

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1432
(Representatives Kasper, Iverson, Thoreson)
(Senator Brown)

AN ACT to create and enact sections 16.1-08.1-03.10 and 16.1-08.1-03.11 of the North Dakota Century Code, relating to campaign finance; and to amend and reenact subsection 5 of section 16.1-08.1-01, subsections 2 and 3 of section 16.1-08.1-02, subsection 1 of section 16.1-08.1-03, subsection 3 of section 16.1-08.1-03.1, section 16.1-08.1-03.2, subsection 2 of section 16.1-08.1-03.8, and sections 16.1-08.1-03.9, 16.1-08.1-04, and 16.1-08.1-06.1 of the North Dakota Century Code, relating to campaign finance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

5. "Expenditure" means 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 the direct 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.

SECTION 2. AMENDMENT. Subsections 2 and 3 of section 16.1-08.1-02 of the North Dakota Century Code are amended and reenacted as follows:

2. The candidate committee, or candidate for statewide office who does not have a candidate committee, and any candidate for legislative office shall include in the statement the name and mailing address of all contributors who contributed in excess of two hundred dollars in the aggregate during the reporting period to the candidate committee, or candidate for statewide office who does not have a candidate committee, and any candidate for legislative office, the aggregated amount of each the reportable contribution contributions from each contributor and the date each the last reportable contribution from each contributor was received.
3. The candidate committee, or candidate for statewide office who does not have a candidate committee, and any candidate for legislative office shall file the statement in the office of the secretary of state no later than the twelfth day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes complete from the beginning of that calendar year through the twentieth day before the date of the election. Every candidate committee, or candidate for statewide office who does not have a candidate committee, and every candidate for legislative office shall file a complete statement for each calendar year no later than the thirty-first day of January of the following year, regardless of whether the ~~candidate's name appeared on the ballot for any office during that calendar year or whether the candidate did not seek~~ sought election at any election through write-in votes during that calendar year.

SECTION 3. AMENDMENT. Subsection 1 of section 16.1-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

1. Any political party that receives contributions in excess of two hundred dollars in the aggregate during the reporting period shall file a statement containing ~~a detailed list~~ the

~~aggregated total~~ of all contributions received from a person or political committee which exceed two hundred dollars in amount. The statement must include the name and mailing address of all contributors listed,~~the~~. ~~For each contributor listed, the statement must include the aggregated amount of each the reportable contribution, contributions and the date each the last reportable contribution was received, and for received.~~ For a state political party, ~~the statement must include a listing that includes list of~~ the name and mailing address of each recipient of an expenditure exceeding two hundred dollars in the aggregate,~~the~~. For each expenditure recipient listed, the list must include the aggregated amount of ~~each the reportable expenditure, expenditures and the date the last expenditure was made.~~

SECTION 4. AMENDMENT. Subsection 3 of section 16.1-08.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

3. The statement required of a person or measure committee under subsection 1 must be filed with the secretary of state no later than the twelfth day prior to the date of the election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the twentieth day prior to the date of the election. A complete statement for the entire calendar year must be filed no later than the thirty-first day of January of the following year. Even if a person required to report according to this section has not received any contributions in excess of one hundred dollars during the reporting period, the person shall file a statement as required by this chapter. A statement filed according to this section during the reporting period must show the following:
 - a. The gross total of all contributions received and expenditures made in excess of one hundred dollars;
 - b. The gross total of all contributions received and expenditures made of one hundred dollars, or less; and
 - c. The cash on hand in the filer's account at the start and close of the reporting period.

SECTION 5. AMENDMENT. Section 16.1-08.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.2. Political committee registration. A statewide candidate or a political committee, as described in section 16.1-08.1-01, other than a political party and a committee organized in support of an individual legislative candidate, shall register its name, address, and its agent's name and address with the secretary of state each calendar year in which it receives any contribution. The registration must be completed within fifteen business days of the receipt of any contribution or expenditure made and must be submitted with a registration fee of twenty-five dollars. A political committee that organizes and registers according to federal law and makes a disbursement in excess of two hundred 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 16.1-08.1-03.7. Registration under this section does not reserve the name for exclusive use nor does it constitute registration of a trade name under chapter 47-25.

SECTION 6. AMENDMENT. Subsection 2 of section 16.1-08.1-03.8 of the North Dakota Century Code is amended and reenacted as follows:

2. A multicandidate political committee shall file a ~~detailed list~~ statement containing the aggregated total of all contributions showing the name and mailing address of each contributor who contributed in excess of two hundred dollars in the aggregate to the committee during a reporting period, the aggregated amount of each the reportable contribution contributions in excess of two hundred dollars, and the date ~~each the last~~ reportable contribution was received.

SECTION 7. AMENDMENT. Section 16.1-08.1-03.9 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.9. Contribution statements of other judicial district candidates or a candidate committees committee for elected office in the state except as otherwise defined a judicial district candidate.

1. ~~Except a candidate otherwise defined in section 16.1-01-01, a candidate committee for a~~ A ~~judicial district candidate and or a candidate for a county or city office, in cities with a resident population of five thousand or more as determined by the last federal decennial census, committee for a judicial district candidate shall make and file a statement in accordance with this section. The candidate or candidate committee shall include in the statement:~~
 - a. The name and mailing address of all contributors who made contributions in excess of two hundred dollars in the aggregate for the purpose of influencing the nomination for election, or election, of the candidate;
 - b. The aggregated amount of the contributions from each reportable contribution listed contributor; and
 - c. The date ~~each reportable~~ the last contribution was received from each listed contributor.
2. A candidate ~~or a candidate committee for a judicial district candidate~~ described in this section shall file a statement with the secretary of state no later than the ~~thirtieth~~ twelfth day ~~following~~ before the date of the election in which the candidate's name ~~appeared~~ appears on the ballot or in which the candidate ~~sought~~ seeks election through write-in votes. ~~Any other~~ The reporting period for each of these statements is from the beginning of that calendar year through the twentieth day before the date of the election.
3. A candidate ~~or a candidate committee~~ described in this section shall also be required to file a complete year-end statement ~~under this section shall file the statement in the office of the county auditor in the candidate's county of residence with the secretary of state~~ no later than the ~~thirtieth~~ thirty-first day of January in the year immediately following the date of the election in which the candidate's name appeared on the ballot or in which the candidate sought election through write-in votes. Even if the candidate or candidate committee has not received any contributions in excess of two hundred dollars during the reporting period, the candidate or candidate committee shall file a statement as required by this section.
- ~~3.~~ 4. A candidate or a candidate committee described in this section shall be required to file a year-end statement with the secretary of state for any year in which a contribution was received, regardless of whether the candidate sought election during that calendar year.
5. A statement required by this section to be filed with the ~~appropriate filing officer~~ secretary of state must be:
 - a. Deemed properly filed when deposited with or delivered to the ~~appropriate filing officer~~ secretary of state within the prescribed time. A statement that is mailed is deemed properly filed when it is postmarked and directed to the ~~appropriate filing officer~~ secretary of state within the prescribed time. If the ~~filing officer~~ secretary of state does not receive a statement, a duplicate of the statement must be promptly filed upon notice by the ~~filing officer~~ secretary of state of its nonreceipt.
 - b. Preserved by the ~~filing officer~~ secretary of state 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 ~~filing officer~~ secretary of state and must be open to public inspection.

SECTION 8. Section 16.1-08.1-03.10 of the North Dakota Century Code is created and enacted as follows:

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

1. A county office candidate or a candidate committee for a county office candidate shall make and file a statement in accordance with this section. The candidate or candidate committee shall include in the statement:
 - a. The name and mailing address of all contributors who made contributions in excess of two hundred dollars in the aggregate for the purpose of influencing the nomination for election, or election, of the candidate;
 - b. The aggregated amount of the contributions from each listed contributor; and
 - c. The date the last contribution was received from each listed contributor.
2. A candidate or a candidate committee described in this section shall file a statement with the county auditor no later than the twelfth day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes. The reporting period for each of these statements is from the beginning of that calendar year through the twentieth day before the date of the election.
3. A candidate or a candidate committee described in this section shall also be required to file a complete year-end statement with the county auditor no later than the thirty-first day of January in the year immediately following the date of the election in which the candidate's name appeared on the ballot or in which the candidate sought election through write-in votes. Even if the candidate or candidate committee has not received any contributions in excess of two hundred dollars during the reporting period, the candidate or candidate committee shall file a statement as required by this section.
4. A candidate or a candidate committee described in this section shall be required to file a year-end statement with the county auditor for any year in which a contribution was received, regardless of whether the candidate sought election during that calendar year.
5. A statement required by this section to be filed with the county auditor must be:
 - a. Deemed properly filed when deposited with or delivered to the county auditor within the prescribed time. A statement that is mailed is deemed properly filed when it is postmarked and directed to the county auditor within the prescribed time. If the county auditor does not receive a statement, a duplicate of the statement must be promptly filed upon notice by the county auditor of its nonreceipt.
 - b. Preserved by the 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 county auditor and must be open to public inspection.

SECTION 9. Section 16.1-08.1-03.11 of the North Dakota Century Code is created and enacted as follows:

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

1. A city office candidate or a candidate committee for a city office candidate in cities with a resident population of five thousand or more as determined by the last federal decennial census shall make and file a statement in accordance with this section. The candidate or candidate committee shall include in the statement:

- a. The name and mailing address of all contributors who made contributions in excess of two hundred dollars in the aggregate for the purpose of influencing the nomination for election, or election, of the candidate;
 - b. The aggregated amount of the contributions from each listed contributor; and
 - c. The date the last contribution was received from each listed contributor.
2. A candidate or a candidate committee described in this section shall file a statement with the county auditor no later than the twelfth day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes. The reporting period for each of these statements is from the beginning of that calendar year through the twentieth day before the date of the election.
 3. A candidate or a candidate committee described in this section shall also be required to file a complete year-end statement with the county auditor no later than the thirty-first day of January in the year immediately following the date of the election in which the candidate's name appeared on the ballot or in which the candidate sought election through write-in votes. Even if the candidate or candidate committee has not received any contributions in excess of two hundred dollars during the reporting period, the candidate or candidate committee shall file a statement as required by this section.
 4. A candidate or a candidate committee described in this section shall be required to file a year-end statement with the county auditor for any year in which a contribution was received, regardless of whether the candidate sought election during that calendar year.
 5. A statement required by this section to be filed with the county auditor must be:
 - a. Deemed properly filed when deposited with or delivered to the county auditor within the prescribed time. A statement that is mailed is deemed properly filed when it is postmarked and directed to the county auditor within the prescribed time. If the county auditor does not receive a statement, a duplicate of the statement must be promptly filed upon notice by the county auditor of its nonreceipt.
 - b. Preserved by the 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 county auditor and must be open to public inspection.

SECTION 10. AMENDMENT. Section 16.1-08.1-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-04. Supplemental statement required on large contributions received after original statement - Filing time. If any candidate, political party, or political committee receives ~~any contribution~~ contributions in excess of five hundred dollars in the aggregate in the twenty-day period before any election from any individual contributor, that candidate, political party, political committee, or person shall make and file a supplemental statement in the same form as required by section 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.3, ~~or~~ 16.1-08.1-03.8, 16.1-08.1-03.9, 16.1-08.1-03.10, or 16.1-08.1-03.11 stating the name and street address of the contributor and the aggregated amount of the contribution; and file the statement in the appropriate office within forty-eight hours of the receipt of the contribution.

SECTION 11. AMENDMENT. Section 16.1-08.1-06.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-06.1. Secretary of state Filing officer to charge and collect fees for late filing. Except for a statement required to be filed under section 16.1-08.1-03.9, any other

1. If a statement, registration, or report required to be filed according to this chapter, ~~or any amended statement, registration, or report requested by the secretary of state,~~ which is not

filed within the prescribed time, the ~~secretary of state shall~~ filing officer to whom the report was to be filed is authorized to charge and collect a late fee as follows:

- ~~1.~~
 - a. Within six days after the prescribed time, twenty-five dollars;
 - ~~2.~~ b. Within eleven days after the prescribed time, fifty dollars; and
 - ~~3.~~ c. Thereafter, one hundred dollars.
2. A filing officer may require an amendment to be filed for any statement, registration, 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 days after the date the amendment was due, fifty dollars;
 - b. Within eleven days after the date the amendment was due, one hundred dollars; and
 - c. Thereafter, two hundred dollars.
3. The ~~secretary of state~~ 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.

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 Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1432.

House Vote: Yeas 88 Nays 1 Absent 5

Senate Vote: Yeas 44 Nays 0 Absent 3

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at _____ o'clock _____ M.

Secretary of State