HOUSE BILL NO. 329

INTRODUCED BY SHONTZ, J. JENSEN

IN THE HOUSE

January 18, 1983	Introduced and referred to Committee on State Administration.
January 20, 1983	On motion by Chief Sponsor, Representative J. Jensen was added as a sponsor to the bill.
January 31, 1983	Committee recommend bill do not pass. Report adopted.
	On motion, taken from adverse committee report and referred to second reading.
February 3, 1983	Bill printed and placed on members' desks.
Pebruary 4, 1983	Second reading, do pass.
February 5, 1983	Considered correctly engrossed.
February 7, 1983	Third reading, passed. Transmitted to Senate.
IN THE S	enate
February 8, 1983	Introduced and referred to Committee on State Administration.
March 22, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 24, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes 45; Noes, 2.

IN THE HOUSE

March 28, 1983

Returned to House with amendments.

April 1, 1983

Second reading, amendments

concurred in.

April 4, 1983

Third reading, amendments

concurred in.

Sent to enrolling.

Reported correctly enrolled.

25

	11. 22
1	House BILL NO. 329
2	INTRODUCED BY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PENALTY
5	FOR KNOWINGLY MISREPRESENTING THE VOTING RECORD OR PUBLIC
6	POSITION OF A CANDIDATE; PROVIDING FOR DISPOSITION OF FINES
7	AMENDING SECTIONS 13-35-234 AND 13-37-304. MCA.
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 13-35-234, MCA, is amended to read:
11	*13-35-234. Political criminal libel ==
12	misrepresenting voting records. (1) It is unlawful for any
13	person to make or publish any false statement or charge
14	reflecting on any candidate's character or morality. A
15	person making such a statement with knowledge of its falsity
16	or with a reckless disregard as to whether it is true or not
17	is guilty of a misdemeanor.
18	(2) Any person who knowingly misrepresents the voting
19	record or positions on public issues of any candidate in
20	advertisements or literature intended to influence the
21	result of any election, upon conviction, is punishable by a
22	fine equal to the maximum contribution allowed under
23	13-37-216(2). which fine shall be deposited:
24	(a) in the primary campaign depository designated

oursuant to 13-37-205 by the candidate who was the victim of

1	misrepresentation for expenditure as allowed in this
2	chapter: or
3	(b) if the primary campaign depository account no
4	longer exists. in the public campaign fund created under
5	13-37-304 for disbursement for the use of candidates of the
6	party of the candidate who was the victim of
7	misrepresentation or of judicial candidates if the victim
8	was a judicial candidate.
9	(2)(3) In addition to the misdemeanor penalty of
10	subsection (1) and the fine provided in subsection (2), a
11	successful candidate who is adjudicated guilty of violating
12	this section may be removed from office as provided in
13	13-35-106 and 13-35-107."
14	Section 2. Section 13-37-304, KCA, is amended to read:
15	*13-37-304. Public campaign fund. (1) There is a
16	public campaign fund within the warmarked revenue fund
17	provided for in 17-2-102.
18	(2) All money designated under 13-37-303 shall be
19	deposited in the fund. Any money allocated under

20

21

22

23

24

13-35-234(2)(b).

(3) (a) Five months before the general election in the election year, money in the fund shall be paid over in equal

13-35-234(2)(b) shall be deposited in the fund. segregated

from any other money therein and designated for disbursement

to party candidates or judicial candidates as provided in

amounts to all eligible candidates for the designated political office according to the percentages in (3)(b). The money shall be spent only for the legitimate campaign expenses of the candidates.

1

2

3

7

8

9

13

14

15

16

- (b) The money, after distribution of amount allocated pursuant to 13-35-234(2)(b), shall be distributed in the following percentages:
- (i) campaign for office of governor-lieutenant governor, 50%;
- (ii) campaigns for offices of chief justice and justice
 of the supreme court, 50% equally allocated to each eligible
 campaign fund.
 - (4) Three months before the general election in a general election year the remainder of any money in the fund shall be remitted to the treasurer of each candidate in the same proportion as provided in subsection (3)(b).

-End-

48th Legislature

25

HB 0329/02 Committee

on State Administration

recommend do not pass Objection Raised to Adverse Committee Report

1	HOUSE BILL NO. 329
2	INTRODUCED BY SHONTZ, J. JENSEN
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PENALT
5	FOR KNOWINGLY MISREPRESENTING THE VOTING RECORD OR PUBLI
6	POSITION OF A CANDIDATE; PROVIDING FOR DISPOSITION OF FINES
7	AMENDING SECTIONS 13-35-234 AND 13-37-304, MCA.M
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 13-35-234: MCA: is amended to read
11	*13-35-234. Political criminal libel =
12	misrepresenting voting records. (1) It is unlawful for an
13	person to make or publish any false statement or charg
14	reflecting on any candidate's character or morality.
15	person making such a statement with knowledge of its falsit
16	or with a reckless disregard as to whether it is true or no
17	is guilty of a misdemeanor.
18	[2] Any person who knowingly misrepresents the votion
19	record_or_positions_on_public_issues_of_any_candidate_l
20	advertisements or literature intended to influence th
21	result_of_any_elections_upon_convictions_is_ounishable_by_
22	fine equal to the maximum contribution allowed unde
23	13-37-216(21: which fine shall be deposited:
24	(a) in the orimary campaign depository designate

pursuant to 13-37-205 by the candidate who was the victim of

HB 0329/02

1	misrepresentation for expenditure as allowed in this
2	chapter:_or
3	(b) if the primary campaign depository account no
4	longer_exists.in_the_public_campaign_fund_created_under
5	13-37-304 for disbursement for the use of candidates of the
6	party_of_thecandidate_who_was_the_victin_of
7	misrepresentation_or_of_judicial_candidates_if_the_viction
8	was_a_iudicial_candidate.
9	†2†131 In addition to the misdemeanor penalty of
10	subsection (1) and the fine provided in subsection (21+
11	successful candidate who is adjudicated guilty of violating
12	this section may be removed from office as provided in
13	13-35-106 and 13-35-107.*
14	Section 2. Section 13-37-304, HCA, is amended to read:
15	*13-37-304. Public campaign fund. (1) There ∋is a
16	public campaign fund within the earmarked revenue fund
17	provided for in 17-2-102.
91	(2) All money designated under 13-37-303 shall be
19	deposited in the fund. Any money allocated under
20	13-35-234(21(b) shall be deposited in the fund. segregated
21	from any other money therein and designated for disbursement
22	to_party_candidates_or_judicial_candidates_as_provided_in
23	13-35-234(2)(b) a

election year, money in the fund shall be paid over in equal

(3) (a) Five months before the general election in the

24

25

amounts to all eligible candidates for the designated political office according to the percentages in (3)(b). The money shall be spent only for the legitimate campaign expenses of the candidates.

1

2

3

5

6

7

10

11 12

13

14

15

16

- (b) The money, after distribution of amount allocated pursuant to 13-35-234(21(b), shall be distributed in the following percentages:
- 8 (i) campaign for office of governor-lieutenant
 9 governor, 50%;
 - (ii) campaigns for offices of chief justice and justice of the supreme court, 50% equally allocated to each eligible campaign fund.
 - (4) Three months before the general election in a general election year the remainder of any money in the fund shall be remitted to the treasurer of each candidate in the same proportion as provided in subsection (3)(b).

-End-

HB 0329/02

1	HOUSE BILL NO. 329
2	INTRODUCED BY SHONTZ, J. JENSEN
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PENALTY
5	FOR KNOWINGLY MISREPRESENTING THE VOTING RECORD OR PUBLIC
6	POSITION OF A CANDIDATE; PROVIDING FOR DISPOSITION OF FINES;
7	AMENDING SECTIONS 13-35-234 AND 13-37-304. MCA.*
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 13-35-234, MCA, is amended to read:
11	*13-35-234. Political criminal libel ==
12	misrepresenting voting records. (1) It is unlawful for any
13	person to make or publish any false statement or charge
14	reflecting on any candidate's character or morality. A
15	person making such a statement with knowledge of its falsity
16	or with a reckless disregard as to whether it is true or not
17	is guilty of a misdemeanor.
18	[2] Any person who knowingly misrepresents the voting
19	record or positions on public issues of any candidate in
20	advertisements or literature intended to influence the
21	result_of_any_elections_upon_convictions_is_ounishable_by_a
22	fine_equal_to_the_maximum_contribution_allowed_under
23	13-37-216(2): which fine shall be deposited:
24	(a) in the primary campaign depository designated
25	pursuant to 13-37-205 by the candidate who was the victim of

CHAPTELI-OL
(b) if the primary campaign depository account or
longer exists, in the public campaign fund created under
13-37-304 for disbursement for the use of candidates of the
party of the candidate who was the victim of
pisrepresentation_or_of_judicial_candidates_if_the_victim
was_a_judicial_candidate.
(2)[3] In addition to the misdemeanor penalty of
subsection (1) and the fine provided in subsection (2) a
successful candidate who is adjudicated guilty of violating
this section may be removed from office as provided in
13-35-106 and 13-35-107."
Section 2. Section 13-37-304, HCA, is amended to read:
*13-37-304. Public campaign fund. (1) There is a
public campaign fund within the earmarked revenue fund
provided for in 17-2-102.
(2) All money designated under 13-37-303 shall be
deposited in the fund. Any money allocated under
13-35-234(21(b) shall be deposited to the funds segregated
from_any_other_money_therein_and_designated_for_disbursement
to <u>party candidates or judicial candidates as provided in</u>
13-35-234121(b).
(3) (a) Five months before the general election in the

election year, money in the fund shall be paid over in equal

misrepresentation for expenditure as allowed in this

- amounts to all eligible candidates for the designated political office according to the percentages in (3)(b). The money shall be spent only for the legitimate campaign expenses of the candidates.
- 5 (b) The money<u>e after distribution of amount allocated</u>
 6 pursuant to 13-35-234(2)(b) shall be distributed in the
 7 following percentages:
- 8 (i) campaign for office of governor-lieutenant
 9 governor 50%;

10 11

12

13

14

15

16

- (ii) campaigns for offices of chief justice and justice of the supreme court, 50% equally allocated to each eligible campaign fund.
- (4) Three months before the general election in a general election year the remainder of any money in the fund shall be remitted to the treasurer of each candidate in the same proportion as provided in subsection (3)(b).**

-End-

SENATE STANDING COMMITTEE REPORT (State Administration)

That House Bill No. 329 be amended as follows:

Title, line 6. l. Following: "CANDIDATE;" Strike: remainder of line 6

Title, line 7. 2.

Strike: "SECTIONS" "SECTION" Insert:

Strike: AND 13-37-304"

3. Page 1, line 14.

Following: "morality"
Insert: "or to knowingly misrepresent the voting record or

position on public issues of any candidate"

Page 1, line 15. 4.

Following: "statement"

Insert: "or representation"

5. Page 1.

line 18 through "(3)" on line 9, page 2 Strike:

Insert: "(2)"

Page 2, line 10. 6.

Strike: "and the fine provided in subsection (2)"

Page 2, line 14 through page 3, line 16. 7.

Strike: Section 2 in its entirety

48th Legislature HB 0329/03 HB 0329/03

25

12-25-239121101=

1	HOUSE BILL NO. 329
2	INTRODUCED BY SHONTZ, J. JENSEN
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PENALTY
5	FOR KNOWINGLY MISREPRESENTING THE VOTING RECORD OR PUBLIC
6	POSITION OF A CANDIDATE; PROVIDING-FOR-DISPOSITION-OF-FINES;
7	AMENDING SECTIONS SECTION 13-35-234 AND-13-37-384. MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
0	Section 1. Section 13-35-234, MCA, is amended to read:
1	*13-35-234. Political criminal libel
2	misrepresenting voting records. (1) It is unlawful for any
3	person to make or publish any false statement or charge
4	reflecting on any candidate's character or morality DR_IQ
5	KNOWINGLY MISREPRESENT THE YOTING BECORD DR POSITION ON
6	PUBLIC ISSUES OF ANY CANDIDATE. A person making such a
7	statement <u>OR REPRESENTATION</u> with knowledge of its falsity or
8	with a reckless disregard as to whether it is true or not is
9	guilty of a misdemeanor.
0	<u>titzzeny-personzubo-knowingly-misrepresentszibezzyoting</u>
1	record==or==positions==on==public=issuss=of=ony=candidats=in
2	ndvertisements::or: <u>=literature</u> ==intendad <u>==tg==influence</u> ==tha
3	result==of=any=nlectionx=upon=conxictionx=is=punishable=by=s
4	fige==equel==te==the==mq*imum==coqtribution==allowed===uader
5	13-37-216f21v-which-fice-shall-be-depositeds

1	ini=_in==the==primory==compaign==depository==designate
2	o-siddik-adi-com-adalabaa-adi-pa-201-16-61-ad-201-16-61-
3	wiarepresentation_=forexpenditureesellowed===io===thi
4	chapterizer
5	fbi-iftbaprimarycompaigndepositorypccqunt-m
6	longsr_existav=in=the=publis==compaign==fund==erented==unde
7	13:37-384:=for=disbursement=for=the=use=of=condidates=of=th
8	party===af===the===candidate===xho===xod===the===xistin===o
9	miscapresentation=-or=-of=-judiciol-condidates-if-the-vieti
10	was-a-judicial-condidatew
11	f2) <u>f3+(2)</u> In addition to the misdemeanor penalty o
12	subsection (1) and::the:fine:provided:in:subsection::2;
13	successful candidate who is adjudicated guilty of violating
14	this section may be removed from office as provided in
15	13-35-106 and 13-35-107."
16	Section=2*Sect ion = 13-37-304 y-HEAy- is-ame nded-to-read
17	#13-37-304Public-campaignfund(1)Thereis
18	publiccampaignfundwithintheearmarkedrevenue-fund
19	provided-for-in-17-2-182*
20	t2}All-moneydesignatedunder13-37-303shallb
21	depositedinthefundw <u>inymaneyallocatedunder</u>
22	13=35=235t21fb1=shall=bc=depasited=io=thc==fundx==assccqate
23	from:eny_other=money=therein=end=designoted=for=disbursement
24	to==perty==cendidates==oc=judiciel=cendidates=es=previded=in

REFERENCE BILL

{3}{aj-Five-months-before-the-general-election-in-the	etection-yeary-warsy-in-the-fund-shatt-be-poid-over-in-equat	omountstoattetigtblecandidatesforthedesignated	political-office-according-to-the-percentages-in-{3}{b}e-The	moneyshattbespentontyforthetegitimete-compaign	expenses-of-the-cand-datess
+6+	etection.	omounts-	political	Honey	expenses

tb;--fhe-moneyx_nffst_distribution_sf_casust_cated
pursumst_tatel322224ffttb;r--shaff--be-distributed-in-the
following-percentoges*

10 (++)--cmpsign---for---office---of---governor-licutenant
11 governory-50%;
12 (++)-cmpsigns-for-offices-of-chief-justice-and-justice
13 of-the-supreme-courty-50%-equally-milecated-to-each-eligible

tit-t-compaigns-for-offices-of-chief-justice
of-the-supreme-courty-58%-equality-aliocated-to-coch-eligible
compaign-funds

15 15 16

44)--Three--months--before--the--general--etection-in-e
general-etection-year-the-remoinder-of-any-money-in-the-fund
shalt-be-remitted-to-the-treasurer-of-each-candidate-in--the
same-proportion-as-provided-in-subsection-(3)tb)e*

-End-

148 329

-3-

HB 0