

**SENATE BILL NO. 2241**

Introduced by

Senator Heitkamp

Representative Gulleason

1 A BILL for an Act to create and enact a new section to section 16.1-08.1 of the North Dakota  
2 Century Code, relating to the filing of statements for expenditures for political purposes; and to  
3 amend and reenact subsections 2, 3, and 5 of section 16.1-08.1-01, subsection 2 of section  
4 16.1-08.1-02, subsection 1 of section 16.1-08.1-03, subsection 1 of section 16.1-08.1-03.1,  
5 subsection 3 of section 16.1-08.1-03.3, and subsection 2 of section 16.1-08.1-03.8 of the North  
6 Dakota Century Code, relating to the definition of a candidate and a contribution and reporting  
7 of campaign contributions.

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

9 **SECTION 1. AMENDMENT.** Subsection 2 of section 16.1-08.1-01 of the North Dakota  
10 Century Code is amended and reenacted as follows:

11 2. "Candidate" means an individual who seeks nomination for election or election to  
12 public office. The term includes an individual who receives any contribution  
13 regardless of whether the public office for which the individual will seek nomination  
14 or election is known when the solicitation is made or the contribution is received.  
15 The term includes an individual who holds public office and receives any  
16 contribution regardless of whether the individual has indicated that the individual  
17 will seek nomination or reelection to that office or election to any other public office  
18 when the solicitation is made or the contribution is received.

19 **SECTION 2. AMENDMENT.** Subsection 3 of section 16.1-08.1-01 of the North Dakota  
20 Century Code is amended and reenacted as follows:

21 3. "Contribution" means a gift, subscription, loan, advance, ~~or~~ deposit of money, or  
22 anything of value made for the purpose of influencing the nomination for election,  
23 or election, of any person to public office or aiding or opposing the circulation or  
24 passage of a statewide initiative or referendum petition or measure. The term also

1 means a contract, promise, or agreement, express or implied, whether or not  
2 legally enforceable, to make a contribution for any of the above purposes. The  
3 term includes funds received by a candidate for public office or a political party or  
4 committee which are transferred or signed over to that candidate, party, or  
5 committee from another candidate, party, or political committee or other source  
6 except as provided in subdivision d c. The term does not include:

7 a. ~~A loan of money from a bank or other lending institution made in the regular~~  
8 ~~course of business.~~

9 b. Time spent by volunteer campaign or political party workers.

10 e. b. Money spent by a candidate on the candidate's own behalf.

11 e. c. Any money received by a candidate for legislative office which is immediately  
12 transferred or signed over to a district committee of a political party within  
13 thirty days of the candidate receiving the money. The district committee of the  
14 political party shall report a transfer of this kind as a contribution according to  
15 section 16.1-08.1-03 and shall show the origin of the contribution to the  
16 legislative candidate.

17 **SECTION 3. AMENDMENT.** Subsection 5 of section 16.1-08.1-01 of the North Dakota  
18 Century Code is amended and reenacted as follows:

19 5. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or  
20 gift of money or property, ~~except a loan of money from a bank or other lending~~  
21 ~~institution made in the regular course of business,~~ made for the purpose of  
22 influencing the nomination for election, or election, of any person to office. The  
23 term also means a contract, promise, or agreement, express or implied, whether or  
24 not legally enforceable, to make any expenditure and includes the transfer of funds  
25 by a political committee to another political committee.

26 **SECTION 4. AMENDMENT.** Subsection 2 of section 16.1-08.1-02 of the North Dakota  
27 Century Code is amended and reenacted as follows:

28 2. The candidate shall include in the statement the name and mailing address of ~~all~~  
29 ~~contributors~~ each contributor who contributed in excess of two hundred dollars in  
30 the aggregate during the reporting period to the candidate, the amount of each  
31 reportable contribution, ~~and~~ the date each reportable contribution was received,

1           the total amount of expenditures made by the candidate, and the date and purpose  
2           of each expenditure in excess of two hundred dollars.

3           **SECTION 5. AMENDMENT.** Subsection 1 of section 16.1-08.1-03 of the North Dakota  
4 Century Code is amended and reenacted as follows:

5           1. Any political party that receives contributions in excess of two hundred dollars in  
6 the aggregate during the reporting period shall file a statement ~~containing that~~  
7 includes a detailed list of all contributions received from a person or political  
8 committee which exceed two hundred dollars in amount. The statement also must  
9 include the name and mailing address of ~~all contributors~~ each contributor listed, the  
10 amount of each reportable contribution, ~~and~~ the date each reportable contribution  
11 was received, the total amount of expenditures made by the political party, and the  
12 date and purpose of each expenditure in excess of two hundred dollars.

13           **SECTION 6. AMENDMENT.** Subsection 1 of section 16.1-08.1-03.1 of the North  
14 Dakota Century Code is amended and reenacted as follows:

15           1. Any person who is soliciting or accepting a contribution for the purpose of aiding or  
16 opposing the circulation or passage of a statewide initiative or referendum petition  
17 or measure placed upon a statewide ballot by action of the legislative assembly at  
18 any election shall file a statement in accordance with this section if the person has  
19 received any contributions from a person in excess of one hundred dollars. The  
20 statement must include the name and mailing address of ~~all contributors~~ each  
21 contributor who contributed in excess of one hundred dollars to the person, the  
22 amount of each reportable contribution, ~~and~~ the date each reportable contribution  
23 was received, the total amount of expenditures made by the person, and the date  
24 and purpose of each expenditure in excess of two hundred dollars.

25           **SECTION 7. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.3 of the North  
26 Dakota Century Code is amended and reenacted as follows:

27           3. All political committees formed for the purpose of administering the segregated  
28 fund provided for in this section shall file a statement showing the name and  
29 mailing address of each contributor of an amount in excess of two hundred dollars  
30 in the aggregate for the reporting period, the total amount of expenditures made by  
31 the committee, and a listing of all expenditures of an amount in excess of two

1 hundred dollars in the aggregate made for political purposes with the secretary of  
2 state. The statement must include the amount of each reportable contribution and  
3 the date it was received and the amount of each reportable expenditure and the  
4 date it was made. A yearend statement covering the entire calendar year must be  
5 filed no later than the thirty-first day of the following year. A preelection statement  
6 must be filed no later than the twelfth day before any primary, special, or general  
7 election and must be complete from the beginning of the calendar year through the  
8 twentieth day before the election. Even if a political committee has not received  
9 any contributions or made any expenditures in excess of two hundred dollars  
10 during the reporting period, the political committee shall file a statement as  
11 required by this chapter.

12 **SECTION 8. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.8 of the North  
13 Dakota Century Code is amended and reenacted as follows:

14 2. A political committee shall file a detailed list showing the name and mailing address  
15 of each contributor who contributed in excess of two hundred dollars in the  
16 aggregate to the committee during a reporting period, the amount of each  
17 reportable contribution in excess of two hundred dollars, ~~and~~ the date each  
18 reportable contribution was received, the total amount of expenditures made by the  
19 committee, and the date and purpose of each expenditure in excess of two  
20 hundred dollars.

21 **SECTION 9.** A new section to chapter 16.1-08.1 of the North Dakota Century Code is  
22 created and enacted as follows:

23 **Expenditure statement required for third-party expenditures.**

24 1. An individual or political committee that makes an expenditure on behalf of or in  
25 opposition to any other candidate shall file statements as required by this section.  
26 2. The individual or political committee shall file a statement detailing each  
27 expenditure in excess of two hundred dollars, the amount of the expenditure, the  
28 date of the expenditure, the payee, the payee's mailing address, and the purpose  
29 of the expenditure.  
30 3. An individual or political committee required to file a statement under this section  
31 shall file the statement in the office of the secretary of state no later than the

1           fourteenth day before the date of any primary, special, or general election. This  
2           statement must be complete from the beginning of that calender year through the  
3           eighteenth day before the date of the primary, special, or general election. The  
4           individual or political committee shall file a complete statement for the entire  
5           calender year no later than the thirty-first day of January of the following year in  
6           which the individual or political committees made an expenditure.