

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED HOUSE BILL NO. 1377

Introduced by

Representatives D. Ruby, Henderson, Kasper, Kempenich, Koppelman, Wolff

Senators Boehm, Hogue, Myrdal, Wobbema

A BILL for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code,  
relating to campaign disclosure statements; to amend and reenact ~~subsection 17 of section~~  
~~16.1-08.1-01, subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3 and~~  
~~16.1-08.1-02.4, subsection 3 of section 16.1-08.1-03.2, sections 16.1-08.1-03.7 and~~  
~~16.1-08.1-06.2~~15.1-09-08, 15.1-09-19, and 16.1-01-12, subdivision b of subsection 2 of section  
16.1-10-02, section 16.1-10-04.1, subdivision f of subsection 8 of section 51-28-01,  
subsection 11 of section 54-66-01, and section 54-66-02 of the North Dakota Century Code,  
relating to campaign disclosure statements, authorized use of state property for political  
purposes, and inflationary adjustments for campaign finance reporting thresholds; to repeal  
chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign disclosure  
statements; to provide a penalty; to provide for application; and to provide an effective date.

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

~~SECTION 1. AMENDMENT. Subsection 17 of section 16.1-08.1-01 of the North Dakota~~  
~~Century Code is amended and reenacted as follows:~~

~~17. "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.~~

~~SECTION 2. AMENDMENT. Subsection 4 of section 16.1-08.1-02.1 of the North Dakota~~  
~~Century Code is amended and reenacted as follows:~~

~~4. The statement filed according to this section must show the following:~~

- 1 ~~\_\_\_\_\_ a. The balance of the filer's convention accounts at the start and close of the~~  
2 ~~reporting period;~~  
3 ~~\_\_\_\_\_ b. The total of all revenue received and expenditures made of two hundred fifty~~  
4 ~~dollars, or less;~~  
5 ~~\_\_\_\_\_ c. The total of all revenue received and expenditures made in excess of two~~  
6 ~~hundred fifty dollars;~~  
7 ~~\_\_\_\_\_ d. For each aggregated revenue received from a person in excess of two hundred~~  
8 ~~fifty dollars:~~  
9 ~~\_\_\_\_\_ (1) The name of each person;~~  
10 ~~\_\_\_\_\_ (2) The mailing address of each person;~~  
11 ~~\_\_\_\_\_ (3) The date of the most recent receipt of revenue from each person; and~~  
12 ~~\_\_\_\_\_ (4) The purpose or purposes for which the aggregated revenue total was~~  
13 ~~received from each person;~~  
14 ~~\_\_\_\_\_ e. For each aggregated expenditure made to a person in excess of two hundred fifty~~  
15 ~~dollars:~~  
16 ~~\_\_\_\_\_ (1) The name of each person or entity;~~  
17 ~~\_\_\_\_\_ (2) The mailing address of each person or entity;~~  
18 ~~\_\_\_\_\_ (3) The date of the most recent expense made to each person or entity; and~~  
19 ~~\_\_\_\_\_ (4) The purpose or purposes for which the aggregated expenditure total was~~  
20 ~~disbursed to each person or entity; and~~  
21 ~~\_\_\_\_\_ f. For each aggregated revenue from an individual which totals five thousand~~  
22 ~~dollars or more during the reporting period, the occupation, employer, and~~  
23 ~~principal place of business of the individual must be disclosed.~~  
24 ~~\_\_\_\_\_ **SECTION 3. AMENDMENT.** Section 16.1-08.1-02.3 of the North Dakota Century Code is~~  
25 ~~amended and reenacted as follows:~~  
26 ~~\_\_\_\_\_ **16.1-08.1-02.3. Pre-election, supplemental, and year-end campaign disclosure**~~  
27 ~~**statement requirements for candidates, candidate committees, multicandidate**~~  
28 ~~**committees, and nonstatewide political parties.**~~  
29 ~~\_\_\_\_\_ 1. Prior to the thirty-first day before a primary, general, or special election, a candidate or~~  
30 ~~candidate committee formed on behalf of the candidate, a multicandidate political~~  
31 ~~committee, or a political party other than a statewide political party soliciting or~~

1           ~~accepting contributions shall file a campaign disclosure statement that includes all~~  
2           ~~contributions received from January first through the fortieth day before the election. A~~  
3           ~~candidate whose name is not on the ballot and who is not seeking election through~~  
4           ~~write-in votes, the candidate's candidate committee, and a political party that has not~~  
5           ~~endorsed or nominated any candidate in the election is not required to file a statement~~  
6           ~~under this subsection. The statement may be submitted for filing beginning on the~~  
7           ~~thirty-ninth day before the election. The statement must include:~~

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

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

11           ~~(2) The total amount of the contribution; and~~

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

13           ~~b. The total of all aggregated contributions from contributors which total in excess of~~  
14           ~~two hundred fifty dollars during the reporting period;~~

15           ~~c. The total of all contributions received from contributors that contributed two~~  
16           ~~hundred fifty dollars or less each during the reporting period; and~~

17           ~~d. For a statewide candidate, a candidate committee formed on behalf of a~~  
18           ~~statewide candidate, and a statewide multicandidate committee, the balance of~~  
19           ~~the campaign fund on the fortieth day before the election and the balance of the~~  
20           ~~campaign fund on January first.~~

21           ~~2. Beginning on the thirty-ninth day before the election through the day before the~~  
22           ~~election, a person that files a statement under subsection 1 must file a supplemental~~  
23           ~~statement within forty-eight hours of the start of the day following the receipt of a~~  
24           ~~contribution or aggregate contribution from a contributor which is in excess of five~~  
25           ~~hundred dollars. The statement must include:~~

26           ~~a. The name and mailing address of the contributor;~~

27           ~~b. The total amount of the contribution received during the reporting period; and~~

28           ~~c. The date the last contributed amount was received.~~

29           ~~3. Prior to February first, a candidate or candidate committee, a multicandidate political~~  
30           ~~committee, or a nonstatewide political party soliciting or accepting contributions shall~~  
31           ~~file a campaign disclosure statement that includes all contributions received and~~

expenditures, by expenditure category, made from January first through December thirty-first of the previous year. The statement may be submitted for filing beginning on January first. The statement must include:

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

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

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

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

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

~~c. The total of all aggregated contributions from contributors which total in excess of two hundred fifty dollars during the reporting period;~~

~~d. The total of all contributions received from contributors that contributed two hundred fifty dollars or less each during the reporting period; and~~

~~e. The total of all other expenditures made during the previous year, separated into expenditure categories.~~

~~4. A person required to file a statement under this section, other than a candidate for judicial office, county office, city office, or school district office, or a candidate committee for a candidate exempted under this subsection, shall report each aggregated contribution from a contributor which totals five thousand dollars or more during the reporting period. For these contributions from individuals, the statement must include the contributor's occupation, employer, and the employer's principal place of business.~~

~~5. A candidate for city office in a city with a population under five thousand and a candidate committee for the candidate are exempt from this section. A candidate for school district office in a school district with a fall enrollment of fewer than one thousand students and a candidate committee for the candidate are exempt from this section.~~

~~6. 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 who is required to file a statement under this chapter and a candidate-  
committee for such a candidate shall file statements with the city auditor. A candidate-  
for school district office who is required to file a statement under this chapter and a  
candidate committee for such a candidate shall file statements with the school district  
business manager. Any other person required to file a statement under this section  
shall file the statement with the secretary of state.

~~7. The filing officer shall assess and collect fees for any reports filed after the filing  
deadline.~~

~~8. To ensure accurate reporting and avoid commingling of campaign and personal funds,  
candidates shall use dedicated campaign accounts that are separate from any  
personal accounts.~~

~~**SECTION 4. AMENDMENT.** Section 16.1-08.1-02.4 of the North Dakota Century Code is  
amended and reenacted as follows:~~

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

~~1. Prior to the thirty-first day before a primary, general, or special election, a statewide  
political party or a political committee not required to file statements under section  
16.1-08.1-02.3 which is soliciting or accepting contributions shall file a campaign  
disclosure statement that includes all contributions received and expenditures made  
from January first through the fortieth day before the election. A political party that has  
not endorsed or nominated a candidate in an election is not required to file a  
statement under this subsection. A statement required to be filed under this subsection  
may be submitted for filing beginning on the thirty-ninth day before the election. The  
statement must include:~~

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

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

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

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

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

- ~~c. The total of all contributions received from contributors that contributed two hundred fifty dollars or less each during the reporting period;~~
- ~~d. For each recipient of an expenditure from campaign funds in excess of two hundred fifty dollars in the aggregate:~~
  - ~~(1) The name and mailing address of the recipient;~~
  - ~~(2) The total amount of the expenditure made to the recipient; and~~
  - ~~(3) The date the last expended amount was made to the recipient;~~
- ~~e. The aggregate total of all expenditures from campaign funds in excess of two hundred fifty dollars;~~
- ~~f. The aggregate total of all expenditures from campaign funds of two hundred fifty dollars or less; and~~
- ~~g. The balance of the campaign fund on the fortieth day before the election and balance of the campaign fund on January first.~~
- ~~2. Beginning on the thirty-ninth day before the election through the day before the election, a person that files a statement under subsection 1 must file a supplemental statement within forty-eight hours of the start of the day following the receipt of a contribution or aggregate contribution from a contributor which is in excess of five hundred dollars. The statement must include:~~
  - ~~a. The name and mailing address of the contributor;~~
  - ~~b. The total amount of the contribution received during the reporting period; and~~
  - ~~c. The date the last contributed amount was received.~~
- ~~3. Prior to February first, a statewide political party or a political committee that is not required to file a statement under section 16.1-08.1-2.3 shall file a campaign disclosure statement that includes all contributions received and expenditures made from January first through December thirty-first of the previous year. The statement may be submitted for filing beginning on January first. The statement must include:~~
  - ~~a. For each aggregated contribution from a contributor which totals in excess of two hundred fifty dollars received during the reporting period:~~
    - ~~(1) The name and mailing address of the contributor;~~
    - ~~(2) The total amount of the contribution; and~~
    - ~~(3) The date the last contributed amount was received;~~

- 1 ~~\_\_\_\_\_ b. The total of all aggregated contributions from contributors which total in excess of~~  
2 ~~two hundred fifty dollars during the reporting period;~~  
3 ~~\_\_\_\_\_ c. The total of all contributions received from contributors that contributed two~~  
4 ~~hundred fifty dollars or less each during the reporting period;~~  
5 ~~\_\_\_\_\_ d. For each recipient of an expenditure from campaign funds in excess of two~~  
6 ~~hundred fifty dollars in the aggregate:~~  
7 ~~\_\_\_\_\_ (1) The name and mailing address of the recipient;~~  
8 ~~\_\_\_\_\_ (2) The total amount of the expenditure made to the recipient; and~~  
9 ~~\_\_\_\_\_ (3) The date the last expended amount was made to the recipient;~~  
10 ~~\_\_\_\_\_ e. The aggregate total of all expenditures from campaign funds in excess of two~~  
11 ~~hundred fifty dollars;~~  
12 ~~\_\_\_\_\_ f. The aggregate total of all expenditures from campaign funds of two hundred fifty~~  
13 ~~dollars or less; and~~  
14 ~~\_\_\_\_\_ g. The balance of the campaign fund on January first and December thirty-first.~~  
15 ~~\_\_\_\_\_ 4. A person required to file a statement under this section shall disclose each aggregated~~  
16 ~~contribution from a contributor which totals five thousand dollars or more during the~~  
17 ~~reporting period. For these contributions from individuals, the statement must include~~  
18 ~~the contributor's occupation, employer, and the employer's principal place of business.~~  
19 ~~\_\_\_\_\_ 5. Statements under this section must be filed with the secretary of state.~~  
20 ~~\_\_\_\_\_ 6. The secretary of state shall assess and collect fees for any reports filed after the filing~~  
21 ~~deadline.~~  
22 ~~\_\_\_\_\_ **SECTION 5. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.2 of the North Dakota~~  
23 ~~Century Code is amended and reenacted as follows:~~  
24 ~~\_\_\_\_\_ 3. A political committee that organizes and registers according to federal law and makes~~  
25 ~~an independent expenditure or makes a disbursement in excess of two hundred fifty~~  
26 ~~dollars to a nonfederal candidate seeking public office, a political party, or political~~  
27 ~~committee in this state is not required to register as a political committee according to~~  
28 ~~this section if the political committee reports according to section 16.1-08.1-03.7.~~  
29 ~~\_\_\_\_\_ **SECTION 6. AMENDMENT.** Section 16.1-08.1-03.7 of the North Dakota Century Code is~~  
30 ~~amended and reenacted as follows:~~

~~16.1-08.1-03.7. Political committees that organize and register according to federal law that make independent expenditures or disbursements to nonfederal candidates, political parties, and political committees.~~

~~— A political committee that organizes and registers according to federal law and 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. 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:~~

~~1. The name, mailing address, and treasurer of the political committee;~~

~~2. The recipient's name and mailing address;~~

~~3. The date and amount of the independent expenditure or disbursement; and~~

~~4. The ultimate and true source of funds listed by contributor and subcontributor of any amount over two hundred fifty dollars collected or used to make the independent expenditure or disbursement including:~~

~~a. The name and address of the contributor;~~

~~b. The total amount of the contribution; and~~

~~c. The date the last contribution was received.~~

~~**SECTION 7. AMENDMENT.** Section 16.1-08.1-06.2 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**16.1-08.1-06.2. Secretary of state to provide instructions, make adjustments for inflation, and conduct training.**~~

~~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 alsoof state shall determine adjustmentsadjust for inflation of the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and instruct persons submitting reports under this chapter of the adjustments. OnThe secretary of state shall make the adjustment by~~



~~January first of each adjustment year, the secretary shall determine whether the accumulated change in the consumer price index for all urban consumers (all items, United States city average), as applied to each reporting threshold in this chapter, would result in an adjustment of at least ten dollars of the threshold in effect on that date. If so, the secretary shall deem the reporting threshold adjusted by ten dollars.~~

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

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

An individual seeking election to the board of a school district shall prepare and sign a document stating the individual's name and the position for which that individual is a candidate. A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether or not the election is held in conjunction with a statewide election, all statements of interest must be filed with the school district business manager, or mailed to and in the possession of the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall also file a campaign contribution statement as required by section ~~16.1-08.1-02.3~~ 16.1-08.2-03.

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

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

Sections ~~16.1-08.1-03.3~~ 16.1-08.2-07, 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 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 16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.

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

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

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

- a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
- b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a member of the election board on the way to or at a polling place.
- c. Vote more than once in any election.

- d. Knowingly vote in the wrong election precinct or district.
- e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
- f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
- g. Knowingly vote when not qualified to do so.
- h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
- i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
- j. Pay or offer to pay any individual, measure committee, or other organization, or 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 the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter ~~16.1-08.1~~16.1-08.2 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 pre-election 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~~16.1-08.2. 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 canvass or return 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, or negatively impact the confidentiality, integrity, or availability of any system used for voting.

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

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

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

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

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

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

e. An organization, as defined in section 12.1-03-04, that violates this section is subject to the organizational fines in section 12.1-32-01.1. The court in which the conviction is entered shall notify the secretary of state of the conviction and shall order the secretary of state to revoke the certificate of authority of any convicted organization or limited liability company. The organization may not reapply to the secretary of state for authorization to do business under any name for one year upon conviction of a class A misdemeanor and for five years upon conviction of a class C felony under this section, except an organization operating a signature gathering business, or similar enterprise, that violates subdivision p of subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and may not reapply to the secretary of state for authorization to do business under any name for five years following the entry of judgment.

f. A violation of subdivision p of subsection 1 by any member of a measure committee, including an initiative or referendum sponsoring committee or an

agent acting on behalf of, or in conjunction with, a measure committee for the purpose of collecting signatures for a petition under this chapter is subject to a civil penalty of not more than three thousand dollars. The civil penalty may be recovered in an action brought in the district court of Burleigh County by the attorney general.

g. An individual who is a member of an organization may be convicted of a violation as an accomplice under section 12.1-03-01.

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

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

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

1. "Affiliate" means an organization controlling, is controlled by, or is under common control with another organization. For purposes of this definition, control means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of an organization, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise. Control is presumed to exist if an organization, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing fifty percent or more of the voting securities of any other organization.

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

3. "Conduit" means a person that is not a political party, political committee, or candidate and which receives a contribution of money and transfers the contribution to a candidate, political party, or political committee when the contribution is designated

specifically for the candidate, political party, or political committee and the person has no discretion as to the recipient and the amount transferred. The term includes a transactional intermediary, including a credit card company or a money transfer service paying or transferring money to a candidate on behalf of another person.

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

- a. A loan of money from a bank or other lending institution made in the regular course of business.
- b. Time spent by volunteer campaign or political party workers.
- c. Money or anything of value deposited for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
- d. Money or anything of value deposited for anything other than a political purpose.
- e. Products or services for which the actual cost or fair market value are reimbursed by a payment of money.
- f. An independent expenditure.
- g. The value of advertising paid by a political party, multicandidate political committee, or caucus which is in support of a candidate.
- h. In-kind contributions from a candidate to the candidate's campaign.

1       5. "Cooperative corporations", "corporations", and "limited liability companies" are as  
2       defined in this code, and for purposes of this chapter "corporations" includes nonprofit  
3       corporations. However, if a political committee, the only purpose of which is accepting  
4       contributions and making expenditures for a political purpose, incorporates for liability  
5       purposes only, the committee is not considered a corporation for the purposes of this  
6       chapter.

7       6. "Expenditure" means:

8           a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution,  
9           disbursement, outlay, or deposit of money or anything of value, except a loan of  
10          money from a bank or other lending institution made in the regular course of  
11          business, made for a political purpose or for the purpose of influencing the  
12          passage or defeat of a measure.

13          b. A contract, promise, or agreement, express or implied, whether or not legally  
14          enforceable, to make any expenditure.

15          c. The transfer of funds by a political committee to another political committee.

16          d. An independent expenditure.

17       7. "Expenditure purpose" means the type of expense for which expenditures for a  
18       political purpose occurred under this chapter.

19       8. "Foreign national" means:

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

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

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

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

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

29       9. "Independent expenditure" means an expenditure made for a political purpose or for  
30       the purpose of influencing the passage or defeat of a measure if the expenditure is  
31       made without the express or implied consent authorization, or cooperation of, and not

1 in concert with or at the request or suggestion of any candidate, committee, or political  
2 party.

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

5 11. "Person" means an individual, partnership, political committee, association,  
6 corporation, cooperative corporation, limited liability company, or other organization or  
7 group of persons.

8 12. "Personal benefit" means a benefit to the candidate or another person which is not for  
9 a political purpose or related to a candidate's responsibilities as a public officeholder,  
10 and any other benefit that would convert a contribution to personal income.

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

14 a. A political action committee not connected to another organization and free to  
15 solicit funds from the general public, or derived from a corporation, cooperative  
16 corporation, limited liability company, affiliate, subsidiary, or an association, which  
17 solicits or receives contributions from its employees or members or makes  
18 expenditures for political purposes on behalf of its employees or members;

19 b. A candidate committee established to support an individual candidate seeking  
20 public office, which solicits or receives contributions for political purposes;

21 c. A political organization registered with the federal election commission, which  
22 solicits or receives contributions or makes expenditures for political purposes;

23 d. A multicandidate political committee, including a caucus, established to support  
24 multiple groups or slates of candidates seeking public office, which solicits or  
25 receives contributions for political purposes; and

26 e. A measure committee, including an initiative or referendum sponsoring  
27 committee at any stage of its organization, which solicits or receives contributions  
28 or makes expenditures for the purpose of supporting or opposing an initiative or  
29 referendum petition, or measure sought to be voted upon by the voters of the  
30 state, including any activities undertaken for the purpose of drafting an initiative

1                   or referendum petition, seeking approval of the secretary of state for the  
2                   circulation of a petition, or seeking approval of the submitted petitions.

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

7       15.   "Political purpose" means any activity undertaken in support of or in opposition to the  
8           election or nomination of a candidate to public office and includes using "vote for",  
9           "oppose", or any similar support or opposition language in any advertisement whether  
10          the activity is undertaken by a candidate, a political committee, a political party, or any  
11          person. The term includes paying any expenses related to the election or nomination  
12          of a candidate. This term does not include activities undertaken in the performance of  
13          a duty of a public office or any position taken in any bona fide news story, commentary  
14          or editorial.

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

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

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

22      **16.1-08.2-02. General provisions.**

23      1.    A political committee, except those defined in subdivision c of subsection 13 of section  
24          16.1-08.2-01, shall register its name, mailing address, telephone number, and  
25          nongovernment-issued electronic mail address, and its agent's name, mailing address,  
26          telephone number, and nongovernment-issued electronic mail address, and a  
27          designation as to whether the committee is incorporated solely for the purpose of  
28          liability protection, with the secretary of state. A candidate who does not have a  
29          candidate committee shall register the candidate's name, mailing address, telephone  
30          number, and nongovernment-issued electronic mail address with the secretary of  
31          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 deposit date of any contribution or expenditure made.

3. A candidate or political committee required to be registered under this section shall register with the secretary of state each year during which the candidate holds public office or during which the political committee receives contributions, makes expenditures for political purposes, or has a balance in the campaign account. An individual who no longer holds public office or an individual who no longer seeks public office shall register with the secretary of state each year in which contributions are deposited, expenditures are made for political purposes, or a balance remains in the campaign account.

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

a. Filed electronically within the prescribed time and in the format established by the secretary of state. If the secretary of state does not receive a statement, an electronic duplicate of the statement must be filed promptly upon notice by the secretary of state of its nonreceipt. After a statement has been filed, the secretary of state may request or accept written clarification along with an amended statement from a candidate, political party, or political committee filing the statement when discrepancies, errors, or omissions on the statement are discovered by the secretary of state, the candidate, political party, or political committee filing the statement, or by any interested party reciting a lawful reason for requesting clarification and an amendment be made. When requesting an amended statement, the secretary of state shall establish a reasonable period of time, not to exceed ten days, agreed to by the candidate, political party, or political committee, for filing the amended statement with the secretary of state.

b. Preserved by the secretary of state for a period of ten years from the date of the filing deadline. The statement must be considered a part of the public records of the secretary of state's office and must be open to public inspection on the internet.

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

6        6. In determining the amount of expenditures to any recipient, all expenditures to the  
7        same recipient during the reporting period must be aggregated to report an overall  
8        total expenditure for the purposes of the statements required by this chapter.

9        7. Contributions and expenditures which are two hundred fifty dollars or less in the  
10       aggregate are exempt records under chapter 44-04 and reported as part of aggregate  
11       totals only.

12       8. In reporting a contribution deposited through a conduit, a candidate, political party, or  
13       political committee shall list each reportable contribution identifying the person that  
14       submitted the contribution to the conduit and provide the required information  
15       regarding the contribution from that person rather than identifying the conduit as the  
16       contributor.

17       9. A political committee organizing and registering according to federal law which makes  
18       an independent expenditure or makes a disbursement in excess of two hundred fifty  
19       dollars to a nonfederal candidate seeking public office, a political party, or political  
20       committee shall report as a political committee according to sections 16.1-08.2-03 and  
21       16.1-08.2-06.

22       10. To ensure accurate reporting and avoid commingling of campaign and personal funds,  
23       candidates shall use dedicated campaign accounts that are separate from any  
24       personal accounts.

25       11. Registration by a political committee under this section does not reserve the name for  
26       exclusive use nor does it constitute registration of a trade name under chapter 47-25.

27       12. A candidate or candidate committee for a county office, city office, or school district  
28       office are exempt from registering and filing with the secretary of state. Any other  
29       person required to file a statement under this chapter shall file the statement with the  
30       secretary of state.

1       a.   A candidate for city office in a city with a population under five thousand and a  
2       candidate committee for the candidate are exempt from this chapter. A candidate  
3       for school district office in a school district with a fall enrollment of fewer than one  
4       thousand students and a candidate committee for the candidate are exempt from  
5       this chapter.

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

12       **16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure**  
13       **statement requirements for candidates, candidate committees, multicandidate**  
14       **committees, political committees, and political parties.**

15      1.   Before a primary or special election, and before and following a general election, a  
16      candidate or candidate committee formed on behalf of the candidate, a multicandidate  
17      political committee, a political committee, or a political party soliciting or accepting  
18      contributions shall file a campaign disclosure statement from:

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

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

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

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

23      2.   A candidate whose name is not on the ballot and who is not seeking election through  
24      write-in votes, the candidate's candidate committee, and a political party that has not  
25      endorsed or nominated any candidate in the election is not required to file a statement  
26      under subsection 1, but is required to file a statement under subsection 6.

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

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

2           a.   For each contribution deposited during the reporting period, the:

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

4               (2)   Total amount of the contribution; and

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

6           b.   For each expenditure during the reporting period, the:

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

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

9               (3)   Date of the expenditure; and

10              (4)   Expenditure purpose.

11          c.   The total of all contributions and expenditures which total in excess of two

12              hundred fifty dollars during the reporting period.

13          d.   The aggregated total of contributions and expenditures which are two hundred

14              fifty dollars or less during the reporting period.

15          e.   For a candidate, a candidate committee formed on behalf of a candidate, a

16              multicandidate committee, or a political party, the balance of the campaign fund

17              on the last day of the reporting period and the balance of the campaign fund on

18              the first day of the reporting period.

19       5.   Beginning on May first before a primary election, October first before a general

20              election, and thirty-nine days before a special election through the day before the

21              election, a person filing a statement under subsection 1 must file a supplemental

22              statement within forty-eight hours of the start of the day following the deposit of a

23              contribution or aggregate contribution from a contributor which is in excess of five

24              hundred dollars. The statement must include the:

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

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

27              c.   Date the last contributed amount was deposited.

28       6.   Before February first, a candidate whose name is not on the ballot and who is not

29              seeking election through write-in votes or the candidate's candidate committee, a

30              multicandidate political committee, a political committee, or a political party soliciting or

31              accepting contributions not required to file a statement under subsection 1 shall file a

campaign disclosure statement including all contributions deposited and expenditures made from January first through December thirty-first of the previous year. The statement may be submitted for filing beginning on January first. The filer shall indicate on the report the corresponding reporting period, as described under section 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 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 contribution 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. The total of all contributions and expenditures which total in excess of two hundred fifty dollars during the reporting period.

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

7. A candidate, a candidate committee formed on behalf of a candidate, or a multicandidate committee for county office, city office, or school district office shall report aggregated contributions and expenditures of two hundred fifty dollars or less under this section.

8. A person required to file a statement under this section shall report each aggregated contribution from a contributor which totals five thousand dollars or more during the

1        reporting period. For these contributions from individuals, the statement must include  
2        the contributor's occupation, employer, and the employer's principal place of business.

3        9.    A political committee that qualifies as a nonprofit entity under section 501(c)(4) of the  
4        Internal Revenue Code [26 U.S.C. 501 (c)(4)] is not required to disclose the  
5        information under this section.

6        10.   A political committee that registers according to federal law and files a campaign  
7        disclosure statement in accordance with this section is required to include only  
8        contributions received or expenditures made for a nonfederal political purpose related  
9        to this state or for the purpose of influencing an initiated petition or the passage or  
10       defeat of a measure in this state.

11       11.   A political committee that registers according to federal law is not required to file a  
12       campaign disclosure statement in accordance with this section for a reporting period in  
13       which the political committee maintains a campaign balance and does not receive a  
14       contribution or make an expenditure that is reportable under this section.

15       **16.1-08.2-04. Special requirements for state political parties.**

16       1.    State political parties shall establish separate and segregated accounts for the  
17       management of state nominating conventions. All revenue obtained and expenditures  
18       made for the planning and running of a state convention must be accounted for in  
19       these accounts.

20       2.    A postconvention statement must be filed with the secretary of state sixty days after  
21       the close of the state nominating convention. The reporting period for the  
22       postconvention statement begins on the first day of January of the reporting year and  
23       ends thirty days after the close of the state nominating convention.

24       3.    A year-end statement covering the entire calendar year must be filed with the  
25       secretary of state before February first of the following year even if no convention  
26       revenue was deposited or expenditures made within the calendar year.

27       4.    The statement filed under this section must show:

28       a.    The balance of the filer's convention accounts at the start and close of the  
29       reporting period.

30       b.    The total of all revenue deposited and expenditures made of two hundred fifty  
31       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 deposit of revenue from each person providing revenue; and

(4) Purpose or purposes for which 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 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. 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, 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:
  - 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.

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.

**16.1-08.2-06. 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.

**16.1-08.2-07. 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, treasury funds, or other money required as a condition of membership in an association, or as a condition of employment, or use money obtained in any commercial transaction. Moneys from fees, dues, treasury funds, or money obtained in a commercial transaction may, however, be used to pay costs of administration of the fund.

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

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

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

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

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

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

3. If an officer, employee, agent, attorney, or other representative of a corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association makes any contribution prohibited by this section out of corporate, cooperative corporation, limited liability company, affiliate, subsidiary, or association funds or otherwise violates this section, it is prima facie evidence of a violation by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association.

4. Corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, and associations may make expenditures and contributions for promoting any general political philosophy or belief deemed in the best interest of the employees, stockholders, patrons, or members of the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association other than a "political purpose" as defined by this chapter. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may not make a contribution for a political purpose.

5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may make a donation of property or money to a state political party or nonprofit entity affiliated with or under the control of a state political party for deposit in a separate and segregated building fund.

6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may make an expenditure to a measure committee for the purpose of promoting the passage or defeat of an initiated or referred measure or petition or make

an expenditure to any other person making an independent expenditure. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may make an independent expenditure for a political purpose, including political advertising in support of or opposition to a candidate, political committee, or a political party, or for the purpose of promoting passage or defeat of initiated or referred measures or petitions. The corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association shall file a statement disclosing any expenditure made under this subsection with the secretary of state within forty-eight hours after making the expenditure. The statement must include:

- a. The full name of the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association;
- b. The complete address of the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association;
- c. The name of the recipient of the expenditure;
- d. If the expenditure is related to a measure or petition, the title of the measure or petition and whether the expenditure is made in support of or opposition to the measure or petition;
- e. If the 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 expenditure;
- g. The cumulative total amount of 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 statement, attesting to the statement being true, complete, and correct; and
- i. The date on which the statement was signed.

7. A violation of this section may be prosecuted in the county where the contribution is made or in any county in which it has been paid or distributed.

8. It is a class A misdemeanor for an officer, director, stockholder, manager, governor, member, attorney, agent, or representative of any corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association to violate this

section or to counsel or consent to any violation. Any person that solicits or knowingly receives any contribution in violation of this section is guilty of a class A misdemeanor.

9. Any officer, director, stockholder, manager, governor, member, attorney, agent, or representative who makes, counsels, or consents to the making of a contribution in violation of this section is liable to the company, corporation, limited liability company, affiliate, subsidiary, or association for the amount so contributed.

**16.1-08.2-08. Special requirements for conduits.**

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

**16.1-08.2-09. General prohibitions.**

1. A foreign national may not make or offer to make, directly or indirectly, a contribution or expenditure in connection with any election.

2. A candidate, candidate committee, political committee, political party, or any other person may not solicit, accept, or receive, directly or indirectly, a contribution from a foreign national.

3. A candidate may not use any contribution deposited by the candidate, the candidate's candidate committee, or a multicandidate political committee to:

a. Give a personal benefit to the candidate or another person;

b. Make a loan to another person;

c. Knowingly pay more than the fair market value for goods or services purchased for the campaign; or

d. Pay a criminal fine or civil penalty.

1       4.   If the secretary of state has substantial reason to believe any person knowingly  
2       violated this section, the secretary shall arrange for an audit as authorized by section  
3       16.1-08.2-10.

4       5.   A person may not be excused from attending and testifying or producing any books,  
5       papers, or other documents before any court upon any investigation, proceeding, or  
6       trial for a violation of any of the provisions of this chapter, upon the grounds that the  
7       testimony or evidence, documentary or otherwise, required of the person may tend to  
8       incriminate or degrade the person. A person may not be prosecuted or subjected to  
9       any penalty or forfeiture for or on account of any transaction, matter, or thing  
10      concerning which the person may testify or produce evidence, documentary or  
11      otherwise. Any testimony given or produced may not be used against the person in  
12      any criminal investigation or proceeding.

13      **16.1-08.2-10. Audit by secretary of state.**

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

25      2.   If a substantial irregularity is reasonably alleged, the secretary of state may arrange an  
26      audit of any statement filed pursuant to this chapter, performed by a certified public  
27      accountant of the filer's choice, subject to approval by the secretary of state, upon  
28      written request by any interested party made to the secretary of state within thirty days  
29      following receipt of a statement by the secretary of state. The request must be made in  
30      writing, recite a substantial irregularity and a lawful reason for requesting an audit, and  
31      be accompanied by a bond in an amount established by the secretary of state

1        sufficient to pay the cost of the audit. If an audit of a statement arranged by the  
2        secretary of state under this subsection reveals a violation of this chapter, the  
3        candidate, political party, or political committee filing the statement shall pay a fine to  
4        the secretary of state equal to two hundred percent of the aggregate of contributions  
5        and expenditures found to be in violation or an amount sufficient to pay the cost of the  
6        audit, whichever is greater, and the bond must be returned to the person submitting it.  
7        If an audit of a statement arranged by the secretary of state under this subsection  
8        does not reveal a violation of this chapter, the cost of the audit must be satisfied from  
9        the bond filed with the secretary of state.

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

21       **16.1-08.2-11. Filing officer to charge and collect filing fees.**

- 22       1. If a statement or report required to be filed according to this chapter is not filed within  
23       the prescribed time, the filing officer to whom the report was to be filed is authorized to  
24       charge and collect a late fee as follows:  
25       a. Within six days after the prescribed time, one hundred dollars;  
26       b. Within thirteen days after the prescribed time, two hundred fifty dollars; and  
27       c. Thereafter, five hundred dollars.  
28       2. Any amendment filed by the candidate, candidate committee, multicandidate  
29       committee, political committee, or political party, or at the request of the filing officer,  
30       the filing officer to whom the report was to be filed is authorized to charge and collect a  
31       late fee as follows:

a. Within six days after the date the amendment was due, one hundred dollars;

b. Within eleven days after the date the amendment was due, two hundred fifty 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.

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. 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. 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.** Subdivision b of subsection 2 of section 16.1-10-02 of the North Dakota Century Code is amended and reenacted as follows:

b. "Property" includes motor vehicles, telephones, typewriters, adding machines, postage or postage meters, funds of money, and buildings. However, nothing in this section may be construed to prohibit any candidate, political party, committee, or organization from using any public building for such political meetings as may be required by law, or to prohibit such candidate, party, committee, or organization from hiring the use of any public building for any



political purpose if such lease or hiring is otherwise permitted by law. The term does not include the executive mansion as provided under chapter 54-21.

**SECTION 6. 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~~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 defined in section ~~16.1-08.1-01~~16.1-08.2-01, 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 candidates must disclose that the advertisement was paid for by the individual candidate or group of candidates. The first and last name or names of the candidates paying for the advertisement are not required to be disclosed. This section does not apply to campaign buttons.

**SECTION 7. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North Dakota Century Code is amended and reenacted as follows:

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

1       **SECTION 8. AMENDMENT.** Subsection 11 of section 54-66-01 of the North Dakota Century  
2 Code is amended and reenacted as follows:

3       11. "Ultimate and true source" means the person that knowingly contributed over two  
4 hundred fifty dollars solely to lobby or influence state government action.

5       **SECTION 9. AMENDMENT.** Section 54-66-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7       **54-66-02. Disclosure of ultimate and true source of funds.**

8       1. A lobbyist who expends an amount greater than two hundred fifty dollars to lobby shall  
9 file with the secretary of state a report that includes the known ultimate and true  
10 source of funds for the expenditure. The report must be filed with the lobbyist  
11 expenditure report required under subsection 2 of section 54-05.1-03.

12       2. A person that expends an amount greater than two hundred fifty dollars, not including  
13 the individual's own travel expenses and membership dues, to influence state  
14 government action shall file with the secretary of state a report including the known  
15 ultimate and true source of funds for the expenditure. A report under this subsection  
16 must be filed on or before the August first following the date of the expenditure. The  
17 secretary of state shall provide a form for reports under this subsection and make the  
18 form electronically accessible to the public. The secretary of state also shall charge  
19 and collect fees for late filing of the reports as follows:

20       a. Twenty-five dollars for a report filed within sixty days after the deadline; or

21       b. Fifty dollars for a report filed more than sixty days after the deadline.

22       3. The secretary of state shall compile the reports required under this section and make  
23 the reports electronically accessible to the public.

24       4. A resident taxpayer may commence an action in a district court of this state against a  
25 person required to comply with this section to compel compliance if all other  
26 enforcement measures under this chapter have been exhausted and the taxpayer  
27 reasonably believes the person has failed to comply with this section.

28       5. The secretary of state shall ~~determine adjustments~~adjust for inflation ~~of~~ the reporting  
29 thresholds in this section by one hundred dollars once every ten years from the last  
30 calendar year of adjustment and instruct persons submitting reports under this section  
31 of the adjustments. ~~On~~The secretary of state shall make the adjustment by January

1 first of each adjustment year, ~~the secretary shall determine whether the accumulated~~  
2 ~~change in the consumer price index for all urban consumers (all items, United States~~  
3 ~~city average), as applied to each reporting threshold in this section, would result in an~~  
4 ~~adjustment of at least ten dollars of the threshold in effect on that date. If so, the~~  
5 ~~secretary of state shall deem the reporting threshold adjusted by ten dollars.~~

6 **SECTION 10. REPEAL.** Chapter 16.1-08.1 of the North Dakota Century Code is repealed.

7 **SECTION 11. APPLICATION.** A person required to file a campaign disclosure statement  
8 under sections 16.1-08.1-02.1, 16.1-08.1-02.2, 16.1-08.1-02.3, and 16.1-08.1-02.4 disclosing  
9 contributions received and expenditures made from January first through December thirty-first  
10 of 2025, shall file the statement pursuant to the statutory requirements under chapter 16.1-08.1  
11 as it existed prior to its repeal.

12 **SECTION 12. EFFECTIVE DATE.** Sections 1, 2, 3, 4, 6, 7, 8, 9, and 10 of this Act become  
13 effective on January 1, 2026.

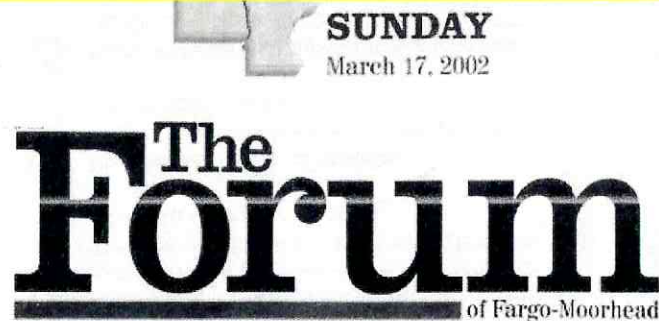
# CAMPAIGN FINANCE COMPARISON – 2002 TO 2025

	Candidates Report Contributions Total	Candidate Contribution Itemization Threshold	Candidates Report Debts, Loans Candidates Report	Candidates Non-Monetary Contributions	Candidates Report Expenditure Total	Candidates Expenditure Itemization Threshold	Candidate Reports Carryover Beginning and Ending Fund
<b>North Dakota 2025</b>	YES	\$200	YES	YES	YES	NONE	STATEWIDE ONLY
<b>2002</b>	NO	\$200	NO	NO	NO	NONE	--
<b>South Dakota 2025</b>	YES	\$100	YES	YES	YES	ALL	YES
<b>2002</b>	YES	\$100	YES	YES	YES	\$100	--
<b>Minnesota 2025</b>	YES	\$20	YES	YES	YES	ALL	YES
<b>2002</b>	YES	\$100	YES	YES	YES	\$100	--
<b>Montana 2025</b>	YES	\$25	YES	YES	YES	ALL	YES
<b>2002</b>	YES	\$35	YES	YES	YES	ALL	--
<b>Wyoming 2025</b>	YES	\$25	YES	YES	YES	ALL	YES
<b>2002</b>	YES	\$25	YES	YES	YES	ALL	--

## MARCH 17, 2002 - THE FORUM



Sunday Edition



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B2, B1

## N.D. unique in slack campaign laws

By Janell Cole  
foruncap@tinet.net

BISMARCK, N.D. - If you're wondering how much candidates spend on state political campaigns, you can find out in every

Politics and FEC information. North Dakota requires disclosure of contributions more than \$200, but that does not reflect the total raised, because the amount from smaller donations is never reported unless

ante mischief, say national groups that track campaign spending and influence-buying.

"What you're talking about is the state is wide open to hostile take-over," said Larry





## SB 2156 - SENATE VERSION

- ✓ **\$250 Reporting Threshold (same HB1377)**
- ✓ **Consistent Reporting Requirements**  
Candidate and all committee types follow same timelines and thresholds for reporting
- ✓ **Expenditure Purpose Expanded**  
User can choose from a category or self-enter a "memo" for expenditure purpose
- ✓ **Deposit Date for Reporting**  
Date contribution is deposited in campaign finance account used for reporting
- ✓ **Checkbook Concept - One-System Tracking**  
User can use system for all campaign finance account tracking needs
  - » Enter all contributions and expenditures
  - » Aggregates under threshold amounts
  - » Tracks and notifies when aggregated contribution threshold is met
  - » Report beginning and ending balances - allows for flow through on adjustments
  - » Reports publicly viewable only upon final submission by user
- ✓ **Protects Below Threshold Info**  
Provides exempt records protection for all information entered below public disclosure threshold of \$250
- ✓ **Improved Chapter Organization**  
Rearranges other sections of current NDCC 16.1 - without changes - to create more logical, understandable order

## HB 1377 - SENATE VERSION

- ✓ **\$250 Reporting Threshold**  
Raises threshold for reporting of campaign contributions and expenditure from \$200 to \$250 for candidates and committees - adjusts every 10 years for inflation
- ✓ **Thresholds Adjust for Inflation**  
Every 10 years, thresholds raise \$100 for inflationary adjustment
- ✓ **Federal PACs - Clarifies for AG Opinion**  
Updates statute to more clearly match AG opinion issued for federal PAC filers
  - » Must file under federal portion of statute and committee statute
- ✓ **SAME AS SENATE VERSION SB 2156**
  - Consistent Reporting Requirements
  - Expenditure Purpose Expanded
  - Deposit is Date for Reporting
  - Checkbook Concept - One System Tracking
  - Protects Below Threshold Info
  - Improved Chapter Organization

## SB 2156 - HOUSE VERSION

- ✓ **\$250 Reporting Threshold (same HB1377)**
- ✗ **Inconsistent Reporting for Candidates**
  - » Reverts to old reporting requirements but makes them less transparent by hiding fund balances for statewide candidates and candidate committees
  - » Removal of fund balances requires two separate programming paths for candidates - greater cost at what gain
- ✗ **Legislative/Local Candidate/Committees**
  - » Categorized expenditure reporting only - aggregate totals in categories over \$250
  - » No reporting of fund balances
- ✗ **Statewide Candidate/Committees**
  - » Categorized expenditure reporting only - aggregate totals in categories over \$250
  - » Report beginning and ending fund balances but not displayed publicly (less transparent than current law)
- ✓ **Non-Candidate Committees - Same as SENATE SB 2156 - Checkbook Concept**
- **Expenditure Category Additions**  
Added 2 new categories - political contributions and volunteer appreciation
- ✓ **SAME AS SENATE VERSION SB 2156**
  - Deposit Date for Reporting
  - Protects Below Threshold Info
  - Improved Chapter Organization