

2017 HOUSE JUDICIARY

HCR 3008

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HCR 3008
2/7/2017
27999

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Urging Congress to call a convention to propose an amendment to the US Constitution which will restore free and fair elections.

Minutes:

1,2,

Chairman K. Koppelman: Opened the hearing on HCR 3008.

Representative Nelson: (#1) Read testimony.

Representative Johnston: So this is an amendment that you want to create?

Representative Nelson: This is part of the process to produce an amendment. We would be calling for a constitutional amendment to work in the area of campaign finance reform. We don't know what would come out of a convention. Before it could have any effect it would have to be approved by 2/3 of the states. A lot of people feel we need reform with the large amounts of money being involved in elections. We would like to see if the states could come up with a solution acceptable to the vast majority of people.

Representative Klemin: One of the concerns we have heard on Article 5 resolutions like this is that it might be a wide open convention doing all kinds of things besides what you are talking about here. Look at the words on Line 21 is inter alia issues? That would be one of the things that implies campaign finance reform would just be one of the topics that a constitutional convention could discuss. Is it your intent that this would be limited to campaign finance?

Representative Nelson: It is raising questions that came from the Citizen's United versus federal election commissions and related cases and events. It is not wide open. It is a limited one. We still go back to the fact 2/3 of the states have to approve it. How afraid should we be of this?

Representative Klemin: Have any states adopted this resolution yet?

Representative Nelson: Yes; five states have adopted this resolution.

Representative Magrum: On line 8 it says things about these conventions that make me nervous. It says representative democracy' aren't we a constitutional republic?

Representative Nelson: Yes, in the constitution that is what we are called.

Representative Johnston: If you read Article 5 Congress will call a convention for the purpose of drafting amendments. There are going to be many different delegates from all 50 states. Have any bad amendments ever been ratified?

Representative Nelson: We did repeal one. The constitution is a living document. It is under control of the people. It is not easy to amend and we haven't done it for a long time.

Representative Johnston: The bad amendments would be the 16th amendment. The constitution says people may not be directly from the federal government. Bad amendments have been ratified by three quarters of the states so I don't see that as much of a safeguard; do you?

Representative Nelson: One can argue that the original document isn't all good. The government ultimately has to represent the people. If you get too far away from doing that you are going to have more problems.

Representative Johnston: Who settled the disputes at a convention?

Representative Nelson: A convention has to come up with rules, just like we have rules to govern ourselves. Ultimately the deciders of the disputes are going to be the people of the US who are the representatives.

Representative Johnston: The courts won't legitimate.

Representative Nelson: It would be pretty hard for a court to dictate in something like this.

Representative Johnston: I talked with Compact of America and he readily admitted that the courts are going to be a big factor in this. What concerns me about that is you are going to take a constitutional matter like and give it to the courts that are located in DC and they are going to have the final say. Many times the Supreme Court they have ruled against the constitution. That is big concern to me.

Representative Nelson: The courts are the final interrupters today. They are still the ones in control. I don't think the courts have had a lot to do with the process. Once it is there the courts are the final interrupters of what is there.

Representative Johnston: Who is the caller of the convention? Who makes the rules for that convention? Congress is going to call the convention; not the states?

Representative Nelson: Yes, they will make some of the rules of where it is held etc. I don't know if we will get to the convention. When we look at the 17 amendment; it was looking like it was going to get to the convention stage and then Congress acted to short stop it.

Chairman K. Koppelman: What is it you are trying to accomplish?

Representative Nelson: Many people feel under our current system now with unlimited money it is not an open election system. That is even a compliant with Marcy's Law. That way we could limit the amount of money that the super pack; they are not supposed to talk to the candidate and Congress has tried to do some controls but it has been stopped in the courts.

Chairman K. Koppelman: On lines 21 & 22 on page 1 it references a Supreme Court ruling; are you trying to overturn that?

Representative Nelson: Corporations were treated as persons.

Chairman K. Koppelman: Page 2 lines 5-11. I am curious about that language? There are some states where there has been some pressure for other Article 5 calls to rescind those calls. This language says once you are in you can't get rid of it. Is that accurate?

Representative Nelson: That would be accurate.

Representative Klemin: Do you have the language for that amendment? So we are asked to vote for a convention to create an amendment, but we don't know what it is going to say?

Representative Nelson: Absolutely.

Josh Aciz, National Coordinator with Wolf-PAC: (#2) Testimony. (20:04-23:17)

Chairman K. Koppelman: We have ratified the constitution in our generation; not through an Article 5 call, but through Congress ratified an amendment that was proposed a long time ago that said members of Congress that vote for a pay raise cannot benefit from the pay raise in that window of time.

Rep. Karls: How would you envision this Congress being called financed and located?

Josh Aciz: congress will have a very limited role in this. There will be some sort of bill or resolution passed on the federal level that says the convention will take place at this time and date and on this topic. This is a safe guard in the Department of Justice report that says there is actually four ways they know that we can enforce a limited convention.

Rep. Karls: I would love to know where the financing would come from and who would pick the location of this convention?

Josh Aciz: It would be a democratic process as well to do this. I understand the money aspect, but I don't think we can put a price on saving democracy.

Representative Klemin: I thing that bothers me that we are being asked to approve something where we don't know what the results will be? Does anyone actually draft some language yet?

Josh Aciz: No it will be American's across the country. We don't dictate the outcome. We are dictating on campaign finance because Congress refuses to do that. The states have the ability to check the federal government when they become unresponsive to the people and I believe we are at that point now.

Representative Klemin: On the delegates to the convention. How does that work?

Josh Aciz; It is per population.

Representative Klemin: ND could have 3 delegates and California could have 51?

Josh Aciz: Certain states are passing laws now to abide delegates to oath and actual laws when they do go to the convention.

Representative Vetter: If you are saying it is based on population; what possible reason would ND want to join this? I see not advantage to do this.

Josh Aciz: There will be delegates from all over the country. If your fear is people are there and it doesn't represent your interest it is going to very difficult if not impossible to even get it ratified anyway.

Representative Johnston: You said other states are putting safeguards in. Is oath a proper safeguard to me. If you are betting the constitution on a safe guard to me?

Josh Aciz: The Department of Justice researched this in 1987. It is a 60-page report, but the first 5 pages summarized the report. They said there are four safeguards that would make this convention limited and one of them is the delegated are bound by oath.

Chairman K. Koppelman: ND did pass the Faithful Delegate Law; which dictates if a delegate from our state through an Article 5 convention were to stray from the call of the convention they would be immediately replaced by an alternate and their credentials as a delegate would immediately be removed. They would face a penalty too.

Josh Aciz: This is really a safe guard.

Representative Johnston: The convention of 1787; was that a runaway convention?

Josh Aciz; The constitutional convention is not what we are calling for here today. It was written under a separate. The Article 5 convention purpose is to propose amendments.

Representative Johnston: Black's law dictionary does classify an Article 5 call for a convention as a constitutional convention. That makes it more broad than an Article 5.

Josh Aciz: I don't think that is accurate.

Representative Simons: If the federal government isn't respecting the government now; what makes you think anyone would put themselves under this? I have heard the word democracy this and that. I don't see it here in this Capitol and I don't see it happening nationwide either.

Josh Aciz: They represent the needs of the people so it is easy for them to ignore the document. That is why we have an out of control budget. They don't represent the needs and wants of us. They represent the needs and wants of special interests. We want to have a system where an average person can make a difference. We don't have that system anymore for a person with a small business or a farmer to just say I am running for office. It is possible in many states on the state level. On the federal level it is impossible.

Chairman K. Koppelman: You talked about campaign finance reform in the resolution. I see this language that says free and fair election. If a convention were convened based on this Article 5 recall and the focus is the election process, I assume that means federal elections. Do you see that scope allowing for a lot of discussion around issues that may not be central to what you are really driving at?

Josh Aciz: I don't see that as a problem.

Chairman K. Koppelman: The makeup of the convention. You assume Congress would dictate that in the call or do you think that would be dictated by the rules of the convention and if that were to occur how would that not be a point of dead lock?

Josh Aciz: On the state are normally ran by Mason's laws so we have a set of governing laws that bind how conventions work. It is similar to a legislation process.

Chairman K. Koppelman: Is this a convention of the states. One state one vote. There are some who prefer it based on electrical college.

Josh Aciz: There is a lot of historical precedence when the states get together to call for a convention it does put pressure on congress to propose it.

Recessed,

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HCR 3008
2/7/2017 PM
28018

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Urging congress to call a convention to propose an amendment to the US Constitution which will restore free and fair elections.

Minutes:

1,2,3, 4,5,6,7

Support:

Chairman K. Koppelman: reopened the hearing on HCR 3008.

Scott Nodland, Citizen: (#1) (:45-5:00) Was in the army and that is how I paid for my education. I came back home because I thought there were important issues her in ND. We need to take the first step to keep citizens.

Rachele Hall, Citizen from Mandan: (#2) Testimony. (5:21-10:13)

Representative Johnston: I agree the federal government is out of control. I believe the states are just as culpable in this recently in Wyoming they put down a call for convention. It made it through the House; it went into the Senate and they added an amendment that stated we will only agree to this if we are guaranteed not to lose any federal money. The state of Utah but they get about 50% of their operating budget from federal dollars. Don't you think a lot of the blame lies with the state s and their addition to federal money?

Rachele Hall: I don't know how to answer that.

Josh Aciz: We do think there is a bigger issue as far as them not representing constituents in their districts and neighborhoods. That is why it is so important to do this now while we have representative democracy on the state level.

Dustin Peyer: (#3) Testimony. (12:45-15:00)

Paul Omeinik, Work in the NDSU Physics Department in Fargo: (#4) In 1883 Teddy Roosevelt loved ND so much he moved to North Dakota for two years to convalesce. In that

time, he learned to run a cattle ranch, became a deputy sheriff and learned skills of an outdoorsman. He was concerned about representative democracy from big business. He was concerned about the growing unelected masters of industry and America's labors. He was concerned these unelected master of industry began to view themselves as masters of the elected government. As such in 1902 President Teddy Roosevelt backed suits that were brought against the North Securities Company. A railroad trust that owned rail and operated rail from the Midwest to the Pacific Coast. The result of these suits was a 1904 Supreme Court decision to break up the monopoly. 1904 was also an election year and President Roosevelt ran and won the reelection with a margin of nearly 19% points. Please support this bill.

Tom Asbridge, Bismarck, ND: (#5) Testimony. Discussed 2.6 million that Senator Hoeven received for his election run and he had no need to spend that. This kind of money flowing in to the state has to be stopped and Congress cannot do it. I can see no risk in the convention. (18:05-26:00)

Samuel Marihart:(#6) Testimony.

Josh Dryer, Served in US Navy: (#7) Testimony. Told a story of Joseph Strong. Democracy is hard work and it is messy. Our founding fathers came up with the most brilliant way for us Americans to enjoy the fruits of freedom and to continue to fight for it. They knew people can become corrupt and human nature can become corrupt so they crafted a way to fix this.

Kathline Volochenko, Key City, McHenry County, District 6: In support of the bill. There is no reason not to say yes.

Opposition: None

Neutral:

Rep. Kasper: How would we by lending the US Constitution provide for and restore free election. We now have election laws in the states. We have had lots of abuse. Do we need a constitutional amendment? I do support an Article 5 convention of the states under different goals of this resolution. What would this resolution do to help solve the issues of elections not being open and honest now?

Representative Jones:' What has been presented to us is it campaign finance and dark money coming in an affecting campaigns and by doing this convention and restricting the dark money from coming into elections will cause all of our problems to go away. How is that ratification process?

Rep. Kasper: I am familiar with the process. Went through the process of how this worked. (37:16-50:00) We did a mock convention on Article 5 but at the convention you would have to have 34 legislators vote. It is a convention of the states to consider recommending potential amendments to the US constitution. The US was founded by the states. It is not the other way around. The founders were concerned that someday we would get into this situation where the judicial, and congressional branch would run amuck and forget about

what the constitution said and represented the people of our nation and i believe it has happened already and we need to restore the constitution to its original intent.

Representative Johnston: It was not sanctioned by Congress. It was sanctioned by a private entity such as a convention of the states. Am I correct?

Rep. Kasper: You are 100% correct. The idea behind the people proposed the mock convention was to let the public see with their own eyes. It was simply a mock convention which might be close to realty and what would occur in a convention like that.

Chairman K. Koppelman: There is a group called ASL and now formulized rules for a potential Article 5 convention.

Hearing closed.

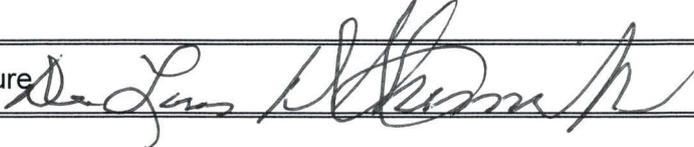
2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HCR 3008
2/14/2017
28330

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Urging Congress to call a convention to propose an amendment to the US constitution which will restore free and fair elections.

Minutes:

Chairman K. Koppelman: Reopened the meeting on HCR 3008.

Representative Nelson: There is no reason to study this. This resolution is an attempt to gain control back and try to get control back on our elections.

Do Not Pass Motion Made by Rep. Jones; Seconded by Rep. Simons

Discussion:

Representative Jones: How are you going to control this? How was this going to get at the money in politics?

Representative Nelson: That is part of the process. If you are comfortable with our constitution is what we can control. We don't control the wording that would come out of that convention. Then it would have to come back to the states and three quarters of them would have to ratify that.

Representative Vetter: I do not like that it says each state has one vote. When I asked one of the testifiers and he said it would work like the electoral college do this? We would have no say.

Representative Klemin: Like Rep. Jones said we don't even know what it would do?

Representative Nelson: I would disagree with Mr. Acis that it would be the same as the electoral college.

Roll Call Vote: 13 Yes 2 No 0 Absent Carrier: Rep. Jones

2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO 3008

House Judiciary Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. Jones Seconded By Rep. Simmons

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman	✓		Rep. Hanson		✓
Vice Chairman Karls	✓		Rep. Nelson		✓
Rep. Blum	✓				
Rep. Johnston	✓				
Rep. Jones	✓				
Rep. Klemin	✓				
Rep. Magrum	✓				
Rep. Maragos	✓				
Rep. Paur	✓				
Rep. Roers-Jones	✓				
Rep. Satrom	✓				
Rep. Simons	✓				
Rep. Vetter	✓				

Total (Yes) 13 No 2

Absent 0

Floor Assignment : Rep. Jones

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

REPORT OF STANDING COMMITTEE

HCR 3008: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3008 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

HCR 3008

#1
3008
2-7-17

HCR 3008

Representative Marvin E. Nelson

2/7/2017

House Judiciary Committee

Chairman Koppelman and members of the Judiciary committee;

HCR3008, the Free and Fair Elections Resolution is using Article V of the Constitution to call for a limited convention of the states to look at campaign finance reform. Congress must call for the convention if 2/3 of the states call for it and then the delegates could propose a solution which would require 3/4 of the states to ratify it before it became effective.

Do we need to fear radical things coming from the convention, remember 3/4 of the states have to ratify anything before it would become effective? That pretty well eliminates radical ideas. More likely would be things like the Udall amendment which would give Congress the ability to regulate the raising and spending of money in Federal elections and give states the right to regulate the raising and spending of money in state elections.

As things are today, we don't have the ability to really regulate raising and spending of money in elections. Many have complained for instance of the influence of out of state money on the recent Marsy's Law initiative. Or you have South Dakota with a similar complaint on another initiative. As it stands neither state can really do much of anything to limit that.

Montana regulated spending in its elections and it was happy enough with its laws to go all the way to asking to be heard by the Supreme Court, which refused. The reason was a series of court decisions took away their power to regulate their own elections.

Due to the large amounts of money currently involved in campaigns, I don't believe Congress will do this on their own and so I would ask for your support.

#2
3008
2-7-17

Josh Aciz - In support of HCR 3008

Thank you Chairman and members of the committee for having us here today. My name is Josh Aciz, and I am a National Coordinator with Wolf-PAC. We are a non-partisan, citizen-funded organization currently working with volunteers in 40 states to pass resolutions at the state level calling for an amendment convention to restore free and fair elections.

When dark money, sometimes even from foreign countries, can be funnelled into our elections it is a threat to the very foundation of our democratic republic. Our founder's original intent of a government "dependent upon the people alone" has been distorted, and it is urgent that we do everything in our power to correct this and restore our founder's vision of America.

Right now candidates for Congress must spend between 50 and 70 percent of their time raising money in order to run for office. That is not the way it's supposed to be – how many good people with great ideas do we miss sending to Washington DC because they refuse to become professional telemarketers, dialing for dollars every day.

The good news is that we can fix this. Just like every other generation of Americans, we can amend the Constitution to make America more democratic, more inclusive, and a more perfect union. We must amend because the Supreme Court has taken a wrecking ball to the wall of separation between wealth and state, handing down decisions that destroyed federal campaign finance regulation. So no law passed at the state or federal level can be protected without an Amendment to the US Constitution.

There are only two ways to amend the United States Constitution – 2/3 of Congress can vote to propose an amendment or 2/3 of the states can demand a convention to propose amendments. It's important to remember that either way it's proposed, 75% of the state legislatures (38) must vote in favor of ratification before it becomes part of the Constitution. Of all the Constitutional Republics in the world, the U.S. is one of the most difficult to amend, requiring a supermajority of consent among the states at both the proposal and ratification steps.

It's important to note that since our founding there have been over 700 applications for a convention submitted by 49 different states on a multitude of issues. This is how we know that a convention can be limited to a single subject - If you could take 20 applications for issue A, 10 applications for issue B, and 4 for issue C, count them together and have a multi-issue convention, Congress could do that tomorrow, but they don't because they are counting them in separate piles based on subject matter. HCR 3008 is simply adding to the pile for campaign finance reform, currently at five states.

The reason some groups and individuals oppose the convention process is the same reason that I'm for it. It's a democratic process. You get people together from a variety of perspectives, discuss and debate ideas, synthesize those ideas into a proposed solution and then present that idea to the rest of the population for validation through the ratification process. That's how democracy is supposed to work in this country. And we've never solved any problem in America with less democracy but we have solved some serious problems by amending the Constitution.

Every generation of Americans has amended the Constitution except one. Ours. And now it's our turn. Thank you for being leaders in the fight for free and fair elections. I urge you to please support this important resolution, HCR 3008.

#1
3008
2-7-17

Scott Nodland
In Support of HCR 3008

Dear Chairman and Representatives,

My name is Scott Nodland. I was raised in North Dakota and joined the military after I graduated from Bismarck High School. I served my country as an intelligence analyst and earned college benefits while doing that. The benefits paid for a Political Science degree and most of a graduate program in Urban Planning at the University of Washington. Since then, I've lived years outside the country in places like South America and more recently in Southeast Asia, but I came back. I came back home because I thought there were important issues I could work on and contribute to right here in North Dakota.

I strongly believe that the fundamental issue needing to be addressed in the U.S. is our broken political system. It's not working in the interests of average the American family, but I don't have to tell you that. This last presidential election proved that people are fed up and we know why. We saw Trump rise up when he started saying he was the guy who didn't take big special interests money. Same thing with Bernie on the left.

If we don't take the first step to attempt to correct what we all understand is an unsustainable system, Americans will abandon confidence in their government. We can't let that happen. Thankfully our Founders gave us a way to put a check on an unresponsive Congress.

Looking back at history, what most people don't realize, is that most amendments start with state legislatures taking action and passing calls for an amendment through a convention. Most notably, the 17 amendment got within one or two states of compelling a convention and then Congress capitulated, proposing the amendment themselves. Historically, if you need an amendment, you call for a convention.

The convention process was the Founders' safeguard for representative democracy. Only the most supported proposals with support across the political spectrum will make it through the ratification gauntlet and be added into our Constitution.

Whether you think an amendment should come from Congress or a convention of states, this resolution is the loudest call for federal election reform North Dakota can make. Shortly after a similar resolution to HRC 3008 passed in Vermont in 2014, the chair of the U.S. Senate Judiciary Committee, Patrick Leahy, called a hearing on the Udall Amendment. In his explanation of why he saw the need to have this hearing, he cited the fact that his home state had called for a convention on the issue. *This* is how you get Congress to pay attention.

In summary, what this Resolution does is call for a conversation about how to make our election process work better for the average American. For the little guy, like me. The outcome of a convention is not dictated in this resolution because we must hear from all sides about how to fix this. Republicans, Democrats, Independents, experts, citizens. If we are to have any chance of saving our representative democracy for future generations, we must get everyone in

a room, somewhere other than Congress, and have this conversation. Let's restore Free and Fair Elections in America. This is not a left or a right issue, it is an American issue. This should be a unanimous vote for HRC 3008. Thank you.

Sincerely,
Scott Nodland
scottnodland@gmail.com
(701) 527-8758

#2
3008
2-7-17

Rachele Hall
Supportive of HCR 3008

Hello, my name is Rachele Hall and I live in Mandan, District 31. I was raised and educated in Minot. I put myself through college and I was in the North Dakota Army National Guard for 8 years to help me do that. I graduated from MSU with an Information Systems Management degree in 2001. After my education I got a job as a computer programmer with the City of Bismarck which I am still employed at. I also wear the hat of a single mother of a graduating 18-year-old son who will be off to college next year. I want to tell you briefly about myself because I think this will help to explain why I support HRC 3008.

My son's father was never in the picture and I made the decision that I wanted this child. I did not know how hard it was going to be, but I fought to get where I am today. I was incredibly blessed to have a mother who was always my saving grace to help me take care of my son. She put her life on hold to help bring up another generation. I had to return the favor when she came down with brain cancer. She died just 3 years ago. It was 9 months of grief and agony as I watched her life being taken from her. Now my sister has just given birth to another daughter and while she was pregnant, she was diagnosed with the same stage 4 brain cancer my mom had. Fortunately the doctors made her give birth 8 weeks early so that she can start chemotherapy. Gabriella Joy, who is named after my mom, was born on January 17th, on the anniversary of my mother's funeral.

I share this with you because I want you to know how normal I am. I am un-uniquely North Dakota. My family works here. We live here. We have dealt with life and death, health care, and hospice care. Through all of this, we still have the energy to care about the future of our country.

I came here today because I care, and among all of the issues that worry me, this one here for Free and Fair Elections is #1. I believe that our elections are the root cause of every single ill in our society. Our federal government is out of control and the decisions they make reflect the way that their elections are funded rather than what is best for their constituents. I am disgusted with the fact that their campaigns are able to funnel money from one dark money group to the next. I think it is deplorable that I don't know who is running a smear add on one of the candidates I'm to decide on whether to vote for or not.

We live in a great nation. The greatest the world has ever seen. Our military, our doctors, our freedom - I am so proud to be an American, but I am deeply worried that we are on a fast track to losing all that our ancestors fought for. It is up to us now. It is up to us to be as courageous, as determined, as resilient as they were.

Being involved in politics, keeping up with current events in my own community, let alone the state and the nation and the world, is really really hard. So, I want to simply thank you. Thank you for devoting your time to keeping freedom and democracy alive. You fight for our country every day that you show up to work, listen to these committee hearing proceedings, and vote.

✓

With every conversation that you have amongst yourselves, with every voter from around the state that you talk to, you are giving your precious time to defend our country's ideals and I am truly grateful to you for that.

Your vote today on HRC 3008 is a vote for two things: 1-our constitutional right given to us by our Founders to apply for an Article V Convention, specifically in times when Congress becomes unresponsive to the will of the people, and 2-the issue that is at the root, the very core, of our country's values - the integrity of our elections.

This issue is urgent. We cannot wait. I think this should be a unanimous vote for freedom, for democracy, and for courage. Let North Dakota send Washington the loudest call for reform on the #1 issue in the country. Your vote today will set that stage. Thank you, again, for all that you do. Please support HCR 3008.

#3
3008
2-7-17

Dustin Peyer
In support of HCR 3008

Mr. Chairman and Committee members, my name is Dustin Peyer. I am a wildland firefighter of ten years. I am a father, a husband, and I have growing concerns about the future of the politics. I am in full support of HRC 3008.

Nearly 9 out of 10 Americans believe that 'reducing the corruption in the federal government' is a top priority. In a recent Gallup polling, 'dysfunction in government' became the number one issue in America, surpassing even jobs and the economy. And, perhaps most notably, Congress currently has lower institutional support than the King of England during the Revolutionary War.

From conservative Republicans to progressive Democrats, Americans agree on the need to restore free and fair elections in America. This is not an issue of left versus right – it's an issue of right and wrong. Congress has proven incapable of taking action when it comes to solutions, failing even to pass the DISCLOSE Act.

Americans are deeply concerned that our representative democracy is in jeopardy when dark money flows uninterrupted into our political process, obscuring the will of the people. So what shall we do?

At the original Convention in Philadelphia, General Mason stood up and asked about the amendment process, 'What shall we do if Congress itself is the problem?', and that is why the convention procedure utilized in HRC 3008 was added to the Constitution.

On this vital American issue, it is time for North Dakota to lead using the powers built into the Constitution by the Founding Fathers for this very purpose. If Congress itself is the source of the problem, then it's the duty and responsibility of the states to take action to fix it. I encourage your favorable vote on HRC 3008 in order to begin a real conversation about how to restore the rights of the people and so we can utilize the process that has historically resulted in amending the Constitution. Thank you.

#4
2-7-17
3008

1109 10th St N
Fargo, ND 58102
Tel: 715/252-9646

February 7, 2017

North Dakota State Capitol
House Judiciary Committee
600 E Boulevard Ave
Bismarck, ND 58505

Greetings Chairman Koppelman and Congresspersons of the Judiciary Committee,

First, allow me to apologize for not providing copies of my testimony; I composed this letter on my drive from Fargo after being told about the hearing. I was fortunate to take a day off from NDSU, where I ply my Physics degree, to come and testify in support of this resolution.

On his first visit to the state in September of 1883, Teddy Roosevelt was immediately enamored with the ruggedness of North Dakota. He loved the area so much, that the following February, after tragedy befell the Roosevelt family, he moved to North Dakota for two years to convalesce.

In that time, he learned to run a cattle ranch, became a deputy sheriff, and acquired the skills of an outdoorsman. Teddy's stay in our state allowed him to read and write prodigiously, lent the him skills he needed to lead the Rough Riders, and helped him to form conservation policies that are reflected in the existence of Theodore Roosevelt National Park, just two short hours from where we convene today.

President Teddy Roosevelt also worked to conserve our representative democracy from big trusts. Despite being privileged himself, he was concerned with the growing division between the unelected masters of industry and America's laborers; he was concerned that the unelected masters of industry began to view themselves as masters of the elected government.

As such, in 1902, President Teddy Roosevelt backed suits that were brought against the Northern Securities Company—a railroad trust that owned and operated rail from the Midwest to the Pacific coast. The result of these suits was a 1904 decision from the Supreme Court to break up the monopoly. Nineteen-oh-four was also an election year, and the break-up of the monopoly proved to be exceptionally popular with voters—helping President Roosevelt win re-election with a popular vote margin of nearly 19-points, the biggest landslide in history to that point.

Teddy's popular defense of democracy from the privileged few in the early 20th century is as popular now as it was then. Polling shows that eight out of ten Americans are deeply troubled by the loss of our representative democracy. Teddy was one of those Americans. I am one of those Americans. We are those Americans. Please vote yes on HCR 3008.

Thank you,

Paul Omernik

February 7, 2017

TESTIMONY ON HCR 3008

My name is Tom Asbridge and I rise in support of HCR 3008.

It is perhaps the most important issue to confront our Democratic Republic in our entire history. It is clear to all that our sacred electoral process has been taken over by the very money interests that were the underlying cause of this great nation coming into being in the first place.

We had been on the wrong path before the Citizen's united decision. Since then the train has come completely off the tracks. In the past Presidential election, as much as \$2 billion was spent. Here at home, Sen. Hoeven raised over \$2.6 million in a completely uncompetitive race that he could have handily won with no campaign whatsoever. What will his contributors get for their money and what will "We the People" get?

If we have ever had a greater threat to our very survival, I am not aware of what that could be. It is also clear that our elected leaders are not willing or capable of doing what must be done. Therefore, our Constitution provides us with the right and duty to make in right. To amend the Constitution when it is required. That is what is being asked of you here today. To stand up for liberty and freedom. To set aside your personal interests here and work for the good of our great nation.

When I step into the voting booth, it is imperative that I enter it alone. There simply is not enough room in there for me and the money interests that are buying the elections. That space must remain inviolate. It houses the essence of what our nation stands for and its continuation beyond my generation.

Our political system provides the opportunity for any interests to lobby our legislative bodies to obtain what they believe is in their best interest. The right to vote and influence elections, for the sake of our Republic, must be retained by the voters only. The right to select who represents us must be placed in the hands of only those who can vote. To do otherwise is undermining the very idea of government of by and for the people.

I urge you to send this Resolution to the House floor with a do pass recommendation and to speak out to your fellow legislators in furtherance of this essential legislation.

#6.

3008

2-7-17

Samuel Marihart

My name is Samuel Marihart. I grew up in the Red River Valley and I currently live in Fargo, ND. In North Dakota I was raised with a fairly simple value system. My community valued fairness and the right for anyone to speak and be heard. In my elementary school years I learned how to get along with other children by simply having faith in a group of people to discuss and vote on what is best. We usually voted on whether we should play kickball or soccer but we learned that democracy is the best choice we have. No one student could bully or silence others to get their way because we all knew that wasn't fair. Today I believe that North Dakota can help lead the rest of the nation towards a more fair and vibrant democracy starting with HCR 3008.

Thank you.

Samuel Marihart

Fargo, ND

#7
3008
2-7-17

Josh Dryer (Supportive of HCR 3008)

My name is Josh Dryer. I've served in the U.S. navy and did two tours, 6 months in Afghanistan and 8 months in Iraq. I grew up in a small town in Texas raised by a very conservative family. They taught me that the greatest thing about our country was that anyone, even myself, could one day run for office and make a difference, but now I am extremely concerned that the nation I passionately served and defended no longer represents me at the federal level.

My concern with the cryonyism happening in Washington D.C. is strong, but I have faith in the State Legislature of North Dakota, and specifically you all sitting in this room, to correct it. HRC 3008, the Free & Fair Elections Resolution, is our chance to take real action and send a strong message to D.C. - either you fix this problem or we will.

I'd like to tell you about a U.S. soldier named Joseph Strong. I've never met Joseph, and I will never get that chance, because Joseph, along with thousands of other U.S. soldiers, died fighting in the Iraq war.

It was January 26, 2005. Iraqi's were voting, many for the first time in their lives. At that time in Iraq, voting was an act of pure bravery. Despite the risks, the Iraqi people went to the polls. I think we can all remember the feeling of pride we in America felt upon seeing all those triumphant Iraqi citizens lifting their purple- stained fingers into the air to proudly and defiantly show the world that they had voted. Our Nation's sacrifices were bearing the fruits of freedom.

Those elections were possible because of Joseph Strong and other soldiers like him, whose mission that day was to protect Iraq's polling stations from attack. And attacks did occur. Joseph Strong died in one of those polling station attacks.

I only heard Joseph's story because Vicki Strong, Joseph's mother, a Republican State Representative in another state, shared her son's story on the House Floor just before casting her vote in favor of a similar resolution to HRC 3008.

I'd like to borrow her words exactly because they were so authentic and powerful. She says,

"That fight for their democracy cost my family a lot, and it cost the world a lot, but democracy is hard work, and it's messy. Thankfully, our founding fathers came up with the most brilliant way for us as Americans to enjoy the fruits of freedom and to continue to fight for it. They knew that people can become corrupt and that human nature can become corrupt, so they crafted the most brilliant plan for our country to hold onto that hard-fought battle for democracy. And today, people are still fighting that battle....both overseas, and here in this country."

I'm proud to say that I have helped defend all of our freedoms while serving in the military. I'm proud to have served this nation alongside people like Joseph. And I am just as proud to say that I am continuing to defend those freedoms, now as a citizen. If you are trying to decide whether this Resolution is worth supporting, take a moment to think about how much having our democracy has already cost us. Think of the time, resources, and most of all, the lives that have been spent defending this Republic.

Please defend the republic by voting yes on HRC 3008. Thank you for letting me share today.

Official Testimony regarding Wolf Pac Amendment
By Charles W. Gitter
2.1.2017

In 2010, corporations were transformed into human beings by a decision by the United States Supreme Court. Entities that don't need to eat, breathe, or worry about injury or sickness were given the same rights and privileges by working United States Citizens who wake up and go to their jobs every day to earn enough money to make it on a day to day basis. Their opinions only go so far as to those they speak to and every now and then, in the voting booth. Even then, after their vote is included with thousands of others, in many cases, someone else gets to make the ultimate decision. Our voices are already limited by an representative style government. Our earned money is only valued so much by what it can purchase on a limited basis when we provide it to our local constituents. Corporations, on the other hand, don't have to worry about getting ready in the morning – their employees do this for them, without complaint, eagerly even, with only the expectation that their supervisors value them just enough to ask them to return another day. But the corporations get to donate amounts of money that are inconceivable to the average worker. Why do we value concepts more than actual people? People make up what is a corporation; without people, corporations could not exist. This is not a chicken and egg comparison. People existed before corporations – they were not created at the same time, and biologically, they are not the same, so they cannot possibly be equal in the voting booth. Corporations cannot make decisions – someone else, who already has their opportunity to vote, is making that decision on the corporation's behalf, almost as though they are getting a second vote with a much larger pot of money. Money purchases favors. The average person stands no opportunity against this level of power.

Since 2011, super PACS have spent millions of dollars in advertising. Most of this advertising is negative toward those running for office. This is shadow work. This type of advertising allows politicians to avoid discussing real problems. Instead of listening to negative rhetoric, voters could instead be discussing our real problems and requiring their constituents to actually work toward making decisions that will ultimately make for a better community. All sides of politics want this. Allowing super PACS to continue this type of advertising by hiding behind Citizens United is ultimately bad for voters and bad for improving our local communities.

As someone who has children and wants to see his local community be a place where children can grow up and proudly say, "I am from here and I want to stay here," I regard donations of this kind to be un-American and fraudulent to whom we claim to be. We say we are a free country, but what freedom can truly be available when ultimately, our politicians are bought and our vision is being darkened by nonsense rhetoric paid for by those same funds? It is not truthful and it is not ethical. We deserve better when we go to a voting booth. We deserve to be valued more than corporations.