

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2316

Introduced by

Senators Kelsh, O'Connell

1 A BILL for an Act to amend and reenact sections 16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03,  
2 16.1-08.1-03.2, subsection 3 of section 16.1-08.1-03.3, sections 16.1-08.1-03.6, and  
3 16.1-08.1-06 of the North Dakota Century Code, relating to campaign contribution statements.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-08.1-01 of the North Dakota Century Code  
6 is amended and reenacted as follows:

7 **16.1-08.1-01. Definitions.** As used in this chapter, unless the context otherwise plainly  
8 requires:

- 9 1. "Association" means any club, association, union, brotherhood, fraternity,  
10 organization, or group of any kind of two or more persons, including labor unions,  
11 trade associations, professional associations, or governmental associations, which  
12 is united for any purpose, business, or object and which assesses any dues,  
13 membership fees, or license fees in any amount, or which maintains a treasury  
14 fund in any amount. The term does not include corporations, cooperative  
15 corporations, limited liability companies, political committees, or political parties.
- 16 2. "Candidate" means an individual who seeks nomination for election or election to  
17 public office.
- 18 3. "Contribution" means a gift, subscription, loan, advance, or deposit of money,  
19 made for the purpose of influencing the nomination for election, or election, of any  
20 person to public office or aiding or opposing the circulation or passage of a  
21 statewide initiative or referendum petition or measure. Contribution also means a  
22 contract, promise, or agreement, express or implied, whether or not legally  
23 enforceable, to make a contribution for any of the above purposes, ~~and,~~  
24 Contribution includes funds received by a candidate for public office or a political

party or committee which are transferred or signed over to that candidate, party, or committee from another candidate, party, or political committee or other source except as provided in subdivision d. This definition does not include:

- a. A loan of money from a bank or other lending institution made in the regular course of business.
- b. Time spent by volunteer campaign or political party workers.
- c. Money spent by a candidate on the candidate's own behalf.
- d. Any money received ~~from a district or state committee of a political party, as established pursuant to sections 16.1-03-06 and 16.1-03-08, except for contributions reported pursuant to section 16.1-08.1-03~~ by a candidate for public office which is immediately transferred or signed over to a district or state committee of a political party within ten days of the candidate receiving the money. A transfer of this kind must be reported by the district or state committee of the political party as a contribution according to section 16.1-08.1-03, and show the origin of the contribution.

4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code.
5. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or property, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.
6. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
7. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
8. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures primarily for political

purposes and any committee organized in support of a candidate or several candidates seeking public office.

9. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.

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

11. "Public office" means every statewide or legislative office to which persons can be elected by vote of the people under the laws of this state.

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

**16.1-08.1-02. Contributions statement required of candidates and political committees organized in support of candidates.** Any candidate who is soliciting or accepting contributions for any political purpose and any political committee organized in support of a candidate or several candidates shall make and file a statement in accordance with this section.

The candidate or political committee shall include in the statement the name and mailing address of all contributors who contributed in excess of one hundred dollars in the aggregate during the reporting period to the candidate or political committee, the amount of each reportable contribution, and the date each reportable contribution was received.

The candidate or political committee shall file the statement no later than the twelfth day before the date of the 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 through the twentieth day before the date of the election. The candidate or political committee 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

1 appeared on the ballot for any office during that calendar year or whether the candidate did not  
2 seek election at any election through write-in votes.

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

6 Even if the candidate or political committee has not received any contributions in excess  
7 of one hundred dollars during the ~~calendar year~~ reporting period, the candidate or political  
8 committee shall file a statement as required by this chapter.

9 **SECTION 3. AMENDMENT.** Section 16.1-08.1-03 of the North Dakota Century Code  
10 is amended and reenacted as follows:

11 **16.1-08.1-03. Contributions statement required of political parties.** Any political  
12 party that receives contributions in excess of one hundred dollars in the aggregate during the  
13 reporting period shall file a statement containing a detailed list of all contributions received from  
14 a person or political committee which exceed one hundred dollars in amount. The statement  
15 must include the name and mailing address of all contributors listed, the amount of each  
16 reportable contribution, and the date each reportable contribution was received.

17 A yearend statement covering the entire calendar year must be filed with the secretary  
18 of state no later than the thirty-first day of January of the following year. A preelection  
19 statement must be filed no later than the twelfth day before any election at which the party has  
20 endorsed or will nominate a candidate and must be complete from the beginning of that  
21 calendar year through the twentieth day before the election.

22 Even if the political party has not received any contributions in excess of one hundred  
23 dollars during the reporting period, the political party shall file a statement as required by this  
24 chapter.

25 **SECTION 4. AMENDMENT.** Section 16.1-08.1-03.2 of the North Dakota Century  
26 Code is amended and reenacted as follows:

27 **16.1-08.1-03.2. Political committee registration.** A political committee, other than a  
28 political party ~~and a committee organized in support of a legislative candidate~~, and a person  
29 aiding or opposing a measure to be voted upon by the voters of the state shall register its  
30 name, address, and its agent's name and address with the secretary of state each calendar  
31 year in which it receives any contribution. The registration must be completed within five days

1 of the receipt of any contribution and must be submitted with a registration fee of five dollars.  
2 Political committees that organize and register according to federal law shall register within five  
3 days of making a contribution to a nonfederal candidate seeking public office and in doing so  
4 shall follow the reporting requirements provided in section 16.1-08.1-03.3.

5 **SECTION 5. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.3 of the North  
6 Dakota Century Code is amended and reenacted as follows:

- 7 3. All political committees formed for the purpose of administering the segregated  
8 fund provided for in this section shall file a statement showing the name and  
9 mailing address of each contributor of an amount in excess of two hundred dollars  
10 in the aggregate for the reporting period and a listing of all expenditures of an  
11 amount in excess of one hundred dollars in the aggregate made for political  
12 purposes with the secretary of state. The statement must include the amount of  
13 each reportable contribution and the date it was received and the amount of each  
14 reportable expenditure and the date it was made. A yearend statement covering  
15 the entire calendar year must be filed no later than the thirty-first day of the  
16 following year. A preelection statement must be filed no later than the twelfth day  
17 before any primary, special, or general election and must be complete from the  
18 beginning of the calendar year through the twentieth day before the election.  
19 Political committees that organize and register according to federal law and the  
20 laws of this state must only report contributions received and expenditures made  
21 by the committee registered in this state as provided by this section.

22 **SECTION 6. AMENDMENT.** Section 16.1-08.1-03.6 of the North Dakota Century  
23 Code is amended and reenacted as follows:

24 **16.1-08.1-03.6. Contributions from federal campaign committee accounts or from**  
25 **contributions made to other candidates or former candidates limited.** A candidate or a  
26 political party may not accept a contribution in an amount exceeding two hundred dollars from  
27 another candidate's campaign contributions, from contributions made to a person who was a  
28 candidate within the previous six years, or from a federal campaign committee account unless:

- 29 1. The person who makes a contribution from such funds includes with the  
30 contribution a statement that the original contributors gave permission to contribute  
31 money to another candidate or a political party; and

2. The receiving candidate or a political party files a disclosure statement with the same office as required under section 16.1-08.1-02 for campaign contribution statements within forty-eight hours after receiving the contribution. The statement must include a copy of the permission statement required of the donating person under subsection 1.

A contribution requiring permission according to this section does not include any money received by a candidate that is immediately transferred or signed over to a district or state committee of a political party within ten days of the candidate receiving the contribution.

**SECTION 7. AMENDMENT.** Section 16.1-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Deemed properly filed when deposited in an established post office within the prescribed time, postage affixed, and directed to the secretary of state ~~or county auditor~~, but if it is not received, a duplicate of the statement must be promptly filed upon notice by the secretary of state ~~or county auditor~~ of its nonreceipt.
2. Preserved by the secretary of state ~~or county auditor~~ for a period of four years from the date of filing. The statement is to be considered a part of the public records of the secretary of state's ~~or county auditor's~~ office and must be open to public inspection.

If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state ~~or county auditor~~ is closed, the statement must be filed on the next available day on which the office of the secretary of state ~~or county auditor~~ is open. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated to report an overall total contribution for the purposes of the statements required by this chapter. Aggregated contributions must reference the date of the most recent contribution. Contributions made separately from joint accounts must be aggregated and reported as originating from one source.