

ALVIN A. JAEGER
SECRETARY OF STATE
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SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 31, 2018

FOR IMMEDIATE RELEASE

Contact: Al Jaeger, Secretary of State, (701) 328-2900

**CONSTITUTIONAL INITIATIVE
SUBMITTED TO SECRETARY OF STATE**

BISMARCK, ND – Secretary of State Al Jaeger announced today that a proposed petition to initiate a constitutional measure has been submitted to the Secretary of State's office for review and approval to circulate. The proposed constitutional initiative relates to:

The establishment of an ethics commission, conflicts of interests, and transparency in government

Dina Butcher of Bismarck is the chairperson of the sponsoring committee.

Attached is a copy of the proposed petition, which contains a list of the 32 sponsoring committee members, and a time line related to the process.

The Secretary of State and Attorney General have five to seven business days to draft a petition title. This short and concise statement must fairly represent the measure and must be included on the petition circulated for the signatures of qualified electors. The petition title will be provided to the sponsoring committee no earlier than Wednesday, February 7, 2018, nor later than Friday, February 9, 2018.

Note: As a reference resource, refer to the pamphlet, *2017-2019 Initiating and Referring Law in North Dakota*, at Vote.ND.Gov and Ballot Measures



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600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 31, 2018

Dina Butcher
1531 Country Lane
Bismarck ND 58503

Dear Ms. Butcher,

I hereby acknowledge receipt of your request to review the format of a petition that will be used to obtain signatures of qualified electors to place a constitutional initiative on the ballot for an upcoming election. It is related to the establishment of an ethics commission, conflicts of interests, and transparency in government.

According to Section 16.1-01-09 of the North Dakota Century Code (N.D.C.C.), "Upon receipt of a petition to initiate or refer a measure, the secretary of state shall draft a short and concise statement that fairly represents the measure. The statement must be submitted to the attorney general for approval or disapproval."

That section of law further specifies that, "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, excluding Saturdays."

Based on the time line stipulated in state law, the review cannot be completed earlier than Wednesday, February 7, 2018, nor later than Friday, February 9, 2018.

When the review is complete, you will be notified in writing.

Sincerely,

A handwritten signature in cursive script that reads "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

Cc: Attorney General Wayne Stenehjem

Time Line for Constitutional Initiative

Relating to the establishment of an ethics commission, conflicts of interests, and transparency in government (as of January 31, 2018)

Submitted to the Secretary of State for review and approval for circulation	January 31, 2018
Earliest date the law allows Secretary of State to approve the petition title	Wednesday, February 7, 2018
Latest date by which the Secretary of State must provide the petition title	Friday, February 9, 2018
Date that Secretary of State supplied Sponsoring Committee with petition title for petition along with a listing of corrections for the petition's format	To Be Determined
Date that Sponsoring Committee returned petition to Secretary of State for review	To Be Determined
Date that Secretary of State approved petition for circulation	To Be Determined
Deadline for submitting petition signatures to the Secretary of State (120 days before the election at which the measure is to appear on the ballot or one year from the date the petition is approved for circulation)	<p style="text-align: center;">2018 Primary Election – Prior to midnight on Monday, February 12, 2018</p> <p style="text-align: center;">2018 General Election – Prior to midnight on Monday, July 9, 2018</p> <p style="text-align: center;">One year from date petition was approved for circulation – To Be Determined</p>
Number of signatures needed to place measure on ballot.	26,904
Contact person for the sponsoring committee	<p>Dina Butcher 1531 Country Lane Bismarck ND 58503</p> <p>(701) 222-8679 (H) (701) 391-8679 (C)</p>

RECEIVED

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SEC. OF STATE

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:

Dina Butcher, Chairperson 1531 Country Lane Bismarck ND 58503	Ellen Chaffee 9500 66th St NE Bismarck ND 58503	Elizabeth Loos 108 Seminole Ave Bismarck ND 58501	Waylon Hedegaard 1300 N 3rd St Bismarck ND 58501
Susan E. Wefald 312 Avenue B West Bismarck ND 58501	Kathleen M. Tweeten 9521 41st St NE Bismarck ND 58503	Lillian Crook 920 Arthur Dr Bismarck ND 58501	Sharon E. Buhr 613 Chautauqua Blvd Valley City ND 58072
Konda Klipfel Wightman 1405 14th St. S.E Mandan ND 58554	Paul Sorum 5551 36th Ave South Unit F Fargo ND 58104	Tim Mathern 433 16th Ave. S Fargo ND 58103	Mary C. Tintes 524 3rd St. E. West Fargo ND 58078
John Strand 124 8th St. N. #3 Fargo ND 58102	Daniel R. Rice 1420 3rd Ave. South Fargo ND 58103	K. Amy Phillips 1420 3rd Ave. S. Fargo ND 58103	Sarah M. Vogel 1203 N. 2nd St. Bismarck ND 58501
Elizabeth Shockley 305 4th Ave NE Mandan ND 58554	Howard W. Tweeten 9521 41st St NE Bismarck ND 58503	Arlette Preston 505 N Broadway Unit 300 Fargo ND 58102	Larry Klundt 1415 Canyon Drive Bismarck ND 58503
Dan Ulmer 707 Paulsen Drive Mandan ND 58554	David L. Schwalbe 9500 66th St NE Bismarck ND 58503	Mary L. Rennich 7060 Horseshoe Bend Bismarck ND 58503	Cheryl Kary 424 Ashwood Avenue Bismarck ND 58504
Darrell Dorgan 1121 W. Highland Acres Rd Bismarck ND 58501	William Patrie 7201 Burnt Creek Loop Bismarck ND 58503	Carol M. Russell 897 Southport Loop Bismarck ND 58504	Kristin Hedger 501 Elks Drive Unit B Dickinson ND 58601
Kirsten Diederich 2509 E. Country Club Dr. Fargo ND 58103	James B. Buhr 613 Chautauqua Blvd Valley City ND 58072	John E. Stern 1458 S River Rd Fargo ND 58103	Kay Kringlie 607 5th Ave NW Valley City ND 58072

PETITION TITLE

(Note: The Petition Title will be drafted by the Secretary of State, approved by the Attorney General, and then provided to you for insertion into the petition in this space. Please replace this note with the wording for the Petition Title sent to you by the Secretary of State.)

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. Lobbyists and Conflicts of Interest.

1. A lobbyist may not knowingly give, offer, solicit, initiate, or facilitate a gift to a public official. This prohibition does not apply if the lobbyist is an immediate family member of the public official. "Gift," as used in this subsection, means any item, service, or thing of value not given in exchange for fair market consideration, including gifts of travel or recreation. However, "gift" does not mean any purely informational material, campaign contribution, or, in order to advance opportunities for North Dakota residents to meet with public officials in educational and social settings inside the state, any item, service, or thing of value given under conditions that do not raise ethical concerns, as determined by rules adopted by the ethics commission. Such rules must be adopted within two years after the effective date of this article. So as to allow for the adoption of these rules, this subsection shall take effect two years after the effective date of this article. Appropriate civil and criminal sanctions for violations of this subsection shall be set by the legislative assembly.
2. An elected public official may not be a lobbyist while holding office or for two years after holding office. Appropriate civil and criminal sanctions for violations of this subsection shall be set by the legislative assembly.
3. A lobbyist may not knowingly deliver a campaign contribution made by another individual or entity. "Deliver" as used in this subsection means to transport, carry, transfer, or otherwise transmit, either physically or electronically. This prohibition does not apply to a person who delivers a campaign contribution to the person's own campaign, or to the campaign of the person's immediate family member. This prohibition shall not be interpreted to prohibit any person from making a campaign contribution or from encouraging others to make a campaign contribution or to otherwise support or oppose a candidate. Appropriate civil and criminal sanctions for violations of this subsection shall be set by the legislative assembly.
4. A statewide candidate, candidate for the legislative assembly, or public official may not knowingly use a campaign contribution for personal use or enrichment. Appropriate civil and criminal sanctions for violations of this subsection shall be set by the legislative assembly.
5. Directors, officers, commissioners, heads, or other executives of agencies shall avoid the appearance of bias, and shall disqualify themselves in any quasi-judicial proceeding in which monetary or in-kind support related to that person's election to any office, or a financial interest not shared by the general public as defined by the ethics commission, creates an appearance of bias to a reasonable person. The legislative assembly and the ethics commission shall enforce this provision by appropriate legislation and rules, respectively. So as to allow for the adoption of such legislation or rules, this subsection shall take effect three years after the effective date of this article.

6. Governments of foreign countries, foreign nationals not lawfully admitted for permanent residence in the United States, and corporations organized under the laws of or having their principal place of business in a foreign country, are prohibited from making contributions or expenditures in connection with any statewide election, election for the legislative assembly, or statewide ballot-issue election.

Section 2. Transparency.

1. The people of North Dakota need information to choose candidates for office, vote on ballot measures, and ensure that their representatives are accountable. This transparency must be sufficient to enable the people to make informed decisions and give proper weight to different speakers and messages. The people therefore have the right to know in a timely manner the source, quantity, timing, and nature of resources used to influence any statewide election, election for the legislative assembly, statewide ballot-issue election, and state government action. This right is essential to the rights of free speech, assembly, and petition guaranteed by the First Amendment to the United States Constitution and shall be construed broadly.

2. The legislative assembly shall implement and enforce this section by enacting, no more than three years after the effective date of this article, laws that require prompt, electronically accessible, plainly comprehensible, public disclosure of the ultimate and true source of funds spent in any medium, in an amount greater than two hundred dollars, adjusted for inflation, to influence any statewide election, election for the legislative assembly, statewide ballot-issue election, or to lobby or otherwise influence state government action. The ethics commission shall also have the authority to interpret, adopt rules that implement, and enforce this section and legislation enacted thereunder. The legislative assembly and the ethics commission shall have an ongoing duty to revise these laws and rules, respectively, as necessary to promote the purposes of this section in light of changes in technology and political practices. If the laws enacted or the implementation, interpretation, or enforcement of this section fail to fully vindicate the rights provided in this section, a resident taxpayer may bring suit in the courts of this state to enforce such rights.

Section 3. North Dakota Ethics Commission.

1. In order to strengthen the confidence of the people of North Dakota in their government, provide for and support open, ethical, and accountable government, preserve the integrity of government decision-making, and protect individual rights, the North Dakota Ethics Commission and the North Dakota Ethics Commission Selection Committee are hereby established.

2. The selection committee shall consist of five members who are appointed as follows: one member, who is a former or retired judge or justice, and who shall serve as chair, appointed by the governor, and four members, one each appointed by the majority leader of the senate, the minority leader of the senate, the majority leader of the house of representatives, and the minority leader of the house of representatives, respectively.

3. The ethics commission shall consist of five members appointed by the selection committee from those who have applied. All eligible voters of the state may apply for membership on the ethics commission. The secretary of state shall maintain a list of applicants and shall impartially facilitate a transparent and accessible appointment process. The consent of four selection committee members shall be required to appoint ethics commission members. Ethics commission membership shall be diverse, with expertise in relevant areas. Members of the ethics commission may receive daily compensation for meetings not to exceed the daily compensation paid to legislative assembly members for attendance at legislative interim committee meetings, and may receive reimbursement for expenses at the standard rate allowed for other state officers. No selection committee member may also serve as an ethics commission member.

4. No member of the selection committee or ethics commission may be a lobbyist or a candidate for public office, or hold any public office, office in the federal government, or political party office. Membership terms for both the selection committee and ethics commission shall be four years, except that the length of initial terms for each body, once that body contains five initial members, shall be staggered by the secretary of state selecting, in a random public drawing, one member to serve a one-year term, one member to serve a two-year term, one member to serve a three-year term, and two members to serve four-year terms, for each member's first term only. Initial selection committee members must be appointed within ninety days of the effective date of this article, and initial ethics commission members must be appointed within two hundred fifty days of the effective date of this article. No selection committee or ethics commission member may serve

more than two terms. Service of a term means service of one year or more. Any selection committee vacancy shall be filled for the remainder of the term within seventy-five days in the manner in which the position was originally filled. Any ethics commission vacancy shall be filled for the remainder of the vacant term by the selection committee within seventy-five days.

5. A selection committee or ethics commission member may be removed by the governor only for substantial neglect of duty, gross misconduct, or inability to discharge the powers and duties of office, after written notice and an opportunity for response.

6. The ethics commission shall

- a. Meet at least once per quarter.
- b. Conduct educational programs and issue reports for the benefit of the public, candidates for public office, and public officials.
- c. Issue to the legislative assembly written recommendations for legislation on a biennial basis beginning in 2020.
- d. Hire and supervise staff as necessary to support the duties and powers of the ethics commission.
- e. Adopt rules establishing a procedure under which any state resident acting in good faith may submit a complaint to the ethics commission alleging a violation of this article, state or commission ethics rule, or state law related to government ethics, lobbying, gifts to public officials, conflict of interest, government contracts, recusal, campaign finance, or corruption. The rules for the complaint process shall allow for confidentiality as authorized by laws governing open records and open meetings; and
- f. Refer information or complaints to an appropriate authority.

7. The ethics commission may

- a. Adopt ethics rules, including rules on disclosure, lobbying, gifts to public officials, conflict of interest, government contracts, recusal, and campaign finance, to which any candidate for public office, public official, or lobbyist shall be subject.
- b. Investigate any alleged violation of this article, state or commission ethics rule, or state law related to government ethics, lobbying, gifts to public officials, conflict of interest, government contracts, recusal, campaign finance, or corruption, and may issue subpoenas, take sworn testimony, and conduct hearings related to an investigation.
- c. Issue advisory opinions; and
- d. Exercise additional powers not inconsistent with this article.

8. To support the work of the selection committee and the ethics commission, and notwithstanding Article X, Section 12 of this constitution, or any other provision of this constitution, the Bank of North Dakota shall annually transfer the sum of seven hundred fifty thousand dollars, annually adjusted for inflation, to the state treasurer to place in a fund to be known as the ethics commission fund. This transfer and placement shall occur, and shall not be subject to veto by the governor, notwithstanding any other provision of this constitution. The initial transfer and placement must be made within thirty days after the effective date of this article, and subsequent annual transfers and placements must be made by July first of each year thereafter. Only the ethics commission may administer or authorize the spending or transfer of moneys from the ethics commission fund. Nothing shall prohibit the legislative assembly from appropriating additional funds for the work of the selection committee or the ethics commission. The ethics commission shall approve all reasonable ethics commission expenditures and submit itemized vouchers to the office of management and budget for payment.

9. For the purposes of this article, "public office" or "public official" means any elected or appointed office or official of the state's executive or legislative branch, including members of the selection committee or ethics commission, or members of the governor's cabinet, or employees of the legislative branch, and "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, employees, or other persons directly or indirectly purporting to act on behalf or under authority of the agency.

Section 4. Mandatory Provisions.

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

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. In any case of a conflict between any provision of this article and any other provision contained in this constitution, the provisions of this article shall control.

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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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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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)