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

March 2, 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:

It is related to the transparency of funding sources, lobbyists, conflicts of interests, and the establishment of an ethics commission.

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 26 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 Friday, March 9, 2018, nor later than Tuesday, March 13, 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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STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 2, 2018

Dina Butcher
1531 Country Lane
Bismarck ND 58503-0822

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 transparency of funding sources, lobbyists, conflicts of interests, and the establishment of an ethics commission.

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 Friday, March 9, 2018, nor later than Tuesday, March 13, 2018.

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

Sincerely,

Alvin A. Jaeger
Secretary of State

Cc: Attorney General Wayne Stenehjem

Time Line for Constitutional Initiative

Relating to transparency of funding sources, lobbyists, conflicts of interests, and the establishment of an ethics commission.

(as of March 2, 2018)

Submitted to the Secretary of State for review and approval for circulation	**March 2, 2018**
Earliest date the law allows Secretary of State to approve the petition title	**Friday, March 9, 2018**
Latest date by which the Secretary of State must provide the petition title	**Tuesday, March 13, 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)	**2018 General Election – Prior to midnight on Monday, July 9, 2018** **One year from date petition was approved for circulation – To Be Determined**
Number of signatures needed to place measure on ballot.	**26,904**
Contact person for the sponsoring committee	Dina Butcher 1531 Country Lane Bismarck ND 58503-0822 (701) 222-8679 (H) (701) 391-8679 (C)

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

Susan Wefald
312 Ave B West
Bismarck ND 58501

Tim Mathern
433 16th Av. S
Fargo ND 58103

Howard W. Tweeten
9521 41st St NE
Bismarck ND 58503

Mary L. Rennich
7060 Horseshoe Bend
Bismarck ND 58503

Carol M. Russell
897 Southport Loop
Bismarck ND 58504

Carol M. Sawicki
3110 Edgewood Dr N
Fargo ND 58102

Ellen Chaffee
9500 66th St NE
Bismarck ND 58503

Kathleen Tweeten
9521 41st St NE
Bismarck ND 58503

Mary C. Tintes
524 3rd St. E.
West Fargo ND 58078

Arlette Preston
505 Broadway N #300
Fargo ND 58102

Cheryl Kary
424 Ashwood Avenue
Bismarck ND 58504

James B. Buhr
613 Chautauqua Blvd
Valley City ND 58072

Shadd Piehl
2745 Lyons Rd.
Mandan ND 58554

Elizabeth Loos
108 Seminole Ave.
Bismarck ND 58501

Lillian Crook
920 Arthur Dr
Bismarck ND 58501

John Strand
124 8th St. N. #3
Fargo ND 58102

Larry Klundt
1415 Canyon Dr
Bismarck ND 58503

Darrell Dorgan
1121 W. Highland Acres Rd
Bismarck ND 58501

John Stern
1458 S River Rd
Fargo ND 58103

Waylon Hedegaard
1300 Nth 3rd Street
Bismarck ND 58501

Sharon E. Buhr
613 Chautauqua Blvd.
Valley City ND 58072

Sarah Vogel
1203 N. 2nd St.
Bismarck ND 58501

Dan Ulmer
707 Paulsen Drive
Mandan ND 58554

William S. Patrie
7201 Burnt Creek Loop
Bismarck ND 58503

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. 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 legislative assembly shall have an ongoing duty to revise these laws as necessary to promote the purposes of this section in light of changes in technology and political practices. The legislative assembly shall vest by law one or more entities with authority to implement, interpret, and enforce this section and legislation enacted thereunder. If the laws or rules enacted or an implementation, interpretation, or enforcement action taken under 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 2. Lobbyists and Conflicts of Interest.

1. A lobbyist may not knowingly give, offer, solicit, initiate, or facilitate a gift to a public official. A public official may not knowingly accept a gift from a lobbyist. These prohibitions do 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, these prohibitions 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, 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 3. North Dakota Ethics Commission.

1. In order to strengthen the confidence of the people of North Dakota in their government, and to support open, ethical, and accountable government, the North Dakota Ethics Commission is hereby established.

2. The ethics commission may adopt ethics rules related to transparency, corruption, elections, and lobbying to which any lobbyist, public official, or candidate for public office shall be subject, and may investigate alleged violations of such rules, this article, and related state laws. The ethics commission shall maintain a confidential whistleblower hotline through which any person acting in good faith may submit relevant information. The legislative assembly shall provide adequate funds for the proper carrying out of the functions and duties of the commission.

3. The ethics commission shall consist of five members, appointed for four-year terms by consensus agreement of the governor, the majority leader of the senate, and the minority leader of the senate. No member of the ethics commission may hold other public office or be a lobbyist, candidate for public office, or political party official.

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 sixty days after approval.

2. 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 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.

3. 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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14				

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)