

**2025 SENATE STATE AND LOCAL GOVERNMENT**

**SB 2156**

# 2025 SENATE STANDING COMMITTEE MINUTES

**State and Local Government Committee**  
Room JW216, State Capitol

SB 2156  
1/23/2025

Relating to campaign disclosure statements for statewide and legislative candidates and measure committees, and fees for the filing of late statements or reports; and to special requirements for statements required of persons engaged in activities regarding ballot measures.

9:17 a.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

**Discussion Topics:**

- Disclosure requirements
- Penalty assessment and fee
- Transparency to public

9:18 a.m. Senator Cleary, District 35 testified in favor and submitted testimony #30708 and #30709.

9:32 a.m. Erika White, State Election Director, testified in favor and submitted testimony #30966.

9:43 a.m. Chair Roers closed the hearing.

9:43 a.m. Committee discussion

9:58 a.m. Chair Roers closed the meeting.

*Susan Helbling, Committee Clerk*

**To: Chair Roers and Members of the Senate Committee on State and Local Government**  
**From:** Senator Sean Cleary, District 35 — Bismarck, Bill Sponsor  
**Date:** 1/23/2025  
**Subject:** Testimony in Support of SB 2156

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**Chair Roers and Members of the Senate Committee on State and Local Government;**

SB 2156 enhances transparency and consistency in campaign finance reporting by standardizing disclosure requirements across all committee types, including candidate, ballot measure, and multicandidate committees.

Changes include:

**1. Reporting Structure:**

- **Two pre-election reports:** Filed only by candidates on the ballot. This schedule remains the same as the current law.
- **A mid-year report:** Filed by all candidates beginning July 1, mirroring the structure of the year-end report. This is a new addition to the law.
- **A year-end report:** Filed by all candidates, as currently required.

**2. Expenditure Reporting and Account Balance:**

- All expenditures exceeding \$200 must include the name, address, amount, date, and category of the expenditure. This mirrors what is currently required of Political Committees.
- All candidates and committees must report the balance of their account in each report. This mirrors what is currently required for both Political Committees and statewide candidates.
- These changes improve transparency into the use of campaign funds.

**3. Prohibition on Personal Use of Campaign Funds:**

- Campaign funds cannot be used for personal benefits, loans, criminal fines, or civil penalties.
- This ensures funds are used exclusively for campaign purposes, and it treats fees like penalties, not just a cost of doing business.

**4. Updated Late Fee Structure:**

- Late fees are increased to ensure compliance:
  - \$100 for reports up to 7 days late.
  - \$500 for reports up to 14 days late.
  - \$1,000 for reports over 14 days late.
- Amendments to incorrect or incomplete filings follow a similar penalty structure.

By updating reporting practices and strengthening penalties, this legislation promotes transparency in North Dakota's elections.

**Further Amendment:**

I have attached an amendment for your consideration that caps fees at \$100 for campaigns with less than \$5,000 in contributions or expenditures during the specified time period. This aims to avoid imposing overly punitive penalties on campaigns that are inactive during the reporting period but miss the filing deadline.

Thank you for your consideration. I would be happy to work with the committee on any amendments that improve the bill.

Sean

Sean Cleary  
State Senator  
District 35 -- Bismarck  
C: (701) 426-4618



25.0330.05001  
Title.

Prepared by the Legislative Council  
staff for Senator Cleary  
January 21, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2156

Introduced by

Senator Cleary

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

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

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

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

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

required to file a statement under this subsection. The statement 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~~ a contributor 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; ~~and~~

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

- (1) Name and mailing address of the recipient;
- (2) Total amount of the expenditure made to the recipient;
- (3) Date of the expenditure; and
- (4) Corresponding expenditure category associated with the expenditure; and

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

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 five hundred dollars. The statement must include:

- a. The name and mailing address of the contributor;
- b. The total amount of the contribution received during the reporting period; and

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

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

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

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

15               (2) The total amount of the contribution; and

16               (3) The date the last contributed amount was received;

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

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

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

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

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

27               (3) Date of the expenditure; and

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

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

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

4. Before January fifteenth, 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;~~
  - b. 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;
  - ~~e.b.~~ The total of all aggregated contributions from contributors which total in excess of two hundred dollars during the reporting period;
  - ~~d.c.~~ The total of all contributions received from contributors that contributed two hundred dollars or less each during the reporting period; ~~and~~
  - ~~e.d.~~ For a statewide candidate, a legislative candidate, a candidate committee formed on behalf of a statewide or a legislative candidate, and a statewide or legislative multicandidate committee, for each expenditure exceeding two hundred dollars the:
    - (1) Name and mailing address of the recipient;
    - (2) Total amount of the expenditure made to the recipient;
    - (3) Date of the expenditure; and
    - (4) Corresponding expenditure category associated with the expenditure;
  - e. For a statewide candidate, a legislative candidate, a candidate committee formed on behalf of a statewide or a legislative candidate, and a statewide or a legislative multicandidate committee, the balance of the campaign fund on the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. A filing officer may require an amendment to be filed for any statement 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~~seven days after the date the amendment was due, ~~fifty~~one hundred dollars;

b. Within ~~eleven~~fourteen days after the date the amendment was due, ~~one~~five hundred dollars; and

c. Thereafter, ~~two hundred~~one thousand 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.

4. If a person filing a statement or report under this section reports expenditures or contributions each totaling less than five thousand dollars during the reporting period contained in the report, a fee imposed under this section may not exceed one hundred dollars.

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



**SENATE BILL NO. 2156**  
**JANUARY 23, 2025**

**SENATE STATE AND LOCAL GOVERNMENT COMMITTEE**  
**SENATOR KRISTEN ROERS, CHAIR**

**TESTIMONY PRESENTED BY**

**ERIKA WHITE, STATE ELECTION DIRECTOR**

Chair Roers and members of the committee, I'm Erika White, and serve as the state election director for the Office of the Secretary of State. I'm here to support the intention behind SB2156 but believe we can improve upon the language presented here. Transparency in campaign finance reporting is an important part of North Dakota's elections processes. We believe Senator Cleary's bill is a starting point for further conversations to improve the state's campaign finance laws and reporting requirements.

There are many bills this session that seek to provide greater reporting and/or greater transparency for campaign funds – HB1286, HB1377, HB1583. Chairman Roers and members of the committee, we would invite further conversation to improve upon this bill to ensure we are creating change that does three critical things for campaign finance reform – creates laws that are understandable by candidates and easy to administer, provides greater transparency to the public, and offers ease of reporting for candidates.

We offer our support in working collaboratively with the bill sponsor and this committee to bring amendment language to support improvements in this bill.



# 2025 SENATE STANDING COMMITTEE MINUTES

**State and Local Government Committee**  
Room JW216, State Capitol

SB 2156  
1/30/2025

Relating to campaign disclosure statements for statewide and legislative candidates and measure committees, and fees for the filing of late statements or reports; and to special requirements for statements required of persons engaged in activities regarding ballot measures.
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4:06 p.m. Chair Roers opened the hearing.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

**Discussion Topics:**

- Statement filing requirements
- Tracking expenditures
- Fees

4:06 p.m. Chair Roers gave committee background information on bill and possible request for admendments.

4:27 p.m. Chair Roers closed the meeting.

*Susan Helbling, Committee Clerk*

# 2025 SENATE STANDING COMMITTEE MINUTES

## State and Local Government Committee Room JW216, State Capitol

SB 2156  
2/13/2025

Relating to campaign disclosure statements for statewide and legislative candidates and measure committees, and fees for the filing of late statements or reports; and to special requirements for statements required of persons engaged in activities regarding ballot measures.

3:14 p.m. Chair Roers called the hearing to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

### Discussion Topics:

- Updating reference
- Political purpose
- General Provisions
- General prohibitions
- Time periods
- Explanation of fines

3:14 p.m. Chair Roers opened committee discussion and submitted testimony #37699.

3:42 p.m. Senator Walen moved Amendment LC #25.0330.05003.

3:42 p.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

3:45 p.m. Senator Walen moved a Do Pass as amended.

3:45 p.m. Senator Braunberger seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y

Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Roers will carry the bill.

3:47 p.m. Chair Roers closed the hearing.

*Susan Helbling, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

CC 2/13  
10831

**SENATE BILL NO. 2156**

Introduced by

Senator Cleary

1 A BILL ~~for an Act to amend and reenact sections 16.1-08.1-02.3, 16.1-08.1-04.1, and~~  
2 ~~16.1-08.1-06.1 of the North Dakota Century Code, relating to campaign disclosure statements~~  
3 ~~for statewide and legislative candidates and measure committees, and fees for the filing of late~~  
4 ~~statements or reports; and to repeal section 16.1-08.1-03.1 of the North Dakota Century Code,~~  
5 ~~relating to special requirements for statements required of persons engaged in activities~~  
6 ~~regarding ballot measures; for an Act to create and enact chapter 16.1-08.2 of the North Dakota~~  
7 ~~Century Code, relating to campaign disclosure statements; to amend and reenact sections~~  
8 ~~15.1-09-08, 15.1-09-19, 16.1-01-12, and 16.1-10-04.1, and subdivision f of subsection 8 of~~  
9 ~~section 51-28-01 of the North Dakota Century Code, relating to campaign disclosure~~  
10 ~~statements; and to provide a penalty.~~

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

12 ~~— **SECTION 1. AMENDMENT.** Section 16.1-08.1-02.3 of the North Dakota Century Code is~~  
13 ~~amended and reenacted as follows:~~

14 ~~— **16.1-08.1-02.3. Pre-election, supplemental, and year-end campaign**~~  
15 ~~**disclosure statement requirements for candidates, candidate committees, measure**~~  
16 ~~**committees, multicandidate committees, and nonstatewide political parties.**~~

17 ~~— 1. Prior to ~~Before~~ the thirty first day before a primary, general, or special election, a~~  
18 ~~candidate or candidate committee formed on behalf of the candidate, a multicandidate~~  
19 ~~political committee, or a political party other than a statewide political party soliciting or~~  
20 ~~accepting contributions shall file a campaign disclosure statement that includes all~~



- 1 ~~contributions received and expenditures made~~ from January first through the fortieth  
2 ~~day before the election. A candidate whose name is not on the ballot and who is not~~  
3 ~~seeking election through write-in votes, the candidate's candidate committee, and a~~  
4 ~~political party that has not endorsed or nominated any candidate in the election is not~~  
5 ~~required to file a statement under this subsection. The statement may be submitted for~~  
6 ~~filing beginning on the thirty-ninth day before the election. The statement must include:~~
- 7 ~~a. For each aggregated contribution from a contributor which totals in excess of two~~  
8 ~~hundred dollars received during the reporting period:~~
- 9 ~~(1) The name and mailing address of the contributor;~~  
10 ~~(2) The total amount of the contribution; and~~  
11 ~~(3) The date the last contributed amount was received;~~
- 12 ~~b. The total of all aggregated contributions from contributors~~~~a contributor~~ ~~which total~~  
13 ~~in excess of two hundred dollars during the reporting period;~~
- 14 ~~c. The total of all contributions received from contributors that contributed two~~  
15 ~~hundred dollars or less each during the reporting period; and~~
- 16 ~~d. For a statewide candidate, a legislative candidate, a candidate committee formed~~  
17 ~~on behalf of a statewide or a legislative candidate, and a statewide or a~~  
18 ~~legislative multicandidate committee, for each expenditure exceeding two~~  
19 ~~hundred dollars the:~~
- 20 ~~(1) Name and mailing address of the recipient;~~  
21 ~~(2) Total amount of the expenditure made to the recipient;~~  
22 ~~(3) Date of the expenditure; and~~  
23 ~~(4) Corresponding expenditure category associated with the expenditure; and~~
- 24 ~~e. For a statewide candidate, a legislative candidate, a candidate committee formed~~  
25 ~~on behalf of a statewide or a legislative candidate, and a statewide or a~~  
26 ~~legislative multicandidate committee, the balance of the campaign fund on the~~  
27 ~~fortieth day before the election~~~~date of filing~~ ~~and the balance of the campaign fund~~  
28 ~~on January first.~~
- 29 ~~2. Beginning on the thirty-ninth day before the election through the day before the~~  
30 ~~election, a person that files a statement under subsection 1 must file a supplemental~~  
31 ~~statement within forty-eight hours of the start of the day following the receipt of a~~



- 1        ~~contribution or aggregate contribution from a contributor which is in excess of five~~  
2        ~~hundred dollars. The statement must include:~~
- 3        ~~a.    The name and mailing address of the contributor;~~  
4        ~~b.    The total amount of the contribution received during the reporting period; and~~  
5        ~~c.    The date the last contributed amount was received.~~
- 6        ~~3.    Prior to February first Before July fifteenth a candidate or candidate committee formed~~  
7        ~~on behalf of the candidate, a multicandidate political committee, or a political party~~  
8        ~~other than a statewide political party soliciting or accepting contributions shall file a~~  
9        ~~campaign disclosure statement that includes all contributions received and~~  
10       ~~expenditures made from April first through June thirtieth of that calendar year. A~~  
11       ~~candidate whose name is not on the ballot and who is not seeking election through~~  
12       ~~write-in votes, the candidate's candidate committee, and a political party that has not~~  
13       ~~endorsed or nominated any candidate in the election is not required to file a statement~~  
14       ~~under this subsection. The statement may be submitted for filing beginning on July~~  
15       ~~first. The statement must include:~~
- 16       ~~a.    For each aggregated contribution from a contributor which totals in excess of two~~  
17       ~~hundred dollars received during the reporting period:~~
- 18       ~~(1)   The name and mailing address of the contributor;~~  
19       ~~(2)   The total amount of the contribution; and~~  
20       ~~(3)   The date the last contributed amount was received;~~
- 21       ~~b.    The total of all aggregated contributions from a contributor which total in excess~~  
22       ~~of two hundred dollars during the reporting period;~~
- 23       ~~c.    The total of all contributions received from contributors that contributed two~~  
24       ~~hundred dollars or less each during the reporting period;~~
- 25       ~~d.    For a statewide candidate, a legislative candidate, a candidate committee formed~~  
26       ~~on behalf of a statewide or a legislative candidate, and a statewide or a~~  
27       ~~legislative multicandidate committee, for each expenditure exceeding two~~  
28       ~~hundred dollars the:~~
- 29       ~~(1)   Name and mailing address of the recipient;~~  
30       ~~(2)   Total amount of the expenditure made to the recipient;~~  
31       ~~(3)   Date of the expenditure; and~~



- 1 ~~(4) Corresponding expenditure category associated with the expenditure; and~~
- 2 ~~e. For a statewide candidate, a legislative candidate, a candidate committee formed~~
- 3 ~~on behalf of a statewide or a legislative candidate, and a statewide or a~~
- 4 ~~legislative multicandidate committee, the balance of the campaign fund on the~~
- 5 ~~date of filing and the balance of the campaign fund on January first.~~
- 6 ~~4. Before January fifteenth, a candidate or candidate committee, a multicandidate~~
- 7 ~~political committee, or a nonstatewide political party soliciting or accepting~~
- 8 ~~contributions shall file a campaign disclosure statement that includes all contributions~~
- 9 ~~received and expenditures, by expenditure category, made from January first through~~
- 10 ~~December thirty-first of the previous year. The statement may be submitted for filing~~
- 11 ~~beginning on January first. The statement must include:~~
- 12 ~~a. For a statewide candidate, a candidate committee formed on behalf of a~~
- 13 ~~statewide candidate, and a statewide multicandidate committee, the balance of~~
- 14 ~~the campaign fund on January first and on December thirty-first;~~
- 15 ~~b. For each aggregated contribution from a contributor which totals in excess of two~~
- 16 ~~hundred dollars received during the reporting period:~~
- 17 ~~(1) The name and mailing address of the contributor;~~
- 18 ~~(2) The total amount of the contribution; and~~
- 19 ~~(3) The date the last contributed amount was received;~~
- 20 ~~c.b. The total of all aggregated contributions from contributors which total in excess of~~
- 21 ~~two hundred dollars during the reporting period;~~
- 22 ~~d.c. The total of all contributions received from contributors that contributed two~~
- 23 ~~hundred dollars or less each during the reporting period; and~~
- 24 ~~e.d. For a statewide candidate, a legislative candidate, a candidate committee formed~~
- 25 ~~on behalf of a statewide or a legislative candidate, and a statewide or legislative~~
- 26 ~~multicandidate committee, for each expenditure exceeding two hundred dollars~~
- 27 ~~the:~~
- 28 ~~(1) Name and mailing address of the recipient;~~
- 29 ~~(2) Total amount of the expenditure made to the recipient;~~
- 30 ~~(3) Date of the expenditure; and~~
- 31 ~~(4) Corresponding expenditure category associated with the expenditure;~~



- 1 ~~e. For a statewide candidate, a legislative candidate, a candidate committee formed~~  
2 ~~on behalf of a statewide or a legislative candidate, and a statewide or a~~  
3 ~~legislative multicandidate committee, the balance of the campaign fund on the~~  
4 ~~date of filing and the balance of the campaign fund on January first of the~~  
5 ~~previous year.~~
- 6 ~~f. The total of all other expenditures made during the previous year, separated into~~  
7 ~~expenditure categories.~~
- 8 ~~4.5. A person required to file a statement under this section, other than a candidate for~~  
9 ~~judicial office, county office, city office, or school district office, or a candidate~~  
10 ~~committee for a candidate exempted under this subsection, shall report each~~  
11 ~~aggregated contribution from a contributor which totals five thousand dollars or more~~  
12 ~~during the reporting period. For these contributions from individuals, the statement~~  
13 ~~must include the contributor's occupation, employer, and the employer's principal~~  
14 ~~place of business.~~
- 15 ~~5.6. A candidate for city office in a city with a population under five thousand and a~~  
16 ~~candidate committee for the candidate are exempt from this section. A candidate for~~  
17 ~~school district office in a school district with a fall enrollment of fewer than~~  
18 ~~one thousand students and a candidate committee for the candidate are exempt from~~  
19 ~~this section.~~
- 20 ~~6.7. A candidate for county office and a candidate committee for a candidate for county~~  
21 ~~office shall file statements under this chapter with the county auditor. A candidate for~~  
22 ~~city office who is required to file a statement under this chapter and a candidate~~  
23 ~~committee for such a candidate shall file statements with the city auditor. A candidate~~  
24 ~~for school district office who is required to file a statement under this chapter and a~~  
25 ~~candidate committee for such a candidate shall file statements with the school district~~  
26 ~~business manager. Any other person required to file a statement under this section~~  
27 ~~shall file the statement with the secretary of state.~~
- 28 ~~7.8. An initiative and referendum sponsoring committee also shall file a disclosure~~  
29 ~~statement by the date the secretary of state approves the petition for circulation, and~~  
30 ~~shall file an additional statement on the date the petitions containing the required~~  
31 ~~number of signatures are submitted to the secretary of state for review. The~~



1 ~~statements required under this subsection must be in the same form as the year-end~~  
2 ~~statements under subsection 4.~~

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

5 ~~10. The filing officer shall assess and collect fees for any reports filed after the filing~~  
6 ~~deadline.~~

7 ~~8.11. To ensure accurate reporting and avoid commingling of campaign and personal funds,~~  
8 ~~candidates shall use dedicated campaign accounts that are separate from any~~  
9 ~~personal accounts.~~

10 ~~SECTION 2. AMENDMENT. Section 16.1-08.1-04.1 of the North Dakota Century Code is~~  
11 ~~amended and reenacted as follows:~~

12 ~~16.1-08.1-04.1. Personal use of contributions prohibited.~~

13 ~~1. A candidate may not use any contribution received by the candidate, the candidate's~~  
14 ~~candidate committee, or a multicandidate political committee to:~~

15 ~~a. Give a personal benefit to the candidate or another person;~~

16 ~~b. Make a loan to another person;~~

17 ~~c. Knowingly pay more than the fair market value for goods or services purchased~~  
18 ~~for the campaign; or~~

19 ~~d. Pay a criminal fine or, a civil penalty, or a fee assessed under this title.~~

20 ~~2. If the secretary of state has substantial reason to believe any person knowingly~~  
21 ~~violated this section, the secretary shall arrange for an audit as authorized by section~~  
22 ~~16.1-08.1-05.~~

23 ~~SECTION 3. AMENDMENT. Section 16.1-08.1-06.1 of the North Dakota Century Code is~~  
24 ~~amended and reenacted as follows:~~

25 ~~16.1-08.1-06.1. Filing officer to charge and collect fees for late filing.~~

26 ~~1. If a statement or report required to be filed according to this chapter is not filed within~~  
27 ~~the prescribed time, the filing officer to whom the report was to be filed is authorized~~  
28 ~~to~~ may ~~charge and collect a late fee as follows:~~

29 ~~a. Within sixseven days after the prescribed time, twenty fiveone hundred dollars;~~

30 ~~b. Within elevenfourteen days after the prescribed time, fiftyfive hundred dollars;~~

31 ~~and~~

32 ~~c. Thereafter, one hundredthousand dollars.~~



1 ~~2. A filing officer may require an amendment to be filed for any statement or report that is~~  
2 ~~incorrect or incomplete. The amendment must be filed with the filing officer within ten~~  
3 ~~business days after the amendment has been requested in writing. If an amendment is~~  
4 ~~not filed within the prescribed time, the filing officer is authorized to charge and collect~~  
5 ~~a late fee as follows:~~

6 ~~a. Within sixseven days after the date the amendment was due, fiftyone hundred~~  
7 ~~dollars;~~

8 ~~b. Within elevenfourteen days after the date the amendment was due, onefive~~  
9 ~~hundred dollars; and~~

10 ~~c. Thereafter, two hundredone thousand dollars.~~

11 ~~3. The filing officer may collect any payment obligation arising out of this section by civil~~  
12 ~~action or by assignment to a collection agency, with any costs of collection to be~~  
13 ~~added to the amount owed and to be paid by the delinquent filer.~~

14 ~~**SECTION 4. REPEAL.** Section 16.1-08.1-03.1 of the North Dakota Century Code is~~  
15 ~~repealed.~~

16 **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **15.1-09-08. School district elections - Candidate filings.**

19 An individual seeking election to the board of a school district shall prepare and sign a  
20 document stating the individual's name and the position for which that individual is a candidate.  
21 A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether  
22 or not the election is held in conjunction with a statewide election, all statements of interest  
23 must be filed with the school district business manager, or mailed to and in the possession of  
24 the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall  
25 also file a campaign contribution statement as required by section ~~16.1-08.1-02.3~~ 16.1-08.2-03.

26 **SECTION 2. AMENDMENT.** Section 15.1-09-19 of the North Dakota Century Code is  
27 amended and reenacted as follows:

28 **15.1-09-19. Duties of election officials - Other applicable statutes.**

29 Sections ~~16.1-08.1-03.3~~ 16.1-08.2-07, 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07,  
30 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04 apply  
31 to elections held under sections 15.1-09-09 and 15.1-09-11.



**SECTION 3. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-01-12. Election offenses - Penalty.**

1. It is unlawful for an individual, measure committee as described in section ~~16.1-08.1-01~~ 16.1-08.2-01, or other organization to:
    - a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
    - b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a member of the election board on the way to or at a polling place.
    - c. Vote more than once in any election.
    - d. Knowingly vote in the wrong election precinct or district.
    - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
    - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
    - g. Knowingly vote when not qualified to do so.
    - h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
    - i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
    - j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition.
- This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received ~~pursuant to~~ under chapter ~~16.1-08.1~~ 16.1-08.2 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a pre-election report by individuals or organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a



- 1 statewide initiative or referendum petition or measure placed upon a statewide  
2 ballot by action of the legislative assembly under chapter ~~16.1-08.1~~ 16.1-08.2. Any  
3 signature obtained in violation of this subdivision is void and may not be counted.
- 4 k. Willfully fail to perform any duty of an election officer after having accepted the  
5 responsibility of being an election officer by taking the oath as prescribed in this  
6 title.
- 7 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
- 8 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
9 false return of an election, knowing the canvass or return to be false; or willfully  
10 deface, destroy, or conceal any statement or certificate entrusted to the  
11 individual's or organization's care.
- 12 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
13 provided by law, or negatively impact the confidentiality, integrity, or availability of  
14 any system used for voting.
- 15 o. Sign a name other than that individual's own name to an initiative, referendum,  
16 recall, or any other election petition.
- 17 p. Willfully submit an initiative or referendum petition that contains one or more  
18 fraudulent signatures.
- 19 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
20 misdemeanor.
- 21 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
- 22 c. A violation of subdivision n of subsection 1 is a class C felony.
- 23 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
24 individual signs one or two names other than the individual's own name to a  
25 petition and is a class C felony if an individual signs more than two names other  
26 than the individual's own name to a petition.
- 27 e. An organization, as defined in section 12.1-03-04, that violates this section is  
28 subject to the organizational fines in section 12.1-32-01.1. The court in which the  
29 conviction is entered shall notify the secretary of state of the conviction and shall  
30 order the secretary of state to revoke the certificate of authority of any convicted  
31 organization or limited liability company. The organization may not reapply to the



1 secretary of state for authorization to do business under any name for one year  
2 upon conviction of a class A misdemeanor and for five years upon conviction of a  
3 class C felony under this section, except an organization operating a signature  
4 gathering business, or similar enterprise, that violates subdivision p of  
5 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
6 may not reapply to the secretary of state for authorization to do business under  
7 any name for five years following the entry of judgment.

8 f. A violation of subdivision p of subsection 1 by any member of a measure  
9 committee, including an initiative or referendum sponsoring committee or an  
10 agent acting on behalf of, or in conjunction with, a measure committee for the  
11 purpose of collecting signatures for a petition under this chapter is subject to a  
12 civil penalty of not more than three thousand dollars. The civil penalty may be  
13 recovered in an action brought in the district court of Burleigh County by the  
14 attorney general.

15 g. An individual who is a member of an organization may be convicted of a violation  
16 as an accomplice under section 12.1-03-01.

17 3. Every act this chapter makes criminal when committed with reference to the election of  
18 a candidate is equally criminal when committed with reference to the determination of  
19 a question submitted to qualified electors to be decided by votes cast at an election.

20 **SECTION 4.** Chapter 16.1-08.2 of the North Dakota Century Code is created and enacted  
21 as follows:

22 **16.1-08.2-01. Definitions.**

23 1. "Affiliate" means an organization controlling, is controlled by, or is under common  
24 control with another organization. For purposes of this definition, control means the  
25 possession, direct or indirect, of the power to direct or cause the direction of the  
26 management and policies of an organization, whether through the ownership of voting  
27 securities, by contract other than a commercial contract for goods or nonmanagement  
28 services, or otherwise. Control is presumed to exist if an organization, directly or  
29 indirectly, owns, controls, holds with the power to vote, or holds proxies representing  
30 fifty percent or more of the voting securities of any other organization.



2. "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.

3. "Conduit" means a person that is not a political party, political committee, or candidate and which receives a contribution of money and transfers the contribution to a candidate, political party, or political committee when the contribution is designated specifically for the candidate, political party, or political committee and the person has no discretion as to the recipient and the amount transferred. The term includes a transactional intermediary, including a credit card company or a money transfer service paying or transferring money to a candidate on behalf of another person.

4. "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 deposited 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 including a conduit. 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.



- 1 c. Money or anything of value deposited for commercial transactions, including
- 2 rents, advertising, or sponsorships made as a part of a fair market value
- 3 bargained-for exchange.
- 4 d. Money or anything of value deposited for anything other than a political purpose.
- 5 e. Products or services for which the actual cost or fair market value are reimbursed
- 6 by a payment of money.
- 7 f. An independent expenditure.
- 8 g. The value of advertising paid by a political party, multicandidate political
- 9 committee, or caucus which is in support of a candidate.
- 10 h. In-kind contributions from a candidate to the candidate's campaign.
- 11 5. "Cooperative corporations", "corporations", and "limited liability companies" are as
- 12 defined in this code, and for purposes of this chapter "corporations" includes nonprofit
- 13 corporations. However, if a political committee, the only purpose of which is accepting
- 14 contributions and making expenditures for a political purpose, incorporates for liability
- 15 purposes only, the committee is not considered a corporation for the purposes of this
- 16 chapter.
- 17 6. "Expenditure" means:
- 18 a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution,
- 19 disbursement, outlay, or deposit of money or anything of value, except a loan of
- 20 money from a bank or other lending institution made in the regular course of
- 21 business, made for a political purpose or for the purpose of influencing the
- 22 passage or defeat of a measure.
- 23 b. A contract, promise, or agreement, express or implied, whether or not legally
- 24 enforceable, to make any expenditure.
- 25 c. The transfer of funds by a political committee to another political committee.
- 26 d. An independent expenditure.
- 27 7. "Expenditure purpose" means the type of expense for which expenditures for a
- 28 political purpose occurred under this chapter.
- 29 8. "Foreign national" means:
- 30 a. A government or country other than the United States.



- 1           b. A political party organized under the laws of a country other than the United  
2           States.
- 3           c. A corporation, partnership, association, organization, or other combination of  
4           persons organized under the laws of or having its principal place of business in a  
5           country other than the United States.
- 6           d. An individual with citizenship of a country other than the United States.
- 7           e. An individual who is not a citizen or national of the United States and is not  
8           admitted lawfully to the United States for permanent residence.
- 9        9. "Independent expenditure" means an expenditure made for a political purpose or for  
10       the purpose of influencing the passage or defeat of a measure if the expenditure is  
11       made without the express or implied consent, authorization, or cooperation of, and not  
12       in concert with or at the request or suggestion of, any candidate, committee, or  
13       political party.
- 14       10. "Patron" means a person who owns equity interest in the form of stock, shares, or  
15       membership or maintains similar financial rights in a cooperative corporation.
- 16       11. "Person" means an individual, partnership, political committee, association,  
17       corporation, cooperative corporation, limited liability company, or other organization or  
18       group of persons.
- 19       12. "Personal benefit" means a benefit to the candidate or another person which is not for  
20       a political purpose or related to a candidate's responsibilities as a public officeholder,  
21       and any other benefit that would convert a contribution to personal income.
- 22       13. "Political committee" means any committee, club, association, or other group of  
23       persons which receives contributions or makes expenditures for political purposes and  
24       includes:
- 25           a. A political action committee not connected to another organization and free to  
26           solicit funds from the general public, or derived from a corporation, cooperative  
27           corporation, limited liability company, affiliate, subsidiary, or an association  
28           soliciting or receives contributions from its employees or members or makes  
29           expenditures for political purposes on behalf of its employees or members;
- 30           b. A candidate committee established to support an individual candidate seeking  
31           public office which solicits or receives contributions for political purposes;



- 1           c. A political organization registered with the federal election commission, which  
2           solicits or receives contributions or makes expenditures for political purposes;  
3           d. A multicandidate political committee, including a caucus, established to support  
4           multiple groups or slates of candidates seeking public office, which solicits or  
5           receives contributions for political purposes; and  
6           e. A measure committee, including an initiative or referendum sponsoring  
7           committee at any stage of its organization, which solicits or receives contributions  
8           or makes expenditures for the purpose of supporting or opposing an initiative or  
9           referendum petition, or measure sought to be voted upon by the voters of the  
10          state, including any activities undertaken for the purpose of drafting an initiative  
11          or referendum petition, seeking approval of the secretary of state for the  
12          circulation of a petition, or seeking approval of the submitted petitions.  
13        14. "Political party" means any association, committee, or organization which nominates a  
14          candidate for election to any office which may be filled by a vote of the electors of this  
15          state or any of its political subdivisions and whose name appears on the election ballot  
16          as the candidate of the association, committee, or organization.  
17        15. "Political purpose" means any activity undertaken in support of or in opposition to the  
18          election or nomination of a candidate to public office and includes using "vote for",  
19          "oppose", or any similar support or opposition language in any advertisement whether  
20          the activity is undertaken by a candidate, a political committee, a political party, or any  
21          person. The term includes paying any expenses related to the election or nomination  
22          of a candidate.  
23        16. "Public office" means every office to which an individual can be elected by vote of the  
24          people under the laws of this state.  
25        17. "Subsidiary" means an affiliate of a corporation under the control of the corporation  
26          directly or indirectly through one or more intermediaries.  
27        18. "Ultimate and true source" means the person that knowingly contributed over  
28          two hundred fifty dollars solely to influence a statewide election or an election for the  
29          legislative assembly.



**16.1-08.2-02. General provisions.**

1. A political committee, except those defined in subdivision c of subsection 13 of section 16.1-08.2-01, shall register its name, mailing address, telephone number, and nongovernment issued electronic mail address, and its agent's name, mailing address, telephone number, and nongovernment issued electronic mail address, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state. A candidate who does not have a candidate committee shall register the candidate's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state. If the candidate has an agent, the candidate also shall register the agent's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state.
2. The registration required under this section for a candidate or political committee that has not previously registered with the secretary of state must be submitted within fifteen business days of the receipt of any contribution or expenditure made.
3. A candidate or political committee required to be registered under this section must register with the secretary of state each year during which the candidate holds public office or during which the political committee receives contributions, makes expenditures for political purposes, or has a balance in the campaign account. An individual who no longer holds public office or an individual who no longer seeks public office must register with the secretary of state each year in which contributions are deposited, expenditures are made for political purposes, or a balance remains in the campaign account.
4. Any statement filed with the secretary of state under this chapter must be:
  - a. Filed electronically within the prescribed time and in the format established by the secretary of state. If the secretary of state does not receive a statement, an electronic duplicate of the statement must be filed promptly 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



1 discovered by the secretary of state, the candidate, political party, or political  
2 committee filing the statement, or by any interested party reciting a lawful reason  
3 for requesting clarification and an amendment be made. When requesting an  
4 amended statement, the secretary of state shall establish a reasonable period of  
5 time, not to exceed ten days, agreed to by the candidate, political party, or  
6 political committee, for filing the amended statement with the secretary of state.

7 b. Preserved by the secretary of state for a period of ten years from the date of the  
8 filing deadline. The statement must be considered a part of the public records of  
9 the secretary of state's office and must be open to public inspection on the  
10 internet.

11 5. In determining the amount of individual contributions from any contributor, all amounts  
12 deposited from the same contributor during the reporting period must be aggregated to  
13 report an overall total contribution for the purposes of the statements required by this  
14 chapter. Contributions made separately by different persons from joint accounts are  
15 considered separate contributions for reporting purposes.

16 6. In determining the amount of expenditures to any recipient, all expenditures to the  
17 same recipient during the reporting period must be aggregated to report an overall  
18 total expenditure for the purposes of the statements required by this chapter.

19 7. Contributions and expenditures which are less than two hundred fifty dollars in the  
20 aggregate are exempt from open records requests and reported as part of aggregate  
21 totals only.

22 8. In reporting a contribution deposited through a conduit, a candidate, political party, or  
23 political committee shall list each reportable contribution identifying the person that  
24 submitted the contribution to the conduit and provide the required information  
25 regarding the contribution from that person rather than identifying the conduit as the  
26 contributor.

27 9. A political committee organizing and registering according to federal law that makes an  
28 independent expenditure or makes a disbursement in excess of two hundred fifty  
29 dollars to a nonfederal candidate seeking public office, a political party, or political  
30 committee in this state is not required to register as a political committee according to  
31 this section if the political committee reports according to section 16.1-08.2-06.



10. 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.

11. Registration by a political committee under this section does not reserve the name for exclusive use nor does it constitute registration of a trade name under chapter 47-25.

12. A candidate or candidate committee for county office, city office, and school district office are exempt from registering and filing with the secretary of state. Any other person required to file a statement under this chapter shall file the statement with the secretary of state.

a. A candidate for city office in a city with a population under five thousand and a candidate committee for the candidate are exempt from this chapter. A candidate for school district office in a school district with a fall enrollment of fewer than one thousand students and a candidate committee for the candidate are exempt from this chapter.

b. 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 and a candidate committee for a candidate for city office shall file statements under this chapter with the city auditor. A candidate for school district office and a candidate committee for a candidate for school district office shall file statements under this chapter with the school business manager.

**16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure statement requirements for candidates, candidate committees, multicandidate committees, political committees, and political parties.**

1. Before a primary or special election, and before and following a general election, a candidate or candidate committee formed on behalf of the candidate, a multicandidate political committee, a political committee, or a political party soliciting or accepting contributions shall file a campaign disclosure statement including all contributions and expenditures from January first through April thirtieth before a primary election, May first through September thirtieth before a general election, October first through December thirty-first following a general election, and January first through the fortieth day before a special election. A candidate whose name is not on the ballot and who is



1 not seeking election through write-in votes, the candidate's candidate committee, and  
2 a political party that has not endorsed or nominated any candidate in the election is  
3 not required to file a statement under this subsection. The statement before a primary,  
4 general, or special election may be submitted for filing beginning on the day following  
5 the end of the reporting period and must be submitted before the eighth day following  
6 the reporting period. The statement following the general election may be submitted  
7 for filing beginning on January first and must be submitted before February first. The  
8 statement must include:

9 a. For each contribution deposited during the reporting period, the:

10 (1) Name and the city and state of the contributor;

11 (2) Total amount of the contribution; and

12 (3) Date the last contributed amount was deposited.

13 b. For each expenditure during the reporting period, the:

14 (1) Name of the recipient and location of purchase;

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

16 (3) Date of the expenditure; and

17 (4) Expenditure purpose.

18 c. The total of all contributions and expenditures which total in excess of  
19 two hundred fifty dollars during the reporting period and the aggregated total of  
20 contributions and expenditures which are two hundred and fifty dollars or less  
21 during the reporting period.

22 d. For a candidate, a candidate committee formed on behalf of a candidate, a  
23 multicandidate committee, or a political party, the balance of the campaign fund  
24 on the last day of the reporting period and the balance of the campaign fund on  
25 the first day of the reporting period.

26 2. Beginning on the day following the end of the reporting period through the day before  
27 the election, a person filing a statement under subsection 1 must file a supplemental  
28 statement within forty-eight hours of the start of the day following the deposit of a  
29 contribution or aggregate contribution from a contributor which is in excess of five  
30 hundred dollars. The statement must include the:

31 a. Name and the city and state of the contributor;



- 1        b. Total amount of the contribution deposited during the reporting period; and
- 2        c. Date the last contributed amount was deposited.
- 3        3. Before February first, a candidate or candidate committee, a multicandidate political
- 4        committee, a political committee, or a political party soliciting or accepting
- 5        contributions not required to file a statement under subsection 1 shall file a campaign
- 6        disclosure statement including all contributions deposited and expenditures from
- 7        January first through December thirty-first of the previous year. The statement may be
- 8        submitted for filing beginning on January first. The statement filed according to this
- 9        section must include:
- 10       a. For a candidate, a candidate committee formed on behalf of a candidate, a
- 11       multicandidate committee, or political party, the balance of the campaign fund on
- 12       January first and on December thirty-first.
- 13       b. For each contribution deposited during the reporting period, the:
- 14       (1) Name and the city and state of the contributor;
- 15       (2) Total amount of the contribution; and
- 16       (3) Date the last contributed amount was deposited.
- 17       c. For each expenditure during the reporting period, the:
- 18       (1) Name of the recipient and location of purchase;
- 19       (2) Total amount of the expenditure made to the recipient;
- 20       (3) Date of the expenditure; and
- 21       (4) Expenditure purpose.
- 22       d. The total of all contributions and expenditures which total in excess of
- 23       two hundred fifty dollars during the reporting period.
- 24       e. The aggregated total of contributions and expenditures which are two hundred
- 25       and fifty dollars or less during the reporting period.
- 26       4. A person required to file a statement under this section shall report each aggregated
- 27       contribution from a contributor which totals five thousand dollars or more during the
- 28       reporting period. For these contributions from individuals, the statement must include
- 29       the contributor's occupation, employer, and the employer's principal place of business.



**16.1-08.2-04. Special requirements for state political parties.**

1. State political parties shall establish separate and segregated accounts for the management of state nominating conventions. All revenue obtained and expenditures made for the planning and running of a state convention must be accounted for in these accounts.
2. A postconvention statement must be filed with the secretary of state sixty days after the close of the state nominating convention. The reporting period for the postconvention statement begins on the first day of January of the reporting year and ends thirty days after the close of the state nominating convention.
3. A year-end statement covering the entire calendar year must be filed with the secretary of state before February first of the following year even if no convention revenue was deposited or expenditures made within the calendar year.
4. The statement filed under this section must show:
  - a. The balance of the filer's convention accounts at the start and close of the reporting period.
  - b. The total of all revenue deposited and expenditures made of two hundred fifty dollars or less.
  - c. The total of all revenue deposited and expenditures made in excess of two hundred fifty dollars.
  - d. For revenues received and deposited, the:
    - (1) Name of each person providing the revenue;
    - (2) City and state of each person providing revenue;
    - (3) Date of the most recent receipt of revenue from each person providing revenue; and
    - (4) The purpose or purposes for which the revenue was deposited from each person.
  - e. For each expenditure made, the:
    - (1) Name of each person to which the expenditure was made;
    - (2) City and state of each person to which the expenditure was made;
    - (3) Date of the most recent expenditure made to each person or entity; and



- 1                   (4) Purpose or purposes for which the aggregated expenditure total was
- 2                   disbursed to each person or entity.
- 3                f. The total of all contributions and expenditures which total in excess of
- 4                   two hundred fifty dollars during the reporting period.
- 5                g. The aggregated total of contributions and expenditures which are two hundred
- 6                   and fifty dollars or less during the reporting period.
- 7                h. For each aggregated revenue from an individual which totals five thousand
- 8                   dollars or more during the reporting period, the occupation, employer, and
- 9                   principal place of business of the individual.
- 10           5. If a net gain from the convention is transferred to the accounts established for the
- 11               support of the nomination or election of candidates, the total transferred must be
- 12               reported as a contribution in the statements required by section 16.1-08.2-03.
- 13           6. If a net loss from the convention is covered by a transfer from the accounts
- 14               established for the support of the nomination or election of candidates, the total
- 15               transferred must be reported as an expenditure in the statements required by section
- 16               16.1-08.2-03.
- 17           7. A state political party or nonprofit entity affiliated with or under the control of a state
- 18               political party, which receives a donation for purchasing, maintaining, or renovating a
- 19               building, shall file a statement with the secretary of state before February first of each
- 20               calendar year. Any income or financial gain generated from a building purchased,
- 21               maintained, or renovated from donations must be deposited in the building fund and
- 22               must be disclosed when the political party or nonprofit entity files the statement
- 23               required under this section. Money in the fund may be used only by the state political
- 24               party or nonprofit entity affiliated with or under the control of a state political party for
- 25               purchasing, maintaining, or renovating a building, including the purchase of fixtures for
- 26               the building. The statement may be submitted for filing beginning on January first and
- 27               must include the:
- 28               a. Balance of the building fund on January first;
- 29               b. Name and the city and state of each donor;
- 30               c. Amount of each donation;
- 31               d. Date each donation was deposited;



1 e. Name and the city and state of each recipient of an expenditure;

2 f. Amount of each expenditure;

3 g. Date each expenditure was made; and

4 h. Balance of the fund on December thirty-first.

5 **16.1-08.2-05. Special requirements for statements required of persons engaged in**  
6 **activities regarding ballot measures.**

7 1. For each reportable contribution and expenditure under section 16.1-08.2-03, the  
8 threshold for reporting is one hundred dollars for any person engaged in activities  
9 described in subdivision e of subsection 13 of section 16.1-08.2-01.

10 2. For contributions deposited from any contributor, a person engaged in activities  
11 described in subdivision e of subsection 13 of section 16.1-08.2-01 shall include the  
12 following information regarding each subcontributor that has stated a contribution is for  
13 the express purpose of furthering the passage or defeat of a ballot measure in the  
14 statements required under section 16.1-08.2-03:

15 a. A designation as to whether any person contributed in excess of one hundred  
16 dollars of the total contribution;

17 b. The name and the city and state of each subcontributor contributing in excess of  
18 one hundred dollars of the total contribution;

19 c. The contribution amounts of each disclosed subcontributor; and

20 d. The occupation, employer, and address for the employer's principal place of  
21 business of each disclosed subcontributor.

22 3. A measure committee which is seeking approval for an initiative or referendum shall  
23 file a disclosure statement by the date the secretary of state approves the petition for  
24 circulation. Thereafter, the measure committee is required to file disclosure statements  
25 as directed by section 16.1-08.2-03.

26 4. A measure committee that is seeking approval for an initiative or referendum shall file  
27 a statement regarding its intent to compensate circulators before paying for petitions to  
28 be circulated.



**16.1-08.2-06. Special requirements for political committees organized and registered under federal law.**

1. A political committee organizing and registering according to federal law which makes an independent expenditure or makes a disbursement in excess of two hundred fifty 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.

2. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include the:

- a. Name, city and state, and treasurer of the political committee;
- b. Recipient's name and mailing address;
- c. Date and amount of the independent expenditure or disbursement; and
- d. Ultimate and true source of funds listed by contributor and subcontributor for any amount over two hundred fifty dollars collected or used to make the independent expenditure or disbursement including the:
  - (1) Name, city and state, and treasurer of the political committee;
  - (2) Total amount of the contribution; and
  - (3) Date the last contribution was deposited.

**16.1-08.2-07. Campaign contributions by corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, and associations - Penalty.**

1. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may establish, administer, and solicit contributions to a separate and segregated fund to be used for political purposes by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association. It is unlawful for:

- a. The person controlling the fund to make contributions or expenditures using money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of those actions; or use money from dues, fees, treasury funds, or other money required as a condition of membership in an



1 association, or as a condition of employment; or use money obtained in any  
2 commercial transaction. Moneys from fees, dues, treasury funds, or money  
3 obtained in a commercial transaction may, however, be used to pay costs of  
4 administration of the fund.

5 b. Any person soliciting an employee, stockholder, patron, board member, or  
6 member for a contribution to the fund to fail to inform the employee or member of  
7 the political purposes of the fund at the time of the solicitation or of the general  
8 political philosophy intended to be advanced through committee activities.

9 c. Any person soliciting an employee or member for a contribution to the fund to fail  
10 to inform the employee or member at the time of the solicitation of the right to  
11 refuse to contribute without any reprisal.

12 d. Any contribution to be accepted without keeping an accurate record of the  
13 contributor and amount contributed and of amounts expended for political  
14 purposes.

15 e. Any contribution to be accepted from any person not an employee, a stockholder,  
16 a patron, a board member or a member of the corporation, cooperative  
17 corporation, limited liability company, affiliate, subsidiary, or association  
18 maintaining the political action committee, except a corporation may accept a  
19 contribution from an employee, a stockholder, a patron, a board member, or a  
20 member of an affiliate or a subsidiary of the corporation.

21 f. Any expenditure made for political purposes to be reported under this section  
22 before control of the expenditure has been released by the political action  
23 committee except if there is a contract, a promise, or an agreement, expressed or  
24 implied, to make the expenditure.

25 2. A person may not make a payment of that person's money or of another person's  
26 money to any other person for a political purpose in any name other than that of the  
27 person supplying the money and a person may not knowingly receive the payment nor  
28 enter nor cause the payment to be entered in that person's account or record in any  
29 name other than that of the person by which it actually was furnished.

30 3. If an officer, employee, agent, attorney, or other representative of a corporation,  
31 cooperative corporation, limited liability company, affiliate, subsidiary, or association



makes any contribution prohibited by this section out of corporate, cooperative corporation, limited liability company, affiliate, subsidiary, or association funds or otherwise violates this section, it is prima facie evidence of a violation by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association.

4. Corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, 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, affiliate, subsidiary, or association other than a "political purpose" as defined by this chapter. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may not make a contribution for a political purpose.

5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, 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 building fund.

6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may make an expenditure to a measure committee for the purpose of promoting the passage or defeat of an initiated or referred measure or petition or make an expenditure to any other person making an independent expenditure. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may make an independent expenditure for a political purpose, including political advertising in support of or opposition to a candidate, political committee, or a political party, or for the purpose of promoting passage or defeat of initiated or referred measures or petitions. The corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association shall file a statement disclosing any expenditure made under this subsection with the secretary of state within forty-eight hours after making the expenditure. The statement must include:

a. The full name of the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association;



- 1        b. The complete address of the corporation, cooperative corporation, limited liability
- 2        company, affiliate, subsidiary, or association;
- 3        c. The name of the recipient of the expenditure;
- 4        d. If the expenditure is related to a measure or petition, the title of the measure or
- 5        petition and whether the expenditure is made in support of or opposition to the
- 6        measure or petition;
- 7        e. If the expenditure is related to a measure, the election date on which the
- 8        measure either will appear or did appear on the ballot;
- 9        f. The amount of the expenditure;
- 10       g. The cumulative total amount of expenditures since the beginning of the calendar
- 11       year which are required to be reported under this subsection;
- 12       h. The telephone number and the printed name and signature of the individual
- 13       completing the statement, attesting to the statement being true, complete, and
- 14       correct; and
- 15       i. The date on which the statement was signed.
- 16       7. A violation of this section may be prosecuted in the county where the contribution is
- 17       made or in any county in which it has been paid or distributed.
- 18       8. It is a class A misdemeanor for an officer, director, stockholder, manager, governor,
- 19       member, attorney, agent, or representative of any corporation, cooperative
- 20       corporation, limited liability company, affiliate, subsidiary, or association to violate this
- 21       section or to counsel or consent to any violation. Any person that solicits or knowingly
- 22       receives any contribution in violation of this section is guilty of a class A misdemeanor.
- 23       9. Any officer, director, stockholder, manager, governor, member, attorney, agent, or
- 24       representative who makes, counsels, or consents to the making of a contribution in
- 25       violation of this section is liable to the company, corporation, limited liability company,
- 26       affiliate, subsidiary, or association for the amount so contributed.
- 27       **16.1-08.2-08. Special requirements for conduits.**
- 28       A conduit transferring any contribution to a candidate, political party, or political committee
- 29       shall provide the recipient of the contribution a detailed statement listing the name and address
- 30       of each individual contributor, the amount of each contribution, and the date each contribution
- 31       was deposited. The conduit also shall include on the statement the occupation, employer, and



1 principal place of business of each contributor, or the political committee if not already  
2 registered according to state or federal law, which contributed five thousand dollars or more in  
3 the aggregate during a reporting period applicable to the candidate, political party, or political  
4 committee. The conduit shall provide the statement to the candidate, political party, or political  
5 committee in a manner to allow the candidate, political party, or political committee to file any  
6 statement required to be filed under this chapter.

7 **16.1-08.2-09. General prohibitions.**

- 8 1. A foreign national may not make or offer to make, directly or indirectly, a contribution  
9 or expenditure in connection with any election.
- 10 2. A candidate, candidate committee, political party, or any other person may not solicit,  
11 accept, or receive, directly or indirectly, a contribution from a foreign national.
- 12 3. A candidate may not use any contribution deposited by the candidate, the candidate's  
13 candidate committee, or a multicandidate political committee to:  
14 a. Give a personal benefit to the candidate or another person;  
15 b. Make a loan to another person;  
16 c. Knowingly pay more than the fair market value for goods or services purchased  
17 for the campaign; or  
18 d. Pay a criminal fine or civil penalty.
- 19 4. If the secretary of state has substantial reason to believe any person knowingly  
20 violated this section, the secretary shall arrange for an audit as authorized by section  
21 16.1-08.2-10.
- 22 5. A person may not be excused from attending and testifying or producing any books,  
23 papers, or other documents before any court upon any investigation, proceeding, or  
24 trial for a violation of any of the provisions of this chapter, upon the grounds that the  
25 testimony or evidence, documentary or otherwise, required of the person may tend to  
26 incriminate or degrade the person. A person may not be prosecuted or subjected to  
27 any penalty or forfeiture for or on account of any transaction, matter, or thing  
28 concerning which the person may testify or produce evidence, documentary or  
29 otherwise. Any testimony given or produced may not be used against the person in  
30 any criminal investigation or proceeding.



**16.1-08.2-10. Audit by secretary of state.**

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, political committee, or other person filing the statement shall pay a fine to the secretary of state equal to 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 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 must 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.



1 registration, or report filed with the secretary of state according to this chapter. The  
2 secretary of state may collect any payment obligation arising out of this section by civil  
3 action or by assignment to a collection agency, with any costs of collection to be  
4 added to the amount owed and to be paid by the delinquent filer. Any remaining  
5 moneys collected by the secretary of state after an audit is paid for under this section  
6 must be deposited in the state's general fund. This section does not apply to  
7 statements filed by candidates or candidate committees for candidates for county, city,  
8 or school district offices.

9 **16.1-08.2-11. Filing officer to charge and collect filing fees.**

10 1. If a statement or report required to be filed according to this chapter is not filed within  
11 the prescribed time, the filing officer to whom the report was to be filed is authorized to  
12 charge and collect a late fee as follows:

- 13 a. Within six days after the prescribed time, one hundred dollars;  
14 b. Within thirteen days after the prescribed time, two hundred fifty dollars; and  
15 c. Thereafter, five hundred dollars.

16 2. Any amendment filed by the candidate, candidate committee, multicandidate  
17 committee, political committee, or political party, or at the request of the filing officer,  
18 the filing officer to whom the report was to be filed is authorized to charge and collect a  
19 late fee as follows:

- 20 a. Within six days after the filing deadline, one hundred dollars;  
21 b. Within eleven days after the filing deadline, two hundred fifty dollars; and  
22 c. Thereafter, five hundred dollars.

23 3. Any fines paid under this section must be reported on the statement filed by the  
24 candidate, candidate committee, multicandidate committee, political committee, or  
25 political party.

26 4. The filing officer may collect any payment obligation arising out of this section by civil  
27 action or by assignment to a collection agency, with any costs of collection to be  
28 added to the amount owed and to be paid by the delinquent filer.



**16.1-08.2-12. Secretary of state to provide instruction and adjust thresholds for inflation.**

1. The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter.

2. The secretary of state shall adjust for inflation the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and inform persons submitting reports under this chapter of the adjustments. The secretary of state shall make the adjustments beginning January first of each adjustment year beginning January 1, 2026.

**16.1-08.2-13. Penalty.**

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

**SECTION 5. AMENDMENT.** Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements.**

Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described in section ~~16.1-08.1-01~~16.1-08.2-01, or a corporation making an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, or political party paying for the advertisement. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible individual from the political party, association, or partnership. The name of the person paying for any radio or television broadcast containing any advertising announcement for or against any candidate for public office must be announced at the close of the broadcast. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible individual from the political party, association, or partnership. In every political



1 advertisement in which the name of the person paying for the advertisement is disclosed, the  
2 first and last name of any named individual must be disclosed. An advertisement paid for by an  
3 individual candidate or group of candidates must disclose that the advertisement was paid for  
4 by the individual candidate or group of candidates. The first and last name or names of the  
5 candidates paying for the advertisement are not required to be disclosed. This section does not  
6 apply to campaign buttons.

7 **SECTION 6. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North  
8 Dakota Century Code is amended and reenacted as follows:

- 9 f. By or on behalf of a political party, candidate, or other group with a political  
10 purpose, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, unless the  
11 communication is a text message.

**REPORT OF STANDING COMMITTEE  
SB 2156**

**State and Local Government Committee (Sen. Roers, Chairman)** recommends **AMENDMENTS** ([25.0330.05003](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2156 was placed on the Sixth order on the calendar. This bill does not affect workforce development.



25.0330.05002  
Title.

Prepared by the Legislative Council  
staff for Senator Roers  
February 11, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### SENATE BILL NO. 2156

Introduced by

Senator Cleary

A BILL ~~for an Act to amend and reenact sections 16.1-08.1-02.3, 16.1-08.1-04.1, and~~  
~~16.1-08.1-06.1 of the North Dakota Century Code, relating to campaign disclosure statements~~  
~~for statewide and legislative candidates and measure committees, and fees for the filing of late~~  
~~statements or reports; and to repeal section 16.1-08.1-03.1 of the North Dakota Century Code,~~  
~~relating to special requirements for statements required of persons engaged in activities~~  
~~regarding ballot measures; for an Act to create and enact chapter 16.1-08.2 of the North Dakota~~  
Century Code, relating to campaign disclosure statements; to amend and reenact sections  
15.1-09-08, 15.1-09-19, 16.1-01-12, and 16.1-10-04.1, and subdivision f of subsection 8 of  
section 51-28-01 of the North Dakota Century Code, relating to campaign disclosure  
statements; and to provide a penalty.

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

~~SECTION 1. 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, measure~~  
~~committees, multicandidate committees, and nonstatewide political parties.~~

~~1. Prior to~~Before 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  
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 candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a political party that has not endorsed or nominated any candidate in the election is not required to file a statement under this subsection. The statement 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 a contributor 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; and

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

(1) Name and mailing address of the recipient;

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

(3) Date of the expenditure; and

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

e. For a statewide candidate, a legislative candidate, a candidate committee formed on behalf of a statewide or a legislative candidate, and a statewide or a legislative multicandidate committee, the balance of the campaign fund on the fortieth day before the electiondate of filing and the balance of the campaign fund on January first.

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 five hundred dollars. The statement must include:

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

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

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

~~3. Prior to February firstBefore July fifteenth 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 accepting contributions shall file a campaign disclosure statement that includes all contributions received and expenditures made from April first through June thirtieth of that calendar year. A candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a political party that has not endorsed or nominated any candidate in the election is not required to file a statement under this subsection. The statement may be submitted for filing beginning on July first. 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 a contributor 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 a statewide candidate, a legislative candidate, a candidate committee formed on behalf of a statewide or a legislative candidate, and a statewide or a legislative multicandidate committee, for each expenditure exceeding two hundred dollars the:~~

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

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

~~(3) Date of the expenditure; and~~

- 1 ~~\_\_\_\_\_ (4) Corresponding expenditure category associated with the expenditure; and~~  
2 ~~\_\_\_\_\_ e. For a statewide candidate, a legislative candidate, a candidate committee formed~~  
3 ~~on behalf of a statewide or a legislative candidate, and a statewide or a~~  
4 ~~legislative multicandidate committee, the balance of the campaign fund on the~~  
5 ~~date of filing and the balance of the campaign fund on January first.~~  
6 ~~\_\_\_\_\_ 4. Before January fifteenth, a candidate or candidate committee, a multicandidate~~  
7 ~~political committee, or a nonstatewide political party soliciting or accepting~~  
8 ~~contributions shall file a campaign disclosure statement that includes all contributions~~  
9 ~~received and expenditures, by expenditure category, made from January first through~~  
10 ~~December thirty-first of the previous year. The statement may be submitted for filing~~  
11 ~~beginning on January first. The statement must include:~~  
12 ~~\_\_\_\_\_ a. For a statewide candidate, a candidate committee formed on behalf of a~~  
13 ~~statewide candidate, and a statewide multicandidate committee, the balance of~~  
14 ~~the campaign fund on January first and on December thirty-first;~~  
15 ~~\_\_\_\_\_ b. For each aggregated contribution from a contributor which totals in excess of two~~  
16 ~~hundred dollars received during the reporting period:~~  
17 ~~\_\_\_\_\_ (1) The name and mailing address of the contributor;~~  
18 ~~\_\_\_\_\_ (2) The total amount of the contribution; and~~  
19 ~~\_\_\_\_\_ (3) The date the last contributed amount was received;~~  
20 ~~\_\_\_\_\_ c.b. The total of all aggregated contributions from contributors which total in excess of~~  
21 ~~two hundred dollars during the reporting period;~~  
22 ~~\_\_\_\_\_ d.c. The total of all contributions received from contributors that contributed two~~  
23 ~~hundred dollars or less each during the reporting period; and~~  
24 ~~\_\_\_\_\_ e.d. For a statewide candidate, a legislative candidate, a candidate committee formed~~  
25 ~~on behalf of a statewide or a legislative candidate, and a statewide or legislative~~  
26 ~~multicandidate committee, for each expenditure exceeding two hundred dollars~~  
27 ~~the:~~  
28 ~~\_\_\_\_\_ (1) Name and mailing address of the recipient;~~  
29 ~~\_\_\_\_\_ (2) Total amount of the expenditure made to the recipient;~~  
30 ~~\_\_\_\_\_ (3) Date of the expenditure; and~~  
31 ~~\_\_\_\_\_ (4) Corresponding expenditure category associated with the expenditure;~~



1 ~~\_\_\_\_\_ e. For a statewide candidate, a legislative candidate, a candidate committee formed~~  
2 ~~on behalf of a statewide or a legislative candidate, and a statewide or a~~  
3 ~~legislative multicandidate committee, the balance of the campaign fund on the~~  
4 ~~date of filing and the balance of the campaign fund on January first of the~~  
5 ~~previous year.~~

6 ~~\_\_\_\_\_ f. The total of all other expenditures made during the previous year, separated into~~  
7 ~~expenditure categories.~~

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

15 ~~— 5.6. A candidate for city office in a city with a population under five thousand and a~~  
16 ~~candidate committee for the candidate are exempt from this section. A candidate for~~  
17 ~~school district office in a school district with a fall enrollment of fewer than~~  
18 ~~one thousand students and a candidate committee for the candidate are exempt from~~  
19 ~~this section.~~

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

28 ~~— 7.8. An initiative and referendum sponsoring committee also shall file a disclosure~~  
29 ~~statement by the date the secretary of state approves the petition for circulation, and~~  
30 ~~shall file an additional statement on the date the petitions containing the required~~  
31 ~~number of signatures are submitted to the secretary of state for review. The~~

- 1           ~~statements required under this subsection must be in the same form as the year-end~~  
2           ~~statements under subsection 4.~~
- 3     ~~9. A sponsoring committee shall file a statement regarding its intent to compensate~~  
4           ~~circulators before paying for petitions to be circulated.~~
- 5     ~~10. The filing officer shall assess and collect fees for any reports filed after the filing~~  
6           ~~deadline.~~
- 7     ~~8.11. To ensure accurate reporting and avoid commingling of campaign and personal funds,~~  
8           ~~candidates shall use dedicated campaign accounts that are separate from any~~  
9           ~~personal accounts.~~
- 10    ~~SECTION 2. AMENDMENT. Section 16.1-08.1-04.1 of the North Dakota Century Code is~~  
11    ~~amended and reenacted as follows:~~
- 12    ~~16.1-08.1-04.1. Personal use of contributions prohibited.~~
- 13    ~~1. A candidate may not use any contribution received by the candidate, the candidate's~~  
14           ~~candidate committee, or a multicandidate political committee to:~~
- 15       ~~a. Give a personal benefit to the candidate or another person;~~  
16       ~~b. Make a loan to another person;~~  
17       ~~c. Knowingly pay more than the fair market value for goods or services purchased~~  
18           ~~for the campaign; or~~  
19       ~~d. Pay a criminal fine or, a civil penalty, or a fee assessed under this title.~~
- 20    ~~2. If the secretary of state has substantial reason to believe any person knowingly~~  
21           ~~violated this section, the secretary shall arrange for an audit as authorized by section~~  
22           ~~16.1-08.1-05.~~
- 23    ~~SECTION 3. AMENDMENT. Section 16.1-08.1-06.1 of the North Dakota Century Code is~~  
24    ~~amended and reenacted as follows:~~
- 25    ~~16.1-08.1-06.1. Filing officer to charge and collect fees for late filing.~~
- 26    ~~1. If a statement or report required to be filed according to this chapter is not filed within~~  
27           ~~the prescribed time, the filing officer to whom the report was to be filed is authorized~~  
28           ~~to may charge and collect a late fee as follows:~~
- 29       ~~a. Within sixseven days after the prescribed time, twenty-fiveone hundred dollars;~~  
30       ~~b. Within elevenfourteen days after the prescribed time, fiftyfive hundred dollars;~~  
31           ~~and~~



~~\_\_\_\_\_ c. \_\_\_\_\_ Thereafter, one hundred thousand dollars.~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ A filing officer may require an amendment to be filed for any statement 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 seven days after the date the amendment was due, fifty one hundred dollars;~~

~~\_\_\_\_\_ b. \_\_\_\_\_ Within eleven fourteen days after the date the amendment was due, one five hundred dollars; and~~

~~\_\_\_\_\_ c. \_\_\_\_\_ Thereafter, two hundred one thousand 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 4. REPEAL.** Section 16.1-08.1-03.1 of the North Dakota Century Code is repealed.~~

**SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-08. School district elections - Candidate filings.**

An individual seeking election to the board of a school district shall prepare and sign a document stating the individual's name and the position for which that individual is a candidate. A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether or not the election is held in conjunction with a statewide election, all statements of interest must be filed with the school district business manager, or mailed to and in the possession of the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall also file a campaign contribution statement as required by section ~~16.1-08.1-02.3~~ 16.1-08.2-03.

**SECTION 2. AMENDMENT.** Section 15.1-09-19 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-19. Duties of election officials - Other applicable statutes.**

Sections ~~16.1-08.1-03.3~~16.1-08.2-07, 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.

**SECTION 3. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-01-12. Election offenses - Penalty.**

1. It is unlawful for an individual, measure committee as described in section ~~16.1-08.1-01~~16.1-08.2-01, or other organization to:

- a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
- b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a member of the election board on the way to or at a polling place.
- c. Vote more than once in any election.
- d. Knowingly vote in the wrong election precinct or district.
- e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
- f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
- g. Knowingly vote when not qualified to do so.
- h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
- i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
- j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received ~~pursuant to~~under chapter ~~16.1-08.1~~16.1-08.2 to the



1 secretary of state upon submission of the petitions. The disclosure of  
2 contributions received under this section does not affect the requirement to file a  
3 pre-election report by individuals or organizations soliciting or accepting  
4 contributions for the purpose of aiding or opposing the circulation or passage of a  
5 statewide initiative or referendum petition or measure placed upon a statewide  
6 ballot by action of the legislative assembly under chapter ~~16.1-08.1~~16.1-08.2. Any  
7 signature obtained in violation of this subdivision is void and may not be counted.

8 k. Willfully fail to perform any duty of an election officer after having accepted the  
9 responsibility of being an election officer by taking the oath as prescribed in this  
10 title.

11 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.

12 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
13 false return of an election, knowing the canvass or return to be false; or willfully  
14 deface, destroy, or conceal any statement or certificate entrusted to the  
15 individual's or organization's care.

16 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
17 provided by law, or negatively impact the confidentiality, integrity, or availability of  
18 any system used for voting.

19 o. Sign a name other than that individual's own name to an initiative, referendum,  
20 recall, or any other election petition.

21 p. Willfully submit an initiative or referendum petition that contains one or more  
22 fraudulent signatures.

23 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
24 misdemeanor.

25 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.

26 c. A violation of subdivision n of subsection 1 is a class C felony.

27 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
28 individual signs one or two names other than the individual's own name to a  
29 petition and is a class C felony if an individual signs more than two names other  
30 than the individual's own name to a petition.

- 1           e. An organization, as defined in section 12.1-03-04, that violates this section is  
2           subject to the organizational fines in section 12.1-32-01.1. The court in which the  
3           conviction is entered shall notify the secretary of state of the conviction and shall  
4           order the secretary of state to revoke the certificate of authority of any convicted  
5           organization or limited liability company. The organization may not reapply to the  
6           secretary of state for authorization to do business under any name for one year  
7           upon conviction of a class A misdemeanor and for five years upon conviction of a  
8           class C felony under this section, except an organization operating a signature  
9           gathering business, or similar enterprise, that violates subdivision p of  
10          subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
11          may not reapply to the secretary of state for authorization to do business under  
12          any name for five years following the entry of judgment.
- 13          f. A violation of subdivision p of subsection 1 by any member of a measure  
14          committee, including an initiative or referendum sponsoring committee or an  
15          agent acting on behalf of, or in conjunction with, a measure committee for the  
16          purpose of collecting signatures for a petition under this chapter is subject to a  
17          civil penalty of not more than three thousand dollars. The civil penalty may be  
18          recovered in an action brought in the district court of Burleigh County by the  
19          attorney general.
- 20          g. An individual who is a member of an organization may be convicted of a violation  
21          as an accomplice under section 12.1-03-01.

- 22          3. Every act this chapter makes criminal when committed with reference to the election of  
23          a candidate is equally criminal when committed with reference to the determination of  
24          a question submitted to qualified electors to be decided by votes cast at an election.

25          **SECTION 4.** Chapter 16.1-08.2 of the North Dakota Century Code is created and enacted  
26          as follows:

27          **16.1-08.2-01. Definitions.**

- 28          1. "Affiliate" means an organization controlling, is controlled by, or is under common  
29          control with another organization. For purposes of this definition, control means the  
30          possession, direct or indirect, of the power to direct or cause the direction of the  
31          management and policies of an organization, whether through the ownership of voting



1 securities, by contract other than a commercial contract for goods or nonmanagement  
2 services, or otherwise. Control is presumed to exist if an organization, directly or  
3 indirectly, owns, controls, holds with the power to vote, or holds proxies representing  
4 fifty percent or more of the voting securities of any other organization.

5 2. "Association" means any club, association, union, brotherhood, fraternity, organization,  
6 or group of any kind of two or more persons, including labor unions, trade  
7 associations, professional associations, or governmental associations, which is united  
8 for any purpose, business, or object and which assesses any dues, membership fees,  
9 or license fees in any amount, or which maintains a treasury fund in any amount. The  
10 term does not include corporations, cooperative corporations, limited liability  
11 companies, political committees, or political parties.

12 3. "Conduit" means a person that is not a political party, political committee, or candidate  
13 and which receives a contribution of money and transfers the contribution to a  
14 candidate, political party, or political committee when the contribution is designated  
15 specifically for the candidate, political party, or political committee and the person has  
16 no discretion as to the recipient and the amount transferred. The term includes a  
17 transactional intermediary, including a credit card company or a money transfer  
18 service paying or transferring money to a candidate on behalf of another person.

19 4. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription,  
20 loan, advance, deposit of money, or anything of value, made for the purpose of  
21 influencing the nomination for election, or election, of any person to public office or  
22 aiding or opposing the circulation or passage of a statewide initiative or referendum  
23 petition or measure. The term also means a contract, promise, or agreement, express  
24 or implied, whether or not legally enforceable, to make a contribution for any of the  
25 above purposes. The term includes funds deposited by a candidate for public office or  
26 a political party or committee which are transferred or signed over to that candidate,  
27 party, or committee from another candidate, party, or political committee or other  
28 source including a conduit. The term "anything of value" includes any good or service  
29 of more than a nominal value. The term "nominal value" means the cost, price, or  
30 worth of the good or service is trivial, token, or of no appreciable value. The term  
31 "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 or anything of value deposited for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
  - d. Money or anything of value deposited for anything other than a political purpose.
  - e. Products or services for which the actual cost or fair market value are reimbursed by a payment of money.
  - f. An independent expenditure.
  - g. The value of advertising paid by a political party, multicandidate political committee, or caucus which is in support of a candidate.
  - h. In-kind contributions from a candidate to the candidate's campaign.
5. "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.
6. "Expenditure" means:
- 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 purpose of influencing the passage or defeat of a measure.
  - b. A contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure.
  - c. The transfer of funds by a political committee to another political committee.
  - d. An independent expenditure.
7. "Expenditure purpose" means the type of expense for which expenditures for a political purpose occurred under this chapter.



1       8.   "Foreign national" means:

2           a.   A government or country other than the United States.

3           b.   A political party organized under the laws of a country other than the United  
4               States.

5           c.   A corporation, partnership, association, organization, or other combination of  
6               persons organized under the laws of or having its principal place of business in a  
7               country other than the United States.

8           d.   An individual with citizenship of a country other than the United States.

9           e.   An individual who is not a citizen or national of the United States and is not  
10               admitted lawfully to the United States for permanent residence.

11       9.   "Independent expenditure" means an expenditure made for a political purpose or for  
12           the purpose of influencing the passage or defeat of a measure if the expenditure is  
13           made without the express or implied consent, authorization, or cooperation of, and not  
14           in concert with or at the request or suggestion of, any candidate, committee, or  
15           political party.

16       10.   "Patron" means a person who owns equity interest in the form of stock, shares, or  
17           membership or maintains similar financial rights in a cooperative corporation.

18       11.   "Person" means an individual, partnership, political committee, association,  
19           corporation, cooperative corporation, limited liability company, or other organization or  
20           group of persons.

21       12.   "Personal benefit" means a benefit to the candidate or another person which is not for  
22           a political purpose or related to a candidate's responsibilities as a public officeholder,  
23           and any other benefit that would convert a contribution to personal income.

24       13.   "Political committee" means any committee, club, association, or other group of  
25           persons which receives contributions or makes expenditures for political purposes and  
26           includes:

27           a.   A political action committee not connected to another organization and free to  
28               solicit funds from the general public, or derived from a corporation, cooperative  
29               corporation, limited liability company, affiliate, subsidiary, or an association  
30               soliciting or receives contributions from its employees or members or makes  
31               expenditures for political purposes on behalf of its employees or members;

- 1        b. A candidate committee established to support an individual candidate seeking  
2        public office which solicits or receives contributions for political purposes;  
3        c. A political organization registered with the federal election commission, which  
4        solicits or receives contributions or makes expenditures for political purposes;  
5        d. A multicandidate political committee, including a caucus, established to support  
6        multiple groups or slates of candidates seeking public office, which solicits or  
7        receives contributions for political purposes; and  
8        e. A measure committee, including an initiative or referendum sponsoring  
9        committee at any stage of its organization, which solicits or receives contributions  
10       or makes expenditures for the purpose of supporting or opposing an initiative or  
11       referendum petition, or measure sought to be voted upon by the voters of the  
12       state, including any activities undertaken for the purpose of drafting an initiative  
13       or referendum petition, seeking approval of the secretary of state for the  
14       circulation of a petition, or seeking approval of the submitted petitions.

15       14. "Political party" means any association, committee, or organization which nominates a  
16       candidate for election to any office which may be filled by a vote of the electors of this  
17       state or any of its political subdivisions and whose name appears on the election ballot  
18       as the candidate of the association, committee, or organization.

19       15. "Political purpose" means any activity undertaken in support of or in opposition to the  
20       election or nomination of a candidate to public office and includes using "vote for",  
21       "oppose", or any similar support or opposition language in any advertisement whether  
22       the activity is undertaken by a candidate, a political committee, a political party, or any  
23       person. The term includes paying any expenses related to the election or nomination  
24       of a candidate.

25       16. "Public office" means every office to which an individual can be elected by vote of the  
26       people under the laws of this state.

27       17. "Subsidiary" means an affiliate of a corporation under the control of the corporation  
28       directly or indirectly through one or more intermediaries.

29       18. "Ultimate and true source" means the person that knowingly contributed over  
30       two hundred fifty dollars solely to influence a statewide election or an election for the  
31       legislative assembly.



**16.1-08.2-02. General provisions.**

1. A political committee shall register its name, mailing address, telephone number, and nongovernment issued electronic mail address, and its agent's name, mailing address, telephone number, and nongovernment issued electronic mail address, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state. A candidate who does not have a candidate committee shall register the candidate's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state. If the candidate has an agent, the candidate also shall register the agent's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state.

2. The registration required under this section for a candidate or political committee that has not previously registered with the secretary of state must be submitted within fifteen business days of the receipt of any contribution or expenditure made.

3. A candidate or political committee required to be registered under this section must register with the secretary of state each year during which the candidate holds public office or during which the political committee receives contributions, makes expenditures for political purposes, or has a balance in the campaign account. An individual who no longer holds public office or an individual who no longer seeks public office must register with the secretary of state each year in which contributions are deposited, expenditures are made for political purposes, or a balance remains in the campaign account.

4. Any statement filed with the secretary of state under this chapter must be:

a. Filed electronically within the prescribed time and in the format established by the secretary of state. If the secretary of state does not receive a statement, an electronic duplicate of the statement must be filed promptly 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 ten years from the date of the filing deadline. The statement must be considered a part of the public records of the secretary of state's office and must be open to public inspection on the internet.

5. In determining the amount of individual contributions from any contributor, all amounts deposited 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. Contributions made separately by different persons from joint accounts are considered separate contributions for reporting purposes.

6. In determining the amount of expenditures to any recipient, all expenditures to the same recipient during the reporting period must be aggregated to report an overall total expenditure for the purposes of the statements required by this chapter.

7. Contributions and expenditures which are less than two hundred fifty dollars in the aggregate are exempt from open records requests and reported as part of aggregate totals only.

8. In reporting a contribution deposited through a conduit, a candidate, political party, or political committee shall list each reportable contribution identifying the person that submitted the contribution to the conduit and provide the required information regarding the contribution from that person rather than identifying the conduit as the contributor.

9. A political committee organizing and registering according to federal law that makes an independent expenditure or makes a disbursement in excess of two hundred fifty 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 16.1-08.2-06.



10. 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.

11. Registration by a political committee under this section does not reserve the name for exclusive use nor does it constitute registration of a trade name under chapter 47-25.

12. A candidate or candidate committee for county office, city office, and school district office are exempt from registering and filing with the secretary of state. Any other person required to file a statement under this chapter shall file the statement with the secretary of state.

a. A candidate for city office in a city with a population under five thousand and a candidate committee for the candidate are exempt from this chapter. A candidate for school district office in a school district with a fall enrollment of fewer than one thousand students and a candidate committee for the candidate are exempt from this chapter.

b. 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 and a candidate committee for a candidate for city office shall file statements under this chapter with the city auditor. A candidate for school district office and a candidate committee for a candidate for school district office shall file statements under this chapter with the school business manager.

**16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure statement requirements for candidates, candidate committees, multicandidate committees, political committees, and political parties.**

1. Before a primary or special election, and before and following a general election, a candidate or candidate committee formed on behalf of the candidate, a multicandidate political committee, a political committee, or a political party soliciting or accepting contributions shall file a campaign disclosure statement including all contributions and expenditures from January first through April thirtieth before a primary election, May first through September thirtieth before a general election, October first through December thirty-first following a general election, and January first through the fortieth day before a special election. A candidate whose name is not on the ballot and who is

1 not seeking election through write-in votes, the candidate's candidate committee, and  
2 a political party that has not endorsed or nominated any candidate in the election is  
3 not required to file a statement under this subsection. The statement before a primary,  
4 general, or special election may be submitted for filing beginning on the day following  
5 the end of the reporting period and must be submitted before the eighth day following  
6 the reporting period. The statement following the general election may be submitted  
7 for filing beginning on January first and must be submitted before February first. The  
8 statement must include:

9 a. For each contribution deposited during the reporting period, the:

10 (1) Name and mailing address of the contributor;

11 (2) Total amount of the contribution; and

12 (3) Date the last contributed amount was deposited.

13 b. For each expenditure during the reporting period, the:

14 (1) Name of the recipient and location of purchase;

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

16 (3) Date of the expenditure; and

17 (4) Expenditure purpose.

18 c. The total of all contributions and expenditures which total in excess of

19 two hundred fifty dollars during the reporting period and the aggregated total of

20 contributions and expenditures which are two hundred and fifty dollars or less

21 during the reporting period.

22 d. For a candidate, a candidate committee formed on behalf of a candidate, a

23 multicandidate committee, or a political party, the balance of the campaign fund

24 on the last day of the reporting period and the balance of the campaign fund on

25 the first day of the reporting period.

26 2. Beginning on the day following the end of the reporting period through the day before  
27 the election, a person filing a statement under subsection 1 must file a supplemental  
28 statement within forty-eight hours of the start of the day following the deposit of a  
29 contribution or aggregate contribution from a contributor which is in excess of five  
30 hundred dollars. The statement must include the:

31 a. Name and mailing address of the contributor;



b. Total amount of the contribution deposited during the reporting period; and

c. Date the last contributed amount was deposited.

3. Before February first, a candidate or candidate committee, a multicandidate political committee, a political committee, or a political party soliciting or accepting contributions not required to file a statement under subsection 1 shall file a campaign disclosure statement including all contributions deposited and expenditures from January first through December thirty-first of the previous year. The statement may be submitted for filing beginning on January first. The statement filed according to this section must include:

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

b. For each contribution deposited during the reporting period, the:

(1) Name and mailing address of the contributor;

(2) Total amount of the contribution; and

(3) Date the last contributed amount was deposited.

c. For each expenditure during the reporting period, the:

(1) Name of the recipient and location of purchase;

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

(3) Date of the expenditure; and

(4) Expenditure purpose.

d. The total of all contributions and expenditures which total in excess of two hundred fifty dollars during the reporting period.

e. The aggregated total of contributions and expenditures which are two hundred and fifty dollars or less during the reporting period.

4. A person required to file a statement under this section shall report 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.

**16.1-08.2-04. Special requirements for state political parties.**

1. State political parties shall establish separate and segregated accounts for the management of state nominating conventions. All revenue obtained and expenditures made for the planning and running of a state convention must be accounted for in these accounts.
2. A postconvention statement must be filed with the secretary of state sixty days after the close of the state nominating convention. The reporting period for the postconvention statement begins on the first day of January of the reporting year and ends thirty days after the close of the state nominating convention.
3. A year-end statement covering the entire calendar year must be filed with the secretary of state before February first of the following year even if no convention revenue was deposited or expenditures made within the calendar year.
4. The statement filed under this section must show:

  - a. The balance of the filer's convention accounts at the start and close of the reporting period.
  - b. The total of all revenue deposited and expenditures made of two hundred fifty dollars or less.
  - c. The total of all revenue deposited and expenditures made in excess of two hundred fifty dollars.
  - d. For revenues received and deposited, the:

    - (1) Name of each person providing the revenue;
    - (2) Mailing address of each person providing revenue;
    - (3) Date of the most recent receipt of revenue from each person providing revenue; and
    - (4) The purpose or purposes for which the revenue was deposited from each person.
  - e. For each expenditure made, the:

    - (1) Name of each person to which the expenditure was made;
    - (2) Mailing address of each person to which the expenditure was made;
    - (3) Date of the most recent expenditure made to each person or entity; and



(4) Purpose or purposes for which the aggregated expenditure total was  
disbursed to each person or entity.

f. The total of all contributions and expenditures which total in excess of  
two hundred fifty dollars during the reporting period.

g. The aggregated total of contributions and expenditures which are two hundred  
and fifty dollars or less during the reporting period.

h. For each aggregated revenue from an individual which totals five thousand  
dollars or more during the reporting period, the occupation, employer, and  
principal place of business of the individual.

5. If a net gain from the convention is transferred to the accounts established for the  
support of the nomination or election of candidates, the total transferred must be  
reported as a contribution in the statements required by section 16.1-08.2-03.

6. If a net loss from the convention is covered by a transfer from the accounts  
established for the support of the nomination or election of candidates, the total  
transferred must be reported as an expenditure in the statements required by section  
16.1-08.2-03.

7. A state political party or nonprofit entity affiliated with or under the control of a state  
political party, which receives a donation for purchasing, maintaining, or renovating a  
building, shall file a statement with the secretary of state before February first of each  
calendar year. Any income or financial gain generated from a building purchased,  
maintained, or renovated from donations must be deposited in the building fund and  
must be disclosed when the political party or nonprofit entity files the statement  
required under this section. Money in the fund may be used only 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, including the purchase of fixtures for  
the building. The statement may be submitted for filing beginning on January first and  
must include the:

a. Balance of the building fund on January first;

b. Name and mailing address of each donor;

c. Amount of each donation;

d. Date each donation was deposited;

1       e.   Name and mailing address of each recipient of an expenditure;

2       f.   Amount of each expenditure;

3       g.   Date each expenditure was made; and

4       h.   Balance of the fund on December thirty-first.

5       **16.1-08.2-05. Special requirements for statements required of persons engaged in**  
6 **activities regarding ballot measures.**

7       1.   For each reportable contribution and expenditure under section 16.1-08.2-03, the  
8       threshold for reporting is one hundred dollars for any person engaged in activities  
9       described in subdivision e of subsection 13 of section 16.1-08.2-01.

10      2.   For contributions deposited from any contributor, a person engaged in activities  
11      described in subdivision e of subsection 13 of section 16.1-08.2-01 shall include the  
12      following information regarding each subcontributor that has stated a contribution is for  
13      the express purpose of furthering the passage or defeat of a ballot measure in the  
14      statements required under section 16.1-08.2-03:

15      a.   A designation as to whether any person contributed in excess of one hundred  
16      dollars of the total contribution;

17      b.   The name and mailing address of each subcontributor contributing in excess of  
18      one hundred dollars of the total contribution;

19      c.   The contribution amounts of each disclosed subcontributor; and

20      d.   The occupation, employer, and address for the employer's principal place of  
21      business of each disclosed subcontributor.

22      3.   A measure committee which is seeking approval for an initiative or referendum shall  
23      file a disclosure statement by the date the secretary of state approves the petition for  
24      circulation. Thereafter, the measure committee is required to file disclosure statements  
25      as directed by section 16.1-08.2-03.

26      4.   A measure committee that is seeking approval for an initiative or referendum shall file  
27      a statement regarding its intent to compensate circulators before paying for petitions to  
28      be circulated.



**16.1-08.2-06. Special requirements for political committees organized and registered under federal law.**

1. A political committee organizing and registering according to federal law which makes an independent expenditure or makes a disbursement in excess of two hundred fifty 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.

2. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include the:

a. Name, mailing address, and treasurer of the political committee;

b. Recipient's name and mailing address;

c. Date and amount of the independent expenditure or disbursement; and

d. Ultimate and true source of funds listed by contributor and subcontributor for any amount over two hundred fifty dollars collected or used to make the independent expenditure or disbursement including the:

(1) Name, mailing address, and treasurer of the political committee;

(2) Total amount of the contribution; and

(3) Date the last contribution was deposited.

**16.1-08.2-07. Campaign contributions by corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, and associations - Penalty.**

1. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may establish, administer, and solicit contributions to a separate and segregated fund to be used for political purposes by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association. It is unlawful for:

a. The person controlling the fund to make contributions or expenditures using money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of those actions; or use money from dues, fees, treasury funds, or other money required as a condition of membership in an

1 association, or as a condition of employment; or use money obtained in any  
2 commercial transaction. Moneys from fees, dues, treasury funds, or money  
3 obtained in a commercial transaction may, however, be used to pay costs of  
4 administration of the fund.

5 b. Any person soliciting an employee, stockholder, patron, board member, or  
6 member for a contribution to the fund to fail to inform the employee or member of  
7 the political purposes of the fund at the time of the solicitation or of the general  
8 political philosophy intended to be advanced through committee activities.

9 c. Any person soliciting an employee or member for a contribution to the fund to fail  
10 to inform the employee or member at the time of the solicitation of the right to  
11 refuse to contribute without any reprisal.

12 d. Any contribution to be accepted without keeping an accurate record of the  
13 contributor and amount contributed and of amounts expended for political  
14 purposes.

15 e. Any contribution to be accepted from any person not an employee, a stockholder,  
16 a patron, a board member or a member of the corporation, cooperative  
17 corporation, limited liability company, affiliate, subsidiary, or association  
18 maintaining the political action committee, except a corporation may accept a  
19 contribution from an employee, a stockholder, a patron, a board member, or a  
20 member of an affiliate or a subsidiary of the corporation.

21 f. Any expenditure made for political purposes to be reported under this section  
22 before control of the expenditure has been released by the political action  
23 committee except if there is a contract, a promise, or an agreement, expressed or  
24 implied, to make the expenditure.

25 2. A person may not make a payment of that person's money or of another person's  
26 money to any other person for a political purpose in any name other than that of the  
27 person supplying the money and a person may not knowingly receive the payment nor  
28 enter nor cause the payment to be entered in that person's account or record in any  
29 name other than that of the person by which it actually was furnished.

30 3. If an officer, employee, agent, attorney, or other representative of a corporation,  
31 cooperative corporation, limited liability company, affiliate, subsidiary, or association



makes any contribution prohibited by this section out of corporate, cooperative corporation, limited liability company, affiliate, subsidiary, or association funds or otherwise violates this section, it is prima facie evidence of a violation by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association.

4. Corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, 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, affiliate, subsidiary, or association other than a "political purpose" as defined by this chapter. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may not make a contribution for a political purpose.

5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, 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 building fund.

6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may make an expenditure to a measure committee for the purpose of promoting the passage or defeat of an initiated or referred measure or petition or make an expenditure to any other person making an independent expenditure. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may make an independent expenditure for a political purpose, including political advertising in support of or opposition to a candidate, political committee, or a political party, or for the purpose of promoting passage or defeat of initiated or referred measures or petitions. The corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association shall file a statement disclosing any expenditure made under this subsection with the secretary of state within forty-eight hours after making the expenditure. The statement must include:

a. The full name of the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association;

b. The complete address of the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association;

c. The name of the recipient of the expenditure;

d. If the expenditure is related to a measure or petition, the title of the measure or petition and whether the expenditure is made in support of or opposition to the measure or petition;

e. If the 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 expenditure;

g. The cumulative total amount of expenditures since the beginning of the calendar year which are required to be reported under this subsection;

h. The telephone number and the printed name and signature of the individual completing the statement, attesting to the statement being true, complete, and correct; and

i. The date on which the statement was signed.

7. 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. 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, affiliate, subsidiary, or association to violate this section or to counsel or consent to any violation. Any person that solicits or knowingly receives any contribution in violation of this section is guilty of a class A misdemeanor.

9. 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, affiliate, subsidiary, or association for the amount so contributed.

**16.1-08.2-08. Special requirements for conduits.**

A conduit transferring any contribution to a candidate, political party, or political committee shall provide the recipient of the contribution a detailed statement listing the name and address of each individual contributor, the amount of each contribution, and the date each contribution was deposited. The conduit also shall include on the statement the occupation, employer, and



1 principal place of business of each contributor, or the political committee if not already  
2 registered according to state or federal law, which contributed five thousand dollars or more in  
3 the aggregate during a reporting period applicable to the candidate, political party, or political  
4 committee. The conduit shall provide the statement to the candidate, political party, or political  
5 committee in a manner to allow the candidate, political party, or political committee to file any  
6 statement required to be filed under this chapter.

7 **16.1-08.2-09. General prohibitions.**

8 1. A foreign national may not make or offer to make, directly or indirectly, a contribution  
9 or expenditure in connection with any election.

10 2. A candidate, candidate committee, political party, or any other person may not solicit,  
11 accept, or receive, directly or indirectly, a contribution from a foreign national.

12 3. A candidate may not use any contribution deposited by the candidate, the candidate's  
13 candidate committee, or a multicandidate political committee to:

14 a. Give a personal benefit to the candidate or another person;

15 b. Make a loan to another person;

16 c. Knowingly pay more than the fair market value for goods or services purchased  
17 for the campaign; or

18 d. Pay a criminal fine or civil penalty.

19 4. If the secretary of state has substantial reason to believe any person knowingly  
20 violated this section, the secretary shall arrange for an audit as authorized by section  
21 16.1-08.2-10.

22 5. A person may not be excused from attending and testifying or producing any books,  
23 papers, or other documents before any court upon any investigation, proceeding, or  
24 trial for a violation of any of the provisions of this chapter, upon the grounds that the  
25 testimony or evidence, documentary or otherwise, required of the person may tend to  
26 incriminate or degrade the person. A person may not be prosecuted or subjected to  
27 any penalty or forfeiture for or on account of any transaction, matter, or thing  
28 concerning which the person may testify or produce evidence, documentary or  
29 otherwise. Any testimony given or produced may not be used against the person in  
30 any criminal investigation or proceeding.

**16.1-08.2-10. Audit by secretary of state.**

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, political committee, or other person filing the statement shall pay a fine to the secretary of state equal to 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 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 must 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.



1 registration, or report filed with the secretary of state according to this chapter. The  
2 secretary of state may collect any payment obligation arising out of this section by civil  
3 action or by assignment to a collection agency, with any costs of collection to be  
4 added to the amount owed and to be paid by the delinquent filer. Any remaining  
5 moneys collected by the secretary of state after an audit is paid for under this section  
6 must be deposited in the state's general fund. This section does not apply to  
7 statements filed by candidates or candidate committees for candidates for county, city,  
8 or school district offices.

9 **16.1-08.2-11. Filing officer to charge and collect filing fees.**

- 10 1. If a statement or report required to be filed according to this chapter is not filed within  
11 the prescribed time, the filing officer to whom the report was to be filed is authorized to  
12 charge and collect a late fee as follows:  
13 a. Within six days after the prescribed time, one hundred dollars;  
14 b. Within eleven days after the prescribed time, two hundred fifty dollars; and  
15 c. Thereafter, five hundred dollars.
- 16 2. Any fines paid under subsection 1 must be reported on the statement filed by the  
17 candidate, candidate committee, multicandidate committee, political committee, or  
18 political party.
- 19 3. Any amendment filed by the candidate, candidate committee, multicandidate  
20 committee, political committee, or political party, or at the request of the filing officer,  
21 the filing officer to whom the report was to be filed is authorized to charge and collect a  
22 late fee as follows:  
23 a. Within six days after the filing deadline, one hundred dollars;  
24 b. Within eleven days after the filing deadline, two hundred fifty dollars; and  
25 c. Thereafter, five hundred dollars.
- 26 4. The filing officer may collect any payment obligation arising out of this section by civil  
27 action or by assignment to a collection agency, with any costs of collection to be  
28 added to the amount owed and to be paid by the delinquent filer.

**16.1-08.2-12. Secretary of state to provide instruction and adjust thresholds for inflation.**

1. The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter.

2. The secretary of state shall adjust for inflation the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and inform persons submitting reports under this chapter of the adjustments. The secretary of state shall make the adjustments beginning January first of each adjustment year beginning January 1, 2026.

**16.1-08.2-13. Penalty.**

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

**SECTION 5. AMENDMENT.** Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements.**

Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described in section ~~16.1-08.1-01~~16.1-08.2-01, or a corporation making an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, or political party paying for the advertisement. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible individual from the political party, association, or partnership. The name of the person paying for any radio or television broadcast containing any advertising announcement for or against any candidate for public office must be announced at the close of the broadcast. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible individual from the political party, association, or partnership. In every political



advertisement in which the name of the person paying for the advertisement is disclosed, the first and last name of any named individual must be disclosed. An advertisement paid for by an individual candidate or group of candidates must disclose that the advertisement was paid for by the individual candidate or group of candidates. The first and last name or names of the candidates paying for the advertisement are not required to be disclosed. This section does not apply to campaign buttons.

**SECTION 6. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North Dakota Century Code is amended and reenacted as follows:

- f. By or on behalf of a political party, candidate, or other group with a political purpose, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, unless the communication is a text message.

**2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2156**



# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2156  
3/6/2025

Relating to campaign disclosure statements; relating to campaign disclosure statements; and to provide a penalty.

2:00 p.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff  
Members absent: Representative Brown

### **Discussion Topics:**

- Current law changes
- Century Code chapters
- Exemptions

2:00 p.m. Senator Cleary, District 35, introduced the bill and submitted testimony, #38972.

2:34 p.m. Michael Howe, North Dakota Secretary of State, testified in favor and submitted testimony, #39239.

2:55 p.m. Erika White, State Election Director, testified in favor.

3:19 p.m. Michael Howe, North Dakota Secretary of State, testified and answered questions.

3:22 p.m. Chairman Schauer closed the hearing.

*Jackson Toman, Committee Clerk*

## SB 2156 INTRODUCTION

**Title:** A Bill to Repeal Chapter 16.1-08.1 and Replace it with Chapter 16.1-08.2 to Modernize Campaign Finance Reporting

**Purpose:**

This bill repeals Chapter 16.1-08.1 and replaces it with Chapter 16.1-08.2 to accommodate necessary software updates and improve transparency and efficiency in campaign finance reporting. While much of this looks like new language, as the Senate reviewed the bill, it made more sense to strike the old chapter and draft a new chapter to keep the changes more clear.

**Key Provisions:**

- **Modernization of Definitions:**
  - Updates the definition of "political purpose" for clarity. *(Page 8, Section 16.1-08.2-01(15))*
  - Clarifies that "political purpose" refers to expenditures related to supporting or opposing candidates or measures.
- **General Provisions for All Parties:**
  - Establishes a new general provisions section applicable to all political entities.
  - Eliminates expenditure categories, requiring each transaction to be reported individually.
  - Only transactions exceeding \$250 will be publicly available. *(Page 10, Section 16.1-08.2-02(7))*
  - Simplifies and standardizes reporting to improve consistency and accessibility.
- **Revised Reporting Requirements:**
  - Shifts reporting deadlines from the 39th and 40th days before an election to fixed calendar dates. *(Page 11, Section 16.1-08.2-03)*
  - Expands reporting to include beginning and ending balances for legislators, not just statewide candidates. *(Pages 10-11, Sections 16.1-08.2-02 and 16.1-08.2-03)*
  - Aligns deadlines with calendar dates for clarity and includes more comprehensive financial reporting for legislators.
- **Contribution Threshold Adjustments:**
  - Increases the threshold for reportable contributions from \$200 to \$250. *(Throughout Chapter 16.1-08.2, various sections)*
  - Maintains the existing threshold for reportable ballot measure contributions. *(Page 16, Section 16.1-08.2-05)*
  - Adjusts thresholds for inflation while maintaining transparency for larger dollar amounts.

- **Donor Information Requirements:**

- Removes the requirement to report a donor's street address, limiting disclosure to name, city, and state. *(Throughout Chapter 16.1-08.2, various sections)*
- *Balances donor privacy with public disclosure requirements.*

- **Late Filing Penalties:**

- Establishes a tiered fine structure for late filings:
  - Up to 6 days late: \$100 fine
  - Up to 14 days late: \$250 fine
  - More than 14 days late: \$500 fine
- Treats amendments made after 6 days as late reports. *(Page 23, Section 16.1-08.2-11)*
- *Encourages timely and accurate reporting with a structured penalty system.*

**Impact:**

These updates streamline campaign finance reporting, reduce administrative burdens, enhance transparency, and ensure timely and accurate disclosure of campaign contributions and expenditures.

Thank you for your consideration. I respectfully ask for a "Do Pass" recommendation and would be happy to answer any questions.

Sean

Sean Cleary  
State Senator -- District 35  
(701) 426-4618



**HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE  
REPRESENTATIVE AUSTEN SCHAUER, CHAIR****TESTIMONY PRESENTED BY****MICHAEL HOWE, NORTH DAKOTA SECRETARY OF STATE**

Chair Schauer and members of the committee, I'm Michael Howe, North Dakota Secretary of State. I'm here in support of SB 2156. I believe this bill improves our campaign finance code and ensures we are creating change that does three critical things for campaign finance reform:

- 1) Creates laws that are understandable by candidates and easy to administer.
- 2) Provides greater transparency in reporting in a way that is easy to understand by the public.
- 3) Offers ease in tracking and reporting contributions and expenditures for both candidates and committees.

My team worked closely with Sen. Roers, discussing the confusing nature of our campaign finance code. SB 2156 may look like a significant change; however, the majority of this bill is simply rearranging existing language to create better structure and flow for increased understandability in the campaign finance chapter without changing much of the content. I am going to ask to bring up our State Election Director Erika White to walk you through the changes, but first I want you to note that the actual changes she will outline as proposed in this bill:

- 1) Does not require a filer to file more frequently.
- 2) Allow users the ability to track all funds in one system throughout the life of their campaign account.
- 3) Protects individual entries for contributions and expenditures below reporting thresholds from open records requests (reported in aggregate only). This proposed bill also updates statute to reflect the changes proposed in HB 1377 introduced by Rep. Dan Ruby to increase reporting thresholds to revenues and expenditures in excess of \$250.

The proposed changes made by this bill will allow for a more logical "checkbook" style tracking and reporting of campaign finance information which will increase the understanding and transparency of this information by the citizens of North Dakota. And, it will greatly improve the user-friendliness and understandability of our campaign finance systems, which is to the benefit of all of you.

We do have a few proposed amendments for the committee to consider related to some language missed in the drafting of the bill. Chairman Schauer and members of the committee, I urge your support of SB 2156 as the right

improvements for our campaign finance law. I'd like to invite Erika White, State Election Director, to the podium to summarize the changes in proposed by this bill and to cover the amendments we're requesting.

## SB 2156 PROPOSED LEGISLATIVE CHANGES AND SYSTEM INTEGRATION

### SECTIONS 1, 2, & 3

- These sections amend chapters of Century Code that reference Chapter 16.1-08.1 to point to the new code proposed by this bill if enacted – 16.1-08.2

### SECTION 4

#### DEFINITIONS – page 4

Most definitions are unchanged. Here are the updated references:

- **“Expenditure purpose”** (page 6, line 27) – Changed expenditure category to expenditure purpose and removed categories from code. General categories can be created in the reporting system along with an entry field for a personal description of items that simply may not fit into pre-defined categories.
- **“Political committee”, subsection e** (page 8, line 6) – Better defines measure committee to allow an entity to register if they're supporting/opposing an initiative measure or petition. This came into play last year with opposition to the property tax petition. This language allows for those supporting or opposing an initiated petition (before it becomes a measure) to be able to file as a political committee.
- **“Political purpose”** (page 8, line 17) – Additional language in political purpose to expand ability to use candidate campaign funds and removed unnecessary timeline under the definition. Example- purchasing of beverages for a campaign event. In your disclosure you would report \$314.92 in expenses to Cashwise Liquor and in the memo you could input “campaign event”.

### STRUCTURE AND CHANGES

A majority of the changes are related to the structure and flow of the campaign finance chapter but without changing the content for increased understanding and useability by filers.

#### Changes across all sections in the proposed bill:

- Changed all “received” language to “deposited” for increased clarity by filers when reporting contributions.
- \$200 thresholds increased to \$250 for all entities except ballot measure/petitions which remain at \$100.

## GENERAL PROVISIONS – page 9

- Pulled different sections to the front of the chapter for increased clarity amongst filers which covers who must register, who must file, and other requirements for all filers.
- We are requesting the following amendment for language missed in drafting of the bill related to exemption for amounts reported below thresholds from open records to align with other sections of code.

### PROPOSED AMENDMENT TO SB 2156:

Amend page 10, line 19, as follows:

- Contributions and expenditures which are ~~less than~~ two hundred fifty dollars or less in the aggregate are exempt from open records requests and reported as part of aggregate totals only.

## PRE-ELECTION, SUPPLEMENTAL, YEAR END REPORTING – pages 11 -13

- Removed sliding reporting date scale and incorporated calendar filing dates for increased clarity. These changes do not increase reporting frequency.
  - For candidates on the ballot or parties with endorsed candidates:
    - Pre-Primary: January 1 through April 30 file by May 7
    - Pre-General: May 1 through September 30 file by October 7
    - Year –End: October 1 through December 31 file by January 31
  - For office holders or parties without endorsed candidates:
    - Year-End: January 1 through December 31 file by January 31
- Only candidates on the ballot or parties with endorsed candidates must file the Pre-Primary and Pre-General as required under current statute.
- Removes expenditure categories and allows users to report all contributions and expenditures no matter the amount. Only those that meet the threshold of \$250 are itemized for public viewing. System will provide typical categories for use and allows users to make their own entry as well. This aligns with the goal to have the system operate in a “checkbook” style manner.
- Added a provision keeping contributions and expenditures under the \$250 threshold exempt from open records requests until that threshold reaches the reporting requirement.
- We are proposing two amendments to align with current statute which would require political committees to report their beginning and ending fund balance.

### PROPOSED AMENDMENTS TO SB 2156:

Amend page 12, line 22-23, as follows:

- ~~For a candidate, a candidate committee formed on behalf of a candidate, a multicandidate committee, or a political party, the~~ The balance of the campaign fund on the last day of the reporting period and the balance of the campaign fund on the first day of the reporting period.

Amend page 13, line 10-11, as follows:

- ~~For a candidate, a candidate committee formed on behalf of a candidate, a multicandidate committee, or a political party, the~~ The balance of the campaign fund on the on January first and on December thirty-first.



#### **ADVANTAGES OF CHANGES TO SUPPORT SYSTEM FUNCTIONALITY**

- System aggregates/tracks the transactions for the user, including reporting aggregated/individual thresholds – removing requirement for user to track this.
- Any “amendment” can be made by the user on the individual entry and the system will make adjustments to impacted reports and balances. No need to go back to previous reports to adjust – system will make change and mark reports as “amended.” This even applies if you go back multiple years ... it will adjust balances forward to current date.
- System to have “Save and Continue” feature to allow users to edit or upload transactions as they’re deposited/expended. Entered transactions are only sent to the PUBLIC side for viewing once user submits a “report” during filing window – no need for multiple systems to track transactions. The user controls the release of transactions to public side during reporting.

#### **SPECIAL REQUIREMENTS FOR STATE POLITICAL PARTIES – pages 14 - 16**

- Moved and combined two sections of code
- **No changes to language**

#### **SPECIAL REQUIREMENTS FOR BALLOT MEASURES – page 16**

- Moved section
- Threshold remains at \$100
- **No changes to language**

#### **SPECIAL REQUIREMENTS FOR POLITICAL COMMITTEES REGISTERED UNDER FEDERAL LAW – page 17**

- Moved section
- **No changes to language**

#### **SPECIAL REQUIREMENTS FOR CORPORATIONS, LLCs – pages 17 - 20**

- Moved and combined sections
- **No changes to language**

#### **SPECIAL REQUIREMENTS FOR CONDUITS – pages 20 - 21**

- Moved section
- **No change to language**

## **GENERAL PROHIBITIONS – page 21**

- Moved and combined sections
- **No change to language**
- We are requesting an amendment to current statute. The below amendment would prohibit political committees from accepting donations from a foreign national, as required by candidates and parties currently.

### **PROPOSED AMENDMENT TO SB 2156:**

#### **Amend page 21, line 10, as follows:**

- A candidate, candidate committee, [political committee](#), political party, or any other person may not solicit, accept, or receive, direct or indirectly, a contribution from a foreign national.

## **AUDIT BY SECRETARY OF STATE – page 22**

- **No change to language**

## **FILING OFFICER TO CHANGE AND COLLECT FILING FEES – page 23**

- **No change to language**

## **SECRETARY OF STATE TO PROVIDE INSTRUCTION – page 24**

- Incorporated changes from threshold bill HB1377

## **PENALTY – page 25**

- Increased fines for failure to file or to amend a report:
  - Within 6 days increase from \$25 to \$100
  - Within 11 days increase from \$50 \$250
  - Thereafter increase from \$100 to \$500

## **SECTION 5 & 6**

- These sections amend chapters of Century Code that reference Chapter 16.1-08.1 to point to the new code proposed by this bill if enacted – 16.1-08.2

## PROPOSED AMENDMENTS TO SENATE BILL NO. 2156

### Amend page 10, line 19, as follows:

Contributions and expenditures which are ~~less than~~ two hundred fifty dollars or less in the aggregate are exempt from open records requests and reported as part of aggregate totals only.

### Amend page 12, line 22-23, as follows:

~~For a candidate, a candidate committee formed on behalf of a candidate, a multicandidate committee, or a political party, the~~ The balance of the campaign fund on the last day of the reporting period and the balance of the campaign fund on the first day of the reporting period.

### Amend page 13, line 10-11, as follows:

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# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2156  
3/13/2025

Relating to campaign disclosure statements; relating to campaign disclosure statements; and to provide a penalty.
--

11:40 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice-chairman Satrom, Representatives Bahl, TJ Brown, Grindberg, Karls, McCleod, Rohr, Schneider, Steiner, VanWinkle, Wolff  
Members absent: Representatives C. Brown, Vetter

### **Discussion Topics:**

- Secretary of State Bill update

11:40 a.m. Representative Steiner gives a brief update on the progress of the amendments.

11:42 a.m. Chairman Schauer closed the meeting.

*Jackson Toman, Committee Clerk by Risa Berube*

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2156  
3/20/2025

Relating to campaign disclosure statements; relating to campaign disclosure statements; and to provide a penalty.
---

10:13 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice-chairman Satrom, Representatives Bahl, TJ Brown, Grindberg, Karls, McCleod, Rohr, Schneider, Steiner, VanWinkle, Wolff  
Members absent: Representatives C. Brown, Vetter

### Discussion Topics:

- Amendment Update

10:13 a.m. Representative Steiner verbally discussed the bill and updated committee on amendment being worked on for future meeting.

10:17 a.m. Chairman Schauer closed the meeting.

*Jackson Toman, Committee Clerk*

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2156  
3/26/2025  
Subcommittee

Relating to campaign disclosure statements; relating to campaign disclosure statements; and to provide a penalty.
---

8:31 a.m. Chairman Steiner called the hearing to order.

Members present: Chairman Steiner, Representatives: Schauer, Vetter, Wolff

### **Discussion Topics:**

- Creating a study
- Reducing size of bill

8:31 a.m. Chairman Steiner introduced the amendment LC #25.0330.06004, #44136.

9:04 a.m. Chairman Steiner adjourned the hearing.

*Krystal Eberle for Jackson Toman, Committee Clerk*



25.0330.06004  
Title.

Prepared by the Legislative Council  
staff for Representative Steiner  
March 25, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED SENATE BILL NO. 2156

Introduced by

Senator Cleary

1 A BILL ~~for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code,~~  
2 ~~relating to campaign disclosure statements; to amend and reenact sections 15.1-09-08,~~  
3 ~~15.1-09-19, 16.1-01-12, and 16.1-10-04.1, and subdivision f of subsection 8 of section 51-28-01~~  
4 ~~of the North Dakota Century Code, relating to campaign disclosure statements; and to provide a~~  
5 ~~penalty for an Act to amend and reenact sections 16.1-08.1-01, 16.1-08.1-02.1, 16.1-08.1-02.2,~~  
6 ~~16.1-08.1-02.3, 16.1-08.1-02.4, 16.1-08.1-03.1, and 16.1-08.1-03.7 of the North Dakota Century~~  
7 ~~Code, relating to campaign disclosure statements.~~

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

9 **~~SECTION 1. AMENDMENT.~~** ~~Section 15.1-09-08 of the North Dakota Century Code is~~  
10 ~~amended and reenacted as follows:~~  
11 ~~—15.1-09-08. School district elections – Candidate filings.~~  
12 ~~—An individual seeking election to the board of a school district shall prepare and sign a~~  
13 ~~document stating the individual's name and the position for which that individual is a candidate.~~  
14 ~~A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether~~  
15 ~~or not the election is held in conjunction with a statewide election, all statements of interest~~  
16 ~~must be filed with the school district business manager, or mailed to and in the possession of~~  
17 ~~the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall~~  
18 ~~also file a campaign contribution statement as required by section 16.1-08.1-02.316.1-08.2-03.~~  
19 **~~SECTION 2. AMENDMENT.~~** ~~Section 15.1-09-19 of the North Dakota Century Code is~~  
20 ~~amended and reenacted as follows:~~

~~15.1-09-19. Duties of election officials -- Other applicable statutes.~~

~~Sections 16.1-08.1-03.316.1-08.2-07, 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.~~

~~SECTION 3. AMENDMENT. Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:~~

~~16.1-01-12. Election offenses -- Penalty.~~

~~1. It is unlawful for an individual, measure committee as described in section 16.1-08.1-0116.1-08.2-01, or other organization to:~~

~~a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.~~

~~b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a member of the election board on the way to or at a polling place.~~

~~c. Vote more than once in any election.~~

~~d. Knowingly vote in the wrong election precinct or district.~~

~~e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.~~

~~f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.~~

~~g. Knowingly vote when not qualified to do so.~~

~~h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.~~

~~i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.~~

~~j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to under chapter 16.1-08.116.1-08.2 to the~~

1            secretary of state upon submission of the petitions. The disclosure of  
2            contributions received under this section does not affect the requirement to file a  
3            pre-election report by individuals or organizations soliciting or accepting  
4            contributions for the purpose of aiding or opposing the circulation or passage of a  
5            statewide initiative or referendum petition or measure placed upon a statewide  
6            ballot by action of the legislative assembly under chapter 16.1-08.116.1-08.2. Any  
7            signature obtained in violation of this subdivision is void and may not be counted.

8            ~~k. Willfully fail to perform any duty of an election officer after having accepted the~~  
9            ~~responsibility of being an election officer by taking the oath as prescribed in this~~  
10            ~~title.~~

11            ~~l. Willfully violate any rule adopted by the secretary of state pursuant to this title.~~

12            ~~m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any~~  
13            ~~false return of an election, knowing the canvass or return to be false; or willfully~~  
14            ~~deface, destroy, or conceal any statement or certificate entrusted to the~~  
15            ~~individual's or organization's care.~~

16            ~~n. Destroy ballots, ballot boxes, election lists, or other election supplies except as~~  
17            ~~provided by law, or negatively impact the confidentiality, integrity, or availability of~~  
18            ~~any system used for voting.~~

19            ~~o. Sign a name other than that individual's own name to an initiative, referendum,~~  
20            ~~recall, or any other election petition.~~

21            ~~p. Willfully submit an initiative or referendum petition that contains one or more~~  
22            ~~fraudulent signatures.~~

23            ~~2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A~~  
24            ~~misdemeanor.~~

25            ~~b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.~~

26            ~~c. A violation of subdivision n of subsection 1 is a class C felony.~~

27            ~~d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an~~

28            ~~individual signs one or two names other than the individual's own name to a~~

29            ~~petition and is a class C felony if an individual signs more than two names other~~

30            ~~than the individual's own name to a petition.~~



1 ~~———— e. An organization, as defined in section 12.1-03-04, that violates this section is-~~  
2 ~~subject to the organizational fines in section 12.1-32-01.1. The court in which the~~  
3 ~~conviction is entered shall notify the secretary of state of the conviction and shall~~  
4 ~~order the secretary of state to revoke the certificate of authority of any convicted~~  
5 ~~organization or limited liability company. The organization may not reapply to the~~  
6 ~~secretary of state for authorization to do business under any name for one year~~  
7 ~~upon conviction of a class A misdemeanor and for five years upon conviction of a~~  
8 ~~class C felony under this section, except an organization operating a signature~~  
9 ~~gathering business, or similar enterprise, that violates subdivision p of~~  
10 ~~subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and~~  
11 ~~may not reapply to the secretary of state for authorization to do business under~~  
12 ~~any name for five years following the entry of judgment.~~

13 ~~———— f. A violation of subdivision p of subsection 1 by any member of a measure~~  
14 ~~committee, including an initiative or referendum sponsoring committee or an~~  
15 ~~agent acting on behalf of, or in conjunction with, a measure committee for the~~  
16 ~~purpose of collecting signatures for a petition under this chapter is subject to a~~  
17 ~~civil penalty of not more than three thousand dollars. The civil penalty may be~~  
18 ~~recovered in an action brought in the district court of Burleigh County by the~~  
19 ~~attorney general.~~

20 ~~———— g. An individual who is a member of an organization may be convicted of a violation~~  
21 ~~as an accomplice under section 12.1-03-01.~~

22 ~~—— 3. Every act this chapter makes criminal when committed with reference to the election of~~  
23 ~~a candidate is equally criminal when committed with reference to the determination of~~  
24 ~~a question submitted to qualified electors to be decided by votes cast at an election.~~

25 ~~—— **SECTION 4.** Chapter 16.1-08.2 of the North Dakota Century Code is created and enacted~~  
26 ~~as follows:~~

27 ~~—— **16.1-08.2-01. Definitions.**~~

28 ~~—— 1. "Affiliate" means an organization controlling, is controlled by, or is under common~~  
29 ~~control with another organization. For purposes of this definition, control means the~~  
30 ~~possession, direct or indirect, of the power to direct or cause the direction of the~~  
31 ~~management and policies of an organization, whether through the ownership of voting~~

1        ~~securities, by contract other than a commercial contract for goods or nonmanagement~~  
2        ~~services, or otherwise. Control is presumed to exist if an organization, directly or~~  
3        ~~indirectly, owns, controls, holds with the power to vote, or holds proxies representing~~  
4        ~~fifty percent or more of the voting securities of any other organization.~~

5        ~~2. "Association" means any club, association, union, brotherhood, fraternity, organization,~~  
6        ~~or group of any kind of two or more persons, including labor unions, trade~~  
7        ~~associations, professional associations, or governmental associations, which is united~~  
8        ~~for any purpose, business, or object and which assesses any dues, membership fees,~~  
9        ~~or license fees in any amount, or which maintains a treasury fund in any amount. The~~  
10       ~~term does not include corporations, cooperative corporations, limited liability~~  
11       ~~companies, political committees, or political parties.~~

12       ~~3. "Conduit" means a person that is not a political party, political committee, or candidate~~  
13       ~~and which receives a contribution of money and transfers the contribution to a~~  
14       ~~candidate, political party, or political committee when the contribution is designated~~  
15       ~~specifically for the candidate, political party, or political committee and the person has~~  
16       ~~no discretion as to the recipient and the amount transferred. The term includes a~~  
17       ~~transactional intermediary, including a credit card company or a money transfer~~  
18       ~~service paying or transferring money to a candidate on behalf of another person.~~

19       ~~4. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription,~~  
20       ~~loan, advance, deposit of money, or anything of value, made for the purpose of~~  
21       ~~influencing the nomination for election, or election, of any person to public office or~~  
22       ~~aiding or opposing the circulation or passage of a statewide initiative or referendum~~  
23       ~~petition or measure. The term also means a contract, promise, or agreement, express~~  
24       ~~or implied, whether or not legally enforceable, to make a contribution for any of the~~  
25       ~~above purposes. The term includes funds deposited by a candidate for public office or~~  
26       ~~a political party or committee which are transferred or signed over to that candidate,~~  
27       ~~party, or committee from another candidate, party, or political committee or other~~  
28       ~~source including a conduit. The term "anything of value" includes any good or service~~  
29       ~~of more than a nominal value. The term "nominal value" means the cost, price, or~~  
30       ~~worth of the good or service is trivial, token, or of no appreciable value. The term~~  
31       ~~"contribution" does not include:~~

- 1 ~~a. A loan of money from a bank or other lending institution made in the regular~~  
2 ~~course of business.~~
- 3 ~~b. Time spent by volunteer campaign or political party workers.~~
- 4 ~~c. Money or anything of value deposited for commercial transactions, including~~  
5 ~~rents, advertising, or sponsorships made as a part of a fair market value~~  
6 ~~bargained for exchange.~~
- 7 ~~d. Money or anything of value deposited for anything other than a political purpose.~~
- 8 ~~e. Products or services for which the actual cost or fair market value are reimbursed~~  
9 ~~by a payment of money.~~
- 10 ~~f. An independent expenditure.~~
- 11 ~~g. The value of advertising paid by a political party, multicandidate political~~  
12 ~~committee, or caucus which is in support of a candidate.~~
- 13 ~~h. In-kind contributions from a candidate to the candidate's campaign.~~
- 14 ~~5. "Cooperative corporations", "corporations", and "limited liability companies" are as~~  
15 ~~defined in this code, and for purposes of this chapter "corporations" includes nonprofit~~  
16 ~~corporations. However, if a political committee, the only purpose of which is accepting~~  
17 ~~contributions and making expenditures for a political purpose, incorporates for liability~~  
18 ~~purposes only, the committee is not considered a corporation for the purposes of this~~  
19 ~~chapter.~~
- 20 ~~6. "Expenditure" means:~~
- 21 ~~a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution,~~  
22 ~~disbursement, outlay, or deposit of money or anything of value, except a loan of~~  
23 ~~money from a bank or other lending institution made in the regular course of~~  
24 ~~business, made for a political purpose or for the purpose of influencing the~~  
25 ~~passage or defeat of a measure.~~
- 26 ~~b. A contract, promise, or agreement, express or implied, whether or not legally~~  
27 ~~enforceable, to make any expenditure.~~
- 28 ~~c. The transfer of funds by a political committee to another political committee.~~
- 29 ~~d. An independent expenditure.~~
- 30 ~~7. "Expenditure purpose" means the type of expense for which expenditures for a~~  
31 ~~political purpose occurred under this chapter.~~



1 ~~8. "Foreign national" means:~~

2 ~~a. A government or country other than the United States.~~

3 ~~b. A political party organized under the laws of a country other than the United~~  
4 ~~States.~~

5 ~~c. A corporation, partnership, association, organization, or other combination of~~  
6 ~~persons organized under the laws of or having its principal place of business in a~~  
7 ~~country other than the United States.~~

8 ~~d. An individual with citizenship of a country other than the United States.~~

9 ~~e. An individual who is not a citizen or national of the United States and is not~~  
10 ~~admitted lawfully to the United States for permanent residence.~~

11 ~~9. "Independent expenditure" means an expenditure made for a political purpose or for~~  
12 ~~the purpose of influencing the passage or defeat of a measure if the expenditure is~~  
13 ~~made without the express or implied consent, authorization, or cooperation of, and not~~  
14 ~~in concert with or at the request or suggestion of, any candidate, committee, or~~  
15 ~~political party.~~

16 ~~10. "Patron" means a person who owns equity interest in the form of stock, shares, or~~  
17 ~~membership or maintains similar financial rights in a cooperative corporation.~~

18 ~~11. "Person" means an individual, partnership, political committee, association,~~  
19 ~~corporation, cooperative corporation, limited liability company, or other organization or~~  
20 ~~group of persons.~~

21 ~~12. "Personal benefit" means a benefit to the candidate or another person which is not for~~  
22 ~~a political purpose or related to a candidate's responsibilities as a public officeholder,~~  
23 ~~and any other benefit that would convert a contribution to personal income.~~

24 ~~13. "Political committee" means any committee, club, association, or other group of~~  
25 ~~persons which receives contributions or makes expenditures for political purposes and~~  
26 ~~includes:~~

27 ~~a. A political action committee not connected to another organization and free to~~  
28 ~~solicit funds from the general public, or derived from a corporation, cooperative~~  
29 ~~corporation, limited liability company, affiliate, subsidiary, or an association~~  
30 ~~soliciting or receives contributions from its employees or members or makes~~  
31 ~~expenditures for political purposes on behalf of its employees or members;~~

- ~~b. A candidate committee established to support an individual candidate seeking public office which solicits or receives contributions for political purposes;~~
- ~~c. A political organization registered with the federal election commission, which solicits or receives contributions or makes expenditures for political purposes;~~
- ~~d. A multicandidate political committee, including a caucus, established to support multiple groups or slates of candidates seeking public office, which solicits or receives contributions for political purposes; and~~
- ~~e. A measure committee, including an initiative or referendum sponsoring committee at any stage of its organization, which solicits or receives contributions or makes expenditures for the purpose of supporting or opposing an initiative or referendum petition, or measure sought to be voted upon by the voters of the state, including any activities undertaken for the purpose of drafting an initiative or referendum petition, seeking approval of the secretary of state for the circulation of a petition, or seeking approval of the submitted petitions.~~
- ~~14. "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 the association, committee, or organization.~~
- ~~15. "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. The term includes paying any expenses related to the election or nomination of a candidate.~~
- ~~16. "Public office" means every office to which an individual can be elected by vote of the people under the laws of this state.~~
- ~~17. "Subsidiary" means an affiliate of a corporation under the control of the corporation directly or indirectly through one or more intermediaries.~~
- ~~18. "Ultimate and true source" means the person that knowingly contributed over two hundred fifty dollars solely to influence a statewide election or an election for the legislative assembly.~~

~~16.1-08.2-02. General provisions.~~

- ~~1. A political committee, except those defined in subdivision c of subsection 13 of section 16.1-08.2-01, shall register its name, mailing address, telephone number, and nongovernment issued electronic mail address, and its agent's name, mailing address, telephone number, and nongovernment issued electronic mail address, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state. A candidate who does not have a candidate committee shall register the candidate's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state. If the candidate has an agent, the candidate also shall register the agent's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state.~~
- ~~2. The registration required under this section for a candidate or political committee that has not previously registered with the secretary of state must be submitted within fifteen business days of the receipt of any contribution or expenditure made.~~
- ~~3. A candidate or political committee required to be registered under this section must register with the secretary of state each year during which the candidate holds public office or during which the political committee receives contributions, makes expenditures for political purposes, or has a balance in the campaign account. An individual who no longer holds public office or an individual who no longer seeks public office must register with the secretary of state each year in which contributions are deposited, expenditures are made for political purposes, or a balance remains in the campaign account.~~
- ~~4. Any statement filed with the secretary of state under this chapter must be:
  - ~~a. Filed electronically within the prescribed time and in the format established by the secretary of state. If the secretary of state does not receive a statement, an electronic duplicate of the statement must be filed promptly 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 ten years from the date of the filing deadline. The statement must be considered a part of the public records of the secretary of state's office and must be open to public inspection on the internet.~~

~~5. In determining the amount of individual contributions from any contributor, all amounts deposited 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. Contributions made separately by different persons from joint accounts are considered separate contributions for reporting purposes.~~

~~6. In determining the amount of expenditures to any recipient, all expenditures to the same recipient during the reporting period must be aggregated to report an overall total expenditure for the purposes of the statements required by this chapter.~~

~~7. Contributions and expenditures which are less than two hundred fifty dollars in the aggregate are exempt from open records requests and reported as part of aggregate totals only.~~

~~8. In reporting a contribution deposited through a conduit, a candidate, political party, or political committee shall list each reportable contribution identifying the person that submitted the contribution to the conduit and provide the required information regarding the contribution from that person rather than identifying the conduit as the contributor.~~

~~9. A political committee organizing and registering according to federal law that makes an independent expenditure or makes a disbursement in excess of two hundred fifty 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 16.1-08.2-06.~~

1 ~~10. To ensure accurate reporting and avoid commingling of campaign and personal funds,~~  
2 ~~candidates shall use dedicated campaign accounts that are separate from any~~  
3 ~~personal accounts.~~

4 ~~11. Registration by a political committee under this section does not reserve the name for~~  
5 ~~exclusive use nor does it constitute registration of a trade name under chapter 47-25.~~

6 ~~12. A candidate or candidate committee for county office, city office, and school district~~  
7 ~~office are exempt from registering and filing with the secretary of state. Any other~~  
8 ~~person required to file a statement under this chapter shall file the statement with the~~  
9 ~~secretary of state.~~

10 ~~a. A candidate for city office in a city with a population under five thousand and a~~  
11 ~~candidate committee for the candidate are exempt from this chapter. A candidate~~  
12 ~~for school district office in a school district with a fall enrollment of fewer than~~  
13 ~~one thousand students and a candidate committee for the candidate are exempt~~  
14 ~~from this chapter.~~

15 ~~b. A candidate for county office and a candidate committee for a candidate for~~  
16 ~~county office shall file statements under this chapter with the county auditor. A~~  
17 ~~candidate for city office and a candidate committee for a candidate for city office~~  
18 ~~shall file statements under this chapter with the city auditor. A candidate for~~  
19 ~~school district office and a candidate committee for a candidate for school district~~  
20 ~~office shall file statements under this chapter with the school business manager.~~

21 ~~**16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure**~~  
22 ~~**statement requirements for candidates, candidate committees, multicandidate**~~  
23 ~~**committees, political committees, and political parties.**~~

24 ~~1. Before a primary or special election, and before and following a general election, a~~  
25 ~~candidate or candidate committee formed on behalf of the candidate, a multicandidate~~  
26 ~~political committee, a political committee, or a political party soliciting or accepting~~  
27 ~~contributions shall file a campaign disclosure statement including all contributions and~~  
28 ~~expenditures from January first through April thirtieth before a primary election, May~~  
29 ~~first through September thirtieth before a general election, October first through~~  
30 ~~December thirty-first following a general election, and January first through the fortieth~~  
31 ~~day before a special election. A candidate whose name is not on the ballot and who is~~

~~not seeking election through write-in votes, the candidate's candidate committee, and a political party that has not endorsed or nominated any candidate in the election is not required to file a statement under this subsection. The statement before a primary, general, or special election may be submitted for filing beginning on the day following the end of the reporting period and must be submitted before the eighth day following the reporting period. The statement following the general election may be submitted for filing beginning on January first and must be submitted before February first. The statement must include:~~

~~a. For each contribution deposited during the reporting period, the:~~

~~(1) Name and the city and state of the contributor;~~

~~(2) Total amount of the contribution; and~~

~~(3) Date the last contributed amount was deposited.~~

~~b. For each expenditure during the reporting period, the:~~

~~(1) Name of the recipient and location of purchase;~~

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

~~(3) Date of the expenditure; and~~

~~(4) Expenditure purpose.~~

~~c. The total of all contributions and expenditures which total in excess of two hundred fifty dollars during the reporting period and the aggregated total of contributions and expenditures which are two hundred and fifty dollars or less during the reporting period.~~

~~d. For a candidate, a candidate committee formed on behalf of a candidate, a multicandidate committee, or a political party, the balance of the campaign fund on the last day of the reporting period and the balance of the campaign fund on the first day of the reporting period.~~

~~2. Beginning on the day following the end of the reporting period through the day before the election, a person filing a statement under subsection 1 must file a supplemental statement within forty-eight hours of the start of the day following the deposit of a contribution or aggregate contribution from a contributor which is in excess of five hundred dollars. The statement must include the:~~

~~a. Name and the city and state of the contributor;~~



- 1 ~~\_\_\_\_\_ b. Total amount of the contribution deposited during the reporting period; and~~  
2 ~~\_\_\_\_\_ c. Date the last contributed amount was deposited.~~  
3 ~~\_\_\_\_\_ 3. Before February first, a candidate or candidate committee, a multicandidate political~~  
4 ~~committee, a political committee, or a political party soliciting or accepting~~  
5 ~~contributions not required to file a statement under subsection 1 shall file a campaign~~  
6 ~~disclosure statement including all contributions deposited and expenditures from~~  
7 ~~January first through December thirty-first of the previous year. The statement may be~~  
8 ~~submitted for filing beginning on January first. The statement filed according to this~~  
9 ~~section must include:~~  
10 ~~\_\_\_\_\_ a. For a candidate, a candidate committee formed on behalf of a candidate, a~~  
11 ~~multicandidate committee, or political party, the balance of the campaign fund on~~  
12 ~~January first and on December thirty-first.~~  
13 ~~\_\_\_\_\_ b. For each contribution deposited during the reporting period, the:~~  
14 ~~\_\_\_\_\_ (1) Name and the city and state of the contributor;~~  
15 ~~\_\_\_\_\_ (2) Total amount of the contribution; and~~  
16 ~~\_\_\_\_\_ (3) Date the last contributed amount was deposited.~~  
17 ~~\_\_\_\_\_ c. For each expenditure during the reporting period, the:~~  
18 ~~\_\_\_\_\_ (1) Name of the recipient and location of purchase;~~  
19 ~~\_\_\_\_\_ (2) Total amount of the expenditure made to the recipient;~~  
20 ~~\_\_\_\_\_ (3) Date of the expenditure; and~~  
21 ~~\_\_\_\_\_ (4) Expenditure purpose.~~  
22 ~~\_\_\_\_\_ d. The total of all contributions and expenditures which total in excess of~~  
23 ~~two hundred fifty dollars during the reporting period.~~  
24 ~~\_\_\_\_\_ e. The aggregated total of contributions and expenditures which are two hundred~~  
25 ~~and fifty dollars or less during the reporting period.~~  
26 ~~\_\_\_\_\_ 4. A person required to file a statement under this section shall report each aggregated~~  
27 ~~contribution from a contributor which totals five thousand dollars or more during the~~  
28 ~~reporting period. For these contributions from individuals, the statement must include~~  
29 ~~the contributor's occupation, employer, and the employer's principal place of business.~~

~~16.1-08.2-04. Special requirements for state political parties.~~

~~1. State political parties shall establish separate and segregated accounts for the management of state nominating conventions. All revenue obtained and expenditures made for the planning and running of a state convention must be accounted for in these accounts.~~

~~2. A postconvention statement must be filed with the secretary of state sixty days after the close of the state nominating convention. The reporting period for the postconvention statement begins on the first day of January of the reporting year and ends thirty days after the close of the state nominating convention.~~

~~3. A year-end statement covering the entire calendar year must be filed with the secretary of state before February first of the following year even if no convention revenue was deposited or expenditures made within the calendar year.~~

~~4. The statement filed under this section must show:~~

~~a. The balance of the filer's convention accounts at the start and close of the reporting period.~~

~~b. The total of all revenue deposited and expenditures made of two hundred fifty dollars or less.~~

~~c. The total of all revenue deposited and expenditures made in excess of two hundred fifty dollars.~~

~~d. For revenues received and deposited, the:~~

~~(1) Name of each person providing the revenue;~~

~~(2) City and state of each person providing revenue;~~

~~(3) Date of the most recent receipt of revenue from each person providing revenue; and~~

~~(4) The purpose or purposes for which the revenue was deposited from each person.~~

~~e. For each expenditure made, the:~~

~~(1) Name of each person to which the expenditure was made;~~

~~(2) City and state of each person to which the expenditure was made;~~

~~(3) Date of the most recent expenditure made to each person or entity; and~~

~~(4) Purpose or purposes for which the aggregated expenditure total was  
disbursed to each person or entity.~~

~~f. The total of all contributions and expenditures which total in excess of  
two hundred fifty dollars during the reporting period.~~

~~g. The aggregated total of contributions and expenditures which are two hundred  
and fifty dollars or less during the reporting period.~~

~~h. For each aggregated revenue from an individual which totals five thousand  
dollars or more during the reporting period, the occupation, employer, and  
principal place of business of the individual.~~

~~5. If a net gain from the convention is transferred to the accounts established for the  
support of the nomination or election of candidates, the total transferred must be  
reported as a contribution in the statements required by section 16.1-08.2-03.~~

~~6. If a net loss from the convention is covered by a transfer from the accounts  
established for the support of the nomination or election of candidates, the total  
transferred must be reported as an expenditure in the statements required by section  
16.1-08.2-03.~~

~~7. A state political party or nonprofit entity affiliated with or under the control of a state  
political party, which receives a donation for purchasing, maintaining, or renovating a  
building, shall file a statement with the secretary of state before February first of each  
calendar year. Any income or financial gain generated from a building purchased,  
maintained, or renovated from donations must be deposited in the building fund and  
must be disclosed when the political party or nonprofit entity files the statement  
required under this section. Money in the fund may be used only 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, including the purchase of fixtures for  
the building. The statement may be submitted for filing beginning on January first and  
must include the:~~

~~a. Balance of the building fund on January first;~~

~~b. Name and the city and state of each donor;~~

~~c. Amount of each donation;~~

~~d. Date each donation was deposited;~~



~~\_\_\_\_\_ e. Name and the city and state of each recipient of an expenditure;~~

~~\_\_\_\_\_ f. Amount of each expenditure;~~

~~\_\_\_\_\_ g. Date each expenditure was made; and~~

~~\_\_\_\_\_ h. Balance of the fund on December thirty-first.~~

~~**16.1-08.2-05. Special requirements for statements required of persons engaged in activities regarding ballot measures.**~~

~~1. For each reportable contribution and expenditure under section 16.1-08.2-03, the threshold for reporting is one hundred dollars for any person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01.~~

~~2. For contributions deposited from any contributor, a person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01 shall include the following information regarding each subcontributor that has stated a contribution is for the express purpose of furthering the passage or defeat of a ballot measure in the statements required under section 16.1-08.2-03:~~

~~a. A designation as to whether any person contributed in excess of one hundred dollars of the total contribution;~~

~~b. The name and the city and state of each subcontributor contributing in excess of one hundred dollars of the total contribution;~~

~~c. The contribution amounts of each disclosed subcontributor; and~~

~~d. The occupation, employer, and address for the employer's principal place of business of each disclosed subcontributor.~~

~~3. A measure committee which is seeking approval for an initiative or referendum shall file a disclosure statement by the date the secretary of state approves the petition for circulation. Thereafter, the measure committee is required to file disclosure statements as directed by section 16.1-08.2-03.~~

~~4. A measure committee that is seeking approval for an initiative or referendum shall file a statement regarding its intent to compensate circulators before paying for petitions to be circulated.~~

~~**16.1-08.2-06. Special requirements for political committees organized and registered under federal law.**~~

~~1. A political committee organizing and registering according to federal law which makes an independent expenditure or makes a disbursement in excess of two hundred fifty 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.~~

~~2. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include the:~~

~~a. Name, city and state, and treasurer of the political committee;~~

~~b. Recipient's name and mailing address;~~

~~c. Date and amount of the independent expenditure or disbursement; and~~

~~d. Ultimate and true source of funds listed by contributor and subcontributor for any amount over two hundred fifty dollars collected or used to make the independent expenditure or disbursement including the:~~

~~(1) Name, city and state, and treasurer of the political committee;~~

~~(2) Total amount of the contribution; and~~

~~(3) Date the last contribution was deposited.~~

~~**16.1-08.2-07. Campaign contributions by corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, and associations – Penalty.**~~

~~1. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may establish, administer, and solicit contributions to a separate and segregated fund to be used for political purposes by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association. It is unlawful for:~~

~~a. The person controlling the fund to make contributions or expenditures using money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of those actions; or use money from dues, fees, treasury funds, or other money required as a condition of membership in an~~

1                   ~~association, or as a condition of employment; or use money obtained in any~~  
2                   ~~commercial transaction. Moneys from fees, dues, treasury funds, or money~~  
3                   ~~obtained in a commercial transaction may, however, be used to pay costs of~~  
4                   ~~administration of the fund.~~

5                   ~~b. Any person soliciting an employee, stockholder, patron, board member, or~~  
6                   ~~member for a contribution to the fund to fail to inform the employee or member of~~  
7                   ~~the political purposes of the fund at the time of the solicitation or of the general~~  
8                   ~~political philosophy intended to be advanced through committee activities.~~

9                   ~~c. Any person soliciting an employee or member for a contribution to the fund to fail~~  
10                  ~~to inform the employee or member at the time of the solicitation of the right to~~  
11                  ~~refuse to contribute without any reprisal.~~

12                  ~~d. Any contribution to be accepted without keeping an accurate record of the~~  
13                  ~~contributor and amount contributed and of amounts expended for political~~  
14                  ~~purposes.~~

15                  ~~e. Any contribution to be accepted from any person not an employee, a stockholder,~~  
16                  ~~a patron, a board member or a member of the corporation, cooperative~~  
17                  ~~corporation, limited liability company, affiliate, subsidiary, or association~~  
18                  ~~maintaining the political action committee, except a corporation may accept a~~  
19                  ~~contribution from an employee, a stockholder, a patron, a board member, or a~~  
20                  ~~member of an affiliate or a subsidiary of the corporation.~~

21                  ~~f. Any expenditure made for political purposes to be reported under this section~~  
22                  ~~before control of the expenditure has been released by the political action~~  
23                  ~~committee except if there is a contract, a promise, or an agreement, expressed or~~  
24                  ~~implied, to make the expenditure.~~

25                  ~~2. A person may not make a payment of that person's money or of another person's~~  
26                  ~~money to any other person for a political purpose in any name other than that of the~~  
27                  ~~person supplying the money and a person may not knowingly receive the payment nor~~  
28                  ~~enter nor cause the payment to be entered in that person's account or record in any~~  
29                  ~~name other than that of the person by which it actually was furnished.~~

30                  ~~3. If an officer, employee, agent, attorney, or other representative of a corporation,~~  
31                  ~~cooperative corporation, limited liability company, affiliate, subsidiary, or association~~



~~makes any contribution prohibited by this section out of corporate, cooperative corporation, limited liability company, affiliate, subsidiary, or association funds or otherwise violates this section, it is prima facie evidence of a violation by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association.~~

~~4. Corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, 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, affiliate, subsidiary, or association other than a "political purpose" as defined by this chapter. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may not make a contribution for a political purpose.~~

~~5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, 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 building fund.~~

~~6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may make an expenditure to a measure committee for the purpose of promoting the passage or defeat of an initiated or referred measure or petition or make an expenditure to any other person making an independent expenditure. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may make an independent expenditure for a political purpose, including political advertising in support of or opposition to a candidate, political committee, or a political party, or for the purpose of promoting passage or defeat of initiated or referred measures or petitions. The corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association shall file a statement disclosing any expenditure made under this subsection with the secretary of state within forty-eight hours after making the expenditure. The statement must include:~~

~~a. The full name of the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association;~~

- ~~b. The complete address of the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association;~~
- ~~c. The name of the recipient of the expenditure;~~
- ~~d. If the expenditure is related to a measure or petition, the title of the measure or petition and whether the expenditure is made in support of or opposition to the measure or petition;~~
- ~~e. If the 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 expenditure;~~
- ~~g. The cumulative total amount of expenditures since the beginning of the calendar year which are required to be reported under this subsection;~~
- ~~h. The telephone number and the printed name and signature of the individual completing the statement, attesting to the statement being true, complete, and correct; and~~
- ~~i. The date on which the statement was signed.~~
- ~~7. 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. 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, affiliate, subsidiary, or association to violate this section or to counsel or consent to any violation. Any person that solicits or knowingly receives any contribution in violation of this section is guilty of a class A misdemeanor.~~
- ~~9. 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, affiliate, subsidiary, or association for the amount so contributed.~~
- 16.1-08.2-08. Special requirements for conduits.**
- ~~A conduit transferring any contribution to a candidate, political party, or political committee shall provide the recipient of the contribution a detailed statement listing the name and address of each individual contributor, the amount of each contribution, and the date each contribution was deposited. The conduit also shall include on the statement the occupation, employer, and~~

~~principal place of business of each contributor, 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 a reporting period applicable to the candidate, political party, or political committee. The conduit shall provide the statement to the candidate, political party, or political committee in a manner to allow the candidate, political party, or political committee to file any statement required to be filed under this chapter.~~

~~**16.1-08.2-09. General prohibitions.**~~

~~1. A foreign national may not make or offer to make, directly or indirectly, a contribution or expenditure in connection with any election.~~

~~2. A candidate, candidate committee, political party, or any other person may not solicit, accept, or receive, directly or indirectly, a contribution from a foreign national.~~

~~3. A candidate may not use any contribution deposited by the candidate, the candidate's candidate committee, or a multicandidate political committee to:~~

~~a. Give a personal benefit to the candidate or another person;~~

~~b. Make a loan to another person;~~

~~c. Knowingly pay more than the fair market value for goods or services purchased for the campaign; or~~

~~d. Pay a criminal fine or civil penalty.~~

~~4. If the secretary of state has substantial reason to believe any person knowingly violated this section, the secretary shall arrange for an audit as authorized by section 16.1-08.2-10.~~

~~5. A person may not be excused from attending and testifying or producing any books, papers, or other documents before any court upon any investigation, proceeding, or trial for a violation of any of the provisions of this chapter, upon the grounds that the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate or degrade the person. A person may not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the person may testify or produce evidence, documentary or otherwise. Any testimony given or produced may not be used against the person in any criminal investigation or proceeding.~~



~~16.1-08.2-10. Audit by secretary of state.~~

~~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, political committee, or other person filing the statement shall pay a fine to the secretary of state equal to 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 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 must 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.~~

1 ~~registration, or report filed with the secretary of state according to this chapter. The~~  
2 ~~secretary of state may collect any payment obligation arising out of this section by civil~~  
3 ~~action or by assignment to a collection agency, with any costs of collection to be~~  
4 ~~added to the amount owed and to be paid by the delinquent filer. Any remaining~~  
5 ~~moneys collected by the secretary of state after an audit is paid for under this section~~  
6 ~~must be deposited in the state's general fund. This section does not apply to~~  
7 ~~statements filed by candidates or candidate committees for candidates for county, city,~~  
8 ~~or school district offices.~~

9 ~~— **16.1-08.2-11. Filing officer to charge and collect filing fees.**~~

10 ~~— 1. If a statement or report required to be filed according to this chapter is not filed within~~  
11 ~~the prescribed time, the filing officer to whom the report was to be filed is authorized to~~  
12 ~~charge and collect a late fee as follows:~~

- 13 ~~— a. Within six days after the prescribed time, one hundred dollars;~~  
14 ~~— b. Within thirteen days after the prescribed time, two hundred fifty dollars; and~~  
15 ~~— c. Thereafter, five hundred dollars.~~

16 ~~— 2. Any amendment filed by the candidate, candidate committee, multicandidate~~  
17 ~~committee, political committee, or political party, or at the request of the filing officer,~~  
18 ~~the filing officer to whom the report was to be filed is authorized to charge and collect a~~  
19 ~~late fee as follows:~~

- 20 ~~— a. Within six days after the filing deadline, one hundred dollars;~~  
21 ~~— b. Within eleven days after the filing deadline, two hundred fifty dollars; and~~  
22 ~~— c. Thereafter, five hundred dollars.~~

23 ~~— 3. Any fines paid under this section must be reported on the statement filed by the~~  
24 ~~candidate, candidate committee, multicandidate committee, political committee, or~~  
25 ~~political party.~~

26 ~~— 4. The filing officer may collect any payment obligation arising out of this section by civil~~  
27 ~~action or by assignment to a collection agency, with any costs of collection to be~~  
28 ~~added to the amount owed and to be paid by the delinquent filer.~~

~~**16.1-08.2-12. Secretary of state to provide instruction and adjust thresholds for inflation.**~~

~~1. The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter.~~

~~2. The secretary of state shall adjust for inflation the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and inform persons submitting reports under this chapter of the adjustments. The secretary of state shall make the adjustments beginning January first of each adjustment year beginning January 1, 2026.~~

~~**16.1-08.2-13. Penalty.**~~

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

~~**SECTION 5. AMENDMENT.** Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:~~

~~**16.1-10-04.1. Certain political advertisements to disclose name of sponsor – Name disclosure requirements.**~~

~~Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described in section 16.1-08.1-0116.1-08.2-01, or a corporation making an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as defined in section 16.1-08.1-0116.1-08.2-01, or political party paying for the advertisement. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible individual from the political party, association, or partnership. The name of the person paying for any radio or television broadcast containing any advertising announcement for or against any candidate for public office must be announced at the close of the broadcast. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible individual from the political party, association, or partnership. In every political~~



~~advertisement in which the name of the person paying for the advertisement is disclosed, the first and last name of any named individual must be disclosed. An advertisement paid for by an individual candidate or group of candidates must disclose that the advertisement was paid for by the individual candidate or group of candidates. The first and last name or names of the candidates paying for the advertisement are not required to be disclosed. This section does not apply to campaign buttons.~~

~~— **SECTION 6. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North Dakota Century Code is amended and reenacted as follows:~~

~~— f. By or on behalf of a political party, candidate, or other group with a political purpose, as defined in section 16.1-08.1-01~~16.1-08.2-01~~, unless the communication is a text message.~~

**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. "Affiliate" means an organization that controls, is controlled by, or is under common control with another organization. For purposes of this definition, control means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of an organization, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise. Control is presumed to exist if an organization, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing fifty percent or more of the voting securities of any other organization.
2. "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.

- 1       3. "Conduit" means a person that is not a political party, political committee, or candidate  
2       and which receives a contribution of money and transfers the contribution to a  
3       candidate, political party, or political committee when the contribution is designated  
4       specifically for the candidate, political party, or political committee and the person has  
5       no discretion as to the recipient and the amount transferred. The term includes a  
6       transactional intermediary, including a credit card company or a money transfer  
7       service that pays or transfers money to a candidate on behalf of another person.
- 8       4. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription,  
9       loan, advance, deposit of money, or anything of value, made for the purpose of  
10      influencing the nomination for election, or election, of any person to public office or  
11      aiding or opposing the circulation or passage of a statewide initiative or referendum  
12      petition or measure. The term also means a contract, promise, or agreement, express  
13      or implied, whether or not legally enforceable, to make a contribution for any of the  
14      above purposes. The term includes funds received by a candidate for public office or a  
15      political party or committee which are transferred or signed over to that candidate,  
16      party, or committee from another candidate, party, or political committee or other  
17      source including a conduit. The term "anything of value" includes any good or service  
18      of more than a nominal value. The term "nominal value" means the cost, price, or  
19      worth of the good or service is trivial, token, or of no appreciable value. The term  
20      "contribution" does not include:
- 21      a. A loan of money from a bank or other lending institution made in the regular  
22      course of business.
- 23      b. Time spent by volunteer campaign or political party workers.
- 24      c. Money or anything of value received for commercial transactions, including rents,  
25      advertising, or sponsorships made as a part of a fair market value bargained-for  
26      exchange.
- 27      d. Money or anything of value received for anything other than a political purpose.
- 28      e. Products or services for which the actual cost or fair market value are reimbursed  
29      by a payment of money.
- 30      f. An independent expenditure.

- 1           g. The value of advertising paid by a political party, multicandidate political  
2           committee, or caucus which is in support of a candidate.
- 3           h. In-kind contributions from a candidate to the candidate's campaign.
- 4       5. "Cooperative corporations", "corporations", and "limited liability companies" are as  
5       defined in this code, and for purposes of this chapter "corporations" includes nonprofit  
6       corporations. However, if a political committee, the only purpose of which is accepting  
7       contributions and making expenditures for a political purpose, incorporates for liability  
8       purposes only, the committee is not considered a corporation for the purposes of this  
9       chapter.
- 10      6. "Expenditure" means:
- 11          a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution,  
12          disbursement, outlay, or deposit of money or anything of value, except a loan of  
13          money from a bank or other lending institution made in the regular course of  
14          business, made for a political purpose or for the purpose of influencing the  
15          passage or defeat of a measure.
- 16          b. A contract, promise, or agreement, express or implied, whether or not legally  
17          enforceable, to make any expenditure.
- 18          c. The transfer of funds by a political committee to another political committee.
- 19          d. An independent expenditure.
- 20      7. "Expenditure categories" means the categories into which expenditures must be  
21      grouped for reports under this chapter. The expenditure categories are:
- 22          a. Advertising;
- 23          b. Campaign loan repayment;
- 24          c. Operations;
- 25          d. Political donations;
- 26          e. Travel;~~and~~
- 27          f. Volunteer appreciation; and
- 28          ~~e.g.~~ Miscellaneous.
- 29      8. "Independent expenditure" means an expenditure made for a political purpose or for  
30      the purpose of influencing the passage or defeat of a measure if the expenditure is  
31      made without the express or implied consent, authorization, or cooperation of, and not



1 in concert with or at the request or suggestion of, any candidate, committee, or  
2 political party.

3 9. "Patron" means a person who owns equity interest in the form of stock, shares, or  
4 membership or maintains similar financial rights in a cooperative corporation.

5 10. "Person" means an individual, partnership, political committee, association,  
6 corporation, cooperative corporation, limited liability company, or other organization or  
7 group of persons.

8 11. "Personal benefit" means a benefit to the candidate or another person which is not for  
9 a political purpose or related to a candidate's responsibilities as a public officeholder,  
10 and any other benefit that would convert a contribution to personal income.

11 12. "Political committee" means any committee, club, association, or other group of  
12 persons which receives contributions or makes expenditures for political purposes and  
13 includes:

- 14 a. A political action committee not connected to another organization and free to  
15 solicit funds from the general public, or derived from a corporation, cooperative  
16 corporation, limited liability company, affiliate, subsidiary, or an association that  
17 solicits or receives contributions from its employees or members or makes  
18 expenditures for political purposes on behalf of its employees or members;
- 19 b. A candidate committee established to support an individual candidate seeking  
20 public office which solicits or receives contributions for political purposes;
- 21 c. A political organization registered with the federal election commission, which  
22 solicits or receives contributions or makes expenditures for political purposes;
- 23 d. A multicandidate political committee, including a caucus, established to support  
24 multiple groups or slates of candidates seeking public office, which solicits or  
25 receives contributions for political purposes; and
- 26 e. A measure committee, including an initiative or referendum sponsoring  
27 committee at any stage of its organization, which solicits or receives contributions  
28 or makes expenditures for the purpose of aiding or opposing an initiative or  
29 referendum petition or measure sought to be voted upon by the voters of the  
30 state, including any activities undertaken for the purpose of drafting an initiative

or referendum petition, seeking approval of the secretary of state for the circulation of a petition, or seeking approval of the submitted petitions.

13. "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.

14. "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 public office or any position taken in any bona fide news story, commentary, or editorial.

15. "Public office" means every office to which an individual can be elected by vote of the people under the laws of this state.

16. "Subsidiary" means an affiliate of a corporation under the control of the corporation directly or indirectly through one or more intermediaries.

17. "Ultimate and true source" means the person that knowingly contributed over ~~two-~~  
~~hundred~~two hundred fifty dollars solely to influence a statewide election or an election for the legislative assembly.

**SECTION 2. AMENDMENT.** Section 16.1-08.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-02.1. State political party convention revenue and expense statement required.**

1. State political parties shall establish separate and segregated accounts for the management of state nominating conventions. All revenue obtained and expenditures

made for the planning and running of a state convention must be accounted for in these accounts.

2. A postconvention statement must be filed with the secretary of state sixty days after the close of the state nominating convention. The reporting period for the postconvention statement begins on the first day of January of the reporting year and ends thirty days after the close of the state nominating convention.
3. A year-end statement covering the entire calendar year must be filed with the secretary of state before February first of the following year even if no convention revenue was received or expenditures made within the calendar year.
4. The statement filed according to this section must show the following:
  - a. The balance of the filer's convention accounts at the start and close of the reporting period;
  - b. The total of all revenue received and expenditures made of ~~two hundred~~ two hundred fifty dollars, or less;
  - c. The total of all revenue received and expenditures made in excess of ~~two hundred~~ two hundred fifty dollars;
  - d. For each aggregated revenue received from a person in excess of ~~two hundred~~ two hundred fifty dollars the:
    - (1) ~~The name~~ Name of each person;
    - (2) ~~The mailing address~~ City and state of each person;
    - (3) ~~The date~~ Date of the most recent receipt of revenue from each person; and
    - (4) ~~The purpose~~ Purpose or purposes for which the aggregated revenue total was received from each person;
  - e. For each aggregated expenditure made to a person in excess of ~~two hundred~~ two hundred fifty dollars the:
    - (1) ~~The name~~ Name of each person ~~or entity~~;
    - (2) ~~The mailing address~~ City and state of each person ~~or entity~~;
    - (3) ~~The date~~ Date of the most recent expense made to each person ~~or entity~~; and
    - (4) ~~The purpose~~ Purpose or purposes for which the aggregated expenditure total was disbursed to each person ~~or entity~~; and



f. For each aggregated revenue from an individual which totals five thousand dollars or more during the reporting period, the occupation, employer, and principal place of business of the individual must be disclosed.

5. If a net gain from the convention is transferred to the accounts established for the support of the nomination or election of candidates, the total transferred must be reported as a contribution in the statements required by section 16.1-08.1-02.4.

6. If a net loss from the convention is covered by a transfer from the accounts established for the support of the nomination or election of candidates, the total transferred must be reported as an expenditure in the statements required by section 16.1-08.1-02.4.

**SECTION 3. AMENDMENT.** Section 16.1-08.1-02.2 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-02.2. State political party building fund statement required.**

A state political party or nonprofit entity affiliated with or under the control of a state political party which receives a donation for purchasing, maintaining, or renovating a building shall file a statement with the secretary of state before February first of each calendar year. Any income or financial gain generated from a building purchased, maintained, or renovated from donations must be deposited in the building fund and must be disclosed when the political party or nonprofit entity files the statement required under this section. Money in the fund may be used only 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 including the purchase of fixtures for the building. The statement may be submitted for filing beginning on January first and must include:

1. The balance of the building fund on January first;
2. The name and ~~mailing address~~ the city and state of each donor;
3. The amount of each donation;
4. The date each donation was received;
5. The name and ~~mailing address~~ the city and state of each recipient of an expenditure;
6. The amount of each expenditure;
7. The date each expenditure was made; and
8. The balance of the fund on December thirty-first.

**SECTION 4. 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 accepting contributions shall file a campaign disclosure statement that includes all contributions received from January first through the fortieth day before the election. A candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a political party that has not endorsed or nominated any candidate in the election is not required to file a statement under this subsection. The statement 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~~ two hundred fifty dollars received during the reporting period ~~the~~:

(1) ~~The name~~ Name and ~~mailing address~~ the city and state of the contributor;

(2) ~~The total~~ Total amount of the contribution; and

(3) ~~The date~~ Date the last contributed amount was received;

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

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

d. 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 the fortieth day before the election and the balance of the campaign fund on January first.

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 five hundred dollars. The statement must include the:

- a. ~~The name~~Name and ~~mailing address~~the city and state of the contributor;
- b. ~~The total~~Total amount of the contribution received during the reporting period; and
- c. ~~The date~~Date the last contributed amount was received.

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;
- b. For each aggregated contribution from a contributor which totals in excess of ~~two hundred~~two hundred fifty dollars received during the reporting period the:
  - (1) ~~The name~~Name and ~~mailing address~~the city and state of the contributor;
  - (2) ~~The total~~Total amount of the contribution; and
  - (3) ~~The date~~Date the last contributed amount was received;
- c. The total of all aggregated contributions from contributors which total in excess of ~~two hundred~~two hundred fifty dollars during the reporting period;
- d. The total of all contributions received from contributors that contributed ~~two hundred~~two hundred fifty dollars or less each during the reporting period; and
- e. The total of all other expenditures made during the previous year, separated into expenditure categories.

4. A person required to file a statement under this section, other than a candidate for judicial office, county office, city office, or school district office, or a candidate committee for a candidate exempted under this subsection, shall report each aggregated contribution from a contributor which totals five thousand dollars or more during the reporting period. For these contributions from individuals, the statement



1 must include the contributor's occupation, employer, and the employer's principal  
2 place of business.

3 5. A candidate for city office in a city with a population under five thousand and a  
4 candidate committee for the candidate are exempt from this section. A candidate for  
5 school district office in a school district with a fall enrollment of fewer than  
6 one thousand students and a candidate committee for the candidate are exempt from  
7 this section.

8 6. A candidate for county office and a candidate committee for a candidate for county  
9 office shall file statements under this chapter with the county auditor. A candidate for  
10 city office who is required to file a statement under this chapter and a candidate  
11 committee for such a candidate shall file statements with the city auditor. A candidate  
12 for school district office who is required to file a statement under this chapter and a  
13 candidate committee for such a candidate shall file statements with the school district  
14 business manager. Any other person required to file a statement under this section  
15 shall file the statement with the secretary of state.

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

18 8. To ensure accurate reporting and avoid commingling of campaign and personal funds,  
19 candidates shall use dedicated campaign accounts that are separate from any  
20 personal accounts.

21 **SECTION 5. AMENDMENT.** Section 16.1-08.1-02.4 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23 **16.1-08.1-02.4. Pre-election, supplemental, and year-end campaign disclosure**  
24 **statement requirements for statewide political parties and certain political committees.**

25 1. Prior to the thirty-first day before a primary, general, or special election, a statewide  
26 political party or a political committee not required to file statements under section  
27 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a campaign  
28 disclosure statement that includes all contributions received and expenditures made  
29 from January first through the fortieth day before the election. A political party that has  
30 not endorsed or nominated a candidate in an election is not required to file a  
31 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~~ two hundred fifty dollars received during the reporting period the:

(1) ~~The name~~ Name and ~~mailing-address~~ the city and state 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~~ two hundred fifty dollars during the reporting period;

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

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

(1) ~~The name~~ Name and ~~mailing-address~~ the city and state of the recipient;

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

(3) ~~The date the last expended amount was made to the recipient~~ Date of the expenditure; and

(4) Corresponding expenditure category;

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

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

g. The balance of the campaign fund on the fortieth day before the election and balance of the campaign fund on January first.

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 five hundred dollars. The statement must include the:

a. ~~The name~~ Name and ~~mailing-address~~ the city and state of the contributor;

- 1           b. ~~The total~~Total amount of the contribution received during the reporting period;  
2           and  
3           c. ~~The date~~Date the last contributed amount was received.
- 4       3. Prior to February first, a statewide political party or a political committee that is not  
5       required to file a statement under section 16.1-08.1-2.3 shall file a campaign  
6       disclosure statement that includes all contributions received and expenditures made  
7       from January first through December thirty-first of the previous year. The statement  
8       may be submitted for filing beginning on January first. The statement must include:
- 9       a. For each aggregated contribution from a contributor which totals in excess of ~~two-~~  
10       ~~hundred~~two hundred fifty dollars received during the reporting period ~~the~~:  
11       (1) ~~The name~~Name and ~~mailing address~~the city and state of the contributor;  
12       (2) ~~The total~~Total amount of the contribution; and  
13       (3) ~~The date~~Date the last contributed amount was received;
- 14       b. The total of all aggregated contributions from contributors which total in excess of  
15       ~~two hundred~~two hundred fifty dollars during the reporting period;
- 16       c. The total of all contributions received from contributors that contributed ~~two-~~  
17       ~~hundred~~two hundred fifty dollars or less each during the reporting period;
- 18       d. For each recipient of an expenditure from campaign funds in excess of ~~two-~~  
19       ~~hundred~~two hundred fifty dollars in the aggregate ~~the~~:  
20       (1) ~~The name~~Name and ~~mailing address~~the city and state of the recipient;  
21       (2) ~~The total~~Total amount of the expenditure made to the recipient; ~~and~~  
22       (3) ~~The date the last expended amount was made to the recipient~~Date of the  
23       expenditure; and  
24       (4) Corresponding expenditure category;
- 25       e. The aggregate total of all expenditures from campaign funds in excess of ~~two-~~  
26       ~~hundred~~two hundred fifty dollars;
- 27       f. The aggregate total of all expenditures from campaign funds of ~~two hundred~~two  
28       hundred fifty dollars or less; and
- 29       g. The balance of the campaign fund on January first and December thirty-first.
- 30       4. A person required to file a statement under this section shall disclose each aggregated  
31       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 6. 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. Special requirements for statements required of persons engaged in activities regarding ballot measures.**

1. For each reportable contribution and expenditure under section 16.1-08.1-02.4, the threshold for reporting is one hundred dollars for any person engaged in activities described in subdivision e of subsection 12 of section 16.1-08.1-01.
2. For contributions received from any contributor, a person engaged in activities described in subdivision e of subsection 12 of section 16.1-08.1-01 shall include the following information regarding each subcontributor that has stated a contribution is for the express purpose of furthering the passage or defeat of a ballot measure in the statements required under section 16.1-08.1-02.4:
  - a. A designation as to whether any person contributed in excess of one hundred dollars of the total contribution;
  - b. The name and ~~mailing address~~ the city and state of each subcontributor that contributed in excess of one hundred dollars of the total contribution;
  - c. The contribution amounts of each disclosed subcontributor; and
  - d. The occupation, employer, and address for the employer's principal place of business of each disclosed subcontributor.
3. An initiative and referendum sponsoring committee also shall file a disclosure statement by the date the secretary of state approves the petition for circulation, and shall file an additional statement on the date the petitions containing the required number of signatures are submitted to the secretary of state for review. The statements required under this subsection must be in the same form as the year-end statements under section 16.1-08.1-02.4.

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

3       **SECTION 7. AMENDMENT.** Section 16.1-08.1-03.7 of the North Dakota Century Code is  
4       amended and reenacted as follows:

5       **16.1-08.1-03.7. Political committees that organize and register according to federal**  
6       **law that make independent expenditures or disbursements to nonfederal candidates,**  
7       **political parties, and political committees.**

8       A political committee that organizes and registers according to federal law and makes an  
9       independent expenditure or makes a disbursement in excess of ~~two hundred~~two hundred fifty  
10      dollars to a nonfederal candidate seeking public office or to a political party or political  
11      committee in this state shall file a copy of that portion of the committee's federal report detailing  
12      the independent expenditure or the disbursement made. The political committee shall file a copy  
13      of the committee's federal report, and supplementary information as necessary under this  
14      section, with the secretary of state at the time of filing the report with the applicable federal  
15      agency. The report and supplementary information must include the:

- 16      1. ~~The name~~Name, ~~mailing address~~city and state, and treasurer of the political  
17      committee;  
18      2. ~~The recipient's~~Recipient's name and ~~mailing address~~city and state;  
19      3. ~~The date~~Date and amount of the independent expenditure or disbursement; and  
20      4. ~~The ultimate~~Ultimate and true source of funds listed by contributor and subcontributor  
21      of any amount over ~~two hundred~~two hundred fifty dollars collected or used to make the  
22      independent expenditure or disbursement including the:  
23      a. ~~The name~~Name and ~~address~~ city and state of the contributor;  
24      b. ~~The total~~Total amount of the contribution; and  
25      c. ~~The date~~Date the last contribution was received.

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2156  
3/27/2025

Relating to campaign disclosure statements; relating to campaign disclosure statements; and to provide a penalty.
--

2:41 p.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, T. Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff  
Members absent: Representative C. Brown

### **Discussion Topics:**

- 40 days prior to primary versus actual date

2:42 p.m. Representative Steiner provided information from the subcommittee.

2:45 p.m. Representative Vetter provided information from the subcommittee.

2:48 p.m. Representative Wolff provided information from the subcommittee.

2:51 p.m. Chairman Schauer closed the meeting.

*Jackson Toman, Committee Clerk*

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2156  
4/9/2025  
Subcommittee

Relating to campaign disclosure statements; relating to campaign disclosure statements; and to provide a penalty.
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11:03 a.m. Madame Chair Steiner opened the meeting.

Members present: Madame Chair Steiner, Representatives Schauer, Vetter, Wolff

### **Discussion Topics:**

- Committee reporting requirements
- Reporting dates

11:05 a.m. Dustin Richard, Legislative Council, introduced amendments LC#25.0330.06008, #44892.

12:15 p.m. Madame Chair Steiner closed the meeting.

*Jackson Toman, Committee Clerk*



25.0330.06008  
Title.

Prepared by the Legislative Council  
staff for Representative Steiner  
April 8, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED SENATE BILL NO. 2156

Introduced by

Senator Cleary

1 A BILL for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code,  
2 relating to campaign disclosure statements; to amend and reenact sections 15.1-09-08,  
3 15.1-09-19, 16.1-01-12, and 16.1-10-04.1, and subdivision f of subsection 8 of section 51-28-01  
4 of the North Dakota Century Code, relating to campaign disclosure statements; to repeal  
5 chapter 16.1-08.1 of the North Dakota Century Code. relating to campaign disclosure  
6 statements; and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **15.1-09-08. School district elections - Candidate filings.**

11 An individual seeking election to the board of a school district shall prepare and sign a  
12 document stating the individual's name and the position for which that individual is a candidate.  
13 A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether  
14 or not the election is held in conjunction with a statewide election, all statements of interest  
15 must be filed with the school district business manager, or mailed to and in the possession of  
16 the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall  
17 also file a campaign contribution statement as required by section ~~16.1-08.1-02.3~~ 16.1-08.2-03.

18 **SECTION 2. AMENDMENT.** Section 15.1-09-19 of the North Dakota Century Code is  
19 amended and reenacted as follows:

**15.1-09-19. Duties of election officials - Other applicable statutes.**

Sections ~~16.1-08.1-03.3~~ ~~16.1-08.2-07~~ 16.1-08.2-08, 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.

**SECTION 3. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-01-12. Election offenses - Penalty.**

1. It is unlawful for an individual, measure committee as described in section ~~16.1-08.1-04~~ 16.1-08.2-01, or other organization to:

- a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
- b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a member of the election board on the way to or at a polling place.
- c. Vote more than once in any election.
- d. Knowingly vote in the wrong election precinct or district.
- e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
- f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
- g. Knowingly vote when not qualified to do so.
- h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
- i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
- j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 16.1-08.2 to the

- 1 secretary of state upon submission of the petitions. The disclosure of  
2 contributions received under this section does not affect the requirement to file a  
3 pre-election report by individuals or organizations soliciting or accepting  
4 contributions for the purpose of aiding or opposing the circulation or passage of a  
5 statewide initiative or referendum petition or measure placed upon a statewide  
6 ballot by action of the legislative assembly under chapter ~~46.4-08.416.1-08.2~~. Any  
7 signature obtained in violation of this subdivision is void and may not be counted.
- 8 k. Willfully fail to perform any duty of an election officer after having accepted the  
9 responsibility of being an election officer by taking the oath as prescribed in this  
10 title.
- 11 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
- 12 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
13 false return of an election, knowing the canvass or return to be false; or willfully  
14 deface, destroy, or conceal any statement or certificate entrusted to the  
15 individual's or organization's care.
- 16 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
17 provided by law, or negatively impact the confidentiality, integrity, or availability of  
18 any system used for voting.
- 19 o. Sign a name other than that individual's own name to an initiative, referendum,  
20 recall, or any other election petition.
- 21 p. Willfully submit an initiative or referendum petition that contains one or more  
22 fraudulent signatures.
- 23 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
24 misdemeanor.
- 25 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
- 26 c. A violation of subdivision n of subsection 1 is a class C felony.
- 27 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
28 individual signs one or two names other than the individual's own name to a  
29 petition and is a class C felony if an individual signs more than two names other  
30 than the individual's own name to a petition.

- 1 e. An organization, as defined in section 12.1-03-04, that violates this section is  
2 subject to the organizational fines in section 12.1-32-01.1. The court in which the  
3 conviction is entered shall notify the secretary of state of the conviction and shall  
4 order the secretary of state to revoke the certificate of authority of any convicted  
5 organization or limited liability company. The organization may not reapply to the  
6 secretary of state for authorization to do business under any name for one year  
7 upon conviction of a class A misdemeanor and for five years upon conviction of a  
8 class C felony under this section, except an organization operating a signature  
9 gathering business, or similar enterprise, that violates subdivision p of  
10 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
11 may not reapply to the secretary of state for authorization to do business under  
12 any name for five years following the entry of judgment.
- 13 f. A violation of subdivision p of subsection 1 by any member of a measure  
14 committee, including an initiative or referendum sponsoring committee or an  
15 agent acting on behalf of, or in conjunction with, a measure committee for the  
16 purpose of collecting signatures for a petition under this chapter is subject to a  
17 civil penalty of not more than three thousand dollars. The civil penalty may be  
18 recovered in an action brought in the district court of Burleigh County by the  
19 attorney general.
- 20 g. An individual who is a member of an organization may be convicted of a violation  
21 as an accomplice under section 12.1-03-01.
- 22 3. Every act this chapter makes criminal when committed with reference to the election of  
23 a candidate is equally criminal when committed with reference to the determination of  
24 a question submitted to qualified electors to be decided by votes cast at an election.

25 **SECTION 4.** Chapter 16.1-08.2 of the North Dakota Century Code is created and enacted  
26 as follows:

27 **16.1-08.2-01. Definitions.**

- 28 1. "Affiliate" means an organization controlling, is controlled by, or is under common  
29 control with another organization. For purposes of this definition, control means the  
30 possession, direct or indirect, of the power to direct or cause the direction of the  
31 management and policies of an organization, whether through the ownership of voting



1        securities, by contract other than a commercial contract for goods or nonmanagement  
2        services, or otherwise. Control is presumed to exist if an organization, directly or  
3        indirectly, owns, controls, holds with the power to vote, or holds proxies representing  
4        fifty percent or more of the voting securities of any other organization.

5        2. "Association" means any club, association, union, brotherhood, fraternity, organization,  
6        or group of any kind of two or more persons, including labor unions, trade  
7        associations, professional associations, or governmental associations, which is united  
8        for any purpose, business, or object and which assesses any dues, membership fees,  
9        or license fees in any amount, or which maintains a treasury fund in any amount. The  
10       term does not include corporations, cooperative corporations, limited liability  
11       companies, political committees, or political parties.

12       3. "Conduit" means a person that is not a political party, political committee, or candidate  
13       and which receives a contribution of money and transfers the contribution to a  
14       candidate, political party, or political committee when the contribution is designated  
15       specifically for the candidate, political party, or political committee and the person has  
16       no discretion as to the recipient and the amount transferred. The term includes a  
17       transactional intermediary, including a credit card company or a money transfer  
18       service paying or transferring money to a candidate on behalf of another person.

19       4. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription,  
20       loan, advance, deposit of money, or anything of value, made for the purpose of  
21       influencing the nomination for election, or election, of any person to public office or  
22       aiding or opposing the circulation or passage of a statewide initiative or referendum  
23       petition or measure. The term also means a contract, promise, or agreement, express  
24       or implied, whether or not legally enforceable, to make a contribution for any of the  
25       above purposes. The term includes funds deposited by a candidate for public office or  
26       a political party or committee which are transferred or signed over to that candidate,  
27       party, or committee from another candidate, party, or political committee or other  
28       source including a conduit. The term "anything of value" includes any good or service  
29       of more than a nominal value. The term "nominal value" means the cost, price, or  
30       worth of the good or service is trivial, token, or of no appreciable value. The term  
31       "contribution" does not include:

- 1        a. A loan of money from a bank or other lending institution made in the regular
- 2        course of business.
- 3        b. Time spent by volunteer campaign or political party workers.
- 4        c. Money or anything of value deposited for commercial transactions, including
- 5        rents, advertising, or sponsorships made as a part of a fair market value
- 6        bargained-for exchange.
- 7        d. Money or anything of value deposited for anything other than a political purpose.
- 8        e. Products or services for which the actual cost or fair market value are reimbursed
- 9        by a payment of money.
- 10       f. An independent expenditure.
- 11       g. The value of advertising paid by a political party, multicandidate political
- 12       committee, or caucus which is in support of a candidate.
- 13       h. In-kind contributions from a candidate to the candidate's campaign.
- 14       5. "Cooperative corporations", "corporations", and "limited liability companies" are as
- 15       defined in this code, and for purposes of this chapter "corporations" includes nonprofit
- 16       corporations. However, if a political committee, the only purpose of which is accepting
- 17       contributions and making expenditures for a political purpose, incorporates for liability
- 18       purposes only, the committee is not considered a corporation for the purposes of this
- 19       chapter.
- 20       6. "Expenditure" means:
- 21       a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution,
- 22       disbursement, outlay, or deposit of money or anything of value, except a loan of
- 23       money from a bank or other lending institution made in the regular course of
- 24       business, made for a political purpose or for the purpose of influencing the
- 25       passage or defeat of a measure.
- 26       b. A contract, promise, or agreement, express or implied, whether or not legally
- 27       enforceable, to make any expenditure.
- 28       c. The transfer of funds by a political committee to another political committee.
- 29       d. An independent expenditure.

- 1        7. "Expenditure ~~purpose~~categories" means the ~~type of expense for~~categories into which  
2        expenditures for a political purpose ~~occurred~~must be grouped for reports under this  
3        chapter. The expenditure categories are:  
4        a. Advertising;  
5        b. Campaign loan repayment;  
6        c. Operations;  
7        d. Political donations;  
8        e. Travel;  
9        f. Volunteer appreciation; and  
10       g. Miscellaneous.  
11       8. "Foreign national" means:  
12       a. A government or country other than the United States.  
13       b. A political party organized under the laws of a country other than the United  
14       States.  
15       c. A corporation, partnership, association, organization, or other combination of  
16       persons organized under the laws of or having its principal place of business in a  
17       country other than the United States.  
18       d. An individual with citizenship of a country other than the United States.  
19       e. An individual who is not a citizen or national of the United States and is not  
20       admitted lawfully to the United States for permanent residence.  
21       9. "Independent expenditure" means an expenditure made for a political purpose or for  
22       the purpose of influencing the passage or defeat of a measure if the expenditure is  
23       made without the express or implied consent, authorization, or cooperation of, and not  
24       in concert with or at the request or suggestion of, any candidate, committee, or  
25       political party.  
26       10. "Patron" means a person who owns equity interest in the form of stock, shares, or  
27       membership or maintains similar financial rights in a cooperative corporation.  
28       11. "Person" means an individual, partnership, political committee, association,  
29       corporation, cooperative corporation, limited liability company, or other organization or  
30       group of persons.

- 1     12. "Personal benefit" means a benefit to the candidate or another person which is not for  
2     a political purpose or related to a candidate's responsibilities as a public officeholder,  
3     and any other benefit that would convert a contribution to personal income.
- 4     13. "Political committee" means any committee, club, association, or other group of  
5     persons which receives contributions or makes expenditures for political purposes and  
6     includes:
- 7     a. A political action committee not connected to another organization and free to  
8     solicit funds from the general public, or derived from a corporation, cooperative  
9     corporation, limited liability company, affiliate, subsidiary, or an association  
10    soliciting or receives contributions from its employees or members or makes  
11    expenditures for political purposes on behalf of its employees or members;
- 12    b. A candidate committee established to support an individual candidate seeking  
13    public office which solicits or receives contributions for political purposes;
- 14    c. A political organization registered with the federal election commission, which  
15    solicits or receives contributions or makes expenditures for political purposes;
- 16    d. A multicandidate political committee, including a caucus, established to support  
17    multiple groups or slates of candidates seeking public office, which solicits or  
18    receives contributions for political purposes; and
- 19    e. A measure committee, including an initiative or referendum sponsoring  
20    committee at any stage of its organization, which solicits or receives contributions  
21    or makes expenditures for the purpose of supporting or opposing an initiative or  
22    referendum petition, or measure sought to be voted upon by the voters of the  
23    state, including any activities undertaken for the purpose of drafting an initiative  
24    or referendum petition, seeking approval of the secretary of state for the  
25    circulation of a petition, or seeking approval of the submitted petitions.
- 26    14. "Political party" means any association, committee, or organization which nominates a  
27    candidate for election to any office which may be filled by a vote of the electors of this  
28    state or any of its political subdivisions and whose name appears on the election ballot  
29    as the candidate of the association, committee, or organization.
- 30    15. "Political purpose" means any activity undertaken in support of or in opposition to the  
31    election or nomination of a candidate to public office and includes using "vote for".



1       "oppose", or any similar support or opposition language in any advertisement whether  
2       the activity is undertaken by a candidate, a political committee, a political party, or any  
3       person. The term includes paying any expenses related to the election or nomination  
4       of a candidate. The term does not include activities undertaken in the performance of  
5       a duty of a public office or any position taken in any bona fide news story, commentary,  
6       or editorial.

7       16. "Public office" means every office to which an individual can be elected by vote of the  
8       people under the laws of this state.

9       17. "Subsidiary" means an affiliate of a corporation under the control of the corporation  
10       directly or indirectly through one or more intermediaries.

11       18. "Ultimate and true source" means the person that knowingly contributed over  
12       two hundred fifty dollars solely to influence a statewide election or an election for the  
13       legislative assembly.

14       **16.1-08.2-02. General provisions.**

15       1. A political committee, except those defined in subdivision c of subsection 13 of  
16       section 16.1-08.2-01, shall register its name, mailing address, telephone number, and  
17       nongovernment issued electronic mail address, and its agent's name, mailing address,  
18       telephone number, and nongovernment issued electronic mail address, and a  
19       designation as to whether the committee is incorporated solely for the purpose of  
20       liability protection, with the secretary of state. A candidate who does not have a  
21       candidate committee shall register the candidate's name, mailing address, telephone  
22       number, and nongovernment issued electronic mail address with the secretary of  
23       state. If the candidate has an agent, the candidate also shall register the agent's  
24       name, mailing address, telephone number, and nongovernment issued electronic mail  
25       address with the secretary of state.

26       2. The registration required under this section for a candidate or political committee that  
27       has not previously registered with the secretary of state must be submitted within  
28       fifteen business days of the receipt of any contribution or expenditure made.

29       3. A candidate or political committee required to be registered under this section must  
30       register with the secretary of state each year during which the candidate holds public  
31       office or during which the political committee receives contributions, makes

1       expenditures for political purposes, or has a balance in the campaign account. An  
2       individual who no longer holds public office or an individual who no longer seeks public  
3       office must register with the secretary of state each year in which contributions are  
4       deposited, expenditures are made for political purposes, or a balance remains in the  
5       campaign account.

6       4. Any statement filed with the secretary of state under this chapter must be:

7       a. Filed electronically within the prescribed time and in the format established by the  
8       secretary of state. If the secretary of state does not receive a statement, an  
9       electronic duplicate of the statement must be filed promptly upon notice by the  
10      secretary of state of its nonreceipt. After a statement has been filed, the secretary  
11      of state may request or accept written clarification along with an amended  
12      statement from a candidate, political party, or political committee filing the  
13      statement when discrepancies, errors, or omissions on the statement are  
14      discovered by the secretary of state, the candidate, political party, or political  
15      committee filing the statement, or by any interested party reciting a lawful reason  
16      for requesting clarification and an amendment be made. When requesting an  
17      amended statement, the secretary of state shall establish a reasonable period of  
18      time, not to exceed ten days, agreed to by the candidate, political party, or  
19      political committee, for filing the amended statement with the secretary of state.  
20      b. Preserved by the secretary of state for a period of ten years from the date of the  
21      filing deadline. The statement must be considered a part of the public records of  
22      the secretary of state's office and must be open to public inspection on the  
23      internet.

24      5. In determining the amount of individual contributions from any contributor, all amounts  
25      deposited from the same contributor during the reporting period must be aggregated to  
26      report an overall total contribution for the purposes of the statements required by this  
27      chapter. Contributions made separately by different persons from joint accounts are  
28      considered separate contributions for reporting purposes.

29      6. In determining the amount of expenditures to any recipient, all expenditures to the  
30      same recipient during the reporting period must be aggregated to report an overall  
31      total expenditure for the purposes of the statements required by this chapter.

- 1       7. Contributions and expenditures ~~which are less than~~, including expenditures reported  
2       within a group of aggregated totals, exceeding two hundred fifty dollars in the  
3       aggregate are ~~exempt from~~ subject to open records requests under chapter 44-04 and  
4       are reported as part of aggregate totals only.
- 5       8. In reporting a contribution deposited through a conduit, a candidate, political party, or  
6       political committee shall list each reportable contribution identifying the person that  
7       submitted the contribution to the conduit and provide the required information  
8       regarding the contribution from that person rather than identifying the conduit as the  
9       contributor.
- 10      9. A political committee organizing and registering according to federal law that makes an  
11      independent expenditure or makes a disbursement in excess of two hundred fifty  
12      dollars to a nonfederal candidate seeking public office, a political party, or political  
13      committee in this state is not required to register as a political committee according to  
14      this section if the political committee reports according to section  
15      ~~16.1-08.2-06~~ 16.1-08.2-07.
- 16      10. To ensure accurate reporting and avoid commingling of campaign and personal funds,  
17      candidates shall use dedicated campaign accounts that are separate from any  
18      personal accounts.
- 19      11. Registration by a political committee under this section does not reserve the name for  
20      exclusive use nor does it constitute registration of a trade name under chapter 47-25.
- 21      12. A candidate or candidate committee for county office, city office, and school district  
22      office are exempt from registering and filing with the secretary of state. Any other  
23      person required to file a statement under this chapter shall file the statement with the  
24      secretary of state.
- 25      a. A candidate for city office in a city with a population under five thousand and a  
26      candidate committee for the candidate are exempt from this chapter. A candidate  
27      for school district office in a school district with a fall enrollment of fewer than  
28      one thousand students and a candidate committee for the candidate are exempt  
29      from this chapter.
- 30      b. A candidate for county office and a candidate committee for a candidate for  
31      county office shall file statements under this chapter with the county auditor. A



1 candidate for city office and a candidate committee for a candidate for city office  
2 shall file statements under this chapter with the city auditor. A candidate for  
3 school district office and a candidate committee for a candidate for school district  
4 office shall file statements under this chapter with the school business manager.

5 **16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure**  
6 **statement requirements for candidates, candidate committees, multicandidate**  
7 **committees, ~~political committees,~~ and ~~nonstatewide~~ political parties.**

8 1. Before a primary or special election, and before and following a general election, a  
9 candidate or candidate committee formed on behalf of the candidate, a multicandidate  
10 political committee, ~~a political committee,~~ or a ~~nonstatewide~~ political party soliciting or  
11 accepting contributions shall file a campaign disclosure statement ~~including all-~~  
12 ~~contributions and expenditures from:~~

- 13 a. January first through April thirtieth before a primary election;  
14 b. May first through September thirtieth before a general election;  
15 c. October first through December thirty-first following a general election; and  
16 d. January first through the fortieth day before a special election.

17 2. A candidate whose name is not on the ballot and who is not seeking election through  
18 write-in votes, the candidate's candidate committee, and a ~~nonstatewide~~ political party  
19 that has not endorsed or nominated any candidate in the election is not required to file  
20 a statement under ~~this~~ subsection 1. The statement before a primary, general, or  
21 special election may be submitted for filing beginning on the day following the end of  
22 the reporting period and must be submitted before the eighth day following the  
23 reporting period. The statement following the general election may be submitted for  
24 filing beginning on January first and must be submitted before February first. ~~The~~

25 3. A statement filed under subsection 1 must include the following information:

26 a. For each ~~aggregated~~ contribution deposited from a contributor which totals in  
27 ~~excess of two hundred fifty dollars~~ during the reporting period, the:

- 28 (1) Name and the city and state of the contributor;  
29 (2) Total amount of the contribution; and  
30 (3) Date the last contributed amount was deposited.

31 b. ~~For each expenditure during the reporting period, the:~~



- 1 ~~(1) Name of the recipient and location of purchase;~~
- 2 ~~(2) Total amount of the expenditure made to the recipient;~~
- 3 ~~(3) Date of the expenditure; and~~
- 4 ~~(4) Expenditure purpose;~~
- 5 ~~e. The total of all aggregated contributions and expenditures which total in excess~~
- 6 ~~of two hundred fifty dollars during the reporting period and the aggregated total.~~
- 7 c. The total of all contributions and expenditures which are deposited from
- 8 contributors that contributed two hundred and fifty dollars or less during the
- 9 reporting period.
- 10 d. A total of all expenditures made during the reporting period, separated into
- 11 expenditure categories.
- 12 e. For a candidate, a candidate committee formed on behalf of a candidate, a
- 13 multicandidate committee, or a nonstatewide political party, the balance of the
- 14 campaign fund on the last day of the reporting period and the balance of the
- 15 campaign fund on the first day of the reporting period.
- 16 2.4. The information provided to the secretary of state under subdivisions a through d of
- 17 subsection 3 must be made publicly available through the format prescribed by the
- 18 secretary of state. The information provided to the secretary of state under
- 19 subdivision e of subsection 3 may not be made publicly available by the secretary of
- 20 state.
- 21 5. Beginning on the day following the end of the reporting period May first before a
- 22 primary election, October first before a general election, and thirty-nine days before a
- 23 special election through the day before the election, a person filing a statement under
- 24 subsection 1 must file a supplemental statement within forty-eight hours of the start of
- 25 the day three calendar days following the deposit date of a contribution or aggregate
- 26 contribution from a contributor which is in excess of five hundred dollars. The
- 27 statement must include the:
- 28 a. Name and the city and state of the contributor;
- 29 b. Total amount of the contribution deposited during the reporting period; and
- 30 c. Date the last contributed amount was deposited.

1 3.6. Before February first, a candidate whose name is not on the ballot and who is not  
2 seeking election through write-in votes, or ~~candidate~~the candidate's candidate  
3 committee, a multicandidate political committee, ~~a political committee,~~ or a  
4 nonstatewide political party soliciting or accepting contributions not required to file a  
5 statement under subsection 1 shall file a campaign disclosure statement including all  
6 contributions deposited and expenditures from January first through December thirty-  
7 first of the previous year. The filer shall indicate on the report the corresponding  
8 reporting period, as described under subsection 1, in which each contribution was  
9 deposited and expenditure was made to determine whether the filer's aggregated  
10 totals exceed two hundred fifty dollars for the reporting period. The statement may be  
11 submitted for filing beginning on January first. The statement filed according to this  
12 section must include the following information:  
13 a. For a candidate, ~~a candidate committee formed on behalf of a candidate, a~~  
14 ~~multicandidate committee, or political party, the balance of the campaign fund on-~~  
15 ~~January first and on December thirty first.~~  
16 b. For each aggregated contribution deposited from a contributor which totals in  
17 excess of two hundred fifty dollars deposited during the reporting period, the:  
18 (1) Name and the city and state of the contributor;  
19 (2) Total amount of the contribution; and  
20 (3) Date the last contributed amount was deposited.  
21 ~~e. For each expenditure during the reporting period, the:~~  
22 ~~(1) Name of the recipient and location of purchase;~~  
23 ~~(2) Total amount of the expenditure made to the recipient;~~  
24 ~~(3) Date of the expenditure; and~~  
25 ~~(4) Expenditure purpose.~~  
26 d.b. The total of all aggregated contributions ~~and expenditures~~from contributors which  
27 total in excess of two hundred fifty dollars during the reporting period.  
28 e.c. The aggregated total of contributions ~~and expenditures which are~~deposited from  
29 contributors that contributed two hundred and fifty dollars or less during the  
30 reporting period.

1 d. A total of all expenditures made during the reporting period, separated into  
2 expenditure categories.

3 e. For a candidate, a candidate committee formed on behalf of a candidate, a  
4 multicandidate committee, or a nonstatewide political party, the balance of the  
5 campaign fund on the last day of the reporting period.

6 4.7. The information provided to the secretary of state under subdivisions a through d of  
7 subsection 6 must be made publicly available through a format prescribed by the  
8 secretary of state. The information provided to the secretary of state under  
9 subdivision e of subsection 6 may not be made publicly available by the secretary of  
10 state.

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

15 **16.1-08.2-04. Pre-election, supplemental, and year-end campaign disclosure**  
16 **statement requirements for statewide political parties and certain political committees.**

17 1. Before a primary or special election, and before and following a general election, a  
18 statewide political party or a political committee not required to file under section  
19 16.1-08.2-03 which is soliciting or accepting contributions shall file a campaign  
20 disclosure statement including all contributions and expenditures from January first  
21 through April thirtieth before a primary election, May first through September thirtieth  
22 before a general election, October first through December thirty-first following a  
23 general election, and January first through the fortieth day before a special election. A  
24 political party that has not endorsed or nominated a candidate in the election is not  
25 required to file a statement under this subsection. The statement before a primary,  
26 general, or special election may be submitted for filing beginning on the day following  
27 the end of the reporting period and must be submitted before the eighth day following  
28 the reporting period. The statement following the general election may be submitted  
29 for filing beginning on January first and must be submitted before February first. The  
30 statement must include:



- 1        a. The total of all contributions and expenditures which total in excess of
- 2        two hundred fifty dollars during the reporting period and the aggregated total of
- 3        contributions and expenditures which are two hundred and fifty dollars or less
- 4        during the reporting period.
- 5        b. The balance of the campaign fund on the last day of the reporting period and the
- 6        balance of the campaign fund on the first day of the reporting period.
- 7        c. For each contribution received during the reporting period, the:
- 8        (1) Name and the city and state of the contributor;
- 9        (2) Total amount of the contribution; and
- 10       (3) Date the last contributed amount was received.
- 11       d. For each expenditure during the reporting period, the:
- 12       (1) Name of the recipient and location of purchase;
- 13       (2) Total amount of the expenditure made to the recipient;
- 14       (3) Date of the expenditure; and
- 15       (4) Expenditure category.
- 16       2. Beginning on May first before a primary election, October first before a general
- 17       election, and forty days before a special election through the day before the election, a
- 18       person filing a statement under subsection 1 must file a supplemental statement within
- 19       three calendar days following the receipt of a contribution or aggregate contribution
- 20       from a contributor which is in excess of five hundred dollars. The statement must
- 21       include the:
- 22       a. Name and the city and state of the contributor;
- 23       b. Total amount of the contribution received during the reporting period; and
- 24       c. Date the last contributed amount was received.
- 25       3. Before February first, a statewide political party or a political committee that is not
- 26       required to file a statement under subsection 1 shall file a campaign disclosure
- 27       statement including all contributions deposited and expenditures from January first
- 28       through December thirty-first of the previous year. The filer shall indicate on the report
- 29       the corresponding reporting period, as described under subsection 1, for which each
- 30       contribution was deposited and expenditure was received to determine whether the



1 filer's aggregated totals exceed two hundred fifty dollars for the reporting period. The  
2 statement must include:

3 a. The total of all contributions and expenditures which total in excess of  
4 two hundred fifty dollars during the reporting period and the aggregated total of  
5 contributions and expenditures which are two hundred and fifty dollars or less  
6 during the reporting period.

7 b. The total of all aggregated expenditures from campaign funds reported in  
8 expenditure categories.

9 c. The balance of the campaign fund on the last day of the reporting period and the  
10 balance of the campaign fund on the first day of the reporting period.

11 d. For each contribution received during the reporting period, the:

12 (1) Name and the city and state of the contributor;

13 (2) Total amount of the contribution; and

14 (3) Date the last contributed amount was received.

15 e. For each expenditure during the reporting period, the:

16 (1) Name of the recipient and location of purchase;

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

18 (3) Date of the expenditure; and

19 (4) Expenditure category.

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

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

25 **16.1-08.2-0416.1-08.2-05. Special requirements for state political parties.**

26 1. State political parties shall establish separate and segregated accounts for the  
27 management of state nominating conventions. All revenue obtained and expenditures  
28 made for the planning and running of a state convention must be accounted for in  
29 these accounts.

30 2. A postconvention statement must be filed with the secretary of state sixty days after  
31 the close of the state nominating convention. The reporting period for the

- 1 postconvention statement begins on the first day of January of the reporting year and  
2 ends thirty days after the close of the state nominating convention.
- 3 3. A year-end statement covering the entire calendar year must be filed with the  
4 secretary of state before February first of the following year even if no convention  
5 revenue was deposited or expenditures made within the calendar year.
- 6 4. The statement filed under this section must show:
- 7 a. The balance of the filer's convention accounts at the start and close of the  
8 reporting period.
- 9 b. The total of all revenue deposited and expenditures made of two hundred fifty  
10 dollars or less.
- 11 c. The total of all revenue deposited and expenditures made in excess of  
12 two hundred fifty dollars.
- 13 d. For revenues received and deposited, the:
- 14 (1) Name of each person providing the revenue;  
15 (2) City and state of each person providing revenue;  
16 (3) Date of the most recent receipt of revenue from each person providing  
17 revenue; and
- 18 (4) The purpose or purposes for which the revenue was deposited from each  
19 person.
- 20 e. For each expenditure made, the:
- 21 (1) Name of each person to which the expenditure was made;  
22 (2) City and state of each person to which the expenditure was made;  
23 (3) Date of the most recent expenditure made to each person or entity; and  
24 (4) Purpose or purposes for which the aggregated expenditure total was  
25 disbursed to each person or entity.
- 26 f. The total of all contributions and expenditures which total in excess of  
27 two hundred fifty dollars during the reporting period.
- 28 g. The aggregated total of contributions and expenditures which are two hundred  
29 and fifty dollars or less during the reporting period.

- 1            h. For each aggregated revenue from an individual which totals five thousand
- 2            dollars or more during the reporting period, the occupation, employer, and
- 3            principal place of business of the individual.
- 4            5. If a net gain from the convention is transferred to the accounts established for the
- 5            support of the nomination or election of candidates, the total transferred must be
- 6            reported as a contribution in the statements required by section 16.1-08.2-03.
- 7            6. If a net loss from the convention is covered by a transfer from the accounts
- 8            established for the support of the nomination or election of candidates, the total
- 9            transferred must be reported as an expenditure in the statements required by section
- 10           16.1-08.2-03.
- 11           7. A state political party or nonprofit entity affiliated with or under the control of a state
- 12           political party, which receives a donation for purchasing, maintaining, or renovating a
- 13           building, shall file a statement with the secretary of state before February first of each
- 14           calendar year. Any income or financial gain generated from a building purchased,
- 15           maintained, or renovated from donations must be deposited in the building fund and
- 16           must be disclosed when the political party or nonprofit entity files the statement
- 17           required under this section. Money in the fund may be used only by the state political
- 18           party or nonprofit entity affiliated with or under the control of a state political party for
- 19           purchasing, maintaining, or renovating a building, including the purchase of fixtures for
- 20           the building. The statement may be submitted for filing beginning on January first and
- 21           must include the:
- 22           a. Balance of the building fund on January first;
- 23           b. Name and the city and state of each donor;
- 24           c. Amount of each donation;
- 25           d. Date each donation was deposited;
- 26           e. Name and the city and state of each recipient of an expenditure;
- 27           f. Amount of each expenditure;
- 28           g. Date each expenditure was made; and
- 29           h. Balance of the fund on December thirty-first,

**~~16.1-08.2-05~~ 16.1-08.2-06. Special requirements for statements required of persons engaged in activities regarding ballot measures.**

1. For each reportable contribution and expenditure under section ~~16.1-08.2-03~~ 16.1-08.2-04, the threshold for reporting is one hundred dollars for any person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01.
2. For contributions deposited from any contributor, a person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01 shall include the following information regarding each subcontributor that has stated a contribution is for the express purpose of furthering the passage or defeat of a ballot measure in the statements required under section ~~16.1-08.2-03~~ 16.1-08.2-04:
  - a. A designation as to whether any person contributed in excess of one hundred dollars of the total contribution;
  - b. The name and the city and state of each subcontributor contributing in excess of one hundred dollars of the total contribution;
  - c. The contribution amounts of each disclosed subcontributor; and
  - d. The occupation, employer, and address for the employer's principal place of business of each disclosed subcontributor.
3. A measure committee which is seeking approval for an initiative or referendum shall file a disclosure statement by the date the secretary of state approves the petition for circulation. Thereafter, the measure committee is required to file disclosure statements as directed by section ~~16.1-08.2-03~~ 16.1-08.2-04.
4. A measure committee that is seeking approval for an initiative or referendum shall file a statement regarding its intent to compensate circulators before paying for petitions to be circulated.

**~~16.1-08.2-06~~ 16.1-08.2-07. Special requirements for political committees organized and registered under federal law.**

1. A political committee organizing and registering according to federal law which makes an independent expenditure or makes a disbursement in excess of two hundred fifty dollars to a nonfederal candidate seeking public office or to a political party or political



1 committee in this state shall file a copy of that portion of the committee's federal report  
2 detailing the independent expenditure or the disbursement made.

3 2. The political committee shall file a copy of the committee's federal report, and  
4 supplementary information as necessary under this section, with the secretary of state  
5 at the time of filing the report with the applicable federal agency. The report and  
6 supplementary information must include the:

7 a. Name, city and state, and treasurer of the political committee;

8 b. Recipient's name and mailing address;

9 c. Date and amount of the independent expenditure or disbursement; and

10 d. Ultimate and true source of funds listed by contributor and subcontributor for any  
11 amount over two hundred fifty dollars collected or used to make the independent  
12 expenditure or disbursement including the:

13 (1) Name, city and state, and treasurer of the political committee;

14 (2) Total amount of the contribution; and

15 (3) Date the last contribution was deposited.

16 ~~16.1-08.2-07~~ **16.1-08.2-08. Campaign contributions by corporations, cooperative**  
17 **corporations, limited liability companies, affiliates, subsidiaries, and associations -**  
18 **Penalty.**

19 1. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
20 association may establish, administer, and solicit contributions to a separate and  
21 segregated fund to be used for political purposes by the corporation, cooperative  
22 corporation, limited liability company, affiliate, subsidiary, or association. It is unlawful  
23 for:

24 a. The person controlling the fund to make contributions or expenditures using  
25 money or anything of value secured by physical force, job discrimination,  
26 financial reprisals, or the threat of those actions; or use money from dues, fees,  
27 treasury funds, or other money required as a condition of membership in an  
28 association, or as a condition of employment; or use money obtained in any  
29 commercial transaction. Moneys from fees, dues, treasury funds, or money  
30 obtained in a commercial transaction may, however, be used to pay costs of  
31 administration of the fund.

- 1        b. Any person soliciting an employee, stockholder, patron, board member, or  
2        member for a contribution to the fund to fail to inform the employee or member of  
3        the political purposes of the fund at the time of the solicitation or of the general  
4        political philosophy intended to be advanced through committee activities.
- 5        c. Any person soliciting an employee or member for a contribution to the fund to fail  
6        to inform the employee or member at the time of the solicitation of the right to  
7        refuse to contribute without any reprisal.
- 8        d. Any contribution to be accepted without keeping an accurate record of the  
9        contributor and amount contributed and of amounts expended for political  
10       purposes.
- 11       e. Any contribution to be accepted from any person not an employee, a stockholder,  
12       a patron, a board member or a member of the corporation, cooperative  
13       corporation, limited liability company, affiliate, subsidiary, or association  
14       maintaining the political action committee, except a corporation may accept a  
15       contribution from an employee, a stockholder, a patron, a board member, or a  
16       member of an affiliate or a subsidiary of the corporation.
- 17       f. Any expenditure made for political purposes to be reported under this section  
18       before control of the expenditure has been released by the political action  
19       committee except if there is a contract, a promise, or an agreement, expressed or  
20       implied, to make the expenditure.
- 21       2. A person may not make a payment of that person's money or of another person's  
22       money to any other person for a political purpose in any name other than that of the  
23       person supplying the money and a person may not knowingly receive the payment nor  
24       enter nor cause the payment to be entered in that person's account or record in any  
25       name other than that of the person by which it actually was furnished.
- 26       3. If an officer, employee, agent, attorney, or other representative of a corporation,  
27       cooperative corporation, limited liability company, affiliate, subsidiary, or association  
28       makes any contribution prohibited by this section out of corporate, cooperative  
29       corporation, limited liability company, affiliate, subsidiary, or association funds or  
30       otherwise violates this section, it is prima facie evidence of a violation by the

1        corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
2        association.

3        4. Corporations, cooperative corporations, limited liability companies, affiliates,  
4        subsidiaries, and associations may make expenditures and contributions for promoting  
5        any general political philosophy or belief deemed in the best interest of the employees,  
6        stockholders, patrons, or members of the corporation, cooperative corporation, limited  
7        liability company, affiliate, subsidiary, or association other than a "political purpose" as  
8        defined by this chapter. A corporation, cooperative corporation, limited liability  
9        company, affiliate, subsidiary, or association may not make a contribution for a political  
10       purpose.

11       5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
12       association may make a donation of property or money to a state political party or  
13       nonprofit entity affiliated with or under the control of a state political party for deposit in  
14       a separate and segregated building fund.

15       6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
16       association may make an expenditure to a measure committee for the purpose of  
17       promoting the passage or defeat of an initiated or referred measure or petition or make  
18       an expenditure to any other person making an independent expenditure. A  
19       corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
20       association may make an independent expenditure for a political purpose, including  
21       political advertising in support of or opposition to a candidate, political committee, or a  
22       political party, or for the purpose of promoting passage or defeat of initiated or referred  
23       measures or petitions. The corporation, cooperative corporation, limited liability  
24       company, affiliate, subsidiary, or association shall file a statement disclosing any  
25       expenditure made under this subsection with the secretary of state within forty-eight  
26       hours after making the expenditure. The statement must include:

- 27       a. The full name of the corporation, cooperative corporation, limited liability  
28       company, affiliate, subsidiary, or association;  
29       b. The complete address of the corporation, cooperative corporation, limited liability  
30       company, affiliate, subsidiary, or association;  
31       c. The name of the recipient of the expenditure;

- 1           d. If the expenditure is related to a measure or petition, the title of the measure or  
2           petition and whether the expenditure is made in support of or opposition to the  
3           measure or petition;
- 4           e. If the expenditure is related to a measure, the election date on which the  
5           measure either will appear or did appear on the ballot;
- 6           f. The amount of the expenditure;
- 7           g. The cumulative total amount of expenditures since the beginning of the calendar  
8           year which are required to be reported under this subsection;
- 9           h. The telephone number and the printed name and signature of the individual  
10          completing the statement, attesting to the statement being true, complete, and  
11          correct; and
- 12          i. The date on which the statement was signed.
- 13        7. A violation of this section may be prosecuted in the county where the contribution is  
14        made or in any county in which it has been paid or distributed.
- 15        8. It is a class A misdemeanor for an officer, director, stockholder, manager, governor,  
16        member, attorney, agent, or representative of any corporation, cooperative  
17        corporation, limited liability company, affiliate, subsidiary, or association to violate this  
18        section or to counsel or consent to any violation. Any person that solicits or knowingly  
19        receives any contribution in violation of this section is guilty of a class A misdemeanor.
- 20        9. Any officer, director, stockholder, manager, governor, member, attorney, agent, or  
21        representative who makes, counsels, or consents to the making of a contribution in  
22        violation of this section is liable to the company, corporation, limited liability company,  
23        affiliate, subsidiary, or association for the amount so contributed.
- 24        ~~16.1-08.2-08~~ **16.1-08.2-09. Special requirements for conduits.**
- 25        A conduit transferring any contribution to a candidate, political party, or political committee  
26        shall provide the recipient of the contribution a detailed statement listing the name and address  
27        of each individual contributor, the amount of each contribution, and the date each contribution  
28        was deposited. The conduit also shall include on the statement the occupation, employer, and  
29        principal place of business of each contributor, or the political committee if not already  
30        registered according to state or federal law, which contributed five thousand dollars or more in  
31        the aggregate during a reporting period applicable to the candidate, political party, or political



1 committee. The conduit shall provide the statement to the candidate, political party, or political  
2 committee in a manner to allow the candidate, political party, or political committee to file any  
3 statement required to be filed under this chapter.

4 ~~16.1-08.2-09~~**16.1-08.2-10. General prohibitions.**

5 1. A foreign national may not make or offer to make, directly or indirectly, a contribution  
6 or expenditure in connection with any election.

7 2. A candidate, candidate committee, ~~political committee~~, political party, or any other  
8 person may not solicit, accept, or receive, directly or indirectly, a contribution from a  
9 foreign national.

10 3. A candidate may not use any contribution deposited by the candidate, the candidate's  
11 candidate committee, or a multicandidate political committee to:

12 a. Give a personal benefit to the candidate or another person;

13 b. Make a loan to another person;

14 c. Knowingly pay more than the fair market value for goods or services purchased  
15 for the campaign; or

16 d. Pay a criminal fine or civil penalty.

17 4. If the secretary of state has substantial reason to believe any person knowingly  
18 violated this section, the secretary shall arrange for an audit as authorized by section

19 ~~16.1-08.2-10~~**16.1-08.2-11.**

20 5. A person may not be excused from attending and testifying or producing any books,  
21 papers, or other documents before any court upon any investigation, proceeding, or  
22 trial for a violation of any of the provisions of this chapter, upon the grounds that the  
23 testimony or evidence, documentary or otherwise, required of the person may tend to  
24 incriminate or degrade the person. A person may not be prosecuted or subjected to  
25 any penalty or forfeiture for or on account of any transaction, matter, or thing  
26 concerning which the person may testify or produce evidence, documentary or  
27 otherwise. Any testimony given or produced may not be used against the person in  
28 any criminal investigation or proceeding.

29 ~~16.1-08.2-10~~**16.1-08.2-11. Audit by secretary of state.**

30 1. If a substantial irregularity is evident or reasonably alleged, the secretary of state may  
31 arrange an audit of any statement filed pursuant to this chapter, to be performed by a

1 certified public accountant of the filer's choice, subject to approval by the secretary of  
2 state. If an audit of a statement arranged by the secretary of state under this  
3 subsection reveals a violation of this chapter, the candidate, political party, political  
4 committee, or other person filing the statement shall pay a fine to the secretary of state  
5 equal to two hundred percent of the aggregate of contributions and expenditures  
6 found to be in violation or an amount sufficient to pay the cost of the audit, whichever  
7 is greater. If an audit of a statement arranged by the secretary of state under this  
8 subsection does not reveal a violation of this chapter, the cost of the audit must be  
9 paid for by the secretary of state.

10 2. If a substantial irregularity is reasonably alleged, the secretary of state may arrange an  
11 audit of any statement filed pursuant to this chapter, performed by a certified public  
12 accountant of the filer's choice, subject to approval by the secretary of state, upon  
13 written request by any interested party made to the secretary of state within thirty days  
14 following receipt of a statement by the secretary of state. The request must be made in  
15 writing, recite a substantial irregularity and a lawful reason for requesting an audit, and  
16 be accompanied by a bond in an amount established by the secretary of state  
17 sufficient to pay the cost of the audit. If an audit of a statement arranged by the  
18 secretary of state under this subsection reveals a violation of this chapter, the  
19 candidate, political party, or political committee filing the statement shall pay a fine to  
20 the secretary of state equal to two hundred percent of the aggregate of contributions  
21 and expenditures found to be in violation or an amount sufficient to pay the cost of the  
22 audit, whichever is greater, and the bond must be returned to the person submitting it.  
23 If an audit of a statement arranged by the secretary of state under this subsection  
24 does not reveal a violation of this chapter, the cost of the audit must be satisfied from  
25 the bond filed with the secretary of state.

26 3. An audit may not be made or requested of a statement for the sole reason that it was  
27 not timely filed with the secretary of state. An audit made or arranged according to this  
28 section must audit only those items required to be included in any statement,  
29 registration, or report filed with the secretary of state according to this chapter. The  
30 secretary of state may collect any payment obligation arising out of this section by civil  
31 action or by assignment to a collection agency, with any costs of collection to be

1 added to the amount owed and to be paid by the delinquent filer. Any remaining  
2 moneys collected by the secretary of state after an audit is paid for under this section  
3 must be deposited in the state's general fund. This section does not apply to  
4 statements filed by candidates or candidate committees for candidates for county, city,  
5 or school district offices.

6 ~~16.1-08.2-11~~ **16.1-08.2-12. Filing officer to charge and collect filing fees.**

7 1. If a statement or report required to be filed according to this chapter is not filed within  
8 the prescribed time, the filing officer to whom the report was to be filed is authorized to  
9 charge and collect a late fee as follows:

- 10 a. Within six days after the prescribed time, ~~one hundred~~twenty-five dollars;  
11 b. Within ~~thirteen~~eleven days after the prescribed time, ~~two hundred fifty~~fifty dollars;  
12 and  
13 c. Thereafter, ~~five hundred~~one hundred dollars.

14 2. ~~Any amendment filed by the candidate, candidate committee, multicandidate~~  
15 ~~committee, political committee, or political party, or at the request of the filing officer. A~~  
16 filing officer may require an amendment to be filed for any statement or report that is  
17 incorrect or incomplete. The amendment must be filed with the filing officer within  
18 ten business days after the amendment has been requested in writing. If an  
19 amendment is not filed within the prescribed time the filing officer ~~to whom the report~~  
20 ~~was to be filed~~ is authorized to charge and collect a late fee as follows:

- 21 a. Within six days after the ~~filing deadline, one hundred~~date the amendment was  
22 due, fifty dollars;  
23 b. Within eleven days after the ~~filing deadline, two hundred fifty~~date the amendment  
24 was due, one hundred dollars; and  
25 c. Thereafter, ~~five hundred~~two hundred dollars.

26 3. Any fines paid under this section must be reported on the statement filed by the  
27 candidate, candidate committee, multicandidate committee, political committee, or  
28 political party. Any late fees levied by the secretary of state under this section and the  
29 identity of the person subject to a late fee must be made publicly available through the  
30 format prescribed by the secretary of state.



4. 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.

~~16.1-08.2-12~~ **16.1-08.2-13. Secretary of state to provide instruction and adjust thresholds for inflation.**

1. The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter.
2. The secretary of state shall adjust for inflation the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and inform persons submitting reports under this chapter of the adjustments. The secretary of state shall make the adjustments beginning January first of each adjustment year beginning January 1, 2026.

~~16.1-08.2-13~~ **16.1-08.2-14. Penalty.**

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

**16.1-08.2-15. Ultimate and true source of funds - Required identification.**

1. In any statement under this chapter which requires the identification of a contributor or subcontributor, the ultimate and true source of funds must be identified.
2. A resident taxpayer may commence an action in a district court of this state against a person required to comply with this section to compel compliance if all other enforcement measures under this chapter have been exhausted and the taxpayer reasonably believes the person has failed to comply with this section.

**SECTION 5. AMENDMENT.** Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements.**

Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described



1 in section ~~16.1-08.1-01~~16.1-08.2-01, or a corporation making an independent expenditure either  
2 for or against a measure, must disclose on the advertisement the name of the person, as  
3 defined in section ~~16.1-08.1-01~~16.1-08.2-01, or political party paying for the advertisement. If  
4 the name of a political party, association, or partnership is used, the disclaimer must also  
5 include the name of the chairman or other responsible individual from the political party,  
6 association, or partnership. The name of the person paying for any radio or television broadcast  
7 containing any advertising announcement for or against any candidate for public office must be  
8 announced at the close of the broadcast. If the name of a political party, association, or  
9 partnership is used, the disclaimer must also include the name of the chairman or other  
10 responsible individual from the political party, association, or partnership. In every political  
11 advertisement in which the name of the person paying for the advertisement is disclosed, the  
12 first and last name of any named individual must be disclosed. An advertisement paid for by an  
13 individual candidate or group of candidates must disclose that the advertisement was paid for  
14 by the individual candidate or group of candidates. The first and last name or names of the  
15 candidates paying for the advertisement are not required to be disclosed. This section does not  
16 apply to campaign buttons.

17 **SECTION 6. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North  
18 Dakota Century Code is amended and reenacted as follows:

19 f. By or on behalf of a political party, candidate, or other group with a political  
20 purpose, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, unless the  
21 communication is a text message.

22 **SECTION 7. REPEAL.** Chapter 16.1-08.1 of the North Dakota Century Code is repealed.

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2156  
4/11/2025

Relating to campaign disclosure statements; relating to campaign disclosure statements; and to provide a penalty.
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9:03 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, C. Brown, T.J. Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, Vetter, Wolff  
Members absent: Representative VanWinkle

### Discussion Topics:

- Movement of campaign finance law
- Initiative or referendum petitions
- Deadlines for reporting
- Prohibitions of foreign national contributions
- Recording dates
- Contributor's address
- Expenditure aggregate categories
- Contribution level reporting thresholds
- Ending fund balance
- Fines for late reporting
- Public disclosure of delinquents

9:05 a.m. Representative Steiner introduced proposed amendments, LC#25.0330.06009, #44937, #44941.

9:29 a.m. Sandra McMerty, Deputy Secretary of State, testified and answered questions.

9:33 a.m. Representative Steiner continued explaining the proposed amendments.

9:40 a.m. Sandra McMerty, Deputy Secretary of State, answered further questions.

9:42 a.m. Representative Steiner continued explaining the amendment.

9:44 a.m. Sandra McMerty, Deputy Secretary of State, answered further questions.

9:45 a.m. Representative Steiner continued explaining the amendment.

9:47 a.m. Sandra McMerty, Deputy Secretary of State, answered further questions.

9:47 a.m. Representative Steiner continued explaining the amendment.

9:50 a.m. Representative Wolff moved to adopt the LC#25.0330.06009 amendment.

9:50 a.m. Vice-chairman Satrom seconded the motion.

9:50 a.m. Voice vote passed.

9:51 a.m. Sandra McMerty, Deputy Secretary of State, answered further questions.

9:52 a.m. Representative Steiner moved a Do Pass as amended.

9:52 a.m. Representative Wolff seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Timothy Brown	Y
Representative Karen Grindberg	Y
Representative Karen Karls	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Lori VanWinkle	AB
Representative Steve Vetter	Y
Representative Christina Wolff	Y

9:54 a.m. Motion passed 13-0-1.

Representative Steiner will carry the bill.

9:55 a.m. Chairman Schauer adjourned the meeting.

*Jackson Toman, Committee Clerk*

*Bill reconsidered.*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

VC 4/11/25  
1 of 29

**ENGROSSED SENATE BILL NO. 2156**

Introduced by

Senator Cleary

1 A BILL for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code,  
2 relating to campaign disclosure statements; to amend and reenact sections 15.1-09-08,  
3 15.1-09-19, 16.1-01-12, and 16.1-10-04.1, and subdivision f of subsection 8 of section 51-28-01  
4 of the North Dakota Century Code, relating to campaign disclosure statements; to repeal  
5 chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign disclosure  
6 statements; and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **15.1-09-08. School district elections - Candidate filings.**

11 An individual seeking election to the board of a school district shall prepare and sign a  
12 document stating the individual's name and the position for which that individual is a candidate.  
13 A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether  
14 or not the election is held in conjunction with a statewide election, all statements of interest  
15 must be filed with the school district business manager, or mailed to and in the possession of  
16 the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall  
17 also file a campaign contribution statement as required by section ~~16.1-08.1-02.3~~ 16.1-08.2-03.

18 **SECTION 2. AMENDMENT.** Section 15.1-09-19 of the North Dakota Century Code is  
19 amended and reenacted as follows:



**15.1-09-19. Duties of election officials - Other applicable statutes.**

Sections ~~16.1-08.1-03.3~~16.1-08.2-0716.1-08.2-08, 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.

**SECTION 3. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-01-12. Election offenses - Penalty.**

1. It is unlawful for an individual, measure committee as described in section ~~16.1-08.1-01~~16.1-08.2-01, or other organization to:
    - a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
    - b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a member of the election board on the way to or at a polling place.
    - c. Vote more than once in any election.
    - d. Knowingly vote in the wrong election precinct or district.
    - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
    - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
    - g. Knowingly vote when not qualified to do so.
    - h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
    - i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
    - j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition.
- This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.116.1-08.2 to the

- 1 secretary of state upon submission of the petitions. The disclosure of  
2 contributions received under this section does not affect the requirement to file a  
3 pre-election report by individuals or organizations soliciting or accepting  
4 contributions for the purpose of aiding or opposing the circulation or passage of a  
5 statewide initiative or referendum petition or measure placed upon a statewide  
6 ballot by action of the legislative assembly under chapter ~~16.1-08.1~~16.1-08.2. Any  
7 signature obtained in violation of this subdivision is void and may not be counted.
- 8 k. Willfully fail to perform any duty of an election officer after having accepted the  
9 responsibility of being an election officer by taking the oath as prescribed in this  
10 title.
- 11 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
- 12 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
13 false return of an election, knowing the canvass or return to be false; or willfully  
14 deface, destroy, or conceal any statement or certificate entrusted to the  
15 individual's or organization's care.
- 16 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
17 provided by law, or negatively impact the confidentiality, integrity, or availability of  
18 any system used for voting.
- 19 o. Sign a name other than that individual's own name to an initiative, referendum,  
20 recall, or any other election petition.
- 21 p. Willfully submit an initiative or referendum petition that contains one or more  
22 fraudulent signatures.
- 23 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
24 misdemeanor.
- 25 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
- 26 c. A violation of subdivision n of subsection 1 is a class C felony.
- 27 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
28 individual signs one or two names other than the individual's own name to a  
29 petition and is a class C felony if an individual signs more than two names other  
30 than the individual's own name to a petition.



- 1 e. An organization, as defined in section 12.1-03-04, that violates this section is
- 2 subject to the organizational fines in section 12.1-32-01.1. The court in which the
- 3 conviction is entered shall notify the secretary of state of the conviction and shall
- 4 order the secretary of state to revoke the certificate of authority of any convicted
- 5 organization or limited liability company. The organization may not reapply to the
- 6 secretary of state for authorization to do business under any name for one year
- 7 upon conviction of a class A misdemeanor and for five years upon conviction of a
- 8 class C felony under this section, except an organization operating a signature
- 9 gathering business, or similar enterprise, that violates subdivision p of
- 10 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and
- 11 may not reapply to the secretary of state for authorization to do business under
- 12 any name for five years following the entry of judgment.
- 13 f. A violation of subdivision p of subsection 1 by any member of a measure
- 14 committee, including an initiative or referendum sponsoring committee or an
- 15 agent acting on behalf of, or in conjunction with, a measure committee for the
- 16 purpose of collecting signatures for a petition under this chapter is subject to a
- 17 civil penalty of not more than three thousand dollars. The civil penalty may be
- 18 recovered in an action brought in the district court of Burleigh County by the
- 19 attorney general.
- 20 g. An individual who is a member of an organization may be convicted of a violation
- 21 as an accomplice under section 12.1-03-01.
- 22 3. Every act this chapter makes criminal when committed with reference to the election of
- 23 a candidate is equally criminal when committed with reference to the determination of
- 24 a question submitted to qualified electors to be decided by votes cast at an election.

25 **SECTION 4.** Chapter 16.1-08.2 of the North Dakota Century Code is created and enacted  
26 as follows:

27 **16.1-08.2-01. Definitions.**

- 28 1. "Affiliate" means an organization controlling, is controlled by, or is under common
- 29 control with another organization. For purposes of this definition, control means the
- 30 possession, direct or indirect, of the power to direct or cause the direction of the
- 31 management and policies of an organization, whether through the ownership of voting

- 1        securities, by contract other than a commercial contract for goods or nonmanagement  
2        services, or otherwise. Control is presumed to exist if an organization, directly or  
3        indirectly, owns, controls, holds with the power to vote, or holds proxies representing  
4        fifty percent or more of the voting securities of any other organization.
- 5        2. "Association" means any club, association, union, brotherhood, fraternity, organization,  
6        or group of any kind of two or more persons, including labor unions, trade  
7        associations, professional associations, or governmental associations, which is united  
8        for any purpose, business, or object and which assesses any dues, membership fees,  
9        or license fees in any amount, or which maintains a treasury fund in any amount. The  
10       term does not include corporations, cooperative corporations, limited liability  
11       companies, political committees, or political parties.
- 12       3. "Conduit" means a person that is not a political party, political committee, or candidate  
13       and which receives a contribution of money and transfers the contribution to a  
14       candidate, political party, or political committee when the contribution is designated  
15       specifically for the candidate, political party, or political committee and the person has  
16       no discretion as to the recipient and the amount transferred. The term includes a  
17       transactional intermediary, including a credit card company or a money transfer  
18       service paying or transferring money to a candidate on behalf of another person.
- 19       4. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription,  
20       loan, advance, deposit of money, or anything of value, made for the purpose of  
21       influencing the nomination for election, or election, of any person to public office or  
22       aiding or opposing the circulation or passage of a statewide initiative or referendum  
23       petition or measure. The term also means a contract, promise, or agreement, express  
24       or implied, whether or not legally enforceable, to make a contribution for any of the  
25       above purposes. The term includes funds deposited by a candidate for public office or  
26       a political party or committee which are transferred or signed over to that candidate,  
27       party, or committee from another candidate, party, or political committee or other  
28       source including a conduit. The term "anything of value" includes any good or service  
29       of more than a nominal value. The term "nominal value" means the cost, price, or  
30       worth of the good or service is trivial, token, or of no appreciable value. The term  
31       "contribution" does not include:



- 1           a. A loan of money from a bank or other lending institution made in the regular
- 2           course of business.
- 3           b. Time spent by volunteer campaign or political party workers.
- 4           c. Money or anything of value deposited for commercial transactions, including
- 5           rents, advertising, or sponsorships made as a part of a fair market value
- 6           bargained-for exchange.
- 7           d. Money or anything of value deposited for anything other than a political purpose.
- 8           e. Products or services for which the actual cost or fair market value are reimbursed
- 9           by a payment of money.
- 10          f. An independent expenditure.
- 11          g. The value of advertising paid by a political party, multicandidate political
- 12          committee, or caucus which is in support of a candidate.
- 13          h. In-kind contributions from a candidate to the candidate's campaign.
- 14      5. "Cooperative corporations", "corporations", and "limited liability companies" are as
- 15      defined in this code, and for purposes of this chapter "corporations" includes nonprofit
- 16      corporations. However, if a political committee, the only purpose of which is accepting
- 17      contributions and making expenditures for a political purpose, incorporates for liability
- 18      purposes only, the committee is not considered a corporation for the purposes of this
- 19      chapter.
- 20      6. "Expenditure" means:
- 21          a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution,
- 22          disbursement, outlay, or deposit of money or anything of value, except a loan of
- 23          money from a bank or other lending institution made in the regular course of
- 24          business, made for a political purpose or for the purpose of influencing the
- 25          passage or defeat of a measure.
- 26          b. A contract, promise, or agreement, express or implied, whether or not legally
- 27          enforceable, to make any expenditure.
- 28          c. The transfer of funds by a political committee to another political committee.
- 29          d. An independent expenditure.

- 1        7. "Expenditure ~~purpose~~categories" means the ~~type of expense for~~categories into which  
2        expenditures for a political purpose ~~occurred~~must be grouped for reports under this  
3        chapter. The expenditure categories are:  
4        a. Advertising;  
5        b. Campaign loan repayment;  
6        c. Operations;  
7        d. Political donations;  
8        e. Travel;  
9        f. Volunteer appreciation; and  
10       g. Miscellaneous.  
11       8. "Foreign national" means:  
12       a. A government or country other than the United States.  
13       b. A political party organized under the laws of a country other than the United  
14       States.  
15       c. A corporation, partnership, association, organization, or other combination of  
16       persons organized under the laws of or having its principal place of business in a  
17       country other than the United States.  
18       d. An individual with citizenship of a country other than the United States.  
19       e. An individual who is not a citizen or national of the United States and is not  
20       admitted lawfully to the United States for permanent residence.  
21       9. "Independent expenditure" means an expenditure made for a political purpose or for  
22       the purpose of influencing the passage or defeat of a measure if the expenditure is  
23       made without the express or implied consent, authorization, or cooperation of, and not  
24       in concert with or at the request or suggestion of, any candidate, committee, or  
25       political party.  
26       10. "Patron" means a person who owns equity interest in the form of stock, shares, or  
27       membership or maintains similar financial rights in a cooperative corporation.  
28       11. "Person" means an individual, partnership, political committee, association,  
29       corporation, cooperative corporation, limited liability company, or other organization or  
30       group of persons.



- 1       12. "Personal benefit" means a benefit to the candidate or another person which is not for  
2       a political purpose or related to a candidate's responsibilities as a public officeholder,  
3       and any other benefit that would convert a contribution to personal income.
- 4       13. "Political committee" means any committee, club, association, or other group of  
5       persons which receives contributions or makes expenditures for political purposes and  
6       includes:
- 7       a. A political action committee not connected to another organization and free to  
8       solicit funds from the general public, or derived from a corporation, cooperative  
9       corporation, limited liability company, affiliate, subsidiary, or an association  
10      soliciting or receives contributions from its employees or members or makes  
11      expenditures for political purposes on behalf of its employees or members;
- 12      b. A candidate committee established to support an individual candidate seeking  
13      public office which solicits or receives contributions for political purposes;
- 14      c. A political organization registered with the federal election commission, which  
15      solicits or receives contributions or makes expenditures for political purposes;
- 16      d. A multicandidate political committee, including a caucus, established to support  
17      multiple groups or slates of candidates seeking public office, which solicits or  
18      receives contributions for political purposes; and
- 19      e. A measure committee, including an initiative or referendum sponsoring  
20      committee at any stage of its organization, which solicits or receives contributions  
21      or makes expenditures for the purpose of supporting or opposing an initiative or  
22      referendum petition, or measure sought to be voted upon by the voters of the  
23      state, including any activities undertaken for the purpose of drafting an initiative  
24      or referendum petition, seeking approval of the secretary of state for the  
25      circulation of a petition, or seeking approval of the submitted petitions.
- 26      14. "Political party" means any association, committee, or organization which nominates a  
27      candidate for election to any office which may be filled by a vote of the electors of this  
28      state or any of its political subdivisions and whose name appears on the election ballot  
29      as the candidate of the association, committee, or organization.
- 30      15. "Political purpose" means any activity undertaken in support of or in opposition to the  
31      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. The term includes paying any expenses related to the election or nomination of a candidate. The term does not include activities undertaken in the performance of a duty of a public office or any position taken in any bona fide news story, commentary, or editorial.

16. "Public office" means every office to which an individual can be elected by vote of the people under the laws of this state.

17. "Subsidiary" means an affiliate of a corporation under the control of the corporation directly or indirectly through one or more intermediaries.

18. "Ultimate and true source" means the person that knowingly contributed over two hundred fifty dollars solely to influence a statewide election or an election for the legislative assembly.

**16.1-08.2-02. General provisions.**

1. A political committee, except those defined in subdivision c of subsection 13 of section 16.1-08.2-01, shall register its name, mailing address, telephone number, and nongovernment issued electronic mail address, and its agent's name, mailing address, telephone number, and nongovernment issued electronic mail address, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state. A candidate who does not have a candidate committee shall register the candidate's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state. If the candidate has an agent, the candidate also shall register the agent's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state.

2. The registration required under this section for a candidate or political committee that has not previously registered with the secretary of state must be submitted within fifteen business days of the receipt deposit date of any contribution or expenditure made.

3. A candidate or political committee required to be registered under this section must register with the secretary of state each year during which the candidate holds public



- 1       office or during which the political committee receives contributions, makes  
2       expenditures for political purposes, or has a balance in the campaign account. An  
3       individual who no longer holds public office or an individual who no longer seeks public  
4       office must register with the secretary of state each year in which contributions are  
5       deposited, expenditures are made for political purposes, or a balance remains in the  
6       campaign account.
- 7       4. Any statement filed with the secretary of state under this chapter must be:
- 8           a. Filed electronically within the prescribed time and in the format established by the  
9           secretary of state. If the secretary of state does not receive a statement, an  
10          electronic duplicate of the statement must be filed promptly upon notice by the  
11          secretary of state of its nonreceipt. After a statement has been filed, the secretary  
12          of state may request or accept written clarification along with an amended  
13          statement from a candidate, political party, or political committee filing the  
14          statement when discrepancies, errors, or omissions on the statement are  
15          discovered by the secretary of state, the candidate, political party, or political  
16          committee filing the statement, or by any interested party reciting a lawful reason  
17          for requesting clarification and an amendment be made. When requesting an  
18          amended statement, the secretary of state shall establish a reasonable period of  
19          time, not to exceed ten days, agreed to by the candidate, political party, or  
20          political committee, for filing the amended statement with the secretary of state.
- 21          b. Preserved by the secretary of state for a period of ten years from the date of the  
22          filing deadline. The statement must be considered a part of the public records of  
23          the secretary of state's office and must be open to public inspection on the  
24          internet.
- 25       5. In determining the amount of individual contributions from any contributor, all amounts  
26       deposited from the same contributor during the reporting period must be aggregated to  
27       report an overall total contribution for the purposes of the statements required by this  
28       chapter. Contributions made separately by different persons from joint accounts are  
29       considered separate contributions for reporting purposes.

- 1       6. In determining the amount of expenditures to any recipient, all expenditures to the  
2       same recipient during the reporting period must be aggregated to report an overall  
3       total expenditure for the purposes of the statements required by this chapter.
- 4       7. Contributions and expenditures which are ~~less than~~ two hundred fifty dollars ~~or less~~ in  
5       the aggregate are exempt ~~from open~~ records ~~requests~~ under chapter 44-04 and  
6       reported as part of aggregate totals only.
- 7       8. In reporting a contribution deposited through a conduit, a candidate, political party, or  
8       political committee shall list each reportable contribution identifying the person that  
9       submitted the contribution to the conduit and provide the required information  
10       regarding the contribution from that person rather than identifying the conduit as the  
11       contributor.
- 12       9. A political committee organizing and registering according to federal law that makes an  
13       independent expenditure or makes a disbursement in excess of two hundred fifty  
14       dollars to a nonfederal candidate seeking public office, a political party, or political  
15       committee in this state is not required to register as a political committee according to  
16       this section if the political committee reports according to section  
17       ~~16.1-08.2-06~~ 16.1-08.2-07.
- 18       10. To ensure accurate reporting and avoid commingling of campaign and personal funds,  
19       candidates shall use dedicated campaign accounts that are separate from any  
20       personal accounts.
- 21       11. Registration by a political committee under this section does not reserve the name for  
22       exclusive use nor does it constitute registration of a trade name under chapter 47-25.
- 23       12. A candidate or candidate committee for county office, city office, and school district  
24       office are exempt from registering and filing with the secretary of state. Any other  
25       person required to file a statement under this chapter shall file the statement with the  
26       secretary of state.
  - 27       a. A candidate for city office in a city with a population under five thousand and a  
28       candidate committee for the candidate are exempt from this chapter. A candidate  
29       for school district office in a school district with a fall enrollment of fewer than  
30       one thousand students and a candidate committee for the candidate are exempt  
31       from this chapter.



- b. 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 and a candidate committee for a candidate for city office shall file statements under this chapter with the city auditor. A candidate for school district office and a candidate committee for a candidate for school district office shall file statements under this chapter with the school business manager.

**16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure statement requirements for candidates, candidate committees, multicandidate committees, ~~political committees~~, and nonstatewide political parties.**

1. Before a primary or special election, and before and following a general election, a candidate or candidate committee formed on behalf of the candidate, a multicandidate political committee, ~~a political committee~~, or a nonstatewide political party soliciting or accepting contributions shall file a campaign disclosure statement ~~including all contributions and expenditures~~ from:

- a. January first through April thirtieth before a primary election;  
b. May first through September thirtieth before a general election;  
c. October first through December thirty-first following a general election; and  
d. January first through the fortieth day before a special election.

2. A candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a nonstatewide political party that has not endorsed or nominated any candidate in the election is not required to file a statement under ~~this~~ subsection 1, but is required to file a statement under subsection 7.

3. The statement before a primary, general, or special election under subsection 1 may be submitted for filing beginning on the day following the end of the reporting period and must be submitted before the eighth day following the reporting period. The statement following the general election may be submitted for filing beginning on January first and must be submitted before February first. ~~The~~

4. A statement filed under subsection 1 must include the following information:

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

1                   (1) Name and the city and state of the contributor;

2                   (2) Total amount of the contribution; and

3                   (3) Date the last contributed amount was deposited.

4           b. ~~For each expenditure during the reporting period, the:~~

5                   ~~(1) Name of the recipient and location of purchase;~~

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

7                   ~~(3) Date of the expenditure; and~~

8                   ~~(4) Expenditure purpose.~~

9           ~~c. The total of all aggregated contributions and expenditures which total in excess~~  
10                   ~~of two hundred fifty dollars during the reporting period and the aggregated total.~~

11           ~~c. The total of all contributions and expenditures which are deposited from~~  
12                   ~~contributors that contributed two hundred and fifty dollars or less during the~~  
13                   ~~reporting period.~~

14           d. A total of all expenditures made during the reporting period, separated into  
15                   expenditure categories.

16           ~~e. For a candidate, a candidate committee formed on behalf of a candidate, a~~  
17                   ~~multicandidate committee, or a nonstatewide political party, the balance of the~~  
18                   ~~campaign fund on the last day of the reporting period and the balance of the~~  
19                   ~~campaign fund on the first day of the reporting period.~~

20           2.5. The information provided to the secretary of state under subdivisions a through d of  
21                   subsection 4 must be made publicly available through the format prescribed by the  
22                   secretary of state. The information provided to the secretary of state under  
23                   subdivision e of subsection 4 may not be made publicly available by the secretary of  
24                   state.

25           6. Beginning on the day following the end of the reporting period  
26                   May first before a  
27                   primary election, October first before a general election, and thirty-nine days before a  
28                   special election through the day before the election, a person filing a statement under  
29                   subsection 1 must file a supplemental statement within forty-eight hours of the start of  
30                   the day following the deposit date of a contribution or aggregate contribution from a  
31                   contributor which is in excess of five hundred dollars. The statement must include the:

a. Name and the city and state of the contributor;



1           b. Total amount of the contribution deposited during the reporting period; and

2           c. Date the last contributed amount was deposited.

3       3.7. Before February first, a candidate whose name is not on the ballot and who is not  
4       seeking election through write-in votes, or ~~candidate~~the candidate's candidate  
5       committee, a multicandidate political committee, ~~a political committee~~, or a  
6       nonstatewide political party soliciting or accepting contributions not required to file a  
7       statement under subsection 1 shall file a campaign disclosure statement including all  
8       contributions deposited and expenditures from January first through December thirty-  
9       first of the previous year. The filer shall indicate on the report the corresponding  
10       reporting period, as described under subsection 1, in which each contribution was  
11       deposited and expenditure was made to determine whether the filer's aggregated  
12       totals exceed two hundred fifty dollars for the reporting period. The statement may be  
13       submitted for filing beginning on January first. The statement filed according to this  
14       section must include the following information:

15           a. ~~For a candidate, a candidate committee formed on behalf of a candidate, a~~  
16           ~~multicandidate committee, or political party, the balance of the campaign fund on~~  
17           ~~January first and on December thirty-first.~~

18       ~~b.~~ For each aggregated contribution deposited from a contributor which totals in  
19       excess of two hundred fifty dollars deposited during the reporting period, the:

20           (1) Name and the city and state of the contributor;

21           (2) Total amount of the contribution; and

22           (3) Date the last contributed amount was deposited.

23       ~~c.~~ For each expenditure during the reporting period, the:

24           ~~(1) Name of the recipient and location of purchase;~~

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

26           ~~(3) Date of the expenditure; and~~

27           ~~(4) Expenditure purpose.~~

28       d.b. The total of all aggregated contributions and expenditures from contributors which  
29       total in excess of two hundred fifty dollars during the reporting period.

e.c. The aggregated total of contributions ~~and expenditures which are~~ deposited from contributors that contributed two hundred and fifty dollars or less during the reporting period.

d. A total of all expenditures made during the reporting period, separated into expenditure categories.

e. For a candidate, a candidate committee formed on behalf of a candidate, a multicandidate committee, or a nonstatewide political party, the balance of the campaign fund on the last day of the reporting period.

4.8. The information provided to the secretary of state under subdivisions a through d of subsection 7 must be made publicly available through a format prescribed by the secretary of state. The information provided to the secretary of state under subdivision e of subsection 7 may not be made publicly available by the secretary of state.

9. Expenditures reported within a group of aggregated totals under this section are exempt from open records requests under chapter 44-04.

10. A person required to file a statement under this section shall report 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.

**16.1-08.2-04. Pre-election, supplemental, and year-end campaign disclosure statement requirements for statewide political parties and certain political committees.**

1. Before a primary or special election, and before and following a general election, a statewide political party or a political committee not required to file under section 16.1-08.2-03 which is soliciting or accepting contributions shall file a campaign disclosure statement including all contributions and expenditures from:

a. January first through April thirtieth before a primary election;

b. May first through September thirtieth before a general election;

c. October first through December thirty-first following a general election; and

d. January first through the fortieth day before a special election.



- 1     2. A political party that has not endorsed or nominated a candidate in the election or a  
2     political committee not soliciting or accepting contributions is not required to file a  
3     statement under subsection 1, but is required to file a statement under subsection 5.
- 4     3. The statement before a primary, general, or special election may be submitted for filing  
5     beginning on the day following the end of the reporting period and must be submitted  
6     before the eighth day following the reporting period. The statement following the  
7     general election may be submitted for filing beginning on January first and must be  
8     submitted before February first. The statement must include:
  - 9     a. The total of all contributions and expenditures which total in excess of  
10     two hundred fifty dollars during the reporting period and the aggregated total of  
11     contributions and expenditures which are two hundred and fifty dollars or less  
12     during the reporting period.
  - 13     b. The balance of the campaign fund on the last day of the reporting period and the  
14     balance of the campaign fund on the first day of the reporting period.
  - 15     c. For each contribution deposited during the reporting period, the:
    - 16     (1) Name and the city and state of the contributor;
    - 17     (2) Total amount of the contribution; and
    - 18     (3) Date the last contributed amount was deposited.
  - 19     d. For each expenditure during the reporting period, the:
    - 20     (1) Name of the recipient and location of purchase;
    - 21     (2) Total amount of the expenditure made to the recipient;
    - 22     (3) Date of the expenditure; and
    - 23     (4) Expenditure category.
- 24     4. Beginning on May first before a primary election, October first before a general  
25     election, and thirty-nine days before a special election through the day before the  
26     election, a person filing a statement under subsection 1 shall file a supplemental  
27     statement within forty-eight hours of the start of the day following the deposit date of a  
28     contribution or aggregate contribution from a contributor which is in excess of five  
29     hundred dollars. The statement must include the:
  - 30     a. Name and the city and state of the contributor;
  - 31     b. Total amount of the contribution deposited during the reporting period; and

1 c. Date the last contributed amount was deposited.

2 5. Before February first, a statewide political party or a political committee that is not  
3 required to file a statement under subsection 1 shall file a campaign disclosure  
4 statement including all contributions deposited and expenditures from January first  
5 through December thirty-first of the previous year. The filer shall indicate on the report  
6 the corresponding reporting period, as described under subsection 1, for which each  
7 contribution was deposited and expenditure was made to determine whether the filer's  
8 aggregated totals exceed two hundred fifty dollars for the reporting period. The  
9 statement must include:

10 a. The total of all contributions and expenditures which total in excess of  
11 two hundred fifty dollars during the reporting period and the aggregated total of  
12 contributions and expenditures which are two hundred and fifty dollars or less  
13 during the reporting period.

14 b. The total of all aggregated expenditures from campaign funds reported in  
15 expenditure categories.

16 c. The balance of the campaign fund on the last day of the reporting period and the  
17 balance of the campaign fund on the first day of the reporting period.

18 d. For each contribution deposited during the reporting period, the:

19 (1) Name and the city and state of the contributor;

20 (2) Total amount of the contribution; and

21 (3) Date the last contributed amount was deposited.

22 e. For each expenditure during the reporting period, the:

23 (1) Name of the recipient and location of purchase;

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

25 (3) Date of the expenditure; and

26 (4) Expenditure category.

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



7. A person filing a statement under this section shall file the statement with the secretary of state.

~~16.1-08.2-04~~ 16.1-08.2-05. Special requirements for state political parties.

1. State political parties shall establish separate and segregated accounts for the management of state nominating conventions. All revenue obtained and expenditures made for the planning and running of a state convention must be accounted for in these accounts.
2. A postconvention statement must be filed with the secretary of state sixty days after the close of the state nominating convention. The reporting period for the postconvention statement begins on the first day of January of the reporting year and ends thirty days after the close of the state nominating convention.
3. A year-end statement covering the entire calendar year must be filed with the secretary of state before February first of the following year even if no convention revenue was deposited or expenditures made within the calendar year.
4. The statement filed under this section must show:
  - a. The balance of the filer's convention accounts at the start and close of the reporting period.
  - b. The total of all revenue deposited and expenditures made of two hundred fifty dollars or less.
  - c. The total of all revenue deposited and expenditures made in excess of two hundred fifty dollars.
  - d. For revenues received and deposited, the:
    - (1) Name of each person providing the revenue;
    - (2) City and state of each person providing revenue;
    - (3) Date of the most recent receipt deposit of revenue from each person providing revenue; and
    - (4) The purpose or purposes for which the revenue was deposited from each person.
  - e. For each expenditure made, the:
    - (1) Name of each person to which the expenditure was made;
    - (2) City and state of each person to which the expenditure was made;

- 1           (3) Date of the most recent expenditure made to each person or entity; and  
2           (4) Purpose or purposes for which the aggregated expenditure total was  
3           disbursed to each person or entity.

4           f. The total of all contributions and expenditures which total in excess of  
5           two hundred fifty dollars during the reporting period.

6           g. The aggregated total of contributions and expenditures which are two hundred  
7           and fifty dollars or less during the reporting period.

8           h. For each aggregated revenue from an individual which totals five thousand  
9           dollars or more during the reporting period, the occupation, employer, and  
10          principal place of business of the individual.

11        5. If a net gain from the convention is transferred to the accounts established for the  
12        support of the nomination or election of candidates, the total transferred must be  
13        reported as a contribution in the statements required by section 16.1-08.2-03.

14        6. If a net loss from the convention is covered by a transfer from the accounts  
15        established for the support of the nomination or election of candidates, the total  
16        transferred must be reported as an expenditure in the statements required by section  
17        16.1-08.2-03.

18        7. A state political party or nonprofit entity affiliated with or under the control of a state  
19        political party, which receives a donation for purchasing, maintaining, or renovating a  
20        building, shall file a statement with the secretary of state before February first of each  
21        calendar year. Any income or financial gain generated from a building purchased,  
22        maintained, or renovated from donations must be deposited in the building fund and  
23        must be disclosed when the political party or nonprofit entity files the statement  
24        required under this section. Money in the fund may be used only by the state political  
25        party or nonprofit entity affiliated with or under the control of a state political party for  
26        purchasing, maintaining, or renovating a building, including the purchase of fixtures for  
27        the building. The statement may be submitted for filing beginning on January first and  
28        must include the:

- 29        a. Balance of the building fund on January first;  
30        b. Name and the city and state of each donor;  
31        c. Amount of each donation;



- 1 d. Date each donation was deposited;
- 2 e. Name and the city and state of each recipient of an expenditure;
- 3 f. Amount of each expenditure;
- 4 g. Date each expenditure was made; and
- 5 h. Balance of the fund on December thirty-first.

6 **16.1-08.2-0516.1-08.2-06. Special requirements for statements required of persons**  
7 **engaged in activities regarding ballot measures.**

- 8 1. For each reportable contribution and expenditure under section  
9 16.1-08.2-0316.1-08.2-04, the threshold for reporting is one hundred dollars for any  
10 person engaged in activities described in subdivision e of subsection 13 of section  
11 16.1-08.2-01.
- 12 2. For contributions deposited from any contributor, a person engaged in activities  
13 described in subdivision e of subsection 13 of section 16.1-08.2-01 shall include the  
14 following information regarding each subcontributor that has stated a contribution is for  
15 the express purpose of furthering the passage or defeat of a ballot measure in the  
16 statements required under section 16.1-08.2-0316.1-08.2-04:
  - 17 a. A designation as to whether any person contributed in excess of one hundred  
18 dollars of the total contribution;
  - 19 b. The name and the city and state of each subcontributor contributing in excess of  
20 one hundred dollars of the total contribution;
  - 21 c. The contribution amounts of each disclosed subcontributor; and
  - 22 d. The occupation, employer, and address for the employer's principal place of  
23 business of each disclosed subcontributor.
- 24 3. A measure committee which is seeking approval for an initiative or referendum shall  
25 file a disclosure statement by the date the secretary of state approves the petition for  
26 circulation. Thereafter, the measure committee is required to file disclosure statements  
27 as directed by section 16.1-08.2-0316.1-08.2-04.
- 28 4. A measure committee that is seeking approval for an initiative or referendum shall file  
29 a statement regarding its intent to compensate circulators before paying for petitions to  
30 be circulated.



**16.1-08.2-0616.1-08.2-07. Special requirements for political committees organized and registered under federal law.**

1. A political committee organizing and registering according to federal law which makes an independent expenditure or makes a disbursement in excess of two hundred fifty 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.
2. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include the:
  - a. Name, city and state, and treasurer of the political committee;
  - b. Recipient's name and mailing address;
  - c. Date and amount of the independent expenditure or disbursement; and
  - d. Ultimate and true source of funds listed by contributor and subcontributor for any amount over two hundred fifty dollars collected or used to make the independent expenditure or disbursement including the:
    - (1) Name, city and state, and treasurer of the political committee;
    - (2) Total amount of the contribution; and
    - (3) Date the last contribution was deposited.

**16.1-08.2-0716.1-08.2-08. Campaign contributions by corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, and associations - Penalty.**

1. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may establish, administer, and solicit contributions to a separate and segregated fund to be used for political purposes by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association. It is unlawful for:
  - a. The person controlling the fund to make contributions or expenditures using money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of those actions; or use money from dues, fees,

1           treasury funds, or other money required as a condition of membership in an  
2           association, or as a condition of employment; or use money obtained in any  
3           commercial transaction. Moneys from fees, dues, treasury funds, or money  
4           obtained in a commercial transaction may, however, be used to pay costs of  
5           administration of the fund.

6           b. Any person soliciting an employee, stockholder, patron, board member, or  
7           member for a contribution to the fund to fail to inform the employee or member of  
8           the political purposes of the fund at the time of the solicitation or of the general  
9           political philosophy intended to be advanced through committee activities.

10          c. Any person soliciting an employee or member for a contribution to the fund to fail  
11          to inform the employee or member at the time of the solicitation of the right to  
12          refuse to contribute without any reprisal.

13          d. Any contribution to be accepted without keeping an accurate record of the  
14          contributor and amount contributed and of amounts expended for political  
15          purposes.

16          e. Any contribution to be accepted from any person not an employee, a stockholder,  
17          a patron, a board member or a member of the corporation, cooperative  
18          corporation, limited liability company, affiliate, subsidiary, or association  
19          maintaining the political action committee, except a corporation may accept a  
20          contribution from an employee, a stockholder, a patron, a board member, or a  
21          member of an affiliate or a subsidiary of the corporation.

22          f. Any expenditure made for political purposes to be reported under this section  
23          before control of the expenditure has been released by the political action  
24          committee except if there is a contract, a promise, or an agreement, expressed or  
25          implied, to make the expenditure.

26          2. A person may not make a payment of that person's money or of another person's  
27          money to any other person for a political purpose in any name other than that of the  
28          person supplying the money and a person may not knowingly receive the payment nor  
29          enter nor cause the payment to be entered in that person's account or record in any  
30          name other than that of the person by which it actually was furnished.



- 1       3. If an officer, employee, agent, attorney, or other representative of a corporation,  
2       cooperative corporation, limited liability company, affiliate, subsidiary, or association  
3       makes any contribution prohibited by this section out of corporate, cooperative  
4       corporation, limited liability company, affiliate, subsidiary, or association funds or  
5       otherwise violates this section, it is prima facie evidence of a violation by the  
6       corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
7       association.
- 8       4. Corporations, cooperative corporations, limited liability companies, affiliates,  
9       subsidiaries, and associations may make expenditures and contributions for promoting  
10      any general political philosophy or belief deemed in the best interest of the employees,  
11      stockholders, patrons, or members of the corporation, cooperative corporation, limited  
12      liability company, affiliate, subsidiary, or association other than a "political purpose" as  
13      defined by this chapter. A corporation, cooperative corporation, limited liability  
14      company, affiliate, subsidiary, or association may not make a contribution for a political  
15      purpose.
- 16      5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
17      association may make a donation of property or money to a state political party or  
18      nonprofit entity affiliated with or under the control of a state political party for deposit in  
19      a separate and segregated building fund.
- 20      6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
21      association may make an expenditure to a measure committee for the purpose of  
22      promoting the passage or defeat of an initiated or referred measure or petition or make  
23      an expenditure to any other person making an independent expenditure. A  
24      corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
25      association may make an independent expenditure for a political purpose, including  
26      political advertising in support of or opposition to a candidate, political committee, or a  
27      political party, or for the purpose of promoting passage or defeat of initiated or referred  
28      measures or petitions. The corporation, cooperative corporation, limited liability  
29      company, affiliate, subsidiary, or association shall file a statement disclosing any  
30      expenditure made under this subsection with the secretary of state within forty-eight  
31      hours after making the expenditure. The statement must include:



- 1           a. The full name of the corporation, cooperative corporation, limited liability
- 2                 company, affiliate, subsidiary, or association;
- 3           b. The complete address of the corporation, cooperative corporation, limited liability
- 4                 company, affiliate, subsidiary, or association;
- 5           c. The name of the recipient of the expenditure;
- 6           d. If the expenditure is related to a measure or petition, the title of the measure or
- 7                 petition and whether the expenditure is made in support of or opposition to the
- 8                 measure or petition;
- 9           e. If the expenditure is related to a measure, the election date on which the
- 10                 measure either will appear or did appear on the ballot;
- 11           f. The amount of the expenditure;
- 12           g. The cumulative total amount of expenditures since the beginning of the calendar
- 13                 year which are required to be reported under this subsection;
- 14           h. The telephone number and the printed name and signature of the individual
- 15                 completing the statement, attesting to the statement being true, complete, and
- 16                 correct; and
- 17           i. The date on which the statement was signed.
- 18       7. A violation of this section may be prosecuted in the county where the contribution is
- 19                 made or in any county in which it has been paid or distributed.
- 20       8. It is a class A misdemeanor for an officer, director, stockholder, manager, governor,
- 21                 member, attorney, agent, or representative of any corporation, cooperative
- 22                 corporation, limited liability company, affiliate, subsidiary, or association to violate this
- 23                 section or to counsel or consent to any violation. Any person that solicits or knowingly
- 24                 receives any contribution in violation of this section is guilty of a class A misdemeanor.
- 25       9. Any officer, director, stockholder, manager, governor, member, attorney, agent, or
- 26                 representative who makes, counsels, or consents to the making of a contribution in
- 27                 violation of this section is liable to the company, corporation, limited liability company,
- 28                 affiliate, subsidiary, or association for the amount so contributed.
- 29       ~~16.1-08.2-08~~16.1-08.2-09. Special requirements for conduits.
- 30       A conduit transferring any contribution to a candidate, political party, or political committee
- 31       shall provide the recipient of the contribution a detailed statement listing the name and address

1 of each individual contributor, the amount of each contribution, and the date each contribution  
2 was deposited. The conduit also shall include on the statement the occupation, employer, and  
3 principal place of business of each contributor, or the political committee if not already  
4 registered according to state or federal law, which contributed five thousand dollars or more in  
5 the aggregate during a reporting period applicable to the candidate, political party, or political  
6 committee. The conduit shall provide the statement to the candidate, political party, or political  
7 committee in a manner to allow the candidate, political party, or political committee to file any  
8 statement required to be filed under this chapter.

9 ~~16.1-08.2-09~~ **16.1-08.2-10. General prohibitions.**

- 10 1. A foreign national may not make or offer to make, directly or indirectly, a contribution  
11 or expenditure in connection with any election.
- 12 2. A candidate, candidate committee, political committee, political party, or any other  
13 person may not solicit, accept, or receive, directly or indirectly, a contribution from a  
14 foreign national.
- 15 3. A candidate may not use any contribution deposited by the candidate, the candidate's  
16 candidate committee, or a multicandidate political committee to:
- 17 a. Give a personal benefit to the candidate or another person;  
18 b. Make a loan to another person;  
19 c. Knowingly pay more than the fair market value for goods or services purchased  
20 for the campaign; or  
21 d. Pay a criminal fine or civil penalty.
- 22 4. If the secretary of state has substantial reason to believe any person knowingly  
23 violated this section, the secretary shall arrange for an audit as authorized by section  
24 ~~16.1-08.2-10~~ **16.1-08.2-11.**
- 25 5. A person may not be excused from attending and testifying or producing any books,  
26 papers, or other documents before any court upon any investigation, proceeding, or  
27 trial for a violation of any of the provisions of this chapter, upon the grounds that the  
28 testimony or evidence, documentary or otherwise, required of the person may tend to  
29 incriminate or degrade the person. A person may not be prosecuted or subjected to  
30 any penalty or forfeiture for or on account of any transaction, matter, or thing  
31 concerning which the person may testify or produce evidence, documentary or



otherwise. Any testimony given or produced may not be used against the person in any criminal investigation or proceeding.

~~16.1-08.2-10~~ **16.1-08.2-11. Audit by secretary of state.**

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, political committee, or other person filing the statement shall pay a fine to the secretary of state equal to 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 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 must 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 by candidates or candidate committees for candidates for county, city, or school district offices.

~~16.1-08.2-11~~ **16.1-08.2-12. Filing officer to charge and collect filing fees.**

1. If a statement 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, ~~one hundred~~ twenty-five dollars;
  - b. Within ~~thirteen~~ eleven days after the prescribed time, ~~two hundred fifty~~ fifty dollars;
  - and
  - c. Thereafter, five hundred dollars.
2. ~~Any amendment filed by the candidate, candidate committee, multicandidate committee, political committee, or political party, or at the request of the filing officer. A~~ filing officer may require an amendment to be filed for any statement 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 ~~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 ~~filing deadline, one hundred~~ date the amendment was due, fifty dollars;
  - b. Within eleven days after the ~~filing deadline, two hundred fifty~~ date the amendment was due, one hundred dollars; and
  - c. Thereafter, five hundred dollars.

3. Any fines paid under this section must be reported on the statement filed by the candidate, candidate committee, multicandidate committee, political committee, or political party. Any late fees levied by the secretary of state under this section and the identity of the person subject to a late fee must be made publicly available through the format prescribed by the secretary of state.

4. 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.

**16.1-08.2-1216.1-08.2-13. Secretary of state to provide instruction and adjust thresholds for inflation.**

1. The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter.

2. The secretary of state shall adjust for inflation the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and inform persons submitting reports under this chapter of the adjustments. The secretary of state shall make the adjustments beginning January first of each adjustment year beginning January 1, 2026.

**16.1-08.2-1316.1-08.2-14. Penalty.**

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

**SECTION 5. AMENDMENT.** Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements.**

Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described in section ~~16.1-08.1-01~~16.1-08.2-01, or a corporation making an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as



1 defined in section ~~16.1-08.1-01~~16.1-08.2-01, or political party paying for the advertisement. If  
2 the name of a political party, association, or partnership is used, the disclaimer must also  
3 include the name of the chairman or other responsible individual from the political party,  
4 association, or partnership. The name of the person paying for any radio or television broadcast  
5 containing any advertising announcement for or against any candidate for public office must be  
6 announced at the close of the broadcast. If the name of a political party, association, or  
7 partnership is used, the disclaimer must also include the name of the chairman or other  
8 responsible individual from the political party, association, or partnership. In every political  
9 advertisement in which the name of the person paying for the advertisement is disclosed, the  
10 first and last name of any named individual must be disclosed. An advertisement paid for by an  
11 individual candidate or group of candidates must disclose that the advertisement was paid for  
12 by the individual candidate or group of candidates. The first and last name or names of the  
13 candidates paying for the advertisement are not required to be disclosed. This section does not  
14 apply to campaign buttons.

15 **SECTION 6. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North  
16 Dakota Century Code is amended and reenacted as follows:

- 17 f. By or on behalf of a political party, candidate, or other group with a political  
18 purpose, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, unless the  
19 communication is a text message.

20 **SECTION 7. REPEAL.** Chapter 16.1-08.1 of the North Dakota Century Code is repealed.



25.0330.06009  
Title.

Prepared by the Legislative Council  
staff for Representative Steiner  
April 10, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## **PROPOSED AMENDMENTS TO FIRST ENGROSSMENT**

### **ENGROSSED SENATE BILL NO. 2156**

Introduced by

Senator Cleary

1 A BILL for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code,  
2 relating to campaign disclosure statements; to amend and reenact sections 15.1-09-08,  
3 15.1-09-19, 16.1-01-12, and 16.1-10-04.1, and subdivision f of subsection 8 of section 51-28-01  
4 of the North Dakota Century Code, relating to campaign disclosure statements; to repeal  
5 chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign disclosure  
6 statements; and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is  
9 amended and reenacted as follows:

##### **10 15.1-09-08. School district elections - Candidate filings.**

11 An individual seeking election to the board of a school district shall prepare and sign a  
12 document stating the individual's name and the position for which that individual is a candidate.  
13 A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether  
14 or not the election is held in conjunction with a statewide election, all statements of interest  
15 must be filed with the school district business manager, or mailed to and in the possession of  
16 the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall  
17 also file a campaign contribution statement as required by section ~~16.1-08.1-02.3~~ 16.1-08.2-03.

18 **SECTION 2. AMENDMENT.** Section 15.1-09-19 of the North Dakota Century Code is  
19 amended and reenacted as follows:

1       **15.1-09-19. Duties of election officials - Other applicable statutes.**

2       Sections ~~16.1-08.1-03.3~~16.1-08.2-0716.1-08.2-08, 16.1-10-01, 16.1-10-06, 16.1-10-06.1,  
3       16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and  
4       16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.

5       **SECTION 3. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is  
6       amended and reenacted as follows:

7       **16.1-01-12. Election offenses - Penalty.**

8       1. It is unlawful for an individual, measure committee as described in section  
9       ~~16.1-08.1-04~~16.1-08.2-01, or other organization to:

- 10       a. Fraudulently alter another individual's ballot, substitute one ballot for another, or  
11       otherwise defraud a voter of that voter's vote.
- 12       b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a  
13       member of the election board on the way to or at a polling place.
- 14       c. Vote more than once in any election.
- 15       d. Knowingly vote in the wrong election precinct or district.
- 16       e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
- 17       f. Knowingly exclude a qualified elector from voting or knowingly allow an  
18       unqualified individual to vote.
- 19       g. Knowingly vote when not qualified to do so.
- 20       h. Sign an initiative, referendum, recall, or any other election petition when not  
21       qualified to do so.
- 22       i. Circulate an initiative, referendum, recall, or any other election petition not in its  
23       entirety or when unqualified to do so.
- 24       j. Pay or offer to pay any individual, measure committee, or other organization, or  
25       receive payment or agree to receive payment, on a basis related to the number  
26       of signatures obtained for circulating an initiative, referendum, or recall petition.
- 27       This subsection does not prohibit the payment of salary and expenses for  
28       circulation of the petition on a basis not related to the number of signatures  
29       obtained, as long as the circulators file the intent to remunerate before submitting  
30       the petitions and, in the case of initiative and referendum petitions, fully disclose  
31       all contributions received pursuant to ~~chapter 16.1-08.1~~chapter 16.1-08.2 to the

1 secretary of state upon submission of the petitions. The disclosure of  
2 contributions received under this section does not affect the requirement to file a  
3 pre-election report by individuals or organizations soliciting or accepting  
4 contributions for the purpose of aiding or opposing the circulation or passage of a  
5 statewide initiative or referendum petition or measure placed upon a statewide  
6 ballot by action of the legislative assembly under chapter ~~46.1-08.1~~16.1-08.2. Any  
7 signature obtained in violation of this subdivision is void and may not be counted.

8 k. Willfully fail to perform any duty of an election officer after having accepted the  
9 responsibility of being an election officer by taking the oath as prescribed in this  
10 title.

11 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.

12 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
13 false return of an election, knowing the canvass or return to be false; or willfully  
14 deface, destroy, or conceal any statement or certificate entrusted to the  
15 individual's or organization's care.

16 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
17 provided by law, or negatively impact the confidentiality, integrity, or availability of  
18 any system used for voting.

19 o. Sign a name other than that individual's own name to an initiative, referendum,  
20 recall, or any other election petition.

21 p. Willfully submit an initiative or referendum petition that contains one or more  
22 fraudulent signatures.

23 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
24 misdemeanor.

25 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.

26 c. A violation of subdivision n of subsection 1 is a class C felony.

27 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
28 individual signs one or two names other than the individual's own name to a  
29 petition and is a class C felony if an individual signs more than two names other  
30 than the individual's own name to a petition.



- 1           e. An organization, as defined in section 12.1-03-04, that violates this section is  
2           subject to the organizational fines in section 12.1-32-01.1. The court in which the  
3           conviction is entered shall notify the secretary of state of the conviction and shall  
4           order the secretary of state to revoke the certificate of authority of any convicted  
5           organization or limited liability company. The organization may not reapply to the  
6           secretary of state for authorization to do business under any name for one year  
7           upon conviction of a class A misdemeanor and for five years upon conviction of a  
8           class C felony under this section, except an organization operating a signature  
9           gathering business, or similar enterprise, that violates subdivision p of  
10          subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
11          may not reapply to the secretary of state for authorization to do business under  
12          any name for five years following the entry of judgment.
- 13          f. A violation of subdivision p of subsection 1 by any member of a measure  
14          committee, including an initiative or referendum sponsoring committee or an  
15          agent acting on behalf of, or in conjunction with, a measure committee for the  
16          purpose of collecting signatures for a petition under this chapter is subject to a  
17          civil penalty of not more than three thousand dollars. The civil penalty may be  
18          recovered in an action brought in the district court of Burleigh County by the  
19          attorney general.
- 20          g. An individual who is a member of an organization may be convicted of a violation  
21          as an accomplice under section 12.1-03-01.

- 22          3. Every act this chapter makes criminal when committed with reference to the election of  
23          a candidate is equally criminal when committed with reference to the determination of  
24          a question submitted to qualified electors to be decided by votes cast at an election.

25          **SECTION 4.** Chapter 16.1-08.2 of the North Dakota Century Code is created and enacted  
26          as follows:

27          **16.1-08.2-01. Definitions.**

- 28          1. "Affiliate" means an organization controlling, is controlled by, or is under common  
29          control with another organization. For purposes of this definition, control means the  
30          possession, direct or indirect, of the power to direct or cause the direction of the  
31          management and policies of an organization, whether through the ownership of voting

1           securities, by contract other than a commercial contract for goods or nonmanagement  
2           services, or otherwise. Control is presumed to exist if an organization, directly or  
3           indirectly, owns, controls, holds with the power to vote, or holds proxies representing  
4           fifty percent or more of the voting securities of any other organization.

5           2. "Association" means any club, association, union, brotherhood, fraternity, organization,  
6           or group of any kind of two or more persons, including labor unions, trade  
7           associations, professional associations, or governmental associations, which is united  
8           for any purpose, business, or object and which assesses any dues, membership fees,  
9           or license fees in any amount, or which maintains a treasury fund in any amount. The  
10          term does not include corporations, cooperative corporations, limited liability  
11          companies, political committees, or political parties.

12          3. "Conduit" means a person that is not a political party, political committee, or candidate  
13          and which receives a contribution of money and transfers the contribution to a  
14          candidate, political party, or political committee when the contribution is designated  
15          specifically for the candidate, political party, or political committee and the person has  
16          no discretion as to the recipient and the amount transferred. The term includes a  
17          transactional intermediary, including a credit card company or a money transfer  
18          service paying or transferring money to a candidate on behalf of another person.

19          4. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription,  
20          loan, advance, deposit of money, or anything of value, made for the purpose of  
21          influencing the nomination for election, or election, of any person to public office or  
22          aiding or opposing the circulation or passage of a statewide initiative or referendum  
23          petition or measure. The term also means a contract, promise, or agreement, express  
24          or implied, whether or not legally enforceable, to make a contribution for any of the  
25          above purposes. The term includes funds deposited by a candidate for public office or  
26          a political party or committee which are transferred or signed over to that candidate,  
27          party, or committee from another candidate, party, or political committee or other  
28          source including a conduit. The term "anything of value" includes any good or service  
29          of more than a nominal value. The term "nominal value" means the cost, price, or  
30          worth of the good or service is trivial, token, or of no appreciable value. The term  
31          "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 or anything of value deposited for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
  - d. Money or anything of value deposited for anything other than a political purpose.
  - e. Products or services for which the actual cost or fair market value are reimbursed by a payment of money.
  - f. An independent expenditure.
  - g. The value of advertising paid by a political party, multicandidate political committee, or caucus which is in support of a candidate.
  - h. In-kind contributions from a candidate to the candidate's campaign.
5. "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.
6. "Expenditure" means:
- 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 purpose of influencing the passage or defeat of a measure.
  - b. A contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure.
  - c. The transfer of funds by a political committee to another political committee.
  - d. An independent expenditure.



1       7. "Expenditure ~~purpose~~categories" means the ~~type of expense for~~categories into which  
2       expenditures for a political purpose ~~occurred~~must be grouped for reports under this  
3       chapter. The expenditure categories are:

4       a. Advertising;

5       b. Campaign loan repayment;

6       c. Operations;

7       d. Political donations;

8       e. Travel;

9       f. Volunteer appreciation; and

10      g. Miscellaneous.

11      8. "Foreign national" means:

12      a. A government or country other than the United States.

13      b. A political party organized under the laws of a country other than the United  
14      States.

15      c. A corporation, partnership, association, organization, or other combination of  
16      persons organized under the laws of or having its principal place of business in a  
17      country other than the United States.

18      d. An individual with citizenship of a country other than the United States.

19      e. An individual who is not a citizen or national of the United States and is not  
20      admitted lawfully to the United States for permanent residence.

21      9. "Independent expenditure" means an expenditure made for a political purpose or for  
22      the purpose of influencing the passage or defeat of a measure if the expenditure is  
23      made without the express or implied consent, authorization, or cooperation of, and not  
24      in concert with or at the request or suggestion of, any candidate, committee, or  
25      political party.

26      10. "Patron" means a person who owns equity interest in the form of stock, shares, or  
27      membership or maintains similar financial rights in a cooperative corporation.

28      11. "Person" means an individual, partnership, political committee, association,  
29      corporation, cooperative corporation, limited liability company, or other organization or  
30      group of persons.

- 1        12. "Personal benefit" means a benefit to the candidate or another person which is not for  
2        a political purpose or related to a candidate's responsibilities as a public officeholder,  
3        and any other benefit that would convert a contribution to personal income.
- 4        13. "Political committee" means any committee, club, association, or other group of  
5        persons which receives contributions or makes expenditures for political purposes and  
6        includes:
- 7            a. A political action committee not connected to another organization and free to  
8            solicit funds from the general public, or derived from a corporation, cooperative  
9            corporation, limited liability company, affiliate, subsidiary, or an association  
10          soliciting or receives contributions from its employees or members or makes  
11          expenditures for political purposes on behalf of its employees or members;
- 12          b. A candidate committee established to support an individual candidate seeking  
13          public office which solicits or receives contributions for political purposes;
- 14          c. A political organization registered with the federal election commission, which  
15          solicits or receives contributions or makes expenditures for political purposes;
- 16          d. A multicandidate political committee, including a caucus, established to support  
17          multiple groups or slates of candidates seeking public office, which solicits or  
18          receives contributions for political purposes; and
- 19          e. A measure committee, including an initiative or referendum sponsoring  
20          committee at any stage of its organization, which solicits or receives contributions  
21          or makes expenditures for the purpose of supporting or opposing an initiative or  
22          referendum petition, or measure sought to be voted upon by the voters of the  
23          state, including any activities undertaken for the purpose of drafting an initiative  
24          or referendum petition, seeking approval of the secretary of state for the  
25          circulation of a petition, or seeking approval of the submitted petitions.
- 26        14. "Political party" means any association, committee, or organization which nominates a  
27        candidate for election to any office which may be filled by a vote of the electors of this  
28        state or any of its political subdivisions and whose name appears on the election ballot  
29        as the candidate of the association, committee, or organization.
- 30        15. "Political purpose" means any activity undertaken in support of or in opposition to the  
31        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. The term includes paying any expenses related to the election or nomination of a candidate. The term does not include activities undertaken in the performance of a duty of a public office or any position taken in any bona fide news story, commentary, or editorial.

16. "Public office" means every office to which an individual can be elected by vote of the people under the laws of this state.

17. "Subsidiary" means an affiliate of a corporation under the control of the corporation directly or indirectly through one or more intermediaries.

18. "Ultimate and true source" means the person that knowingly contributed over two hundred fifty dollars solely to influence a statewide election or an election for the legislative assembly.

**16.1-08.2-02. General provisions.**

1. A political committee, except those defined in subdivision c of subsection 13 of section 16.1-08.2-01, shall register its name, mailing address, telephone number, and nongovernment issued electronic mail address, and its agent's name, mailing address, telephone number, and nongovernment issued electronic mail address, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state. A candidate who does not have a candidate committee shall register the candidate's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state. If the candidate has an agent, the candidate also shall register the agent's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state.

2. The registration required under this section for a candidate or political committee that has not previously registered with the secretary of state must be submitted within fifteen business days of the receipt deposit date of any contribution or expenditure made.

3. A candidate or political committee required to be registered under this section must register with the secretary of state each year during which the candidate holds public



1 office or during which the political committee receives contributions, makes  
2 expenditures for political purposes, or has a balance in the campaign account. An  
3 individual who no longer holds public office or an individual who no longer seeks public  
4 office must register with the secretary of state each year in which contributions are  
5 deposited, expenditures are made for political purposes, or a balance remains in the  
6 campaign account.

7 4. Any statement filed with the secretary of state under this chapter must be:

8 a. Filed electronically within the prescribed time and in the format established by the  
9 secretary of state. If the secretary of state does not receive a statement, an  
10 electronic duplicate of the statement must be filed promptly upon notice by the  
11 secretary of state of its nonreceipt. After a statement has been filed, the secretary  
12 of state may request or accept written clarification along with an amended  
13 statement from a candidate, political party, or political committee filing the  
14 statement when discrepancies, errors, or omissions on the statement are  
15 discovered by the secretary of state, the candidate, political party, or political  
16 committee filing the statement, or by any interested party reciting a lawful reason  
17 for requesting clarification and an amendment be made. When requesting an  
18 amended statement, the secretary of state shall establish a reasonable period of  
19 time, not to exceed ten days, agreed to by the candidate, political party, or  
20 political committee, for filing the amended statement with the secretary of state.  
21 b. Preserved by the secretary of state for a period of ten years from the date of the  
22 filing deadline. The statement must be considered a part of the public records of  
23 the secretary of state's office and must be open to public inspection on the  
24 internet.

25 5. In determining the amount of individual contributions from any contributor, all amounts  
26 deposited from the same contributor during the reporting period must be aggregated to  
27 report an overall total contribution for the purposes of the statements required by this  
28 chapter. Contributions made separately by different persons from joint accounts are  
29 considered separate contributions for reporting purposes.

- 1       6. In determining the amount of expenditures to any recipient, all expenditures to the  
2       same recipient during the reporting period must be aggregated to report an overall  
3       total expenditure for the purposes of the statements required by this chapter.
- 4       7. Contributions and expenditures which are ~~less than~~ two hundred fifty dollars ~~or less~~ in  
5       the aggregate are exempt ~~from open~~ records ~~requests~~ under chapter 44-04 and  
6       reported as part of aggregate totals only.
- 7       8. In reporting a contribution deposited through a conduit, a candidate, political party, or  
8       political committee shall list each reportable contribution identifying the person that  
9       submitted the contribution to the conduit and provide the required information  
10      regarding the contribution from that person rather than identifying the conduit as the  
11      contributor.
- 12      9. A political committee organizing and registering according to federal law that makes an  
13      independent expenditure or makes a disbursement in excess of two hundred fifty  
14      dollars to a nonfederal candidate seeking public office, a political party, or political  
15      committee in this state is not required to register as a political committee according to  
16      this section if the political committee reports according to section  
17      ~~16.1-08.2-06~~ 16.1-08.2-07.
- 18      10. To ensure accurate reporting and avoid commingling of campaign and personal funds,  
19      candidates shall use dedicated campaign accounts that are separate from any  
20      personal accounts.
- 21      11. Registration by a political committee under this section does not reserve the name for  
22      exclusive use nor does it constitute registration of a trade name under chapter 47-25.
- 23      12. A candidate or candidate committee for county office, city office, and school district  
24      office are exempt from registering and filing with the secretary of state. Any other  
25      person required to file a statement under this chapter shall file the statement with the  
26      secretary of state.
- 27      a. A candidate for city office in a city with a population under five thousand and a  
28      candidate committee for the candidate are exempt from this chapter. A candidate  
29      for school district office in a school district with a fall enrollment of fewer than  
30      one thousand students and a candidate committee for the candidate are exempt  
31      from this chapter.

b. 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 and a candidate committee for a candidate for city office shall file statements under this chapter with the city auditor. A candidate for school district office and a candidate committee for a candidate for school district office shall file statements under this chapter with the school business manager.

**16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure statement requirements for candidates, candidate committees, multicandidate committees, ~~political committees~~, and ~~nonstatewide~~ political parties.**

1. Before a primary or special election, and before and following a general election, a candidate or candidate committee formed on behalf of the candidate, a multicandidate political committee, ~~a political committee~~, or a ~~nonstatewide~~ political party soliciting or accepting contributions shall file a campaign disclosure statement ~~including all contributions and expenditures from:~~

a. January first through April thirtieth before a primary election;

b. May first through September thirtieth before a general election;

c. October first through December thirty-first following a general election; and

d. January first through the fortieth day before a special election.

2. A candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a ~~nonstatewide~~ political party that has not endorsed or nominated any candidate in the election is not required to file a statement under ~~this~~ subsection 1, but is required to file a statement under subsection 7.

3. The statement before a primary, general, or special election under subsection 1 may be submitted for filing beginning on the day following the end of the reporting period and must be submitted before the eighth day following the reporting period. The statement following the general election may be submitted for filing beginning on January first and must be submitted before February first. ~~The~~

4. A statement filed under subsection 1 must include the following information:

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



- 1                   (1) Name and the city and state of the contributor;  
2                   (2) Total amount of the contribution; and  
3                   (3) Date the last contributed amount was deposited.

- 4           b. ~~For each expenditure during the reporting period, the:~~  
5           ~~(1) Name of the recipient and location of purchase;~~  
6           ~~(2) Total amount of the expenditure made to the recipient;~~  
7           ~~(3) Date of the expenditure; and~~  
8           ~~(4) Expenditure purpose.~~

9           ~~c. The total of all aggregated contributions and expenditures which total in excess~~  
10           ~~of two hundred fifty dollars during the reporting period and the aggregated total.~~

11           c. The total of all contributions and expenditures which are deposited from  
12           contributors that contributed two hundred and fifty dollars or less during the  
13           reporting period.

14           d. A total of all expenditures made during the reporting period, separated into  
15           expenditure categories.

16           e. For a candidate, a candidate committee formed on behalf of a candidate, a  
17           multicandidate committee, or a nonstatewide political party, the balance of the  
18           campaign fund on the last day of the reporting period and the balance of the  
19           campaign fund on the first day of the reporting period.

20           2.5. The information provided to the secretary of state under subdivisions a through d of  
21           subsection 4 must be made publicly available through the format prescribed by the  
22           secretary of state. The information provided to the secretary of state under  
23           subdivision e of subsection 4 may not be made publicly available by the secretary of  
24           state.

25           6. Beginning on the day following the end of the reporting period May first before a  
26           primary election, October first before a general election, and thirty-nine days before a  
27           special election through the day before the election, a person filing a statement under  
28           subsection 1 must file a supplemental statement within forty-eight hours of the start of  
29           the day following the deposit date of a contribution or aggregate contribution from a  
30           contributor which is in excess of five hundred dollars. The statement must include the:

31           a. Name and the city and state of the contributor;

b. Total amount of the contribution deposited during the reporting period; and

c. Date the last contributed amount was deposited.

3.7. Before February first, a candidate whose name is not on the ballot and who is not seeking election through write-in votes, or ~~candidate~~the candidate's candidate committee, a multicandidate political committee, ~~a political committee~~, or a nonstatewide political party soliciting or accepting contributions not required to file a statement under subsection 1 shall file a campaign disclosure statement including all contributions deposited and expenditures from January first through December thirty-first of the previous year. The filer shall indicate on the report the corresponding reporting period, as described under subsection 1, in which each contribution was deposited and expenditure was made to determine whether the filer's aggregated totals exceed two hundred fifty dollars for the reporting period. The statement may be submitted for filing beginning on January first. The statement filed according to this section must include the following information:

~~a. For a candidate, a candidate committee formed on behalf of a candidate, a multicandidate committee, or political party, the balance of the campaign fund on January first and on December thirty-first.~~

~~b.~~ For each aggregated contribution deposited from a contributor which totals in excess of two hundred fifty dollars deposited during the reporting period, the:

(1) Name and the city and state of the contributor;

(2) Total amount of the contribution; and

(3) Date the last contributed amount was deposited.

~~c. For each expenditure during the reporting period, the:~~

~~(1) Name of the recipient and location of purchase;~~

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

~~(3) Date of the expenditure; and~~

~~(4) Expenditure purpose.~~

~~d.b.~~ The total of all aggregated contributions and expenditures from contributors which total in excess of two hundred fifty dollars during the reporting period.

1 ~~e.c.~~ The aggregated total of contributions ~~and expenditures which are~~ deposited from  
2 contributors that contributed two hundred and fifty dollars or less during the  
3 reporting period.

4 d. A total of all expenditures made during the reporting period, separated into  
5 expenditure categories.

6 e. For a candidate, a candidate committee formed on behalf of a candidate, a  
7 multicandidate committee, or a nonstatewide political party, the balance of the  
8 campaign fund on the last day of the reporting period.

9 ~~4.8.~~ The information provided to the secretary of state under subdivisions a through d of  
10 subsection 7 must be made publicly available through a format prescribed by the  
11 secretary of state. The information provided to the secretary of state under  
12 subdivision e of subsection 7 may not be made publicly available by the secretary of  
13 state.

14 9. Expenditures reported within a group of aggregated totals under this section are  
15 exempt from open records requests under chapter 44-04.

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

20 **16.1-08.2-04. Pre-election, supplemental, and year-end campaign disclosure**  
21 **statement requirements for statewide political parties and certain political committees.**

22 1. Before a primary or special election, and before and following a general election, a  
23 statewide political party or a political committee not required to file under section  
24 16.1-08.2-03 which is soliciting or accepting contributions shall file a campaign  
25 disclosure statement including all contributions and expenditures from:

26 a. January first through April thirtieth before a primary election;

27 b. May first through September thirtieth before a general election;

28 c. October first through December thirty-first following a general election; and

29 d. January first through the fortieth day before a special election.



1     2. A political party that has not endorsed or nominated a candidate in the election or a  
2     political committee not soliciting or accepting contributions is not required to file a  
3     statement under subsection 1, but is required to file a statement under subsection 5.

4     3. The statement before a primary, general, or special election may be submitted for filing  
5     beginning on the day following the end of the reporting period and must be submitted  
6     before the eighth day following the reporting period. The statement following the  
7     general election may be submitted for filing beginning on January first and must be  
8     submitted before February first. The statement must include:

9     a. The total of all contributions and expenditures which total in excess of  
10     two hundred fifty dollars during the reporting period and the aggregated total of  
11     contributions and expenditures which are two hundred and fifty dollars or less  
12     during the reporting period.

13     b. The balance of the campaign fund on the last day of the reporting period and the  
14     balance of the campaign fund on the first day of the reporting period.

15     c. For each contribution deposited during the reporting period, the:

16     (1) Name and the city and state of the contributor;

17     (2) Total amount of the contribution; and

18     (3) Date the last contributed amount was deposited.

19     d. For each expenditure during the reporting period, the:

20     (1) Name of the recipient and location of purchase;

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

22     (3) Date of the expenditure; and

23     (4) Expenditure category.

24     4. Beginning on May first before a primary election, October first before a general  
25     election, and thirty-nine days before a special election through the day before the  
26     election, a person filing a statement under subsection 1 shall file a supplemental  
27     statement within forty-eight hours of the start of the day following the deposit date of a  
28     contribution or aggregate contribution from a contributor which is in excess of five  
29     hundred dollars. The statement must include the:

30     a. Name and the city and state of the contributor;

31     b. Total amount of the contribution deposited during the reporting period; and

1 c. Date the last contributed amount was deposited.

2 5. Before February first, a statewide political party or a political committee that is not  
3 required to file a statement under subsection 1 shall file a campaign disclosure  
4 statement including all contributions deposited and expenditures from January first  
5 through December thirty-first of the previous year. The filer shall indicate on the report  
6 the corresponding reporting period, as described under subsection 1, for which each  
7 contribution was deposited and expenditure was made to determine whether the filer's  
8 aggregated totals exceed two hundred fifty dollars for the reporting period. The  
9 statement must include:

10 a. The total of all contributions and expenditures which total in excess of  
11 two hundred fifty dollars during the reporting period and the aggregated total of  
12 contributions and expenditures which are two hundred and fifty dollars or less  
13 during the reporting period.

14 b. The total of all aggregated expenditures from campaign funds reported in  
15 expenditure categories.

16 c. The balance of the campaign fund on the last day of the reporting period and the  
17 balance of the campaign fund on the first day of the reporting period.

18 d. For each contribution deposited during the reporting period, the:

19 (1) Name and the city and state of the contributor;

20 (2) Total amount of the contribution; and

21 (3) Date the last contributed amount was deposited.

22 e. For each expenditure during the reporting period, the:

23 (1) Name of the recipient and location of purchase;

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

25 (3) Date of the expenditure; and

26 (4) Expenditure category.

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

7. A person filing a statement under this section shall file the statement with the secretary of state.

~~16.1-08.2-04~~16.1-08.2-05. **Special requirements for state political parties.**

1. State political parties shall establish separate and segregated accounts for the management of state nominating conventions. All revenue obtained and expenditures made for the planning and running of a state convention must be accounted for in these accounts.
2. A postconvention statement must be filed with the secretary of state sixty days after the close of the state nominating convention. The reporting period for the postconvention statement begins on the first day of January of the reporting year and ends thirty days after the close of the state nominating convention.
3. A year-end statement covering the entire calendar year must be filed with the secretary of state before February first of the following year even if no convention revenue was deposited or expenditures made within the calendar year.
4. The statement filed under this section must show:
  - a. The balance of the filer's convention accounts at the start and close of the reporting period.
  - b. The total of all revenue deposited and expenditures made of two hundred fifty dollars or less.
  - c. The total of all revenue deposited and expenditures made in excess of two hundred fifty dollars.
  - d. For revenues received and deposited, the:
    - (1) Name of each person providing the revenue;
    - (2) City and state of each person providing revenue;
    - (3) Date of the most recent receiptdeposit of revenue from each person providing revenue; and
    - (4) The purpose or purposes for which the revenue was deposited from each person.
  - e. For each expenditure made, the:
    - (1) Name of each person to which the expenditure was made;
    - (2) City and state of each person to which the expenditure was made;

(3) Date of the most recent expenditure made to each person or entity; and

(4) Purpose or purposes for which the aggregated expenditure total was  
disbursed to each person or entity.

f. The total of all contributions and expenditures which total in excess of  
two hundred fifty dollars during the reporting period.

g. The aggregated total of contributions and expenditures which are two hundred  
and fifty dollars or less during the reporting period.

h. For each aggregated revenue from an individual which totals five thousand  
dollars or more during the reporting period, the occupation, employer, and  
principal place of business of the individual.

5. If a net gain from the convention is transferred to the accounts established for the  
support of the nomination or election of candidates, the total transferred must be  
reported as a contribution in the statements required by section 16.1-08.2-03.

6. If a net loss from the convention is covered by a transfer from the accounts  
established for the support of the nomination or election of candidates, the total  
transferred must be reported as an expenditure in the statements required by section  
16.1-08.2-03.

7. A state political party or nonprofit entity affiliated with or under the control of a state  
political party, which receives a donation for purchasing, maintaining, or renovating a  
building, shall file a statement with the secretary of state before February first of each  
calendar year. Any income or financial gain generated from a building purchased,  
maintained, or renovated from donations must be deposited in the building fund and  
must be disclosed when the political party or nonprofit entity files the statement  
required under this section. Money in the fund may be used only 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, including the purchase of fixtures for  
the building. The statement may be submitted for filing beginning on January first and  
must include the:

a. Balance of the building fund on January first;

b. Name and the city and state of each donor;

c. Amount of each donation;



- d. Date each donation was deposited;
- e. Name and the city and state of each recipient of an expenditure;
- f. Amount of each expenditure;
- g. Date each expenditure was made; and
- h. Balance of the fund on December thirty-first.

**~~16.1-08.2-05~~16.1-08.2-06. Special requirements for statements required of persons engaged in activities regarding ballot measures.**

1. For each reportable contribution and expenditure under section ~~16.1-08.2-03~~16.1-08.2-04, the threshold for reporting is one hundred dollars for any person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01.
2. For contributions deposited from any contributor, a person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01 shall include the following information regarding each subcontributor that has stated a contribution is for the express purpose of furthering the passage or defeat of a ballot measure in the statements required under section ~~16.1-08.2-03~~16.1-08.2-04:
  - a. A designation as to whether any person contributed in excess of one hundred dollars of the total contribution;
  - b. The name and the city and state of each subcontributor contributing in excess of one hundred dollars of the total contribution;
  - c. The contribution amounts of each disclosed subcontributor; and
  - d. The occupation, employer, and address for the employer's principal place of business of each disclosed subcontributor.
3. A measure committee which is seeking approval for an initiative or referendum shall file a disclosure statement by the date the secretary of state approves the petition for circulation. Thereafter, the measure committee is required to file disclosure statements as directed by section ~~16.1-08.2-03~~16.1-08.2-04.
4. A measure committee that is seeking approval for an initiative or referendum shall file a statement regarding its intent to compensate circulators before paying for petitions to be circulated.

**16.1-08.2-0616.1-08.2-07. Special requirements for political committees organized and registered under federal law.**

1. A political committee organizing and registering according to federal law which makes an independent expenditure or makes a disbursement in excess of two hundred fifty 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.
2. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include the:
  - a. Name, city and state, and treasurer of the political committee;
  - b. Recipient's name and mailing address;
  - c. Date and amount of the independent expenditure or disbursement; and
  - d. Ultimate and true source of funds listed by contributor and subcontributor for any amount over two hundred fifty dollars collected or used to make the independent expenditure or disbursement including the:
    - (1) Name, city and state, and treasurer of the political committee;
    - (2) Total amount of the contribution; and
    - (3) Date the last contribution was deposited.

**16.1-08.2-0716.1-08.2-08. Campaign contributions by corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, and associations - Penalty.**

1. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may establish, administer, and solicit contributions to a separate and segregated fund to be used for political purposes by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association. It is unlawful for:
  - a. The person controlling the fund to make contributions or expenditures using money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of those actions; or use money from dues, fees,

1           treasury funds, or other money required as a condition of membership in an  
2           association, or as a condition of employment; or use money obtained in any  
3           commercial transaction. Moneys from fees, dues, treasury funds, or money  
4           obtained in a commercial transaction may, however, be used to pay costs of  
5           administration of the fund.

6           b. Any person soliciting an employee, stockholder, patron, board member, or  
7           member for a contribution to the fund to fail to inform the employee or member of  
8           the political purposes of the fund at the time of the solicitation or of the general  
9           political philosophy intended to be advanced through committee activities.

10          c. Any person soliciting an employee or member for a contribution to the fund to fail  
11          to inform the employee or member at the time of the solicitation of the right to  
12          refuse to contribute without any reprisal.

13          d. Any contribution to be accepted without keeping an accurate record of the  
14          contributor and amount contributed and of amounts expended for political  
15          purposes.

16          e. Any contribution to be accepted from any person not an employee, a stockholder,  
17          a patron, a board member or a member of the corporation, cooperative  
18          corporation, limited liability company, affiliate, subsidiary, or association  
19          maintaining the political action committee, except a corporation may accept a  
20          contribution from an employee, a stockholder, a patron, a board member, or a  
21          member of an affiliate or a subsidiary of the corporation.

22          f. Any expenditure made for political purposes to be reported under this section  
23          before control of the expenditure has been released by the political action  
24          committee except if there is a contract, a promise, or an agreement, expressed or  
25          implied, to make the expenditure.

26          2. A person may not make a payment of that person's money or of another person's  
27          money to any other person for a political purpose in any name other than that of the  
28          person supplying the money and a person may not knowingly receive the payment nor  
29          enter nor cause the payment to be entered in that person's account or record in any  
30          name other than that of the person by which it actually was furnished.

- 1       3. If an officer, employee, agent, attorney, or other representative of a corporation,  
2       cooperative corporation, limited liability company, affiliate, subsidiary, or association  
3       makes any contribution prohibited by this section out of corporate, cooperative  
4       corporation, limited liability company, affiliate, subsidiary, or association funds or  
5       otherwise violates this section, it is prima facie evidence of a violation by the  
6       corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
7       association.
- 8       4. Corporations, cooperative corporations, limited liability companies, affiliates,  
9       subsidiaries, and associations may make expenditures and contributions for promoting  
10      any general political philosophy or belief deemed in the best interest of the employees,  
11      stockholders, patrons, or members of the corporation, cooperative corporation, limited  
12      liability company, affiliate, subsidiary, or association other than a "political purpose" as  
13      defined by this chapter. A corporation, cooperative corporation, limited liability  
14      company, affiliate, subsidiary, or association may not make a contribution for a political  
15      purpose.
- 16      5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
17      association may make a donation of property or money to a state political party or  
18      nonprofit entity affiliated with or under the control of a state political party for deposit in  
19      a separate and segregated building fund.
- 20      6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
21      association may make an expenditure to a measure committee for the purpose of  
22      promoting the passage or defeat of an initiated or referred measure or petition or make  
23      an expenditure to any other person making an independent expenditure. A  
24      corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
25      association may make an independent expenditure for a political purpose, including  
26      political advertising in support of or opposition to a candidate, political committee, or a  
27      political party, or for the purpose of promoting passage or defeat of initiated or referred  
28      measures or petitions. The corporation, cooperative corporation, limited liability  
29      company, affiliate, subsidiary, or association shall file a statement disclosing any  
30      expenditure made under this subsection with the secretary of state within forty-eight  
31      hours after making the expenditure. The statement must include:



- 1           a. The full name of the corporation, cooperative corporation, limited liability
- 2           company, affiliate, subsidiary, or association;
- 3           b. The complete address of the corporation, cooperative corporation, limited liability
- 4           company, affiliate, subsidiary, or association;
- 5           c. The name of the recipient of the expenditure;
- 6           d. If the expenditure is related to a measure or petition, the title of the measure or
- 7           petition and whether the expenditure is made in support of or opposition to the
- 8           measure or petition;
- 9           e. If the expenditure is related to a measure, the election date on which the
- 10          measure either will appear or did appear on the ballot;
- 11          f. The amount of the expenditure;
- 12          g. The cumulative total amount of expenditures since the beginning of the calendar
- 13          year which are required to be reported under this subsection;
- 14          h. The telephone number and the printed name and signature of the individual
- 15          completing the statement, attesting to the statement being true, complete, and
- 16          correct; and
- 17          i. The date on which the statement was signed.
- 18        7. A violation of this section may be prosecuted in the county where the contribution is
- 19          made or in any county in which it has been paid or distributed.
- 20        8. It is a class A misdemeanor for an officer, director, stockholder, manager, governor,
- 21          member, attorney, agent, or representative of any corporation, cooperative
- 22          corporation, limited liability company, affiliate, subsidiary, or association to violate this
- 23          section or to counsel or consent to any violation. Any person that solicits or knowingly
- 24          receives any contribution in violation of this section is guilty of a class A misdemeanor.
- 25        9. Any officer, director, stockholder, manager, governor, member, attorney, agent, or
- 26          representative who makes, counsels, or consents to the making of a contribution in
- 27          violation of this section is liable to the company, corporation, limited liability company,
- 28          affiliate, subsidiary, or association for the amount so contributed.
- 29        ~~16.1-08.2-08~~~~16.1-08.2-09.~~ **Special requirements for conduits.**
- 30        A conduit transferring any contribution to a candidate, political party, or political committee
- 31        shall provide the recipient of the contribution a detailed statement listing the name and address

1 of each individual contributor, the amount of each contribution, and the date each contribution  
2 was deposited. The conduit also shall include on the statement the occupation, employer, and  
3 principal place of business of each contributor, or the political committee if not already  
4 registered according to state or federal law, which contributed five thousand dollars or more in  
5 the aggregate during a reporting period applicable to the candidate, political party, or political  
6 committee. The conduit shall provide the statement to the candidate, political party, or political  
7 committee in a manner to allow the candidate, political party, or political committee to file any  
8 statement required to be filed under this chapter.

9 **~~16.1-08.2-09~~16.1-08.2-10. General prohibitions.**

- 10 1. A foreign national may not make or offer to make, directly or indirectly, a contribution  
11 or expenditure in connection with any election.
- 12 2. A candidate, candidate committee, ~~political committee~~, political party, or any other  
13 person may not solicit, accept, or receive, directly or indirectly, a contribution from a  
14 foreign national.
- 15 3. A candidate may not use any contribution deposited by the candidate, the candidate's  
16 candidate committee, or a multicandidate political committee to:
- 17 a. Give a personal benefit to the candidate or another person;  
18 b. Make a loan to another person;  
19 c. Knowingly pay more than the fair market value for goods or services purchased  
20 for the campaign; or  
21 d. Pay a criminal fine or civil penalty.
- 22 4. If the secretary of state has substantial reason to believe any person knowingly  
23 violated this section, the secretary shall arrange for an audit as authorized by section  
24 ~~16.1-08.2-10~~16.1-08.2-11.
- 25 5. A person may not be excused from attending and testifying or producing any books,  
26 papers, or other documents before any court upon any investigation, proceeding, or  
27 trial for a violation of any of the provisions of this chapter, upon the grounds that the  
28 testimony or evidence, documentary or otherwise, required of the person may tend to  
29 incriminate or degrade the person. A person may not be prosecuted or subjected to  
30 any penalty or forfeiture for or on account of any transaction, matter, or thing  
31 concerning which the person may testify or produce evidence, documentary or

otherwise. Any testimony given or produced may not be used against the person in any criminal investigation or proceeding.

**~~16.1-08.2-10~~16.1-08.2-11. Audit by secretary of state.**

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, political committee, or other person filing the statement shall pay a fine to the secretary of state equal to 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 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 must 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 by candidates or candidate committees for candidates for county, city, or school district offices.

**16.1-08.2-1116.1-08.2-12. Filing officer to charge and collect filing fees.**

1. If a statement 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, ~~one hundred~~twenty-five dollars;
- b. Within ~~thirteen~~eleven days after the prescribed time, ~~two hundred fifty~~fifty dollars;  
and
- c. Thereafter, five hundred dollars.

2. ~~Any amendment filed by the candidate, candidate committee, multicandidate committee, political committee, or political party, or at the request of the filing officer, A~~  
filing officer may require an amendment to be filed for any statement 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 ~~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 ~~filing deadline, one hundred~~date the amendment was due, fifty dollars;
- b. Within eleven days after the ~~filing deadline, two hundred fifty~~date the amendment was due, one hundred dollars; and
- c. Thereafter, five hundred dollars.



3. Any fines paid under this section must be reported on the statement filed by the candidate, candidate committee, multicandidate committee, political committee, or political party. Any late fees levied by the secretary of state under this section and the identity of the person subject to a late fee must be made publicly available through the format prescribed by the secretary of state.

4. 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.

~~16.1-08.2-12~~ **16.1-08.2-13. Secretary of state to provide instruction and adjust thresholds for inflation.**

1. The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter.

2. The secretary of state shall adjust for inflation the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and inform persons submitting reports under this chapter of the adjustments. The secretary of state shall make the adjustments beginning January first of each adjustment year beginning January 1, 2026.

~~16.1-08.2-13~~ **16.1-08.2-14. Penalty.**

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

**SECTION 5. AMENDMENT.** Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements.**

Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described in section ~~16.1-08.1-04~~ **16.1-08.2-01**, or a corporation making an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as

1 defined in section ~~16.1-08.1-01~~16.1-08.2-01, or political party paying for the advertisement. If  
2 the name of a political party, association, or partnership is used, the disclaimer must also  
3 include the name of the chairman or other responsible individual from the political party,  
4 association, or partnership. The name of the person paying for any radio or television broadcast  
5 containing any advertising announcement for or against any candidate for public office must be  
6 announced at the close of the broadcast. If the name of a political party, association, or  
7 partnership is used, the disclaimer must also include the name of the chairman or other  
8 responsible individual from the political party, association, or partnership. In every political  
9 advertisement in which the name of the person paying for the advertisement is disclosed, the  
10 first and last name of any named individual must be disclosed. An advertisement paid for by an  
11 individual candidate or group of candidates must disclose that the advertisement was paid for  
12 by the individual candidate or group of candidates. The first and last name or names of the  
13 candidates paying for the advertisement are not required to be disclosed. This section does not  
14 apply to campaign buttons.

15 **SECTION 6. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North  
16 Dakota Century Code is amended and reenacted as follows:

- 17 f. By or on behalf of a political party, candidate, or other group with a political  
18 purpose, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, unless the  
19 communication is a text message.

20 **SECTION 7. REPEAL.** Chapter 16.1-08.1 of the North Dakota Century Code is repealed.

2156

## Changes

1. Moved all campaign finance law out of .1 and put it in .2, repeal of .1
2. SOS Technical corrections to add "an initiative or referendum petition"
3. SOS Hard dates for deadlines May 1, Oct. 1. Jan. 1 Special elections & 48 hours remains
4. SOS Adds "political committee" to prohibition of foreign national contributions
5. SOS "deposit" as recording date versus "receipt" in current law
6. SOS drop "address" on contributors Name, city, state only
7. Added 2 new expenditure aggregate categories 1) political donations 2) volunteer appreciation.
8. Incorporated Ruby bill HB 1577 increased \$200 contribution level to \$250 with \$100 every 10 years on reporting thresholds
9. Today, we put in beginning fund balance. 2156 requires ending fund balance only.
10. Fines on 3rd chance for reporting increased from \$100 to \$500.
11. Public disclosure of committees and individuals delinquent

Major issue removed from Senate and SOS version

Senate and SOS created a new report of expenditures greater than \$250, not allowed to aggregate those expenditures, matches statewide candidate current requirements

Senate had higher fines in every missed deadline

SOS is Secretary of State request

Concerns Vicky 290-1376

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2156  
4/11/2025

Relating to campaign disclosure statements; relating to campaign disclosure statements; and to provide a penalty.
---

2:10 p.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, C. Brown, TJ Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, Wolff  
Members absent: Representatives VanWinkle, Vetter

### Discussion Topics:

- Definition of contributions
- Definition of expenditures

2:11 p.m. Representative Koppelman, District 16, proposed amendments relating to sign space as a contribution, and deposits as expenditures, and beginning and end fund balance on page 5 of the bill (previous testimony #44937).

2:20 p.m. Micheal Howe, North Dakota Secretary of State, testified and answered questions.

2:29 p.m. Representative Koppelman, District 16, testified and answered questions.

2:35 p.m. Chairman Schauer closed the meeting.

*Jackson Toman, Committee Clerk*



# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2156  
4/14/2025  
Subcommittee

Relating to campaign disclosure statements; relating to campaign disclosure statements; and to provide a penalty.
---

3:36 p.m. Madame Chair Steiner opened the meeting.

Members present: Madame Chair Steiner, Representatives Schauer, Vetter, Wolff

### **Discussion Topics:**

- Multi-candidate committees
- Ending fund balances
- Effective date

3:36 p.m. Madame Chair Steiner introduced amendments LC#25.0330.06010, #44983.

3:46 p.m. Representative Vetter moved the amendment, LC#25.0330.06010.

3:46 p.m. Representative Wolff seconded the motion.

3:46 p.m. Voice vote passed.

3:47 p.m. Madame Chair Steiner adjourned the meeting.

*Jackson Toman, Committee Clerk*

25.0330.06010  
Title.

Prepared by the Legislative Council  
staff for Representative Steiner  
April 11, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## **PROPOSED AMENDMENTS TO FIRST ENGROSSMENT**

### **ENGROSSED SENATE BILL NO. 2156**

Introduced by

Senator Cleary

1 A BILL for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code,  
2 relating to campaign disclosure statements; to amend and reenact sections 15.1-09-08,  
3 15.1-09-19, 16.1-01-12, and 16.1-10-04.1, and subdivision f of subsection 8 of section 51-28-01  
4 of the North Dakota Century Code, relating to campaign disclosure statements; to repeal  
5 chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign disclosure  
6 statements; and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **15.1-09-08. School district elections - Candidate filings.**

11 An individual seeking election to the board of a school district shall prepare and sign a  
12 document stating the individual's name and the position for which that individual is a candidate.  
13 A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether  
14 or not the election is held in conjunction with a statewide election, all statements of interest  
15 must be filed with the school district business manager, or mailed to and in the possession of  
16 the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall  
17 also file a campaign contribution statement as required by section ~~16.1-08.1-02-3~~ 16.1-08.2-03.

18 **SECTION 2. AMENDMENT.** Section 15.1-09-19 of the North Dakota Century Code is  
19 amended and reenacted as follows:

1       **15.1-09-19. Duties of election officials - Other applicable statutes.**

2       Sections ~~16.1-08.1-03.3~~ ~~16.1-08.2-07~~ 16.1-08.2-08, 16.1-10-01, 16.1-10-06, 16.1-10-06.1,  
3       16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and  
4       16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.

5       **SECTION 3. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is  
6       amended and reenacted as follows:

7       **16.1-01-12. Election offenses - Penalty.**

8       1. It is unlawful for an individual, measure committee as described in section  
9       ~~16.1-08.1-04~~ 16.1-08.2-01, or other organization to:

- 10       a. Fraudulently alter another individual's ballot, substitute one ballot for another, or  
11       otherwise defraud a voter of that voter's vote.
- 12       b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a  
13       member of the election board on the way to or at a polling place.
- 14       c. Vote more than once in any election.
- 15       d. Knowingly vote in the wrong election precinct or district.
- 16       e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
- 17       f. Knowingly exclude a qualified elector from voting or knowingly allow an  
18       unqualified individual to vote.
- 19       g. Knowingly vote when not qualified to do so.
- 20       h. Sign an initiative, referendum, recall, or any other election petition when not  
21       qualified to do so.
- 22       i. Circulate an initiative, referendum, recall, or any other election petition not in its  
23       entirety or when unqualified to do so.
- 24       j. Pay or offer to pay any individual, measure committee, or other organization, or  
25       receive payment or agree to receive payment, on a basis related to the number  
26       of signatures obtained for circulating an initiative, referendum, or recall petition.
- 27       This subsection does not prohibit the payment of salary and expenses for  
28       circulation of the petition on a basis not related to the number of signatures  
29       obtained, as long as the circulators file the intent to remunerate before submitting  
30       the petitions and, in the case of initiative and referendum petitions, fully disclose  
31       all contributions received pursuant to chapter 16.1-08.1 16.1-08.2 to the

1            secretary of state upon submission of the petitions. The disclosure of  
2            contributions received under this section does not affect the requirement to file a  
3            pre-election report by individuals or organizations soliciting or accepting  
4            contributions for the purpose of aiding or opposing the circulation or passage of a  
5            statewide initiative or referendum petition or measure placed upon a statewide  
6            ballot by action of the legislative assembly under chapter ~~46.1-08.1~~16.1-08.2. Any  
7            signature obtained in violation of this subdivision is void and may not be counted.

8            k. Willfully fail to perform any duty of an election officer after having accepted the  
9            responsibility of being an election officer by taking the oath as prescribed in this  
10           title.

11           l. Willfully violate any rule adopted by the secretary of state pursuant to this title.

12           m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
13           false return of an election, knowing the canvass or return to be false; or willfully  
14           deface, destroy, or conceal any statement or certificate entrusted to the  
15           individual's or organization's care.

16           n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
17           provided by law, or negatively impact the confidentiality, integrity, or availability of  
18           any system used for voting.

19           o. Sign a name other than that individual's own name to an initiative, referendum,  
20           recall, or any other election petition.

21           p. Willfully submit an initiative or referendum petition that contains one or more  
22           fraudulent signatures.

23           2.    a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
24           misdemeanor.

25           b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.

26           c. A violation of subdivision n of subsection 1 is a class C felony.

27           d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
28           individual signs one or two names other than the individual's own name to a  
29           petition and is a class C felony if an individual signs more than two names other  
30           than the individual's own name to a petition.



- 1           e. An organization, as defined in section 12.1-03-04, that violates this section is  
2           subject to the organizational fines in section 12.1-32-01.1. The court in which the  
3           conviction is entered shall notify the secretary of state of the conviction and shall  
4           order the secretary of state to revoke the certificate of authority of any convicted  
5           organization or limited liability company. The organization may not reapply to the  
6           secretary of state for authorization to do business under any name for one year  
7           upon conviction of a class A misdemeanor and for five years upon conviction of a  
8           class C felony under this section, except an organization operating a signature  
9           gathering business, or similar enterprise, that violates subdivision p of  
10          subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
11          may not reapply to the secretary of state for authorization to do business under  
12          any name for five years following the entry of judgment.
- 13          f. A violation of subdivision p of subsection 1 by any member of a measure  
14          committee, including an initiative or referendum sponsoring committee or an  
15          agent acting on behalf of, or in conjunction with, a measure committee for the  
16          purpose of collecting signatures for a petition under this chapter is subject to a  
17          civil penalty of not more than three thousand dollars. The civil penalty may be  
18          recovered in an action brought in the district court of Burleigh County by the  
19          attorney general.
- 20          g. An individual who is a member of an organization may be convicted of a violation  
21          as an accomplice under section 12.1-03-01.

- 22          3. Every act this chapter makes criminal when committed with reference to the election of  
23          a candidate is equally criminal when committed with reference to the determination of  
24          a question submitted to qualified electors to be decided by votes cast at an election.

25          **SECTION 4.** Chapter 16.1-08.2 of the North Dakota Century Code is created and enacted  
26          as follows:

27          **16.1-08.2-01. Definitions.**

- 28          1. "Affiliate" means an organization controlling, is controlled by, or is under common  
29          control with another organization. For purposes of this definition, control means the  
30          possession, direct or indirect, of the power to direct or cause the direction of the  
31          management and policies of an organization, whether through the ownership of voting

1           securities, by contract other than a commercial contract for goods or nonmanagement  
2           services, or otherwise. Control is presumed to exist if an organization, directly or  
3           indirectly, owns, controls, holds with the power to vote, or holds proxies representing  
4           fifty percent or more of the voting securities of any other organization.

5           2. "Association" means any club, association, union, brotherhood, fraternity, organization,  
6           or group of any kind of two or more persons, including labor unions, trade  
7           associations, professional associations, or governmental associations, which is united  
8           for any purpose, business, or object and which assesses any dues, membership fees,  
9           or license fees in any amount, or which maintains a treasury fund in any amount. The  
10           term does not include corporations, cooperative corporations, limited liability  
11           companies, political committees, or political parties.

12           3. "Conduit" means a person that is not a political party, political committee, or candidate  
13           and which receives a contribution of money and transfers the contribution to a  
14           candidate, political party, or political committee when the contribution is designated  
15           specifically for the candidate, political party, or political committee and the person has  
16           no discretion as to the recipient and the amount transferred. The term includes a  
17           transactional intermediary, including a credit card company or a money transfer  
18           service paying or transferring money to a candidate on behalf of another person.

19           4. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription,  
20           loan, advance, deposit of money, or anything of value, made for the purpose of  
21           influencing the nomination for election, or election, of any person to public office or  
22           aiding or opposing the circulation or passage of a statewide initiative or referendum  
23           petition or measure. The term also means a contract, promise, or agreement, express  
24           or implied, whether or not legally enforceable, to make a contribution for any of the  
25           above purposes. The term includes funds deposited by a candidate for public office or  
26           a political party or committee which are transferred or signed over to that candidate,  
27           party, or committee from another candidate, party, or political committee or other  
28           source including a conduit. The term "anything of value" includes any good or service  
29           of more than a nominal value. The term "nominal value" means the cost, price, or  
30           worth of the good or service is trivial, token, or of no appreciable value. The term  
31           "contribution" does not include:

- 1           a. A loan of money from a bank or other lending institution made in the regular
- 2           course of business.
- 3           b. Time spent by volunteer campaign or political party workers.
- 4           c. Money or anything of value deposited for commercial transactions, including
- 5           rents, advertising, or sponsorships made as a part of a fair market value
- 6           bargained-for exchange.
- 7           d. Money or anything of value deposited for anything other than a political purpose.
- 8           e. Products or services for which the actual cost or fair market value are reimbursed
- 9           by a payment of money.
- 10          f. An independent expenditure.
- 11          g. The value of advertising paid by a political party, multicandidate political
- 12          committee, or caucus which is in support of a candidate.
- 13          h. In-kind contributions from a candidate to the candidate's campaign.
- 14          5. "Cooperative corporations", "corporations", and "limited liability companies" are as
- 15          defined in this code, and for purposes of this chapter "corporations" includes nonprofit
- 16          corporations. However, if a political committee, the only purpose of which is accepting
- 17          contributions and making expenditures for a political purpose, incorporates for liability
- 18          purposes only, the committee is not considered a corporation for the purposes of this
- 19          chapter.
- 20          6. "Expenditure" means:
- 21           a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution,
- 22           disbursement, outlay, or deposit of money or anything of value, except a loan of
- 23           money from a bank or other lending institution made in the regular course of
- 24           business, made for a political purpose or for the purpose of influencing the
- 25           passage or defeat of a measure.
- 26           b. A contract, promise, or agreement, express or implied, whether or not legally
- 27           enforceable, to make any expenditure.
- 28           c. The transfer of funds by a political committee to another political committee.
- 29           d. An independent expenditure.

1       7. "Expenditure ~~purpose~~categories" means the ~~type of expense for~~categories into which  
2       expenditures for a political purpose ~~occurred~~must be grouped for reports under this  
3       chapter. The expenditure categories are:

4       a. Advertising;

5       b. Campaign loan repayment;

6       c. Operations;

7       d. Political donations;

8       e. Travel;

9       f. Volunteer appreciation; and

10      g. Miscellaneous.

11      8. "Foreign national" means:

12      a. A government or country other than the United States.

13      b. A political party organized under the laws of a country other than the United  
14      States.

15      c. A corporation, partnership, association, organization, or other combination of  
16      persons organized under the laws of or having its principal place of business in a  
17      country other than the United States.

18      d. An individual with citizenship of a country other than the United States.

19      e. An individual who is not a citizen or national of the United States and is not  
20      admitted lawfully to the United States for permanent residence.

21      9. "Independent expenditure" means an expenditure made for a political purpose or for  
22      the purpose of influencing the passage or defeat of a measure if the expenditure is  
23      made without the express or implied consent, authorization, or cooperation of, and not  
24      in concert with or at the request or suggestion of, any candidate, committee, or  
25      political party.

26      10. "Patron" means a person who owns equity interest in the form of stock, shares, or  
27      membership or maintains similar financial rights in a cooperative corporation.

28      11. "Person" means an individual, partnership, political committee, association,  
29      corporation, cooperative corporation, limited liability company, or other organization or  
30      group of persons.



- 1       12. "Personal benefit" means a benefit to the candidate or another person which is not for  
2       a political purpose or related to a candidate's responsibilities as a public officeholder,  
3       and any other benefit that would convert a contribution to personal income.
- 4       13. "Political committee" means any committee, club, association, or other group of  
5       persons which receives contributions or makes expenditures for political purposes and  
6       includes:
- 7       a. A political action committee not connected to another organization and free to  
8       solicit funds from the general public, or derived from a corporation, cooperative  
9       corporation, limited liability company, affiliate, subsidiary, or an association  
10      soliciting or receives contributions from its employees or members or makes  
11      expenditures for political purposes on behalf of its employees or members;
- 12      b. A candidate committee established to support an individual candidate seeking  
13      public office which solicits or receives contributions for political purposes;
- 14      c. A political organization registered with the federal election commission, which  
15      solicits or receives contributions or makes expenditures for political purposes;
- 16      d. A multicandidate political committee, including a caucus, established to support  
17      multiple groups or slates of candidates seeking public office, which solicits or  
18      receives contributions for political purposes; and
- 19      e. A measure committee, including an initiative or referendum sponsoring  
20      committee at any stage of its organization, which solicits or receives contributions  
21      or makes expenditures for the purpose of supporting or opposing an initiative or  
22      referendum petition, or measure sought to be voted upon by the voters of the  
23      state, including any activities undertaken for the purpose of drafting an initiative  
24      or referendum petition, seeking approval of the secretary of state for the  
25      circulation of a petition, or seeking approval of the submitted petitions.
- 26      14. "Political party" means any association, committee, or organization which nominates a  
27      candidate for election to any office which may be filled by a vote of the electors of this  
28      state or any of its political subdivisions and whose name appears on the election ballot  
29      as the candidate of the association, committee, or organization.
- 30      15. "Political purpose" means any activity undertaken in support of or in opposition to the  
31      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. The term includes paying any expenses related to the election or nomination of a candidate. The term does not include activities undertaken in the performance of a duty of a public office or any position taken in any bona fide news story, commentary, or editorial.

16. "Public office" means every office to which an individual can be elected by vote of the people under the laws of this state.

17. "Subsidiary" means an affiliate of a corporation under the control of the corporation directly or indirectly through one or more intermediaries.

18. "Ultimate and true source" means the person that knowingly contributed over two hundred fifty dollars solely to influence a statewide election or an election for the legislative assembly.

**16.1-08.2-02. General provisions.**

1. A political committee, except those defined in subdivision c of subsection 13 of section 16.1-08.2-01, shall register its name, mailing address, telephone number, and nongovernment issued electronic mail address, and its agent's name, mailing address, telephone number, and nongovernment issued electronic mail address, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state. A candidate who does not have a candidate committee shall register the candidate's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state. If the candidate has an agent, the candidate also shall register the agent's name, mailing address, telephone number, and nongovernment issued electronic mail address with the secretary of state.

2. The registration required under this section for a candidate or political committee that has not previously registered with the secretary of state must be submitted within fifteen business days of the receipt deposit date of any contribution or expenditure made.

3. A candidate or political committee required to be registered under this section must register with the secretary of state each year during which the candidate holds public

1           office or during which the political committee receives contributions, makes  
2           expenditures for political purposes, or has a balance in the campaign account. An  
3           individual who no longer holds public office or an individual who no longer seeks public  
4           office must register with the secretary of state each year in which contributions are  
5           deposited, expenditures are made for political purposes, or a balance remains in the  
6           campaign account.

7           4. Any statement filed with the secretary of state under this chapter must be:

8           a. Filed electronically within the prescribed time and in the format established by the  
9           secretary of state. If the secretary of state does not receive a statement, an  
10           electronic duplicate of the statement must be filed promptly upon notice by the  
11           secretary of state of its nonreceipt. After a statement has been filed, the secretary  
12           of state may request or accept written clarification along with an amended  
13           statement from a candidate, political party, or political committee filing the  
14           statement when discrepancies, errors, or omissions on the statement are  
15           discovered by the secretary of state, the candidate, political party, or political  
16           committee filing the statement, or by any interested party reciting a lawful reason  
17           for requesting clarification and an amendment be made. When requesting an  
18           amended statement, the secretary of state shall establish a reasonable period of  
19           time, not to exceed ten days, agreed to by the candidate, political party, or  
20           political committee, for filing the amended statement with the secretary of state.  
21           b. Preserved by the secretary of state for a period of ten years from the date of the  
22           filing deadline. The statement must be considered a part of the public records of  
23           the secretary of state's office and must be open to public inspection on the  
24           internet.

25           5. In determining the amount of individual contributions from any contributor, all amounts  
26           deposited from the same contributor during the reporting period must be aggregated to  
27           report an overall total contribution for the purposes of the statements required by this  
28           chapter. Contributions made separately by different persons from joint accounts are  
29           considered separate contributions for reporting purposes.

- 1       6. In determining the amount of expenditures to any recipient, all expenditures to the  
2       same recipient during the reporting period must be aggregated to report an overall  
3       total expenditure for the purposes of the statements required by this chapter.
- 4       7. Contributions and expenditures which are ~~less than~~ two hundred fifty dollars ~~or less~~ in  
5       the aggregate are exempt ~~from open~~ records ~~requests~~ under chapter 44-04 and  
6       reported as part of aggregate totals only.
- 7       8. In reporting a contribution deposited through a conduit, a candidate, political party, or  
8       political committee shall list each reportable contribution identifying the person that  
9       submitted the contribution to the conduit and provide the required information  
10       regarding the contribution from that person rather than identifying the conduit as the  
11       contributor.
- 12       9. A political committee organizing and registering according to federal law that makes an  
13       independent expenditure or makes a disbursement in excess of two hundred fifty  
14       dollars to a nonfederal candidate seeking public office, a political party, or political  
15       committee in this state is not required to register as a political committee according to  
16       this section if the political committee reports according to section  
17       ~~16.1-08.2-06~~ 16.1-08.2-07.
- 18       10. To ensure accurate reporting and avoid commingling of campaign and personal funds,  
19       candidates shall use dedicated campaign accounts that are separate from any  
20       personal accounts.
- 21       11. Registration by a political committee under this section does not reserve the name for  
22       exclusive use nor does it constitute registration of a trade name under chapter 47-25.
- 23       12. A candidate or candidate committee for county office, city office, and school district  
24       office are exempt from registering and filing with the secretary of state. Any other  
25       person required to file a statement under this chapter shall file the statement with the  
26       secretary of state.
- 27       a. A candidate for city office in a city with a population under five thousand and a  
28       candidate committee for the candidate are exempt from this chapter. A candidate  
29       for school district office in a school district with a fall enrollment of fewer than  
30       one thousand students and a candidate committee for the candidate are exempt  
31       from this chapter.



b. 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 and a candidate committee for a candidate for city office shall file statements under this chapter with the city auditor. A candidate for school district office and a candidate committee for a candidate for school district office shall file statements under this chapter with the school business manager.

**16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure statement requirements for candidates, candidate committees, multicandidate committees, ~~political committees~~, and nonstatewide political parties.**

1. Before a primary or special election, and before and following a general election, a candidate or candidate committee formed on behalf of the candidate, a multicandidate political committee, ~~a political committee~~, or a nonstatewide political party soliciting or accepting contributions shall file a campaign disclosure statement ~~including all contributions and expenditures~~ from:

a. January first through April thirtieth before a primary election;

b. May first through September thirtieth before a general election;

c. October first through December thirty-first following a general election; and

d. January first through the fortieth day before a special election.

2. A candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a nonstatewide political party that has not endorsed or nominated any candidate in the election is not required to file a statement under ~~this~~ subsection 1, but is required to file a statement under subsection 7.

3. The statement before a primary, general, or special election under subsection 1 may be submitted for filing beginning on the day following the end of the reporting period and must be submitted before the eighth day following the reporting period. The statement following the general election may be submitted for filing beginning on January first and must be submitted before February first. ~~The~~

4. A statement filed under subsection 1 must include the following information:

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

- 1                   (1) Name and the city and state of the contributor;  
2                   (2) Total amount of the contribution; and  
3                   (3) Date the last contributed amount was deposited.

4           b. ~~For each expenditure during the reporting period, the:~~

- 5           ~~(1) Name of the recipient and location of purchase;~~  
6           ~~(2) Total amount of the expenditure made to the recipient;~~  
7           ~~(3) Date of the expenditure; and~~  
8           ~~(4) Expenditure purpose.~~

9           ~~c. The total of all aggregated contributions and expenditures which total in excess~~  
10           ~~of two hundred fifty dollars during the reporting period and the aggregated total.~~

11           c. The total of all contributions and expenditures which are deposited from  
12           contributors that contributed two hundred and fifty dollars or less during the  
13           reporting period.

14           d. A total of all expenditures made during the reporting period, separated into  
15           expenditure categories.

16           ~~e. For a candidate, a candidate committee formed on behalf of a candidate, a~~  
17           ~~multicandidate committee; or a nonstatewide political party, the balance of the~~  
18           ~~campaign fund on the last day of the reporting period and the balance of the~~  
19           ~~campaign fund on the first day of the reporting period.~~

20           2.5. The information provided to the secretary of state under subdivisions a through d of  
21           subsection 4 must be made publicly available through the format prescribed by the  
22           secretary of state. The information provided to the secretary of state under  
23           subdivision e of subsection 4 may not be made publicly available by the secretary of  
24           state.

25           6. Beginning on the day following the end of the reporting period May first before a  
26           primary election, October first before a general election, and thirty-nine days before a  
27           special election through the day before the election, a person filing a statement under  
28           subsection 1 must file a supplemental statement within forty-eight hours of the start of  
29           the day following the deposit date of a contribution or aggregate contribution from a  
30           contributor which is in excess of five hundred dollars. The statement must include the:

31           a. Name and the city and state of the contributor;

b. Total amount of the contribution deposited during the reporting period; and

c. Date the last contributed amount was deposited.

3.7. Before February first, a candidate whose name is not on the ballot and who is not seeking election through write-in votes, or ~~candidate~~the candidate's candidate committee, a multicandidate political committee, ~~a political committee~~, or a nonstatewide political party soliciting or accepting contributions not required to file a statement under subsection 1 shall file a campaign disclosure statement including all contributions deposited and expenditures from January first through December thirty-first of the previous year. The filer shall indicate on the report the corresponding reporting period, as described under subsection 1, in which each contribution was deposited and expenditure was made to determine whether the filer's aggregated totals exceed two hundred fifty dollars for the reporting period. The statement may be submitted for filing beginning on January first. The statement filed according to this section must include the following information:

~~a. For a candidate, a candidate committee formed on behalf of a candidate, a multicandidate committee, or political party, the balance of the campaign fund on January first and on December thirty-first.~~

~~b.~~ For each aggregated contribution deposited from a contributor which totals in excess of two hundred fifty dollars deposited during the reporting period, the:

(1) Name and the city and state of the contributor;

(2) Total amount of the contribution; and

(3) Date the last contributed amount was deposited.

~~c. For each expenditure during the reporting period, the:~~

~~(1) Name of the recipient and location of purchase;~~

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

~~(3) Date of the expenditure; and~~

~~(4) Expenditure purpose.~~

~~d.b.~~ The total of all aggregated contributions and expenditures from contributors which total in excess of two hundred fifty dollars during the reporting period.

e-c. The aggregated total of contributions ~~and expenditures which are~~ deposited from contributors that contributed two hundred and fifty dollars or less during the reporting period.

d. A total of all expenditures made during the reporting period, separated into expenditure categories.

e. For a multicandidate committee or a nonstatewide political party, the balance of the campaign fund on the last day of the reporting period.

4.8. The information provided to the secretary of state under subdivisions a through d of subsection 7 must be made publicly available through a format prescribed by the secretary of state. The information provided to the secretary of state under subdivision e of subsection 7 may not be made publicly available by the secretary of state.

9. Expenditures reported within a group of aggregated totals under this section are exempt from open records requests under chapter 44-04.

10. A person required to file a statement under this section shall report 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.

**16.1-08.2-04. Pre-election, supplemental, and year-end campaign disclosure statement requirements for statewide political parties and certain political committees.**

1. Before a primary or special election, and before and following a general election, a statewide political party or a political committee not required to file under section 16.1-08.2-03 which is soliciting or accepting contributions shall file a campaign disclosure statement including all contributions and expenditures from:

a. January first through April thirtieth before a primary election;

b. May first through September thirtieth before a general election;

c. October first through December thirty-first following a general election; and

d. January first through the fortieth day before a special election.

2. A political party that has not endorsed or nominated a candidate in the election or a political committee not soliciting or accepting contributions is not required to file a statement under subsection 1, but is required to file a statement under subsection 5.



1     3. The statement before a primary, general, or special election may be submitted for filing  
2     beginning on the day following the end of the reporting period and must be submitted  
3     before the eighth day following the reporting period. The statement following the  
4     general election may be submitted for filing beginning on January first and must be  
5     submitted before February first. The statement must include:

6     a. The total of all contributions and expenditures which total in excess of  
7     two hundred fifty dollars during the reporting period and the aggregated total of  
8     contributions and expenditures which are two hundred and fifty dollars or less  
9     during the reporting period.

10    b. The balance of the campaign fund on the last day of the reporting period and the  
11    balance of the campaign fund on the first day of the reporting period.

12    c. For each contribution deposited during the reporting period, the:

13       (1) Name and the city and state of the contributor;

14       (2) Total amount of the contribution; and

15       (3) Date the last contributed amount was deposited.

16    d. For each expenditure during the reporting period, the:

17       (1) Name of the recipient and location of purchase;

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

19       (3) Date of the expenditure; and

20       (4) Expenditure category.

21    4. Beginning on May first before a primary election, October first before a general  
22    election, and thirty-nine days before a special election through the day before the  
23    election, a person filing a statement under subsection 1 shall file a supplemental  
24    statement within forty-eight hours of the start of the day following the deposit date of a  
25    contribution or aggregate contribution from a contributor which is in excess of five  
26    hundred dollars. The statement must include the:

27    a. Name and the city and state of the contributor;

28    b. Total amount of the contribution deposited during the reporting period; and

29    c. Date the last contributed amount was deposited.

30    5. Before February first, a statewide political party or a political committee that is not  
31    required to file a statement under subsection 1 shall file a campaign disclosure

1 statement including all contributions deposited and expenditures from January first  
2 through December thirty-first of the previous year. The filer shall indicate on the report  
3 the corresponding reporting period, as described under subsection 1, for which each  
4 contribution was deposited and expenditure was made to determine whether the filer's  
5 aggregated totals exceed two hundred fifty dollars for the reporting period. The  
6 statement must include:

7 a. The total of all contributions and expenditures which total in excess of  
8 two hundred fifty dollars during the reporting period and the aggregated total of  
9 contributions and expenditures which are two hundred and fifty dollars or less  
10 during the reporting period.

11 b. The total of all aggregated expenditures from campaign funds reported in  
12 expenditure categories.

13 c. The balance of the campaign fund on the last day of the reporting period and the  
14 balance of the campaign fund on the first day of the reporting period.

15 d. For each contribution deposited during the reporting period, the:

16 (1) Name and the city and state of the contributor;

17 (2) Total amount of the contribution; and

18 (3) Date the last contributed amount was deposited.

19 e. For each expenditure during the reporting period, the:

20 (1) Name of the recipient and location of purchase;

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

22 (3) Date of the expenditure; and

23 (4) Expenditure category.

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

28 7. A person filing a statement under this section shall file the statement with the secretary  
29 of state.

~~16.1-08.2-04~~16.1-08.2-05. Special requirements for state political parties.

1. State political parties shall establish separate and segregated accounts for the management of state nominating conventions. All revenue obtained and expenditures made for the planning and running of a state convention must be accounted for in these accounts.
2. A postconvention statement must be filed with the secretary of state sixty days after the close of the state nominating convention. The reporting period for the postconvention statement begins on the first day of January of the reporting year and ends thirty days after the close of the state nominating convention.
3. A year-end statement covering the entire calendar year must be filed with the secretary of state before February first of the following year even if no convention revenue was deposited or expenditures made within the calendar year.
4. The statement filed under this section must show:
  - a. The balance of the filer's convention accounts at the start and close of the reporting period.
  - b. The total of all revenue deposited and expenditures made of two hundred fifty dollars or less.
  - c. The total of all revenue deposited and expenditures made in excess of two hundred fifty dollars.
  - d. For revenues received and deposited, the:
    - (1) Name of each person providing the revenue;
    - (2) City and state of each person providing revenue;
    - (3) Date of the most recent receiptdeposit of revenue from each person providing revenue; and
    - (4) The purpose or purposes for which the revenue was deposited from each person.
  - e. For each expenditure made, the:
    - (1) Name of each person to which the expenditure was made;
    - (2) City and state of each person to which the expenditure was made;
    - (3) Date of the most recent expenditure made to each person or entity; and

(4) Purpose or purposes for which the aggregated expenditure total was  
disbursed to each person or entity.

f. The total of all contributions and expenditures which total in excess of  
two hundred fifty dollars during the reporting period.

g. The aggregated total of contributions and expenditures which are two hundred  
and fifty dollars or less during the reporting period.

h. For each aggregated revenue from an individual which totals five thousand  
dollars or more during the reporting period, the occupation, employer, and  
principal place of business of the individual.

5. If a net gain from the convention is transferred to the accounts established for the  
support of the nomination or election of candidates, the total transferred must be  
reported as a contribution in the statements required by section 16.1-08.2-03.

6. If a net loss from the convention is covered by a transfer from the accounts  
established for the support of the nomination or election of candidates, the total  
transferred must be reported as an expenditure in the statements required by section  
16.1-08.2-03.

7. A state political party or nonprofit entity affiliated with or under the control of a state  
political party, which receives a donation for purchasing, maintaining, or renovating a  
building, shall file a statement with the secretary of state before February first of each  
calendar year. Any income or financial gain generated from a building purchased,  
maintained, or renovated from donations must be deposited in the building fund and  
must be disclosed when the political party or nonprofit entity files the statement  
required under this section. Money in the fund may be used only 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, including the purchase of fixtures for  
the building. The statement may be submitted for filing beginning on January first and  
must include the:

a. Balance of the building fund on January first;

b. Name and the city and state of each donor;

c. Amount of each donation;

d. Date each donation was deposited;



e. Name and the city and state of each recipient of an expenditure;

f. Amount of each expenditure;

g. Date each expenditure was made; and

h. Balance of the fund on December thirty-first.

**~~16.1-08.2-05~~16.1-08.2-06. Special requirements for statements required of persons engaged in activities regarding ballot measures.**

1. For each reportable contribution and expenditure under section

~~16.1-08.2-03~~16.1-08.2-04, the threshold for reporting is one hundred dollars for any person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01.

2. For contributions deposited from any contributor, a person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01 shall include the following information regarding each subcontributor that has stated a contribution is for the express purpose of furthering the passage or defeat of a ballot measure in the statements required under section ~~16.1-08.2-03~~16.1-08.2-04:

a. A designation as to whether any person contributed in excess of one hundred dollars of the total contribution;

b. The name and the city and state of each subcontributor contributing in excess of one hundred dollars of the total contribution;

c. The contribution amounts of each disclosed subcontributor; and

d. The occupation, employer, and address for the employer's principal place of business of each disclosed subcontributor.

3. A measure committee which is seeking approval for an initiative or referendum shall file a disclosure statement by the date the secretary of state approves the petition for circulation. Thereafter, the measure committee is required to file disclosure statements as directed by section ~~16.1-08.2-03~~16.1-08.2-04.

4. A measure committee that is seeking approval for an initiative or referendum shall file a statement regarding its intent to compensate circulators before paying for petitions to be circulated.

**16.1-08.2-0616.1-08.2-07. Special requirements for political committees organized and registered under federal law.**

1. A political committee organizing and registering according to federal law which makes an independent expenditure or makes a disbursement in excess of two hundred fifty 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.
2. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include the:
  - a. Name, city and state, and treasurer of the political committee;
  - b. Recipient's name and mailing address;
  - c. Date and amount of the independent expenditure or disbursement; and
  - d. Ultimate and true source of funds listed by contributor and subcontributor for any amount over two hundred fifty dollars collected or used to make the independent expenditure or disbursement including the:
    - (1) Name, city and state, and treasurer of the political committee;
    - (2) Total amount of the contribution; and
    - (3) Date the last contribution was deposited.

**16.1-08.2-0716.1-08.2-08. Campaign contributions by corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, and associations - Penalty.**

1. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may establish, administer, and solicit contributions to a separate and segregated fund to be used for political purposes by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association. It is unlawful for:
  - a. The person controlling the fund to make contributions or expenditures using money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of those actions; or use money from dues, fees,

1           treasury funds, or other money required as a condition of membership in an  
2           association, or as a condition of employment; or use money obtained in any  
3           commercial transaction. Moneys from fees, dues, treasury funds, or money  
4           obtained in a commercial transaction may, however, be used to pay costs of  
5           administration of the fund.

6           b. Any person soliciting an employee, stockholder, patron, board member, or  
7           member for a contribution to the fund to fail to inform the employee or member of  
8           the political purposes of the fund at the time of the solicitation or of the general  
9           political philosophy intended to be advanced through committee activities.

10          c. Any person soliciting an employee or member for a contribution to the fund to fail  
11          to inform the employee or member at the time of the solicitation of the right to  
12          refuse to contribute without any reprisal.

13          d. Any contribution to be accepted without keeping an accurate record of the  
14          contributor and amount contributed and of amounts expended for political  
15          purposes.

16          e. Any contribution to be accepted from any person not an employee, a stockholder,  
17          a patron, a board member or a member of the corporation, cooperative  
18          corporation, limited liability company, affiliate, subsidiary, or association  
19          maintaining the political action committee, except a corporation may accept a  
20          contribution from an employee, a stockholder, a patron, a board member, or a  
21          member of an affiliate or a subsidiary of the corporation.

22          f. Any expenditure made for political purposes to be reported under this section  
23          before control of the expenditure has been released by the political action  
24          committee except if there is a contract, a promise, or an agreement, expressed or  
25          implied, to make the expenditure.

26          2. A person may not make a payment of that person's money or of another person's  
27          money to any other person for a political purpose in any name other than that of the  
28          person supplying the money and a person may not knowingly receive the payment nor  
29          enter nor cause the payment to be entered in that person's account or record in any  
30          name other than that of the person by which it actually was furnished.

- 1       3. If an officer, employee, agent, attorney, or other representative of a corporation,  
2       cooperative corporation, limited liability company, affiliate, subsidiary, or association  
3       makes any contribution prohibited by this section out of corporate, cooperative  
4       corporation, limited liability company, affiliate, subsidiary, or association funds or  
5       otherwise violates this section, it is prima facie evidence of a violation by the  
6       corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
7       association.
- 8       4. Corporations, cooperative corporations, limited liability companies, affiliates,  
9       subsidiaries, and associations may make expenditures and contributions for promoting  
10      any general political philosophy or belief deemed in the best interest of the employees,  
11      stockholders, patrons, or members of the corporation, cooperative corporation, limited  
12      liability company, affiliate, subsidiary, or association other than a "political purpose" as  
13      defined by this chapter. A corporation, cooperative corporation, limited liability  
14      company, affiliate, subsidiary, or association may not make a contribution for a political  
15      purpose.
- 16      5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
17      association may make a donation of property or money to a state political party or  
18      nonprofit entity affiliated with or under the control of a state political party for deposit in  
19      a separate and segregated building fund.
- 20      6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
21      association may make an expenditure to a measure committee for the purpose of  
22      promoting the passage or defeat of an initiated or referred measure or petition or make  
23      an expenditure to any other person making an independent expenditure. A  
24      corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
25      association may make an independent expenditure for a political purpose, including  
26      political advertising in support of or opposition to a candidate, political committee, or a  
27      political party, or for the purpose of promoting passage or defeat of initiated or referred  
28      measures or petitions. The corporation, cooperative corporation, limited liability  
29      company, affiliate, subsidiary, or association shall file a statement disclosing any  
30      expenditure made under this subsection with the secretary of state within forty-eight  
31      hours after making the expenditure. The statement must include:



- 1           a. The full name of the corporation, cooperative corporation, limited liability
- 2                 company, affiliate, subsidiary, or association;
- 3           b. The complete address of the corporation, cooperative corporation, limited liability
- 4                 company, affiliate, subsidiary, or association;
- 5           c. The name of the recipient of the expenditure;
- 6           d. If the expenditure is related to a measure or petition, the title of the measure or
- 7                 petition and whether the expenditure is made in support of or opposition to the
- 8                 measure or petition;
- 9           e. If the expenditure is related to a measure, the election date on which the
- 10                 measure either will appear or did appear on the ballot;
- 11           f. The amount of the expenditure;
- 12           g. The cumulative total amount of expenditures since the beginning of the calendar
- 13                 year which are required to be reported under this subsection;
- 14           h. The telephone number and the printed name and signature of the individual
- 15                 completing the statement, attesting to the statement being true, complete, and
- 16                 correct; and
- 17           i. The date on which the statement was signed.
- 18       7. A violation of this section may be prosecuted in the county where the contribution is
- 19                 made or in any county in which it has been paid or distributed.
- 20       8. It is a class A misdemeanor for an officer, director, stockholder, manager, governor,
- 21                 member, attorney, agent, or representative of any corporation, cooperative
- 22                 corporation, limited liability company, affiliate, subsidiary, or association to violate this
- 23                 section or to counsel or consent to any violation. Any person that solicits or knowingly
- 24                 receives any contribution in violation of this section is guilty of a class A misdemeanor.
- 25       9. Any officer, director, stockholder, manager, governor, member, attorney, agent, or
- 26                 representative who makes, counsels, or consents to the making of a contribution in
- 27                 violation of this section is liable to the company, corporation, limited liability company,
- 28                 affiliate, subsidiary, or association for the amount so contributed.
- 29       ~~16.1-08.2-08~~~~16.1-08.2-09.~~ **Special requirements for conduits.**
- 30       A conduit transferring any contribution to a candidate, political party, or political committee
- 31       shall provide the recipient of the contribution a detailed statement listing the name and address

1 of each individual contributor, the amount of each contribution, and the date each contribution  
2 was deposited. The conduit also shall include on the statement the occupation, employer, and  
3 principal place of business of each contributor, or the political committee if not already  
4 registered according to state or federal law, which contributed five thousand dollars or more in  
5 the aggregate during a reporting period applicable to the candidate, political party, or political  
6 committee. The conduit shall provide the statement to the candidate, political party, or political  
7 committee in a manner to allow the candidate, political party, or political committee to file any  
8 statement required to be filed under this chapter.

9 **~~16.1-08.2-09~~16.1-08.2-10. General prohibitions.**

- 10 1. A foreign national may not make or offer to make, directly or indirectly, a contribution  
11 or expenditure in connection with any election.
- 12 2. A candidate, candidate committee, ~~political committee~~, political party, or any other  
13 person may not solicit, accept, or receive, directly or indirectly, a contribution from a  
14 foreign national.
- 15 3. A candidate may not use any contribution deposited by the candidate, the candidate's  
16 candidate committee, or a multicandidate political committee to:
- 17 a. Give a personal benefit to the candidate or another person;  
18 b. Make a loan to another person;  
19 c. Knowingly pay more than the fair market value for goods or services purchased  
20 for the campaign; or  
21 d. Pay a criminal fine or civil penalty.
- 22 4. If the secretary of state has substantial reason to believe any person knowingly  
23 violated this section, the secretary shall arrange for an audit as authorized by section  
24 **~~16.1-08.2-10~~16.1-08.2-11.**
- 25 5. A person may not be excused from attending and testifying or producing any books,  
26 papers, or other documents before any court upon any investigation, proceeding, or  
27 trial for a violation of any of the provisions of this chapter, upon the grounds that the  
28 testimony or evidence, documentary or otherwise, required of the person may tend to  
29 incriminate or degrade the person. A person may not be prosecuted or subjected to  
30 any penalty or forfeiture for or on account of any transaction, matter, or thing  
31 concerning which the person may testify or produce evidence, documentary or

otherwise. Any testimony given or produced may not be used against the person in any criminal investigation or proceeding.

~~16.1-08.2-10~~**16.1-08.2-11. Audit by secretary of state.**

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, political committee, or other person filing the statement shall pay a fine to the secretary of state equal to 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 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 must 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 by candidates or candidate committees for candidates for county, city, or school district offices.

**16.1-08.2-1116.1-08.2-12. Filing officer to charge and collect filing fees.**

1. If a statement 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, ~~one hundred~~twenty-five dollars;
- b. Within ~~thirteen~~eleven days after the prescribed time, ~~two hundred fifty~~fifty dollars;  
and
- c. Thereafter, five hundred dollars.

2. ~~Any amendment filed by the candidate, candidate committee, multicandidate committee, political committee, or political party, or at the request of the filing officer, A~~  
filing officer may require an amendment to be filed for any statement 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 ~~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 ~~filing deadline, one hundred~~date the amendment was due, fifty dollars;
- b. Within eleven days after the ~~filing deadline, two hundred fifty~~date the amendment was due, one hundred dollars; and
- c. Thereafter, five hundred dollars.



3. Any fines paid under this section must be reported on the statement filed by the candidate, candidate committee, multicandidate committee, political committee, or political party. Any late fees levied by the secretary of state under this section and the identity of the person subject to a late fee must be made publicly available through the format prescribed by the secretary of state.

4. 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.

~~16.1-08.2-12~~ **16.1-08.2-13. Secretary of state to provide instruction and adjust thresholds for inflation.**

1. The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter.

2. The secretary of state shall adjust for inflation the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and inform persons submitting reports under this chapter of the adjustments. The secretary of state shall make the adjustments beginning January first of each adjustment year beginning January 1, 2026.

~~16.1-08.2-13~~ **16.1-08.2-14. Penalty.**

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

**SECTION 5. AMENDMENT.** Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements.**

Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described in section ~~16.1-08.1-04~~ **16.1-08.2-01**, or a corporation making an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as

1 defined in section ~~16.1-08.1-01~~16.1-08.2-01, or political party paying for the advertisement. If  
2 the name of a political party, association, or partnership is used, the disclaimer must also  
3 include the name of the chairman or other responsible individual from the political party,  
4 association, or partnership. The name of the person paying for any radio or television broadcast  
5 containing any advertising announcement for or against any candidate for public office must be  
6 announced at the close of the broadcast. If the name of a political party, association, or  
7 partnership is used, the disclaimer must also include the name of the chairman or other  
8 responsible individual from the political party, association, or partnership. In every political  
9 advertisement in which the name of the person paying for the advertisement is disclosed, the  
10 first and last name of any named individual must be disclosed. An advertisement paid for by an  
11 individual candidate or group of candidates must disclose that the advertisement was paid for  
12 by the individual candidate or group of candidates. The first and last name or names of the  
13 candidates paying for the advertisement are not required to be disclosed. This section does not  
14 apply to campaign buttons.

15 **SECTION 6. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North  
16 Dakota Century Code is amended and reenacted as follows:

- 17 f. By or on behalf of a political party, candidate, or other group with a political  
18 purpose, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, unless the  
19 communication is a text message.

20 **SECTION 7. REPEAL.** Chapter 16.1-08.1 of the North Dakota Century Code is repealed.

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

SB 2156  
4/16/2025

Relating to campaign disclosure statements; relating to campaign disclosure statements; and to provide a penalty.
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3:22 p.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice-chairman Satrom, Representatives Bahl, C. Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, Vetter, Wolff  
Members absent: Representatives TJ Brown, VanWinkle

### Discussion Topics:

- Committee action

3:24 p.m. Vice-chairman Satrom moved to reconsider the bill.

3:24 p.m. Representative Wolff seconded the motion.

3:24 p.m. Voice vote passed.

3:24 p.m. Vice-chairman Satrom moved to reconsider the amendments.

3:25 p.m. Representative Steiner seconded the motion.

3:25 p.m. Dustin Richard, Legislative Council answered questions.

3:25 p.m. Voice vote passed.

3:26 p.m. Representative Steiner introduced amendments LC#25.0330.06011, #45242.

3:32 p.m. Dustin Richard, Legislative Council, answered questions.

3:40 p.m. Representative Steiner moved to amend the bill LC#25.0330.06011.

3:40 p.m. Representative Bahl seconded the motion.

3:41 p.m. Voice vote passed.

3:41 p.m. Representative Wolff moved a Do Pass as amended.

3:41 p.m. Representative Bahl seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y

Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Timothy Brown	AB
Representative Karen Grindberg	Y
Representative Karen Karls	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Lori VanWinkle	AB
Representative Steve Vetter	Y
Representative Christina Wolff	Y

3:42 p.m. Motion passed 12-0-2

Representative Steiner will carry the bill.

3:43 p.m. Chairman Schauer closed the meeting.

*Jackson Toman, Committee Clerk*



Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**ENGROSSED SENATE BILL NO. 2156**

Introduced by

Senator Cleary

CO  
4/16/25  
10f29

A BILL for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code, relating to campaign disclosure statements; to amend and reenact sections 15.1-09-08, 15.1-09-19, 16.1-01-12, and 16.1-10-04.1, and subdivision f of subsection 8 of section 51-28-01 of the North Dakota Century Code, relating to campaign disclosure statements; to repeal chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign disclosure statements; and to provide a penalty; to provide for application; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-08. School district elections - Candidate filings.**

An individual seeking election to the board of a school district shall prepare and sign a document stating the individual's name and the position for which that individual is a candidate. A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether or not the election is held in conjunction with a statewide election, all statements of interest must be filed with the school district business manager, or mailed to and in the possession of the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall also file a campaign contribution statement as required by section ~~16.1-08.1-02.3~~ 16.1-08.2-03.

**SECTION 2. AMENDMENT.** Section 15.1-09-19 of the North Dakota Century Code is amended and reenacted as follows:

1       **15.1-09-19. Duties of election officials - Other applicable statutes.**

2       Sections ~~16.1-08.1-03.3~~~~16.1-08.2-07~~16.1-08.2-08, 16.1-10-01, 16.1-10-06, 16.1-10-06.1,  
3       16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and  
4       16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.

5       **SECTION 3. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is  
6       amended and reenacted as follows:

7       **16.1-01-12. Election offenses - Penalty.**

8       1. It is unlawful for an individual, measure committee as described in section  
9       ~~16.1-08.1-04~~16.1-08.2-01, or other organization to:

- 10       a. Fraudulently alter another individual's ballot, substitute one ballot for another, or  
11       otherwise defraud a voter of that voter's vote.
- 12       b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a  
13       member of the election board on the way to or at a polling place.
- 14       c. Vote more than once in any election.
- 15       d. Knowingly vote in the wrong election precinct or district.
- 16       e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
- 17       f. Knowingly exclude a qualified elector from voting or knowingly allow an  
18       unqualified individual to vote.
- 19       g. Knowingly vote when not qualified to do so.
- 20       h. Sign an initiative, referendum, recall, or any other election petition when not  
21       qualified to do so.
- 22       i. Circulate an initiative, referendum, recall, or any other election petition not in its  
23       entirety or when unqualified to do so.
- 24       j. Pay or offer to pay any individual, measure committee, or other organization, or  
25       receive payment or agree to receive payment, on a basis related to the number  
26       of signatures obtained for circulating an initiative, referendum, or recall petition.
- 27       This subsection does not prohibit the payment of salary and expenses for  
28       circulation of the petition on a basis not related to the number of signatures  
29       obtained, as long as the circulators file the intent to remunerate before submitting  
30       the petitions and, in the case of initiative and referendum petitions, fully disclose  
31       all contributions received pursuant to chapter 16.1-08.2 to the

1 secretary of state upon submission of the petitions. The disclosure of  
2 contributions received under this section does not affect the requirement to file a  
3 pre-election report by individuals or organizations soliciting or accepting  
4 contributions for the purpose of aiding or opposing the circulation or passage of a  
5 statewide initiative or referendum petition or measure placed upon a statewide  
6 ballot by action of the legislative assembly under chapter ~~16.1-08.1~~16.1-08.2. Any  
7 signature obtained in violation of this subdivision is void and may not be counted.

8 k. Willfully fail to perform any duty of an election officer after having accepted the  
9 responsibility of being an election officer by taking the oath as prescribed in this  
10 title.

11 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.

12 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
13 false return of an election, knowing the canvass or return to be false; or willfully  
14 deface, destroy, or conceal any statement or certificate entrusted to the  
15 individual's or organization's care.

16 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
17 provided by law, or negatively impact the confidentiality, integrity, or availability of  
18 any system used for voting.

19 o. Sign a name other than that individual's own name to an initiative, referendum,  
20 recall, or any other election petition.

21 p. Willfully submit an initiative or referendum petition that contains one or more  
22 fraudulent signatures.

23 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
24 misdemeanor.

25 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.

26 c. A violation of subdivision n of subsection 1 is a class C felony.

27 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
28 individual signs one or two names other than the individual's own name to a  
29 petition and is a class C felony if an individual signs more than two names other  
30 than the individual's own name to a petition.



- 1 e. An organization, as defined in section 12.1-03-04, that violates this section is  
2 subject to the organizational fines in section 12.1-32-01.1. The court in which the  
3 conviction is entered shall notify the secretary of state of the conviction and shall  
4 order the secretary of state to revoke the certificate of authority of any convicted  
5 organization or limited liability company. The organization may not reapply to the  
6 secretary of state for authorization to do business under any name for one year  
7 upon conviction of a class A misdemeanor and for five years upon conviction of a  
8 class C felony under this section, except an organization operating a signature  
9 gathering business, or similar enterprise, that violates subdivision p of  
10 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
11 may not reapply to the secretary of state for authorization to do business under  
12 any name for five years following the entry of judgment.
- 13 f. A violation of subdivision p of subsection 1 by any member of a measure  
14 committee, including an initiative or referendum sponsoring committee or an  
15 agent acting on behalf of, or in conjunction with, a measure committee for the  
16 purpose of collecting signatures for a petition under this chapter is subject to a  
17 civil penalty of not more than three thousand dollars. The civil penalty may be  
18 recovered in an action brought in the district court of Burleigh County by the  
19 attorney general.
- 20 g. An individual who is a member of an organization may be convicted of a violation  
21 as an accomplice under section 12.1-03-01.
- 22 3. Every act this chapter makes criminal when committed with reference to the election of  
23 a candidate is equally criminal when committed with reference to the determination of  
24 a question submitted to qualified electors to be decided by votes cast at an election.

25 **SECTION 4.** Chapter 16.1-08.2 of the North Dakota Century Code is created and enacted  
26 as follows:

27 **16.1-08.2-01. Definitions.**

- 28 1. "Affiliate" means an organization controlling, is controlled by, or is under common  
29 control with another organization. For purposes of this definition, control means the  
30 possession, direct or indirect, of the power to direct or cause the direction of the  
31 management and policies of an organization, whether through the ownership of voting



1        securities, by contract other than a commercial contract for goods or nonmanagement  
2        services, or otherwise. Control is presumed to exist if an organization, directly or  
3        indirectly, owns, controls, holds with the power to vote, or holds proxies representing  
4        fifty percent or more of the voting securities of any other organization.

5        2. "Association" means any club, association, union, brotherhood, fraternity, organization,  
6        or group of any kind of two or more persons, including labor unions, trade  
7        associations, professional associations, or governmental associations, which is united  
8        for any purpose, business, or object and which assesses any dues, membership fees,  
9        or license fees in any amount, or which maintains a treasury fund in any amount. The  
10       term does not include corporations, cooperative corporations, limited liability  
11       companies, political committees, or political parties.

12       3. "Conduit" means a person that is not a political party, political committee, or candidate  
13       and which receives a contribution of money and transfers the contribution to a  
14       candidate, political party, or political committee when the contribution is designated  
15       specifically for the candidate, political party, or political committee and the person has  
16       no discretion as to the recipient and the amount transferred. The term includes a  
17       transactional intermediary, including a credit card company or a money transfer  
18       service paying or transferring money to a candidate on behalf of another person.

19       4. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription,  
20       loan, advance, deposit of money, or anything of value, made for the purpose of  
21       influencing the nomination for election, or election, of any person to public office or  
22       aiding or opposing the circulation or passage of a statewide initiative or referendum  
23       petition or measure. The term also means a contract, promise, or agreement, express  
24       or implied, whether or not legally enforceable, to make a contribution for any of the  
25       above purposes. The term includes funds deposited by a candidate for public office or  
26       a political party or committee which are transferred or signed over to that candidate,  
27       party, or committee from another candidate, party, or political committee or other  
28       source including a conduit. The term "anything of value" includes any good or service  
29       of more than a nominal value. The term "nominal value" means the cost, price, or  
30       worth of the good or service is trivial, token, or of no appreciable value. The term  
31       "contribution" does not include:

- 1           a. A loan of money from a bank or other lending institution made in the regular
- 2           course of business.
- 3           b. Time spent by volunteer campaign or political party workers.
- 4           c. Money or anything of value deposited for commercial transactions, including
- 5           rents, advertising, or sponsorships made as a part of a fair market value
- 6           bargained-for exchange.
- 7           d. Money or anything of value deposited for anything other than a political purpose.
- 8           e. Products or services for which the actual cost or fair market value are reimbursed
- 9           by a payment of money.
- 10          f. An independent expenditure.
- 11          g. The value of advertising paid by a political party, multicandidate political
- 12          committee, or caucus which is in support of a candidate.
- 13          h. In-kind contributions from a candidate to the candidate's campaign.
- 14      5. "Cooperative corporations", "corporations", and "limited liability companies" are as
- 15      defined in this code, and for purposes of this chapter "corporations" includes nonprofit
- 16      corporations. However, if a political committee, the only purpose of which is accepting
- 17      contributions and making expenditures for a political purpose, incorporates for liability
- 18      purposes only, the committee is not considered a corporation for the purposes of this
- 19      chapter.
- 20      6. "Expenditure" means:
- 21          a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution,
- 22          disbursement, outlay, or deposit of money or anything of value, except a loan of
- 23          money from a bank or other lending institution made in the regular course of
- 24          business, made for a political purpose or for the purpose of influencing the
- 25          passage or defeat of a measure.
- 26          b. A contract, promise, or agreement, express or implied, whether or not legally
- 27          enforceable, to make any expenditure.
- 28          c. The transfer of funds by a political committee to another political committee.
- 29          d. An independent expenditure.



- 1        7. "Expenditure ~~purpose categories~~" means the ~~type of expense for~~categories into which  
2        expenditures for a political purpose ~~occurred~~must be grouped for reports under this  
3        chapter. The expenditure categories are:  
4        a. Advertising;  
5        b. Campaign loan repayment;  
6        c. Operations;  
7        d. Political donations;  
8        e. Travel;  
9        f. Volunteer appreciation; and  
10       g. Miscellaneous.  
11       8. "Foreign national" means:  
12       a. A government or country other than the United States.  
13       b. A political party organized under the laws of a country other than the United  
14       States.  
15       c. A corporation, partnership, association, organization, or other combination of  
16       persons organized under the laws of or having its principal place of business in a  
17       country other than the United States.  
18       d. An individual with citizenship of a country other than the United States.  
19       e. An individual who is not a citizen or national of the United States and is not  
20       admitted lawfully to the United States for permanent residence.  
21       9. "Independent expenditure" means an expenditure made for a political purpose or for  
22       the purpose of influencing the passage or defeat of a measure if the expenditure is  
23       made without the express or implied consent, authorization, or cooperation of, and not  
24       in concert with or at the request or suggestion of, any candidate, committee, or  
25       political party.  
26       10. "Patron" means a person who owns equity interest in the form of stock, shares, or  
27       membership or maintains similar financial rights in a cooperative corporation.  
28       11. "Person" means an individual, partnership, political committee, association,  
29       corporation, cooperative corporation, limited liability company, or other organization or  
30       group of persons.

- 1     12. "Personal benefit" means a benefit to the candidate or another person which is not for  
2     a political purpose or related to a candidate's responsibilities as a public officeholder,  
3     and any other benefit that would convert a contribution to personal income.
- 4     13. "Political committee" means any committee, club, association, or other group of  
5     persons which receives contributions or makes expenditures for political purposes and  
6     includes:
- 7         a. A political action committee not connected to another organization and free to  
8         solicit funds from the general public, or derived from a corporation, cooperative  
9         corporation, limited liability company, affiliate, subsidiary, or an association  
10        soliciting or receives contributions from its employees or members or makes  
11        expenditures for political purposes on behalf of its employees or members;
- 12        b. A candidate committee established to support an individual candidate seeking  
13        public office which solicits or receives contributions for political purposes;
- 14        c. A political organization registered with the federal election commission, which  
15        solicits or receives contributions or makes expenditures for political purposes;
- 16        d. A multicandidate political committee, including a caucus, established to support  
17        multiple groups or slates of candidates seeking public office, which solicits or  
18        receives contributions for political purposes; and
- 19        e. A measure committee, including an initiative or referendum sponsoring  
20        committee at any stage of its organization, which solicits or receives contributions  
21        or makes expenditures for the purpose of supporting or opposing an initiative or  
22        referendum petition, or measure sought to be voted upon by the voters of the  
23        state, including any activities undertaken for the purpose of drafting an initiative  
24        or referendum petition, seeking approval of the secretary of state for the  
25        circulation of a petition, or seeking approval of the submitted petitions.
- 26     14. "Political party" means any association, committee, or organization which nominates a  
27     candidate for election to any office which may be filled by a vote of the electors of this  
28     state or any of its political subdivisions and whose name appears on the election ballot  
29     as the candidate of the association, committee, or organization.
- 30     15. "Political purpose" means any activity undertaken in support of or in opposition to the  
31     election or nomination of a candidate to public office and includes using "vote for",



1       "oppose", or any similar support or opposition language in any advertisement whether  
2       the activity is undertaken by a candidate, a political committee, a political party, or any  
3       person. The term includes paying any expenses related to the election or nomination  
4       of a candidate. The term does not include activities undertaken in the performance of  
5       a duty of a public office or any position taken in any bona fide news story, commentary,  
6       or editorial.

7       16. "Public office" means every office to which an individual can be elected by vote of the  
8       people under the laws of this state.

9       17. "Subsidiary" means an affiliate of a corporation under the control of the corporation  
10       directly or indirectly through one or more intermediaries.

11       18. "Ultimate and true source" means the person that knowingly contributed over  
12       two hundred fifty dollars solely to influence a statewide election or an election for the  
13       legislative assembly.

14       **16.1-08.2-02. General provisions.**

15       1. A political committee, except those defined in subdivision c of subsection 13 of  
16       section 16.1-08.2-01, shall register its name, mailing address, telephone number, and  
17       nongovernment issued electronic mail address, and its agent's name, mailing address,  
18       telephone number, and nongovernment issued electronic mail address, and a  
19       designation as to whether the committee is incorporated solely for the purpose of  
20       liability protection, with the secretary of state. A candidate who does not have a  
21       candidate committee shall register the candidate's name, mailing address, telephone  
22       number, and nongovernment issued electronic mail address with the secretary of  
23       state. If the candidate has an agent, the candidate also shall register the agent's  
24       name, mailing address, telephone number, and nongovernment issued electronic mail  
25       address with the secretary of state.

26       2. The registration required under this section for a candidate or political committee that  
27       has not previously registered with the secretary of state must be submitted within  
28       fifteen business days of the receipt deposit date of any contribution or expenditure  
29       made.

30       3. A candidate or political committee required to be registered under this section must  
31       register with the secretary of state each year during which the candidate holds public

1 office or during which the political committee receives contributions, makes  
2 expenditures for political purposes, or has a balance in the campaign account. An  
3 individual who no longer holds public office or an individual who no longer seeks public  
4 office must register with the secretary of state each year in which contributions are  
5 deposited, expenditures are made for political purposes, or a balance remains in the  
6 campaign account.

7 4. Any statement filed with the secretary of state under this chapter must be:

- 8 a. Filed electronically within the prescribed time and in the format established by the  
9 secretary of state. If the secretary of state does not receive a statement, an  
10 electronic duplicate of the statement must be filed promptly upon notice by the  
11 secretary of state of its nonreceipt. After a statement has been filed, the secretary  
12 of state may request or accept written clarification along with an amended  
13 statement from a candidate, political party, or political committee filing the  
14 statement when discrepancies, errors, or omissions on the statement are  
15 discovered by the secretary of state, the candidate, political party, or political  
16 committee filing the statement, or by any interested party reciting a lawful reason  
17 for requesting clarification and an amendment be made. When requesting an  
18 amended statement, the secretary of state shall establish a reasonable period of  
19 time, not to exceed ten days, agreed to by the candidate, political party, or  
20 political committee, for filing the amended statement with the secretary of state.  
21 b. Preserved by the secretary of state for a period of ten years from the date of the  
22 filing deadline. The statement must be considered a part of the public records of  
23 the secretary of state's office and must be open to public inspection on the  
24 internet.

- 25 5. In determining the amount of individual contributions from any contributor, all amounts  
26 deposited from the same contributor during the reporting period must be aggregated to  
27 report an overall total contribution for the purposes of the statements required by this  
28 chapter. Contributions made separately by different persons from joint accounts are  
29 considered separate contributions for reporting purposes.



- 1       6. In determining the amount of expenditures to any recipient, all expenditures to the  
2       same recipient during the reporting period must be aggregated to report an overall  
3       total expenditure for the purposes of the statements required by this chapter.
- 4       7. Contributions and expenditures which are ~~less than~~ two hundred fifty dollars ~~or less~~ in  
5       the aggregate are exempt ~~from open~~ records ~~requests~~ under chapter 44-04 and  
6       reported as part of aggregate totals only.
- 7       8. In reporting a contribution deposited through a conduit, a candidate, political party, or  
8       political committee shall list each reportable contribution identifying the person that  
9       submitted the contribution to the conduit and provide the required information  
10       regarding the contribution from that person rather than identifying the conduit as the  
11       contributor.
- 12       9. A political committee organizing and registering according to federal law that makes an  
13       independent expenditure or makes a disbursement in excess of two hundred fifty  
14       dollars to a nonfederal candidate seeking public office, a political party, or political  
15       committee in this state is not required to register as a political committee according to  
16       this section if the political committee reports according to section  
17       ~~16.1-08.2-06~~ 16.1-08.2-07.
- 18       10. To ensure accurate reporting and avoid commingling of campaign and personal funds,  
19       candidates shall use dedicated campaign accounts that are separate from any  
20       personal accounts.
- 21       11. Registration by a political committee under this section does not reserve the name for  
22       exclusive use nor does it constitute registration of a trade name under chapter 47-25.
- 23       12. A candidate or candidate committee for county office, city office, and school district  
24       office are exempt from registering and filing with the secretary of state. Any other  
25       person required to file a statement under this chapter shall file the statement with the  
26       secretary of state.
  - 27       a. A candidate for city office in a city with a population under five thousand and a  
28       candidate committee for the candidate are exempt from this chapter. A candidate  
29       for school district office in a school district with a fall enrollment of fewer than  
30       one thousand students and a candidate committee for the candidate are exempt  
31       from this chapter.

b. 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 and a candidate committee for a candidate for city office shall file statements under this chapter with the city auditor. A candidate for school district office and a candidate committee for a candidate for school district office shall file statements under this chapter with the school business manager.

**16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure statement requirements for candidates, candidate committees, multicandidate committees, ~~political committees~~, and ~~nonstatewide~~ political parties.**

1. Before a primary or special election, and before and following a general election, a candidate or candidate committee formed on behalf of the candidate, a multicandidate political committee, ~~a political committee~~, or a ~~nonstatewide~~ political party soliciting or accepting contributions shall file a campaign disclosure statement ~~including all contributions and expenditures~~ from:

a. January first through April thirtieth before a primary election;

b. May first through September thirtieth before a general election;

c. October first through December thirty-first following a general election; and

d. January first through the fortieth day before a special election.

2. A candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a ~~nonstatewide~~ political party that has not endorsed or nominated any candidate in the election is not required to file a statement under ~~this~~ subsection 1, but is required to file a statement under subsection 7.

3. The statement before a primary, general, or special election under subsection 1 may be submitted for filing beginning on the day following the end of the reporting period and must be submitted before the eighth day following the reporting period. The statement following the general election may be submitted for filing beginning on January first and must be submitted before February first. ~~The~~

4. A statement filed under subsection 1 must include the following information:

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



1           (1) Name and the city and state of the contributor;

2           (2) Total amount of the contribution; and

3           (3) Date the last contributed amount was deposited.

4           b. ~~For each expenditure during the reporting period, the:~~

5           ~~(1) Name of the recipient and location of purchase;~~

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

7           ~~(3) Date of the expenditure; and~~

8           ~~(4) Expenditure purpose.~~

9           ~~e. The total of all aggregated contributions and expenditures which total in excess~~  
10           ~~of two hundred fifty dollars during the reporting period and the aggregated total.~~

11           c. The total of all contributions ~~and expenditures which are deposited from~~  
12           contributors that contributed two hundred and fifty dollars or less during the  
13           reporting period.

14           d. A total of all expenditures made during the reporting period, separated into  
15           expenditure categories.

16           e. For a statewide candidate, a candidate committee formed on behalf of a  
17           statewide candidate, and a statewide multicandidate committee, ~~or a political~~  
18           ~~party,~~ the balance of the campaign fund on the last day of the reporting period  
19           ~~and the balance of the campaign fund on the first day of the reporting period.~~

20           2.5. The information provided to the secretary of state under subdivisions a through d of  
21           subsection 4 must be made publicly available through the format prescribed by the  
22           secretary of state. The information provided to the secretary of state under  
23           subdivision e of subsection 4 may not be made publicly available by the secretary of  
24           state.

25           6. Beginning on ~~the day following the end of the reporting period~~ May first before a  
26           primary election, October first before a general election, and thirty-nine days before a  
27           special election through the day before the election, a person filing a statement under  
28           subsection 1 must file a supplemental statement within forty-eight hours of the start of  
29           the day following the deposit date of a contribution or aggregate contribution from a  
30           contributor which is in excess of five hundred dollars. The statement must include the:

31           a. Name and the city and state of the contributor;

1           b. Total amount of the contribution deposited during the reporting period; and

2           c. Date the last contributed amount was deposited.

3       3.7. Before February first, a candidate whose name is not on the ballot and who is not  
4       seeking election through write-in votes, or ~~candidate~~the candidate's candidate  
5       committee, a multicandidate political committee, ~~a political committee~~, or a  
6       nonstatewide political party soliciting or accepting contributions not required to file a  
7       statement under subsection 1 shall file a campaign disclosure statement including all  
8       contributions deposited and expenditures from January first through December thirty-  
9       first of the previous year. The filer shall indicate on the report the corresponding  
10       reporting period, as described under subsection 1, in which each contribution was  
11       deposited and expenditure was made to determine whether the filer's aggregated  
12       totals exceed two hundred fifty dollars for the reporting period. The statement may be  
13       submitted for filing beginning on January first. The statement filed according to this  
14       section must include the following information:

15           a. ~~For a candidate, a candidate committee formed on behalf of a candidate, a~~  
16           ~~multicandidate committee, or political party, the balance of the campaign fund on~~  
17           ~~January first and on December thirty-first.~~

18       ~~b.~~ For each aggregated contribution deposited from a contributor which totals in  
19       excess of two hundred fifty dollars deposited during the reporting period, the:

20           (1) Name and the city and state of the contributor;

21           (2) Total amount of the contribution; and

22           (3) Date the last contributed amount was deposited.

23       ~~c.~~ ~~For each expenditure during the reporting period, the:~~

24           ~~(1) Name of the recipient and location of purchase;~~

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

26           ~~(3) Date of the expenditure; and~~

27           ~~(4) Expenditure purpose.~~

28       d.b. The total of all aggregated contributions and expenditures from contributors which  
29       total in excess of two hundred fifty dollars during the reporting period.



- 1 e.c. The aggregated total of contributions ~~and expenditures which are~~ deposited from  
2 contributors that contributed two hundred and fifty dollars or less during the  
3 reporting period.
- 4 d. A total of all expenditures made during the reporting period, separated into  
5 expenditure categories.
- 6 e. For a statewide candidate, a candidate committee formed on behalf of a  
7 statewide candidate, and a statewide multicandidate committee, the balance of  
8 the campaign fund on the last day of the reporting period.
- 9 4.8. The information provided to the secretary of state under subdivisions a through d of  
10 subsection 7 must be made publicly available through a format prescribed by the  
11 secretary of state. The information provided to the secretary of state under  
12 subdivision e of subsection 7 may not be made publicly available by the secretary of  
13 state.
- 14 9. Expenditures reported within a group of aggregated totals under this section are  
15 exempt from open records requests under chapter 44-04.
- 16 10. A person required to file a statement under this section shall report each aggregated  
17 contribution from a contributor which totals five thousand dollars or more during the  
18 reporting period. For these contributions from individuals, the statement must include  
19 the contributor's occupation, employer, and the employer's principal place of business.
- 20 **16.1-08.2-04. Pre-election, supplemental, and year-end campaign disclosure**  
21 **statement requirements for statewide political parties and certain political committees.**
- 22 1. Before a primary or special election, and before and following a general election, a  
23 statewide political party or a political committee not required to file under section  
24 16.1-08.2-03 which is soliciting or accepting contributions shall file a campaign  
25 disclosure statement including all contributions and expenditures from:
- 26 a. January first through April thirtieth before a primary election;  
27 b. May first through September thirtieth before a general election;  
28 c. October first through December thirty-first following a general election; and  
29 d. January first through the fortieth day before a special election.

- 1     2. A political party that has not endorsed or nominated a candidate in the election or a  
2     political committee not soliciting or accepting contributions is not required to file a  
3     statement under subsection 1, but is required to file a statement under subsection 5.
- 4     3. The statement before a primary, general, or special election may be submitted for filing  
5     beginning on the day following the end of the reporting period and must be submitted  
6     before the eighth day following the reporting period. The statement following the  
7     general election may be submitted for filing beginning on January first and must be  
8     submitted before February first. The statement must include:
  - 9     a. The total of all contributions and expenditures which total in excess of  
10     two hundred fifty dollars during the reporting period and the aggregated total of  
11     contributions and expenditures which are two hundred and fifty dollars or less  
12     during the reporting period.
  - 13     b. The balance of the campaign fund on the last day of the reporting period and the  
14     balance of the campaign fund on the first day of the reporting period.
  - 15     c. For each contribution deposited during the reporting period, the:
    - 16     (1) Name and the city and state of the contributor;
    - 17     (2) Total amount of the contribution; and
    - 18     (3) Date the last contributed amount was deposited.
  - 19     d. For each expenditure during the reporting period, the:
    - 20     (1) Name of the recipient and location of purchase;
    - 21     (2) Total amount of the expenditure made to the recipient;
    - 22     (3) Date of the expenditure; and
    - 23     (4) Expenditure category.
- 24     4. Beginning on May first before a primary election, October first before a general  
25     election, and thirty-nine days before a special election through the day before the  
26     election, a person filing a statement under subsection 1 shall file a supplemental  
27     statement within forty-eight hours of the start of the day following the deposit date of a  
28     contribution or aggregate contribution from a contributor which is in excess of five  
29     hundred dollars. The statement must include the:
  - 30     a. Name and the city and state of the contributor;
  - 31     b. Total amount of the contribution deposited during the reporting period; and



1 c. Date the last contributed amount was deposited.

2 5. Before February first, a statewide political party or a political committee that is not  
3 required to file a statement under subsection 1 shall file a campaign disclosure  
4 statement including all contributions deposited and expenditures from January first  
5 through December thirty-first of the previous year. The filer shall indicate on the report  
6 the corresponding reporting period, as described under subsection 1, for which each  
7 contribution was deposited and expenditure was made to determine whether the filer's  
8 aggregated totals exceed two hundred fifty dollars for the reporting period. The  
9 statement must include:

10 a. The total of all contributions and expenditures which total in excess of  
11 two hundred fifty dollars during the reporting period and the aggregated total of  
12 contributions and expenditures which are two hundred and fifty dollars or less  
13 during the reporting period.

14 b. The total of all aggregated expenditures from campaign funds reported in  
15 expenditure categories.

16 c. The balance of the campaign fund on the last day of the reporting period and the  
17 balance of the campaign fund on the first day of the reporting period.

18 d. For each contribution deposited during the reporting period, the:

19 (1) Name and the city and state of the contributor;

20 (2) Total amount of the contribution; and

21 (3) Date the last contributed amount was deposited.

22 e. For each expenditure during the reporting period, the:

23 (1) Name of the recipient and location of purchase;

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

25 (3) Date of the expenditure; and

26 (4) Expenditure category.

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

7. A person filing a statement under this section shall file the statement with the secretary of state.

~~16.1-08.2-04~~ **16.1-08.2-05. Special requirements for state political parties.**

1. State political parties shall establish separate and segregated accounts for the management of state nominating conventions. All revenue obtained and expenditures made for the planning and running of a state convention must be accounted for in these accounts.
2. A postconvention statement must be filed with the secretary of state sixty days after the close of the state nominating convention. The reporting period for the postconvention statement begins on the first day of January of the reporting year and ends thirty days after the close of the state nominating convention.
3. A year-end statement covering the entire calendar year must be filed with the secretary of state before February first of the following year even if no convention revenue was deposited or expenditures made within the calendar year.
4. The statement filed under this section must show:
  - a. The balance of the filer's convention accounts at the start and close of the reporting period.
  - b. The total of all revenue deposited and expenditures made of two hundred fifty dollars or less.
  - c. The total of all revenue deposited and expenditures made in excess of two hundred fifty dollars.
  - d. For revenues received and deposited, the:
    - (1) Name of each person providing the revenue;
    - (2) City and state of each person providing revenue;
    - (3) Date of the most recent receipt deposit of revenue from each person providing revenue; and
    - (4) The purpose or purposes for which the revenue was deposited from each person.
  - e. For each expenditure made, the:
    - (1) Name of each person to which the expenditure was made;
    - (2) City and state of each person to which the expenditure was made;



- 1           (3) Date of the most recent expenditure made to each person or entity; and  
2           (4) Purpose or purposes for which the aggregated expenditure total was  
3           disbursed to each person or entity.  
4           f. The total of all contributions and expenditures which total in excess of  
5           two hundred fifty dollars during the reporting period.  
6           g. The aggregated total of contributions and expenditures which are two hundred  
7           and fifty dollars or less during the reporting period.  
8           h. For each aggregated revenue from an individual which totals five thousand  
9           dollars or more during the reporting period, the occupation, employer, and  
10          principal place of business of the individual.  
11          5. If a net gain from the convention is transferred to the accounts established for the  
12          support of the nomination or election of candidates, the total transferred must be  
13          reported as a contribution in the statements required by section 16.1-08.2-03.  
14          6. If a net loss from the convention is covered by a transfer from the accounts  
15          established for the support of the nomination or election of candidates, the total  
16          transferred must be reported as an expenditure in the statements required by section  
17          16.1-08.2-03.  
18          7. A state political party or nonprofit entity affiliated with or under the control of a state  
19          political party, which receives a donation for purchasing, maintaining, or renovating a  
20          building, shall file a statement with the secretary of state before February first of each  
21          calendar year. Any income or financial gain generated from a building purchased,  
22          maintained, or renovated from donations must be deposited in the building fund and  
23          must be disclosed when the political party or nonprofit entity files the statement  
24          required under this section. Money in the fund may be used only by the state political  
25          party or nonprofit entity affiliated with or under the control of a state political party for  
26          purchasing, maintaining, or renovating a building, including the purchase of fixtures for  
27          the building. The statement may be submitted for filing beginning on January first and  
28          must include the:  
29          a. Balance of the building fund on January first;  
30          b. Name and the city and state of each donor;  
31          c. Amount of each donation;

- 1           d. Date each donation was deposited;
- 2           e. Name and the city and state of each recipient of an expenditure;
- 3           f. Amount of each expenditure;
- 4           g. Date each expenditure was made; and
- 5           h. Balance of the fund on December thirty-first.

6           ~~16.1-08.2-05~~16.1-08.2-06. **Special requirements for statements required of persons**  
7 **engaged in activities regarding ballot measures.**

- 8           1. For each reportable contribution and expenditure under section  
9           ~~16.1-08.2-03~~16.1-08.2-04, the threshold for reporting is one hundred dollars for any  
10           person engaged in activities described in subdivision e of subsection 13 of section  
11           16.1-08.2-01.
- 12          2. For contributions deposited from any contributor, a person engaged in activities  
13           described in subdivision e of subsection 13 of section 16.1-08.2-01 shall include the  
14           following information regarding each subcontributor that has stated a contribution is for  
15           the express purpose of furthering the passage or defeat of a ballot measure in the  
16           statements required under section ~~16.1-08.2-03~~16.1-08.2-04:
  - 17           a. A designation as to whether any person contributed in excess of one hundred  
18           dollars of the total contribution;
  - 19           b. The name and the city and state of each subcontributor contributing in excess of  
20           one hundred dollars of the total contribution;
  - 21           c. The contribution amounts of each disclosed subcontributor; and
  - 22           d. The occupation, employer, and address for the employer's principal place of  
23           business of each disclosed subcontributor.
- 24          3. A measure committee which is seeking approval for an initiative or referendum shall  
25           file a disclosure statement by the date the secretary of state approves the petition for  
26           circulation. Thereafter, the measure committee is required to file disclosure statements  
27           as directed by section ~~16.1-08.2-03~~16.1-08.2-04.
- 28          4. A measure committee that is seeking approval for an initiative or referendum shall file  
29           a statement regarding its intent to compensate circulators before paying for petitions to  
30           be circulated.



**16.1-08.2-0616.1-08.2-07. Special requirements for political committees organized and registered under federal law.**

1. A political committee organizing and registering according to federal law which makes an independent expenditure or makes a disbursement in excess of two hundred fifty 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.
2. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include the:
  - a. Name, city and state, and treasurer of the political committee;
  - b. Recipient's name and mailing address;
  - c. Date and amount of the independent expenditure or disbursement; and
  - d. Ultimate and true source of funds listed by contributor and subcontributor for any amount over two hundred fifty dollars collected or used to make the independent expenditure or disbursement including the:
    - (1) Name, city and state, and treasurer of the political committee;
    - (2) Total amount of the contribution; and
    - (3) Date the last contribution was deposited.

**16.1-08.2-0716.1-08.2-08. Campaign contributions by corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, and associations - Penalty.**

1. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may establish, administer, and solicit contributions to a separate and segregated fund to be used for political purposes by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association. It is unlawful for:
  - a. The person controlling the fund to make contributions or expenditures using money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of those actions; or use money from dues, fees,

1           treasury funds, or other money required as a condition of membership in an  
2           association, or as a condition of employment; or use money obtained in any  
3           commercial transaction. Moneys from fees, dues, treasury funds, or money  
4           obtained in a commercial transaction may, however, be used to pay costs of  
5           administration of the fund.

6           b. Any person soliciting an employee, stockholder, patron, board member, or  
7           member for a contribution to the fund to fail to inform the employee or member of  
8           the political purposes of the fund at the time of the solicitation or of the general  
9           political philosophy intended to be advanced through committee activities.

10          c. Any person soliciting an employee or member for a contribution to the fund to fail  
11          to inform the employee or member at the time of the solicitation of the right to  
12          refuse to contribute without any reprisal.

13          d. Any contribution to be accepted without keeping an accurate record of the  
14          contributor and amount contributed and of amounts expended for political  
15          purposes.

16          e. Any contribution to be accepted from any person not an employee, a stockholder,  
17          a patron, a board member or a member of the corporation, cooperative  
18          corporation, limited liability company, affiliate, subsidiary, or association  
19          maintaining the political action committee, except a corporation may accept a  
20          contribution from an employee, a stockholder, a patron, a board member, or a  
21          member of an affiliate or a subsidiary of the corporation.

22          f. Any expenditure made for political purposes to be reported under this section  
23          before control of the expenditure has been released by the political action  
24          committee except if there is a contract, a promise, or an agreement, expressed or  
25          implied, to make the expenditure.

26          2. A person may not make a payment of that person's money or of another person's  
27          money to any other person for a political purpose in any name other than that of the  
28          person supplying the money and a person may not knowingly receive the payment nor  
29          enter nor cause the payment to be entered in that person's account or record in any  
30          name other than that of the person by which it actually was furnished.



- 1       3. If an officer, employee, agent, attorney, or other representative of a corporation,  
2       cooperative corporation, limited liability company, affiliate, subsidiary, or association  
3       makes any contribution prohibited by this section out of corporate, cooperative  
4       corporation, limited liability company, affiliate, subsidiary, or association funds or  
5       otherwise violates this section, it is prima facie evidence of a violation by the  
6       corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
7       association.
- 8       4. Corporations, cooperative corporations, limited liability companies, affiliates,  
9       subsidiaries, and associations may make expenditures and contributions for promoting  
10      any general political philosophy or belief deemed in the best interest of the employees,  
11      stockholders, patrons, or members of the corporation, cooperative corporation, limited  
12      liability company, affiliate, subsidiary, or association other than a "political purpose" as  
13      defined by this chapter. A corporation, cooperative corporation, limited liability  
14      company, affiliate, subsidiary, or association may not make a contribution for a political  
15      purpose.
- 16      5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
17      association may make a donation of property or money to a state political party or  
18      nonprofit entity affiliated with or under the control of a state political party for deposit in  
19      a separate and segregated building fund.
- 20      6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
21      association may make an expenditure to a measure committee for the purpose of  
22      promoting the passage or defeat of an initiated or referred measure or petition or make  
23      an expenditure to any other person making an independent expenditure. A  
24      corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
25      association may make an independent expenditure for a political purpose, including  
26      political advertising in support of or opposition to a candidate, political committee, or a  
27      political party, or for the purpose of promoting passage or defeat of initiated or referred  
28      measures or petitions. The corporation, cooperative corporation, limited liability  
29      company, affiliate, subsidiary, or association shall file a statement disclosing any  
30      expenditure made under this subsection with the secretary of state within forty-eight  
31      hours after making the expenditure. The statement must include:

- 1           a. The full name of the corporation, cooperative corporation, limited liability
- 2           company, affiliate, subsidiary, or association;
- 3           b. The complete address of the corporation, cooperative corporation, limited liability
- 4           company, affiliate, subsidiary, or association;
- 5           c. The name of the recipient of the expenditure;
- 6           d. If the expenditure is related to a measure or petition, the title of the measure or
- 7           petition and whether the expenditure is made in support of or opposition to the
- 8           measure or petition;
- 9           e. If the expenditure is related to a measure, the election date on which the
- 10          measure either will appear or did appear on the ballot;
- 11          f. The amount of the expenditure;
- 12          g. The cumulative total amount of expenditures since the beginning of the calendar
- 13          year which are required to be reported under this subsection;
- 14          h. The telephone number and the printed name and signature of the individual
- 15          completing the statement, attesting to the statement being true, complete, and
- 16          correct; and
- 17          i. The date on which the statement was signed.
- 18        7. A violation of this section may be prosecuted in the county where the contribution is
- 19        made or in any county in which it has been paid or distributed.
- 20        8. It is a class A misdemeanor for an officer, director, stockholder, manager, governor,
- 21        member, attorney, agent, or representative of any corporation, cooperative
- 22        corporation, limited liability company, affiliate, subsidiary, or association to violate this
- 23        section or to counsel or consent to any violation. Any person that solicits or knowingly
- 24        receives any contribution in violation of this section is guilty of a class A misdemeanor.
- 25        9. Any officer, director, stockholder, manager, governor, member, attorney, agent, or
- 26        representative who makes, counsels, or consents to the making of a contribution in
- 27        violation of this section is liable to the company, corporation, limited liability company,
- 28        affiliate, subsidiary, or association for the amount so contributed.
- 29        ~~16.1-08.2-08~~ **16.1-08.2-09. Special requirements for conduits.**
- 30        A conduit transferring any contribution to a candidate, political party, or political committee
- 31        shall provide the recipient of the contribution a detailed statement listing the name and address



1 of each individual contributor, the amount of each contribution, and the date each contribution  
2 was deposited. The conduit also shall include on the statement the occupation, employer, and  
3 principal place of business of each contributor, or the political committee if not already  
4 registered according to state or federal law, which contributed five thousand dollars or more in  
5 the aggregate during a reporting period applicable to the candidate, political party, or political  
6 committee. The conduit shall provide the statement to the candidate, political party, or political  
7 committee in a manner to allow the candidate, political party, or political committee to file any  
8 statement required to be filed under this chapter.

9 ~~16.1-08.2-09~~ **16.1-08.2-10. General prohibitions.**

- 10 1. A foreign national may not make or offer to make, directly or indirectly, a contribution  
11 or expenditure in connection with any election.
- 12 2. A candidate, candidate committee, ~~political committee~~, political party, or any other  
13 person may not solicit, accept, or receive, directly or indirectly, a contribution from a  
14 foreign national.
- 15 3. A candidate may not use any contribution deposited by the candidate, the candidate's  
16 candidate committee, or a multicandidate political committee to:
  - 17 a. Give a personal benefit to the candidate or another person;
  - 18 b. Make a loan to another person;
  - 19 c. Knowingly pay more than the fair market value for goods or services purchased  
20 for the campaign; or
  - 21 d. Pay a criminal fine or civil penalty.
- 22 4. If the secretary of state has substantial reason to believe any person knowingly  
23 violated this section, the secretary shall arrange for an audit as authorized by section  
24 ~~16.1-08.2-10~~ **16.1-08.2-11.**
- 25 5. A person may not be excused from attending and testifying or producing any books,  
26 papers, or other documents before any court upon any investigation, proceeding, or  
27 trial for a violation of any of the provisions of this chapter, upon the grounds that the  
28 testimony or evidence, documentary or otherwise, required of the person may tend to  
29 incriminate or degrade the person. A person may not be prosecuted or subjected to  
30 any penalty or forfeiture for or on account of any transaction, matter, or thing  
31 concerning which the person may testify or produce evidence, documentary or

1 otherwise. Any testimony given or produced may not be used against the person in  
2 any criminal investigation or proceeding.

3 **~~16.1-08.2-10~~16.1-08.2-11. Audit by secretary of state.**

4 1. If a substantial irregularity is evident or reasonably alleged, the secretary of state may  
5 arrange an audit of any statement filed pursuant to this chapter, to be performed by a  
6 certified public accountant of the filer's choice, subject to approval by the secretary of  
7 state. If an audit of a statement arranged by the secretary of state under this  
8 subsection reveals a violation of this chapter, the candidate, political party, political  
9 committee, or other person filing the statement shall pay a fine to the secretary of state  
10 equal to two hundred percent of the aggregate of contributions and expenditures  
11 found to be in violation or an amount sufficient to pay the cost of the audit, whichever  
12 is greater. If an audit of a statement arranged by the secretary of state under this  
13 subsection does not reveal a violation of this chapter, the cost of the audit must be  
14 paid for by the secretary of state.

15 2. If a substantial irregularity is reasonably alleged, the secretary of state may arrange an  
16 audit of any statement filed pursuant to this chapter, performed by a certified public  
17 accountant of the filer's choice, subject to approval by the secretary of state, upon  
18 written request by any interested party made to the secretary of state within thirty days  
19 following receipt of a statement by the secretary of state. The request must be made in  
20 writing, recite a substantial irregularity and a lawful reason for requesting an audit, and  
21 be accompanied by a bond in an amount established by the secretary of state  
22 sufficient to pay the cost of the audit. If an audit of a statement arranged by the  
23 secretary of state under this subsection reveals a violation of this chapter, the  
24 candidate, political party, or political committee filing the statement shall pay a fine to  
25 the secretary of state equal to two hundred percent of the aggregate of contributions  
26 and expenditures found to be in violation or an amount sufficient to pay the cost of the  
27 audit, whichever is greater, and the bond must be returned to the person submitting it.  
28 If an audit of a statement arranged by the secretary of state under this subsection  
29 does not reveal a violation of this chapter, the cost of the audit must be satisfied from  
30 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 by candidates or candidate committees for candidates for county, city, or school district offices.

~~16.1-08.2-11~~ **16.1-08.2-12. Filing officer to charge and collect filing fees.**

1. If a statement 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, ~~one hundred~~ twenty-five dollars;
  - b. Within ~~thirteen~~ eleven days after the prescribed time, ~~two hundred fifty~~ fifty dollars;
  - and
  - c. Thereafter, five hundred dollars.
2. ~~Any amendment filed by the candidate, candidate committee, multicandidate committee, political committee, or political party, or at the request of the filing officer. A~~ filing officer may require an amendment to be filed for any statement 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 ~~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 ~~filing deadline, one hundred~~ date the amendment was due, fifty dollars;
  - b. Within eleven days after the ~~filing deadline, two hundred fifty~~ date the amendment was due, one hundred dollars; and
  - c. Thereafter, five hundred dollars.

3. Any fines paid under this section must be reported on the statement filed by the candidate, candidate committee, multicandidate committee, political committee, or political party. Any late fees levied by the secretary of state under this section and the identity of the person subject to a late fee must be made publicly available through the format prescribed by the secretary of state.

4. 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.

**16.1-08.2-12 16.1-08.2-13. Secretary of state to provide instruction and adjust thresholds for inflation.**

1. The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter.

2. The secretary of state shall adjust for inflation the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and inform persons submitting reports under this chapter of the adjustments. The secretary of state shall make the adjustments beginning January first of each adjustment year beginning January 1, 2026.

**16.1-08.2-13 16.1-08.2-14. Penalty.**

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

**SECTION 5. AMENDMENT.** Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements.**

Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described in section ~~16.1-08.1-01~~ 16.1-08.2-01, or a corporation making an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as



1 defined in section ~~16.1-08.1-01~~16.1-08.2-01, or political party paying for the advertisement. If  
2 the name of a political party, association, or partnership is used, the disclaimer must also  
3 include the name of the chairman or other responsible individual from the political party,  
4 association, or partnership. The name of the person paying for any radio or television broadcast  
5 containing any advertising announcement for or against any candidate for public office must be  
6 announced at the close of the broadcast. If the name of a political party, association, or  
7 partnership is used, the disclaimer must also include the name of the chairman or other  
8 responsible individual from the political party, association, or partnership. In every political  
9 advertisement in which the name of the person paying for the advertisement is disclosed, the  
10 first and last name of any named individual must be disclosed. An advertisement paid for by an  
11 individual candidate or group of candidates must disclose that the advertisement was paid for  
12 by the individual candidate or group of candidates. The first and last name or names of the  
13 candidates paying for the advertisement are not required to be disclosed. This section does not  
14 apply to campaign buttons.

15 **SECTION 6. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North  
16 Dakota Century Code is amended and reenacted as follows:

- 17 f. By or on behalf of a political party, candidate, or other group with a political  
18 purpose, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, unless the  
19 communication is a text message.

20 **SECTION 7. REPEAL.** Chapter 16.1-08.1 of the North Dakota Century Code is repealed.

21 **SECTION 8. APPLICATION.** A person required to file a campaign disclosure statement  
22 under subsection 3 of section 16.1-08.1-02.1, section 16.1-08.1-02.2, subsection 3 of section  
23 16.1-08.1-02.3, and subsection 3 of section 16.1-08.1-02.4, disclosing contributions received  
24 and expenditures made from January first through December thirty-first of 2025 shall file the  
25 statement pursuant to the statutory requirements under chapter 16.1-08.1 as it existed prior to  
26 its repeal.

27 **SECTION 9. EFFECTIVE DATE.** This Act becomes effective on January 1, 2026.

**REPORT OF STANDING COMMITTEE  
ENGROSSED SB 2156**

**Government and Veterans Affairs Committee (Rep. Schauer, Chairman)** recommends **AMENDMENTS** ([25.0330.06011](#)) and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). Engrossed SB 2156 was placed on the Sixth order on the calendar.

25.0330.06011  
Title.08000

Prepared by the Legislative Council  
staff for Representative Steiner  
April 15, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

### ENGROSSED SENATE BILL NO. 2156

Introduced by

Senator Cleary

1 A BILL for an Act to create and enact chapter 16.1-08.2 of the North Dakota Century Code,  
2 relating to campaign disclosure statements; to amend and reenact sections 15.1-09-08,  
3 15.1-09-19, 16.1-01-12, and 16.1-10-04.1, and subdivision f of subsection 8 of section 51-28-01  
4 of the North Dakota Century Code, relating to campaign disclosure statements; to repeal  
5 chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign disclosure  
6 statements; and to provide a penalty; to provide for application; and to provide an effective date.

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

8 **SECTION 1. AMENDMENT.** Section 15.1-09-08 of the North Dakota Century Code is  
9 amended and reenacted as follows:

#### 10 **15.1-09-08. School district elections - Candidate filings.**

11 An individual seeking election to the board of a school district shall prepare and sign a  
12 document stating the individual's name and the position for which that individual is a candidate.  
13 A candidate shall also file a statement of interests as required by section 16.1-09-02. Whether  
14 or not the election is held in conjunction with a statewide election, all statements of interest  
15 must be filed with the school district business manager, or mailed to and in the possession of  
16 the business manager, by four p.m. of the sixty-fourth day before the election. A candidate shall  
17 also file a campaign contribution statement as required by section ~~16.1-08.1-02.3~~ 16.1-08.2-03.

18 **SECTION 2. AMENDMENT.** Section 15.1-09-19 of the North Dakota Century Code is  
19 amended and reenacted as follows:

**15.1-09-19. Duties of election officials - Other applicable statutes.**

Sections ~~16.1-08.1-03.3~~~~16.1-08.2-07~~16.1-08.2-08, 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04 apply to elections held under sections 15.1-09-09 and 15.1-09-11.

**SECTION 3. AMENDMENT.** Section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-01-12. Election offenses - Penalty.**

1. It is unlawful for an individual, measure committee as described in section ~~16.1-08.1-01~~16.1-08.2-01, or other organization to:

- a. Fraudulently alter another individual's ballot, substitute one ballot for another, or otherwise defraud a voter of that voter's vote.
  - b. Cause a disturbance, breach the peace, or obstruct a qualified elector or a member of the election board on the way to or at a polling place.
  - c. Vote more than once in any election.
  - d. Knowingly vote in the wrong election precinct or district.
  - e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.
  - f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified individual to vote.
  - g. Knowingly vote when not qualified to do so.
  - h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.
  - i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or when unqualified to do so.
  - j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition.
- This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file the intent to remunerate before submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1~~16.1-08.2~~ to the



- 1 secretary of state upon submission of the petitions. The disclosure of  
2 contributions received under this section does not affect the requirement to file a  
3 pre-election report by individuals or organizations soliciting or accepting  
4 contributions for the purpose of aiding or opposing the circulation or passage of a  
5 statewide initiative or referendum petition or measure placed upon a statewide  
6 ballot by action of the legislative assembly under chapter ~~16.1-08.1~~16.1-08.2. Any  
7 signature obtained in violation of this subdivision is void and may not be counted.
- 8 k. Willfully fail to perform any duty of an election officer after having accepted the  
9 responsibility of being an election officer by taking the oath as prescribed in this  
10 title.
- 11 l. Willfully violate any rule adopted by the secretary of state pursuant to this title.
- 12 m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any  
13 false return of an election, knowing the canvass or return to be false; or willfully  
14 deface, destroy, or conceal any statement or certificate entrusted to the  
15 individual's or organization's care.
- 16 n. Destroy ballots, ballot boxes, election lists, or other election supplies except as  
17 provided by law, or negatively impact the confidentiality, integrity, or availability of  
18 any system used for voting.
- 19 o. Sign a name other than that individual's own name to an initiative, referendum,  
20 recall, or any other election petition.
- 21 p. Willfully submit an initiative or referendum petition that contains one or more  
22 fraudulent signatures.
- 23 2. a. A violation of subdivisions b, e, f, or h through l of subsection 1 is a class A  
24 misdemeanor.
- 25 b. A violation of subdivisions a, c, d, g, or m of subsection 1 is a class C felony.
- 26 c. A violation of subdivision n of subsection 1 is a class C felony.
- 27 d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an  
28 individual signs one or two names other than the individual's own name to a  
29 petition and is a class C felony if an individual signs more than two names other  
30 than the individual's own name to a petition.

- 1 e. An organization, as defined in section 12.1-03-04, that violates this section is  
2 subject to the organizational fines in section 12.1-32-01.1. The court in which the  
3 conviction is entered shall notify the secretary of state of the conviction and shall  
4 order the secretary of state to revoke the certificate of authority of any convicted  
5 organization or limited liability company. The organization may not reapply to the  
6 secretary of state for authorization to do business under any name for one year  
7 upon conviction of a class A misdemeanor and for five years upon conviction of a  
8 class C felony under this section, except an organization operating a signature  
9 gathering business, or similar enterprise, that violates subdivision p of  
10 subsection 1, and is convicted of fraud, is subject to a class A misdemeanor and  
11 may not reapply to the secretary of state for authorization to do business under  
12 any name for five years following the entry of judgment.
- 13 f. A violation of subdivision p of subsection 1 by any member of a measure  
14 committee, including an initiative or referendum sponsoring committee or an  
15 agent acting on behalf of, or in conjunction with, a measure committee for the  
16 purpose of collecting signatures for a petition under this chapter is subject to a  
17 civil penalty of not more than three thousand dollars. The civil penalty may be  
18 recovered in an action brought in the district court of Burleigh County by the  
19 attorney general.
- 20 g. An individual who is a member of an organization may be convicted of a violation  
21 as an accomplice under section 12.1-03-01.
- 22 3. Every act this chapter makes criminal when committed with reference to the election of  
23 a candidate is equally criminal when committed with reference to the determination of  
24 a question submitted to qualified electors to be decided by votes cast at an election.

25 **SECTION 4.** Chapter 16.1-08.2 of the North Dakota Century Code is created and enacted  
26 as follows:

27 **16.1-08.2-01. Definitions.**

- 28 1. "Affiliate" means an organization controlling, is controlled by, or is under common  
29 control with another organization. For purposes of this definition, control means the  
30 possession, direct or indirect, of the power to direct or cause the direction of the  
31 management and policies of an organization, whether through the ownership of voting

1 securities, by contract other than a commercial contract for goods or nonmanagement  
2 services, or otherwise. Control is presumed to exist if an organization, directly or  
3 indirectly, owns, controls, holds with the power to vote, or holds proxies representing  
4 fifty percent or more of the voting securities of any other organization.

5 2. "Association" means any club, association, union, brotherhood, fraternity, organization,  
6 or group of any kind of two or more persons, including labor unions, trade  
7 associations, professional associations, or governmental associations, which is united  
8 for any purpose, business, or object and which assesses any dues, membership fees,  
9 or license fees in any amount, or which maintains a treasury fund in any amount. The  
10 term does not include corporations, cooperative corporations, limited liability  
11 companies, political committees, or political parties.

12 3. "Conduit" means a person that is not a political party, political committee, or candidate  
13 and which receives a contribution of money and transfers the contribution to a  
14 candidate, political party, or political committee when the contribution is designated  
15 specifically for the candidate, political party, or political committee and the person has  
16 no discretion as to the recipient and the amount transferred. The term includes a  
17 transactional intermediary, including a credit card company or a money transfer  
18 service paying or transferring money to a candidate on behalf of another person.

19 4. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription,  
20 loan, advance, deposit of money, or anything of value, made for the purpose of  
21 influencing the nomination for election, or election, of any person to public office or  
22 aiding or opposing the circulation or passage of a statewide initiative or referendum  
23 petition or measure. The term also means a contract, promise, or agreement, express  
24 or implied, whether or not legally enforceable, to make a contribution for any of the  
25 above purposes. The term includes funds deposited by a candidate for public office or  
26 a political party or committee which are transferred or signed over to that candidate,  
27 party, or committee from another candidate, party, or political committee or other  
28 source including a conduit. The term "anything of value" includes any good or service  
29 of more than a nominal value. The term "nominal value" means the cost, price, or  
30 worth of the good or service is trivial, token, or of no appreciable value. The term  
31 "contribution" does not include:

- 1           a. A loan of money from a bank or other lending institution made in the regular
- 2           course of business.
- 3           b. Time spent by volunteer campaign or political party workers.
- 4           c. Money or anything of value deposited for commercial transactions, including
- 5           rents, advertising, or sponsorships made as a part of a fair market value
- 6           bargained-for exchange.
- 7           d. Money or anything of value deposited for anything other than a political purpose.
- 8           e. Products or services for which the actual cost or fair market value are reimbursed
- 9           by a payment of money.
- 10          f. An independent expenditure.
- 11          g. The value of advertising paid by a political party, multicandidate political
- 12          committee, or caucus which is in support of a candidate.
- 13          h. In-kind contributions from a candidate to the candidate's campaign.
- 14      5. "Cooperative corporations", "corporations", and "limited liability companies" are as
- 15      defined in this code, and for purposes of this chapter "corporations" includes nonprofit
- 16      corporations. However, if a political committee, the only purpose of which is accepting
- 17      contributions and making expenditures for a political purpose, incorporates for liability
- 18      purposes only, the committee is not considered a corporation for the purposes of this
- 19      chapter.
- 20      6. "Expenditure" means:
- 21          a. A gift, transfer, conveyance, provision, loan, advance, payment, distribution,
- 22          disbursement, outlay, or deposit of money or anything of value, except a loan of
- 23          money from a bank or other lending institution made in the regular course of
- 24          business, made for a political purpose or for the purpose of influencing the
- 25          passage or defeat of a measure.
- 26          b. A contract, promise, or agreement, express or implied, whether or not legally
- 27          enforceable, to make any expenditure.
- 28          c. The transfer of funds by a political committee to another political committee.
- 29          d. An independent expenditure.



- 1        7. "Expenditure ~~purpose~~ categories" means the ~~type of expense for~~ categories into which  
2        expenditures for a political purpose ~~occurred~~ must be grouped for reports under this  
3        chapter. The expenditure categories are:  
4        a. Advertising;  
5        b. Campaign loan repayment;  
6        c. Operations;  
7        d. Political donations;  
8        e. Travel;  
9        f. Volunteer appreciation; and  
10       g. Miscellaneous.  
11       8. "Foreign national" means:  
12       a. A government or country other than the United States.  
13       b. A political party organized under the laws of a country other than the United  
14       States.  
15       c. A corporation, partnership, association, organization, or other combination of  
16       persons organized under the laws of or having its principal place of business in a  
17       country other than the United States.  
18       d. An individual with citizenship of a country other than the United States.  
19       e. An individual who is not a citizen or national of the United States and is not  
20       admitted lawfully to the United States for permanent residence.  
21       9. "Independent expenditure" means an expenditure made for a political purpose or for  
22       the purpose of influencing the passage or defeat of a measure if the expenditure is  
23       made without the express or implied consent, authorization, or cooperation of, and not  
24       in concert with or at the request or suggestion of, any candidate, committee, or  
25       political party.  
26       10. "Patron" means a person who owns equity interest in the form of stock, shares, or  
27       membership or maintains similar financial rights in a cooperative corporation.  
28       11. "Person" means an individual, partnership, political committee, association,  
29       corporation, cooperative corporation, limited liability company, or other organization or  
30       group of persons.



- 1        12. "Personal benefit" means a benefit to the candidate or another person which is not for  
2        a political purpose or related to a candidate's responsibilities as a public officeholder,  
3        and any other benefit that would convert a contribution to personal income.
- 4        13. "Political committee" means any committee, club, association, or other group of  
5        persons which receives contributions or makes expenditures for political purposes and  
6        includes:
- 7        a. A political action committee not connected to another organization and free to  
8        solicit funds from the general public, or derived from a corporation, cooperative  
9        corporation, limited liability company, affiliate, subsidiary, or an association  
10       soliciting or receives contributions from its employees or members or makes  
11       expenditures for political purposes on behalf of its employees or members;
- 12       b. A candidate committee established to support an individual candidate seeking  
13       public office which solicits or receives contributions for political purposes;
- 14       c. A political organization registered with the federal election commission, which  
15       solicits or receives contributions or makes expenditures for political purposes;
- 16       d. A multicandidate political committee, including a caucus, established to support  
17       multiple groups or slates of candidates seeking public office, which solicits or  
18       receives contributions for political purposes; and
- 19       e. A measure committee, including an initiative or referendum sponsoring  
20       committee at any stage of its organization, which solicits or receives contributions  
21       or makes expenditures for the purpose of supporting or opposing an initiative or  
22       referendum petition, or measure sought to be voted upon by the voters of the  
23       state, including any activities undertaken for the purpose of drafting an initiative  
24       or referendum petition, seeking approval of the secretary of state for the  
25       circulation of a petition, or seeking approval of the submitted petitions.
- 26       14. "Political party" means any association, committee, or organization which nominates a  
27       candidate for election to any office which may be filled by a vote of the electors of this  
28       state or any of its political subdivisions and whose name appears on the election ballot  
29       as the candidate of the association, committee, or organization.
- 30       15. "Political purpose" means any activity undertaken in support of or in opposition to the  
31       election or nomination of a candidate to public office and includes using "vote for",

1 "oppose", or any similar support or opposition language in any advertisement whether  
2 the activity is undertaken by a candidate, a political committee, a political party, or any  
3 person. The term includes paying any expenses related to the election or nomination  
4 of a candidate. The term does not include activities undertaken in the performance of  
5 a duty of a public office or any position taken in any bona fide news story, commentary,  
6 or editorial.

7 16. "Public office" means every office to which an individual can be elected by vote of the  
8 people under the laws of this state.

9 17. "Subsidiary" means an affiliate of a corporation under the control of the corporation  
10 directly or indirectly through one or more intermediaries.

11 18. "Ultimate and true source" means the person that knowingly contributed over  
12 two hundred fifty dollars solely to influence a statewide election or an election for the  
13 legislative assembly.

14 **16.1-08.2-02. General provisions.**

15 1. A political committee, except those defined in subdivision c of subsection 13 of  
16 section 16.1-08.2-01, shall register its name, mailing address, telephone number, and  
17 nongovernment issued electronic mail address, and its agent's name, mailing address,  
18 telephone number, and nongovernment issued electronic mail address, and a  
19 designation as to whether the committee is incorporated solely for the purpose of  
20 liability protection, with the secretary of state. A candidate who does not have a  
21 candidate committee shall register the candidate's name, mailing address, telephone  
22 number, and nongovernment issued electronic mail address with the secretary of  
23 state. If the candidate has an agent, the candidate also shall register the agent's  
24 name, mailing address, telephone number, and nongovernment issued electronic mail  
25 address with the secretary of state.

26 2. The registration required under this section for a candidate or political committee that  
27 has not previously registered with the secretary of state must be submitted within  
28 fifteen business days of the receipt deposit date of any contribution or expenditure  
29 made.

30 3. A candidate or political committee required to be registered under this section must  
31 register with the secretary of state each year during which the candidate holds public



1       office or during which the political committee receives contributions, makes  
2       expenditures for political purposes, or has a balance in the campaign account. An  
3       individual who no longer holds public office or an individual who no longer seeks public  
4       office must register with the secretary of state each year in which contributions are  
5       deposited, expenditures are made for political purposes, or a balance remains in the  
6       campaign account.

7       4. Any statement filed with the secretary of state under this chapter must be:

8       a. Filed electronically within the prescribed time and in the format established by the  
9       secretary of state. If the secretary of state does not receive a statement, an  
10       electronic duplicate of the statement must be filed promptly upon notice by the  
11       secretary of state of its nonreceipt. After a statement has been filed, the secretary  
12       of state may request or accept written clarification along with an amended  
13       statement from a candidate, political party, or political committee filing the  
14       statement when discrepancies, errors, or omissions on the statement are  
15       discovered by the secretary of state, the candidate, political party, or political  
16       committee filing the statement, or by any interested party reciting a lawful reason  
17       for requesting clarification and an amendment be made. When requesting an  
18       amended statement, the secretary of state shall establish a reasonable period of  
19       time, not to exceed ten days, agreed to by the candidate, political party, or  
20       political committee, for filing the amended statement with the secretary of state.  
21       b. Preserved by the secretary of state for a period of ten years from the date of the  
22       filing deadline. The statement must be considered a part of the public records of  
23       the secretary of state's office and must be open to public inspection on the  
24       internet.

25       5. In determining the amount of individual contributions from any contributor, all amounts  
26       deposited from the same contributor during the reporting period must be aggregated to  
27       report an overall total contribution for the purposes of the statements required by this  
28       chapter. Contributions made separately by different persons from joint accounts are  
29       considered separate contributions for reporting purposes.



- 1       6. In determining the amount of expenditures to any recipient, all expenditures to the  
2       same recipient during the reporting period must be aggregated to report an overall  
3       total expenditure for the purposes of the statements required by this chapter.
- 4       7. Contributions and expenditures which are ~~less than~~ two hundred fifty dollars ~~or less~~ in  
5       the aggregate are exempt ~~from open records requests~~ under chapter 44-04 and  
6       reported as part of aggregate totals only.
- 7       8. In reporting a contribution deposited through a conduit, a candidate, political party, or  
8       political committee shall list each reportable contribution identifying the person that  
9       submitted the contribution to the conduit and provide the required information  
10      regarding the contribution from that person rather than identifying the conduit as the  
11      contributor.
- 12      9. A political committee organizing and registering according to federal law that makes an  
13      independent expenditure or makes a disbursement in excess of two hundred fifty  
14      dollars to a nonfederal candidate seeking public office, a political party, or political  
15      committee in this state is not required to register as a political committee according to  
16      this section if the political committee reports according to section  
17      ~~16.1-08.2-06~~ 16.1-08.2-07.
- 18      10. To ensure accurate reporting and avoid commingling of campaign and personal funds,  
19      candidates shall use dedicated campaign accounts that are separate from any  
20      personal accounts.
- 21      11. Registration by a political committee under this section does not reserve the name for  
22      exclusive use nor does it constitute registration of a trade name under chapter 47-25.
- 23      12. A candidate or candidate committee for county office, city office, and school district  
24      office are exempt from registering and filing with the secretary of state. Any other  
25      person required to file a statement under this chapter shall file the statement with the  
26      secretary of state.
  - 27      a. A candidate for city office in a city with a population under five thousand and a  
28      candidate committee for the candidate are exempt from this chapter. A candidate  
29      for school district office in a school district with a fall enrollment of fewer than  
30      one thousand students and a candidate committee for the candidate are exempt  
31      from this chapter.

b. 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 and a candidate committee for a candidate for city office shall file statements under this chapter with the city auditor. A candidate for school district office and a candidate committee for a candidate for school district office shall file statements under this chapter with the school business manager.

**16.1-08.2-03. Pre-election, supplemental, and year-end campaign disclosure statement requirements for candidates, candidate committees, multicandidate committees, ~~political committees~~, and ~~nonstatewide~~ political parties.**

1. Before a primary or special election, and before and following a general election, a candidate or candidate committee formed on behalf of the candidate, a multicandidate political committee, ~~a political committee~~, or a ~~nonstatewide~~ political party soliciting or accepting contributions shall file a campaign disclosure statement including all contributions and expenditures from:

a. January first through April thirtieth before a primary election;

b. May first through September thirtieth before a general election;

c. October first through December thirty-first following a general election; and

d. January first through the fortieth day before a special election.

2. A candidate whose name is not on the ballot and who is not seeking election through write-in votes, the candidate's candidate committee, and a ~~nonstatewide~~ political party that has not endorsed or nominated any candidate in the election is not required to file a statement under ~~this~~ subsection 1, but is required to file a statement under subsection 7.

3. The statement before a primary, general, or special election under subsection 1 may be submitted for filing beginning on the day following the end of the reporting period and must be submitted before the eighth day following the reporting period. The statement following the general election may be submitted for filing beginning on January first and must be submitted before February first. ~~The~~

4. A statement filed under subsection 1 must include the following information:

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

- 1           (1) Name and the city and state of the contributor;
- 2           (2) Total amount of the contribution; and
- 3           (3) Date the last contributed amount was deposited.

4           b. For each expenditure during the reporting period, the:

- 5           ~~(1) Name of the recipient and location of purchase;~~
- 6           ~~(2) Total amount of the expenditure made to the recipient;~~
- 7           ~~(3) Date of the expenditure; and~~
- 8           ~~(4) Expenditure purpose.~~

9           ~~c. The total of all aggregated contributions and expenditures which total in excess~~  
10           ~~of two hundred fifty dollars during the reporting period and the aggregated total.~~

11           c. The total of all contributions and expenditures which are deposited from  
12           contributors that contributed two hundred and fifty dollars or less during the  
13           reporting period.

14           d. A total of all expenditures made during the reporting period, separated into  
15           expenditure categories.

16           e. For a statewide candidate, a candidate committee formed on behalf of a  
17           statewide candidate, and a statewide multicandidate committee, or a political  
18           party, the balance of the campaign fund on the last day of the reporting period  
19           and the balance of the campaign fund on the first day of the reporting period.

20           2.5. The information provided to the secretary of state under subdivisions a through d of  
21           subsection 4 must be made publicly available through the format prescribed by the  
22           secretary of state. The information provided to the secretary of state under  
23           subdivision e of subsection 4 may not be made publicly available by the secretary of  
24           state.

25           6. Beginning on the day following the end of the reporting period May first before a  
26           primary election, October first before a general election, and thirty-nine days before a  
27           special election through the day before the election, a person filing a statement under  
28           subsection 1 must file a supplemental statement within forty-eight hours of the start of  
29           the day following the deposit date of a contribution or aggregate contribution from a  
30           contributor which is in excess of five hundred dollars. The statement must include the:

31           a. Name and the city and state of the contributor;



1           b. Total amount of the contribution deposited during the reporting period; and

2           c. Date the last contributed amount was deposited.

3       3.7. Before February first, a candidate whose name is not on the ballot and who is not  
4       seeking election through write-in votes, or candidate the candidate's candidate  
5       committee, a multicandidate political committee, a political committee, or a  
6       nonstatewide political party soliciting or accepting contributions not required to file a  
7       statement under subsection 1 shall file a campaign disclosure statement including all  
8       contributions deposited and expenditures from January first through December thirty-  
9       first of the previous year. The filer shall indicate on the report the corresponding  
10       reporting period, as described under subsection 1, in which each contribution was  
11       deposited and expenditure was made to determine whether the filer's aggregated  
12       totals exceed two hundred fifty dollars for the reporting period. The statement may be  
13       submitted for filing beginning on January first. The statement filed according to this  
14       section must include the following information:

15           a. For a candidate, a candidate committee formed on behalf of a candidate, a  
16           multicandidate committee, or political party, the balance of the campaign fund on  
17           January first and on December thirty-first.

18       b. For each aggregated contribution deposited from a contributor which totals in  
19       excess of two hundred fifty dollars deposited during the reporting period, the:

20           (1) Name and the city and state of the contributor;

21           (2) Total amount of the contribution; and

22           (3) Date the last contributed amount was deposited.

23       c. For each expenditure during the reporting period, the:

24           (1) Name of the recipient and location of purchase;

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

26           (3) Date of the expenditure; and

27           (4) Expenditure purpose;

28       d.b. The total of all aggregated contributions and expenditures from contributors which  
29       total in excess of two hundred fifty dollars during the reporting period.



1 e.c. The aggregated total of contributions ~~and expenditures which are~~ deposited from  
2 contributors that contributed two hundred and fifty dollars or less during the  
3 reporting period.

4 d. A total of all expenditures made during the reporting period, separated into  
5 expenditure categories.

6 e. For a statewide candidate, a candidate committee formed on behalf of a  
7 statewide candidate, and a statewide multicandidate committee, the balance of  
8 the campaign fund on the last day of the reporting period.

9 4.8. The information provided to the secretary of state under subdivisions a through d of  
10 subsection 7 must be made publicly available through a format prescribed by the  
11 secretary of state. The information provided to the secretary of state under  
12 subdivision e of subsection 7 may not be made publicly available by the secretary of  
13 state.

14 9. Expenditures reported within a group of aggregated totals under this section are  
15 exempt from open records requests under chapter 44-04.

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

20 **16.1-08.2-04. Pre-election, supplemental, and year-end campaign disclosure**  
21 **statement requirements for statewide political parties and certain political committees.**

22 1. Before a primary or special election, and before and following a general election, a  
23 statewide political party or a political committee not required to file under section  
24 16.1-08.2-03 which is soliciting or accepting contributions shall file a campaign  
25 disclosure statement including all contributions and expenditures from:

26 a. January first through April thirtieth before a primary election;

27 b. May first through September thirtieth before a general election;

28 c. October first through December thirty-first following a general election; and

29 d. January first through the fortieth day before a special election.

- 1     2. A political party that has not endorsed or nominated a candidate in the election or a  
2     political committee not soliciting or accepting contributions is not required to file a  
3     statement under subsection 1, but is required to file a statement under subsection 5.
- 4     3. The statement before a primary, general, or special election may be submitted for filing  
5     beginning on the day following the end of the reporting period and must be submitted  
6     before the eighth day following the reporting period. The statement following the  
7     general election may be submitted for filing beginning on January first and must be  
8     submitted before February first. The statement must include:
- 9     a. The total of all contributions and expenditures which total in excess of  
10     two hundred fifty dollars during the reporting period and the aggregated total of  
11     contributions and expenditures which are two hundred and fifty dollars or less  
12     during the reporting period.
- 13     b. The balance of the campaign fund on the last day of the reporting period and the  
14     balance of the campaign fund on the first day of the reporting period.
- 15     c. For each contribution deposited during the reporting period, the:  
16     (1) Name and the city and state of the contributor;  
17     (2) Total amount of the contribution; and  
18     (3) Date the last contributed amount was deposited.
- 19     d. For each expenditure during the reporting period, the:  
20     (1) Name of the recipient and location of purchase;  
21     (2) Total amount of the expenditure made to the recipient;  
22     (3) Date of the expenditure; and  
23     (4) Expenditure category.
- 24     4. Beginning on May first before a primary election, October first before a general  
25     election, and thirty-nine days before a special election through the day before the  
26     election, a person filing a statement under subsection 1 shall file a supplemental  
27     statement within forty-eight hours of the start of the day following the deposit date of a  
28     contribution or aggregate contribution from a contributor which is in excess of five  
29     hundred dollars. The statement must include the:
- 30     a. Name and the city and state of the contributor;  
31     b. Total amount of the contribution deposited during the reporting period; and



- 1        c. Date the last contributed amount was deposited.
- 2        5. Before February first, a statewide political party or a political committee that is not
- 3        required to file a statement under subsection 1 shall file a campaign disclosure
- 4        statement including all contributions deposited and expenditures from January first
- 5        through December thirty-first of the previous year. The filer shall indicate on the report
- 6        the corresponding reporting period, as described under subsection 1, for which each
- 7        contribution was deposited and expenditure was made to determine whether the filer's
- 8        aggregated totals exceed two hundred fifty dollars for the reporting period. The
- 9        statement must include:
- 10       a. The total of all contributions and expenditures which total in excess of
- 11       two hundred fifty dollars during the reporting period and the aggregated total of
- 12       contributions and expenditures which are two hundred and fifty dollars or less
- 13       during the reporting period.
- 14       b. The total of all aggregated expenditures from campaign funds reported in
- 15       expenditure categories.
- 16       c. The balance of the campaign fund on the last day of the reporting period and the
- 17       balance of the campaign fund on the first day of the reporting period.
- 18       d. For each contribution deposited during the reporting period, the:
- 19       (1) Name and the city and state of the contributor;
- 20       (2) Total amount of the contribution; and
- 21       (3) Date the last contributed amount was deposited.
- 22       e. For each expenditure during the reporting period, the:
- 23       (1) Name of the recipient and location of purchase;
- 24       (2) Total amount of the expenditure made to the recipient;
- 25       (3) Date of the expenditure; and
- 26       (4) Expenditure category.
- 27       6. A person required to file a statement under this section shall report each aggregated
- 28       contribution from a contributor which totals five thousand dollars or more during the
- 29       reporting period. For these contributions from individuals, the statement must include
- 30       the contributor's occupation, employer, and the employer's principal place of business.

7. A person filing a statement under this section shall file the statement with the secretary of state.

~~16.1-08.2-04~~ **16.1-08.2-05. Special requirements for state political parties.**

1. State political parties shall establish separate and segregated accounts for the management of state nominating conventions. All revenue obtained and expenditures made for the planning and running of a state convention must be accounted for in these accounts.

2. A postconvention statement must be filed with the secretary of state sixty days after the close of the state nominating convention. The reporting period for the postconvention statement begins on the first day of January of the reporting year and ends thirty days after the close of the state nominating convention.

3. A year-end statement covering the entire calendar year must be filed with the secretary of state before February first of the following year even if no convention revenue was deposited or expenditures made within the calendar year.

4. The statement filed under this section must show:

a. The balance of the filer's convention accounts at the start and close of the reporting period.

b. The total of all revenue deposited and expenditures made of two hundred fifty dollars or less.

c. The total of all revenue deposited and expenditures made in excess of two hundred fifty dollars.

d. For revenues received and deposited, the:

(1) Name of each person providing the revenue;

(2) City and state of each person providing revenue;

(3) Date of the most recent receipt deposit of revenue from each person providing revenue; and

(4) The purpose or purposes for which the revenue was deposited from each person.

e. For each expenditure made, the:

(1) Name of each person to which the expenditure was made;

(2) City and state of each person to which the expenditure was made;



- 1                   (3) Date of the most recent expenditure made to each person or entity; and
- 2                   (4) Purpose or purposes for which the aggregated expenditure total was
- 3                         disbursed to each person or entity.
- 4               f. The total of all contributions and expenditures which total in excess of
- 5                         two hundred fifty dollars during the reporting period.
- 6               g. The aggregated total of contributions and expenditures which are two hundred
- 7                         and fifty dollars or less during the reporting period.
- 8               h. For each aggregated revenue from an individual which totals five thousand
- 9                         dollars or more during the reporting period, the occupation, employer, and
- 10                        principal place of business of the individual.
- 11           5. If a net gain from the convention is transferred to the accounts established for the
- 12                        support of the nomination or election of candidates, the total transferred must be
- 13                        reported as a contribution in the statements required by section 16.1-08.2-03.
- 14           6. If a net loss from the convention is covered by a transfer from the accounts
- 15                        established for the support of the nomination or election of candidates, the total
- 16                        transferred must be reported as an expenditure in the statements required by section
- 17                        16.1-08.2-03.
- 18           7. A state political party or nonprofit entity affiliated with or under the control of a state
- 19                        political party, which receives a donation for purchasing, maintaining, or renovating a
- 20                        building, shall file a statement with the secretary of state before February first of each
- 21                        calendar year. Any income or financial gain generated from a building purchased,
- 22                        maintained, or renovated from donations must be deposited in the building fund and
- 23                        must be disclosed when the political party or nonprofit entity files the statement
- 24                        required under this section. Money in the fund may be used only by the state political
- 25                        party or nonprofit entity affiliated with or under the control of a state political party for
- 26                        purchasing, maintaining, or renovating a building, including the purchase of fixtures for
- 27                        the building. The statement may be submitted for filing beginning on January first and
- 28                        must include the:
- 29                        a. Balance of the building fund on January first;
- 30                        b. Name and the city and state of each donor;
- 31                        c. Amount of each donation;

- d. Date each donation was deposited;
- e. Name and the city and state of each recipient of an expenditure;
- f. Amount of each expenditure;
- g. Date each expenditure was made; and
- h. Balance of the fund on December thirty-first.

**~~16.1-08.2-05~~ 16.1-08.2-06. Special requirements for statements required of persons engaged in activities regarding ballot measures.**

1. For each reportable contribution and expenditure under section ~~16.1-08.2-03~~ 16.1-08.2-04, the threshold for reporting is one hundred dollars for any person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01.
2. For contributions deposited from any contributor, a person engaged in activities described in subdivision e of subsection 13 of section 16.1-08.2-01 shall include the following information regarding each subcontributor that has stated a contribution is for the express purpose of furthering the passage or defeat of a ballot measure in the statements required under section ~~16.1-08.2-03~~ 16.1-08.2-04:
  - a. A designation as to whether any person contributed in excess of one hundred dollars of the total contribution;
  - b. The name and the city and state of each subcontributor contributing in excess of one hundred dollars of the total contribution;
  - c. The contribution amounts of each disclosed subcontributor; and
  - d. The occupation, employer, and address for the employer's principal place of business of each disclosed subcontributor.
3. A measure committee which is seeking approval for an initiative or referendum shall file a disclosure statement by the date the secretary of state approves the petition for circulation. Thereafter, the measure committee is required to file disclosure statements as directed by section ~~16.1-08.2-03~~ 16.1-08.2-04.
4. A measure committee that is seeking approval for an initiative or referendum shall file a statement regarding its intent to compensate circulators before paying for petitions to be circulated.

**~~16.1-08.2-06~~ 16.1-08.2-07. Special requirements for political committees organized and registered under federal law.**

1. A political committee organizing and registering according to federal law which makes an independent expenditure or makes a disbursement in excess of two hundred fifty 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.

2. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include the:

a. Name, city and state, and treasurer of the political committee;

b. Recipient's name and mailing address;

c. Date and amount of the independent expenditure or disbursement; and

d. Ultimate and true source of funds listed by contributor and subcontributor for any amount over two hundred fifty dollars collected or used to make the independent expenditure or disbursement including the:

(1) Name, city and state, and treasurer of the political committee;

(2) Total amount of the contribution; and

(3) Date the last contribution was deposited.

**~~16.1-08.2-07~~ 16.1-08.2-08. Campaign contributions by corporations, cooperative corporations, limited liability companies, affiliates, subsidiaries, and associations - Penalty.**

1. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association may establish, administer, and solicit contributions to a separate and segregated fund to be used for political purposes by the corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association. It is unlawful for:

a. The person controlling the fund to make contributions or expenditures using money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of those actions; or use money from dues, fees,

1           treasury funds, or other money required as a condition of membership in an  
2           association, or as a condition of employment; or use money obtained in any  
3           commercial transaction. Moneys from fees, dues, treasury funds, or money  
4           obtained in a commercial transaction may, however, be used to pay costs of  
5           administration of the fund.

6           b. Any person soliciting an employee, stockholder, patron, board member, or  
7           member for a contribution to the fund to fail to inform the employee or member of  
8           the political purposes of the fund at the time of the solicitation or of the general  
9           political philosophy intended to be advanced through committee activities.

10          c. Any person soliciting an employee or member for a contribution to the fund to fail  
11          to inform the employee or member at the time of the solicitation of the right to  
12          refuse to contribute without any reprisal.

13          d. Any contribution to be accepted without keeping an accurate record of the  
14          contributor and amount contributed and of amounts expended for political  
15          purposes.

16          e. Any contribution to be accepted from any person not an employee, a stockholder,  
17          a patron, a board member or a member of the corporation, cooperative  
18          corporation, limited liability company, affiliate, subsidiary, or association  
19          maintaining the political action committee, except a corporation may accept a  
20          contribution from an employee, a stockholder, a patron, a board member, or a  
21          member of an affiliate or a subsidiary of the corporation.

22          f. Any expenditure made for political purposes to be reported under this section  
23          before control of the expenditure has been released by the political action  
24          committee except if there is a contract, a promise, or an agreement, expressed or  
25          implied, to make the expenditure.

26          2. A person may not make a payment of that person's money or of another person's  
27          money to any other person for a political purpose in any name other than that of the  
28          person supplying the money and a person may not knowingly receive the payment nor  
29          enter nor cause the payment to be entered in that person's account or record in any  
30          name other than that of the person by which it actually was furnished.



- 1       3. If an officer, employee, agent, attorney, or other representative of a corporation,  
2       cooperative corporation, limited liability company, affiliate, subsidiary, or association  
3       makes any contribution prohibited by this section out of corporate, cooperative  
4       corporation, limited liability company, affiliate, subsidiary, or association funds or  
5       otherwise violates this section, it is prima facie evidence of a violation by the  
6       corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
7       association.
- 8       4. Corporations, cooperative corporations, limited liability companies, affiliates,  
9       subsidiaries, and associations may make expenditures and contributions for promoting  
10       any general political philosophy or belief deemed in the best interest of the employees,  
11       stockholders, patrons, or members of the corporation, cooperative corporation, limited  
12       liability company, affiliate, subsidiary, or association other than a "political purpose" as  
13       defined by this chapter. A corporation, cooperative corporation, limited liability  
14       company, affiliate, subsidiary, or association may not make a contribution for a political  
15       purpose.
- 16       5. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
17       association may make a donation of property or money to a state political party or  
18       nonprofit entity affiliated with or under the control of a state political party for deposit in  
19       a separate and segregated building fund.
- 20       6. A corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
21       association may make an expenditure to a measure committee for the purpose of  
22       promoting the passage or defeat of an initiated or referred measure or petition or make  
23       an expenditure to any other person making an independent expenditure. A  
24       corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or  
25       association may make an independent expenditure for a political purpose, including  
26       political advertising in support of or opposition to a candidate, political committee, or a  
27       political party, or for the purpose of promoting passage or defeat of initiated or referred  
28       measures or petitions. The corporation, cooperative corporation, limited liability  
29       company, affiliate, subsidiary, or association shall file a statement disclosing any  
30       expenditure made under this subsection with the secretary of state within forty-eight  
31       hours after making the expenditure. The statement must include:

- 1           a. The full name of the corporation, cooperative corporation, limited liability
- 2                 company, affiliate, subsidiary, or association;
- 3           b. The complete address of the corporation, cooperative corporation, limited liability
- 4                 company, affiliate, subsidiary, or association;
- 5           c. The name of the recipient of the expenditure;
- 6           d. If the expenditure is related to a measure or petition, the title of the measure or
- 7                 petition and whether the expenditure is made in support of or opposition to the
- 8                 measure or petition;
- 9           e. If the expenditure is related to a measure, the election date on which the
- 10                measure either will appear or did appear on the ballot;
- 11           f. The amount of the expenditure;
- 12           g. The cumulative total amount of expenditures since the beginning of the calendar
- 13                year which are required to be reported under this subsection;
- 14           h. The telephone number and the printed name and signature of the individual
- 15                completing the statement, attesting to the statement being true, complete, and
- 16                correct; and
- 17           i. The date on which the statement was signed.
- 18        7. A violation of this section may be prosecuted in the county where the contribution is
- 19                made or in any county in which it has been paid or distributed.
- 20        8. It is a class A misdemeanor for an officer, director, stockholder, manager, governor,
- 21                member, attorney, agent, or representative of any corporation, cooperative
- 22                corporation, limited liability company, affiliate, subsidiary, or association to violate this
- 23                section or to counsel or consent to any violation. Any person that solicits or knowingly
- 24                receives any contribution in violation of this section is guilty of a class A misdemeanor.
- 25        9. Any officer, director, stockholder, manager, governor, member, attorney, agent, or
- 26                representative who makes, counsels, or consents to the making of a contribution in
- 27                violation of this section is liable to the company, corporation, limited liability company,
- 28                affiliate, subsidiary, or association for the amount so contributed.
- 29        ~~16.1-08.2-08~~ **16.1-08.2-09. Special requirements for conduits.**
- 30        A conduit transferring any contribution to a candidate, political party, or political committee
- 31        shall provide the recipient of the contribution a detailed statement listing the name and address

1 of each individual contributor, the amount of each contribution, and the date each contribution  
2 was deposited. The conduit also shall include on the statement the occupation, employer, and  
3 principal place of business of each contributor, or the political committee if not already  
4 registered according to state or federal law, which contributed five thousand dollars or more in  
5 the aggregate during a reporting period applicable to the candidate, political party, or political  
6 committee. The conduit shall provide the statement to the candidate, political party, or political  
7 committee in a manner to allow the candidate, political party, or political committee to file any  
8 statement required to be filed under this chapter.

9 **~~16.1-08.2-09~~16.1-08.2-10. General prohibitions.**

- 10 1. A foreign national may not make or offer to make, directly or indirectly, a contribution  
11 or expenditure in connection with any election.
- 12 2. A candidate, candidate committee, ~~political committee~~, political party, or any other  
13 person may not solicit, accept, or receive, directly or indirectly, a contribution from a  
14 foreign national.
- 15 3. A candidate may not use any contribution deposited by the candidate, the candidate's  
16 candidate committee, or a multicandidate political committee to:
  - 17 a. Give a personal benefit to the candidate or another person;
  - 18 b. Make a loan to another person;
  - 19 c. Knowingly pay more than the fair market value for goods or services purchased  
20 for the campaign; or
  - 21 d. Pay a criminal fine or civil penalty.
- 22 4. If the secretary of state has substantial reason to believe any person knowingly  
23 violated this section, the secretary shall arrange for an audit as authorized by section  
24 ~~16.1-08.2-10~~16.1-08.2-11.
- 25 5. A person may not be excused from attending and testifying or producing any books,  
26 papers, or other documents before any court upon any investigation, proceeding, or  
27 trial for a violation of any of the provisions of this chapter, upon the grounds that the  
28 testimony or evidence, documentary or otherwise, required of the person may tend to  
29 incriminate or degrade the person. A person may not be prosecuted or subjected to  
30 any penalty or forfeiture for or on account of any transaction, matter, or thing  
31 concerning which the person may testify or produce evidence, documentary or



1 otherwise. Any testimony given or produced may not be used against the person in  
2 any criminal investigation or proceeding.

3 ~~16.1-08.2-10~~ **16.1-08.2-11. Audit by secretary of state.**

4 1. If a substantial irregularity is evident or reasonably alleged, the secretary of state may  
5 arrange an audit of any statement filed pursuant to this chapter, to be performed by a  
6 certified public accountant of the filer's choice, subject to approval by the secretary of  
7 state. If an audit of a statement arranged by the secretary of state under this  
8 subsection reveals a violation of this chapter, the candidate, political party, political  
9 committee, or other person filing the statement shall pay a fine to the secretary of state  
10 equal to two hundred percent of the aggregate of contributions and expenditures  
11 found to be in violation or an amount sufficient to pay the cost of the audit, whichever  
12 is greater. If an audit of a statement arranged by the secretary of state under this  
13 subsection does not reveal a violation of this chapter, the cost of the audit must be  
14 paid for by the secretary of state.

15 2. If a substantial irregularity is reasonably alleged, the secretary of state may arrange an  
16 audit of any statement filed pursuant to this chapter, performed by a certified public  
17 accountant of the filer's choice, subject to approval by the secretary of state, upon  
18 written request by any interested party made to the secretary of state within thirty days  
19 following receipt of a statement by the secretary of state. The request must be made in  
20 writing, recite a substantial irregularity and a lawful reason for requesting an audit, and  
21 be accompanied by a bond in an amount established by the secretary of state  
22 sufficient to pay the cost of the audit. If an audit of a statement arranged by the  
23 secretary of state under this subsection reveals a violation of this chapter, the  
24 candidate, political party, or political committee filing the statement shall pay a fine to  
25 the secretary of state equal to two hundred percent of the aggregate of contributions  
26 and expenditures found to be in violation or an amount sufficient to pay the cost of the  
27 audit, whichever is greater, and the bond must be returned to the person submitting it.  
28 If an audit of a statement arranged by the secretary of state under this subsection  
29 does not reveal a violation of this chapter, the cost of the audit must be satisfied from  
30 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 by candidates or candidate committees for candidates for county, city, or school district offices.

~~16.1-08.2-11~~ **16.1-08.2-12. Filing officer to charge and collect filing fees.**

1. If a statement 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, ~~one hundred~~ twenty-five dollars;
  - b. Within ~~thirteen~~ eleven days after the prescribed time, ~~two hundred fifty~~ fifty dollars;  
and
  - c. Thereafter, five hundred dollars.
2. Any amendment filed by the candidate, candidate committee, multicandidate committee, political committee, or political party, or at the request of the filing officer, A filing officer may require an amendment to be filed for any statement 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 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 filing deadline, ~~one hundred~~ date the amendment was due, fifty dollars;
  - b. Within eleven days after the filing deadline, ~~two hundred fifty~~ date the amendment was due, one hundred dollars; and
  - c. Thereafter, five hundred dollars.

3. Any fines paid under this section must be reported on the statement filed by the candidate, candidate committee, multicandidate committee, political committee, or political party. Any late fees levied by the secretary of state under this section and the identity of the person subject to a late fee must be made publicly available through the format prescribed by the secretary of state.

4. 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.

**~~16.1-08.2-12~~16.1-08.2-13. Secretary of state to provide instruction and adjust thresholds for inflation.**

1. The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter.

2. The secretary of state shall adjust for inflation the reporting thresholds in this chapter by one hundred dollars once every ten years from the last calendar year of adjustment and inform persons submitting reports under this chapter of the adjustments. The secretary of state shall make the adjustments beginning January first of each adjustment year beginning January 1, 2026.

**~~16.1-08.2-13~~16.1-08.2-14. Penalty.**

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

**SECTION 5. AMENDMENT.** Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements.**

Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described in section ~~16.1-08.1-01~~16.1-08.2-01, or a corporation making an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as

1 defined in section ~~16.1-08.1-01~~16.1-08.2-01, or political party paying for the advertisement. If  
2 the name of a political party, association, or partnership is used, the disclaimer must also  
3 include the name of the chairman or other responsible individual from the political party,  
4 association, or partnership. The name of the person paying for any radio or television broadcast  
5 containing any advertising announcement for or against any candidate for public office must be  
6 announced at the close of the broadcast. If the name of a political party, association, or  
7 partnership is used, the disclaimer must also include the name of the chairman or other  
8 responsible individual from the political party, association, or partnership. In every political  
9 advertisement in which the name of the person paying for the advertisement is disclosed, the  
10 first and last name of any named individual must be disclosed. An advertisement paid for by an  
11 individual candidate or group of candidates must disclose that the advertisement was paid for  
12 by the individual candidate or group of candidates. The first and last name or names of the  
13 candidates paying for the advertisement are not required to be disclosed. This section does not  
14 apply to campaign buttons.

15 **SECTION 6. AMENDMENT.** Subdivision f of subsection 8 of section 51-28-01 of the North  
16 Dakota Century Code is amended and reenacted as follows:

- 17 f. By or on behalf of a political party, candidate, or other group with a political  
18 purpose, as defined in section ~~16.1-08.1-01~~16.1-08.2-01, unless the  
19 communication is a text message.

20 **SECTION 7. REPEAL.** Chapter 16.1-08.1 of the North Dakota Century Code is repealed.

21 **SECTION 8. APPLICATION.** A person required to file a campaign disclosure statement  
22 under subsection 3 of section 16.1-08.1-02.1, section 16.1-08.1-02.2, subsection 3 of section  
23 16.1-08.1-02.3, and subsection 3 of section 16.1-08.1-02.4, disclosing contributions received  
24 and expenditures made from January first through December thirty-first of 2025 shall file the  
25 statement pursuant to the statutory requirements under chapter 16.1-08.1 as it existed prior to  
26 its repeal.

27 **SECTION 9. EFFECTIVE DATE.** This Act becomes effective on January 1, 2026.