



May 19, 2025

The Honorable Michelle Strinden  
President of the Senate  
North Dakota Senate Chambers  
State Capitol  
Bismarck, ND

Re: Senate Bill 2004

Dear President Strinden:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have signed Senate Bill 2004 and filed it with the Secretary of State. I also have vetoed Section 5 of Senate Bill 2004.

Section 5 of Senate Bill 2004 establishes a new statutory immunity provision for members of the Legislative Assembly. While transparency and ethical conduct are essential in a representative democracy, this provision elevates internal legislative procedure above state law, effectively shielding lawmakers from accountability under our criminal code.

The state already has opaque campaign finance laws. Public confidence in government is built on the belief that no one, especially elected officials, is above the law. Codifying legislative immunity in this context undermines that principle. Moreover, this immunity provision sends the wrong message to North Dakotans: that legislative disclosure, however minimal or selective, is enough to avoid the legal consequences that any private citizen would face under similar circumstances.

Section 4 of Senate Bill 2004 is acceptable and reasonable because it appropriately clarifies that legislators must have the freedom to perform their official duties without fear of prosecution. However, Section 5 of the bill is flawed, as it attempts to grant blanket immunity from prosecution to legislators simply by virtue of their office. Disclosure is not absolution.

The fact Section 5 of Senate Bill 2004 is a policy item logrolled into an appropriation bill does not restrict the executive's line-item veto authority. Doing so would force the executive to choose between accepting a standalone policy item or risking the entire appropriation for a state agency. Allowing the Legislative Assembly to shoehorn general substantive policy provisions into an appropriation bill, while not simultaneously allowing the executive to veto those provisions, would undermine our system of checks and balances, and violate the longstanding principle of separation of powers.

I urge the Legislative Assembly to reconsider granting categorical immunity to its members and return next legislative session with mechanisms for enforcing accountability and earning back public trust.

For the reasons said above, Section 5 of Senate Bill 2004 is vetoed.

Sincerely,

Kelly Armstrong  
Governor

A handwritten signature in blue ink, appearing to read "Kelly Armstrong", is written over the printed name and title. The signature is stylized and fluid.