

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2299
(Senators Luick, Nelson, Wardner)
(Representatives Karls, Paur, Thoreson)

AN ACT to create and enact section 16.1-08.1-03.13 of the North Dakota Century Code, relating to campaign contribution statements required of initiated petition sponsoring committees; to amend and reenact section 16.1-08.1-01, subsection 3 of section 16.1-08.1-02, subsection 2 of section 16.1-08.1-03, sections 16.1-08.1-03.1, 16.1-08.1-03.2, 16.1-08.1-03.3, 16.1-08.1-03.5, and 16.1-08.1-03.7, subsection 3 of section 16.1-08.1-03.8, subsection 2 of section 16.1-08.1-03.9, subsection 2 of section 16.1-08.1-03.10, subsection 2 of section 16.1-08.1-03.11, and sections 16.1-08.1-03.12, 16.1-08.1-04, 16.1-08.1-05, 16.1-08.1-06, 16.1-08.1-06.1, and 16.1-08.1-07 of the North Dakota Century Code, relating to campaign finance; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
2. "Candidate" means an individual who seeks nomination for election or election to public office, and includes:
 - a. ~~A person~~An individual holding public office;
 - b. ~~A person~~An individual who has publicly declared that ~~person's~~individual's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
 - c. ~~A person~~An individual who has formed a campaign or other committee for that ~~person's~~individual's candidacy for public office;
 - d. ~~A person~~An individual who has circulated a nominating petition to have that ~~person's~~individual's name placed on the ballot; and
 - e. ~~A person~~An individual who has, in any manner, solicited or received a contribution for that ~~person's~~individual's candidacy for public office, whether before or after the election for that office.
3. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription, loan, advance, deposit of money, or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. The term

also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes. The term includes funds received by a candidate for public office or a political party or committee which are transferred or signed over to that candidate, party, or committee from another candidate, party, or political committee or other source. The term "anything of value" includes any good or service of more than a nominal value. The term "nominal value" means the cost, price, or worth of the good or service is trivial, token, or of no appreciable value. The term "contribution" does not include:

- a. A loan of money from a bank or other lending institution made in the regular course of business.
 - b. Time spent by volunteer campaign or political party workers.
 - c. Money spent by a candidate on the candidate's own behalf.
 - d. Money or anything of value received for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
 - e. Money or anything of value received by a candidate in that person's personal capacity, including pursuant to a contract or agreement made for personal or private employment purposes, and not received for a political purpose or to influence the performance of that person's official duty.
 - f. Contributions of products or services for which the actual cost or fair market value are reimbursed by a payment of money.
 - g. An independent expenditure.
4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code, and for purposes of this chapter "corporations" includes nonprofit corporations. However, if a political committee, the only purpose of which is accepting contributions and making expenditures for a political purpose, incorporates for liability purposes only, the committee is not considered a corporation for the purposes of this chapter.
5. ~~"Direct expenditure" means an expenditure made by a corporation, cooperative corporation, limited liability company, or association for the specific purpose of promoting passage or defeat of an initiated or referred measure without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of a measure committee.~~
6. "Expenditure" means a:
- a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution, disbursement, outlay, or deposit of money or anything of value, except a loan of money from a bank or other lending institution made in the regular course of business, made for a political purpose or for the direct purpose of influencing the passage or defeat of a measure or the nomination for election, or election, of any individual to office. The term also means a
 - b. A contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the.
 - c. The transfer of funds by a political committee to another political committee.
 - d. An independent expenditure.

- 7-6. "Incidental committee" means a committee, club, association, or other group of persons that makes a contribution or expenditure, but for which making contributions and expenditures for political purposes is not its primary purpose.
7. "Independent expenditure" means an expenditure made for a political purpose or for the purpose of influencing the passage or defeat of a measure if the expenditure is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or a candidate committee or measure committee.
8. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
- 8-9. "Person" means an individual, partnership, political committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
- 9-10. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes and includes the following:
- a. A political action committee, derived from a corporation, cooperative corporation, limited liability company, or an association that is prohibited from making ~~direct contributions~~ a contribution for political purposes under section ~~16-1-08.1-03.316.1-08.1-03.5~~, and which solicits or receives contributions or makes expenditures for political purposes;
 - b. A candidate committee, established to support an individual candidate seeking statewide office, that solicits or receives contributions for political purposes;
 - c. ~~An~~ A political organization governed by section ~~527~~ of the Internal Revenue Code [~~26 U.S.C. 527~~] and registered with the federal election commission, which solicits or receives contributions or makes expenditures for political purposes;
 - d. A multicandidate political committee, established to support multiple groups or slates of candidates seeking public office, that solicits or receives contributions for political purposes; ~~and~~
 - e. A measure committee that solicits or receives contributions for the purpose of aiding or opposing a measure to be voted upon by the voters of the state; and
 - f. An incidental committee.
- 10-11. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.
- 11-12. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a state office or any position taken in any bona fide news story, commentary, or editorial.
- 12-13. "Public office" means every office to which ~~persons~~ an individual can be elected by vote of the people under the laws of this state.

SECTION 2. AMENDMENT. Subsection 3 of section 16.1-08.1-02 of the North Dakota Century Code is amended and reenacted as follows:

3. The candidate committee, or candidate for statewide office who does not have a candidate committee, and any candidate for legislative office shall file the statement in the office of the secretary of state no later than the ~~twelfth~~thirty-second day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes complete from the beginning of that calendar year through the ~~twentieth~~fortieth day before the date of the election. Every candidate committee, or candidate for statewide office who does not have a candidate committee, and every candidate for legislative office shall file a complete statement for each calendar year no later than the thirty-first day of January of the following year, regardless of whether the candidate sought election during that calendar year.

SECTION 3. AMENDMENT. Subsection 2 of section 16.1-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

2. A year-end statement covering the entire calendar year must be filed with the secretary of state no later than the thirty-first day of January of the following year. A preelection statement must be filed no later than the ~~twelfth~~thirty-second day before any election at which the party has endorsed or will nominate a candidate and must be complete from the beginning of that calendar year through the ~~twentieth~~fortieth day before the election.

SECTION 4. AMENDMENT. Section 16.1-08.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.1. Contributions statement required of persons and measure committees circulating or promoting passage or defeat of initiated or referred measure.

- ~~1. At the time the sponsoring committee for an initiated measure petition submits signed petitions to the secretary of state, the committee also shall submit a statement disclosing the total amount of contributions received by the committee to aid the committee in drafting and circulating the petition, the name and mailing address of each person that contributed more than one hundred dollars in the aggregate to the sponsoring committee, the date each such contribution was received, and the total amount of expenditures made by the committee to aid in the drafting and circulation of the petition.~~
- ~~2. Any person or measure committee, as described in section 16.1-08.1-01, that is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly at any election shall file a statement in accordance with this subsection if the person has received any contribution in excess of one hundred dollars. The statement must include the name and mailing address of each person that contributed in excess of one hundred dollars to the person, the amount of each reportable contribution, and the date each reportable contribution was received. The statement must include the name and mailing address of each recipient of an expenditure exceeding one hundred dollars in the aggregate, the amount of each reportable expenditure, and the date the expenditure was made.~~
- ~~3.2.~~ A person or measure committee that is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly may not accept a contribution of more than one hundred dollars from an out-of-state person or political committee unless the contribution is accompanied by a certified statement from the contributor listing the name, address, and amount contributed by each person that contributed more than one hundred dollars of the contribution. The statement must indicate if no person contributed in excess of one hundred dollars of the out-of-state person's or political committee's overall

contribution. The certified statement must also list the occupation, employer, and principal place of business for each individual 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 shall include this statement with the contribution statement required to be filed under subsection 21.

4.3. The statement required of a person or measure committee under subsection 21 must be filed with the secretary of state no later than the ~~twelfth~~thirty-second day before 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~~fortieth day before the date of the election. A complete statement for the entire calendar year for each statement required to be filed under ~~subsections 2 and 3~~this section 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. A statement filed according to ~~subsections 2 and 3~~this section during the reporting period must show the following:

- a. The gross total of all contributions received and expenditures made in excess of one hundred dollars;
- b. The gross total of all contributions received and expenditures made of one hundred dollars, or less; and
- c. The cash on hand in the filer's account at the start and close of the reporting period.

SECTION 5. AMENDMENT. Section 16.1-08.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.2. Political committee registration.

A statewide, judicial, or legislative candidate or political committee as defined in section 16.1-08.1-01 shall register its name, and address, and its agent's name and address, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state each calendar year ~~in which it receives any contribution.~~ The registration must be completed within fifteen business days of the receipt of any contribution or expenditure made ~~and must be submitted with a registration fee of twenty-five dollars.~~ A political committee that organizes and registers according to federal law and makes an independent expenditure or makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office, a political party, or political committee in this state is not required to register as a political committee according to this section if the political committee reports according to section 16.1-08.1-03.7. An incidental political committee is required to register under this section only as a result of making a reportable expenditure or contribution in the aggregate during any reporting period, but the registration under this section does not change the nature of business for the organization. Registration under this section does not reserve the name for exclusive use nor does it constitute registration of a trade name under chapter 47-25.

SECTION 6. AMENDMENT. Section 16.1-08.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.3. Campaign contributions by corporations, cooperative corporations, limited liability companies, and associations prohibited - Violation - Penalty - Political action committees authorized.

1. ~~A corporation, cooperative corporation, limited liability company, or association may not make a direct contribution:~~

- ~~a. To aid any political party, political committee, or organization except that a direct contribution may be made to a measure committee as provided in section 16.1-08.1-03.5.~~
- ~~b. To aid any corporation, limited liability company, or association organized or maintained for political purposes as defined in this chapter.~~
- ~~c. To aid any candidate for public office or for nomination to public office.~~
- ~~d. For any political purpose or the reimbursement or indemnification of any person for money or property so used.~~
- ~~e. For the influencing of any measure before the legislative assembly, except in accordance with chapter 54-05.1.~~

~~2. This section does not prohibit the establishment, administration, and solicitation of a corporation, cooperative corporation, limited liability company, or association may establish, administer, and solicit contributions to a separate and segregated fund to be utilized for political purposes by the corporation, cooperative corporation, limited liability company, or association. It is unlawful for:~~

- ~~a. The person or persons controlling the fund to make contributions or expenditures utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of them; or utilize money from dues, fees, treasury funds, or other money required as a condition of membership in an association, or as a condition of employment; or utilize money obtained in any commercial transaction. Moneys from fees, dues, treasury funds, or money obtained in a commercial transaction may, however, be used to pay costs of administration of the fund.~~
- ~~b. Any person soliciting an employee, stockholder, patron, or member for a contribution to the fund to fail to inform the employee or member of the political purposes of the fund at the time of the solicitation or of the general political philosophy intended to be advanced through committee activities.~~
- ~~c. Any person soliciting an employee or member for a contribution to the fund to fail to inform the employee or member at the time of the solicitation of the right to refuse to contribute without any reprisal.~~
- ~~d. Any contribution to be accepted without keeping an accurate record of the contributor and amount contributed and of amounts expended for political purposes.~~
- ~~e. Any contribution to be accepted from any person who is not an employee, stockholder, patron, or member of the corporation, cooperative corporation, limited liability company, or association maintaining the political action committee.~~
- ~~f. Any expenditure made for political purposes to be reported under this section before control of the expenditure has been released by the political action committee except if there is a contract, promise, or agreement, expressed or implied, to make such expenditure.~~

~~3-2. All political action committees, as described in section 16.1-08.1-01, 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 year-end statement covering the entire calendar year must be filed no later than the~~

thirty-first day of January of the following year. A preelection statement must be filed no later than the ~~twelfth~~thirty-second day before any primary, special, or general election and must be complete from the beginning of the calendar year through the ~~twentieth~~fortieth day before the election. Even if a political action committee has not received any contributions or made any expenditures in excess of two hundred dollars during the reporting period, the political action committee shall file a statement as required by this chapter. A statement filed according to this section during the reporting period must show the following:

- a. The gross total of all contributions received and expenditures made in excess of two hundred dollars;
- b. The gross total of all contributions received and expenditures made of two hundred dollars, or less; and
- c. The cash on hand in the filer's account at the start and close of the reporting period.

4-3. A political action committee shall report the occupation, employer, and principal place of business of each person, or the political committee if not already registered according to state or federal law, who contributed five thousand dollars or more in the aggregate during the reporting period.

5-4. A person may not make a payment of that person's money or of another person's money to any other person for a political purpose in any name other than that of the person who supplies the money and a person may not knowingly receive the payment nor enter nor cause the payment to be entered in that person's account or record in any name other than that of the person by whom it actually was furnished.

6-5. If an officer, employee, agent, attorney, or other representative of a corporation, cooperative corporation, limited liability company, or association makes any contribution prohibited by this section out of corporate, cooperative corporation, limited liability company, or association funds or otherwise violates this section, it is prima facie evidence of a violation by the corporation, cooperative corporation, limited liability company, or association.

7-6. A violation of this section may be prosecuted in the county where the contribution is made or in any county in which it has been paid or distributed.

8-7. It is a class A misdemeanor for an officer, director, stockholder, manager, governor, member, attorney, agent, or representative of any corporation, cooperative corporation, limited liability company, or association to violate this section or to counsel or consent to any violation. Any person who solicits or knowingly receives any contribution in violation of this section is guilty of a class A misdemeanor.

9-8. Any officer, director, stockholder, manager, governor, member, attorney, agent, or representative who makes, counsels, or consents to the making of a contribution in violation of this section is liable to the company, corporation, limited liability company, or association for the amount so contributed.

SECTION 7. AMENDMENT. Section 16.1-08.1-03.5 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.5. ~~Allowable corporate~~Corporate contributions and expenditures - Report required.

1. ~~Corporations, cooperative corporations, limited liability companies, and associations may make contributions to a measure committee, as described in section 16.1-08.1-01, for the purpose of promoting passage or defeat of initiated or referred measures. Corporations, cooperative corporations, limited liability companies, and associations may make expenditures and contributions for promoting any general political philosophy or belief deemed in the best~~

interest of the employees, stockholders, patrons, or members of the corporation, cooperative corporation, limited liability company, or association other than a "political purpose" as defined by this chapter. A corporation, cooperative corporation, limited liability company, or association may not make a contribution for a political purpose.

2. A corporation, cooperative corporation, limited liability company, or association may make a donation of property or money to a state political party or nonprofit entity affiliated with or under the control of a state political party for deposit in a separate and segregated fund. Money in the fund must be used exclusively by the state political party or nonprofit entity affiliated with or under the control of a state political party for purchasing, maintaining, or renovating a building and for the purchase of fixtures for the building. A state political party or nonprofit entity affiliated with or under the control of a state political party receiving a donation under this subsection shall file a statement with the secretary of state no later than the thirty-first day of January of each calendar year. The statement must include the name and mailing address of each donor, the amount of each donation, the date each donation was received, all expenditures made from the fund during the previous calendar year, and cash on hand in the fund at the start and close of the reporting period. Any income and financial gain generated from a building purchased, maintained, or renovated from donations authorized under this subsection and not otherwise authorized by law must be deposited in the building fund and must be reported when the political party or nonprofit entity files the statement required under this subsection.
3. A corporation, cooperative corporation, limited liability company, or association may make a contribution to a measure committee for the purpose of promoting the passage or defeat of an initiated or referred measure or make a contribution to any other person that makes an independent expenditure. A corporation, cooperative corporation, limited liability company, or association may make a ~~direct~~independent expenditure for a political purpose or for the purpose of promoting passage or defeat of initiated or referred measures. ~~A direct expenditure~~The corporation, cooperative corporation, limited liability company, or association shall file a statement must be filed disclosing a contribution or an independent expenditure made under this subsection with the secretary of state within forty-eight hours after making the contribution or independent expenditure. The statement must include:
 - a. The full name of the corporation, cooperative corporation, limited liability company, or association;
 - b. The complete address of the corporation, cooperative corporation, limited liability company, or association;
 - c. The name and telephone number of the person completing the report of the recipient of the contribution or independent expenditure;
 - d. ~~The~~If the contribution or independent expenditure is related to a measure, the title of the measure and whether the contribution or independent expenditure is made in support of or opposition to the measure;
 - e. ~~The~~If the contribution or independent expenditure is related to a measure, the election date on which the measure either will appear or did appear on the ballot;
 - f. The amount of the contribution or independent expenditure;
 - g. The cumulative total amount of contributions and independent expenditures since the beginning of the calendar year ~~in support of or opposition to the measure~~which are required to be reported under this subsection;
 - h. The telephone number and the printed name and signature of the ~~person~~individual completing the report, attesting to the report being true, complete, and correct; and

- i. The date on which the report was signed.

SECTION 8. AMENDMENT. Section 16.1-08.1-03.7 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.7. Political committees that organize and register according to federal law that make independent expenditures or disbursements to nonfederal candidates, political parties, and political committees.

A political committee that organizes and registers according to federal law and makes an independent expenditure or makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office or to a political party or political committee in this state shall file a copy of that portion of the committee's federal report detailing the independent expenditure or the disbursement made to the candidate. The political committee shall file a copy of the committee's federal report with the secretary of state at the time of filing the report with the applicable federal agency. The report must include:

1. The name, mailing address, and treasurer of the political committee;
2. The recipient's name and mailing address; and
3. The date and amount of the independent expenditure or disbursement made.

SECTION 9. AMENDMENT. Subsection 3 of section 16.1-08.1-03.8 of the North Dakota Century Code is amended and reenacted as follows:

3. A multicandidate political committee required to file a statement under this section shall file the statement in the office of the secretary of state no later than the ~~twelfth~~thirty-second day before the date of any primary, special, or general election. The statement must be complete from the beginning of that calendar year through the ~~twentieth~~fortieth day before the date of the primary, special, or general election. The political committee shall file a complete statement for the entire calendar year no later than the thirty-first day of January of the following year in which the political committee received a reportable contribution.

SECTION 10. AMENDMENT. Subsection 2 of section 16.1-08.1-03.9 of the North Dakota Century Code is amended and reenacted as follows:

2. A candidate or a candidate committee described in this section shall file a statement with the secretary of state no later than the ~~twelfth~~thirty-second day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes. The reporting period for each of these statements is from the beginning of that calendar year through the ~~twentieth~~fortieth day before the date of the election.

SECTION 11. AMENDMENT. Subsection 2 of section 16.1-08.1-03.10 of the North Dakota Century Code is amended and reenacted as follows:

2. A candidate or a candidate committee described in this section shall file a statement with the county auditor no later than the ~~twelfth~~thirty-second day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes. The reporting period for each of these statements is from the beginning of that calendar year through the ~~twentieth~~fortieth day before the date of the election.

SECTION 12. AMENDMENT. Subsection 2 of section 16.1-08.1-03.11 of the North Dakota Century Code is amended and reenacted as follows:

2. A candidate or a candidate committee described in this section shall file a statement with the city auditor no later than the ~~twelfth~~thirty-second day before the date of any election in which the candidate's name appears on the ballot or in which the candidate seeks election through

write-in votes. The reporting period for each of these statements is from the beginning of that calendar year through the ~~twentieth~~fortieth day before the date of the election.

SECTION 13. AMENDMENT. Section 16.1-08.1-03.12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.12. Contribution statements of political organizations incidental committees and other political committees.

- ~~1. An organization governed by section 527 of the Internal Revenue Code [26 U.S.C. 527], which solicits or receives contributions or makes expenditures for political purposes, 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 the contribution was received. The statement must also include the amount of each reportable expenditure and the date the expenditure was made.~~
- ~~2. A preelection statement must be filed no later than the twelfth day before a primary, special, or general election and must be complete from the beginning of the calendar year through the twentieth day before the election.~~
- ~~3. A year-end statement covering the entire calendar year must be filed no later than the thirty-first day of January of the following year.~~
- ~~4. Even if such an organization has not received any contributions or made any expenditure in excess of two hundred dollars during the reporting period, the organization shall file a statement as required by this chapter.~~
- ~~5. A statement filed according to this section during the reporting period must show the following:
 - ~~a. The gross total of all contributions received and expenditures made in excess of two hundred dollars;~~
 - ~~b. The gross total of all contributions received and expenditures made of two hundred dollars or less; and~~
 - ~~c. The cash on hand in the filer's account at the start and close of the reporting period.~~~~
- ~~6. The organization shall report the occupation, employer, and principal place of business of each person, or the political committee if not already registered according to state or federal law, that contributed five thousand dollars or more in the aggregate during the reporting period.~~
1. An incidental committee or political committee not otherwise covered by another section of this chapter may make a contribution to a measure committee for the purpose of promoting the passage or defeat of an initiated or referred measure or make a contribution to any other person that makes an independent expenditure. The incidental committee or political committee may make an independent expenditure for a political purpose or for the purpose of promoting passage or defeat of initiated or referred measures. The incidental committee or political committee shall file a statement disclosing a contribution for a political purpose or an independent expenditure made under this subsection with the secretary of state within forty-eight hours after making the contribution or independent expenditure. The statement filed under this subsection must include:
 - a. The full name of the incidental committee or political committee;
 - b. The complete address of the incidental committee or political committee;

- c. The name of the recipient of the contribution or independent expenditure;
 - d. If the contribution or independent expenditure is related to a measure, the title of the measure and whether the contribution or independent expenditure is made in support of or opposition to the measure;
 - e. If the contribution or independent expenditure is related to a measure, the election date on which the measure appeared or will appear on the ballot;
 - f. The amount of the contribution or independent expenditure made to a recipient in this state;
 - g. The cumulative total of contributions and independent expenditures since the beginning of the calendar year made to recipients in this state;
 - h. The telephone number, printed name, and signature of the individual completing the report, attesting to the report being true, complete, and correct; and
 - i. The date on which the report was signed.
2. An incidental committee that solicits or accepts contributions for any political purpose shall file a statement in the office of the secretary of state no later than the thirty-second day before the date of any primary, special, or general election. The statement must be complete from the beginning of that calendar year through the fortieth day before the date of the primary, special, or general election. The committee shall file a complete statement for the entire calendar year no later than the thirty-first day of January of the following year in which the committee received a reportable contribution. Even if an incidental committee has not received any contributions in excess of two hundred dollars during the reporting period, the committee shall file a statement as required under this chapter. A statement filed under this subsection during the reporting period must show the following:
- a. The gross total of all contributions received in excess of two hundred dollars;
 - b. The name and mailing address of each contributor that contributed in excess of two hundred dollars in the aggregate to the committee during a reporting period;
 - c. The gross total of all contributions received of two hundred dollars or less;
 - d. The date the last reportable contribution was received;
 - e. The cash on hand in the filer's account at the start and close of the reporting period; and
 - f. The occupation, employer, and principal place of business of each person, or the political committee if not already registered according to state or federal law, which contributed five thousand dollars or more in the aggregate during the reporting period.

SECTION 14. Section 16.1-08.1-03.13 of the North Dakota Century Code is created and enacted as follows:

16.1-08.1-03.13. Contribution statements required of initiated petition sponsoring committees.

1. At the time the sponsoring committee for an initiated petition requests approval of the secretary of state to circulate petitions for the purpose of placing a measure on the ballot, the committee also shall submit a statement disclosing the contributions received and the expenditures made for the purpose of drafting the petition.

2. At the time the sponsoring committee for an initiated petition submits signed petitions to the secretary of state, the committee also shall submit a statement disclosing the contributions received and expenditures made for the purpose of circulating the petition.
3. If December thirty-first falls between the date the secretary of state approves the petition for circulation and the date the signed petitions are submitted to the secretary of state, a complete statement for the calendar year shall be filed no later than the thirty-first day of January of the following year.
4. The sponsoring committee also shall file a complete statement for the calendar year in which the measure appeared or was to appear on the ballot. This statement shall be filed no later than the thirty-first day of January of the following year.
5. A sponsoring committee may not accept a contribution of more than one hundred dollars from an out-of-state person or political committee unless the contribution is accompanied by a statement from the contributor listing the name, address, and amount contributed by each person that contributed more than one hundred dollars of the contribution. The statement must indicate if no person contributed in excess of one hundred dollars of the out-of-state person's or political committee's overall contribution. The statement must also list the occupation, employer, and principal place of business for each individual who contributed more than one hundred dollars of the contribution.
6. The statements required of this section shall include:
 - a. The gross total of all contributions received and expenditures made in excess of one hundred dollars;
 - b. The gross total of all contributions received and expenditures made of one hundred dollars or less;
 - c. The cash on hand in the filer's account at the start and close of the reporting period;
 - d. The name and mailing address of each person that contributed in excess of one hundred dollars to the sponsoring committee;
 - e. The amount of each reportable contribution;
 - f. The date each reportable contribution was received;
 - g. The name and mailing address of each recipient of an expenditure exceeding one hundred dollars in the aggregate;
 - h. The amount of each reportable expenditure; and
 - i. The date the expenditure was made.

SECTION 15. 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, or political committee receives contributions in excess of five hundred dollars in the aggregate ~~in the twenty-day period before~~within the thirty-nine days immediately preceding any election from any individual contributor, that candidate, political party, political committee, or person shall make and file a supplemental statement in the same form as required by section 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.3, 16.1-08.1-03.8, 16.1-08.1-03.9, 16.1-08.1-03.10, ~~or~~ 16.1-08.1-03.11, or 16.1-08.1-03.12 stating the name and street address of the

contributor and the aggregated amount of the contribution and file the statement in the appropriate office within forty-eight hours of the receipt of the contribution.

SECTION 16. AMENDMENT. Section 16.1-08.1-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-05. Audit by secretary of state - Requested audits - Reports.

1. If a substantial irregularity is evident or reasonably alleged, the secretary of state may arrange an audit of any statement filed pursuant to this chapter, to be performed by a certified public accountant of the filer's choice, subject to approval by the secretary of state. If an audit of a statement arranged by the secretary of state under this subsection reveals a violation of this chapter, the candidate, political party, or political committee, or other person filing the statement shall pay a fine to the secretary of state equal to ~~five~~two hundred percent of the aggregate of contributions and expenditures found to be in violation or an amount sufficient to pay the cost of the audit, whichever is greater. If an audit of a statement arranged by the secretary of state under this subsection does not reveal a violation of this chapter, the cost of the audit must be paid for by the secretary of state.
2. If a substantial irregularity is reasonably alleged, the secretary of state may arrange an audit of any statement filed pursuant to this chapter, performed by a certified public accountant of the filer's choice, subject to approval by the secretary of state, upon written request by any interested party made to the secretary of state within thirty days following receipt of a statement by the secretary of state. The request must be made in writing, recite a substantial irregularity and a lawful reason for requesting an audit, and be accompanied by a bond in an amount established by the secretary of state sufficient to pay the cost of the audit. If an audit of a statement arranged by the secretary of state under this subsection reveals a violation of this chapter, the candidate, political party, or political committee filing the statement shall pay a fine to the secretary of state equal to ~~five~~two hundred percent of the aggregate of contributions and expenditures found to be in violation or an amount sufficient to pay the cost of the audit, whichever is greater, and the bond shall be returned to the person submitting it. If an audit of a statement arranged by the secretary of state under this subsection does not reveal a violation of this chapter, the cost of the audit must be satisfied from the bond filed with the secretary of state.
3. An audit may not be made or requested of a statement for the sole reason that it was not timely filed with the secretary of state. An audit made or arranged according to this section must audit only those items required to be included in any statement, registration, or report filed with the secretary of state according to this chapter. The secretary of state may collect any payment obligation arising out of this section by civil action or by assignment to a collection agency, with any costs of collection to be added to the amount owed and to be paid by the delinquent filer. Any remaining moneys collected by the secretary of state after an audit is paid for under this section must be deposited in the state's general fund. This section does not apply to statements filed according to sections 16.1-08.1-03.10 and 16.1-08.1-03.11.

SECTION 17. AMENDMENT. Section 16.1-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-06. Contributions and expenditure statement requirements.

1. Any statement required by this chapter to be filed with the secretary of state must be:
 - a. Deemed properly filed when ~~deposited with or~~electronically delivered to the secretary of state within the prescribed time and in the format established by the secretary of state. ~~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 the secretary of state does not receive a statement, a duplicate of the statement must be promptly filed upon notice by the secretary of state of its nonreceipt. After a statement has been filed, the secretary of

state may request or accept written clarification along with an amended statement from a candidate, political party, or political committee filing the statement when discrepancies, errors, or omissions on the statement are discovered by the secretary of state, the candidate, political party, or political committee filing the statement, or by any interested party reciting a lawful reason for requesting clarification and an amendment be made. When requesting an amended statement, the secretary of state shall establish a reasonable period of time, not to exceed ten days, agreed to by the candidate, political party, or political committee, for filing the amended statement with the secretary of state.

- b. Preserved by the secretary of state for a period of ~~four~~ten 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 the same contributor during the reporting period must be aggregated to report an overall total contribution for the purposes of the statements required by this chapter. Aggregate contributions must reference the date of the most recent contribution. Contributions made separately by different persons from joint accounts are considered separate contributions for reporting purposes.
3. Any statement and data filed electronically must be made available on the internet to the public free of charge within twenty-four hours after filing.
4. Unless otherwise provided by law, any candidate, political party, committee, or person may not be charged a fee for filing any statement with the secretary of state under this chapter.

SECTION 18. AMENDMENT. Section 16.1-08.1-06.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. If a statement, ~~registration,~~ or report required to be filed according to this chapter is not filed within the prescribed time, the filing officer to whom the report was to be filed is authorized to charge and collect a late fee as follows:
 - a. Within six days after the prescribed time, twenty-five dollars;
 - b. Within eleven days after the prescribed time, fifty dollars; and
 - c. Thereafter, one hundred dollars.
2. A filing officer may require an amendment to be filed for any statement, ~~registration,~~ or report that is incorrect or incomplete. The amendment must be filed with the filing officer within ten business days after the amendment has been requested in writing. If an amendment is not filed within the prescribed time, the filing officer is authorized to charge and collect a late fee as follows:
 - a. Within six days after the date the amendment was due, fifty dollars;
 - b. Within eleven days after the date the amendment was due, one hundred dollars; and
 - c. Thereafter, two hundred dollars.
3. The filing officer may collect any payment obligation arising out of this section by civil action or by assignment to a collection agency, with any costs of collection to be added to the amount owed and to be paid by the delinquent filer.

SECTION 19. AMENDMENT. Section 16.1-08.1-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-07. Penalty.

Except as otherwise provided, any person who willfully violates any provision of this chapter is guilty of ~~an infraction~~ a class A misdemeanor.

SECTION 20. EFFECTIVE DATE. Section 17 of this Act becomes effective on May 1, 2014.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2299.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 92 Nays 0 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State