

**FIRST ENGROSSMENT**

**ENGROSSED HOUSE BILL NO. 1141**

Introduced by

Representatives Toman, Hendrix, Holle, D. Johnston, Rohr, Frelich, Morton

Senators Boehm, Paulson, Magrum

1 A BILL for an Act to amend and reenact section 16.1-10-02 of the North Dakota Century Code,  
2 relating to using public services or property for a political purpose.

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

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

6 **16.1-10-02. Use of state or political subdivision services or property for political**  
7 **purposes - Ethics commission.**

8 1. ~~No~~A person may not use any property belonging to or leased by, or any service which  
9 is provided to or carried on by, either directly or by contract, the state or any agency,  
10 department, bureau, board, commission, or political subdivision ~~thereof~~of the state, for  
11 any political purpose.

12 2. ~~The following definitions must be used for the purposes of this section:~~An individual or  
13 private organization may not use public funds collected from a political subdivision or  
14 an agency or department of the state to, directly or indirectly, endorse or oppose a  
15 candidate for elective office, or a ballot measure.

16 3. The ethics commission may investigate an alleged violation under this section and  
17 may assess a civil penalty of up to five hundred dollars against an individual or private  
18 organization for a violation of this section.

19 4. As used in this section:

20 a. "Political purpose" means any activity undertaken in support of or in opposition to  
21 a statewide initiated or referred measure, a constitutional amendment or  
22 measure, a political subdivision ballot measure, or the election or nomination of a

1 candidate to public office and includes using "vote for", "oppose", or any similar  
2 support or opposition language in any advertisement whether the activity is  
3 undertaken by a candidate, a political committee, a political party, or any person.  
4 In the period thirty days before a primary election and sixty days before a special  
5 or general election, "political purpose" also means any activity in which a  
6 candidate's name, office, district, or any term meaning the same as "incumbent"  
7 or "challenger" is used in support of or in opposition to the election or nomination  
8 of a candidate to public office. The term does not include activities undertaken in  
9 the performance of public office or a position taken in any bona fide news story,  
10 commentary, or editorial. Factual information may be presented regarding a ballot  
11 question solely for the purpose of educating voters if the information does not  
12 advocate for or against or otherwise reflect a position on the adoption or rejection  
13 of the ballot question.

14 b. "Property" includes motor vehicles, telephones, typewriters, adding machines,  
15 postage or postage meters, funds of money, and buildings. However, nothing in  
16 this section may be construed to prohibit any candidate, political party,  
17 committee, or organization from using any public building for such political  
18 meetings as may be required by law, or to prohibit such candidate, party,  
19 committee, or organization from hiring the use of any public building for any  
20 political purpose if such lease or hiring is otherwise permitted by law.

21 c. "Public funds" means funds received by a political subdivision or an agency or  
22 department of the state through taxation, appropriation, fees, grants, or other  
23 revenue sources, which are used to pay dues or contributions to a private  
24 organization.

25 d. "Services" includes the use of employees during regular working hours for which  
26 such employees have not taken annual or sick leave or other compensatory  
27 leave.