

MICHAEL C. HOWE
SECRETARY OF STATE

WEBSITE sos.nd.gov



PHONE (701) 328-2900
E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

HOUSE BILL 1500
JANUARY 30, 2023

HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE LAWENCE KLEMIN, CHAIR

TESTIMONY PRESENTED BY

MICHAEL HOWE, SECRETARY OF STATE

Chairman Klemin and members of the committee, for the record, Michael Howe, North Dakota Secretary of State.

We are in opposition to HB 1500. This bill mirrors the intent of HB 1451 from the 2021 session, which was defeated on a party-line vote 14 to 80. The previous Secretary of State's administration also testified in opposition to that bill.

I want to be perfectly clear; our office's opposition is not to be meant as advocating against transparency. Our office prides itself on working with the legislature, as well as the public, on providing a transparent system that shows who is funding and influencing candidates, political parties, and measure campaigns.

Along with the many complexities this bill presents for reporting, and perhaps its unconstitutionality, the bill also gives the Secretary of State's office a unique power to investigate possible violations with or without receiving a complaint.

The bill states that if a complaint is brought forward to the Secretary of State and is dismissed, the complainant may file an action against the Secretary of State, alleging the action or inaction of the Secretary of State was not reasonable. The bill also states the court may not give deference to the Secretary of State's decision in the lawsuit. We feel this may open the Secretary of State's office to frivolous lawsuits.

Mr. Chairman, this bill will certainly require a new campaign finance system to be implemented. We have made that request in SB 2002. But if that request isn't appropriated, this bill will certainly not be able to be implemented and enforced by our office.

There are numerous bills this session that examine campaign finance laws. We would encourage the legislative assembly to consider an interim study to look at North Dakota's campaign finance laws and systems. If all of them were to pass, it would create a ball of wires within Century Code and our system that would be impossible to enforce and a burden to implement with our technology.

Mr. Chairman, I urge a DO NOT PASS on HB 1500, or at the very least, amending this bill into an interim study that looks at our campaign finance laws.