

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2273

**2011 SENATE STANDING COMMITTEE MINUTES**

**Senate Government and Veteran's Affairs Committee**  
Missouri River Room, State Capitol

SB 2273  
January 27, 2011  
13511

Conference Committee

Committee Clerk Signature *Kristie Oliver*

**Explanation or reason for introduction of bill/resolution:**

Relating to election campaign practices; and to provide a penalty.

**Minutes:**

The committee was called to order by Chairman Dever, roll was taken and all committee members were present.

Senator Warner, the prime sponsor, was there to introduce the bill.

**Chairman Dever:** As I understand it, this bill comes to us at the request of a class.

**Senator Warner:** 2 different classes, actually. A 4<sup>th</sup> grade class and a 5<sup>th</sup> grade class. They are unable to make it until next Thursday.

**Chairman Dever:** I think that our intention at this point is that we keep the hearing open and re-open it at 10:30 next Thursday morning.

# 2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee  
Missouri River Room, State Capitol

SB 2273  
February 4, 2011  
14030

Conference Committee

Committee Clerk Signature *Katie Olwe*

## Explanation or reason for introduction of bill/resolution:

Relating to election campaign practices; and to provide a penalty.

## Minutes:

Testimony Attached

Chairman Dever reopened the public hearing on SB 2273

**Senator Wardner:** See attached testimony #1.

**Senator Cook:** District 34 Mandan. This bill has a concept in there that was addressed in a letter to the editor. If you look at this bill there are a couple of issues here: free speech and civil liberty of the right to protect your good name and reputation. I think that it is a valuable discussion to have.

**Mike Every:** Teacher at Whitesheild. They came up with the idea of bringing the bill to the assembly. The bill itself deals with the question of if it is constitutional. In 2001 we were dealing with a privacy bill I wouldn't have a problem if we fixed the bill to have an op-out.

**Abby Hielman:** See attached testimony #2

**Johnny Malnourie:** See attached testimony #3.

**Serene Wilkinson:** See attached testimony #4.

**Fredrick Fox:** See attached testimony #5.

**Nevada Everett:** See attached testimony #6.

**Marissa Andrade:** See attached testimony #7.

**Hannah Mountain:** See attached testimony #8.

**Ethan Mertz:** Presenting testimony for Aaron Blowers, in absentia. See attached testimony #9.

**Chad Fenster:** See attached testimony # 10.

**Mollie Hostetter:** See attached testimony #11.

**Karina Meyer:** See attached testimony #12.

**Tanya Haugen:** See attached testimony #13.

**Mike Shan:** See attached testimony #14.

**Linda Okerson:** See attached testimony #15.

**2011 SENATE STANDING COMMITTEE MINUTES**

**Senate Government and Veteran's Affairs Committee**  
Missouri River Room, State Capitol

SB 2273  
February 11, 2011  
14440

Conference Committee

Committee Clerk Signature *Kate Dwyer*

**Explanation or reason for introduction of bill/resolution:**

Relating to election campaign practices and to provide a penalty.

**Minutes:**

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A motion was made for a do not pass by Senator Cook with a second by Senator Schaible, there was no further discussion and the motion passed 5-2 with Senator Cook carrying the bill to the floor.

Date:  
Roll Call Vote #:

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2213

Senate Government and Veteran's Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO NOT PASS

Motion Made By Cook Seconded By Schall

Senator	Yes	No	Senator	Yes	No
Chairman Dever	X		Senator Marcellais		X
Vice Chairman Sorvaag	X		Senator Nelson		X
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 5 No 2

Absent \_\_\_\_\_

Floor Assignment Cook

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2273: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2273 was placed on the Eleventh order on the calendar.

2011 TESTIMONY

SB 2273



Testimony regarding SB 2273  
Senator John Warner  
27 January 2011

Mr. Chairman, Members of the Committee,

The bill is actually an initiative from two different and unconnected groups. My connection to it comes from the fourth grade class at White Shield Elementary School on the Fort Berthold Indian Reservation. The students there had been studying the issue of bullying, how to analyze what constitutes bullying behavior and how to counteract such sociopathic behavior.

The students were able to draw their own parallels between what they were studying and the conduct of adults in last fall's election. Their teacher was familiar with Mason's Manual of Legislative Procedure and recommended an approach to solving the problem from Mason's which governs debate in the Senate and which states in **section 124:**

- 1. In debate a member must confine remarks to the question before the house, and avoid personalities.**
- 2. A member, in referring to another member, should avoid using the member's name, rather identifying that member by district, by seat, as the member who last spoke or by describing the member in some other manner.**
- 3. It is not the person but the measure that is the subject of debate, and it is not allowable to arraign the motives of a member, but the nature or consequences of a measure may be condemned in strong terms.**

The support that I have received for this bill is part of a growing bipartisan, conversation that we need to stop the name calling and start a serious discussion about some very important issues that threaten our way of living and our position in the world.

I mentioned earlier that this was one of two origins, the second, and similar, was a fifth grade class from Fort Lincoln Middle School in Mandan which independently came to the same conclusion and published their feelings in an editorial in the Bismarck Tribune (attached).

I have heard some criticism that we should not be wasting legislative time with this type of initiative but North Dakota has one of the most open and accessible political processes in the world. As a result we have a plenitude of bills that are redundant or unnecessary and we don't begrudge the time that it takes to consider and vote on them.

We also have a long tradition of encouraging young people to offer their own ideas; in recent years we have had a state fruit bill and this session we have a state insect bill, all initiatives of elementary schools in different parts of the state. For the most part they enliven the process and encourage a rising generation to take ownership in the governance of their state. I think on the whole it's a great bargain for the people of North Dakota.

I want to thank the committee in advance for the respect they will undoubtedly show to the students and especially thank the chairman for agreeing to hold the hearing open for the White Shield students who were unable to attend today because of an unfortunate conflict.

 BismarckTribune.com

## **we don't like negative ads**

By **FORT LINCOLN 5TH GRADERS Mandan** | Posted: Wednesday, November 17, 2010 2:30 am

We, Mrs. Okerson's fifth-grade class, oppose negative campaign ads. We feel that they are hurtful, a waste of money and fail to adequately inform the voters.

These ads are hurtful because they exaggerate their opponent's mistakes. They are often based on false information.

The rude comments are used to make themselves look better and show their power over their opponents.

As fifth-graders, we have learned that this is nothing more than bullying. The hurt that these campaigns cause lasts long beyond the election.

Negative campaigns are a waste of money. This money could be put to far better use.

It could be used to support many organizations, including the Humane Society, homeless shelters, pay for research to cure diseases, provide health care and support charities. The millions of dollars spent on these ads would go a long way to improve our quality of life.

The negative ads do not inform voters. They do not tell what they will do for the state or the country; rather they tell what the other person cannot do or has done poorly.

Negative ads cause us to lose respect for the person who has posted them. If they do this to their opponents, what can we expect them to

s?

These are some of the reasons why we oppose the campaign ads that seem to be a part of the election process today.

We encourage all who feel as we do to stop supporting candidates who use these types of ads.

"We approve this message."

(The letter is signed by 21 members of Linda Okerson's fifth-grade class at Fort Lincoln Elementary School in Mandan.)



Mr. Chairman and members of the committee, my name is Johnny Malnourie. I am in the fourth grade at White Shield School and am nine years old. I am here today to testify in favor of Senate Bill 2273.

Our interest in the topic of negative advertising came while we were studying the three branches of government and the legislative process in our fourth grade social studies class.

At the same time, while learning about writing letters in reading, we were read an example of a letter written by fifth graders in Mandan on how they feel about negative advertising in voting ads.

That day, during social studies, our teacher asked if we had any ideas for a law that might help to tone down the mean-spirited elections. Earlier, we had discussed the rules used in the North Dakota State Senate and that is where I got the idea.

In the North Dakota Senate you use Masons Rules of Order. It is the only manual made specially for state legislatures. *Mason's Manual* not only tells us the rules for the Senate, but it also tries to help you to understand the reasons behind why we do it that way.

The manual says, when you speak on the Senate floor you must speak to the President, be courteous in your language and manner, and avoid all personalities, never addressing the Senators by name, or to their motives. That is where I got the idea! I believe that these Senate rules were put into place to prevent your debate from becoming personal, to keep it civil and to help preserve the honor of the Senate.

We believe that if this rule is necessary and is helpful in our own Senate chamber, it would also be useful in calming the tone of the ads during the never-ending election season.

We feel that those we elect and those wanting to be elected should be setting an example for everyone, especially children. As students, we are expected to be respectful of ourselves and of others. I do not believe it is unreasonable to expect the same from everyone.

Thank you, I will answer any questions you may have at this time.

Mr. Chairman, members of the committee. My name is Serene Wilkinson. I am in the fourth grade at White Shield School and am 9 years old. I am here to testify in favor of Senate Bill 2273.

Bullying is one of the most disgusting behaviors we deal with in school. It is common not only in our school, but in schools across the country.

Unfortunately, the problem is not getting better, but is in fact, getting worse.

Over the next several months, our legislature will be addressing this topic with no less than three separate bills dealing with bullying in our schools. Our Attorney General, Wayne Stenjem is also planning legislation of his own that will help to deal with the matter.

Today, students do not only practice bullying, but it is now an established practice of many adults who are expected to set an example for our youth.

We see behaviors from adults at sporting events, social events and in politics that we as students would be punished for if we were to say and do some of those same things.

Senator Charles Schumer of New York said this weekend, “symbols influence reality.” We are looking for our adult role models and politicians to be those symbols and live up to the same expectations that are expected of us. As citizens and students, we need you to demonstrate that we are fully supported by the adult community. Adults need to do everything in their power to teach young people how to act appropriately and develop the skills needed to be productive citizens. Our elected officials and candidates need to be mindful of their own behaviors whether it be in person on the stump, or within a political advertising publication.

It is much easier for a candidate to go negative on their opponent from a distance. Therefore, If it were me, I might be much more likely to attack my opponent on television, radio, in the newspaper or by another public means, than I would if I were standing face to face in a civil debate.

I feel that this bill will minimize the bullying problem among the candidates for public office, but it will not eliminate it completely. There will still be occasional episodes and there will always be creative ways to campaign negatively without using an opponent’s name, but serious campaigns will be

less likely to spend their campaign dollars to go negative if they are unable to tell their audience who their opponent is.

Mr. Chairman, members of the committee, thank you for your time and I hope that you will have the courage to recommend a do pass on SB2273. I would be glad to answer any questions.

Mr. Chairman, and members of the committee, my name is Frederick Fox. I am in the fourth grade at White Shield School am 9 years old. I am here this morning to testify in favor of Senate Bill 2273.

I am sure that Senate Bill 2273 will not prevent all the negative ads, but this is not a simple matter. As tricky as this may be, it is time that some of us demand the use of self-control. For the last couple of weeks, our country has been in a state of sadness.

It is time to restore the American principle that each individual is responsible for his actions.

For every action there is a reaction. We need to act responsibly in our talk our talk as adults, so that young people are not influenced by the bullying often displayed by adults.

We feel that this bill is a step in the right direction. We need to respect and live by the same rules in our personal lives as we stick to in the North Dakota Senate.



I would support a “do pass” to the full Senate and to lead by example so that hopefully, the rest of the country will follow. I will answer any questions if I can.

Mr. Chairman, a member of the committee, my name is Nevada Everett. I am in the fourth grade at White Shield School and am here to testify in favor of Senate Bill 2273.

After what happened in Arizona, our President, Barack Obama said, "we may not be able to stop all the evil in the world, but I know that how we treat one another is entirely up to us."

Politics is the root upon which our country stands. Today's politicians power every decision and every move that our state and country make. One man, the President, is the central power that is behind this country. There is only one way to become president and that is to win the election that occurs once every four years.

Advertising is used to "sell" a candidate to the voters. Positive ads are often used at the beginning of a campaign to let us get to know the candidate. However, wherever there are positive ads to be found, there are negative ads following close behind. Negative ads are usually targeted at the opponent whose ideas or personal history might be able to be used against them in a bad way.

We believe that Senate Bill 2273 will force candidates to talk about themselves and what THEY can do for us, rather than telling us what their opponent has done, couldn't do, or wouldn't do.

Will this stop the negative ads? Probably not completely, but I believe that it will tone down the style to a level of civility and will hold candidates to a standard we can respect and will be a model we young people can follow.

I encourage the committee to recommend a "do pass" to the full senate. I will be glad to answer any questions if I can.

Mr. Chairman, members of the committee. My name is Marissa Andrade. I am 9 years old and am in the fourth grade at White Shield School.

I am in favor of Senate Bill 2273 because I feel that there are too many commercials that talk about the other guy, and not enough that tell me what a candidate can do for me and my family.

I do not believe that this bill will shrink the number of ads we see, but will stop them from being mean to each other and will force them to talk about important issues.

I ask that you vote yes on this bill.

I will answer any questions that you have.

Mr. Chairman, members of the committee. My name is Hannah Mountain. I am in the fourth grade at White Shield School and am 9 years old. I am here to testify in favor of Senate Bill 2273.

It is clear that negative campaigning did not just pop up out of the blue one day, but is getting more common and goes on for longer than it has ever before in our history.

Half truths are nothing new to political campaigns. In fact they were used in the very first election that there was. In fact, name-calling and criticism are themselves nothing new in American political life. George Washington and Thomas Jefferson were called coward and atheist; Lincoln, was called a "baboon" and an aide for John Kennedy in 1960 called Hubert Humphrey a draft dodger.

It's true, reactions to the content of negative advertising cannot be controlled and it may or may not have the effect we are looking for. Negative ads can stir up a lot of doubt among the voters and cause mixed negative feelings about one or maybe even both of the candidates.


Today, candidates spend an awful lot of time finding ways to attack each other that have very little to do with the common good of our citizens.

Although we appreciate that we live in a free and democratic society and have a constitution that protects our freedom of speech, we also understand freedom comes with a responsibility to listen to ideas and alternatives for our important issues.

There are already examples of laws in our North Dakota Century code that prohibit our free speech. For example, we are not allowed to wear a button with our candidates name to the polls or display a yard sign on our property on Election Day. In fact, electioneering of any kind is forbidden on Election Day in North Dakota. As a more practical example, we would not allow someone to run into a crowded room yelling “fire!”

Enough is enough. I think that we have a responsibility to make our political discussions as civil as possible and to call out those who make it otherwise.

We need to be bold leaders in North Dakota and show the rest of the country that we are serious about a more civil and thoughtful political communication.



I urge the committee to recommend a “do pass” to the full body on SB2273.

I will answer any questions you may have.



## LETTERS TO THE EDITOR

### We don't like negative ads

By FORT LINCOLN  
5TH GRADERS  
Mandan

We, Mrs. Okerson's fifth-grade class, oppose negative campaign ads. We feel that they are hurtful, a waste of money and fail to adequately inform the voters.

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far better use.

It could be used to support many organizations, including the Humane Society, homeless shelters, pay for research to cure diseases, provide health care and support charities. The millions of dollars spent on these ads would go a long way to improve our quality of life.

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If they do this to their opponents, what can we expect them to do to us?

These are some of the reasons why we oppose the campaign ads that seem to be a part of the election process today.

We encourage all who feel as we do to stop supporting candidates who use

these types of ads.

"We approve this message."

*(The letter is signed by 21 members of Linda Okerson's fifth-grade class at Fort Lincoln Elementary School in Mandan.)*



## Negative Ads

Negative ads don't tell what the person is going to do, it just tells negative things about the other person. The people running just waste a lot of money on a commercial saying negative things. I would like to see them say what they are going to do to help.

Why would you want to vote for someone who is saying negative things about another person. It just hurts the other person's feelings. This is how bullying starts. Bullying is not a nice thing.

If I could vote, I wouldn't vote for someone who is saying something negative about the other person.

# We vote for the High road

I think that bullying is wrong...because bullies attempt to make the other person feel bad about themselves. If we don't put a stop to it, everyone is going to think it is an ok thing to do.

One of the most noticable ways is during elections. As children we are supposed to learn values from parents and adults. We kids are supposed to learn respect from adults. Why are they not treating each other with kindness and respect?

How are we supposed to trust the leaders when they are trying to tear each other down to build their own character. This behavior is just like a bully with the same intent.

How are we supposed to look up to our leaders when they are always say something negative about their opponent. We hear enough bad news everyday on the news so we waste time they start giving us some hope through their positive messages.

We may not be grown ups yet, but we know what how grown ups are supposed to act. Negative campaign ads are not the way to get our voice in the future. If you want our votes take the high road and run a positive campaign from now on.

Clara  
Jill

Michelle Hattley

Hello, my name is Michelle and I represent for Lincoln Elementary. I am here to talk about what a big waste of time and money campaign ads are. Candidates are buying thousands of ads and when you add up all of the money they spend on them, that equals millions of dollars. Like our letter says, this money could be put to better use.

Campaign ads are supposed to inform the voter. They should tell the public what they plan to do for the state and country. Instead, they focus on what their opponent can't do or has done poorly. This is just bullying. Is that the message they want to give the people of North Dakota? Do they want that children can hear them too? I believe that they should stop negative campaign ads.

Thank you for listening!

Michelle Hattley

# Negative Campaigns

By Seneca  
Date

In school we learn not to put each other down. Rather, we try to build each other up. Around election time everyone even a group of 5th grade children see that many of the candidates focus on their opponent's faults. They should focus on why we should vote for them. It's basically a form of bullying. Plus all the millions of dollars used on the ads could be used in much better ways such as the humane society, research, research to help with disease and so on. Criminals! They would get more out of it and then come back and do it all over for years.

The negative campaigns are the voice. They don't want they are doing it. State a candidate for the job. What the person can do is how to do it. I am not sure about the negative campaigns. I am not sure about the negative campaigns. I am not sure about the negative campaigns.


# NEGATIVE ADS

Hi, my name is Tanya Haugen and I'm talking about negative ads. We believe bullying is mean and has lasting effects. It doesn't matter who you are. We learned in kindergarten that we can't bully. Bullying means to say or do hurtful things to others.



Negative campaign ads are a form of bullying. Kids are not the only ones that bully. Adults do to. Adults say "don't bully" but in reality they are as guilty as we are. Adults need to be aware of the example they are setting for children. If we kids could vote, the candidates who use negative ads would not win, Thankyou.

BY:

Tanya Haugen



Hi, my name is Mike and I'm a 5<sup>th</sup> grader at Ft. Lincoln Elementary. I'm here today to remind everyone that bullying comes in many forms. I've been taught if I can't say anything nice not to say anything at all. More times than not political campaigns are an attempt to put down their opponents which is a form of bullying. These people of authority should be leading by example. We need help reminding those running for offices that people of all ages hear them. They can help make things better for everyone if they remember to practice what they preach. Just stop the bullying! Thank you.



Mr. Chairman and members of the committee:

"Sticks and stones may break my bones; but words can never hurt me."  
Many of us in here remember that childhood verse. But we should have learned by now that nothing could be farther from the truth. Angry, hurtful words are carried with us - sometimes for a lifetime.

The tragic events in our schools over the past few years are proof of the damage words can cause. At the heart of them is a child or young adult who was bullied throughout his/her life. Schools all over the country are designing programs to address bullying - including cyberbullying, which uses technology to achieve the same purpose. Our schools have adopted a "no-tolerance" policy to bullying. Yet, what children see on TV during election time undermines our efforts. There seems to be an unwritten message that says "Do as I say - not as I do."

As you have heard, our children view these ads as bullying. Candidates pass them off as "freedom of speech." Our first amendment right of "freedom of speech" is a basic right that we need to cherish. Our founding fathers designed it to be used as a means to protect us from unfair government practices. It was not intended to be used as a means of tearing down the character or reputation of others. Perhaps the verse we need to share with our children should read: "Broken bones cause pain - but mend. Words stay with us to the end."

Senate Bill 2273 is not a solution to the problem. However, it is a step in the right direction. As you have heard, our children are listening. What message do you want them to hear?

Thank you.