



SYNTHESIS.EARTH

January 27, 2021

RE: TESTIMONY IN OPPOSITION TO HB 1173

HB 1173 seeks to direct the North Dakota Secretary of State to print the full text of any constitutional amendment or ballot initiative, as well as provide an explanation of “all significant effects” of an affirmative or negative vote, on each ballot.

HB 1173 purports to provide “transparency” to help citizens make “informed decisions” at the ballot box. While those are laudable goals, the methods employed by HB 1173 – writing the full text of the measure and explaining “all significant effects” – actually make it more likely that people will abstain from voting.

As it stands now, the Secretary of State writes a synopsis of the amendment or ballot initiative so that those who haven’t had an opportunity to read or research the amendment or initiative in question can make an informed decision. The entire text of the proposed amendment or initiative can also be found online. This is a nice middle ground that serves all level of voter interest.

By requiring the full text by included on each ballot, HB 1173 seeks to increase “cognitive load” at the ballot box by overwhelming those who are not familiar with the amendment or measure in question. “Cognitive load” is the level of intellectual force required to come to an informed decision.

Bureaucratic interventions can either reduce or increase cognitive load, and in doing so end up driving behavior in one direction or another.

Research indicates that those who suffer from “cognitive load” are much more likely to either abstain from making a decision or will vote in whichever way that maintains the status quo. In other words, writing the full text of an amendment or ballot initiative will have the effect of increasing overall voter abstention, while increasing the power of the status quo.

Government has a responsibility to organize the ballot in a way that will accurately gauge and reflect the true will of the people. HB 1173 weaponizes bureaucracy in a way that will only aggrandize the legislature’s power and distort

the will of the People.

Not only is HB 1173 an attempt to aggrandize the legislature's power, it also requires the Secretary of State to print "all significant effects" of an affirmative or negative vote. This is impossible – the Secretary of State is not clairvoyant (as far as we can tell). "All significant effects" are impossible to define and subject to reasonable disagreement. As such, the "all significant effects" requirement creates a perverse incentive for the Secretary of State to enlarge the negative effects of things they don't like while exaggerating the positive effects of the bills they do like.

As stated previously, the government has a responsibility to organize the ballot in a way that will accurately gauge and reflect the will of the people. Requiring the Secretary of State to print "all significant effects" undermines this responsibility.

As such, we urge the committee to move forward with a DO NOT PASS designation for HB 1173.

Sincerely,
Ryan Warner
Synthesis.Earth