

HOUSE BILL NO. 1447

Introduced by

Representatives Mock, Beadle, Gruchalla, Guggisberg, Paur, Toman

Senator Warner

1 A BILL for an Act to amend and reenact subsection 3 of section 16.1-08.1-02, subsection 2 of
2 section 16.1-08.1-03, subsection 4 of section 16.1-08.1-03.1, subsection 3 of section
3 16.1-08.1-03.3, subsection 3 of section 16.1-08.1-03.8, subsection 2 of section 16.1-08.1-03.9,
4 subsection 2 of section 16.1-08.1-03.10, subsection 2 of section 16.1-08.1-03.11, subsection 2
5 of section 16.1-08.1-03.12, and sections 16.1-08.1-04 and 16.1-08.1-06 of the North Dakota
6 Century Code, relating to campaign contribution and expenditure reports and reporting
7 deadlines; and to provide an effective date.

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

9 **SECTION 1. AMENDMENT.** Subsection 3 of section 16.1-08.1-02 of the North Dakota
10 Century Code is amended and reenacted as follows:

11 3. The candidate committee, or candidate for statewide office who does not have a
12 candidate committee, and any candidate for legislative office shall file the statement in
13 the office of the secretary of state no later than the ~~twelfth~~thirty-second day before the
14 date of the election in which the candidate's name appears on the ballot or in which
15 the candidate seeks election through write-in votes complete from the beginning of
16 that calendar year through the ~~twentieth~~fortieth day before the date of the election.
17 Every candidate committee, or candidate for statewide office who does not have a
18 candidate committee, and every candidate for legislative office shall file a complete
19 statement for each calendar year no later than the thirty-first day of January of the
20 following year, regardless of whether the candidate sought election during that
21 calendar year.

22 **SECTION 2. AMENDMENT.** Subsection 2 of section 16.1-08.1-03 of the North Dakota
23 Century Code is amended and reenacted as follows:

1 2. A year-end statement covering the entire calendar year must be filed with the
2 secretary of state no later than the thirty-first day of January of the following year. A
3 preelection statement must be filed no later than the ~~twelfth~~thirty-second day before
4 any election at which the party has endorsed or will nominate a candidate and must be
5 complete from the beginning of that calendar year through the ~~twentieth~~fortieth day
6 before the election.

7 **SECTION 3. AMENDMENT.** Subsection 4 of section 16.1-08.1-03.1 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 4. The statement required of a person or measure committee under subsection 2 must
10 be filed with the secretary of state no later than the ~~twelfth~~thirty-second day before the
11 date of the election in which the measure appears or would have appeared on the
12 ballot complete from the beginning of that calendar year through the ~~twentieth~~fortieth
13 day before the date of the election. A complete statement for the entire calendar year
14 for each statement required to be filed under subsections 2 and 3 must be filed no
15 later than the thirty-first day of January of the following year. Even if a person required
16 to report according to this section has not received any contributions in excess of one
17 hundred dollars during the reporting period, the person shall file a statement as
18 required by this chapter. A statement filed according to subsections 2 and 3 during the
19 reporting period must show the following:

- 20 a. The gross total of all contributions received and expenditures made in excess of
21 one hundred dollars;
- 22 b. The gross total of all contributions received and expenditures made of one
23 hundred dollars, or less; and
- 24 c. The cash on hand in the filer's account at the start and close of the reporting
25 period.

26 **SECTION 4. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.3 of the North Dakota
27 Century Code is amended and reenacted as follows:

28 3. All political action committees, as described in section 16.1-08.1-01, formed for the
29 purpose of administering the segregated fund provided for in this section shall file a
30 statement showing the name and mailing address of each contributor of an amount in
31 excess of two hundred dollars in the aggregate for the reporting period and a listing of

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

- 14 a. The gross total of all contributions received and expenditures made in excess of
15 two hundred dollars;
- 16 b. The gross total of all contributions received and expenditures made of two
17 hundred dollars, or less; and
- 18 c. The cash on hand in the filer's account at the start and close of the reporting
19 period.

20 **SECTION 5. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.8 of the North Dakota
21 Century Code is amended and reenacted as follows:

- 22 3. A multicandidate political committee required to file a statement under this section
23 shall file the statement in the office of the secretary of state no later than the
24 ~~twelfth~~thirty-second day before the date of any primary, special, or general election.
25 The statement must be complete from the beginning of that calendar year through the
26 ~~twentieth~~fortieth day before the date of the primary, special, or general election. The
27 political committee shall file a complete statement for the entire calendar year no later
28 than the thirty-first day of January of the following year in which the political committee
29 received a reportable contribution.

30 **SECTION 6. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.9 of the North Dakota
31 Century Code is amended and reenacted as follows:

1 2. A candidate or a candidate committee described in this section shall file a statement
2 with the secretary of state no later than the ~~twelfth~~thirty-second day before the date of
3 the election in which the candidate's name appears on the ballot or in which the
4 candidate seeks election through write-in votes. The reporting period for each of these
5 statements is from the beginning of that calendar year through the ~~twentieth~~fortieth
6 day before the date of the election.

7 **SECTION 7. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.10 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 2. A candidate or a candidate committee described in this section shall file a statement
10 with the county auditor no later than the ~~twelfth~~thirty-second day before the date of the
11 election in which the candidate's name appears on the ballot or in which the candidate
12 seeks election through write-in votes. The reporting period for each of these
13 statements is from the beginning of that calendar year through the ~~twentieth~~fortieth
14 day before the date of the election.

15 **SECTION 8. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.11 of the North Dakota
16 Century Code is amended and reenacted as follows:

17 2. A candidate or a candidate committee described in this section shall file a statement
18 with the city auditor no later than the ~~twelfth~~thirty-second day before the date of any
19 election in which the candidate's name appears on the ballot or in which the candidate
20 seeks election through write-in votes. The reporting period for each of these
21 statements is from the beginning of that calendar year through the ~~twentieth~~fortieth
22 day before the date of the election.

23 **SECTION 9. AMENDMENT.** Subsection 2 of section 16.1-08.1-03.12 of the North Dakota
24 Century Code is amended and reenacted as follows:

25 2. A preelection statement must be filed no later than the ~~twelfth~~thirty-second day before
26 a primary, special, or general election and must be complete from the beginning of the
27 calendar year through the ~~twentieth~~fortieth day before the election.

28 **SECTION 10. AMENDMENT.** Section 16.1-08.1-04 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **16.1-08.1-04. Supplemental statement required on large contributions received after**
2 **original statement - Filing time.**

3 If any candidate, political party, or political committee receives contributions in excess of
4 five hundred dollars in the aggregate in the ~~twenty-day~~thirty-nine-day period before any election
5 from any individual contributor, that candidate, political party, political committee, or person shall
6 make and file a supplemental statement in the same form as required by section 16.1-08.1-02,
7 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.3, 16.1-08.1-03.8, 16.1-08.1-03.9, 16.1-08.1-03.10,
8 or 16.1-08.1-03.11 stating the name and street address of the contributor and the aggregated
9 amount of the contribution and file the statement in the appropriate office within forty-eight hours
10 of the receipt of the contribution.

11 **SECTION 11. AMENDMENT.** Section 16.1-08.1-06 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **16.1-08.1-06. Contributions and expenditure statement requirements.**

- 14 1. Any statement required by this chapter to be filed with the secretary of state must be:
- 15 a. Deemed properly filed when deposited with or delivered to the secretary of state
16 within the prescribed time and in the format established by the secretary of state.
17 A statement that is mailed is deemed properly filed when it is postmarked and
18 directed to the secretary of state within the prescribed time. If the secretary of
19 state does not receive a statement, a duplicate of the statement must be
20 promptly filed upon notice by the secretary of state of its nonreceipt. After a
21 statement has been filed, the secretary of state may request or accept written
22 clarification along with an amended statement from a candidate, political party, or
23 political committee filing the statement when discrepancies, errors, or omissions
24 on the statement are discovered by the secretary of state, the candidate, political
25 party, or political committee filing the statement, or by any interested party
26 reciting a lawful reason for requesting clarification and an amendment be made.
27 When requesting an amended statement, the secretary of state shall establish a
28 reasonable period of time, not to exceed ten days, agreed to by the candidate,
29 political party, or political committee, for filing the amended statement with the
30 secretary of state.

- 1 b. Preserved by the secretary of state for a period of four years from the date of
2 filing. The statement is to be considered a part of the public records of the
3 secretary of state's office and must be open to public inspection.
- 4 2. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the
5 secretary of state is closed, the statement must be filed on the next available day on
6 which the office of the secretary of state is open. In determining the amount of
7 individual contributions from any contributor, all amounts received from the same
8 contributor during the reporting period must be aggregated to report an overall total
9 contribution for the purposes of the statements required by this chapter. Aggregate
10 contributions must reference the date of the most recent contribution. Contributions
11 made separately by different persons from joint accounts are considered separate
12 contributions for reporting purposes.
- 13 3. Before FebruaryMay 1, 2014, the secretary of state shall implement a system through
14 which any statement required by this chapter to be filed with the secretary of state
15 must be filed through an electronic filing application provided by the secretary of state.
16 The system must be designed so that any statement and data filed electronically may
17 be made available on the internet to the public free of charge within twenty-four hours
18 after filing.
- 19 4. Unless otherwise provided by law, any candidate, political party, committee, or person
20 may not be charged a fee for filing any statement with the secretary of state under this
21 chapter.

22 **SECTION 12. AMENDMENT.** Section 16.1-08.1-06 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **16.1-08.1-06. Contributions and expenditure statement requirements.**

- 25 1. Any statement required by this chapter to be filed with the secretary of state must be:
26 a. Deemed properly filed when ~~deposited with or~~electronically delivered to the
27 secretary of state within the prescribed time and in the format established by the
28 secretary of state. ~~A statement that is mailed is deemed properly filed when it is~~
29 ~~postmarked and directed to the secretary of state within the prescribed time.~~ If
30 the secretary of state does not receive a statement, a duplicate of the statement
31 must be promptly filed upon notice by the secretary of state of its nonreceipt.

1 After a statement has been filed, the secretary of state may request or accept
2 written clarification along with an amended statement from a candidate, political
3 party, or political committee filing the statement when discrepancies, errors, or
4 omissions on the statement are discovered by the secretary of state, the
5 candidate, political party, or political committee filing the statement, or by any
6 interested party reciting a lawful reason for requesting clarification and an
7 amendment be made. When requesting an amended statement, the secretary of
8 state shall establish a reasonable period of time, not to exceed ten days, agreed
9 to by the candidate, political party, or political committee, for filing the amended
10 statement with the secretary of state.

11 b. Preserved by the secretary of state for a period of ~~fourteen~~ years from the date of
12 filing. The statement is to be considered a part of the public records of the
13 secretary of state's office and must be open to public inspection.

14 2. ~~If the filing date falls on a Saturday or Sunday or a holiday on which the office of the~~
15 ~~secretary of state is closed, the statement must be filed on the next available day on~~
16 ~~which the office of the secretary of state is open.~~ In determining the amount of
17 individual contributions from any contributor, all amounts received from the same
18 contributor during the reporting period must be aggregated to report an overall total
19 contribution for the purposes of the statements required by this chapter. Aggregate
20 contributions must reference the date of the most recent contribution. Contributions
21 made separately by different persons from joint accounts are considered separate
22 contributions for reporting purposes.

23 3. Before ~~February~~ ~~May~~ 1, 2014, the secretary of state shall implement a system through
24 which any statement required by this chapter to be filed with the secretary of state
25 must be filed through an electronic filing application provided by the secretary of state.
26 The system must be designed so that any ~~Any~~ statement and data filed electronically
27 ~~may~~ must be made available on the internet to the public free of charge within
28 twenty-four hours after filing.

29 4. Unless otherwise provided by law, any candidate, political party, committee, or person
30 may not be charged a fee for filing any statement with the secretary of state under this
31 chapter.

1 **SECTION 13. EFFECTIVE DATE.** Section 12 of this Act becomes effective on
2 | ~~February~~ May 1, 2014.