

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

FOR IMMEDIATE RELEASE
June 5, 2019

CONTACT: Al Jaeger
(701) 328-2900

JAEGER APPROVES PETITION FORMAT FOR CIRCULATION

Bismarck, ND – Secretary of State Al Jaeger has approved for circulation the format of a petition to place a referendum measure on the ballot related to exempting records of communications between legislators and public employees from open records laws. The sponsoring committee must gather at least 13,452 qualified signatures in order to place the measure on the ballot for voter consideration.

The approved petition title is:

This referendum seeks to reject Senate Bill 2221 passed by the 2019 Legislative Assembly. This bill exempts from public records the communications between a member of the legislative assembly and any person whether the record is possessed by a member of the legislative assembly or a public officer or employee.

If the committee intends to have the measure placed on the statewide June 9, 2020, ballot (or if a special election is called earlier), enough valid signatures must be submitted to the Secretary of State prior to midnight on July 25, 2019.

A copy of the approved petition is attached. It will be posted on the Secretary of State's website under elections, ballot measures, at vote.nd.gov.

If you have any questions or want to see the various laws referenced in the letter, they are in the Initiating & Referring Law in North Dakota pamphlet under Elections and Ballot Measures, also at vote.nd.gov.

A petition timeline and a partial copy of the petition (minus signature pages) is attached.

Timeline for Referral of Senate Bill No. 2221
Exempting records of communications between legislators and public employees from
open records laws
(as of June 5, 2019)

Submitted to the Secretary of State for review and approval for circulation	May 24, 2019
Earliest date the law allows Secretary of State to approve the petition title	Monday, June 3, 2019
Latest date by which the Secretary of State must provide the petition title	Wednesday, June 5, 2019
Date that Secretary of State supplied Sponsoring Committee with petition title for petition along with a listing of corrections for the petition's format	Tuesday, June 4, 2019
Date that Sponsoring Committee returned petition to Secretary of State for review	Wednesday, June 5, 2019
Date that Secretary of State approved petition for circulation	Wednesday, June 5, 2019
Deadline for submitting petition signatures to the Secretary of State is 90 days after the bill was filed with the Secretary of State	SB 2221 was filed with Secretary of State on April 26, 2019. Ninety-day submission deadline is prior to midnight on Thursday, July 25, 2019.
Number of signatures needed to place measure on ballot.	13,452
Contact person for the sponsoring committee	Riley Kuntz 238 5th Avenue W Dickinson ND 58601-4955 (701) 483-3459

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June 5, 2019

Riley Kuntz
Chairperson
Sponsoring Committee
238 5th Avenue W
Dickinson ND 58601-4955

Dear Mr. Kuntz,

In accordance with state law, the Secretary of State's office has completed its review and approved the petition proof provided to this office pertaining to the referral of Senate Bill No. 2221 adopted by Sixty-sixth Legislative Assembly and signed by the Governor. The legislation is related to exempting records of communications between legislators and public employees from open records laws.

To place a referendum initiative on the ballot, a sponsoring committee must deliver petitions to the Secretary of State containing the valid signatures of qualified North Dakota electors equal to at least 2% of the resident population of North Dakota (as determined by the most recent federal census). The minimum number of qualified signatures is 13,452.

According to Section 5 of Article III of the North Dakota Constitution, the signatures to place a referendum on the ballot "may be submitted only within ninety days after the filing of the measure with the secretary of state." Senate Bill No. 2221 was filed with the Secretary of State on April 24, 2019. The ninety-day period ends at midnight on July 23, 2019.

If your committee anticipates the submitting of petitions to this office after 5:00 p.m., but prior to midnight, on July 23, 2019, please contact this office in advance so that a staff member is present to receive them. Upon receipt, the petitions will be reviewed according to the provisions of N.D.C.C. § 16.1-01-10.

If the petitions are verified to contain enough valid signatures, the referendum measure will be placed on the ballot for the statewide election on June 9, 2020, unless a special statewide election is called earlier.

Only qualified North Dakota electors may circulate petitions. The circulator must personally witness the signature applied to the petition by each qualified elector who signs the petition. The petition must remain in the physical possession of the qualified North Dakota circulator even though others (who may not be qualified electors in the State of North Dakota) are accompanying the circulator. A petition left unattended is an improperly circulated petition and is not counted. A petition is not counted, if it was not circulated in its entirety as it was approved by this office.

On the last page of each submitted petition is an affidavit whereby the circulator of the petition is required to swear (or affirm) before a notary public that he or she circulated the petition in the manner required by state law and that he or she witnessed each signature applied to the petition by a qualified elector. A petition is disqualified, if a member of the sponsoring committee, who is a notary, notarizes the signature of the circulator on the affidavit printed at the end of the petition.

Improper signing and circulating practices may result in the disqualification of an entire individual petition. In addition, criminal penalties may apply. See N.D.C.C. § 16.1-01-12.

Riley Kuntz
June 5, 2019
Page 2

The law allows a circulator to be paid a salary and to be reimbursed for expenses. It is illegal, however, to pay a circulator based on the number of signatures obtained by that circulator. If the sponsoring committee does pay or offers to pay a circulator, N.D.C.C. § 16.1-01-12(1)(j) requires the sponsoring committee to notify the Secretary of State of its intentions prior to submitting any petitions to our office. For filing purposes, a form titled, Sponsoring Committee Statement of Intent of Remuneration (SFN 11516), is enclosed.

The sponsoring committee is required by N.D.C.C. § 16.1-01-12(1)(j) to comply with the campaign contribution reporting requirements in N.D.C.C., Chapter 16.1-08.1.

At the time when a Sponsoring Committee submits signed petitions to the Secretary of State, it will be required to comply with the following subsection of N.D.C.C. § 16.1-08.1-03.1(3).

“An initiative and referendum sponsoring committee also shall file a disclosure statement by the date the secretary of state approves the petition for circulation, and shall file an additional statement on the date the petitions containing the required number of signatures are submitted to the secretary of state for review. The statements required under this subsection must be in the same form as the year-end statements under section 16.1-08.1-02.4.”

If you have questions or need additional information, please contact either Lee Ann Oliver, Election Specialist, at (701) 328-4146, (800) 352-0867, ext. 328-4146, through e-mail at loliver@nd.gov or me.

Sincerely,



Alvin A. Jaeger
Secretary of State

Enclosures

Approved petition proof
Petition Timeline
Sponsoring Committee Statement Intent of Remuneration SFN 11516

**REFERENDUM PETITION
TO THE SECRETARY OF STATE,
STATE OF NORTH DAKOTA**

We, the undersigned, being qualified electors request Senate Bill No. 2004, Section 3 passed by the sixty-sixth Legislative Assembly 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:

Riley Kuntz, Chairperson 238 5th Ave W Dickinson ND 58601	Steve Bakken 2029 Boston Dr Bismarck ND 58504	Josiah L Geiger 4926 162nd Ave NE Baldwin ND 58521	Jorden Keller 613 8th St SW Minot ND 58701
Miranda Geiger 213 S Mandan St Bismarck ND 58504	Wilma J Hamilton 619 13th St SE Minot ND 58701	Cody Schuh 137 Irvine Loop Apt 3110 Bismarck ND 58504	Myron Thompson 1935 66th St NW Minot ND 58703
Mikayla F Jost 200 Telstar Dr Bismarck ND 58503	Ron Shaw 900 Summit Blvd #36 Bismarck ND 58504	Andrea Toman 218 W Ave D Bismarck ND 58501	Steven Neal Seidler 1760 34th Ave NW Garrison ND 58540
Michael Mitzel 1017 N 14th St Bismarck, ND 58501	Neal Brown 1226 N Mandan St Bismarck ND 58501	Louise Muecke Box 37 Gladstone ND 58630	Donna Henderson 7980 99th St NE Calvin ND 58323
Bradley K Leaser 1333 7th St S Fargo ND 58103	Karen Meyer 7675 28 1/2 Ave Solen ND 58570	Ralph Muecke Box 37 Gladstone ND 58630	Leon Francis 1131 Oak St N Fargo ND 58102
Robert Hale 5750 16th Ave SW Minot ND 58701	Mark Splonskowski 823 N 9th St Bismarck ND 58501	Florence Mayer 231 1/2 W Ave C Bismarck ND 58501	Finton Dooley 140 Riverside Park Road Bismarck ND 58504
Janet Wendel 4803 San Juan Dr S Fargo ND 58103	Neil Toman II 218 W Ave D Bismarck ND 58501	Michael C Coachman 405 Barrett Ave Larimore ND 58251	Paul A Owens 5602 33rd St S Fargo ND 58104

PETITION TITLE

This referendum seeks to reject section three of Senate Bill 2004 passed by the 2019 Legislative Assembly. This section relates to the powers and duties of the state auditor and provides that the state auditor may not contract to do work required by the federal government without the prior approval of the legislative audit and fiscal review committee and may not conduct agency performance audits unless determined necessary by the legislative assembly or approved by the legislative audit and fiscal review committee. Additionally, this section provides funding guidelines to pay for audits.

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.

SENATE BILL NO. 2004

SECTION 3. AMENDMENT. Section 54-10-01 of the North Dakota Century Code is amended and reenacted as follows: 54-10-01.

Powers and duties of state auditor.

The state auditor shall:

1. Be vested with the duties, powers, and responsibilities involved in performing the postaudit of all financial transactions of the state government, detecting and reporting any defaults, and determining that expenditures have been made in accordance with law and appropriation acts.
2. Perform or provide for the audit of the general purpose financial statements and a review of the material included in the comprehensive annual financial report of the state and perform or provide for the audits and reviews of state agencies. Except for the annual audit of the North Dakota lottery required by section 53-12.1-03, the state auditor shall audit or review each state agency once every two years. The state auditor shall determine the contents of the audits and reviews of state agencies. The state auditor may conduct any work required by the federal government. The state auditor may not contract for work required by the federal government without the prior approval of the legislative audit and fiscal review committee. The state auditor shall charge an amount equal to the cost of the audit and other services rendered by the state auditor to all agencies that receive and expend moneys from other than the general fund. This charge may be reduced for any agency that receives and expends both general fund and nongeneral fund moneys. State agencies must use nongeneral fund moneys to pay for audits performed by the state auditor. If nongeneral fund moneys are not available, the agency may, upon approval of the legislative assembly, or the budget section if the legislative assembly is not in session, use general fund moneys to pay for audits performed by the state auditor. The budget section reviews and approvals must comply with the new section to chapter 54-35 of the North Dakota Century Code created by section 15 of Senate Bill No. 2055 as adopted by the sixty-sixth legislative assembly. Audits and reviews may be conducted at more frequent intervals if requested by the governor or legislative audit and fiscal review committee.
3. Be vested with the authority to determine whether to audit the International Peace Garden at the request of the board of directors of the International Peace Garden.

4. Perform or provide for performance audits of state agencies, or the agencies' blended component units or discreetly presented component units, as determined necessary by ~~the state auditor or legislative assembly~~; the legislative audit and fiscal review committee; or the state auditor, subject to approval by the legislative audit and fiscal review committee. A performance audit must be done in accordance with generally accepted auditing standards applicable to performance audits. The state auditor may not hire a consultant to assist with conducting a performance audit of a state agency without the prior approval of the legislative audit and fiscal review committee. The state auditor shall notify an agency of the need for a consultant before requesting approval by the legislative audit and fiscal review committee. The agency that is audited shall pay for the cost of any consultant approved.
5. For the audits and reviews the state auditor is authorized to perform or provide for under this section, the audit or review may be provided for by contract with a private certified or licensed public accountant or other qualified professional. If the state auditor determines that the audit or review will be done pursuant to contract, the state auditor, except for occupational or professional boards, shall execute the contract, and any executive branch agency, including higher education institutions, shall pay the fees of the contractor.
6. Be responsible for the above functions and report thereon to the governor and the secretary of state in accordance with section 54-06-04 or more often as circumstances may require.
7. Perform all other duties as prescribed by law.

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
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				