

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1583

Introduced by

Representatives Kasper, Henderson, Koppelman, Louser, S. Olson, Steiner

Senators Magrum, Paulson, Weston

- 1 A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code,
2 relating to false political advertisements; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 16.1-10-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-10-04. Publication of false information in political advertisements - Penalty.**

- 7 1. A person is guilty of a class A misdemeanor if ~~that the~~ person knowingly, or with
8 reckless disregard for its truth or falsity, publishes ~~any~~ a political advertisement or news
9 release ~~that contains any~~ containing an assertion, representation, or statement of fact,
10 including information concerning a candidate's prior public record, which is untrue,
11 deceptive, or misleading, ~~whether~~ on behalf of or in opposition to any candidate for
12 public office, initiated measure, referred measure, constitutional amendment, or any
13 other issue, question, or proposal on an election ballot, ~~and whether the~~
14 ~~publication which is~~ published by radio, television, newspaper, text message, telephone
15 call, pamphlet, folder, display cards, signs, posters, billboard advertisements,
16 websites, electronic transmission, social media, or by any other public means or
17 commercial medium.
18 2. This section does not apply to a newspaper, television or radio station, or other
19 commercial medium that is not the source of the political advertisement or news
20 release.

- 1 3. A candidate who is the subject of an untrue, deceptive, or misleading advertisement
- 2 under this section may commence a civil action to recover civil damages. A candidate
- 3 who successfully recovers civil damages under this section must be awarded the full
- 4 amount of all costs and attorney's fees incurred by the candidate during the pendency
- 5 of the civil proceedings.

Sixty-ninth
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of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1204

Introduced by

Representatives Schatz, Dressler, Fisher, Frelich, Meier, Toman

Senators Luick, Van Oosting

*THE SENATE PASSED HB 1204 WED, MARCH 19, 2024.
WITH SENATOR CLEARY AMENDMENTS - 45-1.*

1 A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code,
2 relating to the publication of false information in political advertisements; and to provide a
3 penalty. *THE yellow Highlighted words Below Are*

THE amendments Added by SEN. CLEARY on Senate Floor
4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:** *3-19-25*

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6 amended and reenacted as follows:

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12 deceptive, or misleading, ~~whether~~ on behalf of or in opposition to any candidate for
13 public office, initiated measure, referred measure, constitutional amendment, or any
14 other issue, question, or proposal on an election ballot, ~~and whether the~~
15 ~~publication~~which is published by radio, television, newspaper, text message, telephone
16 call, pamphlet, folder, display cards, signs, posters, billboard advertisements,
17 websites, electronic transmission, social media, or by any other public means or
18 commercial medium.

*Need to Amend HB 1583 to Add
Senator Cleary Amendments on HB 1204
Yellow Highlighted*

- 1 2. This section does not apply to a newspaper, television or radio station, or other
- 2 commercial medium that is not the source of the political advertisement or news
- 3 release.

Vote on HB 1204

ire Version : 25.0254.03000

Rollcall Time : 03/19/2025 1:19 PM

PASSED in the Senate

Votes : 47 - Yeas: 45, Nays: 1, Absent and Not Voting: 1

(YEA) Axtman	(YEA) Barta	(YEA) Beard	(YEA) Bekkedahl
(YEA) Boehm	(YEA) Boschee	(YEA) Braunberger	(YEA) Burckhard
(YEA) Castaneda	(YEA) Cleary	(YEA) Clemens	(YEA) Conley
(YEA) Cory	(YEA) Davison	(YEA) Dever	(YEA) Dwyer
(YEA) Enget	(YEA) Erbele	(YEA) Gerhardt	(YEA) Hogan
(YEA) Hogue	(YEA) Kessel	(YEA) Klein	(YEA) Larson
(YEA) Lee	(YEA) Lemm	(YEA) Luick	(YEA) Magrum
(YEA) Marcellais	(YEA) Mathern	(YEA) Meyer	(YEA) Myrdal
(YEA) Patten	(YEA) Paulson	(NAY) Powers	(YEA) Roers
(YEA) Rummel	(YEA) Schaible	(YEA) Sickler	(YEA) Sorvaag
(YEA) Thomas	(YEA) Van Oosting	(YEA) Walen	(YEA) Wanzek
(YEA) Weber	(YEA) Weston	(ABS) Wobbema	

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ALERT TOP STORY

North Dakota Senate passes bill addressing false information in political messaging

Grant Coursey

Mar 19, 2025



Sen. Sean Cleary, R-Bismarck, speaks on House Bill 1204 at the North Dakota State Capitol in Bismarck on Wednesday, March 19, 2025.

BY JIM STROMME, TRIBUNE

The North Dakota Senate on Wednesday passed a bill to combat false and misleading information in political advertisements -- an issue one senator said is an increasing problem in the state's elections.

North Dakota Century Code already makes publishing false or misleading information on billboards, in pamphlets or other handouts, or in traditional media sources such as television or newspapers a Class A misdemeanor, which carries a maximum punishment of about a year in jail and a \$3,000 fine.

House Bill 1204 originally sought to amend the code to include social media with these other avenues for publication. Sen. Sean Cleary, R-Bismarck, offered a floor amendment to also include text messages and phone calls to the list.

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“As election communications evolve, I think our laws need to change with it,” Cleary said. “Unfortunately we have seen our laws abused by bad actors in our state who seek to interfere with our elections. Knowingly spreading falsehoods about an opponent undermines the integrity of our elections.”

His amendment passed on the floor, and the bill passed in an overwhelming 45-1 vote. It now goes back to the House of Representatives, which will vote on whether to concur with the amendments to the bill or send it to a conference committee before it can make it to the governor’s desk.

Cleary has experience with misleading political communications. He was the campaign manager for U.S. Rep. Julie Fedorchak's 2024 campaign, which was on the receiving end of what it called "election interference" according to **reporting from the Tribune** at the time.

There were text messages sent out to North Dakota residents on the day of the June primary election that quoted media reports in ways that could imply Fedorchak had withdrawn from the U.S. House race.

The Fedorchak campaign filed a complaint with the Federal Election Commission over the incident but further follow-up became unnecessary when Fedorchak won the primary election and went on to win the general election.



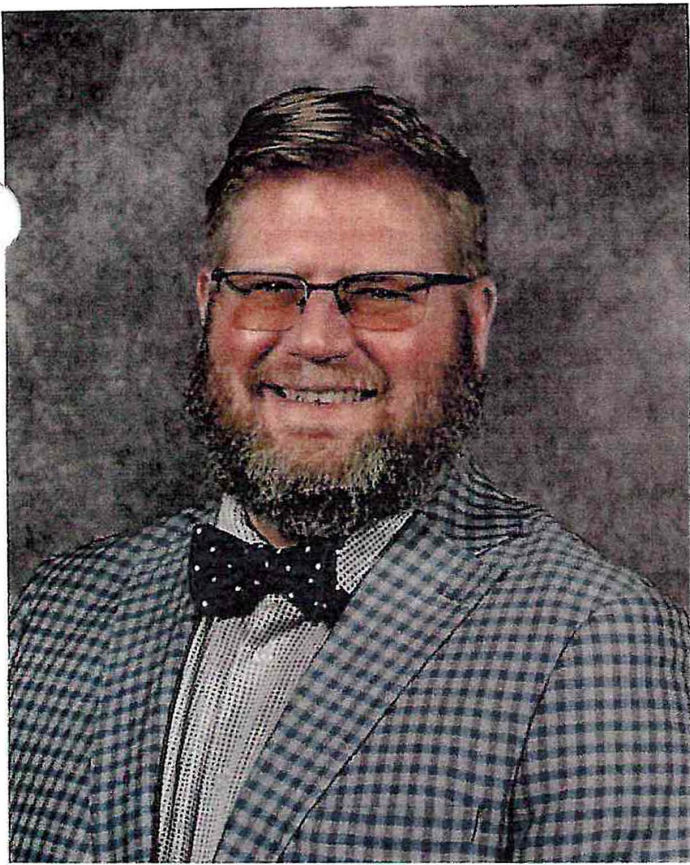
Republican U.S. House candidates, from right, Rick Becker, Cara Mund, Alex Balazs and Julie Fedorchak participate in a debate at KFGO radio in Fargo prior to the June 2024 primary election.

AMY DALRYMPLE, ND MONITOR

Her campaign blamed Rick Becker, Fedorchak's main competitor in the race, for the text message blasts but never provided evidence to back up that assertion. Becker, a Bismarck plastic surgeon and former state representative, condemned the messages, denying any involvement with them.

Cleary said he was not sure if HB 1204 would have applied to the situation the Fedorchak campaign encountered, even with his amendment including text messages and phone calls as mediums where political ads cannot contain false or misleading information.

"It's a really strict standard on what counts as false advertising and political speech and I think that's a good thing," Cleary said. "But at the same time, we should have laws that if folks are bad actors or they are recklessly misrepresenting the truth that there's consequences for that, too."



Sen. Ryan Braunberger, D-Fargo.

PROVIDED

Sen. Ryan Braunberger, D-Fargo, the bill's carrier, said a county state's attorney's office would determine if a violation of the law was pursued in court.

Cleary said that was a "big issue" because state's attorneys do not have the bandwidth or the knowledge to enforce campaign violations.

Despite the difficulties with enforcing the bill, Cleary said it was a worthwhile piece of legislation.

"We've seen a lot of incidents in the last couple election cycles of folks who use patently false material in

campaigns, and there at least needs to be some indication that that's not something we approve of," he said.

Reach Grant Coursey at 701-250-8225 or grant.coursey@bismarcktribune.com.

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