

HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE
REPRESENTATIVE AUSTEN SCHAUER, CHAIR

TESTIMONY PRESENTED BY

SANDY McMERTY, DEPUTY SECRETARY OF STATE

Chairman Schauer and members of the committee, for the record my name is Sandy McMerty, Deputy Secretary of State.

Our office is in opposition to HB 1286. I want to be perfectly clear; our office's opposition to HB 1286 is in no way an endorsement of dark money in politics. More and more citizens do not want to run for office for fear of hidden political attacks. Watching dark money contribute to the political divide in our country can be attributed to the lack of participation in democracy. We see it firsthand in North Dakota with lack of interest down for ballot elected offices at the school, city, and county levels. Even in our volunteer, citizen-led legislative elections we have seen dark money infiltrate to those seeking to represent their communities. Dark money may cause disinterest in citizens showing up at the polls. Statewide voter turnout in North Dakota primary elections – often where some of the most vile campaign tactics occur – is consistently near 20%.

Our office prides itself on being a hub of transparency for documents and records, including campaign finance information. However, the United States Supreme Court has ruled on dark money in political campaigns with Citizens United. That decision has frustrated most everyone across the political spectrum. In fact, it might be the one issue that gets bipartisan support.

HB 1286 has many complexities, constitutional questions, and would be nearly impossible to fully implement. It allows the Secretary of State to have the unique power to investigate possible violations with or without receiving a complaint. The Secretary of State is also then open to frivolous lawsuits alleging the action or inaction of the office was not reasonable.

The legislation is simply not enforceable no matter its intent. I would ask the committee give HB 1286 a **DO NOT PASS** recommendation.