

2025 HOUSE POLITICAL SUBDIVISIONS

HB 1469

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1469
2/7/2025

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 North Dakota Century Code, relating to the statement of interests filed with the secretary of state.

9:53 a.m. Chairman Longmuir called the meeting to order.

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

Discussion Topics:

- Employment in North Dakota
- Political Member Information
- Year End Reporting

9:54 a.m. Representative Glenn Bosch, North Dakota Legislature, introduced the Bill.

9:58 a.m. Micheal Howe, North Dakota Secretary of State, testified in support and submitted testimony #36053.

10:08 a.m. Rebecca Binstock, Executive Director of the North Dakota Ethics Commission, testified in support and submitted testimony #36113.

10:14 a.m. Kory Peterson, North Dakota League of Cities, testified in opposition and submitted testimony #36195.

Additional written testimony:

Barbara Dunn, Fargo, North Dakota, submitted testimony in favor #33306

Carol Sawicki, Board Member of the League of Women Voters of North Dakota, submitted testimony in favor #34726

10:21 a.m. Chairman Longmuir closed the hearing.

Sierra Schartz Committee Clerk for Wyatt Armstrong, Committee Clerk

I very much support HB 1469. I feel that the more transparency in government, the better. I can see a circumstance where a legislator has properly filed his interests in the process of running for office. Then he's elected and, precisely because he's won, he's approached by persons with their own interests that conflict with those of ND voters. All a legislator's business dealings and other interests should be clearly stated so that ND voters can decide at the next election for themselves whether or not the legislator has been truly representing them.



**Testimony in Support of HB 1469
House Political Subdivisions Committee
February 7, 2025**

Chair Longmuir and Members of the House Political Subdivisions Committee:

My name is Carol Sawicki, and I am a board member and representative of the League of Women Voters of North Dakota. Thank you for the opportunity to submit testimony in support of HB 1469.

HB 1469 amends sections of the Century Code to require individuals holding public office, not just individuals running for office, to file annual statements of interest, and all statements of interest (either filed while a candidate or while holding office) will be published on the Secretary of State's website.

In addition, 1469 will require statements of interest to include a list of financial interests related to selling goods or services to political subdivisions, state agencies and departments, as well as ownership interest in an employer, business, or trust. The statements must also include the same financial interests of the spouse of the candidate or office holder.

The League of Women Voters promotes policies that shine a light on the influence of money in elections and that make campaign finance systems more transparent. LWVND believes that HB 1469 further promotes financial transparency and requests that the Committee give the bill a Do Pass recommendation.

Thank you, Chair Longmuir and Members of the Committee, for your consideration.

Carol Sawicki
nodaklww@gmail.com

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
Website: 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)	OR Position to which appointed		

ITEM C - List the associations or institutions with which you and/or your spouse are closely associated, or serve as a director or officer of, AND which may be affected by legislative action (for legislative candidates) or action of the officeholder of the office to which you are a candidate or appointee.

1. List organizations and associations and note the capacity of your and/or your spouse's relationship such as "member," "board of directors," "consultant," etc.
2. Place an "X" to indicate the interested party.

ASSOCIATION OR INSTITUTION	CAPACITY	SELF	SPOUSE

ITEM D - Identify by name any **business office, business directorship, or fiduciary relationship** that you and/or your spouse have held in the preceding calendar year.

1. Fiduciary means acting as a guardian, trustee, executor, administrator, or conservator for any person, whether individual or corporate. Specify the capacity of the relationship of you and/or your spouse for any of the listed businesses, trusts and/or fiduciary relationships, such as "director," "executor," "trustee," etc.
2. Place an "X" to indicate the interested party.

ASSOCIATION OR INSTITUTION	CAPACITY	SELF	SPOUSE

I, the undersigned, declare this Statement of Interests has been examined by me and to the best of my knowledge is a true, correct, and complete statement of my financial interests. I understand any intentional violation of the law requiring the filing of this statement shall result in my being deprived of my appointment or assuming the duties of the elective office.

Signature of candidate or appointee

Date

**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

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

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

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

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

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

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

1. The name of the business or employer and an identification of the principal source of income, defined in the state income tax return as "principal occupation", of both the candidate or appointee and that person's spouse.
2. The name of each business or trust, not the principal source of income, in which the person making the statement, and that person's spouse, have a financial interest.
3. A list of the associations or institutions with which the person making the statement, and that person's spouse, are closely associated, or for which they serve as a director or officer, and which may be affected by legislative action, in the case of a statement submitted by a legislative candidate, or action by the candidate or appointee in that person's capacity as an officeholder.
4. The identity by name of all business offices, business directorships, and fiduciary relationships the person making the statement, and that person's spouse, have held in the preceding calendar year.
5. A list of political subdivisions and any agency or department of the state to which the 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
 published on a website maintained by the secretary of state.
- 16 4. Preserve statements filed under this chapter for the term of office to which the person
17 making disclosure is elected or appointed ~~or until a new statement is filed and~~
18 ~~preserve.~~ Preserve statements filed ~~pursuant to~~ under this chapter by ~~these~~ candidates
19 who are not elected or appointed for a period of one year after the date of receipt.



North Dakota Ethics Commission
House Bill 1469
Testimony presented by
Rebecca Binstock, Executive Director
Before the House Political Subdivisions Committee
February 7, 2025

Good morning, Mr. Chairman and Committee members, my name is Rebecca Binstock. I serve as the Executive Director of the North Dakota Ethics Commission.

North Dakota citizens created the Ethics Commission in 2018 by passing an initiated measure which created Article XIV of the North Dakota Constitution. The Ethics Commission, an independent constitutional entity, consists of five commissioners:

- Chair Dave Anderson (Bismarck)
- Vice-Chair Ward Koeser (Williston)
- Dr. Cynthia Lindquist (Grand Forks)
- Ron Goodman (Oakes)
- Murray Sagsveen (Bismarck)

HB 1469

Establishing the Ethics Commission to support “open, ethical, and accountable government” is the cornerstone of Article XIV of the North Dakota Constitution. The Commission is testifying in support of HB 1469 because it increases open, ethical, and accountable government by providing North Dakota citizens access to current information about their leaders. With HB 1469, North Dakota joins forty-seven (47) other states which have annual reporting of public official’s interests.

Under current law, statements of interest are filed with the Secretary of State when an individual is a candidate for elected office and when individuals are appointed by the governor to a state agency, board, bureau, commission, department, or occupational or

professional licensing board. An individual does not update the statement of interest until and unless the individual runs for reelection or is re-appointed.

HB 1469 increases transparency of our state government by requiring public officials to update their statements of interest annually. This requirement ensures public officials are keeping this information up-to-date while they are in office, not just during election season or at the time of appointment. By requiring an annual update, HB 1469 promotes an informed electorate and promotes a culture of transparency, accountability, and informed decision making by our public officials.

The bill provides further transparency by requiring statements of interest received by the Secretary of State to be published online. Currently, to access statements of interest, North Dakotans are required to make an open record request. Paper forms then need to be retrieved and scanned to provide them to requestors in an electronic format.

Section 16.1-09-02 was first enacted in 1981 and has not been substantively amended since that time. However, with increasing (nearly instant) accessibility to information, the citizens of North Dakota's expectation of transparency in government has undoubtedly evolved since 1981. This bill meets those expectations.

HB 1469 also aligns North Dakota's financial disclosure requirements with de facto national standards. With passage of HB 1469, North Dakota will become the 48th state to have annual filing of statements of interest or similar financial disclosure statements. Michigan is the most recent state to move to annual filings, with its new law in effect as of 2024. Based upon the Commission's research, only one state – Idaho - does not have financial disclosure requirements for public officials or state employees.

The Ethics Commission wholeheartedly backs HB 1469 as it moves through the legislative process and requests a Do Pass recommendation by the committee. Mr. Chairman, that concludes my testimony, and I will gladly stand for any questions you may have.



February 7, 2025

House Political Subdivisions

HB 1469

Representative Donald Longmuir, Chair

For the record, my name is Kory Peterson. I am appearing before you today on behalf of the North Dakota League of Cities, in opposition to HB 1469. Prior to working with the North Dakota League of Cities, I was the Mayor of Horace for 8 years, from June 2016 to July 2024.

The League of Cities has reviewed this bill and while the League is supportive of transparency in government, it has concerns regarding implementation of the requirements along with the logistics surrounding this bill.

While the goal of this bill is to have a yearly statement of interest submitted yearly by elected officials, this will be a departure from current filings. These logistics will involve the auditor or office clerk from the city collecting and submitting these forms to the secretary of state's office. This will be another responsibility bestowed on the auditor or office clerk on a yearly basis.

The concern would be of any online filing. If the person in the office is not comfortable submitting the information online, will there be another acceptable avenue for these forms to be submitted to the secretary of state's office?

We are trying to encourage more participation in local political races within the state. There is concern with more paperwork involved with being an elected official, there may be less participation in local government.

With 344 cities in the state under 1000 in population, the League feels that very few of the forms will change from year to year and believes this may involve spending more money on something that really isn't as big a problem as perceived.

The League appreciates the efforts of wanting to create more transparency in government but feels this bill is not the correct path and recommends a Do NOT Pass on this bill.

Thank you.

Kory Peterson

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1469
2/13/2025

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 North Dakota Century Code, relating to the statement of interests filed with the secretary of state.

9:40 a.m. Chairman Longmuir opened the hearing.

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

Members Absent: Representatives Davis, Toman, Warrey

Discussion Topics:

- Committee action

9:42 a.m. Representative Heilman moved to Amend and adopt testimony #36053 (Proposed on February 6, 2025, during the 9:30 a.m. meeting) as well as changing "January 15" to "January 31st" on page 2 line 8.

9:43 a.m. Representative Ostlie 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	A
Representative Jonathan Warrey	A

9:44 a.m. Motion passed 10-0-3

9:45 a.m. Representative Motschenbacher moved a Do Pass as Amended.

9:45 a.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	A
Representative Jonathan Warrey	A

9:46 a.m. Motion passed 10-0-3

9:46 a.m. Representative Heilman will carry the bill.

9:46 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

February 13, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HD
2/13/25
Page 1 of 3

HOUSE BILL NO. 1469

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

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1 interests after the candidate's election at the time of filing the required oath of office.
2 Every individual who is appointed by the governor to a state agency, board, bureau,
3 commission, department, or occupational or professional licensing board shall file a
4 statement of interests as required by this chapter with the secretary of state
5 simultaneously with announcement of the appointment.

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

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

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

15 **16.1-09-03. Contents of statement of interests.**

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

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

1 5. A list of political subdivisions and any agency or department of the state to which the
2 person providing the statement, or the person's spouse, sold goods or services of
3 more than five thousand dollars in the preceding calendar year from:

4 a. An employer identified under subsection 1 in which the person or the person's
5 spouse has an ownership interest of ten percent or more; or

6 b. A business or trust identified in subsection 2 in which the person or the person's
7 spouse has an ownership interest of ten percent or more.

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

10 **16.1-09-05. Powers and duties of the secretary of state and county and city auditors.**

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

12 1. Accept and file any statement submitted pursuant to this chapter.

13 2. Make statements filed available for public inspection and copying during regular office
14 hours. A reasonable fee may be charged to cover the cost of copying. Proceeds from
15 any fees charged must be deposited in the general fund of the appropriate
16 governmental entity.

17 3. Publish all statements ~~received~~ filed with the secretary of state under this chapter on a
18 website maintained by the secretary of state.

19 4. Preserve statements filed under this chapter for the term of office to which the person
20 making disclosure is elected or appointed ~~or until a new statement is filed and~~
21 ~~preserve.~~ Preserve statements filed pursuant to under this chapter by those candidates
22 who are not elected or appointed for a period of one year after the date of receipt.

**REPORT OF STANDING COMMITTEE
HB 1469**

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **AMENDMENTS** ([25.1079.02002](#)) and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT OR EXCUSED AND NOT VOTING). HB 1469 was placed on the Sixth order on the calendar.

2025 SENATE STATE AND LOCAL GOVERNMENT

HB 1469

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HB 1469
3/21/2025

Relating to the statement of interests filed with the secretary of state.

10:06 a.m. Chair Roers called the hearing to order.

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

Members Absent: Senator Braunberger

Discussion Topics:

- Each entities powers and duties
- State filing officers
- Annual reporting
- Transparency and accountability
- Financial disclosure requirements

10:07 a.m. Representative Bosch, District #30, introduced the bill.

10:10 a.m. Michael Howe, ND Secretary of State, testified in favor and submitted testimony #43406.

10:20 a.m. Sandy McMerty, Deputy Secretary of State, testified in favor and answered questions for the committee.

10:21 a.m. Rebecca Binstock, Executive Director ND Ethics Commission, testified in favor and submitted testimony #43329.

10:26 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk



North Dakota Ethics Commission
House Bill 1469
Testimony presented by
Rebecca Binstock, Executive Director
Before the Senate State and Local Government Committee
March 21, 2025

Good morning, Madam Chair and Committee members, my name is Rebecca Binstock. I serve as the Executive Director of the North Dakota Ethics Commission.

North Dakota citizens created the Ethics Commission in 2018 by passing an initiated measure which created Article XIV of the North Dakota Constitution. The Ethics Commission, an independent constitutional entity, consists of five commissioners:

- Chair Dave Anderson (Bismarck)
- Vice-Chair Ward Koeser (Williston)
- Dr. Cynthia Lindquist (Grand Forks)
- Ron Goodman (Oakes)
- Murray Sagsveen (Bismarck)

HB 1469

Establishing the Ethics Commission to support “open, ethical, and accountable government” is the cornerstone of Article XIV of the North Dakota Constitution. The Commission is testifying in support of HB 1469 because it increases open, ethical, and accountable government by providing North Dakota citizens access to current information about their leaders. With HB 1469, North Dakota joins forty-seven (47) other states which have annual reporting of public official’s interests.

Under current law, statements of interest are filed with the Secretary of State when an individual is a candidate for elected office and when individuals are appointed by the governor to a state agency, board, bureau, commission, department, or occupational or

professional licensing board. An individual does not update the statement of interest until and unless the individual runs for reelection or is re-appointed.

HB 1469 increases transparency of our state government by requiring public officials to update their statements of interest annually. This requirement ensures public officials are keeping this information up-to-date while they are in office, not just during election season or at the time of appointment. By requiring an annual update, HB 1469 promotes an informed electorate and promotes a culture of transparency, accountability, and informed decision making by our public officials.

The bill provides further transparency by requiring statements of interest received by the Secretary of State to be published online. Currently, to access statements of interest, North Dakotans are required to make an open record request. Paper forms then need to be retrieved and scanned to provide them to requestors in an electronic format.

Section 16.1-09-02 was first enacted in 1981 and has not been substantively amended since that time. However, with increasing (nearly instant) accessibility to information, the citizens of North Dakota's expectation of transparency in government has undoubtedly evolved since 1981. This bill meets those expectations.

HB 1469 also aligns North Dakota's financial disclosure requirements with de facto national standards. With passage of HB 1469, North Dakota will become the 48th state to have annual filing of statements of interest or similar financial disclosure statements. Michigan is the most recent state to move to annual filings, with its new law in effect as of 2024. Based upon the Commission's research, only one state – Idaho – does not have financial disclosure requirements for public officials or state employees.

The Ethics Commission wholeheartedly backs HB 1469 as it moves through the legislative process and requests a Do Pass recommendation by the committee. Madam Chair, that concludes my testimony, and I will gladly stand for any questions you may have.

SENATE STATE AND LOCAL GOVERNMENT COMMITTEE
SENATOR KRISTIN ROERS, CHAIR**TESTIMONY PRESENTED BY****MICHAEL HOWE, SECRETARY OF STATE**

Chair Roers 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. For your reference, the current statement of interest form you all complete is included at the end of my testimony.

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 31 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.

Section 2 adds a 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 the government body in which the office holder or appointee is representing.

Section 3 requires publishing of statements of interest filed with the Secretary of State on our website. This would not include statements of interest for which we are NOT the filing office such as counties, cities, or schools.

Chair Roers, 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
Website: 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)	OR Position to which appointed		

ITEM C - List the associations or institutions with which you and/or your spouse are closely associated, or serve as a director or officer of, AND which may be affected by legislative action (for legislative candidates) or action of the officeholder of the office to which you are a candidate or appointee.

1. List organizations and associations and note the capacity of your and/or your spouse's relationship such as "member," "board of directors," "consultant," etc.
2. Place an "X" to indicate the interested party.

ASSOCIATION OR INSTITUTION	CAPACITY	SELF	SPOUSE

ITEM D - Identify by name any **business office, business directorship, or fiduciary relationship** that you and/or your spouse have held in the preceding calendar year.

1. Fiduciary means acting as a guardian, trustee, executor, administrator, or conservator for any person, whether individual or corporate. Specify the capacity of the relationship of you and/or your spouse for any of the listed businesses, trusts and/or fiduciary relationships, such as "director," "executor," "trustee," etc.
2. Place an "X" to indicate the interested party.

ASSOCIATION OR INSTITUTION	CAPACITY	SELF	SPOUSE

I, the undersigned, declare this Statement of Interests has been examined by me and to the best of my knowledge is a true, correct, and complete statement of my financial interests. I understand any intentional violation of the law requiring the filing of this statement shall result in my being deprived of my appointment or assuming the duties of the elective office.

Signature of candidate or appointee

Date

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HB 1469
4/3/2025

Relating to the statement of interests filed with the secretary of state.

9:56 a.m. Chair Roers called the hearing to order.

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

Discussion Topics:

- Business or trust
- State filing officers
- Annual reporting
- Transparency and accountability
- Financial disclosure requirements

9:56 a.m. Chair Roers opened the hearing up for discussion on proposed amendment testimony #44580.

9:58 a.m. Senator Castaneda moved Amendment LC #25.1079.03001.

9:58 a.m. Senator Barta 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

9:59 a.m. Senator Barta moved Do Pass as amended.

9:59 a.m. Senator Walen 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

Senate State and Local Government Committee
HB 1469
4/03/2025
Page 2

Senator Barta will carry the bill.

10:02 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

April 1, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1469

Introduced by

Representatives Bosch, Lefor

Senator Hogue

CO
4/3/25
10f3

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

1 interests after the candidate's election at the time of filing the required oath of office.
2 Every individual who is appointed by the governor to a state agency, board, bureau,
3 commission, department, or occupational or professional licensing board shall file a
4 statement of interests as required by this chapter with the secretary of state
5 simultaneously with announcement of the appointment.

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

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

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

15 **16.1-09-03. Contents of statement of interests.**

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

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

1 5. A list of political subdivisions and any agency or department of the state to which the
2 person providing the statement, or the person's spouse, sold goods or services of
3 more than five thousand dollars in the preceding calendar year from:

4 a. An employer identified under subsection 1 in which the person or the person's
5 spouse has an ownership interest of ten percent or more; or

6 b. A business or trust identified in subsection 2 in which the person or the person's
7 spouse has an ownership interest of ten percent or more and the business or
8 trust is directly related to the official duties of the office the person is seeking or
9 holding.

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

12 **16.1-09-05. Powers and duties of the secretary of state and county and city auditors.**

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

14 1. Accept and file any statement submitted pursuant to this chapter.

15 2. Make statements filed available for public inspection and copying during regular office
16 hours. A reasonable fee may be charged to cover the cost of copying. Proceeds from
17 any fees charged must be deposited in the general fund of the appropriate
18 governmental entity.

19 3. Publish all statements filed with the secretary of state under this chapter on a website
20 maintained by the secretary of state.

21 4. Preserve statements filed under this chapter for the term of office to which the person
22 making disclosure is elected or appointed or until a new statement is filed and
23 preserve. Preserve statements filed pursuant to under this chapter by those candidates
24 who are not elected or appointed for a period of one year after the date of receipt.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1469**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.1079.03001](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1469 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.1079.03001
Title.

Prepared by the Legislative Council
staff for Senator Roers
April 1, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1469

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
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3 state.

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

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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

interests after the candidate's election at the time of filing the required oath of office. Every individual 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.

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

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

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

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

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

1. The name of the business or employer and an identification of the principal source of income, defined in the state income tax return as "principal occupation", of both the candidate or appointee and that person's spouse.
2. The name of each business or trust, not the principal source of income, in which the person making the statement, and that person's spouse, have a financial interest.
3. A list of the associations or institutions with which the person making the statement, and that person's spouse, are closely associated, or for which they serve as a director or officer, and which may be affected by legislative action, in the case of a statement submitted by a legislative candidate, or action by the candidate or appointee in that person's capacity as an officeholder.
4. The identity by name of all business offices, business directorships, and fiduciary relationships the person making the statement, and that person's spouse, have held in the preceding calendar year.

1 5. A list of political subdivisions and any agency or department of the state to which the
2 person providing the statement, or the person's spouse, sold goods or services of
3 more than five thousand dollars in the preceding calendar year from:

4 a. An employer identified under subsection 1 in which the person or the person's
5 spouse has an ownership interest of ten percent or more; or

6 b. A business or trust identified in subsection 2 in which the person or the person's
7 spouse has an ownership interest of ten percent or more and the business or
8 trust is directly related to the official duties of the office the person is seeking or
9 holding.

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

12 **16.1-09-05. Powers and duties of the secretary of state and county and city auditors.**

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

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