

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2327

Introduced by

Senators Dever, J. Lee, Wanzek, Dotzenrod

Representatives Koppelman, Weiler

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

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

5 **SECTION 1. AMENDMENT.** Subdivision a of subsection 2 of section 16.1-10-02 of the
6 North Dakota Century Code is amended and reenacted as follows:

7 a. "Political purpose" means any activity undertaken to initiate a statewide initiated
8 or referred measure, a constitutional amendment or measure, or a political
9 subdivision ballot measure or any activity undertaken in support of or in
10 opposition to a statewide initiated or referred measure, a constitutional
11 amendment or measure, a political subdivision ballot measure, or the election or
12 nomination of a candidate to public office and includes using "vote for", "oppose",
13 or any similar support or opposition language in any advertisement whether the
14 activity is undertaken by a candidate, a political committee, a political party, or
15 any person. In the period thirty days before a primary election and sixty days
16 before a special or general election, "political purpose" also means any activity in
17 which a candidate's name, office, district, or any term meaning the same as
18 "incumbent" or "challenger" is used in support of or in opposition to the election or
19 nomination of a candidate to public office. The term does not include activities
20 undertaken in the performance of a duty of a ~~state public~~ office or a position
21 taken ~~in any bona fide news story, commentary, or editorial by a public official with~~
22 ~~no expenditure of public funds or resources. This section may not limit the~~
23 ~~freedom of speech of any officer or employee of the state or a political~~
24 ~~subdivision. This section does not prohibit a public official, the state or any~~

1 ~~agency of the state, or the governing body of a political subdivision from~~
2 ~~presenting factual information solely for the purpose of educating the voters on a~~
3 ~~ballot question.~~