

ND HOUSE GOV. & VETERANS AFFAIRS COMMITTEE

SCR 4013

MARCH 9TH, 2023

Mr. Chairman and members of the committee. My name is David Hanson and I reside in Bismarck. Thank you for allowing me to testify in favor of SCR 4013.

I would also like to thank the sponsors of this amendment which seeks to correct weaknesses in our current amendment process by placing better safeguards for protecting our state constitution.

Currently, to pass an amendment to our constitution, you must get a simple majority vote of the people. This is a weakness, because the constitution is binding, not only on the people, but the state government. It is the supreme law of our state. In recent years there has been a disturbing trend of bringing constitutional amendments forward and treating the constitution as a super Century Code to prevent initiatives from being quickly amended or repealed. The constitution, as a general rule, ought to be used to set the guidelines and mode for governing our state, not to set policy. Policy setting should be more of the domain of the ordinary course of legislation. While there will always be areas in the constitution that individuals may not agree should be there, most of the time we all as a state ought to be united in supporting it. There ought to be a higher threshold to amend the constitution, since it is the highest law in the state. By requiring a higher threshold, it will also demonstrate a greater unity among the people to uphold and support the constitution.

For this amendment, there are aspects that I applaud and appreciate, but there are other parts that I question, but appreciate the intentions behind those, nonetheless.

First, I applaud raising the signature threshold to 5%. By requiring a higher threshold, the less serious proposals will be weeded out. In fact, earlier in our state's history we required 10% threshold to place initiatives on the ballot.

Secondly, on lines 23-25 on the second page, I appreciate what is intended here to truly make this a grass-roots movement of citizens coming together for a common proposal. However, I am uncertain how this would be practically enforced until after the petitions have been submitted. I imagine the Secretary of State would have to look into every circulator to make sure that these terms of circulating a petition are met. How would this be implemented?

Thirdly, requiring initiatives to have a single subject will go a long way towards improving the initiative process. With this in place, it will help voters to focus and pay closer attention to what they are voting upon. This will allow voters to express a clear intent on a single issue, thus there being no ambiguity as to what the people truly intended; this will prevent provisions that are popular with voters from being comingled together with provisions that wouldn't otherwise be able to pass on their own merits. The single subject rule will make it uniform with the Legislative Assembly's own requirements that there be single subject bills.

Finally, I appreciate the provision for two separate votes of the people in two different statewide elections. In a sense, this is similar to requiring a bill to be read twice in the Legislative Assembly before final passage. Similar processes are used by many other states. This will allow for serious reflection and contemplation before final passage. This would cause the people to re-evaluate whether a certain proposal is truly a good idea or not without rushing something

through the heat of the moment. A good example of this is Nevada. In the last election, the voters passed a constitutional amendment by 52% of the vote to implement a ranked choice voting system. But this has to go to another vote of the people in 2024 before it is finally added to their constitution. Nevada voters have the benefit of observing Alaska's new ranked choice voting system before they finally decide if they want to change their constitution and change the way they choose their leaders.

I would, however, like to suggest an amendment to this resolution. Instead of having a constitutional amendment be voted upon twice in the primary and general election, I'd suggest it being voted upon in two separate general elections. This would allow a longer period to really study an issue before changing the supreme law of the state, the constitution, instead of a few months of consideration. But whether this committee decides to keep the resolution as it is now or adopt this suggestion, this is a step in the right direction, and it is a good thing in my view to look at something a second time around.

I would also like to suggest one more amendment to this proposal. Another section should be added to address Article IV Section 16 of the constitution, so that it is consistent with how amendments are ratified by the initiative method. I suggest that for the Legislative Assembly to propose an amendment it should require a two thirds vote of both houses and two separate votes of the people. **Whichever method this committee decides how an amendment should be ratified by the initiative; it should mirror how it is ratified when the legislature places it on the ballot.**

Many other states require supermajorities in their legislatures as well as supermajorities or multiple votes among the people in order to pass amendments to their state constitutions. We can also look to our own U.S. Constitution in the way that it is amended. To amend it you must get two thirds of the House and Senate or two thirds of the states to call a convention to submit amendments to the states. Once the states have the amendments, you must also get 38 (three fourths) to ratify them. With those high thresholds to meet, there is a greater unity of the people and the states to support the Constitution and also a great urge to protect it.

We in North Dakota have a good constitution. Let's not let it become something that is treated flippantly. Let's put better safeguards in place to protect it and make it a stable document for years to come. Thank you.