

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~~may be awarded the
4 full amount of all costs and attorney's fees incurred by the candidate during the
5 pendency of the civil proceedings.