

2025 HOUSE POLITICAL SUBDIVISIONS

HB 1204

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1204
1/24/2025

A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to the publication of false information in political advertisements; and to provide a penalty.

9:58 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Warrey

Members Absent: Representative Toman

Discussion Topics:

- Definition of commercial medium
- Sharing of knowingly false information
- Political candidates prior voting records

9:59 a.m. Mike Schatz, North Dakota Representative for District 34, introduced the bill.

10:06 a.m. Brandon Prichard, Independent, testified in favor and provided testimony #31267 and #31268.

10:18 a.m. Representative Heilman moved to Amend and replace "an assertion, representation, or " with "a" on line 10, overstrike "including information concerning a candidate's prior public record" from line 11, and overstrike "deceptive, or misleading" from line 12.

10:18 a.m. Motion failed due to lack of a second.

10:19 a.m. Representative Klemin moved to Amend and remove the overstrike on lines 15 and 16.

10:19 a.m. Representative Hatlestad seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y

Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	N
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

10:20 a.m. Motion passed 11-1-1

10: a.m. Representative Klemin moved a Do Pass as Amended.

10: a.m. Representative Davis seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	N
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	N
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	Y

10:22 a.m. Motion passed 10-2-1

10:22 a.m. Representative Davis will carry the bill.

10:22 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

January 24, 2025

PS 1/24/24
1 of 1

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1204

Introduced by

Representatives Schatz, Dressler, Fisher, Frelich, Meier, Toman

Senators Luick, Van Oosting

1 A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code,
2 relating to the publication of false information in political advertisements; and to provide a
3 penalty.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-10-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-10-04. Publication of false information in political advertisements - Penalty.**

- 8 1. A person is guilty of a class A misdemeanor if ~~that~~the person knowingly, or with
9 reckless disregard for its truth or falsity, publishes ~~any~~a political advertisement or news
10 release ~~that contains any~~containing an assertion, representation, or statement of fact,
11 including information concerning a candidate's prior public record, which is untrue,
12 deceptive, or misleading, ~~whether~~ on behalf of or in opposition to any candidate for
13 public office, initiated measure, referred measure, constitutional amendment, or any
14 other issue, question, or proposal on an election ballot, and ~~whether the publication is~~
15 published by radio, television, newspaper, pamphlet, folder, display cards, signs,
16 posters, billboard advertisements, websites, electronic transmission, social media, or
17 ~~by~~ any other public means or 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.

**REPORT OF STANDING COMMITTEE
HB 1204**

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **AMENDMENTS** ([25.0254.01003](#)) and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1204 was placed on the Sixth order on the calendar.

25.0254.01002
Title.

Prepared by the Legislative Council
staff for Representative Heilman
January 22, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1204

Introduced by

Representatives Schatz, Dressler, Fisher, Frelich, Meier, Toman

Senators Luick, Van Oosting

1 A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code,
2 relating to the publication of false information in political advertisements; and to provide a
3 penalty.

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

5 **SECTION 1. AMENDMENT.** Section 16.1-10-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **16.1-10-04. Publication of false information in political advertisements - Penalty.**

8 1. A person is guilty of a class A misdemeanor if ~~that~~the person knowingly, or with
9 reckless disregard for its truth or falsity, publishes ~~any~~a political advertisement or news
10 release ~~that contains any~~containing ~~an assertion, representation, or~~a statement of
11 fact, ~~including information concerning a candidate's prior public record~~, which is
12 untrue, ~~deceptive, or misleading~~, whether on behalf of or in opposition to any
13 candidate for public office, initiated measure, referred measure, constitutional
14 amendment, or any other issue, question, or proposal on an election ballot, and
15 ~~whether the publication is published by radio, television, newspaper, pamphlet, folder,~~
16 ~~display cards, signs, posters, billboard advertisements, websites, electronic~~
17 ~~transmissions~~social media, or by any other public means or 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.

25.0254.01001
Title.

Prepared by the Legislative Council
staff for Representative Heilman
January 22, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1204

Introduced by

Representatives Schatz, Dressler, Fisher, Frelich, Meier, Toman

Senators Luick, Van Oosting

1 A BILL for an Act to ~~amend and reenact~~repeal section 16.1-10-04 of the North Dakota Century
2 Code, relating to the publication of false information in political advertisements; ~~and to provide a~~
3 ~~penalty.~~

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

5 ~~— **SECTION 1. AMENDMENT.** Section 16.1-10-04 of the North Dakota Century Code is~~
6 ~~amended and reenacted as follows:~~

7 ~~— **16.1-10-04. Publication of false information in political advertisements -- Penalty.**~~

8 ~~— 1. A person is guilty of a class A misdemeanor if that~~the person knowingly, or with
9 reckless disregard for its truth or falsity, publishes any~~a political advertisement or news-~~
10 ~~release that contains any~~containing an ~~assertion, representation, or statement of fact,~~
11 ~~including information concerning a candidate's prior public record, which is untrue,~~
12 ~~deceptive, or misleading, whether on behalf of or in opposition to any candidate for~~
13 ~~public office, initiated measure, referred measure, constitutional amendment, or any~~
14 ~~other issue, question, or proposal on an election ballot, and whether the publication is~~
15 ~~published by radio, television, newspaper, pamphlet, folder, display cards, signs,~~
16 ~~posters, billboard advertisements, websites, electronic transmissions~~social media, ~~or by~~
17 ~~any other public means or 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

SECTION 1. REPEAL. Section 16.1-10-04 of the North Dakota Century Code is repealed.

2025 SENATE STATE AND LOCAL GOVERNMENT

HB 1204

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

HB 1204
3/13/2025

Relating to the publication of false information in political advertisements; and to provide a penalty.

10:15 a.m. Chair Roers called the meeting to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger and Walen.

Members Absent: Senator Lee

Discussion Topics:

- Social media
- Commercial medium
- Misleading representation
- Free speech vs. slander

10:15 a.m. Representative Schatz, District #39, introduced the bill.

10:22 a.m. Senator Walen moved Do Pass.

10:22 a.m. Senator Castaneda seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	AB
Senator Chuck Walen	Y

Motion Passed 5-0-1

Senator Braunberger will carry the bill.

10:23 a.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1204 ([25.0254.02000](#))**

State and Local Government Committee (Sen. Roers, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1204 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.