

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1309

Introduced by

Representatives Devlin, Holman, J. Nelson, Rohr, Trottier

Senators Armstrong, Schaible

1 A BILL for an Act to amend and reenact subsection 1 of section 16.1-01-12, subsection 11 of
2 section 16.1-08.1-01, sections 16.1-08.1-03.1 and 16.1-08.1-03.2, subsection 3 of section
3 16.1-08.1-03.5, subsection 1 of section 16.1-08.1-03.12, and sections 16.1-08.1-03.13 and
4 16.1-10-04.1 of the North Dakota Century Code, relating to campaign finance disclosure.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 16.1-01-12 of the North Dakota
7 Century Code is amended and reenacted as follows:

- 8 1. It is unlawful for an individual, measure committee as described in section
9 16.1-08.1-01, or other organization to:
- 10 a. Fraudulently alter another individual's ballot or substitute one ballot for another or
11 to otherwise defraud a voter of that voter's vote.
 - 12 b. Obstruct a qualified elector on the way to a polling place.
 - 13 c. Vote or offer to vote more than once in any election.
 - 14 d. Knowingly vote in the wrong election precinct or district.
 - 15 e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
 - 16 f. Knowingly exclude a qualified elector from voting or knowingly allow an
17 unqualified person to vote.
 - 18 g. Knowingly vote when not qualified to do so.
 - 19 h. Sign an initiative, referendum, recall, or any other election petition when not
20 qualified to do so.
 - 21 i. Circulate an initiative, referendum, recall, or any other election petition not in its
22 entirety or circulate such a petition when unqualified to do so.
 - 23 j. Pay or offer to pay any individual, measure committee, or other organization, or
24 receive payment or agree to receive payment, on a basis related to the number

of signatures obtained for circulating an initiative, referendum, or recall petition.

This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file their intent to remunerate prior to submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a preelection report by individuals or organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1. Any signature obtained in violation of this subdivision is void and may not be counted.

k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.

l. Willfully violate any rule adopted by the secretary of state pursuant to this title.

m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the same to be false, or willfully deface, destroy, or conceal any statement or certificate entrusted to the individual's or organization's care.

n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law.

o. Sign a name other than that individual's own name to an initiative, referendum, recall, or any other election petition.

SECTION 2. AMENDMENT. Subsection 11 of section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

11. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes and includes the following:

- a. A political action committee, derived from a corporation, cooperative corporation, limited liability company, or an association that is prohibited from making a contribution for political purposes under section 16.1-08.1-03.5, and which solicits or receives contributions or makes expenditures for political purposes;
- b. A candidate committee, established to support an individual candidate seeking statewide, judicial, or legislative office, ~~that~~which solicits or receives contributions for political purposes;
- c. A political organization governed by the Internal Revenue Code and registered with the federal election commission, which solicits or receives contributions or makes expenditures for political purposes;
- d. A multicandidate political committee, established to support multiple groups or slates of candidates seeking public office, that solicits or receives contributions for political purposes;
- e. A measure committee ~~that, including an initiative or referendum sponsoring~~ committee at any stage of its organization, which solicits or receives contributions or makes expenditures for the purpose of aiding or opposing a measure sought to be voted upon by the voters of the state, including any activities undertaken for the purpose of drafting an initiative or referendum petition, seeking approval of the secretary of state for the circulation of a petition, or seeking approval of the submitted petitions; and
- f. An incidental committee.

SECTION 3. AMENDMENT. Section 16.1-08.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.1. Contributions statement required of persons and measure committees circulating or promoting passage or defeat of initiated or referred measure –~~Statement of petition sponsors.~~

1. Any person or measure committee, as described in section 16.1-08.1-01, that is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly at any election shall file a statement in accordance with this subsection if the person has received any

1 contribution in excess of one hundred dollars. The statement must include the name
2 and mailing address of each person that contributed in excess of one hundred dollars
3 to the person, the amount of each reportable contribution, and the date each
4 reportable contribution was received. The statement must include the name and
5 mailing address of each recipient of an expenditure exceeding one hundred dollars in
6 the aggregate, the amount of each reportable expenditure, and the date the
7 expenditure was made.

8 2. A person or measure committee ~~that~~as described in section 16.1-08.1-01 which is
9 soliciting or accepting a contribution for the purpose of aiding or opposing the
10 circulation or passage of a statewide initiative or referendum petition or measure
11 placed upon a statewide ballot by action of the legislative assembly may not accept a
12 contribution of more than one hundred dollars from an out-of-state person or political
13 committee unless the contribution is accompanied by a certified statement from the
14 contributor listing the name, address, and amount contributed by each person that
15 contributed more than one hundred dollars of the contribution. The statement must
16 indicate if no person contributed in excess of one hundred dollars of the out-of-state
17 person's or political committee's overall contribution. The certified statement must also
18 list the occupation, employer, and principal place of business for each individual who
19 contributed more than one hundred dollars of the contribution. The person soliciting or
20 accepting a contribution for the purpose of aiding the circulation of a statewide
21 initiative or referendum petition or of promoting passage or defeat of a statewide
22 initiated or referred measure shall include this statement with the contribution
23 statement required to be filed under subsection 1.

24 3. The statement required of a person or measure committee under subsection 1 must
25 be filed with the secretary of state no later than the thirty-second day before the date
26 of the election in which the measure appears or would have appeared on the ballot
27 complete from the beginning of that calendar year through the fortieth day before the
28 date of the election. A complete statement for the entire calendar year for each
29 statement required to be filed under this section must be filed no later than the
30 thirty-first day of January of the following year. Even if a person required to report
31 according to this section has not received any contributions in excess of one hundred

dollars during the reporting period, the person shall file a statement as required by this chapter. A statement filed according to this section during the reporting period must show the following:

- a. The gross total of all contributions received and expenditures made in excess of one hundred dollars;
- b. The gross total of all contributions received and expenditures made of one hundred dollars, or less; and
- c. The cash on hand in the filer's account at the start and close of the reporting period.

4. ~~Within one hundred eighty days after the approval of a petition to initiate or refer a measure or to recall an official or after the submission of a petition to convene a grand jury as provided under section 29-10.1-02, the sponsoring committee or the individual responsible for submission of the petition shall file a statement with the secretary of state which discloses whether petition circulators have been or will be paid for the circulation of petitions and which lists the total amount of money paid or which is expected to be paid to circulators.~~

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

16.1-08.1-03.2. Political committee and candidate registration.

1. ~~A statewide, judicial, or legislative candidate or political committee as defined in section 16.1-08.1-01 shall register its name and address~~contact information, its agent's name and addresscontact information, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state each calendar year. A candidate who does not have a candidate committee shall register the candidate's name and contact information and, if the candidate has an agent, the agent's name and contact information with the secretary of state. The registration required under this section for a candidate or political committee that has not previously registered with the secretary of state must be ~~completed~~submitted within fifteen business days of the receipt of any contribution or expenditure made.

- 1 2. A candidate or political committee required to be registered under this section must
2 register with the secretary of state each year during which the candidate holds public
3 office or during which the political committee receives contributions or makes
4 expenditures for political purposes. An individual who no longer holds public office or
5 an individual who no longer seeks public office must register with the secretary of state
6 each year in which contributions are received or expenditures are made for political
7 purposes.
- 8 3. A political committee that organizes and registers according to federal law and makes
9 an independent expenditure or makes a disbursement in excess of two hundred
10 dollars to a nonfederal candidate seeking public office, a political party, or political
11 committee in this state is not required to register as a political committee according to
12 this section if the political committee reports according to section 16.1-08.1-03.7.
- 13 4. An incidental political committee is required to register under this section only as a
14 result of making a reportable expenditure or contribution in the aggregate during any
15 reporting period, but the registration under this section does not change the nature of
16 business for the organization.
- 17 5. Registration by a political committee under this section does not reserve the name for
18 exclusive use nor does it constitute registration of a trade name under chapter 47-25.

19 **SECTION 5. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.5 of the North Dakota
20 Century Code is amended and reenacted as follows:

- 21 3. A corporation, cooperative corporation, limited liability company, or association may
22 make ~~a contribution~~ an expenditure to a measure committee as described in section
23 16.1-08.1-01 for the purpose of promoting the passage or defeat of an initiated or
24 referred measure or petition or make ~~a contribution~~ an expenditure to any other person
25 that makes an independent expenditure. A corporation, cooperative corporation,
26 limited liability company, or association may make an independent expenditure for a
27 political purpose or for the purpose of promoting passage or defeat of initiated or
28 referred measures or petitions. The corporation, cooperative corporation, limited
29 liability company, or association shall file a statement disclosing ~~a contribution or an~~
30 ~~independent~~ any expenditure made under this subsection with the secretary of state

within forty-eight hours after making the ~~contribution or independent~~ expenditure. The statement must include:

- a. The full name of the corporation, cooperative corporation, limited liability company, or association;
- b. The complete address of the corporation, cooperative corporation, limited liability company, or association;
- c. The name of the recipient of the ~~contribution or independent~~ expenditure;
- d. If the ~~contribution or independent~~ expenditure is related to a measure or petition, the title of the measure or petition and whether the ~~contribution or independent~~ expenditure is made in support of or opposition to the measure or petition;
- e. If the ~~contribution or independent~~ expenditure is related to a measure, the election date on which the measure either will appear or did appear on the ballot;
- f. The amount of the ~~contribution or independent~~ expenditure;
- g. The cumulative total amount of ~~contributions and independent~~ expenditures since the beginning of the calendar year which are required to be reported under this subsection;
- h. The telephone number and the printed name and signature of the individual completing the ~~report~~statement, attesting to the ~~report~~statement being true, complete, and correct; and
- i. The date on which the ~~report~~statement was signed.

SECTION 6. AMENDMENT. Subsection 1 of section 16.1-08.1-03.12 of the North Dakota Century Code is amended and reenacted as follows:

1. An incidental committee or political committee not otherwise covered by another section of this chapter may make ~~a contribution~~an expenditure to a measure committee as described in section 16.1-08.1-01 for the purpose of promoting the passage or defeat of an initiated or referred measure or petition or make ~~a contribution~~an expenditure to any other person that makes an independent expenditure. The incidental committee or political committee may make an independent expenditure for a political purpose or for the purpose of promoting passage or defeat of initiated or referred measures or petitions. The incidental committee or political committee shall file a statement disclosing ~~a contribution~~an

1 expenditure for a political purpose or an independent expenditure made under this
2 subsection with the secretary of state within forty-eight hours after making the
3 ~~contribution~~expenditure or independent expenditure. The statement filed under this
4 subsection must include:

- 5 a. The full name of the incidental committee or political committee;
- 6 b. The complete address of the incidental committee or political committee;
- 7 c. The name of the recipient of the ~~contribution or independent~~ expenditure;
- 8 d. If the ~~contribution or independent~~ expenditure is related to a measure or petition,
9 the title of the measure or petition and whether the ~~contribution or independent~~
10 expenditure is made in support of or opposition to the measure or petition;
- 11 e. If the ~~contribution or independent~~ expenditure is related to a measure, the
12 election date on which the measure appeared or will appear on the ballot;
- 13 f. The amount of the ~~contribution or independent~~ expenditure made to a recipient in
14 this state;
- 15 g. The cumulative total of ~~contributions and independent~~ expenditures since the
16 beginning of the calendar year made to recipients in this state;
- 17 h. The telephone number, printed name, and signature of the individual completing
18 the ~~report~~statement, attesting to the ~~report~~statement being true, complete, and
19 correct; and
- 20 i. The date on which the ~~report~~statement was signed.

21 **SECTION 7. AMENDMENT.** Section 16.1-08.1-03.13 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-08.1-03.13. Contribution statements required of initiated or referendum petition**
24 **sponsoring committees - Statement of petition sponsors.**

- 25 1. At the time the sponsoring committee for an initiated or referendum petition requests
26 approval of the secretary of state to circulate petitions for the purpose of placing a
27 measure on the ballot, the committee also shall submit a statement disclosing the
28 contributions received and the expenditures made ~~for the purpose of drafting~~relating to
29 the petition.
- 30 2. At the time the sponsoring committee for an initiated or referendum petition submits
31 signed petitions to the secretary of state, the committee also shall submit a complete

statement disclosing the contributions received and expenditures made ~~for the~~
~~purpose of circulating~~relating to the petition.

3. If December thirty-first falls between the date the secretary of state approves the petition for circulation and the date the signed petitions are submitted to the secretary of state, a complete statement for the calendar year shall be filed no later than the thirty-first day of January of the following year.

4. The sponsoring committee also shall file a complete statement for the calendar year in which the measure appeared or was to appear on the ballot and any other calendar year not covered by this section in which a contribution was received or an expenditure was made. This statement shall be filed no later than the thirty-first day of January of the following year.

5. A sponsoring committee may not accept a contribution of more than one hundred dollars from an out-of-state person or political committee unless the contribution is accompanied by a statement from the contributor listing the name, address, and amount contributed by each person that contributed more than one hundred dollars of the contribution. The statement must indicate if no person contributed in excess of one hundred dollars of the out-of-state person's or political committee's overall contribution. The statement must also list the occupation, employer, and principal place of business for each individual who contributed more than one hundred dollars of the contribution.

6. The statements required of this section ~~shall~~must include:

- a. The gross total of all contributions received and expenditures made in excess of one hundred dollars;
- b. The gross total of all contributions received and expenditures made of one hundred dollars or less;
- c. The cash on hand in the filer's account at the start and close of the reporting period;
- d. The name and mailing address of each person that contributed in excess of one hundred dollars to the sponsoring committee;
- e. The amount of each reportable contribution;
- f. The date each reportable contribution was received;

g. The name and mailing address of each recipient of an expenditure exceeding one hundred dollars in the aggregate;

h. The amount of each reportable expenditure; and

i. The date the expenditure was made.

7. Within one hundred eighty days after the approval of a petition to initiate or refer a measure or to recall an official or after the submission of a petition to convene a grand jury as provided under section 29-10.1-02, the sponsoring committee or the individual responsible for submission of the petition shall file a statement with the secretary of state which discloses whether petition circulators have been or will be paid for the circulation of petitions and which lists the total amount of money paid or which is expected to be paid to circulators.

SECTION 8. AMENDMENT. Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements.

Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described in section 16.1-08.1-01, or a corporation making ~~a direct~~ an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as defined in section 16.1-08.1-01, or political party paying for the advertisement. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible individual from the political party, association, or partnership. The name of the person paying for any radio or television broadcast containing any advertising announcement for or against any candidate for public office must be announced at the close of the broadcast. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible individual from the political party, association, or partnership. In every political advertisement in which the name of the person paying for the advertisement is disclosed, the first and last name of any named individual must be disclosed. An advertisement paid for by an individual candidate or group of

- 1 candidates must disclose that the advertisement was paid for by the individual candidate or
- 2 group of candidates. The first and last name or names of the candidates paying for the
- 3 advertisement are not required to be disclosed. This section does not apply to campaign
- 4 buttons.