

**2023 SENATE STATE AND LOCAL GOVERNMENT**

**SB 2318**

# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

SB 2318  
2/2/2023

Relating to reporting of aggregate expenditures for political purposes; provide a penalty.

10:25 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

**Discussion Topics:**

- Dark money
- Disclosure

Sen Magrum, Dist 8, bill sponsor testifying in support, #19009.

**Additional written testimony:**

Lee Ann Oliver, Sec State Office, neutral #18763

10:25 AM Chair Roers closed the hearing.

*Pam Dever, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

SB 2318  
2/9/2023

Relating to reporting of aggregate expenditures for political purposes; to provide a penalty.
---

11:05 AM Chair Roers opened committee work. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

**Discussion Topics:**

- Committee action

Sen Braunberger moved a DO NOT PASS.

Sen Cleary seconded.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	Y
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES – 6 NO – 0 Absent – 0 Motion PASSED

Sen Barta will carry the bill.

11:11 AM Chair Roers adjourned the meeting.

*Pam Dever, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2318: State and Local Government Committee (Sen. K. Roers, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2318 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

**TESTIMONY**

**SB 2318**

MICHAEL C. HOWE  
SECRETARY OF STATE

WEBSITE [sos.nd.gov](http://sos.nd.gov)



PHONE (701) 328-2900  
E-MAIL [sos@nd.gov](mailto:sos@nd.gov)

**SECRETARY OF STATE**  
STATE OF NORTH DAKOTA  
600 EAST BOULEVARD AVENUE DEPT 108  
BISMARCK ND 58505-0500

**SENATE BILL 2318**  
**FEBRUARY 2, 2023**

**SENATE STATE & LOCAL**  
**SENATOR KRISTIN ROERS, CHAIR**

**TESTIMONY PRESENTED BY**

**LEE ANN OLIVER, SECRETARY OF STATE**

---

Chairman Roers and members of the committee, for the record, Lee Ann Oliver with the elections division of the Secretary of State.

Our office is currently tracking 41 bills related to elections. Of that number, 27 percent (11 bills) are campaign finance related. Senate Bill 2318 is focused on aggregate expenditures made by individuals or through political committees.

Our office is not against transparency and prides itself on working with the legislature, as well as the public, on providing a transparent system that shows who is funding and influencing candidates, political parties, and measure campaigns.

Due to the numerous bills this session that examine campaign finance laws, we would encourage the legislative assembly to consider an interim study to look at North Dakota's campaign finance laws and systems. If all of them were to pass, it would create a ball of wires within Century Code and our system that would be impossible to enforce and a burden to implement with our technology.

Chairman Roers, this bill will certainly require a new campaign finance system to be implemented. We have made that request in SB 2002. But if that request isn't appropriated, this bill will certainly not be able to be implemented and enforced by our office. The study would ensure that whatever changes are considered are adequately scoped in our preparation for a new system.

Madam Chairman, members of the committee, I urge you to consider amending this bill into an interim study that looks at our campaign finance laws.

23.0788.01001

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2318**

Introduced by

Senator Magrum

Representative Hoverson

1 A BILL for an Act to amend and reenact subsection 7 of section 16.1-08.1-01 and sections  
2 16.1-08.1-02.3 and 16.1-08.1-02.4 of the North Dakota Century Code, relating to reporting of  
3 aggregate expenditures for political purposes; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Subsection 7 of section 16.1-08.1-01 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 7. "Expenditure categories" means the categories into which expenditures must be  
8 grouped for reports under this chapter. The expenditure categories are:

- 9 a. Advertising;
- 10 b. Campaign loan repayment;
- 11 c. Contributions;
- 12 d. Operations;
- 13 ~~d.e.~~ Travel; and
- 14 e-f. Miscellaneous.

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

17 **16.1-08.1-02.3. Pre-election, supplemental, and year-end campaign disclosure**  
18 **statement requirements for candidates, candidate committees, multicandidate**  
19 **committees, and nonstatewide political parties.**

20 1. ~~Prior to~~Before the thirty-first day before a primary, general, or special election, a  
21 candidate or candidate committee formed on behalf of the candidate, a multicandidate  
22 political committee, or a political party other than a statewide political party soliciting or  
23 accepting contributions shall file a campaign disclosure statement that includes all  
24 contributions received from January first through the fortieth day before the election. A

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



- 1           (5) The purpose and tangible item created or acquired as a result of the  
2           expenditure;
- 3           (6) The amount of the expenditure;
- 4           (7) A list of all subcontributors that contributed more than two thousand five  
5           hundred dollars to the political committee making the expenditure, including:
- 6           (a) The name and mailing address of the subcontributor;  
7           (b) The total amount of the contribution; and  
8           (c) The date the last contributed amount was received;
- 9           (8) The telephone number and the printed name and signature of the individual  
10          completing the statement, attesting to the statement being true, complete,  
11          and correct;
- 12          (9) The corresponding expenditure category; and
- 13          (10) The date the statement was signed.
- 14          2. Beginning on the thirty-ninth day before the election through the day before the  
15          election, a person that files a statement under subsection 1 must file a supplemental  
16          statement within forty-eight hours of the start of the day following the receipt of a  
17          contribution or aggregate contribution from a contributor which is ~~in excess of~~ more  
18          than five hundred dollars or the making of an expenditure or aggregate expenditure in  
19          support of or in opposition to a candidate, political committee, or ballot measure which  
20          is more than five hundred dollars. The statement must include:
- 21          a. ~~The~~ For a contribution, the name and mailing address of the contributor or for an  
22          expenditure, the name of the candidate, political committee, or ballot measure  
23          the expenditure was intended to support or oppose;
- 24          b. The total amount of the contribution received or expenditure made during the  
25          reporting period; ~~and~~
- 26          c. ~~The~~ For the contribution, the date the last contributed amount was received, or for  
27          an expenditure, the date the last expenditure was made; and
- 28          d. For each individual expenditure or aggregated expenditure in support of or in  
29          opposition to a candidate, political committee, or ballot measure which totals  
30          more than two thousand five hundred dollars expended during the reporting  
31          period:

- 1           (1) The name of the recipient of the expenditure;
- 2           (2) If the expenditure is related to a measure or petition, the title of the measure
- 3                 or petition and whether the expenditure is made in support of or opposition
- 4                 to the measure or petition;
- 5           (3) If the expenditure is related to a measure, the election date on which the
- 6                 measure either will appear or appeared on the ballot;
- 7           (4) If the expenditure is related to a candidate, political party, or political
- 8                 committee, the name of the candidate, political party, or political committee
- 9                 the expenditure was intended to support or oppose;
- 10          (5) The purpose and tangible item created or acquired as a result of the
- 11                 expenditure;
- 12          (6) The amount of the expenditure;
- 13          (7) A list of all subcontributors that contributed more than two thousand five
- 14                 hundred dollars to the political committee making the expenditure, including:
  - 15                 (a) The name and mailing address of the subcontributor;
  - 16                 (b) The total amount of the contribution; and
  - 17                 (c) The date the last contributed amount was received;
- 18          (8) The telephone number and the printed name and signature of the individual
- 19                 completing the statement, attesting to the statement being true, complete,
- 20                 and correct;
- 21          (9) The corresponding expenditure category; and
- 22          (10) The date the statement was signed.
- 23          3. ~~Prior to~~Before February first, a candidate or candidate committee, a multicandidate
- 24                 political committee, or a nonstatewide political party soliciting or accepting
- 25                 contributions shall file a campaign disclosure statement that includes all contributions
- 26                 received and expenditures, ~~by expenditure category,~~ made from January first through
- 27                 December thirty-first of the previous year. The statement may be submitted for filing
- 28                 beginning on January first. The statement must include:
  - 29                 a. For a statewide candidate, a candidate committee formed on behalf of a
  - 30                         statewide candidate, and a statewide multicandidate committee, the balance of
  - 31                         the campaign fund on January first and on December thirty-first;

- 1           b. For each aggregated contribution from a contributor which totals ~~in excess-~~  
2           ~~of~~more than two hundred dollars received during the reporting period:
- 3           (1) The name and mailing address of the contributor;
- 4           (2) The total amount of the contribution; and
- 5           (3) The date the last contributed amount was received;
- 6           c. The total of all aggregated contributions from contributors which total ~~in excess-~~  
7           ~~of~~more than two hundred dollars during the reporting period;
- 8           d. The total of all contributions received from contributors that contributed two  
9           hundred dollars or less each during the reporting period; ~~and~~
- 10          e. The total of all other expenditures made during the previous year, separated into  
11          expenditure categories; and
- 12          f. For each aggregated expenditure in support of or in opposition to a candidate,  
13          political committee, or ballot measure which totals more than two hundred dollars  
14          expended during the reporting period:
- 15          (1) The name of the recipient of the expenditure;
- 16          (2) If the expenditure is related to a measure or petition, the title of the measure  
17          or petition and whether the expenditure is made in support of or opposition  
18          to the measure or petition;
- 19          (3) If the expenditure is related to a measure, the election date on which the  
20          measure either will appear or appeared on the ballot;
- 21          (4) If the expenditure is related to a candidate, political party, or political  
22          committee, the name of the candidate, political party, or political committee  
23          the expenditure was intended to support or oppose;
- 24          (5) The purpose and tangible item created or acquired as a result of the  
25          expenditure;
- 26          (6) The amount of the expenditure;
- 27          (7) A list of all subcontributors that contributed more than **two thousand five**  
28          hundred dollars to the political committee making the expenditure, including:
- 29          (a) The name and mailing address of the subcontributor;
- 30          (b) The total amount of the contribution; and
- 31          (c) The date the last contributed amount was received;

1           (8) The telephone number and the printed name and signature of the individual  
2                   completing the statement, attesting to the statement being true, complete,  
3                   and correct;

4           (9) The corresponding expenditure category; and

5           (10) The date the statement was signed.

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

12          5. 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.

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

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

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

25          **SECTION 3. AMENDMENT.** Section 16.1-08.1-02.4 of the North Dakota Century Code is  
26          amended and reenacted as follows:

27          **16.1-08.1-02.4. Pre-election, supplemental, and year-end campaign disclosure**  
28          **statement requirements for statewide political parties and certain political committees.**

29          1. ~~Prior to~~Before the thirty-first day before a primary, general, or special election, a  
30          statewide political party or a political committee not required to file statements under  
31          section 16.1-08.1-02.3 which is soliciting or accepting contributions shall file a

- 1 campaign disclosure statement that includes all contributions received and  
2 expenditures made from January first through the fortieth day before the election. A  
3 political party that has not endorsed or nominated a candidate in an election is not  
4 required to file a statement under this subsection. A statement required to be filed  
5 under this subsection may be submitted for filing beginning on the thirty-ninth day  
6 before the election. The statement must include:
- 7 a. For each aggregated contribution from a contributor which totals ~~in excess-~~  
8 ~~of more than~~ two 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 which total ~~in excess-~~  
13 ~~of more than~~ 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;
  - 16 d. For each recipient of an expenditure from campaign funds ~~in excess of~~ more than  
17 two hundred dollars in the aggregate:
    - 18 (1) The name and mailing address of the recipient;
    - 19 (2) The total amount of the expenditure made to the recipient; and
    - 20 (3) The date the last expended amount was made to the recipient;
  - 21 e. For each aggregated expenditure in support of or in opposition to a candidate,  
22 political committee, or ballot measure which totals more than two hundred dollars  
23 expended during the reporting period:
    - 24 (1) The name of the recipient of the expenditure;
    - 25 (2) If the expenditure is related to a measure or petition, the title of the measure  
26 or petition and whether the expenditure is made in support of or opposition  
27 to the measure or petition;
    - 28 (3) If the expenditure is related to a measure, the election date on which the  
29 measure either will appear or appeared on the ballot;

- 1           (4) If the expenditure is related to a candidate, political party, or political  
2                     committee, the name of the candidate, political party, or political committee  
3                     the expenditure was intended to support or oppose;  
4           (5) The purpose and tangible item created or acquired as a result of the  
5                     expenditure;  
6           (6) The amount of the expenditure;  
7           (7) A list of all subcontributors that contributed more than two thousand five  
8                     hundred dollars to the political committee making the expenditure, including:  
9                     (a) The name and mailing address of the subcontributor;  
10                    (b) The total amount of the contribution; and  
11                    (c) The date the last contributed amount was received;  
12           (8) The telephone number and the printed name and signature of the individual  
13                     completing the statement, attesting to the statement being true, complete,  
14                     and correct;  
15           (9) The corresponding expenditure category; and  
16           (10) The date the statement was signed;  
17        f. The aggregate total of all expenditures from campaign funds in excess of more  
18             than two hundred dollars;  
19        f.g. The aggregate total of all expenditures from campaign funds of two hundred  
20             dollars or less; and  
21        g.h. The balance of the campaign fund on the fortieth day before the election and  
22             balance of the campaign fund on January first.  
23        2. Beginning on the thirty-ninth day before the election through the day before the  
24             election, a person that files a statement under subsection 1 must file a supplemental  
25             statement within forty-eight hours of the start of the day following the receipt of a  
26             contribution or aggregate contribution from a contributor which is in excess of more  
27             than five hundred dollars or the making of an expenditure or aggregate expenditure  
28             which is more than five hundred dollars. The statement must include:  
29             a. TheFor a contribution, the name and mailing address of the contributor, or for an  
30                     expenditure, the name of the candidate, ballot measure, or political committee  
31                     the expenditure was intended to support or oppose;

- 1           b. The total amount of the contribution received during the reporting period; and
- 2           c. ~~The~~For a contribution, the date the last contributed amount was received or for
- 3           an expenditure, the date the last expenditure was made; and
- 4           d. For each expenditure or aggregated expenditure in support of or in opposition to
- 5           a candidate, political committee, or ballot measure which totals more than five
- 6           hundred dollars expended during the reporting period:
- 7           (1) The name of the recipient of the expenditure;
- 8           (2) If the expenditure is related to a measure or petition, the title of the measure
- 9           or petition and whether the expenditure is made in support of or opposition
- 10           to the measure or petition;
- 11           (3) If the expenditure is related to a measure, the election date on which the
- 12           measure either will appear or appeared on the ballot;
- 13           (4) If the expenditure is related to a candidate, political party, or political
- 14           committee, the name of the candidate, political party, or political committee
- 15           the expenditure was intended to support or oppose;
- 16           (5) The purpose and tangible item created or acquired as a result of the
- 17           expenditure;
- 18           (6) The amount of the expenditure;
- 19           (7) A list of all subcontributors that contributed more than two thousand five
- 20           hundred dollars to the political committee making the expenditure, including:
- 21           (a) The name and mailing address of the subcontributor;
- 22           (b) The total amount of the contribution; and
- 23           (c) The date the last contributed amount was received;
- 24           (8) The telephone number and the printed name and signature of the individual
- 25           completing the statement, attesting to the statement being true, complete,
- 26           and correct;
- 27           (9) The corresponding expenditure category; and
- 28           (10) The date the statement was signed.
- 29           3. ~~Prior to~~Before February first, a statewide political party or a political committee that is
- 30           not required to file a statement under section 16.1-08.1-2.3 shall file a campaign
- 31           disclosure statement that includes all contributions received and expenditures made

- 1 from January first through December thirty-first of the previous year. The statement  
2 may be submitted for filing beginning on January first. The statement must include:
- 3 a. For each aggregated contribution from a contributor which totals ~~in excess of~~  
4 more than two hundred dollars received during the reporting period:
- 5 (1) The name and mailing address of the contributor;
- 6 (2) The total amount of the contribution; and
- 7 (3) The date the last contributed amount was received;
- 8 b. The total of all aggregated contributions from contributors which total ~~in excess of~~  
9 more than two hundred dollars during the reporting period;
- 10 c. The total of all contributions received from contributors that contributed two  
11 hundred dollars or less each during the reporting period;
- 12 d. For each recipient of an expenditure from campaign funds ~~in excess of~~more than  
13 two hundred dollars in the aggregate:
- 14 (1) The name and mailing address of the recipient;
- 15 (2) The total amount of the expenditure made to the recipient; and
- 16 (3) The date the last expended amount was made to the recipient; and
- 17 e. ~~The aggregate total of all expenditures from campaign funds in excess of two~~  
18 ~~hundred dollars;~~
- 19 f. ~~The aggregate total of all expenditures from campaign funds of two hundred~~  
20 ~~dollars or less; and~~
- 21 g. ~~The balance of the campaign fund on January first and December thirty-first.~~For  
22 each aggregated expenditure in support of or in opposition to a candidate,  
23 political committee, or ballot measure which totals more than two hundred dollars  
24 expended during the reporting period:
- 25 (1) The name of the recipient of the expenditure;
- 26 (2) If the expenditure is related to a measure or petition, the title of the measure  
27 or petition and whether the expenditure is made in support of or opposition  
28 to the measure or petition;
- 29 (3) If the expenditure is related to a measure, the election date on which the  
30 measure either will appear or appeared on the ballot;



- 1                   (4) If the expenditure is related to a candidate, political party, or political  
2                   committee, the name of the candidate, political party, or political committee  
3                   the expenditure was intended to support or oppose;  
4                   (5) The purpose and tangible item created or acquired as a result of the  
5                   expenditure;  
6                   (6) The amount of the expenditure;  
7                   (7) A list of all subcontributors that contributed more than ~~one~~two thousand five  
8                   hundred dollars to the political committee making the expenditure, including:  
9                   (a) The name and mailing address of the subcontributor;  
10                   (b) The total amount of the contribution; and  
11                   (c) The date the last contributed amount was received;  
12                   (8) The telephone number and the printed name and signature of the individual  
13                   completing the statement, attesting to the statement being true, complete,  
14                   and correct;  
15                   (9) The corresponding expenditure category; and  
16                   (10) The date the statement was signed.  
17                   4. A person required to file a statement under this section shall disclose each aggregated  
18                   contribution from a contributor which totals five thousand dollars or more during the  
19                   reporting period. For these contributions from individuals, the statement must include  
20                   the contributor's occupation, employer, and the employer's principal place of business.  
21                   5. Statements under this section must be filed with the secretary of state.  
22                   6. The secretary of state shall assess and collect fees for any reports filed after the filing  
23                   deadline.