

Senate State and Local Government Committee
February 13, 2025 SB 2230
Testimony In Support, but Recommending Amendments

Chairwoman Roers and Sens. Castaneda, Barta, Braunberger, Lee, and Walen:

I am Dr. Ellie Shockley, and I am a social scientist. While earning my Ph.D. at the University of Chicago and completing a post-doctoral fellowship with the University of Nebraska Public Policy Center, the psychology of ballot measure voters was one of my areas of research that I ultimately published in a peer-reviewed journal. Having lived in North Dakota over the last decade, I have maintained an interest in the topic within North Dakota's elections.

What I have found in my research is that ballot language is often confusing, especially for the many voters who have not encountered enough information about a measure prior to completing their ballot. Such confusion nudges people toward a higher likelihood of abstaining from a measure, or toward voting 'No', than if they were less confused. Voters who are less confused can confidently vote on more ballot measures, and they can better align a 'Yes' or 'No' vote with their actual policy preferences. Thus, voter education makes election outcomes better reflect the will of the people.

This bill is a starting point for offering ballot measure voter education, but has room for improvement. In the bill, the "objectivity" of the ballot measure summary/analysis is ill-defined. I suggest focusing instead on accuracy, fairness, and readability/reading ease. And with initiated measures, sponsoring committees should be involved in the process of drafting the educational materials.

First, the summary/analysis could be established prior to the signature gathering process and be included with the petition, as Dustin Gawrylow's testimony describes. This would build voters' understanding from the start. There should also be a process for a sponsoring committee to appeal or rebut the summary/analysis if the sponsoring committee members feel it is inaccurate or unfair.

Closer to the election, sponsoring committees of initiatives and legislative sponsors of concurrent resolutions going to the ballot could be allowed a set word/character count in which to summarize their arguments in favor of the measure. Opponents registered with the secretary of state could similarly summarize their arguments against the measure. Some other states do this well.

Finally, the educational materials should be restricted to certain Flesch-Kincaid Reading Level Scores. These materials will best serve voters if written at a grade level that most understand. The ballot language for the last election's measures ranged from an 11th-grade level to a graduate-student level, demonstrating the need for easy-to-read educational materials. Brenda Ruehl of the Protection & Advocacy Project has also submitted testimony for this bill. I encourage you to seek her feedback on what reading level would be ideal for making educational materials that are inclusive.

Thank you for your time and attention.

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