

**HOUSE BILL NO. 1496**

Introduced by

Representatives Ertelt, Kasper, B. Koppelman, Magrum

A BILL for an Act to create and enact section 16.1-08.1-02.5 of the North Dakota Century Code, relating to statewide political parties' campaign finance disclosures; to amend and reenact 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 North Dakota Century Code, relating to reporting of expenditures for political purposes; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Subsection 8 of section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Expenditure categories" means the categories into which expenditures must be grouped for reports under this chapter. The expenditure categories are:
  - a. Advertising;
  - b. Campaign loan repayment;
  - c. Operations;
  - d. Travel; ~~and~~
  - e. Miscellaneous; and
  - f. Contributions.

**SECTION 2. AMENDMENT.** Section 16.1-08.1-02.3 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Prior to the thirty-first day before a primary, general, or special election, a candidate or candidate 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 party~~ballot 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 ~~of~~more 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 party~~ballot 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~~

(3) The date the last expenditure ~~to the recipient~~ was made; and

(4) Whether the expenditure was made in support of or in opposition to the candidate, political committee, or ballot measure.

2. Beginning on the thirty-ninth day before the election through the day before the election, a person that files a statement under subsection 1 must file a supplemental statement within forty-eight hours of the start of the day following the receipt of a contribution or aggregate contribution from a contributor which is ~~in excess of more than~~ five hundred dollars ~~or the making of an expenditure or aggregate expenditure to a recipient~~ in support of or in opposition to a candidate, political committee, or ballot measure which is more than five hundred dollars. The statement must include:

a. ~~The~~ For a contribution, the name and mailing address of the contributor, ~~or for an expenditure, the name~~ and mailing address of the recipient and, if applicable, the person in support of or in opposition to whom the expenditure was made ~~of the candidate, political committee, or ballot measure~~ the expenditure was intended to support or oppose;

b. The total amount of the contribution received ~~or expenditure made~~ during the reporting period; ~~and~~

c. ~~The~~ For a contribution, the date the last contributed amount was received, ~~or for an expenditure, the date the last expenditure was made; and~~

d. For an expenditure, whether the expenditure was made in support of or in opposition to the candidate, political committee, or ballot measure.

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

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

- 1           b. For each aggregated contribution from a contributor which totals ~~in excess of~~  
2           ~~more 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           hundred 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          expenditure categories; ~~and~~
- 12          f. For each aggregated expenditure ~~to~~, in support of, or in opposition to a  
13          candidate, political committee, or ~~political party~~ ballot measure which totals more  
14          than two hundred dollars expended during the reporting period:
- 15          (1) The name ~~and mailing address of the recipient and, if applicable, the person~~  
16          ~~in support of or in opposition to whom the expenditure was made~~ of the  
17          candidate, political committee, or ballot measure the expenditure was  
18          intended to support or oppose;
- 19          (2) The total amount of the expenditure; ~~and~~
- 20          (3) The date the last expenditure ~~to the recipient~~ was made; ~~and~~
- 21          (4) Whether the expenditure was made in support of or in opposition to the  
22          candidate, political committee, or ballot measure.
- 23          4. A person required to file a statement under this section, other than a candidate for  
24          judicial office, county office, or city office, or a candidate committee for a candidate  
25          exempted under this subsection, shall report each aggregated contribution from a  
26          contributor which totals five thousand dollars or more during the reporting period. For  
27          these contributions from individuals, the statement must include the contributor's  
28          occupation, employer, and the employer's principal place of business.
- 29          5. A candidate for city office in a city with a population under five thousand and a  
30          candidate committee for the candidate are exempt from this section.

6. A candidate for county office and a candidate committee for a candidate for county office shall file statements under this chapter with the county auditor. A candidate for city office who is required to file a statement under this chapter and a candidate committee for such a candidate shall file statements with the city auditor. Any other person required to file a statement under this section shall file the statement with the secretary of state.

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

8. To ensure accurate reporting and avoid commingling of campaign and personal funds, 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 amended and reenacted as follows:

**16.1-08.1-02.4. Pre-election, supplemental, and year-end campaign disclosure statement requirements for ~~statewide political parties and~~ certain political committees.**

1. Prior to the thirty-first day before a primary, general, or special election, ~~a statewide political 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 has not 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:

a. For each aggregated contribution from a contributor which totals ~~in excess of~~ more than two hundred dollars received during the reporting period:

- (1) The name and mailing address of the contributor;
- (2) The total amount of the contribution; and
- (3) 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 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; and
- 8 (4) 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~~  
13 ~~measure, or political committee;~~
- 14 e. The aggregate total of all expenditures from campaign funds in excess of two  
15 hundred dollars;
- 16 f. 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 a. ~~The~~For a contribution, the name and mailing address of the contributor, or for an  
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;~~

b. The total amount of the contribution received or expenditure made during the reporting period; ~~and~~

c. ~~The~~ For a contribution, the date the last contributed amount was received, or for an expenditure, the date the last expenditure was made; and

d. For an expenditure, whether the expenditure was made in support of or in opposition to the candidate, ballot measure, or political committee.

3. Prior to February first, a statewide political party or a political committee that is not required to file a statement under section 16.1-08.1-2.3 shall file a campaign disclosure statement that includes all contributions received and expenditures made from January first through December thirty-first of the previous year. The statement may be submitted for filing beginning on January first. The statement must include:

a. For each aggregated contribution from a contributor which totals ~~in excess of~~ more than two hundred dollars received during the reporting period:

(1) The name and mailing address of the contributor;

(2) The total amount of the contribution; and

(3) 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;

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

d. For each recipient of an expenditure from campaign funds in excess of two hundred dollars in the aggregate:

(1) The name and mailing address of the recipient;

(2) The total amount of the expenditure made to the recipient; ~~and~~

(3) The date the last expended amount was made to the recipient; and

(4) If the expenditure was made in support of or in opposition to a candidate, ballot measure, or political committee, the name ~~and mailing address~~ of the candidate, ballot measure, or political committee and whether the expenditure was made in support of or in opposition to the candidate, ballot measure, or political committee;

e. The aggregate total of all expenditures from campaign funds in excess of two hundred dollars; and

f. The aggregate total of all expenditures from campaign funds of two hundred dollars or less; ~~and~~

~~g. The balance of the campaign fund on January first and December thirty-first.~~

4. A person required to file a statement under this section shall disclose each aggregated contribution from a contributor which totals five thousand dollars or more during the reporting period. For these contributions from individuals, the statement must include the contributor's occupation, employer, and the employer's principal place of business.

5. Statements under this section must be filed with the secretary of state.

6. The secretary of state shall assess and collect fees for any reports filed after the filing deadline.

**SECTION 4.** Section 16.1-08.1-02.5 of the North Dakota Century Code is created and enacted as follows:

**16.1-08.1-02.5. Pre-election, supplemental, and year-end campaign disclosure statement requirements for statewide political parties.**

1. Prior to the thirty-first day before a primary, general, or special election, a statewide political party 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 has not 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:

a. For each aggregated contribution from a contributor which totals in excess of two hundred dollars received during the reporting period:

(1) The name and mailing address of the contributor;

(2) The total amount of the contribution; and

(3) 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        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;

b. The total of all aggregated contributions from contributors which total in excess of two hundred dollars during the reporting period;

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

d. For each recipient of an expenditure from campaign funds in excess of two hundred dollars in the aggregate:

(1) The name and mailing address of the recipient;

(2) The total amount of the expenditure made to the recipient; and

(3) The date the last expended amount was made to the recipient;

e. The aggregate total of all expenditures from campaign funds in excess of two hundred dollars;

f. The aggregate total of all expenditures from campaign funds of two hundred dollars or less; and

g. The balance of the campaign fund on January first and December thirty-first.

4. A political party required to file a statement under this section shall disclose each aggregated contribution from a contributor which totals five thousand dollars or more during the reporting period. For these contributions from individuals, the statement must include the contributor's occupation, employer, and the employer's principal place of business.

5. Statements under this section must be filed with the secretary of state.

6. The secretary of state shall assess and collect fees for any reports filed after the filing deadline.