

HOUSE BILL 892

Introduced by Brooke, et al.

2/15	Introduced
2/15	Referred to State Administration
2/16	First Reading
2/21	Hearing
2/22	Tabled in Committee

1 *House* BILL NO. *892*  
 2 INTRODUCED BY *Senators Bruce L. Kanter, Deborah*  
 3 *Wain, Sarah Cheed, and D. Williams*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
 5 LAWS RELATING TO BALLOT ISSUE CAMPAIGNS; SPECIFICALLY  
 6 PROHIBITING THE PUBLICATION OF FALSEHOODS RELATED TO A  
 7 BALLOT ISSUE; REQUIRING COMPLIANCE REVIEW OF CERTAIN DIRECT  
 8 MAIL CAMPAIGNS RELATED TO BALLOT ISSUES; PROVIDING FOR  
 9 SUBSCRIPTION TO THE CODE OF FAIR CAMPAIGN PRACTICES BY  
 10 OFFICERS OF CERTAIN POLITICAL COMMITTEES; LIMITING  
 11 OUT-OF-STATE CONTRIBUTIONS IN RELATION TO BALLOT ISSUE  
 12 CAMPAIGNS; AND AMENDING SECTIONS 13-35-225, 13-35-301,  
 13 13-35-302, AND 13-37-216, MCA."

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. **Section 1.** False publication related to  
 17 ballot issue -- penalty. (1) A person may not publish  
 18 information for the purpose of influencing the vote of  
 19 another person on a ballot issue when the person publishing  
 20 the information knows the information to be false.

21 (2) A person who violates this section is guilty of a  
 22 misdemeanor and may be punished as provided in 46-18-212.

23 **Section 2.** Section 13-35-225, MCA, is amended to read:

24 "13-35-225. Election materials not to be anonymous. (1)  
 25 Whenever any person makes an expenditure for the purpose of

1 financing communications advocating the success or defeat of  
 2 a candidate, political party, or ballot issue through any  
 3 broadcasting station, newspaper, magazine, outdoor  
 4 advertising facility, direct mailing, poster, handbill,  
 5 bumper sticker, or other form of general political  
 6 advertising, such communication shall clearly and  
 7 conspicuously state the name and address of the printer, if  
 8 printed commercially, and the name and address of the person  
 9 who made or financed the expenditure for the communication;  
 10 including, in the case of a political committee, the name  
 11 and address of the treasurer.

12 (2) If any document or other article of advertising is  
 13 too small for the requirements of subsection (1) to be  
 14 conveniently included, the person financing the  
 15 communication shall file a copy of the article with the  
 16 commissioner, together with the required information, prior  
 17 to its public distribution.

18 (3) If any document or other material prepared to  
 19 advocate the success or defeat of a ballot issue and covered  
 20 under subsection (1) is directly mailed to more than 50  
 21 addressees, the document or other material must be submitted  
 22 to the commissioner not later than the day of mailing. The  
 23 commissioner shall within 5 working days issue an opinion as  
 24 to whether the material is in compliance with subsection  
 25 (1).



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1       ~~(3)~~(4) If information required in subsection (1) is  
2 inadvertently omitted or not printed, upon discovering the  
3 omission, the person financing the communication shall file  
4 notification of the omission with the commissioner within 5  
5 days and make every reasonable effort to bring the material  
6 into compliance with subsection (1)."

7       **Section 3.** Section 13-35-301, MCA, is amended to read:

8       "13-35-301. Adoption of code of fair campaign  
9 practices. The following code of fair campaign practices is  
10 adopted by Montana:

11       "There are basic principles of decency, honesty, and  
12 fair play that every candidate for public office and every  
13 officer of a political committee in the United States has a  
14 moral obligation to observe and uphold, in order that, after  
15 vigorously contested but fairly conducted campaigns, our  
16 citizens may exercise their constitutional right to a free  
17 and untrammled choice and the will of the people may be  
18 fully and clearly expressed on the issues before the  
19 country. Therefore:

20       I will conduct my campaign in the best American  
21 tradition, discussing the issues as I see them, presenting  
22 my record and policies with sincerity and frankness, and  
23 criticizing without fear or favor the record and policies of  
24 my opponent and his party which merit such criticism.

25       I will defend and uphold the right of every qualified

1 American voter to full and equal participation in the  
2 electoral process.

3       I will conduct my campaign without the use of personal  
4 vilification, character defamation, whispering campaigns,  
5 libel, slander, or scurrilous attacks on my opposition or  
6 his personal or family life.

7       I will not use campaign material of any sort which  
8 misrepresents, distorts, or otherwise falsifies the facts,  
9 nor will I use malicious or unfounded accusations which aim  
10 at creating or exploiting doubts, without justification, as  
11 to the loyalty and patriotism of my opposition.

12       I will not make any appeal to prejudice based on race,  
13 sex, creed, or national origin.

14       I will not undertake or condone any dishonest or  
15 unethical practice which tends to corrupt or undermine our  
16 American system of free elections or which hampers or  
17 prevents the full and free expression of the will of the  
18 voters.

19       Insofar as is possible, I will immediately and publicly  
20 repudiate support deriving from any individual or group  
21 which resorts, on behalf of my candidacy or position of my  
22 political committee or in opposition to that of my opponent  
23 or opposing political committee, to the methods and tactics  
24 that I have pledged not to use or condone."

25       **Section 4.** Section 13-35-302, MCA, is amended to read:

1        **"13-35-302. Candidates and officers of political**  
 2 **committees to be given opportunity to subscribe to campaign**  
 3 **practices code -- publicity. (1) The commissioner of**  
 4 **campaign practices shall prepare a form which contains the**  
 5 **code of fair campaign practices provided for in 13-35-301**  
 6 **and a place for a candidate or officer of a political**  
 7 **committee to sign the form and to indicate that the**  
 8 **candidate or officer endorses, subscribes to, and pledges to**  
 9 **abide by the code.**

10       (2) Each candidate required to file statements or  
 11 reports with the commissioner and each officer of a  
 12 political committee registered under 13-37-201 shall be sent  
 13 a copy of this form. Signing the form is voluntary, and a  
 14 failure or refusal to sign is not a violation of the  
 15 election laws. A form shall be sent for each election as  
 16 soon as feasible. The signed form shall be returned to the  
 17 commissioner.

18       (3) The commissioner shall supply the secretary of  
 19 state, the county registrars, and the city and town clerks  
 20 with forms. Any candidate or officer of a political  
 21 committee not required to file with the commissioner but  
 22 wishing to subscribe to the code may obtain the form from  
 23 the commissioner, the secretary of state, a county  
 24 registrar, or a city or town clerk and may sign the form and  
 25 deliver it to the commissioner."

1       **Section 5.** Section 13-37-216, MCA, is amended to read:

2       **"13-37-216. Limitations on contributions. (1) Aggregate**  
 3 **contributions for all elections in a campaign by an**  
 4 **individual, other than the candidate, to a candidate and**  
 5 **political committees organized on his behalf are limited as**  
 6 **follows:**

7       (a) for candidates filed jointly for the office of  
 8 governor and lieutenant governor, not to exceed \$1,500;

9       (b) for a candidate to be elected for state office in a  
 10 statewide election, other than the candidates for governor  
 11 and lieutenant governor, not to exceed \$750;

12       (c) for a candidate for public service commissioner,  
 13 district court judge, or state senator, not to exceed \$400;  
 14 and

15       (d) for a candidate for any other public office, not to  
 16 exceed \$250.

17       (2) For the purposes of this subsection, an independent  
 18 committee means a committee which is not specifically  
 19 organized on behalf of a particular candidate or which is  
 20 not controlled either directly or indirectly by a candidate  
 21 or candidate's committee and which does not act jointly with  
 22 a candidate or candidate's committee in conjunction with the  
 23 making of expenditures or accepting contributions. For the  
 24 purpose of limitation on contributions, political party  
 25 organizations are independent committees. Aggregate

1 contributions by an independent committee to a candidate and  
2 political committees organized on his behalf for all  
3 elections in a campaign are limited as follows:

4 (a) for candidates filed jointly for the offices of  
5 governor and lieutenant governor, not to exceed \$8,000;

6 (b) for a candidate to be elected for state office in a  
7 statewide election, other than the candidates for governor  
8 and lieutenant governor, not to exceed \$2,000;

9 (c) for a candidate for public service commissioner,  
10 not to exceed \$1,000;

11 (d) for a candidate for the state senate, not to exceed  
12 \$600;

13 (e) for a candidate for any other public office, not to  
14 exceed \$300.

15 (3) Aggregate contributions accepted from persons  
16 residing or political committees organized outside of the  
17 state of Montana by a political committee organized in  
18 Montana to support or oppose a Montana ballot issue may not  
19 exceed 49% of total contributions to the political committee  
20 in Montana in any reporting period.

21 ~~(3)~~(4) The limitations imposed by this section do not  
22 apply to public funds contributed to a candidate under part  
23 3 of this chapter."

24 NEW SECTION. Section 6. Codification instruction.  
25 [Section 1] is intended to be codified as an integral part

1 of Title 13, chapter 35, part 2, and the provisions of Title  
2 13, chapter 35, part 2, apply to [section 1].

3 NEW SECTION. Section 7. Severability. If a part of  
4 [this act] is invalid, all valid parts that are severable  
5 from the invalid part remain in effect. If a part of [this  
6 act] is invalid in one or more of its applications, the part  
7 remains in effect in all valid applications that are  
8 severable from the invalid applications.

-End-