ANALYSES OF THE STATEWIDE MEASURES APPEARING ON THE ELECTION BALLOT NOVEMBER 8, 2016

The following analyses are for the five measures appearing on the statewide general election ballot on November 8, 2016. 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 vote.nd.gov 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 initiated Measures No. 3, No. 4, and No. 5 is available on the Secretary of State's website at vote.nd.gov, 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 2015 North Dakota Legislative Assembly with the passage of Senate Concurrent Resolution No. 4010 (2015 Session Laws, Ch. 500). If approved, this constitutional measure would amend and reenact section 5 of Article IV of the North Dakota Constitution and prohibit an individual from serving in the legislative assembly, unless the individual lives in the district from which he or she was selected.

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

Analysis of Constitutional Measure No. 2

Constitutional Measure No. 2 was placed on the ballot by action of the 2015 North Dakota Legislative Assembly with the passage of Senate Concurrent Resolution No. 4003 (2015 Session Laws, Ch. 499). If approved, this constitutional measure would amend and reenact section 24 of Article X of the North Dakota Constitution by depositing ten percent of the revenue from oil extraction taxes in the common schools trust fund and ten percent of the revenue in the foundation aid stabilization fund. Except as otherwise provided, the principal of the foundation aid stabilization fund may be expended upon order of the Governor, only to offset reductions in state aid to school districts due to a revenue shortage. The measure also would allow the legislative assembly to use any excess principal balance of the foundation aid stabilization fund for education-related purposes whenever the balance exceeds fifteen percent of the general fund appropriation for state aid to school districts for the most recently completed biennium.

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

Analysis of Initiated Constitutional Measure No. 3

Initiated Constitutional Measure No. 3 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, it would add a new section to Article I of the North Dakota Constitution which would provide certain rights to victims of crime in this state, including the right to be treated with respect, to be free from harassment, and to be protected from the accused. The measure would provide for the right to prevent the disclosure of confidential information about the victim; to refuse or limit questioning of the victim; to notice of, and presence at, court proceedings; and to notice of release or escape of the accused. The measure would provide for the right to be heard in court proceedings, to provide information about the impact of the offender's conduct, and to receive reports relevant to these rights. The measure would provide for the right to restitution from an offender for losses suffered as a result of criminal conduct; to be informed of the outcome of the case and of the detention or other disposition of the offender; and to be informed of, and participate in, post-judgment processes.

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

Analysis of Initiated Statutory Measure No. 4

Initiated Statutory Constitutional Measure No. 4 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, it would provide for a new veterans' tobacco tax trust fund in North Dakota Century Code Chapter 37-14 to fund certain veterans' programs. This fund, among others, would be supported by an increase in the excise tax on cigarettes from $0.44 to $2.20 per package of twenty cigarettes, as well as an increase in the excise tax on cigars from 28% to 56% of the wholesale purchase price at which the product is purchased by distributors. The excise tax on all other tobacco products is increased a commensurate amount. The measure also would create an inventory tax on cigarettes and tobacco products. All revenues received by the tax commissioner under this measure would be allocated among the State's general fund, the veterans' tobacco trust fund, and the community health trust fund. The measure would create and amend provisions in Chapter 57-36, including new definitions for inhalation devices, liquid nicotine, and tobacco products; prohibiting retailers from being distributors and requiring distributors to keep additional records; setting requirements for registration of liquid nicotine retailers; and regulating the alteration of liquid nicotine. Finally, the measure would repeal two provisions of current law related to an excise tax on cigarettes and the exemption for taxes on cigarettes and tobacco products given to occupants of the State's veterans' home and the state hospital.

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

Analysis of Initiated Statutory Measure No. 5

Initiated Statutory Measure No. 5 was placed on the ballot by petitions circulated by a sponsoring committee. If approved, this initiated measure would add a new chapter to Title 19 of the North Dakota Century Code creating an Act which provides for the medical use of marijuana for defined medical conditions, such as cancer, AIDS, hepatitis C, ALS, glaucoma, and epilepsy. To participate in the program, the Act would provide for identification cards and certificates of registration which would be issued by the Department of Health for patients, caregivers, and qualified facilities, if all requirements are met. The Act would create provisions for monitoring, inventorying, dispensing, cultivating and growing marijuana to be regulated and enforced by the Department of Health. A qualified patient could be dispensed up to three ounces of usable marijuana, and could grow marijuana if his or her home is located more than forty miles from the nearest registered facility. For violations, the Act would authorize the Department of Health to provide for corrective action, suspension, revocation, appeal, hearings, and referral for criminal prosecution. The Act would require the Department of Health to submit an annual report to the legislature regarding program statistics.

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