

SENATE BILL NO. 2318

Introduced by

Senator Magrum

Representative Hoverson

1 A BILL for an Act to amend and reenact subsection 7 of section 16.1-08.1-01 and sections
2 16.1-08.1-02.3 and 16.1-08.1-02.4 of the North Dakota Century Code, relating to reporting of
3 aggregate expenditures for political purposes; and to provide a penalty.

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

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

7 7. "Expenditure categories" means the categories into which expenditures must be
8 grouped for reports under this chapter. The expenditure categories are:

- 9 a. Advertising;
- 10 b. Campaign loan repayment;
- 11 c. Contributions;
- 12 d. Operations;
- 13 ~~d.e.~~ Travel; and
- 14 e.f. Miscellaneous.

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

17 **16.1-08.1-02.3. Pre-election, supplemental, and year-end campaign disclosure**
18 **statement requirements for candidates, candidate committees, multicandidate**
19 **committees, and nonstatewide political parties.**

20 1. ~~Prior to~~Before the thirty-first day before a primary, general, or special election, a
21 candidate or candidate committee formed on behalf of the candidate, a multicandidate
22 political committee, or a political party other than a statewide political party soliciting or
23 accepting contributions shall file a campaign disclosure statement that includes all
24 contributions received from January first through the fortieth day before the election. A

1 candidate whose name is not on the ballot and who is not seeking election through
2 write-in votes, the candidate's candidate committee, and a political party that has not
3 endorsed or nominated any candidate in the election is not required to file a statement
4 under this subsection. The statement may be submitted for filing beginning on the
5 thirty-ninth day before the election. The statement must include:

- 6 a. For each aggregated contribution from a contributor which totals ~~in excess~~
7 ~~of more than~~ two hundred dollars received during the reporting period:
- 8 (1) The name and mailing address of the contributor;
 - 9 (2) The total amount of the contribution; and
 - 10 (3) The date the last contributed amount was received;
- 11 b. The total of all aggregated contributions from contributors which total ~~in excess~~
12 ~~of more than~~ two hundred dollars during the reporting period;
- 13 c. The total of all contributions received from contributors that contributed two
14 hundred dollars or less each during the reporting period; and
- 15 d. For a statewide candidate, a candidate committee formed on behalf of a
16 statewide candidate, and a statewide multicandidate committee, the balance of
17 the campaign fund on the fortieth day before the election and the balance of the
18 campaign fund on January first.
- 19 e. For each aggregated expenditure in support of or in opposition to a candidate,
20 political committee, or ballot measure which totals more than two hundred dollars
21 expended during the reporting period:
- 22 (1) The name of the recipient of the expenditure;
 - 23 (2) If the expenditure is related to a measure or petition, the title of the measure
24 or petition and whether the expenditure is made in support of or opposition
25 to the measure or petition;
 - 26 (3) If the expenditure is related to a measure, the election date on which the
27 measure either will appear or appeared on the ballot;
 - 28 (4) If the expenditure is related to a candidate, political party, or political
29 committee, the name of the candidate, political party, or political committee
30 the expenditure was intended to support or oppose;

- 1 (5) The purpose and tangible item created or acquired as a result of the
2 expenditure;
- 3 (6) The amount of the expenditure;
- 4 (7) A list of all subcontributors that contributed more than two thousand five
5 hundred dollars to the political committee making the expenditure, including:
- 6 (a) The name and mailing address of the subcontributor;
7 (b) The total amount of the contribution; and
8 (c) The date the last contributed amount was received;
- 9 (8) The telephone number and the printed name and signature of the individual
10 completing the statement, attesting to the statement being true, complete,
11 and correct;
- 12 (9) The corresponding expenditure category; and
- 13 (10) The date the statement was signed.
- 14 2. Beginning on the thirty-ninth day before the election through the day before the
15 election, a person that files a statement under subsection 1 must file a supplemental
16 statement within forty-eight hours of the start of the day following the receipt of a
17 contribution or aggregate contribution from a contributor which is ~~in excess of~~ more
18 than five hundred dollars or the making of an expenditure or aggregate expenditure in
19 support of or in opposition to a candidate, political committee, or ballot measure which
20 is more than five hundred dollars. The statement must include:
- 21 a. ~~The~~ For a contribution, the name and mailing address of the contributor or for an
22 expenditure, the name of the candidate, political committee, or ballot measure
23 the expenditure was intended to support or oppose;
- 24 b. The total amount of the contribution received or expenditure made during the
25 reporting period; ~~and~~
- 26 c. ~~The~~ For the contribution, the date the last contributed amount was received, or for
27 an expenditure, the date the last expenditure was made; and
- 28 d. For each individual expenditure or aggregated expenditure in support of or in
29 opposition to a candidate, political committee, or ballot measure which totals
30 more than two thousand five hundred dollars expended during the reporting
31 period:

- 1 (1) The name of the recipient of the expenditure:
- 2 (2) If the expenditure is related to a measure or petition, the title of the measure
- 3 or petition and whether the expenditure is made in support of or opposition
- 4 to the measure or petition:
- 5 (3) If the expenditure is related to a measure, the election date on which the
- 6 measure either will appear or appeared on the ballot:
- 7 (4) If the expenditure is related to a candidate, political party, or political
- 8 committee, the name of the candidate, political party, or political committee
- 9 the expenditure was intended to support or oppose:
- 10 (5) The purpose and tangible item created or acquired as a result of the
- 11 expenditure:
- 12 (6) The amount of the expenditure:
- 13 (7) A list of all subcontributors that contributed more than two thousand five
- 14 hundred dollars to the political committee making the expenditure, including:
 - 15 (a) The name and mailing address of the subcontributor:
 - 16 (b) The total amount of the contribution; and
 - 17 (c) The date the last contributed amount was received:
- 18 (8) The telephone number and the printed name and signature of the individual
- 19 completing the statement, attesting to the statement being true, complete,
- 20 and correct;
- 21 (9) The corresponding expenditure category; and
- 22 (10) The date the statement was signed.
- 23 3. ~~Prior to~~Before February first, a candidate or candidate committee, a multicandidate
- 24 political committee, or a nonstatewide political party soliciting or accepting
- 25 contributions shall file a campaign disclosure statement that includes all contributions
- 26 received and expenditures, ~~by expenditure category,~~ made from January first through
- 27 December thirty-first of the previous year. The statement may be submitted for filing
- 28 beginning on January first. The statement must include:
 - 29 a. For a statewide candidate, a candidate committee formed on behalf of a
 - 30 statewide candidate, and a statewide multicandidate committee, the balance of
 - 31 the campaign fund on January first and on December thirty-first;

- 1 b. For each aggregated contribution from a contributor which totals ~~in excess-~~
2 ~~of~~more than two hundred dollars received during the reporting period:
- 3 (1) The name and mailing address of the contributor;
- 4 (2) The total amount of the contribution; and
- 5 (3) The date the last contributed amount was received;
- 6 c. The total of all aggregated contributions from contributors which total ~~in excess-~~
7 ~~of~~more than two hundred dollars during the reporting period;
- 8 d. The total of all contributions received from contributors that contributed two
9 hundred dollars or less each during the reporting period; ~~and~~
- 10 e. The total of all other expenditures made during the previous year, separated into
11 expenditure categories; and
- 12 f. For each aggregated expenditure in support of or in opposition to a candidate,
13 political committee, or ballot measure which totals more than two hundred dollars
14 expended during the reporting period:
- 15 (1) The name of the recipient of the expenditure;
- 16 (2) If the expenditure is related to a measure or petition, the title of the measure
17 or petition and whether the expenditure is made in support of or opposition
18 to the measure or petition;
- 19 (3) 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 (4) If the expenditure is related to a candidate, political party, or political
22 committee, the name of the candidate, political party, or political committee
23 the expenditure was intended to support or oppose;
- 24 (5) The purpose and tangible item created or acquired as a result of the
25 expenditure;
- 26 (6) The amount of the expenditure;
- 27 (7) A list of all subcontributors that contributed more than two thousand five
28 hundred dollars to the political committee making the expenditure, including:
- 29 (a) The name and mailing address of the subcontributor;
- 30 (b) The total amount of the contribution; and
- 31 (c) The date the last contributed amount was received;

1 (8) The telephone number and the printed name and signature of the individual
2 completing the statement, attesting to the statement being true, complete,
3 and correct;

4 (9) The corresponding expenditure category; and

5 (10) The date the statement was signed.

6 4. A person required to file a statement under this section, other than a candidate for
7 judicial office, county office, or city office, or a candidate committee for a candidate
8 exempted under this subsection, shall report each aggregated contribution from a
9 contributor which totals five thousand dollars or more during the reporting period. For
10 these contributions from individuals, the statement must include the contributor's
11 occupation, employer, and the employer's principal place of business.

12 5. A candidate for city office in a city with a population under five thousand and a
13 candidate committee for the candidate are exempt from this section.

14 6. A candidate for county office and a candidate committee for a candidate for county
15 office shall file statements under this chapter with the county auditor. A candidate for
16 city office who is required to file a statement under this chapter and a candidate
17 committee for such a candidate shall file statements with the city auditor. Any other
18 person required to file a statement under this section shall file the statement with the
19 secretary of state.

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

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

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

27 **16.1-08.1-02.4. Pre-election, supplemental, and year-end campaign disclosure**
28 **statement requirements for statewide political parties and certain political committees.**

29 1. ~~Prior to~~Before the thirty-first day before a primary, general, or special election, a
30 statewide political party or a political committee not required to file statements under
31 section 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a

1 campaign disclosure statement that includes all contributions received and
2 expenditures made from January first through the fortieth day before the election. A
3 political party that has not endorsed or nominated a candidate in an election is not
4 required to file a statement under this subsection. A statement required to be filed
5 under this subsection may be submitted for filing beginning on the thirty-ninth day
6 before the election. The statement must include:

- 7 a. For each aggregated contribution from a contributor which totals ~~in excess~~
8 ~~of more than~~ two hundred dollars received during the reporting period:
- 9 (1) The name and mailing address of the contributor;
10 (2) The total amount of the contribution; and
11 (3) The date the last contributed amount was received;
- 12 b. The total of all aggregated contributions from contributors which total ~~in excess~~
13 ~~of more than~~ two hundred dollars during the reporting period;
- 14 c. The total of all contributions received from contributors that contributed two
15 hundred dollars or less each during the reporting period;
- 16 d. For each recipient of an expenditure from campaign funds ~~in excess of~~ more than
17 two hundred dollars in the aggregate:
- 18 (1) The name and mailing address of the recipient;
19 (2) The total amount of the expenditure made to the recipient; and
20 (3) The date the last expended amount was made to the recipient;
- 21 e. For each aggregated expenditure in support of or in opposition to a candidate,
22 political committee, or ballot measure which totals more than two hundred dollars
23 expended during the reporting period:
- 24 (1) The name of the recipient of the expenditure;
25 (2) If the expenditure is related to a measure or petition, the title of the measure
26 or petition and whether the expenditure is made in support of or opposition
27 to the measure or petition;
28 (3) If the expenditure is related to a measure, the election date on which the
29 measure either will appear or appeared on the ballot;

- 1 (4) If the expenditure is related to a candidate, political party, or political
2 committee, the name of the candidate, political party, or political committee
3 the expenditure was intended to support or oppose:
- 4 (5) The purpose and tangible item created or acquired as a result of the
5 expenditure:
- 6 (6) The amount of the expenditure:
- 7 (7) A list of all subcontributors that contributed more than ~~two thousand five~~
8 hundred dollars to the political committee making the expenditure, including:
- 9 (a) The name and mailing address of the subcontributor:
10 (b) The total amount of the contribution; and
11 (c) The date the last contributed amount was received:
- 12 (8) The telephone number and the printed name and signature of the individual
13 completing the statement, attesting to the statement being true, complete,
14 and correct:
- 15 (9) The corresponding expenditure category; and
- 16 (10) The date the statement was signed:
- 17 f. The aggregate total of all expenditures from campaign funds ~~in excess of more~~
18 than two hundred dollars;
- 19 f.g. The aggregate total of all expenditures from campaign funds of two hundred
20 dollars or less; and
- 21 g-h. The balance of the campaign fund on the fortieth day before the election and
22 balance of the campaign fund on January first.
- 23 2. Beginning on the thirty-ninth day before the election through the day before the
24 election, a person that files a statement under subsection 1 must file a supplemental
25 statement within forty-eight hours of the start of the day following the receipt of a
26 contribution or aggregate contribution from a contributor which is ~~in excess of more~~
27 than five hundred dollars or the making of an expenditure or aggregate expenditure
28 which is more than five hundred dollars. The statement must include:
- 29 a. The ~~For a contribution,~~ the name and mailing address of the contributor, ~~or for an~~
30 expenditure, the name of the candidate, ballot measure, or political committee
31 the expenditure was intended to support or oppose;

- 1 b. The total amount of the contribution received during the reporting period; and
- 2 c. ~~The~~For a contribution, the date the last contributed amount was received or for
- 3 an expenditure, the date the last expenditure was made; and
- 4 d. For each expenditure or aggregated expenditure in support of or in opposition to
- 5 a candidate, political committee, or ballot measure which totals more than five
- 6 hundred dollars expended during the reporting period:
- 7 (1) The name of the recipient of the expenditure;
- 8 (2) If the expenditure is related to a measure or petition, the title of the measure
- 9 or petition and whether the expenditure is made in support of or opposition
- 10 to the measure or petition;
- 11 (3) If the expenditure is related to a measure, the election date on which the
- 12 measure either will appear or appeared on the ballot;
- 13 (4) If the expenditure is related to a candidate, political party, or political
- 14 committee, the name of the candidate, political party, or political committee
- 15 the expenditure was intended to support or oppose;
- 16 (5) The purpose and tangible item created or acquired as a result of the
- 17 expenditure;
- 18 (6) The amount of the expenditure;
- 19 (7) A list of all subcontributors that contributed more than two thousand five
- 20 hundred dollars to the political committee making the expenditure, including:
- 21 (a) The name and mailing address of the subcontributor;
- 22 (b) The total amount of the contribution; and
- 23 (c) The date the last contributed amount was received;
- 24 (8) The telephone number and the printed name and signature of the individual
- 25 completing the statement, attesting to the statement being true, complete,
- 26 and correct;
- 27 (9) The corresponding expenditure category; and
- 28 (10) The date the statement was signed.
- 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 e. ~~The aggregate total of all expenditures from campaign funds in excess of two-~~
18 ~~hundred dollars;~~
- 19 f. ~~The aggregate total of all expenditures from campaign funds of two hundred-~~
20 ~~dollars or less; and~~
- 21 g. ~~The balance of the campaign fund on January first and December thirty first.~~For
22 each aggregated expenditure in support of or in opposition to a candidate,
23 political committee, or ballot measure which totals more than two hundred dollars
24 expended during the reporting period:
- 25 (1) The name of the recipient of the expenditure;
26 (2) If the expenditure is related to a measure or petition, the title of the measure
27 or petition and whether the expenditure is made in support of or opposition
28 to the measure or petition;
29 (3) If the expenditure is related to a measure, the election date on which the
30 measure either will appear or appeared on the ballot;

- 1 (4) If the expenditure is related to a candidate, political party, or political
2 committee, the name of the candidate, political party, or political committee
3 the expenditure was intended to support or oppose;
4 (5) The purpose and tangible item created or acquired as a result of the
5 expenditure;
6 (6) The amount of the expenditure;
7 (7) A list of all subcontributors that contributed more than ~~of~~two thousand five
8 hundred dollars to the political committee making the expenditure, including:
9 (a) The name and mailing address of the subcontributor;
10 (b) The total amount of the contribution; and
11 (c) The date the last contributed amount was received;
12 (8) The telephone number and the printed name and signature of the individual
13 completing the statement, attesting to the statement being true, complete,
14 and correct;
15 (9) The corresponding expenditure category; and
16 (10) The date the statement was signed.
17 4. A person required to file a statement under this section shall disclose each aggregated
18 contribution from a contributor which totals five thousand dollars or more during the
19 reporting period. For these contributions from individuals, the statement must include
20 the contributor's occupation, employer, and the employer's principal place of business.
21 5. Statements under this section must be filed with the secretary of state.
22 6. The secretary of state shall assess and collect fees for any reports filed after the filing
23 deadline.

