Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1309
(Representatives Devlin, Holman, J. Nelson, Rohr, Trottier)
(Senators Armstrong, Schaible)

AN ACT to amend and reenact subsection 1 of section 16.1-01-12, subsection 11 of section 16.1-08.1-01, sections 16.1-08.1-03.1 and 16.1-08.1-03.2, subsection 3 of section 16.1-08.1-03.5, section 16.1-08.1-03.9, subsection 1 of section 16.1-08.1-03.12, and sections 16.1-08.1-03.13, 16.1-08.1-06, and 16.1-10-04.1 of the North Dakota Century Code, relating to campaign finance disclosure.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 16.1-01-12 of the North Dakota Century Code is amended and reenacted as follows:

1. It is unlawful for an individual, measure committee as described in section 16.1-08.1-01, or other organization to:

   a. Fraudulently alter another individual's ballot or substitute one ballot for another or to otherwise defraud a voter of that voter's vote.

   b. Obstruct a qualified elector on the way to a polling place.

   c. Vote or offer to vote more than once in any election.

   d. Knowingly vote in the wrong election precinct or district.

   e. Disobey the lawful command of an election officer as defined in chapter 16.1-05.

   f. Knowingly exclude a qualified elector from voting or knowingly allow an unqualified person to vote.

   g. Knowingly vote when not qualified to do so.

   h. Sign an initiative, referendum, recall, or any other election petition when not qualified to do so.

   i. Circulate an initiative, referendum, recall, or any other election petition not in its entirety or circulate such a petition when unqualified to do so.

   j. Pay or offer to pay any individual, measure committee, or other organization, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators file their intent to remunerate prior to submitting the petitions and, in the case of initiative and referendum petitions, fully disclose all contributions received pursuant to chapter 16.1-08.1 to the secretary of state upon submission of the petitions. The disclosure of contributions received under this section does not affect the requirement to file a preelection report by individuals or organizations soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly under chapter 16.1-08.1. Any signature obtained in violation of this subdivision is void and may not be counted.

k. Willfully fail to perform any duty of an election officer after having accepted the responsibility of being an election officer by taking the oath as prescribed in this title.

l. Willfully violate any rule adopted by the secretary of state pursuant to this title.

m. Willfully make any false canvass of votes, or make, sign, publish, or deliver any false return of an election, knowing the same to be false, or willfully deface, destroy, or conceal any statement or certificate entrusted to the individual's or organization's care.

n. Destroy ballots, ballot boxes, election lists, or other election supplies except as provided by law.

o. Sign a name other than that individual's own name to an initiative, referendum, recall, or any other election petition.

SECTION 2. AMENDMENT. Subsection 11 of section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

11. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes and includes the following:

a. A political action committee, derived from a corporation, cooperative corporation, limited liability company, or an association that is prohibited from making a contribution for political purposes under section 16.1-08.1-03.5, and which solicits or receives contributions or makes expenditures for political purposes;

b. A candidate committee, established to support an individual candidate seeking statewide, judicial, or legislative office, ~~that~~which solicits or receives contributions for political purposes;

c. A political organization governed by the Internal Revenue Code and registered with the federal election commission, which solicits or receives contributions or makes expenditures for political purposes;

d. A multicandidate political committee, established to support multiple groups or slates of candidates seeking public office, that solicits or receives contributions for political purposes;

e. A measure committee ~~that~~, including an initiative or referendum sponsoring committee at any stage of its organization, which solicits or receives contributions or makes expenditures for the purpose of aiding or opposing a measure sought to be voted upon by the voters of the state, including any activities undertaken for the purpose of drafting an initiative or referendum petition, seeking approval of the secretary of state for the circulation of a petition, or seeking approval of the submitted petitions; and

f. An incidental committee.

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

16.1-08.1-03.1. Contributions statement required of persons and measure committees circulating or promoting passage or defeat of initiated or referred measure ~~- Statement of petition sponsors~~.

1. Any person or measure committee, as described in section 16.1-08.1-01, that is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly at any election shall file a statement in accordance with this subsection if the person has received any contribution in excess of one hundred dollars. The

statement must include the name and mailing address of each person that contributed in excess of one hundred dollars to the person, the amount of each reportable contribution, and the date each reportable contribution was received. The statement must include the name and mailing address of each recipient of an expenditure exceeding one hundred dollars in the aggregate, the amount of each reportable expenditure, and the date the expenditure was made.

2. A person or measure committee ~~that~~as described in section 16.1-08.1-01 which is soliciting or accepting a contribution for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure placed upon a statewide ballot by action of the legislative assembly may not accept a contribution of more than one hundred dollars from an out-of-state person or political committee unless the contribution is accompanied by a certified statement from the contributor listing the name, address, and amount contributed by each person that contributed more than one hundred dollars of the contribution. The statement must indicate if no person contributed in excess of one hundred dollars of the out-of-state person's or political committee's overall contribution. The certified statement must also list the occupation, employer, and principal place of business for each individual who contributed more than one hundred dollars of the contribution. The person soliciting or accepting a contribution for the purpose of aiding the circulation of a statewide initiative or referendum petition or of promoting passage or defeat of a statewide initiated or referred measure shall include this statement with the contribution statement required to be filed under subsection 1.

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 thirty-second day before 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 fortieth day before the date of the election. A complete statement for the entire calendar year for each statement required to be filed under this section 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.

~~4. Within one hundred eighty days after the approval of a petition to initiate or refer a measure or to recall an official or after the submission of a petition to convene a grand jury as provided under section 29-10.1-02, the sponsoring committee or the individual responsible for submission of the petition shall file a statement with the secretary of state which discloses whether petition circulators have been or will be paid for the circulation of petitions and which lists the total amount of money paid or which is expected to be paid to circulators.~~

SECTION 4. 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 and candidate registration.

1. A ~~statewide, judicial, or legislative candidate or~~ political committee as defined in section 16.1-08.1-01 shall register its name and ~~address~~contact information, its agent's name and ~~address~~contact information, and a designation as to whether the committee is incorporated solely for the purpose of liability protection, with the secretary of state ~~each calendar year~~. A candidate who does not have a candidate committee shall register the candidate's name and

contact information and, if the candidate has an agent, the agent's name and contact information with the secretary of state. The registration required under this section for a candidate or political committee that has not previously registered with the secretary of state must be ~~completed~~submitted within fifteen business days of the receipt of any contribution or expenditure made.

2. A candidate or political committee required to be registered under this section must register with the secretary of state each year during which the candidate holds public office or during which the political committee receives contributions or makes expenditures for political purposes. An individual who no longer holds public office or an individual who no longer seeks public office must register with the secretary of state each year in which contributions are received or expenditures are made for political purposes.

3. A political committee that organizes and registers according to federal law and makes an independent expenditure or 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.

4. An incidental political committee is required to register under this section only as a result of making a reportable expenditure or contribution in the aggregate during any reporting period, but the registration under this section does not change the nature of business for the organization.

5. Registration by a political committee 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 5. AMENDMENT. Subsection 3 of section 16.1-08.1-03.5 of the North Dakota Century Code is amended and reenacted as follows:

3. A corporation, cooperative corporation, limited liability company, or association may make ~~a contribution~~an expenditure to a measure committee as described in section 16.1-08.1-01 for the purpose of promoting the passage or defeat of an initiated or referred measure or petition or make ~~a contribution~~an expenditure to any other person that makes an independent expenditure. A corporation, cooperative corporation, limited liability company, or association may make an independent expenditure for a political purpose or for the purpose of promoting passage or defeat of initiated or referred measures or petitions. The corporation, cooperative corporation, limited liability company, or association shall file a statement disclosing ~~a contribution or an independent~~any expenditure made under this subsection with the secretary of state within forty-eight hours after making the ~~contribution or independent~~ expenditure. The statement must include:

   a. The full name of the corporation, cooperative corporation, limited liability company, or association;

   b. The complete address of the corporation, cooperative corporation, limited liability company, or association;

   c. The name of the recipient of the ~~contribution or independent~~ expenditure;

   d. If the ~~contribution or independent~~ expenditure is related to a measure or petition, the title of the measure or petition and whether the ~~contribution or independent~~ expenditure is made in support of or opposition to the measure or petition;

   e. If the ~~contribution or independent~~ expenditure is related to a measure, the election date on which the measure either will appear or did appear on the ballot;

   f. The amount of the ~~contribution or independent~~ expenditure;

g. The cumulative total amount of ~~contributions and independent~~ expenditures since the beginning of the calendar year which are required to be reported under this subsection;

h. The telephone number and the printed name and signature of the individual completing the ~~report~~statement, attesting to the ~~report~~statement being true, complete, and correct; and

i. The date on which the ~~report~~statement was signed.

SECTION 6. 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 judicial district candidates or a candidate committee for a judicial district candidate.

1. A judicial district candidate or a candidate 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 listed contributor;

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

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

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

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

2. A candidate or a candidate committee described in this section shall file a statement with the secretary of state no later than the thirty-second 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 fortieth 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 secretary of state 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 secretary of state, regardless of whether the candidate sought election during that calendar year.

~~5. A statement required by this section to be filed with the secretary of state must be:~~

   ~~a. Deemed properly filed when deposited with or delivered to the secretary of state within the prescribed time. A statement that is mailed is deemed properly filed when it is postmarked and directed to the secretary of state within the prescribed time. If the secretary of state does not receive a statement, a duplicate of the statement must be promptly filed upon notice by the secretary of state of its nonreceipt.~~

~~b. Preserved by the 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 secretary of state and must be open to public inspection.~~

SECTION 7. AMENDMENT. Subsection 1 of section 16.1-08.1-03.12 of the North Dakota Century Code is amended and reenacted as follows:

1. An incidental committee or political committee not otherwise covered by another section of this chapter may make ~~a contribution~~an expenditure to a measure committee as described in section 16.1-08.1-01 for the purpose of promoting the passage or defeat of an initiated or referred measure or petition or make ~~a contribution~~an expenditure to any other person that makes an independent expenditure. The incidental committee or political committee may make an independent expenditure for a political purpose or for the purpose of promoting passage or defeat of initiated or referred measures or petitions. The incidental committee or political committee shall file a statement disclosing ~~a contribution~~an expenditure for a political purpose or an independent expenditure made under this subsection with the secretary of state within forty-eight hours after making the ~~contribution~~expenditure or independent expenditure. The statement filed under this subsection must include:

   a. The full name of the incidental committee or political committee;

   b. The complete address of the incidental committee or political committee;

   c. The name of the recipient of the ~~contribution or independent~~ expenditure;

   d. If the ~~contribution or independent~~ expenditure is related to a measure or petition, the title of the measure or petition and whether the ~~contribution or independent~~ expenditure is made in support of or opposition to the measure or petition;

   e. If the ~~contribution or independent~~ expenditure is related to a measure, the election date on which the measure appeared or will appear on the ballot;

   f. The amount of the ~~contribution or independent~~ expenditure made to a recipient in this state;

   g. The cumulative total of ~~contributions and independent~~ expenditures since the beginning of the calendar year made to recipients in this state;

   h. The telephone number, printed name, and signature of the individual completing the ~~report~~statement, attesting to the ~~report~~statement being true, complete, and correct; and

   i. The date on which the ~~report~~statement was signed.

SECTION 8. AMENDMENT. Section 16.1-08.1-03.13 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.13. Contribution statements required of initiated or referendum petition sponsoring committees - Statement of petition sponsors.

1. At the time the sponsoring committee for an initiated or referendum petition requests approval of the secretary of state to circulate petitions for the purpose of placing a measure on the ballot, the committee also shall submit a statement disclosing the contributions received and the expenditures made ~~for the purpose of drafting~~relating to the petition.

2. At the time the sponsoring committee for an initiated or referendum petition submits signed petitions to the secretary of state, the committee also shall submit a complete statement disclosing the contributions received and expenditures made ~~for the purpose of circulating~~relating to the petition.

3. If December thirty-first falls between the date the secretary of state approves the petition for circulation and the date the signed petitions are submitted to the secretary of state, a complete statement for the calendar year shall be filed no later than the thirty-first day of January of the following year.

4. The sponsoring committee also shall file a complete statement for the calendar year in which the measure or referendum appeared or was to appear on the ballot and any other calendar year not covered by this section in which a contribution was received or an expenditure was made. This statement shall be filed no later than the thirty-first day of January of the following year.

5. A sponsoring committee may not accept a contribution of more than one hundred dollars from an out-of-state person or political committee unless the contribution is accompanied by a statement from the contributor listing the name, address, and amount contributed by each person that contributed more than one hundred dollars of the contribution. The statement must indicate if no person contributed in excess of one hundred dollars of the out-of-state person's or political committee's overall contribution. The statement must also list the occupation, employer, and principal place of business for each individual who contributed more than one hundred dollars of the contribution.

6. The statements required of this section ~~shall~~must include:

   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;

   c. The cash on hand in the filer's account at the start and close of the reporting period;

   d. The name and mailing address of each person that contributed in excess of one hundred dollars to the sponsoring committee;

   e. The amount of each reportable contribution;

   f. The date each reportable contribution was received;

   g. The name and mailing address of each recipient of an expenditure exceeding one hundred dollars in the aggregate;

   h. The amount of each reportable expenditure; and

   i. The date the expenditure was made.

7. Within one hundred eighty days after the approval of a petition to initiate or refer a measure or to recall an official or after the submission of a petition to convene a grand jury as provided under section 29-10.1-02, the sponsoring committee or the individual responsible for submission of the petition shall file a statement with the secretary of state which discloses whether petition circulators have been or will be paid for the circulation of petitions and which lists the total amount of money paid or which is expected to be paid to circulators.

SECTION 9. 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 and expenditure statement requirements.

1. Any statement required by this chapter to be filed with the secretary of state must be:

a. ~~Deemed properly filed when~~Filed electronically ~~delivered to~~with the secretary of state and must be within the prescribed time and in the format established by the secretary of state. If the secretary of state does not receive a statement, ~~a~~an electronic duplicate of the statement must be promptly filed upon notice by the secretary of state of its nonreceipt. After a statement has been filed, the secretary of state may request or accept written clarification along with an amended statement from a candidate, political party, or political committee filing the statement when discrepancies, errors, or omissions on the statement are discovered by the secretary of state, the candidate, political party, or political committee filing the statement, or by any interested party reciting a lawful reason for requesting clarification and an amendment be made. When requesting an amended statement, the secretary of state shall establish a reasonable period of time, not to exceed ten days, agreed to by the candidate, political party, or political committee, for filing the amended statement with the secretary of state.

b. Preserved by the secretary of state for a period of ten years from the date of filing. The statement is to be considered a part of the public records of the secretary of state's office and must be open to public inspection on the internet.

2. 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. Aggregate contributions must reference the date of the most recent contribution. Contributions made separately by different persons from joint accounts are considered separate contributions for reporting purposes.

3. Any statement and data filed ~~electronically~~with the secretary of state must be made available on the internet to the public free of charge within twenty-four hours after filing.

~~4. Unless otherwise provided by law, any candidate, political party, committee, or person may not be charged a fee for filing any statement with the secretary of state under this chapter.~~

SECTION 10. AMENDMENT. Section 16.1-10-04.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-10-04.1. Certain political advertisements to disclose name of sponsor - Name disclosure requirements.

Every political advertisement by newspaper, pamphlet or folder, display card, sign, poster, or billboard, website, or by any other similar public means, on behalf of or in opposition to any candidate for public office, designed to assist, injure, or defeat the candidate by reflecting upon the candidate's personal character or political action, or by a measure committee as described in section 16.1-08.1-01, or a corporation making ~~a direct~~an independent expenditure either for or against a measure, must disclose on the advertisement the name of the person, as defined in section 16.1-08.1-01, or political party paying for the advertisement. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible individual from the political party, association, or partnership. The name of the person paying for any radio or television broadcast containing any advertising announcement for or against any candidate for public office must be announced at the close of the broadcast. If the name of a political party, association, or partnership is used, the disclaimer must also include the name of the chairman or other responsible individual from the political party, association, or partnership. In every political advertisement in which the name of the person paying for the advertisement is disclosed, the first and last name of any named individual must be disclosed. An advertisement paid for by an individual candidate or group of candidates must disclose that the advertisement was paid for by the individual candidate or group of candidates. The first and last name or names of the candidates paying for the advertisement are not required to be disclosed. This section does not apply to campaign buttons.

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-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1309.

House Vote:	Yeas 92	Nays 0	Absent 2
Senate Vote:	Yeas 46	Nays 0	Absent 1

Chief Clerk of the House

Received by the Governor at 2:52 P. M. on April 1, 2015.

Approved at 2:28 P. M. on April 2, 2015.

Governor

Filed in this office this 2nd day of April, 2015,

at 323 o'clock P M.

Secretary of State