



CITY AUDITOR'S
CERTIFICATION OF INSUFFICIENCY
OF THE
REFERENDUM PETITION TO THE CITY AUDITOR FOR THE CITY
OF GRAND FORKS

**[¶1] TO: COMMITTEE FOR THE PETITIONERS JOSEPH P. DEMPSEY,
BENJAMIN ROSS GRZADZIELEWSKI AND CHRISTOPHER
CRAIG MICHAEL SPICER**

[¶2] YOU ARE HEREBY NOTIFIED that the City Auditor for the City of Grand Forks, as required by the Article IV of the Grand Forks Home Rule Charter, has reviewed and passed upon the Petition, by and through Petition Packets,¹ that was entitled "Referendum Petition to the City Auditor for the City of Grand Forks," and submitted to the City Auditor on March 23, 2022. Although the Petition purports to contain collectively 5,311² signatures of qualified electors from the City of Grand Forks, North Dakota, the City Auditor's review of signatures showed the following regarding the invalidity of the signatures appearing within the Petition, all of which were not considered or counted:

- (A) Not legible, or questionable signature. (55)
- (B) Signatures from individuals residing outside of the city limits of the City of Grand Forks or otherwise not a qualified elector. (133)
- (C) Signatures with incomplete residential address. (275)
- (D) Signatures with nonresidential address. (8)
- (E) Duplicate signatures. (43)

[¶3] YOU ARE FURTHER HEREBY NOTIFIED, pursuant to Grand Forks Home Rule Charter Article IV, Section 6, the City Auditor does find, and hereby certifies, the Petition to be insufficient and shall not be placed on an election ballot and shall not be submitted to the City's governing body to cause an election on the Petition.

¹ As used herein, the term "Petition Packets" refers to the packets of documents submitted to the City Auditor on March 23, 2022, with each packet containing 13 pages. Collectively, the Petition Packets shall be referred to herein as the "Petition."

² The number of signatures was initially reported by the City Auditor as 5,295 signatures. However, a further review noted the City Auditor counted 5,311 signatures on the Petition Packets.



To: *Joseph P. Dempsey, Benjamin Ross Grzadzielewski and Christopher Craig Michael Spicer*
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[¶4] YOU ARE FURTHER HEREBY NOTIFIED, pursuant to Grand Forks Home Rule Charter Article IV, Section 6, which requires notice be provided specifying the insufficiencies, that the following are the insufficiencies the City Auditor has found with the Petition³:


- (A) The Petition improperly seeks to refer the approved motion of the Grand Forks City Council at its February 22, 2022 meeting relating to the proposed Fufeng USA Incorporated development which is an administrative matter that may not be referred to the electors of the City.
- (B) The Petition improperly seeks to refer the approved motion of the Grand Forks City Council at its February 22, 2022 meeting relating to the proposed Fufeng USA Incorporated development by an election ballot measure that constitutes two or more distinct and unrelated questions.
- (C) In the alternative to insufficiency item Paragraph 4(B) above, the Petition improperly included extraneous material on the purported matter sought to be referred.
- (D) The Petition did not contain the text of the approved motion of the Grand Forks City Council at its February 22, 2022 meeting relating to the proposed Fufeng USA Incorporated development and did not attach, but improperly incorporated by reference, the agreements and documents referenced in the Petition Packets.
- (E) The names of the committee of the petitioners and the affidavit of the circulator's did not appear on each signature page of the Petition Packets, and therefore the signatures on the Petition Packets, where the names of the committee of the petitioners and the affidavit of the circulator did not appear on the signature pages, were not counted and therefore less than the required number of valid signatures were submitted (being equal to or at least fifteen (15%) percent of the total votes cast in the city at the most recent gubernatorial election, which equates to at least 3,617 signatures).
- (F) Each of the insufficiencies described Paragraphs 4(A) through 4(E) above are more particularly explained in the April 5, 2022 E-Memorandum from the Grand Forks City Attorney, which has been adopted and approved by the City Auditor, in its entirety, and is attached hereto.

³ The invalid signatures described in Paragraph 2 were not counted or considered in any manner. However, correcting or amending such invalid signatures does not and will not alter the finding and certification of the City Auditor, as described in Paragraphs 3 and 4, that the Petition is insufficient and shall not be placed on election ballot and shall not be submitted to the City's governing body to cause an election on the Petition.

To: *Joseph P. Dempsey, Benjamin Ross Grzadzielewski and Christopher Craig Michael Spicer*
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[¶5] **YOU ARE FURTHER HEREBY NOTIFIED**, pursuant to Grand Forks Home Rule Charter Article IV, Section 6, you are allowed seven (7) days for correction or amendment of the Petition that may be available to cure the herein described insufficiencies with the Petition.

[¶6] Dated this 8th day of April, 2022



MAUREEN STORSTAD
City Auditor

CERTIFICATION OF MAILING AND E-MAILING

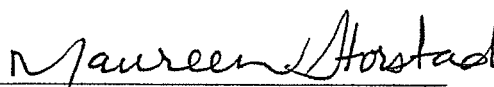
[¶7] The undersigned hereby certifies that a true and correct copy of the Certification of Insufficiency of the Referendum Petition to the City Auditor for the City of Grand Forks (along with the attached April 5, 2022 E-Memorandum from the Grand Forks City Attorney) was mailed by U.S. First Class mail, pre-paid postage on the 8th day of April, 2022 and also e-mailed to the following, being the committee of petitioners:

Joseph P. Dempsey
231 Park Avenue
Grand Forks ND 58203
e-mail: peopleforthevote@gmail.com

Benjamin Ross Grzadzielewski
525 Belmont Road
Grand Forks, ND 58201
e-mail: peopleforthevote@gmail.com

Christopher Craig Michael Spicer
209 Conklin Avenue
Grand Forks, ND 58203
e-mail: cmspicer@gmail.com and peopleforthevote@gmail.com

[¶8] Dated this 8th day of April, 2022



MAUREEN STORSTAD
City Auditor