

**HOUSE BILL NO. 1529**

Introduced by

Representatives Prichard, Bahl, Hoverson, J. Johnson, Koppelman, McLeod, Vetter

Senators Barta, Braunberger, Estenson, Magrum

1 A BILL for an Act to to create and enact a new section to chapter 16.1-08.1 of the North Dakota  
2 Century Code, relating to statewide political party campaign finance disclosures; to amend and  
3 reenact subsection 7 of section 16.1-08.1-01-~~and~~ sections 16.1-08.1-02.3 and 16.1-08.1-02.4,  
4 subsection 3 of section 16.1-08.1-03.5, and section 16.1-08.1-03.7 of the North Dakota Century  
5 Code, relating to reporting of expenditures for political purposes; to provide for a legislative  
6 management study; to provide a penalty; and to provide an appropriation.

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

8 **SECTION 1. AMENDMENT.** Subsection 7 of section 16.1-08.1-01 of the North Dakota  
9 Century Code is amended and reenacted as follows:

- 10 7. "Expenditure categories" means the categories into which expenditures must be  
11 grouped for reports under this chapter. The expenditure categories are:
- 12 a. Advertising;
  - 13 b. Campaign loan repayment;
  - 14 c. ~~Contributions~~Direct campaign contributions;
  - 15 d. Operations;
  - 16 d.e. Travel; and
  - 17 e.f. Miscellaneous.

18 **SECTION 2. AMENDMENT.** Section 16.1-08.1-02.3 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **16.1-08.1-02.3. Pre-election, supplemental, and year-end campaign disclosure**  
21 **statement requirements for candidates, candidate committees, multicandidate**  
22 **committees, and nonstatewide political parties.**

- 23 1. ~~Prior to~~Before the thirty-first day before a primary, general, or special election, a  
24 candidate or candidate committee formed on behalf of the candidate, a multicandidate

1 political committee, or a political party other than a statewide political party soliciting or  
2 accepting contributions shall file a campaign disclosure statement that includes all  
3 contributions received from January first through the fortieth day before the election.

4 The statement also must include each aggregated expenditure over two hundred  
5 dollars made in support of or in opposition to a candidate, political committee, or ballot  
6 measure from January first through the fortieth day before the election. A candidate  
7 whose name is not on the ballot and who is not seeking election through write-in  
8 votes, the candidate's candidate committee, and a political party that has not endorsed  
9 or nominated any candidate in the election is not required to file a statement under this  
10 subsection. The statement may be submitted for filing beginning on the thirty-ninth day  
11 before the election. The statement must include:

12 a. For each aggregated contribution from a contributor which totals ~~in excess-~~  
13 ~~of~~ more than two hundred dollars received during the reporting period:

- 14 (1) The name and mailing address of the contributor;  
15 (2) The total amount of the contribution; and  
16 (3) The date the last contributed amount was received;

17 b. The total of all aggregated contributions from contributors which total ~~in excess-~~  
18 ~~of~~ more than two hundred dollars during the reporting period;

19 c. The total of all contributions received from contributors that contributed two  
20 hundred dollars or less each during the reporting period; ~~and~~

21 d. For a statewide candidate, a candidate committee formed on behalf of a  
22 statewide candidate, and a statewide multicandidate committee, the balance of  
23 the campaign fund on the fortieth day before the election and the balance of the  
24 campaign fund on January first; and

25 e. For each aggregated expenditure in support of or in opposition to a candidate,  
26 political committee, or ballot measure which totals more than two hundred dollars  
27 expended during the reporting period:

- 28 (1) The name of ~~the~~each candidate, political committee, or ballot measure the  
29 expenditure was intended to support or oppose;  
30 (2) The total amount of the expenditure;  
31 (3) The date the last expenditure was made; and

- 1                   (4) Whether the expenditure was made in support of or in opposition to the  
2                                   candidate, political committee, or ballot measure.
- 3           2. Beginning on the thirty-ninth day before the election through the day before the  
4           election, a person that files a statement under subsection 1 must file a supplemental  
5           statement within forty-eight hours of the start of the day following the receipt of a  
6           contribution or aggregate contribution from a contributor which is ~~in excess of~~more  
7           than five hundred dollars or the making of an expenditure or aggregate expenditure in  
8           support of or in opposition to a candidate, political committee, or ballot measure which  
9           is more than five hundred dollars. The statement must include:
- 10           a. ~~The~~For a contribution, the name and mailing address of the contributor or for an  
11                                   expenditure, the name of the candidate, political committee, or ballot measure  
12                                   the expenditure was intended to support or oppose;
- 13           b. The total amount of the contribution received or expenditure made during the  
14           reporting period; and
- 15           c. ~~The~~For the contribution, the date the last contributed amount was received, or for  
16                                   an expenditure, the date the last expenditure was made; and
- 17           d. For an expenditure, whether the expenditure was made in support of or in  
18                                   opposition to the candidate, political committee, or ballot measure.
- 19           3. ~~Prior to~~Before February first, a candidate or candidate committee, a multicandidate  
20           political committee, or a nonstatewide political party soliciting or accepting  
21           contributions shall file a campaign disclosure statement that includes all contributions  
22           received and expenditures, ~~by expenditure category,~~ made from January first through  
23           December thirty-first of the previous year. The statement may be submitted for filing  
24           beginning on January first. The statement must include:
- 25           a. For a statewide candidate, a candidate committee formed on behalf of a  
26           statewide candidate, and a statewide multicandidate committee, the balance of  
27           the campaign fund on January first and on December thirty-first;
- 28           b. For each aggregated contribution from a contributor which totals ~~in excess~~  
29                                   ofmore than two hundred dollars received during the reporting period:
- 30                                   (1) The name and mailing address of the contributor;
- 31                                   (2) The total amount of the contribution; and

- 1                   (3) The date the last contributed amount was received;
- 2                   c. The total of all aggregated contributions from contributors which total ~~in excess-~~  
3                   of more than two hundred dollars during the reporting period;
- 4                   d. The total of all contributions received from contributors that contributed two  
5                   hundred dollars or less each during the reporting period; ~~and~~
- 6                   e. The total of all other expenditures made during the previous year, separated into  
7                   expenditure categories; and
- 8                   f. For each aggregated expenditure in support of or in opposition to a candidate,  
9                   political committee, or ballot measure which totals more than two hundred dollars  
10                  expended during the reporting period:
- 11                  (1) The name of the candidate, political committee, or ballot measure the  
12                  expenditure was intended to support or oppose;
- 13                  (2) The total amount of the expenditure;
- 14                  (3) The date the last expenditure was made; and
- 15                  (4) Whether the expenditure was made in support of or in opposition to the  
16                  candidate, political committee, or ballot measure.
- 17                  4. A person required to file a statement under this section, other than a candidate for  
18                  judicial office, county office, or city office, or a candidate committee for a candidate  
19                  exempted under this subsection, shall report each aggregated contribution from a  
20                  contributor which totals five thousand dollars or more during the reporting period. For  
21                  these contributions from individuals, the statement must include the contributor's  
22                  occupation, employer, and the employer's principal place of business.
- 23                  5. A candidate for city office in a city with a population under five thousand and a  
24                  candidate committee for the candidate are exempt from this section.
- 25                  6. A candidate for county office and a candidate committee for a candidate for county  
26                  office shall file statements under this chapter with the county auditor. A candidate for  
27                  city office who is required to file a statement under this chapter and a candidate  
28                  committee for such a candidate shall file statements with the city auditor. Any other  
29                  person required to file a statement under this section shall file the statement with the  
30                  secretary of state.

1           7.    The filing officer shall assess and collect fees for any reports filed after the filing  
2            deadline.

3           8.    To ensure accurate reporting and avoid commingling of campaign and personal funds,  
4            candidates shall use dedicated campaign accounts that are separate from any  
5            personal accounts.

6           **SECTION 3. AMENDMENT.** Section 16.1-08.1-02.4 of the North Dakota Century Code is  
7            amended and reenacted as follows:

8            **16.1-08.1-02.4. Pre-election, supplemental, and year-end campaign disclosure**  
9            **statement requirements for ~~statewide political parties and certain political committees.~~**

10          1.    ~~Prior to~~Before the thirty-first day before a primary, general, or special election, a  
11            ~~statewide political party or a political committee~~ not required to file statements under  
12            section 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a  
13            campaign disclosure statement that includes all contributions received and  
14            expenditures made from January first through the fortieth day before the election. A  
15            ~~political party that has not endorsed or nominated a candidate in an election is not~~  
16            ~~required to file a statement under this subsection.~~ A statement required to be filed  
17            under this subsection may be submitted for filing beginning on the thirty-ninth day  
18            before the election. The statement must include:

19            a.    For each aggregated contribution from a contributor which totals ~~in excess~~  
20            ~~of~~more than two hundred dollars received during the reporting period:

- 21                   (1)   The name and mailing address of the contributor;  
22                   (2)   The total amount of the contribution; and  
23                   (3)   The date the last contributed amount was received;

24            b.    The total of all aggregated contributions from contributors which total ~~in excess~~  
25            ~~of~~more than two hundred dollars during the reporting period;

26            c.    The total of all contributions received from contributors that contributed two  
27            hundred dollars or less each during the reporting period;

28            d.    For each recipient of an expenditure from campaign funds ~~in excess of~~more than  
29            two hundred dollars in the aggregate:

- 30                   (1)   The name and mailing address of the recipient;  
31                   (2)   The total amount of the expenditure made to the recipient; ~~and~~

- 1                   (3) The date the last expended amount was made to the recipient; and
- 2                   (4) If the expenditure was made in support of or in opposition to a candidate,
- 3                   ballot measure, or political committee, the name of the candidate, ballot
- 4                   measure, or political committee, and whether the expenditure was made in
- 5                   support of or in opposition to the candidate, ballot measure, or political
- 6                   committee;
- 7                   e. The aggregate total of all expenditures from campaign funds ~~in excess of more~~
- 8                   than two hundred dollars;
- 9                   f. The aggregate total of all expenditures from campaign funds of two hundred
- 10                  dollars or less; and
- 11                  g. The balance of the campaign fund on the fortieth day before the election and
- 12                  balance of the campaign fund on January first.
- 13                  2. Beginning on the thirty-ninth day before the election through the day before the
- 14                  election, a person that files a statement under subsection 1 must file a supplemental
- 15                  statement within forty-eight hours of the start of the day following the receipt of a
- 16                  contribution or aggregate contribution from a contributor which is ~~in excess of more~~
- 17                  than five hundred dollars or the making of an expenditure or aggregate expenditure in
- 18                  support of or in opposition to a candidate, ballot measure, or political committee which
- 19                  is more than five hundred dollars. The statement must include:
- 20                  a. ~~The~~For a contribution, the name and mailing address of the contributor, or for an
- 21                  expenditure, the name of the candidate, ballot measure, or political committee
- 22                  the expenditure was intended to support or oppose;
- 23                  b. The total amount of the contribution received or expenditure made during the
- 24                  reporting period; ~~and~~
- 25                  c. ~~The~~For a contribution, the date the last contributed amount was received, or for
- 26                  an expenditure, the date the last expenditure was made; and
- 27                  d. For an expenditure, whether the expenditure was made in support of or in
- 28                  opposition to the candidate, ballot measure, or political committee.
- 29                  3. ~~Prior to~~Before February first, ~~a statewide political party or~~ a political committee that is
- 30                  not required to file a statement under section 16.1-08.1-2.3 shall file a campaign
- 31                  disclosure statement that includes all contributions received and expenditures made

1 from January first through December thirty-first of the previous year. The statement  
2 may be submitted for filing beginning on January first. The statement must include:

3 a. For each aggregated contribution from a contributor which totals ~~in excess-~~  
4 ~~of more than~~ two hundred dollars received during the reporting period:

- 5 (1) The name and mailing address of the contributor;  
6 (2) The total amount of the contribution; and  
7 (3) The date the last contributed amount was received;

8 b. The total of all aggregated contributions from contributors which total ~~in excess-~~  
9 ~~of more than~~ two hundred dollars during the reporting period;

10 c. The total of all contributions received from contributors that contributed two  
11 hundred dollars or less each during the reporting period;

12 d. For each recipient of an expenditure from campaign funds ~~in excess of more than~~  
13 two hundred dollars in the aggregate:

- 14 (1) The name and mailing address of the recipient;  
15 (2) The total amount of the expenditure made to the recipient; ~~and~~  
16 (3) The date the last expended amount was made to the recipient; and  
17 (4) If the expenditure was made in support of or in opposition to a candidate,  
18 ballot measure, or political committee, the name of the candidate, ballot  
19 measure, or political committee and whether the expenditure was made in  
20 support of or in opposition to the candidate, ballot measure, or political  
21 committee;

22 e. The aggregate total of all expenditures from campaign funds ~~in excess of more~~  
23 ~~than~~ two hundred dollars; ~~and~~

24 f. The aggregate total of all expenditures from campaign funds of two hundred  
25 dollars or less; ~~and~~

26 g. The balance of the campaign fund on January first and December thirty-first.

27 4. A person required to file a statement under this section shall disclose each aggregated  
28 contribution from a contributor which totals five thousand dollars or more during the  
29 reporting period. For these contributions from individuals, the statement must include  
30 the contributor's occupation, employer, and the employer's principal place of business.

31 5. Statements under this section must be filed with the secretary of state.

1           6. The secretary of state shall assess and collect fees for any reports filed after the filing  
2           deadline.

3           **SECTION 4.** A new section to chapter 16.1-08.1 of the North Dakota Century Code is  
4           created and enacted as follows:

5           **Pre-election, supplemental, and year-end campaign disclosure statement**  
6           **requirements for statewide political parties.**

7           1. Before the thirty-first day before a primary, general, or special election, a statewide  
8           political party soliciting or accepting contributions shall file a campaign disclosure  
9           statement that includes all contributions received and expenditures made from  
10           January first through the fortieth day before the election. A political party that has not  
11           endorsed or nominated a candidate in an election is not required to file a statement  
12           under this subsection. A statement required to be filed under this subsection may be  
13           submitted for filing beginning on the thirty-ninth day before the election. The statement  
14           must include:

15           a. For each aggregated contribution from a contributor which totals more than  
16           two hundred dollars received during the reporting period:

- 17                   (1) The name and mailing address of the contributor;  
18                   (2) The total amount of the contribution; and  
19                   (3) The date the last contributed amount was received;

20           b. The total of all aggregated contributions from contributors which total more than  
21           two hundred dollars during the reporting period;

22           c. The total of all contributions received from contributors that contributed  
23           two hundred dollars or less each during the reporting period;

24           d. For each recipient of an expenditure from campaign funds of more than  
25           two hundred dollars in the aggregate:

- 26                   (1) The name and mailing address of the recipient;  
27                   (2) The total amount of the expenditure made to the recipient; and  
28                   (3) The date the last expended amount was made to the recipient;

29           e. The aggregate total of all expenditures from campaign funds of more than  
30           two hundred dollars;



- 1           f. The aggregate total of all expenditures from campaign funds of two hundred  
2           dollars or less; and
- 3           g. The balance of the campaign fund on the fortieth day before the election and  
4           balance of the campaign fund on January first.
- 5        2. Beginning on the thirty-ninth day before the election through the day before the  
6        election, a person that files a statement under subsection 1 must file a supplemental  
7        statement within forty-eight hours of the start of the day following the receipt of a  
8        contribution or aggregate contribution from a contributor which is more than five  
9        hundred dollars. The statement must include:
- 10       a. The name and mailing address of the contributor;  
11       b. The total amount of the contribution received during the reporting period; and  
12       c. The date the last contributed amount was received.
- 13       3. Before February first, a statewide political party shall file a campaign disclosure  
14       statement that includes all contributions received and expenditures made from  
15       January first through December thirty-first of the previous year. The statement may be  
16       submitted for filing beginning on January first. The statement must include:
- 17       a. For each aggregated contribution from a contributor which totals more than  
18       two hundred dollars received during the reporting period:
- 19           (1) The name and mailing address of the contributor;  
20           (2) The total amount of the contribution; and  
21           (3) The date the last contributed amount was received;
- 22       b. The total of all aggregated contributions from contributors which total more than  
23       two hundred dollars during the reporting period;
- 24       c. The total of all contributions received from contributors that contributed  
25       two hundred dollars or less each during the reporting period;
- 26       d. For each recipient of an expenditure from campaign funds more than  
27       two hundred dollars in the aggregate:
- 28           (1) The name and mailing address of the recipient;  
29           (2) The total amount of the expenditure made to the recipient; and  
30           (3) The date the last expended amount was made to the recipient;

- 1           e. The aggregate total of all expenditures from campaign funds of more than  
2                   two hundred dollars;
- 3           f. The aggregate total of all expenditures from campaign funds of two hundred  
4                   dollars or less; and
- 5           g. The balance of the campaign fund on January first and December thirty-first.
- 6           4. A political party required to file a statement under this section shall disclose each  
7                   aggregated contribution from a contributor which totals five thousand dollars or more  
8                   during the reporting period. For these contributions from individuals, the statement  
9                   must include the contributor's occupation, employer, and the employer's principal  
10                  place of business.
- 11           5. Statements under this section must be filed with the secretary of state.
- 12           6. The secretary of state shall assess and collect fees for any reports filed after the filing  
13                  deadline.

14           **SECTION 5. AMENDMENT.** Subsection 3 of section 16.1-08.1-03.5 of the North Dakota  
15 Century Code is amended and reenacted as follows:

- 16           3. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
17                  association may make an expenditure to a measure committee as described in section  
18                  16.1-08.1-01 for the purpose of promoting the passage or defeat of an initiated or  
19                  referred measure or petition or make an expenditure to any other person that makes  
20                  an independent expenditure. A corporation, cooperative corporation, limited liability  
21                  company, affiliate, subsidiary, or association may make an independent expenditure  
22                  for a political purpose, including political advertising in support of or opposition to a  
23                  candidate, political committee, or a political party, or for the purpose of promoting  
24                  passage or defeat of initiated or referred measures or petitions. The corporation,  
25                  cooperative corporation, limited liability company, affiliate, subsidiary, or association  
26                  shall file a statement disclosing any expenditure made under this subsection with the  
27                  secretary of state within forty-eight hours after making the expenditure. The statement  
28                  must include:
- 29           a. The full name of the corporation, cooperative corporation, limited liability  
30                  company, affiliate, subsidiary, or association;

- 1           b. The complete address of the corporation, cooperative corporation, limited liability  
2           company, affiliate, subsidiary, or association;
- 3           c. The name of the recipient of the expenditure;
- 4           d. If the expenditure is ~~related~~made in support of or opposition to a measure or  
5           petition, the title of the measure or petition and whether the expenditure is made  
6           in support of or opposition to the measure or petition;
- 7           e. If the expenditure is related to a measure, the election date on which the  
8           measure either will appear or did appear on the ballot;
- 9           f. If the expenditure is made in support of or opposition to a candidate, political  
10           committee, or a political party, the name of the candidate, political committee, or  
11           political party, and whether the expenditure is made in support of or in opposition  
12           to the candidate, political committee, or political party;
- 13           g. The amount of the expenditure;
- 14           ~~g-h.~~ The cumulative total amount of expenditures since the beginning of the calendar  
15           year which are required to be reported under this subsection;
- 16           ~~h-i.~~ The telephone number and the printed name and signature of the individual  
17           completing the statement, attesting to the statement being true, complete, and  
18           correct; and
- 19           ~~i-j.~~ The date on which the statement was signed.

20           **SECTION 6. AMENDMENT.** Section 16.1-08.1-03.7 of the North Dakota Century Code is  
21 amended and reenacted as follows:

22           **16.1-08.1-03.7. Political committees that organize and register according to federal**  
23 **law that make independent expenditures or disbursements to nonfederal candidates,**  
24 **political parties, and political committees.**

25           A political committee that organizes and registers according to federal law and makes an  
26 independent expenditure or makes a disbursement in excess of two hundred dollars to a  
27 nonfederal candidate seeking public office or to a political party or political committee in this  
28 state shall file a copy of that portion of the committee's federal report detailing the independent  
29 expenditure or the disbursement made. The political committee shall file a copy of the  
30 committee's federal report, and supplementary information as necessary under this section, with

1 the secretary of state at the time of filing the report with the applicable federal agency. The  
2 report and supplementary information must include:

- 3 1. The name, mailing address, and treasurer of the political committee;
- 4 2. The recipient's name and mailing address;
- 5 3. If the expenditure is made in support of or opposition to a candidate or ballot measure,  
6 the name or title of the candidate or ballot measure, and whether the expenditure is  
7 made in support of or in opposition to the candidate or ballot measure;
- 8 4. The date and amount of the independent expenditure or disbursement; and
- 9 4.5. The ultimate and true source of funds listed by contributor and subcontributor of any  
10 amount over two hundred dollars collected or used to make the independent  
11 expenditure or disbursement including:
  - 12 a. The name and address of the contributor;
  - 13 b. The total amount of the contribution; and
  - 14 c. The date the last contribution was received.

15 **SECTION 7. LEGISLATIVE MANAGEMENT STUDY - ELECTION LAWS.** During the  
16 2023-24 interim, the legislative management shall consider studying provisions of the North  
17 Dakota Century Code that relate to elections for purposes of eliminating duplicative provisions,  
18 clarifying inconsistent or unclear provisions, pursuing uniformity for required contribution and  
19 expenditure reports, and rearranging provisions in a logical order. The legislative management  
20 shall report its findings and recommendations, together with any legislation required to  
21 implement the recommendations, to the sixty-ninth legislative assembly.

22 **SECTION 8. APPROPRIATION - SECRETARY OF STATE - SYSTEM UPGRADES.** There  
23 is appropriated out of any moneys in the general fund in the state treasury, not otherwise  
24 appropriated, the sum of ~~\$20,000~~\$40,000, or so much of the sum as may be necessary, to the  
25 secretary of state for the purpose of defraying costs associated with the necessary system  
26 upgrades required by this Act, for the biennium beginning July 1, 2023, and ending June 30,  
27 2025.