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Title.03000

Adopted by the Political Subdivisions Committee
February 13, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1469

Introduced by

Representatives Bosch, Lefor

Senator Hogue

A BILL for an Act to amend and reenact sections 16.1-09-02, 16.1-09-03, and 16.1-09-05 of the North Dakota Century Code, relating to the statement of interests filed with the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-09-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-09-02. Statement of interests to be filed.

1. Every candidate for elective office shall sign and file the statement of interests as required by this chapter. In a year when a president and vice president of the United States are to be chosen, presidential and vice presidential candidates shall file with the secretary of state either a statement of interests as required by this chapter or a copy of the personal disclosure statement that is required by the federal election commission. Candidates for elective office who are required to file ~~such~~the statements shall ~~do so~~file the statements with the filing officer for that election at the time of filing a certificate of nomination, a certificate of endorsement, a petition of nomination, or a certificate of write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate.
2. An individual who has filed a statement as the result of candidacy in a primary election need not refile before running in the following general election. A write-in candidate who is not required to file a certificate of write-in candidacy shall file the statement of

interests after the candidate's election at the time of filing the required oath of office. Every individual who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment.

3. A filing officer may not include a candidate's name on the ballot if an error is discovered on the statement and the candidate is unable to or refuses to make the necessary correction before the sixty-fourth day before the election.

4. While holding office, an individual required to file the statement of interests under this section, except candidates elected to hold federal office, shall submit an annual statement of interests to the appropriate filing officer by January ~~fifteenth~~thirty-first. A filing officer shall collect fees for late filings pursuant to section 16.1-08.1-06.1.

SECTION 2. AMENDMENT. Section 16.1-09-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-09-03. Contents of statement of interests.

The statement of interests required to be filed under this chapter applies to the candidate or appointee and that person's spouse and must include:

1. The name of the business or employer and an identification of the principal source of income, defined in the state income tax return as "principal occupation", of both the candidate or appointee and that person's spouse.
2. The name of each business or trust, not the principal source of income, in which the person making the statement, and that person's spouse, have a financial interest.
3. A list of the associations or institutions with which the person making the statement, and that person's spouse, are closely associated, or for which they serve as a director or officer, and which may be affected by legislative action, in the case of a statement submitted by a legislative candidate, or action by the candidate or appointee in that person's capacity as an officeholder.
4. The identity by name of all business offices, business directorships, and fiduciary relationships the person making the statement, and that person's spouse, have held in the preceding calendar year.

5. A list of political subdivisions and any agency or department of the state to which the person providing the statement, or the person's spouse, sold goods or services of more than five thousand dollars in the preceding calendar year from:
   a. An employer identified under subsection 1 in which the person or the person's spouse has an ownership interest of ten percent or more; or
   b. A business or trust identified in subsection 2 in which the person or the person's spouse has an ownership interest of ten percent or more.

SECTION 3. AMENDMENT. Section 16.1-09-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-09-05. Powers and duties of the secretary of state and county and city auditors.

The secretary of state, or the county or city auditor, when appropriate shall:

1. Accept and file any statement submitted pursuant to this chapter.
2. Make statements filed available for public inspection and copying during regular office hours. A reasonable fee may be charged to cover the cost of copying. Proceeds from any fees charged must be deposited in the general fund of the appropriate governmental entity.
3. Publish all statements ~~received~~filed with the secretary of state under this chapter on a website maintained by the secretary of state.
4. Preserve statements filed under this chapter for the term of office to which the person making disclosure is elected or appointed ~~or until a new statement is filed and preserve~~. Preserve statements filed ~~pursuant to~~under this chapter by ~~those~~ candidates who are not elected or appointed for a period of one year after the date of receipt.