
HOUSE POLITICAL SUBDIVISIONS
REPRESENTATIVE DONALD LONGMUIR, CHAIRMAN

TESTIMONY PRESENTED BY
MICHAEL HOWE, SECRETARY OF STATE

Chairman Longmuir and members of the committee, I'm Michael Howe, North Dakota Secretary of State. I am here in support of HB1158 which seeks to create a brief timeframe under which measure petitions submitted to the Office of the Secretary of State for final review for ballot sufficiency are exempted from open records.

First, I want to stress that our office is not seeking to limit the public's right to gain access to records created for initiated measure processes.

Once an initiated measure committee submits signatures to the Office of Secretary of State, our office has a 35-day timeframe to review hundreds of packets for proper form, along with tens of thousands of signatures to determine if it is sufficient for ballot inclusion. To give you context, a constitutional measure must contain 31,164 signatures, and an initiated measure must contain 15,582 signatures, and petition sponsors typically go a few thousand above these numbers to ensure they have ample signatures. It is a monumental effort to review a constitutional petition submitted with 40,000 signatures within the 35-day time period.

Petition packet review is a critical and a timebound step in the measure process. Interrupting the important work of review of the petitions to make copies of signature packets to fulfill and comply in a timely manner to an open records request not only takes valuable staff time away from important review work, but also jeopardizes the record. As packets are paper, making copies or scanning involves breaking apart signatures from circulator affidavits and creates possibility of damage and room for errors in the review process. In the end, the sufficiency of the petitions is the constitutional duty of the secretary of state, and records shared before this review is complete does not support the process.

HB 1158 seeks to only exempt measure petition packets from open records within the 35-day time frame allowed for review of the submitted petition for ballot sufficiency by the Office of the Secretary of State. Once the 35-day timeline has passed or when the sufficiency of the petition is determined by this office, whichever comes first, these records would be open and available to anyone who wished to receive them. I ask for your support of HB 1158.