

SENATE BILL NO. 438

Introduced: 02/16/83

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

Transmitted to House: 02/23/83

Referred to Committee on State Administration: 02/28/83

Hearing: 3/9/83

Died in House Committee.

1 *Senate* BILL NO. *438*
 2 INTRODUCED BY *State Administration Committee, Story*
 3 BY REQUEST OF THE SENATE COMMITTEE
 4 ON STATE ADMINISTRATION

5
 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."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

24 (2) No such employee may solicit any money, influence,
 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
 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
 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

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

5 **NEW SECTION.** 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.

8 Section 4. Section 13-35-226, MCA, is amended to read:

9 "13-35-226. Unlawful acts of employers and--employees.

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

1 political opinions or actions of his workers or employees.
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--money--or--~~
10 ~~influence--service--or--other--thing--of--value--or--otherwise--aid~~
11 ~~or--promote--any--political--committee--or--the--nomination--or~~
12 ~~election--of--any--person--to--public--office--while--on--the--job--or~~
13 ~~at--his--place--of--employment. --However--nothing--in--this~~
14 ~~section--is--intended--to--restrict--the--right--of--a--public~~
15 ~~employee--to--express--his--personal--political--views.~~

16 ~~{4}--Any--person--who--violates--the--provisions--of--this~~
17 ~~section--shall--be--fined--not--to--exceed--\$1,000--or--be--imprisoned~~
18 ~~in--the--county--jail--for--a--term--not--to--exceed--6--months--or~~
19 ~~both--for--each--separate--offense."~~

20 **NEW SECTION.** Section 5. Codification instruction.
21 Sections 1 through 3 are intended to be codified as an
22 integral part of Title 13.

23 **NEW SECTION.** Section 6. Repealer. Section 87-1-204,
24 MCA, is repealed.

-End-

Approved by Committee
on State Administration

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18 the state of Montana or any political subdivision of the
19 state may not use his official authority or influence for
20 the purpose of interfering with an election or affecting the
21 results thereof or for the purpose of coercing or
22 influencing the political actions of any person or body,
23 other than as provided in this section and [section 2].

24 (2) No such employee may solicit any money, influence,
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;

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12 and not acting in any official capacity.

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15 commission, department, or agency of state government and
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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
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

1 the clerk of each house and to each member of the
2 legislature. The records required to be kept by this section
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4 regular business hours of the secretary of state.

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13 arguments containing threats or promises (express or
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15 opinions or actions of the employees. It is unlawful for an
16 employer to exhibit in a place where his workers or
17 employees may be working any handbill or placard containing
18 any threat, promise, notice, or information that in case any
19 particular ticket or political party, organization, or
20 candidate is elected, work in his place or establishment
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