

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2316

Introduced by

Senators Kelsh, O'Connell

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

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

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

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

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

- 1 party or committee which are transferred or signed over to that candidate, party, or
2 committee from another candidate, party, or political committee or other source
3 except as provided in subdivision d. This definition does not include:
- 4 a. A loan of money from a bank or other lending institution made in the regular
5 course of business.
- 6 b. Time spent by volunteer campaign or political party workers.
- 7 c. Money spent by a candidate on the candidate's own behalf.
- 8 d. Any money received ~~from a district or state committee of a political party, as~~
9 ~~established pursuant to sections 16.1-03-06 and 16.1-03-08, except for~~
10 ~~contributions reported pursuant to section 16.1-08.1-03~~ by a candidate for
11 public office which is immediately transferred or signed over to a district or
12 state committee of a political party within ten days of the candidate receiving
13 the money. A transfer of this kind must be reported by the district or state
14 committee of the political party as a contribution according to section
15 16.1-08.1-03, and show the origin of the contribution.
- 16 4. "Cooperative corporations", "corporations", and "limited liability companies" are as
17 defined in this code.
- 18 5. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or
19 gift of money or property, except a loan of money from a bank or other lending
20 institution made in the regular course of business, made for the purpose of
21 influencing the nomination for election, or election, of any person to office. The
22 term also means a contract, promise, or agreement, express or implied, whether or
23 not legally enforceable, to make any expenditure and includes the transfer of funds
24 by a political committee to another political committee.
- 25 6. "Patron" means a person who owns equity interest in the form of stock, shares, or
26 membership or maintains similar financial rights in a cooperative corporation.
- 27 7. "Person" means an individual, partnership, committee, association, corporation,
28 cooperative corporation, limited liability company, or other organization or group of
29 persons.
- 30 8. "Political committee" means any committee, club, association, or other group of
31 persons which receives contributions or makes expenditures primarily for political

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

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

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

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

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

17 **16.1-08.1-02. Contributions statement required of candidates and political**
18 **committees organized in support of candidates.** Any candidate who is soliciting or
19 accepting contributions for any political purpose and any political committee organized in
20 support of a candidate or several candidates shall make and file a statement in accordance
21 with this section.

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

26 The candidate or political committee shall file the statement no later than the twelfth day
27 before the date of the election in which the candidate's name appears on the ballot or in which
28 the candidate seeks election through write-in votes complete from the beginning of that
29 calendar year through the twentieth day before the date of the election. The candidate or
30 political committee shall file a complete statement for the entire calendar year no later than the
31 thirty-first day of January of the following year, regardless of whether the candidate's name

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **16.1-08.1-06. Contributions statement requirements.** A statement required by this
12 chapter to be filed with the secretary of state or county auditor must be:

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

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