

HOUSE BILL NO. 1490

Introduced by

Representatives Boehning, Conklin, Karls

Senators Cook, Dotzenrod

1 A BILL for an Act to amend and reenact subsection 5 of section 16.1-08.1-01, section
2 16.1-08.1-03.2, subsection 1 of section 16.1-08.1-03.9, and sections 16.1-08.1-03.10 and
3 16.1-08.1-03.11 of the North Dakota Century Code, relating to campaign finance.

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

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

7 5. "Expenditure" means a gift, transfer, conveyance, provision, loan, advance,
8 payment, distribution, disbursement, outlay, or deposit of money or anything of
9 value, except a loan of money from a bank or other lending institution made in the
10 regular course of business, made for the direct purpose of influencing the passage
11 or defeat of a measure or the nomination for election, or election, of any person
12 individual to office. The term also means a contract, promise, or agreement,
13 express or implied, whether or not legally enforceable, to make any expenditure
14 and includes the transfer of funds by a political committee to another political
15 committee.

16 **SECTION 2. AMENDMENT.** Section 16.1-08.1-03.2 of the North Dakota Century Code
17 is amended and reenacted as follows:

18 **16.1-08.1-03.2. Political committee registration.** A statewide candidate, ~~statewide~~
19 ~~candidate committee, or~~ political action committee, ~~multicandidate committee, or a measure~~
20 committee, as ~~described~~ defined in section 16.1-08.1-01 shall register its name, address, and
21 its agent's name and address with the secretary of state each calendar year in which it receives
22 any contribution. The registration must be completed within fifteen business days of the receipt
23 of any contribution or expenditure made and must be submitted with a registration fee of
24 twenty-five dollars. A political committee that organizes and registers according to federal law

1 and makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking
2 public office, a political party, or political committee in this state is not required to register as a
3 political committee according to this section if the political committee reports according to
4 section 16.1-08.1-03.7. Registration under this section does not reserve the name for exclusive
5 use nor does it constitute registration of a trade name under chapter 47-25.

6 **SECTION 3. AMENDMENT.** Subsection 1 of section 16.1-08.1-03.9 of the North
7 Dakota Century Code is amended and reenacted as follows:

8 1. A judicial district candidate or a candidate committee for a judicial district candidate
9 shall make and file a statement in accordance with this section. The candidate or
10 candidate committee shall include in the statement:

11 a. The name and mailing address of all contributors who made contributions in
12 excess of two hundred dollars in the aggregate for the purpose of influencing
13 the nomination for election, or election, of the candidate;

14 b. The aggregated amount of the contributions from each listed contributor;

15 c. The date the last contribution was received from each listed contributor;

16 d. The gross total of all contributions received in excess of two hundred dollars;

17 e. The gross total of all contributions received of two hundred dollars, or less;
18 and

19 e- f. The cash on hand in the filer's account at the start and close of the reporting
20 period.

21 **SECTION 4. AMENDMENT.** Section 16.1-08.1-03.10 of the North Dakota Century
22 Code is amended and reenacted as follows:

23 **16.1-08.1-03.10. Contribution statements of county office candidates or a**
24 **candidate committee for a county office candidate.**

25 1. A county office candidate or a candidate committee for a county office candidate
26 shall make and file a statement in accordance with this section. The candidate or
27 candidate committee shall include in the statement:

28 a. The name and mailing address of all contributors who made contributions in
29 excess of two hundred dollars in the aggregate for the purpose of influencing
30 the nomination for election, or election, of the candidate;

31 b. The aggregated amount of the contributions from each listed contributor; ~~and~~

- 1 c. The date the last contribution was received from each listed contributor;
- 2 d. The gross total of all contributions received in excess of two hundred dollars;
- 3 e. The gross total of all contributions received of two hundred dollars, or less;
- 4 and
- 5 f. The cash on hand in the filer's account at the start and close of the reporting
- 6 period.
- 7 2. A candidate or a candidate committee described in this section shall file a
- 8 statement with the county auditor no later than the twelfth day before the date of
- 9 the election in which the candidate's name appears on the ballot or in which the
- 10 candidate seeks election through write-in votes. The reporting period for each of
- 11 these statements is from the beginning of that calendar year through the twentieth
- 12 day before the date of the election.
- 13 3. A candidate or a candidate committee described in this section shall also be
- 14 required to file a complete year-end statement with the county auditor no later than
- 15 the thirty-first day of January in the year immediately following the date of the
- 16 election in which the candidate's name appeared on the ballot or in which the
- 17 candidate sought election through write-in votes. Even if the candidate or
- 18 candidate committee has not received any contributions in excess of two hundred
- 19 dollars during the reporting period, the candidate or candidate committee shall file
- 20 a statement as required by this section.
- 21 4. A candidate or a candidate committee described in this section shall ~~be required to~~
- 22 file a year-end statement with the county auditor ~~for any year in which a~~
- 23 ~~contribution was received~~, regardless of whether the candidate sought election
- 24 during that calendar year.
- 25 5. A statement required by this section to be filed with the county auditor must be:
- 26 a. Deemed properly filed when deposited with or delivered to the county auditor
- 27 within the prescribed time. A statement that is mailed is deemed properly filed
- 28 when it is postmarked and directed to the county auditor within the prescribed
- 29 time. If the county auditor does not receive a statement, a duplicate of the
- 30 statement must be promptly filed upon notice by the county auditor of its
- 31 nonreceipt.

- 1 b. Preserved by the county auditor for a period of four years from the date of
2 filing. The statement is to be considered a part of the public records of the
3 county auditor and must be open to public inspection.

4 **SECTION 5. AMENDMENT.** Section 16.1-08.1-03.11 of the North Dakota Century
5 Code is amended and reenacted as follows:

6 **16.1-08.1-03.11. Contribution statements of city office candidates or a candidate**
7 **committee for a city office candidate in cities with a resident population of five thousand**
8 **or more as determined by the last federal decennial census.**

- 9 1. A city office candidate or a candidate committee for a city office candidate in cities
10 with a resident population of five thousand or more as determined by the last
11 federal decennial census shall make and file a statement in accordance with this
12 section. The candidate or candidate committee shall include in the statement:
13 a. The name and mailing address of all contributors who made contributions in
14 excess of two hundred dollars in the aggregate for the purpose of influencing
15 the nomination for election, or election, of the candidate;
16 b. The aggregated amount of the contributions from each listed contributor; ~~and~~
17 c. The date the last contribution was received from each listed contributor;
18 d. The gross total of all contributions received in excess of two hundred dollars;
19 e. The gross total of all contributions received of two hundred dollars, or less;
20 and
21 f. The cash on hand in the filer's account at the start and close of the reporting
22 period.
23 2. A candidate or a candidate committee described in this section shall file a
24 statement with the city auditor no later than the twelfth day before the date of any
25 election in which the candidate's name appears on the ballot or in which the
26 candidate seeks election through write-in votes. The reporting period for each of
27 these statements is from the beginning of that calendar year through the twentieth
28 day before the date of the election.
29 3. A candidate or a candidate committee described in this section shall ~~also be~~
30 ~~required to~~ file a complete year-end statement with the city auditor no later than the
31 thirty-first day of January in the year immediately following the date of the election

1 in which the candidate's name appeared on the ballot or in which the candidate
2 sought election through write-in votes. Even if the candidate or candidate
3 committee has not received any contributions in excess of two hundred dollars
4 during the reporting period, the candidate or candidate committee shall file a
5 statement as required by this section.

6 4. A candidate or a candidate committee described in this section shall ~~be required to~~
7 file a year-end statement with the city auditor ~~for any year in which a contribution~~
8 ~~was received~~, regardless of whether the candidate sought election during that
9 calendar year.

10 5. A statement required by this section to be filed with the city auditor must be:

11 a. Deemed properly filed when deposited with or delivered to the city auditor
12 within the prescribed time. A statement that is mailed is deemed properly filed
13 when it is postmarked and directed to the city auditor within the prescribed
14 time. If the city auditor does not receive a statement, a duplicate of the
15 statement must be promptly filed upon notice by the city auditor of its
16 nonreceipt.

17 b. Preserved by the city auditor for a period of four years from the date of filing.
18 The statement is to be considered a part of the public records of the city
19 auditor and must be open to public inspection.