HCR 3031
Senate State and Local Government Committee
March 3, 2023

Chair Schauer and members of the House Government and Veterans Affairs Committee:

The League of Women Voters of North Dakota **opposes HCR 3031** for the following reasons:

1. The single-subject rule of HCR 3031 is vague, unnecessary, and will be costly for citizens and the state.
There is no standard or proposed definition of what "single subject" means and, as a result, this bill will cause confusion for petitioners, legislators, and courts. This aspect of HCR 3031 might require petitioners to submit multiple petitions for just one section of a law—a costly and unnecessary effort – and might also result in costly lawsuits in which the courts attempt to make a determination of what "single subject" actually means. States with single-subject rules have experienced numerous lawsuits related to such rules.[1]

2. HCR 3031 unjustifiably increases the percentage of North Dakota residents whose signatures are needed before an initiative petition may be submitted to the Secretary of State--from 2% to 5% for statutes and from 4% to 10% for constitutional amendments.
Since the percentage of signatures is based on the last federal decennial census, and since the 2020 North Dakota population census showed 779,094 residents,[2] HCR 3031 would increase the statute signature requirement from 15,582 to 38,954, and would increase the constitutional amendment signature requirement from 31,164 to 77,909.

The bill's drastic increase in required petition signatures is unnecessary and reveals the intent of the bill to impede the ability of the citizens to create an initiated measure.

3. HCR 3031 unnecessarily changes the requirement for passage of an initiated constitutional amendment from a majority of the votes cast to *a majority of the votes cast in a majority of the counties in the state*.
This aspect of HCR 3031 makes a drastic change to the North Dakota State Constitution. No other state-wide election outcome requires a majority of votes in a majority of counties. A simple majority vote is the standard for all elections in North

[1] https://ballotpedia.org/Single-subject_rule
[2] https://www.census.gov/quickfacts/fact/table/ND/PST045221

Dakota. In a scenario under HCR 3031, 65% of the state-wide vote could be cast in favor of an initiated measure, but if one county less than a majority of counties votes against the measure, the initiated measure would fail.

This expectation of HCR 3031 would also place an undue financial burden on citizen groups, making an effective and successful initiated measure campaign almost impossible.

4. HCR 3031 unnecessarily requires that an initiated measure be placed on *both* the primary and general election ballots.

No other election in North Dakota requires that an issue or person be voted on in both the primary and general elections. There is no need for a two-election approval process since citizens are voting on the same measure. Voters in North Dakota understand the significance of a change to the Constitution and do not need to have the same measure placed before them twice.

In addition, a two-election process is only being proposed for citizen-led measures, not measures proposed by the Legislature. HCR 3031 appears to be motivated by a distrust in the voters of North Dakota—the same voters who elect the members of the state legislature.

Citizen-led initiated measures have a long history in North Dakota and play an important role in supporting citizen participation in the governance of the state. HCR 3031 intends to bring an end to that role. For this reason, **the League of Women Voters of North Dakota strongly urges committee members to give HCR 3031 a Do Not Pass recommendation.**

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