

**SENATE BILL NO. 2312**

Introduced by

Senator Magrum

Representative Hoverson

1 A BILL for an Act to create and enact a new section to chapter 16.1-08.1 of the North Dakota  
2 Century Code, relating to large expenditure disclosure statements required of political  
3 committees; to amend and reenact subsection 3 of section 16.1-08.1-03.5 and section  
4 16.1-08.1-03.7 of the North Dakota Century Code, relating to independent expenditures; and to  
5 provide a penalty.

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

7 **SECTION 1.** A new section to chapter 16.1-08.1 of the North Dakota Century Code is  
8 created and enacted as follows:

9 **Large expenditure disclosure statements required of political committees.**

- 10 1. A political committee, whether registered with the state or federal government, making  
11 any expenditure in excess of five thousand dollars shall file a statement disclosing the  
12 expenditure made under this section with the secretary of state within forty-eight hours  
13 after making the expenditure.
- 14 2. The statement must include:
- 15 a. The name of the recipient of the expenditure;
- 16 b. If the expenditure is related to a measure or petition, the title of the measure or  
17 petition and whether the expenditure is made in support of or opposition to the  
18 measure or petition;
- 19 c. If the expenditure is related to a measure, the election date on which the  
20 measure either will appear or appeared on the ballot;
- 21 d. If the expenditure is in support of or opposition to a candidate, political party, or  
22 political committee, the name of the candidate, political party, or political  
23 committee for which the expenditure is made and whether it is in support of or  
24 opposition to the candidate, political party, or political committee;

- 1 e. The purpose and tangible item created or acquired as a result of the expenditure;
- 2 f. The amount of the expenditure;
- 3 g. A list of all subcontributors that contributed in excess of one thousand dollars to  
4 the political committee making the expenditure, including:
  - 5 (1) The name and mailing address of the subcontributor;
  - 6 (2) The total amount of the contribution; and
  - 7 (3) The date the last contributed amount was received;
- 8 h. The telephone number and the printed name and signature of the individual  
9 completing the statement, attesting to the statement being true, complete, and  
10 correct; and
- 11 i. The date the statement was signed.
- 12 3. Subsequent expenditures that total five thousand dollars or more require an additional  
13 statement that meets the requirements of subsection 2 to be filed with the secretary of  
14 state within forty-eight hours after each subsequent five thousand dollar increment is  
15 surpassed.
- 16 4. This section does not apply to candidate committees.

17 **SECTION 2. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.5 of the North Dakota  
18 Century Code is amended and reenacted as follows:

- 19 3. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
20 association may make an expenditure to a measure committee as described in section  
21 16.1-08.1-01 for the purpose of promoting the passage or defeat of an initiated or  
22 referred measure or petition or make an expenditure to any other person that makes  
23 an independent expenditure. A corporation, cooperative corporation, limited liability  
24 company, affiliate, subsidiary, or association may make an independent expenditure  
25 for a political purpose, including political advertising in support of or opposition to a  
26 candidate, political committee, or a political party, or for the purpose of promoting  
27 passage or defeat of initiated or referred measures or petitions. The corporation,  
28 cooperative corporation, limited liability company, affiliate, subsidiary, or association  
29 shall file a statement disclosing any expenditure made under this subsection with the  
30 secretary of state within forty-eight hours after making the expenditure. The statement  
31 must include:

- 1           a. The full name of the corporation, cooperative corporation, limited liability  
2           company, affiliate, subsidiary, or association;
- 3           b. The complete address of the corporation, cooperative corporation, limited liability  
4           company, affiliate, subsidiary, or association;
- 5           c. The name of the recipient of the expenditure;
- 6           d. If the expenditure is related to a measure or petition, the title of the measure or  
7           petition and whether the expenditure is made in support of or opposition to the  
8           measure or petition;
- 9           e. If the expenditure is related to a candidate, the name of the candidate and  
10          whether the independent expenditure or disbursement is made in support or  
11          opposition to the candidate;
- 12          f. If the expenditure is related to a measure, the election date on which the  
13          measure either will appear or did appear on the ballot;
- 14          f.g. The amount of the expenditure;
- 15          g-h. The cumulative total amount of expenditures since the beginning of the calendar  
16          year which are required to be reported under this subsection;
- 17          i. The ultimate and true source of funds listed by contributor and subcontributor of  
18          any amount over two hundred dollars collected or used to make the independent  
19          expenditure or disbursement including:
- 20               (1) The name and address of the contributor;  
21               (2) The total amount of the contribution; and  
22               (3) The date the last contribution was received.
- 23          h-j. The telephone number and the printed name and signature of the individual  
24          completing the statement, attesting to the statement being true, complete, and  
25          correct; and
- 26          i-k. The date on which the statement was signed.

27           **SECTION 3. AMENDMENT.** Section 16.1-08.1-03.7 of the North Dakota Century Code is  
28   amended and reenacted as follows:

1           **16.1-08.1-03.7. Political committees that organize and register according to federal**  
2 **law that make independent expenditures or disbursements to nonfederal candidates,**  
3 **political parties, and political committees.**

4           A political committee that organizes and registers according to federal law and makes an  
5 independent expenditure or makes a disbursement in excess of two hundred dollars to a  
6 nonfederal candidate seeking public office or to a political party or political committee in this  
7 state shall file a copy of that portion of the committee's federal report detailing the independent  
8 expenditure or the disbursement made. The political committee shall file a copy of the  
9 committee's federal report, and supplementary information as necessary under this section, with  
10 the secretary of state at the time of filing the report with the applicable federal agency. The  
11 report and supplementary information must include:

- 12           1. The name, mailing address, and treasurer of the political committee;
- 13           2. The recipient's name and mailing address;
- 14           3. The date and amount of the independent expenditure or disbursement; ~~and~~
- 15           4. If the independent expenditure or disbursement is related to a candidate, the name of  
16           the candidate and whether the independent expenditure or disbursement is made in  
17           support or opposition to the candidate; and
- 18           5. The ultimate and true source of funds listed by contributor and subcontributor of any  
19           amount over two hundred dollars collected or used to make the independent  
20           expenditure or disbursement including:
  - 21           a. The name and address of the contributor or subcontributor;
  - 22           b. The total amount of the contribution; and
  - 23           c. The date the last contribution was received.