



PROTECTION & ADVOCACY PROJECT

400 EAST BROADWAY, SUITE 409

BISMARCK, ND 58501-4071

701.328.2950

**House Government & Veterans Affairs Committee**

**Senate Bill 2163 – March 3, 2023**

**Testimony of Veronica Zietz, P&A Executive Director**

Greetings Chairman Schauer and members of the House Government & Veterans Affairs Committee. My name is Veronica Zietz and I'm the Executive Director of the North Dakota Protection and Advocacy Project (P&A). P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

Voting is a fundamental right and responsibility for all North Dakotans, including those with disabilities. When people can't easily understand a ballot question, they are less likely to engage in the voting process. Senate Bill 2163 will empower North Dakotans to exercise their right to vote. SB 2163 requires that constitutional amendments and initiated and referred measures be written in plain, clear, understandable language using words with common, everyday meaning. The purpose of this bill is to help people understand proposed ballot measures, so they can make informed decisions.

Currently 16 states have plain language laws, most of which are focused on clearly explaining ballot measures; please see page 3 for more information plain language laws in other states. Of these states, seven (7) allow for citizen-initiated measures in some form and five (5) states allow for citizen-initiated measures that can change the state constitution. Similar to ND our neighbor Montana allows citizen-initiated constitutional measures and recently implemented a plain language law like the one you see before you today.

Plain language is a way of writing. It uses smaller words and shorter sentences. This helps people understand the main ideas more clearly. According to [www.plainlanguage.gov](http://www.plainlanguage.gov), "Plain language is clear, straightforward expression, using only as many words as necessary. It is language that avoids obscurity, inflated vocabulary, and convoluted sentence construction. Plain language lets the reader concentrate and easily understand the message instead of being distracted by complicated language."

Plain language creates access for people with intellectual and developmental disabilities, a group that makes up approximately 25% of North Dakota voters. Plain language benefits everyone, as more than

half of Americans read below a sixth-grade level according to the US Department of Education. In research studies on plain language, both low and high-literacy people found information faster, correctly answered more questions, and gave higher satisfaction ratings when information was written clearly.

So how do we measure whether the text of a ballot question is in fact plain language? Many tools and resources are available to ensure proper implementation of this bill. Grade level formulas and vocabulary checkers can be useful to highlight difficult words or phrases. Various software and applications can assist with measuring readability, including Microsoft Word's readability statistics which is already accessible to the State. This specific measure uses the Flesch Reading Ease (higher number means text is easier to understand) and Flesch Reading Level (lower number means text is easier to understand). Please see page 4 for a sample comparison of standard versus plain language ballot measures. In addition, guidelines for writing ballot questions may be created and made available to the public. This can include information on general writing style, how to construct text, and make the meaning of the question clear. Finally, a review or usability test with voters can be helpful to learn what aspects of the question or statement might be confusing.

I respectfully request the Committee support SB 2163 in an effort to ensure voters in ND are well informed. Thank you for your time and I'd be happy to address any questions.

Veronica Zietz  
Executive Director Protection & Advocacy Project  
[vzietz@nd.gov](mailto:vzietz@nd.gov)

Resources:

- [Plain Language Checklist](#)
- [Center for Civic Design](#)
- [Plainlanguage.gov](http://Plainlanguage.gov)

## Plain Language Laws Summary

Provided by [Michael Blaise, Assistant Professor of Law Seattle University](#)

Alabama	Ala. Code § 17-6-81(b)(4)–(c) (2020) (summary and ballot statements)
Alaska	Alaska Stat. Ann. § 15.80.005 (West 2010) (ballot and pamphlet must have minimum readability score of 60)
Arkansas	153.00 Ark. Code R. § 1-XI (LexisNexis 2017) (handbook for candidates)
California	Cal. Elec. Code § 2053(b)(8) (West 2017) (election materials); Cal. Elec. Code § 2700(b)(9) (West 2021) (same); Cal. Elec. Code § 13218(b) (West 2020) (members of ballot design committee must have experience with plain language); Cal. Elec. Code § 2600 (West 2017) (election committee members must have experience with plain language)
Connecticut	Conn. Gen. Stat. Ann. § 9-139a(c) (West 2019) (absentee ballot instructions)
Florida	Fla. Stat. Ann. § 101.161(1) (West 2020) (ballot summary of constitutional amendment or public measure)
Maine	29-250-520 Me. Code R. § 1 (LexisNexis 2006) (public comments on ballot measure for publication in election guide)
Montana	Mont. Code Ann. § 13-27-312(4) (West 2021) (ballot statements)
New Jersey	N.J. Rev. Stat. § 19:3-6 (2013) (public questions)
New York	N.Y. Elec. Law § 4-108(d) (McKinney 2019) (abstract of proposed constitutional amendment, proposition, or question)
Oklahoma	Okla. Stat. Ann. tit. 34, § 9 (West 1992) (ballot title of voter petition)
Pennsylvania	25 Pa. Stat. and Cons. Stat Ann. § 2621.1 (West 1986) (Attorney General explanation of proposed state constitutional amendment or statewide ballot measure)
South Carolina	S.C. Code Ann. § 7-13-2110 (2020) (explanation of state constitutional amendments)
Tennessee	Tenn. Code Ann. § 2-5-208(f)(2) (West 2016) (summary of lengthy ballot question or state constitutional amendment)
Virginia	Va. Code Ann. § 15.2-1702(B) (West 2000) (explanation on vote to create county police force); Va. Code Ann. § 24.2-687 (West 2011) (explanation on local referendums); Va. Code Ann. § 30-19.9 (West 2001) (explanation of proposed constitutional amendment); Va. Code Ann. § 30-19.10 (West 2021) (explanation or fiscal impact statement on non-constitutional statewide referendum)
Wisconsin	Wis. Admin. Code Eth § 1.96 (2020) (source of campaign communication financing)

## Sample Comparison of Ballot Measures

### Initiated Constitutional Measure No. 1

#### Original

This initiated measure would add a new article to the North Dakota Constitution. Under the measure, an individual could not serve as a state legislator for a total of more than eight years in either the North Dakota House of Representatives or the North Dakota Senate, separately. It also would prohibit an individual from being elected as Governor more than twice. Service as a member of the legislature or election to the office of governor before the effective date of this measure would not count towards an individual's eight-year or two-election limit. An individual would not be allowed to serve a full or remaining term as a member of the legislature if serving the term would cause the individual to serve a total of more than eight years in that particular house. Any amendment to this article could not be proposed by the legislature, but only by citizen initiative. The article would become effective on January 1, 2023 if approved by the voters. If the measure conflicts with any other provision of the constitution, the measure states it would prevail over the other constitutional provision.

#### Plain Language

This initiated measure will add a new article to the State Constitution:

- A legislator can't serve in the State House of Representatives for more than eight years.
- A legislator can't serve in the State Senate for more than eight years.
- A Governor can't serve more than two terms.
- If approved this article will become effective on January 1, 2023.
- Time served before this date doesn't count towards the term limit.
- Legislators can't change this part of the Constitution.

Readability Statistics	
<b>Counts</b>	
Words	185
Characters	922
Paragraphs	1
Sentences	8
<b>Averages</b>	
Sentences per Paragraph	8.0
Words per Sentence	23.1
Characters per Word	4.9
<b>Readability</b>	
Flesch Reading Ease	38.8
Flesch-Kincaid Grade Level	13.5
Passive Sentences	37.5%

Readability Statistics	
<b>Counts</b>	
Words	78
Characters	391
Paragraphs	7
Sentences	6
<b>Averages</b>	
Sentences per Paragraph	1.0
Words per Sentence	11.0
Characters per Word	4.9
<b>Readability</b>	
Flesch Reading Ease	67.4
Flesch-Kincaid Grade Level	6.5
Passive Sentences	0.0%