

2025 HOUSE POLITICAL SUBDIVISIONS

HB 1158

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1158
1/16/2025

A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the exempt status of records related to petitions in possession of the secretary of state.

2:43 p.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Members Absent: Representative Davis

Discussion Topics:

- Open records requests
- Exempt record security

2:43 p.m. Michael Howe, North Dakota Secretary of State, testified in favor and provided testimony #29571.

2:59 p.m. Representative Ostlie moved a Do Pass.

2:59 p.m. Representative Hatlestad seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

3:01 p.m. Motion passed 12-0-1

3:01 p.m. Representative Motschenbacher will carry the bill.

3:01 p.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1158 ([25.0419.01000](#))

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1158 was placed on the Eleventh order on the calendar.

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.

2025 SENATE STATE AND LOCAL GOVERNMENT

HB 1158

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HB 1158
3/13/2025

Relating to the exempt status of records related to petitions in possession of the secretary of state.

10:45 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Final review timeframe
- Exam petitions

10:45 a.m. Representative Stemen, District #27, introduced the bill and submitted testimony #41363.

10:49 a.m. Michael Howe, ND Secretary of State, testified in favor and submitted testimony #41230.

10:57 a.m. Senator Lee moved Do Pass.

10:57 a.m. Senator Castaneda seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Walen will carry the bill.

10:58 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1158 ([25.0419.01000](#))

State and Local Government Committee (Sen. Roers, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1158 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTEN ROERS, CHAIR

TESTIMONY PRESENTED BY

MICHAEL HOWE, SECRETARY OF STATE

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HB 1158

Good morning, Chair Roers, Vice Chair Castaneda, and members of the Senate State and Local Government Committee. For the record, I am Greg Stemen, State Representative for District 27, serving Southern Cass County, Oxbow, Hickson, Wild Rice, Horace and a portion of South Fargo.

House Bill 1158 is a bill that would allow the Secretary of State's office to be given a reasonable amount of time to examine anywhere from 20 to 40 thousand or more signatures when they are required for ballot measures. The request does not, in any way, prohibit the public from accessing the information, it simply provides the office of the Secretary of State with the opportunity to thoroughly examine information prior to making it public record.

Thank you for the opportunity to introduce House Bill 1158, Chair Roers and committee members and if you have questions, the Secretary or his staff will be available to provide a response.