letter of receipt noting the total number of packets submitted for review and the timeline for review based on your delivery date. The Office of the Secretary of State will issue a release to the media indicating that an initiated or referendum petition has been received for review.

SIGNATURE REVIEW BY SECRETARY OF STATE

The Office of the Secretary of State has up to 35 days to review the signatures submitted. The Office of the Secretary of State will conduct a representative random sample of signatures contained in the petitions through post cards, phone calls, or other accepted information gathering techniques to determine validity of signatures. Signatures determined to be invalid will not be counted. Any violations of state law will be reported to the Attorney General for investigation and prosecution.

The Office of the Secretary of State will inform the sponsoring committee chair if the petition has met the requirements for ballot inclusion as a measure in the next election and assign a measure number (Measure 4). The Office of the Secretary state will also issue a release to the media indicating that a ballot measure through initiated or referendum petition has been approved for the upcoming election.

NEEDED SIGNATURES

Petition signature requirements are based on a percentage of the population of North Dakota during the last decennial census. The below percentages are based on 2020 census figures:

North Dakota Population: 779,094

- **Referendum Petition (2%) = 15,582**
- **Statutory Initiative (2%) = 15,582**
- **Constitutional Initiative (4%) = 31,164**

APPROVED MEASURE EFFECTIVE DATES

- A constitutional initiated or referred measure which is approved by a majority of votes cast is deemed enacted.
- A statutory initiated or referred measure which is approved by the voters shall become law 30 days after the election, and a referred measure which is rejected by the voters shall be void immediately.
- If conflicting measures are approved, the one receiving the highest number of affirmative votes shall become law.

- A measure approved by the voters 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 chamber of the North Dakota Legislative Assembly .

NORTH DAKOTA
SECRETARY OF STATE

For questions about the petition process, please contact the Office of the Secretary of State.



WEB: www.sos.nd.gov/elections/voter/ballot-measures/drafting-ballot-measures



PHONE: 701-328-4146



EMAIL: soselect@nd.gov



Sponsoring Committee Affidavits should be collectively presented to the Office of the Secretary of State with the first draft of the petition. The name and address of the sponsoring committee member reflected on the Sponsoring Committee Affidavit must match the name and address provided for that individual on page 1 of the petition.

SPONSORING COMMITTEE AFFIDAVIT

STATE OF NORTH DAKOTA

COUNTY OF _____
(COUNTY WHERE SIGNED)

I, _____, being first duly sworn, on oath, state that:
(SPONSORING COMMITTEE MEMBER FULL NAME)

1. My address is:

(COMPLETE RESIDENTIAL ADDRESS – STREET, CITY, STATE, ZIP)

2. I am a qualified North Dakota voter.

3. I am a member of the sponsoring committee for the attached [choose one of the following:]

Option 1: initiated measure, which <<describe purpose of initiated measure>>, OR

Option 2: referral petition referring Bill No. <enter bill #>,

as passed by the <<Session # - example: sixty-ninth>> Legislative Assembly, and related to

<describe purpose of the bill>.

4. The attached <<initiative OR 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 OF SPONSORING COMMITTEE MEMBER)

Subscribed and sworn to before me, this _____ day of _____, 20_____.
(DAY) (MONTH) (YEAR)

(NOTARY STAMPING DEVICE)

(SIGNATURE OF NOTARIAL OFFICER)

PETITION FINAL SUBMISSION CHECKLIST

Complete the following prior to delivery of petitions for final review.

PETITION SIGNATURE REQUIREMENTS ARE MET

Petition signature requirements are based on a percentage of the population of North Dakota during the last decennial census. The percentages are based on 2020 census figures:

North Dakota Population: 779,094

- **Referendum Petition (2%) = 15,582**
- **Statutory Initiative (2%) = 15,582**
- **Constitutional Initiative (4%) = 31,164**

EACH PETITION IS COMPLETE AND INCLUDES:

1. listing of the members of the sponsoring committee with complete address
2. petition title
3. full text of the measure
4. signature sheets – spaces for no more than 50 signatures per packet
5. affidavit of circulator (signed after signature collection is complete)

PETITIONS ARE GROUPED AND BANDED

Group petitions into stacks of 25 and rubber band together.

_____ **ESTIMATED NUMBER OF PETITIONS**

_____ **ESTIMATED NUMBER OF SIGNATURES GATHERED**

_____ **NUMBER OF PERSONS TO DELIVER**

You will be asked to provide an estimated number of people who will be delivering the packets in-person to the Office of the Secretary of State.

SET A DATE AND TIME TO DELIVER PACKETS TO THE STATE CAPITOL

Contact the Office of the Secretary of State at 701-328-4146 to arrange a date and time to deliver completed petitions.