

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 publication is~~
14 published by radio, television, newspaper, pamphlet, folder, display cards, signs,
15 posters, billboard advertisements, websites, electronic transmission, social media, or
16 by any other public means or commercial medium.

17 2. This section does not apply to a newspaper, television or radio station, or other
18 commercial medium that is not the source of the political advertisement or news
19 release.

20 3. A candidate who is the subject of an untrue, deceptive, or misleading advertisement
21 under this section may commence a civil action to recover civil damages. A candidate
22 who successfully recovers civil damages under this section must be awarded the full

- 1 amount of all costs and attorney's fees incurred by the candidate during the pendency
- 2 of the civil proceedings.