

Sixty-first  
Legislative Assembly  
of North Dakota

## HOUSE CONCURRENT RESOLUTION NO.

Introduced by

Representative Schatz

(Approved by the Delayed Bills Committee)

A concurrent resolution to create and enact a new section to the Constitution of North Dakota, relating to the use of public property for political purposes.

### STATEMENT OF INTENT

This measure prohibits the use of state or political subdivision property or services for political purposes.

### BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed new section to the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election in 2010, in accordance with section 16 of article IV of the Constitution of North Dakota.

**SECTION 1.** A new section to the Constitution of North Dakota is created and enacted as follows:

1. A person may not use any property belonging to or leased by or any service that is provided to or carried on by the state or a political subdivision for any political purpose. For the purposes of this section:

a. (1) "Political purpose" means any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or 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 any person.

(2) "Political purpose" does not include:

(a) Undertaking activities in the performance of a duty of a public office or a position taken in any bona fide news story, commentary, or editorial;

- 1                           (b) Discussing or taking a position at a public meeting in support of  
2   or in opposition to a measure or amendment; or  
3                           (c) Hosting a public forum at which support of or opposition to a  
4   measure or amendment is presented.  
5                   b. "Property" includes any item of value other than a public building leased or  
6   hired as permitted by law.  
7                   c. "Services" includes the use of an employee during regular working hours for  
8   which the employee has not taken annual or sick leave or other compensatory  
9   leave.  
10           2. This section does not limit the freedom of speech of any officer or employee of the  
11   state or a political subdivision in that individual's personal capacity.