

**ANALYSES OF THE
STATEWIDE MEASURES
APPEARING ON THE
ELECTION BALLOT
NOVEMBER 6, 2012**

The following analyses are for the five measures appearing on the statewide election ballot on November 6, 2012. This publication is required by section 16.1-01-07 of the North Dakota Century Code to enable voters to become familiar with the effect of proposed measures. The full text of each measure is available on the Secretary of State's website at www.nd.gov/sos/electvote/ or by requesting a copy from the Elections Division, Secretary of State's office at (800) 352-0867, ext. 328-4146, or from the office of any County Auditor.

In addition, as required by section 16.1-01-17 of the North Dakota Century Code, a copy of the Legislative Council's report on the estimated fiscal impact of Measures No. 3, No. 4 and No. 5 is available on the Secretary of State's website at www.nd.gov/sos/electvote/, by calling (800) 352-0867, ext. 328-4146, or by writing to Secretary of State, 600 E Boulevard Avenue Dept 108, Bismarck ND 58505-0500.

Analysis of Constitutional Measure No. 1

Constitutional Measure No. 1 was placed on the ballot by action of the 2011 North Dakota Legislative Assembly with the passage of Senate Concurrent Resolution No. 4006 (2011 Session Laws, Ch. 520). If approved, this constitutional measure would repeal section 6 of Article X of the North Dakota Constitution. It would eliminate the authority of the legislative assembly to levy an annual poll tax.

Voting **"YES"** means you approve the measure as stated above. Voting **"NO"** means you reject the measure as stated above.

Analysis of Constitutional Measure No. 2

Constitutional Measure No. 2 was placed on the ballot by action of the 2011 North Dakota Legislative Assembly with the passage of House Concurrent Resolution No. 3009 (2011 Session Laws, Ch. 521). If approved, this constitutional measure would amend and reenact section 4 of Article XI of the North Dakota Constitution. It would require members of the executive branch of state government to take the oath of office as prescribed in this section of the constitution.

Voting **"YES"** means you approve the measure as stated above. Voting **"NO"** means you reject the measure as stated above.

Analysis of Initiated Constitutional Measure No. 3

Constitutional Measure No. 3 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, this initiated constitutional measure would create section 29 of Article XI of the North Dakota Constitution. The full text of the measure states, "The right of farmers and ranchers to engage in modern farming and ranching practices shall be forever guaranteed in this state. No law shall be enacted which abridges the right of farmers and ranchers to employ agricultural technology, modern livestock production and ranching practices."

Voting **"YES"** means you approve the measure as stated above. Voting **"NO"** means you reject the measure as stated above.

Analysis of Initiated Statutory Measure No. 4

Statutory Measure No. 4 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, this initiated statutory measure would amend chapter 23-12 of the North Dakota Century Code. It would prohibit smoking, including the use of electronic smoking devices, in public places and most places of employment in the state, including certain outdoor areas. It would provide notification and enforcement responsibilities, along with penalties for violations.

Voting **“YES”** means you approve the measure as stated above. Voting **“NO”** means you reject the measure as stated above.

Analysis of Initiated Statutory Measure No. 5

Statutory Measure No. 5 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, this initiated statutory measure would create section 36-21.1-02.1 of the North Dakota Century Code. It would make it a class C felony for an individual to maliciously and intentionally harm a living dog, cat or horse and provide a court with certain sentencing options. The measure would not apply to production agriculture, or to lawful activities of hunters and trappers, licensed veterinarians, scientific researchers, or to individuals engaged in lawful defense of life or property.

Voting **“YES”** means, you approve the measure as stated above. Voting **“NO”** means you reject the measure as stated above.