

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1403

Introduced by

Representatives R. Kelsch, Wardner

Senators St. Aubyn, W. Stenehjem

1 A BILL for an Act to amend and reenact subsection 10 of section 16.1-08.1-01, sections
2 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.2, subsection 3 of section
3 16.1-08.1-03.3, sections 16.1-08.1-03.5, 16.1-08.1-06, and subdivision a of subsection 2 of
4 section 16.1-10-02 of the North Dakota Century Code, relating to campaign contribution
5 statements, political committee registration, and the definition of political purpose.

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

7 **SECTION 1. AMENDMENT.** Subsection 10 of section 16.1-08.1-01 of the 1995
8 Supplement to the North Dakota Century Code is amended and reenacted as follows:

9 10. "Political purpose" means any activity undertaken in support of or in opposition to
10 the election or nomination of a candidate to public office whether the activity is
11 undertaken by a candidate, a political committee, a political party, or any person.
12 The term does not include activities undertaken in the performance of a duty of a
13 state office.

14 **SECTION 2. AMENDMENT.** Section 16.1-08.1-02 of the 1995 Supplement to the
15 North Dakota Century Code is amended and reenacted as follows:

16 **16.1-08.1-02. Contributions statement required of candidates.** Any candidate who
17 is soliciting or accepting contributions for any political purpose, shall make and file a statement
18 in accordance with this section.

19 The candidate shall include in the statement the name and mailing address of all
20 contributors who contributed in excess of one hundred dollars to the candidate, the amount of
21 each reportable contribution, and the date each reportable contribution was received.

22 The candidate shall file the statement no later than the twelfth day before the date of the
23 election in which the candidate's name appears on the ballot or in which the candidate seeks
24 election through write-in votes complete from the beginning of that calendar year ~~or, if~~

~~applicable, from the cutoff date for the previous statement,~~ through the twentieth day before the date of the election. The candidate shall file a complete statement for the entire calendar year no later than the thirty-first day of January of the following year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year or whether the candidate did not seek election at any election through write-in votes.

Statements of a legislative candidate must be filed in the office of the county auditor of the candidate's county of residence. Statements of state office candidates must be filed in the office of the secretary of state.

~~No candidate may be required to file any statement required by this chapter~~ Even if the candidate has not received any contributions in excess of one hundred dollars during the calendar year, the candidate shall file a statement as required by this chapter.

SECTION 3. AMENDMENT. Section 16.1-08.1-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03. Contributions statement required of political parties. Any political party that receives contributions in excess of one hundred dollars ~~and contributes money to a candidate in excess of one hundred dollars~~ shall file a statement containing a detailed list of all contributions received from ~~an individual~~ a person or political committee which exceed one hundred dollars in amount. The statement must include the name and mailing address of all contributors listed, the amount of each reportable contribution, and the date each reportable contribution was received.

A yearend statement covering the entire calendar year must be filed with the secretary of state no later than the thirty-first day of January of the following year. A preelection statement must be filed no later than the twelfth day before any election at which the party has endorsed or will nominate a candidate and must be complete from the beginning of that calendar year ~~or, if applicable, from the cutoff date for the previous statement,~~ through the twentieth day before the election.

SECTION 4. AMENDMENT. Section 16.1-08.1-03.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.1. Contributions statement required of persons promoting passage or defeat of initiated or referred measure.

- 1 1. Any person who is soliciting or accepting a contribution for the purpose of aiding or
2 opposing the circulation or passage of a statewide initiative or referendum petition
3 or measure at any election shall file a statement in accordance with this section if
4 the person has received any contributions from a person in excess of one hundred
5 dollars. The statement must include the name and mailing address of all
6 contributors who contributed in excess of one hundred dollars to the person, the
7 amount of each reportable contribution, and the date each reportable contribution
8 was received.
- 9 2. A person soliciting or accepting a contribution for the purpose of aiding the
10 circulation of a statewide initiative or referendum petition or of promoting passage
11 or defeat of any statewide initiated or referred measure may not accept a
12 contribution of more than one hundred dollars from ~~an individual~~ a person who
13 does not reside in this state or from an out-of-state political committee unless the
14 contribution is accompanied by a certified statement from the contributor listing the
15 name, address, and amount contributed by each person who contributed more
16 than one hundred dollars of the contribution. The statement must indicate if no
17 individual person contributed in excess of one hundred dollars of the out-of-state
18 person's or political committee's overall contribution. The certified statement must
19 also list the occupation, employer, and principal place of business for each person
20 who contributed more than two hundred dollars of the contribution. The person
21 soliciting or accepting a contribution for the purpose of aiding the circulation of a
22 statewide initiative or referendum petition or of promoting passage or defeat of a
23 statewide initiated or referred measure must include this statement with the
24 contribution statement required to be filed under subsection 1.
- 25 3. The statement required of a person under subsection 1 must be filed with the
26 secretary of state no later than the twelfth day prior to the date of the election in
27 which the measure appears or would have appeared on the ballot complete from
28 the beginning of that calendar year through the twentieth day prior to the date of
29 the election. A complete statement for the entire calendar year must be filed no
30 later than the thirty-first day of January of the following year.

1 **SECTION 5. AMENDMENT.** Section 16.1-08.1-03.2 of the 1995 Supplement to the
2 North Dakota Century Code is amended and reenacted as follows:

3 **16.1-08.1-03.2. Political committee registration.** A political committee, other than a
4 political party and a committee organized in support of a legislative candidate, and a person
5 aiding or opposing a measure to be voted upon by the voters of the state shall register its
6 name, address, and its agent's name and address with the secretary of state each calendar
7 year in which it receives any contribution. The registration must be completed within five days
8 of the receipt of any contribution and must be submitted with a registration fee of five dollars.

9 **SECTION 6. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.3 of the 1995
10 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 11 3. All political committees formed for the purpose of administering the segregated
12 fund provided for in this section shall file a statement showing the name and
13 mailing address of each contributor of an amount in excess of two hundred dollars
14 in the aggregate for the reporting period and a listing of all expenditures of an
15 amount in excess of one hundred dollars in the aggregate made for political
16 purposes with the secretary of state. The statement must include the amount of
17 each reportable contribution and the date it was received and the amount of each
18 reportable expenditure and the date it was made. A yearend statement covering
19 the entire calendar year must be filed no later than the thirty-first day of the
20 following year. A preelection statement must be filed no later than the twelfth day
21 before any primary, special, or general election and must be complete from the
22 beginning of the calendar year ~~or, if applicable, from the cutoff date for the~~
23 ~~previous statement~~ through the twentieth day before the election.

24 **SECTION 7. AMENDMENT.** Section 16.1-08.1-03.5 of the 1995 Supplement to the
25 North Dakota Century Code is amended and reenacted as follows:

26 **16.1-08.1-03.5. Expenditures for other purposes - Report required.** ~~Nothing in this~~
27 This chapter may be construed to does not prohibit the exercise by corporations, cooperative
28 corporations, limited liability companies, and associations of the right to make expenditures and
29 contributions for the purpose of promoting passage or defeat of initiated or referred measures,
30 or for promoting any general political philosophy or belief deemed in the best interest of the
31 employees, stockholders, patrons, or members of the corporation, cooperative corporation,

1 limited liability company, or association other than a "political purpose" as defined by this
2 chapter. Any corporation, cooperative corporation, limited liability company, or association that
3 receives contributions pursuant to section 16.1-08.1-03.1 or spends money for the purpose of
4 promoting passage or defeat of initiated or referred measures, other than a contribution to
5 another person promoting passage or defeat of an initiated or referred measure, shall file a
6 statement pursuant to section 16.1-08.1-03.1 along with a statement listing the total amount of
7 money spent for that purpose. The ~~statement~~ statements must be filed with the secretary of
8 state no later than the twelfth day ~~prior to~~ before the date of the election in which the measure
9 appears or would have appeared on the ballot complete from the beginning of that calendar
10 year through the twentieth day ~~prior to~~ before the date of the election.

11 **SECTION 8. AMENDMENT.** Section 16.1-08.1-06 of the 1995 Supplement to the
12 North Dakota Century Code is amended and reenacted as follows:

13 **16.1-08.1-06. Contributions statement requirements.** A statement required by this
14 chapter to be filed with the secretary of state or county auditor must be:

15 1. ~~Verified by the oath or affirmation of the person filing the statement, taken before~~
16 ~~any officer authorized to administer oaths.~~

17 2. Deemed properly filed when deposited in an established post office within the
18 prescribed time, postage affixed, and directed to the secretary of state or county
19 auditor, but ~~in the event if~~ if it is not received, a duplicate of the statement must be
20 promptly filed upon notice by the secretary of state or county auditor of its
21 nonreceipt.

22 3. ~~2.~~ Preserved by the secretary of state or county auditor for a period of four years from
23 the date of filing. The statement is to be considered a part of the public records of
24 the secretary of state's or county auditor's office and must be open to public
25 inspection.

26 If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary
27 of state or county auditor is closed, the statement must be filed on the next available day on
28 which the office of the secretary of state or county auditor is open. In determining the amount
29 of individual contributions from any contributor, all amounts received from the same contributor
30 during the reporting period must be aggregated for the purposes of the statements required by
31 this chapter.

1 **SECTION 9. AMENDMENT.** Subdivision a of subsection 2 of section 16.1-10-02 of the
2 North Dakota Century Code is amended and reenacted as follows:

- 3 a. "Political purpose" means any activity ~~directly undertaken by a candidate for~~
4 ~~any office in support of his own election to such office; or aid and assistance~~
5 ~~to any candidate, political party, political committee, or organization in support~~
6 of or in opposition to the election or nomination of a candidate to public office
7 whether the activity is undertaken by a candidate, political committee, political
8 party, or any other person, but does not include activities undertaken in the
9 performance of a duty of state office.