

1                    SENATE BILL NO. 26  
 2 INTRODUCTION BY GREELY (By request of the Governor)

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 5 POLITICAL CRIMINAL LIBEL AND DISCLAIMER REQUIREMENTS OF  
 6 MONTANA'S ELECTION LAWS; AMENDING SECTION 23-4754; REPEALING  
 7 SECTION 23-4774, R.C.M. 1947; AND PROVIDING AN EFFECTIVE  
 8 DATE."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11        Section 1. Section 23-4754, R.C.M. 1947, is amended to  
 12 read as follows:

13        "23-4754. Political criminal libel. It shall be  
 14 unlawful to write, print, publish, mimeograph, type, or  
 15 otherwise produce or circulate through the mails or  
 16 otherwise any letter, circular, bill, dodger, pamphlet,  
 17 placard, ~~or poster~~, or other document relating to any  
 18 election or to any candidate, political party, political  
 19 committee, or issue at any election, unless the same shall  
 20 bear on its face the name and address of the ~~author~~-and-of  
 21 person paying for the printing or publishing, and the name  
 22 of the printer and publisher thereof; and any person  
 23 writing, printing, publishing, circulating, posting,  
 24 mimeographing, typing, or causing to be written, printed,  
 25 circulated, posted, mimeographed, typed, or published any

1 such letter, bill, placard, dodger, pamphlet, circular, or  
 2 poster, or other document as aforesaid, which fails to bear  
 3 on its face the name and address of the ~~author-and-of person~~  
 4 paying for the printing or publishing, and the name of the  
 5 printer or publisher, shall be guilty of an illegal  
 6 practice, and shall on conviction thereof be punished by a  
 7 fine of not less than ten dollars (\$10) nor more than one  
 8 thousand dollars (\$1,000). If any letter, circular, poster,  
 9 bill, dodger, pamphlet, publication, ~~or placard, or other~~  
 10 document shall contain any false statement or charges  
 11 reflecting on any candidate's character, morality, or  
 12 integrity, the person paying for the printing or publishing,  
 13 ~~author-thereof~~, and every person printing or knowingly  
 14 assisting in the circulation, shall be guilty of political  
 15 criminal libel, and upon conviction thereof shall be  
 16 punished by imprisonment ~~in-the penitentiary~~ for not less  
 17 ~~than-one-nor~~ more than three (3) years. If the person  
 18 charged with such crime shall prove on his trial that he had  
 19 reasonable ground to believe such charge was true, and did  
 20 believe it was true, and that he was not actuated by malice  
 21 in making such publication, it shall be a sufficient defense  
 22 to such charge. But in that event, and as a part of such  
 23 defense, the person paying for the printing or publishing,  
 24 or author--and the printer or publisher or other person  
 25 charged with such crime shall also prove that, at least

INTRODUCED BILL

1 fifteen days before such letter, circular, poster, bill,  
2 dogger, pamphlet, or placard, or other document containing  
3 such false statement or statements was printed or  
4 circulated, he or they caused to be served personally and in  
5 person upon the candidate to whom it relates a copy thereof  
6 in writing, and calling his attention particularly to the  
7 charges contained therein, and that, before printing,  
8 publishing, or circulating such charges, he received and  
9 read any denial, defense, or explanation, if any, made or  
10 offered to him in writing by the accused candidate within  
11 ten days after the service of such charge upon the accused  
12 person."

13 Section 2. Section 23-4774, R.C.M. 1947, is repealed.

14 Section 3. Effective date. This act is effective upon  
15 passage and approval.

-End-

Approved by Committee  
on State Administration

1                    SENATE BILL NO. 26  
2 INTRODUCTION BY GREELY (By request of the Governor)

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 POLITICAL CRIMINAL LIBEL AND DISCLAIMER REQUIREMENTS OF  
6 MONTANA'S ELECTION LAWS; AMENDING SECTION 23-4754; REPEALING  
7 SECTION 23-4774, R.C.M. 1947; AND PROVIDING AN EFFECTIVE  
8 DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11        Section 1. Section 23-4754, R.C.M. 1947, is amended to  
12 read as follows:

13        "23-4754. Political criminal libel. It shall be  
14 unlawful to write, print, publish, mimeograph, type, or  
15 otherwise produce or circulate through the mails or  
16 otherwise any letter, circular, bill, dodger, pamphlet,  
17 placard, ~~or poster,~~ or other document relating to any  
18 election or to any candidate, political party, political  
19 committee, or issue at any election, unless the same shall  
20 bear on its face the name and address of the ~~author--and-of~~  
21 person paying for the printing or publishing, and the name  
22 of the printer and publisher thereof; and any person  
23 writing, printing, publishing, circulating, posting,  
24 mimeographing, typing, or causing to be written, printed,  
25 circulated, posted, mimeographed, typed, or published any

1 such letter, bill, placard, dodger, pamphlet, circular, or  
2 poster, or other document as aforesaid, which fails to bear  
3 on its face the name and address of the ~~author--and-of~~ person  
4 paying for the printing or publishing, and the name of the  
5 printer or publisher, shall be guilty of an illegal  
6 practice, and shall on conviction thereof be punished by a  
7 fine of not less than ten dollars (\$10) nor more than one  
8 thousand dollars (\$1,000). If any letter, circular, poster,  
9 bill, dodger, pamphlet, publication, or placard, or other  
10 document shall contain any false statement or charges  
11 reflecting on any candidate's character, morality, or  
12 integrity, the person paying for the printing or publishing,  
13 ~~author--thereof,~~ and every person printing or knowingly  
14 assisting in the circulation, shall be guilty of political  
15 criminal libel, and upon conviction ~~thereof~~ shall be  
16 punished by imprisonment ~~in the penitentiary~~ for not less  
17 ~~than one nor~~ more than three (3) years. If the person  
18 charged with such crime shall prove on his trial that he had  
19 reasonable ground to believe such charge was true, and did  
20 believe it was true, and that he was not actuated by malice  
21 in making such publication, it shall be a sufficient defense  
22 to such charge. But in that event, and as a part of such  
23 defense, the person paying for the printing or publishing,  
24 or author--and the printer or publisher or other person  
25 charged with such crime shall also prove that, at least

1 fifteen days before such letter, circular, poster, bill,  
2 dodger, pamphlet, or placard, or other document containing  
3 such false statement or statements was printed or  
4 circulated, he or they caused to be served personally and in  
5 person upon the candidate to whom it relates a copy thereof  
6 in writing, and calling his attention particularly to the  
7 charges contained therein, and that, before printing,  
8 publishing, or circulating such charges, he received and  
9 read any denial, defense, or explanation, if any, made or  
10 offered to him in writing by the accused candidate within  
11 ten days after the service of such charge upon the accused  
12 person."

13 Section 2. Section 23-4774, R.C.M. 1947, is repealed.

14 Section 3. Effective date. This act is effective upon  
15 passage and approval.

-End-

1                    SENATE BILL NO. 26  
2 INTRODUCED BY GREELY (By request of the Governor)

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
5 POLITICAL CRIMINAL LIBEL AND DISCLAIMER REQUIREMENTS OF  
6 MONTANA'S ELECTION LAWS; AMENDING SECTION 23-4754; REPEALING  
7 SECTION 23-4774, R.C.M. 1947; AND PROVIDING AN EFFECTIVE  
8 DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11        Section 1. Section 23-4754, R.C.M. 1947, is amended to  
12 read as follows:

13        "23-4754. Political criminal libel. It shall be  
14 unlawful to write, print, publish, mimeograph, type, or  
15 otherwise produce or circulate through the mails or  
16 otherwise any letter, circular, bill, dodger, pamphlet,  
17 placard, ~~or poster,~~ or other document relating to any  
18 election or to any candidate, political party, political  
19 committee, or issue at any election, unless the same shall  
20 bear on its face the name and address of the ~~author,~~~~and-of~~  
21 person paying for the printing or publishing, and the name  
22 of the printer and publisher thereof; and any person  
23 writing, printing, publishing, circulating, posting,  
24 mimeographing, typing, or causing to be written, printed,  
25 circulated, posted, mimeographed, typed, or published any

1 such letter, bill, placard, ~~dodger, pamphlet,~~ circular, ~~or~~  
2 poster, or other document as aforesaid, which fails to bear  
3 on its face the name and address of the ~~author-and-of~~ person  
4 paying for the printing or publishing, and the name of the  
5 printer or publisher, shall be guilty of an illegal  
6 practice, and shall on conviction thereof be punished by a  
7 fine of not less than ten dollars (\$10) nor more than one  
8 thousand dollars (\$1,000). If any letter, circular, poster,  
9 bill, ~~dodger, pamphlet,~~ publication, ~~or~~ placard, ~~or other~~  
10 document shall contain any false statement or charges  
11 reflecting on any candidate's character, morality, or  
12 integrity, the person paying for the printing or publishing,  
13 ~~author-thereof,~~ and every person printing or knowingly  
14 assisting in the circulation, shall be guilty of political  
15 criminal libel, and upon conviction thereof shall be  
16 punished by imprisonment ~~in-the penitentiary~~ for not ~~less~~  
17 ~~than-one-nor~~ more than three (3) years. If the person  
18 charged with such crime shall prove on his trial that he had  
19 reasonable ground to believe such charge was true, and did  
20 believe it was true, and that he was not actuated by malice  
21 in making such publication, it shall be a sufficient defense  
22 to such charge. But in that event, and as a part of such  
23 defense, the person paying for the printing or publishing,  
24 or ~~author--and~~ the printer or publisher or other person  
25 charged with such crime shall also prove that, at least

1 fifteen days before such letter, circular, poster, bill,  
2 dodger, pamphlet, or placard, or other document containing  
3 such false statement or statements was printed or  
4 circulated, he or they caused to be served personally and in  
5 person upon the candidate to whom it relates a copy thereof  
6 in writing, and calling his attention particularly to the  
7 charges contained therein, and that, before printing,  
8 publishing, or circulating such charges, he received and  
9 read any denial, defense, or explanation, if any, made or  
10 offered to him in writing by the accused candidate within  
11 ten days after the service of such charge upon the accused  
12 person."

13 Section 2. Section 23-4774, R.C.M. 1947, is repealed.

14 Section 3. Effective date. This act is effective upon  
15 passage and approval.

-End-

HOUSE OF REPRESENTATIVES

Date: March 10, 1975

HOUSE COMMITTEE ON JUDICIARY AMENDMENTS TO SENATE BILL NO. 26.

Be amended in the third reading bill as follows:

1. Amend page 2, section 1, line 16.  
Following: "imprisonment"  
Insert: "in a county jail not exceeding six (6) months, or  
by a fine not exceeding one thousand dollars (\$1,000), or both"
2. Amend page 2, section 1, line 16.  
Following: "penitentiary"  
Strike: "for not"
3. Amend page 2, section 1, line 17.  
Following: "nor"  
Strike: "more than three (3) years"

AS SO AMENDED  
BE CONCURRED IN

1 SENATE BILL NO. 26  
 2 INTRODUCED BY GREELY  
 3 (BY REQUEST OF THE GOVERNOR)  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE  
 6 POLITICAL CRIMINAL LIBEL AND DISCLAIMER REQUIREMENTS OF  
 7 MONTANA'S ELECTION LAWS; AMENDING SECTION 23-4754; REPEALING  
 8 SECTION 23-4774, R.C.M. 1947; AND PROVIDING AN EFFECTIVE  
 9 DATE."  
 10

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

12 Section 1. Section 23-4754, R.C.M. 1947, is amended to  
 13 read as follows:

14 "23-4754. Political criminal libel. It shall be  
 15 unlawful to write, print, publish, mimeograph, type, or  
 16 otherwise produce or circulate through the mails or  
 17 otherwise any letter, circular, bill, dodger, pamphlet,  
 18 placard, ~~or~~ poster, or other document relating to any  
 19 election or to any candidate, political party, political  
 20 committee, or issue at any election, unless the same shall  
 21 bear on its face the name and address of the ~~author, and of~~  
 22 person paying for the printing or publishing, and the name  
 23 of the printer and publisher thereof; and any person  
 24 writing, printing, publishing, circulating, posting,  
 25 mimeographing, typing, or causing to be written, printed,

1 circulated, posted, mimeographed, typed, or published any  
 2 such letter, bill, placard, dodger, pamphlet, circular, ~~or~~  
 3 poster, or other document as aforesaid, which fails to bear  
 4 on its face the name and address of the ~~author and of~~ person  
 5 paying for the printing or publishing, and the name of the  
 6 printer or publisher, shall be guilty of an illegal  
 7 practice, and shall on conviction thereof be punished by a  
 8 fine of not less than ten dollars (\$10) nor more than one  
 9 thousand dollars (\$1,000). If any letter, circular, poster,  
 10 bill, dodger, pamphlet, publication, ~~or~~ placard, or other  
 11 document shall contain any false statement or charges  
 12 reflecting on any candidate's character, morality, or  
 13 integrity, the person paying for the printing or publishing,  
 14 and the name of ~~author thereof, and~~ every person printing or  
 15 knowingly assisting in the circulation, shall be guilty of  
 16 political criminal libel, and upon conviction ~~thereof~~ shall  
 17 be punished by imprisonment ~~in the penitentiary for not less~~  
 18 ~~than one nor more than three (3) years~~ IN A COUNTY JAIL NOT  
 19 EXCEEDING SIX (6) MONTHS, OR BY A FINE NOT EXCEEDING ONE  
 20 THOUSAND DOLLARS (\$1,000), OR BOTH. If the person charged  
 21 with such crime shall prove on his trial that he had  
 22 reasonable ground to believe such charge was true, and did  
 23 believe it was true, and that he was not actuated by malice  
 24 in making such publication, it shall be a sufficient defense  
 25 to such charge. But in that event, and as a part of such



1 defense, the person paying for the printing or publishing,  
2 or author-and the printer or publisher or other person  
3 charged with such crime shall also prove that, at least  
4 fifteen days before such letter, circular, poster, bill,  
5 dodger, pamphlet, or placard, or other document containing  
6 such false statement or statements was printed or  
7 circulated, he or they caused to be served personally and in  
8 person upon the candidate to whom it relates a copy thereof  
9 in writing, and calling his attention particularly to the  
10 charges contained therein, and that, before printing,  
11 publishing, or circulating such charges, he received and  
12 read any denial, defense, or explanation, if any, made or  
13 offered to him in writing by the accused candidate within  
14 ten days after the service of such charge upon the accused  
15 person."

16 Section 2. Section 23-4774, R.C.M. 1947, is repealed.

17 Section 3. Effective date. This act is effective upon  
18 passage and approval.

-End-