

TESTIMONY OF REP. LAWRENCE R. KLEMIN
HOUSE BILL NO. 1119
HOUSE GVA COMMITTEE
JANUARY 21, 2021

Mr. Chairman and members of the committee. I am Lawrence R. Klemin, Representative from District 47 in Bismarck. I am here today to testify in support of House Bill No.1119. This bill relates to the text of constitutional amendments or measures, initiated measures, and referred measures contained on the election ballot.

Under the current law in Section 16.1-06-09, the measure must be stated in full on the ballot, unless the Secretary of State determines that it is too long to make it practicable to print in full. In that case, the Secretary of State, in consultation with the Attorney General, can cause a summary of the measure to be printed on the ballot instead of the full text of the measure. This summary then also becomes the part of the sample ballot that is published in the official county newspapers before the election pursuant to Section 16.1-13-05 so that voters can review the ballot prior to the election.

The proponents of initiated measures, especially those from out of state or those who finance their figureheads in the state, have a strategy that they are employing with regards to initiated measures. You may have noticed that the initiated measures are becoming longer and more complex. You may also have noticed that the initiated measures begin with statements intended to persuade the voter to vote for the measure. We have recently seen initiated measures proposed that start with things such as a statement that the measure is intended to make it easier for members of the military to vote, or that we need good ethics in government, or that we need to improve the right of victims of crime. This is followed by more complex language that is hard to read and digest or is just plain confusing. Also some measures contain a number of other things only marginally related to the lead in statement. The proponents and writers of these initiated measures are professionals and they know that the voter will only see a short summary so their measures are becoming longer and longer. They know that their measures are unlikely to be read in full by the voters because the voters will only be looking at a summary of the measure when they review the sample in the newspaper and when they vote. Look at some of the recent initiated measures that have passed. We are still trying to figure out what they mean.

Conscientious voters will want to educate themselves on the full text of initiated measures in advance of an election by searching for the full text of the measure on the website of the Secretary of State. I wonder how many voters actually do this. I surmise that most of the voters only read the short summary and don't really know what they are voting for.

This bill would require the full text to be printed on the ballot so that voters at least have a reasonable opportunity to read it in advance in the newspaper or when they cast their ballots. By doing this, we will have a better informed electorate.

You may hear that it's going to be too difficult technically to print a ballot with more than two pages, or that it is too expensive to print a longer ballot, or that the publication costs will increase if the full text of the measure has to be on th ballot. You may hear that the voters will be confused if they are presented with the full text of an initiated measure on the ballot, so they would be better off voting on a summary because they won't be able to understand the full text. You may hear that longer ballots are not appropriate in North Dakota. I'm sure that there are many other states that have longer ballots than we do.

Whatever happened to transparency? Does the cost or length of a printed ballot outweigh the right of the voters to read what they are voting for? Maybe the sponsoring committee for these initiated measures should bear some of the cost of printing and publishing the ballot.

The short form summary is only an option in the law, an option that the professional initiated measure writers know will be used, and they design their measures accordingly. We can see through this strategy. It's time for North Dakota to stop being an experimental proving ground for these out of state people to try out their ideas. They are taking advantage of us and it should stop. If we can't do it by giving the voter the full text of the measure so they know what they are voting for, then we need to find another way. Whatever we do, it should not be based on voting machine technicalities or the cost of printing and publication.

I say don't underestimate the voters. It may take them longer to vote if they take the time to read the full text, but at least we are giving them the opportunity to know what they are voting for.

I urge your support for House Bill 1119.

Rep. Lawrence R. Klemin
District 47, Bismarck