Sixty-seventh Legislative Assembly of North Dakota

## **HOUSE BILL NO. 1496**

Introduced by

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Representatives Ertelt, Kasper, B. Koppelman, Magrum

1	A BILL for an Act to create and enact section 16.1-08.1-02.5 of the North Dakota Century Code				
2	relating to statewide political parties' campaign finance disclosures; to amend and reenact				
3	subsect	subsection 8 of section 16.1-08.1-01 and sections 16.1-08.1-02.3 and 16.1-08.1-02.4 of the			
4	North D	North Dakota Century Code, relating to reporting of expenditures for political purposes; and to			
5	provide	provide a penalty.			
6	BE IT E	NAC	TED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:		
7	SEC	СТІО	N 1. AMENDMENT. Subsection 8 of section 16.1-08.1-01 of the North Dakota		
8	Century	Cod	e is amended and reenacted as follows:		
9	8.	"Ex	penditure categories" means the categories into which expenditures must be		
10		gro	uped for reports under this chapter. The expenditure categories are:		
11		a.	Advertising;		
12		b.	Campaign loan repayment;		
13		C.	Operations;		
14		d.	Travel; <del>and</del>		
15		e.	Miscellaneous; and		
16		f.	Contributions.		
17	SEC	CTIO	N 2. AMENDMENT. Section 16.1-08.1-02.3 of the North Dakota Century Code is		
18	amende	d and	d reenacted as follows:		
19	16.	l <b>-0</b> 8.′	I-02.3. Pre-election, supplemental, and year-end campaign disclosure		
20	stateme	ent re	equirements for candidates, candidate committees, multicandidate		
21	commit	tees,	and nonstatewide political parties.		
22	1.	Pric	or to the thirty-first day before a primary, general, or special election, a candidate of		
23		can	didate committee formed on behalf of the candidate, a multicandidate political		

committee, or a political party other than a statewide political party soliciting or

1	accepting contributions shall file a campaign disclosure statement that includes all				
2	contributions received from January first through the fortieth day before the election.				
3	The statement also must include each aggregated expenditure over two hundred				
4	dollars made to, in support of, or in opposition to a candidate, political committee, or				
5	political partyballot measure from January first through the fortieth day before the				
6	election. A candidate whose name is not on the ballot and who is not seeking election				
7	through write-in votes, the candidate's candidate committee, and a political party that				
8	has not endorsed or nominated any candidate in the election is not required to file a				
9	statement under this subsection. The statement may be submitted for filing beginning				
10	on the thirty-ninth day before the election. The statement must include:				
11	a. For each aggregated contribution from a contributor which totals in excess-				
12	efmore than two hundred dollars received during the reporting period:				
13	(1) The name and mailing address of the contributor;				
14	(2) The total amount of the contribution; and				
15	(3) The date the last contributed amount was received;				
16	b. The total of all aggregated contributions from contributors which total in excess of				
17	two hundred dollars during the reporting period;				
18	c. The total of all contributions received from contributors that contributed two				
19	hundred dollars or less each during the reporting period; and				
20	d. For a statewide candidate, a candidate committee formed on behalf of a				
21	statewide candidate, and a statewide multicandidate committee, the balance of				
22	the campaign fund on the fortieth day before the election and the balance of the				
23	campaign fund on January first-; and				
24	e. For each aggregated expenditure to, in support of, or in opposition to a				
25	candidate, political committee, or political partyballot measure which totals more				
26	than two hundred dollars expended during the reporting period:				
27	(1) The name and mailing address of the recipient and, if applicable, the person				
28	in support of or in opposition to whom the expenditure was made of the				
29	candidate, political committee, or ballot measure the expenditure was				
30	intended to support or oppose;				
31	(2) The total amount of the expenditure; and				

1		(3) The date the last expenditure to the recipient was made; and
2		(4) Whether the expenditure was made in support of or in opposition to the
3		candidate, political committee, or ballot measure.
4	2.	Beginning on the thirty-ninth day before the election through the day before the
5		election, a person that files a statement under subsection 1 must file a supplemental
6		statement within forty-eight hours of the start of the day following the receipt of a
7	1	contribution or aggregate contribution from a contributor which is in excess of more
8		than five hundred dollars or the making of an expenditure or aggregate expenditure to
9		a recipientin support of or in opposition to a candidate, political committee, or ballot
10		measure which is more than five hundred dollars. The statement must include:
11	1	a. The For a contribution, the name and mailing address of the contributor, or for an
12		expenditure, the name and mailing address of the recipient and, if applicable, the
13		person in support of or in opposition to whom the expenditure was made of the
14		candidate, political committee, or ballot measure the expenditure was intended to
15		support or oppose;
16	1	b. The total amount of the contribution received or expenditure made during the
17		reporting period; and
18		c. The For a contribution, the date the last contributed amount was received, or for
19		an expenditure, the date the last expenditure was made; and
20		d. For an expenditure, whether the expenditure was made in support of or in
21		opposition to the candidate, political committee, or ballot measure.
22	3.	Prior to February first, a candidate or candidate committee, a multicandidate political
23		committee, or a nonstatewide political party soliciting or accepting contributions shall
24		file a campaign disclosure statement that includes all contributions received and
25		expenditures, by expenditure category, made from January first through December
26		thirty-first of the previous year. The statement may be submitted for filing beginning on
27		January first. The statement must include:
28		a. For a statewide candidate, a candidate committee formed on behalf of a
29		statewide candidate, and a statewide multicandidate committee, the balance of
30		the campaign fund on January first and on December thirty-first:

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1		b.	For	each aggregated contribution from a contributor which totals in excess
2			<del>of</del> m	ore than two hundred dollars received during the reporting period:
3			(1)	The name and mailing address of the contributor;
4			(2)	The total amount of the contribution; and
5			(3)	The date the last contributed amount was received;
6		C.	The	total of all aggregated contributions from contributors which total in excess of
7			two	hundred dollars during the reporting period;
8		d.	The	total of all contributions received from contributors that contributed two
9			hun	dred dollars or less each during the reporting period; and
10		e.	The	total of all other expenditures made during the previous year, separated into
11			ехр	enditure categories- <u>; and</u>
12		<u>f.</u>	For	each aggregated expenditure to, in support of, or in opposition to a
13			can	didate, political committee, or political partyballot measure which totals more
14			thar	n two hundred dollars expended during the reporting period:
15			<u>(1)</u>	The name and mailing address of the recipient and, if applicable, the perso
16				in support of or in opposition to whom the expenditure was made of the
16 17				candidate, political committee, or ballot measure the expenditure was
17			<u>(2)</u>	candidate, political committee, or ballot measure the expenditure was
17 18			( <u>2</u> ) ( <u>3</u> )	candidate, political committee, or ballot measure the expenditure was intended to support or oppose;
17 18 19				candidate, political committee, or ballot measure the expenditure was intended to support or oppose;  The total amount of the expenditure; and
17 18 19 20			<u>(3)</u>	candidate, political committee, or ballot measure the expenditure was intended to support or oppose;  The total amount of the expenditure; and  The date the last expenditure to the recipient was made; and
17 18 19 20 21	4.	A po	( <u>3</u> ) ( <u>4</u> )	candidate, political committee, or ballot measure the expenditure was intended to support or oppose;  The total amount of the expenditure; and  The date the last expenditure to the recipient was made; and  Whether the expenditure was made in support of or in opposition to the
17 18 19 20 21 22	4.	•	(3) (4) erson	candidate, political committee, or ballot measure the expenditure was intended to support or oppose;  The total amount of the expenditure; and  The date the last expenditure to the recipient was made; and  Whether the expenditure was made in support of or in opposition to the candidate, political committee, or ballot measure.
17 18 19 20 21 22 23	4.	judi	(3) (4) erson	candidate, political committee, or ballot measure the expenditure was intended to support or oppose;  The total amount of the expenditure; and  The date the last expenditure to the recipient was made; and  Whether the expenditure was made in support of or in opposition to the candidate, political committee, or ballot measure.  required to file a statement under this section, other than a candidate for
17 18 19 20 21 22 23 24	4.	judi exe	(3) (4) erson cial o	candidate, political committee, or ballot measure the expenditure was intended to support or oppose;  The total amount of the expenditure; and  The date the last expenditure to the recipient was made; and  Whether the expenditure was made in support of or in opposition to the candidate, political committee, or ballot measure.  required to file a statement under this section, other than a candidate for ffice, county office, or city office, or a candidate committee for a candidate
17 18 19 20 21 22 23 24 25	4.	judi exe con	(3) (4) erson cial o mpte tribut	candidate, political committee, or ballot measure the expenditure was intended to support or oppose;  The total amount of the expenditure; and  The date the last expenditure to the recipient was made; and  Whether the expenditure was made in support of or in opposition to the candidate, political committee, or ballot measure.  required to file a statement under this section, other than a candidate for ffice, county office, or city office, or a candidate committee for a candidate d under this subsection, shall report each aggregated contribution from a
17 18 19 20 21 22 23 24 25 26	4.	judi exe con thes	(3) (4) erson cial o mpte tribut se co	candidate, political committee, or ballot measure the expenditure was intended to support or oppose;  The total amount of the expenditure; and  The date the last expenditure to the recipient was made; and  Whether the expenditure was made in support of or in opposition to the candidate, political committee, or ballot measure.  required to file a statement under this section, other than a candidate for ffice, county office, or city office, or a candidate committee for a candidate d under this subsection, shall report each aggregated contribution from a or which totals five thousand dollars or more during the reporting period. For
17 18 19 20 21 22 23 24 25 26 27	4.	judi exe con thes	(3) (4) erson cial o mpte tribut se col upatio	candidate, political committee, or ballot measure the expenditure was intended to support or oppose;  The total amount of the expenditure; and  The date the last expenditure to the recipient was made; and  Whether the expenditure was made in support of or in opposition to the candidate, political committee, or ballot measure.  required to file a statement under this section, other than a candidate for ffice, county office, or city office, or a candidate committee for a candidate d under this subsection, shall report each aggregated contribution from a or which totals five thousand dollars or more during the reporting period. For intributions from individuals, the statement must include the contributor's

amended and reenacted as follows:

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- Legislative Assembly 1 A candidate for county office and a candidate committee for a candidate for county 2 office shall file statements under this chapter with the county auditor. A candidate for 3 city office who is required to file a statement under this chapter and a candidate 4 committee for such a candidate shall file statements with the city auditor. Any other 5 person required to file a statement under this section shall file the statement with the 6 secretary of state. 7 The filing officer shall assess and collect fees for any reports filed after the filing 7. 8 deadline. 9 8. To ensure accurate reporting and avoid commingling of campaign and personal funds, 10 candidates shall use dedicated campaign accounts that are separate from any
  - personal accounts. **SECTION 3. AMENDMENT.** Section 16.1-08.1-02.4 of the North Dakota Century Code is
  - 16.1-08.1-02.4. Pre-election, supplemental, and year-end campaign disclosure statement requirements for statewide political parties and certain political committees.
    - Prior to the thirty-first day before a primary, general, or special election, a statewidepolitical party or a political committee not required to file statements under section 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a campaign disclosure statement that includes all contributions received and expenditures made from January first through the fortieth day before the election. A political party that hasnot endorsed or nominated a candidate in an election is not required to file a statement under this subsection. A statement required to be filed under this subsection may be submitted for filing beginning on the thirty-ninth day before the election. The statement must include:
      - For each aggregated contribution from a contributor which totals in excessa. of more than two hundred dollars received during the reporting period:
        - (1) The name and mailing address of the contributor;
        - The total amount of the contribution; and (2)
        - The date the last contributed amount was received:
      - b. The total of all aggregated contributions from contributors which total in excess of two hundred dollars during the reporting period;

1 The total of all contributions received from contributors that contributed two 2 hundred dollars or less each during the reporting period; 3 d. For each recipient of an expenditure from campaign funds in excess of two 4 hundred dollars in the aggregate: 5 The name and mailing address of the recipient; (1) 6 (2)The total amount of the expenditure made to the recipient; and 7 The date the last expended amount was made to the recipient; and (3) 8 <u>(4)</u> If the expenditure was made in support of or in opposition to a candidate, 9 ballot measure, or political committee, the name and mailing address of the 10 person in support of or in opposition to whom the expenditure was made of 11 the candidate, ballot measure, or political committee, and whether the 12 expenditure was made in support of or in opposition to the candidate, ballot measure, or political committee; 13 14 The aggregate total of all expenditures from campaign funds in excess of two e. 15 hundred dollars; 16 The aggregate total of all expenditures from campaign funds of two hundred 17 dollars or less; and 18 g. The balance of the campaign fund on the fortieth day before the election and 19 balance of the campaign fund on January first. 20 2. Beginning on the thirty-ninth day before the election through the day before the 21 election, a person that files a statement under subsection 1 must file a supplemental 22 statement within forty-eight hours of the start of the day following the receipt of a 23 contribution or aggregate contribution from a contributor which is in excess of five 24 hundred dollars or the making of an expenditure or aggregate expenditure to, in 25 support of or in opposition to a candidate, ballot measure, or political committee which 26 is more than five hundred dollars. The statement must include: 27 TheFor a contribution, the name and mailing address of the contributor, or for an a. 28 expenditure, the name and mailing address of the recipient and, if applicable, the 29 person in support of or in opposition to whom the expenditure was made of the 30 candidate, ballot measure, or political committee the expenditure was intended to 31 support or oppose;

1		b.	The	total amount of the contribution received or expenditure made during the
2			repo	orting period; <del>and</del>
3		C.	The	For a contribution, the date the last contributed amount was received, or for
4			<u>an e</u>	expenditure, the date the last expenditure was made; and
5		d.	For	an expenditure, whether the expenditure was made in support of or in
6			opp	osition to the candidate, ballot measure, or political committee.
7	3.	Pric	r to F	ebruary first, a statewide political party or a political committee that is not
8		req	uired	to file a statement under section 16.1-08.1-2.3 shall file a campaign
9		disc	losur	e statement that includes all contributions received and expenditures made
0		fron	n Janı	uary first through December thirty-first of the previous year. The statement
11		may	/ be s	ubmitted for filing beginning on January first. The statement must include:
2		a.	For	each aggregated contribution from a contributor which totals in excess-
3			<del>of</del> m	ore than two hundred dollars received during the reporting period:
4			(1)	The name and mailing address of the contributor;
5			(2)	The total amount of the contribution; and
6			(3)	The date the last contributed amount was received;
7		b.	The	total of all aggregated contributions from contributors which total in excess of
8			two	hundred dollars during the reporting period;
9		C.	The	total of all contributions received from contributors that contributed two
20			hun	dred dollars or less each during the reporting period;
21		d.	For	each recipient of an expenditure from campaign funds in excess of two
22			hun	dred dollars in the aggregate:
23			(1)	The name and mailing address of the recipient;
24			(2)	The total amount of the expenditure made to the recipient; and
25			(3)	The date the last expended amount was made to the recipient; and
26			<u>(4)</u>	If the expenditure was made in support of or in opposition to a candidate,
27				ballot measure, or political committee, the name and mailing address of the
28				candidate, ballot measure, or political committee and whether the
29				expenditure was made in support of or in opposition to the candidate, ballot
30				measure, or political committee;

1		e. The aggregate total of all expenditures from campaign funds in excess of two				
2		hundred dollars; and				
3		f. The aggregate total of all expenditures from campaign funds of two hundred				
4		dollars or less <del>; and</del>				
5		g. The balance of the campaign fund on January first and December thirty-first.				
6	4.	A person required to file a statement under this section shall disclose each aggregated				
7		contribution from a contributor which totals five thousand dollars or more during the				
8		reporting period. For these contributions from individuals, the statement must include				
9		the contributor's occupation, employer, and the employer's principal place of business.				
10	5.	Statements under this section must be filed with the secretary of state.				
11	6.	The secretary of state shall assess and collect fees for any reports filed after the filing				
12		deadline.				
13	SEC	SECTION 4. Section 16.1-08.1-02.5 of the North Dakota Century Code is created and				
14	enacted	as follows:				
15	16.1	16.1-08.1-02.5. Pre-election, supplemental, and year-end campaign disclosure				
16	stateme	ement requirements for statewide political parties.				
17	1.	Prior to the thirty-first day before a primary, general, or special election, a statewide				
18		political party soliciting or accepting contributions shall file a campaign disclosure				
19		statement that includes all contributions received and expenditures made from				
20		January first through the fortieth day before the election. A political party that has not				
21		endorsed or nominated a candidate in an election is not required to file a statement				
22		under this subsection. A statement required to be filed under this subsection may be				
23		submitted for filing beginning on the thirty-ninth day before the election. The statement				
24		must include:				
25		a. For each aggregated contribution from a contributor which totals in excess of two				
26		hundred dollars received during the reporting period:				
27		(1) The name and mailing address of the contributor;				
28		(2) The total amount of the contribution; and				
29		(3) The date the last contributed amount was received;				
30		b. The total of all aggregated contributions from contributors which total in excess of				
21		two hundred dellars during the reporting period:				

1		c. The total of all contributions received from contributors that contributed two
2		hundred dollars or less each during the reporting period;
3		d. For each recipient of an expenditure from campaign funds in excess of two
4		hundred dollars in the aggregate:
5		(1) The name and mailing address of the recipient;
6		(2) The total amount of the expenditure made to the recipient; and
7		(3) The date the last expended amount was made to the recipient;
8		e. The aggregate total of all expenditures from campaign funds in excess of two
9		hundred dollars;
10		f. The aggregate total of all expenditures from campaign funds of two hundred
11		dollars or less; and
12		g. The balance of the campaign fund on the fortieth day before the election and
13		balance of the campaign fund on January first.
14	2.	Beginning on the thirty-ninth day before the election through the day before the
15		election, a person that files a statement under subsection 1 must file a supplemental
16		statement within forty-eight hours of the start of the day following the receipt of a
17		contribution or aggregate contribution from a contributor which is in excess of five
18		hundred dollars. The statement must include:
19		a. The name and mailing address of the contributor;
20		b. The total amount of the contribution received during the reporting period; and
21		c. The date the last contributed amount was received.
22	3.	Prior to February first, a statewide political party shall file a campaign disclosure
23		statement that includes all contributions received and expenditures made from
24		January first through December thirty-first of the previous year. The statement may be
25		submitted for filing beginning on January first. The statement must include:
26		a. For each aggregated contribution from a contributor which totals in excess of two
27		hundred dollars received during the reporting period:
28		(1) The name and mailing address of the contributor;
29		(2) The total amount of the contribution; and
30		(3) The date the last contributed amount was received;

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1		b. The total of all aggregated contributions from contributors which total in excess of
2		two hundred dollars during the reporting period;
3		c. The total of all contributions received from contributors that contributed two
4		hundred dollars or less each during the reporting period;
5		d. For each recipient of an expenditure from campaign funds in excess of two
6		hundred dollars in the aggregate:
7		(1) The name and mailing address of the recipient;
8		(2) The total amount of the expenditure made to the recipient; and
9		(3) The date the last expended amount was made to the recipient;
10		e. The aggregate total of all expenditures from campaign funds in excess of two
11		hundred dollars;
12		f. The aggregate total of all expenditures from campaign funds of two hundred
13		dollars or less; and
14		g. The balance of the campaign fund on January first and December thirty-first.
15	4.	A political party required to file a statement under this section shall disclose each
16		aggregated contribution from a contributor which totals five thousand dollars or more
17		during the reporting period. For these contributions from individuals, the statement
18		must include the contributor's occupation, employer, and the employer's principal
19		place of business.
20	5.	Statements under this section must be filed with the secretary of state.
21	6.	The secretary of state shall assess and collect fees for any reports filed after the filing
22		deadline.