

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.
February 4, 1983	Second reading, do pass.
February 5, 1983	Considered correctly engrossed.
February 7, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

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.

1 House BILL NO. 329  
 2 INTRODUCED BY Shy  
 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  
 25 pursuant 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, MCA, 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.  
 18 (2) All money designated under 13-37-303 shall be  
 19 deposited in the fund. Any money allocated under  
 20 13-35-234(2)(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).  
 24 (3) (a) Five months before the general election in the  
 25 election year, money in the fund shall be paid over in equal

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

5 (b) The money, after distribution of amount allocated  
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 (ii) campaigns for offices of chief justice and justice  
11 of the supreme court, 50% equally allocated to each eligible  
12 campaign fund.

13 (4) Three months before the general election in a  
14 general election year the remainder of any money in the fund  
15 shall be remitted to the treasurer of each candidate in the  
16 same proportion as provided in subsection (3)(b)."

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PENALTY FOR KNOWINGLY MISREPRESENTING THE VOTING RECORD OR PUBLIC POSITION OF A CANDIDATE; PROVIDING FOR DISPOSITION OF FINES; AMENDING SECTIONS 13-35-234 AND 13-37-304, MCA."

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

Section 1. Section 13-35-234, MCA, is amended to read:

"13-35-234. Political criminal libel ~~is~~ misrepresenting voting records. (1) It is unlawful for any person to make or publish any false statement or charge reflecting on any candidate's character or morality. A person making such a statement with knowledge of its falsity or with a reckless disregard as to whether it is true or not is guilty of a misdemeanor.

~~(2) Any person who knowingly misrepresents the voting record or positions on public issues of any candidate in advertisements or literature intended to influence the result of any election, upon conviction, is punishable by a fine equal to the maximum contribution allowed under 13-37-216(2), which fine shall be deposited:~~

~~(a) in the primary campaign depository designated pursuant to 13-37-205 by the candidate who was the victim of~~

~~misrepresentation for expenditure as allowed in this chapter; or~~

~~(b) if the primary campaign depository account no 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 misrepresentation 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, MCA, 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(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 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

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

5 (b) The money, ~~after distribution of amount allocated~~  
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%;

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

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13 (4) Three months before the general election in a  
14 general election year the remainder of any money in the fund  
15 shall be remitted to the treasurer of each candidate in the  
16 same proportion as provided in subsection (3)(b)."

-End-



March 22, 1983

SENATE STANDING COMMITTEE REPORT  
(State Administration)

That House Bill No. 329 be amended as follows:

1. Title, line 6.  
Following: "CANDIDATE;"  
Strike: remainder of line 6
2. Title, line 7.  
Strike: "SECTIONS"  
Insert: "SECTION"  
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"
4. Page 1, line 15.  
Following: "statement"  
Insert: "or representation"
5. Page 1.  
Strike: line 18 through "(3)" on line 9, page 2  
Insert: "(2)"
6. Page 2, line 10.  
Strike: "and the fine provided in subsection (2)"
7. Page 2, line 14 through page 3, line 16.  
Strike: Section 2 in its entirety

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~~(2) Any person who knowingly misrepresents the voting record or positions on public issues of any candidate in advertisements or literature intended to influence the result of any elections upon conviction is punishable by a fine equal to the maximum contribution allowed under 13-37-216(2) which fine shall be deposited~~

~~in the primary campaign depository designated pursuant to 13-37-205 by the candidate who was the victim of misrepresentation for expenditure as allowed in this chapter or~~

~~but if the primary campaign depository account no 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 misrepresentation or of judicial candidates if the victim was a judicial candidate~~

~~(2)(3)(2)~~ 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."

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 2       election year money in the fund shall be paid over in equal  
 3       amounts to all eligible candidates for the designated  
 4       political office according to the percentages in (3)(b) the  
 5       money shall be spent only for the legitimate campaign  
 6       expenses of the candidates  
 7       (b) the money after distribution of amount allocated  
 8       remainder to (3)(2)(b) shall be distributed in the  
 9       following percentages  
 10      (i) campaign for office of governor lieutenant  
 11      governor 50%  
 12      (ii) campaign for offices of chief justice and justice  
 13      of the supreme court 50% equally allocated to each of (b)  
 14      campaign funds  
 15      (4) three months before the general election in a  
 16      general election year the remainder of any money in the fund  
 17      shall be remitted to the treasurer of each candidate in the  
 18      same proportion as provided in subsection (3)(b)

-End-