



April 22, 2025

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

Re: Senate Bill 2307

Dear President Strinden:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed Senate Bill 2307 and return it to the Senate.

Senate Bill 2307 aims to regulate access to materials deemed "explicit sexual material" in public and school libraries. While I recognize the concerns that led to its introduction, Senate Bill 2307 represents a misguided attempt to legislate morality through overreach and censorship. The bill imposes vague and punitive burdens on professionals and opens the door to a host of unintended and damaging consequences for our communities.

In 2023, the Legislative Assembly passed House Bill 1205, which already imposed restrictions on certain materials in public libraries. Whether or not one agreed with House Bill 1205, the bill at least operated within a specific, defined scope. Now, less than two years later, Senate Bill 2307 attempts to expand that reach further – into local government decisions and the prosecutorial discretion of state's attorneys. It is redundant, overly burdensome, and places local librarians, school districts, and state's attorneys in an untenable situation.

Any individual can complain about any book. Under Senate Bill 2307, if that individual is not satisfied with the response, they can force the library to activate "a diverse decision-making committee" to reconsider the location of the book in question. If the individual is still unsatisfied, they may request the state's attorney to issue an opinion of the alleged violation. The state's attorney is required to issue that opinion within 60 days. If the state's attorney finds a violation, they now enter a hybrid civil and criminal action where they engage one of two state agencies (the North Dakota Department of Public Instruction or the State Treasurer's Office) to withhold funding and may prosecute the offending librarian criminally. This is more process power given to an aggrieved individual than anywhere else in Century Code – more than a criminal victim, a civil plaintiff or defendant, or a fired state employee.

Any individual can force these steps to occur with a complaint about **any** book. And nothing in the law requires that individual to be a North Dakota citizen. Do we want to give non-North Dakotans that much influence over which books North Dakotans can read? Process matters. This process is completely unworkable.

But the biggest problem is that many librarians and decision-makers will be resigned to simply accommodate the individual complaint. If something is even potentially controversial to some person, eliminating it will be easier than standing up a committee or getting the state's attorney involved.

And it won't just be the books cited as examples by the supporters of this bill that will be affected. In the last 10 years *The Diary of a Young Girl* by Anne Frank, *Of Mice and Men*, *Slaughterhouse-Five*, *The Kite Runner*, *1984*, and *To Kill a Mockingbird* have all been targeted by obscenity laws. I don't pretend to know what the next literary masterpiece is going to be. But I know that I want it available in a library. And if a parent doesn't think it is age appropriate for their child, then that is a parenting decision. It does not require a whole of government approach and \$1.1 million of taxpayer money.

In today's world of social media, streaming services, websites, cable TV and movies where profanity, drug use, violence and nudity are harder to avoid than to find, the amount of time, money and taxpayer resources spent on where a book is placed in a library would be better used elsewhere.

For the reasons stated above, Senate Bill 2307 is vetoed.

Sincerely,



Kelly Armstrong
Governor