

# NORTH DAKOTA

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## CAMPAIGN FINANCE AND BALLOT MEASURE GUIDE

**These resources are current as of 8/7/14. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law. Please email us at [advocacy@afj.org](mailto:advocacy@afj.org).**

This guide summarizes key aspects of laws and regulations governing lobbying on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

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### CONTRIBUTION LIMITS AND SOURCE RESTRICTIONS

**North Dakota law does not impose contribution limit on individuals.**

Aside from a general ban on contributions by corporations, North Dakota does not restrict the time of year contributions may be given, the location where contributions may be delivered, or limit the amount of contributions by certain categories of individuals. Similarly, there are no restrictions on the amounts which may be contributed per year, per election cycle, or per election. The law does require that recipients of contributions must file reports with the Secretary of State which includes the names and addresses of contributors, the dates of contributions, and whether the aggregate contribution exceeded \$200 or \$5000.

From:	To Candidates				To Political Committees		To Measures Committees or Entities Making IEs
	Governor	Other Statewide	Legislative	Municipal	Multi-Candidate Comm	Parties	
Individuals	None	None	None	None	None	None	None
Political Committees	None	None	None	None	None	None	None
Corporations	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	None

**Contributions by Corporations are prohibited**

Corporations, nonprofit corporations, and other organizations may not make a contribution for a political purpose. This means that neither for-profit or nonprofit corporate entities may make a contribution to any group organized or maintained to support any candidate for nomination or election to political office. . N.D. Cent. Code § 16.1-08.1-03.5.

However, a corporation, cooperative corporation, limited liability company, or association may receive contributions and make direct expenditures aimed at promoting the passage or defeat of initiated or referred measures and make independent expenditures supporting or opposing candidates. N.D. Cent. Code § 16.1-08.1-03.5.

### **Corporate Political Action Committees (“PACs”).**

A corporation, cooperative corporation, limited liability company, or association may lawfully establish, administer, or solicit contributions to a separate and segregated fund (i.e., a PAC) to be utilized for political purposes by the organization. N.D. Cent. Code § 16.1-08.1-03.3(2). The following restrictions apply to PACs, however:

- Funds cannot be acquired and expenditures cannot be made through the use or threat of physical force, job discrimination, or financial reprisals
- Funds cannot be acquired in exchange for membership in an association (i.e., dues, fees, or treasury funds) or as a condition of employment;
  - Money from fees, dues, or treasury funds can be used to pay costs of administration of the PAC.
- Funds cannot be acquired through any commercial transaction
  - Money from commercial transactions can be used to pay costs of administration of the PAC.
- Employees, stockholders, patrons, and members from whom contributions are solicited must be informed of:
  - the political purposes of the PAC or the general political philosophy intended to be advanced at the time of the solicitation; and,
  - his or her right to refuse to contribute to the PAC without reprisal
- Accurate records must be kept of the contributor and the amount contributed, and of the amounts expended for political purposes.
- Contributions cannot be accepted from anyone who is not an employee, stockholder, patron, or member of the corporation, cooperative corporation, limited liability company, or association, or an affiliate or a subsidiary of the corporation, LLC or association that maintains the PAC.
- A PAC cannot report an expenditure for political purposes until control of the expenditure has been released by the PAC, unless there is a contract, promise, or agreement, expressed or implied, to make such expenditure.

N.D. Cent. Code § 16.1-08.1-03.3(2).

## **Out-of-state donors**

Out-of-state nonprofits, unions and PACs contributing to a measure committee or making payments to another committee for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petition or ballot measure, must provide to the recipient a certified statement listing the name, address, and amount contributed by each person whose funds were used to make the contribution, if that person contributed more than \$100 of the contribution. If no person contributed in excess of \$100 toward the contribution, the statement can so indicate. N.D. Cent. Code § 16.1-08.1-03.1(2). The recipient will then disclose this information on the committee's campaign reports.

The certified statement must also list the occupation, employer, and principal place of business for each individual who contributed more than \$100 of the contribution.

The law does not indicate whether the donors reported under this provision must have earmarked their donation for North Dakota activities or whether some other reasonable accounting method must be used. Out-of-state contributors may consider consulting with the Secretary of State or an attorney if they are concerned about compliance with this law.

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## **COMMUNICATIONS**

### **Issue Advocacy vs. Express Advocacy**

Express advocacy, which is called "political purpose" in North Dakota, is any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for," "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a political committee, a political party, or any person.

In the period 30 days before a primary election and 60 days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office.

The term does not include activities undertaken in the performance of a duty of a state office or any position taken in any bona fide news story, commentary, or editorial. N.D. Cent. Code § 16.1-08.1-01(12).

### **Member Communications**

North Dakota law does not create an exception for member communications.

### **Independent Expenditures**

"Independent expenditure" means an expenditure made for a political purpose or for the purpose of influencing the passage or defeat of a measure if the expenditure is made without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of, any candidate or a candidate committee or measure committee. N.D. Cent. Code § 16.1-08.1-01(7). Independent expenditures must be reported within 48-hours, even if conducted by an entity that is not a Political Committee.

### **Electioneering Communications**

The state does not separately regulate issue advocacy communications or "electioneering communications" when done in close proximity to the election. However, certain communication within 30 days of a primary election or 60 days of a general or special election may be considered as express advocacy, as noted above.

### **Disclaimers**

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, or a corporation making an 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. N.D. Cent. Code § 16.1-10-04.1.

- The law does not dictate the format for the disclaimer, but it does specify that disclaimers in broadcast advertisements for or against any candidate for public office must be included at the close of the broadcast in radio or television broadcast.
- If a political party, association, or partnership is paying for the advertisement 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.
- The disclaimer rules do not apply to campaign buttons.

### **Election Day Electioneering Communications**

North Dakota had historically prohibited "electioneering" on election day. However, this prohibition was invalidated by a federal court in 2012 and the legislature replaced the prohibition with a prohibition on electioneering within close proximity of a polling place. N.D. Cent. Code § 16.1-10-06.

### **Automated “robo” telephone calls prohibited.**

North Dakota law expressly prohibits the use of automated “robo” telephone calls of any type in North Dakota. N.D. Cent. Code §§ 51-28-01(1) and 51-28-02. An Atlanta-based firm was [fined](#) in 2014 for violation of this prohibition.

### **False Statements in Political Advertisements**

It is a class A misdemeanor to knowingly, or with reckless disregard for its truth or falsity, publishes any political advertisement or news release that contains any assertion, representation, or statement of fact, including information concerning a candidate’s prior public record, which is untrue, deceptive, or misleading, whether on behalf of or in opposition to any candidate for public office, initiated measure, referred measure, constitutional amendment, or any other issue, question, or proposal on an election ballot, and whether the publication is by radio, television, newspaper, pamphlet, folder, display cards, signs, posters or billboard advertisements, web sites, electronic transmission, or by any other

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## **REGISTRATION AND REPORTING REQUIREMENTS**

### **Registration**

#### Types of Committees

Each of the following political committees is required to register with the North Dakota Secretary of State:

- Any PAC, derived from a corporation, cooperative corporation, limited liability company, or an association that is prohibited from making contributions for political purposes and which solicits or receives contributions or makes expenditures for political purposes;
- Any candidate committee established to support an individual candidate seeking statewide, judicial or legislative office that solicits or receives contributions for political purposes;
- Any organization governed by the Internal Revenue Code and registered with the Federal Elections Commission which solicits or receives contributions or makes expenditures for political purposes;
- Any multi-candidate political committee established to support multiple groups or slates of candidates seeking public office that solicit or receive contributions for political purposes; and
- Any measure committee promoting the passage or defeat of an initiated or referred measure that solicits or receives contributions for the purposes of aiding or opposing a measure to be voted upon by the voters of the state.
- An incidental committee, which includes any committee, club, association, or other group of persons that makes a contribution or expenditure, but for which making contributions and expenditures for political purposes is not its primary purpose. An incidental committee may make a contribution to a measure committee for the purpose of promoting the passage or defeat of an initiated or referred measure or make a contribution 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.
- North Dakota also has another type of filer called an Independent Expenditure Filer, which is used by corporations, cooperative corporation, limited liability company, or association to report having made independent expenditures, or contributions to another entity for the purpose of making independent expenditures as well as making contributions to measure committees or for the purpose of passing or opposing a measure. Although this filer is called "Independent Expenditure Filer," this reporting category is also used by entities that make contributions to measure committees or to other entities making independent expenditures. The Secretary of State's office reports that more nonprofits will likely file as Independent Expenditure Filers than as Incidental Committees, unless they plan to raise money.

N.D. Cent. Code §§ 16.1-08.1-03.2; 16.1-08.1-01(8).

### Registration of a Political Committee

Registration with the Secretary of State must be completed in each calendar year in which a committee receives funds, and must be completed within 15 business days of the receipt of any contribution or expenditure of any funds. N.D. Cent. Code § 16.1-08.1-03.2.

### Registration of a Federal PAC

A Federal PAC that organizes and registers according to federal law and makes an independent expenditure or other disbursement in excess of \$200.00 to a nonfederal candidate seeking public office, a political party, or political committee in North Dakota is not required to register with the Secretary of State. N.D. Cent. Code § 16.1-08.1-03.7. Instead, it must file a copy of that portion of the committee's federal report detailing the disbursement made in North Dakota. The report must be filed at the same time as the committee's federal report is filed. The report must include:

- the name, mailing address, and treasurer of the PAC;
- the recipient's name and mailing address; and,
- the date and amount of the disbursement or independent expenditure. N.D. Cent. Code § 16.1-08.1-03.7.

Now that North Dakota has transitioned to electronic filing, federal PACs should consult with the Secretary of State about how reports should get filed electronically.

### Registration of an Incidental Committee

Incidental committees do not register in the traditional sense, but instead file statements when expenditures or contributions are made. The incidental committee must file a statement disclosing a contribution for a political purpose or an independent expenditure with the Secretary of State within 48 hours after making the contribution or independent expenditure. There is no dollar figure threshold for when these reports are triggered.

If the Incidental Committee raises money, it must also report information on the receipts of the organization. This information would be reported according to the reporting schedule discussed below.

### Registration of an Independent Expenditure Filer

Independent Expenditure Filers do not register, but instead file statements when expenditures or contributions are made. An Independent Expenditure Filer must file a statement disclosing a contribution for a political purpose or an independent expenditure with the Secretary of State within 48 hours after making the contribution or independent expenditure. There is no dollar figure threshold for when these reports are triggered. These reports are discussed in more detail below.



## **Political Committee Recordkeeping and Administration**

With respect to recordkeeping and administration by political committees including PACs, there are few restrictions in North Dakota. There are no restrictions on the type of financial institution used. For example, there is no requirement that political committees including a PAC use an in-state bank, or an in-state branch of a bank. There are also no restrictions on who may act as treasurer of a political committee or a PAC or who may pay administration expenses of a political committee or a PAC. Finally, there is no limitation on solicitation by a political committee or a PAC. For example, solicitation is not restricted to members, and no disclaimer is required.

## **Political Committee Reporting**

There are three general categories of persons or entities subject to the campaign contribution reporting requirements: candidates for office, political parties, and political committees. The final category – political committees – includes corporate political action committees (PACs); multi-candidate political committees; measure committees; corporations, cooperative corporations, limited liability companies, or associations making independent expenditures and ballot measure support, and incidental committees. This guide discusses only the final category – Political committees. N.D. Cent. Code § 16.1-08.1-01(8).

### Overview of Political Committee Reporting

All committee reports are now filed electronically on the [Secretary of State's online campaign filing system](#).

Under North Dakota law, the following are “contributions” and must be reported:

- any gift, transfer, conveyance, provision, receipt, subscription, loan, advance, deposit of money, or anything of value (including any good or service of more than a nominal value); or,
- any contract, promise, or agreement, expressed or implied, whether or not legally enforceable, to make a contribution for the above purposes; or,
- any 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;

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. N.D. Cent. Code § 16.1-08.1-01(3).

The following are not “contributions” and, thus, are not reportable:

- A loan of money from a bank or other lending institution made in the regular course of business.
- Time spent by volunteer campaign or political party workers.
- Money spent by a candidate on the candidate’s own behalf.
- Money or anything of value received for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
- Money or anything of value received by a candidate in that person’s personal capacity, including pursuant to a contract or agreement made for personal or private employment purposes, and not received for a political purpose or to influence the performance of that person’s official duty.
- Contributions of products or services for which the actual cost or fair market value are reimbursed by a payment of money.
- Independent expenditures

N.D. Cent. Code § 16.1-08.1-01(3).

### Multi-candidate Committees

*N.D. Cent. Code § 16.1-08.1-03.8*

- A multi-candidate committee, defined as a committee established to support multiple groups or slates of candidates seeking public office. N.D. Cent. Code § 16.1-08.1-01(8)(d).
- Reports are filed on the following schedule:
  - Year-end statements: for the previous calendar year must be filed with the Secretary of State by January 31 of each year (whether or not any contributions were received).
  - Election year reporting: In any year a candidate’s name appears on the ballot, two additional reports are required:
    - (1) a pre-primary election campaign contribution report; and,
    - (2) pre-general election campaign contribution report.
    - Each must list all reportable contributions received from January 1 through the 40<sup>th</sup> day before the election and must be filed no later than 32 days before the date of the election.
  - 48-hour reporting: All contributions over \$500 (in the aggregate) from a single contributor within 39 days of the election **must be**

***reported within 48 hours of receipt*** and must include the name and street address of the contributor and the aggregate amount of the contribution. N.D. Cent. Code § 16.1-08.1-04.

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- The following information must be reported:
  - All contributions over \$200 (in the aggregate) from a single contributor from January 1 through the applicable reporting date. For each contributor, the report must state:
    - Name of contributor,
    - Mailing address, and
    - Date of most recent contribution.
  - All contributions of \$5,000 or more (in the aggregate) from a single contributor from January 1 through the applicable reporting date. For each contributor, the report must state:
    - Name of contributor,
    - Mailing address,
    - Date of most recent contribution,
    - Contributor's occupation,
    - Contributor's employer, and
    - Contributor's principal place of business.
  - 
  - Gross total of all contributions of \$200 or less.
  - Gross total of all contributions of \$200 or more.
  - Cash on hand at beginning of the year and/or registration date and at the close of the reporting period.

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### Political Action Committees Established by Organizations

*N.D. Cent. Code § 16.1-08.1-03.3*

- Political action committees established by a corporation, cooperative corporation, limited liability company, or association.
- Reports are filed on the following schedule:
  - Year-end statements: year-end statement for the previous calendar year must be filed with the Secretary of State by January 31 of each year (whether or not any contributions were received).
  - Election year reporting: In any year a candidate's name appears on the ballot, two additional reports are required:
    - (1) a pre-primary election campaign contribution report; and,
    - (2) pre-general election campaign contribution report.
    - Each must list all reportable contributions received from January 1 through the 40<sup>th</sup> day before the election and must be filed no later than 32 days before the date of the election.
  - 48-Hour reporting: All contributions over \$500 (in the aggregate) from a single contributor within 39 days of the election **must be reported within 48 hours of receipt** and must include the name and street address of the contributor and the aggregate amount of the contribution. N.D. Cent. Code § 16.1-08.1-04.
- The following information must be reported:
  - All contributions over \$200 (in the aggregate) from a single contributor from January 1 through the applicable reporting date. For each contributor, the report must state:
    - Name of contributor,
    - Mailing address, and
    - Date of most recent contribution.
  - All contributions of \$5,000 or more (in the aggregate) from a single contributor from January 1 through the applicable reporting date. For each contributor, the report must state:
    - Name of contributor,
    - Mailing address,
    - Date of most recent contribution,
    - Contributor's occupation,
    - Contributor's employer, and
    - Contributor's principal place of business.
  - 
  - Gross total of all contributions of \$200 or less.
  - Gross total of all contributions of more than \$200.
  - All expenditures over \$200 (in the aggregate) to a single recipient from January 1 through the applicable reporting date. For each recipient, the report must state:
    - Name of recipient,
    - Mailing address, and
    - Date of most recent contribution.

- Gross total of all expenditures of \$200 or less;
- Gross total of all expenditures of more than \$200;
- Cash on hand at beginning of the year and/or registration date and at the close of the reporting period

## Measure Committees

*N.D. Cent. Code § 16.1-08.1-03.1*

- A measure committee, defined as a committee that solicits or receives contributions for the purpose of aiding or opposing a measure to be voted upon by the voters of the state. N.D. Cent. Code § 16.1-08.1-01(8)(e).
- Reports are filed on the following schedule:
  - Year-end statements for the previous calendar year must be filed with the Secretary of State by January 31 of each year (whether or not any contributions were received).
  - Pre-Election statement: During the election year in which the measure appears on the ballot, measure committees must file either a pre-primary or pre-general election report listing all reportable contributions received from January 1 through the 40<sup>th</sup> day before the election, no later than 32 days before the date of the election.
  - 48-Hour reports: All contributions over \$500 (in the aggregate) from a single contributor within 39 days of the election ***must be reported within 48 hours of receipt*** and must include the name and street address of the contributor and the aggregate amount of the contribution. N.D. Cent. Code § 16.1-08.1-04.
- The following information must be reported:
  - All contributions over \$100 (in the aggregate) from a single contributor from January 1 and/or the registration date through the

applicable reporting date. For each contributor, the report must state:

- Name of contributor,
- Mailing address, and
- Date of contribution.
- All contributions over \$100 (in the aggregate) from an out-of-state resident or an out of state political committees from January 1 and/or the registration date through the applicable reporting date. For each such contributor, the report must include a ***certified statement*** which includes either:
  - A statement that no any one person contributed in excess of \$100 to the listed contributor's overall contribution, or
  - For each person who contributed more than one hundred dollars of the listed contribution:
    - Name of person,
    - Mailing address,
    - Amount of contribution,
    - Person's occupation,
    - Person's employer, and
    - Person's principal place of business.
- 
- Gross total of all contributions of \$100 or less.
- Gross total of all contributions of more than \$100.
- All expenditures over \$100 (in the aggregate) made to a single recipient from January 1 and/or the registration date through the applicable reporting period. For each recipient, the report must state:
  - Name of recipient,
  - Mailing address, and
  - Date of expenditure.
- Gross total of all expenditures of \$100 or less.
- Gross total of all expenditures of more than \$100.
- Cash on hand at beginning of the year and/or registration date and at the close of the reporting period.

#### Independent Expenditure Filer

*N.D. Cent. Code § 16.1-08.1-03.5*

- As noted above, although this filer is called "Independent Expenditure Filer," this reporting category is also used by entities that make contributions to measure committees. Any corporation, cooperative corporation, limited liability company, or association making independent expenditures, or contributions to another entity for the purpose of making independent expenditures as well as making contributions to measure committees or expending money for the purpose of promoting the passage or defeat of an initiated or referred measure must report the expenditure within 48 hours. When the entity goes online to report the payment using the [Secretary of State's online filing system](#), the entity will

be asked to clarify whether the payment is a contribution to a measure committee or an independent expenditure

- The following information must be reported within 48 hours.
  - The full name of the entity.
  - The complete address of the entity.
  - The name of the recipient of the contribution or independent expenditure.
  - If the contribution or independent expenditure is related to a measure, the title of the measure and whether the contribution or independent expenditure is made in support of or opposition to the measure.
  - 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.
  - The amount of the contribution or independent expenditure.
  - The total amount of contributions and independent expenditures since the beginning of the calendar year, which are required to be reported under NDCC § 16.1-08.1-03.5(3).
  - The telephone number, printed name, and signature of the individual completing the report, attesting to the statement being true, complete, and correct.  
The date on which the statement was signed.

#### Incidental Committees

*N.D.Cent. Code § 16.1-08.1-01(7)*

- Incidental Committees generally do not file reports on a set schedule and instead report independent expenditures and disbursements as discussed under “registration” above.
- If the Incidental Committee also raises contributions for any political purpose, it will be required to file statements on the following schedule:
  - Year-end statement: year-end statement for the previous calendar year must be filed with the Secretary of State by January 31 of each year (whether or not any contributions were received). Even if an incidental committee has not received any contributions in excess of \$200 during the reporting period, the incidental committee shall file a statement as required under this chapter.
  - Pre-Election Statement: must file either a pre-primary or pre-general election report listing all reportable contributions received from January 1 through the 40<sup>th</sup> day before the election, no later than 32 days before the date of the election. This report is required even if the committee did not receive any contributions in excess of \$200.
- A statement filed under this subsection during the reporting period must show the following:
  - The gross total of all contributions received in excess of two hundred dollars;
  - The name and mailing address of each contributor that contributed in excess of \$200 in the aggregate to the committee during a reporting period;



- The gross total of all contributions received of two hundred dollars or less;
- The date the last reportable contribution was received;
- The cash on hand in the filer's account at the start and close of the reporting period; and
- The occupation, employer, and principal place of business of each person, or the political committee if not already registered according to state or federal law, which contributed \$5,000 or more in the aggregate during the reporting period.

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## ENFORCEMENT AND PENALTIES

### **Criminal violations.**

Generally, violations of North Dakota campaign finance laws are deemed to be infractions. N.D. Cent. Code § 16.1-08.1-07. Moreover, to be guilty of a violation, more than mere negligence must be shown; the law requires willful violation. Id.

However, it is a Class A Misdemeanor for an officer, director, stockholder, manager, governor, member, attorney, agent, or representative of any corporation, cooperative corporation, limited liability company, or association to violate or to counsel or consent to the violation of North Dakota's prohibition on corporate political contributions. N.D. Cent. Code § 16.1-08.1-03.3(8). Similarly, any person who solicits or knowingly receives any corporate political contributions is guilty of a class A misdemeanor. Id. Such violations may be prosecuted in the county in which any unlawful contribution was made or distributed. N.D. Cent. Code § 16.1-08.1.03.3(7).

### **Secretary of State audits and late fees.**

The Secretary of State may request an audit of any contribution statement if substantial irregularity is evident or reasonably alleged. N.D. Cent. Code § 16.1-08.1-05. Allegations of irregularity may be made by any interested party within 30 days of filing, must be made in writing, must state the alleged irregularity and include a bond. Id. The audit is performed by the certified public accountant of the filer's choice, subject to approval by the Secretary of State. Id. If the audit reveals violations of campaign finance law, the filer must pay a fine to the

Secretary of State equal to two hundred% of the aggregate contributions and expenditures found to be in violation, or an amount sufficient to pay the cost of the audit, whichever is greater. Id. If the audit does not reveal a violation, the cost of the audit made at the request of the Secretary of State must be paid by the Secretary of State, while the cost of an audit made upon allegations of irregularity must be satisfied by the bond. Id. An audit may not be requested solely because a statement was untimely. Id. An audit must be limited in scope, and may audit only those items required to be included in any statement, registration, or report filed with the Secretary of State. Id.

Campaign Contribution Reports filed with the Secretary of State on an untimely basis incur a late filing fees apply. N.D. Cent. Code § 16.1-08.1-06.1. Reports filed 1-6 days past due are subject to a \$25 late fee; reports filed 7-11 days past due are subject to a \$50 late fee; and reports filed more than 11 days past due are subject to a \$100 late fee. Id. Amendments which are required by the Secretary of State must be filed within 10 days after the amendment is requested. Id. Amendments filed 1-6 days past due are subject to a \$50 late fee; reports filed 7-11 days past due are subject to a \$100 late fee; and reports filed more than 11 days past due are subject to a \$200 late fee. Id.

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## BALLOT MEASURES: REGISTRATION AND REPORTING REQUIREMENTS

Article III of the North Dakota Constitution guarantees the right of the people to initiate or refer laws by petition. The procedure for initiating or referring a law is set forth in N.D. Cent. Code Chap. 16.1-01.

North Dakota law imposes no limits on contributions for purposes of supporting or defeating ballot measures other than those described above. Any committee organized to support or oppose an initiated measure or referral of a statute must report its contributions and expenses as set forth above. N.D. Cent. Code § 16.1-08.1-03.1. These filing requirements are described in the [Campaign Finance and Disclosure Requirements Manual](#).

A corporation, cooperative corporation, limited liability company, or association **may** receive contributions and make direct expenditures aimed at promoting the passage or defeat of initiated or referred measures. N.D. Cent. Code § 16.1-08.1-03.5. A corporation, cooperative corporation, limited liability company, or association receiving contributions or making direct expenditures must report them as set forth above under Independent Expenditure Filers. N.D. Cent. Code § 16.1-08.1-03.5. As noted above, there are rules on disclosing out of state contributors.

Additionally, North Dakota prohibits organizations attempting to qualify an initiative, referendum or recall from paying a fee based upon the number of signatures collected. Any signature obtained in violation of this subdivision is void and may not be counted. N.D. Cent. Code § 16.1-01-12.

## CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

Elections Division  
North Dakota Secretary of State  
600 E Boulevard Ave Dept 108  
Bismarck, ND 58505-0500  
Telephone: (701) 328-4146  
Toll free: (800) 352-0867, ext. 8-4146  
Facsimile: (701) 328-2992  
Email: [soselect@nd.gov](mailto:soselect@nd.gov)

## FOR FURTHER ASSISTANCE

**For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:**

**Email: [Advocacy@afj.org](mailto:Advocacy@afj.org)  
Telephone: 1-866-NPLOBBY  
(675-6229)**

**For assistance regarding state law in North Dakota, please contact:**

**Tim Purdon**

Vogel Law Firm  
US Bank Building  
200 North 3rd Street, Suite 201  
PO Box 2097  
Bismarck, ND 58502-2097

Telephone: 877-629-0705 or 701-258-7899  
Fax: 701-258-9705

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