

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1347

That the Senate recede from its amendments as printed on page 1141 of the House Journal and page 980 of the Senate Journal and that Engrossed House Bill No. 1347 be amended as follows:

Page 1, line 1, remove "subdivision a of subsection 2 of"

Page 1, replace lines 5 through 20 with:

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

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

1. No person may use any property belonging to or leased by, or any service which is provided to or carried on by, either directly or by contract, the state or any agency, department, bureau, board, commission, or political subdivision thereof, for any political purpose.
2. The following definitions must be used 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 a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty 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~~
    - (2) "Political purpose" does not include activities undertaken:
      - (a) Undertaking activities in the performance of a duty of a state public office or a position taken in any bona fide news story, commentary, or editorial;
      - (b) Discussing or taking a position at a public meeting in support of or in opposition to a measure or amendment;  
or
      - (c) Hosting a public forum at which support of or opposition to a measure or amendment is presented.
  - b. "Property" includes, but is not limited to, motor vehicles, telephones, typewriters, adding machines, postage or postage meters, funds of money, and buildings. However, nothing in this section may be construed to prohibit any candidate, political party, committee, or

organization from using any public building for such political meetings as may be required by law, or to prohibit such candidate, party, committee, or organization from hiring the use of any public building for any political purpose if such lease or hiring is otherwise permitted by law.

- c. "Services" includes, but is not limited to, the use of employees during regular working hours for which such employees have not taken annual or sick leave or other compensatory leave.

- 3. This section may not be construed to limit the freedom of speech of any officer or employee of the state or a political subdivision in that individual's personal capacity."

Renumber accordingly