

**HOUSE BILL NO. 1191**

Introduced by

Representatives Devlin, Becker, Bellew, Boschee, Mock, Pollert, Vigesaa

Senators Heckaman, Klein, Wanzek, Wardner

1 A BILL for an Act to amend and reenact sections 16.1-08.1-02.3, 16.1-08.1-03.5, and  
2 16.1-08.1-03.7 of the North Dakota Century Code, relating to reporting expenditures in support  
3 of or opposition to candidates; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-08.1-02.3 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **16.1-08.1-02.3. Pre-election, supplemental, and year-end campaign disclosure**  
8 **statement requirements for candidates, candidate committees, multicandidate**  
9 **committees, and nonstatewide political parties.**

10 1. Prior to the thirty-first day before a primary, general, or special election, a candidate or  
11 candidate committee formed on behalf of the candidate, a multicandidate political  
12 committee, or a political party other than a statewide political party soliciting or  
13 accepting contributions shall file a campaign disclosure statement that includes all  
14 contributions received from January first through the fortieth day before the election. A  
15 candidate whose name is not on the ballot and who is not seeking election through  
16 write-in votes, the candidate's candidate committee, and a political party that has not  
17 endorsed or nominated any candidate in the election is not required to file a statement  
18 under this subsection. The statement may be submitted for filing beginning on the  
19 thirty-ninth day before the election. The statement must include:

20 a. For each aggregated contribution from a contributor which totals in excess of two  
21 hundred dollars received during the reporting period:

- 22 (1) The name and mailing address of the contributor;  
23 (2) The total amount of the contribution; and  
24 (3) The date the last contributed amount was received;

- 1           b. The total of all aggregated contributions from contributors which total in excess of  
2           two hundred dollars during the reporting period;
- 3           c. The total of all contributions received from contributors that contributed two  
4           hundred dollars or less each during the reporting period; ~~and~~
- 5           d. For a statewide candidate, a candidate committee formed on behalf of a  
6           statewide candidate, and a statewide multicandidate committee, the balance of  
7           the campaign fund on the fortieth day before the election and the balance of the  
8           campaign fund on January first; and
- 9           e. If the entity filing the statement is a multicandidate political committee, for each  
10          expenditure in excess of two hundred dollars made during the reporting period:  
11          (1) The applicable expenditure category;  
12          (2) The amount of the expenditure; and  
13          (3) Whether the expenditure was made to support or oppose a candidate and, if  
14          so, the name of the candidate.
- 15          2. Beginning on the thirty-ninth day before the election through the day before the  
16          election, a person that files a statement under subsection 1 ~~must~~shall file a  
17          supplemental statement within forty-eight hours of the start of the day following the  
18          receipt of a contribution or aggregate contribution from a contributor which is in excess  
19          of five hundred dollars. The statement must include:
- 20          a. The name and mailing address of the contributor;
- 21          b. The total amount of the contribution received during the reporting period; and
- 22          c. The date the last contributed amount was received.
- 23          3. Beginning on the thirty-ninth day before the election through the day before the  
24          election, a multicandidate political committee that files a statement under subsection 1  
25          shall file a supplemental statement within forty-eight hours of the start of the day  
26          following an expenditure or aggregate expenditure to a recipient which is in excess of  
27          five hundred dollars. The statement must include:
- 28          a. The applicable expenditure category;
- 29          b. The amount of the expenditure; and
- 30          c. Whether the expenditure was made to support or oppose a candidate, and, if so,  
31          the name of the candidate.

- 1        4. Prior to February first, a candidate or candidate committee, a multicandidate political  
2        committee, or a nonstatewide political party soliciting or accepting contributions shall  
3        file a campaign disclosure statement that includes all contributions received and  
4        expenditures, by expenditure category, made from January first through December  
5        thirty-first of the previous year. The statement may be submitted for filing beginning on  
6        January first. The statement must include:
- 7        a. For a statewide candidate, a candidate committee formed on behalf of a  
8        statewide candidate, and a statewide multicandidate committee, the balance of  
9        the campaign fund on January first and on December thirty-first;
- 10       b. For each aggregated contribution from a contributor which totals in excess of two  
11       hundred dollars received during the reporting period:
- 12       (1) The name and mailing address of the contributor;
- 13       (2) The total amount of the contribution; and
- 14       (3) The date the last contributed amount was received;
- 15       c. The total of all aggregated contributions from contributors which total in excess of  
16       two hundred dollars during the reporting period;
- 17       d. The total of all contributions received from contributors that contributed two  
18       hundred dollars or less each during the reporting period; ~~and~~
- 19       e. The total of all other expenditures made during the previous year, separated into  
20       expenditure categories; and
- 21       f. If the entity filing the statement is a multicandidate political committee, for each  
22       expenditure in excess of two hundred dollars made during the reporting period:
- 23       (1) The applicable expenditure category;
- 24       (2) The amount of the expenditure; and
- 25       (3) Whether the expenditure was made to support or oppose a candidate and, if  
26       so, the name of the candidate.
- 27       4.5. A person required to file a statement under this section, other than a candidate for  
28       judicial office, county office, or city office, or a candidate committee for a candidate  
29       exempted under this subsection, shall report each aggregated contribution from a  
30       contributor which totals five thousand dollars or more during the reporting period. For

1           these contributions from individuals, the statement must include the contributor's  
2           occupation, employer, and the employer's principal place of business.

3     ~~5-6.~~ A candidate for city office in a city with a population under five thousand and a  
4           candidate committee for the candidate are exempt from this section.

5     ~~6-7.~~ A candidate for county office and a candidate committee for a candidate for county  
6           office shall file statements under this chapter with the county auditor. A candidate for  
7           city office who is required to file a statement under this chapter and a candidate  
8           committee for such a candidate shall file statements with the city auditor. Any other  
9           person required to file a statement under this section shall file the statement with the  
10          secretary of state.

11    ~~7-8.~~ The filing officer shall assess and collect fees for any reports filed after the filing  
12          deadline.

13    ~~8-9.~~ To ensure accurate reporting and avoid commingling of campaign and personal funds,  
14          candidates shall use dedicated campaign accounts that are separate from any  
15          personal accounts.

16          **SECTION 2. AMENDMENT.** Section 16.1-08.1-03.5 of the North Dakota Century Code is  
17    amended and reenacted as follows:

18          **16.1-08.1-03.5. Corporate contributions and expenditures - Statement required.**

19          1. Corporations, cooperative corporations, limited liability companies, affiliates,  
20             subsidiaries, and associations may make expenditures and contributions for promoting  
21             any general political philosophy or belief deemed in the best interest of the employees,  
22             stockholders, patrons, or members of the corporation, cooperative corporation, limited  
23             liability company, affiliate, subsidiary, or association other than a "political purpose" as  
24             defined by this chapter. A corporation, cooperative corporation, limited liability  
25             company, affiliate, subsidiary, or association may not make a contribution for a political  
26             purpose.

27          2. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
28             association may make a donation of property or money to a state political party or  
29             nonprofit entity affiliated with or under the control of a state political party for deposit in  
30             a separate and segregated building fund.

- 1           3. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
2           association may make an expenditure to a measure committee as described in section  
3           16.1-08.1-01 for the purpose of promoting the passage or defeat of an initiated or  
4           referred measure or petition or make an expenditure to any other person that makes  
5           an independent expenditure. A corporation, cooperative corporation, limited liability  
6           company, affiliate, subsidiary, or association may make an independent expenditure  
7           for a political purpose, including political advertising in support of or opposition to a  
8           candidate, political committee, or a political party, or for the purpose of promoting  
9           passage or defeat of initiated or referred measures or petitions. The corporation,  
10          cooperative corporation, limited liability company, affiliate, subsidiary, or association  
11          shall file a statement disclosing any expenditure made under this subsection with the  
12          secretary of state within forty-eight hours after making the expenditure. The statement  
13          must include:
- 14          a. The full name of the corporation, cooperative corporation, limited liability  
15             company, affiliate, subsidiary, or association;
  - 16          b. The complete address of the corporation, cooperative corporation, limited liability  
17             company, affiliate, subsidiary, or association;
  - 18          c. The name of the recipient of the expenditure;
  - 19          d. If the expenditure is related to a measure or petition, the title of the measure or  
20             petition and whether the expenditure is made in support of or opposition to the  
21             measure or petition;
  - 22          e. If the expenditure is related to a measure, the election date on which the  
23             measure either will appear or did appear on the ballot;
  - 24          f. If the expenditure is related to a candidate, the name of the candidate and  
25             whether the expenditure is made in support of or opposition to the candidate:
  - 26          g. The amount of the expenditure;
  - 27          g-h. The cumulative total amount of expenditures since the beginning of the calendar  
28             year which are required to be reported under this subsection;
  - 29          h-i. The telephone number and the printed name and signature of the individual  
30             completing the statement, attesting to the statement being true, complete, and  
31             correct; and

1           i.j. The date on which the statement was signed.

2           **SECTION 3. AMENDMENT.** Section 16.1-08.1-03.7 of the North Dakota Century Code is  
3 amended and reenacted as follows:

4           **16.1-08.1-03.7. Political committees that organize and register according to federal**  
5 **law that make independent expenditures or disbursements to nonfederal candidates,**  
6 **political parties, and political committees.**

7           A political committee that organizes and registers according to federal law and makes an  
8 independent expenditure or makes a disbursement in excess of two hundred dollars to a  
9 nonfederal candidate seeking public office or to a political party or political committee in this  
10 state shall file a copy of that portion of the committee's federal report detailing the independent  
11 expenditure or the disbursement made. The political committee shall file a copy of the  
12 committee's federal report, and supplementary information as necessary under this section, with  
13 the secretary of state at the time of filing the report with the applicable federal agency. The  
14 report and supplementary information must include:

- 15           1. The name, mailing address, and treasurer of the political committee;
- 16           2. The recipient's name and mailing address;
- 17           3. The date and amount of the independent expenditure or disbursement;
- 18           4. If the expenditure is related to a candidate, the name of the candidate and whether the  
19 expenditure is made in support of or opposition to the candidate; and
- 20           4.5. The ultimate and true source of funds listed by contributor and subcontributor of any  
21 amount over two hundred dollars collected or used to make the independent  
22 expenditure or disbursement including:
  - 23           a. The name and address of the contributor;
  - 24           b. The total amount of the contribution; and
  - 25           c. The date the last contribution was received.