Referred to Committee on State Administration: 02/16/83 Hearing: 2/17/83 Report: 02/18/83, Do Pass

2nd Reading: 02/21/82 3rd Reading: 02/23/83

Introduced: 02/16/83

Transmitted to House: 02/23/83

Referred to Committee on State Administration: 02/28/83 Hearing: 3/9/83 Died in House Committee. LC 1378/01

LC 1378/01

TU BILL NO. 438 1 mmillee, Story INTRODUCED BY CLARC 2 BY REQUEST OF THE SENATE COMMITTEE 3 ON STATE ADMINISTRATION 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE CERTAIN 6 RESTRICTIONS ON PARTICIPATION IN POLITICAL ACTIVITIES BY 7 PUBLIC OFFICERS OR EMPLOYEES; PROVIDING & PENALTY; AMENOING 8 SECTION 13-35-226, MCA; AND REPEALING SECTION 87-1-204, 9

10 11 MCA.

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

NEW SECTION. Section 1. Political activity of public 13 employees. (1) While retaining the right to vote as he may 14 please, the right to express his opinions on all political 15 questions, and the right to participate in and support the 16 candidacy of any person for a public office, an employee of 17 the state of Montana or any political subdivision of the 18 state may not use his official authority or influence for 19 the purpose of interfering with an election or affecting the 20 results thereof or for the purpose of coercing or 21 influencing the political actions of any person or body. 22 other than as provided in this section and [section 2]. 23

24 (2) No such employee may solicit any money, influence,
25 service, or other thing of value or otherwise aid or promote

any political committee or the nomination or election of any 1 2 person to public office while on the job or at his place of 3 employment, and no such employee may use his official title 4 or authority when offering public testimony on behalf of any 5 issue, cause, or political purpose except as provided in 6 this section and [section 2]. 7 (3) Such employee may appear and testify before any 8 committee of the legislature only: 9 upon invitation of a legislator; {a} 10 for informational purposes; or (b) 11 when exercising his rights as a private citizen {c} 12 and not acting in any official capacity. 13 HEM_SECTION: Section 2. Registration of public 14 officials as spokesmen. (1) The head of each board, 15 commission, department, or agency of state government and 16 the governing body of any unit of local government shall, at 17 least 15 days prior to each legislative session, file with 18 the secretary of state a list of the officials or employees 19 who are designated as official spokesmen representing such 20 governmental board, commission, department, agency, or unit before the legislature. The secretary of state must be 21 22 promptly notified of any change of authorized spokesmen. 23 (?) The secretary of state shall record in a legislative docket the information supplied under this 24 25 section and shall furnish current, complete lists thereof to

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the clerk of each house and to each member of the
 legislature. The records required to be kept by this section
 must be open to public inspection and copying during the
 regular business hours of the secretary of state.

5 <u>NEW SECIION</u> Section 3. Penalty. Any person who 6 violates the provisions of [section 1 or 2] or 13-35-226 7 shall be fined not more than \$1.000.

Section 4. Section 13-35-226, MCA, is amended to read: 8 #13-35-226. Unlawful acts of employers and--employees. 9 (1) It is unlawful for any employer, in paying his employees 10 the salary or wages due them, to include with their pay the 11 name of any candidate or any political mottoes, devices, or 12 arguments containing threats or promises (express or 13 implied) calculated or intended to influence the political 14 opinions or actions of the employees. It is unlawful for an 15 employer to exhibit in a place where his workers or 15 employees may be working any handbill or placard containing 17 any threat, promise, notice, or information that in case any 18 particular ticket or political party, organization, or 19 candidate is elected, work in his place or establishment 20 will cease, in whole or in part, or will be continued or 21 increased; his place or establishment will be closed; the 22 salaries or wages of his workers or employees will be 23 24 reduced or increased; or other threats or promises (express 25 or implied) intended or calculated to influence the

political opinions or actions of his workers or employees. This section shall apply to cornorations, individuals, and public officers and employees. (2) No person may attempt to coerce, command, or require a public employee to give money, service, or other thing of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office. f3}--No--public--employee--may---solicit---any---moneyy influencey-servicey-or-other-thins-of-yalue-or-otherwise-oid or--promote---any--political--committee--or-the-nomination-or election-of-any-person-to-public-office-while-on-the-iab--or st--his--pfsce--of--caployments ---Howevery--nothing--in-this section-is-intended--to--restrict--the--right--of--a--public employee-to-express-his-personal-political-viewsw ttp--- Any--person--who--- violates--the-provisions-of-this section-shall-be-fined-not-to-exceed-61+080+--be--imprisoned

18 in-the-county--jail-for-s-term-not-to-exceed-6-monthsy-or

19 bothy-for-each-separate-offensey"

20NEW_SECTION:Section 5. CodificationInstruction.21Sections 1 through 3 are intended to be codified as an22integral part of Title 13.

23 <u>NEW_SECIION</u> Section 6. Repeater. Section 87-1-204.
 24 MCA, is repeated.

-End-

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Approved by Committee on State Administration

BTLL ND. 4 1 INTRODUCED BY 2 BY REQUEST OF THE SENATE COMMITTEE 3 ON STATE ADMINISTRATION 4

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PLACE CERTAIN 7 RESTRICTIONS ON PARTICIPATION IN POLITICAL ACTIVITIES BY 8 PUBLIC OFFICERS OR EMPLOYEES; PROVIDING A PENALTY; AMENDING 9 SECTION 13-35-226, MCA; AND REPEALING SECTION 87-1-204, 10 MCA.^M

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NEW_SECTION. Section 1. Political activity of public 13 employees. (1) While retaining the right to vote as he may 14 please, the right to express his opinions on all political 15 questions, and the right to participate in and support the 16 candidacy of any person for a public office, an employee of 17 the state of Montana or any political subdivision of the 18 state may not use his official authority or influence for 19 the purpose of interfering with an election or affecting the 20 results thereof or for the purpose of coercing or 21 influencing the political actions of any person or body, 22 other than as provided in this section and [section 2]. 23 (2) No such employee may solicit any money, influence. 24

25 service, or other thing of value or otherwise aid or promote

1 any political committee or the nomination or election of any 2 person to public office while on the job or at his place of 3 employment, and no such employee may use his official title 4 or authority when offering public testimony on behalf of any 5 issue, cause, or political purpose except as provided in 6 this section and [section 2]. 7 (3) Such employee may appear and testify before any 8 committee of the legislature only: 9 (a) upon invitation of a legislator: 10 (b) for informational purposes; or 11 (c) when exercising his rights as a private citizen 12 and not acting in any official capacity. 13 NEW SECTION. Section 2. Registration of public 14 officials as spokesmen. (1) The head of each board, 15 commission, department, or agency of state government and 16 the governing body of any unit of local government shall, at 17 least 15 days prior to each legislative session, file with the secretary of state a list of the officials or employees 18 19 who are designated as official spokesmen representing such 20 governmental board, commission, department, agency, or unit 21 before the legislature. The secretary of state must be 22 promptly notified of any change of authorized spokesmen. 23 (2) The secretary of state shall record in a

24 legislative docket the information supplied under this
25 section and shall furnish current, complete lists thereof to

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SECOND READING

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Section 4. Section 13-35-226, NCA, is amended to read: 8 #13-35-226. Unlawful acts of employers and--employees. 9 (1) It is unlawful for any employer, in paying his employees 10 11 the salary or wages due them, to include with their pay the name of any candidate or any political mottoes, devices, or 12 arguments containing threats or promises (express or 13 (molied) calculated or intended to influence the political 14 opinions or actions of the employees. It is unlawful for an 15 employer to exhibit in a place where his workers or 15 employees may be working any handbill or placard containing 17 any threat, promise, notice, or information that in case any 18 particular ticket or political party, organization, or 19 candidate is elected, work in his place or establishment 20 will cease. in whole or in parts or will be continued or 21 Increased; his place or establishment will be closed; the 22 salaries or wages of his workers or employees will be 23 24 reduced or increased; or other threats or promises (express 25 or implied) intended or calculated to influence the

political opinions or actions of his workers or employees. 1 2 This section shall apply to corporations, individuals, and 3 public officers and employees. 4 (2) No person may attempt to coerce, command, or 5 require a public employee to give money, service, or other 6 thing of value to aid or promote any political committee or 7 to aid or promote the nomination or election of any person 8 to public office. 9 (3)--No--public--employee--may---solicit---any---moneyy 10 influences-services-or-other-thing-of-value-or-otherwise-aid 11 of--promote---any--political--committee--or-the-nomination-or 12 election-of-any-person-to-public-office-while-on-the-lob--or 13 st--his--placs--of--employmenty---Howavery--nothing--in-this 14 section-is-intended--to--restrict--the--right--of--a--aublic

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20 <u>NEW SECTION</u> Section 5. Codification instruction.

21 Sections 1 through 3 are intended to be codified as an

22 integral part of Title 13.

23 <u>MEM_SECTIONs</u> Section 6. Repeater. Section 87-1-204.
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-End-

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> -2- THIRD READING 5B43K

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