

**HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE**  
**REPRESENTATIVE AUSTEN SCHAUER, CHAIR**

**TESTIMONY PRESENTED BY**

**ERIKA WHITE, STATE ELECTIONS DIRECTOR**

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Chairman Schauer and members of the committee, I'm Erika White, elections director for the North Dakota Office of the Secretary of State.

I am here in opposition to HB 1616. This bill seeks to make voter lists available to anyone, **quite literally anyone**, who requests them under the guise of an election-related purpose, all while providing the requester complete anonymity in the process. My testimony seeks to summarize the challenges we see in this bill as we believe it opens a door for misinformation and misuse of North Dakota voter information, eroding voter trust in our election processes.

Under current statute, candidates, political parties and political committees can request and purchase a voter list from the Office of the Secretary of State for a political purpose. These lists are used by candidates, committees, and political parties to reach voters within their jurisdiction through communications and marketing. The lists include the voter's name, residential address, district in which they reside, and whether or not they have voted in the last four years.

The language struck and added in subsection 1 of NDCC 16.1-02-15 removes the restriction on who can request voter lists and broadly opens the statute to allow anyone "within or outside the state" to request North Dakota voter information for an election-related purpose. An election-related purpose is a broad category and allows voter information to be used in a manner that isn't easily regulated by our office. Let's take that a step further, in line 13 you'll notice that the information gained from such a request "may not be sold or distributed for a purpose that is not-election related." This does however mean that North Dakota voter information could be **monetized for election-related purposes** by the requester – posted on a website or made available for sale to anyone seeking to reach North Dakota voters on any global or national agenda topic.

The new language in subsection 3 completely exempts the individual requesting information in an open records request to find out who may have requested information about North Dakota voters. This means if any voter feels

their information is being used inappropriately or for a purpose that is not-election related, they could not receive any information about who has requested and/or purchased a voter list including their individual information from our office. This language creates an open records exemption and seeks to protect the anonymity of the “requester” and not North Dakota citizens.

The added language in subsection 2 seeks to open protected “secured active” voter records by requiring certain information – namely their name and address – to be included in voter lists. Secured active voters are individuals such as law enforcement and judges, whose names and addresses are protected for safety reasons related to their work. The changes suggested in this section would require their names and addresses to be included in any voter list requested which completely defeats the purpose behind subsection 2.

We believe this bill will create misinformation and erode the trust we’ve been working to build around North Dakota’s election processes. It creates broad openness to North Dakota voter information, placing protections around the individuals gaining access to the information while leaving our citizens exposed. Placing our citizen’s information in the hands of potential bad actors or organizations who could profit from their information is simply bad form and in opposition to the many election integrity reforms the legislature has put in place.

I strongly urge a **DO NOT PASS** recommendation on this bill.

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## **NDCC Code Related to Voter Information for Reference:**

### **16.1-02-12. Information contained and maintained in the central voter file.**

The central voter file must contain the following information for each individual included in the file:

1. The complete legal name of the individual.
2. The complete residential address of the individual.
3. The complete mailing address of the individual, if different from the individual's residential address.
4. The unique identifier generated and assigned to the individual.
5. A status designation of the individual's eligibility to vote in a precinct.
6. The county, legislative district, city or township, school district, county commissioner district, if applicable, precinct name, and precinct number in which the individual resides.
7. Beginning in 2008, four years of an individual's voting history, if applicable.
8. Date of birth.
9. The individual's driver's license or nondriver identification card number issued by the department of transportation, or the unique identifier from an official form of identification issued by a tribal government to a tribal member residing in this state.
10. Any other information requested of and obtained from the individual deemed necessary by the secretary of state for the proper administration of the central voter file.