

2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HCR 3003

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HCR 3003
1/16/2025

A concurrent resolution to amend and reenact section 9 of article III and section 16 of article IV of the Constitution of North Dakota, relating to the threshold for approving a constitutional amendment.

10:47 a.m. Chairman Schauer called the meeting to order.

Members present: Chairman Schauer, Representatives Bahl, Brown, Christy, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff
Members absent: Vice Chairman Satrom

Discussion Topics:

- Constitutional amendments
- Concerns on out of state money

10:48 a.m. Speaker Weisz, District 14, introduced the bill.

11:02 a.m. Erik Spencer, President and CEO of GNDC, testified in favor.

11:03 a.m. Representative Vetter testified in favor.

11:09 a.m. Kevin Hermann, private citizen, testified in opposition, and submitted testimony, #29399.

11:13 a.m. Dustin Gawrylow, Managing Director of the North Dakota Watchdog Network, testified in opposition, and submitted testimony, #29441.

11:36 a.m. Mike Connley, private citizen, testified in opposition.

Additional written testimony:

Debra Hoffarth, submitted testimony in opposition, #29430.

Barbara Dunn, submitted testimony in opposition, #29539.

Amber Vibetto, submitted testimony in favor, #29420.

Carol Sawicki, League of Women Voters of North Dakota, submitted testimony in opposition, #29138.

Gordon Greenstein, submitted testimony in opposition, #29073.

Catherine Benton, submitted testimony in opposition, #28883.

Naomi Bromke, submitted testimony in favor, #28660.

Denise Dykeman, submitted testimony in opposition, #28543.

Susan Dingle, submitted testimony in opposition, #28532.
Melissa Johnson, submitted testimony in opposition, #28480.
Dustin Amundson, submitted testimony in favor, #28474.

11:40 p.m. Chairman Schauer closed the hearing.

Jackson Toman, Committee Clerk

Please give this bill a do pass. Thanks for all you do!

A simple majority speaks for the people of North Dakota. DO NOT PASS

Please VOTE NO, DO NOT PASS on HCR 3003. This measure, calling for a 60% affirmative vote in a state election in order to pass into law, is anti-democratic and directly against the original intent of creating the citizen-initiated voting measure process. I have recent experience with gathering signatures for a citizen-initiated city-election measure and then seeing it go for a vote by the electorate. It is hard work getting signatures, hard work getting information out about a measure and why it is being brought forward, and hard otherwise to get helpful action on matters that citizens are concerned about and that their legislators/commissioners/other law-making body have not seen fit to act upon or have not had consensus to bring forward to the law-making body. The initiative process is intended as a stop-gap and as a way to let the people's voice be heard, and then to let the people's voices be heard again on the ballot. In elections for office a simple majority of the votes or even simpler, the top vote getter, is elected. Why, on the initiative process, do some in the legislature feel that a higher threshold is needed? This comes across as not trusting the electorate and feeling that somehow the people the electorate have voted to make their legislators—and not by a 60% vote requirement, either!—are somehow better able to decide questions on all matters concerning the electorate. It already is difficult enough to bring forward an initiated measure without adding further restrictions to initiated measures. DO NOT VOTE FOR THIS MEASURE!! We need the initiative process preserved as it is.

WRITTEN TESTIMONY IN OPPOSITION
TO HCR 3003

House Government and Veterans Affairs Committee

Bill 3003

Date of Hearing: January 16, 2025

Denise Ann Dykeman 1840 12th St SW, Minot, ND 58701

My name is Denise Ann Dykeman. I am a resident of Minot, North Dakota, and practicing attorney. This written testimony is presented in opposition to HCR 3003, which is a direct assault on the freedoms North Dakotans have cherished for generations.

Article III of the North Dakota Constitution, titled “Powers Reserved to the People,” ensures that we, the citizens, have the power to make decisions that directly impact our lives. However, HCR 3003, just like Measure 2, which was defeated at the ballot box last year, attempts to erode that power by introducing changes that fundamentally undermine majority rule by increasing the approval threshold to 60% of the vote for constitutional ballot measures. It’s a dangerous precedent that weakens North Dakotan’s voices in government.

On top of that, HCR 3003 sets a double standard, with one set of rules for politicians and another for citizens. It demands that North Dakotans jump through hoops, requiring a 60% approval for any citizen-initiated ballot measure while still requiring a simple majority for the measures that politicians introduce themselves. This bill would make it much harder for everyday people to have their voices heard and easier for politicians to maintain control.

The people have already spoken: We don’t want or need a higher bar for citizen-initiated ballot measures!

Please oppose HCR 3003.

Respectfully,

Denise A. Dykeman
1840 12th St SW
Minot, ND 58701

Testimony in Support of HCR 3003

For the record, my name is Naomi Bromke. I am a first-year student at the University of North Dakota School of Law. I was born and raised in Bismarck, North Dakota. I have been active in my community since I have been very young and have seen firsthand the political shifts in our state.

HCR 3003 is a necessary amendment to prevent the manifestation of injustice to our state. The United States is a constitutional republic, which lets the people by their own free will elect someone they believe will represent their and their communities' interests. We do not have a direct democracy, which would let the largest population rule over the smaller ones. North Dakotans, in my opinion, would be deeply distraught at the undermining of their voice and its power if the United States became a direct democracy. Our state's population cannot compare with the other states, and it would, essentially, take away any impactful say in public policy from the people of North Dakota. This sentiment is downscaled to counties on the state level.

The people, as by our constitutional republic, have the power to elect people that will best represent their interests. If we do not enact HCR 3003, it will lead towards bigger cities, like Fargo, Bismarck, and Grand Forks, taking greater control of our state. The interests of rural North Dakotans are quite different to those who reside in urban areas. This would take away power from the people that keep our state running—rural farmers, people that work in the oilfield, etc.

The North Dakota Constitution should not be as easily changeable as an ordinary law. The Constitution is a much higher governing authority than a simple law, as it both defines the scope of government authority and, very importantly, the *limits* on that government authority so to protect the natural, God-given rights of the people. Because of this fact, it should be harder to change. According to Ballotpedia, there are 26 states that allow for citizens to have the power of initiative. Out of these states, eight do not allow for constitutional changes. That is roughly 36% of the United States that allows for citizens to initiate a constitutional change. Out of the states that do allow for citizen petitions to change the constitution, Florida and Illinois requires a 60% majority; Massachusetts requires that the petition must receive at least 30% of the total number of ballots cast in the election and a majority of the voters voting on the measure; Mississippi requires the number of votes in favor of an initiative must be equal to or more than 40% of the total votes cast at the election; Montana requires a majority and at least 35% of the total votes cast in the entire election; Nebraska requires the petition has to be signed by ten percent of registered voters; Nevada requires a majority of voters are two consecutive elections; and Oregon requires a majority only, but the election must have at least 50% voter turnout. 10 states are left with less stringent requirements, leaving 20% of the United States allowing citizen petitions to change state constitutions by a simple majority.

It is evident that most states in our union believe that state constitutions should not be easily changed. This amendment is not asking for a high threshold either: 60% is more than reasonable. If we are to best protect our entire state's interests, I recommend a do-pass on HCR 3003. Thank you for your consideration.

Catherine Benton
HCR 3003
January 13, 2025

Thank you for the opportunity to provide written testimony in opposition to House Concurrent Resolution 3003.

My name is Catherine Benton, and I am writing to express my strong opposition to this resolution. HCR 3003 proposes to amend the Constitution of North Dakota to increase the threshold for approving constitutional amendments from a simple majority to sixty percent. This change poses significant concerns for the democratic process and the principles of representative government.

First and foremost, raising the threshold for constitutional amendments undermines the will of the people. A simple majority has long been the standard for democratic decision-making, reflecting the collective voice of the electorate. Increasing the threshold to sixty percent makes it significantly more difficult for the citizens of North Dakota to enact meaningful changes through the ballot box. This change risks disenfranchising voters and stifling the ability of the public to influence the state constitution effectively.

Moreover, this resolution could have the unintended consequence of entrenching existing power structures and hindering progress. By requiring a supermajority, the resolution makes it more challenging to address pressing issues and adapt to evolving societal needs. It is essential that our constitution remains accessible and responsive to the will of the people, rather than being constrained by an unnecessarily high barrier to change.

Additionally, the proposed amendment could exacerbate divisions and gridlock within the state. Achieving a sixty percent majority on contentious issues is exceedingly difficult, and this high threshold may lead to prolonged stalemates and a lack of meaningful action on critical matters. This is not in the best interest of North Dakotans, who deserve a government that can efficiently and effectively respond to their needs and concerns.

In conclusion, I urge you to vote NO on HCR 3003. It is vital that we uphold the democratic principles of majority rule and ensure that the voices of North Dakotans are heard and respected. Please prioritize legislation that enhances, rather than restricts, the ability of the public to participate in the democratic process.

Thank you for considering this testimony.

Catherine Benton

clbenton@hotmail.com

701.412.7917

HCR 3003

House Government and Veterans Affairs

I urge a Do Not Pass on HCR 3003

Chairman Schauer and Committee Members, The core argument against increasing the threshold for constitutional amendments is that it unduly limits the power of the electorate. The current system, which requires a simple majority of voters to approve amendments, ensures that the people have the final say on the state's fundamental law. The initiative process, which allows citizens to propose amendments, is meant to empower the people to bring about change. Raising the threshold could undermine this process by making it harder for citizens to amend the constitution on their own. Increasing the approval threshold could disproportionately disadvantage grassroots movements, or efforts by less-funded groups to propose constitutional amendments.

I urge a Do Not Pass on HCR 3003

Thank You, Gordon Greenstein

US Navy (Veteran)

US Army NDNG (Retired)



HCR 3003
House Government and Veterans Affairs Committee
January 16, 2025

Chair Schauer and members of the House Government and Veterans Affairs Committee, I am Carol Sawicki, Board member and representative of the League of Women Voters of North Dakota.

HCR 3003 increases the vote threshold for approving a constitutional amendment, which would hamper the role of citizen participation in the governance of our state. **The League of Women Voters of North Dakota opposes HCR 3003.**

The citizen initiative process is a hallmark of direct democracy. It promotes civic engagement, increases government accountability, and provides a channel for North Dakotans to elevate an issue that might otherwise not be addressed. For example, property taxes became a priority this session due in large part to a citizen initiative in 2024 to address it. There is power in North Dakotans organizing around an issue through the initiative process.

The League of Women Voters of North Dakota opposes HCR 3003 for the following reasons:

1. HCR 3003 increases the percentage of voters needed to approve a constitutional amendment from a simple majority to 60%. This proposed change in the initiative process would limit direct democracy in North Dakota and impact citizen participation in the governance of our state.
2. Majority-vote initiated and referred measures have a long and proud history in North Dakota. State Legislator L.A. Ueland of Edgeley—founding member of the Executive Committee of the national Direct Legislation League in 1896—and Mrs. Katherine King of McKenzie—founder of the state chapter of the Direct Legislation League in 1902—spent 20 years promoting initiative and referendum processes, and the people of North Dakota ratified an initiative and referendum amendment to the North Dakota Constitution in 1914.¹ Since that time, our state Constitution has required a simple majority of votes for an initiated or a referred measure to be enacted. The people of North Dakota have supported the long-standing and current constitutional process for initiatives and referendums and repeatedly rejected efforts to change this process.
3. North Dakota voters have protected the initiative process. The people have defeated 3 out of the last 4 legislative attempts to change Article III (see table below).

¹ Initiative and Referendum Institute. Jan 11. 2025. initiativeandreferenduminstitute.org/north-dakota



Initiated and referred measures play an important role in supporting citizen participation in the governance of the state. HCR 3003 would limit that role; therefore, the League of Women Voters of North Dakota **strongly urges committee members to give HCR 3003 a Do Not Pass recommendation.**

Thank you, Chair Schauer and members of the committee, for your consideration of our testimony.

Recent Attempts to Change the Initiative Process

Year	Election	Ballot Measure	Type	Vote Outcome
2024	General	Measure 2	Referred by Legislature	56.41% No
2020	General	Measure 2	Referred by Legislature	61.61% No
2014	General	Measure 4	Referred by Legislature	56.59% No
2014	Primary	Measure 1*	Referred by Legislature	53.55% Yes

**The 2014 Primary Election measure authorized the state legislature to create a procedure for determining the fiscal impact of initiated measures.*

Source: www.sos.nd.gov/elections/election-results

Members of the House Government and Veteran Affairs Committee,

Changing our state's foundational document should be possible, but much more difficult than it is currently. We should protect our constitution, which is the supreme law of governing our state, from the possibility of ushering in a tyranny of the majority. There are good reasons why our founding fathers created a constitutional republic, NOT a direct democracy. As the popular saying goes, "Democracy is two wolves and a sheep deciding what to have for dinner."

Raising the threshold from a simple majority to 60% is still insufficient to protect our state constitution from the risks that come from direct democracy, but it is a much-needed improvement and a step in the right direction.

Thank you for your consideration on this important matter!

Amber Vibeto
Minot, District 3

I am writing to urge our House government and Veterans Affairs Committee to give HCR 3003 a do not pass recommendation. Last year we, the people of North Dakota, voted against a ballot measure that would've done the same thing as this bill. We have already decided this issue and increasing the percentage of votes that would be required to pass a constitutional ballot measure will go against the will of the voters. Thank you.

Written testimony on House Concurrent Resolution 3003

Chairman Schauer and House Government and Veterans Affairs Committee Members

My name is Kevin Herrmann from Beulah, North Dakota. I am representing myself with no association of any political organization or lobbyist.

I stand to oppose House Concurrent Resolution 3003.

I find this piece of legislation as an outrage attacking Article III "Powers Reserved to the People". House Concurrent Resolution 3003 proposed change to the percentage threshold from a majority to 60 percent affecting Article III section 9 and Article IV section 16 as unjust.

The citizens of North Dakota have always been taught on voting for any issue is a majority of 50+1 as part of democracy. But legislators continue to attack Article III even though the outcome of two constitutional measures that passed previous legislative sessions were defeated in the general election.

The 2020 general election measure Senate Concurrent Resolution 4001 was defeated by the citizens of North Dakota. The 2024 general election measure Senate Concurrent Resolution 4013 was defeated by the citizens of North Dakota. The effort of legislators to keep attacking Article III "Powers Reserved to the People" has been ongoing for many years.

In the 2017 Legislative session, Senate Bill 2135 was passed creating the "Initiated and Referred Measures Study Commission" during the interim before the 2019 legislative session. I attended every meeting of the "Initiated and Referred Measure Study Commission" as a citizen of North Dakota. The reason for creating this commission was due to legislators being upset about the citizens of North Dakota using Article III "Powers Reserved to the People" initiative petition process

to be able to get constitutional amendments on the ballot. Such as, in 2016 provided certain rights to victims of crime in this state (Marcy's Law), also on the 2016 ballot - medical marijuana use for defined medical conditions. In 2018, establish a state ethics commission. If in the past legislators would have passed legislative bills such as a state ethics commission and medical marijuana then the citizens of North Dakota would not have taken it upon themselves to utilize the Article III process.

The appointed members of the commission did discuss several draft bills. The legislators took it upon themselves to introduce the draft bills in the 2019 Legislative session which did not pass through the Initiated and Referred Measure Study Commission.

I would hear at past committee hearings or past legislative sessions of legislators' displeasure in forcing them to act on legislation that was passed at a primary or general election by the citizens of North Dakota or it was too easy of a process or there was out of state influence.

No legislator has shown me proof where out of state influence on the initiative petition process. But I have seen out of state influence with campaign contributions toward some candidates on their campaign contributions report. There has always been out of state influences on some legislative bills in every session.

I will give an example that I believe is out of state influence for introducing this legislative bill. In 2019 legislative session, House Bill 1193 passed relating to living wage prohibition for political subdivisions. The reason for House Bill 1193 was individuals in different states petitioning to get a living wage provision on the ballot at their local political subdivision. House Bill 1193 took hourly wage workers constitutional right away to be able to file a petition to a local subdivision. Another example which was totally out of state influence for introducing a

legislative bill was House Bill 1207. House Bill 1207 was related to asbestos liability which affected workers that work around asbestos.

Why do legislators feel it is ok for them to accept out of state influence but keep saying there is out of state influence in the initiated petition process when it can be only North Dakota citizens? Why don't legislators accept the defeat of their resolutions in the general elections of 2020 and 2024 toward Article III? When will I see no more bills attacking Article III?

I am asking House Government and Veterans Affairs committee to give House Concurrent Resolution 3003 a DO NOT PASS recommendation.

Kevin Herrmann
300 Fair St. SW
Beulah, ND 58523

WRITTEN TESTIMONY IN OPPOSITION TO HCR 3003

House Government and Veteran Affairs on House Concurrent Resolution 3003

Date of Hearing: January 16, 2025

Debra L. Hoffarth, 1320 11th Street SW, Minot, ND 58701

This written testimony is presented in opposition to House Concurrent Resolution 3003, which proposes a change to the initiative petition process under Section 9 of Article III of North Dakota's Constitution and amendment of the Constitution under Section 16 of Article IV of North Dakota's Constitution. The proposed legislation is another attempt by the North Dakota Legislature to prevent the will of the people and limit the ability of citizens to participate in the government.

The Legislature has introduced similar proposals to limit the initiative petition process in prior legislative sessions. Rather than revisiting the attacks on the initiative petition process, I urge the Legislature to focus on pressing issues such as strengthening the economy, improving access to health care, expanding affordable daycare, addressing property tax concerns, supporting our seniors and children, infrastructure, and tackling rising health care costs and inflation. Addressing these critical matters would reduce the perceived need for citizens to pursue initiated measures. The increase in the initiative petitions in recent years reflects a response to unmet needs and a lack of faith in the legislative process.

The right of North Dakota citizens to bring initiative petitions has been enshrined in our Constitution since 1914 (<https://vip.sos.nd.gov/pdfs/Portals/history-initiative-referendum-nd.pdf>). Protecting North Dakotans' constitutional rights is vital, especially as trust in political institutions can waver when priorities seem to align more with special interests than with the lived experiences of the everyday North Dakotan.

I respectfully urge you to uphold our long-time democratic ideals and oppose House Concurrent Resolution 3003.



Debra L. Hoffarth

HCR 3003- Testimony by Dustin Gawrylow, ND Watchdog Network (#266)

Mr. Chairman and Members of the Committee,

If this committee and the legislature insist of continuing to ask the voters over and over to make the initiated measure process more difficult; and if this is to be the vehicle this session, I would like to suggest the following:

The Undemocratic Hypocrisy, And A Solution

When this idea comes up, it is never discussed that it hinges on the notion that the current system, a simple majority of 50%+1 can increase future thresholds to 60% - and that that is inherently unfair and undemocratic.

As has been said in the past, if the legislature would like to increase the threshold to 60%, they should make their own change subject to a 60% threshold.

Because the process for ballot measures is protected by Article II of the constitution entitled "Powers Reserved To The People", the people should first be asked whether they want the legislature to even have the power to ask them to raise the threshold for all constitutional measures.

This could be done by implementing a two-step process:

1. In the June election: Ask the voters to require all future changes to the Article III constitutional measure process be subject to a 60% threshold.
2. Then, if the voters again, in November: Ask the voters to change the threshold to 60%, once the threshold for such changes is itself raised.

If the required threshold to increase the requirement to 60% was itself first set at 60%, it would be very difficult for myself or anyone else to say it was an unfair legislative power grab.

But, if 50%+1 can decide that in the future changes require 60%, that means that a full 10% of voters have been disenfranchised in the process of making the change itself.

Why doesn't the legislature seek an actual solution to this problem rather than cutting 10% of voters out of the process?

If this committee would like to address the problems with the initiated measure process that most people, including supporters and defenders of the existing process, here are some solutions:

Alternative Reforms To Initiated Measure Process

North Dakota's initiated measure process allows The People to set the terms and conditions for their own government.

Those of us who consistently defend the initiated measure process are constantly told we are against every suggested change. It's not true, since those that use the process know the flaws better than anyone.

I have included sample language for three concepts in case any legislators want to run with one or more of these reform concepts.

Reform Concept #1: Enables and requires the legislature to fund a digital signature system on the Secretary of State website, while leaving the paper option in place due to technical difficulties.

Reason: To modernize the initiated measure process, and to reduce the need to hundreds of thousands of dollars to get measures on the ballot.

Sample Language:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 2. A petition to initiate or to refer a measure must be presented to the secretary of state for approval as to form. A request for approval must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure. The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

The legislative assembly shall provide by law for the establishment and maintenance of an electronic signature gathering system for the collection of petition signatures in elections overseen by the secretary of state. The laws provided by the legislative assembly must permit signature gatherers to collect signatures by electronic means, while retaining paper signatures as a backup in case of technical difficulties.

The legislative assembly shall permit and appropriate funds necessary for the secretary of state to adopt rules to maintain, operate, and oversee the secure electronic signature gathering system. The secure electronic signature gathering system must be hosted on the website of the secretary of state. The secretary of state shall procure the technical resources to allow any elector, upon proof of qualification, to electronically sign forms and petitions relating to all initiated and referred measures, recall petitions, and candidate nominations within the state of North Dakota.

Reform Concept #2: Grants sponsoring committees to direct access to legislative council drafting and legal services, and creates a “seal of approval” of measures that are written/vetted by legislative council.

Reason: To promote the placement of better language on the ballot.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article III of the Constitution of North Dakota is created and enacted as follows:

Section 10. The legislative assembly shall enable sponsoring committees of proposed ballot measures to have direct access to legislative council resources to assist in crafting proposed ballot measures. Any ballot measure that has been written or proofread by legislative council shall be labeled with a marking indicating that it is “Legislative Council Approved Language” on the ballot itself.

Reform Concept #3: Addresses campaign finance of ballot measures in a way that places out of state financial influence on an equal playing field with in-state financial influence. Ends the ability for tax dollars to be privatized through associations in support or opposition of ballot measures.

Reason: North Dakota should protect its sovereignty as much as possible from outside interference without suppressing the free speech rights of non-residents. Also, government entities that are otherwise prohibited from spending money on campaign activities should not be able to contribute to organizations that can.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article XIV of the Constitution of North Dakota is created and enacted as follows:

Section 5. Any ballot measure committee established to support or oppose a ballot measure proposed by the people under Article III or by the legislative assembly under Article IV shall be subject to campaign finance restrictions as follows:

1. No ballot measure shall accept in excess of \$100,000 from any single source regardless of origin.
2. No ballot measure committee shall accept contributions from sources outside the state of North Dakota exceeding contributions from sources inside the state of North Dakota, unless the out-of-state source can document that at least fifty-percent of its contributions are derived from residents in the state of North Dakota.
3. No ballot measure committee shall accept aggregate contributions from a single source outside of the state of North Dakota exceeding thirty-percent of total funds raised or \$50,000, whichever is higher.
4. No ballot measure committee shall accept any funds directly or indirectly from a source with the power to levy taxes regardless of how many intermediary transfers of such funds are involved.

The legislative assembly shall appropriate to the Office of Attorney General the funds necessary to defend these provisions in state or federal court. The legislative assembly shall enact legislation necessary to conform to these guidelines no later than December 31st, 2027.

Legislators who want to address the problems with ballot measures rather than just trying to make them more difficult would discuss these concepts as potential solutions.

2025: The Perpetual Attack On The Powers Reserved To The People Continues

Can we ever discuss actual reform, rather than just making the process harder? (Suggested reforms included.)



DUSTIN GAWRYLOW
JAN 14, 2025



4



Share

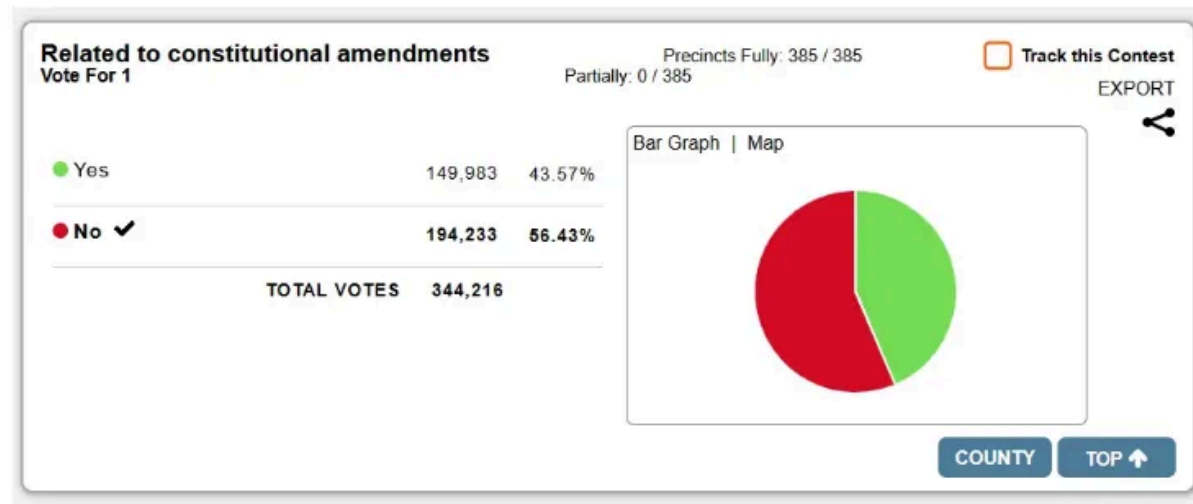


Do legislators ever get tired of trying the same thing over and over, expecting different results? That is the question HCR 3003 seeks to answer.

Barely two months off the defeat of their last attempt to make ballot measures more difficult to pass ([Measure 2](#)), legislators are at it again.

Measure 2 - 56% No vs. 43% Yes

Once again, the voters were forced to rebuke the legislature's attempt to make it harder for The People to exercise **The Powers Reserved To The People** in the North Dakota state constitution. While there are issues that should be addressed with the process, this was not the solution, and the voters agreed.



This, of course, comes after the 2020 failed legislative attempt to allow the legislature to veto the will of the people after a vote of the people has happened.

The Annual Attack On The "Powers Reserved To The People" Has Begun

DUSTIN GAWRYLOW • JANUARY 25, 2023



Like the energizer bunny, legislators who are afraid of their own voters never stop trying to weaken the Powers Reserved To The People.

[Read full story →](#)

As introduced now in 2025, **HCR 3003** is a simple constitutional amendment: it would require constitutional measure to have 60% threshold by the citizens in order for future constitutional amendments to be adopted.

Section 9. A constitutional amendment may be proposed by initiative petition. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. If the secretary of state finds the petition is valid, the secretary of state shall place the measure on the ballot. If sixty percent of votes cast for a proposed constitutional amendment are affirmative, the measure is deemed enacted. All other provisions relating to initiative measures apply ~~hereteto~~ initiative measures for constitutional amendments.

The Undemocratic Hypocrisy, And A Solution

When this idea comes up, it is never discussed that it hinges on the notion that the current system, a simple majority of 50%+1 can increase future thresholds to 60% - and that that is inherently unfair and undemocratic.

As has been said in the past, if the legislature would like to increase the threshold to 60%, they should make their own change subject to a 60% threshold.

Because the process for ballot measures is protected by Article II of the constitution entitled “Powers Reserved To The People”, the people should first be asked whether they want the legislature to even have the power to ask them to raise the threshold for all constitutional measures.

This could be done by implementing a two-step process:

1. In the June election: Ask the voters to require all future changes to the Article III constitutional measure process be subject to a 60% threshold.
2. Then, if the voters again, in November: Ask the voters to change the threshold to 60%, once the threshold for such changes is itself raised.

If the required threshold to increase the requirement to 60% was itself first set at 60%, it would be very difficult for myself or anyone else to say it was an unfair legislative power grab.

But, if 50%+1 can decide that in the future changes require 60%, that means that a full 10% of voters have been disenfranchised in the process of making the change itself.

Why doesn't the legislature seek an actual solution to this problem rather than cutting 10% of voters out of the process?

Alternative Reforms To Initiated Measure Process

North Dakota's initiated measure process allows The People to set the terms and conditions for their own government.

Those of us who consistently defend the initiated measure process are constantly told we are against every suggested change. It's not true, since those those that use the process know the flaws better than anyone.

I have included sample language for three concepts in case any legislators want to run with one or more of these reform concepts.

Reform Concept #1: Enables and requires the legislature to fund a digital signature system on the Secretary of State website, while leaving the paper option in place due to technical difficulties.

Reason: To modernize the initiated measure process, and to reduce the need to hundreds of thousands of dollars to get measures on the ballot.

Sample Language:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 2. A petition to initiate or to refer a measure must be presented to the secretary of state for approval as to form. A request for approval must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure. The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

The legislative assembly shall provide by law for the establishment and maintenance of an electronic signature gathering system for the collection of petition signatures in elections overseen by the secretary of state. The laws provided by the legislative assembly must permit signature gatherers to collect signatures by electronic means, while retaining paper signatures as a backup in case of technical difficulties.

The legislative assembly shall permit and appropriate funds necessary for the secretary of state to adopt rules to maintain, operate, and oversee the secure electronic signature gathering system. The secure electronic signature gathering system must be hosted on the website of the secretary of state. The secretary of state shall procure the technical resources to allow any elector, upon proof of qualification, to electronically sign forms and petitions relating to all initiated and referred measures, recall petitions, and candidate nominations within the state of North Dakota.

Reform Concept #2: Grants sponsoring committees to direct access to legislative council drafting and legal services, and creates a “seal of approval” of measures that are written/vetted by legislative council.

Reason: To promote the placement of better language on the ballot.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article III of the Constitution of North Dakota is created and enacted as follows:

Section 10. The legislative assembly shall enable sponsoring committees of proposed ballot measures to have direct access to legislative council resources to assist in crafting proposed ballot measures. Any ballot measure that has been written or proofread by legislative council shall be labeled with a marking indicating that it is “Legislative Council Approved Language” on the ballot itself.

Reform Concept #3: Addresses campaign finance of ballot measures in a way that places out of state financial influence on an equal playing field with in-state financial influence. Ends the ability for tax dollars to be privatized through associations in support or opposition of ballot measures.

Reason: North Dakota should protect its sovereignty as much as possible from outside interference without suppressing the free speech rights of non-residents. Also, government entities that are otherwise prohibited from spending money on campaign activities should not be able to contribute to organizations that can.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article XIV of the Constitution of North Dakota is created and enacted as follows:

Section 5. Any ballot measure committee established to support of oppose a ballot measure proposed by the people under Article III or by the legislative assembly under Article IV shall be subject to campaign finance restrictions as follows:

1. No ballot measure shall accept in excess of \$100,000 from any single source regardless of origin.
2. No ballot measure committee shall accept contributions from sources outside the state of North Dakota exceeding contributions from sources inside the state of North Dakota, unless the out-of-state source can document that at least fifty-percent of its contributions are derived from residents in the state of North Dakota.
3. No ballot measure committee shall accept aggregate contributions from a single source outside of the state of North Dakota exceeding thirty-percent of total funds raised or \$50,000, whichever is higher.
4. No ballot measure committee shall accept any funds directly or indirectly from a source with the power to levy taxes regardless of how many intermediary transfers of such funds are involved.

The legislative assembly shall appropriate to the Office of Attorney General the funds necessary to defend these provisions in state or federal court. The legislative assembly shall enact legislation necessary to conform to these guidelines no later than December 31st, 2027.

Legislators who want to address the problems with ballot measures rather than just trying to make them more difficult would discuss these concepts as potential solutions.

Why Keep Fighting The People?

In 2022, a coalition led the North Dakota Chamber of Commerce attempted to place this same concept on the ballot, under the premise is that it is too easy to get constitutional measures on the ballot and passed.

The coalition spent nearly \$400,000 attempting to place this on the ballot, and failed to successfully do so - because the process is too easy.

		2023	2022	2021			
Protect North Dakotas Constitution Sponsoring Committee for Initiated Measure Registration Date: 4/16/2021 Reporting Year: 2021							
Type	Sponsoring Committee for Initiated Measure						
Petition	Requires constitutional measures to pass by a sixty percent majority vote and limits the measure to one subject -Constitutional						
Committee Information							
Name	Protect North Dakotas Constitution						
Acronym							
Telephone	(701) 354-7504						
Email	info@protectndconstitution.com						
Address	PO Box 195 Bismarck, ND 58502						
Agent Information							
Name	Michael Haugen						
Title/Position	Chairman						
Email	info@protectndconstitution.com						
Address	PO Box 195 Bismarck, ND 58502						
Election and Year-End Statements							
	Date Filed	Starting Balance	Ending Balance	Total of all contributions received of \$100 or less	Total of all expenditures made of \$100 or less	Total of all contributions received greater than \$100	Total of all expenditures made greater than \$100
Drafting	04/16/21	\$0.00	\$4,446.25	\$0.00	\$67.75	\$10,500.00	\$5,986.00
Year End	01/31/22	\$4,446.25	\$81,709.19	\$1,605.45	\$265.76	\$475,939.00	\$395,569.50
48-Hour Statements							
Date Filed					Total of all contributions received greater than \$500		
No records to display.							

To the credit of the coalition led by the Chamber of Commerce, they attempted to use the process itself to change the process - **which is a critical reform that I have advocated for over a decade now**. But, they could not get the job done, because it is too easy to spend money to measures on the ballot (so they say).

There is no outcry from the people themselves on this issue. And attempts to harness public outcry have failed. It is only the legislature, and the special interest groups who prefer legislative control that want this or any change that makes the process harder.

Citizens Continue To Defeat Legislative Power Grabs

This is really a “broken record issue”. The voters keep rejecting legislative attempts to make the process harder. Here is just a short history of that track record:



Protect "The Powers Reserved To The People"

DUSTIN GAWRYLOW • OCTOBER 28, 2024

[Read full story →](#)



Fargo Forum Says "Vote No On Measure 2"

DUSTIN GAWRYLOW • SEPTEMBER 25, 2024

[Read full story →](#)



Video: Ed Schafer Makes The Case Against Measure 2

DUSTIN GAWRYLOW • SEPTEMBER 23, 2024

[Read full story →](#)



Press Release: Former ND Governor Ed Schafer Launches Campaign to Defend Ballot Initiative Process

DUSTIN GAWRYLOW • SEPTEMBER 17, 2024

[Read full story →](#)



Measure 2's Single-Subject Rule Is A "Back-Door Veto"

DUSTIN GAWRYLOW • SEPTEMBER 11, 2024

[Read full story →](#)



Measure 2 Reflects Distrust Of Voters

DUSTIN GAWRYLOW • SEPTEMBER 8, 2024

[Read full story →](#)



Breaking News: Former Governor Ed Schafer Helps Re-Boot ProtectND Campaign Against Measure #2

DUSTIN GAWRYLOW • APRIL 15, 2024

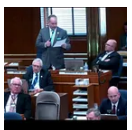
[Read full story →](#)



Initiated Measure Modernization Act Defeated

DUSTIN GAWRYLOW • MARCH 15, 2023

[Read full story →](#)



HCR 3031 Floor Debate on Modernizing The Initiated Measure Process

DUSTIN GAWRYLOW • MARCH 14, 2023

[Read full story →](#)



Press Release: Constitutional Amendment Introduced To Modernize Initiated Measures

DUSTIN GAWRYLOW • FEBRUARY 21, 2023

[Read full story →](#)



How do we protect the state constitution, protect citizen rights, and North Dakota traditions?

DUSTIN GAWRYLOW • FEBRUARY 10, 2023

[Read full story →](#)



NTU: Grave Constitutional Concerns about ND's Proposed Tax on Out-of-State Political Money

DUSTIN GAWRYLOW • FEBRUARY 2, 2023

[Read full story →](#)



Powers Reserved To The People

DUSTIN GAWRYLOW • JANUARY 31, 2023

[Read full story →](#)



KFYR: Discussing The Latest Attack On Initiated Measures

DUSTIN GAWRYLOW • JANUARY 27, 2023

[Read full story →](#)



The Annual Attack On The "Powers Reserved To The People" Has Begun

DUSTIN GAWRYLOW • JANUARY 25, 2023

[Read full story →](#)



Archive of North Dakota Watchdog Networks' Efforts To Protect The Powers Reserved To The People

DUSTIN GAWRYLOW • APRIL 22, 2022

[Read full story →](#)



4 Likes

[← Previous](#)

[Next →](#)

Discussion about this post

Comments

Restacks



Write a comment...

2025 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HCR 3003
1/23/2025

A concurrent resolution to amend and reenact section 9 of article III and section 16 of article IV of the Constitution of North Dakota, relating to the threshold for approving a constitutional amendment.

11:52 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Christy, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Discussion Topics:

- Committee action

11:53 a.m. Vice Chairman Satrom moved to amend by adding 'at least sixty percent' on line 19.

11:53 a.m. Representative Vetter seconded the motion.

11:53 a.m. Voice Vote passed.

11:54 a.m. Vice Chairman Satrom moved Do Pass as Amended.

11:54 a.m. Representative Bahl seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Collette Brown	N
Representative Josh Christy	Y
Representative Karen Grindberg	Y
Representative Karen Karls	Y
Representative Carrie McLeod	Y
Representative Karen Rohr	N
Representative Mary Schneider	N
Representative Vicky Steiner	N
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y
Representative Christina Wolff	N

11:59 a.m. Motion passed 9-5-0.
Representative Vetter will carry the bill.

12:00 p.m. Chairman Schauer closed the meeting.
Jackson Toman, Committee Clerk

PROPOSED AMENDMENTS TO

1-23-25
JB lab2

Introduced by

HOUSE CONCURRENT RESOLUTION NO. 3003

Representatives Weisz, Bosch, Klemin, Lefor

Senators Hogue, Myrdal, Hogan

1 A concurrent resolution to amend and reenact section 9 of article III and section 16 of article IV
2 of the Constitution of North Dakota, relating to the threshold for approving a constitutional
3 amendment.

4 **STATEMENT OF INTENT**

5 This measure increases the threshold for approving a constitutional amendment from a simple
6 majority to sixty percent.

7 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE**
8 **SENATE CONCURRING THEREIN:**

9 That the following proposed amendments to section 9 of article III and section 16 of
10 article IV of the Constitution of North Dakota are agreed to and must be submitted to the
11 qualified electors of North Dakota at the general election to be held in 2026, in accordance with
12 section 16 of article IV of the Constitution of North Dakota.

13 **SECTION 1. AMENDMENT.** Section 9 of article III of the Constitution of North Dakota is
14 amended and reenacted as follows:

15 **Section 9.** A constitutional amendment may be proposed by initiative petition. If signed by
16 electors equal in number to four percent of the resident population of the state at the last federal
17 decennial census, the petition may be submitted to the secretary of state. If the secretary of
18 state finds the petition is valid, the secretary of state shall place the measure on the ballot. If at
19 least sixty percent of votes cast for a proposed constitutional amendment are affirmative, the
20 measure is deemed enacted. All other provisions relating to initiative measures apply ~~hereteto~~
21 initiative measures for constitutional amendments.

JB 2012

1 **SECTION 2. AMENDMENT.** Section 16 of article IV of the Constitution of North Dakota is
2 amended and reenacted as follows:

3 **Section 16.** Any amendment to this constitution may be proposed in either house of the
4 legislative assembly, ~~and if, If~~ agreed to upon a roll call by a majority of the members elected to
5 each house, ~~the question~~ must be submitted to the electors ~~and if a majority~~. If at least sixty
6 percent of the votes cast ~~thereon~~ upon the question are in the affirmative, the amendment is a
7 part of this constitution.

**REPORT OF STANDING COMMITTEE
HCR 3003**

Government and Veterans Affairs Committee (Rep. Schauer, Chairman) recommends **AMENDMENTS** ([25.3037.01001](#)) and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HCR 3003 was placed on the Sixth order on the calendar.

2025 SENATE STATE AND LOCAL GOVERNMENT

HCR 3003

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HCR 3003
4/4/2025

Relating to the threshold for approving a constitutional amendment.

9:30 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- 50% vote to 60%
- General election ballot
- Protect the constitution

9:30 a.m. Representative Weisz, District #14, introduced the bill.

9:35 a.m. Arik Spencer, President of Greater North Dakota Chamber, testified in favor.

9:43 a.m. Senator Walen moved Do Pass.

9:43 a.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Barta will carry the bill.

Additional written testimony:

Whitney Oxendahl, citizen, submitted testimony in opposition #44403.

Jeffrey Quam, citizen, submitted testimony in opposition #44407.

Terri Hedman, citizen, submitted testimony in opposition #44409.

Karen Eriksmoen, citizen, submitted testimony in opposition #44427.

Kevin Hermann, citizen, submitted testimony in opposition #44476.

Carol Sawicki, Board Member League of Women Voters of ND, submitted testimony in opposition #44479.

Amy Phillips, citizen, submitted testimony in opposition #44523.

Vicki Voldal Rosenau, citizen, submitted testimony in opposition #44525.

Dustin Gawrylow, North Dakota Watchdog Network, submitted testimony in opposition #44656.

Connie Samuelson, citizen, submitted testimony in opposition #44657.

9:44 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HCR 3003 ([25.3037.02000](#))**

State and Local Government Committee (Sen. Roers, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HCR 3003 was placed on the Fourteenth order on the calendar. This resolution does not affect workforce development.

Testimony in Opposition to HCR 3003
April 4, 2024

Chair and members of the committee, my name is Whitney Oxendahl, and I am writing in opposition to HCR 3003. This resolution would weaken the power of the people to amend the state constitution given to them in Article III of our constitution.

There are other ways you can ensure that voters understand the impacts of the ballot measures before voting than trying to make it harder for citizens to exercise their constitutional rights to amend the constitution.

Two ways to educate voters on the constitutional ballot measures:

- The League of Women Voters of North Dakota publishes their nonpartisan voter guide on [VOTE411.org](https://vote411.org) for the state elections, which includes a plain language summary of each statewide ballot measure.
- If Senate Bill 2230 passes, the ND Secretary of State would summarize the statewide constitutional ballot measures and distribute it to voters.

VOTE411.org and a summary from the Secretary of State ensures that voters can cast their ballot with confidence. These solutions are better for the people, getting to the root cause of legislators' concerns of people voting without understanding the full impact of constitutional ballot measures.

Please give HCR 3003 a Do Not Pass recommendation. Focus on other solutions instead of asking voters to weaken their constitutional right to amend the state constitution through the initiative process.

Thank you for the opportunity to share my testimony.

HCR 3003

I oppose this resolution. Please vote against it.

Terri Hedman, 5524 16 Street South, Fargo, ND 58104

Oppose HCR 3003

Dear Committee and Chairperson:

Thank you for thoughtfully considering denial of passage of this resolution.

As elected leaders, please protect your constituents' rights to bring forward and pass initiated measures, and do not create barriers. The initiated measure process is not easy, and should not be. However, there seems to be a persistent effort in the North Dakota legislature to diminish this right. Citizens have consistently defended this process with their voice and their votes. Please listen to the people.

Please **oppose** HCR 3003

Terri Hedman

5524 16 Street South

Fargo, ND 58104

HCR 3003 Testimony
House Government and Veterans Affairs
Recommending a **Do Not Pass on HCR 3003**

Dear Chairman Schauer and Committee Members,

I urge our House Government and Veterans Affairs Committee to give HCR 3003 a do not pass recommendation.

Last year we, the people of North Dakota, voted against a ballot measure that would have done what HRC 3003 is proposing. This was already decided! HCR 3003 increases the percentage of votes that would be required to pass a constitutional ballot measure, and for what reason? HCR 3003 goes against the vote and the will of the voters. This is not appropriate, and it is in someone's interest(?) that has no business removing the will of the people from this decision. In a fair and free election, the decision was made by the people and therefore, I ask you for a Do Not Pass on HCR 3003.

Thank you for your dedicated work on our behalf,

Karen Eriksmoen, District 11
1913 5th Street South
Fargo, ND 58103

Written testimony on Engrossed House Concurrent Resolution 3003

Madam Chair Roers and State and Local Government Committee Members

My name is Kevin Herrmann from Beulah, North Dakota. I am representing myself with no association of any political organization or lobbyist.

I stand to oppose Engrossed House Concurrent Resolution 3003.

I find this piece of legislation discouraging of trying to alter Article III “Powers Reserved to the People” section 9 again. Engrossed House Concurrent Resolution 3003 proposed change to the percentage threshold from a majority to 60 percent affecting Article III section 9.

The citizens of North Dakota have always been taught on voting for any issue is a majority of 50+1 as part of democracy. But legislators continue to attack Article III even though the outcome of two constitutional measures that passed previous legislative sessions were defeated in the general election.

The 2020 general election measure Senate Concurrent Resolution 4001 was defeated by the citizens of North Dakota. The 2024 general election measure Senate Concurrent Resolution 4013 was defeated by the citizens of North Dakota. The effort of legislators to keep attacking Article III “Powers Reserved to the People” has been ongoing for many years.

In the 2017 Legislative session, Senate Bill 2135 was passed creating the “Initiated and Referred Measures Study Commission” during the interim before the 2019 legislative session. I attended every meeting of the “Initiated and Referred Measure Study Commission” as a citizen of North Dakota. The reason for creating this commission was due to legislators being upset about the citizens of North Dakota using Article III “Powers Reserved to the People” initiative petition process to be able to get constitutional amendments on the ballot. Such as, in 2016

provided certain rights to victims of crime in this state (Marcy's Law), also on the 2016 ballot - medical marijuana use for defined medical conditions. In 2018, establish a state ethics commission. If in the past legislators would have passed legislative bills such as a state ethics commission and medical marijuana then the citizens of North Dakota would not have taken it upon themselves to utilize the Article III process.

The appointed members of the commission did discuss several draft bills. The legislators took it upon themselves to introduce the draft bills in the 2019 Legislative session which did not pass through the Initiated and Referred Measure Study Commission. One of the legislative bills in 2019 was House Concurrent Resolution 3010, this resolution had the threshold at 60% but was amended on Senate side to 55% and failed in the Senate floor session.

In 2021 legislative session, House Concurrent Resolution 3017 which had a threshold of 55%. The main sponsor had the resolution withdrawn.

I would hear at past committee hearings or past legislative sessions of legislators' displeasure in forcing them to act on legislation that was passed at a primary or general election by the citizens of North Dakota or it was too easy of a process or there was out of state influence.

I have seen out of state influence with campaign contributions toward some candidates on their campaign contributions report. There has always been out of state influences on some legislative bills in every session.

I will give an example that I believe is out of state influence for introducing this legislative bill. In 2019 legislative session, House Bill 1193 passed relating to living wage prohibition for political subdivisions. The reason for House Bill 1193 was individuals in different states petitioning to get a living wage provision on the ballot at their local political subdivision. House Bill 1193 took hourly wage workers constitutional right away to be able to file a petition to a local subdivision.

Another example which was totally out of state influence for introducing a legislative bill was House Bill 1207. House Bill 1207 was related to asbestos liability which affected workers that work around asbestos.

When will legislators accept the defeat of their resolutions in the general elections of 2020 and 2024 toward Article III by the citizens of North Dakota? When will I see no more legislative bills towards Article III "Reserved for the People"?

I am asking House Government and Veterans Affairs committee to give Engrossed House Concurrent Resolution 3003 a DO NOT PASS recommendation.

Kevin Herrmann
300 Fair St. SW
Beulah, ND 58523



Testimony in Opposition to HCR 3003
April 4, 2025

Chair Roers and members of the Senate State and Local Government Committee. I am Carol Sawicki, Board member and representative of the League of Women Voters of North Dakota.

HCR 3003 increases the vote threshold for approving a constitutional amendment, which would hamper the role of citizen participation in the governance of our state. The League of Women Voters of North Dakota opposes HCR 3003.

The citizen initiative process is a hallmark of direct democracy. It promotes civic engagement, increases government accountability, and provides a channel for North Dakotans to elevate an issue that might otherwise not be addressed. For example, property taxes became a priority this session due in large part to a citizen initiative in 2024 to address it. There is power in North Dakotans organizing around an issue through the initiative process.

The League of Women Voters of North Dakota opposes HCR 3003 for the following reasons:

1. HCR 3003 increases the percentage of voters needed to approve a constitutional amendment from a simple majority to 60%. This proposed change to the initiative process would limit direct democracy in North Dakota and impact citizen participation in the governance of our state.
2. Majority-vote initiated and referred measures have a long and proud history in North Dakota. State Legislator L.A. Ueland of Edgeley and Mrs. Katherine King of McKenzie spent 20 years promoting initiative and referendum processes, and the people of North Dakota ratified an initiative and referendum amendment to the North Dakota Constitution in 1914.¹ Since that time, our state Constitution has required a simple majority of votes for an initiated or a referred measure to be enacted. The people of North Dakota have supported the long-standing and current constitutional process for initiatives and referendums.
3. North Dakota voters have continually protected the Powers Reserved to the People in Article III of our state Constitution, which allows citizens to initiate amendments to our state constitution. North Dakota voters have defeated the last three legislative attempts to change Article III.

¹ Initiative and Referendum Institute. Jan 11. 2025. initiativeandreferenduminstitute.org/north-dakota



Initiated and referred measures play an important role in supporting citizen participation in the governance of the state. HCR 3003 would limit that role; therefore, the League of Women Voters of North Dakota strongly urges committee members to give HCR 3003 a Do Not Pass recommendation.

Thank you for your consideration of our testimony.

Carol Sawicki
LWVND Board Member
nodaklwv@gmail.com
lwvnd.org

Testimony in Opposition to HCR 3003
April 4, 2025

Chair Roers and members of the Senate State and Local Government Committee: I am writing to ask you to **please give a Do Not Pass to HCR 3003**.

The North Dakota State Legislature continues to try to diminish “powers reserved to the people” by the ND Constitution and I do not understand this effort by state legislators. The only rationales I can come up with are that legislators do not trust the people of North Dakota or that legislators do not like ballot measures that have been passed by citizens in previous years. Neither rationale represents a valid reason for legislators to propose to diminish the right of North Dakotans to amend the state constitution.

Some legislators assert that it is “too easy” to amend the ND Constitution. But to propose and adopt constitutional amendments by the initiative is not an “easy” process. In addition, North Dakota legislators approve policy with a simple majority. The people of North Dakota, through the initiative process, should also be able to approve policy with the same simple majority.

If state legislators do not want a ballot measure to pass, they should promote and support voter education efforts rather than making it more difficult for a measure to pass.

Requiring a simple majority of votes for passage of an initiated or a referred measure has been a North Dakota practice for over 100 years. There is no valid reason to change that practice now.

Thank you for your attention to my testimony.

Amy Phillips
North Dakota resident

HCR 3003
Senate State & Local Government Committee – Sen. Kristin Roers, Chair
April 4, 2025 – Testimony in Opposition

Chair Roers and Members of the Committee, thank you for this opportunity to present information in opposition to House Concurrent Resolution 3003. I am Vicki Voldal Rosenau, a concerned lover of liberty and lifelong resident of Valley City, ND. I strongly oppose this proposal for four powerful reasons:

1. In the eyes of many ND citizens, this Legislature's super-majority has arrogantly pursued numerous power grabs. Promotion of this resolution is a strong example of legislative actions that justify that sentiment. In fact, this attempted power grab is even-worse than many others because it disdainfully seeks to impose a standard of voting without even holding the proposed scheme to the SAME standard. That's pretty alarming.
2. This proposal thumps its nose at the clearly articulated wishes of the voters, including the majority that defeated this same stratagem just a couple of years ago! There is ample proof that your constituents oppose this and any other attempt to tamper with citizens' Article III Constitutional right to directly amend that Constitution. Others' testimony details the NUMEROUS votes by which the majority of North Dakotans have clearly stated: Do not make it more difficult for citizen-initiated measures to be adopted.
3. Sustaining a democracy literally depends on robust citizen participation. By making the process of citizens' direct participation HARDER, this proposition would curtail direct democracy in North Dakota and curb citizen participation in the governance of our state. That is the direct opposite of what the United States of America needs right now.
4. There is no scrupulously-documented "need" for this proposed, costly usurping of local citizens' rights. North Dakota's widely-cherished process for citizen-initiated measures and referenda has been working effectively for many, many decades. There is no credible evidence of misuse or malfunction of any kind.

In the interest of true government by the people, please vote a unanimous "Do NOT Pass" recommendation on HCR 3003

Thank you for your consideration,
Vicki Voldal Rosenau, Valley City, ND

HCR 3003- Testimony by Dustin Gawrylow, ND Watchdog Network (#266)

Madam Chair and Members of the Committee,

If this committee and the legislature insist on continuing to ask the voters over and over to make the initiated measure process more difficult; and if this is to be the vehicle this session, I would like to suggest the following:

The Undemocratic Hypocrisy, And A Solution

When this idea comes up, it is never discussed that it hinges on the notion that the current system, a simple majority of 50%+1 can increase future thresholds to 60% - and that that is inherently unfair and undemocratic.

As has been said in the past, if the legislature would like to increase the threshold to 60%, they should make their own change subject to a 60% threshold.

Because the process for ballot measures is protected by Article II of the constitution entitled "Powers Reserved To The People", the people should first be asked whether they want the legislature to even have the power to ask them to raise the threshold for all constitutional measures.

This could be done by implementing a two-step process:

1. In the June election: Ask the voters to require all future changes to the Article III constitutional measure process be subject to a 60% threshold.
2. Then, if the voters again, in November: Ask the voters to change the threshold to 60%, once the threshold for such changes is itself raised.

If the required threshold to increase the requirement to 60% was itself first set at 60%, it would be very difficult for myself or anyone else to say it was an unfair legislative power grab.

But, if 50%+1 can decide that in the future changes require 60%, that means that a full 10% of voters have been disenfranchised in the process of making the change itself.

Why doesn't the legislature seek an actual solution to this problem rather than cutting 10% of voters out of the process?

If this committee would like to address the problems with the initiated measure process that most people, including supporters and defenders of the existing process, here are some solutions:

Alternative Reforms To Initiated Measure Process

North Dakota's initiated measure process allows The People to set the terms and conditions for their own government.

Those of us who consistently defend the initiated measure process are constantly told we are against every suggested change. It's not true, since those that use the process know the flaws better than anyone.

I have included sample language for three concepts in case any legislators want to run with one or more of these reform concepts.

Reform Concept #1: Enables and requires the legislature to fund a digital signature system on the Secretary of State website, while leaving the paper option in place due to technical difficulties.

Reason: To modernize the initiated measure process, and to reduce the need to hundreds of thousands of dollars to get measures on the ballot.

Sample Language:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 2. A petition to initiate or to refer a measure must be presented to the secretary of state for approval as to form. A request for approval must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure. The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

The legislative assembly shall provide by law for the establishment and maintenance of an electronic signature gathering system for the collection of petition signatures in elections overseen by the secretary of state. The laws provided by the legislative assembly must permit signature gatherers to collect signatures by electronic means, while retaining paper signatures as a backup in case of technical difficulties.

The legislative assembly shall permit and appropriate funds necessary for the secretary of state to adopt rules to maintain, operate, and oversee the secure electronic signature gathering system. The secure electronic signature gathering system must be hosted on the website of the secretary of state. The secretary of state shall procure the technical resources to allow any elector, upon proof of qualification, to electronically sign forms and petitions relating to all initiated and referred measures, recall petitions, and candidate nominations within the state of North Dakota.

Reform Concept #2: Grants sponsoring committees to direct access to legislative council drafting and legal services, and creates a “seal of approval” of measures that are written/vetted by legislative council.

Reason: To promote the placement of better language on the ballot.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article III of the Constitution of North Dakota is created and enacted as follows:

Section 10. The legislative assembly shall enable sponsoring committees of proposed ballot measures to have direct access to legislative council resources to assist in crafting proposed ballot measures. Any ballot measure that has been written or proofread by legislative council shall be labeled with a marking indicating that it is “Legislative Council Approved Language” on the ballot itself.

Reform Concept #3: Addresses campaign finance of ballot measures in a way that places out of state financial influence on an equal playing field with in-state financial influence. Ends the ability for tax dollars to be privatized through associations in support or opposition of ballot measures.

Reason: North Dakota should protect its sovereignty as much as possible from outside interference without suppressing the free speech rights of non-residents. Also, government entities that are otherwise prohibited from spending money on campaign activities should not be able to contribute to organizations that can.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article XIV of the Constitution of North Dakota is created and enacted as follows:

Section 5. Any ballot measure committee established to support or oppose a ballot measure proposed by the people under Article III or by the legislative assembly under Article IV shall be subject to campaign finance restrictions as follows:

1. No ballot measure shall accept in excess of \$100,000 from any single source regardless of origin.
2. No ballot measure committee shall accept contributions from sources outside the state of North Dakota exceeding contributions from sources inside the state of North Dakota, unless the out-of-state source can document that at least fifty-percent of its contributions are derived from residents in the state of North Dakota.
3. No ballot measure committee shall accept aggregate contributions from a single source outside of the state of North Dakota exceeding thirty-percent of total funds raised or \$50,000, whichever is higher.
4. No ballot measure committee shall accept any funds directly or indirectly from a source with the power to levy taxes regardless of how many intermediary transfers of such funds are involved.

The legislative assembly shall appropriate to the Office of Attorney General the funds necessary to defend these provisions in state or federal court. The legislative assembly shall enact legislation necessary to conform to these guidelines no later than December 31st, 2027.

Legislators who want to address the problems with ballot measures rather than just trying to make them more difficult would discuss these concepts as potential solutions.

2025: The Perpetual Attack On The Powers Reserved To The People Continues

Can we ever discuss actual reform, rather than just making the process harder? (Suggested reforms included.)



DUSTIN GAWRYLOW
JAN 14, 2025



4



Share

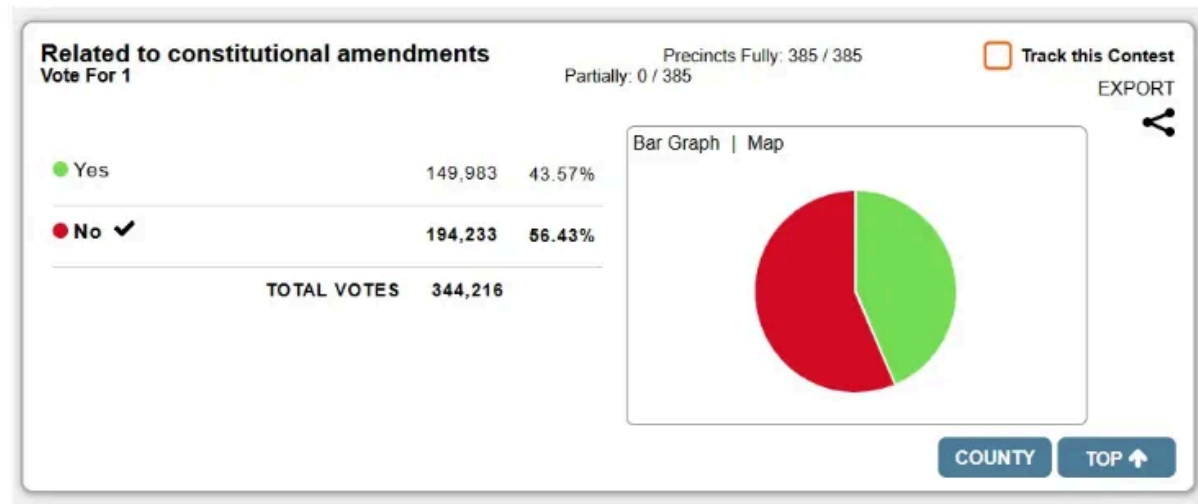


Do legislators ever get tired of trying the same thing over and over, expecting different results? That is the question HCR 3003 seeks to answer.

Barely two months off the defeat of their last attempt to make ballot measures more difficult to pass ([Measure 2](#)), legislators are at it again.

Measure 2 - 56% No vs. 43% Yes

Once again, the voters were forced to rebuke the legislature's attempt to make it harder for The People to exercise **The Powers Reserved To The People** in the North Dakota state constitution. While there are issues that should be addressed with the process, this was not the solution, and the voters agreed.



This, of course, comes after the 2020 failed legislative attempt to allow the legislature to veto the will of the people after a vote of the people has happened.

The Annual Attack On The "Powers Reserved To The People" Has Begun

DUSTIN GAWRYLOW • JANUARY 25, 2023



Like the energizer bunny, legislators who are afraid of their own voters never stop trying to weaken the Powers Reserved To The People.

[Read full story →](#)

As introduced now in 2025, **HCR 3003** is a simple constitutional amendment: it would require constitutional measure to have 60% threshold by the citizens in order for future constitutional amendments to be adopted.

Section 9. A constitutional amendment may be proposed by initiative petition. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. If the secretary of state finds the petition is valid, the secretary of state shall place the measure on the ballot. If sixty percent of votes cast for a proposed constitutional amendment are affirmative, the measure is deemed enacted. All other provisions relating to initiative measures apply ~~hereteto~~ initiative measures for constitutional amendments.

The Undemocratic Hypocrisy, And A Solution

When this idea comes up, it is never discussed that it hinges on the notion that the current system, a simple majority of 50%+1 can increase future thresholds to 60% - and that that is inherently unfair and undemocratic.

As has been said in the past, if the legislature would like to increase the threshold to 60%, they should make their own change subject to a 60% threshold.

Because the process for ballot measures is protected by Article II of the constitution entitled “Powers Reserved To The People”, the people should first be asked whether they want the legislature to even have the power to ask them to raise the threshold for all constitutional measures.

This could be done by implementing a two-step process:

1. In the June election: Ask the voters to require all future changes to the Article III constitutional measure process be subject to a 60% threshold.
2. Then, if the voters again, in November: Ask the voters to change the threshold to 60%, once the threshold for such changes is itself raised.

If the required threshold to increase the requirement to 60% was itself first set at 60%, it would be very difficult for myself or anyone else to say it was an unfair legislative power grab.

But, if 50%+1 can decide that in the future changes require 60%, that means that a full 10% of voters have been disenfranchised in the process of making the change itself.

Why doesn't the legislature seek an actual solution to this problem rather than cutting 10% of voters out of the process?

Alternative Reforms To Initiated Measure Process

North Dakota's initiated measure process allows The People to set the terms and conditions for their own government.

Those of us who consistently defend the initiated measure process are constantly told we are against every suggested change. It's not true, since those those that use the process know the flaws better than anyone.

I have included sample language for three concepts in case any legislators want to run with one or more of these reform concepts.

Reform Concept #1: Enables and requires the legislature to fund a digital signature system on the Secretary of State website, while leaving the paper option in place due to technical difficulties.

Reason: To modernize the initiated measure process, and to reduce the need to hundreds of thousands of dollars to get measures on the ballot.

Sample Language:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 2. A petition to initiate or to refer a measure must be presented to the secretary of state for approval as to form. A request for approval must be presented over the names and signatures of twenty-five or more electors as sponsors, one of whom must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure. The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

The legislative assembly shall provide by law for the establishment and maintenance of an electronic signature gathering system for the collection of petition signatures in elections overseen by the secretary of state. The laws provided by the legislative assembly must permit signature gatherers to collect signatures by electronic means, while retaining paper signatures as a backup in case of technical difficulties.

The legislative assembly shall permit and appropriate funds necessary for the secretary of state to adopt rules to maintain, operate, and oversee the secure electronic signature gathering system. The secure electronic signature gathering system must be hosted on the website of the secretary of state. The secretary of state shall procure the technical resources to allow any elector, upon proof of qualification, to electronically sign forms and petitions relating to all initiated and referred measures, recall petitions, and candidate nominations within the state of North Dakota.

Reform Concept #2: Grants sponsoring committees to direct access to legislative council drafting and legal services, and creates a “seal of approval” of measures that are written/vetted by legislative council.

Reason: To promote the placement of better language on the ballot.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article III of the Constitution of North Dakota is created and enacted as follows:

Section 10. The legislative assembly shall enable sponsoring committees of proposed ballot measures to have direct access to legislative council resources to assist in crafting proposed ballot measures. Any ballot measure that has been written or proofread by legislative council shall be labeled with a marking indicating that it is “Legislative Council Approved Language” on the ballot itself.

Reform Concept #3: Addresses campaign finance of ballot measures in a way that places out of state financial influence on an equal playing field with in-state financial influence. Ends the ability for tax dollars to be privatized through associations in support or opposition of ballot measures.

Reason: North Dakota should protect its sovereignty as much as possible from outside interference without suppressing the free speech rights of non-residents. Also, government entities that are otherwise prohibited from spending money on campaign activities should not be able to contribute to organizations that can.

Sample Language:

SECTION 1 AMENDMENT. A new section to Article XIV of the Constitution of North Dakota is created and enacted as follows:

Section 5. Any ballot measure committee established to support of oppose a ballot measure proposed by the people under Article III or by the legislative assembly under Article IV shall be subject to campaign finance restrictions as follows:

1. No ballot measure shall accept in excess of \$100,000 from any single source regardless of origin.
2. No ballot measure committee shall accept contributions from sources outside the state of North Dakota exceeding contributions from sources inside the state of North Dakota, unless the out-of-state source can document that at least fifty-percent of its contributions are derived from residents in the state of North Dakota.
3. No ballot measure committee shall accept aggregate contributions from a single source outside of the state of North Dakota exceeding thirty-percent of total funds raised or \$50,000, whichever is higher.
4. No ballot measure committee shall accept any funds directly or indirectly from a source with the power to levy taxes regardless of how many intermediary transfers of such funds are involved.

The legislative assembly shall appropriate to the Office of Attorney General the funds necessary to defend these provisions in state or federal court. The legislative assembly shall enact legislation necessary to conform to these guidelines no later than December 31st, 2027.

Legislators who want to address the problems with ballot measures rather than just trying to make them more difficult would discuss these concepts as potential solutions.

Why Keep Fighting The People?

In 2022, a coalition led the North Dakota Chamber of Commerce attempted to place this same concept on the ballot, under the premise is that it is too easy to get constitutional measures on the ballot and passed.

The coalition spent nearly \$400,000 attempting to place this on the ballot, and failed to successfully do so - because the process is too easy.

		2023	2022	2021			
Protect North Dakotas Constitution Sponsoring Committee for Initiated Measure Registration Date: 4/16/2021 Reporting Year: 2021							
Type	Sponsoring Committee for Initiated Measure						
Petition	Requires constitutional measures to pass by a sixty percent majority vote and limits the measure to one subject -Constitutional						
Committee Information							
Name	Protect North Dakotas Constitution						
Acronym							
Telephone	(701) 354-7504						
Email	info@protectndconstitution.com						
Address	PO Box 195 Bismarck, ND 58502						
Agent Information							
Name	Michael Haugen						
Title/Position	Chairman						
Email	info@protectndconstitution.com						
Address	PO Box 195 Bismarck, ND 58502						
Election and Year-End Statements							
	Date Filed	Starting Balance	Ending Balance	Total of all contributions received of \$100 or less	Total of all expenditures made of \$100 or less	Total of all contributions received greater than \$100	Total of all expenditures made greater than \$100
Drafting	04/16/21	\$0.00	\$4,446.25	\$0.00	\$67.75	\$10,500.00	\$5,986.00
Year End	01/31/22	\$4,446.25	\$81,709.19	\$1,605.45	\$265.76	\$475,939.00	\$395,569.50
48-Hour Statements							
Date Filed					Total of all contributions received greater than \$500		
No records to display.							

To the credit of the coalition led by the Chamber of Commerce, they attempted to use the process itself to change the process - **which is a critical reform that I have advocated for over a decade now**. But, they could not get the job done, because it is too easy to spend money to measures on the ballot (so they say).

There is no outcry from the people themselves on this issue. And attempts to harness public outcry have failed. It is only the legislature, and the special interest groups who prefer legislative control that want this or any change that makes the process harder.

Citizens Continue To Defeat Legislative Power Grabs

This is really a “broken record issue”. The voters keep rejecting legislative attempts to make the process harder. Here is just a short history of that track record:



Protect "The Powers Reserved To The People"

DUSTIN GAWRYLOW • OCTOBER 28, 2024

[Read full story →](#)



Fargo Forum Says "Vote No On Measure 2"

DUSTIN GAWRYLOW • SEPTEMBER 25, 2024

[Read full story →](#)



Video: Ed Schafer Makes The Case Against Measure 2

DUSTIN GAWRYLOW • SEPTEMBER 23, 2024

[Read full story →](#)



Press Release: Former ND Governor Ed Schafer Launches Campaign to Defend Ballot Initiative Process

DUSTIN GAWRYLOW • SEPTEMBER 17, 2024

[Read full story →](#)



Measure 2's Single-Subject Rule Is A "Back-Door Veto"

DUSTIN GAWRYLOW • SEPTEMBER 11, 2024

[Read full story →](#)



Measure 2 Reflects Distrust Of Voters

DUSTIN GAWRYLOW • SEPTEMBER 8, 2024

[Read full story →](#)



Breaking News: Former Governor Ed Schafer Helps Re-Boot ProtectND Campaign Against Measure #2

DUSTIN GAWRYLOW • APRIL 15, 2024

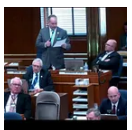
[Read full story →](#)



Initiated Measure Modernization Act Defeated

DUSTIN GAWRYLOW • MARCH 15, 2023

[Read full story →](#)



HCR 3031 Floor Debate on Modernizing The Initiated Measure Process

DUSTIN GAWRYLOW • MARCH 14, 2023

[Read full story →](#)



Press Release: Constitutional Amendment Introduced To Modernize Initiated Measures

DUSTIN GAWRYLOW • FEBRUARY 21, 2023

[Read full story →](#)



How do we protect the state constitution, protect citizen rights, and North Dakota traditions?

DUSTIN GAWRYLOW • FEBRUARY 10, 2023

[Read full story →](#)



NTU: Grave Constitutional Concerns about ND's Proposed Tax on Out-of-State Political Money

DUSTIN GAWRYLOW • FEBRUARY 2, 2023

[Read full story →](#)



Powers Reserved To The People

DUSTIN GAWRYLOW • JANUARY 31, 2023

[Read full story →](#)



KFYR: Discussing The Latest Attack On Initiated Measures

DUSTIN GAWRYLOW • JANUARY 27, 2023

[Read full story →](#)



The Annual Attack On The "Powers Reserved To The People" Has Begun

DUSTIN GAWRYLOW • JANUARY 25, 2023

[Read full story →](#)



Archive of North Dakota Watchdog Networks' Efforts To Protect The Powers Reserved To The People

DUSTIN GAWRYLOW • APRIL 22, 2022

[Read full story →](#)



4 Likes

[← Previous](#)

[Next →](#)

Discussion about this post

Comments

Restacks



Write a comment...

Opposing HCR 3003

Ms. Chairwoman Roers and State and Local Government Committee.

I am writing in opposition to HCR3003, a change in our State Constitution.

I have heard more times this session than ever before from our Legislators how sacred the Constitution is, but when YOU want to make changes, it is as easy as a few votes on a Chamber floor.

I have been on the for-front of collecting signatures to get a Measure on a Ballot so I know how difficult that task is. But the work does not end there. It continues with advertising, promoting and educating the citizens of our State that what the proposed Measure will do, is in their best interest. If a Measure is placed on the ballot by the citizens, and passes, it is often because you, the Legislators, didn't do as you were asked and a lot of faithful citizens did the hard work and made it happen. It is not because of the percentage of votes, as HCR3003 is trying to change. If you want to discourage people from voting in policies you don't agree with, start with disallowing the funds that come in that are promoting them or fighting the ones you support. The ND State Legislative Assembly has a concerning amount of Concurrent Resolutions trying to change our "sacred" Constitution. This is a bad one.

Please give a DO NOT PASS on HCR3003.

Thank you.

Connie Samuelson - (D3, Minot)