

**FIRST ENGROSSMENT  
with Senate Amendments**

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 in the aggregate during the  
21 reporting period to the candidate, the amount of each reportable contribution, and the date  
22 each reportable contribution was received.

23 The candidate shall file the statement no later than the twelfth day before the date of the  
24 election in which the candidate's name appears on the ballot or in which the candidate seeks

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~~ in the aggregate during the reporting period 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.