

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2156

Introduced by

Senator Cleary

1 A BILL for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code,
2 relating to campaign disclosure statements; to amend and reenact sections 15.1-09-08,
3 15.1-09-19, 16.1-01-12, and 16.1-10-04.1, and subdivision f of subsection 8 of section 51-28-01
4 of the North Dakota Century Code, relating to campaign disclosure statements; to repeal
5 chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign disclosure
6 statements; and to provide a penalty.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **15.1-09-08. School district elections - Candidate filings.**

11 An individual seeking election to the board of a school district shall prepare and sign a
12 document stating the individual's name and the position for which that individual is a candidate.
13 A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether
14 or not the election is held in conjunction with a statewide election, all statements of interest
15 must be filed with the school district business manager, or mailed to and in the possession of
16 the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall
17 also file a campaign contribution statement as required by section ~~16.1-08.1-02-3~~16.1-08.2-03.

18 **SECTION 2. AMENDMENT.** Section 15.1-09-19 of the North Dakota Century Code is
19 amended and reenacted as follows:

1 **15.1-09-19. Duties of election officials - Other applicable statutes.**

2 Sections ~~16.1-08.1-03.3~~ ~~16.1-08.2-07~~ 16.1-08.2-08, 16.1-10-01, 16.1-10-06, 16.1-10-06.1,
3 16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and
4 16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.

5 **SECTION 3. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-01-12. Election offenses - Penalty.**

8 1. It is unlawful for an individual, measure committee as described in section
9 ~~16.1-08.1-04~~ 16.1-08.2-01, or other organization to:

- 10 a. Fraudulently alter another individual's ballot, substitute one ballot for another, or
11 otherwise defraud a voter of that voter's vote.
- 12 b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a
13 member of the election board on the way to or at a polling place.
- 14 c. Vote more than once in any election.
- 15 d. Knowingly vote in the wrong election precinct or district.
- 16 e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
- 17 f. Knowingly exclude a qualified elector from voting or knowingly allow an
18 unqualified individual to vote.
- 19 g. Knowingly vote when not qualified to do so.
- 20 h. Sign an initiative, referendum, recall, or any other election petition when not
21 qualified to do so.
- 22 i. Circulate an initiative, referendum, recall, or any other election petition not in its
23 entirety or when unqualified to do so.
- 24 j. Pay or offer to pay any individual, measure committee, or other organization, or
25 receive payment or agree to receive payment, on a basis related to the number
26 of signatures obtained for circulating an initiative, referendum, or recall petition.
- 27 This subsection does not prohibit the payment of salary and expenses for
28 circulation of the petition on a basis not related to the number of signatures
29 obtained, as long as the circulators file the intent to remunerate before submitting
30 the petitions and, in the case of initiative and referendum petitions, fully disclose
31 all contributions received pursuant to chapter 16.1-08.1 16.1-08.2 to the

1 secretary of state upon submission of the petitions. The disclosure of
2 contributions received under this section does not affect the requirement to file a
3 pre-election report by individuals or organizations soliciting or accepting
4 contributions for the purpose of aiding or opposing the circulation or passage of a
5 statewide initiative or referendum petition or measure placed upon a statewide
6 ballot by action of the legislative assembly under chapter ~~46.1-08.1~~16.1-08.2. Any
7 signature obtained in violation of this subdivision is void and may not be counted.

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

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

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

16 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as
17 provided by law, or negatively impact the confidentiality, integrity, or availability of
18 any system used for voting.

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

21 p. Willfully submit an initiative or referendum petition that contains one or more
22 fraudulent signatures.

23 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A
24 misdemeanor.

25 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.

26 c. A violation of subdivision n of subsection 1 is a class C felony.

27 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an
28 individual signs one or two names other than the individual's own name to a
29 petition and is a class C felony if an individual signs more than two names other
30 than the individual's own name to a petition.

- 1 e. An organization, as defined in section 12.1-03-04, that violates this section is
2 subject to the organizational fines in section 12.1-32-01.1. The court in which the
3 conviction is entered shall notify the secretary of state of the conviction and shall
4 order the secretary of state to revoke the certificate of authority of any convicted
5 organization or limited liability company. The organization may not reapply to the
6 secretary of state for authorization to do business under any name for one year
7 upon conviction of a class A misdemeanor and for five years upon conviction of a
8 class C felony under this section, except an organization operating a signature
9 gathering business, or similar enterprise, that violates subdivision p of
10 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and
11 may not reapply to the secretary of state for authorization to do business under
12 any name for five years following the entry of judgment.
- 13 f. A violation of subdivision p of subsection 1 by any member of a measure
14 committee, including an initiative or referendum sponsoring committee or an
15 agent acting on behalf of, or in conjunction with, a measure committee for the
16 purpose of collecting signatures for a petition under this chapter is subject to a
17 civil penalty of not more than three thousand dollars. The civil penalty may be
18 recovered in an action brought in the district court of Burleigh County by the
19 attorney general.
- 20 g. An individual who is a member of an organization may be convicted of a violation
21 as an accomplice under section 12.1-03-01.

- 22 3. Every act this chapter makes criminal when committed with reference to the election of
23 a candidate is equally criminal when committed with reference to the determination of
24 a question submitted to qualified electors to be decided by votes cast at an election.

25 **SECTION 4.** Chapter 16.1-08.2 of the North Dakota Century Code is created and enacted
26 as follows:

27 **16.1-08.2-01. Definitions.**

- 28 1. "Affiliate" means an organization controlling, is controlled by, or is under common
29 control with another organization. For purposes of this definition, control means the
30 possession, direct or indirect, of the power to direct or cause the direction of the
31 management and policies of an organization, whether through the ownership of voting

1 securities, by contract other than a commercial contract for goods or nonmanagement
2 services, or otherwise. Control is presumed to exist if an organization, directly or
3 indirectly, owns, controls, holds with the power to vote, or holds proxies representing
4 fifty percent or more of the voting securities of any other organization.

5 2. "Association" means any club, association, union, brotherhood, fraternity, organization,
6 or group of any kind of two or more persons, including labor unions, trade
7 associations, professional associations, or governmental associations, which is united
8 for any purpose, business, or object and which assesses any dues, membership fees,
9 or license fees in any amount, or which maintains a treasury fund in any amount. The
10 term does not include corporations, cooperative corporations, limited liability
11 companies, political committees, or political parties.

12 3. "Conduit" means a person that is not a political party, political committee, or candidate
13 and which receives a contribution of money and transfers the contribution to a
14 candidate, political party, or political committee when the contribution is designated
15 specifically for the candidate, political party, or political committee and the person has
16 no discretion as to the recipient and the amount transferred. The term includes a
17 transactional intermediary, including a credit card company or a money transfer
18 service paying or transferring money to a candidate on behalf of another person.

19 4. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription,
20 loan, advance, deposit of money, or anything of value, made for the purpose of
21 influencing the nomination for election, or election, of any person to public office or
22 aiding or opposing the circulation or passage of a statewide initiative or referendum
23 petition or measure. The term also means a contract, promise, or agreement, express
24 or implied, whether or not legally enforceable, to make a contribution for any of the
25 above purposes. The term includes funds deposited by a candidate for public office or
26 a political party or committee which are transferred or signed over to that candidate,
27 party, or committee from another candidate, party, or political committee or other
28 source including a conduit. The term "anything of value" includes any good or service
29 of more than a nominal value. The term "nominal value" means the cost, price, or
30 worth of the good or service is trivial, token, or of no appreciable value. The term
31 "contribution" does not include:

- 1 a. A loan of money from a bank or other lending institution made in the regular
- 2 course of business.
- 3 b. Time spent by volunteer campaign or political party workers.
- 4 c. Money or anything of value deposited for commercial transactions, including
- 5 rents, advertising, or sponsorships made as a part of a fair market value
- 6 bargained-for exchange.
- 7 d. Money or anything of value deposited for anything other than a political purpose.
- 8 e. Products or services for which the actual cost or fair market value are reimbursed
- 9 by a payment of money.
- 10 f. An independent expenditure.
- 11 g. The value of advertising paid by a political party, multicandidate political
- 12 committee, or caucus which is in support of a candidate.
- 13 h. In-kind contributions from a candidate to the candidate's campaign.
- 14 5. "Cooperative corporations", "corporations", and "limited liability companies" are as
- 15 defined in this code, and for purposes of this chapter "corporations" includes nonprofit
- 16 corporations. However, if a political committee, the only purpose of which is accepting
- 17 contributions and making expenditures for a political purpose, incorporates for liability
- 18 purposes only, the committee is not considered a corporation for the purposes of this
- 19 chapter.
- 20 6. "Expenditure" means:
- 21 a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution,
- 22 disbursement, outlay, or deposit of money or anything of value, except a loan of
- 23 money from a bank or other lending institution made in the regular course of
- 24 business, made for a political purpose or for the purpose of influencing the
- 25 passage or defeat of a measure.
- 26 b. A contract, promise, or agreement, express or implied, whether or not legally
- 27 enforceable, to make any expenditure.
- 28 c. The transfer of funds by a political committee to another political committee.
- 29 d. An independent expenditure.

1 7. "Expenditure ~~purpose~~categories" means the ~~type of expense for~~categories into which
2 expenditures for a political purpose ~~occurred~~must be grouped for reports under this
3 chapter. The expenditure categories are:

4 a. Advertising;

5 b. Campaign loan repayment;

6 c. Operations;

7 d. Political donations;

8 e. Travel;

9 f. Volunteer appreciation; and

10 g. Miscellaneous.

11 8. "Foreign national" means:

12 a. A government or country other than the United States.

13 b. A political party organized under the laws of a country other than the United
14 States.

15 c. A corporation, partnership, association, organization, or other combination of
16 persons organized under the laws of or having its principal place of business in a
17 country other than the United States.

18 d. An individual with citizenship of a country other than the United States.

19 e. An individual who is not a citizen or national of the United States and is not
20 admitted lawfully to the United States for permanent residence.

21 9. "Independent expenditure" means an expenditure made for a political purpose or for
22 the purpose of influencing the passage or defeat of a measure if the expenditure is
23 made without the express or implied consent, authorization, or cooperation of, and not
24 in concert with or at the request or suggestion of, any candidate, committee, or
25 political party.

26 10. "Patron" means a person who owns equity interest in the form of stock, shares, or
27 membership or maintains similar financial rights in a cooperative corporation.

28 11. "Person" means an individual, partnership, political committee, association,
29 corporation, cooperative corporation, limited liability company, or other organization or
30 group of persons.

- 1 12. "Personal benefit" means a benefit to the candidate or another person which is not for
2 a political purpose or related to a candidate's responsibilities as a public officeholder,
3 and any other benefit that would convert a contribution to personal income.
- 4 13. "Political committee" means any committee, club, association, or other group of
5 persons which receives contributions or makes expenditures for political purposes and
6 includes:
- 7 a. A political action committee not connected to another organization and free to
8 solicit funds from the general public, or derived from a corporation, cooperative
9 corporation, limited liability company, affiliate, subsidiary, or an association
10 soliciting or receives contributions from its employees or members or makes
11 expenditures for political purposes on behalf of its employees or members;
- 12 b. A candidate committee established to support an individual candidate seeking
13 public office which solicits or receives contributions for political purposes;
- 14 c. A political organization registered with the federal election commission, which
15 solicits or receives contributions or makes expenditures for political purposes;
- 16 d. A multicandidate political committee, including a caucus, established to support
17 multiple groups or slates of candidates seeking public office, which solicits or
18 receives contributions for political purposes; and
- 19 e. A measure committee, including an initiative or referendum sponsoring
20 committee at any stage of its organization, which solicits or receives contributions
21 or makes expenditures for the purpose of supporting or opposing an initiative or
22 referendum petition, or measure sought to be voted upon by the voters of the
23 state, including any activities undertaken for the purpose of drafting an initiative
24 or referendum petition, seeking approval of the secretary of state for the
25 circulation of a petition, or seeking approval of the submitted petitions.
- 26 14. "Political party" means any association, committee, or organization which nominates a
27 candidate for election to any office which may be filled by a vote of the electors of this
28 state or any of its political subdivisions and whose name appears on the election ballot
29 as the candidate of the association, committee, or organization.
- 30 15. "Political purpose" means any activity undertaken in support of or in opposition to the
31 election or nomination of a candidate to public office and includes using "vote for",

"oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. The term includes paying any expenses related to the election or nomination of a candidate. The term does not include activities undertaken in the performance of a duty of a public office or any position taken in any bona fide news story, commentary, or editorial.

16. "Public office" means every office to which an individual can be elected by vote of the people under the laws of this state.

17. "Subsidiary" means an affiliate of a corporation under the control of the corporation directly or indirectly through one or more intermediaries.

18. "Ultimate and true source" means the person that knowingly contributed over two hundred fifty dollars solely to influence a statewide election or an election for the legislative assembly.

16.1-08.2-02. General provisions.

1. A political committee, except those defined in subdivision c of subsection 13 of section 16.1-08.2-01, shall register its name, mailing address, telephone number, and nongovernment issued electronic mail address, and its agent's name, mailing address, telephone number, and nongovernment issued electronic mail address, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state. A candidate who does not have a candidate committee shall register the candidate's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state. If the candidate has an agent, the candidate also shall register the agent's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state.

2. The registration required under this section for a candidate or political committee that has not previously registered with the secretary of state must be submitted within fifteen business days of the receipt deposit date of any contribution or expenditure made.

3. A candidate or political committee required to be registered under this section must register with the secretary of state each year during which the candidate holds public

1 office or during which the political committee receives contributions, makes
2 expenditures for political purposes, or has a balance in the campaign account. An
3 individual who no longer holds public office or an individual who no longer seeks public
4 office must register with the secretary of state each year in which contributions are
5 deposited, expenditures are made for political purposes, or a balance remains in the
6 campaign account.

7 4. Any statement filed with the secretary of state under this chapter must be:

8 a. Filed electronically within the prescribed time and in the format established by the
9 secretary of state. If the secretary of state does not receive a statement, an
10 electronic duplicate of the statement must be filed promptly upon notice by the
11 secretary of state of its nonreceipt. After a statement has been filed, the secretary
12 of state may request or accept written clarification along with an amended
13 statement from a candidate, political party, or political committee filing the
14 statement when discrepancies, errors, or omissions on the statement are
15 discovered by the secretary of state, the candidate, political party, or political
16 committee filing the statement, or by any interested party reciting a lawful reason
17 for requesting clarification and an amendment be made. When requesting an
18 amended statement, the secretary of state shall establish a reasonable period of
19 time, not to exceed ten days, agreed to by the candidate, political party, or
20 political committee, for filing the amended statement with the secretary of state.
21 b. Preserved by the secretary of state for a period of ten years from the date of the
22 filing deadline. The statement must be considered a part of the public records of
23 the secretary of state's office and must be open to public inspection on the
24 internet.

25 5. In determining the amount of individual contributions from any contributor, all amounts
26 deposited from the same contributor during the reporting period must be aggregated to
27 report an overall total contribution for the purposes of the statements required by this
28 chapter. Contributions made separately by different persons from joint accounts are
29 considered separate contributions for reporting purposes.

- 1 6. In determining the amount of expenditures to any recipient, all expenditures to the
2 same recipient during the reporting period must be aggregated to report an overall
3 total expenditure for the purposes of the statements required by this chapter.
- 4 7. Contributions and expenditures which are ~~less than~~ two hundred fifty dollars ~~or less~~ in
5 the aggregate are exempt ~~from open~~ records ~~requests~~ under chapter 44-04 and
6 reported as part of aggregate totals only.
- 7 8. In reporting a contribution deposited through a conduit, a candidate, political party, or
8 political committee shall list each reportable contribution identifying the person that
9 submitted the contribution to the conduit and provide the required information
10 regarding the contribution from that person rather than identifying the conduit as the
11 contributor.
- 12 9. A political committee organizing and registering according to federal law that makes an
13 independent expenditure or makes a disbursement in excess of two hundred fifty
14 dollars to a nonfederal candidate seeking public office, a political party, or political
15 committee in this state is not required to register as a political committee according to
16 this section if the political committee reports according to section
17 ~~16.1-08.2-06~~ 16.1-08.2-07.
- 18 10. 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 11. Registration by a political committee under this section does not reserve the name for
22 exclusive use nor does it constitute registration of a trade name under chapter 47-25.
- 23 12. A candidate or candidate committee for county office, city office, and school district
24 office are exempt from registering and filing with the secretary of state. Any other
25 person required to file a statement under this chapter shall file the statement with the
26 secretary of state.
- 27 a. A candidate for city office in a city with a population under five thousand and a
28 candidate committee for the candidate are exempt from this chapter. A candidate
29 for school district office in a school district with a fall enrollment of fewer than
30 one thousand students and a candidate committee for the candidate are exempt
31 from this chapter.

b. A candidate for county office and a candidate committee for a candidate for county office shall file statements under this chapter with the county auditor. A candidate for city office and a candidate committee for a candidate for city office shall file statements under this chapter with the city auditor. A candidate for school district office and a candidate committee for a candidate for school district office shall file statements under this chapter with the school business manager.

16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure statement requirements for candidates, candidate committees, multicandidate committees, ~~political committees~~, and ~~nonstatewide~~ political parties.

1. Before a primary or special election, and before and following a general election, a candidate or candidate committee formed on behalf of the candidate, a multicandidate political committee, ~~a political committee~~, or a ~~nonstatewide~~ political party soliciting or accepting contributions shall file a campaign disclosure statement ~~including all contributions and expenditures~~ from:

a. January first through April thirtieth before a primary election;

b. May first through September thirtieth before a general election;

c. October first through December thirty-first following a general election; and

d. January first through the fortieth day before a special election.

2. A candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a ~~nonstatewide~~ political party that has not endorsed or nominated any candidate in the election is not required to file a statement under ~~this~~ subsection 1, but is required to file a statement under subsection 7.

3. The statement before a primary, general, or special election under subsection 1 may be submitted for filing beginning on the day following the end of the reporting period and must be submitted before the eighth day following the reporting period. The statement following the general election may be submitted for filing beginning on January first and must be submitted before February first. ~~The~~

4. A statement filed under subsection 1 must include the following information:

a. For each ~~aggregated~~ contribution deposited ~~from a contributor which totals in excess of two hundred fifty dollars~~ during the reporting period, the:

- 1 (1) Name and the city and state of the contributor;
2 (2) Total amount of the contribution; and
3 (3) Date the last contributed amount was deposited.

4 b. ~~For each expenditure during the reporting period, the:~~

- 5 ~~(1) Name of the recipient and location of purchase;~~
6 ~~(2) Total amount of the expenditure made to the recipient;~~
7 ~~(3) Date of the expenditure; and~~
8 ~~(4) Expenditure purpose.~~

9 ~~c. The total of all aggregated contributions and expenditures which total in excess~~
10 ~~of two hundred fifty dollars during the reporting period and the aggregated total.~~

11 c. The total of all contributions and expenditures which are deposited from
12 contributors that contributed two hundred and fifty dollars or less during the
13 reporting period.

14 d. A total of all expenditures made during the reporting period, separated into
15 expenditure categories.

16 e. For a candidate, a candidate committee formed on behalf of a candidate, a
17 multicandidate committee, or a nonstatewide political party, the balance of the
18 campaign fund on the last day of the reporting period and the balance of the
19 campaign fund on the first day of the reporting period.

20 2.5. The information provided to the secretary of state under subdivisions a through d of
21 subsection 4 must be made publicly available through the format prescribed by the
22 secretary of state. The information provided to the secretary of state under
23 subdivision e of subsection 4 may not be made publicly available by the secretary of
24 state.

25 6. Beginning on the day following the end of the reporting period May first before a
26 primary election, October first before a general election, and thirty-nine days before a
27 special election through the day before the election, a person filing a statement under
28 subsection 1 must file a supplemental statement within forty-eight hours of the start of
29 the day following the deposit date of a contribution or aggregate contribution from a
30 contributor which is in excess of five hundred dollars. The statement must include the:

31 a. Name and the city and state of the contributor;

b. Total amount of the contribution deposited during the reporting period; and

c. Date the last contributed amount was deposited.

3.7. Before February first, a candidate whose name is not on the ballot and who is not seeking election through write-in votes, or ~~candidate~~the candidate's candidate committee, a multicandidate political committee, ~~a political committee~~, or a nonstatewide political party soliciting or accepting contributions not required to file a statement under subsection 1 shall file a campaign disclosure statement including all contributions deposited and expenditures from January first through December thirty-first of the previous year. The filer shall indicate on the report the corresponding reporting period, as described under subsection 1, in which each contribution was deposited and expenditure was made to determine whether the filer's aggregated totals exceed two hundred fifty dollars for the reporting period. The statement may be submitted for filing beginning on January first. The statement filed according to this section must include the following information:

~~a. For a candidate, a candidate committee formed on behalf of a candidate, a multicandidate committee, or political party, the balance of the campaign fund on January first and on December thirty-first.~~

~~b.~~ For each aggregated contribution deposited from a contributor which totals in excess of two hundred fifty dollars deposited during the reporting period, the:

(1) Name and the city and state of the contributor;

(2) Total amount of the contribution; and

(3) Date the last contributed amount was deposited.

~~c. For each expenditure during the reporting period, the:~~

~~(1) Name of the recipient and location of purchase;~~

~~(2) Total amount of the expenditure made to the recipient;~~

~~(3) Date of the expenditure; and~~

~~(4) Expenditure purpose.~~

~~d.b.~~ The total of all aggregated contributions and expenditures from contributors which total in excess of two hundred fifty dollars during the reporting period.

1 ~~e.c.~~ The aggregated total of contributions ~~and expenditures which are~~ deposited from
2 contributors that contributed two hundred and fifty dollars or less during the
3 reporting period.

4 d. A total of all expenditures made during the reporting period, separated into
5 expenditure categories.

6 e. For a candidate, a candidate committee formed on behalf of a candidate, a
7 multicandidate committee, or a nonstatewide political party, the balance of the
8 campaign fund on the last day of the reporting period.

9 ~~4.8.~~ The information provided to the secretary of state under subdivisions a through d of
10 subsection 7 must be made publicly available through a format prescribed by the
11 secretary of state. The information provided to the secretary of state under
12 subdivision e of subsection 7 may not be made publicly available by the secretary of
13 state.

14 9. Expenditures reported within a group of aggregated totals under this section are
15 exempt from open records requests under chapter 44-04.

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

20 **16.1-08.2-04. Pre-election, supplemental, and year-end campaign disclosure**
21 **statement requirements for statewide political parties and certain political committees.**

22 1. Before a primary or special election, and before and following a general election, a
23 statewide political party or a political committee not required to file under section
24 16.1-08.2-03 which is soliciting or accepting contributions shall file a campaign
25 disclosure statement including all contributions and expenditures from:

26 a. January first through April thirtieth before a primary election;

27 b. May first through September thirtieth before a general election;

28 c. October first through December thirty-first following a general election; and

29 d. January first through the fortieth day before a special election.

1 2. A political party that has not endorsed or nominated a candidate in the election or a
2 political committee not soliciting or accepting contributions is not required to file a
3 statement under subsection 1, but is required to file a statement under subsection 5.

4 3. The statement before a primary, general, or special election may be submitted for filing
5 beginning on the day following the end of the reporting period and must be submitted
6 before the eighth day following the reporting period. The statement following the
7 general election may be submitted for filing beginning on January first and must be
8 submitted before February first. The statement must include:

9 a. The total of all contributions and expenditures which total in excess of
10 two hundred fifty dollars during the reporting period and the aggregated total of
11 contributions and expenditures which are two hundred and fifty dollars or less
12 during the reporting period.

13 b. The balance of the campaign fund on the last day of the reporting period and the
14 balance of the campaign fund on the first day of the reporting period.

15 c. For each contribution deposited during the reporting period, the:

16 (1) Name and the city and state of the contributor;

17 (2) Total amount of the contribution; and

18 (3) Date the last contributed amount was deposited.

19 d. For each expenditure during the reporting period, the:

20 (1) Name of the recipient and location of purchase;

21 (2) Total amount of the expenditure made to the recipient;

22 (3) Date of the expenditure; and

23 (4) Expenditure category.

24 4. Beginning on May first before a primary election, October first before a general
25 election, and thirty-nine days before a special election through the day before the
26 election, a person filing a statement under subsection 1 shall file a supplemental
27 statement within forty-eight hours of the start of the day following the deposit date of a
28 contribution or aggregate contribution from a contributor which is in excess of five
29 hundred dollars. The statement must include the:

30 a. Name and the city and state of the contributor;

31 b. Total amount of the contribution deposited during the reporting period; and

1 c. Date the last contributed amount was deposited.

2 5. Before February first, a statewide political party or a political committee that is not
3 required to file a statement under subsection 1 shall file a campaign disclosure
4 statement including all contributions deposited and expenditures from January first
5 through December thirty-first of the previous year. The filer shall indicate on the report
6 the corresponding reporting period, as described under subsection 1, for which each
7 contribution was deposited and expenditure was made to determine whether the filer's
8 aggregated totals exceed two hundred fifty dollars for the reporting period. The
9 statement must include:

10 a. The total of all contributions and expenditures which total in excess of
11 two hundred fifty dollars during the reporting period and the aggregated total of
12 contributions and expenditures which are two hundred and fifty dollars or less
13 during the reporting period.

14 b. The total of all aggregated expenditures from campaign funds reported in
15 expenditure categories.

16 c. The balance of the campaign fund on the last day of the reporting period and the
17 balance of the campaign fund on the first day of the reporting period.

18 d. For each contribution deposited during the reporting period, the:

19 (1) Name and the city and state of the contributor;

20 (2) Total amount of the contribution; and

21 (3) Date the last contributed amount was deposited.

22 e. For each expenditure during the reporting period, the:

23 (1) Name of the recipient and location of purchase;

24 (2) Total amount of the expenditure made to the recipient;

25 (3) Date of the expenditure; and

26 (4) Expenditure category.

27 6. A person required to file a statement under this section shall report each aggregated
28 contribution from a contributor which totals five thousand dollars or more during the
29 reporting period. For these contributions from individuals, the statement must include
30 the contributor's occupation, employer, and the employer's principal place of business.

7. A person filing a statement under this section shall file the statement with the secretary of state.

~~16.1-08.2-04~~16.1-08.2-05. Special requirements for state political parties.

1. State political parties shall establish separate and segregated accounts for the management of state nominating conventions. All revenue obtained and expenditures made for the planning and running of a state convention must be accounted for in these accounts.
2. A postconvention statement must be filed with the secretary of state sixty days after the close of the state nominating convention. The reporting period for the postconvention statement begins on the first day of January of the reporting year and ends thirty days after the close of the state nominating convention.
3. A year-end statement covering the entire calendar year must be filed with the secretary of state before February first of the following year even if no convention revenue was deposited or expenditures made within the calendar year.
4. The statement filed under this section must show:
 - a. The balance of the filer's convention accounts at the start and close of the reporting period.
 - b. The total of all revenue deposited and expenditures made of two hundred fifty dollars or less.
 - c. The total of all revenue deposited and expenditures made in excess of two hundred fifty dollars.
 - d. For revenues received and deposited, the:
 - (1) Name of each person providing the revenue;
 - (2) City and state of each person providing revenue;
 - (3) Date of the most recent receiptdeposit of revenue from each person providing revenue; and
 - (4) The purpose or purposes for which the revenue was deposited from each person.
 - e. For each expenditure made, the:
 - (1) Name of each person to which the expenditure was made;
 - (2) City and state of each person to which the expenditure was made;

(3) Date of the most recent expenditure made to each person or entity; and

(4) Purpose or purposes for which the aggregated expenditure total was
disbursed to each person or entity.

f. The total of all contributions and expenditures which total in excess of
two hundred fifty dollars during the reporting period.

g. The aggregated total of contributions and expenditures which are two hundred
and fifty dollars or less during the reporting period.

h. For each aggregated revenue from an individual which totals five thousand
dollars or more during the reporting period, the occupation, employer, and
principal place of business of the individual.

5. If a net gain from the convention is transferred to the accounts established for the
support of the nomination or election of candidates, the total transferred must be
reported as a contribution in the statements required by section 16.1-08.2-03.

6. If a net loss from the convention is covered by a transfer from the accounts
established for the support of the nomination or election of candidates, the total
transferred must be reported as an expenditure in the statements required by section
16.1-08.2-03.

7. A state political party or nonprofit entity affiliated with or under the control of a state
political party, which receives a donation for purchasing, maintaining, or renovating a
building, shall file a statement with the secretary of state before February first of each
calendar year. Any income or financial gain generated from a building purchased,
maintained, or renovated from donations must be deposited in the building fund and
must be disclosed when the political party or nonprofit entity files the statement
required under this section. Money in the fund may be used only by the state political
party or nonprofit entity affiliated with or under the control of a state political party for
purchasing, maintaining, or renovating a building, including the purchase of fixtures for
the building. The statement may be submitted for filing beginning on January first and
must include the:

a. Balance of the building fund on January first;

b. Name and the city and state of each donor;

c. Amount of each donation;

- d. Date each donation was deposited;
- e. Name and the city and state of each recipient of an expenditure;
- f. Amount of each expenditure;
- g. Date each expenditure was made; and
- h. Balance of the fund on December thirty-first.

~~16.1-08.2-05~~16.1-08.2-06. Special requirements for statements required of persons engaged in activities regarding ballot measures.

- 1. For each reportable contribution and expenditure under section ~~16.1-08.2-03~~16.1-08.2-04, the threshold for reporting is one hundred dollars for any person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01.
- 2. For contributions deposited from any contributor, a person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01 shall include the following information regarding each subcontributor that has stated a contribution is for the express purpose of furthering the passage or defeat of a ballot measure in the statements required under section ~~16.1-08.2-03~~16.1-08.2-04:
 - a. A designation as to whether any person contributed in excess of one hundred dollars of the total contribution;
 - b. The name and the city and state of each subcontributor contributing in excess of one hundred dollars of the total contribution;
 - c. The contribution amounts of each disclosed subcontributor; and
 - d. The occupation, employer, and address for the employer's principal place of business of each disclosed subcontributor.
- 3. A measure committee which is seeking approval for an initiative or referendum shall file a disclosure statement by the date the secretary of state approves the petition for circulation. Thereafter, the measure committee is required to file disclosure statements as directed by section ~~16.1-08.2-03~~16.1-08.2-04.
- 4. A measure committee that is seeking approval for an initiative or referendum shall file a statement regarding its intent to compensate circulators before paying for petitions to be circulated.

16.1-08.2-0616.1-08.2-07. Special requirements for political committees organized and registered under federal law.

1. A political committee organizing and registering according to federal law which makes an independent expenditure or makes a disbursement in excess of two hundred fifty dollars to a nonfederal candidate seeking public office or to a political party or political committee in this state shall file a copy of that portion of the committee's federal report detailing the independent expenditure or the disbursement made.
2. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include the:
 - a. Name, city and state, and treasurer of the political committee;
 - b. Recipient's name and mailing address;
 - c. Date and amount of the independent expenditure or disbursement; and
 - d. Ultimate and true source of funds listed by contributor and subcontributor for any amount over two hundred fifty dollars collected or used to make the independent expenditure or disbursement including the:
 - (1) Name, city and state, and treasurer of the political committee;
 - (2) Total amount of the contribution; and
 - (3) Date the last contribution was deposited.

16.1-08.2-0716.1-08.2-08. Campaign contributions by corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, and associations - Penalty.

1. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may establish, administer, and solicit contributions to a separate and segregated fund to be used for political purposes by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association. It is unlawful for:
 - a. The person controlling the fund to make contributions or expenditures using money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of those actions; or use money from dues, fees,

1 treasury funds, or other money required as a condition of membership in an
2 association, or as a condition of employment; or use money obtained in any
3 commercial transaction. Moneys from fees, dues, treasury funds, or money
4 obtained in a commercial transaction may, however, be used to pay costs of
5 administration of the fund.

6 b. Any person soliciting an employee, stockholder, patron, board member, or
7 member for a contribution to the fund to fail to inform the employee or member of
8 the political purposes of the fund at the time of the solicitation or of the general
9 political philosophy intended to be advanced through committee activities.

10 c. Any person soliciting an employee or member for a contribution to the fund to fail
11 to inform the employee or member at the time of the solicitation of the right to
12 refuse to contribute without any reprisal.

13 d. Any contribution to be accepted without keeping an accurate record of the
14 contributor and amount contributed and of amounts expended for political
15 purposes.

16 e. Any contribution to be accepted from any person not an employee, a stockholder,
17 a patron, a board member or a member of the corporation, cooperative
18 corporation, limited liability company, affiliate, subsidiary, or association
19 maintaining the political action committee, except a corporation may accept a
20 contribution from an employee, a stockholder, a patron, a board member, or a
21 member of an affiliate or a subsidiary of the corporation.

22 f. Any expenditure made for political purposes to be reported under this section
23 before control of the expenditure has been released by the political action
24 committee except if there is a contract, a promise, or an agreement, expressed or
25 implied, to make the expenditure.

26 2. A person may not make a payment of that person's money or of another person's
27 money to any other person for a political purpose in any name other than that of the
28 person supplying the money and a person may not knowingly receive the payment nor
29 enter nor cause the payment to be entered in that person's account or record in any
30 name other than that of the person by which it actually was furnished.

- 1 3. If an officer, employee, agent, attorney, or other representative of a corporation,
2 cooperative corporation, limited liability company, affiliate, subsidiary, or association
3 makes any contribution prohibited by this section out of corporate, cooperative
4 corporation, limited liability company, affiliate, subsidiary, or association funds or
5 otherwise violates this section, it is prima facie evidence of a violation by the
6 corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or
7 association.
- 8 4. Corporations, cooperative corporations, limited liability companies, affiliates,
9 subsidiaries, and associations may make expenditures and contributions for promoting
10 any general political philosophy or belief deemed in the best interest of the employees,
11 stockholders, patrons, or members of the corporation, cooperative corporation, limited
12 liability company, affiliate, subsidiary, or association other than a "political purpose" as
13 defined by this chapter. A corporation, cooperative corporation, limited liability
14 company, affiliate, subsidiary, or association may not make a contribution for a political
15 purpose.
- 16 5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or
17 association may make a donation of property or money to a state political party or
18 nonprofit entity affiliated with or under the control of a state political party for deposit in
19 a separate and segregated building fund.
- 20 6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or
21 association may make an expenditure to a measure committee for the purpose of
22 promoting the passage or defeat of an initiated or referred measure or petition or make
23 an expenditure to any other person making an independent expenditure. A
24 corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or
25 association may make an independent expenditure for a political purpose, including
26 political advertising in support of or opposition to a candidate, political committee, or a
27 political party, or for the purpose of promoting passage or defeat of initiated or referred
28 measures or petitions. The corporation, cooperative corporation, limited liability
29 company, affiliate, subsidiary, or association shall file a statement disclosing any
30 expenditure made under this subsection with the secretary of state within forty-eight
31 hours after making the expenditure. The statement must include:

- 1 a. The full name of the corporation, cooperative corporation, limited liability
- 2 company, affiliate, subsidiary, or association;
- 3 b. The complete address of the corporation, cooperative corporation, limited liability
- 4 company, affiliate, subsidiary, or association;
- 5 c. The name of the recipient of the expenditure;
- 6 d. If the expenditure is related to a measure or petition, the title of the measure or
- 7 petition and whether the expenditure is made in support of or opposition to the
- 8 measure or petition;
- 9 e. If the expenditure is related to a measure, the election date on which the
- 10 measure either will appear or did appear on the ballot;
- 11 f. The amount of the expenditure;
- 12 g. The cumulative total amount of expenditures since the beginning of the calendar
- 13 year which are required to be reported under this subsection;
- 14 h. The telephone number and the printed name and signature of the individual
- 15 completing the statement, attesting to the statement being true, complete, and
- 16 correct; and
- 17 i. The date on which the statement was signed.
- 18 7. A violation of this section may be prosecuted in the county where the contribution is
- 19 made or in any county in which it has been paid or distributed.
- 20 8. It is a class A misdemeanor for an officer, director, stockholder, manager, governor,
- 21 member, attorney, agent, or representative of any corporation, cooperative
- 22 corporation, limited liability company, affiliate, subsidiary, or association to violate this
- 23 section or to counsel or consent to any violation. Any person that solicits or knowingly
- 24 receives any contribution in violation of this section is guilty of a class A misdemeanor.
- 25 9. Any officer, director, stockholder, manager, governor, member, attorney, agent, or
- 26 representative who makes, counsels, or consents to the making of a contribution in
- 27 violation of this section is liable to the company, corporation, limited liability company,
- 28 affiliate, subsidiary, or association for the amount so contributed.
- 29 ~~16.1-08.2-08~~~~16.1-08.2-09.~~ **Special requirements for conduits.**
- 30 A conduit transferring any contribution to a candidate, political party, or political committee
- 31 shall provide the recipient of the contribution a detailed statement listing the name and address

1 of each individual contributor, the amount of each contribution, and the date each contribution
2 was deposited. The conduit also shall include on the statement the occupation, employer, and
3 principal place of business of each contributor, or the political committee if not already
4 registered according to state or federal law, which contributed five thousand dollars or more in
5 the aggregate during a reporting period applicable to the candidate, political party, or political
6 committee. The conduit shall provide the statement to the candidate, political party, or political
7 committee in a manner to allow the candidate, political party, or political committee to file any
8 statement required to be filed under this chapter.

9 **~~16.1-08.2-09~~16.1-08.2-10. General prohibitions.**

- 10 1. A foreign national may not make or offer to make, directly or indirectly, a contribution
11 or expenditure in connection with any election.
- 12 2. A candidate, candidate committee, ~~political committee~~, political party, or any other
13 person may not solicit, accept, or receive, directly or indirectly, a contribution from a
14 foreign national.
- 15 3. A candidate may not use any contribution deposited by the candidate, the candidate's
16 candidate committee, or a multicandidate political committee to:
- 17 a. Give a personal benefit to the candidate or another person;
18 b. Make a loan to another person;
19 c. Knowingly pay more than the fair market value for goods or services purchased
20 for the campaign; or
21 d. Pay a criminal fine or civil penalty.
- 22 4. If the secretary of state has substantial reason to believe any person knowingly
23 violated this section, the secretary shall arrange for an audit as authorized by section
24 **~~16.1-08.2-10~~16.1-08.2-11.**
- 25 5. A person may not be excused from attending and testifying or producing any books,
26 papers, or other documents before any court upon any investigation, proceeding, or
27 trial for a violation of any of the provisions of this chapter, upon the grounds that the
28 testimony or evidence, documentary or otherwise, required of the person may tend to
29 incriminate or degrade the person. A person may not be prosecuted or subjected to
30 any penalty or forfeiture for or on account of any transaction, matter, or thing
31 concerning which the person may testify or produce evidence, documentary or

otherwise. Any testimony given or produced may not be used against the person in any criminal investigation or proceeding.

~~16.1-08.2-10~~**16.1-08.2-11. Audit by secretary of state.**

1. If a substantial irregularity is evident or reasonably alleged, the secretary of state may arrange an audit of any statement filed pursuant to this chapter, to be performed by a certified public accountant of the filer's choice, subject to approval by the secretary of state. If an audit of a statement arranged by the secretary of state under this subsection reveals a violation of this chapter, the candidate, political party, political committee, or other person filing the statement shall pay a fine to the secretary of state equal to two hundred percent of the aggregate of contributions and expenditures found to be in violation or an amount sufficient to pay the cost of the audit, whichever is greater. If an audit of a statement arranged by the secretary of state under this subsection does not reveal a violation of this chapter, the cost of the audit must be paid for by the secretary of state.

2. If a substantial irregularity is reasonably alleged, the secretary of state may arrange an audit of any statement filed pursuant to this chapter, performed by a certified public accountant of the filer's choice, subject to approval by the secretary of state, upon written request by any interested party made to the secretary of state within thirty days following receipt of a statement by the secretary of state. The request must be made in writing, recite a substantial irregularity and a lawful reason for requesting an audit, and be accompanied by a bond in an amount established by the secretary of state sufficient to pay the cost of the audit. If an audit of a statement arranged by the secretary of state under this subsection reveals a violation of this chapter, the candidate, political party, or political committee filing the statement shall pay a fine to the secretary of state equal to two hundred percent of the aggregate of contributions and expenditures found to be in violation or an amount sufficient to pay the cost of the audit, whichever is greater, and the bond must be returned to the person submitting it. If an audit of a statement arranged by the secretary of state under this subsection does not reveal a violation of this chapter, the cost of the audit must be satisfied from the bond filed with the secretary of state.

3. An audit may not be made or requested of a statement for the sole reason that it was not timely filed with the secretary of state. An audit made or arranged according to this section must audit only those items required to be included in any statement, registration, or report filed with the secretary of state according to this chapter. The secretary of state may collect any payment obligation arising out of this section by civil action or by assignment to a collection agency, with any costs of collection to be added to the amount owed and to be paid by the delinquent filer. Any remaining moneys collected by the secretary of state after an audit is paid for under this section must be deposited in the state's general fund. This section does not apply to statements filed by candidates or candidate committees for candidates for county, city, or school district offices.

16.1-08.2-1116.1-08.2-12. Filing officer to charge and collect filing fees.

1. If a statement or report required to be filed according to this chapter is not filed within the prescribed time, the filing officer to whom the report was to be filed is authorized to charge and collect a late fee as follows:

- a. Within six days after the prescribed time, ~~one hundred~~twenty-five dollars;
- b. Within ~~thirteen~~eleven days after the prescribed time, ~~two hundred fifty~~fifty dollars;
and
- c. Thereafter, five hundred dollars.

2. ~~Any amendment filed by the candidate, candidate committee, multicandidate committee, political committee, or political party, or at the request of the filing officer, A~~ filing officer may require an amendment to be filed for any statement or report that is incorrect or incomplete. The amendment must be filed with the filing officer within ten business days after the amendment has been requested in writing. If an amendment is not filed within the prescribed time the filing officer ~~to whom the report was to be filed~~ is authorized to charge and collect a late fee as follows:

- a. Within six days after the ~~filing deadline, one hundred~~date the amendment was due, fifty dollars;
- b. Within eleven days after the ~~filing deadline, two hundred fifty~~date the amendment was due, one hundred dollars; and
- c. Thereafter, five hundred dollars.

3. Any fines paid under this section must be reported on the statement filed by the candidate, candidate committee, multicandidate committee, political committee, or political party. Any late fees levied by the secretary of state under this section and the identity of the person subject to a late fee must be made publicly available through the format prescribed by the secretary of state.

4. The filing officer may collect any payment obligation arising out of this section by civil action or by assignment to a collection agency, with any costs of collection to be added to the amount owed and to be paid by the delinquent filer.

~~16.1-08.2-12~~**16.1-08.2-13. Secretary of state to provide instruction and adjust thresholds for inflation.**

1. The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter.

2. The secretary of state shall adjust for inflation the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and inform persons submitting reports under this chapter of the adjustments. The secretary of state shall make the adjustments beginning January first of each adjustment year beginning January 1, 2026.

~~16.1-08.2-13~~**16.1-08.2-14. Penalty.**

Except as otherwise provided, any person who willfully violates any provision of this chapter is guilty of a class A misdemeanor.

SECTION 5. 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 ~~16.1-08.1-04~~**16.1-08.2-01**, or a corporation making an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as

1 defined in section ~~16.1-08.1-01~~16.1-08.2-01, or political party paying for the advertisement. If
2 the name of a political party, association, or partnership is used, the disclaimer must also
3 include the name of the chairman or other responsible individual from the political party,
4 association, or partnership. The name of the person paying for any radio or television broadcast
5 containing any advertising announcement for or against any candidate for public office must be
6 announced at the close of the broadcast. If the name of a political party, association, or
7 partnership is used, the disclaimer must also include the name of the chairman or other
8 responsible individual from the political party, association, or partnership. In every political
9 advertisement in which the name of the person paying for the advertisement is disclosed, the
10 first and last name of any named individual must be disclosed. An advertisement paid for by an
11 individual candidate or group of candidates must disclose that the advertisement was paid for
12 by the individual candidate or group of candidates. The first and last name or names of the
13 candidates paying for the advertisement are not required to be disclosed. This section does not
14 apply to campaign buttons.

15 **SECTION 6. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North
16 Dakota Century Code is amended and reenacted as follows:

- 17 f. By or on behalf of a political party, candidate, or other group with a political
18 purpose, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, unless the
19 communication is a text message.

20 **SECTION 7. REPEAL.** Chapter 16.1-08.1 of the North Dakota Century Code is repealed.