

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

1 regarding a ballot question solely for the purpose of educating voters if the
2 information does not advocate for or against or otherwise reflect a position on the
3 adoption or rejection of the ballot question.