

PROPOSED AMENDMENTS TO ENGROSSED SENATE CONCURRENT  
RESOLUTION NO. 4038

Page 1, line 1, after "resolution" replace the remainder of the resolution with "to create and enact a new section to the Constitution of North Dakota, relating to the use of public property for political purposes.

**STATEMENT OF INTENT**

This measure prohibits the use of state or political subdivision property or services for political purposes.

**BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF  
REPRESENTATIVES CONCURRING THEREIN:**

That the following proposed new section to the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election in 2010, in accordance with section 16 of article IV of the Constitution of North Dakota.

**SECTION 1.** A new section to the Constitution of North Dakota is created and enacted as follows:

1. A person may not use any property belonging to or leased by, or any service that is provided to or carried on by, either directly or by contract, the state or a political subdivision, for any political purpose. For the purposes of this section:
  - a. (1) "Political purpose" means any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office.
  - (2) "Political purpose" does not include:
    - (a) Undertaking activities in the performance of a duty of a public office or a position taken in any bona fide news story, commentary, or editorial;
    - (b) Discussing or taking a position at a public meeting in support of or in opposition to a measure or amendment;  
or
    - (c) Hosting a public forum at which support of or opposition to a measure or amendment is presented.

- b. "Property" includes real or personal property, money, or any other item of value. However, this section may not be construed to prohibit any candidate, political party, committee, or organization from using any public building for such political meetings as may be required by law, or to prohibit a candidate, party, committee, or organization from hiring the use of any public building for any political purpose if the lease or hiring is otherwise permitted by law.
  - c. "Services" includes the use of an employee during regular working hours for which the employee has not taken annual or sick leave or other compensatory leave.
- 3. This section does not limit the freedom of speech of any officer or employee of the state or a political subdivision in that individual's personal capacity."

Renumber accordingly