

March 17, 2023

Senate State and Local Government Committee
Senator Kristin Roers, Chair
HB 1273

**RE: Testimony of the Board of City Commissioners for the City of Fargo in OPPOSITION to
HB 1273**

Chair Roers and Members of the Senate State and Local Government Committee:

We, the Board of City Commissioners for the City of Fargo, submit this testimony to the Senate State and Local Government Committee in opposition to House Bill 1273 and request a **“Do Not Pass”** recommendation. The position of the City Commission is consistent with testimony provided to the House Political Subdivisions Committee earlier in the Legislative Session.

Home Rule Authority – A Respected North Dakota Tradition

In the State of North Dakota, we appreciate the longstanding, time-honored tradition of respect for Home Rule Authority and the ability of local elected officials to manage the business of their cities, counties, and townships. Local elected officials lead, plan, and direct their communities in response to what their citizens wish to see for their local government. As the government closest to the people, we listen to the public we serve and directly reflect their wishes.

Initiated Measure – Democracy in Action

The initiated measure process is enshrined in the Constitution of the State of North Dakota, and all levels of government are bound by it. One such example of the initiated measure process occurred in 2018 in Fargo. At this time, Fargo residents placed a ballot question before voters to determine the future conduct of Fargo city elections. In the November 2018 election, 30,092 voters supported “approval voting,” sending a clear mandate that approval voting be implemented for Fargo city elections. 63.52% of ballots cast in this election were in support of approval voting – an unequivocal “supermajority” message of support for reform and a change in the manner in which City Commissioners are elected.

Approval voting in Fargo is the hallmark of Democracy – with a capital “D.” The citizens of Fargo circulated a petition to obtain the required signatures to place the election procedure on the ballot. This did not result from an action of the Fargo City Commission, but rather was a measure initiated and organized at the grassroots level by citizens.

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The only way to modify the method of voting now would be by a vote of the citizens of the City of Fargo. Whether the City Commission agrees with the approval voting method is irrelevant; elections are squarely within the province of the municipality powers as provided in NDCC 40-05.1-06(9): “To provide for all matters pertaining to city elections, except as to qualifications of electors.” To attempt to simply legislate it away is contrary to democratic values, and would be an affront to the citizens of Fargo.

Approval Voting Has Been Successfully Implemented

Approval voting has been utilized in the last two election cycles for the Fargo City Commission, without incident. There have been no challenges to the method itself, and it has withstood the test of time. While it is an unusual procedure, and different from other cities in North Dakota, this alone does not make it unfair.

It has been suggested by some that approval voting somehow “dilutes” voter intent. This assertion is not factual, and recent results from City of Fargo elections which utilized approval voting demonstrate that candidates, as well as voters, were not “injured” or negatively impacted by the voting procedure. Approval voting effectively requires each voter to vote “yes” or “no” for every candidate. The candidate with the most “yes” votes wins the election. Simply stated, the candidate who gathers sufficient support from the public will prevail in approval voting. A fair outcome is the result, and the will of voters is acknowledged and respected.

State Legislature Should Not Mandate Local Election Procedures and Subvert Voter Will

As proposed, HB 1273 voids the wishes of the citizens of Fargo by prohibiting approval voting in future elections. HB 1273 would effectively place the State Legislature in control of local election procedures and dictate that approval voting – despite its selection by the voters of Fargo – be prohibited. This legislation would simultaneously nullify Fargo’s democratic process and voting procedure while prohibiting other cities in North Dakota from considering approval voting or ranked choice voting.

At best, HB 1273 is a legislative solution in search of a local government problem, where none exists. At worst, it is an unnecessary incursion and disruption to the balance of local control and the democratic process. How the political subdivisions of North Dakota choose to elect their Commissioners, serve the interests of their communities, and govern themselves is a question unique to each of our communities and should be left to local voters. Home Rule Authority, at its core, is about respect for the will of the people and the democratic process, and the Board of City Commissioners for the City of Fargo simply requests that Fargo continue to be permitted to extend this respect and courtesy to our voters and their wishes.

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The Board of City Commissioners of the City of Fargo **OPPOSES** HB 1273 and respectfully urges a "DO NOT PASS" recommendation in the Senate State and Local Government Committee.

Sincerely,

THE BOARD OF CITY COMMISSIONERS FOR
THE CITY OF FARGO, NORTH DAKOTA

Dr. Timothy J. Mahoney
Mayor

Arlette Preston
Deputy Mayor

Denise Kolpack
City Commissioner

John Strand
City Commissioner

Attachments: City of Fargo Approval Voting Petition and Ballot Language
June 19, 2020 Certification of Election Results
July 1, 2022 Certification of Election Results

(2)

#1051

CITY OF FARGO APPROVAL VOTING PETITION

SUMMARY

The Fargo Home Rule Charter would be amended to enable voters to choose all the candidates they wish in city elections and also have the City report the approval percentage for each candidate.

SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the City of Fargo, North Dakota who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with the law:

Jed Limke, Chairperson
2301 11th St. S
Fargo, ND 58103

Karen Stoker
1510 8th St. S
Fargo, ND 58103

Martin J. Riske
2901 27th St. S
Fargo, ND 58103

Barry Nelson
902 42nd Ave. N
Fargo, ND 58102

Lois Ivers Altenburg
1146 5th St. N
Fargo, ND 58102

Zac Echola
1111 6th St. S
Fargo, ND 58103

(2)

INITIATIVE PETITION TO THE CITY AUDITOR, CITY OF FARGO, NORTH DAKOTA

- We, the undersigned, being qualified electors, request the following initiated law be placed on the ballot as provided by law.

REASONING

The State of North Dakota provides that the charters and pursuant ordinances of Home Rule Charter cities (such as Fargo) grant those cities the right of self-government as well as the power to provide for all matters pertaining to city elections. (See generally: N.D.C.C. §40-05.1-05-1.06 and Fargo Municipal Code §2-0203).

BE IT ENACTED BY THE CITY OF FARGO:

A new article of the Home Rule Charter of the City of Fargo is created and enacted as follows:

Article 11 - Election procedures

A. Methodology

City officials will be elected so that each voter may vote for all the candidates the voter approves of in each race. Candidates receiving the most votes will be elected until all necessary seats are filled in each race.

B. Ballot instructions

For each race to elect city officials, the instructions on the ballot will instruct voters with the directions, "Vote for ALL the names you approve of," with "ALL" being written in uppercase.



















C. Reporting of results

For each candidate's result in each race, reported vote percentages must be calculated by taking the number of votes for that candidate divided by the total ballots cast.

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you are a North Dakota resident, you have lived in Fargo for at least thirty days, and you are a United States citizen. All signers shall also legibly print their name, complete residential address or rural route or general delivery address, and the date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

DATE	PRINTED NAME	SIGNATURE	COMPLETE STREET ADDRESS	CITY, STATE	ZIP
5/23/18	Brad Grice		813 21st Ave S.	Fargo, ND	58103
5/23/18	Erika Beseler Thompson		9 35th Ave NE	Fargo, ND	58102
5/23/18	Tammi Lomenick		524 1st St N	Fargo, ND	58102
5/23/18	Paul Duvick		1109 10th St N	Fargo, ND	58102
5/23/18	Lydia Tackett		1017 12th St. N	Fargo, ND	58102
5/23/18	Aidan Chadwick		1144 College St. N	Fargo, ND	58102
5/23/18	RON PADOT		317 22nd Ave N	FARGO, ND	58102
5/23/18	Randy Mann		1310 6th St. So.	Fargo, ND	58103
5/23/18	Melissa Sobolik		319 Broadway #302	Fargo, ND	58102
5/23/18	Jo Boreen		805 6th St S.	Fargo, ND	58103
5-23-18	Don Schmidt		1638 7th St N	Fargo, ND	58102
5/23/18	Levi Fankle		121 6th Ave N #2	Fargo, ND	58102
5/23/18	Jeremy Sobolik		319 Broadway N. #302	Fargo, ND	58102
5/24/18	Cody KIRKWOOD		620 MAIN AVE APT 307	FARGO, ND	58103

DATE	PRINTED NAME	SIGNATURE	COMPLETE STREET ADDRESS	CITY, STATE	ZIP
5/24/18	Rebecca Meyer		2250 57th Ave S	Fargo, ND	58104
5/24/18	Emily Vetter		1324 8th St S	Fargo, ND	58103
6/3/18	Carol Martin		52-6th Ave N	Fargo, ND	58102
6/3/18	Aaron Quamme		514 Oak St N	Fargo, ND	58102
6/3/18	Andrew Block		502 Oak St N	Fargo, ND	58102
6/3/18	Olivia Ogaard		104 16th Ave N	FARGO ND	58102
6/3/18	Elza Hens		889 20th St N	Fargo ND	58102
6-3-18	Paul Semison		89 6th Ave N	Fgo ND	58102
6-3-18	Brenda Handal		61 Oak Street N	Fargo ND	58102
6/3/18	Pamela Anderson		609 Oak St. N	Fargo, ND	58102
6/3/18	Garry Hoaglund		619 Oak St. N.	Fargo, ND	58102
6/3/18	ROBERT B. NEUMANN		702 OAK ST. N. #D	FARGO, ND	58102
6-3-18	Aurora Masetek		702 Oak St. N #F	Fargo, ND	58102
6-3-18	Unkuserfennel		727 Oak St N	Fargo ND	58102
6-3-18	Donovan Smith		740 Oak St N	Fargo ND	58102
6/3/18	Mr. Vogan		512 Oak St. N	Frgo NP	58102
6/3/18	Bachara J Larson		708 Elm St N	Fargo ND	58102
6/3/18	JENNA POWELL		7319 21st, NW	FARGO, ND	58107

DATE	PRINTED NAME	SIGNATURE	COMPLETE STREET ADDRESS	CITY, STATE	ZIP
6-3-18	JEROME LEE	<i>[Signature]</i>	714 Elm St, N	Fargo ND	58102
6-3-18	Tyler Schreiber	<i>[Signature]</i>	5 N Terrace N	Fargo ND	58102
6-3-18	Julio Villami	<i>[Signature]</i>	25 N Terrace N	Fargo ND	58102
6-3-18	Debra Pinnaw	<i>[Signature]</i>	37 N Terrace N	Fargo ND	58102
6-3-18	Matthew Oland	<i>[Signature]</i>	65 N Terrace N	Fargo ND	58102
6-3-18	Helen Hanson	<i>[Signature]</i>	61 N Terrace N	Fargo ND	58102
6-3-18	Jeff Hanson	<i>[Signature]</i>	61 N Terrace N	Fargo ND	58102
6-3-18	Carol Pearson	<i>[Signature]</i>	69 N Terrace N	Fargo ND	58102
6-3-18	Bonita Goecke	<i>[Signature]</i>	725 - 1st St N	Fargo ND	58102
6-3-18	Jeanne Vang	<i>[Signature]</i>	1105 10th St N	Fargo ND	58102
6-3-18	Amanda Robson	<i>[Signature]</i>	60 S Terrace N	Fargo ND	58102
6-3-18	Ambor Allebach	<i>[Signature]</i>	50 S Terrace N	Fargo ND	58102
6-3-18	Celeste Carls	<i>[Signature]</i>	50 S Terrace N	Fargo ND	58102
6-3-18	John Wagner	<i>[Signature]</i>	38 S Terrace	Fargo ND	58102
6-3-18	Sam Hawkins	<i>[Signature]</i>	55 6th Ave N	Fargo ND	58102
6-3-18	Patrick Leier	<i>[Signature]</i>	16 1st Terrace	Fargo	58102
6-3-18	Nancy J. Leier	<i>[Signature]</i>	16 1st Terrace N	Fargo	58102
6-3-18	STEVEN REULAND	<i>[Signature]</i>	616 W Elm St	FARGO ND	58102

DATE	PRINTED NAME	SIGNATURE	COMPLETE STREET ADDRESS	CITY, STATE	ZIP
6/3/18	LAURA HAGER	<i>[Signature]</i>	3040 10th St. N. #323	FARGO ND	58102
6/4/18	Pastor Mudda	<i>[Signature]</i>	2625 Pacific Dr S #17	Fargo ND	58103
6/4/18	hannah	<i>[Signature]</i>	2524 18th St	Fargo ND	58103
6/4/18	Karin Th...	<i>[Signature]</i>	390 8th Ave. S.	Fargo, ND	58103
6/4/18	Scott Hoffiss	<i>[Signature]</i>	737 3rd St N	Fargo, ND	58102
6-4-18	WILL STEWART	<i>[Signature]</i>	606 ORL ST N	FARGO, ND	58102
6/4/18	Delynnda Tappe	<i>[Signature]</i>	612 14th St N	Fargo, ND	58102
6/4/18	Justin Tappe	<i>[Signature]</i>	616 1st W	Fargo, ND	58102
6/9/18	Leah Grains	<i>[Signature]</i>	114 14th St S.	Fargo, ND	58103
6-4-18	Brian Ste...	<i>[Signature]</i>	703 1st St N	Fargo, ND	58103
6-4-18	Kristin Swenson	<i>[Signature]</i>	745 1st St N. Fgo	Fargo, ND	58102
6-4-18	Bruce Berke	<i>[Signature]</i>	747 1st St N. Fargo	Fargo, ND	58102
6/4/18	Timothy Dahl	<i>[Signature]</i>	705 13th Ave N Apt 207	Fargo, MS	58102
6/4/18	Andrew Stevens	<i>[Signature]</i>	817 1st St N	Fargo, ND	58102
6/4/18	Pamela Leck	<i>[Signature]</i>	817 1st N. Apt 4	Fargo, ND	58102
6/4/18	Robert Lentrud	<i>[Signature]</i>	822 18th St N	Fargo, ND	58102
6/4/18	Samuel Grish	<i>[Signature]</i>	814 1st St N	Fargo, ND	58102
6/4/18	KEITH CORLISS	<i>[Signature]</i>	807 1st St N.	FARGO, ND	58102

DATE	PRINTED NAME	SIGNATURE	COMPLETE STREET ADDRESS	CITY, STATE	ZIP
6/4/18	SAM KUNDSON	[Signature]	3508 Longfellow Rd N	Fargo, ND	58102
6/4/18	Tami Plot Sers	[Signature]	1444 35th St S	Fargo ND	58103
6-4-18	Paul Light	[Signature]	207 15th Ave N	Fargo ND	58102
6-4-18	Tanya Light	[Signature]	207 15 Ave N	Fargo ND	58102
6/6/18	Angela Lien	[Signature]	1422 14th St S	Fargo ND	58103
6/6/18	Barbara Dunn	[Signature]	1329 11th Ave S	Fargo ND	58103
6/6/18	[Name]	[Signature]	[Address]	[City, State]	[Zip]
6/6/18	Jane Efferte	[Signature]	1125 14th St. N	Fargo, ND	58102
6/6/18	Will Shink	[Signature]	1121 14th St. N	Fargo, ND	58102
6/6/18	Judy Wong	[Signature]	1121 N 14 ST N	Fargo, ND	58102
6/6/18	Mew Kelley	[Signature]	1115 14 st n	Fargo, ND	58102
6/6/18	Amy Carey	[Signature]	1037-14th St. N	Fargo ND	58102
6/6/18	Renee J. Nelson	[Signature]	1033-14th St. N	Fargo ND	58102
6/6/18	Kristen Dodds	[Signature]	1029 14th St. N.	Fargo, ND	58102
6/6/18	CHAD DODDS	[Signature]	1029 14TH ST N.	FARGO, ND	58102
6/6/18	Ryan DeConcini	[Signature]	1025 14th st N	Fargo, ND	58102
6/6/18	Paul Hummel	[Signature]	1025 14th st N	Fargo, ND	58102
6/6/18	Andrew Ober	[Signature]	1014 14th st. N.	Fargo ND	58102

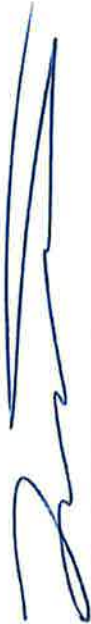
DATE	PRINTED NAME	SIGNATURE	COMPLETE STREET ADDRESS	CITY, STATE	ZIP
6/16/18	Sebastian Meas		1011 14th St 50 #25 Fargo ND 58102	Fargo ND	58102
6/6/18	Jeremy Wagon		1011 14th St 4th Fargo ND 58102	Fargo, ND	58102
6/6/18	Jeremy Swigart		1011 14th St 4E	Fargo ND	58102
6/6/18	Brandi Olson		1012 14th St N	Fargo, ND	58102
6/6/18	Michael Payne		2321 20th Ave S	Fargo, ND	58103
6/6/18	Doro King		5210 4th Ave S	Fargo ND	58104
6/6/18	Grace Lawrence		1881 29th S	Fargo	58103
6/6/18	Alister Sandy		740 Abbott Dr. W	Fargo	58102
6/6/18	[Name obscured]		[Address obscured]	Fargo ND	58102
6/6/18	Jessica Brunel		1430 34th St S Fargo ND	Fargo ND	58103
6/6/18	Brynn Scheel		917 145th N.	Fargo ND	58102
6/6/18	Jeff Dack		909 145th N	Fargo	58102
6/6/18	Shane McCallough		899 Barrett S N Apt 306	Fargo, ND	58102
6/16/18	Madeline Doster		809 Barrett S N 301	Fargo, ND	58102
6/16/18	Ashley Birt		899 Barrett Street N 301	Fargo, ND	58102
6/6/18	Katie Farber		899 Barrett St. N 305	Fargo, ND	58102
6/6/18	Sandy Montepney		1336 1st Ave. S.	Fargo ND	58103
6/6/18	Simon Mangon		825 1st St # 2	Fargo, ND	58103

CIRCULATOR AFFIDAVIT


State of North Dakota)
County of Cass) ss.
COUNTY WHERE SIGNED)

I, Tyrone Grandstand, do solemnly and sincerely affirm under penalty of perjury that I am a qualified elector; that I reside
at 303 11th St N, Apt 401, Fargo ND 58102; that each signature contained on the attached petition was executed in my presence;
CIRCULATOR'S NAME CIRCULATOR'S ADDRESS

that, to the best of my knowledge and belief, each individual whose signature appears on the attached petition is a qualified elector;
and that each signature contained on the attached petition is the genuine signature of the individual whose name it purports to be.


SIGNATURE OF CIRCULATOR
Subscribed and sworn to before me on 7 MONTH 30 DAY 2018 YEAR, in Fargo CITY, North Dakota.




SIGNATURE OF NOTARY



June 19, 2020

City of Fargo
Steve Sprague, Auditor
PO Box 2083
Fargo, ND 58107-2083

Finance Department

Michael Montplaisir, CPA
701-241-5600

Property Tax Payments
701-241-5611

Marriage Licenses
701-241-5608

RE: Consolidated Primary Election
June 9, 2020
Certification of Results

Dear Mr. Sprague:

Enclosed is a computer printout of the results of the Election on June 9, 2020. Listed below is a summary of both the candidate(s) and write-in votes.

City of Fargo		
Commissioner FARGO Vote for 2	John Strand	10,393
	Arlette Preston	9,893
	Tony Grindberg	9,196
	Edward Krystosek	3,787
	Doug Rymph	3,360
	Bradford Shaffer	3,095
	Ritchell Aboah	2976
	Scattered Write-Ins	155
Municipal Judge FARGO Vote for 1	Steve Dawson	13,874
	Scattered Write-Ins	92
Park Board Commissioner FARGO PARK Vote for 3	Jerry Rostad	10,123
	Dawn Morgan	9,353
	Rick Graalum	6,922
	WRITE-IN	87
Publication of Minutes	Yes	15,064
	No	2,706

Please let us know if you have any questions about the election. Thank you.

Sincerely,

DeAnn Buckhouse, CERA, Election Coordinator
Cass County Finance Office

Enc.

P.O. Box 2806
211 9th Street South
Fargo, North Dakota 58103

Phone: 701-241-5728

www.casscounty.gov



Finance Office

Telephone: 701-241-5600
 Fax: 701-241-5728
 SMB-FIN@casscountynd.gov

July 1, 2022

City of Fargo
 Steve Sprague, Auditor
 PO Box 2083
 Fargo, ND 58107-2083

RE: Consolidated Primary Election
 June 14, 2022
 Certification of Results

Dear Mr. Sprague:

Enclosed is a computer printout of the final results of the Election on June 14, 2022 after canvassing. Listed below is a summary of both the candidate(s) and write-in votes.

City of Fargo		
Mayor FARGO – 1 seat open	Timothy Mahoney	9,755
	Dustin Thomas Elliott	575
	Sheri L Fercho	924
	Arlette Preston	4,837
	Hukun Dabar	2,729
	Michael E Borgie	1,353
	Shannon Roers Jones	3,741
	Scattered Write-Ins	36
Commissioner FARGO - 2 seats open	Anna Johnson	4,006
	Branden Krieger	1,675
	Dave Piepkorn	5,845
	Matuor D Alier	3,268
	Victoria Johnson	2,572
	T. G. Tom Magin	845
	Ahmed Shiil	3,130
	Denise M Kolpack	6,439
	Al Carlson	4,854
	Jodi Plecity	4,682
	Ves V Marinov	1,022
	Will Thompson	2,484
	Jennifer Benson	3,720
	Lenny Tweeden	1,178
	Philip Thomas Deery	702

	Scattered Write-Ins	40
Park Board Commissioner FARGO PARK - Vote for 3	Jacqueline Dotzenrod	4,022
	Joe Deutsch	8,218
	Jim Frueh	4711
	Aaron Hill	5,701
	Vicki Dawson	9,085
	Scattered Write-Ins	41
City Measure No. 1 -- Term Limits	Yes	12,157
	No	2,975

Please let us know if you have any questions about the election. Thank you.

Sincerely,



DeAnn Buckhouse, CERA, Election Coordinator
Cass County Finance Office

Enc.