

**FIRST ENGROSSMENT
with Senate Amendments****ENGROSSED HOUSE BILL NO. 1426**

Introduced by

Representatives Grande, Belter, Herbel, Kingsbury

1 A BILL for an Act to amend and reenact subsection 11 of section 16.1-01-12, subsection 4 of
2 section 16.1-08.1-01, section 16.1-08.1-03.1, subsection 3 of section 16.1-08.1-03.3, sections
3 16.1-08.1-04, and 16.1-08.1-06 of the North Dakota Century Code, relating to initiated or
4 referred measure contribution statements definitions and contribution reporting; and to repeal
5 section 16.1-08.1-03.6 of the North Dakota Century Code, relating to federal campaign
6 committee contributions and contributions made to other candidates.

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

8 **SECTION 1. AMENDMENT.** Subsection 11 of section 16.1-01-12 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 11. Pay or offer to pay any person, or receive payment or agree to receive payment,
11 on a basis related to the number of signatures obtained for circulating an initiative,
12 referendum, or recall petition. This subsection does not prohibit the payment of
13 salary and expenses for circulation of the petition on a basis not related to the
14 number of signatures obtained, as long as the circulators file their intent to
15 remunerate prior to submitting the petitions and ~~fully disclose all expenditures and~~
16 ~~revenues upon submission of the petitions to the secretary of state, in the case of~~
17 initiative and referendum petitions, fully disclose all contributions received pursuant
18 to chapter 16.1-08.1 to the secretary of state upon submission of the petitions.
19 The disclosure of contributions received under this section does not affect the
20 requirement to file a pre-election report by persons soliciting or accepting
21 contributions for the purpose of aiding or opposing the circulation or passage of a
22 statewide initiative or referendum petition or measure placed upon a statewide
23 ballot by action of the legislative assembly under chapter 16.1-08.1.

1 **SECTION 2. AMENDMENT.** Subsection 4 of section 16.1-08.1-01 of the 1999
2 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 3 4. "Cooperative corporations", "corporations", and "limited liability companies" are as
4 defined in this code, and for purposes of this chapter "corporations" includes
5 nonprofit corporations.

6 **SECTION 3. AMENDMENT.** Section 16.1-08.1-03.1 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 **16.1-08.1-03.1. Contributions statement required of persons promoting passage**
9 **or defeat of initiated or referred measure.**

- 10 1. Any person who is soliciting or accepting a contribution for the purpose of aiding or
11 opposing the circulation or passage of a statewide initiative or referendum petition
12 or measure placed upon a statewide ballot by action of the legislative assembly at
13 any election shall file a statement in accordance with this section if the person has
14 received any contributions from a person in excess of one hundred dollars. The
15 statement must include the name and mailing address of all contributors who
16 contributed in excess of one hundred dollars to the person, the amount of each
17 reportable contribution, and the date each reportable contribution was received.
- 18 2. ~~A person soliciting or accepting a contribution for the purpose of aiding the~~
19 ~~circulation of a statewide initiative or referendum petition or of promoting passage~~
20 ~~or defeat of any statewide initiated or referred measure~~ A person who is soliciting
21 or accepting a contribution for the purpose of aiding or opposing the circulation or
22 passage of a statewide initiative or referendum petition or measure placed upon a
23 statewide ballot by action of the legislative assembly may not accept a contribution
24 of more than one hundred dollars from a person who does not reside in this state
25 or from an out-of-state political committee unless the contribution is accompanied
26 by a certified statement from the contributor listing the name, address, and amount
27 contributed by each person who contributed more than one hundred dollars of the
28 contribution. The statement must indicate if no individual person contributed in
29 excess of one hundred dollars of the out-of-state person's or political committee's
30 overall contribution. The certified statement must also list the occupation,
31 employer, and principal place of business for each person who contributed more

than one hundred dollars of the contribution. The person soliciting or accepting a contribution for the purpose of aiding the circulation of a statewide initiative or referendum petition or of promoting passage or defeat of a statewide initiated or referred measure must include this statement with the contribution statement required to be filed under subsection 1.

3. The statement required of a person under subsection 1 must be filed with the secretary of state no later than the twelfth day prior to the date of the election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the twentieth day prior to the date of the election. A complete statement for the entire calendar year must be filed no later than the thirty-first day of January of the following year. Even if a person required to report according to this section has not received any contributions in excess of one hundred dollars during the reporting period, the person shall file a statement as required by this chapter.

SECTION 4. AMENDMENT. Subsection 3 of section 16.1-08.1-03.3 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. All political committees formed for the purpose of administering the segregated fund provided for in this section shall file a statement showing the name and mailing address of each contributor of an amount in excess of two hundred dollars in the aggregate for the reporting period and a listing of all expenditures of an amount in excess of two hundred dollars in the aggregate made for political purposes with the secretary of state. The statement must include the amount of each reportable contribution and the date it was received and the amount of each reportable expenditure and the date it was made. A yearend statement covering the entire calendar year must be filed no later than the thirty-first day of the following year. A preelection statement must be filed no later than the twelfth day before any primary, special, or general election and must be complete from the beginning of the calendar year through the twentieth day before the election. Even if a political committee has not received any contributions or made any expenditures in excess of two hundred dollars during the reporting period, the political committee shall file a statement as required by this chapter.

SECTION 5. AMENDMENT. Section 16.1-08.1-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-04. Supplemental statement required on large contributions received after original statement - Filing time. If any candidate, political party, committee, or person soliciting or accepting contributions for the purpose of aiding the circulation of statewide initiative or referendum petitions or of promoting passage or defeat of a statewide initiated or referred measure, receives any contribution in excess of five hundred dollars ~~or more~~ in the twenty-day period ~~prior to~~ before any election from any individual contributor, that candidate, political party, committee, or person shall make and file a supplemental statement in the same form as required by section 16.1-08.1-02 ~~or, 16.1-08.1-03, 16.1-08.1-03.1, or 16.1-08.1-03.3~~ stating the name and street address of such contributor and the amount of the contribution, and file the statement in the appropriate office within forty-eight hours of the receipt of the contribution.

SECTION 6. AMENDMENT. Section 16.1-08.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-06. Contributions statement requirements.

1. A statement required by this chapter to be filed with the secretary of state must be:
 - a. ~~Deemed properly filed when deposited in an established post office within the prescribed time, postage affixed, and directed~~ with or delivered to the secretary of state, but if it within the prescribed time. A statement that is mailed is deemed properly filed when it is postmarked and directed to the secretary of state within the prescribed time. If a statement is not received by the secretary of state, a duplicate of the statement must be promptly filed upon notice by the secretary of state of its nonreceipt.
 - b. Preserved by the secretary of state for a period of four years from the date of filing. The statement is to be considered a part of the public records of the secretary of state's office and must be open to public inspection.
2. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the statement must be filed on the next available day on which the office of the secretary of state is open. In determining the amount of individual contributions from any contributor, all amounts received from

1 the same contributor during the reporting period must be aggregated to report an
2 overall total contribution for the purposes of the statements required by this
3 chapter. Aggregate contributions must reference the date of the most recent
4 contribution. Contributions made separately by different persons from joint
5 accounts are considered separate contributions for reporting purposes.

6 3. Unless otherwise provided by law, any candidate, political party, committee, or
7 person may not be charged a fee for filing any statement with the secretary of state
8 under this chapter.

9 **SECTION 7. REPEAL.** Section 16.1-08.1-03.6 of the North Dakota Century Code is
10 repealed.