

Your Guide to November Ballot Measures

North Dakota voters will have plenty to decide on Election Day, Nov. 4. In addition to voting for state and local candidates, there are eight statewide measures on the November ballot.

Five of the measures seek to change language in the North Dakota Constitution while three measures would change state law. Four of these measures were placed on the ballot by the North Dakota Legislature. The other four were placed on the ballot by citizen petition.

Below is a brief description of each measure. AARP has not taken a position on any of the measures. We urge you to study each measure, what it may mean for you and your family, and make an informed decision before casting your vote.

You can find the actual ballot language and the full text of each measure at www.vote.nd.gov.

Measure 1

This is an amendment to the state constitution, proposed by the Legislature, declaring that "The inalienable right to life of every human being at any stage of development must be recognized and protected." So far, debate on this measure has focused on abortion and end-of-life issues. While AARP has not sided with either coalition for or against the amendment, during the legislative session we expressed concerns in testimony to the Legislature about the impact on personal and family decisions around end-of-life care. Specifically, it is unclear how the measure could impact "Do Not Resuscitate" orders or other family decisions surrounding end of life. A YES vote on this measure would add the above language to the North Dakota Constitution. A NO vote on this measure would keep this language from being added to the North Dakota Constitution.

Measure 2

This, too, is a constitutional amendment proposed by the Legislature. This measure would prohibit the state or any political subdivision from collecting mortgage taxes or any sales or transfer taxes on the mortgage or transfer of real estate. North Dakota does not have a mortgage tax, so this measure would prevent a future Legislature from taking action to impose this tax. A YES vote on this measure would add language to the North Dakota Constitution prohibiting a mortgage tax. A NO vote on this measure would maintain the status quo.

Measure 3

This constitutional amendment, proposed by the Legislature, would change the structure of the Board of Higher Education. Proponents argue the measure is needed to reign in an unruly higher education system. Opponents argue it could undermine the North Dakota University System's accreditation standards and that it is not needed. A YES vote on this measure would amend the North Dakota Constitution replacing the eight-member Board of Higher Education with a fulltime, three-person Commission of Higher Education appointed by the governor. Additionally, a YES vote would delete the names of the institutions and replace them with the specific communities where the current institutions are located. A NO vote on this measure would maintain the current structure and constitutional language.

Measure 4

This constitutional amendment proposed by the Legislature would prohibit electors from placing on the ballot any measure that would appropriate money or require the Legislature to appropriate money. The Legislature approved this measure arguing that measures that spend money outside of the legislative process

make it difficult to budget. Opponents argue that the measure would weaken the public's ability to make policy changes through the referral and referendum process. A YES vote would add language to the North Dakota Constitution requiring initiated measures that have a significant fiscal impact to be voted on in a general election. Additionally, a YES vote would prohibit citizens from circulating petitions for ballot measures that would mandate constitutional spending or appropriation. A NO vote would maintain the status quo.

Measure 5

This initiated measure would change the North Dakota Constitution to create the Clean Water, Wildlife, and Parks Trust and the Clean Water, Wildlife, and Parks Fund. This measure would set aside five percent of the state's oil extraction tax revenue annually. Proponents argue that money should be set aside to protect North Dakota's clean water and lands for future generations. They argue that this is best done by a 13-member board who would determine use of money going into the fund. Opponents state that the measure would constitutionally mandate spending and creates an inflexible system that would be required to spend billions of dollars over a 25-year period. A YES vote on this measure would create the Clean Water, Wildlife, and Parks Trust and Fund in the North Dakota Constitution. A NO vote would keep this language from being added to the North Dakota Constitution.

Measure 6

This initiated measure relates to parental rights in cases of divorce or non-married parents. It would change North Dakota law to create a presumption that each parent is a fit parent and entitled to be awarded equal parental rights and responsibilities by a court unless there is clear and convincing evidence to the contrary. The measure would also provide a definition of equal parenting time. Proponents argue that the current judicial process is biased against some parents. Opponents argue that the measure could be harmful to children and mothers in particular. This measure is similar to a measure North Dakotans defeated in 2006. A YES vote would change North Dakota law to require equal parenting unless clear evidence was shown otherwise. A NO vote would leave the current parental determination process intact.

Real Possibilities in North Dakota

Measure 7

This initiated measure would change North Dakota's pharmacy ownership law. Current North Dakota law requires pharmacies to be majority-owned by a licensed pharmacist or a business entity controlled by licensed pharmacists.



This measure would remove that requirement and allow non-pharmacists, like big box retailers, to own and operate pharmacies in the state. Proponents of the measure say the law is outdated and prohibits North Dakotans from receiving lower cost prescriptions. Opponents say the law ensures greater access to pharmacies, especially in rural areas, and that prescription drug costs in North Dakota area already lower than national averages. A YES vote on this measure would allow retailers and other non-pharmacists to own pharmacies in North Dakota. A NO vote on this measure would leave the current ownership requirements in place.

Measure 8

This initiated measure would require North Dakota public schools to start after Labor Day. Proponents argue that summers get cut short when school starts before Labor Day and that families should have that last weekend to go on vacation without missing school. Opponents of the measure argue that the best place to make decisions on school calendars is at the school district level. A YES vote on this measure means you approve school starting after Labor Day. A NO vote on this measure would let local school boards continue to decide when to begin classes.

Again, actual ballot language and additional information on each of the measures can be found at www.vote.nd.gov. You can also view an audio visual review of each of the measures at states.aarp.org/ ndlegislativevolunteers/ and click on the Sept. 10, 2014, Legislative Update Recap link.