



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Kim Koppelman

District 13
513 First Avenue NW
West Fargo, ND 58078-1101
B: 701-492-7317
kkoppelman@nd.gov

Speaker of the House

Testimony in support of House Bill 1173

Mr. Chairman and Members of the House Government and Veterans Affairs Committee, today I bring House Bill 1173 before you and encourage your favorable consideration of this bill.

As you can see, on its face, House Bill 1173 is a fairly simple transparency bill. It requires that, when the people of North Dakota are asked to vote on an amendment to our state's Constitution or a change in our state's laws, they should have all the information. In other words, the entire text of the proposal should be before them, available for them to read in its entirety, as they make their voting decision, rather than depending only upon what they've heard about it, through advertising and other means, or what a very brief synopsis printed on the ballot, states. Let me explain why this is important.

I trust that we would all agree that the Constitution of North Dakota is our most important, most treasured state government document. It lays out the principles by which we are governed, informed by our values and commonalities, as the people who populate our state. Although the bill deals with initiatives and referendums to change the law, as well as Constitutional amendments, I'd like to focus upon changes to our Constitution for reasons which will become obvious.

I may be more focused upon its importance because, for many years, I chaired our Constitutional Revision Committee, where any proposed changes to this critical document were vetted, examined, and, if deemed worthy and advisable, advanced. For many years after that, I was honored to chair the Judiciary Committee, where such resolutions dealing with our Constitution flowed, as the Constitutional Revision Committee was, in essence, merged into the Judiciary Committee. Suffice it to say that I have a deep respect for this document, which I trust that we all share, and that I've paid careful attention to the changes proposed to it over the years.

As mentioned, Constitutions are intended to be documents which create a framework for governance, based upon broad principles, with a minimum of specificity. The North Dakota Century Code—our law books—are where the details belong, as you all know as lawmakers elected by your constituents and entrusted with that lofty responsibility.

There are two methods by which North Dakota's Constitution may be amended. One is by the passage of resolutions for such amendments in the Legislature and the other is by initiative of the voters. In both cases, the final decision of whether a Constitutional amendment is actually adopted rests with the voters, at the ballot box.

Over the years, it is clear that amendments proposed by the Legislature have been relatively brief and succinct, in keeping with the idea that the Constitution is to be a document of broad principles, simply stated, not a detailed document of minutia. Amendments which have come from the people--the grass roots citizens of our state--have also generally followed this principle.

Our initiative process for amending our Constitution is the easiest in the nation, among those states which even allow for voter initiative to amend their Constitutions (and many do not). Of course, that has grown out of who we are, as North Dakotans. We are people of integrity. We trust our neighbors, and we believe that the people of North Dakota should have a very loud voice in their government and the principles and laws by which they are governed. That's why our legislative process is one of the most open and accessible anywhere. That's also why our state allows initiative and referendum, so the people also have the final say over our laws. All of that is good and has worked relatively well.

In recent years, however, special interest groups—many of them radical, from out-of-state, and supported by large amounts of special interest funding—have discovered that the North Dakota Constitution is relatively easy to amend, which sadly also makes our process ripe for abuse. They've learned that it's relatively inexpensive to hire people to gather signatures on petitions to get proposed Constitutional amendments on the ballot. They've also learned that it's relatively inexpensive to run large advertising campaigns to try to convince people to vote for the proposals they favor.

Of most concern is that they've also discovered that our processes in North Dakota make it very easy for them to deceive voters and to float "Trojan Horse" proposals which often look good on the outside, but contain very troubling detail, often on completely different topics, on the inside.

That's because voters are not told the whole truth, or "the rest of the story" as Paul Harvey used to say. The only information voters see, about an initiated measure which proposes an amendment to this critically-important document--our state's Constitution--is a very brief statement which attempts to describe the measure. The more voluminous and complex these measures become, the more difficult, if not impossible, it is to adequately describe, in brief, their actual contents and impact.

In clever, but insidious fashion, special interest groups can place something in a measure which sounds very good, like "victims rights", "military voting", or "ethics"—things we all support—and trumpet those themes in advertising and public statements, while hiding very damaging details, like depriving people of representation, radically changing our election processes, or creating essentially entirely new branches of government which are unaccountable, without the people knowing it, until it's too late.

These proposals have grown increasingly radical and increasingly dangerous. Proponents of ideas which would never be approved by the voters, if the honest truth were told, or would never be approved by those the people elect to represent them, have "slipped by" under the Trojan Horse-like guise of nice sounding, virtually universally supported ideas. These radical proposals, supported by big money interests from outside our state, attempt to remake North Dakota in their proponents' image in a way North Dakotans would never approve, if they were given all the information. This is cynical, deceptive, and abhorrent and we, the people, and the elected representatives of the people, must find a way to stop it.

Perhaps the best way to do that is through transparency. Sunshine, after all, is the best disinfectant.

House Bill 1173 proposes to do just that in a very simple way—tell the people the truth, the whole truth, and nothing but the truth. It simply provides that a proposed amendment to the Constitution of North Dakota, or a change in our laws, whether initiated by the Legislature or by petitions signed by the requisite number of voters, which appears on the ballot must be printed in its entirety.

This simple, important change will ensure that the voters are fully informed when asked to change the most important governing document we have—our Constitution. That shouldn't be too much to ask when voters are required to make such an important decision. Full disclosure and transparency are things we should all want. House Bill 1173 allows us to ensure that for the people of North Dakota, who's interests we're elected to represent, are fully informed as they vote. I respectfully urge you to give it a "Do Pass" recommendation.

