

1 **TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2352**

2 **HOUSE JUDICIARY COMMITTEE**

3 **MARCH 13, 2023**

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5 Good morning Chairman Klemin and members of the House Judiciary  
6 Committee. My name is David Hogue. I am a North Dakota state senator representing  
7 District 38, which includes northwest Minot and the city of Burlington. I appear before  
8 your committee to seek support for Senate Bill 2352.

9 SB 2352 is a bill intended to extend limited civil immunity protection to individuals  
10 who work for unincorporated political organizations. I introduced the bill at the request  
11 of the leader of one of the state's major political parties. I am pleased to say that this is  
12 a bipartisan bill. It protects certain officials and officers of both political parties.

13 We all are members of local political parties. Most of those local political parties  
14 are not entities. But those local political parties often function as an entity. These  
15 political parties and organizations participate in several activities like an organization.  
16 They hold meetings, nominate candidates for public office, host fundraisers, and spend  
17 money, among other

18 Many natural persons who act on behalf of the political organizations enter into  
19 commercial transactions and buy goods and services from outside third parties. It is  
20 understood that these transactions are on behalf of the political party, and not the  
21 person requesting the service or goods. SB 2352 seeks to limit contractual and tort

1 liability for a person who is acting in a capacity as a party official for one of these  
2 political parties.

3 This limited civil immunity is not revolutionary. We provide similar immunity to  
4 board members in a cooperative or in a not for profit entity. With some very narrow  
5 exceptions, we do not permit volunteer board members who are serving on a not for  
6 profit board to be civilly liable for the acts or omissions when such act or omission is in  
7 the service of the organization. I think that same general rule should hold true for  
8 volunteers in political organizations and therefore urge your support of Senate Bill 2352.

9 I should like to provide an example of the type of activity SB 2352 seeks to  
10 immunize. Let's assume hypothetically that Bismarck receives a large snowfall event.  
11 Assume further the executive director tries to shovel the steps of the headquarters  
12 building to remove the snow and ice from the steps but, despite his best effort, someone  
13 slips and falls and injures themselves on those steps. If the injured party brings a civil  
14 claim, the injured party under SB 2352 would do well to make a claim against the state  
15 political party because SB 2352 would provide immunity for the executive director who  
16 was shoveling the snow and clearing the steps on behalf of the political organization at  
17 the political organization's place of business. SB 2352 provides that limited tort  
18 immunity to the executive director because he was clearly acting on behalf of the  
19 political organization in furtherance of the political organization's business and affairs.

20 Now let us assume that the executive director of the political party hired a snow  
21 removal company to remove the snow at the headquarters location of the political party  
22 and assume further the executive director and the snow removal company got into a

1 dispute about the snow removal services at the headquarters. If the snow removal  
2 company thought the political party was not honoring the terms the snow removal  
3 contract, SB 2352 would require the snow removal company to look to the political  
4 party, and not the individual party official who hired the snow removal company for  
5 satisfaction of the contractual claim related to snow removal.

6 Chairman Klemin and members of the House Judiciary Committee, I urge your  
7 support of SB 2352.

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