

Archive of North Dakota Watchdog Networks' Efforts To Protect The Powers Reserved To The People



Dustin Gawrylow

Apr 22, 2022

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Today, the petition to increase the threshold on constitutional measures **submitted paperwork to the Secretary of State to gain ballot access approval for their measure.**

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This proposed measure does two things:

- 1) requires a 60% vote for all constitutional ballot measures (both initiated, and those placed on the ballot by the legislature), and;
- 2) declares a "single-subject rule" for constitutional measures (but does not define the meaning of "single-subject, which varies from state to state).

This proposed measure is such an attack on the process, that the **Fargo Forum wrote a scathing editorial against it as soon as it was proposed a year ago:**

From the Fargo Forum on April 15th, 2021:

By law, an initiated ballot measure that is supported by a simple majority is enough to amend the constitution. That's a threshold that has been in place for decades.

But this group aiming to erode voters' authority wants you to believe that a simple majority sets the bar too low, making it "almost trivialized" to amend the state constitution.

They want to persuade voters to weaken their voice by requiring a 60% supermajority to amend the constitution. In effect, they're advocating allowing a minority of voters to have veto power over amendments.

That's a very bad idea. We should leave it to the collective wisdom of voters to decide whether a proposed constitutional amendment is sound, unwise or unnecessary. A simple majority should be trusted to make that decision.

After all, the overwhelming majority of issues decided by the North Dakota Legislature and local governments are decided by a simple majority vote. By requiring a supermajority, it would become much more difficult to alter the constitution to change with the times.

As you know, the North Dakota Watchdog Network has defended the initiated measure process from every legislative and special interest attack going back to the 2013 legislative session. Most recently, we led the effort to defeat Measure 2 in 2022.

This time around, we've made the decision to join forces in a bi-partisan effort to protect the Powers Reserved To The People in North Dakota's state constitution.

A coalition campaign named "Conserve Our Rights" has been registered with the State of North Dakota to defeat this measure.

The current members include (this list is expected to grow):

North Dakota Watchdog Network

North Dakota Voters First

Jared Hendrix (conservative political operator)

Coalition: Secretary of State Must Hold 60% Measure to the Same Scrutiny as Term Limits

BISMARCK, N.D. - Following today's submission of petitions by the deceptively named political committee attempting to make it harder for current and future generations of North Dakotans to affect change to their government via initiated constitutional measure, an opposition coalition released the following statement.

"With the last-minute submission of the proposed curtailing of the initiated measure process, we hope that the North Dakota Secretary of State's office will hold the "60% rule" to the same standard of scrutiny as they have held the term limits measure," said Dustin Gawrylow, managing director of the North Dakota Watchdog Network.

"For months, there have been rumors of questionable hirings and lost paperwork regarding the 60% measure group," said Rick Gion, executive director of North Dakota Voters First. "With all the chatter and the last-minute filing, it should be obvious that this petition verification won't be any easier than the term limits measure."

Supporters of making the citizen's process for setting the terms and conditions by which their government operates more difficult claim that the initiated measure process is too easy and too susceptible to abuse.

"Based on all the rumblings, it's pretty clear that the premise of the process being too easy is itself faulty by the simple fact that the proponents of this new measure have had so many troubles getting it done," Gawrylow said. "One only needs to look at the year-end filing to see how much the political committee promoting this measure has spent to see it's no more cheap than it is easy."

"This initiative, organized by an elite special interest group, would damage North Dakota's people-powered initiated measure process and would set a dangerous precedent for the voting system in our state. In the past, voters rejected similar proposals multiple times for good reason," Gion said.

**The Following Are Archived Communications From
the Successful Campaign To Defeat 2020's Measure
2**

Ed Schafer: Measure 2 Does Not Solve The Problem



Ed Schafer: "The People should be our expertise".



Click to listen to Former Governor Ed Schafer's latest plea that North Dakotans Reject Measure 2

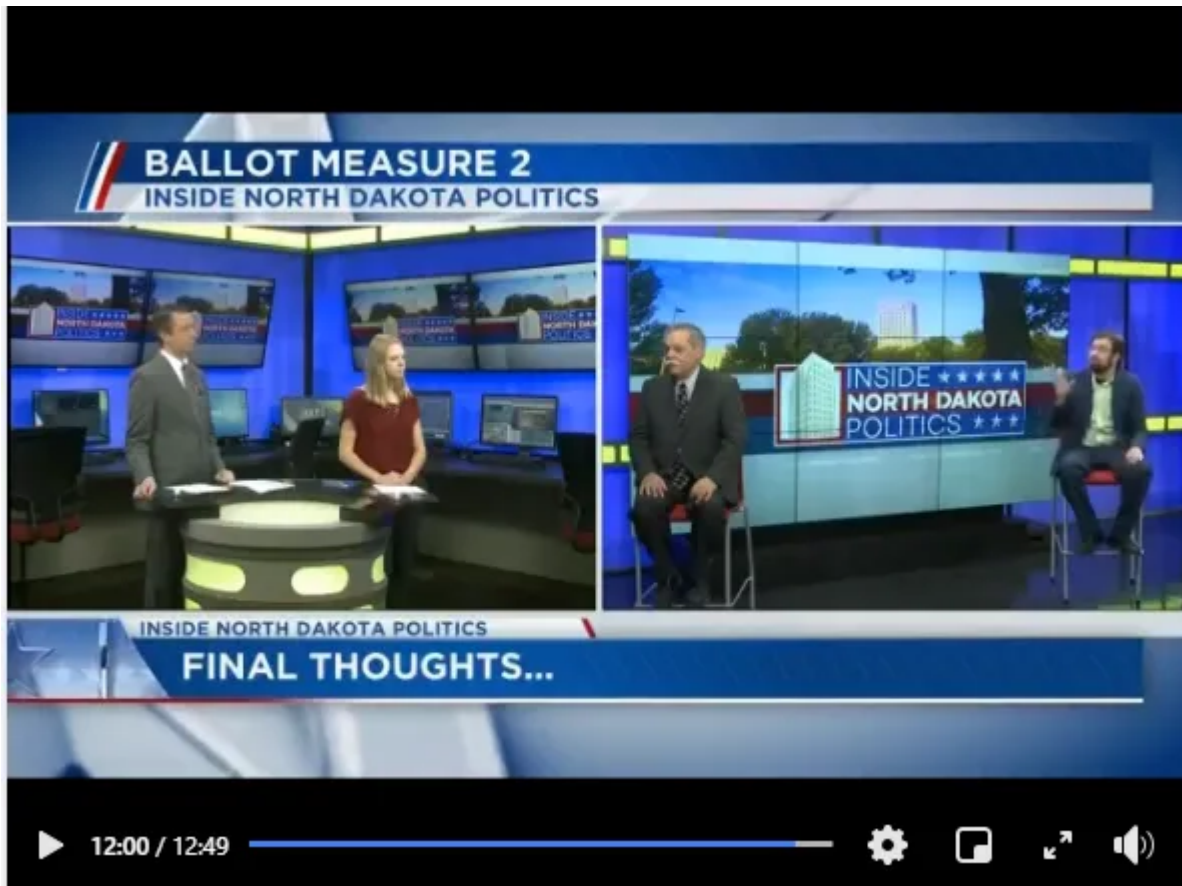
When I was growing up, our family conversations around the dinner table often ended with, "You always have to trust the people." This is one of the beliefs that led me to the Governor's office and my desire to serve the people of North Dakota.

I cut my political teeth on the 1989 tax referrals and gained a healthy respect for this method for our citizens to shape their own government policy.



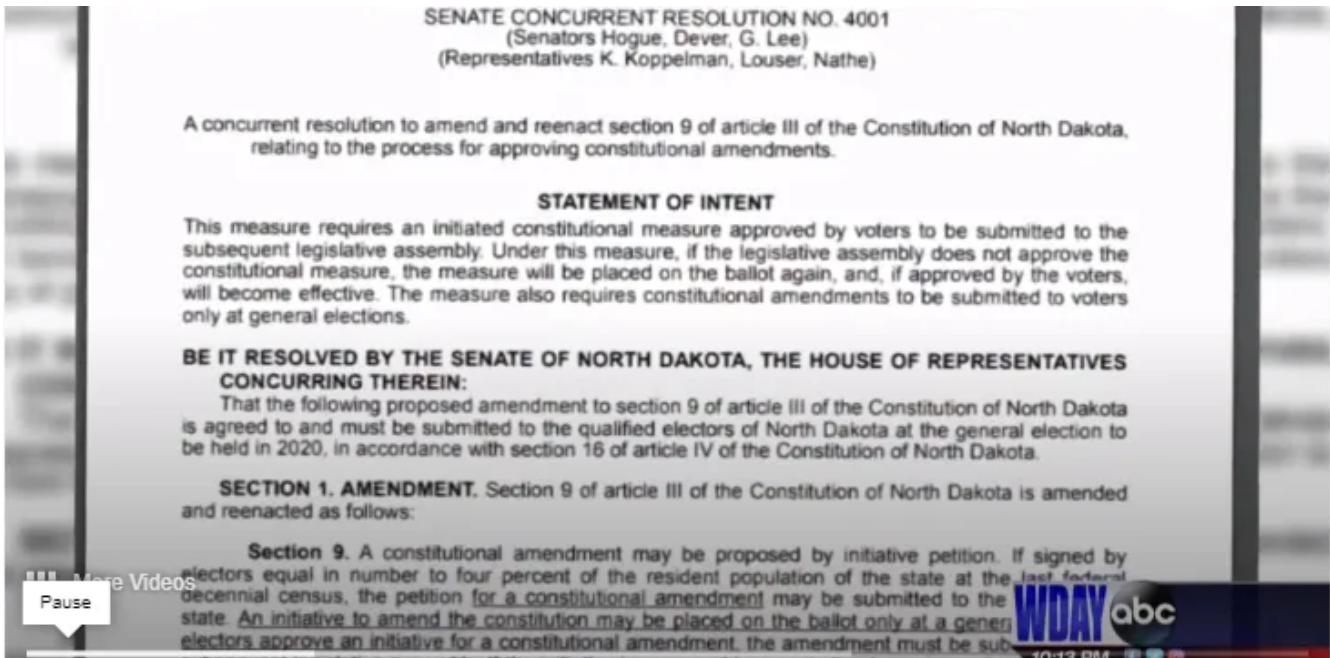
Dustin Gawrylow and State Representative Kim Koppelman debate Measure 2 with Chris Berg

Article III of the North Dakota state constitution is entitled “Powers Reserved to the People”. These powers initiate both statutory law and constitution changes, the power to refer legislation, and the power to recall elected officials. As people have engaged in referral efforts, our state is better off because of the citizens who have exercised these powers.



State Senator Dick Dever and Dustin Gawrylow debate Measure 2 on KXNews

Measure #2 would insert the legislature into the process of approving constitutional measures, effectively allowing the legislature to veto the voters. If our elected officials shoot down a citizen approved constitutional measure, we'd have to start all over again. Asking the voters of North Dakota to relinquish the powers their constitution reserves to them is a dangerous and misguided proposition that was set forth by our legislative body.



WDAY Segment on Measure 2

Advocates of granting this veto power to the legislature are citing the need to counteract the recent influx of out-of-state campaign money. Yet, what they are not saying is that Measure #2 will do nothing about the money issue, and in fact this proposed change could result in more money flooding into North Dakota because these campaigns could go before the voters twice instead of only once. Also, because of required legislative action, time and resource will be spent on trying to convince elected leaders to follow the will of the people.

One of the tenets of the Schafer Administration was “solve the problem.” Measure #2 does not keep the out-of-state coastal elite from trying to tell us what to do and trying to buy elections.

Our representatives in the legislature should seek ways to solve the problem and protect our constitution by requiring measures to be of a single subject matter, granting citizens access to legislative council to develop more concise and effective language, requiring 24-hour reporting of out-of-state dollars and including money origin in advertising.

It is not the job of the legislature to save voters from themselves or “give them the opportunity” to vote away their own rights. It is the job of the legislature to make it

easier for true grassroots citizen efforts to operate without the need for out-of-state money, and to put a better product in front of voters. Let's find ways to help citizens cultivate our laws in better ways.

We have better government when citizens are empowered to hold elected officials accountable, and we have the opportunity to shape a government by the people and for the people.

Keep power with the people and vote NO on Measure #2 on November 3rd.

Former Governor Ed Schafer, The Bismarck Tribune, and The Fargo Forum All Agree: Vote No On Measure 2!

October 15th, 2020

**GOVERNMENT
POWER GRAB!**

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MEASURE 2**

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Today, the Fargo Forum Editorial Board came out to urge North Dakota voters to reject both Measures 1 & 2 on their ballots.

With regard to Measure 2 specifically they stated:

Measure 2 is even worse — a naked power grab by the Legislature to usurp voters' ability to alter the constitution by initiative petition.

The Legislature is seeking to gut voters' authority by requiring legislative approval of any initiated measure to amend the constitution passed by voters. If legislators approve the measure, it becomes law. If not, it goes back to the voters at the next general election.

It practically gives legislators veto power over the voters who elected them. It allows legislators to interfere with the will of voters. North Dakota voters in 1914 rejected that form of meddling.

Legislators — and all other elected officials — are accountable to the voters. Measure 2 seeks to turn that upside down and make the will of the voters accountable to legislators.

That's outrageous.

Measure 2 is a misguided effort by the Legislature to guard against the influence of outside money in influencing attempts to amend the constitution. That's a valid concern, given passage of Marsy's Law, the horribly written victim's rights law.

But inserting legislators into a decision that belongs to the voters isn't the solution. Voters alone have the authority to amend the North Dakota Constitution. Protect the will of the voters and vote no on Measure 2.

Ed Schafer: Vote No On Measure 2

October 1st, 2020

Former Governor Ed Schafer appeared on News and Views with Joel Heitkamp this morning on KFGO radio in Fargo.

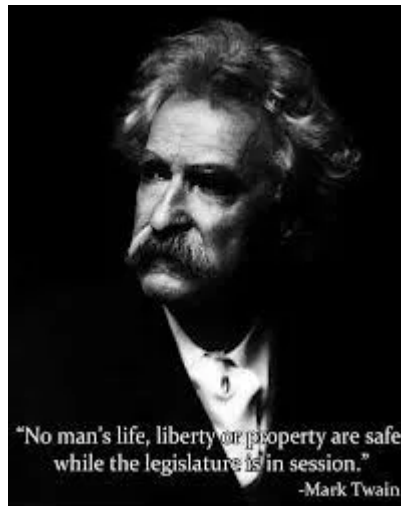


[You can listen to the audio by clicking here.](#)

Bismarck Tribune Editorial: Reject Effort To Sabotage Initiatives

September 21st, 2020

Yesterday, the Bismarck Tribune Editorial Board came out swinging on behalf of citizens:



Once again there's an attempt by the Legislature to weaken the state's initiated measure process. Voters should reject Measure 2 placed on the November ballot.

The measure sends any voter-approved initiated constitutional measure to the Legislature for approval. If legislators don't approve the measure, it goes back to the voters for another vote.

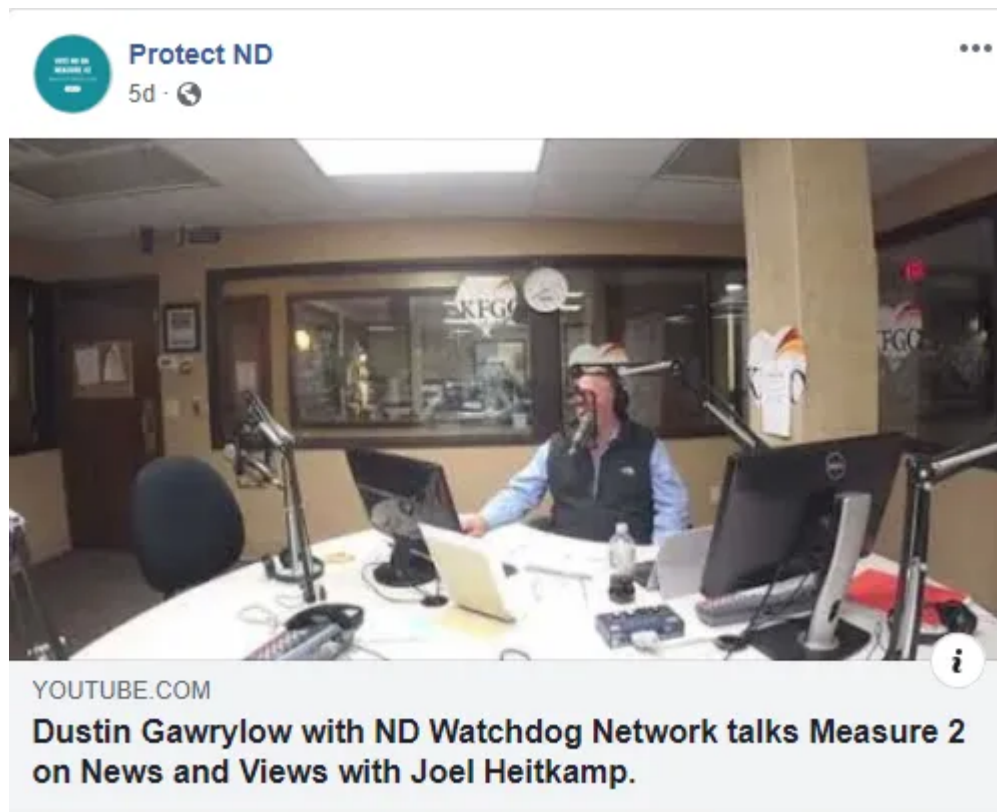
The measure essentially gives the Legislature veto power over the initiative process. Even if a measure wins approval on its second ballot appearance, it's going to take supporters more time to achieve their goals.

Supporters of the measure argue it's needed because out-of-state interests are pouring money into the state to influence voters. They cite approval of a medical marijuana measure, Marsy's Law and a wide-ranging ethics revamp.

There's no doubt supporters of the measures have received financial support from outside sources. But with the possible exception of Marsy's Law, the measures have been launched and successfully presented by North Dakotans.

Legislators griping about the initiative process isn't anything new, though in recent years the attacks have become more aggressive.

The initiative process gives a voice and power to the public. It allows them to place proposed laws and constitutional measures on the ballot if they collect enough signatures. There are safeguards built into the system.



The Tribune editorial board believes what bothers legislators is the loss of power. They don't like voters telling them what to do. At times, though, the Legislature doesn't reflect the will of the people.

The odds of the Legislature approving a medical marijuana bill was more than slim, so voters took action. While legislators reworked the marijuana measure after it passed, voters eventually got medical marijuana. Without the initiative process it's unlikely it would have happened.

Ballot measures also can generate a storm of opposition. A few years ago a measure to abolish property taxes was placed on the ballot. Opponents got organized and it was easily defeated.

A group called ProtectND has been formed to fight the initiative measure. Another group, North Dakotans for the Protection of Our Constitution, has begun campaigning for passage of the measure.

It's democracy in action, with opposing groups making their arguments to the voters. The Tribune believes the measure should be rejected because it limits the rights and power of the public.

The initiative and referral processes have been messy in North Dakota. Over the years, some individuals have almost made a career out of putting measures on the ballot. They often influenced how bills were written because legislators knew otherwise they could be placed before the voters.

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“The powers reserved by the people render them secure”

The Tribune is a believer in the process even when we don't like the results. We feel Marsy's Law was a bad measure and hope some day it will be challenged in court. The problem wasn't that it got on the ballot, but the opposition didn't convince the public to reject it.

Legislators or other elected officials shouldn't always have the final say. The public deserves the right to change the constitution or make other changes. If legislators expect the public to trust their judgment, then they must respect the rights of the public.

The Legislature needs to quit trying to whittle away at the initiative process. It's messy at times, but it's grass-roots democracy.

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