



TESTIMONY OF PAUL JACOB
President, Citizens in Charge Foundation
IN SUPPORT OF HOUSE BILL 1245
January 23, 2025

Citizens in Charge Foundation opposes North Dakota's ban on paying those who circulate initiative petitions based on the number of signatures they gather. We strongly support House Bill 1245. By passing HB 1245, North Dakota's Legislature would join legislatures in Nebraska and Wyoming, which have repealed their state bans on productivity pay.

HB 1245 restores productivity pay.

We do not ban commission sales for numerous jobs in our economy. If we hire someone to pick apples, it seems sensible to pay for bushels gathered, not time spent in the orchard. Likewise, paying petition circulators should incentivize them to ask as many voters as possible to sign, not merely to stand quietly off to the side.

The removal of any incentive to gather as many signatures as possible is an obvious disincentive to the productivity of those collecting petition signatures.

Also, North Dakota does not ban payment on a per signature basis to those who circulate candidate petitions in the state. Why the double standard?

HB 1245 will help stop sloppy petition work.

North Dakota's current ban on productivity pay for petition circulators makes it impossible to enforce common sense rules for the gathering of signatures on petitions.

When circulators are paid based on signatures gathered, mistakes come out of their pay. Initiative proponents won't pay for those bad signatures and, accordingly, those mistakes are promptly corrected. Under North Dakota's law, however, an initiative proponent is forbidden to compensate circulators on such a basis and, therefore, circulators have little incentive to gather high-validity signatures.

HB 1245 will save taxpayer dollars.

Bans on productivity pay for initiative petitions have been challenged in federal courts and struck down in Colorado, Maine, Ohio, and Washington. These laws are expensive to defend, because of their obvious implications for our First Amendment rights.

HB 1245 will prevent North Dakota from spending hundreds of thousands of taxpayer dollars on litigation over the current problematic statute banning pay per signature.

For all of these reasons, we urge legislators to pass House Bill 1245.

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