

PROPOSED AMENDMENTS TO SENATE BILL NO. 2316

Page 1, line 1, after "sections" insert "16.1-08.1-01,", replace the second "and" with ",
16.1-08.1-03,", and after "16.1-08.1-03.2" insert ", subsection 3 of section
16.1-08.1-03.3, sections 16.1-08.1-03.6, and 16.1-08.1-06"

Page 1, line 2, remove "the filing of" and replace "by political" with a period

Page 1, remove line 3

Page 1, after line 4, insert:

"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 plainly requires:

1. "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.
2. "Candidate" means an individual who seeks nomination for election or election to public office.
3. "Contribution" means a gift, subscription, loan, advance, or deposit of money, 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. Contribution 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, ~~and~~. Contribution includes funds received 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 except as provided in subdivision d. This definition 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 spent by a candidate on the candidate's own behalf.
 - d. ~~Any money received from a district or state committee of a political party, as established pursuant to sections 16.1-03-06 and 16.1-03-08, except for contributions reported pursuant to section 16.1-08.1-03 by a candidate for public office which is immediately transferred or signed over to a district or state committee of a political party within ten days~~

of the candidate receiving the money. A transfer of this kind must be reported by the district or state committee of the political party as a contribution according to section 16.1-08.1-03, and show the origin of the contribution.

4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code.
5. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or property, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.
6. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
7. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
8. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures primarily for political purposes and any committee organized in support of a candidate or several candidates seeking public office.
9. "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.
10. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office whether the activity is undertaken by a candidate, a political committee, a political party, or any person. The term does not include activities undertaken in the performance of a duty of a state office.
11. "Public office" means every statewide or legislative office to which persons can be elected by vote of the people under the laws of this state."

Page 1, line 10, after "candidate" insert "or several candidates"

Page 2, line 1, remove "for" and overstrike "a legislative candidate must be filed in the office of the county auditor"

Page 2, line 2, overstrike "of the candidate's county of residence. Statements", remove "for", and overstrike "state office candidates"

Page 2, line 5, overstrike "calendar year" and insert immediately thereafter "reporting period"

page 2, after line 6, insert:

"SECTION 3. AMENDMENT. Section 16.1-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03. Contributions statement required of political parties. Any political party that receives contributions in excess of one hundred dollars in the aggregate during the reporting period shall file a statement containing a detailed list of all contributions received from a person or political committee which exceed one hundred dollars in amount. The statement must include the name and mailing address of all contributors listed, the amount of each reportable contribution, and the date each reportable contribution was received.

A yearend statement covering the entire calendar year must be filed with the secretary of state no later than the thirty-first day of January of the following year. A preelection statement must be filed no later than the twelfth day before any election at which the party has endorsed or will nominate a candidate and must be complete from the beginning of that calendar year through the twentieth day before the election.

Even if the political party has not received any contributions in excess of one hundred dollars during the reporting period, the political party shall file a statement as required by this chapter."

Page 2, line 14, after the period insert "Political committees that organize and register according to federal law shall register within five days of making a contribution to a nonfederal candidate seeking public office and in doing so shall follow the reporting requirements provided in section 16.1-08.1-03.3."

Page 2, after line 14, insert:

"SECTION 5. AMENDMENT. Subsection 3 of section 16.1-08.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

3. All political committees formed for the purpose of administering the segregated fund provided for in this section shall file a statement showing the name and mailing address of each contributor of an amount in excess of two hundred dollars in the aggregate for the reporting period and a listing of all expenditures of an amount in excess of one hundred dollars in the aggregate made for political purposes with the secretary of state. The statement must include the amount of each reportable contribution and the date it was received and the amount of each reportable expenditure and the date it was made. A yearend statement covering the entire calendar year must be filed no later than the thirty-first day of the following year. A preelection statement must be filed no later than the twelfth day before any primary, special, or general election and must be complete from the beginning of the calendar year through the twentieth day before the election. Political committees that organize and register according to federal law and the laws of this state must only report contributions received and expenditures made by the committee registered in this state as provided by this section.

SECTION 6. AMENDMENT. Section 16.1-08.1-03.6 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.6. Contributions from federal campaign committee accounts or from contributions made to other candidates or former candidates limited. A candidate or a political party may not accept a contribution in an amount exceeding two hundred dollars from another candidate's campaign contributions, from contributions made to a person who was a candidate within the previous six years, or from a federal campaign committee account unless:

1. The person who makes a contribution from such funds includes with the contribution a statement that the original contributors gave permission to contribute money to another candidate or a political party; and
2. The receiving candidate or a political party files a disclosure statement with the same office as required under section 16.1-08.1-02 for campaign contribution statements within forty-eight hours after receiving the contribution. The statement must include a copy of the permission statement required of the donating person under subsection 1.

A contribution requiring permission according to this section does not include any money received by a candidate that is immediately transferred or signed over to a district or state committee of a political party within ten days of the candidate receiving the contribution.

SECTION 7. AMENDMENT. Section 16.1-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-06. Contributions statement requirements. A statement required by this chapter to be filed with the secretary of state or county auditor must be:

1. Deemed properly filed when deposited in an established post office within the prescribed time, postage affixed, and directed to the secretary of state ~~or county auditor~~, but if it is not received, a duplicate of the statement must be promptly filed upon notice by the secretary of state ~~or county auditor~~ of its nonreceipt.
2. Preserved by the secretary of state ~~or county auditor~~ for a period of four years from the date of filing. The statement is to be considered a part of the public records of the secretary of state's ~~or county auditor's~~ office and must be open to public inspection.

If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state ~~or county auditor~~ is closed, the statement must be filed on the next available day on which the office of the secretary of state ~~or county auditor~~ is open. In determining the amount of individual contributions from any contributor, all amounts received 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. Aggregated contributions must reference the date of the most recent contribution. Contributions made separately from joint accounts must be aggregated and reported as originating from one source."

Renumber accordingly