

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2156

Introduced by

Senator Cleary

1 A BILL for an Act to amend and reenact sections 16.1-08.1-02.3, 16.1-08.1-04.1, and
2 16.1-08.1-06.1 of the North Dakota Century Code, relating to campaign disclosure statements
3 for statewide and legislative candidates and measure committees, and fees for the filing of late
4 statements or reports; and to repeal section 16.1-08.1-03.1 of the North Dakota Century Code,
5 relating to special requirements for statements required of persons engaged in activities
6 regarding ballot measures.

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

8 **SECTION 1. AMENDMENT.** Section 16.1-08.1-02.3 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-08.1-02.3. Pre-election, supplemental, and year-end campaign**
11 **disclosure statement requirements for candidates, candidate committees, measure**
12 **committees, multicandidate committees, and nonstatewide political parties.**

13 1. ~~Prior to~~Before the thirty-first day before a primary, general, or special election, a
14 candidate or candidate committee formed on behalf of the candidate, a multicandidate
15 political committee, or a political party other than a statewide political party soliciting or
16 accepting contributions shall file a campaign disclosure statement that includes all
17 contributions received and expenditures made from January first through the fortieth
18 day before the election. A candidate whose name is not on the ballot and who is not
19 seeking election through write-in votes, the candidate's candidate committee, and a
20 political party that has not endorsed or nominated any candidate in the election is not

1 required to file a statement under this subsection. The statement may be submitted for
2 filing beginning on the thirty-ninth day before the election. The statement must include:

3 a. For each aggregated contribution from a contributor which totals in excess of two
4 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~~a contributor which total
9 in excess of 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; and

12 d. For a statewide candidate, a legislative candidate, a candidate committee formed
13 on behalf of a statewide or a legislative candidate, and a statewide or a
14 legislative multicandidate committee, for each expenditure exceeding two
15 hundred dollars the:

16 (1) Name and mailing address of the recipient;

17 (2) Total amount of the expenditure made to the recipient;

18 (3) Date of the expenditure; and

19 (4) Corresponding expenditure category associated with the expenditure; and

20 e. For a statewide candidate, a legislative candidate, a candidate committee formed
21 on behalf of a statewide or a legislative candidate, and a statewide or a
22 legislative multicandidate committee, the balance of the campaign fund on the
23 ~~fortieth day before the election~~date of filing and the balance of the campaign fund
24 on January first.

25 2. Beginning on the thirty-ninth day before the election through the day before the
26 election, a person that files a statement under subsection 1 must file a supplemental
27 statement within forty-eight hours of the start of the day following the receipt of a
28 contribution or aggregate contribution from a contributor which is in excess of five
29 hundred dollars. The statement must include:

30 a. The name and mailing address of the contributor;

31 b. The total amount of the contribution received during the reporting period; and

1 c. The date the last contributed amount was received.

2 3. Prior to February first~~Before July fifteenth~~ a candidate or candidate committee formed
3 on behalf of the candidate, a multicandidate political committee, or a political party
4 other than a statewide political party soliciting or accepting contributions shall file a
5 campaign disclosure statement that includes all contributions received and
6 expenditures made from April first through June thirtieth of that calendar year. A
7 candidate whose name is not on the ballot and who is not seeking election through
8 write-in votes, the candidate's candidate committee, and a political party that has not
9 endorsed or nominated any candidate in the election is not required to file a statement
10 under this subsection. The statement may be submitted for filing beginning on July
11 first. The statement must include:

12 a. For each aggregated contribution from a contributor which totals in excess of two
13 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 a contributor which total in excess
18 of 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;

21 d. For a statewide candidate, a legislative candidate, a candidate committee formed
22 on behalf of a statewide or a legislative candidate, and a statewide or a
23 legislative multicandidate committee, for each expenditure exceeding two
24 hundred dollars the:

25 (1) Name and mailing address of the recipient;

26 (2) Total amount of the expenditure made to the recipient;

27 (3) Date of the expenditure; and

28 (4) Corresponding expenditure category associated with the expenditure; and

29 e. For a statewide candidate, a legislative candidate, a candidate committee formed
30 on behalf of a statewide or a legislative candidate, and a statewide or a

1 legislative multicandidate committee, the balance of the campaign fund on the
2 date of filing and the balance of the campaign fund on January first.

3 4. Before January fifteenth, a candidate or candidate committee, a multicandidate
4 political committee, or a nonstatewide political party soliciting or accepting
5 contributions shall file a campaign disclosure statement that includes all contributions
6 received and expenditures, by expenditure category, made from January first through
7 December thirty-first of the previous year. The statement may be submitted for filing
8 beginning on January first. The statement must include:

9 a. ~~For a statewide candidate, a candidate committee formed on behalf of a~~
10 ~~statewide candidate, and a statewide multicandidate committee, the balance of~~
11 ~~the campaign fund on January first and on December thirty-first;~~

12 b. For each aggregated contribution from a contributor which totals in excess of two
13 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 ~~e.b.~~ The total of all aggregated contributions from contributors which total in excess of
18 two hundred dollars during the reporting period;

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

21 ~~e.d.~~ For a statewide candidate, a legislative candidate, a candidate committee formed
22 on behalf of a statewide or a legislative candidate, and a statewide or legislative
23 multicandidate committee, for each expenditure exceeding two hundred dollars
24 the:

25 (1) Name and mailing address of the recipient;

26 (2) Total amount of the expenditure made to the recipient;

27 (3) Date of the expenditure; and

28 (4) Corresponding expenditure category associated with the expenditure;

29 e. For a statewide candidate, a legislative candidate, a candidate committee formed
30 on behalf of a statewide or a legislative candidate, and a statewide or a
31 legislative multicandidate committee, the balance of the campaign fund on the

1 date of filing and the balance of the campaign fund on January first of the
2 previous year.

3 f. The total of all other expenditures made during the previous year, separated into
4 expenditure categories.

5 4.5. A person required to file a statement under this section, other than a candidate for
6 judicial office, county office, city office, or school district office, or a candidate
7 committee for a candidate exempted under this subsection, shall report each
8 aggregated contribution from a contributor which totals five thousand dollars or more
9 during the reporting period. For these contributions from individuals, the statement
10 must include the contributor's occupation, employer, and the employer's principal
11 place of business.

12 5.6. 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. A candidate for
14 school district office in a school district with a fall enrollment of fewer than
15 one thousand students and a candidate committee for the candidate are exempt from
16 this section.

17 6.7. A candidate for county office and a candidate committee for a candidate for county
18 office shall file statements under this chapter with the county auditor. A candidate for
19 city office who is required to file a statement under this chapter and a candidate
20 committee for such a candidate shall file statements with the city auditor. A candidate
21 for school district office who is required to file a statement under this chapter and a
22 candidate committee for such a candidate shall file statements with the school district
23 business manager. Any other person required to file a statement under this section
24 shall file the statement with the secretary of state.

25 7.8. An initiative and referendum sponsoring committee also shall file a disclosure
26 statement by the date the secretary of state approves the petition for circulation, and
27 shall file an additional statement on the date the petitions containing the required
28 number of signatures are submitted to the secretary of state for review. The
29 statements required under this subsection must be in the same form as the year-end
30 statements under subsection 4.

1 9. A sponsoring committee shall file a statement regarding its intent to compensate
2 circulators before paying for petitions to be circulated.

3 10. The filing officer shall assess and collect fees for any reports filed after the filing
4 deadline.

5 ~~8-11.~~ To ensure accurate reporting and avoid commingling of campaign and personal funds,
6 candidates shall use dedicated campaign accounts that are separate from any
7 personal accounts.

8 **SECTION 2. AMENDMENT.** Section 16.1-08.1-04.1 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **16.1-08.1-04.1. Personal use of contributions prohibited.**

- 11 1. A candidate may not use any contribution received by the candidate, the candidate's
12 candidate committee, or a multicandidate political committee to:
- 13 a. Give a personal benefit to the candidate or another person;
 - 14 b. Make a loan to another person;
 - 15 c. Knowingly pay more than the fair market value for goods or services purchased
16 for the campaign; or
 - 17 d. Pay a criminal fine ~~or~~ a civil penalty, or a fee assessed under this title.
- 18 2. If the secretary of state has substantial reason to believe any person knowingly
19 violated this section, the secretary shall arrange for an audit as authorized by section
20 16.1-08.1-05.

21 **SECTION 3. AMENDMENT.** Section 16.1-08.1-06.1 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **16.1-08.1-06.1. Filing officer to charge and collect fees for late filing.**

- 24 1. If a statement or report required to be filed according to this chapter is not filed within
25 the prescribed time, the filing officer to whom the report was to be filed ~~is authorized~~
26 ~~to~~ may charge and collect a late fee as follows:
- 27 a. Within ~~six~~ seven days after the prescribed time, ~~twenty-five~~ one hundred dollars;
 - 28 b. Within ~~eleven~~ fourteen days after the prescribed time, ~~fifty~~ five hundred dollars;
 - 29 and
 - 30 c. Thereafter, one ~~hundred~~ thousand dollars.

- 1 2. A filing officer may require an amendment to be filed for any statement or report that is
2 incorrect or incomplete. The amendment must be filed with the filing officer within ten
3 business days after the amendment has been requested in writing. If an amendment is
4 not filed within the prescribed time, the filing officer is authorized to charge and collect
5 a late fee as follows:
- 6 a. Within ~~six~~seven days after the date the amendment was due, ~~fifty~~one hundred
7 dollars;
- 8 b. Within ~~eleven~~fourteen days after the date the amendment was due, ~~one~~five
9 hundred dollars; and
- 10 c. Thereafter, ~~two hundred~~one thousand dollars.
- 11 3. The filing officer may collect any payment obligation arising out of this section by civil
12 action or by assignment to a collection agency, with any costs of collection to be
13 added to the amount owed and to be paid by the delinquent filer.
- 14 4. If a person filing a statement or report under this section reports expenditures or
15 contributions each totaling less than five thousand dollars during the reporting period
16 contained in the report, a fee imposed under this section may not exceed one hundred
17 dollars.

18 **SECTION 4. REPEAL.** Section 16.1-08.1-03.1 of the North Dakota Century Code is
19 repealed.