

Campaign Finance Disclosure Requirements for City and County Candidates

North Dakota



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2016



SECRETARY OF STATE

Alvin A Jaeger

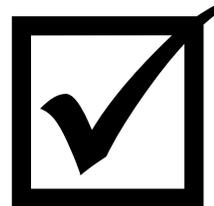
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FOREWORD

This pamphlet is intended as a reference source for city and county candidates and others with an interest in campaign finance laws and disclosure requirements pertaining to these candidates. Contained within is a summary of the laws found in the North Dakota Century Code (NDCC) relating to campaign finance and disclosure requirements for these candidates in the state of North Dakota. As an additional help, the entire Campaign Contribution Statements chapter of the NDCC has been included.

CONTACT

For more information about campaign finance reporting requirements:

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The Campaign Finance Disclosure page contains election publications, connections to other helpful election websites, and state election forms that can be completed online before printing, signing and submitting.

DISCLAIMER

This pamphlet contains summaries of the campaign finance and disclosure laws found within the NDCC for city and county candidates. Although every attempt has been made for accuracy, the reprint of these laws does not carry the same authority as the actual NDCC and should not be equated with the official NDCC. This compilation is only intended as a resource and reference for campaign finance laws. For official and legal purposes, the official NDCC should be used.

In addition, the included excerpts of North Dakota law do not contain the material found in the legal notes following the various sections contained in the NDCC. Notes found in the NDCC may contain temporary provisions and effective dates along with valuable summaries of applicable court rulings.

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Disclosure Statement Filers

Candidates

Candidate for City* or County Offices

Identified and defined in [NDCC § 16.1-08.1-01\(3\)](#) as:

1. An individual who holds public office.
2. An individual who has publicly declared his or her candidacy for nomination for election or election to public office, or has filed or accepted a nomination for public office.
3. An individual who has formed a campaign or other committee for his or her candidacy for public office.
4. An individual who circulated a nominating petition to have his or her name placed on the ballot.
5. An individual who, in any manner, solicited or received a contribution for his or her candidacy for public office, whether before or after the election for that office.

* **Exception:** Does not apply to cities with a resident population of less than 5,000.

Contribution and Expenditure Defined

Contributions

“Contribution” as defined in [NDCC § 16.1-08.1-01\(5\)](#):

1. A gift, transfer, conveyance, provision, receipt, subscription, loan, advance, deposit of money, or anything of value*, made for the purpose of influencing the nomination for election, or election, of any individual to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure.
2. A contract, promise, or agreement, expressed or implied, whether or not legally enforceable, to make a contribution for the above purposes.

3. 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 including a conduit.

*The term "anything of value" includes any good or service of more than a nominal value**.

**The term "nominal value" means the cost, price, or worth of the good or service is trivial, token, or of no appreciable value.

"Contribution" does not include:

1. A loan of money from a bank or other lending institution made in the regular course of business.
2. Time spent by volunteer campaign or political party workers.
3. Money spent by a candidate on the candidate's own behalf.
4. 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.
5. 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.
6. Contributions of products or services for which the actual cost or fair market value are reimbursed by a payment of money.
7. An independent expenditure.

Prohibited Contributions

According to [NDCC § 16.1-08.1-03.5\(1\)](#), a corporation, cooperative corporation, limited liability company, or association may not make a contribution for a political purpose. This means the entities named above may not make a contribution to any group organized or maintained to support any candidate for nomination or election to political office.

Corporations, cooperative corporations, and limited liability companies include:

1. Affiliates [NDCC § 16.1-08.1-01\(1\)](#)
2. Nonprofit Corporations [NDCC § 16.1-08.1-01\(6\)](#)
3. Subsidiaries [NDCC § 16.1-08.1-01\(16\)](#)

Association, defined by [NDCC § 16.1-08.1-01\(2\)](#), is a group which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. Associations include:

1. Affiliates [NDCC § 16.1-08.1-01\(1\)](#)
2. Brotherhoods
3. Clubs
4. Fraternities
5. Groups of two or more persons
6. Subsidiaries [NDCC § 16.1-08.1-01\(16\)](#)
7. Trade, professional, or governmental associations
8. Unions (including labor unions)

Candidate Disclosure Requirements

City Candidates – In Cities with a Population of 5,000 or More

[NDCC § 16.1-08.1-03.11](#)

1. **Pre-Election Statement:** Required of a candidate whose name appears on the ballot and candidates seeking election through write-in votes.

	Statement Coverage Dates	Statement Submission Window	
		Earliest day to file	Last day to file
Pre-Election Statement	January 1, 2016 – May 5, 2016	Friday, May 6, 2016	Friday, May 13, 2016

2. **Special Election Statement:** Candidates must file a statement covering the reporting period of January 1 through 40 days before the date of the special election. It must be filed no later than 32 days before the date of the election.
3. **Year-End Statements:** Required of all individuals seeking public office by election. Also required of an individual for any year in which a contribution was received.

	Statement Coverage Dates	Statement Submission Window	
		Earliest day to file	Last day to file
2015 Statement	January 1 – December 31	Monday, January 4, 2016*	Monday, February 1, 2016**
2016 Statement	January 1 – December 31	Monday, January 2, 2017**	Tuesday, January 31, 2017

* Moved to Monday since the filing deadline falls on a holiday and is followed by the weekend.

** Moved to Monday since the filing deadline falls on a weekend.

4. **Pre-Election and Year-End Statements Must Include:**
 - a. The name and address of each contributor whose total contributions by the end of the reporting period were greater than \$200.
 - b. The total of the contributions received from each listed contributor.
 - c. The date the last contribution was received from each listed contributor.
5. **48-Hour Supplemental Statements:** (For the 39 days before any election)
 - a. Statements must include:
 - i. The name, address, and amount received from a contributor whose total of all contributions made in the 39 days prior to an election is greater than \$500.
 - ii. The date on which the total contribution from a contributor exceeded \$500.
 - b. The statement must be filed within 48 hours of receipt of a contribution in excess of \$500 or of the date on which the total contributions received from a contributor during the 39 days prior to an election exceeded \$500.
 - c. A subsequent 48-Hour statement is required when any additional contribution is received from a contributor previously named in a 48-Hour contribution statement filed by the candidate or committee within the same 39-day reporting period.
 - d. **Note:** Contributions reported during the 39 days prior to an election are only for the contributions received from a contributor during that period of time. These 48-Hour statements are not to include contributions received from the same contributor in a prior reporting period during the election year.
 - e. 48-Hour contributions must be totaled with all other contributions from the same contributor and listed on the contribution statement for the next reporting period.

6. **All Statements** are filed with the City Auditor.
7. **Late Filing Fees** may be found on page 7.

Form to File:

[Campaign Contribution Disclosure Statement](#) (SFN 53970)

County Candidate

[NDCC § 16.1-08.1-03.10](#)

1. **Pre-Election Statements:** Required of a candidate whose name appears on the ballot and candidates seeking election through write-in votes.

	Statement Coverage Dates	Statement Submission Window	
		Earliest day to file	Last day to file
Pre-Primary Statement	January 1, 2016 – May 5, 2016	Friday, May 6, 2016	Friday, May 13, 2016
Pre-General Statement	January 1, 2016 – September 29, 2016	Friday, September 30, 2016	Friday, October 7, 2016

2. **Special Election Statement:** Candidates must file a statement covering the reporting period of January 1 through 40 days before the date of the special election. It must be filed no later than 32 days before the date of the election.
3. **Year-End Statements:** Required of all individuals seeking public office by election. Also required of an individual for any year in which a contribution was received.

	Statement Coverage Dates	Statement Submission Window	
		Earliest day to file	Last day to file
2015 Statement	January 1 – December 31	Monday, January 4, 2016*	Monday, February 1, 2016**
2016 Statement	January 1 – December 31	Monday, January 2, 2017**	Tuesday, January 31, 2017

* Moved to Monday since the filing deadline falls on a holiday and is followed by the weekend.

** Moved to Monday since the filing deadline falls on a weekend.

4. **Pre-Election and Year-End Statements Must Include:**
 - a. The name and address of each contributor whose total contributions by the end of the reporting period were greater than \$200.
 - b. The total of the contributions received from each listed contributor.
 - c. The date the last contribution was received from each listed contributor.
5. **48-Hour Contribution Statements:** (For the 39 days before any election)
 - a. Statements must include:
 - i. The name, address, and amount received from a contributor whose total of all contributions made in the 39 days prior to an election is greater than \$500.
 - ii. The date on which the total contribution from a contributor exceeded \$500.
 - b. The statement must be filed within 48 hours of receipt of a contribution in excess of \$500 or of the date on which the total contributions received from a contributor during the 39 days prior to an election exceeded \$500.
 - c. A subsequent 48-Hour statement is required when any additional contribution is received from a contributor previously named in a 48-Hour contribution statement filed by the candidate or committee within the same 39-day reporting period.

- d. **Note:** Contributions reported during the 39 days prior to an election are only for the contributions received from a contributor during that period of time. These 48-Hour statements are not to include contributions received from the same contributor in a prior reporting period during the election year.
 - e. 48-Hour contributions must be totaled with all other contributions from the same contributor and listed on the contribution statement for the next reporting period.
6. **All Statements** must be filed with the County Auditor.
7. **Late Filing Fees** may be found on page 7.

Form to File:

[Campaign Contribution Disclosure Statement](#) (SFN 53970)

Statement Submission Methods and Deadlines

Submission Methods

All Statements may be submitted and filed by the following methods to the:

- City Auditor by:
 - Personal delivery before the office closes on the last filing day
 - Fax delivery provided it is sent before midnight of the last filing day
 - Mail delivery as long as it has a postmark of no later than the last filing day
- County Auditor by:
 - Personal delivery before the office closes on the last filing day
 - Fax delivery provided it is sent before midnight of the last filing day
 - Mail delivery as long as it has a postmark of no later than the last filing day

Submission Deadlines

Statements are timely when submitted no later than:

Filing Officer	Statement	Submitted No Later Than
City Auditor	2016 June Election Statement	Friday, May 13, 2016
	2016 Year-End Statement	Tuesday, January 31, 2017
County Auditor	2016 Pre-Primary Statement	Friday, May 13, 2016
	2016 Pre-General Statement	Friday, October 7, 2016
	2016 Year-End Statement	Tuesday, January 31, 2017

Late Fees and Amendments

Late Filing Fees

[NDCC § 16.1-08.1-06.1](#)

If the statement is not timely filed, a late filing fee may be charged.

1. If filed within **6** days after the due date, the late fee is **\$25**.
2. If filed within **11** days after the due date, the late fee is **\$50**.
3. If filed **12 or more** days after the due date, the late fee is **\$100**.

Amendments to Filed Reports

[NDCC § 16.1-08.1-06.1](#)

A filing officer may require an amendment to be filed for any statement that is incorrect or incomplete. The amendment must be filed with the filing officer within 10 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:

1. If filed within **6** days after the amendment was due, the late fee is **\$50**.

2. If filed within **11** days after the amendment was due, the late fee is **\$100**.
3. If filed **12 or more** days after the amendment was due, the late fee is **\$200**.

Campaign Financial Disclosure and Related Forms

Fillable statement forms are available from the Secretary of State's website at Vote.ND.Gov.
Select Campaign Finance Disclosure and look for City and County Candidates.

[City Candidates](#) (SFN 53970)

[County Candidates](#) (SFN 53970)