



NORTH DAKOTA HOUSE OF REPRESENTATIVES

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COMMITTEES:
Judiciary
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02/04/21

Thank you Mr. Chairman and fellow committee members.

For the record I am Jeff Magrum Representing District 28 in the state House. District 28 is south central ND. I stand before you to introduce HB1490. I am also offering some proposed amendments to make this bill more acceptable to the committee. I have testified on a similar bill to this committee, so I won't get into my reasoning on this issue again. I will however remind this committee that an attempted takeover of our state has happened before. Ironically a community in my district is named after the man behind the infamous McKenzie Machine, Alexander McKenzie. Alexander McKenzie know as the "Senator-maker" was highly influential in ND politics as well as Minnesota and Montana. He served time in prison for corruption and became the first North Dakotan to receive a presidential Pardon. There is a statue on the south lawn of the Capital in honor of John Burke who is credited for breaking up the corrupt McKenzie Machine. Burke later became the tenth ND governor of ND as well as Treasurer of the USA and Justice in the ND Supreme Court. I ask you each to research both influential men. It is very enlightening as to corruption in ND History.

Thank you Chairman and committee members and I stand for questions.

Introduced by

Representative Magrum

1 A BILL for an Act to create and enact a new section to chapter 16.1-08.1 of the North Dakota
2 Century Code, relating to ~~endorsements and contributions~~ prohibited activities by the governor;
3 and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 16.1-08.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Endorsements and contributions by the governor - Prohibition - Bribery -**
8 **Unconstitutional threats.**

- 9 1. The governor may not ~~endorse or make~~ direct or indirect contributions, ~~directly or~~
10 ~~indirectly,~~ to a candidate for an office of a member of the legislative assembly. For
11 purposes of this section, "indirect contributions" include contributions to a political
12 action committee or any other organization that expends funds on behalf of a
13 candidate for an office of a member of the legislative assembly.
- 14 2. For purposes of section 10 of article V of the Constitution of North Dakota, the
15 governor is guilty of bribery and of threatening to remove a member of the legislative
16 assembly from office with intent to influence the action of the member if the governor:
- 17 a. During a single election cycle, targets a member of the legislative assembly for
18 removal from office, and the member has demonstrated opposition to legislation
19 the governor strongly supported in a previous legislative session; and
- 20 b. Before a primary election, endorses or makes a contribution to a candidate for
21 the same office as a member described in subdivision a in the primary election.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1490

Page 1, line 2, replace "endorsements and contributions" with "prohibited activities"

Page 1, line 7, after "**Prohibition**" insert "**- Bribery - Unconstitutional threats**"

Page 1, after line 7 insert:

"1."

Page 1, line 8, remove "endorse or"

Page 1, line 8, after "make" insert "direct or indirect"

Page 1, line 8, remove ", directly or indirectly."

Page 1, line 9, after the underscored period insert "For purposes of this section, "indirect contributions" include contributions to a political action committee or any other organization that expends funds on behalf of a candidate for an office of a member of the legislative assembly.

2. For purposes of section 10 of article V of the Constitution of North Dakota, the governor is guilty of bribery and of threatening to remove a member of the legislative assembly from office with intent to influence the action of the member if the governor:
 - a. During a single election cycle, targets a member of the legislative assembly for removal from office, and the member has demonstrated opposition to legislation the governor strongly supported in a previous legislative session; and
 - b. Before a primary election, endorses or makes a contribution to a candidate for the same office as a member described in subdivision a in the primary election."

Renumber accordingly