



April 7, 2023

The Honorable Dennis Johnson  
Speaker of the House  
North Dakota House of Representatives  
State Capitol  
Bismarck, ND

Re: House Bill 1463

Dear Speaker Johnson:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed House Bill 1463 and return it to the House.

Governing bodies across North Dakota, including the Legislature, are bound by N.D.C.C. 44-04-21, which states "all votes of whatever kind taken at any public meeting ... must be open, public votes, and all nonprocedural votes must be recorded roll call votes, with the votes of each member being made public at the open meeting."

Floor testimony on House Bill 1463 stated the Legislature currently is in violation of this law because not all amendments receive a recorded roll call vote. However, rather than simply comply with the law, the Legislature has opted to change the law to suit its current practice.

House Bill 1463 would exclude the Legislature from the legal requirement to hold recorded roll call votes on all nonprocedural votes relating to the consideration of an amendment by a legislative committee or the full legislative assembly during a legislative session.

Existing North Dakota law (N.D.C.C. 44-04-21) states that " 'nonprocedural' should be broadly interpreted and includes all votes that pertain to the merits of the matter before the governing body."

House Bill 1463 would allow the Legislature to adopt far-reaching amendments affecting the central policy or fiscal impact of a bill without affording the public the accountability of a recorded roll call vote. If enacted, this bill would deny the public the transparency essential to good governance.

For building public trust and confidence in our system of government, the Legislature should embrace and comply with existing North Dakota open meetings law.

For the reasons stated above, House Bill 1463 is vetoed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Burgum", with a long horizontal flourish extending to the right.

Doug Burgum  
Governor

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1463  
(Representatives Porter, Bosch, D. Johnson, Lefor, Schauer)

AN ACT to amend and reenact section 44-04-21 of the North Dakota Century Code, relating to legislative voting requirements.

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

**SECTION 1. AMENDMENT.** Section 44-04-21 of the North Dakota Century Code is amended and reenacted as follows:

**44-04-21. Open voting at public meetings required - Results recorded in minutes.**

1. Unless otherwise specifically provided by law, all votes of whatever kind taken at any public meeting governed by the provisions of section 44-04-19 must be open, public votes, and all nonprocedural votes must be recorded roll call votes, with the votes of each member being made public at the open meeting. Procedural votes must be recorded roll call votes upon the request of any member of a governing body holding a meeting subject to this section. As used in this section, "nonprocedural" should be broadly interpreted and includes all votes that pertain to the merits of the matter before the governing body.
2. Minutes must be kept of all open meetings and are records subject to section 44-04-18. The minutes must include, at a minimum:
  - a. The names of the members attending the meeting;
  - b. The date and time the meeting was called to order and adjourned;
  - c. A list of topics discussed regarding public business;
  - d. A description of each motion made at the meeting and whether the motion was seconded;
  - e. The results of every vote taken at the meeting; and
  - f. The vote of each member on every recorded roll call vote.

Notwithstanding subsection 8 of section 44-04-18, the disclosure of minutes kept under this subsection may not be conditioned on the approval of the minutes by the governing body.

3. Subsection 1 does not apply to a nonprocedural vote relating to the consideration of an amendment by a legislative committee or the legislative assembly during a legislative session, unless otherwise required by legislative rule.

Dennis Johnson  
Speaker of the House

Tammy Miller  
President of the Senate

Buell F. Reich  
Chief Clerk of the House

Barbara Morgan  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1463.

House Vote:      Yeas 87              Nays 3              Absent 4

Senate Vote:    Yeas 44              Nays 2              Absent 1

Buell F. Reich  
Chief Clerk of the House

Received by the Governor at 9:58 AM. on April 4, 2023.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Governor

Filed in this office this 17<sup>th</sup> day of April, 2023,

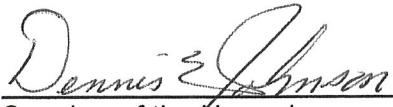
at 1:30 o'clock P. M.

Michelle Horne  
Secretary of State

Honorable Michael Howe  
Secretary of State  
Bismarck, North Dakota

I certify this Act, House Bill No. 1463, together with the objections of Governor Burgum, was returned to the House, being the body in which it originated, on April 7, 2023; that the objections of the Governor were read at length on April 10, 2023, and entered upon the Journal; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed on April 10, 2023, at 8:30 a.m.; and the roll was called and the Bill did pass, with more than two-thirds of the members-elect voting in the affirmative.

Vote:	Yeas	88
	Nays	0
	Absent and not voting	6

  
\_\_\_\_\_  
Speaker of the House

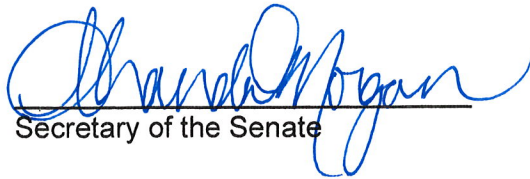
  
\_\_\_\_\_  
Chief Clerk of the House

Honorable Michael Howe  
Secretary of State  
Bismarck, North Dakota

I certify this Act, House Bill No. 1463, together with the objections of Governor Burgum, was received from the House, being the body in which it originated, on April 11, 2023; that the objections of the Governor were read at length on April 11, 2023, and entered upon the Journal; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed on April 11, 2023, at 12:35 p.m.; and the roll was called and the Bill did pass, with more than two-thirds of the members-elect voting in the affirmative.

Vote:	Yeas	45
	Nays	1
	Absent and not voting	1

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Secretary of the Senate