



PROTECTION & ADVOCACY PROJECT

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**Senate State & Local Government Committee**

**Senate Bill 2163 – January 19, 2023**

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

Greetings Chair Roers and members of the Senate State and Local Government 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 Dakota voters 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.

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, answered more questions correctly, and gave higher satisfaction ratings when information was written clearly.

So how do we measure whether the text of a ballot question is clear enough to make a difference? 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 State Government. 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 the end of this document for a sample comparison of standard versus plain language ballot measures. In addition, guidelines for writing ballot questions may be created. 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 might be confusing.

I respectfully request the Committee support SB 2163. Thank you for your time and I'd be happy to address any questions.

Veronica Zietz

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Resources:

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

## 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%