

CHAPTER NO. 539.

SENATE BILL NO. 519

INTRODUCED BY TOWE

BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

IN THE SENATE

February 16, 1979	Introduced and referred to Committee on Judiciary.
February 19, 1979	Committee recommend bill do pass as amended. Report adopted.
February 20, 1979	Printed and placed on members' desks.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on Judiciary.
March 19, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 20, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 24, 1979	Returned from second house. Concurred in as amended.
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March 26, 1979

Second reading, pass consideration until March 28, 1979.

March 28, 1979

Second reading, amendments adopted.

March 29, 1979

Third reading, amendments adopted. Sent to enrolling.

Reported correctly enrolled.

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

8 Section 1. Solicitation of votes on election day. (1)
9 It is unlawful for a person at any place on the day of any
10 election to ask, solicit, or in any manner attempt to induce
11 or persuade any elector to vote for or refrain from voting
12 for any candidate or the candidates or ticket of any
13 political party or organization or any ballot issue
14 submitted to the people.

15 (2) A person convicted of solicitation of votes on
16 election day is guilty of a misdemeanor and shall be
17 imprisoned in the county jail for a term not to exceed 6
18 months or be fined not to exceed \$1,000, or both.

19 Section 2. Political criminal libel. (1) It is
20 unlawful for any person to make or publish any false
21 statement or charge reflecting on any candidate's character,
22 morality, or integrity or which tends to injure or defeat
23 him at the polls. A person making such a statement with
24 knowledge of its falsity or with a reckless disregard as to
25 whether it is true or not is guilty of a misdemeanor.

-End-

SB 519

SENATE BILL NO. 519
INTRODUCED BY TOWE
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT CERTAIN
6 ELECTIONEERING PRACTICES AND TO PROVIDE PENALTIES."

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

9 Section 1. Solicitation of votes on election day. (1)
10 It is unlawful for a person at-any-place-on-the-day--of--any
11 election-to-ask--solicit--or-in-any-manner-attempt-to-induce
12 or--persuade--any-elector-to-vote-for-or-refrain-from-voting
13 for-any--candidate--or--the--candidates--or--ticket--of--any
14 political--party--or--organization--or--any--ballot--issue
15 submitted-to-the-people OR A POLITICAL COMMITTEE TO PLACE AN
16 ADVERTISEMENT SUPPORTING OR OPPOSING A CANDIDATE OR A BALLOI
17 ISSUE FOR USE ON ELECTION DAY ONLY.

18 (2) A person convicted of solicitation of votes on
19 election day is guilty of a misdemeanor and shall be
20 imprisoned in the county jail for a term not to exceed 6
21 months or be fined not to exceed \$1,000, or both.

22 Section 2. Political criminal libel. (1) It is
23 unlawful for any person to make or publish any false
24 statement or charge reflecting on any candidate's character,
25 morality, or integrity or which tends to injure or defeat

1 him at the polls. A person making such a statement with
2 knowledge of its falsity or with a reckless disregard as to
3 whether it is true or not is guilty of a misdemeanor.
4 (2) In addition to the misdemeanor penalty of
5 subsection (1), a successful candidate who is adjudicated
6 guilty of violating this section may be removed from office
7 as provided in 13-35-106 and 13-35-107.

-End-

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

9 Section 1. Solicitation of votes on election day. (1)
10 It is unlawful for a person ~~at-any-place-on-the-day--of--any~~
11 ~~election-to-ask--to--solicit--or--in--any--manner--attempt--to--induce~~
12 ~~or--persuade--any--elector--to--vote--for--or--refrain--from--voting~~
13 ~~for--any--candidate--or--the--candidates--or--ticket--of--any~~
14 ~~political--party--or--organization--or--any--ballot--issue~~
15 ~~submitted--to--the--people OR A POLITICAL COMMITTEE TO PLACE AN~~
16 ~~ADVERTISEMENT SUPPORTING OR OPPOSING A CANDIDATE OR A BALLOI~~
17 ~~ISSUE FOR USE ON ELECTION DAY ONLY. FAILURE TO REMOVE~~
18 ~~BILLBOARDS, YARD SIGNS, OR POSTERS ON ELECTION DAY IS NOT~~
19 ~~CONSIDERED A VIOLATION.~~

20 (2) A person convicted of solicitation of votes on
21 election day is guilty of a misdemeanor and shall be
22 imprisoned in the county jail for a term not to exceed 6
23 months or be fined not to exceed \$1,000, or both.

24 Section 2. Political criminal libel. (1) It is
25 unlawful for any person to make or publish any false

1 statement or charge reflecting on any candidate's character
2 OR morality-or-integrity-or-which-tends-to-injure-or-defeat
3 him--at--the--polls. A person making such a statement with
4 knowledge of its falsity or with a reckless disregard as to
5 whether it is true or not is guilty of a misdemeanor.
6 (2) In addition to the misdemeanor penalty of
7 subsection (1), a successful candidate who is adjudicated
8 guilty of violating this section may be removed from office
9 as provided in 13-35-106 and 13-35-107.

-End-

HOUSE OF REPRESENTATIVES
March 17, 1979

Judiciary Committee amendments to Senate Bill No. 519, 3rd reading copy,
as follows:

1. Page 1, line 17.

Following: "DAY"

Strike: "ONLY"

Following: "."

Insert: "Failure to remove billboards, yard signs, or posters on election day is
not considered a violation."

2. Page 1, line 24.

Following: "character"

Strike: "."

Insert: "or"

3. Page 1, line 25 through line 1, page 2.

Following: "morality"

Strike: ", or integrity or which tends to injure or defeat him at the polls"

AND AS AMENDED
BE CONCURRED IN