

**1999 HOUSE JUDICIARY**

**HB 1211**


1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1211

House Judiciary Committee

Conference Committee

Hearing Date January 26, 1999

Tape Number	Side A	Side B	Meter #
1	X		17.5
Committee Clerk Signature 			

Minutes:

REP. WINRICH: Presented written testimony, a copy of which is attached. Rep. Winrich also presented written testimony on behalf of SEN. DEMERS, a copy of which is attached. Rep. Winrich also presented suggested amendments.

COREY FONG: (SOS) The Secretary of State supports this bill. This will solve some of the problems with the present law. Secretary also supports the suggested amendments.

COMMITTEE ACTION: January 26, 1999

REP. SVEEN move the adoption of the suggested amendments. Rep. Delmore seconded and the motion passed on a unanimous voice vote.

REPO. HAWKEN moved that the committee recommend that the bill DO PASS. Rep. Delmore seconded and the motion passed on a roll call vote with 14 ayes, 0 nays and 1 absent.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1211

Page 1, line 1, after "reenact" insert "subsection 4 of"

Page 1, line 4, replace "Section" with "Subsection 4 of section"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 11

Page 2, remove lines 20 through 29

Renumber accordingly

Date: 1/26  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1211

House JUDICIARY Committee

Subcommittee on \_\_\_\_\_  
or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Hawken Seconded By DePmore

Representatives	Yes	No	Representatives	Yes	No
REP. DEKREY	x		REP. SVEEN	x	
REP. CLEARY					
REP. DELMORE	x				
REP. DISRUD	x				
REP. FAIRFIELD	x				
REP. GORDER	x				
REP. GUNTER	x				
REP. HAWKEN	x				
REP. KELSH	x				
REP. KLEMIN	x				
REP. KOPPELMAN	x				
REP. MAHONEY	x				
REP. MARAGOS	x				
REP. MEYER	x				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Sveen

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1211: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1211 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 4 of"

Page 1, line 4, replace "Section" with "Subsection 4 of section"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 11

Page 2, line 17, replace the second "a" with "the"

Page 2, line 18, replace "as required" with "provided for"

Page 2, remove lines 20 through 29

Renumber accordingly

**1999 SENATE JUDICIARY**

**HB 1211**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1211

Senate Judiciary Committee

Conference Committee

Hearing Date March 2, 1999

Tape Number	Side A	Side B	Meter #
1		x	4800 - 5335
2	X		3500 - 4000
Committee Clerk Signature <i>Jackie Follman</i>			

Minutes:

HB1211 relates to the filing of certificates of candidacy by write-in candidates.

SENATOR STENEHJEM opened the hearing on HB1211 at 11:10 A.M.

All were present except Senator C. Nelson.

REPRESENTATIVE WINRICH testified in support of HB1211. Testimony attached.

SENATOR WATNE asked about the statement of interest that is also required to be filed.

Shouldn't we add this.

CORY FONG stated that yes, that maybe should be added.

SENATOR WATNE and REPRESENTATIVE WINRICH will work on making an amendment.

SENATOR STENEHJEM CLOSED the hearing on HB1211.

Page 2

Senate Judiciary Committee

Bill/Resolution Number HB1211

Hearing Date March 2, 1999

**MARCH 9, 1999 TAPE 2, SIDE A**

SENATOR WATNE proposed some amendments. Discussion.

SENATOR WATNE made a motion on the Amendment, SENATOR LYSON seconded.

Discussion. Motion carried. 6 - 0 - 0

SENATOR WATNE made a motion for DO PASS ON AMENDMENTS, SENATOR NELSON

seconded. Motion carried. 6 - 0 - 0

SENATOR NELSON will carry the bill.



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1211

Page 1, after line 13, insert:

**"SECTION 2. AMENDMENT.** Section 16.1-09-02 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-09-02. Statement of interests to be filed.** Every candidate for elective office shall file a statement of interests as required by this chapter. In a year when a president and vice president of the United States are to be chosen, presidential and vice presidential candidates shall file with the secretary of state either a statement of interests as required by this chapter or a copy of the personal disclosure statement that is required by the federal election commission. A candidate for elective office shall file the statement of interests with the officer with whom the candidate filed the candidate's certificate of nomination, certificate of endorsement, ~~or~~ petition of nomination, or certificate of write-in candidacy. Candidates for elective office who are required to file such statements shall do so at the time of filing a certificate of nomination, a certificate of endorsement, ~~or~~ a petition of nomination, or certificate of write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate; provided, that any person who has filed a statement as the result of candidacy in a primary election need not refile prior to running in the following general election. A write-in candidate not required to file a certificate of write-in candidacy shall file the statement of interests after his or her election at the time of filing the required oath of office. Every person who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment."

Re-number accordingly

Date: 3-9-99  
 Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. HB 211

Senate Judiciary Committee

Subcommittee on \_\_\_\_\_  
 or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Motion on Amendment

Motion Made By Senator Watne Seconded By Senator Lyson

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
Senator Caroloyne Nelson	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

Date: 3-9-99  
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1211

Senate Judiciary Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS AS Amended

Motion Made By Senator Watne Seconded By Senator Nelson

Senators	Yes	No	Senators	Yes	No
Senator Wayne Stenehjem	X				
Senator Darlene Watne	X				
Senator Stanley Lyson	X				
Senator John Traynor	X				
Senator Dennis Bercier	X				
SenatorCarolyn Nelson	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Nelson

REPORT OF STANDING COMMITTEE

HB 1211, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1211 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 16.1-09-02 and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 16.1-09-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**16.1-09-02. Statement of interests to be filed.** Every candidate for elective office shall file a statement of interests as required by this chapter. In a year when a president and vice president of the United States are to be chosen, presidential and vice presidential candidates shall file with the secretary of state either a statement of interests as required by this chapter or a copy of the personal disclosure statement that is required by the federal election commission. A candidate for elective office shall file the statement of interests with the officer with whom the candidate filed the candidate's certificate of nomination, certificate of endorsement, ~~or~~ petition of nomination, or certificate of write-in candidacy. Candidates for elective office who are required to file such statements shall do so at the time of filing a certificate of nomination, a certificate of endorsement, ~~or~~ a petition of nomination, or a certificate of write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate; ~~provided, that any~~. A person who has filed a statement as the result of candidacy in a primary election need not refile ~~prior to~~ before running in the following general election. A write-in candidate who is not required to file a certificate of write-in candidacy shall file the statement of interests after the candidate's election at the time of filing the required oath of office. Every person who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment."

Renumber accordingly

**1999 TESTIMONY**

**HB 1211**

# TESTIMONY OF REP. LONNY WINRICH

on

## HOUSE BILL NO. 1211

Chairman DeKrey and members of the Committee on the Judiciary, I am Representative Lonny Winrich from District 18 in Grand Forks. I am testifying in favor of House Bill No. 1211 which I have introduced with the cosponsorship of Senator Judy DeMers, also from District 18. House Bill No. 1211 makes a very simple change in existing law and was motivated by a circumstance that developed during the 1998 election campaign in District 18.

Five days before the election, a candidate filed a certificate of write-in candidacy for the District 18 legislative race with the County Auditor of Grand Forks County. As another candidate in the race, I was interested in whatever information was available on my new opponent and asked the County Auditor to see his statement of campaign contributions. I was informed that since he was not a candidate on the twelfth day before the election, when such statements were due, there was no requirement in North Dakota Law for him to file a campaign contribution statement. The Secretary of State's office concurred in this ruling and the 1998 legislative race in District 18 included a write-in candidate who had no obligation to disclose campaign contributions.

To the best of my knowledge, there is no evidence of improper conduct by the write-in candidate in this instance but I believe there is obvious potential for abuse under current law. House Bill No. 1211 would close the present loophole and require write-in candidates to file a campaign contribution statement at the time that they file a certificate of write-in candidacy.

Finally, I would point out that the bill as drafted includes changes to Subsection 5 of Section 16.1-12-02.2 of the North Dakota Century Code. After consultation with the Secretary of State's staff and with the Legislative Council staff, it has been determined that those changes are not needed. The amendment I am offering removes those changes and retains only the changes of Subsection 4.

I ask for your support of House Bill No. 1211.

## Testimony - HB 1211

Prepared by Senator Judy L. DeMers

Tuesday, January 26, 1999

Chairman DeKrey and members of the House Judiciary Committee. For the record, I am Judy L. DeMers, a State Senator representing District 18, consisting of part of Grand Forks and part of the Grand Forks Air Force Base. I am testifying this morning as a co-sponsor of HB 1211.

HB 1211 is a straightforward bill. It simply requires a write-in candidate for the legislature to file a contribution statement at the same time the candidate files the certificate of write-in candidacy. The contribution statement is the same one that we all filed during our most recent election contest. That is, it requires reporting of aggregate contributions of more than \$100.00.

HB 1211 provides equity among all candidates and it guarantees that the appropriate information is available in relation to all candidates for public view. I urge your favorable consideration of HB 1211.

Thank You!

# TESTIMONY OF REP. LONNY WINRICH

on

## HOUSE BILL NO. 1211

Chairman Stenehjem and members of the Committee on the Judiciary, for the record I am Representative Lonny Winrich from District 18 in Grand Forks. I am testifying in favor of House Bill No. 1211. House Bill No. 1211 makes a very simple change in existing law and was motivated by a circumstance that developed during the 1998 election campaign in District 18.

Five days before the election, a candidate filed a certificate of write-in candidacy for the District 18 legislative race with the County Auditor of Grand Forks County. As another candidate in the race, I was interested in whatever information was available on my new opponent and asked the County Auditor to see his statement of campaign contributions. I was informed that since he was not a candidate on the twelfth day before the election, when such statements were due, there was no requirement in North Dakota Law for him to file a campaign contribution statement. The Secretary of State's office concurred in this ruling and the 1998 legislative race in District 18 included a write-in candidate who had no obligation to disclose campaign contributions.

To the best of my knowledge, there is no evidence of improper conduct by the write-in candidate in this instance but I believe there is obvious potential for abuse under current law. House Bill No. 1211 would close the present loophole and require write-in candidates to file a campaign contribution statement at the time that they file a certificate of write-in candidacy.

I ask for your support of House Bill No. 1211.



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## SECRETARY OF STATE

March 2, 1999

**TO:** Senator Watne and Members of the Senate Judiciary Committee  
**FR:** Cory Fong, Elections Director  
**RE:** **HB 1211 – Write-in Disclosure – Proposed Amendments**

During the hearing of House Bill 1211 you asked whether write-in candidates are required to file Statements of Interests, according to chapter 16.1-09, when they file as write-in candidates.

In the past, this office has suggested that write-in candidates should complete and file Statements of Interests with the appropriate election officials once elected. However, given the requirement that certain write-in candidates have to file Certificates of Write-in Candidacy before the day of the election anyway, it seems logical that they also file Statements of Interests at the same time.

Also, please keep in mind that write-in candidates at the county and local levels do not have to file Certificates of Write-in Candidacy before Election Day. In many instances successful write-in candidates are unaware of their election until after the election is over. For these individuals, the only time filing a Statement of Interests is feasible is after the election at the time of filing the required oath of office.

The attached amendments to House Bill 1211 make changes to section 16.1-09-02 and are intended to require Statements of Interests to be filed by write-in candidates.