

OPINION
59-158

March 12, 1959 (OPINION)

LEGISLATIVE DEPARTMENT

RE: Referred Measure, Approved - Effective When

I have received your letter of March 10, 1959, in which you request an opinion from this office in regard to the referral of the congressional redistricting bill which was passed by the recent legislative assembly. Your specific question is this:

"If this measure is referred to the primary election of 1960, and is sustained by the voters, will the redistricting be effective in the general election of 1960?"

Section 25 of Article II of the Constitution of North Dakota answers the question which you raise, and the reading of said section with respect thereto is as follows:

". . . . The second power reserved is the referendum. Seven thousand electors at large may, by referendum petition, suspend the operation of any measure enacted by the legislature, except an emergency measure. But the filing of a referendum petition against one or more items, sections or parts of any measure, shall not prevent the remainder from going into effect. Such petition shall be filed with the Secretary of State not later than ninety days after the adjournment of the session of the legislature at which such measure was enacted.

Each measure initiated by or referred to the electors, shall be submitted by its ballot title, which shall be placed upon the ballot by the Secretary of State and shall be voted upon at any state-wide election designated in the petition, or at a special election called by the Governor. The result of the vote upon any measure shall be canvassed and declared by the board of canvassers.

Any measure, except an emergency measure, submitted to the electors of the state, shall become a law when approved by a majority of the votes cast thereon. And such law shall go into effect on the thirtieth day after the election, unless otherwise specified in the measure. . . ."

Thus, it appears that if the referred measure is approved by a majority of the votes cast thereon the law would go into effect on the thirtieth day after the election. This election falls on the twenty-eighth day of June, 1960, and therefore the law would go into effect on the twenty-eighth day of July following.

LESLIE R. BURGUM

Attorney General