

Greetings Mr. or Madam Chair, members of the Committee, I'm Kathrin Volochenko of the **Nonpartisan League**

I request that this committee bring **SCR 4007** to the floor with a **"Do Not Pass"** recommendation.

The following excerpt is very subjective in that it enables the Secretary of State to essentially decide what subjects or issues can be stated in a proposed ballot measure.

*"Section 9. A constitutional amendment may be proposed by initiative petition. The proposed amendment may not embrace or be comprised of more than one subject, as determined by the secretary of state, and the secretary of state may not approve the initiative petition for circulation if the proposed amendment comprises more than one subject."*

The way I understand it is that the duties of the Secretary of State and the Attorney General are to review the measure petition to ensure that it is correct *"in form"*, and only that. That is, to make sure that the 25 people that comprise the ballot measures' "sponsoring committee" are indeed qualified North Dakota electors and that the proposed measure itself is correctly formatted according to:

*"16.1-01-09. Initiative or referendum petitions - Signature - Form - Circulation.*

- 1. a. A request of the secretary of state for approval of a petition to initiate or refer a measure may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The secretary of state shall prepare a signature form that includes provisions for identification of the measure; the printed name, signature, and address of the committee member; and notarization of the signature. The filed signature forms must be originals.*
- b. Upon receipt of a petition to initiate or refer a measure, the secretary of state shall draft a short and concise statement that fairly represents the measure. The statement must be submitted to the attorney general for approval or disapproval. An approved statement must be affixed to the petition before it is circulated for signatures, must be called the "petition title", and must be placed immediately before the full text of the measure.*

c. The secretary of state and the attorney general shall complete their review of a petition in not less than five, nor more than seven, business days, excluding Saturdays.”

It is not the Secretary of State’s or the Attorney General’s job to decide as to how many “subjects” are included.

What is the definition of a “subject”?

Dictionary.com states that:

“**Noun** that which forms a basic matter of thought, discussion, investigation, etc.: *a subject of conversation.*”

So let’s say that a proposed measure is comprised of the “**subject**” of “transparency”. That subject would include the topics of open meetings i.e., “sunshine laws”, open minutes, open financial reports, campaign finance disclosure laws, and open records laws, just to name a few.

In essence, what this bill is hoping to accomplish is to further hamper the public’s efforts to bring forward measures, be they statutory or constitutional, and once again, it gives the Secretary of State the power to decide what measures should be on the ballot.

I ask that you continue to preserve the constitutional rights of all North Dakotans and recommend a “**Do Not Pass**” for **SCR 4007**.

Thank you for your time and attention.