

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1295
(Representatives Roers Jones, Jones, Klemin, Satrom)
(Senator Dwyer)

AN ACT to amend and reenact sections 16.1-08.1-04.1, 54-66-03, and 54-66-15 of the North Dakota Century Code, relating to authority of the secretary of state and the ethics commission; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-08.1-04.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. A candidate may not use any contribution received 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.
2. ~~The~~ if the secretary of state ~~shall assess a civil penalty upon~~ has substantial reason to believe any person ~~that knowingly violates~~ violated this section:
 - a. ~~If the contribution used in violation of this section has a value of two thousand five hundred dollars or more, the civil penalty must be two times the value of the contribution.~~
 - b. ~~If the contribution used in violation of this section has a value of less than two thousand five hundred dollars, the civil penalty must be at least two times the value of the contribution and may be up to five thousand dollars.~~
3. ~~The assessment of a civil penalty may be appealed to the district court of the county where the candidate resides, the secretary shall arrange for an audit as authorized by section 16.1-08.1-05.~~

SECTION 2. AMENDMENT. Section 54-66-03 of the North Dakota Century Code is amended and reenacted as follows:

54-66-03. Lobbyist gifts - Penalty. (Effective after January 4, 2021)

1. A lobbyist may not give, offer, solicit, initiate, or facilitate a gift knowingly to a public official, and a public official may not accept a gift from a lobbyist knowingly.
2. The prohibition in subsection 1 does not apply when a lobbyist gives, offers, solicits, initiates, or facilitates, or a public official accepts a gift to or from a family member.
3. ~~The secretary of state~~ commission ~~shall~~ may assess a civil penalty upon any individual who violates this section.

- a. If the gift has a value of five hundred dollars or more, the civil penalty ~~must~~may be up to two times the value of the gift.
- b. If the gift has a value of less than five hundred dollars, the civil penalty ~~must~~may be ~~no less than~~ two times the value of the gift and may be up to one thousand dollars.

SECTION 3. AMENDMENT. Section 54-66-15 of the North Dakota Century Code is amended and reenacted as follows:

54-66-15. Prohibition on delivering campaign contributions - Penalty.

A lobbyist may not deliver knowingly a campaign contribution made by another person in violation of subsection 3 of section 2 of article XIV of the Constitution of North Dakota. For a first violation, the ~~secretary of state~~commission shall~~may~~ assess a civil penalty of five hundred dollars upon any individual who knowingly violates this section. For a second and subsequent knowing violation of this section, the person is guilty of a class B misdemeanor, and, if the lobbyist is a registered lobbyist and the secretary of state is notified of the violation by the commission, a state's attorney, or a court, the secretary of state ~~may~~shall revoke the lobbyist's registration. For purposes of this section, "deliver" means to transport, transfer, or otherwise transmit, either physically or electronically. This prohibition does not apply to an individual who delivers a campaign contribution to the individual's own campaign or to the campaign of the individual's immediate family member. This prohibition may not be interpreted to prohibit any person from making a campaign contribution, encouraging others to make a campaign contribution, or otherwise supporting or opposing a candidate.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1295 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 86 Nays 7 Absent 1

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 1 Absent 0

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State