

CHAPTER NO. 415

HOUSE BILL NO. 350

INTRODUCED BY VINCENT

IN THE HOUSE

| | |
|-------------------|---|
| January 24, 1979 | Introduced and referred to Committee on State Administration. |
| February 9, 1979 | Committee recommend bill do pass. Report adopted. |
| February 10, 1979 | Printed and placed on members' desks. |
| February 12, 1979 | Second reading do pass as amended. |
| February 13, 1979 | Correctly engrossed. |
| February 14, 1979 | Third reading, passed. Transmitted to second house. |

IN THE SENATE

| | |
|-------------------|--|
| February 15, 1979 | Introduced and referred to Committee on State Administration. |
| March 16, 1979 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 19, 1979 | Motion pass consideration. |
| March 20, 1979 | Motion pass consideration. |
| March 21, 1979 | Second reading, concurred in as amended. |
| March 23, 1979 | Third reading, concurred in as amended. |

IN THE HOUSE

| | |
|----------------|--|
| March 24, 1979 | Returned from second house. Concurred in as amended. |
| March 26, 1979 | On motion consideration passed until the 71st Legislative Day. |
| March 28, 1979 | Second reading, amendments adopted. |
| March 29, 1979 | Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled. |

1 Howe BILL NO. 350
2 INTRODUCED BY VINCENT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ADOPT A CODE OF FAIR
5 CAMPAIGN PRACTICES AND TO PROVIDE AN OPPORTUNITY FOR ALL
6 CANDIDATES TO SUBSCRIBE TO THAT CODE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Adoption of code of fair campaign
10 practices. The following code of fair campaign practices is
11 adopted by Montana:

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

20 I shall 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 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 that I condemn.

23 Section 2. Candidates to be given opportunity to
24 subscribe to campaign practices code -- publicity. (1) The
25 commissioner of campaign practices shall prepare a form

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

-Enj-

STATE OF MONTANA

REQUEST NO. 146-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, 19 79, there is hereby submitted a Fiscal Note for House Bill 350 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

House Bill 350 provides for the adoption of a Code of Fair Campaign Practices and provides an opportunity for all candidates to voluntarily subscribe to that code.

ASSUMPTIONS:

1. Proposed legislation can be administered through current level FTE of the Office of Commissioner of Campaign Finances and Practices.
2. Form required for distribution to candidates can be reproduced on front and reverse side of a single 8½ x 11 sheet.
3. Each candidate will have to be furnished with 3 copies of the oath--those desiring to voluntarily subscribe to the oath will file a copy with the Commissioner and their county clerk and will maintain a copy for their own record.
4. Printing of Code for all candidates participating in elections during FY 80 and 81 will be printed in FY 80.

EXPENDITURE IMPACT:

| | FY 80 | FY 81 |
|---|---------------|-------------|
| Printing cost under current law | \$ 0 | \$ 0 |
| Printing cost under proposed | \$ 155 | \$ 0 |
| Increase in printing cost | <u>\$ 155</u> | <u>\$ 0</u> |

The additional cost must be funded from the State General Fund.

Richard L. Drury
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/31/79

Approved by Committee
on State Administration

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16 conducted campaigns, our citizens may exercise their
17 constitutional right to a free and untrammelled choice and
18 the will of the people may be fully and clearly expressed on
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24 subscribe to campaign practices code -- publicity. (1) The
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1 which contains the code of fair campaign practices provided
2 for in [section 1] and a place for a candidate to sign the
3 form and to indicate that the candidate endorses, subscribes
4 to, and 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-

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20 I shall ~~will~~ 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 shall ~~will~~ WILL defend and uphold the right of every

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

3 I shall ~~condemn~~ WILL CONDUCT MY CAMPAIGN WITHOUT the
4 use of personal vilification, character defamation,
5 whispering campaigns, libel, slanders, or scurrilous attacks
6 on ~~any--candidate~~ MY OPPOSITION or his personal or family
7 life.

8 I shall ~~condemn--the--use--of~~ WILL NOT USE campaign
9 material of any sort which misrepresents, distorts, or
10 otherwise falsifies the facts ~~regarding--any--candidate--as~~
11 ~~well--as--the--use--of,~~ NOR WILL I USE malicious or unfounded
12 accusations ~~against--any--candidate~~ which aim at creating or
13 exploiting doubts, without justification, as to his ~~IHE~~
14 loyalty and patriotism DE MY OPPOSITION.

15 I shall ~~condemn~~ WILL NOT MAKE any appeal to prejudice
16 based on race, sex, creed, or national origin.

17 I shall ~~condemn~~ WILL NOT UNDERTAKE OR CONDONE any
18 dishonest or unethical practice which tends to corrupt or
19 undermine our American system of free elections or which
20 hampers or prevents the full and free expression of the will
21 of the voters.

22 I shall ~~insure~~ INSURE AS IS POSSIBLE, I WILL immediately and
23 publicly repudiate support deriving from any individual or
24 group which resorts, on behalf of my candidacy or in
25 opposition to that of my opponent, to the methods and

1 tactics that I condemn ~~HAVE PLEDGED NOT TO USE OR CONDONE.~~

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March 15, 1979

SENATE STANDING COMMITTEE REPORT
(State Administration)

That House Bill No. 350, third reading bill, be amended as follows:

1. Page 1, line 20.

Following: "I"

Strike: "shall"

Insert: "will"

2. Page 1, line 25.

Following: "I"

Strike: "shall"

Insert: "will"

3. Page 2, line 3.

Following: "I"

Strike: "shall condemn"

Insert: "will conduct my campaign without"

4. Page 2, line 5.

Following: "on"

Strike: "any candidate on"

Insert: "my opposition"

5. Page 2, line 7.

Following: "I"

Strike: "shall condemn the use of"

Insert: "will not use"

6. Page 2, line 9.

Following: "Facts"

Strike: "regarding any candidate, as well as the use of"

Insert: ", nor will I use"

7. Page 2, line 10.

Following: "accusations"

Strike: "against any candidate"

8. Page 2, line 12.

Following: "as to"

Strike: "his"

Insert: "the"

Following: "patriotism"

Insert: "of my opposition"

9. Page 2, line 13.

Following: "I"

Strike: "shall condemn"

Insert: "will not make"

10. Page 2, line 15.

Following: "I"

Strike: "shall condemn"

Insert: "will not undertake or condone"

Page 2
March 15, 1979
House Bill No. 350

11. Page 2. line 19.

Following: line 18

Strike: "I shall"

Insert: "Insofar as is possible, I will"

12. Page 2, line 22.

Following: "condemn"

Insert: "have pledged not to use or condone"

March 21, 1979

SENATE COMMITTEE OF THE WHOLE

That House Bill No. 350, third reading bill, be amended as follows:

1. Page 2, line 22.

Following: "I"

Strike: "condemn"