



North Dakota Legislative Council

Prepared for the Legislative Procedure
and Arrangements Committee
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LEGISLATIVE ASSEMBLY PHOTOGRAPHY SERVICES

This memorandum provides information regarding historic and recent photography services provided to the Legislative Assembly and the allowable use of legislator photographs.

HISTORICAL PRACTICES

Historically, the Legislative Procedure and Arrangements Committee has invited photographers to submit bids for the provision of photography services; however, the number of bids submitted in recent years has decreased and the cost quoted in bids has increased. The following table provides the number of bids submitted and the amount quoted in each bid for photography services for the 65th through 68th Legislative Assemblies.

Assembly	Number of Photographers that Were Sent the Invitation for Bids	Number of Photographers that Submitted a Conforming Bid	Amount Quoted in Bid 1	Amount Quoted in Bid 2	Amount Quoted in Bid 3	Amount Quoted in Bid 4
65 th	263	3	\$9,280	\$4,000 ¹	\$3,900	N/A
66 th	449	4	\$24,938	\$12,873	\$4,650	\$4,000 ¹
67 th	300	4	\$6,500	\$4,598	\$4,500	\$4,000 ¹
68 th	333	1	\$13,500	N/A	N/A	N/A

¹Winning bid that was selected.

RECENT PRACTICES

Due to the low volume of bids received and increased costs, the 2021-22 interim Legislative Procedure and Arrangements Committee reviewed the option of providing Legislative Council staff with the equipment necessary to move photography services in house. The committee ultimately recommended the use of in-house photography services for the 68th Legislative Assembly.

The following table summarizes the one-time costs for photography equipment and the costs of prints for photography services provided to the 68th Legislative Assembly. No additional staff or software costs were incurred.

ONE-TIME EQUIPMENT COSTS	
Item	Cost
Camera bundle	\$1,299
Tripod	123
Shutter release remote	39
Lighting	153
Backdrops (3)	87
Stool	130
Spare camera battery	45
Total	\$1,876
COST FOR PRINTS	
Type and Number of Prints	Cost
Compilation of all House and Senate Members (2)	\$114
11 x 14 prints for Legislative Assembly (154)	667 ¹
Total	\$781

¹CVS was running a three for the price of one special at the time of purchase. Without the special, the cost for 11 x 14 prints would have been \$2,001.

Legislators expressed satisfaction with the quality of the photos and appreciated the ability to view and choose their preferred photo immediately after it was taken, rather than waiting to receive proofs and scheduling retakes if needed.

ALLOWABLE USE OF LEGISLATOR PHOTOGRAPHS

Official photographs of the members of the Legislative Assembly taken by contract photographers or the Legislative Council staff are copyrighted. Legislators and others, primarily the media, are allowed to request to use the photographs for limited purposes by completing a request form on the legislative branch website (<https://ndlegis.gov/legislator-photo-request>). When completing the form, the requester must agree the photograph will be used only for legislative business and acknowledge the photograph will not be used for campaigning.

Under North Dakota Century Code Chapter 16.1-10, commonly referred to as the Corrupt Practices Act, state property or services may not be used for political purposes. Section 16.1-10-02(2)(a) defines a political purpose to include any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office. This also includes using support or opposition language in any advertisement, whether a candidate, a political committee, a political party, or any person undertakes the activity.

Section 16.1-10-01 provides a person willfully using state services or property for political purposes is guilty of a corrupt practice. Under Section 16.1-10-07, if an individual is found guilty of any corrupt practice, the individual must lose the individual's government job, or the individual's nomination or election must be declared void. Under Section 16.1-10-08, a person is guilty of a Class A misdemeanor for violating any provision of Chapter 16.1-10.

Legislator photographs likely would be considered to be state property subject to Chapter 16.1-10 because the photographs were taken using state resources and the photographer or state holds a copyright on the photographs.