

# QUESTIONS & ANSWERS ABOUT HOME RULE

## **What is home rule?**

Home rule is a granting of certain powers to cities by the state legislature to allow cities more opportunities to make decisions about those issues that affect them. Cities are able to take advantage of this granting of power when city voters approve a home rule charter. The statutes of the state of North Dakota shall continue to apply to home rule cities, except in those cases where they are specifically superseded by the charters of such cities or by ordinances passed pursuant to such charters. (NDCC 40-05.1-06)

## **What is a home rule charter?**

A home rule charter is a document that implements powers authorized by the state and which contains the various provisions that the charter commission and the governing body of a city are submitting to the city voters for approval.

## **How is the home rule process begun?**

The governing body of any city may on its own motion cause a home rule charter to be framed and submitted for adoption, or such proposal may be made in a petition filed with the city governing body and signed by not less than fifteen percent of the number of qualified electors voting in the last city election. (NDCC 40-05.1-02)

## **How is the home rule charter drafted?**

Within sixty days after proceedings have been initiated for a home rule charter, the governing body of the city shall appoint a charter commission, composed of at least five members, to frame the home rule charter, unless a petition proposing a charter prescribes a different charter commission composition. The charter commission shall hold at least one public hearing on the proposed charter and shall submit the charter to the city governing body within one year after appointment, unless the city governing body allows additional time. (NDCC 40-05.1-03)

## **Can a home rule charter be shared by more than one political subdivision?**

Yes, combined home rule charters are possible. For example, multi-city (NDCC 40-05.1-05.1) or city-county (NDCC 54-40.4) or multi-county (NDCC 11-09.1-04.1) home rule charters are possible under state law.

## **Must the proposed home rule charter be published?**

The proposed home rule charter shall be published once in the city's official newspaper. However, cities with a population of one thousand or less may, in lieu of publishing the charter in a newspaper, distribute copies of the charter door to door and have them posted and available at prominent locations in the city. In the event a city does not publish the charter in a newspaper, it must still publish a notice of election. (NDCC 40-05.1-03)

## **When is the home rule election held?**

At least sixty days, but no more than two years, after submission of the charter to the governing body of the city, the proposed charter must be submitted to a vote of the qualified electors of the city at a regular or special city election, or at a special city election held concurrently with any statewide election. (NDCC 40-05.1-04)

## **What happens after the election?**

If a majority of the qualified voters voting on the charter at the election shall vote in favor of the home rule charter it shall be ratified. One copy of the charter so ratified and approved shall be filed with the secretary of state and one copy with the auditor of the city to remain as a part of its permanent records. If the charter does not receive a majority vote, it may be resubmitted to the voters at another election after sixty days. (NDCC 40-05.1-04,05)