

1 **BURNETT** H BILL NO. **566** *Williams* *James*
 2 INTRODUCED BY *Vincent* *Alley* *Huenneberg* *Canam*
Spessinger *Artesia* *Bengton* *Wagner* *J. Anderson*
Danell *Courney* *E. Andersson* *NATH*
 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO ACCEPT A CODE OF FAIR
 4 CAMPAIGN PRACTICES AND TO PROVIDE AN OPPORTUNITY FOR ALL
 5 CANDIDATES TO SUBSCRIBE TO SUCH A CODE." *Agnew* *White*
S. Hines *Karler* *Harrington* *Coxley* *Roth* *Keumuf*
 6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Lee* *Mular*
W. Baith
 7 Section 1. Adoption of code of fair campaign
 8 practices. The following code of fair campaign practices is
 9 adopted by Montana:

10 There are basic principles of decency, honesty, and
 11 fair play which every candidate for public office in the
 12 United States has a moral obligation to observe and uphold,
 13 in order that, after vigorously contested but fairly
 14 conducted campaigns, our citizens may exercise their
 15 constitutional right to a free and untrammelled choice and
 16 the will of the people may be fully and clearly expressed on
 17 the issues before the country. Therefore:
 18 I shall conduct my campaign in the best American
 19 tradition, discussing the issues as I see them, presenting
 20 my record and policies with sincerity and frankness, and
 21 criticizing without fear or favor the record and policies of
 22 my opponent and his party which merit such criticism.
 23 I shall defend and uphold the right of every qualified

1 American voter to full and equal participation in the
 2 electoral process.
 3 I shall condemn the use of personal vilification,
 4 character defamation, whispering campaigns, libel, slander,
 5 or scurrilous attacks on any candidate or his personal or
 6 family life.
 7 I shall condemn the use of campaign material of any
 8 sort which misrepresents, distorts, or otherwise falsifies
 9 the facts regarding any candidate, as well as the use of
 10 malicious or unfounded accusations against any candidate
 11 which aim at creating or exploiting doubts, without
 12 justification, as to his loyalty and patriotism.
 13 I shall condemn any appeal to prejudice based on race,
 14 sex, creed, or national origin.
 15 I shall condemn any dishonest or unethical practice
 16 which tends to corrupt or undermine our American system of
 17 free elections or which hampers or prevents the full and
 18 free expression of the will of the voters.
 19 I shall immediately and publicly repudiate support
 20 deriving from any individual or group which resorts, on
 21 behalf of my candidacy or in opposition to that of my
 22 opponent, to the methods and tactics which I condemn.
 23 Section 2. Candidates to be given opportunity to
 24 subscribe to campaign practices code — publicity. (1) The
 25 commissioner shall prepare a form which contains the code of

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1 fair campaign practices provided for in [section 1 of this
2 act] and a place for a candidate to sign the form and to
3 indicate that the candidate endorses, subscribes to, and
4 pledges to abide by the code.

5 (2) Each candidate required to file statements or
6 reports with the commissioner shall be sent a copy of this
7 form. Signing the form is voluntary, and a failure or
8 refusal to sign is not a violation of the election laws. A
9 form shall be sent for each election as soon as feasible.
10 The signed form shall be returned to the commissioner.

11 (3) The commissioner shall supply the secretary of
12 state, the county registrars, and the city and town clerks
13 with forms. Any candidate not required to file with the
14 commissioner but wishing to subscribe to the code may obtain
15 the form from the commissioner, the secretary of state, a
16 county registrar, or a city or town clerk and may sign the
17 form and deliver it to the commissioner.

18 (4) The commissioner shall publicize the code and its
19 contents and shall inform the public of the names of all
20 candidates who have signed the form and subscribe to the
21 code.

-End-

STATE OF MONTANA

REQUEST NO. 290-77

FISCAL NOTE

Form BD-1

In compliance with a written request received January 28, 1977, there is hereby submitted a Fiscal Note for House Bill 566 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to accept a code of fair campaign practices and to provide an opportunity for all candidates to subscribe to such a code.

ASSUMPTIONS:

1. Processing of filed statements can be absorbed without additional FTEs if additional FTEs requested for '78-'79 biennium are granted.
2. "Publicize" (Sec. 2(4), page 3, line 18) means making names available to news media; i.e., no publication costs associated with publicizing.
3. File 1 form for all elections in a campaign rather than for each election (Sec. 2(2), page 3, line 9); i.e., one form for primary and general combined.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Additional operating costs due to proposed legislation	<u>\$321</u>	<u>\$124</u>	<u>\$445</u>

Richard L. ...
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-2-77

SECOND READING

MISSING

1 HOUSE BILL NO. 566

2 INTRODUCED BY VINCENT, MELOY, HUENNEKENS, JOHNSTON,
 3 HANSEN, SEVERSON, BURNETT, TURNER, HOLMES, HALVORSON,
 4 DUSSAJLT, METCALF, SHELDEN, DASSINGER, WALDRON, HARRINGTON,
 5 PISTORIA, BENGTON, HARPER, J. GUNDERSON, O'CONNELL, NATHE,
 6 COURTNEY, E. GUNDERSON, KIMBLE, SCULLY, UHDE, PALMER, MULAR,
 7 L. HIRSCH, KESSLER, QUILICI, AAGESON, ERNST, GERKE, COONEY,
 8 ROTH, KENNERLY, WILLIAMS, W. BAETH, ESTENSON, DRISCOLL, LIEN

9
 10
 11 A BILL FOR AN ACT ENTITLED: "AN ACT TO ADOPT A CODE OF FAIR
 12 CAMPAIGN PRACTICES AND TO PROVIDE AN OPPORTUNITY FOR ALL
 13 CANDIDATES TO SUBSCRIBE TO SUCH A CODE."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Adoption of code of fair campaign
 17 practices. The following code of fair campaign practices is
 18 adopted by Montana:

19 There are basic principles of decency, honesty, and
 20 fair play which every candidate for public office in the
 21 United States has a moral obligation to observe and uphold,
 22 in order that, after vigorously contested but fairly
 23 conducted campaigns, our citizens may exercise their
 24 constitutional right to a free and untrammelled choice and
 25 the will of the people may be fully and clearly expressed on

1 the issues before the country. Therefore:

2 I shall conduct my campaign in the best American
 3 tradition, discussing the issues as I see them, presenting
 4 my record and policies with sincerity and frankness, and
 5 criticizing without fear or favor the record and policies of
 6 my opponent and his party which merit such criticism.

7 I shall defend and uphold the right of every qualified
 8 American voter to full and equal participation in the
 9 electoral process.

10 I shall condemn the use of personal vilification,
 11 character defamation, whispering campaigns, libel, slander,
 12 or scurrilous attacks on any candidate or his personal or
 13 family life.

14 I shall condemn the use of campaign material of any
 15 sort which misrepresents, distorts, or otherwise falsifies
 16 the facts regarding any candidate, as well as the use of
 17 malicious or unfounded accusations against any candidate
 18 which aim at creating or exploiting doubts, without
 19 justification, as to his loyalty and patriotism.

20 I shall condemn any appeal to prejudice based on race,
 21 sex, creed ~~RELIGION~~, or national origin.

22 I shall condemn any dishonest or unethical practice
 23 which tends to corrupt or undermine our American system of
 24 free elections or which hampers or prevents the full and
 25 free expression of the will of the voters.

1 I shall immediately and publicly repudiate support
 2 deriving from any individual or group which resorts, on
 3 behalf of my candidacy or in opposition to that of my
 4 opponent, to the methods and tactics which I condemn.

5 Section 2. Candidates to be given opportunity to
 6 subscribe to campaign practices code -- publicity. (1) The
 7 commissioner shall prepare a form which contains the code of
 8 fair campaign practices provided for in [section 1 of this
 9 act] and a place for a candidate to sign the form and to
 10 indicate that the candidate endorses, subscribes to, and
 11 pledges to abide by the code.

12 ~~(2) Each candidate--required to--file--statements--or~~
 13 ~~reports--with--the--commissioner--shall--be--sent--a--copy--of--this~~
 14 ~~form THE PUBLIC OFFICIAL WITH WHOM A CANDIDATE FILES FOR~~
 15 ~~PUBLIC OFFICE SHALL TRANSMIT A COPY OF THIS FORM TO EACH~~
 16 ~~CANDIDATE REQUIRED TO FILE STATEMENTS OR REPORTS WITH THE~~
 17 ~~COMMISSIONER.~~ Signing the form is voluntary, and a failure
 18 or refusal to sign is not a violation of the election laws.
 19 ~~A form shall be sent for each election as soon as feasible~~
 20 ~~SIGNED FORM SHALL BE EFFECTIVE FOR ALL ELECTIONS IN A~~
 21 ~~CAMPAIGN IN WHICH A CANDIDATE PARTICIPATES.~~ The signed form
 22 shall be returned to the commissioner AS SOON AS FEASIBLE.

23 (3) The commissioner shall supply the secretary of
 24 state--the--county--registrars--and--the--city--and--town--clerks
 25 OR THE CITY OR COUNTY CLERK OR THE CLERK OF A SCHOOL

1 ~~DISIRICI~~ with forms. Any candidate not required to file with
 2 the commissioner but wishing to subscribe to the code may
 3 obtain the form from the commissioner, the secretary of
 4 state, a county registrar, or a city or town clerk and may
 5 sign the form and deliver it to the commissioner.

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 7 contents and shall inform the public of the names of all
 8 candidates who have signed the form and subscribe to the
 9 code.

-End-