

Measure #2 White Paper

Prepared for NDFB Membership

SUMMARY OF THE MEASURE

Constitutional Measure No. 2 is a citizen-initiated amendment adding a new section to Article VIII of the North Dakota Constitution requiring all public school districts, public schools, and public charter schools to provide one free breakfast and one free lunch every school day to all enrolled students at no cost to students or families. Nonpublic schools, Bureau of Indian Education schools, and other tribal schools may opt in.

The state must reimburse schools at 100% of the free-meal rates (adjusted annually for inflation). If the Legislative Assembly does not identify another funding source, reimbursements must come from the Legacy Earnings Fund. The program would begin with the 2027-28 school year. The estimated state cost for the first full biennium is approximately \$134 million, plus administrative costs.

RELEVANT NDFB POLICY

There is no relevant NDFB Policy.

BACKGROUND AND LEGISLATIVE HISTORY

Interest in expanding or universalizing school meals in North Dakota grew after the temporary federal COVID-era free-meal waivers ended in 2022. Advocates have pursued both legislative and constitutional routes.

Previous Legislative Attempts

2021 Session: HB 1413 sought a study of free breakfast and lunch options for all public-school students. It passed the House but failed in the Senate.

2023 Session: Lawmakers expanded eligibility for free meals to students from households up to 200% of the federal poverty level with a \$6 million appropriation.

2025 Session: Two universal free-meal bills (including HB 1475, roughly \$140 million) failed in the House. Lawmakers instead expanded the state eligibility threshold to 225% of the federal poverty level (about \$72,000 for a family of four) with continued funding.

January 2026 Special Session: Rep. Mike Nathe (R-Bismarck) introduced HB 1624, closely mirroring the citizen initiative but placing the program in statute rather than the Constitution, starting it one year earlier (2026-27), appropriating \$65 million from the Strategic Investment and Improvements Fund, and leaving future funding to the Legislature without a Legacy Fund default. HB 1624 passed the House 55-38 but failed in the Senate 22-24.

Path to the Ballot

After repeated legislative setbacks, the Together for School Meals coalition submitted petition language in late 2025. The Secretary of State approved the format in December 2025. The coalition collected and submitted more than 57,000 signatures in April 2026; the Secretary of State validated 49,338 signatures (well above the 31,164 required for a constitutional initiative). The measure was certified for the November 3, 2026 General Election ballot and designated Constitutional Measure No. 2.

MAJOR GROUPS AND FUNDING

In-State Supporters

The lead organization is the Together for School Meals coalition. Key figures and participating entities include Robin Nelson (chair; Fargo school board member and Boys & Girls Club leader), Amy Jacobson (Prairie Action ND), North Dakota United, the North Dakota AFL-CIO, and the Sacred Pipe Resource Center.

Out-of-State Funding

Campaign finance reports show Together for School Meals raised more than \$1 million, with the large majority (approximately \$930,000) coming from The Fairness Project, a Washington, D.C.-based organization that advances social justice causes through ballot measures. A substantial portion of the funds was spent on paid signature gathering through Advanced Micro Targeting, a Texas firm.

FULL LANGUAGE OF THE MEASURE

The measure adds a new Section 7 to Article VIII of the North Dakota Constitution. In summary:

- Public school districts, public schools, and public charter schools must provide one free breakfast and one free lunch each school day to all enrolled students at no cost to students or families. Nonpublic, BIE, and other tribal schools may participate.
- The state shall reimburse at 100% of the free-meal rates in effect for the 2025-26 school year, adjusted annually for inflation. Reimbursement is mandatory.
- If the Legislative Assembly cannot identify another source of funds, the required amounts shall be appropriated from the Legacy Earnings Fund.
- The section is self-executing and mandatory; it does not apply to higher education. Implementation begins in the 2027-2028 school year.

ARGUMENTS RAISED BY SUPPORTERS AND OPPONENTS

Supporters argue:

- School meals improve student health, reduce hunger, and support academic performance.
- Families save an estimated \$1,000 per student per year, providing meaningful relief.
- High public support (polling often cited around 80%) shows North Dakotans want the policy.
- Placing the requirement in the Constitution ensures the program cannot be easily repealed or underfunded by future Legislatures.

Opponents and skeptics argue:

- Constitutionalizing spending removes flexibility and prioritizes one program above all others regardless of future economic conditions or competing needs.
- Default reliance on Legacy Fund earnings could divert resources from other priorities (including property tax relief).
- Significant out-of-state funding and paid signature gathering raise questions about whether the drive reflects purely grassroots North Dakota priorities.
- Existing free and reduced programs (now expanded to 225% of poverty) already target assistance to lower-income families; universal free meals subsidize families who can afford to pay.

FOR MEMBERSHIP CONSIDERATION

Members are encouraged to review the fiscal estimates, the distinction between actions appropriate for statutory versus constitutional approaches, the role of out-of-state funding, and the implications for legislative flexibility when forming a position on Measure #2.

Official ballot language and the complete fiscal note will be available from the Secretary of State closer to the election. Full measure text and campaign finance reports are available through the North Dakota Secretary of State's office.