



SYNTHESIS.EARTH
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RE: TESTIMONY IN OPPOSITION TO HCR 3003

HCR 3003 seeks to amend Section 9 Article III of the Constitution of North Dakota to limit citizen-led constitutional amendments to a “single subject”.

HCR is a poorly written amendment. It seeks to limit citizen-led ballot initiatives to a “single subject” but does not define what “single subject” means. It leaves it up to the Secretary of State to determine what is or isn’t a “single subject” but does so without any guidance or definition.

While there is some general common sense idea of what a “single” subject might entail, the problem of the “One and the Many” is a well-known philosophical riddle that dates back millennium. Determining where one thing ends and another thing begins is not so simple after all.

Perhaps an example would illuminate the discussion. Suppose a person wanted to limit North Dakota state Constitutional amendments to a “single subject”. If that person read the Constitution of North Dakota, they would discover that the right to amend the Constitution is addressed in Section 9, Article III – the Powers Reserved to the People – and in Section 16, Article IV – Legislative Branch. To limit all amendments to the Constitution of North Dakota to a “single subject” this person would have to amend the Constitution in *two* sections, one that deals with the Powers Reserved to the People and one that deals with the Powers of the Legislature.

So does this hypothetical “single subject” amendment actually encompass a “single subject”? It would need to limit the power of the People *and* the power of the Legislature; it would require an amendment of the language in Section 9, Article III *and* an amendment of Section 16, Article IV of the Constitution. So while it would accomplish *one* thing, it would require *two* separate amendments to do so.

As you can see, “single subject” is a real can of worms. Almost any idea to amend the constitution can be presented as one unifying idea or as many separate threads, all dependent on the way the author of the amendment organizes the idea.

Furthermore, as written, this resolution gives all power to the Secretary of State in determining what is or isn't a "single subject". As shown, there are no criteria to determine what is or isn't a "single subject". As such, this resolution puts the Secretary of State in an impossible situation. No matter what decision the Secretary of State makes, they will be subject to criticism and accusations of political favoritism.

Lastly, the sponsor of HCR 3003 has provided no examples of abuse of the Constitutional amendment process that would justify adding an additional layer of bureaucracy into the Constitution. In fact, after careful empirical study of past citizen-led constitutional amendments, it appears that the more complicated and ambitious amendments are more likely to fail. In short, HCR is a solution to a problem that does not exist. As such, we urge this committee to move forward with a DO NOT PASS designation.

Sincerely,
Ryan Warner
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