

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED HOUSE BILL NO. 1347

Introduced by

Representatives Koppelman, Berg, Weiler

Senators Dotzenrod, J. Lee, Wanzek

1 A BILL for an Act to amend and reenact section 16.1-10-02 of the North Dakota Century Code,
2 relating to the use of state or political subdivision services or property for political purposes; and
3 to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 16.1-10-02 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-10-02. Use of state or political subdivision services or property for political**
8 **purposes.**

9 1. No person may use any property belonging to or leased by, or any service which is
10 provided to or carried on by, either directly or by contract, the state or any agency,
11 department, bureau, board, commission, or political subdivision thereof, for any
12 political purpose.

13 2. The following definitions must be used for the purposes of this section:

14 a. (1) "Political purpose" means any activity undertaken in support of or in
15 opposition to a statewide initiated or referred measure, a constitutional
16 amendment or measure, a political subdivision ballot measure, or the
17 election or nomination of a candidate to public office and includes using
18 "vote for", "oppose", or any similar support or opposition language in
19 any advertisement whether the activity is undertaken by a candidate, a
20 political committee, a political party, or any person. In the period thirty
21 days before a primary election and sixty days before a special or
22 general election, "political purpose" also means any activity in which a
23 candidate's name, office, district, or any term meaning the same as

- 1 "incumbent" or "challenger" is used in support of or in opposition to the
2 election or nomination of a candidate to public office. ~~The term~~
- 3 (2) "Political purpose" does not include activities undertaken:
- 4 (a) Undertaking activities in the performance of a duty of a ~~state~~
5 public office or a position taken in any bona fide news story,
6 commentary, or editorial;
- 7 (b) Discussing or taking a position at a public meeting in support of
8 or in opposition to a measure or amendment; or
- 9 (c) Hosting a public forum at which support of or opposition to a
10 measure or amendment is presented.
- 11 b. "Property" includes, but is not limited to, motor vehicles, telephones,
12 typewriters, adding machines, postage or postage meters, funds of money,
13 and buildings. However, nothing in this section may be construed to prohibit
14 any candidate, political party, committee, or organization from using any
15 public building for such political meetings as may be required by law, or to
16 prohibit such candidate, party, committee, or organization from hiring the use
17 of any public building for any political purpose if such lease or hiring is
18 otherwise permitted by law.
- 19 c. "Services" includes, but is not limited to, the use of employees during regular
20 working hours for which such employees have not taken annual or sick leave
21 or other compensatory leave.
- 22 3. This section may not be construed to limit the freedom of speech of any officer or
23 employee of the state or a political subdivision in that individual's personal
24 capacity.