

2021 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1119

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1119
1/21/2021

Relating to printing initiated measures and constitutional amendments on the ballot

Vice Chair B. Koppelman opened the hearing on HB 1119 at 8:31 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- More informed electorate
- Problems that will happen with a full-text measure and constitutional amendments on the ballot
- Transparency

Rep. Klemin testified in favor with testimony #2114.

Jack McDonald, ND Newspaper Association testified in favor.

Jim Silrum, Deputy Secretary of State, testified in opposition with testimony #2034.

Additional written testimony: #2033

Vice Chairman B. Koppelman adjourned at 9:02.

Carmen Hart, Committee Clerk

TESTIMONY OF REP. LAWRENCE R. KLEMIN
HOUSE BILL NO. 1119
HOUSE GVA COMMITTEE
JANUARY 21, 2021

Mr. Chairman and members of the committee. I am Lawrence R. Klemin, Representative from District 47 in Bismarck. I am here today to testify in support of House Bill No.1119. This bill relates to the text of constitutional amendments or measures, initiated measures, and referred measures contained on the election ballot.

Under the current law in Section 16.1-06-09, the measure must be stated in full on the ballot, unless the Secretary of State determines that it is too long to make it practicable to print in full. In that case, the Secretary of State, in consultation with the Attorney General, can cause a summary of the measure to be printed on the ballot instead of the full text of the measure. This summary then also becomes the part of the sample ballot that is published in the official county newspapers before the election pursuant to Section 16.1-13-05 so that voters can review the ballot prior to the election.

The proponents of initiated measures, especially those from out of state or those who finance their figureheads in the state, have a strategy that they are employing with regards to initiated measures. You may have noticed that the initiated measures are becoming longer and more complex. You may also have noticed that the initiated measures begin with statements intended to persuade the voter to vote for the measure. We have recently seen initiated measures proposed that start with things such as a statement that the measure is intended to make it easier for members of the military to vote, or that we need good ethics in government, or that we need to improve the right of victims of crime. This is followed by more complex language that is hard to read and digest or is just plain confusing. Also some measures contain a number of other things only marginally related to the lead in statement. The proponents and writers of these initiated measures are professionals and they know that the voter will only see a short summary so their measures are becoming longer and longer. They know that their measures are unlikely to be read in full by the voters because the voters will only be looking at a summary of the measure when they review the sample in the newspaper and when they vote. Look at some of the recent initiated measures that have passed. We are still trying to figure out what they mean.

Conscientious voters will want to educate themselves on the full text of initiated measures in advance of an election by searching for the full text of the measure on the website of the Secretary of State. I wonder how many voters actually do this. I surmise that most of the voters only read the short summary and don't really know what they are voting for.

This bill would require the full text to be printed on the ballot so that voters at least have a reasonable opportunity to read it in advance in the newspaper or when they cast their ballots. By doing this, we will have a better informed electorate.

You may hear that it's going to be too difficult technically to print a ballot with more than two pages, or that it is too expensive to print a longer ballot, or that the publication costs will increase if the full text of the measure has to be on the ballot. You may hear that the voters will be confused if they are presented with the full text of an initiated measure on the ballot, so they would be better off voting on a summary because they won't be able to understand the full text. You may hear that longer ballots are not appropriate in North Dakota. I'm sure that there are many other states that have longer ballots than we do.

Whatever happened to transparency? Does the cost or length of a printed ballot outweigh the right of the voters to read what they are voting for? Maybe the sponsoring committee for these initiated measures should bear some of the cost of printing and publishing the ballot.

The short form summary is only an option in the law, an option that the professional initiated measure writers know will be used, and they design their measures accordingly. We can see through this strategy. It's time for North Dakota to stop being an experimental proving ground for these out of state people to try out their ideas. They are taking advantage of us and it should stop. If we can't do it by giving the voter the full text of the measure so they know what they are voting for, then we need to find another way. Whatever we do, it should not be based on voting machine technicalities or the cost of printing and publication.

I say don't underestimate the voters. It may take them longer to vote if they take the time to read the full text, but at least we are giving them the opportunity to know what they are voting for.

I urge your support for House Bill 1119.

Rep. Lawrence R. Klemin
District 47, Bismarck

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 21, 2021

TO: Chairman Kasper and Members of the House Government and Veterans Affairs Committee

FR: Jim Silrum, Deputy Secretary of State on behalf of Secretary of State Al Jaeger

RE: HB 1119 – Printing full text of measure on the ballot

This bill amends NDCC § 16.1-01-09 to require that the full text of the measure be placed on the ballot. Under current law when the measure is too long to make it practicable to print in full on the ballot, the law authorizes the Secretary of State in consultation with the Attorney General to print a concise summary that must fairly represent the substance of the measure. This procedure has been law since at least 1981.

We understand that this bill would hopefully make for a more-informed electorate, whereby voters can read the measure before they cast their vote. However, the Secretary of State's office wonders if the mere presence of the full text will encourage the voters to read it in full. We are certain that the adoption of this amendment will be the cause for:

1. Ballots that will include more than one ballot card for each voter;
2. More time involved in processing returned ballots, potentially delaying election night results;
3. The ballot printing costs will go up for the counties at a rate of not less than \$0.30 per ballot card (e.g., a two-page ballot would be \$0.60 per voter – 700,000 ballots x an extra \$0.30 = \$210,000; a three-page ballot would be \$0.90 per voter – 700,000 ballots x an extra \$0.60 = \$420,000);
4. Confusion for the voter as to what to do with the extra ballot cards – especially if they have no interest in voting on the measures;
5. Complication with the results reporting unless every voter inserts all ballot cards into the tabulator;
6. Increased mailing costs for both the absent voter and for the counties; and
7. Increased programming costs for the voting system.

While it is important for voters to be fully informed about a measure on the ballot, we believe the passage of this bill would have unintended consequences beyond those listed above and that this bill does not provide the solution to having an informed electorate. For example, will the voter read the full text that is on the ballot? As a reminder, the inclusion of a set of instructions for putting together a child's birthday present does not mean that the parents will read them.

On behalf of the Secretary of State and his election team, we request the committee to vote for a do not pass recommendation.

Written Testimony for the
House Government and Veterans Affairs
January 21, 2021
Erika White, Burleigh County Election Manager



RE: OPPOSITION for HB 1119

Greetings, Chairman Kasper, and members of the Committee. My name is Erika White and I am the Election Manager in the Burleigh County Auditor/Treasurer's office. I'm submitting testimony in opposition of HB 1119.

I understand the basis for this bill and agree that voters should be educated on the material presented on the ballot. I disagree that measures should be stated in full on the ballot. This can and will lead to substantial and significant issues when it comes to executing an election.

Space on a ballot is limited due to size restrictions the tabulating equipment can handle. The current tabulation equipment can scan ballots 8.5 inches wide and up to 19 inches in length. While this may seem like a sizeable area, there are restrictions for the amount of text that can be placed in a singular column. In addition, space is further restricted due to header and footer information, required by law, as well as border space for the tabulators to correctly scan each ballot.

If the information can not fit on a one-page, double-sided ballot, the only option is to have a two-page, double-sided ballot. Having a two-page ballot opens up a myriad of issues. Voters will forget or even choose to only send back a singular page in their absentee envelope. Scanning one page versus two pages will create discrepancies with the number of absentee voters checked-in to our Central Voter File and the quantity of ballots scanned on the tabulator. Having these discrepancies in the count will lead to increased voter distrust and election integrity concerns.

Having a two-page ballot will also lead to early vote and Election Day problems. The dedicated election workers who are at the polls will have more to manage

with a two-page ballot. This could lead to increased wait times at the polls as well as balancing issues when the polls close, all of which will lead to a delay in reporting the election results.

The key is really voter education. Many states across the nation send voter information packets to their electorate. These packets are mailed from the Secretary of State prior to absentee ballots being mailed. These information packets can be as robust or lean as desired for the ballot measure information.

Voter education is on the priority list of many Auditors throughout North Dakota. We agree that transparency and communication is key when executing successful elections. However, there are great alternatives established by other states that could be adopted that would increase voter education while at the same time maintaining the current one-page two-sided ballot. This will allow us to confidently uphold the integrity of North Dakota Elections.

Please contact me at 701-222-6697 or erwhite@nd.gov if I can provide further information.

Thank you for your time and I urge a DO NOT PASS on HB 1119.

2021 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1119
2/5/2021

Relating to printing initiated measures and constitutional amendments on the ballot

Chairman Kasper: opened the hearing on HB 1119 at 10:29 a.m.

Representatives	Roll Call
Representative Jim Kasper	P
Representative Ben Koppelman	P
Representative Pamela Anderson	P
Representative Jeff A. Hoverson	P
Representative Karen Karls	P
Representative Scott Louser	P
Representative Jeffery J. Magrum	P
Representative Mitch Ostlie	P
Representative Karen M. Rohr	P
Representative Austen Schauer	P
Representative Mary Schneider	P
Representative Vicky Steiner	P
Representative Greg Stemen	P
Representative Steve Vetter	P

Discussion Topics:

- Committee Work

Rep. Rohr moved a Do Not Pass. Seconded by **Rep. Schauer**.

Representatives	Vote
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Pamela Anderson	Y
Representative Jeff A. Hoverson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Jeffery J. Magrum	Y
Representative Mitch Ostlie	Y
Representative Karen M. Rohr	Y
Representative Austen Schauer	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Greg Stemen	Y
Representative Steve Vetter	Y

Motion carried. 14-0-0.

Vice Chairman B. Koppelman will carry the bill.

Chairman Kasper: Closed the hearing at 10:32 am.

Carmen Hart, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1119: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1119 was placed on the Eleventh order on the calendar.