

HOUSE BILL NO. 1496

Introduced by

Representatives Ertelt, Kasper, B. Koppelman, Magrum

1 A BILL for an Act to amend and reenact sections 16.1-08.1-02.3 ~~and~~ 16.1-08.1-02.4, and
2 16.1-08.1-03.1 of the North Dakota Century Code, relating to reporting of expenditures for
3 political purposes; 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.

15 The statement also must include each aggregated expenditure over two hundred
16 dollars made to, in support of, or in opposition to a candidate, political committee,

17 ballot measure, or political party from January first through the fortieth day before the
18 election. A candidate whose name is not on the ballot and who is not seeking election

19 through write-in votes, the candidate's candidate committee, and a political party that
20 has not endorsed or nominated any candidate in the election is not required to file a
21 statement under this subsection. The statement may be submitted for filing beginning
22 on the thirty-ninth day before the election. The statement must include:

23 a. For each aggregated contribution from a contributor which totals ~~in excess-~~
24 of more than two hundred dollars received during the reporting period:

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

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

1 (3) The date the last expenditure ~~to the recipient~~ was made.

- 2 4. A person required to file a statement under this section, other than a candidate for
3 judicial office, county office, or city office, or a candidate committee for a candidate
4 exempted under this subsection, shall report each aggregated contribution from a
5 contributor which totals five thousand dollars or more during the reporting period. For
6 these contributions from individuals, the statement must include the contributor's
7 occupation, employer, and the employer's principal place of business.
- 8 5. A candidate for city office in a city with a population under five thousand and a
9 candidate committee for the candidate are exempt from this section.
- 10 6. A candidate for county office and a candidate committee for a candidate for county
11 office shall file statements under this chapter with the county auditor. A candidate for
12 city office who is required to file a statement under this chapter and a candidate
13 committee for such a candidate shall file statements with the city auditor. Any other
14 person required to file a statement under this section shall file the statement with the
15 secretary of state.
- 16 7. The filing officer shall assess and collect fees for any reports filed after the filing
17 deadline.
- 18 8. To ensure accurate reporting and avoid commingling of campaign and personal funds,
19 candidates shall use dedicated campaign accounts that are separate from any
20 personal accounts.

21 **SECTION 2. AMENDMENT.** Section 16.1-08.1-02.4 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-08.1-02.4. Pre-election, supplemental, and year-end campaign disclosure**
24 **statement requirements for statewide political parties and certain political committees.**

- 25 1. Prior to the thirty-first day before a primary, general, or special election, a statewide
26 political party or a political committee not required to file statements under section
27 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a campaign
28 disclosure statement that includes all contributions received and expenditures made
29 from January first through the fortieth day before the election. A political party that has
30 not endorsed or nominated a candidate in an election is not required to file a
31 statement under this subsection. A statement required to be filed under this subsection

1 may be submitted for filing beginning on the thirty-ninth day before the election. The
2 statement must include:

3 a. For each aggregated contribution from a contributor which totals ~~in excess-~~
4 ~~of~~more than two hundred dollars received during the reporting period:

5 (1) The name and mailing address of the contributor;

6 (2) The total amount of the contribution; and

7 (3) The date the last contributed amount was received;

8 b. The total of all aggregated contributions from contributors which total in excess of
9 two hundred dollars during the reporting period;

10 c. The total of all contributions received from contributors that contributed two
11 hundred dollars or less each during the reporting period;

12 d. For each recipient of an expenditure from campaign funds in excess of two
13 hundred dollars in the aggregate:

14 (1) The name and mailing address of the recipient;

15 (2) The total amount of the expenditure made to the recipient; ~~and~~

16 (3) The date the last expended amount was made to the recipient; and

17 (4) If the expenditure was made in support of or in opposition to a candidate,
18 ballot measure, or political committee, the name ~~and mailing address~~ of the
19 person ~~or ballot measure~~ in support of or in opposition to ~~whom~~ which the
20 expenditure was made;

21 e. The aggregate total of all expenditures from campaign funds in excess of two
22 hundred dollars;

23 f. The aggregate total of all expenditures from campaign funds of two hundred
24 dollars or less; and

25 g. The balance of the campaign fund on the fortieth day before the election and
26 balance of the campaign fund on January first.

27 2. Beginning on the thirty-ninth day before the election through the day before the
28 election, a person that files a statement under subsection 1 must file a supplemental
29 statement within forty-eight hours of the start of the day following the receipt of a
30 contribution or aggregate contribution from a contributor which is in excess of five
31 hundred dollars or the making of an expenditure or aggregate expenditure to, in

1 support of, or in opposition to a candidate, ballot measure, or political committee which
2 is more than five hundred dollars. The statement must include:

3 a. ~~The~~For a contribution, the name and mailing address of the contributor, or for an
4 expenditure, the name ~~and mailing address of the recipient and, if applicable, the~~
5 person or ballot measure in support of or in opposition to whom the expenditure
6 was made;

7 b. The total amount of the contribution received or expenditure made during the
8 reporting period; and

9 c. ~~The~~For a contribution, the date the last contributed amount was received, or for
10 an expenditure, the date the last expenditure was made.

11 3. Prior to February first, a statewide political party or a political committee that is not
12 required to file a statement under section 16.1-08.1-2.3 shall file a campaign
13 disclosure statement that includes all contributions received and expenditures made
14 from January first through December thirty-first of the previous year. The statement
15 may be submitted for filing beginning on January first. The statement must include:

16 a. For each aggregated contribution from a contributor which totals ~~in excess~~
17 ~~of~~more than two hundred dollars received during the reporting period:

18 (1) The name and mailing address of the contributor;

19 (2) The total amount of the contribution; and

20 (3) The date the last contributed amount was received;

21 b. The total of all aggregated contributions from contributors which total in excess of
22 two hundred dollars during the reporting period;

23 c. The total of all contributions received from contributors that contributed two
24 hundred dollars or less each during the reporting period;

25 d. For each recipient of an expenditure from campaign funds in excess of two
26 hundred dollars in the aggregate:

27 (1) The name and mailing address of the recipient;

28 (2) The total amount of the expenditure made to the recipient; ~~and~~

29 (3) The date the last expended amount was made to the recipient; and

1 (4) If the expenditure was made in support of or in opposition to a candidate,
2 ballot measure, or political committee, the name ~~and mailing address~~ of the
3 candidate, ballot measure, or political committee:

4 e. The aggregate total of all expenditures from campaign funds in excess of two
5 hundred dollars;

6 f. The aggregate total of all expenditures from campaign funds of two hundred
7 dollars or less; and

8 g. The balance of the campaign fund on January first and December thirty-first.

9 4. A person required to file a statement under this section shall disclose each aggregated
10 contribution from a contributor which totals five thousand dollars or more during the
11 reporting period. For these contributions from individuals, the statement must include
12 the contributor's occupation, employer, and the employer's principal place of business.

13 5. Statements under this section must be filed with the secretary of state.

14 6. The secretary of state shall assess and collect fees for any reports filed after the filing
15 deadline.

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

18 **16.1-08.1-03.1. Special requirements for statements required of persons engaged in**
19 **activities regarding ballot measures.**

20 1. For each reportable contribution and expenditure under ~~section~~sections
21 16.1-08.1-02.3 and 16.1-08.1-02.4, the threshold for reporting is one hundred dollars
22 for any person engaged in activities described in subdivision e of subsection 13 of
23 section 16.1-08.1-01 and any other expenditure in support of or opposition to a ballot
24 measure which must be reported.

25 2. For contributions received from any contributor, a person engaged in activities
26 described in subdivision e of subsection 13 of section 16.1-08.1-01 shall include the
27 following information regarding each subcontributor that has stated a contribution is for
28 the express purpose of furthering the passage or defeat of a ballot measure in the
29 statements required under section 16.1-08.1-02.4:

30 a. A designation as to whether any person contributed in excess of one hundred
31 dollars of the total contribution;

- 1 b. The name and mailing address of each subcontributor that contributed in excess
- 2 of one hundred dollars of the total contribution;
- 3 c. The contribution amounts of each disclosed subcontributor; and
- 4 d. The occupation, employer, and address for the employer's principal place of
- 5 business of each disclosed subcontributor.
- 6 3. An initiative and referendum sponsoring committee also shall file a disclosure
- 7 statement by the date the secretary of state approves the petition for circulation, and
- 8 shall file an additional statement on the date the petitions containing the required
- 9 number of signatures are submitted to the secretary of state for review. The
- 10 statements required under this subsection must be in the same form as the year-end
- 11 statements under section 16.1-08.1-02.4.
- 12 4. A sponsoring committee shall file a statement regarding its intent to compensate
- 13 circulators before paying for petitions to be circulated.