

**2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1583**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1583  
2/6/2025

Relating to registration and disclosure requirements for a person making independent expenditures and false political advertisements; and to provide a penalty.

3:00 p.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Members absent: Representative Christy

### **Discussion Topics:**

- Proposed amendments relating to civil lawsuits

3:00 p.m. Representative Kasper, District 46, introduced the bill and proposed amendments, LC#25.0444.02002, #45237.

3:11 p.m. Shane Goettle, Brighter Future Alliance, testified in opposition and submitted testimony, #35961.

### **Additional written testimony:**

Micheal Howe, North Dakota Secretary of State, submitted testimony in opposition, #35955.

3:14 p.m. Chairman Schauer closed the hearing.

*Jackson Toman, Committee Clerk*

**HOUSE GOVERNMENT AND VETERANS AFFAIRS COMMITTEE**  
**REPRESENTATIVE AUSTEN SCHAUER, CHAIR**

**TESTIMONY PRESENTED BY**

**MICHAEL HOWE, SECRETARY OF STATE**

Chairman Schauer and members of the committee, for the record my name is Michael Howe, North Dakota Secretary of State.

Our office is in opposition to HB 1583. Again, I want to be perfectly clear, our office's opposition to HB 1583 is in no way an endorsement of dark money in politics. Our office is the hub of transparency for documents and records, including campaign finance information; however, a United States Supreme Court verdict precludes our ability to receive any information from committees formed as a 501 (c) 4 nonprofit organization, which would be many of the filers targeted with this legislation.

For any remaining filers who may be impacted by this legislation, the language proposed in the bill creates confusion as to what filing requirements they would be following – federal law or state law. The proposed language requires political committees organizing under federal law when making disbursements to nonfederal candidates in North Dakota to file campaign finance disclosure statements with our office. These committees are required to do extensive reporting of contributions and expenditures under the FEC – Federal Election Commission – and this language creates duplication of the reporting transparency already available at FEC.gov.

Under the current law, these committees are required to file a copy of their federal reporting and supplementary information with our office when they're participating in North Dakota campaigns. The language in this bill seems to create an additional FEC-style filing structure within state law that isn't consistent with other North Dakota filing requirements. This change would create a new filing structure within our campaign finance system and our office would request a fiscal note once we could determine potential costs to address these customizations.

The language in the bill is confusing. We are unsure of what changes, if any, are being proposed in Section 1. The language provided in the bill is the exact language in the current statute and there are no strikes or additions provided. If the sponsors are seeking to expand the definition of "independent expenditure" it will impact our

campaign finance system for all filers utilizing the system. We cannot be certain of these impacts without greater information to determine the intent of including this section.

We believe HB1583 has constitutional questions related to filing requirements for organizations exempted by the Supreme Court and has a number of challenges in implementation with the current language. I would ask the committee give HB 1583 a **DO NOT PASS** recommendation.

**Government and Veterans Affairs Committee**  
**Chairman Austin Schauer**  
**February 6, 2025**

### **HB 1583**

Chairman Schauer, Members of the Committee, thank you for the opportunity to testify on House Bill 1583. My name is **Shane Goettle**, appearing today as a lobbyist for the Brighter Future Alliance (BFA), a North Dakota 501(c)(4) social welfare organization, and as an attorney with over 30 years of legal experience. I also serve as an adjunct professor teaching Communications Law and Ethics, where I educate students on First Amendment jurisprudence, campaign finance law, and constitutional protections for political advocacy.

Earlier this session, I spoke against HB 1286 on similar grounds. I am here again to respectfully **oppose HB 1583**, which I believe suffers from the *same fundamental constitutional flaws*.

This bill threatens core First Amendment freedoms of speech and association by imposing sweeping disclosure mandates and burdensome regulations on political advocacy. In my testimony, I will **integrate and expand upon the constitutional arguments** raised previously, reinforcing why HB 1583 is unconstitutional and unworkable.

## **Understanding 501(c)(4) Organizations**

A **501(c)(4) organization**, as defined by the Internal Revenue Code, is a **tax-exempt social welfare organization** that is primarily engaged in promoting the common good and general welfare of the community. Unlike 501(c)(4) charitable organizations, which are strictly prohibited from engaging in political activity, **501(c)(4) organizations are allowed to participate in political advocacy and lobbying, provided that political activity does not become their primary function.**

Generally, a 501(c)(4) is well-advised to keep electioneering activity below twenty-five percent of its overall activities in order to preserve its 501(c)(4) social welfare status. This “safe-harbor” guidance is what I generally advise and am comfortable defending. In any event, a 501(c)(4) **MUST** ensure that its primary mission is to promote social welfare, meaning the majority of its total activities must be related to social welfare purposes rather than candidate political campaign involvement.

A 501(c)(4) is prohibited from direct campaign contributions to candidates, political parties, or PACs. They are also prohibited from coordination with political campaigns (which could lead to a loss of their status and reclassification as a 527 political organization).

Under North Dakota law, a 501(c)(4) must disclose expenditures on electioneering communications (e.g., ads mentioning candidates close to an election). *NDCC § 16.1-08.1-03.7*.

My client, BFA, is in full compliance with North Dakota law. I have verified that in the 2024 general election BFA spent less than five percent of its overall fiscal year expenditures on

electioneering communications related to state candidates and further limited itself to just three legislative candidates.

HB 1583 improperly subjects 501(c)(4) organizations to excessive donor disclosure requirements even for periods of time in which they are **not directly engaging in electioneering activities**.

Under **Section 3 of HB 1583**, any 501(c)(4) organization that spends as little as **\$200 on an independent expenditure or the passage or defeat of a ballot measure**, must disclose **all contributors** who donated **over \$1,000**.

Keeping in mind that the primary purpose of 501(c)(4) is NOT political activity. For example, a donor in January of 2024 may have given \$50,000 dollars to a 501(c)(4) in support of its general mission. Later, the 501(c)(4) decides to spend some dollars opposing a June primary ballot measure. Let's say that amounts to twenty percent of its overall activity. In the general election, it may decide to publish a candidate "scorecard" and send it out to voters. Let's say that is five percent of its overall activities. It is operating well within the IRS parameters to maintain its 501(c)(4) status.

North Dakota law requires full disclosure of these expenditures. HB 1583 is not needed to make that happen.

Keep in mind as we proceed here that page 4, line 13-14, of the bill states: "If the expenditure is related to a candidate, the name of the candidate and whether the expenditure is made in support of or opposition to the candidate." I believe this language picks up even scorecards published by a 501(c)(4).

HB 1583 proposed that ALL donors exceeding \$1000 in contributions must be disclosed if the 501(c)(4) engages in any political activity (candidate or ballot measure), at anything over the \$200 expenditure threshold.

The January donor may not have been motivated at all by either the ballot measure or the subsequent candidate scorecard, but under HB 1583 would be subject to disclosure. This may have a chilling effect on both that donor's freedom of speech and association, both of which are violations of the donors First Amendment rights.

In fact, a single donor may have been opposed to both activities but is still motivated by other activities of the 501(c)(4). That is the difference between a 501(c)(4) and a candidate committee, PAC, or ballot measure committee. The latter have a direct line between the donors motive and the political expenditure. A 501(c)(4) exists for a very different purpose and there is no direct line between the donation, raised for a general purpose, and any subsequent political expenditures.

The sweeping mandate of HB 1583 goes beyond the established legal standards set forth by the Supreme Court and imposes unconstitutional burdens on civic participation.

## Examples of National 501(c)(4) Organizations

1. **American Civil Liberties Union (ACLU) Action** – Advocates for civil rights and liberties, including free speech and voting rights.
2. **Americans for Prosperity (AFP)** – A conservative-leaning group that supports free markets and limited government.
3. **League of Conservation Voters (LCV)** – An environmental advocacy group supporting policies to combat climate change.
4. **National Rifle Association Institute for Legislative Action (NRA-ILA)** – The lobbying arm of the NRA that focuses on Second Amendment rights.
5. **Planned Parenthood Action Fund** – A pro-choice organization advocating for reproductive rights and healthcare access.
6. **Susan B. Anthony Pro-Life America** – A pro-life organization advocating for anti-abortion policies and supporting aligned candidates.

## Examples of North Dakota-Based or Well-Known Local 501(c)(4) Organizations

1. **Greater North Dakota Chamber (GNDC)** – Advocates for pro-business policies in North Dakota.
2. **Dakota Resource Council (DRC)** – Works on environmental and land use issues, including agriculture and energy policy.
3. **North Dakota Family Alliance (NDFA)** – A socially conservative organization advocating for family and religious values.
4. **North Dakota Native Vote** – Focuses on increasing civic engagement and voter participation among Native American communities in the state.
5. **North Dakota Women’s Network** – A pro-choice organization supporting gender equity and reproductive rights.
6. **North Dakota Right to Life** – A pro-life organization advocating against abortion and supporting related policies.

These organizations represent a wide range of political and policy interests, demonstrating that **501(c)(4) organizations are essential vehicles for citizen engagement in the democratic process.**

## 1. First Amendment Protections for Political Speech

**Political speech is core protected speech:** The First Amendment firmly protects political expression, including advocacy by corporations and organizations. The U.S. Supreme Court has recognized that **independent expenditures** (political spending not coordinated with a candidate) are a form of *political speech* central to our democracy.

In *Citizens United v. FEC* (2010), the Court famously held that the identity of the speaker (even if a corporation or union) cannot be used to silence speech: “*political speech is indispensable to decisionmaking in a democracy, and this is no less true because the speech comes from a*

*corporation rather than an individual.” The Court further ruled that **laws suppressing political expenditures violate the First Amendment**, emphasizing that “*political speech must prevail against laws that would suppress it, whether by design or inadvertence.*”*

This means organizations like 501(c)(4)s have a constitutional right to engage in issue advocacy and political commentary without undue government interference.

## **HB 1583’s Violation of *Citizens United***

HB 1583 directly infringes on protected political speech through its mandate that any communication that **refers to a candidate or ballot measure**, presumably triggered by **\$200 or more in spending**, must be classified as **regulated political activity** and compels organizations to turn over detailed contributor lists for any public advocacy deemed to influence an election for a state candidate or ballot measure. Such **excessive disclosure requirements** extend well beyond what courts have upheld as necessary for an informed electorate.

In summary, **HB 1583’s sweeping regulation of political speech by nonprofits conflicts with the First Amendment protections affirmed in *Citizens United***. Political advocacy – whether by an individual or an incorporated group – “*must prevail*” over laws that aim to suppress it

## **2. Associational Privacy and Donor Disclosure**

**Freedom of association and privacy:** The Constitution safeguards not just the right to speak, but to **associate privately** in support of causes. For many groups, especially nonprofits and advocacy organizations, the privacy of their members and donors is a vital protection. The U.S. Supreme Court’s landmark decision in *NAACP v. Alabama* (1958) held that **compelled disclosure of an organization’s members or donors can violate the First Amendment**. In that case, Alabama sought the NAACP’s membership lists, and the Court unequivocally rejected the demand, declaring that the “*inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association.*”

Forcing groups to reveal their supporters creates a **chilling effect**: people may fear harassment, retaliation, or public backlash for their beliefs, and thus be **deterred from donating or participating**. Privacy in association, the Court recognized, is often essential for individuals to band together and advocate for change, especially on controversial issues.

### **Specific Violations in HB 1583**

**Dangers of forced donor disclosure in HB 1583:** HB 1583 ignores these constitutional warnings. It would require nonprofit advocacy groups (such as 501(c)(4) social welfare organizations) to **disclose the identities of their donors** once certain spending thresholds are met in matters referring to a candidate or measure, even if those donors gave for general causes and not specifically for election ads.



This kind of blanket disclosure **mirrors the scenario struck down in NAACP v. Alabama** – it exposes supporters to potential intimidation and **discourages civic engagement**. The likely result is a *chilling effect* on donors. Faced with the loss of anonymity, many will simply choose not to give to advocacy organizations, silencing voices and impoverishing the marketplace of ideas. This is not speculative; history shows that donor exposure leads to pullback of support. Even those who continue may face harassment, as modern examples of doxxing and boycotts demonstrate. Our **political discourse suffers** when citizens refrain from lawful association out of fear.

**Recent Supreme Court affirmation – *Americans for Prosperity Foundation v. Bonta* (2021):** The Supreme Court reaffirmed these principles just a few years ago. In *Americans for Prosperity Foundation v. Bonta*, a case challenging California’s law requiring charities to submit their major donor lists to the state, the Court struck down the **forced donor disclosure regime** as unconstitutional. The law was found to place a substantial burden on First Amendment rights *without being narrowly tailored*. The Court made clear that even under “exacting scrutiny” (the standard used for disclosure laws), the government **must demonstrate a strong interest and use a narrowly tailored approach** – it **cannot cast a wide net** that sweeps in far more information than necessary. As Chief Justice Roberts wrote, “[w]hile exacting scrutiny does not require that disclosure regimes be the least restrictive means of achieving their ends, it does require that they be narrowly tailored to the government’s asserted interest.”

In other words, a law that compels disclosure of donor identities **across the board**, regardless of need, is **overbroad and unconstitutional**.

HB 1583 raises the **same red flags**. It would compel advocacy groups to hand over donor information **beyond what is narrowly needed** for any legitimate oversight. The state’s interest in fair elections does not justify dragging every supporter of an issue group into a public registry.

HB 1583’s disclosure mandates apply to a broad range of speech and speakers, ensnaring donors who never intended to fund electioneering or measure campaigns. This **departure from narrow tailoring** means the bill is likely to **fail constitutional scrutiny**, as did the law in *Americans for Prosperity*. In protecting donor privacy, the Supreme Court has consistently favored *protecting civil society from overreaching surveillance* by the state.

We should not chill participation in nonprofits that enrich our civic life.

### 3. Overbroad Reach and Chilling Effects on Speech

**Broad application beyond legitimate campaign regulation:** A fundamental problem with HB 1583 is its **overbreadth** – it reaches far beyond the proper scope of campaign finance regulation. Laws governing elections are constitutional **only if they focus on the core area of electoral advocacy**, such as express advocacy for or against candidates or electioneering communications close to an election. Yet HB 1583’s provisions cover a wide swath of communications by issue organizations that may only tangentially relate to political campaigns. For example, a group primarily devoted to public education on policy issues could be swept under HB 1583’s

requirements if it merely mentions an elected official or pending ballot measure in its publications. This **blurs the line between genuine campaign activity and issue advocacy**, subjecting the latter to the same heavy regulations intended for election campaigns. By **extending disclosure and reporting mandates to activity that is not unambiguously campaign-related**, the bill ventures into regulating **pure issue speech** – an area strongly protected by the First Amendment.

**Legal uncertainty for advocacy groups:** Because of its breadth, HB 1583 would create significant **legal uncertainty** for organizations. Many nonprofits will be left guessing whether their issue advocacy might later be deemed an “independent expenditure” or a “political advertisement” under the bill. This vagueness in scope means groups must either **over-comply (and curtail their speech)** or risk penalties due to a misinterpretation. Such uncertainty is itself chilling – when you cannot tell what speech might trigger enforcement, the safe route is to say *less*.

North Dakota’s many 501(c)(4) social welfare organizations – which work on everything from **infrastructure and education to agriculture and civil liberties** – would all have to tread carefully, unsure if routine advocacy could land them in legal trouble. The *ambiguity* about what triggers the law’s application is essentially a tax on speech: only those willing to hire lawyers and accept risk will continue unfettered advocacy, and even they might scale back. Smaller grassroots groups, lacking resources for complex compliance, would be **silenced the most**.

**Overbreadth and chilling effect case law:** The Supreme Court has long held that laws which are *overbroad* – sweeping in a substantial amount of protected speech along with any targeted unprotected speech – are **unconstitutional**.

Even when a law has a legitimate aim, if it is so broadly written that it **deters lawful expression**, courts will strike it down or require it to be narrowed.

For instance, in *McIntyre v. Ohio Elections Commission* (1995), the Court invalidated an Ohio law that banned anonymous campaign literature. The law was intended to prevent fraud, but it applied even to innocuous, **small-scale pamphlets by private citizens**. The Court noted that **anonymity is a shield for unpopular speech** and held that the blanket disclaimer requirement was too broad, infringing on free expression.

This illustrates that even well-intentioned regulations must not ignore less extreme alternatives. Likewise, *Buckley v. Valeo* (1976) narrowly construed campaign finance rules to cover only communications that expressly advocate election or defeat of a candidate (“**vote for/against**”), specifically to avoid chilling more generalized issue discussion. The lesson from these cases is clear: **campaign laws must be precisely targeted**. If they roam into covering issue advocacy or general political speech, they burden more speech than necessary and become unconstitutional.

**HB 1583’s chilling breadth:** By casting such a wide net, HB 1583 would inevitably **discourage protected speech**. Consider an organization that primarily focuses on educating the public about tax policy. If the bill becomes law, before releasing a policy report or a Facebook post that names a lawmaker (even purely for issue context), the group must worry: Will this trigger

political disclosure rules? Will we have to register and report our supporters because this could be seen as influencing an upcoming election? Faced with that dilemma, many groups will choose to **stay silent on contentious issues**, especially close to an election year. This is exactly the kind of chilling effect our courts guard against. A law “**too broad and hence unconstitutional**” – as the *Americans for Prosperity* case described California’s rule cannot be allowed to stifle the open debate on which our democracy depends.

North Dakota benefits when a rich variety of voices – left, right, and center – can engage in policy dialogue. We should not enact a regulatory scheme so expansive that it scares those voices into silence.

## 4. Unworkable and Burdensome Compliance Requirements

**Practical burdens on organizations:** Beyond the high-level constitutional issues, HB 1583 is fraught with **practical compliance problems** that make it unworkable and unfair, especially for organizations **not primarily engaged in electioneering**. The bill would effectively force many nonprofits to become quasi-political committees, **diverting their focus and resources to paperwork and legal hoops**. The administrative demands are stark:

- **Extensive Record-Keeping and Donor Tracking:** HB 1583 compels groups to track the “**ultimate and true source**” of every dollar used for any communication that might be deemed political. This sounds reasonable in theory but is **nearly impossible in practice**. Modern nonprofits receive funds from many sources (individual donors, memberships, perhaps other pooled funds, or grants). Requiring an organization to **trace each contribution back through any number of intermediaries** to identify the original source is a **logistical nightmare**. As I pointed out in prior testimony, terms like “*ultimate and true source*” are **ill-defined**, creating uncertainty about how far back an organization must investigate its funds.

For example, if a nonprofit receives a grant from another nonprofit, which in turn raised money from thousands of donors, does HB 1583 require listing all those donors? If a business or association contributes, does the nonprofit have to somehow determine which individuals (owners, employees, members) “truly” supplied that money? The bill does not say where this chain of tracing stops. Such **vague and boundless requirements** make compliance *difficult at best and impossible at worst*. This vagueness not only burdens organizations but also raises due process concerns – laws must provide clear notice of what is required and HB 1583 fails that test by leaving too much to guesswork.

- **Intrusive Donor Disclosure and Privacy Burdens:** Under HB 1583, even donors who gave relatively small amounts (\$1000) could have their information reported to the government and potentially made public. This means **everyday citizens** who give modest support to causes would have their names and addresses exposed in public filings. This is a significant burden on privacy and will dissuade individuals from contributing. Many people donate to 501(c)(4) groups because they care about issues, not elections, and do not expect to be dragged into a political spotlight. For the organizations, compiling and continually updating these donor lists is a heavy lift – especially when donors give for

**general mission support**, not earmarked for political use. The compliance costs (hiring staff or attorneys to manage filings) could be crippling for smaller organizations. In effect, HB 1583 **penalizes civic participation**, drowning organizations in red tape and compromising their supporters' privacy.

- **Risk of Arbitrary and Inconsistent Enforcement:** The **vagueness** in HB 1583's language – e.g., how to identify an “ultimate and true source” – opens the door to inconsistent enforcement. Different interpretations by regulators could lead to **unequal treatment** of organizations or even selective enforcement. One group might be penalized for a certain communication while another, doing something similar, is not – simply due to how the officials interpret the statute. This undermines the rule of law and feeds a perception of unfairness or political bias. Given the complexity of the law, an organization acting in good faith could still **find itself facing sanctions** if an official later disagrees with how it reported something. The threat of such penalties would further chill speech – many groups would self-censor rather than gamble on an unclear rule with severe consequences. In constitutional terms, the combination of vagueness and punitive enforcement **violates due process** and the First Amendment. Laws that are not clear enough to be understood invite arbitrary application, which is exactly what the Constitution's vagueness doctrine prohibits.

**The bottom line:** HB 1583's compliance regime is so burdensome and unclear that it would *discourage even well-intentioned organizations from speaking*. Those that try to comply could be trapped in endless paperwork and **legal jeopardy**, diverting time and money away from their actual advocacy missions.

It is **unwise to enact a law that non-profits literally cannot comply with perfectly** – the inevitable result is less participation in public discourse.

As a practical matter, this bill is an **administrative quagmire** that would entangle the Secretary of State's office as well, inundating regulators with reports and data of dubious value.

In my view, these onerous requirements are not an accident but a feature – they serve to **deter advocacy through bureaucratic intimidation**, which is contrary to the spirit of the First Amendment.

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## **Conclusion: Reject HB 1583 as an Unconstitutional Overreach**

HB 1583 is constitutionally unsound. It violates **First Amendment protections for political speech**, intrudes upon **associational privacy**, and imposes **overbroad and burdensome compliance requirements**.

The bill not only conflicts with constitutional protections but also places undue burdens on civic organizations, discouraging participation in the democratic process. I urge the Committee to reject this overreaching legislation in favor of policies that protect free speech and association.

Thank you for your time, and I welcome any questions from the Committee.

25.0444.02002  
Title.

Prepared by the Legislative Council  
staff for Representative Kasper  
February 6, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### 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 ~~subsection 8 of section 16.1-08.1-01 and sections~~  
2 ~~16.1-08.1-03.2, 16.1-08.1-03.7, and~~ 16.1-10-04 of the North Dakota Century Code, relating to  
3 ~~registration and disclosure requirements for a person making independent expenditures and~~  
4 false political advertisements; and to provide a penalty.

### 5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 ~~SECTION 1. AMENDMENT. Subsection 8 of section 16.1-08.1-01 of the North Dakota~~  
7 ~~Century Code is amended and reenacted as follows:~~  
8 ~~— 8. "Independent expenditure" means an expenditure made for a political purpose or for~~  
9 ~~the purpose of influencing the passage or defeat of a measure if the expenditure is~~  
10 ~~made without the express or implied consent, authorization, or cooperation of, and not~~  
11 ~~in concert with or at the request or suggestion of, any candidate, committee, or~~  
12 ~~political party.~~  
13 ~~— SECTION 2. AMENDMENT. Section 16.1-08.1-03.2 of the North Dakota Century Code is~~  
14 ~~amended and reenacted as follows:~~  
15 ~~— 16.1-08.1-03.2. Political committee and candidate registration.~~  
16 ~~— 1. A political committee as defined in section 16.1-08.1-01 shall register its name, mailing~~  
17 ~~address, telephone number, and nongovernment issued electronic mail address, its~~  
18 ~~agent's name, mailing address, telephone number, and nongovernment issued~~  
19 ~~electronic mail address, and a designation as to whether the committee is~~  
20 ~~incorporated solely for the purpose of liability protection, with the secretary of state. A~~

1 candidate who does not have a candidate committee shall register the candidate's  
2 name, mailing address, telephone number, and nongovernment issued electronic mail  
3 address with the secretary of state. If the candidate has an agent, the candidate also  
4 shall register the agent's name, mailing address, telephone number, and  
5 nongovernment issued electronic mail address with the secretary of state. The  
6 registration required under this section for a candidate or political committee that has  
7 not previously registered with the secretary of state must be submitted within fifteen  
8 business days of the receipt of any contribution or expenditure made.

9 ~~2. A candidate or political committee required to be registered under this section must~~  
10 ~~register with the secretary of state each year during which the candidate holds public~~  
11 ~~office or during which the political committee receives contributions, makes~~  
12 ~~expenditures for political purposes, or has a balance in the campaign account. An~~  
13 ~~individual who no longer holds public office or an individual who no longer seeks public~~  
14 ~~office must register with the secretary of state each year in which contributions are~~  
15 ~~received, expenditures are made for political purposes, or has a balance in the~~  
16 ~~campaign account.~~

17 ~~3. A political committee that organizes and registers according to federal law and makes~~  
18 ~~an independent expenditure or makes a disbursement in excess of two hundred~~  
19 ~~dollars to a nonfederal candidate seeking public office, a political party, or political~~  
20 ~~committee in this state is not required to register as a political committee according to~~  
21 ~~this section if the political committee reports according to section 16.1-08.1-03.7.~~

22 ~~4. Registration by a political committee under this section does not reserve the name for~~  
23 ~~exclusive use nor does it constitute registration of a trade name under chapter 47-25.~~

24 ~~SECTION 3. AMENDMENT. Section 16.1-08.1-03.7 of the North Dakota Century Code is~~  
25 ~~amended and reenacted as follows:~~

26 ~~16.1-08.1-03.7. Political committees that organize and register according to~~  
27 ~~organizing and registering under federal law that make~~making independent expenditures or  
28 ~~disbursements to nonfederal candidates, political parties, and political committees.~~

29 ~~A political committee that organizes~~organizing and registers according to  
30 ~~registering under federal law and makes~~receiving a contribution, making an independent expenditure or makes,  
31 ~~or making a disbursement in excess of two hundred dollars to a nonfederal candidate seeking~~



1 ~~public office or to a political party or political committee in this state shall file a copy of that~~  
2 ~~portion of the committee's federal report detailing the independent expenditure or the~~  
3 ~~disbursement made. The political committee shall file a copy of the committee's federal report,~~  
4 ~~and supplementary information as necessary under this section, disclosure statement with the~~  
5 ~~secretary of state at the time of filing the report with the applicable federal agency. The report~~  
6 ~~and supplementary information must include:~~

- 7 ~~— 1. The name, mailing address, and treasurer of the political committee;~~  
8 ~~— 2. The recipient's name and mailing address;~~  
9 ~~— 3. The date and amount of the independent expenditure or disbursement; and~~  
10 ~~— 4. The ultimate and true source of funds listed by contributor and subcontributor of any~~  
11 ~~amount over two hundred dollars collected or used to make the independent~~  
12 ~~expenditure or disbursement including:~~  
13 ~~— a. The name and address of the contributor;~~  
14 ~~— b. The total amount of the contribution; and~~  
15 ~~— c. The date the last contribution was received.~~

16 ~~— 1. Before the thirty first day before a primary, general, or special election, a corporation,~~  
17 ~~cooperative corporation, limited liability company, affiliate, subsidiary, or association~~  
18 ~~subject to this subsection shall file a campaign disclosure statement, including all~~  
19 ~~contributions received and expenditures made from January first through the fortieth~~  
20 ~~day before the election. A statement required to be filed under this subsection may be~~  
21 ~~submitted for filing beginning on the thirty ninth day before the election. The statement~~  
22 ~~must include:~~

- 23 ~~— a. The ultimate and true source of funds listed by a contributor and subcontributor of~~  
24 ~~any amount over one thousand dollars collected or used to make the~~  
25 ~~independent expenditure or disbursement, including:~~  
26 ~~— (1) The name and address of the contributor;~~  
27 ~~— (2) The total amount of the contribution; and~~  
28 ~~— (3) The date the last contribution was received;~~  
29 ~~— b. The total of all aggregated contributions from contributors exceeding one~~  
30 ~~thousand dollars during the reporting period;~~



- ~~c. The total of all contributions received from contributors that contributed one thousand dollars or less each during the reporting period;~~
- ~~d. For expenditures exceeding two hundred dollars in the aggregate, made on behalf of another person in support of or in opposition to the election or nomination of a candidate to public office or the passage or defeat of a measure:~~
  - ~~(1) The name and mailing address of the person for which the expenditures were made;~~
  - ~~(2) The total amount of the expenditures;~~
  - ~~(3) The date the last expended amount was made on behalf of that person; and~~
  - ~~(4) The expenditure category of the expenditures;~~
- ~~e. The aggregate total of all expenditures made for a political purpose exceeding two hundred dollars;~~
- ~~f. The aggregate total of all expenditures made for a political purpose of two hundred dollars or less;~~
- ~~g. If the expenditure is related to a measure or petition, the title of the measure or petition and whether the expenditure is made in support of or opposition to the measure or petition; and~~
- ~~h. If the expenditure is related to a candidate, the name of the candidate and whether the expenditure is made in support of or opposition to the candidate.~~
- ~~2. Beginning on the thirty ninth day before the election through the day before the election, a person that files a statement under subsection 1 must file a supplemental statement within forty eight hours of the start of the day following the receipt of a contribution or aggregate contribution from a contributor exceeding one thousand dollars. The statement must include:~~
  - ~~a. The name and mailing address of the contributor;~~
  - ~~b. The total amount of the contribution received during the reporting period; and~~
  - ~~c. The date the last contributed amount was received.~~
- ~~3. Before February first, a corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association subject to this subsection shall file a campaign disclosure statement, including all contributions received and expenditures made from January first through December thirty first of the previous year. A statement required to~~

- 1 ~~be filed under this subsection may be submitted for filing beginning on January first;~~  
2 ~~The statement must include:~~
- 3 ~~a. The ultimate and true source of funds listed by a contributor and subcontributor of~~  
4 ~~any amount over one thousand dollars collected or used to make the~~  
5 ~~independent expenditure or disbursement, including:~~
- 6 ~~(1) The name and address of the contributor;~~  
7 ~~(2) The total amount of the contribution; and~~  
8 ~~(3) The date the last contribution was received;~~
- 9 ~~b. The total of all aggregated contributions from contributors exceeding one~~  
10 ~~thousand dollars during the reporting period;~~
- 11 ~~c. The total of all contributions received from contributors that contributed one~~  
12 ~~thousand dollars or less each during the reporting period;~~
- 13 ~~d. For expenditures exceeding two hundred dollars in the aggregate, made on~~  
14 ~~behalf of another person in support of or in opposition to the election or~~  
15 ~~nomination of a candidate to public office or the passage or defeat of a measure:~~
- 16 ~~(1) The name and mailing address of the person for which the expenditures~~  
17 ~~were made;~~
- 18 ~~(2) The total amount of the expenditures made;~~  
19 ~~(3) The date the last expended amount was made on behalf of that person; and~~  
20 ~~(4) The expenditure category of the expenditures;~~
- 21 ~~e. The aggregate total of all expenditures made for a political purpose exceeding~~  
22 ~~two hundred dollars; and~~
- 23 ~~f. The aggregate total of all expenditures made for a political purpose of two~~  
24 ~~hundred dollars or less;~~
- 25 ~~g. If the expenditure is related to a measure or petition, the title of the measure or~~  
26 ~~petition and whether the expenditure is made in support of or opposition to the~~  
27 ~~measure or petition; and~~
- 28 ~~h. If the expenditure is related to a candidate, the name of the candidate and~~  
29 ~~whether the expenditure is made in support of or opposition to the candidate.~~

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

1       **16.1-10-04. Publication of false information in political advertisements - Penalty.**

- 2       1. A person is guilty of a class A misdemeanor if ~~that~~the person knowingly, or with  
3       reckless disregard for its truth or falsity, publishes ~~any~~a political advertisement or news  
4       release ~~that contains any~~containing an assertion, representation, or statement of fact,  
5       including information concerning a candidate's prior public record, which is untrue,  
6       deceptive, or misleading, ~~whether~~ on behalf of or in opposition to any candidate for  
7       public office, initiated measure, referred measure, constitutional amendment, or any  
8       other issue, question, or proposal on an election ballot, and ~~whether the publication is~~  
9       published by radio, television, newspaper, pamphlet, folder, display cards, signs,  
10      posters, billboard advertisements, websites, electronic transmission, social media, or  
11      ~~by~~ any other public means or commercial medium.
- 12      2. This section does not apply to a newspaper, television or radio station, or other  
13      commercial medium that is not the source of the political advertisement or news  
14      release.
- 15      3. A candidate who is the subject of an untrue, deceptive, or misleading advertisement  
16      under this section may commence a civil action to recover civil damages. A candidate  
17      who successfully recovers civil damages under this section must be awarded the full  
18      amount of all costs and attorney's fees incurred by the candidate during the pendency  
19      of the civil proceedings.

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1583  
2/13/2025

Relating to registration and disclosure requirements for a person making independent expenditures and false political advertisements; and to provide a penalty.
---

9:36 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Brown, Grindberg, Karls, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff  
Members absent: Representatives Bahl, Christy, McLeod

### Discussion Topics:

- Committee work
- Proposed amendments relating to a penalty

9:48 a.m. Representative Vetter moved to adopt hog-house amendment.

9:48 a.m. Vice-Chairman Satrom seconded the motion.

9:49 a.m. Voice vote passed.

9:50 a.m. Representative Vetter moved a Do Pass as Amended.

9:50 a.m. Representative Wolff seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	AB
Representative Collette Brown	N
Representative Josh Christy	AB
Representative Karen Grindberg	Y
Representative Karen Karls	N
Representative Carrie McLeod	AB
Representative Karen Rohr	Y
Representative Mary Schneider	N
Representative Vicky Steiner	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y
Representative Christina Wolff	Y

9:51 a.m. Motion passed 8-3-3.

Representative Vetter will carry the bill.

House Government and Veterans Affairs Committee  
HB 1583  
2/13/2025  
Page 2

9:51 a.m. Chairman Schauer closed the meeting.

*Jackson Toman, Committee Clerk*



Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

*NAT 2/13/25*  
*1 of 6*

**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 ~~subsection 8 of section 16.1-08.1-01 and sections~~  
2 ~~16.1-08.1-03.2, 16.1-08.1-03.7, and 16.1-10-04~~ of the North Dakota Century Code, relating to  
3 ~~registration and disclosure requirements for a person making independent expenditures and~~  
4 ~~false political advertisements; and to provide a penalty.~~

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

6 ~~SECTION 1. AMENDMENT.~~ Subsection 8 of section 16.1-08.1-01 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 ~~8. "Independent expenditure" means an expenditure made for a political purpose or for~~  
9 ~~the purpose of influencing the passage or defeat of a measure if the expenditure is~~  
10 ~~made without the express or implied consent, authorization, or cooperation of, and not~~  
11 ~~in concert with or at the request or suggestion of, any candidate, committee, or~~  
12 ~~political party.~~

13 ~~SECTION 2. AMENDMENT.~~ Section 16.1-08.1-03.2 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 ~~16.1-08.1-03.2. Political committee and candidate registration.~~

16 ~~1. A political committee as defined in section 16.1-08.1-01 shall register its name, mailing~~  
17 ~~address, telephone number, and nongovernment issued electronic mail address, its~~  
18 ~~agent's name, mailing address, telephone number, and nongovernment issued~~  
19 ~~electronic mail address, and a designation as to whether the committee is~~  
20 ~~incorporated solely for the purpose of liability protection, with the secretary of state. A~~

1 candidate who does not have a candidate committee shall register the candidate's  
2 name, mailing address, telephone number, and nongovernment issued electronic mail  
3 address with the secretary of state. If the candidate has an agent, the candidate also  
4 shall register the agent's name, mailing address, telephone number, and  
5 nongovernment issued electronic mail address with the secretary of state. The  
6 registration required under this section for a candidate or political committee that has  
7 not previously registered with the secretary of state must be submitted within fifteen  
8 business days of the receipt of any contribution or expenditure made.

9 ~~2. A candidate or political committee required to be registered under this section must~~  
10 ~~register with the secretary of state each year during which the candidate holds public~~  
11 ~~office or during which the political committee receives contributions, makes~~  
12 ~~expenditures for political purposes, or has a balance in the campaign account. An~~  
13 ~~individual who no longer holds public office or an individual who no longer seeks public~~  
14 ~~office must register with the secretary of state each year in which contributions are~~  
15 ~~received, expenditures are made for political purposes, or has a balance in the~~  
16 ~~campaign account.~~

17 ~~3. A political committee that organizes and registers according to federal law and makes~~  
18 ~~an independent expenditure or makes a disbursement in excess of two hundred~~  
19 ~~dollars to a nonfederal candidate seeking public office, a political party, or political~~  
20 ~~committee in this state is not required to register as a political committee according to~~  
21 ~~this section if the political committee reports according to section 16.1-08.1-03.7.~~

22 ~~4. Registration by a political committee under this section does not reserve the name for~~  
23 ~~exclusive use nor does it constitute registration of a trade name under chapter 47-25.~~

24 ~~SECTION 3. AMENDMENT. Section 16.1-08.1-03.7 of the North Dakota Century Code is~~  
25 ~~amended and reenacted as follows:~~

26 ~~16.1-08.1-03.7. Political committees that organize and register according to~~  
27 ~~organizing and registering under federal law that make~~  
28 ~~making independent expenditures or~~  
29 ~~disbursements to nonfederal candidates, political parties, and political committees.~~

30 ~~A political committee that organizes~~  
31 ~~organizing and registers according to~~  
~~registering under~~  
~~federal law and makes~~  
~~receiving a contribution, making an independent expenditure or makes,~~  
~~or making a disbursement in excess of two hundred dollars to a nonfederal candidate seeking~~



1 ~~public office or to a political party or political committee in this state shall file a copy of that~~  
2 ~~portion of the committee's federal report detailing the independent expenditure or the~~  
3 ~~disbursement made. The political committee shall file a copy of the committee's federal report,~~  
4 ~~and supplementary information as necessary under this section, disclosure statement with the~~  
5 ~~secretary of state at the time of filing the report with the applicable federal agency. The report~~  
6 ~~and supplementary information must include:~~

7 ~~1. The name, mailing address, and treasurer of the political committee;~~

8 ~~2. The recipient's name and mailing address;~~

9 ~~3. The date and amount of the independent expenditure or disbursement; and~~

10 ~~4. The ultimate and true source of funds listed by contributor and subcontributor of any~~  
11 ~~amount over two hundred dollars collected or used to make the independent~~  
12 ~~expenditure or disbursement including:~~

13 ~~a. The name and address of the contributor;~~

14 ~~b. The total amount of the contribution; and~~

15 ~~c. The date the last contribution was received.~~

16 ~~1. Before the thirty first day before a primary, general, or special election, a corporation,~~  
17 ~~cooperative corporation, limited liability company, affiliate, subsidiary, or association~~  
18 ~~subject to this subsection shall file a campaign disclosure statement, including all~~  
19 ~~contributions received and expenditures made from January first through the fortieth~~  
20 ~~day before the election. A statement required to be filed under this subsection may be~~  
21 ~~submitted for filing beginning on the thirty ninth day before the election. The statement~~  
22 ~~must include:~~

23 ~~a. The ultimate and true source of funds listed by a contributor and subcontributor of~~  
24 ~~any amount over one thousand dollars collected or used to make the~~  
25 ~~independent expenditure or disbursement, including:~~

26 ~~(1) The name and address of the contributor;~~

27 ~~(2) The total amount of the contribution; and~~

28 ~~(3) The date the last contribution was received;~~

29 ~~b. The total of all aggregated contributions from contributors exceeding one~~  
30 ~~thousand dollars during the reporting period;~~



~~c. The total of all contributions received from contributors that contributed one thousand dollars or less each during the reporting period;~~

~~d. For expenditures exceeding two hundred dollars in the aggregate, made on behalf of another person in support of or in opposition to the election or nomination of a candidate to public office or the passage or defeat of a measure;~~

~~(1) The name and mailing address of the person for which the expenditures were made;~~

~~(2) The total amount of the expenditures;~~

~~(3) The date the last expended amount was made on behalf of that person; and~~

~~(4) The expenditure category of the expenditures;~~

~~e. The aggregate total of all expenditures made for a political purpose exceeding two hundred dollars;~~

~~f. The aggregate total of all expenditures made for a political purpose of two hundred dollars or less;~~

~~g. If the expenditure is related to a measure or petition, the title of the measure or petition and whether the expenditure is made in support of or opposition to the measure or petition; and~~

~~h. If the expenditure is related to a candidate, the name of the candidate and whether the expenditure is made in support of or opposition to the candidate;~~

~~2. Beginning on the thirty ninth day before the election through the day before the election, a person that files a statement under subsection 1 must file a supplemental statement within forty eight hours of the start of the day following the receipt of a contribution or aggregate contribution from a contributor exceeding one thousand dollars. The statement must include:~~

~~a. The name and mailing address of the contributor;~~

~~b. The total amount of the contribution received during the reporting period; and~~

~~c. The date the last contributed amount was received.~~

~~3. Before February first, a corporation, cooperative corporation, limited liability company, affiliate, subsidiary, or association subject to this subsection shall file a campaign disclosure statement, including all contributions received and expenditures made from January first through December thirty first of the previous year. A statement required to~~

~~be filed under this subsection may be submitted for filing beginning on January first.~~

~~The statement must include:~~

~~a. The ultimate and true source of funds listed by a contributor and subcontributor of any amount over one thousand dollars collected or used to make the independent expenditure or disbursement, including:~~

~~(1) The name and address of the contributor;~~

~~(2) The total amount of the contribution; and~~

~~(3) The date the last contribution was received;~~

~~b. The total of all aggregated contributions from contributors exceeding one thousand dollars during the reporting period;~~

~~c. The total of all contributions received from contributors that contributed one thousand dollars or less each during the reporting period;~~

~~d. For expenditures exceeding two hundred dollars in the aggregate, made on behalf of another person in support of or in opposition to the election or nomination of a candidate to public office or the passage or defeat of a measure:~~

~~(1) The name and mailing address of the person for which the expenditures were made;~~

~~(2) The total amount of the expenditures made;~~

~~(3) The date the last expended amount was made on behalf of that person; and~~

~~(4) The expenditure category of the expenditures;~~

~~e. The aggregate total of all expenditures made for a political purpose exceeding two hundred dollars; and~~

~~f. The aggregate total of all expenditures made for a political purpose of two hundred dollars or less;~~

~~g. If the expenditure is related to a measure or petition, the title of the measure or petition and whether the expenditure is made in support of or opposition to the measure or petition; and~~

~~h. If the expenditure is related to a candidate, the name of the candidate and whether the expenditure is made in support of or opposition to the candidate.~~

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



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

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

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

3. A candidate who is the subject of an untrue, deceptive, or misleading advertisement under this section may commence a civil action to recover civil damages. A candidate who successfully recovers civil damages under this section must be awarded the full amount of all costs and attorney's fees incurred by the candidate during the pendency of the civil proceedings.

**REPORT OF STANDING COMMITTEE  
HB 1583**

**Government and Veterans Affairs Committee (Rep. Schauer, Chairman)** recommends **AMENDMENTS** ([25.0444.02002](#)) and when so amended, recommends **DO PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1583 was placed on the Sixth order on the calendar.

**2025 SENATE STATE AND LOCAL GOVERNMENT**

**HB 1583**

# 2025 SENATE STANDING COMMITTEE MINUTES

## State and Local Government Committee Room JW216, State Capitol

HB 1583  
3/21/2025

Relating to false political advertisements; and to provide a penalty.
---

9:32 a.m. Chair Roers called the hearing to order.

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

### **Discussion Topics:**

- Civil action and damages

9:32 a.m. Representative Kasper, District #46, introduced the bill, answered committee questions and submitted testimony #43424.

### **Additional written testimony:**

Connie Samuelson, citizen, submitted testimony in favor #43273.

Gordon Greenstein, citizen, submitted testimony in favor #43348.

Lydia Gessele, citizen, submitted testimony in favor #43358.

Doug Pearson, citizen, submitted testimony in favor #43377.

Lanny Kenner, citizen, submitted testimony in favor #43387.

9:40 a.m. Chair Roers closed the hearing.

*Susan Helbling, Committee Clerk*

In Favor of HB1583

Mr. Chairman and members of the Committee,

I am writing in support of the above House Bill pertaining to a person knowingly, or with reckless disregard for its truth or falsity...

Although we all like a good fire-starter for our first early summer camp out, I find these types of literature offensive, misleading and corrupt. Our mailbox is often over-flowing with such dribble that there is little room left for the important items, such as our inflated utilities bills and surge of tax related statements.

The time and effort spent on producing each piece of literature could be better spent on researching the candidate or issue, but I digress. The increasing negative campaigning should be beneath the integrity of our State. Many citizens don't closely follow elected officials to truthfully know voting records or stances, so they tend to believe what they see and hear about the opposition, (we have neighbors who hangs the flyers from their mail boxes). I will agree that placing photos of elected officials taking siestas at hearings might be fair-game, but implanting devil horns on pastors is not. I don't believe this bill goes far enough to protect our candidates and the sanity of our ND residents, but it is a step in the right direction.

Please give a DO PASS on HB1583.

Thank you,  
Connie Samuelson, Minot (D3)

HB 1583

Senate State and Local Government

Chairman Roers and Committee Members

I am strongly In favor of HB 1583. This legislation aims to discourage the spread of misinformation, actually lying to their continuants, during political campaigns by introducing both criminal penalties and civil litigation options for candidates who are targets of deliberately false or misleading and out right lying in political communications. I strongly urge a Do Pass on HB 1583, the bill needs pass and sent to the Governor.

Thank You, Gordon Greenstein

US Navy (Veteran)

US Army-NDNG (Retired)



I support HB 1583. False political advertisements are wrong.

Senate State and Local Government Committee

I am in favor of HB1583. During our political campaign season we have to listen to the lies in these political ads in order for the candidates to get elected, where is the character and integrity. Also the lies told about vote yes on measure 4 and our courts have ruled that is your political free speech. The ND corrupt practices act or the federal hatch act you cannot lobby for or against any initiated measure. Please vote YES on HB1583

Thankyou Doug Pearson

Lanny Kenner  
District 7

Chairman Roers and members of the State and Local Government Committee,

I am urging YES votes on HB 1583.

God's ninth commandment which says "Thou shall not bear false witness to thy neighbor" (meaning no lying or giving false information) should be what people go by.

Since many people and organizations do not follow the ninth commandment, bills like HB 1583 are needed to protect others from defamation.

In cases such as an individual running for political office gets lambasted with false political ads on TV, radio, newspaper etc there has to be a recourse for that individual.

Many times when this happens it is at the hands of a political action group or super PAC who has plenty of money to fight lawsuits so maybe this bill doesn't have enough teeth because the damage has already been done but to them it was "just part of doing business"!

At least HB 1583 would be a start in the right direction so please vote YES on HB 1583.

Thank you, Lanny Kenner

25.0444.03001  
Title.

Prepared by the Legislative Council  
staff for Representative Kasper  
March 20, 2025

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

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**ENGROSSED HOUSE BILL NO. 1204**

Introduced by

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

Senators Luick, Van Oosting

*THE SENATE PASSED HB 1204 WED, MARCH 19, 2024.  
WITH SENATOR CLEARY AMENDMENTS - 45-1.*

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. *THE yellow Highlighted words Below Are*

*THE amendments Added by SEN. CLEARY on Senate Floor*  
4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA: *3-19-25*

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

*Need to Amend HB 1583 to Add  
Senator Cleary Amendments on HB 1204  
Yellow Highlighted*

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

# Vote on HB 1204

---

ire Version : 25.0254.03000

Rollcall Time : 03/19/2025 1:19 PM

## PASSED in the Senate

Votes : 47 - Yeas: 45, Nays: 1, Absent and Not Voting: 1

(YEA) Axtman	(YEA) Barta	(YEA) Beard	(YEA) Bekkedahl
(YEA) Boehm	(YEA) Boschee	(YEA) Braunberger	(YEA) Burckhard
(YEA) Castaneda	(YEA) Cleary	(YEA) Clemens	(YEA) Conley
(YEA) Cory	(YEA) Davison	(YEA) Dever	(YEA) Dwyer
(YEA) Enget	(YEA) Erbele	(YEA) Gerhardt	(YEA) Hogan
(YEA) Hogue	(YEA) Kessel	(YEA) Klein	(YEA) Larson
(YEA) Lee	(YEA) Lemm	(YEA) Luick	(YEA) Magrum
(YEA) Marcellais	(YEA) Mathern	(YEA) Meyer	(YEA) Myrdal
(YEA) Patten	(YEA) Paulson	(NAY) Powers	(YEA) Roers
(YEA) Rummel	(YEA) Schaible	(YEA) Sickler	(YEA) Sorvaag
(YEA) Thomas	(YEA) Van Oosting	(YEA) Walen	(YEA) Wanzek
(YEA) Weber	(YEA) Weston	(ABS) Wobbema	



We are currently undergoing maintenance on some services, which may temporarily affect access to subscription accounts and the E-edition. We apologize for any inconvenience and appreciate your patience as we work to resolve the issues.

[https://bismarcktribune.com/news/state-regional/government-politics/article\\_96c6ccb-b-e8a4-4111-a294-fd24adce8ad1.html](https://bismarcktribune.com/news/state-regional/government-politics/article_96c6ccb-b-e8a4-4111-a294-fd24adce8ad1.html)

ALERT TOP STORY

## North Dakota Senate passes bill addressing false information in political messaging

**Grant Coursey**

Mar 19, 2025



Sen. Sean Cleary, R-Bismarck, speaks on House Bill 1204 at the North Dakota State Capitol in Bismarck on Wednesday, March 19, 2025.

BY STROMME, TRIBUNE

**T**he North Dakota Senate on Wednesday passed a bill to combat false and misleading information in political advertisements -- an issue one senator said is an increasing problem in the state's elections.

North Dakota Century Code already makes publishing false or misleading information on billboards, in pamphlets or other handouts, or in traditional media sources such as television or newspapers a Class A misdemeanor, which carries a maximum punishment of about a year in jail and a \$3,000 fine.

**House Bill 1204** originally sought to amend the code to include social media with these other avenues for publication. Sen. Sean Cleary, R-Bismarck, offered a floor amendment to also include text messages and phone calls to the list.

## People are also reading...

- 1 **Mandan man arrested on child abuse charge**
- 2 **Burleigh County budget posted on website after nearly 6-month delay**
- 3 **High-speed chase in Morton County results in charges against Almont man**
- 4 **Woman in fatal Bismarck Expressway crash case jailed after probation revoked**

“As election communications evolve, I think our laws need to change with it,” Cleary said. “Unfortunately we have seen our laws abused by bad actors in our state who seek to interfere with our elections. Knowingly spreading falsehoods about an opponent undermines the integrity of our elections.”

His amendment passed on the floor, and the bill passed in an overwhelming 45-1 vote. It now goes back to the House of Representatives, which will vote on whether to concur with the amendments to the bill or send it to a conference committee before it can make it to the governor’s desk.



Cleary has experience with misleading political communications. He was the campaign manager for U.S. Rep. Julie Fedorchak's 2024 campaign, which was on the receiving end of what it called "election interference" according to **reporting from the Tribune** at the time.

There were text messages sent out to North Dakota residents on the day of the June primary election that quoted media reports in ways that could imply Fedorchak had withdrawn from the U.S. House race.

The Fedorchak campaign filed a complaint with the Federal Election Commission over the incident but further follow-up became unnecessary when Fedorchak won the primary election and went on to win the general election.



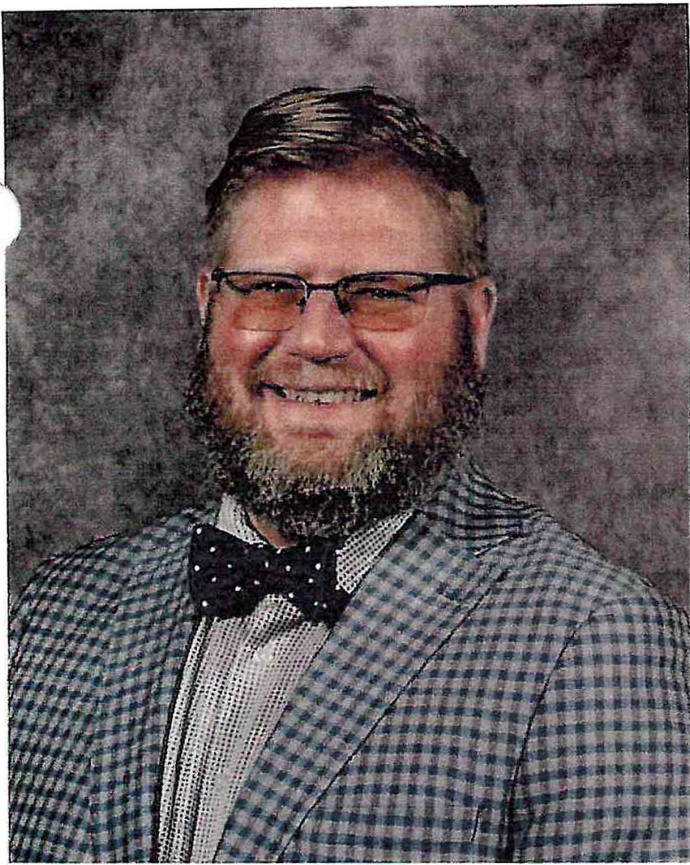
Republican U.S. House candidates, from right, Rick Becker, Cara Mund, Alex Balazs and Julie Fedorchak participate in a debate at KFGO radio in Fargo prior to the June 2024 primary election.

AMY DALRYMPLE, ND MONITOR

Her campaign blamed Rick Becker, Fedorchak's main competitor in the race, for the text message blasts but never provided evidence to back up that assertion. Becker, a Bismarck plastic surgeon and former state representative, condemned the messages, denying any involvement with them.

Cleary said he was not sure if HB 1204 would have applied to the situation the Fedorchak campaign encountered, even with his amendment including text messages and phone calls as mediums where political ads cannot contain false or misleading information.

"It's a really strict standard on what counts as false advertising and political speech and I think that's a good thing," Cleary said. "But at the same time, we should have laws that if folks are bad actors or they are recklessly misrepresenting the truth that there's consequences for that, too."



Sen. Ryan Braunberger, D-Fargo.

PROVIDED

Sen. Ryan Braunberger, D-Fargo, the bill's carrier, said a county state's attorney's office would determine if a violation of the law was pursued in court.

Cleary said that was a "big issue" because state's attorneys do not have the bandwidth or the knowledge to enforce campaign violations.

Despite the difficulties with enforcing the bill, Cleary said it was a worthwhile piece of legislation.

"We've seen a lot of incidents in the last couple election cycles of folks who use patently false material in

campaigns, and there at least needs to be some indication that that's not something we approve of," he said.

Reach Grant Coursey at 701-250-8225 or [grant.coursey@bismarcktribune.com](mailto:grant.coursey@bismarcktribune.com).

The logo for Sellwild, featuring the word "Sellwild" in a stylized, bold, sans-serif font. The "i" in "wild" has a dot that looks like a small animal head.

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# 2025 SENATE STANDING COMMITTEE MINUTES

**State and Local Government Committee**  
Room JW216, State Capitol

HB 1583  
3/21/2025

Relating to false political advertisements; and to provide a penalty.
---

10:42 a.m. Chair Roers called the hearing to order.

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

**Discussion Topics:**

- Criminal code
- Civil penalties

10:42 a.m. Michael Howe, ND Secretary of State, answered questions from the committee.

10:44 a.m. Chair Roers closed the hearing.

*Susan Helbling, Committee Clerk*

# 2025 SENATE STANDING COMMITTEE MINUTES

## State and Local Government Committee Room JW216, State Capitol

HB 1583  
3/27/2025

Relating to false political advertisements; and to provide a penalty.
---

11:33 a.m. Chair Roers called the hearing to order.

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

### Discussion Topics:

- Committee Action

11:39 a.m. Senator Lee moved to adopt amendment LC #25.0444.03002.

11:39 a.m. Senator Walen 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	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

11:42 a.m. Senator Walen moved Do Pass as amended.

11:42 a.m. Motion dies for lack of second.

11:44 a.m. Senator Lee moved Do Not Pass as amended.

11:44 a.m. Senator Braunberger 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	Y
Senator Chuck Walen	N

Motion Passed 5-1-0

Senator Braunberger will carry the bill.

Senate State and Local Government Committee  
HB 1583  
3/27/2025  
Page 2

11:46 a.m. Chair Roers closed the hearing.

*Susan Helbling, Committee Clerk*



Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

VG 3/27/25  
1 of 2

**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.

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1583**

**State and Local Government Committee (Sen. Roers, Chairman)** recommends **AMENDMENTS** ([25.0444.03002](#)) and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1583 was placed on the Sixth order on the calendar. This bill does not affect workforce development.