



North Dakota Native Vote
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Testimony of North Dakota Native Vote regarding Senate Concurrent Resolution 4013

By Sharnell Seaboy

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House Government and Veterans Affairs Committee

Chairman and members of the House Government and Veterans Affairs Committee, thank you for the opportunity to testify today on the importance of protecting democracy. My name is Sharnell Seaboy, I am an enrolled citizen of the Mni Wakan Oyate (Spirit Lake Nation). I am a Field Organizer at North Dakota Native Vote and am here to testify in opposition of Senate Concurrent Resolution 4013 on behalf of North Dakota Native Vote.

North Dakota Native Vote is a non-partisan grassroots organization. Our mission is to create and affect policy to promote equitable representation for the Native people of North Dakota.

North Dakota Native Vote opposes Senate Concurrent Resolution 4013 for the following reasons:

- The current version of this bill states that constitutional amendment initiative petitions “may be circulated only by qualified electors who have resided in the state for at least one hundred twenty days before the first signature is collected.” The North Dakota Constitution (Article II, Section 1)¹ identifies a “qualified elector” as “a citizen of the United States who has attained the age of eighteen years and who is a North Dakota resident.” As we have testified before in 2021, the requirement for durational residency violates both the North Dakota Constitution and the United States Constitution. The United States Supreme Court in *Dunn v. Blumstein* found that state laws requiring voters to have been residents in the State for a year and the county for three months did not further any compelling state interest and violated the equal protection clause of the Fourteenth Amendment. I can provide a copy of the United States Supreme Court case *Dunn v. Blumstein*, 405 U.S. 330 (1972) for inclusion in the record. This durational residency requirement has been struck down as a violation of the equal protection clause and therefore is unconstitutional.
- SCR 4013 is an attack on citizen-led government by requiring voters to vote in two separate elections to approve an initiated constitutional amendment. This indicates distrust of our state’s voters. This is not the first time the legislature has tried to do this. A similar measure was put on the ballot in 2020 that would have required the legislative body’s approval for constitutional initiated measures, if approved would have to be

placed on the ballot two times in order to pass. That initiative was overwhelmingly defeated by the people of North Dakota.

- The sponsors and supporters of SCR 2013 say it is needed because so much out-of-state money - often from unknown sources - is being spent to support ballot measures. North Dakota Native Vote agrees that huge amounts of money in campaigns is a problem. However, SCR 4013 does nothing to deal with that problem. In fact, it may make the problem of out-of-state money worse, because even more money will be needed to win two back to back statewide elections. If money, especially out-of-state from unknown sources, is the problem, then we suggest the solution should address that issue rather than making it more difficult for North Dakota citizens.
- SCR 4013 undermines the will of the people and will diminish their decision making power. It's a right and responsibility of each and every citizen to participate in state policy-making, especially when legislators can not or will not. We do not support putting unnecessary roadblocks in the way of citizen efforts to initiate measures.

North Dakota Native Vote recommends a DO NOT PASS on Senate Concurrent Resolution 4013.

Pidamiya-ye (Thank you).