

SENATE BILL 479

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on Highways and Transportation.
February 17, 1979	Committee recommend bill, as amended.
February 19, 1979	Printed and placed on members' desks.
February 20, 1979	Second reading, indefinitely postponed.

1 *Senate* BILL NO. 479  
 2 INTRODUCED BY *Eric Kolsed*  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR  
 5 PREPUBLICATION NOTICE TO A CANDIDATE MENTIONED IN A CAMPAIGN  
 6 ADVERTISEMENT BY THE SPONSOR OF THE ADVERTISEMENT AND MEDIUM  
 7 CARRYING THE ADVERTISEMENT; AND PROVIDING PENALTIES."  
 8

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

10 Section 1. Candidates to be notified in advance of  
 11 advertisements. A person who intends to publish or  
 12 distribute by handbill, newspaper, or electronic medium an  
 13 advertisement concerning the voting record of a candidate or  
 14 mentioning the candidate by name in a critical way shall  
 15 submit the content of the proposed advertisement to the  
 16 candidate not less than 5 days prior to the election  
 17 involved.

18 Section 2. Communications medium to notify candidate  
 19 prior to publication of advertising. A communications  
 20 medium that accepts an advertisement concerning the voting  
 21 record of a candidate or using the name of a candidate in a  
 22 critical way shall notify the candidate prior to the  
 23 publication of that advertisement in sufficient time to  
 24 afford the candidate an opportunity to respond before the  
 25 election. A communications medium that publishes an

1 advertisement concerning the voting record of a candidate or  
 2 using the name of a candidate in a critical way shall afford  
 3 that candidate the opportunity to respond at the candidate's  
 4 expense in a location of a printed medium or time on an  
 5 electronic medium that is reasonably comparable to the  
 6 publication of the original advertisement.

7 Section 3. Violation by candidate voids election. A  
 8 candidate who violates [this act] or who knows in advance of  
 9 publication of a violation of [this act] by another person  
 10 over whom he could exercise sufficient control to prevent  
 11 the violation shall upon a finding to this effect by the  
 12 district court be removed from the nomination or public  
 13 office to which he was elected if the advertisement involved  
 14 in the violation was false and sufficiently material to have  
 15 had a reasonable possibility of producing a different vote  
 16 by a substantial number of electors.

17 Section 4. Publishers and electronic communications  
 18 medium managers -- penalties for violations. A publisher or  
 19 electronic communications medium manager or any employee of  
 20 either who violates [this act] shall be fined not less than  
 21 \$100 and not more than \$1,000.

22 Section 5. Notification of candidate. The mailing of a  
 23 copy of the proposed advertisement or the script of the  
 24 advertisement, along with notice of the time and place where  
 25 the advertisement will be published, aired, or distributed,

1 to the last-known address of the candidate within the time  
2 set forth in [this act] constitutes compliance with [this  
3 act].

4 Section 6. Limitations. To the extent that [this act]  
5 is in conflict with or is suspended by the federal Campaign  
6 Communications Reform Act, Title 49, section 315, U.S.C.,  
7 [this act] shall be ineffective.

8 Section 7. Severability. If a part of this act is  
9 invalid, all valid parts that are severable from the invalid  
10 part remain in effect. If a part of this act is invalid in  
11 one or more of its applications, the part remains in effect  
12 in all valid applications that are severable from the  
13 invalid applications.

-End-

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2 INTRODUCED BY TOWE, KOLSTAD

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