

NORTH DAKOTA

LOBBYING DISCLOSURE

These resources are current as of 8/17/14. 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.

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.

DEFINITIONS

North Dakota law defines a “lobbyist” as “any person who, in any manner whatsoever, directly or indirectly, performs any of the following activities:

- Attempts to secure the passage, amendment, or defeat of any legislation by the legislative assembly or the approval or veto of any legislation by the governor of the state; or,
- Attempts to influence decisions made by the legislative council or by an interim committee of the legislative council.”

N.D. Cent. Code § 54-05.1-01. However, the following are specifically exempted from the definition of a “lobbyist” under North Dakota law:

- legislators;
- private citizens appearing on his or her own behalf;

- employees, officers, board members, volunteers, or agents of the State or its political subdivisions, whether elected or appointed, and whether or not compensated, who is acting in that person's official capacity;
- anyone invited by the chairman of the legislative council, an interim committee of the legislative council, or a standing committee of the legislative assembly to appear before the council, interim committee, or standing committee for the purpose of providing information; and,
- any individual who appears before a legislative committee for the sole purpose of presenting testimony on behalf of a trade, or professional organization, or a business or industry if the individual is introduced to the committee by the registered lobbyist for the trade, or professional organization or the business, or industry.

N.D. Cent. Code § 54-05.1-02.

REGISTRATION

Lobbyists, as defined above, must register with the North Dakota Secretary of State. To register, a lobbyist must submit a [Lobbyist Registration form](#), which states the following:

- The lobbyist's full name;
- The lobbyist's business address;
- The name and address of the person or persons upon whose behalf the lobbyist appears;
- All persons, corporations, or organizations in whose interest the lobbyist appears or works;
- The duration of the lobbyist's employment or appearance on behalf of the identified interests; and,
- By whom the lobbyist is or will be paid.

In addition, the lobbyist must file with the Secretary of State a written authorization, signed by the lobbyist's principal (i.e., the persons or official of the corporation, limited liability company, association, group, or organization employing the lobbyist), to act as a lobbyist. The written authorization may be filed by facsimile.

Finally, a lobbyist must submit a filing fee of \$25.00, payable to the Secretary of State for registering the lobbyist and the first person or entity represented by the lobbyist. An additional \$15.00 fee is required for each subsequent person or entity represented by the lobbyist.

The lobbyist registration period runs from July 1 to June 31 of the following calendar year, unless an earlier expiration date is requested by the registrant.

Once registered, a lobbyist is issued a certificate of registration and a distinctive lobbyist identification badge. The badge must be prominently worn at any time the lobbyist is engaged in any lobbying activity. A lobbyist may also choose to wear a “reasonable reproduction” of the official badge in lieu of the badge issued by the Secretary of State, provided the badge contains the name of the lobbyist and any of the following: (1) the word “lobbyist,” or (2) the registration number of the lobbyist, or (3) the lobbyist’s organization’s name in at least one quarter inch font. N.D. Cent. Code § 54-05.1-03(1). If the lobbyist’s official badge is lost or destroyed, the lobbyist may obtain a duplicate badge from the Secretary of State for a fee of \$10.

REPORTING

Each registered lobbyist must file with the Secretary of State a detailed expenditure report, on a [form prescribed by the Secretary of State](#), on or before August 1st following the expiration of the lobbyist’s registration period. The lobbyist’s expenditure report must include a statement as to each expenditure, if any, of \$60.00 or more expended on any single occasion on any individual, including the spouse or other family member of a member of the legislature or the governor, in carrying out the lobbyist’s work or include a statement that no reportable expenditures were made during the reporting period. N.D. Cent. Code § 54-05.1-03(2). The statement of each expenditure must include a description of the nature of the expenditure, the amount of the expenditure, the date of the expenditure, and the name of the recipient of the expenditure. Id.

If the report is filed late, a late fee is assessed. If the report is filed between August 1st and October 1st, a \$25 fee is assessed. If the report is filed after October 1st, a \$50 filing fee is assessed and the state will revoke the lobbyist’s registration. Additionally, the legislature recently approved a change in the law which allows criminal prosecution for failure to comply with the lobbying laws.

GIFTS

When any lobbyist invites a legislator to attend a function sponsored in whole or in part by the lobbyist or the lobbyist’s employer, the lobbyist must, upon the request of the legislator, supply the legislator with the true or estimated cost of the gratuity and allow the legislator to attend the function and pay the legislator’s own share of the expenses. N.D. Cent. Code § 54-05.1-05. Similarly, when any

lobbyist offers a gift of a non-information-bearing nature to a legislator, the lobbyist must, upon the request of the legislator, supply the legislator with the true or estimated cost of the gratuity and allow the legislator to pay the cost of and receive the gift. Id.

It is unlawful under North Dakota law for anyone to directly or indirectly give, or agree to give, or accept, or agree to accept, anything of value to a person for that person's service in procuring the passage or defeat of any measure before the legislature on the condition that any measure will be passed or defeated. N.D. Cent. Code § 54-05.1-06. It is likewise unlawful for any person to attempt to influence any member of the legislature without first disclosing the person's real and true interest, either personally or on behalf of another. Id.

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

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
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

© Copyright 2007. These materials are copyrighted and may not be reproduced without permission

