

**HOUSE BILL NO. 1583**

Introduced by

Representatives Kasper, Henderson, Koppelman, Louser, S. Olson, Steiner

Senators Magrum, Paulson, Weston

1 A BILL for an Act to amend and reenact subsection 8 of section 16.1-08.1-01 and sections  
2 16.1-08.1-03.2, 16.1-08.1-03.7, and 16.1-10-04 of the North Dakota Century Code, relating to  
3 registration and disclosure requirements for a person making independent expenditures and  
4 false political advertisements; and to provide a penalty.

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

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

8 8. "Independent expenditure" means an expenditure made for a political purpose or for  
9 the purpose of influencing the passage or defeat of a measure if the expenditure is  
10 made without the express or implied consent, authorization, or cooperation of, and not  
11 in concert with or at the request or suggestion of, any candidate, committee, or  
12 political party.

13 **SECTION 2. AMENDMENT.** Section 16.1-08.1-03.2 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **16.1-08.1-03.2. Political committee and candidate registration.**

16 1. A political committee as defined in section 16.1-08.1-01 shall register its name, mailing  
17 address, telephone number, and nongovernment issued electronic mail address, its  
18 agent's name, mailing address, telephone number, and nongovernment issued  
19 electronic mail address, and a designation as to whether the committee is  
20 incorporated solely for the purpose of liability protection, with the secretary of state. A  
21 candidate who does not have a candidate committee shall register the candidate's  
22 name, mailing address, telephone number, and nongovernment issued electronic mail  
23 address with the secretary of state. If the candidate has an agent, the candidate also  
24 shall register the agent's name, mailing address, telephone number, and

- 1 nongovernment issued electronic mail address with the secretary of state. The  
2 registration required under this section for a candidate or political committee that has  
3 not previously registered with the secretary of state must be submitted within fifteen  
4 business days of the receipt of any contribution or expenditure made.
- 5 2. A candidate or political committee required to be registered under this section must  
6 register with the secretary of state each year during which the candidate holds public  
7 office or during which the political committee receives contributions, makes  
8 expenditures for political purposes, or has a balance in the campaign account. An  
9 individual who no longer holds public office or an individual who no longer seeks public  
10 office must register with the secretary of state each year in which contributions are  
11 received, expenditures are made for political purposes, or has a balance in the  
12 campaign account.
- 13 3. ~~A political committee that organizes and registers according to federal law and makes~~  
14 ~~an independent expenditure or makes a disbursement in excess of two hundred~~  
15 ~~dollars to a nonfederal candidate seeking public office, a political party, or political~~  
16 ~~committee in this state is not required to register as a political committee according to~~  
17 ~~this section if the political committee reports according to section 16.1-08.1-03.7.~~
- 18 4. Registration by a political committee under this section does not reserve the name for  
19 exclusive use nor does it constitute registration of a trade name under chapter 47-25.

20 **SECTION 3. 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 organizing**  
23 **and registering under federal law that make making independent expenditures or**  
24 **disbursements to nonfederal candidates, political parties, and political committees.**

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

1 secretary of state at the time of filing the report with the applicable federal agency. The report-  
2 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. ~~The date and amount of the independent expenditure or disbursement; and~~
- 6 4. ~~The ultimate and true source of funds listed by contributor and subcontributor of any~~  
7 ~~amount over two hundred dollars collected or used to make the independent~~  
8 ~~expenditure or disbursement including:~~
  - 9 a. ~~The name and address of the contributor;~~
  - 10 b. ~~The total amount of the contribution; and~~
  - 11 c. ~~The date the last contribution was received.~~

12 1. Before the thirty-first day before a primary, general, or special election, a corporation,  
13 cooperative corporation, limited liability company, affiliate, subsidiary, or association  
14 subject to this subsection shall file a campaign disclosure statement, including all  
15 contributions received and expenditures made from January first through the fortieth  
16 day before the election. A statement required to be filed under this subsection may be  
17 submitted for filing beginning on the thirty-ninth day before the election. The statement  
18 must include:

- 19 a. The ultimate and true source of funds listed by a contributor and subcontributor of  
20 any amount over one thousand dollars collected or used to make the  
21 independent expenditure or disbursement, including:
  - 22 (1) The name and address of the contributor;
  - 23 (2) The total amount of the contribution; and
  - 24 (3) The date the last contribution was received;
- 25 b. The total of all aggregated contributions from contributors exceeding one  
26 thousand dollars during the reporting period;
- 27 c. The total of all contributions received from contributors that contributed one  
28 thousand dollars or less each during the reporting period;
- 29 d. For expenditures exceeding two hundred dollars in the aggregate, made on  
30 behalf of another person in support of or in opposition to the election or  
31 nomination of a candidate to public office or the passage or defeat of a measure:

- 1           (1) The name and mailing address of the person for which the expenditures  
2                     were made;
- 3           (2) The total amount of the expenditures;
- 4           (3) The date the last expended amount was made on behalf of that person; and
- 5           (4) The expenditure category of the expenditures;
- 6       e. The aggregate total of all expenditures made for a political purpose exceeding  
7             two hundred dollars;
- 8       f. The aggregate total of all expenditures made for a political purpose of two  
9             hundred dollars or less;
- 10       g. If the expenditure is related to a measure or petition, the title of the measure or  
11             petition and whether the expenditure is made in support of or opposition to the  
12             measure or petition; and
- 13       h. If the expenditure is related to a candidate, the name of the candidate and  
14             whether the expenditure is made in support of or opposition to the candidate.
- 15       2. Beginning on the thirty-ninth day before the election through the day before the  
16             election, a person that files a statement under subsection 1 must file a supplemental  
17             statement within forty-eight hours of the start of the day following the receipt of a  
18             contribution or aggregate contribution from a contributor exceeding one thousand  
19             dollars. The statement must include:
- 20           a. The name and mailing address of the contributor;
- 21           b. The total amount of the contribution received during the reporting period; and
- 22           c. The date the last contributed amount was received.
- 23       3. Before February first, a corporation, cooperative corporation, limited liability company,  
24             affiliate, subsidiary, or association subject to this subsection shall file a campaign  
25             disclosure statement, including all contributions received and expenditures made from  
26             January first through December thirty-first of the previous year. A statement required to  
27             be filed under this subsection may be submitted for filing beginning on January first.  
28             The statement must include:
- 29           a. The ultimate and true source of funds listed by a contributor and subcontributor of  
30             any amount over one thousand dollars collected or used to make the  
31             independent expenditure or disbursement, including:

- 1           (1) The name and address of the contributor;  
2           (2) The total amount of the contribution; and  
3           (3) The date the last contribution was received;  
4        b. The total of all aggregated contributions from contributors exceeding one  
5           thousand dollars during the reporting period;  
6        c. The total of all contributions received from contributors that contributed one  
7           thousand dollars or less each during the reporting period;  
8        d. For expenditures exceeding two hundred dollars in the aggregate, made on  
9           behalf of another person in support of or in opposition to the election or  
10           nomination of a candidate to public office or the passage or defeat of a measure:  
11           (1) The name and mailing address of the person for which the expenditures  
12                were made;  
13           (2) The total amount of the expenditures made;  
14           (3) The date the last expended amount was made on behalf of that person; and  
15           (4) The expenditure category of the expenditures;  
16        e. The aggregate total of all expenditures made for a political purpose exceeding  
17           two hundred dollars; and  
18        f. The aggregate total of all expenditures made for a political purpose of two  
19           hundred dollars or less;  
20        g. If the expenditure is related to a measure or petition, the title of the measure or  
21           petition and whether the expenditure is made in support of or opposition to the  
22           measure or petition; and  
23        h. If the expenditure is related to a candidate, the name of the candidate and  
24           whether the expenditure is made in support of or opposition to the candidate.

25        **SECTION 4. AMENDMENT.** Section 16.1-10-04 of the North Dakota Century Code is  
26 amended and reenacted as follows:

27        **16.1-10-04. Publication of false information in political advertisements - Penalty.**

- 28        1. A person is guilty of a class A misdemeanor if ~~that~~the person knowingly, or with  
29 reckless disregard for its truth or falsity, publishes ~~anya~~an political advertisement or news  
30 release ~~that contains any~~containing an assertion, representation, or statement of fact,  
31 including information concerning a candidate's prior public record, which is untrue,

- 1           deceptive, or misleading, ~~whether~~ on behalf of or in opposition to any candidate for  
2           public office, initiated measure, referred measure, constitutional amendment, or any  
3           other issue, question, or proposal on an election ballot, and ~~whether the publication is~~  
4           published by radio, television, newspaper, pamphlet, folder, display cards, signs,  
5           posters, billboard advertisements, websites, electronic transmission, or by any other  
6           public means.
- 7           2. This section does not apply to a newspaper, television or radio station, or other  
8           commercial medium that is not the source of the political advertisement or news  
9           release.
- 10          3. A candidate who is the subject of an untrue, deceptive, or misleading advertisement  
11          under this section may commence a civil action to recover civil damages. A candidate  
12          who successfully recovers civil damages under this section must be awarded the full  
13          amount of all costs and attorney's fees incurred by the candidate during the pendency  
14          of the civil proceedings.