

**HOUSE BILL NO. 1295**

Introduced by

Representatives Roers Jones, Jones, Klemin, Satrom

Senator Dwyer

1 A BILL for an Act to amend and reenact sections 16.1-08.1-04.1, 54-66-03, and 54-66-15 of the  
2 North Dakota Century Code, relating to authority of the secretary of state and the ethics  
3 commission; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-08.1-04.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **16.1-08.1-04.1. Personal use of contributions prohibited.**

8 1. A candidate may not use any contribution received by the candidate, the candidate's  
9 candidate committee, or a multicandidate political committee to:

- 10 a. Give a personal benefit to the candidate or another person;  
11 b. Make a loan to another person;  
12 c. Knowingly pay more than the fair market value for goods or services purchased  
13 for the campaign; or  
14 d. Pay a criminal fine or civil penalty.

15 2. ~~The~~if the secretary of state ~~shall assess a civil penalty upon~~has substantial reason to  
16 believe any person that knowingly ~~violates~~violated this section:

- 17 a. ~~If the contribution used in violation of this section has a value of two thousand~~  
18 ~~five hundred dollars or more, the civil penalty must be two times the value of the~~  
19 ~~contribution.~~  
20 b. ~~If the contribution used in violation of this section has a value of less than two~~  
21 ~~thousand five hundred dollars, the civil penalty must be at least two times the~~  
22 ~~value of the contribution and may be up to five thousand dollars.~~

1       3. ~~The assessment of a civil penalty may be appealed to the district court of the county~~  
2           ~~where the candidate resides, the secretary shall arrange for an audit as authorized by~~  
3           ~~section 16.1-08.1-05.~~

4       **SECTION 2. AMENDMENT.** Section 54-66-03 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6       **54-66-03. Lobbyist gifts - Penalty. (Effective after January 4, 2021)**

- 7       1. A lobbyist may not give, offer, solicit, initiate, or facilitate a gift knowingly to a public  
8           official, and a public official may not accept a gift from a lobbyist knowingly.
- 9       2. The prohibition in subsection 1 does not apply when a lobbyist gives, offers, solicits,  
10          initiates, or facilitates, or a public official accepts a gift to or from a family member.
- 11      3. ~~The secretary of state~~commission shall assess a civil penalty upon any individual who  
12          violates this section.
- 13          a. If the gift has a value of five hundred dollars or more, the civil penalty must be  
14             two times the value of the gift.
- 15          b. If the gift has a value of less than five hundred dollars, the civil penalty must be  
16             no less than two times the value of the gift and may be up to one thousand  
17             dollars.

18      **SECTION 3. AMENDMENT.** Section 54-66-15 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20      **54-66-15. Prohibition on delivering campaign contributions - Penalty.**

21      A lobbyist may not deliver knowingly a campaign contribution made by another person in  
22 violation of subsection 3 of section 2 of article XIV of the Constitution of North Dakota. For a first  
23 violation, the ~~secretary of state~~commission shall assess a civil penalty of five hundred dollars  
24 upon any individual who knowingly violates this section. For a second and subsequent knowing  
25 violation of this section, the person is guilty of a class B misdemeanor, and, if the lobbyist is a  
26 registered lobbyist and the secretary of state is notified of the violation by the commission, a  
27 state's attorney, or a court, the secretary of state ~~may~~shall revoke the lobbyist's registration. For  
28 purposes of this section, "deliver" means to transport, transfer, or otherwise transmit, either  
29 physically or electronically. This prohibition does not apply to an individual who delivers a  
30 campaign contribution to the individual's own campaign or to the campaign of the individual's  
31 immediate family member. This prohibition may not be interpreted to prohibit any person from

- 1 making a campaign contribution, encouraging others to make a campaign contribution, or
- 2 otherwise supporting or opposing a candidate.
- 3 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.