

**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE**  
**SENATOR KRISTIN ROERS, CHAIR**

**TESTIMONY PRESENTED BY**

**MICHAEL HOWE, SECRETARY OF STATE**

Chair Roers and members of the committee, for the record my name is Michael Howe, North Dakota Secretary of State. We are in support of HB 1469. This legislation provides updates to public official statement of interest forms. Our office worked with Representative Bosch and the North Dakota Ethics Commission to propose language that provides the right balance of transparency without burdensome requirements for statement of interest filers. For your reference, the current statement of interest form you all complete is included at the end of my testimony.

This bill requires greater frequency of filing for those required to submit statements of interest under NDCC 16.1-09 to city, county and state filing officers, and expands reporting requirements. For the committee's knowledge, here is a quick summary of individuals who are required to submit statements of interest under the current code.

- Candidates for:
  - Congressional, legislative, judicial or statewide office (filed with Secretary of State)
  - Garrison Conservancy, Soil Conservation, or county offices (filed with county auditor)
  - City offices in cities with greater than 5,000 (filed with city auditor)
  - School Board offices in school districts with greater than 5,000 (filed with school business manager)
- Every person appointed by the Governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board (filed with Secretary of State)

Currently, statements of interest include information for an individual and their spouse regarding employment, business or trust interests, investments, fiduciary relationships that may exist, and associations or institutions the individual may have a link to. Statements of interest are filed by candidates when running for office, or roughly every four years if they remain in office. For Governor appointed offices and boards, they are filed at the time of appointment.

Section 1 creates a new section in NDCC 16.1-09-02, requiring anyone who must file a statement of interest to do so annually while holding office with the appropriate filing officer by January 31 of each year. This frequency creates greater transparency as individuals may have changing employment, investments, or relationships that could impact them in their role throughout their service.

Section 2 adds a category of reporting for goods or services sold to state government or political subdivisions in an amount of \$5,000 or greater from an employer, business, or trust in which the filer or spouse has ownership interest of 10% or greater in. This is intended to capture and disclose any business of substance that may be happening between the filer, or their spouse, and the government body in which the office holder or appointee is representing.

Section 3 requires publishing of statements of interest filed with the Secretary of State on our website. This would not include statements of interest for which we are NOT the filing office such as counties, cities, or schools.

Chair Roers, members of the committee, I believe this bill provides transparency in a way that is manageable by not creating new, unrealistic reporting expectations. It allows for public officials to disclose their interests to the public in a transparent manner. And, it provides insights into how those interests may change over time. I ask for your support of HB 1469.



## STATEMENT OF INTERESTS

SECRETARY OF STATE  
SFN 10172 (01-2024)

Secretary of State  
State of North Dakota  
600 E Boulevard Ave Dept 108  
Bismarck ND 58505-0500  
Telephone: (701) 328-2900  
Toll-Free: (800) 352-0867  
Fax: (701) 328-3413  
Email: [soselect@nd.gov](mailto:soselect@nd.gov)  
Website: [Vote.ND.Gov](http://Vote.ND.Gov)

References to the Statement of Interests are found in North Dakota Century Code, Chapter 16.1-09.

### FILING REQUIREMENTS FOR STATEMENT OF INTERESTS

1. Every candidate for elective office shall file a Statement of Interests with the appropriate filing officer with whom the candidate filed his/her Certificate of Endorsement (SFN 17196) or Petition/Certificate of Nomination (SFN 02704).
  - a. Candidates for President and Vice President of the United States shall file with the Secretary of State either a Statement of Interests as required by Chapter 16.1-09 of the North Dakota Century [Code](#) or a copy of the personal disclosure statement required by the Federal Election Commission.
  - b. Candidates for US Senate and US House of Representatives shall with the Secretary of [State](#) or a copy of the personal disclosure statement required by the Federal Election Commission.
  - c. Candidates for statewide, legislative, or judicial office shall file with the Secretary of State.
  - d. Candidates for Garrison Conservancy, Soil Conservation, or county offices shall file with the County Auditor in their county of residency.
  - e. Candidates for city offices shall file with the City Auditor.
  - f. Candidates for school district offices shall file with the School Business Manager of the school district.

The Statement of Interest must be filed at the same time a Petition/Certificate of Nomination or Certificate of Endorsement is filed.

Candidates filing a Statement of Interests for the primary election need not re-file for the general election.

2. Every person appointed by the Governor to a state agency, board, bureau, commission, department, or occupation or professional licensing board must file a Statement of Interests with the Secretary of State no later than the announcement of the appointment.
3. When to File: Every candidate for elective office must file a Statement of Interests with the appropriate filing officer at the same time as filing his/her Certificate of Endorsement (SFN 17196) or Petition/Certificate of Nomination (SFN 02704) and Affidavit of Candidacy (SFN 02703). Appointees of the Governor shall file a Statement of Interests no later than the announcement of the appointment.

**SPECIAL NOTES:** Items B, C, and D of this form have limited space for listing items. If you need more space, attach additional sheets in the same format and clearly identify which of the three items (B, C, or D) the additional sheet continues. Attach the additional sheets to this form. Use an "X" to indicate the "interest" relationship for (a) yourself or (b) your spouse. You are not required to list dollar amounts or the nature of the work performed in Items B, C, or D.

**ASSISTANCE:** Questions regarding the Statement of Interests may be directed to the Elections Unit of the Secretary of State's office at (701) 328-4146 or (800) 352-0867 (option 6), or the appropriate filing officer.

Name of candidate or appointee		Telephone number	
Spouse's name		Non-government email address (required)	
Address		City	State ZIP code
Office which candidate is seeking (include district number, if applicable)	<b>OR</b> Position to which appointed		

**ITEM A - PRINCIPAL OCCUPATION:** The occupations listed are those defined on the North Dakota state income tax return. Check only one category for the principal source of income for yourself, and only one for your spouse. Please mark and complete the box labeled "Other" if you or your spouse's occupation is not listed.

Name of business or employer

PRINCIPAL OCCUPATION/SOURCE OF INCOME (check one)

- ☐ Farmer
 ☐ Military
 ☐ Investor or retired
 ☐ Clerical and sales
 ☐ Government employee  
☐ Business owner
 ☐ Laborer
 ☐ Professional
 ☐ Craftsman
 ☐ Student  
☐ Other

Spouse's name of business or employer

SPOUSE'S PRINCIPAL OCCUPATION/SOURCE OF INCOME (check one)

- ☐ Farmer
 ☐ Military
 ☐ Investor or retired
 ☐ Clerical and sales
 ☐ Government employee  
☐ Business owner
 ☐ Laborer
 ☐ Professional
 ☐ Craftsman
 ☐ Student  
☐ Other

**ITEM B** - List by name each business or trust that is NOT the principal source of income, in which you and/or your spouse have a financial interest. Include any of the following that apply:

1. Any business or trust in which you and/or your spouse own a legal or equitable interest.
2. Any business or trust in which you and/or your spouse have investments. Include the name of the business or trust of which you have stocks, mutual funds, bonds, debentures, or debt obligations of corporations and/or municipal corporations. Financial interests that are contained in diversified portfolios need only be mentioned by the brokerage establishment it is with.
3. Any business or trust from which you and/or your spouse receive compensation.
4. Any business or trust paying you and/or your spouse a fee or commission for professional or consulting services. Include those public agencies from which you and/or your spouse received a fee or commission. Attorneys and others who list their principal occupation as "professional" are not required to list clients.
5. Public agencies (state or local) to which you and/or your spouse sold goods or services.

[illegible]

**ITEM C** - List the associations or institutions with which you and/or your spouse are closely associated, or serve as a director or officer of, AND which may be affected by legislative action (for legislative candidates) or action of the officeholder of the office to which you are a candidate or appointee.

1. List organizations and associations and note the capacity of your and/or your spouse's relationship such as "member," "board of directors," "consultant," etc.
2. Place an "X" to indicate the interested party.

ASSOCIATION OR INSTITUTION	CAPACITY	SELF	SPOUSE

**ITEM D** - Identify by name any **business office, business directorship, or fiduciary relationship** that you and/or your spouse have held in the preceding calendar year.

1. Fiduciary means acting as a guardian, trustee, executor, administrator, or conservator for any person, whether individual or corporate. Specify the capacity of the relationship of you and/or your spouse for any of the listed businesses, trusts and/or fiduciary relationships, such as "director," "executor," "trustee," etc.
2. Place an "X" to indicate the interested party.

ASSOCIATION OR INSTITUTION	CAPACITY	SELF	SPOUSE

I, the undersigned, declare this Statement of Interests has been examined by me and to the best of my knowledge is a true, correct, and complete statement of my financial interests. I understand any intentional violation of the law requiring the filing of this statement shall result in my being deprived of my appointment or assuming the duties of the elective office.

Signature of candidate or appointee

Date