

Madam Chair and Members of the Committee,

If this committee and the legislature insist on continuing to ask the voters over and over to make the initiated measure process more difficult; and if this is to be the vehicle this session, I would like to suggest the following:

The Undemocratic Hypocrisy, And A Solution

When this idea comes up, it is never discussed that it hinges on the notion that the current system, a simple majority of 50%+1 can increase future thresholds to 60% - and that that is inherently unfair and undemocratic.

As has been said in the past, if the legislature would like to increase the threshold to 60%, they should make their own change subject to a 60% threshold.

Because the process for ballot measures is protected by Article II of the constitution entitled "Powers Reserved To The People", the people should first be asked whether they want the legislature to even have the power to ask them to raise the threshold for all constitutional measures.

This could be done by implementing a two-step process:

1. In the June election: Ask the voters to require all future changes to the Article III constitutional measure process be subject to a 60% threshold.
2. Then, if the voters again, in November: Ask the voters to change the threshold to 60%, once the threshold for such changes is itself raised.

If the required threshold to increase the requirement to 60% was itself first set at 60%, it would be very difficult for myself or anyone else to say it was an unfair legislative power grab.

But, if 50%+1 can decide that in the future changes require 60%, that means that a full 10% of voters have been disenfranchised in the process of making the change itself.

Why doesn't the legislature seek an actual solution to this problem rather than cutting 10% of voters out of the process?

If this committee would like to address the problems with the initiated measure process that most people, including supporters and defenders of the existing process, here are some solutions:

Alternative Reforms To Initiated Measure Process

North Dakota's initiated measure process allows The People to set the terms and conditions for their own government.

Those of us who consistently defend the initiated measure process are constantly told we are against every suggested change. It's not true, since those that use the process know the flaws better than anyone.

I have included sample language for three concepts in case any legislators want to run with one or more of these reform concepts.

Reform Concept #1: Enables and requires the legislature to fund a digital signature system on the Secretary of State website, while leaving the paper option in place due to technical difficulties.

Reason: To modernize the initiated measure process, and to reduce the need to hundreds of thousands of dollars to get measures on the ballot.

Sample Language:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 2. A petition to initiate or to refer a measure must be presented to the secretary of state for approval as to form. A request for approval must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure. The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

The legislative assembly shall provide by law for the establishment and maintenance of an electronic signature gathering system for the collection of petition signatures in elections overseen by the secretary of state. The laws provided by the legislative assembly must permit signature gatherers to collect signatures by electronic means, while retaining paper signatures as a backup in case of technical difficulties.

The legislative assembly shall permit and appropriate funds necessary for the secretary of state to adopt rules to maintain, operate, and oversee the secure electronic signature gathering system. The secure electronic signature gathering system must be hosted on the website of the secretary of state. The secretary of state shall procure the technical resources to allow any elector, upon proof of qualification, to electronically sign forms and petitions relating to all initiated and referred measures, recall petitions, and candidate nominations within the state of North Dakota.

Reform Concept #2: Grants sponsoring committees to direct access to legislative council drafting and legal services, and creates a “seal of approval” of measures that are written/vetted by legislative council.

Reason: To promote the placement of better language on the ballot.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article III of the Constitution of North Dakota is created and enacted as follows:

Section 10. The legislative assembly shall enable sponsoring committees of proposed ballot measures to have direct access to legislative council resources to assist in crafting proposed ballot measures. Any ballot measure that has been written or proofread by legislative council shall be labeled with a marking indicating that it is “Legislative Council Approved Language” on the ballot itself.

Reform Concept #3: Addresses campaign finance of ballot measures in a way that places out of state financial influence on an equal playing field with in-state financial influence. Ends the ability for tax dollars to be privatized through associations in support or opposition of ballot measures.

Reason: North Dakota should protect its sovereignty as much as possible from outside interference without suppressing the free speech rights of non-residents. Also, government entities that are otherwise prohibited from spending money on campaign activities should not be able to contribute to organizations that can.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article XIV of the Constitution of North Dakota is created and enacted as follows:

Section 5. Any ballot measure committee established to support or oppose a ballot measure proposed by the people under Article III or by the legislative assembly under Article IV shall be subject to campaign finance restrictions as follows:

1. No ballot measure shall accept in excess of \$100,000 from any single source regardless of origin.
2. No ballot measure committee shall accept contributions from sources outside the state of North Dakota exceeding contributions from sources inside the state of North Dakota, unless the out-of-state source can document that at least fifty-percent of its contributions are derived from residents in the state of North Dakota.
3. No ballot measure committee shall accept aggregate contributions from a single source outside of the state of North Dakota exceeding thirty-percent of total funds raised or \$50,000, whichever is higher.
4. No ballot measure committee shall accept any funds directly or indirectly from a source with the power to levy taxes regardless of how many intermediary transfers of such funds are involved.

The legislative assembly shall appropriate to the Office of Attorney General the funds necessary to defend these provisions in state or federal court. The legislative assembly shall enact legislation necessary to conform to these guidelines no later than December 31st, 2027.

Legislators who want to address the problems with ballot measures rather than just trying to make them more difficult would discuss these concepts as potential solutions.

2025: The Perpetual Attack On The Powers Reserved To The People Continues

Can we ever discuss actual reform, rather than just making the process harder? (Suggested reforms included.)



DUSTIN GAWRYLOW

JAN 14, 2025



4



Share

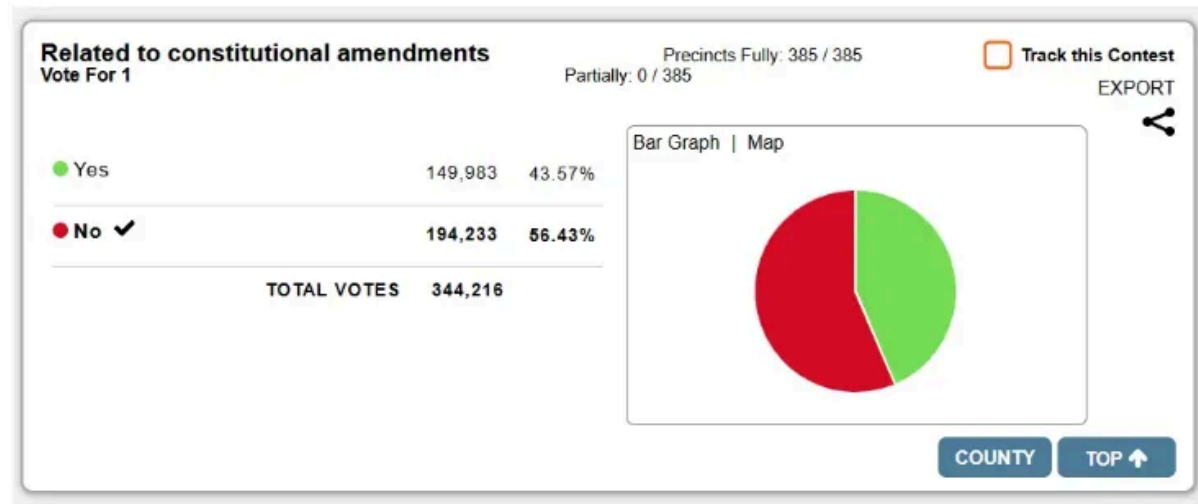


Do legislators ever get tired of trying the same thing over and over, expecting different results? That is the question HCR 3003 seeks to answer.

Barely two months off the defeat of their last attempt to make ballot measures more difficult to pass ([Measure 2](#)), legislators are at it again.

Measure 2 - 56% No vs. 43% Yes

Once again, the voters were forced to rebuke the legislature's attempt to make it harder for The People to exercise **The Powers Reserved To The People** in the North Dakota state constitution. While there are issues that should be addressed with the process, this was not the solution, and the voters agreed.



This, of course, comes after the 2020 failed legislative attempt to allow the legislature to veto the will of the people after a vote of the people has happened.

The Annual Attack On The "Powers Reserved To The People" Has Begun

DUSTIN GAWRYLOW • JANUARY 25, 2023



Like the energizer bunny, legislators who are afraid of their own voters never stop trying to weaken the Powers Reserved To The People.

[Read full story →](#)

As introduced now in 2025, **HCR 3003** is a simple constitutional amendment: it would require constitutional measure to have 60% threshold by the citizens in order for future constitutional amendments to be adopted.

Section 9. A constitutional amendment may be proposed by initiative petition. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. If the secretary of state finds the petition is valid, the secretary of state shall place the measure on the ballot. If sixty percent of votes cast for a proposed constitutional amendment are affirmative, the measure is deemed enacted. All other provisions relating to initiative measures apply hereteto initiative measures for constitutional amendments.

The Undemocratic Hypocrisy, And A Solution

When this idea comes up, it is never discussed that it hinges on the notion that the current system, a simple majority of 50%+1 can increase future thresholds to 60% - and that that is inherently unfair and undemocratic.

As has been said in the past, if the legislature would like to increase the threshold to 60%, they should make their own change subject to a 60% threshold.

Because the process for ballot measures is protected by Article II of the constitution entitled “Powers Reserved To The People”, the people should first be asked whether they want the legislature to even have the power to ask them to raise the threshold for all constitutional measures.

This could be done by implementing a two-step process:

1. In the June election: Ask the voters to require all future changes to the Article III constitutional measure process be subject to a 60% threshold.
2. Then, if the voters again, in November: Ask the voters to change the threshold to 60%, once the threshold for such changes is itself raised.

If the required threshold to increase the requirement to 60% was itself first set at 60%, it would be very difficult for myself or anyone else to say it was an unfair legislative power grab.

But, if 50%+1 can decide that in the future changes require 60%, that means that a full 10% of voters have been disenfranchised in the process of making the change itself.

Why doesn't the legislature seek an actual solution to this problem rather than cutting 10% of voters out of the process?

Alternative Reforms To Initiated Measure Process

North Dakota's initiated measure process allows The People to set the terms and conditions for their own government.

Those of us who consistently defend the initiated measure process are constantly told we are against every suggested change. It's not true, since those those that use the process know the flaws better than anyone.

I have included sample language for three concepts in case any legislators want to run with one or more of these reform concepts.

Reform Concept #1: Enables and requires the legislature to fund a digital signature system on the Secretary of State website, while leaving the paper option in place due to technical difficulties.

Reason: To modernize the initiated measure process, and to reduce the need to hundreds of thousands of dollars to get measures on the ballot.

Sample Language:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 2. A petition to initiate or to refer a measure must be presented to the secretary of state for approval as to form. A request for approval must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure. The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

The legislative assembly shall provide by law for the establishment and maintenance of an electronic signature gathering system for the collection of petition signatures in elections overseen by the secretary of state. The laws provided by the legislative assembly must permit signature gatherers to collect signatures by electronic means, while retaining paper signatures as a backup in case of technical difficulties.

The legislative assembly shall permit and appropriate funds necessary for the secretary of state to adopt rules to maintain, operate, and oversee the secure electronic signature gathering system. The secure electronic signature gathering system must be hosted on the website of the secretary of state. The secretary of state shall procure the technical resources to allow any elector, upon proof of qualification, to electronically sign forms and petitions relating to all initiated and referred measures, recall petitions, and candidate nominations within the state of North Dakota.

Reform Concept #2: Grants sponsoring committees to direct access to legislative council drafting and legal services, and creates a “seal of approval” of measures that are written/vetted by legislative council.

Reason: To promote the placement of better language on the ballot.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article III of the Constitution of North Dakota is created and enacted as follows:

Section 10. The legislative assembly shall enable sponsoring committees of proposed ballot measures to have direct access to legislative council resources to assist in crafting proposed ballot measures. Any ballot measure that has been written or proofread by legislative council shall be labeled with a marking indicating that it is “Legislative Council Approved Language” on the ballot itself.

Reform Concept #3: Addresses campaign finance of ballot measures in a way that places out of state financial influence on an equal playing field with in-state financial influence. Ends the ability for tax dollars to be privatized through associations in support or opposition of ballot measures.

Reason: North Dakota should protect its sovereignty as much as possible from outside interference without suppressing the free speech rights of non-residents. Also, government entities that are otherwise prohibited from spending money on campaign activities should not be able to contribute to organizations that can.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article XIV of the Constitution of North Dakota is created and enacted as follows:

Section 5. Any ballot measure committee established to support of oppose a ballot measure proposed by the people under Article III or by the legislative assembly under Article IV shall be subject to campaign finance restrictions as follows:

1. No ballot measure shall accept in excess of \$100,000 from any single source regardless of origin.
2. No ballot measure committee shall accept contributions from sources outside the state of North Dakota exceeding contributions from sources inside the state of North Dakota, unless the out-of-state source can document that at least fifty-percent of its contributions are derived from residents in the state of North Dakota.
3. No ballot measure committee shall accept aggregate contributions from a single source outside of the state of North Dakota exceeding thirty-percent of total funds raised or \$50,000, whichever is higher.
4. No ballot measure committee shall accept any funds directly or indirectly from a source with the power to levy taxes regardless of how many intermediary transfers of such funds are involved.

The legislative assembly shall appropriate to the Office of Attorney General the funds necessary to defend these provisions in state or federal court. The legislative assembly shall enact legislation necessary to conform to these guidelines no later than December 31st, 2027.

Legislators who want to address the problems with ballot measures rather than just trying to make them more difficult would discuss these concepts as potential solutions.

Why Keep Fighting The People?

In 2022, a coalition led the North Dakota Chamber of Commerce attempted to place this same concept on the ballot, under the premise is that it is too easy to get constitutional measures on the ballot and passed.

The coalition spent nearly \$400,000 attempting to place this on the ballot, and failed to successfully do so - because the process is too easy.

		2023	2022	2021			
Protect North Dakotas Constitution Sponsoring Committee for Initiated Measure Registration Date: 4/16/2021 Reporting Year: 2021							
Type	Sponsoring Committee for Initiated Measure						
Petition	Requires constitutional measures to pass by a sixty percent majority vote and limits the measure to one subject -Constitutional						
Committee Information		Agent Information					
Name	Protect North Dakotas Constitution	Name	Michael Haugen				
Acronym		Title/Position	Chairman				
Telephone	(701) 354-7504						
Email	info@protectndconstitution.com	Email	info@protectndconstitution.com				
Address	PO Box 195 Bismarck, ND 58502	Address	PO Box 195 Bismarck, ND 58502				
Election and Year-End Statements							
	Date Filed	Starting Balance	Ending Balance	Total of all contributions received of \$100 or less	Total of all expenditures made of \$100 or less	Total of all contributions received greater than \$100	Total of all expenditures made greater than \$100
Drafting	04/16/21	\$0.00	\$4,446.25	\$0.00	\$67.75	\$10,500.00	\$5,986.00
Year End	01/31/22	\$4,446.25	\$81,709.19	\$1,605.45	\$265.76	\$475,939.00	\$395,569.50
48-Hour Statements							
Date Filed					Total of all contributions received greater than \$500		
No records to display.							

To the credit of the coalition led by the Chamber of Commerce, they attempted to use the process itself to change the process - **which is a critical reform that I have advocated for over a decade now**. But, they could not get the job done, because it is too easy to spend money to measures on the ballot (so they say).

There is no outcry from the people themselves on this issue. And attempts to harness public outcry have failed. It is only the legislature, and the special interest groups who prefer legislative control that want this or any change that makes the process harder.

Citizens Continue To Defeat Legislative Power Grabs

This is really a “broken record issue”. The voters keep rejecting legislative attempts to make the process harder. Here is just a short history of that track record:



Protect "The Powers Reserved To The People"

DUSTIN GAWRYLOW • OCTOBER 28, 2024

[Read full story →](#)



Fargo Forum Says "Vote No On Measure 2"

DUSTIN GAWRYLOW • SEPTEMBER 25, 2024

[Read full story →](#)



Video: Ed Schafer Makes The Case Against Measure 2

DUSTIN GAWRYLOW • SEPTEMBER 23, 2024

[Read full story →](#)



Press Release: Former ND Governor Ed Schafer Launches Campaign to Defend Ballot Initiative Process

DUSTIN GAWRYLOW • SEPTEMBER 17, 2024

[Read full story →](#)



Measure 2's Single-Subject Rule Is A "Back-Door Veto"

DUSTIN GAWRYLOW • SEPTEMBER 11, 2024

[Read full story →](#)



Measure 2 Reflects Distrust Of Voters

DUSTIN GAWRYLOW • SEPTEMBER 8, 2024

[Read full story →](#)



Breaking News: Former Governor Ed Schafer Helps Re-Boot ProtectND Campaign Against Measure #2

DUSTIN GAWRYLOW • APRIL 15, 2024

[Read full story →](#)



Initiated Measure Modernization Act Defeated

DUSTIN GAWRYLOW • MARCH 15, 2023

[Read full story →](#)



HCR 3031 Floor Debate on Modernizing The Initiated Measure Process

DUSTIN GAWRYLOW • MARCH 14, 2023

[Read full story →](#)



Press Release: Constitutional Amendment Introduced To Modernize Initiated Measures

DUSTIN GAWRYLOW • FEBRUARY 21, 2023

[Read full story →](#)



How do we protect the state constitution, protect citizen rights, and North Dakota traditions?

DUSTIN GAWRYLOW • FEBRUARY 10, 2023

[Read full story →](#)



NTU: Grave Constitutional Concerns about ND's Proposed Tax on Out-of-State Political Money

DUSTIN GAWRYLOW • FEBRUARY 2, 2023

[Read full story →](#)



Powers Reserved To The People

DUSTIN GAWRYLOW • JANUARY 31, 2023

[Read full story →](#)



KFYR: Discussing The Latest Attack On Initiated Measures

DUSTIN GAWRYLOW • JANUARY 27, 2023

[Read full story →](#)



The Annual Attack On The "Powers Reserved To The People" Has Begun

DUSTIN GAWRYLOW • JANUARY 25, 2023

[Read full story →](#)



Archive of North Dakota Watchdog Networks' Efforts To Protect The Powers Reserved To The People

DUSTIN GAWRYLOW • APRIL 22, 2022

[Read full story →](#)



4 Likes

[← Previous](#)

[Next →](#)

Discussion about this post

Comments

Restacks



Write a comment...