

**HOUSE POLITICAL SUBDIVISIONS COMMITTEE**  
**REPRESENTATIVE DONALD LONGMUIR, CHAIR**

**TESTIMONY PRESENTED BY**

**MICHAEL HOWE, SECRETARY OF STATE**

Chairman Longmuir and members of the committee, for the record my name is Michael Howe, North Dakota Secretary of State. We are in support of HB 1469. This legislation provides updates to public official statement of interest forms. Our office worked with Representative Bosch and the North Dakota Ethics Commission to propose language that provides the right balance of transparency without burdensome requirements for statement of interest filers.

This bill requires greater frequency of filing for those required to submit statements of interest under NDCC 16.1-09 to city, county and state filing officers, and expands reporting requirements. For the committee's knowledge, here is a quick summary of individuals who are required to submit statements of interest under the current code.

- Candidates for:
  - Congressional, legislative, judicial or statewide office (filed with Secretary of State)
  - Garrison Conservancy, Soil Conservation, or county offices (filed with county auditor)
  - City offices in cities with greater than 5,000 (filed with city auditor)
  - School Board offices in school districts with greater than 5,000 (filed with school business manager)
- Every person appointed by the Governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board (filed with Secretary of State)

Currently, statements of interest include information for an individual and their spouse regarding employment, business or trust interests, investments, fiduciary relationships that may exist, and associations or institutions the individual may have a link to. Statements of interest are filed by candidates when running for office, or roughly every four years if they remain in office. For Governor appointed offices and boards, they are filed at the time of appointment.

Section 1 creates a new section in NDCC 16.1-09-02, requiring anyone who must file a statement of interest to do so annually while holding office with the appropriate filing officer by January 15 of each year. This frequency

creates greater transparency as individuals may have changing employment, investments, or relationships that could impact them in their role throughout their service. We are asking for an amendment in subsection 4 of this section to exclude federal office holders from an annual state filing requirement as they already have requirements for financial filings under federal law. You'll find our proposed amendments attached to the back of this testimony.

Section 2 adds a new category of reporting for goods or services sold to state government or political subdivisions in an amount of \$5,000 or greater from an employer, business, or trust in which the filer or spouse has ownership interest of 10% or greater in. This is intended to capture and disclose any business of substance that may be happening between the filer, or their spouse, and a government body.

Section 3 requires publishing of statements of interest by the Secretary of State on a website. Page 3, lines 14-15, as it currently reads would require all statements be published online on the Secretary of State's website. However, we are NOT the filing office for all statements of interest as our office does not receive filings from counties, cities, or schools. Due to this we are requesting an amendment to this section to amend this language so that only statements filed with the Secretary of State are required to be published to our website.

Chairman Longmuir, members of the committee, I believe this bill provides transparency in a way that is manageable by not creating new, unrealistic reporting expectations. It allows for public officials to disclose their interests to the public in a transparent manner. And, it provides insights into how those interests may change over time. I ask for your support of HB 1469.



**STATEMENT OF INTERESTS**  
 SECRETARY OF STATE  
 SFN 10172 (01-2024)

Secretary of State  
 State of North Dakota  
 600 E Boulevard Ave Dept 108  
 Bismarck ND 58505-0500  
 Telephone: (701) 328-2900  
 Toll-Free: (800) 352-0867  
 Fax: (701) 328-3413  
 Email: [soselect@nd.gov](mailto:soselect@nd.gov)  
 Website: [Vote.ND.Gov](http://Vote.ND.Gov)

References to the Statement of Interests are found in North Dakota Century Code, Chapter 16.1-09.

**FILING REQUIREMENTS FOR STATEMENT OF INTERESTS**

1. Every candidate for elective office shall file a Statement of Interests with the appropriate filing officer with whom the candidate filed his/her Certificate of Endorsement (SFN 17196) or Petition/Certificate of Nomination (SFN 02704).
  - a. Candidates for President and Vice President of the United States shall file with the Secretary of State either a Statement of Interests as required by Chapter 16.1-09 of the North Dakota Century Code or a copy of the personal disclosure statement required by the Federal Election Commission.
  - b. Candidates for US Senate and US House of Representatives shall with the Secretary of State or a copy of the personal disclosure statement required by the Federal Election Commission.
  - c. Candidates for statewide, legislative, or judicial office shall file with the Secretary of State.
  - d. Candidates for Garrison Conservancy, Soil Conservation, or county offices shall file with the County Auditor in their county of residency.
  - e. Candidates for city offices shall file with the City Auditor.
  - f. Candidates for school district offices shall file with the School Business Manager of the school district.

The Statement of Interest must be filed at the same time a Petition/Certificate of Nomination or Certificate of Endorsement is filed.

Candidates filing a Statement of Interests for the primary election need not re-file for the general election.

2. Every person appointed by the Governor to a state agency, board, bureau, commission, department, or occupation or professional licensing board must file a Statement of Interests with the Secretary of State no later than the announcement of the appointment.
3. When to File: Every candidate for elective office must file a Statement of Interests with the appropriate filing officer at the same time as filing his/her Certificate of Endorsement (SFN 17196) or Petition/Certificate of Nomination (SFN 02704) and Affidavit of Candidacy (SFN 02703). Appointees of the Governor shall file a Statement of Interests no later than the announcement of the appointment.

**SPECIAL NOTES:** Items B, C, and D of this form have limited space for listing items. If you need more space, attach additional sheets in the same format and clearly identify which of the three items (B, C, or D) the additional sheet continues. Attach the additional sheets to this form. Use an "X" to indicate the "interest" relationship for (a) yourself or (b) your spouse. You are not required to list dollar amounts or the nature of the work performed in Items B, C, or D.

**ASSISTANCE:** Questions regarding the Statement of Interests may be directed to the Elections Unit of the Secretary of State's office at (701) 328-4146 or (800) 352-0867 (option 6), or the appropriate filing officer.

Name of candidate or appointee		Telephone number	
Spouse's name		Non-government email address (required)	
Address		City	State      ZIP code
Office which candidate is seeking (include district number, if applicable)	<b>OR</b>		
	Position to which appointed		





**PROPOSED AMENDMENT TO  
HOUSE BILL NO. 1469**

Sixty-ninth  
Legislative Assembly  
of North Dakota

Introduced by

Representatives Bosch, Lefor

Senator Hogue

1 A BILL for an Act to amend and reenact sections 16.1-09-02, 16.1-09-03, and 16.1-09-05 of the  
2 North Dakota Century Code, relating to the statement of interests filed with the secretary of  
3 state.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 16.1-09-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **16.1-09-02. Statement of interests to be filed.**

- 8 1. Every candidate for elective office shall sign and file the statement of interests as  
9 required by this chapter. In a year when a president and vice president of the United  
10 States are to be chosen, presidential and vice presidential candidates shall file with  
11 the secretary of state either a statement of interests as required by this chapter or a  
12 copy of the personal disclosure statement that is required by the federal election  
13 commission. Candidates for elective office who are required to file ~~such~~the statements  
14 shall ~~do so~~file the statements with the filing officer for that election at the time of filing a  
15 certificate of nomination, a certificate of endorsement, a petition of nomination, or a  
16 certificate of write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is  
17 appropriate.
- 18 2. An individual who has filed a statement as the result of candidacy in a primary election  
19 need not refile before running in the following general election. A write-in candidate  
20 who is not required to file a certificate of write-in candidacy shall file the statement of  
21 interests after the candidate's election at the time of filing the required oath of office.  
22 Every individual who is appointed by the governor to a state agency, board, bureau,  
23 commission, department, or occupational or professional licensing board shall file a

1 statement of interests as required by this chapter with the secretary of state  
2 simultaneously with announcement of the appointment.

3 3. A filing officer may not include a candidate's name on the ballot if an error is  
4 discovered on the statement and the candidate is unable to or refuses to make the  
5 necessary correction before the sixty-fourth day before the election.

6 4. While holding office, an individual required to file the statement of interests under this  
7 section, except candidates elected to hold federal office, shall submit an annual  
8 statement of interests to the appropriate filing officer by  
9 January fifteenth. A filing officer shall collect fees for late filings pursuant to section  
10 16.1-08.1-06.1.

11 **SECTION 2. AMENDMENT.** Section 16.1-09-03 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13 **16.1-09-03. Contents of statement of interests.**

14 The statement of interests required to be filed under this chapter applies to the candidate or  
15 appointee and that person's spouse and must include:

- 16 1. The name of the business or employer and an identification of the principal source of  
17 income, defined in the state income tax return as "principal occupation", of both the  
18 candidate or appointee and that person's spouse.
- 19 2. The name of each business or trust, not the principal source of income, in which the  
20 person making the statement, and that person's spouse, have a financial interest.
- 21 3. A list of the associations or institutions with which the person making the statement,  
22 and that person's spouse, are closely associated, or for which they serve as a director  
23 or officer, and which may be affected by legislative action, in the case of a statement  
24 submitted by a legislative candidate, or action by the candidate or appointee in that  
25 person's capacity as an officeholder.
- 26 4. The identity by name of all business offices, business directorships, and fiduciary  
27 relationships the person making the statement, and that person's spouse, have held in  
28 the preceding calendar year.
- 29 5. A list of political subdivisions and any agency or department of the state to which the  
30 person providing the statement, or the person's spouse, sold goods or services of  
more than five thousand dollars in the preceding calendar year from:

- 1           a. An employer identified under subsection 1 in which the person or the person's  
2                     spouse has an ownership interest of ten percent or more; or  
3           b. A business or trust identified in subsection 2 in which the person or the person's  
4                     spouse has an ownership interest of ten percent or more.

5           **SECTION 3. AMENDMENT.** Section 16.1-09-05 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **16.1-09-05. Powers and duties of the secretary of state and county and city auditors.**

8           The secretary of state, or the county or city auditor, when appropriate shall:

- 9           1. Accept and file any statement submitted pursuant to this chapter.  
10          2. Make statements filed available for public inspection and copying during regular office  
11             hours. A reasonable fee may be charged to cover the cost of copying. Proceeds from  
12             any fees charged must be deposited in the general fund of the appropriate  
13             governmental entity.  
14          3. ~~Publish all statements received under this chapter on a website maintained by the~~  
15             ~~secretary of state.~~ Statements filed with secretary of state under this chapter shall be  
16             published on a website maintained by the secretary of state.  
17          4. Preserve statements filed under this chapter for the term of office to which the person  
18             making disclosure is elected or appointed ~~or until a new statement is filed and~~  
19             ~~preserve.~~ Preserve statements filed pursuant to under this chapter by ~~these~~ candidates  
              who are not elected or appointed for a period of one year after the date of receipt.