

Chairman Schauer
& Members of the House Government & Veterans Affairs Committee

My name is Jared Hendrix, of Minot. Thank you so much for your time.

I write in support of HB 1523, a bill to establish a more transparent and fair process for political party organization, that better protects the rights of those who participate. My testimony and support refers to the proposed amended Christmas tree version of the bill presented to the committee by Rep. Henderson.

I am currently an elected Republican district chairman in District 38, serve on the NDGOP State Committee, and have served on the NDGOP Rules Committee. I was also elected to the State Central Committee of the Republican Party of Virginia. I've worked within laws and rules in multiple states in political parties and on political campaigns, giving me 16 years of experience in the realm of party rules and processes.

The rights of political parties (and voluntary association) are protected through the right to peaceable assembly by the First Amendment. Constitutionally, states are given the authority to manage their own elections, and so this covers, for instance, ballot access, candidate selection, campaign finance, as well as the selection of presidential electors. Courts have generally ruled there must be a compelling state interest when it comes to the regulation of political parties. While it is unclear to what degree courts will side with the state's compelling interest to regulate how political parties organize and operate internally, it is clear that the government should have as little say as possible.

With all of that being said, the premise behind this bill is that *IF* we accept that the state has a compelling interest in the organizational process of a political party, then it must be applied consistently, with fairness, clarity and transparency. Currently, it is not.

WHAT HB 1523 ACCOMPLISHES:

> Establishes a more transparent process for meeting notices.

This bill will require greater advance public notice of party reorganization meetings, increasing from 10 to 30 days as required public notice. Additionally, notices must include all participation requirements (dues, membership deadlines). Notices must be submitted at least 30 days in advance of any such deadlines. Note – this bill does *not* dictate to a private organization *what* these participation requirements should be, it simply requires that they be disclosed. If political parties can establish criteria for who can participate, and the state otherwise defines eligible participants and requires notice

for party organization, then it must require that all participatory criteria be disclosed.

In 2021, there was a legislative district party that changed their rules less than two weeks before their reorganization meeting, to require prospective participants to have paid their dues more than two weeks prior. Effectively, this unethical and undemocratic move deterred participation of new members. I have personally witnessed countless anecdotes over the years of similar situations. As grassroots engagement has increased dramatically in the last few years, with literally thousands of North Dakotans attending party organizational meetings, it would be wise to set some basic standards to give these participants greater trust and confidence in our process.

> Addresses the problem of organizing districts after redistricting.

This issue arose in the 2021 special session, in which a bill was passed that allowed state party chairs to appoint unelected, “acting chairs” in districts that were either newly formed after redistricting, or dramatically changed from previous boundaries. However, this legislation is believed by many to be a violation of equal protection, as we allow the electors in some districts the right to organize a political party, which includes the election of a district chair, while not allowing others.

In truth, all districts should reorganize after redistricting. It does not matter if a district boundary changes by one street, or one person. Districts are geographical areas defined by population distribution. Since that changes every 10 years, it is best to reorganize. We cannot treat the electors in some districts differently than others.

> Addresses the organization of districts without functional party committees.

Instead, HB 1523 states that with the absence of a functional district committee due to redistricting, the state committee must simply designate an individual elector of a district for call of the time and place of a party caucus. This gives the local participants full autonomy to organize their districts as they see fit. It must be clear that the caucus participants have a right to organize, adopt bylaws or rules, and run their meeting as they see fit as a private organization.

It's acceptable to stipulate that some authority is needed to actually call the meeting, since the notice is required by law. However, the government should not stipulate who chairs a meeting or who is “appointed” as a chair. The only way someone becomes a chair, is if they are elected by a self-governing body, which has fundamental rights protected under the First Amendment. The people who show up at the caucus can elect their own temporary chair to chair the meeting, as well as organize by a formal election

of district officers.

Line 7 on Page 2 asks for the name of the state committee, which would be the name of the political party (Republican, Democrat, etc.). The section G now includes a requirement for contact information to be included in the notice, in order to allow prospective participants an easier ability to communicate with the organizers of the caucus. Line 6 states this information can be from the district chair or “a representative of the state committee” which can be the aforementioned designee.

> Removes precinct caucus requirements.

The state should not be requiring precinct organizations within political parties. Most districts, as a matter of practice, do not organize their precincts. Therefore many will argue that some districts organize in violation of the law. For these reasons, we should eliminate the government mandate to caucus and organize by precinct. HB 1523 does not *prohibit* districts from choosing to organize by precincts, it simply removes the government dictate to do them, giving local participants greater autonomy.

> Removes mentions of the state executive committee.

HB 1523 removes the many instances in this section that mention a “state *executive* committee” and replaces it with “state committee”. It is not good practice in law to reference something that is otherwise not defined in statute. It seems likely that this language is used alternatingly with the goal of centralizing power into the state party leadership, and away from local districts.

> Clearly defines what a state committee is.

Current code section 16.1-03-11 does not make sense. Essentially, it states that the state committee meets to organize the state committee. An entity that is not yet organized cannot meet to organize itself. Similar in principle to 16.1-03-01, which outlines the eligible participants of the district caucus, so too must we define the eligible participants of the organization of the state committee – i.e., the district chairs.

> Requires districts to adopt rules but allows them to do so how they wish.

Participants in political party meetings and conventions have a right to assemble and self-govern. A political party organization therefore creates itself, and must establish a structure through autonomous deliberation. Lines 4 & 5 on Page 3 covers this.

This code section previously referenced bylaws throughout. All mentions of bylaws have been replaced with “bylaws or rules”. If the participants of a district caucus wish to operate under temporary rules which are adopted at the outset of the organization meeting, then they should be able to do so.

Lines 5, 6, 7, on Page 3 should also be amended further as such: ~~“That party's nominees for and members of the legislative assembly shall serve as members of the executive committee.”~~ The reason this should be struck is twofold. First, the government should not be dictating that elected officials, or any specific persons, serve in political party positions. Second, it references an “executive committee”, which is otherwise not defined in this section of code. *Please note that striking this language from century code does not prohibit local district parties from putting their legislators on their committees per their own rules.*

> Prohibits districts from conflicting with “parent” state party organizations.

Lines 10-16 on Page 3 are cumbersome and unnecessarily wordy. The intent of this as originally written was to prohibit state parties from unjustly interfering with the organizational process of local districts. While I am sympathetic to this intent, it is problematic on two fronts. One, to the extent it is justified to protect the autonomy of districts from their own state parties, it should be only to prohibit actions from a state party that is not consistent with their own rules, or law.

Two, state parties acquire ballot access, not district parties. There is clearly a compelling state interest in the regulation of ballot access for political parties. If a district wants the benefit of affiliating with a “parent” party that maintains ballot access, then they should be aligned with the rules of that parent organization. Likewise, state parties that wish to be aligned with the Republican or Democrat National Committees, must have rules that are consistent as well. For example, in the case of the North Dakota Republican Party, many districts allow participants to bring proxy forms and vote on behalf of people who do not even show up at meetings. This is done despite the fact that NDGOP rules specifically prohibit this.

~ In Conclusion ~

HB 1523 streamlines century code, provides greater consistency, and strengthens the autonomy of the individuals who choose to participate in the organization of political parties. It is a pragmatic solution to many concerns which have been raised by citizens participating in this process in North Dakota. No matter someone’s personal beliefs, they must be able to exercise their rights to participate in a process that is fair and

transparent.

This is a nuanced and somewhat complex issue which heavily inter-locks with rules and procedure for political parties. I am happy to answer any questions you may have about this bill before you decide to take action as a committee. I can be reached via email, phone or text at 701-712-1487 and libertyhendrix@gmail.com.

Thank you for your time. Respectfully,

Jared Hendrix